

DOCUMENTS ON JERUSALEM

Volume IV:

10. United Nations Documents

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The publication of this book was kindly supported by the **Finnish Representative Office** in Ramallah.



ISBN 978-9950-305-21-2

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PASSIA Publication – January 2007

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INTRODUCTION

To study Palestinian history in depth requires a familiarity with certain documents that have had an impact upon the unfolding history of the Palestinian cause. The academic responsibility of any researcher necessitates constant referral to different sources of information and a willingness to understand, observe, and analyze facts within the given historical context, both as historical events and as part of a certain political environment, as well as in relation to the different channels of thinking that governed a particular historical moment.

In yet another attempt to facilitate this task, PASSIA undertook a project in the years 1996-97 consisting of the compilation of documents, statements, and other resources pertaining to the Palestine Question in general and the issue of Jerusalem in particular with the intention of providing researchers and anyone else with an interest in the subject matter with a comprehensive resource work on the evolution and course of the Palestinian-Israeli conflict from pre-Ottoman times until the present. The outcome was a volume of documents on Jerusalem and two on Palestine containing the full or partial texts (relevant excerpts) of several hundred statements, documents, and resolutions displaying the attitudes, positions, and proposals associated throughout history with various key players, mediators, and international bodies.

Since all three volumes mentioned above had been out of print for some time due to the great demand for each, PASSIA, in 2006, embarked on a new project, the purpose of which was to research, edit, and publish amended and updated versions of this valuable series of documents.

It was decided, whilst compiling and organizing the huge number of relevant texts to tackle the Jerusalem issue separately due to its special standing within the wider Palestine-Israel conflict. The many proposals put forward over the years in a bid to find a solution to the Palestine Question all recognized the need to pay special attention to Jerusalem be it because of the city's unique status as the historic site of the Holy Places of the three great monotheistic religions, its symbolic nature, or its significance in terms of the national identity of the peoples of the region.

The *Documents on Jerusalem* are arranged by source of origin (e.g., Jewish, Christian, Muslim, European, US, Palestinian, Israeli, Arab, UN, etc.) and, within each sub-category, in chronological order.

The four volumes on Jerusalem list the full texts or extracts relating to the issue of Jerusalem of numerous statements, documents, and resolutions mirroring the different attitudes towards Jerusalem as they have evolved throughout history. They are organized as follows:

VOLUME I:

Part I: Documents with a Religious Background

- Jewish Statements and Positions
- Christian Statements and Positions
- Muslim Statements and Positions

Part II: Political Documents

- European Documents
- US Documents
- International, Bilateral, & Other Documents

VOLUME II:

- Palestinian Documents
- Israeli Documents

VOLUME III:

- Documents from Arab/Islamic States and Organizations

VOLUME IV:

- UN Documents

Each volume includes an electronic version (CD) of the texts it contains, the purpose of which is to facilitate the search for certain sources, subjects, and documents, as well as an annex listing the entries found in other three volumes.

Although we have endeavored to make this publication as reader/user friendly as possible, one should be aware that there is some inconsistency in terms of the spelling of non-English words - names and places (such as Haram Ash-Sharif or *Intifada*) – since we adhered, wherever possible, to the original version rather than apply our usual spelling rules. It is for the same reason that the volumes contain a number of minor typographical errors such as the omission of apostrophes, inconsistent capitalization, and spelling mistakes found in the originals.

Footnotes included in the volumes - excluding those marked “the ed.” - are mostly those that appeared in the original texts though the readership note that the numbering will not necessarily be accordance with the original version.

About This Volume

Volume IV is dedicated to United Nations documents that focus on or relate in a relevant way to the question of Jerusalem.

There is nothing found under International Law or in international resolutions passed since the beginning of the 20th Century that legitimizes or justifies the Israeli takeover of Arab land in occupied East Jerusalem. Thus, under International Law, which prohibits the annexation of territory by force, East Jerusalem is considered occupied territory; Israel's annexation of East Jerusalem is therefore considered illegal and its unilateral activities in both parts of the city (such as land confiscation) null and void.

The UN itself has always recognized the special status of Jerusalem and the illegitimacy of its occupation. It considers East Jerusalem to be occupied territory and it has repeatedly declared Israel's activities in this part of the city (such as the construction of settlements, the transfer of segments of the Israeli population, and annexation) illegal, null, and void. Moreover, in its numerous resolutions on the question of Palestine, the UN has always reaffirmed that Jerusalem is under belligerent occupation and it has been consistent in its demand that Israel withdraw from all territories it occupied in the course of the June War of 1967, including Jerusalem. Until today, the basic international legal status envisaged for Jerusalem in Resolution 181 remains valid since no other resolution has been passed to annul it.

A Final Note

We have done our utmost to uphold our commitment to objectivity and comprehensiveness and thus hope to be excused for entries we may have missed as well as for any other mistakes relating to the production of these volumes.

PASSIA hopes that the *Documents on Jerusalem* will serve as a valuable resource of a scope and comprehensiveness that has never before been available in such a form and that this will be of enormous benefit to anyone interested in tracing the events and various stages relating to the issue of Jerusalem.

Finally yet importantly, I would like to express my sincere appreciation to the entire PASSIA team whose invaluable efforts and teamwork have contributed to the realization of this project.

Special thanks also go to the Representative Office of Finland, Ramallah, for the kind support that made the printing and binding of this publication possible.

January 2007

Dr. Mahdi F. Abdul Hadi
Head of PASSIA

10. UNITED NATIONS DOCUMENTS

UNITED NATIONS SPECIAL COMMITTEE ON PALESTINE, RECOMMENDATIONS TO THE UN GENERAL ASSEMBLY (DOCUMENT A/364), 3 SEPTEMBER 1947 [EXCERPTS]

[In mid-1947 an UNSCOP delegation held hearings in Jerusalem, boycotted by the Arabs. Afterwards, the Committee drew up its recommendations in Geneva. The majority report recommended the partition of Palestine into an Arab and a Jewish State and an international regime for Jerusalem, all three linked in an Economic Union. The minority report recommended the creation of a federal unitary state, with Jerusalem as its capital. Chapters V, VI, VII and VIII follow]

RECOMMENDATIONS (I)

Introductory Statement

1. The Committee held a series of informal discussions during its deliberations in Geneva as a means of appraising comprehensively the numerous aspects of the Palestine problem. In these discussions the members of the Committee debated at length and in great detail the various proposals advanced for its solution.
2. In the early stages of the discussions, it became apparent that there was little support for either of the solutions which would take an extreme position, namely, a single independent State of Palestine, under either Arab or Jewish domination. It was clear, therefore, that there was no disposition in the Committee to support in full the official proposals of either the Arab States or the Jewish Agency as described in Chapter IV of this report. It was recognized by all members that an effort must be made to find a solution which would avoid meeting fully the claims of one group at the expense of committing grave injustice against the other.
3. At its forty-seventh meeting on 27 August 1947, the Committee formally rejected both of the extreme solutions. In taking, this action the Committee was fully aware that both Arabs and Jews advance strong claims to rights and interests in Palestine, the Arabs by virtue of being for centuries the indigenous and preponderant people there, and the Jews by virtue of historical association with the country and international pledges made to them respecting their rights in it. But the Committee also realized that the crux of the Palestine problem is to be found in the fact that two sizeable groups, an Arab population of over 1,200,000 and a Jewish population of over 600,000, with intense nationalist aspirations, are diffused throughout a country that is arid, limited in area, and poor in all essential resources. It was relatively easy to conclude, therefore, that since both groups steadfastly maintain their claims, it is manifestly impossible, in the circumstances, to satisfy fully the claims of both groups, while it is indefensible to accept the full claims of one at the expense of the other.
4. Following the rejection of the extreme solutions in its informal discussions, the Committee devoted its attention to the bi-national State and cantonal proposals. It considered both, but the members who may have been prepared to consider these proposals in principle were not impressed by the workability of either. It was apparent that the bi-national solution, although attractive in some of its aspects, would have little meaning unless provision were made for numerical or political parity between the two population groups, as provided for in the proposal of Dr. J. L. Magnes. This, however, would require the inauguration of complicated mechanical devices which are patently artificial and of dubious practicality.
5. The cantonal solution, under the existing conditions of Arab and Jewish diffusion in Palestine, might easily entail an excessive fragmentation of the governmental processes, and in its ultimate result, would be quite unworkable.
6. Having thus disposed of the extreme solutions and the bi-national and cantonal schemes, the members of the Committee, by and large, manifested a tendency to move toward either partition qualified by economic unity, or a federal-State plan. In due course, the Committee established two informal working groups, one on partition under a confederation arrangement and one on the federal State, for the purpose of working out the details of the two plans, which in their final form are presented in Chapters VI and VII of this report, with the names of the members who supported them.
7. As a result of the work done in these working groups, a substantial measure of unanimity with regard to a number of important issues emerged, as evidenced in the forty-seventh meeting of the Committee. On the basis of this measure of agreement, a drafting sub-committee was appointed to formulate specific texts.

8. In the course of its forty-ninth meeting on 29 August 1947, the Committee considered the report of the drafting sub-committee, and unanimously approved eleven recommendations to the General Assembly, the texts of which are set forth in section A of this chapter. A twelfth recommendation, with which the representatives of Guatemala and Uruguay were not in agreement, appears in section B.

Section A. Recommendations approved unanimously [...]

RECOMMENDATION III. Transitional period

It is recommended that

There shall be a transitional period preceding the grant of independence in Palestine which shall be as short as possible, consistent with the achievement of the preparations and conditions essential to independence.

Comment

- a) A transitional period preceding independence is clearly imperative. It is scarcely conceivable, in view of the complicated nature of the Palestine problem, that independence could be responsibly granted without a prior period of preparation.
- b) The importance of the transitional period is that it would be the period in which the governmental organization would have to be established, and in which the guarantees for such vital matters as the protection of minorities, and the safeguarding of the Holy Places and religious interests could be ensured.
- c) A transitional period, however, would in all likelihood only serve to aggravate the present difficult situation in Palestine unless it were related to a specific and definitive solution which would go into effect immediately upon the termination of that period, and were to be of a positively stated duration, which, in any case, should not exceed a very few years. [...]

RECOMMENDATION V. Holy Places and religious interests

It is recommended that

In whatever solution may be adopted for Palestine,

- a) The sacred character of the Holy Places shall be preserved and access to the Holy Places for purposes of worship and pilgrimage shall be ensured in accordance with existing rights, in recognition of the proper interest of millions of Christians, Jews and Moslems abroad as well as the residents of Palestine in the care of sites and buildings associated with the origin and history of their faiths.
- b) Existing rights in Palestine of the several religious communities shall be neither impaired nor denied, in view of the fact that their maintenance is essential for religious peace in Palestine under conditions of independence.
- c) An adequate system shall be devised to settle impartially disputes involving religious rights as an essential factor in maintaining religious peace, taking into account the fact that during the Mandate such disputes have been settled by the Government itself, which acted as an arbiter and enjoyed the necessary authority and power to enforce its decisions.
- d) Specific stipulations concerning Holy Places, religious buildings or sites 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.

Comment

Palestine, as the Holy Land, occupies a unique position in the world. It is sacred to Christian, Jew and Moslem alike. The spiritual interests of hundreds of millions of adherents of the three great monotheistic religions are intimately associated with its scenes and historical events. Any solution of the Palestine question should take into consideration these religious interests.

- a) The safeguarding of the Holy Places, buildings and sites located in Palestine should be a condition to the grant of independence. [...]

Section B. Recommendation approved by substantial majority [...]

RECOMMENDATIONS (II)

[...]

4. The Plan of Partition with Economic Union is herewith reproduced. It consists of the following three parts:

Part I.	Partition with economic union
Part II.	Boundaries
Part III.	City of Jerusalem

PART I. PLAN OF PARTITION WITH ECONOMIC UNION JUSTIFICATION [...]

12. The maintenance of existing standards of social services in all parts of Palestine depends partly upon the preservation of economic unity, and this is a main consideration underlying the provisions for an economic union as part of the partition scheme. Partition, however, necessarily changes to some extent the fiscal situation in such a manner that, at any rate during the early years of its existence, a partitioned Arab State in Palestine would have some difficulty in raising sufficient revenue to keep up its present standards of public services.

One of the aims of the economic union, therefore, is to distribute surplus revenue to support such standards. It is recommended that the division of the surplus revenue, after certain charges and percentage of surplus to be paid to the City of Jerusalem are met, should be in equal proportions to the two States. This is an arbitrary proportion but it is considered that it would be acceptable, that it has the merit of simplicity and that, being fixed in this manner, it would be less likely to become a matter of immediate controversy. Provisions are suggested whereby this formula is to be reviewed. [...]

*Recommendations**A. Partition and independence*

1. Palestine within its present borders, following a transitional period of two years from 1 September 1947, shall be constituted into an independent Arab State, an independent Jewish State, and the City of Jerusalem, the boundaries of which are respectively described in Parts II and III below.
2. Independence shall be granted to each State upon its request only after it has adopted a constitution complying with the provisions of section B, paragraph 4 below, has made to the United Nations a declaration containing certain guarantees, and has signed a treaty creating the Economic Union of Palestine and establishing a system of collaboration between the two States and the City of Jerusalem.

B. Transitional period and constitution

[...]

2. Constituent assemblies shall be elected by the populations of the areas which are to comprise the Arab and Jewish States, respectively. The electoral provisions shall be prescribed by the Power administering the territory. Qualified voters for each State for this election shall be persons over twenty 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. [...]

4. The constituent assemblies shall draw up the constitutions of the States, which shall embody chapters I and 2 of the Declaration provided for in C. below, and include, *inter alia*, provisions for:
 - f. Recognize the rights of the Governor of the City of Jerusalem to determine whether the provisions of the constitution of the States in relation to Holy Places, religious buildings and sites within the borders of the States and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions in cases of disputes which may arise with respect to such Holy Places, buildings and sites; also accord to him full co-operation and such privileges and immunities as are necessary for the exercise of his functions in those States. [...]

C. Declaration

A Declaration shall be made to the United Nations by the Provisional Government of each proposed State before the interim administration is brought to an end. 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. 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.

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 shall 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.
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 in cases of disputes which may arise 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. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion or language.
2. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.
3. 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 eleemosynary bodies of any faith or to discriminate against any representative or member of them on the ground of his religion or nationality.
4. 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.
5. 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.¹
6. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State)² shall be allowed except for public purposes unless the land, suitable for agricultural purposes, has remained uncultivated and unused for not less than one year after written notice of utilization thereof has been given; and upon an order made by the Supreme Court of the respective State approving the expropriation on the grounds of absence of sufficient reasons for the non-utilization thereof. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

Chapter 3

1. *Citizenship.* Palestinian citizens, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine, shall, upon the recognition of independence, become citizens of the State in which they are resident; or, if resident in the City of Jerusalem, who sign a notice of intention provided in section B, paragraph 2 above, of the State mentioned in such notice, with full civil and political rights, provided that they do not exercise the option mentioned hereafter. Such persons, if over eighteen years of age, may opt within one year for the citizenship of the other State or declare that they retain the citizenship of any State of which they are citizens, and if they exercise this option it will be taken to include their wives and children under eighteen years of age; provided that no person who has signed the notice of intention referred to in section B, paragraph 2 above, shall have the right of option. [...]

Chapter 4

D. ECONOMIC UNION

A treaty shall be entered into between the two States and signed simultaneously with the Declaration provided for in C. above. The treaty shall be binding at once without ratifications. It shall contain provisions to establish the Economic Union of Palestine and to provide for other matters of common interest.

I. The Economic Union of Palestine

The objectives of the Economic Union of Palestine shall be:

- a. A customs union.
- b. A common currency.

- c. Operation in the common interest of railways, interstate highways, postal, telephone and telegraphic services; and the ports of Haifa and Jaffa.
- d. Joint economic development, especially in respect of irrigation, land reclamation and soil conservation.

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 in the first instance for a term of three years. The functions of the Joint Economic Board shall be to organize and administer, either directly or by delegation, the functions of the Economic Union.

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.

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

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, and the residue in equal proportion to the Jewish and Arab States. After a period of three years, the division shall be reviewable by the Joint Economic Board, which shall make such modifications as may be deemed necessary.

All international conventions and treaties affecting customs tariffs, communications and commercial matters generally, shall be entered into by both States.

2. Freedom of transit and visit

The Treaty 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 their borders. [...]

E. ASSETS

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. Immovable assets shall become the property of the government in the territory in which they are situated.

[...]

A Commentary on Partition

The primary objectives sought in the foregoing scheme are, in short, political division and economic unity: to confer upon each group, Arab and Jew, in its own territory, the power to make its own laws, while preserving to both, throughout Palestine, a single integrated economy, admittedly essential to the well-being of each, and the same territorial freedom of movement to individuals as is enjoyed today. The former necessitates a territorial partition; the latter, the maintenance of unrestricted commercial relations between the States, together with a common administration of functions in which the interests of both are in fact inextricably bound together. [...]

At the same time there is secured, through the constitutional position of Jerusalem and the Holy Places, the preservation of the scenes of events in which the sentiments of Christendom also -centre. There will thus be imposed over the whole land an unobjectionable interest of the adherents of all three religions throughout the world; and so secured, this unique and historical land may at last cease to be the arena of human strife.

Whether, however, these are vain speculations must await the future. If they are never realized, it will not, it is believed, be because of defects in the machinery of government that is proposed.

PART II. BOUNDARIES

Definition

The plan envisages the division of Palestine into three parts: an Arab State, a Jewish State and the City of Jerusalem. The proposed Arab State will include Western Galilee, the hill country of Samaria and Judea with the exclusion of the City of Jerusalem, and the coastal plain from Isdud to the Egyptian frontier. The proposed Jewish State will include Eastern Galilee, the Esdraelon plain, most of the coastal plain, and the whole of the Beersheba sub-district, which includes the Negeb. [...]

The City of Jerusalem

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem.

Justification

In making its proposal for a plan of partition with economic union for Palestine, the members of the Committee supporting this plan are fully aware of the many difficulties of effecting a satisfactory division of Palestine into a Jewish and an Arab State. The main problems to be faced are the following:

1. The problem of minorities

The central inland area of Palestine includes a large Arab population and, leaving Jerusalem out of account, practically no Jews. This obviously is the main starting point in demarcating a possible Arab State. Further north, particularly in Western Galilee, and separated from the central area by a narrow belt of Jewish settlements, is another concentration of Arabs and very few Jews. These two areas form the main territory of an Arab State which has only a very small minority of Jews. [...]

The figures given for the distribution of the settled population in the two proposed States, as estimated on the basis of official figures up to the end of 1946, are approximately as follows:⁵

	<i>Jews</i>	<i>Arabs and others</i>	<i>Total</i>
<i>The Jewish State</i>	<i>498,000</i>	<i>407,000</i>	<i>905,000</i>
<i>The Arab State</i>	<i>10,000</i>	<i>725,000</i>	<i>735,000</i>
<i>City of Jerusalem</i>	<i>100,000</i>	<i>105,000</i>	<i>205,000</i>

[...]

The Committee is satisfied that, in the sense defined, the proposed Jewish State and the City of Jerusalem would be viable.

PART III. CITY OF JERUSALEM

Justification

1. The proposal to place the City of Jerusalem under international trusteeship is based on the following considerations.
2. Jerusalem is a Holy City for three faiths. Their shrines are side by side; some are sacred to two faiths. Hundreds of millions of Christians, Moslems and Jews throughout the world want peace, and especially religious peace, to reign in Jerusalem; they want the sacred character of its Holy Places to be preserved and access to them guaranteed to pilgrims from abroad.
3. The history of Jerusalem, during the Ottoman regime as under the Mandate, shows that religious peace has been maintained in the City because the Government was anxious and had the power to prevent controversies involving some religious interest from developing into bitter strife and disorder. The Government was not intimately involved in local politics, and could, when necessary, arbitrate conflicts.
4. Religious peace in Jerusalem is necessary for the maintenance of peace in the Arab and in the Jewish States. Disturbances in the Holy City would have far-reaching consequences, extending perhaps beyond the frontiers of Palestine.
5. The application of the provisions relating to the Holy Places, religious buildings and sites in the whole of Palestine would also be greatly facilitated by the setting up of an international authority in Jerusalem. The Governor of the City would be empowered to supervise the application of such provisions and to arbitrate conflicts in respect of the Holy Places, religious buildings and sites.
6. The International Trusteeship System is proposed as the most suitable instrument for meeting the special problems presented by Jerusalem, for the reason that the Trusteeship Council, as a principal organ of the United Nations, affords a convenient and effective means of ensuring both the desired international supervision and the political, economic and social well-being of the population of Jerusalem.

Recommendations

1. The City of Jerusalem shall be placed under an International Trusteeship System by means of a Trusteeship Agreement which shall designate the United Nations as the Administering Authority, in accordance with Article 81 of the Charter of the United Nations.
2. The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which to be Abu Dir; the most southern Bethlehem; the most western Ein Karim and the most northern Shu'fat, as indicated on the attached sketch-map.
3. The Trusteeship Agreement in respect of the Holy Places, religious buildings and sites, and minorities, shall contain provisions similar to those contained in chapters I and 2 of the Declaration in the Plan of Partition with Economic Union. It shall also include, *inter alia*, the provisions set forth below:
 - 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. Persons residing in the City of Jerusalem, without distinction as to ethnic origin, sex, language or religion, shall be ensured protection under its laws with regard to the enjoyment of human rights and fundamental freedoms, including freedom of worship, language, speech and publication, education, assembly and association.
 - c. Residents of the City of Jerusalem, irrespective of nationality, may participate in the local elections of the City. They shall be subject to the jurisdiction of the City in respect of taxation and judicial proceedings.
 - d. A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council. He shall be neither Arab nor Jew nor a citizen of the Palestine States nor, at the time of appointment, a resident of the City of Jerusalem.
 - e. In addition to the Governor, there shall be such other executive, legislative and judicial organs, bodies and offices for governing the City as may be determined in the Trusteeship Agreement.
 - f. The Governor, as chief administrative official of the City, shall be responsible, in such manner as the Trusteeship Agreement shall prescribe, for the conduct of the administration of the City. With relation to the Holy Places, religious buildings and sites in any part of Palestine, other than the City of Jerusalem, he shall determine whether the provisions of the constitution of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected. The protection of all such places, buildings and sites located in the City of Jerusalem shall be a special concern of his office. He shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different communities in respect of such Holy Places, religious buildings and sites in any part of Palestine.
 - g. Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-cooperation 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.
 - h. The City of Jerusalem shall guarantee free transit and visit to residents of the Arab and Jewish States in Palestine, subject only to security considerations.
 - i. The protection of the Holy Places, religious buildings and sites in the City of Jerusalem shall be entrusted to a special police force, the members of which shall be recruited outside of Palestine and shall be neither Arab nor Jew. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this special force.
 - j. The City of Jerusalem should be included in the Economic Union of Palestine. [...]

*V. The Holy Places, religious interests and Jerusalem**A. Religious interests and Holy Places**It is recommended that*

Since the Holy Places, buildings and sites appertaining to whatever religions, and wherever located in Palestine, must be recognized as of special and unique interest and concern to the international community, the following principles and measures should be fully safeguarded as a condition for the establishment of the independent federal State of Palestine.

1. Millions of Christians, Jews and Moslems abroad, as well as the inhabitants of Palestine, have a proper and recognized interest in the preservation and care of sites and buildings associated with the origin and history of their respective faiths. The sacred character of the Holy Places shall therefore be preserved, and access to them for purposes of worship and pilgrimage shall be ensured in accordance with existing rights.
2. In the interests both of the followers of various faiths and of the maintenance of peace, existing rights in Palestine enjoyed by the several religious communities shall be neither impaired nor denied.
3. The incorporation in the constitution of the independent federal State of Palestine of provisions of the nature proposed in the preceding paragraph are designed substantially to allay the anxiety which is mani-

fested in many quarters concerning the future status of the Holy Places, religious buildings and sites and the preservation of the rights of the communities in Palestine following the establishment of an independent State of Palestine.

4. The establishment of an adequate and impartial system for the settlement of disputes regarding religious rights is essential to the preservation of religious peace in replacement of the Palestinian administration which exercised such authority under the mandate. Specific stipulations designed to preserve and protect the Holy Places, religious buildings and sites and the rights of religious communities shall be inserted in the constitution of the independent federal State of Palestine and shall be in substance as follows:
 - a. Existing rights in respect of Holy Places, religious buildings and sites shall not be denied or impaired.
 - b. Free access to the Holy Places, religious buildings and 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, religious buildings and sites shall be preserved and no action shall be permitted which may in any way impair their sacred character.
 - d. If at any time it should appear to the Government of the independent federal State of Palestine, or representations to that effect should be made to it by any interested party, that any particular Holy Place, religious building or site is in need of urgent repair, the Government shall call upon the religious community or communities concerned to carry out such repair, and in the event no action is taken within a reasonable time, the Government itself may carry out the necessary repairs.
 - e. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation under the law in force on the date on which independence shall be granted to the State of Palestine.
5. In the interest of preserving, protecting and caring for Holy Places, buildings and sites 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 appropriate organ of the United Nations. A list of such Holy Places, buildings and sites shall be prepared by that organ.
6. The membership of the permanent international body for the supervision of Holy Places in Palestine shall consist of three representatives designated by the appropriate organ of the United Nations, and one representative from each of the recognized faiths having an interest in the matter, as may be determined by the United Nations.
7. The permanent international body referred to in paragraphs 5 and 6 above shall be responsible, subject to existing rights, for the supervision and protection of all such Places, buildings and sites in Palestine, and shall be empowered to make representations to the Government of the independent federal State of Palestine respecting any matters affecting the Holy Places, buildings and sites or the protection of religious interests in Palestine, and to report on all such matters to the General Assembly of the United Nations.

B. Jerusalem

1. Jerusalem, which shall be the capital of the independent federal State of Palestine, shall comprise, for purposes of local administration, two separate municipalities, one of which shall include the Arab sections of the city, including that part of the city within the walls, and the other the areas which are predominantly Jewish.
2. The Arab and Jewish municipalities of Jerusalem, which shall jointly comprise the City and capital of Jerusalem, shall, under the constitution and laws of the federal Government, enjoy powers of local administration within their respective areas, and shall participate in such joint local self-governing institutions as the federal Government may prescribe or permit, provided that equitable representation in such bodies is ensured to followers of such faiths as may be represented in the community.
3. The Arab and Jewish municipalities of Jerusalem shall jointly provide for, maintain and support such common public services as sewage, garbage collection and disposal, fire protection, water supply, local transport, telephones and telegraph.

C. Irrevocability of provisions

The independent federal State of Palestine, irrespective of the provision made in paragraph 31 of section 11 of these recommendations for amendment of the constitution, shall undertake to accept as irrevocable the above provisions affecting Holy Places, buildings and sites and religious interests. [...]



UN GENERAL ASSEMBLY RESOLUTION 181, 29 NOVEMBER 1947 [EXCERPTS]

PLAN OF PARTITION WITH ECONOMIC UNION

PART I: FUTURE CONSTITUTION AND GOVERNMENT OF PALESTINE.A. TERMINATION OF MANDATE, PARTITION AND INDEPENDENCE

[...]

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. [...]

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 PROVISIONS:

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 or 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 any times 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 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 border 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 cooperation 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. [...]
8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State respectively) 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. [...]

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.

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 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 paramilitary 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-cooperation 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 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.

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 of 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.
- (g) The right of each community to maintain its own schools for the education of its own members in its 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.
- (h) 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 principle 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.



SUMMARY RECORD OF THE 18TH UNPC MEETING, CONSIDERATION OF A WORKING PAPER ON JERUSALEM, NEW YORK, 22 JANUARY 1948

[Discussion on a working paper to decide on the status of the City of Jerusalem]

<u>Present:</u>	Chairman:	Mr. LSICKY	(Czechoslovakia)
	Members:	Mr. Medina	(Bolivia)
		Mr. Federspiel	(Denmark)
		Mr. Morgan	(Panama)
	Secretariat:	Mr. Bunche	(Secretary)
		Mr. Mohn	

CONSIDERATION OF WORKING PAPER ON "THE CITY OF JERUSALEM" (Document A/AC.21/W.17)

With regard to Section I of the working paper (International Regime of the City of Jerusalem) the CHAIRMAN drew the attention of members to the provision that the City of Jerusalem would come into existence two months after the evacuation of the armed forces of the Mandatory Power had been completed, but in any case not later than 1 October 1948. The assumption was that the operation of a special international regime for the City of Jerusalem would take place only after the evacuation of United Kingdom forces from the whole of Palestine. Interim arrangements might have to be made for the transitional period.

With reference to Section 2 (Draft Statute) the SECRETARY informed the Commission that the Trusteeship Council's Working Group on the City of Jerusalem hoped to complete its work within the next few days and that the Trusteeship Council would examine the Draft Statute for the City of Jerusalem at the second part of its second session which was to convene either on 9 February or on 16 February.

With regard to Section 4 (Duration of the transitional period) the CHAIRMAN pointed out that the Commission would be responsible for the transfer of powers to the Governor.

The SECRETARY wondered whether the Statute of the City of Jerusalem might not be enforced before the Arab and Jewish states were set up. He suggested that perhaps less opposition would be exerted by the Arabs to an international regime in Jerusalem than to the setting up of the Jewish state, so that it might develop that the Statute of the City of Jerusalem could be applied first.

The CHAIRMAN believed that the regime of the City as envisaged in the recommendations made by the General Assembly was inseparable from the setting up of separate Jewish and Arab states, and doubted that the international regime envisaged could be enforced before partition. His own information on the attitude of Arab leaders convinced him that they were equally opposed to an international Statute for the City of Jerusalem and to a separate Jewish state. Indeed, they took the view that the international regime was unnecessary since they were ready in any case to guarantee the freedoms it was meant to safeguard.

After some discussion, it was concluded that with the help of an international force it might prove easier to establish the new regime for Jerusalem than for the rest of Palestine.

It was thought the duration of the transitional period, under which the Commission would be responsible for the City of Jerusalem, would depend mainly upon the general situation in Palestine.

With regard to Section 5 (Boundaries) the Commission agreed that the delimitation of the boundaries of the City of Jerusalem was within its competence and that the Trusteeship Council could only make suggestions. The boundaries of the City of Jerusalem would result from the delimitation of the boundary of the Arab state.

The SECRETARY observed that the French representative in the Trusteeship Council had given some indication that he might initiate a proposal to send to Palestine a Commission of the Trusteeship Council. The Secretary pointed out that it might be useful to have the views of the members of the Commission on the subject, so as to be aware of the way in which the Commission would react, should the Trusteeship Council entertain a proposal for this nature.

With reference to Section 6 (Government and Administration of the City) the Commission took notes of the necessity of protecting the water supply lines.

With regard to the special body envisaged for the administration of the City during the transitional period, it was pointed out that the Governor would be appointed at an early date and there might be no need for a special body if the Commission came to an agreement with the Governor, whereupon he could assume his functions.

With regard to Section 7 (Municipality of Jerusalem) it was felt that the possible resignation of the officials now in charge of the Municipality might mean that the City would remain without any government. The Commission would, therefore, wish to ascertain whether the present officials would remain, and in the case of British officials, whether under the new status such officials would be seconded by the United Kingdom Government to their new employment. It would require information on the number of British officials in the municipality and on the possibilities for their continued employment.

With reference to Section 8 (Control of Immigration) the CHAIRMAN observed that the wise course would be not to provide for any immigration during the short period of transition.

With reference to Section 10 (Security Measures) the Commission agreed that it would be desirable to retain the services of as many trained police as might wish to continue the discharge of their functions under the new Statute. The force now employed consisted of British, Arab and Jewish elements. No particular difficulty was to be foreseen for the employment of the Jewish elements under the new Statute, and possibly some of the Arabs. The United Kingdom Government, however, had indicated an unwillingness to second British constables under the new Statute. With regard to their terms of employment, the SECRETARY stated that they were recruited in England for the Palestine Government by Crown agents for the Colonies.

In view of the need for police force, the Commission required information on the strength of the police force now in Jerusalem.

The desirability of retaining experienced elements was emphasized by Mr. Mohn (Secretariat), who stated that often several religious ceremonies were held simultaneously by various communities at the Holy Places, and that the Palestinian police had established a special calendar for these which comprised 457 different ceremonies in 365 days. He thought that there was no set figure for the standing strength of the police force.

With regard to Section 11 (Economic Union) the CHAIRMAN drew attention to the last paragraph of the section.

No specific provisions had been made for the City of Jerusalem in the financial provisions in paragraph 3, Chapter 3, Section C of part I of the Assembly resolution (document A/516).

It was thought that the provisions made for the Jewish and Arab States should apply by analogy to the City of Jerusalem, and it was pointed out that the Assembly resolution contained clauses which would warrant this interpretation. The Commission would have to decide what proportion of the general financial obligations in Palestine would be allotted to the City of Jerusalem. It was noted however, that in the case of the City, there was no clause corresponding to sub-paragraph b of paragraph 2, Chapter 3, Section 3 of Part I of the Assembly resolution, concerning appeals to the International Court of Justice. This was presumed to be an oversight.

Doubts were expressed whether the City of Jerusalem could be considered a State, as it was set up for historical and religious reasons as a separate entity. It was suggested that because of its special status it might not be able to enter into financial commitments in the same way as a state. In this connection the CHAIRMAN stated that the City of Jerusalem could in no way be considered as a Trust Territory, and that its status was clearly defined by the Assembly resolution as a *corpus separation* under a Special International Regime.

After a brief discussion, the Commission decided to request the Legal Adviser to prepare a paper indicating whether the financial provisions applicable to the Arab and Jewish states could be considered as applicable also to the City of Jerusalem.

With regard to Section 12 (Holy Places) the SECRETARY pointed out that laws enacted by the Ottoman Empire for the Holy Places had remained in force under the regime of the Mandate. They would remain in force after the change of regime, unless specifically repealed.

With reference to Section 13 (Religious Courts) the Commission envisaged the possibility of maintaining the present system, and would wish to know who was responsible at present for the financial maintenance of these Courts. The CHAIRMAN thought that, in view of partition, the Courts might be removed from Jerusalem, and set up respectively in the Arab and Jewish states. In answer to objections raised such a solution, he voiced a warning against an unconscious tendency to “implement union through partition”.

The CHAIRMAN asked members of the Commission to give individual consideration to the problem and to present their conclusions at a later meeting.

RELATIONS WITH THE PRESS

The Commission decided to meet the press on the following day at 2.30 p.m. in order to accede to the wish of the press to have direct contact with the Commission.



**CONSIDERATIONS AFFECTING CERTAIN OF THE PROVISIONS OF THE
GENERAL ASSEMBLY RESOLUTION ON THE "FUTURE GOVERNMENT OF
PALESTINE: THE CITY OF JERUSALEM," 22 JANUARY 1948**

[Working Paper prepared by the Secretariat on the Regime of the City of Jerusalem]

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 withdrawn at the termination of the Mandate, there would be no police pro-

tection 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.



**COMMUNICATION FROM SIR ALEXANDER CADOGAN TO THE UNPC CHAIRMAN,
KAREL LISICKY, CONCERNING A SECURITY FORCE IN JERUSALEM, 30 JANUARY 1948**

Dear M. Lisicky:

You will remember that you raised with me in conversation the other day the question of a security force to preserve law and order in Jerusalem.

2. We have now received further information from Palestine on this point which may be helpful to you.
 - (i) At the present time in the City of Jerusalem area as defined by the General Assembly's Plan there are 900 British Police and 350 Palestinian Police, supported by more than a brigade of troops.
 - (ii) Before the end of February the Government of Palestine hope to have established a Municipal Police Force of 300 Arabs and 300 Jews. It is proposed that this force should remain in being after the date of the termination of the Mandate.
 - (iii) In addition to these Arab-Jewish Municipal Police, the Government of Palestine considers that a force of one thousand non-Jewish non-Arab personnel would be the minimum required for the preservation of law and order in this area.
 - (iv) There are indications that a fair number of British Police would volunteer, after the termination of their contracts with the present Administration, for service with such a force but it is impossible to give a reliable estimate until further information is available as to the proposed terms of service which would be offered and whether such service would be under British command. Most of the British Police who might be likely to volunteer would be of junior rank and rather inexperienced and it is probable that very few volunteers of the rank of Inspector and upwards would be forthcoming.
 - (v) It is estimated that a force of one thousand non-Jewish non-Arab personnel would cost more than £40,000 per mensem, excluding the cost of accommodation, arms, and ammunition and the capital cost of transport. The mixed Municipal Force referred to above would cost about £12,000 per mensem, so the Municipalities are not likely to be able to contribute to the cost of the larger force.
3. The Government of Palestine have informed us that if there is to be any question of calling for volunteers from the British Section of the Police for service in a security force in Jerusalem, they must know definitely within the next two or three weeks, otherwise there will be little or no chance of any such volunteers being available.



**COMMUNICATION RECEIVED FROM THE ADVANCE PARTY CONCERNING JERUSALEM
IN CASE OF FIGHTING, MEMORANDUM BY COLONEL ROSCHER LUND, 1 APRIL 1948**

[The UNPC was not permitted to come to Palestine prior to 1 May, in fact it never set foot in Palestine and an advance party was dispatched to prepare the ground for its work.]

In connection with the preliminary report regarding the security situation in Palestine, the situation in Jerusalem, and what may eventually happen there if fighting breaks out, deserves to be mentioned separately. The situation is, in several aspects, different from elsewhere in Palestine and, particularly, are the consequences for a large part of the population, about 100,000 Jews in the City, serious in case of fighting.

These Jews are living completely surrounded by Arab country. The distance by road to the Jewish base in Tel Aviv along the new used convoy route is about 45 km.

The Jewish population is occupying the northwestern and western part of Jerusalem. The area has a perimeter of about 15 km. There are some Jewish settlements around outside the entirely Jewish area, but these settlements are more likely to be a responsibility than any asset to the Jews in Jerusalem.

Contrary to the situation in the rest of Palestine, the percentage of the young male population in Jerusalem is relatively small. The Jewish force available to defend their part of Jerusalem will probably be less than 10,000 men. To defend the perimeter alone will probably necessitate about 6,000 men, and the available reserve for operations will not be considerable. The Arabs, apart from the population in the town, which is practically equal to the Jews, and the estimated 2,000 volunteers that have arrived from outside, can draw reinforcements from the countryside around. The Arabs also have a considerable advantage in the possession of the Old City with its formidable walls. These walls, being rather valueless in modern warfare on bigger scale, have a consid-

erable value in fighting with few heavy weapons at disposal. The rather small Jewish colony of about 2,000 isolated inside the Old City and now supplied by the British has, of course, no fighting chance whatsoever.

The difficulties that the Jews in Jerusalem will be up against in case of fighting are so follows:

An evacuation of the population is impossible because of the magnitude of the task and also for prestige reasons. The convoy situation between Jerusalem and Tel-Aviv is even now too difficult for any evacuation of old people and children on a scale worth while mentioning. To get convoys through from Tel-Aviv after 15 May will be extremely difficult. If the Jews get reinforcements from abroad to their base area, it may be possible for them to open up and hold permanently a channel between Tel-Aviv and Jerusalem, but this is a military operation that will take time. It must, therefore, be foreseen that the Jews of Jerusalem will be cut off from their base at least for a considerable time.

The Jewish part of Jerusalem usually obtain their food from the surrounding Arab countryside. This source has already been stopped some time ago and there is established a strict rationing by the Jews. Being cut off, the situation will deteriorate quickly; also, regarding all other sorts of supplies such as ammunition and other necessities during fighting. The Arabs will have no great supply difficulties.

The water question will be particularly difficult for the Jews. The main source of water for Jerusalem is Ras el Ein, about 12 km. east of Tel Aviv and the pipeline and pumping stations from here to Jerusalem can easily be cut by the Arabs after 15 May. In the Arab part of Jerusalem the houses have, from old times, cisterns for storing rainwater. The Arabs have repaired these, and the rather abundant rain this spring has filled them, so the Arabs are relatively independent of the water from outside, in any case for a considerable time.

In connection with water supply can be mentioned the risk of fires created by explosions of bombs during fighting. The risk of a fire spreading in Jerusalem is in general small because of the predominantly stone structure of the City. In the Old City and the Arab Quarter there is little risk of any fire spreading over larger parts of the town. The Jewish area, however, has three slum districts (see sketch) where a fire of any size would likely spread and destroy the whole area, particularly, when sufficient water is not available for fire-fighting.

Lack of water and lack of facilities to remove refuse (lack of petrol for transport) may easily add serious epidemics to all other miseries for the Jews of Jerusalem in case of fighting.

The Arabs recognizing the difficult situation of the Jews in Jerusalem have a weapon that they will use as a pressure in the political front. Characteristic in this connection is that while the Jews are willing for a truce in Jerusalem the Arabs are not.

It is quite obvious that the exclusive possession of Jerusalem from both sides would be regarded as a most important object. The Mufti with his great influence on the Arab part of Jerusalem and surroundings would spare no effort to reach for this target.

Attacking in the built-up area of a town is, however, a very difficult task. The defender has the advantage, particularly, when bombing from air, and heavy artillery cannot be used by the attacker.

The Jews have probably little interest in any large-scale attack on the Arab part of Jerusalem, the unavoidable bloodshed kept in mind. They may probably restrict themselves to small-scale operations for gaining tactical points or as counter measures against Arab operations. They will not improve their situation by conquering parts of the Arab part of the town. They are more likely to fight for areas along the convoy road to the west to ease and improve efforts for supplying and relieving them from their difficult position.

Even if no large-scale fighting should take place in Jerusalem, the Jews will within a short time be in a very difficult position without water and with small supplies of food, a position from which it is difficult to see any way out without international intervention.

Jews here have mentioned the possibility of persuading the British to keep forces in Jerusalem up to about 15 July. These troops might still leave the country in accordance with schedule before 1 August. The forces might keep the water supply intact and, still, if they did not interfere in fighting outside their own area, have a reducing influence on fighting. They may also give time for building up of some sort of an international force.

Delay in withdrawal of the troops from Jerusalem would not change the general British plan for leaving Palestine. Delay would only affect details in the military withdrawal inside Palestine. It might, therefore be achieved through some sort of unofficial approach.



**SECOND SESSION STATUTE FOR THE CITY OF JERUSALEM –
DRAFT PREPARED BY THE UN TRUSTEESHIP COUNCIL, 21 APRIL 1948**

[This earlier version of the draft of the statute for the city of Jerusalem slightly differs from the 4 April 1950 version (see below), which has some extra paragraphs in the first part whereas articles from this edition on legislation are missing. Furthermore this edition has more definite dates (e.g. entry into action of statute etc). The 1950 edition has also references to UN resolution that where approved during this period.]

PREAMBLE

Whereas the General Assembly of the United Nations by a Resolution on the Future Government of Palestine, adopted at its 128th Plenary meeting on 29 November 1947, laid down that the City of Jerusalem, delimited in accordance with the 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 three great monotheistic faiths throughout the world, the 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 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:

*The Trusteeship Council,
In Pursuance of the aforesaid Resolution,
Adopts the present Statute for the City of Jerusalem.*

Article 1 - Special International Regime

1. The present Statute defines the special international regime for the City of Jerusalem, hereinafter referred to as "the City", and constitutes it as a *corpus separatum* under the administration of the United Nations in accordance with the Plan of Partition with Economic Union, hereinafter referred to as "the Plan", which is set forth in the Resolution of the General Assembly on 29 November 1947 referred to in the Preamble to this Statute.
2. 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 2 - Boundaries of the Territory of the City

1. The territory of the City shall include the present municipality of Jerusalem 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 build-up area of Motsa) and the most northern Shu'fat.
2. The precise boundaries of the City shall be as delimited by the Commission contemplated by Part I, Section B, paragraph 1 of the Plan, in accordance with the directions set out in the Plan, and shall be described in due course in an annex to this Statute.

Article 3 - Functions of the Trusteeship Council

The Trusteeship Council, by virtue of the authority conferred upon it by the Resolution of the General Assembly of the United Nations of 29 November 1947, shall discharge the responsibilities of the United Nations for the administration of the City in accordance with this Statute.

Article 4 - 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 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 the 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, through the Secretary-General of the United Nations, to the immediate attention of the Security Council.

Article 5 - Demilitarization and Neutrality

1. The City shall be demilitarized and no para-military formations, exercises or activities shall be permitted within its borders.
2. The neutrality and inviolability of the City are hereby declared and shall be preserved. No armed forces, except under this Statute or under the authority of the Security Council, shall be allowed in the City.
3. The police forces necessary for the maintenance of internal law and order shall be provided and organized in accordance with Article 14 of this Statute.

Article 6 - Flag, Seal and Coat of Arms

The Trusteeship Council may approve a flag, a seal and a coat of arms for the City.

Article 7 - Human Rights and Fundamental Freedoms

1. All persons within the City 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, and petition including petition to the Trusteeship Council.
2. No discrimination of any kind on grounds of race, religion, language or sex shall be made against any person within the City.
3. All persons within the City shall be entitled to equal protection by the legislation of the City.
4. No person within the City may be arrested, detained, convicted or punished, except according to due process of law.
5. No person or property within the City shall be subject to search or seizure, except according to due process of law.
6. The legislation of the City shall ensure that accused persons shall have adequate rights of defense.
7. 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.
8. Except as may be required for the maintenance of public order, good government and public health, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths. No measure shall be taken which discriminates on grounds of religion or nationality against any representative or member of such bodies.
9. The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

Article 8 - Definition of Resident

For the purpose of Articles 9, 20, 21 and 44 of this Statute, the following persons shall be deemed to be residents of the City:

- (a) persons who were ordinarily resident in the area of the City on 29 November 1947 and have remained ordinarily so resident since that date;
- (b) persons who do not qualify as residents under paragraph (a) of this Article but who, after 29 November 1947 have been ordinarily resident in the area of the City for a continuous period of not less than three years, and have not ceased to be ordinarily so resident.

Provided that legislation of the City may make provision for the registration of persons ordinarily resident in the City, and such legislation may provide that, subject to such exceptions as are provided for in the legislation, a person shall be deemed not to be ordinarily resident in the City for the purposes of paragraphs (a) and (b) of this article during any period in which he is in default in complying with the requirements of the legislation as to registration.

Article 9 - Citizenship

1. Every resident of the City at the date of the coming into force of this Statute shall become *ipso facto* a citizen of the City; Provided that:
 - (a) every Arab or Jew, who desires to become a citizen of the Arab State or Jewish State respectively, may give notice of such desire in such manner and within such period as the Governor shall by order prescribe after the coming into force of this Statute or the setting up of the Arab State or the Jewish State respectively, whichever event is the later, and thereupon he shall cease to be a citizen of the City;
 - (b) every person so becoming a citizen of the City who desires to retain the citizenship of any State of which he is a citizen may give notice of such desire in such manner and within such period as the Governor shall by order prescribe, and thereupon he shall cease to be a citizen of the City with effect on and from the date of the coming into force of this Statute;
 - (c) 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 paragraph 1 or this article;
 - (d) a notice given by a parent under the terms of paragraph 1 of this article 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.

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 of the City.

Article 10 - Selection of and Responsibility of the Governor

1. The Governor of the City shall be appointed by the Trusteeship Council and shall be responsible to that Council.
2. The Governor shall make regular and, whenever necessary, special reports to the Trusteeship Council.
3. The Governor shall be selected on the basis of special qualifications and without regard to nationality; Provided that he shall not be a citizen of the City, the Arab State or the Jewish State.

Article 11 - Term of Office of the Governor

1. 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 think fit;
 - (b) the Governor may resign his office upon due notice to the Trusteeship Council, and the Trusteeship Council may terminate his appointment for due cause at any time.
2. At the expiration of his term of office, or extended term, a Governor shall be eligible for re-appointment.

Article 12 - 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 chief administrator thereof, subject only to the provisions of this Statute and to 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 of the United Nations recited in the preamble to this Statute.
3. The Governor and his official and private property shall not in any way be subject to the jurisdiction of the Legislative Council or of the courts of the City.

Article 13 - 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 conditioned, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor thinks fit, and may remit any fines, penalties or forfeitures which may accrue or become payable to the City by virtue of the judgement of any court of the City or of the operation of any legislation of the City.

Article 14 - 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 shall deem necessary, to assist in the maintenance of internal law and order, and especially for the protection throughout the City of the Holy Places, religious buildings and sites. Members of the special police force shall be se-

lected without distinction as to nationality: Provided that they shall not be recruited from among citizens or residents of the City, the Arab State or the Jewish State.

Article 15 - Governor's Emergency Powers

1. If, in the opinion of the Governor, the administration of the City is being seriously obstructed or prevented by the non-co-operation or interference of persons or groups of persons in the City, the Governor, during the period of 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 in the City.
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 16 - 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. He shall be neither a citizen nor a resident of the City, the Arab State or the Jewish State.
2. The Governor shall appoint an administrative staff, including an Attorney General, the members of which shall be selected on a non-discriminator basis for their competence and integrity and, whenever practicable, from the residents of the City, the Arab State and the Jewish State. 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 considering of the Chief Secretary and such other principal officers as the Governor may appoint. The Governor may also, if he considers it desirable, add to the council other persons of his choice. 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 and the Trusteeship Council.

Article 17 - 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 18 - Oaths of Office

The Governor, the Chief Secretary, the Judiciary, the members of the Council of Administration, the members of the Legislative Council, the members of the special police force and such other officers as the Governor may determine, shall take such oaths or make such affirmations as are specified in Instructions of the Trusteeship Council.

Article 19 - Acting Governor

If the office of Governor is vacant, or if the Governor is absent from the City or 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 person as may have been authorized to act in the circumstances by 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 20 - The Legislative Council

1. A Legislative Council, consisting of a single chamber, shall have power to legislate, including the power to tax, in accordance with this Statute and may deliberate and adopt resolutions, consistent with the provisions of this Statute, upon any matters affecting the interests of the City.
2. The Legislative Council shall be composed of citizens or residents of the City, twenty-five years of age and over, elected in accordance with the provisions of this Article and of Article 21 of this Statute, The Trusteeship Council may determine any special qualifications under which residents who are citizens of another State may be eligible for membership.
3. The Legislative Council, during the first ten years after the entry into force of this Statute, unless it is earlier amended, shall consist of forty members. Eighteen of the members shall be elected by the regis-

tered Arab residents of the City, eighteen of the members shall be elected by the registered Jewish residents of the City, one or two members, as may be determined by the Governor according to the number registered in that group shall be elected by the registered residents of the City who are neither Arabs nor Jews, and the remaining members shall be representatives-at-large. Of the eighteen members to be elected by the Arab residents of the City, if, in the opinion of the Governor, it is so desired by the Arab residents either the Moslem or Christian faith, part shall be elected by the Arab residents of the Moslem faith and part shall be elected by the Arab residents of the Christian faith, in such proportion as the Governor shall determine, on the basis of the number of residents in the City of the Moslem and Christian elements respectively of the Arab population. The representatives-at-large shall be elected by all registered residents of the City from a panel of six residents whom the Governor shall nominate from among those who are not registered in either the Arab or Jewish group.

4. The proceedings of the Legislative Council shall not be invalidated by reason of a vacancy in its membership.
5. The legislation of the City may make provisions as to disqualification for election to and membership of the Legislative Council, resulting from loss of legal capacities.
6. The legislation of the City shall provide for the remuneration of the members of the Legislative Council.

Article 21 - Elections to the Legislative Council

1. The members of the Legislative Council shall be elected by residents of the City, twenty-one years of age and over, irrespective of nationality, on the basis of universal and secret suffrage, and proportional representation in each electoral group.
2. The legislation of the City may make provisions as to disqualifications for voting, resulting from loss of legal capacities.

Article 22 - 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 Governor may temporarily prolong the term of the Legislative Council then in existence and shall forthwith report his action to the Trusteeship Council for instructions.
3. If, in the opinion of the Governor, the special objectives of this Statute are being gravely imperilled by the conduct of the Legislative Council, the Governor may temporarily suspend the Legislative Council and shall forthwith report the circumstances to the Trusteeship Council for Instructions. The Trusteeship Council shall either instruct the Governor to revoke forthwith his order for the suspension of the Legislative Council, or maintain the suspension of the Legislative Council for such period as it may deem fit.
4. If, in the opinion of the Trusteeship Council, such action is necessary in order to preserve the special objectives of this Statute, the Trusteeship Council may instruct the Governor to dissolve the Legislative Council.

Article 23 - Legislation and Resolutions

1. Bills and resolutions may be introduced in the Legislative Council by any member thereof.
2. The Governor, or a member of his staff designated by him, may make statements or answer questions before the Legislative Council or may introduce any bill or resolution and may participate without vote in the deliberations of the Legislative Council on the bill or resolution so introduced.
3. A bill adopted by the Legislative Council shall become law only upon approval and promulgation by the Governor except that on the expiration of thirty days after the transmission of a bill to the Governor, if he has by that time neither approved nor disapproved it, he shall promulgate it as a law. The Governor may disapprove a 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.

Article 24 - Legislation by Order of the Governor

1. At any time when there is no Legislative Council for the City or the Legislative Council is suspended, the Governor may legislate for the City by order and any such order shall become law.
2. If the Governor shall consider that it is essential to the normal functioning of the administration (which expression shall, without prejudice to its generality, include the obligations imposed by this Statute and all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer) that any bill or resolution introduced in the Legislative Council should have effect, and if the Legislative Council fail to adopt such a bill or resolution within such time and in such form as the Governor may think reasonable and expedient, the Governor may, at any time in his discretion, notwithstanding any other procedures for legislation set out in this Statute or in the Standing Orders of the Legislative Council, declare that such bill or resolution shall have effect as if it

had been adopted by the Legislative Council, either in the form in which it was so introduced or with such amendments as the Governor shall think fit which have been proposed in the Legislative Council. The said bill shall thereupon become law or the said resolution shall have effect.

3. The Governor shall forthwith report to the Trusteeship Council any action taken by him by virtue of this Article and shall comply with any Instructions of the Trusteeship Council given in relation thereto.

Article 25 - Standing Orders of the Legislative Council

1. The Legislative Council shall adopt such Standing Orders for the conduct of its business as it may deem appropriate: Provided that the Trusteeship Council may revoke any such Order.
2. The Chairman may or may not be a member of the Legislative Council. The Legislative Council shall elect the Chairman by a two-thirds majority of its entire membership: Provided that if the Legislative Council fail to elect a chairman within a period prescribed by the Governor, the Governor shall appoint the chairman.
3. The Governor shall convene the first session of each Legislative Council and may at any time convene an extraordinary session.
4. Subject to the provisions of Article 22 of this Statute, subsequent sessions of the Legislative Council shall be convened in accordance with the Standing Orders of the Legislative Council.
5. The Governor may at any time prorogue, adjourn or dissolve the Legislative Council. He shall dissolve the Legislative Council on Instructions from the Trusteeship Council, as provided for in paragraph 4 of Article 22 of this Statute. In the event of a dissolution of the Legislative Council, new elections shall be held as soon as circumstances are, in the opinion of the Governor, appropriate.
6. Subject to the provisions of Article 22 of this Statute, the Governor shall convene an extraordinary session of the Legislative Council upon the request of not less than twenty-one members.
7. Twenty-one members of the Legislative Council shall form a quorum.
8. Decisions of the Legislative Council shall be taken by a simple majority of those present and voting. Members who abstain from voting shall not be counted as voting.

Article 26 - 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 uttered, 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 in 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 or in order to counteract the effects of such crime, 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 27 - Judicial System

1. There shall be established by legislation an independent judicial system for the City, including a Supreme Court and such subordinate and other courts as may be deemed appropriate. Such legislation shall establish the jurisdiction of the courts, and provide for their organization.
2. All persons within the City shall be subject to the jurisdiction of the City, subject to any immunity for which provision is made in this Statute.
3. The Supreme Court 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 of the Supreme Court and shall be styled Chief Justice. They shall be appointed by, and their appointments shall be terminated only by, the Trusteeship Council.
4. Judicial personnel other than the Chief Justice and the Judges of the Supreme Court shall be appointed and may be suspended or dismissed by the Chief Justice with the approval of the Governor, in accordance with any procedure for which provision may be made in the Instructions of the Trusteeship Council.
5. Subject to the special objectives recited 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 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 28 - Constitutionality of Legislation and Official Action

1. In cases brought before the Courts of the City this Statute shall prevail over any legislation or official action. The Supreme Court shall have original and appellate jurisdiction in all cases involving claims that such legislation or action is incompatible with the provisions of this Statute.

2. In any case in which the Supreme Court decides that any legislation or official action is incompatible with the provisions of this Statute, such legislation or official action shall be void and of no effect.

Article 29 - Access to the City

1. Subject only to the requirements of public order and security, and of public morals and public health, freedom of entry into and of temporary residence in the City shall be ensured to all foreign pilgrims and visitors without distinction as to nationality or faith.
2. Subject only to the requirements of public order and security, and of public morals and public health, and to the requirements of economic welfare as may be determined from time to time by the Governor under Instructions of the Trusteeship Council, citizens and residents of the Arab State and the Jewish State shall at all times be free to enter, visit, reside in and leave the City.
3. Immigration into the City by persons who are not citizens or residents of the Arab State or the Jewish State, and their residence within its borders, shall be controlled by order of the Governor under Instructions of the Trusteeship Council.

Article 30 - Official and Working Languages

Arabic and Hebrew shall be the official and working languages of the City. The working languages of the United Nations shall be recognized as additional working languages, and shall be used on the basis of absolute equality in the administration of the City.

Article 31 - Educational System and Cultural and Benevolent Institutions

1. Education in the City shall be directed to the full physical, intellectual, moral and spiritual development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the combating of the spirit of intolerance and hatred against other nations or racial or religious groups.
2. There shall be maintained in the City an adequate system of primary and secondary education on an equitable basis for the Arab community and for the Jewish community in their respective languages and in accordance with their respective cultural traditions.
3. Subject to such educational requirements of a general nature as the legislation of the City may impose, and to the special objectives recited in the Preamble to this Statute, the right of any community or of any specific group within any community, to maintain its own institutions for the education of its own members in its own language shall not be denied or impaired.
4. Foreign educational establishments shall be permitted in accordance with the legislation of the City: Provided that existing rights shall continue unimpaired.
5. Educational and cultural establishments, charitable institutions and hospitals shall not be liable to any form of taxation from which they were exempt on 29 November 1947.

Article 32 - Economic Matters

1. The City shall be included within the Economic Union of Palestine provided for in Part I, Section D of the Plan, and shall be bound by all stipulations of and all treaties entered into by the Economic Union, as well as by decisions of the Joint Economic Board contemplated in the Plan.
2. In so far as may be consistent with the Economic Union, the City may operate its own central bank, may control its own fiscal and credit policy, its foreign exchange receipts and expenditures and the grant of import licenses, and may conduct international financial operations on its own faith and credit.
3. All economic authority not specifically vested in the Joint Economic Board shall be reserved to the City.
4. The legislation of the City shall safeguard the rights and interests of the inhabitants of the City and, subject to such legislation, the City shall regulate all economic, industrial and commercial 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, their nationals, and companies or associations controlled by their nationals; and shall ensure equal treatment and non-discrimination to them in respect of freedom of transit and navigation, 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.
5. 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 concession holder and the City.

Article 33 - Budgets

1. The Governor shall be responsible for the preparation of the annual and supplementary budgets of the City; and only the Governor or a member of his staff designated 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 34 - Local Autonomy

1. Existing local autonomous units and such new local autonomous units as may be created in accordance with the legislation of the City shall enjoy wide powers of local government and administration in accordance with the legislation of the City.
2. The Governor shall study, and submit for the consideration and decision of the Trusteeship Council, a plan for the establishment of special town units consisting, respectively, of the Arab and Jewish sections of new Jerusalem. He may in addition include in his plan proposals for one or more mixed town units. The new town units shall continue to form part of the present municipality of Jerusalem, subject to such modifications of the boundaries of the municipality as may be made from time to time.
3. Any plan approved by the Trusteeship Council in accordance with the provisions of paragraph 2 of this article shall not be subsequently altered or amended except with the approval of the Trusteeship Council.

Article 35 - External Affairs

1. Subject to the provisions of this Statute, and to any Instructions of the Trusteeship Council, the Governor shall conduct the external affairs of the City.
2. The Trusteeship Council, and the Governor to the extent that he is given general or special authority so to do by the Trusteeship Council, shall make arrangements by means of special international agreements or otherwise for the protection abroad of the interests of the City and of its citizens.
3. The Governor shall accredit representatives to the Arab State and to the Jewish State for the protection of the interests of the City and its citizens in those States.
4. Representatives of the Arab State and of the Jewish State, charged with the protection of the interests of the respective States and of their citizens in connection with the international administration of the City, may be accredited to the Governor. Representatives may be accredited to the Governor by any other State if he so permits. All such representatives shall enjoy privileges and immunities no less than those accorded on 29 November 1947 to the representatives in Palestine of foreign powers.
5. The Governor, on behalf of the City, may sign treaties which are consistent with this Statute and with the regime of Economic Union provided for in the Plan.
6. The Governor shall adhere on behalf of the City 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 recited in the Preamble to this Statute.
7. Such international undertakings entered into by the Governor shall be subject to ratification by the Trusteeship Council, unless the Trusteeship Council should decide otherwise in any particular case or class of cases. The Governor shall inform the Legislative Council when it is in session concerning such international undertakings.
8. To the extent that they may be applicable to it, the City shall be bound by all international undertakings, both general and particular to which Palestine was a party on the date of the entry into force of this Statute. Subject to any right of denunciation provided for there, such international undertakings shall be respected by the City throughout the period for which they were concluded.
9. Any dispute about the applicability and continued validity of any such international undertakings shall be referred to the Trusteeship Council, which may refer it to the International Court of Justice for an advisory opinion in accordance with the provisions of the Statute of the Court.
10. Foreign powers shall enjoy immunities no less than those in force in Palestine on 29 November 1947, in respect of their property within the City.

Article 36 - Holy Places, Religious Buildings and Sites Within the City

1. The protection of the Holy Places, religious buildings and sites within the City shall be the special concern of the Governor.
2. 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 a Holy Place, religious building or site for the purposes of this Statute, the Governor shall decide. 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 any religious communities or within any religious community in connection with any Holy Place, religious buildings 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 think fit, be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

4. A decision of the Governor under paragraphs 2 or 3 of this Article shall not be called in question in any court. No court shall have jurisdiction to determine any such questions as is mentioned in the said paragraphs, and, if any such question shall arise in any proceeding in any court, the court shall refer it to the Governor for decision.
5. If at any time it appears to the Governor 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 community concerned to carry out such repair. If the repair is not carried out, or is not completed within a reasonable time, the Governor may himself carry out or complete the repair and his 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 exempt 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 by order that:
 - (a) decisions of the Governor under paragraphs 2 and 3 of this article are carried into effect and provision is made for the method of recovery of sums recoverable by virtue of paragraph 5 of this article;
 - (b) existing rights in respect of Holy Places, religious buildings and sites are not denied or impaired;
 - (c) subject to the requirements of public order, decorum and public health, free access to the Holy Places, religious buildings and sites and free exercise of worship therein are secured in conformity with existing rights;
 - (d) the Holy Places, religious buildings and sites are preserved;
 - (e) no act is committed which may in any way impair the sacred character of the Holy Places, religious buildings or sites;
 - (f) generally that the provisions of this article, and the special objectives of the United Nations recited in the preamble to this Statute insofar as they relate to the Holy Places, religious buildings and sites, are carried into effect.
8. An order under paragraph 7 of this article may contain penal provisions.
9. An order under paragraph 7 of this article shall have effect notwithstanding anything to the contrary in any legislation of the City.
10. The Governor shall transmit a copy of every order made under paragraph 7 of this article to the Trusteeship Council as soon as practicable and the Trusteeship Council may give such Instructions to the Governor in relation thereto as it may think fit.

Article 37 - Responsibilities of the Governor for Holy Places, Religious Buildings and Sites in the Arab State and the Jewish State

1. In accordance with the Plan, the Governor shall determine whether the provisions of the constitutions of the Arab State and Jewish State in relation to the Holy Places, religious buildings and sites, within the borders of those States, and the religious rights appertaining thereto, are being properly applied and respected.
2. The Governor shall seek full co-operation and such privileges and immunities as are necessary for the performance of his duties in the Arab State and the Jewish State.
3. The Governor shall negotiate with the two States in order to establish a permanent body, of which his representatives should be members, to supervise the Holy Places, religious buildings and sites.
4. If the Governor considers that the aforesaid constitutional provisions are not being correctly applied and observed, he may make recommendations to the States, in virtue of the responsibilities entrusted to him by the trusteeship Council in accordance with the recommendations of the General Assembly.
5. The Governor shall inform the Trusteeship Council if his competence to decide disputes arising between any religious communities or within any religious community in connection with any Holy Place, religious building or site is contested, or if his decisions or recommendations are not carried out, or if he does not receive full co-operation from the State or States concerned, or if he is not granted the necessary privileges and immunities for the performance of his duties.

Article 38 - Protection of Antiquities

The legislation of the City shall provide for the protection of the antiquities of the City of Jerusalem.

Article 39 - Entry into Force of the Statute

This Statute shall come into force 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.

Article 40 - Continuity of Existing Legislation

All legislation in force in Palestine on the day preceding the entry into force of this Statute, in so far as it is applicable to the City on that day and is not inconsistent with the provisions of this Statute, shall continue to apply to the city, with such modifications as may be required by reason of the establishment of the Special International Regime, until such time as it may be amended or revoked by other legislation of the City.

Article 41 - First Elections to the Legislative Council

The first elections to the Legislative Council shall be held as seen after the entry into force of this Statute as the Governor shall deem appropriate. These elections shall be conducted, in such manner as shall be provided by order of the Governor, in accordance with Articles 20 and 21 of this Statute.

Article 42 - Capitulations

States 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 to the re-establishment of such privileges and immunities in the City. Any privileges and immunities which may be retained, shall be respected by the City.

Article 43 - Definitions and Interpretation

In this Statute unless the contrary is stated or the context otherwise requires:

- (a) "Arab State" and "Jewish State" mean the Arab State and Jewish State respectively for which provision is made in the Plan; "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; "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;
- (b) words importing the plural or the singular may be construed as referring to one person or matter or to more than one person or matter;
- (c) 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;
- (d) 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;
- (e) 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 44 - 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 shall find it necessary to undertake a re-examination of its provisions at an earlier date, in which case the Trusteeship Council shall make such modifications of its provisions as shall seem necessary.
2. At the end of the ten year period denoted in paragraph 1 of this article the whole Statute 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 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 procedures by which this referendum shall be conducted.



**LETTER FROM THE UN SECRETARY-GENERAL TO THE PRESIDENT OF THE
UN GENERAL ASSEMBLY CONCERNING THE DRAFT STATUTE FOR JERUSALEM
(DOCUMENT A/541), NEW YORK, 21 APRIL 1948**

I have the honour to transmit to you a resolution adopted by the Trusteeship Council on 21 April 1948, concerning its responsibilities with regard to the proposed Statute for the City of Jerusalem together with a copy of the draft Statute which has been elaborated by the Trusteeship Council.

The text of the resolution is as follows:

"Whereas the General Assembly by its resolution of 29 November 1947 requested the Trusteeship Council to elaborate and approve a detailed Statute for the City of Jerusalem within five months of the date of passage, that is to say, by 29 April 1948,

"The Trusteeship Council,

"Taking note of the resolutions adopted by the Security Council concerning the future government of Palestine dated 5 March 1948, and the convocation of the special session of the General Assembly for the purpose of considering further 'the future government of Palestine',

"Transmits to the General Assembly for its information, together with a copy of the draft Statute for the City of Jerusalem (T/118/Rev.2¹), the following resolution adopted by the Trusteeship Council on 10 March 1948:

'The Trusteeship Council,

'Having been directed by the General Assembly, in accordance with Section C of Part III of the Plan of Partition with Economic Union (A/516), to elaborate and approve a detailed Statute for the City of Jerusalem within five months from the adoption by the General Assembly of its resolution on the future government of Palestine; and

'Having completed its discussion on the draft Statute,

'Decides that the Statute is now in satisfactory form and agrees that the question of its formal approval, together with the appointment of a governor of the City, shall be taken up at a subsequent meeting to be held not later than one week before 29 April 1948'; and

"Refers the matter to the General Assembly for such further instructions as the General Assembly may see fit to give."

(Signed) Trygve Lie
Secretary-General



**UN GENERAL ASSEMBLY RESOLUTION 185 (S-2) CONCERNING THE PROTECTION
OF THE CITY OF JERUSALEM AND ITS INHABITANTS: REFERENCE TO THE
TRUSTEESHIP COUNCIL, 26 APRIL 1948**

[UNGA Res. 185, 186 and 187 of 1948 all sought to ensure the protection of the inhabitants and Holy Places of Jerusalem. However, before any of these were implemented, the city was divided between Israel and Jordan].

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.



**REPORT OF THE UN TRUSTEESHIP COUNCIL ON THE PROTECTION
OF THE CITY OF JERUSALEM AND ITS INHABITANTS,
UN GENERAL ASSEMBLY (DOCUMENT A/544), 5 MAY 1948**

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.

¹ See *Official Records of the Trusteeship Council* Second Session: Third Part, Annex.

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 here above 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.



**UN GENERAL ASSEMBLY RESOLUTION 187 (S-2) CONCERNING THE PROTECTION
OF THE CITY OF JERUSALEM AND ITS INHABITANTS: APPOINTMENT OF A SPECIAL
MUNICIPAL COMMISSIONER, 6 MAY 1948**

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 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 report 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.



**UN GENERAL ASSEMBLY, FIRST COMMITTEE, FURTHER CONSIDERATION
OF THE QUESTION OF THE FUTURE GOVERNMENT OF PALESTINE,
REPORT OF SUB-COMMITTEE 10, 13 MAY 1948**

[Report of various proposals on administration and status of Jerusalem]

On several occasions the General Assembly's attention has been drawn to the importance of the problem of Jerusalem in the Palestine question. A great number of the religious buildings and sites in Palestine are concentrated in the city of Jerusalem or its immediate vicinity. The Holy City is a symbol of the highest significance to the faithful adherents throughout the world of three great religions, Judaism, Muhammadanism and Christianity. The question of Jerusalem is not therefore a purely material or local question; it is of great spiritual and universal significance.

These circumstances explain the fact that on 23 April the First Committee adopted a French proposal amended by Sweden (A/C.1/281 dated 23 April) in which it asked the Trusteeship Council to study in consultation with the Mandatory Power and the interested parties suitable measures for the protection of the City and its inhabitants. The Trusteeship Council as a result held several meetings and on 5 May submitted its report to the Assembly (A/544 of 5 May). The main feature of this report was the recommendation, adopted at the suggestion of Great Britain, that the Mandatory Power should appoint a neutral Municipal Commissioner for Jerusalem acceptable to both Arabs and Jews.

The Assembly adopted the resolution proposed in the Trusteeship Council's report (A/545 dated 6 May). But at the same time it adopted an Australian resolution which requested the First Committee to study the supplementary measures which could be taken for Jerusalem. It was in virtue of these terms of reference that the First Committee on 11 May appointed Sub-Committee 10 to make preparations for carrying them out. It also decided that this Sub-Committee should include the members of the Trusteeship Council and also the representatives of Brazil, Iran and Sweden.

Sub-Committee 10 held six meetings. It appointed the representative of Sweden as Chairman, the representative of Iran as Vice-Chairman and the representative of France as Rapporteur.

Two important documents were placed before it. In document A/C.1/SC.10/2 of 12 May, the United Kingdom representative informed the Sub-Committee of an order of the municipal government of Jerusalem dated 11 May by which the Jerusalem Municipal Commissioner to be nominated by the High Commissioner or by the United Nations might take any action and give any directions which in his discretion he deemed appropriate for the administration of Jerusalem.

For their part, the representatives of the United States and France presented a joint proposal for a temporary international regime for Jerusalem based on Chapter XII of the Charter (A/C.1/SC.10/1 of 11 May). The central idea of this proposal was to entrust the protection of Jerusalem and its inhabitants temporarily to the responsibility of a United Nations Commissioner nominated by the United Nations and placed under the supreme authority of the Trusteeship Council.

The Sub-Committee discussed this document at length. First in a general discussion the representatives exchanged their points of view on the principle of the proposal; later they heard representatives of the Jewish Agency and the Arab Higher Committee.

The Franco-American proposal was then examined by the Sub-Committee article by article. A number of amendments were proposed and in general accepted by the authors of the plan. The two most important ones were the following: the Mexican delegate proposed that express mention be made of the fundamental human freedoms necessary under the special system; wording to this effect was incorporated in Article 7 of the revised text (A/C.1/SC.10/1/Rev.1 of 12 May); in addition, to accommodate both the point of view of the United Kingdom and that of the Trusteeship Council's report previously adopted by the Assembly, a paragraph (2) was inserted in Article 4 specifying that "the Jerusalem Municipal Commissioner, appointed in accordance with the recommendation of the General Assembly of 6 May 1948, should continue to exercise his functions under the authority of the United Nations Commissioner".

The text of the Franco-American proposal, revised in this form, was submitted to the Sub-Committee on the morning of 13 May and discussed at length for a second time article by article.

To meet the concern expressed by the United Kingdom representative the United States representative added an article on the financial implications of the proposal. A number of other amendments having been introduced at the request of other delegates, a vote was taken on the revised document.

The voting was as follows: For: 8 Against: 2 Abstentions: 4

Sub-Committee 10 therefore recommends to the First Committee the adoption of the following resolution for the Temporary Administration of Jerusalem:

THE TEMPORARY ADMINISTRATION OF JERUSALEM

Whereas the territory known as Palestine has been administered by the Government of the United Kingdom under a mandate assigned by the Principal Allied Powers and confirmed by the Council of the League of Nations; and

Whereas Jerusalem as hereinafter defined contains many holy Places sacred to Christians, Jews and Moslems alike; and

Whereas the Mandate will be terminated on 15 May 1948; and

Whereas it is imperative that pending a final settlement of the Palestine problem Jerusalem be protected; and

Whereas Chapter XII of the Charter authorizes and empowers the United Nations to exercise such temporary authority;

Now Therefore the General Assembly of the United Nations hereby decides that temporary authority in Jerusalem shall from 15 May 1948 be exercised in accordance with the terms of the following Articles;

Article 1

The "town planning area" of Jerusalem as defined under the Town Planning Ordinance No. 28 of 1936, and hereinafter referred to as Jerusalem is hereby placed temporarily under the authority of the United Nations.

Article 2

The United Nations is hereby as the administering authority for Jerusalem. The Trusteeship Council, operating under the authority of the General Assembly, shall exercise the functions of the administering authority.

Article 3

The administering authority shall have full powers of administration, legislation, and jurisdiction over Jerusalem which shall be exercised through the agency of the government of Jerusalem as hereinafter provided.

Article 4

1. The Government of Jerusalem shall consist of a United Nations commissioner and such officers as may be appointed by him or by the United Nations assisted to the fullest extent possible by such organs of self-government as in the opinion of the United Nations Commissioner will meet with cooperation from the various communities of Jerusalem.
2. The Jerusalem Municipal Commissioner, appointed in accordance with the recommendation of the General Assembly of 6 May 1948, shall continue to exercise his functions under the authority of the United Nations Commissioner.
3. The United Nations Commissioner shall be appointed by and may be removed by the Trusteeship Council.

4. The United Nations Commissioner shall be subject to the instructions of the Trusteeship Council. He is hereby invested with full powers to administer Jerusalem in accordance with the provisions of these articles and the terms of the charter of the United Nations.

Article 5

1. The United Nations commissioner shall be responsible for the organization and direction of a police force necessary for the maintenance of internal law and order, which may be recruited from within or from outside Jerusalem.
2. Pending the organization of the force provided for in paragraph 1 of this Article, the Trusteeship Council shall take such steps as may be appropriate for the maintenance of internal law and order.

Article 6

1. The territorial integrity of Jerusalem and its status as defined in these articles shall be assured by the United Nations.
2. The United Nations Commissioner may organize volunteer forces from among the inhabitants of Jerusalem to provide for local defense and to assist in the maintenance of internal law and order.
3. In the event that the United Nations commissioner is unable, though the use of the force provided in Article 5 or the force provided in paragraph 2 of this Article, to maintain the territorial integrity of Jerusalem against an act or threat of aggression, he shall request the Secretary-General to bring the matter to the immediate attention of the Security Council.
4. The United Nations Commissioner shall make the necessary arrangements to ensure free access to Jerusalem for persons, foodstuffs and other essential supplies, and the maintenance of the water supply and other essential services.

Article 7

1. all persons within Jerusalem 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, and petition (including petition to the Trusteeship Council).
2. No discrimination of any kind on grounds of race, religion, language or sex shall be made against any person within Jerusalem.

Article 8

1. The United Nations Commissioner shall, under the authority of the Trusteeship Council, assure the protection of and free access to the Holy Places, religious buildings and sites within Jerusalem, as well as of educational and cultural establishments and charitable institutions and hospitals, the rights of which will be maintained as they were before the termination of the Mandate.
2. Subject only to the requirements of public order and security and of public morals and public health, the United Nations Commissioner shall ensure freedom of entry into and of temporary residence in, Jerusalem to all pilgrims without any distinction as to nationality or faith.

Article 9

The temporary authority of the United Nations in Jerusalem shall be exercised in accordance with Article 76 of the charter and be without prejudice to the rights, claims or position of the parties concerned in Jerusalem or to the final settlement of the Palestine problem.

Article 10

1. The Trusteeship Council shall immediately make plans for the raising of revenues for Jerusalem
2. Expenditures for Jerusalem shall be covered as far as possible by local revenues, provided that the salary and employment's of the United Nations commissioner, and such other officers as may be appointed by the Trusteeship Council, shall be paid from a special United Nations operational budget. In addition, the cost of maintaining the police who may be recruited from outside Jerusalem, if not covered by local revenues, shall be provided for by means to be determined by the Trusteeship Council. Such funds as are deemed by the United Nations commissioner and the Trusteeship Council essential to accomplish the provisions of this arrangement and which cannot be raised by the Government of Jerusalem, shall be provided by the United Nations, either through subsidies or through loans repayable from future revenues of Jerusalem.

Article 11

In accordance with Article 2, paragraph 5 of the Charter, all Members shall give the administering authority every assistance in making these Articles effective.

Article 12

This special arrangement shall terminate upon 30 December 1949 unless otherwise determined by the General Assembly.



**UN SECURITY COUNCIL RESOLUTION 49 CALLING FOR A TRUCE,
22 MAY 1948 [EXCERPTS]**

The Security Council,

Taking into consideration that previous resolutions of the Security Council in respect to Palestine have not been complied with and that military operations are taking place in Palestine,

1. *Calls upon* all Governments and authorities, without prejudice to the rights, claims or position of the parties concerned, to abstain from any hostile military action in Palestine and to that end to issue a cease-fire order to their military and para-military forces to become effective within thirty-six hours after midnight New York Standard Time, 22 May 1948;
2. *Calls upon* the Truce Commission and upon all parties concerned to give the highest priority to the negotiation and maintenance of a truce in the City of Jerusalem; [...]



**TELEGRAM FROM THE DEPUTY MUNICIPAL COMMISSIONER FOR JERUSALEM,
PABLO DE AZCARATE, TO THE UN SECRETARY-GENERAL, 27 MAY 1948**

[Telegram on the situation in Jerusalem; Dr. Azcarate served as Deputy Municipal Commissioner pending the arrival of Mr. Harold Evans]

The situation inside Jerusalem continues. Present difficulties and great risks make practically impossible the normal functioning of municipal authority in the whole city. In view of this situation and the fact that our officers and place residents are located inside the Jewish frontlines, I arranged with the Arab authorities, on the occasion of my visit to the Old City when returning from Amman, to have at my disposal a lodging and office in the Old City. My idea was to divide my time between the two parts of the city. Unfortunately this arrangement was made impracticable for the time being owing to the fact that the only place where it was formerly possible to cross the lines is now impassable because of the increased fighting.

Now the only way to the Old City would be to take part of Government House under the Red Cross and then walk cross-country more than one mile under Arab escort while in the Old City. I had occasion to refer to foregoing and took opportunity as deputy municipal commissioner to meet Arab authorities and visit most important hospital. I also called the Latin Patriarch and accepted hospitality for the night. The fighting prevented me from calling on Greek Orthodox and Armenian patriarchs. On Friday, May 21, I visited two hospitals in the Jewish district and places particularly affected by bombardment. Except for the zone near the firing line, there was no great damage and the general aspect of the town was normal. The Jewish de facto municipality, which is keeping the municipal services working as much as circumstances permit, was told that the water supply is secure for 70 days. Electricity supply with works still triple. The consular flag is protected reasonably regularly. Concerning the Jerusalem water supply, I sent a second message yesterday to King Abdullah in my capacity as deputy municipal commissioner asking him to give orders making it possible to repair pipelines.

I understand from reliable sources, that my appeal is being considered by Arab authorities at the same time they are discussing the present Security Council call for cease-fire. Tomorrow, 26 May, there will be a morning meeting of the municipal authorities of the Jewish city.

Azcarate



**UN SECURITY COUNCIL RESOLUTION 50 CALLING FOR A TRUCE, 29 MAY 1948
[EXCERPTS]**

[Resolution calling for cessation of fighting and protection of Holy Places]

The Security Council,

Desiring to bring about a cessation of hostilities in Palestine without prejudice to the rights, claims and position of either Arabs or Jews,

1. *Calls upon* all Governments and authorities concerned to order a cessation of all acts of armed force for a period of four weeks; [...]
5. *Urges* all Governments and authorities concerned to take every possible precaution for the protection of the Holy Places and of the City of Jerusalem, 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;
6. *Instructs* the United Nations Mediator in Palestine, 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; [...].



**STATEMENT BY JERUSALEM MUNICIPAL COMMISSIONER, HAROLD EVANS,
ON HIS LEAVING JERUSALEM, 21 JUNE 1948**

In view of the present situation in Jerusalem under the truce and the fact that the problem of the future status of the City is now under consideration by the Mediator, the Municipal Commissioner is of the opinion that no useful purpose will be served by taking up his duties in the Holy City at this time. It is his belief that the fundamental purposes of peace and reconciliation in Jerusalem which prompted him to accept the appointment as Municipal Commissioner can be best achieved during this period by giving the Mediator a free hand to deal with the problem. The problem of Jerusalem is a part of the general Palestine settlement. The Commissioner therefore has recommended that he return to the United States. The Secretary-General of the United Nations has concurred in this recommendation and the Municipal Commissioner will leave Cairo within the next few days.



**PROPOSALS OF UN MEDIATOR COUNT FOLKE BERNADOTTE ON JERUSALEM,
28 JUNE 1948 [EXCERPTS]**

[In his initial suggestions Bernadotte proposed that Jerusalem become part of an Arab state in Palestine. In his later report he recommended that it be demilitarized and internationalized.]

A. BERNADOTTE'S SUGGESTIONS TO THE PARTIES OF JUNE 28, 1948

Part III. Annex to the Suggestions: Territorial Matters.

[...] 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
4. arrangements for the protection of the Holy Places.
5. Consideration of the status of Jaffa.
6. Establishment of a free port at Haifa, the area of the free port to include the refineries and terminals.
7. Establishment of a free airport at Lydda.

B. BERNADOTTE'S PROGRESS REPORT, RECOMMENDATIONS FOR DEMILITARIZATION AND INTERNATIONALIZATION

VII ... 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 order. The Church of the Holy Sepulchre has been hit once, with not 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.

VIII. SPECIFIC CONCLUSIONS

[...]

- (g) The City of Jerusalem, which should be understood as covering the area defined in the resolution of the General Assembly of 29th 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.



LETTER FROM UN MEDIATOR COUNT FOLKE BERNADOTTE TO THE FOREIGN MINISTER OF THE PROVISIONAL GOVERNMENT OF ISRAEL, 6 JULY 1948 [EXCERPTS]

[For the letter sent by Israel's FM on 5 July 1948, see Vol. II: Israeli Documents]

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.

[...]

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. [...]



AGREEMENT FOR THE DEMILITARISATION OF THE MOUNT SCOPUS AREA, 7 JULY 1948

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 therewith.
2. There shall be a no-man's-land location extending for approximately 200 yards along the main road between the August 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 needs 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.

Signatories: Jean Nieuwenhuys (*Chairman, UN Truce Commission*), Lash (*Arab Military Commander*), Shaltile (*Jewish Military Commander for Provisional Government, State of Israel*), Nils Brunsson (*Senior Observer, Mediator's Jerusalem Group, United Nations*).



**TELEGRAM FROM UN MEDIATOR COUNT FOLKE BERNADOTTE TO THE
UN SECRETARY-GENERAL CONCERNING THE ARAB AND JEWISH REPLIES
TO HIS PROPOSAL FOR THE PROLONGATION OF THE TRUCE, 8 JULY 1948**

The replies from the Arab and Jewish representatives have been received, the Jewish replies were handed to me by Mr. Shertok in Tel Aviv yesterday afternoon 7 July, the Arab replies, the full text of which have not been received, were cabled to me at Haifa in paraphrase by my representative in Cairo who received them early this morning from Azzam Pasha.

These replies related to the following questions:

1. The prolongation of the Truce.
2. A temporary cease fire in Jerusalem as a means of concluding arrangements for the demilitarization of that city.
3. The demilitarization of the Haifa refineries, terminals and port area.

The Jewish reply agreed to a prolongation of the Truce for a period of thirty days from 6 a.m. GMT on Friday, 9 July on the understanding that the conditions of the prolonged Truce would be substantially the same as those governing the existing one.

The Arab reply, the translated text of which has not been received, states that the Arabs are not prepared to accept a prolongation of the Truce under present conditions in view of their experience of the past four weeks.

A request had also been presented to the parties that, in the event there was no agreement on the prolongation of the Truce, a three-day extension would be granted in order to facilitate the evacuation of the UN observers and their equipment. The Jewish reply accepted this proposal, the Arab reply makes no specific reference to it and it is apparently rejected. Despite this apparent rejection of the three-day extension, however all necessary steps are being immediately taken for the safe evacuation of all UN observers and personnel and their equipment.

As regards the demilitarization of Jerusalem the Jewish reply has indicated a willingness to discuss this proposal and to accept an immediate cease fire in Jerusalem in order that a final decision might be reached on demilitarization since the precise meaning of the Arab reply to the proposal is not clear, a request has been made for clarification. I have also informed the Arab representatives of my willingness to meet with them in Cairo on Saturday to discuss a temporary cease fire in the whole city of Jerusalem looking toward further discussions concerning its demilitarization. I have also informed Mr. Shertok by telephone of my desire to carry on similar discussions in Tel Aviv.

As regards the Haifa proposal the replies of the two parties are divergent as to indicate that there is no prospect of an agreement of this proposal.

I am disappointed that hostilities are to be resumed in Palestine since it appears quite impossible for me to obtain agreement of the two parties not to resume hostilities. I will now concentrate my efforts during the next few days on obtaining a cease fire in Jerusalem and its ultimate demilitarization. I will do my utmost to save Jerusalem and the Holy places from further destruction.

It is my intention to make a full report to the Security Council at a very early date. I do not consider my mission as Mediator to be at an end as a result of this temporary set back. I will continue to work on the task assigned to me by the May 14th resolution of the General Assembly with a view to attaining at the earliest possible day a peaceful adjustment of the future situation of Palestine".



**UN SECURITY COUNCIL RESOLUTION 54 CALLING FOR A CEASEFIRE
IN JERUSALEM, 15 JULY 1948**

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 53 (1948) of 7 July 1948, for the prolongation of the truce in Palestine; and that there has consequently developed a renewal of hostilities in Palestine,

1. *Determines* that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter of the United Nations;
2. *Orders* the Governments and authorities concerned, pursuant to Article 40 of the Charter, to desist from further military action and to this end to issue cease-fire orders to their military and paramilitary 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;
3. *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;
4. *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 resolution 50 (1948) adopted by the Security Council on 29 May 1948;
5. *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;
6. *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 an access to the Holy Places, religious buildings and sites in Palestine;
7. *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;
8. *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 resolution 50 (1948) of 29 May 1948, until a peaceful adjustment of the future situation of Palestine is reached;
9. *Reiterates* the appeal to the parties contained in the last paragraph of its resolution 49 (1948) of 22 May 1948 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;
10. *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 General Assembly resolution 186 (S-2) of 14 May 1948 and under this resolution;

11. *Requests* that the Secretary-General make appropriate arrangements to provide necessary funds to meet the obligations arising from this resolution.

*[Adopted at the 338th meeting by 7 votes to 1 (Syria), with 3 abstentions
(Argentina, Ukrainian Soviet Socialist Republic, USSR).]*



**CABLEGRAM FROM UN MEDIATOR COUNT DE FOLKE BERNADOTTE
TO THE UN SECRETARY-GENERAL CONCERNING THE OBSERVANCE
OF THE TRUCE IN JERUSALEM, 12 AUGUST 1948**

For President of Security Council:

In my telegram M221 (document S/955), I express anxiety about non-observance of the "unconditional" cease-fire in Jerusalem. The arrival of additional contingents of observers now permits me to take more effective supervisory measures. I visited Jerusalem from 9 to 11 August. After conferring with the Truce Commission and United Nations observers on the spot, I delivered 10 August to Commander-in-Chief Arab forces in Jerusalem and to the Military Governor of the Jewish part of Jerusalem identical notes reading as follows:

"The Arab and Jewish military authorities in Jerusalem are aware of the fact that in disregard of the truce ordered by the Security Council, sporadic firing by rifles, automatic weapons, mortars and guns has not ceased.

"It is impossible to believe that all this military activity is entirely attributable to irregulars. It is also impossible to consider that the command of regular forces is not in a position to put an end to such activities if it so desires.

"As Mediator entrusted with the supervision of the execution of the truce, must remind all Arab and Jewish authorities that they are responsible for applying in their respective areas the truce accepted by the Governments and authorities and which implies the suppression of sniping and other activities whether of regular or irregular forces.

"Up to now the observers put at my disposal for the supervision of the truce in Palestine and in neighbouring countries were too few to allow me to allocate a sufficient number of observers to the Jerusalem area.

"The arrival this week of additional contingents of American and French observers permits me to assign as from today to the Jerusalem area some fifty observers, which number, if necessary, may be increased.

"They have been instructed to observe all activities contrary to the truce, to assist the local commanders in terminating such activities and, if necessary, to report to the Chief of the Military Staff of the Mediator with a view to investigation calculated to assess responsibilities.

"If the situation in Jerusalem does not improve it will be necessary to bring it to the attention of the Security Council which is empowered to take effective action with regard to violations of the truce."

On 11 August after a night on which firing has been particularly heavy, I forwarded to the same Arab and Jewish military authorities a note reading as follows:

"Pursuant to the note I delivered to you yesterday and to the exchange of views which followed at your headquarters, I have the honour to address to you the following communication, which is also sent to the other party:

1. No party can expect to profit by the sporadic firing by rifles, automatic weapons, mortars and guns which has been continuing in disregard of the truce. There are status quo lines known to United Nations observers which no sporadic fighting can alter. Such fighting can only be explained by nervousness and by the present unsatisfactory fact that firing by one side is answered by the other whether this is necessary or not.
2. An end must be put to this unreasonable state of affairs. Orders given at whatever level automatically to return self-defence must be limited to real self-defence and not extended to unnecessary exchange of shots.
3. As a demonstration of the good-will of both parties to co-operate in putting an end to sporadic and indiscriminate firing, I request that the Command of the Israeli Army and the Command of the Arab Legion in Jerusalem should agree to the following order:

"Firing of any kind even in answer to firing by the other party shall be forbidden as from Friday, 13 August, at 4 a.m. Arab time (6 a.m. Jewish time). (The above date has been chosen in order to give time to dispose the fifty observers assigned to the Jerusalem area.)

1. United Nations observers shall supervise the execution of the orders given by both parties. In a case of emergency they may also relieve an attacked party from the obligation to continue to comply with such orders.
2. The orders given in accordance with 3 above shall be valid for an indefinite period. Should one of the parties consider that it is not in a position to comply any further with the above request of the Mediator, it shall inform the representative of the Mediator in Jerusalem, who, if he does not succeed in persuading the parties to prolong the agreement, shall report to the Mediator.
3. Both parties are invited to notify to the representative of the Mediator in Jerusalem, General W.E. Riley, before Thursday, 5 p.m. Arab time (7 p.m. Jewish time) whether they agree to give the orders envisaged under 3 above. If the agreement of both parties is secured, the representative of the Mediator shall take all necessary measures for supervision by United Nations observers."

I attach the greatest importance to the request contained in this note, which has now been accepted by the Arabs. The Jewish reply is expected tomorrow. Should the request not be complied with by one party after it has been accepted, responsibilities will be easier to assess. It results from impartial reports that the Jews have generally speaking though not on all occasions been the more aggressive party since the renewal of the truce. Reports received from United Nations observers concerning last night's firing support this appreciation, since firing began from the Jewish side.

In the question of the supply of water for Jerusalem I have decided that repair work should start immediately in the presence of United Nations observers at the pumping station of Latrun, which is now in United Nations hands. Such repair is expected to take two days; and after I visited it this morning, I made the following decisions which I strongly expect will be accepted by the Provisional Government of Israel, to which it has been communicated:

"I have today visited this area in order to reach a final decision regarding the above question.

"My observers have given me sufficient proof that the Jewish positions by Ajanjul and on the ridges northwest of this village commanding the road from Beit Siaa over Seit Nuba towards Latrun were occupied by Jewish forces after the beginning of the truce and that these positions have since then been fortified. As a result of the occupation the Arab inhabitants of the villages Ajanjul and Bujeiriya have fled and are now stationed in Beit Nuba.

"Consequently my decision is as follows:

- a. As from Thursday, 12 August 1948, the Jewish lines should be withdrawn to the line Al Burj Kh Dir at Tawil Kh Umm as Sur Salbit and the forward position executed. In consequence of this, the area east of the line to the Latrun Ramallah road will become a no-man's land.
- b. The Arab inhabitants of the villages Ajanjul and Buweiriya will then return to their homes unarmed.
- c. If necessary detailed arrangements shall be made in collaboration between representatives of the Israeli Army and United Nations observers."

I have as yet nothing further to report on demilitarization of Jerusalem except the fact that the Arabs have submitted suggestions accepting demilitarization in principle. No suggestions have as yet been received from the Jews, but negotiations will continue.

I must inform the Security Council that I am leaving on 12 August for Stockholm for one or two weeks to attend the International Red Cross Conference. A few officials of the United Nations Secretariat will remain at Rhodes in contact with both me and with my headquarters for the supervision of the truce at Haifa. I shall be daily informed of developments and I am ready at any time, if necessary, to fly back to the Near East.

Count Folke Bernadotte



CABLEGRAM FROM UN MEDIATOR COUNT FOLKE BERNADOTTE TO THE UN SECRETARY-GENERAL CONCERNING DEMILITARIZATION OF JERUSALEM, 19 AUGUST 1948

For President of Security Council:

I wish to submit to the Security Council before it adjoins the following Interim Report regarding demilitarization of Jerusalem.

Resolution 15 July instructed Mediator continue his efforts bring about demilitarization of Jerusalem. As soon as I returned to the area from New York I personally initiated discussion on matter urging parties to agree on demilitarization. Negotiations are proceeding in Jerusalem between my representatives and Arab and Jewish authorities separately. In a draft proposal submitted to me on 11 August, Arabs fully accept principle of demilitarization though putting conditions. Jewish authorities although had initially stated that they did not exclude demilitarization, they have not shown in fact readiness to accept principle. In my opinion this is due more to political reasons relating future status of Jerusalem than to mere military considerations regarding present conflict. Besides even if both parties were to agree on issue, demilitarization could not be put into effect without strong and 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 near future.

Count Folke Bernadotte



**UN SECURITY COUNCIL RESOLUTION 56 REGARDING THE TRUCE
IN JERUSALEM, 19 AUGUST 1948**

The Security Council,

Taking into account communications from the Mediator concerning the situation in Jerusalem,

1. *Directs the attention* of the Governments and authorities concerned to its resolution 54 (1948) of 15 July 1948;
2. *Decides* pursuant to its resolution 54 (1948), and so informs the Governments and authorities concerned, that:
 - a. Each party is responsible for the actions of both regular and irregular forces operating under its authority or in territory under its control;
 - b. Each party has the obligation to use all means at its disposal to prevent action violating the truce by individuals or groups who are subject to its authority or who are in territory under its control;
 - c. Each party has the obligation to bring to speedy trial, and in case of conviction to punishment, any and all persons within their jurisdiction who are involved in a breach of the truce;
 - d. No party is permitted to violate the truce on the ground that it is undertaking reprisals or retaliations against the other party;
 - e. No party is entitled to gain military or political advantage through violation of the truce.



**PROGRESS REPORT OF UN MEDIATOR COUNT FOLKE BERNADOTTE ON PALESTINE
SUBMITTED TO THE UN SECRETARY-GENERAL FOR TRANSMISSION TO THE MEMBERS
OF THE UN IN PURSUANCE OF PARAGRAPH 2, PART II, OF UN GENERAL ASSEMBLY
RESOLUTION 186 (S-2) OF 14 MAY 1948, 16 SEPTEMBER 1948 [EXCERPTS]**

PART ONE: THE MEDIATION EFFORT [...]

II. THE BASIC FACTORS IN THE PALESTINE SITUATION

[...]

Partition

4. 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. [...]

III. RESUME OF THE NEGOTIATIONS

[...]

1. "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." [...]

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 admini-

stration 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. [...]

*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 [...]

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 has 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

[...]

SEVEN BASIC PREMISES [...]

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.

SPECIFIC CONCLUSIONS [...]

- (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.

[...]

PART TWO: THE SUPERVISION OF THE TWO TRUCES [...]

II. THE FOUR-WEEK TRUCE FROM 11 JUNE TO 9 JULY 1948

[...]

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. Con-

voys, under escort of United Nations observers, were checked at Tel Aviv before starting, at Latrun and Bab-el-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 Secretarial personnel, and to the co-operation they received from both the Arab and Jewish military commanders.

[...]

III: THE TRUCE ORDERED BY THE SECURITY COUNCIL ON 15 JULY 1948

[...]

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 discussion 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 retaliation 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 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 pipeline, 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.
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.



CABLEGRAM FROM THE CHAIRMAN OF THE TRUCE COMMISSION TO THE PRESIDENT OF THE UN SECURITY COUNCIL CONCERNING VIOLATIONS OF THE HOLY PLACES BY JEWISH AND ARAB FORCES IN JERUSALEM, 16 OCTOBER 1948

Free access to the Holy Places of Jerusalem as determined by the status quo and prescribed by various resolutions of the Security Council is obstructed in certain cases and totally debarred in others.

This state of affairs is due not only to the extreme tension prevailing between the opposed parties but also to the deliberate intention of both of them.

While the Arabs obstruct access by foreign Christians to the Christian Holy Places and totally debar Jews, even under United Nations escort, from visiting the Wailing Wall, the Jews rigidly debar Christian residents in the zone under their control from visiting the Holy Places situated in the Arab-controlled zone.

The Truce Commission wishes to draw the Security Council's attention to these infringements of rights universally respected for centuries, which are the primary cause of the anxiety aroused throughout the world by the situation in Jerusalem.

The Truce Commission also wishes to draw the Security Council's attention to the violations of the Christian Holy Places which have taken place in the Jewish-controlled zones and to those committed by the Arabs in the Jewish quarter of the Old City occupied by them last May.

Signed: Rene Neuville
Chairman of the Truce Commission.



UN GENERAL ASSEMBLY RESOLUTION 194, 11 DECEMBER 1948

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;

cil 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 1948 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 right and historical practices; that arrangements to this end should be under effective United Nations supervision, that the fourth regular session of the General Assembly in 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 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 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;
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 practical 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 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 for 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 cooperate 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.



UN CONCILIATION COMMISSION FOR PALESTINE, SUMMARY RECORD OF A MEETING ON THE STATUS OF JERUSALEM, KING DAVID HOTEL, JERUSALEM, 7 FEBRUARY 1949

[Suggestions concerning meeting with Moshe Shertok to serve as a basis for the commission's discussion]

Present:	Mr. Boisanger	(France) - Chairman
	Mr. Yalchin	(Turkey)
	Mr. Ethridge	(USA)
	Mr. Azcarate	- Principal Secretary

Discussion concerning the attitude to be adopted by the Commission during its meeting with Mr. Shertok, Minister of Foreign Affairs of Israel.

The CHAIRMAN submitted for the Commission's consideration the following document, containing suggestions with regard to the way in which the Commission should address Mr. Shertok. The document was not to be presented or even produced during the meeting, but was only to serve as a basis for the Commission's discussion:

"Suggestions concerning the meeting with Mr. Shertok"

The Commission might indicate to Mr. Shertok that it wished to see him in order to inform him of its intentions, and the manner in which it proposes to carry out the task entrusted to it by the General Assembly of the United Nations.

The task of the Commission consists essentially in assisting the parties concerned to settle, if possible directly among themselves, the conflict which separates them.

On the other hand, the Commission has received a specific task from the General Assembly with regard to Jerusalem, the Holy Places, certain economic problems and the problem of the refugees.

The Commission has decided, in order to enlighten itself of the intentions of both sides, not only as far as the general problem of peace is concerned, but also with regard to the various points mentioned above, to visit the capitals of the Arab States, and Tel Aviv. This would permit the Commission to enter into immediate contact with all the interested Governments.

The Commission has also considered it necessary, before paying its first official visit to Cairo, to make a preliminary contact with Mr. Shertok, so that the Minister for Foreign Affairs of Israel could indicate to it in outline the points of view of his Government. The Commission believes, in fact, that it will be questioned in the Arab countries on the intentions of the State of Israel, and that its contact with these countries would therefore be more fruitful if the Commission already knew what to expect with regard to the views of the Government of Israel.

When the Commission conceived the thought of a preliminary meeting with Mr. Shertok, it intended merely to make a general survey, in which all the problems would be rapidly reviewed.

Unfortunately, certain events have taken place during the past week which oblige the Commission to raise the problem of Jerusalem in advance.

The Commission has, in fact, learned that the Government of Israel had the intention of opening the Constituent Assembly in Jerusalem and that it had decided to extend civil law to Jerusalem.

These two decisions appear to the Commission extremely regrettable, and indeed contrary to the spirit, if not to the letter, of the General Assembly's resolution.

The Commission considers, in fact, that once the General Assembly had made a decision regarding the fate of Jerusalem and had outlined to the Commission a precise task with regard to the future status of the Holy City, the parties concerned had the duty to abstain from undertaking any action tending to alter the *status quo* of the City.

Indeed, how could the Commission intervene between the parties concerned in order to install an international regime, acceptable to each one of them and taking into account the clearly expressed desire of the very large majority of the United Nations to see the Jerusalem Area placed under international control, if, while the Commission is proceeding with its task, one of the parties takes official decisions which are in opposition to the resolution of the General Assembly?

Furthermore, any such action by the Israeli authorities might lead the Arabs to take analogous steps, and thus render any effort at conciliation impossible. Such an action might also provoke the resumption of the conflict in Jerusalem.

The Commission has weighty reasons for believing that it will be able to obtain the agreement of the Arab Governments for the execution of the General Assembly's resolution, if Israel, on its side, were equally to manifest the intention of accepting. The Commission, therefore, must ask the authorities of Israel, in view of the emotion produced by their two already mentioned decisions, how these should be interpreted. Can the Commission consider and can it say that the Government of Israel has the intention of conforming to the spirit of the resolution of the General Assembly?

If the assurance that the Commission requests from the Minister of Foreign Affairs of Israel are not sufficient, the Commission will be compelled, much to its regret, to report on this matter to the Secretary-General of the United Nations before its departure for Cairo. In this report the Commission will indicate that it considered it necessary to meet with the Minister of Foreign Affairs of Israel, during the course of which meeting the question of Jerusalem was examined and Mr. Shertok, having been asked to give the Commission certain clarification with regard to the position of the Government of Israel *vis-à-vis* Jerusalem, has not given the explanation that the Commission expected.

The Commission naturally reserves its right, should the necessity arise, to inform the Security Council that the modifications brought upon the situation in the Holy City have rendered impossible the accomplishment of the task entrusted to it by the General Assembly, and that it requests the Assembly to re-examine the question of Jerusalem during its April session.

Furthermore, the Commission has learned that the military commanders of troops in the Jerusalem area have recently discussed the re-adjustment of the situation in the City from a military and administrative point of view. The Commission has already informed the two commanders that it viewed with satisfaction the opening of those conversations and that it would be happy to contribute to their success by appointing observers. The Commission would desire to know whether Mr. Shertok is prepared to accept this proposal."

The Commission agreed to follow the main lines laid down in the Chairman's document, but to proceed in the following manner: The Chairman would first address Mr. Shertok on the general problems and would conclude by pointing out that the situation which had arisen with regard to Jerusalem compelled the Commission to consider that problem in advance. The conversation would then be taken over by Mr. Ethridge, who would explain the Commission's standpoint with regard to Jerusalem and request certain assurances from the representative of the Government of Israel. Should the assurances received be satisfactory, the United States delegate would proceed no further on the subject. If, however, the assurances proved unsatisfactory, he would continue along the lines of the latter part of Mr. de Boisanger's document and state the steps that the Commission proposed to take in the matter.

The Commission further agreed that if the conversation regarding Jerusalem were short and there were time left, it would proceed with its original intention of reviewing with Mr. Shertok the other aspects of the Palestine problem entrusted to it, namely, the general peace settlement, the question of the Holy Places, certain economic aspects of the situation in Palestine and the refugee problem.

The meeting rose at 1630 hours.



**UN CONCILIATION COMMISSION FOR PALESTINE, SUMMARY RECORD
OF THE 17TH MEETING ON THE QUESTION OF JERUSALEM,
KING DAVID HOTEL, JERUSALEM, 28 FEBRUARY 1949 [EXCERPTS]**

[Meeting on Arab states and their position regarding the internationalization of Jerusalem]

Present: Mr. de Boisanger (France) - Chairman
Mr. Yalchin (Turkey)
*Mr. Wilkins (United States of America)
*Mr. Halderman (United States of America)
Mr. Azcarate - Principal Secretary

*Alternatis [added in handwriting to original; the ed.]

[...]

Question of Jerusalem

In reply to a question from the Chairman regarding the status of the work of the Committee on Jerusalem, Mr. HALDERMAN, Chairman of the Committee, said he thought the time had now come for the Committee to enter upon informal conversations with representatives of both sides, and in the light of the views expressed, to begin drawing up its plan for a regime for Jerusalem in accordance with the General Assembly's resolution.

Mr. YALCHIN considered it essential that such consultation should not be limited to representatives of Israel and Transjordan, since a regime for Jerusalem was of vital interest to all the Arab States.

Mr. HALDERMAN agreed that the views of the other Arab States should in no way be excluded. He felt, however, that the only practical approach to the problem, in the circumstances, was to hold preliminary informal talks with the representatives of Israel and Transjordan, as the two most interested parties; the results of those conversations could then form the basis of more general discussions during the meetings at Beirut. In his opinion the plan to be submitted to the General Assembly - a plan acceptable to all parties concerned - could only be worked out in the course of such consultations.

Mr. YALCHIN pointed out that the principle of internationalization must not be allowed to become a subject for discussion. It was the Commission's functions to seek the opinions of the interested parties on the implementation of that principle, as formulated by the General Assembly, not merely to invite opinions concerning the future of Jerusalem.

The CHAIRMAN thought it would be impractical for the Committee to attempt to elicit opinions or suggestions from the Arab representatives without first elaborating a broad outline of general proposals which could serve as a basis for such comments. He felt that the plan evolved should be shorter and simpler than the statute proposed by the Trusteeship Council; it must be an entirely new plan, suited to the particular needs of Jerusalem. He therefore requested the Committee before undertaking any detailed consultations, for instance, to make a study of the various public services such as finance, police, administration of justice, etc, with a view to determining which services should be controlled by the two separate municipalities and which, being of common interest, should be under the control of the international administration. In that connection, he endorsed the suggestion of Mr. WILKINS that a study of the statutes of Tangiers and Trieste might prove helpful. The Committee should then present its views to the Commission for discussion.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 6TH MEETING, JERUSALEM, 8 MARCH 1949**

[Consultations of the Committee with the Consuls Generals of the US and France]

Present: Mr. Halderman (USA) – Chairman
Mr. Benoist (France)
Mr. de la Tour du pin (France)
Mr. Eralp (Turkey)
Mr. Barnes - Secretary of the Committee
Mr. Neuville French Consul-General in Jerusalem
Mr. Burdett US Consul-General in Jerusalem

The Committee's sixth meeting was devoted to a consultation with the consuls-general of the United States and France in Jerusalem, concerning the possible division of the city into Arab and Jewish administrative areas and the geographical aspects of the Committee's task.

Following a brief historical resume by Mr. Neuville of the occupation of certain parts of Jerusalem by the Jews both prior to and following the termination of the Mandate, Mr. Burdett showed on the map the present location of the lines. According to conversations he had had with local commanders on both sides, it seemed that the maximum territorial demand of the Arabs was a return to the situation as it had existed before the fighting. The Jews, while desiring to hold their present gains, had at one point made the suggestion that they might be willing to relinquish Mt. Zion, the German and Greek colonies, Deir Abu Tor and the Jewish settlements of Talpiot and Ramat Rahel. They insisted, however, that they must retain a line of strong positions, including Katamon, for defence, and that they must have a "corridor" to Mt. Scopus.

Another important area of dispute was the question of east-west and north-south communications. The Jewish road from Jerusalem to Tel Aviv and the sea was at present cut by the Arab-held salient at Latrun; the Jews insisted on the possession of that road. The Arabs, on the other hand, in order to maintain north-south communications, must have the Nablus-Hebron road through Jerusalem, which at present was cut by Israel-held territory. There was at present complete disagreement regarding the possession of the Tel Aviv road; the question was a crucial one, the settlement of which would affect the Israeli attitude on many other important points at issue, such as the matter of demilitarization of Jerusalem.

On the question of a possible international enclave within the city, Mr. Neuville was of the opinion that such a zone was needed because there were certain sites - such as Mt. Scopus, the cemetery on the Mount of Olives, and Mt. Ophel - on which agreement between the two sides might never be reached. Mr. Burdett, however, warned the Committee that the settlement of boundaries was a simpler matter than the problem of persuading both sides to accept the principle of internationalisation; the two sides might well prefer to settle their boundaries between themselves and avoid the whole question of internationalisation. If acceptance of that principle could be achieved, then the entire city should in theory be under United Nations supervision, with direct administration of the two local communities by the Jews and Arabs respectively, and direct control by the United Nations of the Holy Places and other disputed sites. The Jewish community in that case could not be a part of the State of Israel, although the Government of Israel had never ceased to insist upon integration of that community with the rest of the Jewish State.

The question was raised whether a free and secret plebiscite would not result in acceptance of the principle of internationalisation by many Jews and Arabs who were at present reluctant to express their views. Mr. Neuville thought that opinion among the Palestine Arabs would be strongly in favour of international control; opinion among the Jews was divided and doubtful, many Jews who had originally favoured internationalization having changed their views since the termination of the Mandate. He felt, however, that even a strong Jewish opposition would be more than compensated by the Arab majority.

In reply to a question regarding the implications of incorporation of the Jewish community in Jerusalem into the State of Israel, Mr. Burdett gave it as his opinion that such an affiliation would destroy the entire principle of internationalisation of the city.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 7TH MEETING, 8 MARCH 1949**

[Discussion on law, citizenship and nationality applicable in the international area of Jerusalem]

Present:	Mr. Halderman	(USA)	-	Chairman
	Mr. Benoist	(France)		
	Mr. de la Tour du Pin	(France)		
	Mr. Eralp	(Turkey)		
	Mr. Barnes		-	Secretary

I. Discussion of law applicable in the international area of Jerusalem.

The Committee had before it three informal papers representing the views of the United States, French and Turkish delegation respectively on the question of the law applicable in the international area.

After a discussion of these papers, general agreement was reached on the following points:-

- (a) that the basic concepts expressed in the three papers were not mutually exclusive;
- (b) that the international area of Jerusalem should from the legal standpoint constitute a *corpus separatum*, distinct from any other State or States;
- (c) that local law should be based on legislative acts of the two proposed administrations, the United Nations Authority being responsible for enacting ordinances to cover specified subjects such as the Holy Places and matters of common concern to both areas;
- (d) that in accordance with the provision of the General Assembly's resolution relating to "maximum local autonomy", Arabs and Jews might be allowed to have their own judiciaries within their respective zones of the international areas;
- (e) that private persons might have the privilege of free access to Arab or Jewish courts;
- (f) that the judgments of these courts would be valid unless an international judicial tribunal ruled that they were in conflict with the Statute of the international area or with legal acts of the international Authority applicable to the entire international area.

II. Discussion of questions of citizenship and nationality.

The Committee opened a discussion on the subject of the citizenship and nationality of residents of the international area of Jerusalem. It was pointed out that citizenship and the protection and facilities connected therewith should be offered to duly qualified persons who might otherwise be stateless, and that freedom of choice should be permitted in matters pertaining to nationality.

The committee decided to ask the Legal Advisor to submit a draft article on the question of citizenship within the international area of Jerusalem.



UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM, SUMMARY RECORD OF THE 8TH MEETING, BEIT JALA, 9 MARCH 1949

[Meeting of the Committee with the mayor of Beit Jala regarding the status of Jerusalem]

Present:	Mr. Halderman	(USA)	-	Chairman
	Mr. de la Tour du Pin	(France)		
	Mr. Eralp	(Turkey)		
	Mr. Barnes		-	Secretary
	Mr. Wadia Damas		-	Mayor of Beit Jala
	Mr. Bulos		-	Transjordan Liaison Officer.

Greetings and expressions of mutual appreciation were exchanged between the Mayor and the Chairman.

The CHAIRMAN explained the task of the Commission and the purpose of its visit to Beit Jala. He asked the Mayor for an expression of views regarding the internationalization of Jerusalem as proposed in the General Assembly's resolution.

The Mayor replied with a statement, the main points of which were as follows:

1. The Arabs of the Jerusalem area were overwhelming in favour of the establishment of an international regime, believing that it offered the greatest hope of a re-establishment of normal life.
2. But Jerusalem Arabs were apprehensive of the possibility of further Jewish aggrandizement, territorial and otherwise, and would expect the internationalization plan to include guarantees against this. Internationalization would have to be permanent, the Mayor emphasized, in order to be acceptable to the Arabs of his district.
3. The Arabs of the Beit Jala district approved the annexation of Arab Palestine by Transjordan.
4. The Arab Higher Committee could not speak with authority for Arabs of the Beit Jala district on any subject.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 9TH MEETING, BETHLEHEM, 9 MARCH 1949**

[Meeting of the Committee with the mayor of Bethlehem regarding the status of Jerusalem]

Present:	Mr. Halderman	(USA)	-	Chairman
	Mr. de la Tour du Pin	(France)		
	Mr. Eralp	(Turkey)		
	Mr. Barnes		-	Secretary
	Mr. Issa Bandak		-	Mayor of Bethlehem
	Mr. Bulos		-	Transjordan Liaison Officer.

After an exchange of greetings, the CHAIRMAN explained to the Mayor the purpose of the visit and asked for a candid expression of views regarding the internationalization of Jerusalem as provided for in the Assembly's resolution.

The Mayor made a brief statement in reply, the main points of which were as follows:

1. The Arabs of Palestine had lost confidence in the ability of the international community to enforce its decisions.
2. Nevertheless, the Arab of the Jerusalem area were overwhelmingly in favour of the establishment of an international regime for the Jerusalem area, believing that this was the only way to restore stability and normal life to the community.

Neither the Arab Higher Committee nor the Government of any Arab State might speak with authority for the



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 11TH MEETING, MUNICIPALITY, OLD CITY,
JERUSALEM, 14 MARCH 1949**

[Meeting of the Committee with the mayor of Jerusalem, Anwar Al-Khatib, regarding the status of the city]

Present:	Anwar Bey el Khatib		-	Mayor of Jerusalem (Arab Sector)
	Mr. Halderman	(USA)	-	Chairman
	Mr. de la Tour du Pin	(France)		
	Mr. Benoist	(France)		
	Mr. Yenisey	(Turkey)		
	Mr. Eralp	(Turkey)		
	Mr. Barnes		-	Secretary
	Mr. Bulos		-	Transjordan Liaison Officer.

After an exchange of greetings the CHAIRMAN explained the purpose of the Committee's work and of its visit to the Mayor. He said he hoped the Mayor would give the Committee a frank statement of his opinion with respect to the internationalization of Jerusalem.

The MAYOR reviewed the background of military action in the city of Jerusalem from the end of the Mandate to the present time.

Concerning the question of internationalization, the Mayor said he was willing to discuss it with the Committee apart from the total problem of a peaceful settlement only because he recognized that Jerusalem was the special responsibility of the Committee.

The Mayor said that in his opinion an international regime for Jerusalem was impracticable and impossible of implementation, for a number of reasons:

- (1) The international community was not able to assure an international regime for the City. He pointed out that the second World War had been over for three years and the Great Powers had not yet been able to work out peace settlement.
- (2) An international regime would require a large international military or police force, and to this day it had been impossible to create such a force.

- (3) An international Jerusalem would give rise to a series of future disputes and troubles.
- (4) The interest of the international community was based primarily on the Holy Places. For seven hundred years under Arab rule in the City there had been no major difficulties regarding the Holy Places. They had been justly and properly cared for under the Moslem Arab regime.
- (5) Internationalization would have the most important effect upon Arabs, because in the municipal area of Jerusalem two thirds of the property, even in Jewish quarters, was Arab-owned.
- (6) To internationalize the City would mean removing the heart of Arab Palestine and dividing the territory into two parts-north and south.

As to the possibility of dividing Jerusalem into two autonomous cities, the Mayor said such a plan was also impracticable, since it would involve a division of streets and even houses. Such a plan would also involve the question of a corridor linking Jerusalem with other parts of Palestine.

The Mayor said the only possible settlement would be to make the Jerusalem area an Arab city. He warned the Committee that it should not be deceived into thinking that the Jewish victories in Jerusalem were permanent and stated that any plan which might be evolved should embody the possibility of a permanent peace and avoid the risk of new hostilities in the future. The Arabs, he said, would be perfectly willing to guarantee full local autonomy within the City under their control.

In response to a question as to his precise meaning, the Mayor replied that the only solution for Jerusalem was to create an Arab regime for the entire area delimited in the Assembly's resolution. The City, he said, would necessarily have to be oriented, politically and economically, towards the adjacent Arab States. He said this was a statement of final position and principle, from which a recession only in minor detail would be possible.

The Mayor was asked if he did not see any advantages to be gained from the plan set forth by the Assembly. He said that he did not see any such advantages and that in his opinion any internationalization scheme would be unenforceable for reasons which he had previously stated.

However, the Mayor stated, in reply to a direct question, that he would be willing to discuss with the Committee any formula which it might evolve after its work had progressed somewhat further.

The Mayor was asked whether he felt that an Arab regime which would include the administration of a City of 90,000 Jews could bring real peace to the Jerusalem area. The Mayor replied that he thought this could be done, but that force might be necessary "here and there".

The Committee discussed briefly the question of water supply, electric current supply and sewage disposal for the Old City and offered its services in trying to obtain an early solution of the questions which had deprived the Old City of electricity and water for some time.

The MAYOR also asked the Committee if it would exercise its good offices in connection with a payment of LP.30,000 which had been made to the Arab Municipality out of funds of the Palestine Government under the Mandate. The Committee agreed to look into the matter.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 12TH MEETING, JERUSALEM, 15 MARCH 1949**

[Report on discussions over the future status of Jerusalem]

Present:	Mr. Halderman	(USA)	- Chairman
	Mr. Benoist	(France)	
	Mr. de la Tour du Pin	(France)	
	Mr. Eralp	(Turkey)	
	Mr. Yenisey	(Turkey)	
	Mr. Azcarate		- Principal Secretary
	Mr. Barnes		- Secretary of the Committee
	Mr. Comay)	- Representatives of the Government of Israel
	Mr. Lifschitz)	to the Committee
	Mr. Gaulan		- Liaison Officer of the Government of Israel to the Commission

The CHAIRMAN welcomed the representatives of the Government of Israel and expressed the pleasure and satisfaction of the Committee at the response of that Government to its request for representatives to sit in its meetings.

The Chairman observed that the Commission's mandate as regards Jerusalem was laid down more specifically in the General Assembly's resolution than any other problem entrusted to the Commission. The purpose of the Commission, through the Committee, was to formulate proposals which would be acceptable to both sides. The Committee's work had divided itself into two parts: (a) independent study with a view to finding a general basis for an international regime consistent with the General Assembly's resolution and (b) consultations with officials of both sides with a view to formulating proposals acceptable to all concerned.

The resolution spoke of a special and permanent international regime for Jerusalem, with maximum local autonomy. The Committee's first formulation of position had thus envisaged an international authority having certain functions within the area regarding the Holy Places and matters of concern to the whole area, with local Jewish and Arab administrations handling all other matters. The Committee now desired to ascertain the position of the Israeli Government on such a plan and on the resolution itself.

Mr. COMAY thanked the Chairman for his welcome and observed that the presence of himself and Mr. Lifschitz, representing the Government of Israel, was in accordance with the general policy of that Government to cooperate with the United Nations and to attempt to solve the problems of the region within the framework of the United Nations. It was also in accordance with the cooperative attitude of the Israeli delegation in Paris towards the resolution at the time of its adoption. He wished to explain at the outset, however, that neither Mr. Lifschitz nor he had the power to commit the Government of Israel on any general or specific proposals. His Government did not wish to tie its hands; the discussions of the Committee in which he and Mr. Lifschitz participated must be of an informal and exploratory nature, and anything in the way of concrete proposals which might emerge from those discussions would be subject to the approval or rejection of his Government, which would hold itself entirely free to take its own decisions. On that basis he and his colleague would be happy to participate in the Committee's talks and render all assistance possible.

The first thing necessary, he felt, was to examine fundamental aspects of the problem in order to determine whether sufficient common ground existed to justify subsequent exploration of technical details.

Mr. Comay felt that the best service he could render at this first meeting would be to indicate to the Committee the feelings of the Government of Israel and of the Jewish people concerning the Jerusalem question and the terms of reference of the Commission.

Concerning paragraph 8 of the General Assembly's resolution of 11 December 1948, Mr. Comay declared that the question of its acceptability to the Government of Israel would depend on what precise meaning the Commission attached to the paragraph. In November 1947, the Jewish Agency had reluctantly accepted the broad plan of partition, with economic union and internationalisation of Jerusalem. Mr. Comay wished to make it clear that the Government of Israel did not regard itself at the present moment as committed to the principles accepted at that time by the Jewish Agency.

He wished the Committee to understand the factors which influenced Jewish opinion at the present time, in comparison with those of November 1947. Internationalisation of the whole of the Jerusalem area was something which Jews had not asked for at the time and did not desire. To most Jews it was historically inconceivable that Jerusalem should be totally excluded from their State. The Jewish Agency had with reluctance yielded to Christian pressure, but on the definite understanding that simultaneously with the implementation of the partition plan the United Nations would immediately assume full responsibility for Jerusalem. The international regime was supposed to have been set up not later than October 1948, and the Trusteeship Council was asked to draw up a statute for Jerusalem by 29 April 1948 at the latest. It was common knowledge that the plan had remained a dead letter; Mr. Comay considered it a painful failure on the part of the United Nations.

Life in Jerusalem had continued, however, and the idea of internationalisation had been swept away by the force of events. Now the idea was being revived, but in a political and psychological atmosphere far different from that prevailing two years previously. The Committee must appreciate the differences in that atmosphere if it wished fully to understand the problem.

Mr. Comay wished to make it clear that he had no desire that his statement should be regarded as formal position taken by a Government at the beginning of negotiations. He was simply expressing an attitude deeply felt by the Jewish people as a whole; a body of public opinion which could hardly be ignored by any Government.

He sketched briefly the events which had contributed to the shaping of that attitude. The day after the 1947 resolution had been adopted, Arab attacks had begun in Jerusalem and elsewhere. By March 1948 Jewish Jerusalem was in a state of siege; many times the Jews in the city were completely cut off and trapped. This state of affairs had existed in spite of the fact that the British mandate was still in force, and the British Administration and the British Army still in Jerusalem. At the special session of the General Assembly in April it had been the Jews who pressed for intervention by the United Nations to safeguard Jerusalem, its inhabitants and the Holy Places, but without success. Consequently, responsibility had of necessity been assumed by the Israeli Government, before the State of Israel was officially in existence. The Israeli Army had repeatedly weakened itself in order to hold Jerusalem and provide it with the food, water and arms necessary for its survival. There had been many civilian casualties; the State of Israel had paid no small price for the defence of Jerusalem.

During this time there had been other things which had helped to disillusion Jewish public opinion on the original plan for internationalisation. First there had been the apathy shown by the Christian world towards the march upon Jerusalem of a Moslem force, under command of a Christian power, and its despoiling of Jewish holy places. Subsequently the United Nations Mediator had made a proposal to abandon the idea of internationalisation and hand Jerusalem over to Arab rule. That suggestion had produced a strong revulsion of feeling among the Jews, who had refused even to discuss it, but it had apparently produced no strong reaction in the Christian world. Mr. Comay observed that Count Bernadotte and Dr. Bunche had later explained that the reason for the proposal had lain in their complete lack of faith in the practicability of the principle of internationalisation. Count Berandotte had later withdrawn his suggestion because, as he said, he had failed to appreciate the emotional attitude of the Jewish people.

At the end of July 1948 the matter of a draft statute had again come before the Trusteeship Council, which had decided to postpone consideration of the question indefinitely. It was only then, on 2 August 1948, that the Government of Israel had decided to declare Jerusalem militarily occupied and to appoint a military governor. This regime had continued until the necessity for military law had ended, and a civil administration had been substituted.

Mr. Comay felt that the brief historical analysis he had given was essential background for the Committee's understanding of the situation confronting it in its task. He went on to summarize the present realities as regards Jewish Jerusalem.

The Jewish part of Jerusalem and the area extending to the coastal plain were now included in the de facto boundaries of Israel. The Jews in Jerusalem lived in all respects as citizens of the State of Israel; they voted in national elections and had their representatives in Parliament; the laws of Israel applied in Jerusalem and were administered by Israeli courts and police; they were defended by the Israeli Army, were under the same economic system as the rest of the State, and were administered by a municipality responsible to the central Government. Thus, although the precise constitutional position had not been clarified, the de facto position was clear; the Jews of Jerusalem, in their own minds, regarded themselves as fully and completely citizens of the State of Israel.

Mr. Comay observed that while in 1947 the question had been raised whether Jewish Jerusalem could be attached to a State of Israel, the question now was whether it was possible to detach it from the State.

The meeting was suspended from 12:45 to 1:30 p.m.

In summing up, Mr. Comay declared that the Committee must see in the Jews of Jerusalem a community which had been through the common struggle for nationhood with the Jews of Israel, and a group who regarded their destiny as irretrievably linked with that of the State of Israel. If an international authority now wished to take over their rule, it would be difficult to see how that authority could govern them according in their own concepts. It was inconceivable that the people of Israel should aid in compelling the Jews of Jerusalem to live under another rule against their will.

Mr. Comay realized that his assessment of the facts of the situation might appear to the Committee as negative and unpromising. He did not feel, however, that those facts and the attitude he had described were necessarily irreconcilable with the terms of reference under which the Committee worked. The Government of Israel genuinely desired to find a way to reconcile them; that was the task now facing the Committee with the aid of himself and his colleague. He considered it significant that the General Assembly in paragraph 8 of its resolution of 11 December 1948, had avoided re-affirming its decision of 29 November 1947. The terms of the present resolution were brief, and its language very general and flexible; he felt sure it had been so drafted in order to give the Commission the opportunity to re-examine the matter in the light of existing realities. The

Assembly had now left the way open for a solution involving, on its part, a cutting of losses, and assumption of liabilities on a more restricted scale.

It was necessary to ask oneself, therefore, what was really the interest of the international community in Jerusalem. Obviously the United Nations had no interest in assuming the rule of any tiny territorial until anywhere in the world; rather, it was a question of the association of Jerusalem with three world religions. How extensive, then, must be the commitments assumed by the United Nations to safeguard that interest? Again obviously, only the minimum commitments necessary to achieve the objective. Looking at the matter in that light, the most striking fact to emerge was that historical and religious interest was not evenly distributed over the area, but was densely concentrated in one small region - the Old City - with only a few scattered points outside that area. The Old City comprised about one half of one per cent of the total area with which the Committee was concerned; two years previously the population had been about 15 per cent of the total for that same area. By computation on religious and historical grounds, however, the bulk of interest for three world faiths was centered in the Old City.

Mr. Comay wished to suggest tentatively that the facts he had just cited gave a logical approach to the problem. In his view the burden of direct international rule should be restricted to the Old City, since only there did historical and religious interests dominate completely any local interests. The outer circle of the area with which the Committee was concerned was secular in character, and the outside world as such had no great concern in it. He felt that the Committee's terms of reference could be on a lower level by the establishment of an international authority which would assume responsibility in some degree for those places within the area which could be called the "Holy Places". He felt sure that a completely satisfactory arrangement could be achieved regarding those places; outside of them it seemed unnecessary for the United Nations to assume general responsibility in order to safeguard its interests from a religious point of view. The United Nations principle regarding the Holy Places was consistent with the inclusion of this outer circle in the respective orbit of the adjacent States; it should be under the rule of those States subject to an agreement with the United Nations.

Mr. Comay felt confident that a satisfactory arrangement could be worked out on the basis of the broad principle he had outlined. He asked that the Committee should seriously consider whether such an approach to the problem could not be made within the framework of its terms of reference.

There were two other points which Mr. Comay wished to bring up. In the first place, how would the area outside the Walled City be divided? There would have to be a Jewish-Arab boundary in that area; he felt that that was a question which, with the Committee's assistance, the Jews and Arabs should be encouraged to settle between themselves. The mere restoration of the *status quo ante* would not solve the question on a long-term basis. The Government of Israel would be willing to enter into tripartite discussions, with the United Nations and whatever Arab State should ultimately be the responsible Arab authority in Palestine, on the basis of direct control and authority by the two States, with direct supervision from a religious point of view by the United Nations; only the Old City should be entirely under the direct control of the United Nations.

Mr. Comay's second point concerned the obvious difficulty that at the present moment the Old City was under the *de facto* control of Transjordan. He pointed out that regardless of who was in physical possession, the tremendous religious and historical sanctity of the Old City had at least as much importance for the Jews, from the associations, as for any other group. For them it had a double significance - it was not only the center of their religion, but it also had a tremendous national significance as a symbol of their past and their tradition as a people. The Jews would be willing to entrust their deep and passionate interest in the Old City to an international guardianship, but they would not renounce it to the permanent rule of the country which at present was in temporary possession. If that temporary rule were made permanent, it would be a perpetuation of an unstable and explosive situation. In case anyone unfamiliar with the history of the Palestine question should feel that this attitude was a recent one, born of the circumstances of Arab destruction of Jewish holy places in the Old City, Mr. Comay wished to point out that Israeli representatives had taken the same stand before the General Assembly in the fall of 1947, when they had volunteered to have the Old City placed under international custody. Their approach had remained consistent.

Mr. Comay affirmed that it would afford his Government the greatest satisfaction if, in the course of the Committee's discussions, a common ground could be reached on which the Israeli Government and people could co-operate with the United Nations on the Jerusalem question. He had felt it his duty, however, to state the feeling of the Jewish people on the question with the utmost frankness at the outset of the conversations.

The CHAIRMAN thanked Mr. Comay for his frank explanations, which he felt had given the Committee a basis on which to work. The members of the Committee would have to study his statement closely before replying in any detail, in view of the divergence between the stand of the Government of Israel and the posi-

tion of the Committee at present. On the basis of its terms of reference the Committee had naturally proceeded on the assumption that the entire area would be internationalised. It had not been envisaged that the international authority would “govern” any territory, strictly speaking, but simply that it would render such services as were necessary, especially regarding supervision of the Holy Places from a religious point of view. Another aspect of the matter which was of great importance to the United Nations was that of achieving a peaceful and satisfactory settlement of a bitter dispute. The Committee had heard eloquent explanations from both parties to that dispute; it was obvious that the task of conciliation between peoples of such varying backgrounds was one of extreme difficulty, and would be impossible unless each side made a sincere effort to understand what lay behind the stand taken by the other side.

Concerning the lines of demarcation to be determined between the two communities, the Chairman recalled that the problem had already been taken up with the parties by the French and United States Consuls. He considered that a useful purpose would be served if this could be proceeded with under the auspices of the Committee, and he suggested that an expert committee of consular officials could be of assistance.

He asked what was Mr. Comay’s view regarding the question of the permanent demilitarization of the Jerusalem area.

Mr. COMAY quoted the General Assembly’s resolution, which requested “the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date”. As far as he knew, the Security Council had taken no such steps. In any case, the armistice talks under the supervision of the Acting Mediator at Rhodes covered the question of Jerusalem, the stabilisation of the fronts, the withdrawal and reduction of forces, etc. In the circumstances he did not feel that it was within his competence, or that of the Committee, to discuss the question.

Unofficially, however, he made the general observation that if the international area were confined to the limits of the Old City, his Government would without question be willing to discuss demilitarization arrangements. If it were proposed to internationalise the wider area, it would regard discussion of the matter as premature pending consideration of the whole principle.

Mr. YENISEY said that he had been interested in Mr. Comay’s statement, but at the same time surprised by it, particularly by the opening remarks, which had been in the nature of a political speech for the defence. Mr. Comay had not been sparing in his criticisms of the United Nations and had gone so far as to accuse it of incompetence. The Jewish cause had already been presented on two occasions by Mr. Shertok to the Commission which had not learnt anything new from Mr. Comay’s statement. Mr. Comay had put forth historical considerations backing the claim that Jerusalem should belong to Israel; but the Committee had heard equally well-founded and convincing reasons for its belonging to the Arabs. Mr. Comay had stated that the present Israeli Government did not consider itself bound by the resolution of November 1947 accepted by the Jewish Agency, because of the subsequent evolution of the situation. Mr. Yenisey pointed out that this was a juridical matter which lay outside the Committee’s competence and that the Committee was not called upon to examine it.

With regard to the destruction by the Arabs of Jewish Holy Places mentioned by Mr. Comay, Mr. Yenisey remarked that the Mosque of Omar itself, which was over 12 centuries old, had been under Jewish artillery fire. The Committee was not qualified to decide whether Jerusalem should be Jewish or Arab; it was a technical, not a political body; the General Assembly had given it a categorical mandate to internationalise Jerusalem and it must carry out its mandate. The Committee had invited representatives of the Government of Israel to appear before it precisely and solely in order that it could learn the Jewish point of view as regards technical aspects of the question.

Mr. COMAY stated that if the Committee was a technical body and required only technical assistance from him and his colleague, it must be pointed out that he could not be expected to offer technical help on plans when no common agreement had been reached on the principle underlying those plans. He asked for clarification on that point.

He also mentioned the fact that before his Government had designated Mr. Lifschitz and himself as representatives to the Committee, invitations to consultation had been extended by the Committee to the Jewish Mayor and Government Representative in Jerusalem. His Government had no objection to the Committee’s meeting and talking with these men; it must consult with them, however, in their official capacity and not as members of the general public. They would not, moreover, be competent to discuss any political matters regarding Jerusalem; the Committee’s dealings on political matters must be with members of the Government. If technical aid and information was desired, it could be arranged by himself and Mr. Lifschitz.

The CHAIRMAN considered it necessary, as a first step, to seek agreement on underlying principles. He also observed that it was part of the Committee's function to talk to all responsible local officials, chiefly to acquire information on details of local administration.

Mr. de la TOUR DU PIN expressed his satisfaction with Mr. Comay's statement that collaboration between the United Nations and the Government of Israel was both possible and desirable. He explained why he himself thought it indispensable. Mr. Comay had spoken of the sufferings of the people of Jerusalem while the city was under siege. History showed that since the time of King Solomon Jerusalem had been taken and sacked nineteen times; it was the Commission's function to prevent the twentieth such tragedy. The impression of the Jews that Jerusalem had been taken cut off and isolated by the indifference and apathy of the rest of the world was, he felt, a false impression. The rest of the world had acted prudently, discreetly, perhaps only because it feared that interference would only complicate and aggravate the situation. Concerning the inability of the British forces to keep order, before the end of mandate, he felt the incident tended to prove that one great nation had been incapable of preserving Jerusalem alone. Internationalisation might come too late, but that was no reason for not establishing it. He pointed out that when the Committee spoke of internationalisation, it had no thought of a regime which would be harmful to the State of Israel or the Jewish community of Jerusalem, but rather of a regime which would protect and afford the greatest benefits to that community. He repeated his thanks for the promise of help from the Government of Israel in establishing a statute which might bring permanent peace to Jerusalem.

Mr. BARNES added his expression of appreciation of Mr. Comay's statement, which he had found enlightening and helpful.

He did not feel that the religious factor necessarily constituted the primary interest of the international community regards Jerusalem. From the standpoint of the United Nations the question of keeping peace in the Middle East and in the world was equally important.

Recalling Mr. Comay's point regarding the intensity of Jewish religious interests in the Old City, he wished to ask Mr. Comay in the event that there were an expression from the other two religions involved, agreeing to trust their interests in the Old City to an Arab regime, what would be the effect upon the Jewish stand.

Mr. COMAY remarked that an Arab regime in the Old City would be a different matter. The Israeli Government, as he had stated, had always been ready to accede to control of the Old City by an international regime, however.

Mr. BENOIST remarked that from the standpoint of the Government the religious interest in the Holy City must certainly be considered to be a matter of first importance.

The CHAIRMAN expressed his thanks to Mr. Comay and Mr. Lifschitz for their presence and their help. He was more and more impressed with the difficulty of the conciliatory role where the parties were motivated by such deep and historical feelings. He pointed out, however, that whatever were the shortcomings of the United Nations in the eyes of the parties concerned, it had consistently made a patient, conscientious and disinterested effort to achieve a solution of the Palestine problem. The Committee and the Commission both in their mediatory role and in presenting the United Nations point of view had the benefit of the thinking and the work of some of the world's best statesmen.

It was evident that a solution could only be reached if a consistent effort were made by all the parties to understand and appreciate the point of view of each other. The Committee, for its part, would make every effort to do this.

Mr. COMAY wished to make it clear that he had not intended his remarks to be interpreted as a general attack upon the lack of action by the United Nations. He deeply appreciated the amount of thought and effort which had been expended upon the Palestine problem by the United Nations and its organs over a period of two years.



**UN CONCILIATION COMMISSION FOR PALESTINE, FIRST PROGRESS REPORT
REGARDING NEGOTIATIONS ON THE STATUS OF JERUSALEM, 15 MARCH 1949**

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 first progress report of the United Nations Conciliation Commission for Palestine.

Jerusalem, 1 March 1949.

1. In accordance with paragraph 12 of the General Assembly resolution of 11 December 1948, the Conciliation Commission set up its official headquarters in Jerusalem on 24 January 1949. After examining the situation on the spot, the Commission decided to establish its headquarters and its offices at "Government House" which, as it is well known, is situated in a zone, neutralized and demilitarized by an agreement between the Israeli, Transjordanian and Egyptian forces of occupation and the United Nations. The Commission considers it unnecessary to set forth in detail all the questions which it has been necessary to discuss with the Arab and Israeli authorities in order to create suitable conditions for the performance of its work.
2. The Commission believes that, in order to accomplish the general task of conciliation which has been entrusted to it by the General Assembly, it should, for the present, concentrate on an effort to bring about a *rapprochement* between the parties concerned. Its most pressing task should be to use its good offices for the purpose of enabling the Governments concerned to meet and enter into negotiations - if possible direct ones - and to collaborate with them in order that these conversations may result in a "final settlement of all questions outstanding between them".
3. With regard to the negotiations currently taking place on Rhodes, in accordance with the resolution*² adopted by the Security Council on 16 November 1948, the Conciliation Commission considers that it would be advisable for the Acting United Nations Mediator to continue directing the negotiations on the military plane with a view to arriving at armistice agreements between Israel and the Arab countries party to the Palestine conflict. The Conciliation Commission feels that the success of the armistice negotiations might be jeopardized if their direction were to be transferred by the Security Council from the Acting Mediator to the Conciliation Commission before their conclusion. The success of armistice negotiations, in the Commission's opinion, will greatly calm the atmosphere and facilitate its own task considerably.
4. In addition to its general function of conciliation, the Commission was charged by the General Assembly with specific and clearly defined directives as regards Jerusalem, the Holy Places and refugees.**³

With regard to Jerusalem, the Assembly resolved 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;"

The Assembly further instructed the Commission:

"to present to the fourth regular session of the General Assembly detailed proposals for 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;"

As regards the Holy Places, the Assembly resolved:

"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;"

[...]

5. Before establishing contact with the Governments concerned, the Commission took a certain number of steps in relation to these three questions.

It set up a special Committee on *Jerusalem* and its Holy Places, charged with the task of undertaking without delay the preparatory work necessary for the elaboration of the proposals and recommendations to be submitted to the Assembly. This Committee consists of three of the advisers to the three members of the Commission and one member of the Secretariat and is authorized to establish contact with the interested authorities with a view to obtaining the detailed information which it will need to perform its functions.

² * S/1080.

³ ** General Assembly resolution 194 (III) of 11 December 1948, paragraphs 8, 7 and 11.

With reference to the Holy Places situated outside the Jerusalem area, the Commission has not considered it necessary to take any special measures for the time being; but it received the impression, during its tour of the various capitals which will be mentioned later, that the political authorities concerned would undoubtedly be ready to give the guarantees required by the resolution of the General Assembly.

With regard to *refugees*, the Commission has had two lengthy discussions with Mr. Griffiths, Director of the United Nations Relief for Palestine Refugees, with a view to establishing close relations between the two bodies. Moreover, the Commission has already taken steps to secure the services of an expert who would be qualified immediately not only to undertake the necessary preparatory work and studies and to maintain liaison with Mr. Griffiths, but also to assume, if necessary, the direction of the repatriation, resettlement and social and economic rehabilitation operations for which the Commission is responsible according to the terms of the Assembly's resolution.

6. The Commission felt that it should begin its work by establishing contact with the Governments concerned. To this end, it made a series of official visits, between 12 and 25 February, to the Governments of Egypt, Saudi Arabia, Transjordan, Iraq, Syria, Lebanon and Israel. Before starting this tour of official visits, the Commission had had the opportunity of meeting informally, at Jerusalem and Jericho, respectively, the Foreign Ministers of Israel and Transjordan. The Commission received a friendly welcome at all the places it visited. It was able to hold long discussions with the Prime Minister and the Foreign Minister of each country visited and to meet many political personalities at the various receptions held in its honour. It was also received by most of the Heads of State. [...]

(Signed) Mark F. ETHRIDGE	(United States of America) – Chairman
Claude de BOISANGER	(France)
Hussein YALCHIN	(Turkey)



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 13TH MEETING, JERUSALEM, 16 MARCH 1949**

[Meeting between the Committee and the mayor of the Jewish sector of Jerusalem, Daniel Auster]

Present: Mr. Halderman	(United States)	- Chairman
Mr. Benoistq	(France)	
Mr. de la Tour du Pin	(France)	
Mr. Yenisey	(Turkey)	
Mr. Eralp	(Turkey)	
Mr. Azcarate		- Principal Secretary of Commission
Mr. Barnes		- Mayor of Committee
Mr. Daniel Auster		- Mayor of Jerusalem Jewish Sector
Mr. Gaulan		- Liaison Officer of Government of Israel to Commission

The CHAIRMAN welcomed Mr. Auster and explained the general purpose of the Committee's work. He stated that the Committee would be particularly interested to hear a statement by Mr. Auster on such matters as Holy Places, the economic future of Jerusalem, and his personal experiences as Mayor.

Mr. AUSTER, after giving a brief account of his long career as a member of the Jerusalem Municipal Council and subsequently as Deputy and acting mayor, explained that he had held office as Mayor of Jerusalem since the end of the British Mandate.

In reply to a question as to which sites in Jerusalem were revered as Holy Places by the Jews, Mr. Auster stated that for the Jews Jerusalem as a whole was a Holy City; there was no place in Jerusalem, Old or New, which was not sacred to Jews all over the world. Jerusalem had been founded by Jews and had become famous through Jews. In regard to specific Holy Places, while emphasizing that he was not speaking as a specialist, Mr. Auster explained that in addition to the Wailing Wall, the Old City had contained a large number of ancient synagogues which had all been held in special veneration. He understood that they had been entirely demolished, whereas by contrast the Mosques in Jewish hands in the New City were entirely untouched. In reply to a question regarding access to Jewish Holy Places, Mr. Auster said that he had himself been responsible in 1937-38 for the construction of a new road leading directly from Zion Gate to the Wailing

Wall, prior to this, the only road giving access to the Wailing Wall had been David Street, a narrow, dirty and sometimes dangerous route.

In regard to presentation on the Municipal Council under the Mandate, Mr. Auster stated that although there had been a Jewish majority in the city since 1840, the Jews had always been underrepresented on the Municipal Council. The 1947 Municipal Census had revealed a Jewish majority of 63%. The Municipal Council, however, had been composed of six Jews, 4 Moslems and 2 Christians. Further the Jews of Jerusalem paid 70%, and in some instances, 80% of the municipal revenue. The Jews of Jerusalem also considered that the Mandatory had acted unfairly to them by passing legislation which limited the right to vote in municipal elections *inter alia* to Palestinian citizens, thus depriving large numbers of Jews of the vote.

In general, Mr. Auster's experience on the Municipal Council had led him to the reluctant conclusion that Arab-Jewish cooperation on such a council was impossible. Not only did the fundamental attitudes of Jews and Arabs differ on the whole questions of municipal development, but the system of parity on the Municipal Council had precluded progress in any direction, and in his view was a complete failure. The Jews had formed one block, the Arabs, Moslem and Christian, another, and decisions had only been taken when one member of the Council had been absent. Mr. Auster admitted that Jews and Arabs had cooperated and were still cooperating successfully on the Haifa Municipality; but in his view the predominance of politics in Jerusalem barred any possibility in that city of harmonious and progressive collaboration in municipal affairs.

In regard to the economic development of Jerusalem, Mr. Auster stressed that the city's altitude and comparatively cool climate made it a particularly suitable location for light industries, notably the food and diamond industries. Further, the proximity of the Dead Sea had given rise to the development of the pharmaceutical industry in Jerusalem. It was considered that Jerusalem was unsuitable as a site for heavy industries, on account of its distance from the sea. Jerusalem had always been regarded primarily as a city of science and religion and as a seat of Government. Mr. Auster added that although the seat of the Government of Israel was temporarily not in Jerusalem, the citizens of Israel would always regard the city as their eternal capital.

On the subject of internationalization, Mr. Auster stated categorically that he did not believe it would be possible to internationalise Jerusalem. Emphasising that he was speaking as a representative of the citizens of Jerusalem and not as a politician, he declared that the Jews of Jerusalem would never consent to an international government of Jerusalem. Moreover, they wished to have the whole of the city under Jewish control. Mr. Auster explained that in November 1947 he, like the majority of Jews in Jerusalem, had reluctantly accepted the Assembly's decision to internationalise the city. He had been a member of the Jewish Agency's delegation to the Working Committee of the Trusteeship Council charged with the elaboration of the Draft Statute for Jerusalem. The subsequent history of the Statute, the abandonment of Jerusalem to its fate by the world community in May 1948 and above all Count Bernadotte's proposal that Jerusalem should be included within an Arab State had, however, convinced him that the United Nations had never seriously intended to internationalise the city. Since that time he had considered the pretext of internationalising Jerusalem on the grounds that it was a Holy City to be an exploded myth.



**UN CONCILIATION COMMISSION FOR PALESTINE, SUMMARY RECORD OF THE
24TH MEETING, KING DAVID HOTEL, JERUSALEM, 17 MARCH 1949 [EXCERPTS]**

[Discussion on permanent boundary lines in Jerusalem]

Present: Mr. Ethridge (USA) - Chairman
Mr. de Boisanger (France)
Mr. Yalchin (Turkey)
Mr. Azcarate - Principal Secretary

[...]

The Question of Jerusalem.

Mr. KALDERMAN (Chairman of the Jerusalem Committee) proposed that the representatives of Israel and Transjordan, collaborating with the Committee, should be asked whether they were willing to proceed with the demarcation of permanent boundary lines in the Jerusalem area with the collaboration of the Consuls of France and the United States. It had been urged by the above Consuls that this task be undertaken to avoid further deterioration of the section. Mr. Comay had raised the question himself and had expressed his will-

ingness to proceed on such an undertaking. Mr. Halderman suggested that the Conciliation Commission, as a first step, should ask Messrs. Neville and Burdett to act on its behalf as its experts in this measure during their absence in Beirut.

Mr. de la TOUR DU PIN, although accepting Mr. Halderman's suggestion in principle, raised two objections for the time being. The first was that a discussion of the boundary lines in Jerusalem might prejudice discussions on the same subject but on a military level taking place at Rhodes. The Jerusalem press, he remarked, had been giving these discussions a political significance and although the Commission denied such an interpretation, any action of the Commission on the subject might complicate matters. The second objection was that as long as the Jerusalem Committee had not decided on an international statute for Jerusalem and had, in fact, not even decided on the direction that the solution of the Jerusalem problem would take, it could not very well proceed to such a specific undertaking as the demarcation of front lines.

Mr. HALDERMAN pointed out that the fact that Mr. Comay had raised the question himself showed that he did not feel that it would prejudice the Rhodes negotiations. His own intention had been not that the lines should be drawn immediately, but that initial steps should be taken that would be completed after the Rhodes talks had ended.

It was pointed out that the French Consul would also like to consult Mr. de Boisanger before proceeding on such an undertaking.

Mr. YENISEY agreed that such steps would be premature before the conclusion of the Rhodes and Beirut talks and required also that the Turkish Consul be included among the group of experts.

The CHAIRMAN suggested, and the Commission agreed, to postpone a decision on the matter until the Commission went to Beirut.

The Beirut Meetings: Administrative Arrangements

Mr. BERNES informed the Commission of certain administrative arrangements made for the transportation and accommodation of the members of the Commission and Secretariat.



UN CONCILIATION COMMISSION FOR PALESTINE, FIRST PROGRESS REPORT OF THE COMMITTEE ON JERUSALEM, 19 MARCH 1949

1. The Committee on Jerusalem of the United Nations Conciliation Commission for Palestine was appointed by the Conciliation Commission at its 13th meeting on 8 February 1949. Its membership was to consist of an advisor from each of the three delegations to the Commission and a member of the Secretariat, to be appointed by the Principal Secretary. The following were nominated to the Committee:

Mr. Halderman	(USA)
Mr. Benoist	(France)
Mr. Yenisey	(Turkey)
Mr. Barnes	(Secretariat)

2. The terms of reference of the Committee were as follows: "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".

The Committee was also authorized to interview witnesses and to gather information through other contacts, and to receive and study all previous proposals on the subject, including the draft statutes for the City of Jerusalem drawn up by the Trusteeship Council and its Working Committee on Jerusalem. The Committee's meetings were to be informal.

3. The Committee held its opening meeting on 10 February 1949 and decided that its chairmanship should rotate among members on a two-weekly basis. The representative of the United States, Mr. Halderman, was elected first chairman. In view of the fact that the Committee did not meet during the Commission's tour of Arab capitals and Tel Aviv, Mr. Halderman was asked at the Committee's second meeting on 3 March 1949 to continue in offices as chairman for the ensuing two weeks.

4. In order to facilitate the work of the Committee, the Commission suggested to the Governments of Transjordan and Israel that they might wish to appoint special representatives to work with the Jerusalem Committee.

The Israeli Government subsequently appointed Mr. Michael Comay and Mr. Zalman Lifshitz as its official representatives. As of the date of this report, the Government of Transjordan had not appointed a representative and the Committee had been advised, unofficially, that the appointment probably would not be made until during or after the Beirut meeting with the Arab States, beginning March 21.

5. At the outset of its work the Committee agreed that its first task was to formulate the general principles which would form the basis of an international regime within the meaning of the resolution of the General Assembly. After extensive discussion the following set of principles was agreed upon by the members of the Committee as a basic formula which might provide a starting point for the Committee's discussion with representatives of the interested parties:

- (1) The International City of Jerusalem should constitute a *corpus separatum*, legally distinct from any other state or states. Consequently the law of Jerusalem should be its own law and not that of any other state.
- (2) The area of the City of Jerusalem should be permanently demilitarized and neutralized.
- (3) Within the boundaries of the City, Jewish and Arab zones should have maximum local autonomy based on democratic principles.
- (4) A United Nations Authority should be established with power to regulate:
 - (a) Protection of and free access to the Holy Places;
 - (b) Protection of human rights and the rights of distinctive groups;
 - (c) Free access to and from Jerusalem and within the city;
 - (d) Common public services;
 - (e) Maintenance of peace and order in the City. Local law and order to be maintained by the respective Arab and Jewish administrations;
 - (f) Financial and budgetary matters;
 - (g) External relations.
- (5) In addition to local courts in the Arab and Jewish zones, there should be an international judiciary which will seize itself of conflicts regarding jurisdiction between religious courts or between religious and civil courts. It should furthermore have original and appellate jurisdiction in all cases involving claims that any laws or official acts are incompatible with the provisions of the Statute.
- (6) There should be provision for Jerusalem citizenship. (This principle is without prejudice to further decisions regarding retention of citizenship in other states.)

6. With these principles agreed upon, the Committee proceeded to consultations with the following:

The Mayor of Bethlehem, at Bethlehem, 9 March.

The Mayor of Beit Jala, 9 March.

The Mayor of Jerusalem (Arab Sector), at Jerusalem, 13 March.

The Representatives of the Israeli Government, at Jerusalem, 14 March.

The Mayor of Jerusalem (Jewish Sector), at Jerusalem, 15 March.

The Committee has therefore had only one meeting with the official representatives of an interested Government. This was the meeting on 14 March with the representatives of the Government of Israel. The other conversations were with persons occupying positions of local authority in the Jerusalem area, whose expressions were presented as authoritative statements reflecting the views of the people of the locality.

7. In presenting the position of his Government, the official Israeli representative, Mr. Comay, made it clear that he and his colleague were not authorized to commit the Government of Israel or to take a formal position on any general or specific proposals and that the discussion at this stage should be considered of an informal and exploratory nature, with the understanding that any concrete proposals which might emerge would be subject to submission to the Government of Israel. From his discussion, the following points emerged as the basis of the present Israeli approach to the problem.

- (1) The burden of direct international rule should be restricted to the Old City, since only there did historical and religious interest dominate completely any local interests.
- (2) International responsibility should extend in some degree to the Holy Places outside the Walled City.
- (3) The Jerusalem area outside the Walled City should be divided between the two adjacent states, with direct control and authority over each sector to be exercised by each of the respective states. With respect to boundary lines between the two sectors outside the Old City, the Government of Israel would be prepared to enter into tripartite negotiations between the United Nations, the Government of Israel and whatever Arab state might ultimately be the responsible Arab authority in Palestine.
- (4) It was inconceivable that the Jewish portion of Jerusalem should be separated from the State of Israel. Although the precise constitutional position had not been clarified, the *de facto* position was clear; the Jews of Jerusalem, in their own minds, regarded themselves as fully and completely citizens of the State of Israel.
- (5) The Government of Israel would not consent to permanent rule of the Old City by Transjordan.

8. Views of the other spokesmen consulted by the Committee indicated a wide diversity of opinion with respect to the fundamental question of internationalization. The Arab Mayors of Bethlehem and Beit Jala expressed the view that the people of their localities were overwhelmingly in favor of the establishment of an international regime for the Jerusalem area. The Mayor of the Arab sector of Jerusalem held, on the other hand, that the entire Jerusalem area should be under an Arab regime oriented politically and economically toward the adjacent Arab state. The Mayor of the Jewish sector of Jerusalem told the Committee that the people of his community would never consent to an international government for the City and would insist that the whole of the City be placed under Israeli control.
9. The present position of the interested parties, as disclosed by the Committee's discussions thus far, is substantially as follows:
- (1) The preliminary suggestions advanced by the official Israeli representatives, and the view expressed by the Jewish Mayor of Jerusalem, are contrary to the terms of the General Assembly's resolution as interpreted by the Committee.
 - (2) The official position of the Transjordan Government has not yet been made known directly to the Committee although the Committee was aware of the general statements made to the Commission by King Abdullah and his Prime Minister, Tewfik Pasha. These statements indicated the opposition of the Transjordan Government to the idea of internationalization. Local opinion in the Arab sector, as expressed by the Mayors of the three most important municipalities, is in some cases in accord with the resolution and in others opposed.

10. Conclusions:

A. View of the Representatives of France and the United States:

- (1) The Committee feels that its discussions thus far leave little hope for an agreement by the interested parties on a formula for internationalization fully compatible with the letter and spirit of paragraph 8 of the General Assembly's resolution.
- (2) The Committee feels, however, that there is some possibility of securing agreement on a formula which, while compatible only in a broad sense with the resolution of the Assembly, might nevertheless be acceptable to the Assembly as a practicable and realistic settlement of the status of Jerusalem.

The Committee therefore respectfully requests guidance and instructions from the Commission with respect to its future work.

B. View of the Representative of Turkey:

Through his various contacts and interviews, both on the Jewish and the Arab side, the Turkish Representative has become convinced that it is practically impossible to proceed with the internationalization of the City of Jerusalem in conformity with the spirit and the letter of the General Assembly's resolution of 11 December 1948. He notes:

- (1) That the Arabs, although they claim an Arab Jerusalem, would be generally ready to approve internationalization of the City in accordance with the above mentioned resolution;
- (2) but that the Jews, in opposition to the resolution, are firmly decided to keep and incorporate the New City in the State of Israel, and that, according to them, internationalization should apply to the Old City only.

Under those conditions, the Turkish Representative's view is that no useful purpose can be served by further investigating the possibility of internationalizing the area, as provided for in the resolution of 11 December 1948.

The Turkish Representative therefore considers that the Committee's task, as entrusted to it by the Conciliation Commission, of preparing the Statute of Jerusalem according to the said resolution must be studied in the light of the present situation, and he would like the Commission, if it considers it necessary, to give new instructions as to the direction that the Committee's work should take.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 14TH MEETING, BEIRUT, 23 MARCH 1949**

[Report of a meeting discussing the Committee's future work]

Present:	Mr. Yenisey	(Turkey) - Chairman
	Mr. Benoist	(France)
	Mr. Halderman	(USA)
	Mr. Barnes	- Secretary

The CHAIRMAN explained that he called the meeting to consider the future work of the Committee. At its meeting earlier in the day, the Commission had indicated that the Committee should continue its work, and that it was necessary to make certain plans accordingly.

The Committee had already seen three Mayors on the Arab side in the Jerusalem area, as well as the Mayor of the Jewish sector of the City and the official representatives of the Israeli Government. Transjordan had been asked to appoint a representative but had refused to do so. The Transjordanian Prime Minister had told the Chairman that Transjordan would not appoint such a representative, because it did not want to appear to approach the Jerusalem question unilaterally. The Israeli representative Mr. Comay, had been categorical in his refusal to accept the principle of the Assembly's resolution and the Israeli position could be summed up by saying that the Jews wanted the New City under their control.

Mr. YENISEY said that Mr. Benoist had suggested that the Committee might talk with representatives of the various confessions in Jerusalem. The Chairman found it difficult, however, to leave the seat of the Commission and would propose that the Jerusalem Committee work wherever the Commission might be, with perhaps occasional trips to Jerusalem for consultation on specific matters.

Mr. HALDERMAN asked for a clarification of Mr. Yenisey's statement about Mr. Comay's position.

Mr. YENISEY replied that, according to his understanding, the Israeli representative had been categorical in holding that the New City should stay under Jewish control. Mr. Yenisey said that, in his opinion, the Committee must remain firm in its insistence on the principle stated in the resolution, and that no concessions on either side were possible. The Jews had refused to agree to internationalization of the entire city and were, therefore, acting in contravention of the Assembly's mandate.

Mr. HALDERMAN said that he would like clarification as to whether the Commission had approved, at its morning meeting, the proposed new terms of reference which Mr. Ethridge had submitted.

Mr. YENISEY replied that he did not know whether any decision had been reached, but his understanding was that the principle was not to be modified under any circumstances. It would be impossible even to discuss any proposed modification. Only details of a statute carrying out the exact meaning of the resolution would be open to discussion.

Mr. BENOIST said it was necessary to reach any decision at the meeting. But he said it was clear that the Committee needed clear direction as to its future work. He said he felt the Committee should return to Jerusalem forthwith. He said he shared Mr. Yenisey's attitude that the principle set forth in the resolution could not be contested, but he suggested that it might be possible to find an intermediate solution somewhere between the former Trusteeship Statute and the plan informally put forward by Mr. Halderman.

The CHAIRMAN called attention to the fact that the Committee had been called into meeting for the sole purpose of discussing questions of procedure. He reiterated that it was most difficult for him to leave the seat of the Commission, and asked if members of the Committee agreed to his proposal that the Committee should continue to work wherever the Commission might be.

Mr. BENOIST said that if the Commission decided to return to Jerusalem in four or five days, he would have no objection to remaining in Beirut for that long. If the Commission should decide to stay in Beirut longer, or to go elsewhere, he felt the Committee should return to Jerusalem.

Mr. YENISEY said that, in any event, the Commission could not remain indefinitely in Beirut, and he suggested that the Committee should wait until the Commission returned to Jerusalem. Also, he said, it would be important for him, and perhaps for other Committee members, to be present when the Commission drafted its report. In conclusion, he said it was agreed that the Committee would stay with the Commission if the latter remained in Beirut for not more than a week. If the Commission should then decide to go elsewhere than Jerusalem, the problem would have to be considered again. He personally would be obliged to stay with the Commission in any event.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 17TH MEETING, OLD CITY, JERUSALEM, 6 APRIL 1949**

[Report of a meeting with Christian Patriarchs to discuss the future status of Jerusalem]

Present: Mr. Benoist (France) - Chairman
 Mr. Halderman (USA)
 Dr. Serup - Legal Advisor, Secreteriat
 H.E. Monsifnor Gustave Testa, Apostolic Delegate and Regent of the Latin Patriarch
 His Beatitude Guregh II, Armenian Patriarch
 His Lordship Archbishop Athinagoras, Representative of the Greek Orthodox Patriarch

I Conversation with the Latin Patriarch

The CHAIRMAN apologized for the absence of the Turkish member of the Committee and explained that in the first place the Committee had wished to pay a formal call on the Patriarch and in the second place to hear his views on Jerusalem and the Holy Places. The Committee wished to know in particular whether the Patriarch desired to add anything to the statement submitted two years ago to the United Nations Special Committee on Palestine by the heads of different Catholic rites.

The PATRIARCH indicated that he was following the instructions of the Holy Father in regard to the internationalisation of Jerusalem and that security and freedom of access were an absolute necessity for this purpose.

The CHAIRMAN drew attention of the Patriarch to the establishment of a Special Committee composed of two Jews and two Transjordanians whose work would be parallel to that of the Jerusalem Committee of the Conciliation Commission. He inquired whether the Patriarch would be prepared to make a more detailed statement on Jerusalem and the Holy Places than the one contained in the Papal Encyclical.

The PATRIARCH reiterated that freedom of access to the Holy Places, security of the Christians and guarantees for their property were the conditions he considered as essential for the welfare of Jerusalem. He added that satisfactory provisions for the security of the Arab section of Jerusalem had been made by the Military Governor, Colonel Abdullah El Tell. He asked the Committee whether it would not be possible now that the Israeli-Transjordan Armistice Agreement had been signed, to open the Jaffa Gate as well as the road to Bethlehem. Finally, he expressed his doubts about the possibility of solving the Jerusalem problem this year.

The CHAIRMAN replied that in his opinion the Jaffa Gate and the road could be opened. As to the Jerusalem problem, it was very complicated as it had to be solved in accordance with the United Nations decision and in conformity with the desires of the Jews, Arabs and the people of Jerusalem. A project which would be adopted hastily and would not satisfy the various parties would not be durable.

Discussing the different concepts of an international regime for Jerusalem, the PATRIARCH mentioned the example of Saarbrucken, which had its own administrative machinery and police.

The CHAIRMAN considered that Trieste afforded a better basis of comparison since there, as in Jerusalem, two nations confronted each other.

The PATRIARCH asked whether the boundaries of the territory to be internationalized were already settled and upon receiving an affirmative answer, inquired about the status of Nazareth, Tiberias and Capernaum. He hoped that freedom and security would also prevail in these Holy Places.

The CHAIRMAN replied that under the terms of the United Nations resolution, the Governments which would govern the territory in which these Holy Places were located, would provide free access to them. However, they were not to be placed under an international regime.

The PATRIARCH then inquired what would be the attitude of the Jews if the Conciliation Commission should impose religious freedom? Would this be the same freedom as the Church enjoyed at the time of the Mandate or a freedom according to Jewish conceptions? The word "freedom" had different meanings according to the place where it was uttered. He further inquired whether the authority and the rights privileges of the Church which it had acquired during the Ottoman and British Administration would be maintained.

The CHAIRMAN explained that they would be maintained but that the United Nations could not impose their acceptance on Israel which would have to accept these rights and privileges freely. The United Nations had preserved Jerusalem and Bethlehem which were especially cherished by the Christian faith. In conclusion, he summed up the wishes of the Patriarch concerning the freedom of Christian institutions in Galilee, Nazareth, Tiberias, Capernaum and Jaffa. He added that the Committee was anxious to visit the Christian Holy Places in Galilee in order to learn whether any complaints were forthcoming from Christian communities there.

The PATRIARCH explained that his remarks had referred to the *de facto* situation. As regards the *de jure* situation, he hoped the United Nations would obtain guarantees securing to the Catholic Church the same freedom, rights and privileges as it had enjoyed during the Mandate.

II Conversation with the Armenian Patriarch

The PATRIARCH opened the conversation with a detailed account of the historical relationship between the Armenians and the people of Palestine. In reply to a question from the Chairman in regard to his wishes concerning the interests of the Armenian Church, the Patriarch stated that the present situation in Arab held territory was, generally speaking, satisfactory, but that he was anxious to know what had happened to the property of the Armenian Church in the following places:

In Jerusalem:

- (1) The Monastery erected on the site of the House of Annas (close to the German Church of Dormition). It had been bombarded, the four inmates removed, one of whom was shot and the others wounded. The Jews had first arrested and then released them. The dead, however, remained unburied. This site was particularly important to the Armenian Church as it was the only cemetery of all Armenian Patriarchs. It was furthermore recognized as a Holy Place.
- (2) The extensive land property behind Barclays Bank, on which shops had been erected and then rented to Jews.

In Jaffa:

- (3) The Armenian Church Monastery and School, as well as other property.

In Haifa:

- (4) Certain property.

In Ramleh:

- (5) A Monastery.

He expressed the wish to see the fifth century Mosaic outside the Damascus Gate, as it was the property of the Armenian Church.

The Patriarch added that the Armenians had suffered considerable losses due to the events in Jaffa and Haifa. He asked that the Armenians be allowed to return to Haifa, Jaffa and Ramleh. They had numbered 10,000 at the time of the partition.

Asked by the Chairman whether the Armenian Church was interested in Galilee, the PATRIARCH replied that it had an interest in all Holy Places in Palestine and that a memorandum to that effect had been submitted to the United Nations Special Committee on Palestine.

Summarizing, he requested-

- (1) that adequate provisions be included in the future constitution to safeguard the interests of the Christians as a whole, and in particular the rights and privileges of the different confessions which had been attained through efforts and sacrifices during many centuries. The Status Quo should be respected.
- (2) that the Christians should be allowed to go back to the Holy Places.

He added that if the partition plan were to be accepted, the Jerusalem problem would be solved. But, if it should not be accepted, then the whole problem would have to be revised. He drew the attention of the Committee to the last part of the memorandum submitted by the Armenian Patriarchate to the United Nations Special Committee on Palestine. In conclusion, the Patriarch stressed that he had tried to have Jerusalem declared an open city, but

unfortunately, his attempts had failed. During the hostilities, the Patriarchate had been under fire for several days but he had advised the Armenian population of Jerusalem, totaling 3,000, not to evacuate the city.

III. Conversation with Archbishop Athinagoras, Representative of the Greek Orthodox Patriarch of Jerusalem

The ARCHBISHOP declared that the Greek Orthodox Church of Jerusalem fully accepted the internationalisation of the city as decided by the United Nations.

The Greek Orthodox Church was interested in:

- (1) the maintenance of the Status Quo for all Holy Places as well as free access to them;
- (2) the maintenance of rights and privileges of the Christian Church as confirmed by international treaties or by practice.

In this connection, the Archbishop emphasized that the Greek Orthodox Church would desire that provisions be included in the international treaties to be concluded by the States in Palestine, guaranteeing the rights and privileges of the Christian Church.

The CHAIRMAN replied that the Committee agreed to the Status Quo in Jerusalem but that it was also concerned with the other Holy Places such as Nazareth and Capernaum. He indicated that the Committee could only ask Transjordan and Israel to grant to all priests and pilgrims the freedom they enjoyed at the time of the Mandate and asked whether this satisfy the Greek Orthodox Patriarch.

The ARCHBISHOP replied in the affirmative, but added that the property of the Church as well as its privileges should be protected. In particular, he mentioned that property should not be alienated and that privileges in matters of taxation as well as exemption of custom duties, etc, should be maintained.

The CHAIRMAN inquired about the status of the property belonging to the Russian Orthodox Church.

The ARCHBISHOP explained that the Patriarch of Moscow had sent Archimandrite Leonidas as his representative to Palestine. The representative had not, however, yet visited the Old City for the purpose of presenting his letters of credential.



UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM, SUMMARY RECORD OF THE 18TH MEETING, OLD CITY, JERUSALEM, 7 APRIL 1949

[Meeting with the heads of other Churches on the status of Jerusalem]

Present: Mr. Benoist (France) - Chairman
 Mr. Halderman (USA)
 Dr. Serup - Legal Advisor, Secretariat
 His Paternity Alberto Gori, Father Custos of the Holy Land
 Father Abu Saada, Greek Catholic Patriarchal Vicar
 Archbishop Jacobus, Representative of the Coptic Patriarchate
 The Abyssinian Abbot
 Father Jean Kouyoumdjian, Acting Vicar of the Armenain Catholic Church

The Committee devoted its eighteenth meeting to visits to the above mentioned persons. It also called on the representatives of the Syrian Catholic Church, who however were absent from Jerusalem.

At the commencement of each visit, the Chairman introduced the Committee, apologized for the absence of the Turkish delegate and briefly explained the purpose of the Committee's visit.

1. The Father Custos of the Holy Land stated that he had nothing to add to the statement made to the Committee on 6 April by Monsignor Testa concerning Jerusalem and the Holy Places. He informed the Committee that an official invitation to attend High Mass on Easter Sunday at the Church of the Holy Sepulchre would be transmitted to the Commission.
2. The Greek Catholic Patriarchal Vicar wished to support the views put before the Committee by Monsignor Testa and declared that the internationalization of Jerusalem would provide the best solution to the

problem of the future status of the city. In his opinion, the partition of Jerusalem between Jews and Arabs might prove a source of serious friction in the future. The Patriarchal Vicar added that in advocating internationalization he wished it to be understood that he had no complaints to make regarding the treatment of Christians by the present Arab authorities in Jerusalem.

In reply to a question he stated that the Greek Catholics in Jerusalem now numbered 500; the majority of the community had taken refuge in Damascus and Cairo.

The Patriarchal Vicar urged that certain roads leading out of Jerusalem should be re-opened in order that the normal economic life of the City might be resumed. He was anxious to know in particular what would be the fate of the Arab districts of Jerusalem now under Jewish occupation.

3. The Representative of the Coptic Patriarchate urged that the whole of Jerusalem be placed under a joint trusteeship, to be exercised by Egypt, Lebanon, Syria and Transjordan.

In reply to a question, the Archbishop stated that the total number of Copts in Palestine was in normal times 10,000 to 12,000, 2,000 of whom lived in Jerusalem. The present number of Copts residing in Jerusalem was approximately 1,000.

4. The Abyssinian Abbot explained that he did not wish to speak on the political aspect of the problem of Jerusalem. He stated that the Abyssinian Church had enjoyed certain rights and privileges in the Holy Land since the days of the Caliph Omar and that it hoped and expected that these privileges would be fully maintained.

5. The Acting Vicar of the Armenian Catholic Church urged that Jerusalem should be internationalized and stated that he fully supported the statement made to the Committee by Monsignor Testa.

In reply to a question he said that the Armenian Catholic population of Jerusalem had formerly numbered 1,000 persons of whom 400 now remained in the City. The Armenian Catholics were, however, gradually returning to Jerusalem.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
WORKING PAPER ON THE HOLY PLACES PREPARED BY THE SECRETARIAT,
8 APRIL 1949 [EXCERPTS]**

Paragraph 7 of the Resolution on Palestine adopted by the General Assembly on 11 December 1948* states that the Assembly 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 proposal 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."

The present paper consists of two sections: Part I, containing a brief explanation of "existing rights and historical practice" concerning the Holy Places in Palestine, together with an annotated list of the Holy Places; Part II, consisting of a short account of the studies and recommendations made hitherto in regard to the Holy Places by various organs of the United Nations.

PART I. THE STATUS QUO AND THE HOLY PLACES

Throughout the centuries, tradition has accorded to certain shrines, sites and religious buildings in Palestine a special significance, and they have accordingly been held in particular veneration by three of the great religions of mankind. Although the larger number of the sites generally known as "Holy Places" are especially revered by Christians, Palestine is a Holy Land by virtue equally of its spiritual significance to Islam and to Judaism and of its many shrines and sites sacred to those faiths.

In his Report on the Administration of Palestine, 1920 - 1925*⁴, the first British High Commissioner, Sir Herbert Samuel, described the problem of the care of the Holy Places as follows:

"All the chief shrines sacred to Christendom are here; Islam sends pilgrims to mosques in Palestine which rank next only to the Kaaba at Mecca and the Tomb at Medina; there are spots round which are entwined the strongest affections of Judaism. The access to these places, their ownership and care, have given rise to controversies through the centuries. Local disputes have often caused disturbances, the support, given by Great Powers, to one party or another has been a factor in diplomacy, and sometimes a contributory cause of enmity and of war."

A. NOTE ON THE HISTORY OF THE STATUS QUO

The disputes which occurred with the passage of years concerning certain of the Holy Places related especially to questions of ownership and the right to hold religious services, and arose chiefly between the Latin and Orthodox branches of Christianity. As a result of these disputes, the Ottoman Government decreed in 1757 a *modus vivendi* which applied to certain Holy Places and which subsequently became known as the *Status Quo*.

The Ottoman Sultans tended to favour the Orthodox Christians in Palestine, who were their own subjects, at the expense of the Latin Christians, who were the subjects of European Powers with whom the Sultans were frequently at war; and the arrangement of 1757 deprived the Latin Church of a number of Holy Places which had formerly belonged to it. The French Government, on behalf of the Catholic Powers, made several attempts to redress the balance in favour of the Latin Church. In the main, however, it was unsuccessful, and in 1852 the Sultan Abdul Majid reaffirmed the *Status Quo* of 1757. In 1853, an undertaking to maintain its provisions was made by the signatory Powers of the Treaty of Paris signed at the conclusion of the Crimean War.

At the end of the First World War, Palestine passed under the protection of Great Britain. It was felt that it was opportune to re-examine the whole question of the conflicting claims regarding the Holy Places. Therefore, while Article 13 of the Mandate for Palestine made the Mandatory responsible for the protection of the Holy Places and for the preservation of existing rights relating to them (i.e. the *Status Quo*), Article 14 provided for the appointment by the Mandatory 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. Article 14 further laid down that "the method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval and the Commission shall not be appointed or enter upon its functions without the approval of the Council."

In 1922 the British Government put forward suggestions for the composition of the Commission, but these were not acceptable to the Catholic Powers on the League Council and were withdrawn. The Mandatory Power then suggested in 1923 that, pending the establishment of the Special Commission provided for by the Mandate, an *ad hoc* Commission of Enquiry, composed of one or more British judges not resident in Palestine, should be appointed to deal with any disputes which might arise in connection with the Holy Places. This proposal, however, was not carried into effect, and as a consequence, the *Status Quo* promulgated in 1757, and reaffirmed in 1852 was applied in respect of the rights and claims of the various communities throughout the duration of the British Mandate. All disputes were referred to the Government of Palestine*⁵ if the Government's decision was not accepted, a formal protest was made by the interested community and it was recorded that no change in the *Status Quo* was held to have occurred.

Since the end of the Mandate for Palestine, no other international arrangement has been concluded concerning the Holy Places; further, the General Assembly of the United Nations, by its reference to the protection of the Holy Places, "in accordance with existing rights"*⁶ would appear to have endorsed the validity of the *Status Quo* as presently applied. It should, moreover, be noted that in response to the invitation extended in 1947 by the United Nations Special Committee on Palestine (UNSCOP) to the heads of religious bodies in Palestine asking them to present statements on their religious interests, the Armenian, Greek Orthodox and Coptic Orthodox Patriarchs specifically urged the integral and permanent maintenance of the present *Status Quo*.***⁷

⁴ *Colonial No. 15, page 48, London 1925

⁵ *Palestine (Holy Places) Order in Council, 1924 reproduced as Annex (a) Part I of this paper

⁶ **A/807, paragraph 7.

⁷ ***Memorandum presented to UNSCOP by the Armenian Patriarch of Jerusalem, 15 July 1947; Memorandum presented to UNSCOP by the Patriarchal Representative of the Greek Orthodox Patriarchate, Jerusalem, 3 July 1947, Letter to UNSCOP from Coptic Orthodox Patriarch, Jerusalem, 15 July 1947.

B. THE SCOPE OF THE STATUS QUO

The *Status Quo* is in effect the perpetuation of arrangements approved by the Ottoman Decree of 1757 concerning rights, privileges and practices in certain Holy Places to which conflicting claims had been put forward. The conflicting claims related to disputes between religious faiths concerning a Holy Place (Cf. Rachel's Tomb, the ownership of which has been claimed by both Jews and Moslems) and disputes between branches of religious faiths (Cf. the Basilica of the Holy Sepulchre, where rights and claims have been contested by the Latin, Greek Orthodox, Armenian, Coptic and Syrian Jacobite Churches). In the main the disputes concerned:

- a) questions of ownership and matters devolving therefrom, such as the right to carry out repair work or alterations;
- b) questions relating to the right to hold religious services.

The *Status Quo* may be said to have "frozen" the situation regulated in 1757, even in regard to the most minute and intricate details, such as the use of candelabra and the decoration of an altar.

In all matters of principle concerning the *Status Quo* in the Christian Holy Places, only the three "major communities" are taken into account. These are the Latin Church (i.e. the Roman Catholic Church and in particular the Franciscan Fraternity of the Custody of Terra Sancta); the Greek Orthodox Church; and the Armenian Church. The right to hold services at certain times is possessed by the Abyssinians, the Copts and the Syrian Jacobites.

The Holy Places and their component parts governed by the *Status Quo* fall into four groups:

1. The parts that are agreed to be the common property of the three major communities in equal shares;
2. The parts claimed by one community as being under its exclusive jurisdiction, but in which the other two communities claim joint proprietorship;
3. The parts the ownership of which is disputed between two rites;
4. The parts of which one community has the exclusive use qualified by the right of the others to cense and visit it during their offices;
5. The parts which are in the exclusive jurisdiction of one community but are comprised within the ensemble of the Holy Place.

In the administration of the *Status Quo*, certain fixed principles relating to ownership are followed. For example, authority to repair a floor or a roof implies the right to exclusive possession on the part of the restorers. The right to hang or change a lamp or a picture is held to imply exclusive possession of a pillar or wall. The right of other communities to cense at a chapel recognizes the position that the ownership of that chapel is not exclusive.

The application of the *Status Quo* varies in strictness. In the parts in dispute, nothing can be done in principle in the way of repairs. In the case of urgently needed repairs, under the Mandate the work was carried out by the Government or local authority and the question of payment left in suspense. Sometimes an arrangement was made whereby a community that wished to carry out work in a locality might be allowed to do so, provided the other communities were allowed to undertake equivalent work in places where they put forward a similar claim. In other cases it was sufficient for a community to give formal notice of the intended work, but any fundamental change had to be made the subject of a special arrangement.

C. HOLY PLACES TO WHICH THE STATUS QUO APPLIES

The *Status Quo* applies to the following nine Holy Places in Palestine (all of which are in the Jerusalem area).

1. The Basilica of the Holy Sepulchre and its dependencies, Jerusalem.
2. The Deir al Sultan, Jerusalem.
3. The Sanctuary of the Ascension, near Jerusalem.
4. The Tomb of the Virgin, near Jerusalem.
5. The Basilica of the Nativity, Bethlehem.
6. The Grotto of the Milk, Bethlehem.
7. The Field of the Shepherds, Bethlehem.
8. The Wailing Wall, Jerusalem.
9. Rachel's Tomb, near Bethlehem.

A summary note on the way in which the *Status Quo* applies in each of the above nine cases is given in Section D below in the note on the Holy Place concerned.

Apart from those nine Holy Places, all the remaining Holy Places in Palestine are not subject to the *Status Quo* because the authorities of one religion or of one community within a religion are in recognized or effective possession.*⁸.

D. LIST OF THE HOLY PLACES IN PALESTINE

The following list of Holy Places in Palestine is in no sense comprehensive; it is merely compilation of lists presented on various occasions to the United Nations Special on Committee on Palestine by the Custody of Terra Sancta, the Greek Orthodox and Armenian Patriarchates and the Government of Palestine. All these bodies gave the Special Committee lists of shrines and sites which in their view were to be regarded as Holy Places. The list presented by the Greek Orthodox Patriarchate differed somewhat from those prepared by the other bodies, in that it included a large number of monasteries and churches. The list given below, therefore, is not completely consistent since it includes a much larger number of Greek Orthodox than of Roman Catholic or Armenian religious buildings. Reference may also be made to the "partial List of Roman Catholic Activities in Palestine, presented to UNSCOP by the Catholic Near East Foundation"⁹, which includes churches and monasteries not specifically regarded as "Holy Places", and to the Memorandum presented to UNSCOP by the Consul-General of France**¹⁰, which lists French religious and educational institutions in the Holy Land.

It should moreover be pointed out that neither the Moslem nor the Jewish religious authorities submitted lists of Holy Places to the Special Committee, those listed below were brought to the attention of the Committee by the Government of Palestine as being more important shrines in Palestine sacred to Islam or Judaism.

Since the Conciliation Commission's terms of reference differentiate between the Holy Places in the Jerusalem area and those in the rest of Palestine***¹¹, the list is divided into two sections: the Jerusalem area, and the rest of Palestine. The Holy Places are listed in each section alphabetically under three groups: Christian, Moslem and Jewish. Those to which the *Status Quo* relates are indicated by an asterisk. An index is appended.

INTERNATIONAL AREA OF JERUSALEM

A. CHRISTIAN HOLY PLACES

AIN KARIM: Ain Karim is venerated by Christians as the place of the visitation of the Virgin Mary and as birthplace of St. John the Baptist.

1. The Church of the Visitation is built on the traditional site of one of the two houses of the High Priest Zachary (St. Luke I, 40), the house where the Virgin Mary visited Elizabeth and spoke the Magnificat. A church stood on this site before the end of the 4th Century. It fell in ruins towards the end of the 15th Century. The Franciscans bought the ruins from the Ottoman Government in 1679 and were permitted to rebuild the lower part of the original church, but not the upper part, which remained in ruins until a few years ago, when the Franciscans built a new church incorporating all that still remained of the original building. The Latin rite regards the Church of the Visitation as coming under its exclusive jurisdiction. According to the Armenian Patriarchate, the Armenian Church at one time owned the Church.
2. The Church of St. John the Baptist is built on the traditional site of the other house of the High Priest Zachary, the birthplace of St. John the Baptist. The first church on this site was built during the 5th Century. It was destroyed by the Samaritans during their revolt against the Byzantine Empire (A.D. 521-531) and the Greek brethren who served it were martyred. The church was soon afterwards restored; by the beginning of the 12th Century it was again in ruins, but shortly afterwards it was once more restored. After the expulsion of the Crusaders, it was transformed into an inn and stables, but was still a place of pilgrimage for all rites. The Franciscans finally purchased the site. The present traditional birthplace of St. John the Baptist is venerated in a grotto at the east end of the northern nave. The Latin Church regards the Church and the Grotto as coming under its exclusive jurisdiction. The Greek Orthodox Church lists a Church of St. John as a Holy Place under its guardianship.

⁸ *As for example the Cenacle which, though a Christian Holy Place, has been in Moslem hands since the middle of the 16th century. The position that Christians do not in effect enjoy the right to hold services there is uncontested.

⁹ *Annex to Memorandum presented to UNSCOP by the Catholic Near East Foundation, 5 June 1947.

¹⁰ **Jerusalem, June 1947.

¹¹ ***A/807, paragraph 7 (quoted on page I of this paper).

3. *The Desert of St. John the Baptist*. This site is a short distance to the west of Ain Karim; it includes the Grotto where St. John traditionally lived his hermit's life, and the small Franciscan Chapel of St. John the Baptist In the Desert. The whole site is a Holy Place under the jurisdiction of the Custody of the Holy Land.

BEIT JALA: 4,5, *The Greek Churches* of the Blessed Virgin Mary, St. Nicholas and St. Michael are 6. regarded by the Orthodox Church as Holy Places under its guardianship.

BEIT SAHUR: See below under BETHLEHEM: Shepherds' Field.

BETHANY: The village of Bethany as a whole is sacred in Christian tradition as the home of Martha, Mary and Lazarus. From the neighbourhood of Bethany and the adjacent village of Bethphage Jesus set out upon His triumphal entry into Jerusalem on the first Palm Sunday. The following shrines are especially venerated:

7. *The Tomb of Lazarus* (where Jesus performed the miracle of raising Lazarus from the dead). The Tomb was venerated from an early date; by the time of St. Jerome (A.D. 349-419) a church had already been built over it. In 1134 Queen Melisande built an abbey a short distance east of the Tomb; it fell into ruins some years after the capture of Jerusalem by Saladin in 1187. Towards the end of the 16th Century the remains of the ruins of the original church were transformed into a mosque which Christians were forbidden to enter. Shortly afterwards, however, the Custos of the Holy Land obtained permission from the Ottoman Government to open a new entrance into the Tomb, which has ever since been available to the veneration of Christians.

The Custos of the Holy Land lists the Tomb as being used "in common" - presumably by the Latin, Armenian and Greek Churches.

8. *The Stone of Meeting*. The Custos of the Holy Land lists this as being "used in common".
9. *The ruined Church of St. Lazarus*, also known as the *House of Martha and Mary*, and the adjoining ruins of monastery. The Latin Church claims exclusive jurisdiction over these.
10. *The Monastery of Bethany*. The Greek Orthodox Church claims guardianship of this monastery.
11. *The site of the House of Simon the Leper*, where the friends of Jesus invited Him to take supper. The Latin Church claims exclusive jurisdiction over this site.
12. *The site of the departure for the triumphal entry into Jerusalem* is under the custody of the Latin Church.
13. *The Monastery of Bethphage* is regarded by the Orthodox Church is a Holy Place under its guardianship.

BETHLEHEM:

14. *The Basilica of the Nativity**¹². The Basilica of the Nativity in Bethlehem is built over the Grotto where Jesus was born. It is held to be probably the oldest Christian place of worship still in constant use. It was originally built by the Emperor Constantine in A.D. 330 and was restored and enlarged in the 6th Century. The basilica was again restored and enlarged in the 6th Century by the Byzantine Emperor Manuel Comnenus; the mosaics date from this period.

The *Status Quo* applies to the Basilica. The details of its application are too complicated to be described in this paper; reference should be made to the annexe to L.G.A. Cust's Memorandum on the *Status Quo* in the Holy Places: "The *Status Quo* in the Church of the Nativity, Bethlehem, by Adbullah Effendi Kardus." Briefly speaking, the Orthodox Church claims exclusive ownership of the Church as a whole, but parts of the Church belong to the Latin and Armenian Churches, and the right to hold religious services, under certain conditions, is shared by Latins, Armenians, Copts and Syrian Jacobites.

At the Christmas festivals the three Patriarchs enter the Church in solemn procession. Under the Mandate they were accompanied from Jerusalem by an escort of mounted police.

The Parvis. The Orthodox claim sole ownership, but no work can be carried out except with consent of the other communities. The Armenian Patriarchate in its Memorandum to UNSCOP claimed equal ownership of the Parvis with the Orthodox.

The Entrance Doorway. The key is kept by the Orthodox.

The Narthex (space between the Nave and the entrance door) is Orthodox property and cleaned daily by them, with the exception of the strips leading to the Armenian Convent, which are Armenian property. One lamp belongs to the Greeks and the other to the Armenians.

¹² * Some sites were marked in the original with an * but without a corresponding footnote. *The Ed.*

The Nave. The cleaning of the Nave is undertaken exclusively by the Orthodox, to whom all ikons, lanterns and lamps belong. The Orthodox also hold the key to the "common door" of the Nave. The Armenians enjoy right of passage through the Nave to their Church on certain feast days and special occasions. The Latins have the right of passage from the entrance to their Convent door between the first and second pillars of the Convent doors; any attempted departure from this practice is immediately contested by the other communities. Urgent repairs to the roof of the Nave had to be carried out by the Government of Palestine in 1926 because the Latins and Armenians strongly contested the Orthodox claim to the exclusive right to undertake this work.

The Katholikon is exclusively used by the Orthodox. Cleaning may not take place when the Armenians are using their Church.

The Church of St. Nicholas in the south transept is exclusively Orthodox property.

The Armenian Church of the Nativity in the north transept is under the exclusive jurisdiction of the Armenian Church. The Latins have the right of passage from the door in the north-west corner of the Armenian Church to the door of the Grotto. The Syrian Jacobites and Copts have the right to hold services in the Armenian Church on certain occasions and the Syrian Jacobites claim that the altar on which they officiate is their property. The arrangements for cleaning the Armenian Church are very complicated; in certain parts under dispute a cleaning was formerly undertaken by the Government of Palestine.

The Grotto of the Nativity consists of two parts: the Altar of the Nativity, shared by the Armenians and Orthodox, the Copts and Syrian Jacobites enjoying the right to officiate; and the Altar of the Manger, exclusively under Latin jurisdiction. There is a highly complicated system of rights of ownership of hangings, curtains, pictures and lamps, which is rigidly adhered to. To take only one example, the silver star of the Nativity has been the subject of so many disputes that both Ottoman and British administrations stationed a guard in the Grotto to watch over it. The Star is dusted daily by the Orthodox and is washed by the Orthodox and Armenians, twice a week by each; the Altar above it is cleaned by the Orthodox only.

In 1924 a member of the Polish consular staff was married in the Grotto. The Orthodox claimed a breach of the *Status Quo*, but the right of all three communities to hold services in the Grotto was upheld.

The Latin Church further claims exclusive jurisdiction over the following altars and shrines:

Site and Altar of the Adoration of the Magi.

Cave and Altar of the Holy Innocents.

St. Jerome's Grotto.

Altar of St. Joseph dedicated to the Flight into Egypt.

Tomb and Altar of St. Jerome.

Tomb and Altar of St. Eusebius.

Tomb and Altar of St. Paula.

Tomb and Altar of St. Eusiochium.

15. *Cistern of David.* One of the three cisterns situated to the north of Bethlehem and known as the "Cistern of David" is regarded by the Latin Church as a Holy Place under its exclusive jurisdiction.
16. *Milk Grotto** (Mgharet-es-Saiydi): The Grotto lies a short distance to the south-east of the Basilica of the Nativity. According to local tradition, the Virgin Mary stayed in the Grotto before the Flight into Egypt, and a few drops of her milk dropped on the ground. The spot is highly venerated by Christians and Moslems in the neighbourhood, and the white stones of the Grotto in powdered form, are held to increase the flow of mothers milk.

The shrine is preserved and maintained by the Latin Church, and, together with the adjacent chapel of St. Joseph, is considered by the Latins as coming under their exclusive jurisdiction.

The Milk Grotto is in general subject to the *Status Quo*, but in this connection there is nothing to record concerning the site.

17. *The Armenian Monastery of Bethlehem:* This 5th Century Monastery, adjacent to the Basilica of the Nativity, is regarded by the Armenian Church as a Holy Place in its exclusive custody.
18. *The Greek Monastery of Bethlehem:* The Greek Orthodox Church regards this Monastery as a Holy Place under its guardianship.
19. *Shepherds' Field** (near Bet Sahur, the "Village of the Shepherds"): An olive tree, held to be sacred, is said to mark the spot where the angel appeared to the shepherds.
The *Status Quo* applies in general to the Shepherds' Field, but in this connection there is nothing on record concerning the site. The Latin Church claims exclusive jurisdiction over a part of the Field.
The Field has been venerated since the 4th Century. At the time of the Crusades a field about 2 km from Bethlehem known traditionally as the spot where Ruth met Boaz, was identified with the Shepherds' Field.

The Greek Orthodox Rite regards the Church of the Shepherds at Bet Sabur as a Holy Place under its guardianship.

BETHPHAGE: see above BETHANY

EL-KHADER:

20. *The Greek Monastery of St. George* is regarded by the Orthodox Church as a Holy Place under its guardianship. (El-Khader is a small village situated to the right of a point on the Jerusalem-Hebron road, 3 km south of Rachel's Tomb.)

JERUSALEM:

21. The Basilica of the Holy Sepulchre*: The first Basilica of the Holy Sepulchre was built on the site of the Crucifixion and the Resurrection of Christ at the order of the Emperor Constantine. It was solemnly dedicated in A.D.335. The Basilica was burnt when King Chosroes of Persia captured Jerusalem from the Romans (A.D.614). It was partly rebuilt by the Byzantine Emperor Constantine X in 1048, and further rebuilt by the Crusaders, in A.D. 1149. The Rotunda was destroyed by fire in 1808 and restored by the Orthodox Church.

The whole ensemble of the Church, including its commemorative shrines and chapels, is subject to the application of the *Status Quo*. The details of application are too complicated to be summarized adequately in this paper; reference may be made to the Memorandum on the Status Quo in the Holy Places by L.G.A. Cust, pp. 13-30.

Briefly speaking, the Latins, Orthodox and Armenian Churches share possessory rights in the Basilica, with the exception of a small chapel which belongs to the Copts. The Copts and Syrian Jacobites also possess the right to hold religious services under certain conditions. The Abyssinians hold this right only during Easter Week and then only on the roof of St. Helena's Chapel.

The *Entrance Doorway* and the *Facade*, the *Stone of Unction*, the *Parvis of the Rotunda*, the great *Dome* and the *Edicule* are owned in common by the three rites, who consent to share the costs of any repair work. The *Entrance Courtyard* is in common use but the Orthodox alone have the right to clean it. The keys of the entrance doors are in the custody of Moslem guardians, traditionally since the time of the Caliph Omar.

The *Dome of the Katholikon* is claimed by the Orthodox as being under their exclusive jurisdiction. The other two rites contest this claim and demand a share in any repair costs. The Latin Church similarly maintains a disputed claim to the Chapel of the *Invention of the Cross*, and the Armenian Church to the *Chapel of St. Helena*.

The Latins and the Orthodox dispute the ownership of the *Seven Arches of the Virgin*; the Armenians and the Syrian Jacobites dispute the ownership of the Chapel of Nicodemus. In both cases neither party will admit the right of the other to do any repair work or to divide the costs.

The *Chapel of the Apparition*, the *Calvary Chapels* and the shrines commemorating incidents of the Passion are in the sole possession of one or other rite, but the others enjoy certain rights of office therein.

The *Katholikon* has been Orthodox property since the 14th Century, but as the *Status Quo* applies to the whole of the Basilica, any important structural repair or alteration has to be notified to the Latins and the Armenians.

22. *The Cenacle* (Mount Zion): The Cenacle is the place of the Last Supper and of the descent of the Holy Ghost at Pentecost. It was the first meeting place of the Early Christians in Jerusalem.

Since 1552 the Cenacle has been under Moslem control and no Christian services may be held therein.

The Cenacle was already in use as a church as early as A.D. 135. During the 4th Century a basilica was built on the site of the primitive church. The basilica was destroyed by Moslems and Jews in 966; rebuilt by the Crusaders in the 12th Century; and destroyed once again by the Sultan of Damascus in 1219, on which occasion the Cenacle itself escaped destruction. It passed into the care of the Franciscans in the early 14th Century and remained so until 1552, when the Franciscans were ejected by the Ottoman government.

The "Franciscan Chapel of the Cenacle" is listed by the Custos of the Holy Land as being under the exclusive jurisdiction of the Latin Church.

23. *Church of St. Anne*: This church is built on the site of the house belonging to St. Anne (Mother of the Virgin Mary), where the Virgin was born.

This Church and its site have been, since 1856, the exclusive property of the French Government.

The present Church was built by the Crusaders in the 12th Century, on the site of a 6th Century Church. It was seized by Saladin in 1187 and converted into a Moslem theological school (the Salahiyyeh, by which name it is still known to the Arabs today).

24. *Church of St. Demetrios*: This Church is regarded by the Orthodox Patriarchate as a Holy Place under its guardianship.
25. *Church of St. George* (Nikephoria): This Church is regarded by the Orthodox Patriarchate as a Holy Place under its guardianship.
26. *The Church of St. James the Great, on Mount Zion*: The Church is the Cathedral of the Armenian Patriarchate of Jerusalem. It is built over the traditional site the martyrdom of St. James the Great. The Church, with the residence of the Armenian Patriarchate, and its hostel, monastery, convent, and school occupies the greater part of the southwest corner of the Old City.
It is a place of pilgrimage for members of all Churches, and the Latin Church in particular enjoys certain usages. The present Cathedral was built in the 11th Century on the foundations of a 5th Century Church which was destroyed in 614. The North Wall is a remnant of the 5th Century Church.
27. *Church of St. James* (Cathedral Church): This Church, which encloses the *Chapel of Mary Magdalene* and of the *Forty Martyrs*, is regarded by the Orthodox Patriarchate as a Holy Place under its guardianship.
28. *The Church of St. Mary-Mark*
This Church is built on the traditional site of the house of Mary, the mother of John surnamed Mark; St. Peter went to this house after his miraculous deliverance from Prison. It is the seat of the Syrian Jacobite Bishop of Jerusalem; the Latin Church possesses the right to visit on certain feasts.
The present Church dates from the 12th Century. It stands on the site of a 6th Century Church.
29. *Church of St. Panteleimon*: This Church is regarded by the Orthodox Patriarchate as a Holy Place under its guardianship.
30. *Central Convent of Saints Constantine and Helena*: The Convent is the residence of the Greek Orthodox Patriarch and of the Holy Synod and the Brotherhood of the Holy Sepulchre. It is considered by the Orthodox Patriarchate as a Holy Place under its guardianship.
31. *Deir al Sultan**: The Convent of the Deir al Sultan is situated on the east side of the Basilica of the Holy Sepulchre, on the site of the cloisters of the Augustinian Canons of the Latin Kingdom. The Convent consists of a courtyard and a cluster of hovels occupied by Abyssinian monks under a Coptic guardian. The Chapels of St. Michael and the Four Martyrs are attached to the Convent.
The *Status Quo* applies to the Deir al Sultan, possession of which is claimed by both Copts and Abyssinians. The Abyssinians contend that when they lost their holding in the Church of the Holy Sepulchre in the 17th Century, being unable to pay the dues exacted by the Ottoman Government, they obtained possession of the Deir al Sultan which they have occupied till today. The Copts, on the other hand, maintain that the Convent has always been their property but that they took in the Abyssinians out of charity when the latter were expelled from their possessions. In the view of the Copts the Abyssinians now living in the Convent reside there on sufferance only and as guests. The dispute between the two rites began early in the 19th Century and has continued intermittently ever since. As according to the *Status Quo* no repairs can be carried out, the Convent is in very bad condition. Essential repairs were carried out during the Mandatory regime by the Municipality of Jerusalem or by the Government.
32. *Gethsemane: the Gardens of Gethsemane*: The Gardens of Gethsemane are sacred to Christians as the place of the Agony, Betrayal and Arrest of Christ, and also as the place to which He withdrew with His Apostles, in order to instruct them. The Gardens include the Grotto of the Apprehending of Jesus and the Grotto of Isaias; adjacent to these, in the Vale of Kidron, is the Tomb of the Virgin Mary (see No. 34 below).
33. In or near the Gardens are two churches the *Basilica of the Agony*, built in 1919 by
34. the Franciscans on the site of a church erected by the Byzantine Emperor Theodosius (A.D. 379-395), and a church dedicated to *St. Mary Magdalene* and built by the Tsar Alexander III in 1888. It belongs to the Orthodox Russians. The *Status Quo* does not apply to the Gardens of Gethsemane. The Latin Church
35. regards the Gardens, together with the Basilica of the Agony, the Grotto of the
36. Apprehending of Jesus and the Grotto of Isaias, as coming under its exclusive jurisdiction. In 1925, during the building of the Basilica, a dispute arose between the Latin and Orthodox Churches concerning the demolition of a wall near the Pater Noster Column (which marks the spot of the Betrayal). The Orthodox Patriarchate made some concessions to the Latins, who in turn abandoned their former right of holding a service in the Orthodox Church of Viri Galilaei on the Mount of Olives. But the right of access had to be maintained. The column was eventually replaced opposite to the entrance to the Russian Garden, on the Public way.
37. The Orthodox Patriarchate lists the Monastery of Gethsemane as a Holy Place under its guardianship.

38. *Gethsemane: the Tomb of Virgin**: The Church of the Tomb of the Virgin (Sitna Miriam) is built over the place in the Vale of Kidron where, according to Christian tradition, the Virgin Mary was buried and three days later transported bodily to heaven.
The Church is governed by the *Status Quo*. It was at one time the exclusive possession of the Latin Church, but by the beginning of the eighteenth century the Orthodox and Armenian Churches each possessed an altar. The Latins were finally dispossessed in 1757* (*According to Survey of Palestine, Vol. III, p. 1358, but the Custos of the Holy Land mentions 1740 (List of Holy Places submitted to UNSCOP.)*), and at present hold no services in the church. One of the claims that the Latin Church presses with great insistence, is however, the possession of this church. The Firman of 1652 gave it the right to hold services in the church but this right has never been exercised.
The ownership of the church and responsibility for repairs to it are shared by the Orthodox and Armenian Churches. Both churches enjoy the same privileges of worship.
Inside the church, the first Chapel on the right, dedicated to SS. Joachim and Anne, the Altar of St. Nicholas; the hangings and lamps on the right section of the Tomb of the Virgin, the altar of St. Stephen and all the end part of the Church belong to the Orthodox. The Armenians own the Chapel of St. Joseph, the altar of St. Bartholomew, the Chapel of the Presentation and the hangings and lamps on the left section of the Tomb of the Virgin. The Syrian Jacobites possess the right to officiate once a week on the Armenian altars and further claim that the altar of St. Bartholomew is their property. A dispute occurred between them and the Armenians in 1923, concerning the changing of two dilapidated icons on this altar by the Armenians. The Armenians eventually proved that the icon had Armenian inscriptions, and were therefore allowed to change them. The Copts also have the right to hold services in the church, they are allowed to use the Armenian Chapel of the Presentation twice a week.
A church existed on this site in the 4th Century. Bernard the Wise in the 9th Century described a round church "on which rain never falls, although there is no roof on it". This church was destroyed in 1010 by the Caliph Hakim. It was rebuilt by the Crusaders in the form in which it stands today, Queen Melisande being its founder. It is largely constructed underground and has two semi-circular apses.
39. *House of Annas the High Priest*: The site of the house of Annas, with its 12th century church and convent, is regarded by the Armenian Church as a Holy Place in its exclusive possession.
40. *The House of Caiaphas and the Prison of Christ*: The sites of the House of Caiaphas and the Prison of Christ (where He passed the night of Holy Thursday before His Crucifixion on Good Friday) are traditionally located beneath the Armenian Church on Mount Zion. Some archeologists hold, however, that they are located a few hundred yards away beneath and adjoining the Church of St. Pierre en Galicante. The site, with its 12th Century Chapel and courts and 5th Century mosaic floor, is the property of the Armenian Patriarchate. It contains the stone that traditionally covered the Tomb of Christ and was rolled away by the Angel. The Latin Church possesses the right to visit the site at stipulated times.
41. *Martyrdom of St. James the Less, Site of*: The site of the martyrdom of Saint James the Less in the Valley of Josaphat is regarded by the Armenian Patriarchate as a Holy Place in its exclusive possession.

The following monasteries and convents in Jerusalem are considered by the Greek Orthodox Patriarchate as Holy Places under its guardianship:-

42. Monastery of Abraham
43. Monastery of the Archangels
44. Monastery of the Blessed Virgin Mary (Nunnery)
45. Monastery of Praetorium
46. Monastery of St. Anna
47. Monastery of St. Basil (Nunnery)
48. Monastery of St. Charalambos
49. Monastery of St. Efhymios
50. Monastery of St. George (Jewish Quarter)
51. Monastery of St. George (Near Latin Quarter)
52. Monastery of St. John the Baptist
53. Monastery of St. Katherine
54. Monastery of St. Nicodemus
55. Monastery of St. Nicholas
56. Monastery of St. Spyridon
57. Monastery of St. Theodorus

58. Mount of Olives (see also No. 64 below, Sanctuary of the Ascension). The Mount of Olives is sacred to Christians not only as the place of the Ascension but as the scene of Jesus weeping over Jerusalem, the resurrection of Lazarus, the triumphal entry into Jerusalem, the prophecy of the Last Judgment and Jesus' last words to his Apostles. From the 4th Century to the 7th Century the Mount of Olives was covered by churches and monasteries.
59. The site and the Chapel of Jesus weeping over Jerusalem (*Dominus Flevit*) is in the custody of the Latin Church.
60. The 5th Century mosaics in the Museum were formerly the property of the Armenian Church, and now belong to the Russian Orthodox.
61. The Greek Monastery of Viri Galilaei is regarded by the Greek Orthodox Church as a Holy Place under its guardianship.
62. Pater Noster, Site of: This site is considered by the Custos of the Holy Land as a Holy Place which the Latin Church has the right to visit on certain occasions. The French Government, however, claims that full rights to this property were ceded to it in 1874, since when France has maintained full and undisputed ownership and enjoyment of this site.
63. The Pool of Bethesda: This was the scene of the miracle of the healing of the paralytic. It is in the custody of the Benedictines.
64. The Sanctuary of the Ascension*: The Sanctuary of the Ascension, in El Tor village on the Mount of Olives, is built over the site of the Ascension of Christ. It is venerated by all Christian communities in Palestine. The Sanctuary consists of a circular yard enclosed by a high wall. In the centre of the yard is a round domed building covering the rock which is regarded as the spot of the Ascension and which bears the imprint of the foot of Jesus. The *Status Quo* applies to the Sanctuary. The whole of the Sanctuary has for many centuries belonged to the Moslems. It is attached to the Assadieh Takya but it is not used as a mosque, and the Armenian, Latin and Orthodox Churches and the Copts and Syrian Jacobites are permitted to hold services there. The Orthodox, Armenian, Copts and Syrians each have an altar outside the actual shrine, where they hold their services on the Eastern Churches' Ascension Day. The Orthodox were permitted by the Firman of 1852 to hold their service within the shrine, but they have never exercised this right. The Latins hold a service on their Ascension Day inside the shrine. In 1922 they placed an altar outside in the yard, and aroused a protest from the Orthodox Patriarch. The Latins maintained, however, that they had the right of worship outside or inside the shrine as they chose, and the matter closed. In 1926 the Orthodox carried out some repairs to the outside of the surrounding wall, but this in turn gave rise to a protest from the Latins, on the ground that the shrine and enclosure were common property, and the work was stopped. Some repairs were carried out by the Jerusalem Municipality, at the joint expense of the three rites and it was agreed that any future repairs would be carried out at the expense of the three Patriarchates. The Sanctuary is open at all times and is regularly visited by pilgrims and visitors. The earliest church on this site was built between A.D.333 and A.D.378. It was damaged by the Persians in 614 and restored under the Byzantine Emperor Heraclitus in 630. Travellers in the 8th and 9th centuries report having seen a round church with an open roof "to admit of the passing of Our Lord's Body". The church was again restored by the Crusaders early in the 12th century. Saladin transformed it into a mosque in 1198. It was almost completely destroyed about 1530; all that now remains is the Aedicule, built by the Crusaders.

The Stations of the Cross (Via Dolorosa): The Via Dolorosa is the road which Christ followed bearing his Cross, from the Palace of Pontius Pilate to Calvary. The first nine Stations of the Cross form part of the Via Dolorosa, the last five are actually a part of the Basilica of the Holy Sepulchre. A procession, presided over by the Franciscans, visits the Stations of the Cross each Friday, and on special Holy Days, such as Good Friday, there are solemn processions. The Stations of the Cross are as follows:

65. 1st Station. The Condemnation of Jesus to death; the Judgment; the Crowning with Thorns; the Flagellation and Presentation to the people. The Chapels of the Flagellation and of the Condemnation are under the exclusive jurisdiction of the Custody of Terra Sancta.
66. 2nd Station. The Imposition of the Cross.
67. 3rd Station. Jesus falls for the first time.
68. 4th Station. Jesus meets His Mother.
69. 5th Station. Simon the Cyraenean helps Jesus to carry His Cross. The spot is marked by a small Chapel, which is under the exclusive jurisdiction of the Custody of Terra Sancta.
70. 6th Station. Saint Veronica wipes the face of Jesus.

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71. 7th Station. Jesus falls for the second time. The Chapel built at this spot is under the exclusive jurisdiction of the Custody of Terra Sancta.
72. 8th Station. Jesus consoles the women of Jerusalem.
73. 9th Station. Jesus falls for the third time.
74. 10th Station. Calvary: the place of the Divesting of Garments. This site is under the exclusive jurisdiction of the Latin Church.
75. 11th Station. Calvary: the place of the Nailing to the Cross. The site is under the exclusive jurisdiction of the Latin Church.
76. 12th Station. The place of Crucifixion.
77. 13th Station. The place of Stabat Mater.
78. 14th Station. The Holy Sepulchre.
Viri Galilaei, See above Mount of Olives, No. 55.
79. Mar Elias: The Greek Monastery of Mar Elias, situated on the Jerusalem-Bethlehem road, is regarded by the Orthodox Church as a Holy Place under its guardianship.
80. Saint Sabas, Monastery of (Mar Saba): This Orthodox Monastery, which the Greek Church regards as a Holy Place under its guardianship, was founded by St. Sabas, a disciple of St. Euthymius, in A.D. 484.

B. MOSLEM HOLY PLACES

The following are some of the more important Moslem shrines in the Jerusalem area, at most of which religious ceremonies are held periodically:

BETHANY:

81. The Tomb of Lazarus.

BETHLEHEM:

82. The Milk Grotto*
83. Rachel's Tomb* (See No. 88 below)

JERUSALEM:

84. El Burak esh-Sharif: The Koran states that on the night on which Mohammed ascended to Heaven, his horse, Burak, was accommodated beside what is now called the Western or Wailing Wall of the Temple Area of Jerusalem (See also No. 97 below).
85. Haram esh-Sharif: The Temple Area of Jerusalem is known to Moslems as the Haram esh-Sharif; "the Noble Sanctuary". The Koran relates that Mohammed was transported by night from Mecca to Jerusalem and that from the top of Mount Moriah (the site of the Hebrew Temple) he ascended into Heaven. Consequently, Jerusalem ranks as a Moslem Holy City next to the Holy Cities of Mecca and Medina.
The Mosque of Omar. The "Dome of the Rock" was built on the site of Mohammed's ascension from the rock on which, according to tradition, the Patriarch Abraham was preparing to sacrifice his son Isaac when God intervened. The Mosque was built in the seventh century A.D. by the Caliph Abd-el-Malik. Many Moslem schools, libraries and religious institutions are enclosed in the Temple Area.
The Mosque of Aksa. The first mosque on this site was built in the seventh century by the Caliph Omar.
86. The Mosque of the Ascension, on the Mount of Olives.
87. The Tomb of David (Nebi Daoud): This shrine is situated according to Moslem tradition in the Cenacle on Mount Zion. (See No. 22 above).

C. JEWISH HOLY PLACES

The following are some of the more important Jewish religious sites in the Jerusalem area, at which special ceremonies are held periodically:

BETHLEHEM:

88. Rachel's Tomb*: Rachel died giving birth to Benjamin, when Jacob was travelling from Bethel to Hebron. A pillar was set up over her grave, and the spot was a familiar landmark in the time of Samuel. Several medieval writers refer to it as a Jewish Holy Place. The Arab writer Mugeir-al-Din described it as built of

"eleven stones and covered with a cupola which rests on four pillars, and every Jew passing writes his name on the monument.)

The tomb lies on the Jerusalem-Hebron road just before it enters Bethlehem. It consists of an open antechamber and a two-roomed shrine under a cupola containing a sarcophagus. The building lies within a Moslem cemetery, for which it serves as a place of prayer. The tomb is a place of Jewish pilgrimage. The Jews claim possession of Rachel's Tomb by virtue firstly of the fact that in 1615 Mohammad, Pasha of Jerusalem, rebuilt the Tomb on their behalf and by a Firman granted them the exclusive use of it; and secondly, that the building, which had fallen into decay, was entirely rebuilt by Sir M. Montefiore in 1845. The keys were obtained by the Jews from the last Moslem guardian at this time.

The Moslem claim to own the building rests on its being a place of prayer for the Moslems of the neighbourhood and an integral part of the Moslem cemetery within which it lies. The Moslems state that the Ottoman Government recognized it as such and further that it is included among the Tombs of the Prophets for which identity signboards were issued by the Ministry of Waqfs in 1328 A.H. They also assert that the antechamber was specially built, at the time of the restoration by Sir M. Montefiore, as a place of prayer for the Moslems. The Moslems object in principle to any repair of the building by the Jews although (up to the recent war) free access to it was allowed at all times. The *Status Quo* relates to the Tomb.

In 1912 the Ottoman Government permitted the Jews to repair the shrine itself, but not the antechamber. Three months after the British occupation of Palestine the whole place was cleaned and whitewashed by the Jews without protest from the Moslems. In 1921 the Chief Rabbinate applied to the Municipality of Bethlehem for permission to repair the shrine. This gave rise to a Moslem protest, whereupon the High Commissioner ruled that, pending appointment of the Holy Places Commission provided for under the Mandate, all repairs should be undertaken by the Government. However, so much indignation was caused in Jewish circles by this decision that the matter was dropped, the repairs not being considered urgent. In 1925 the Sephardic Community requested permission to repair the Tomb. The building was then made structurally sound and exterior repairs were effected by the Government, but permission was refused by the Jews (who had the keys) for the Government to repair the interior of the shrine. As the interior repairs were unimportant, the Government dropped the matter, in order to avoid controversy.

JERUSALEM:

89. *Absalom's Tomb* in the Kidron Valley (Josaphat Valley)
90. *Ancient and modern Synagogues.*
91. *The Bath of Rabbi Ishmael.*
92. *The Brook Siloam.*
93. *Cemetery* on the Mount of Olives.
94. *Tomb of David*, Mount Zion.
95. *Tomb of Simon the Just.*
96. *Tomb of Zachariah* and various other tombs in the Kidron Valley.
97. *The Wailing Wall**: The Wailing or Western Wall is one of the oldest antiquities in Jerusalem and one of the very few relics of the Third Temple built by Herod the Great. The lowest strata of the Wall is generally considered to be part of Herod's Temple. The Wall is an object of very great veneration by the Jews, who from time immemorial have gone there to pray on Sabbaths and other Holy Days (hence the name "Wailing Wall"). It is situated at the southwest corner of the Temple Area. The Jewish right to pray has become linked with the Jewish claim to ownership of the Western Wall as one of the most cherished places of Judaism. This claim is, however, contested by the Moslems on the ground that the Wall is an integral part of the Wall enclosing the Haram esh-Sharif. Further, the Moslems assert that the space in front of the Wall is a public way and public property, and must not be obstructed by the placing of chairs and benches by the Jewish worshippers.

These conflicting claims as to ownership resulted in difficulties concerning repairs and even such matters as the removal of weeds from the interstices of the stones, and on several occasions led to serious incidents. The prelude to the Arab-Jewish disturbances of 1929 occurred on 24 September 1928, when the Jews attempted to introduce a screen to divide men and women worshippers at the Wailing Wall on the Day of Atonement. The Moslems protested; orders were given that the screen should be removed and when the Jews refused to comply, the police forcibly re-moved it during the course of prayers at the Wall. In 1929 a Jewish demonstration held at the Wailing Wall was followed by an Arab demonstration, which led to a series of murderous attacks by Arabs on Jews throughout the country.

The Palestine Administration interpreted the *Status Quo* in respect of the Wailing Wall as being that the Jewish Community had a right of access to the pavement in front of the Wall for their devotions, but that the Wall itself, the pavement in front of it and the adjacent Moroccan Quarter, were legally Moslem

property. The Jews might bring to the Wall only those appurtenances of worship that were allowed under the Ottoman regime. This position was in general reaffirmed by the International Commission appointed by the British Government in 1930, with the approval of the Council of the League of Nations, to enquire into conflicting rights and claims concerning the Wailing Wall. The International Commission further ruled that although the Jews enjoyed no sort of proprietary rights to the Wall or the adjacent pavement, they should have free access to them at all times, subject to certain stipulations. The placing of benches and screens against the Wall was prohibited; the Moslems were similarly forbidden to carry out the Zikr ceremony during the progress of Jewish devotions or to cause annoyance to the Jews in any other way; no political speeches or demonstrations near the Wall were to be allowed; the Moslems' right to repair the pavement was affirmed, and if any repairs were not carried out by them in due time, the work was to be undertaken by the Government. The maintenance of the Wall itself was entrusted to the Government, but it was understood that repairs to it should be carried out only after consultation with the Supreme Moslem Council and the Chief Rabbinate. [...]



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 19TH MEETING, JERICHO, 9 APRIL 1949**

[Report of a meeting with the Supreme Muslim Council]

Present: Mr. Benoist (France) - Chairman
Mr. Eralp (Turkey)
Mr. Halderman (USA)
Dr. Serup - Secretariat
Sheikh Husam ed-Din Jarallah - President of the Supreme Moslem Council
Amin Bey Abdul Hadi) - Members of the
Hassan Bey Abul Wata Dajani) Supreme Moslem Council.

The CHAIRMAN introduced the members to the Supreme Moslem Council and stated that the task of the Committee on Jerusalem was limited to the elaboration of an international statute for Jerusalem as provided for in the resolution of the General Assembly of 11 December 1948.

The PRESIDENT OF THE SUPREME MOSLEM COUNCIL replied that the resolution dealt with three problems, namely the questions of boundaries, of the internationalization of Jerusalem and of the return of refugees. He inquired whether the Committee proposed to discuss all three problems.

The CHAIRMAN indicated that the Committee only had authority to discuss the internationalization of Jerusalem but that if the members of the Supreme Moslem Council wished to speak on other subjects, the Committee would be glad to hear them.

The PRESIDENT agreed to speak primarily of Jerusalem. Jerusalem had been under Moslem authority for 14 centuries. The Moslems had proved good guardians of the Holy Places and had preserved the Status Quo. The keys of the Holy Sepulchre were still in the hands of a Moslem Custodian. He asked why a state of affairs which had proved successful should be changed in favour of internationalization, which might not be a success. In the past there had been many conflicts among the various Christian confessions about their respective rights and privileges at the Churches of the Holy Sepulchre and the Nativity, as well as at other Holy Places, and Moslems had always settled these quarrels. He inquired what would be the guarantees as to security and order in Jerusalem under an international regime.

The CHAIRMAN replied that the Christians and the clergy in particular had been satisfied by the way in which the Moslems had exercised their authority, but, unfortunately, one had to take into account the present *de facto* situation. The Jewish population of Jerusalem numbered already 85,000 and would soon reach 100,000. The traditional equilibrium between the various communities of Jerusalem had been thus disrupted and the United Nations had recommended internationalization for fear of a renewal of religious conflicts. As to the question of guarantees, the Committee would of course elaborate the statute and then submit it to the United Nations. The Arab authorities would then be in a position to get an answer to their question.

The PRESIDENT stated these guarantees would undoubtedly be given by the United Nations and that the Supreme Moslem Council had no faith in them. So far all measures taken by the United Nations in Palestine had favoured the Jews. Not a single resolution which was to the advantage of the Arabs had been carried through. The United Nations had proved inefficient or a tool in the hands of the Jews. The Jews had shown

their power in the United States and in other Christian countries. United Nations guarantees under present circumstances could not satisfy the Supreme Moslem Council.

The Arabs had been obedient to the United Nations in the past and had shown confidence in this Organization. This had led them only to a catastrophe. The Arabs had not been defeated by Jewish military power but by the action of the United Nations and of certain nations in particular- the United States and the Soviet Union. The Arabs sincerely desired peace, but only a peace with justice, and it was essential, therefore, that they should know the exact guarantee that would be available to protect their rights and interests.

Mr. ERALP agreed that the Moslem regime in Jerusalem had proved satisfactory for 14 centuries but pointed out that the Committee had an imperative mandate to internationalise the City and would have to carry it out. The United Nations was making efforts to find an equitable solution.

The CHAIRMAN observed that if an international regime were established, the General Assembly would be responsible for its proper functioning. He pointed out that the Arab States, together with the Latin American Powers, would dispose of approximately half the total votes in the General Assembly.

The PRESIDENT reemphasized that the best solution for Jerusalem would be to leave it under Arab authority and that the problem of the 85,000 Jews could be solved in an Arab Jerusalem. The Arabs were not prepared to consider only one part of the General Assembly's resolution but wished to consider it in its entirety. If the United Nations succeeded in solving the refugee problem and in establishing equitable boundaries, the Arabs would consider it able to internationalize Jerusalem.

Mr. HALDERMAN mentioned that the General Assembly wanted to solve the dispute in the interests of both sides. The Assembly was able to understand the motives of the two parties better than the parties themselves. Leading statesmen in the Assembly had arrived at certain conclusions which deserved careful consideration as these statesmen were impartial. In conclusion, he wished as an American to dissipate a misapprehension in certain quarters that the United States had supplied arms in violation of the truce. The United States had, on the contrary, abided by the truce and no complaints had been made by any States or by the observers in this region.

The CHAIRMAN stated in conclusion that it was his understanding that the Moslems would accept the internationalization of Jerusalem if the resolution of 11 December 1948 were implemented in its entirety.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
WORKING PAPER ON AN INTERNATIONAL STATUTE FOR THE CITY OF JERUSALEM,
10 APRIL 1949**

PERMANENT INTERNATIONAL STATUTE FOR THE TERRITORY OF JERUSALEM

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

PREAMBLE

1. The Territory of Jerusalem, by reason of its association with three world religions, shall be placed under the collective protection of the United Nations.
It shall be demilitarized and declared neutral.
It shall include the city of Jerusalem and the surrounding villages and towns, the most western of which shall be EIN KARIM (including the built up area of MOTSA), the most northern SHU'FAT, the most eastern ABU DIS and the most southern BETLEHEM.
2. The Territory of Jerusalem shall be divided into two autonomous zones, referred to hereafter as the Jewish zone and the Arab zone.
The Jewish zone shall include the area located to the west of Jerusalem and the major part of the New City as well as Mount Scopus.
The Arab zone shall include the areas to the north, east and south of Jerusalem and the Old City.
3. The Churches of the Holy Sepulchre and of the Nativity, the Church of the Church of the Tomb of the Virgin, the Mosque of Nabi Daoud, the Parvis of the Wailing Wall and the Jewish Cemetery in the Josaphat Valley shall be placed under the direct control of the United Nations.
The buildings occupied by the Representatives of the United Nations in the Territory of Jerusalem shall also be placed under the direct control of the United Nations.

4. Any person in the Territory of Jerusalem may invoke the provisions of the Declaration of Human Rights adopted on ____ December 1948 by the General Assembly of the United Nations.
5. Any ethnic, religious or linguistic group in the Territory of Jerusalem may invoke the provisions of the International Convention on the repression of Genocide adopted on ____ December 1948.

P A R T I
CONSTITUTIONAL PROVISIONS

6. Persons belonging to the Territory of Jerusalem shall have their own citizenship exclusive of any other nationality.
7. Any person shall be considered a citizen of Jerusalem, who, at the time of the entry into force of the present statute is ordinarily a resident of the Territory of Jerusalem and who has declared within three months of such entry into force that he wishes to renounce any other nationality. This declaration shall be binding on the wife of the person in question unless she declares otherwise and on his minor children.
8. Any citizen of the Territory of Jerusalem who enlists in a foreign army or submits to conscription laws of a foreign State, shall lose the citizenship of the Territory of Jerusalem.
9. Any citizen of the Territory of Jerusalem shall be declared according to his residence as belonging either to the Jewish or to the Arab zone. Foreigners who are ordinarily resident in the Territory of Jerusalem shall belong neither to the Jewish nor to the Arab zone.
10. The official languages of the Territory of Jerusalem shall be Hebrew, Arabic, French and English.
11. The Territory of Jerusalem shall have its own flag (described in annex), seal and coat of arms.
12. There shall be established an independent monetary system for the Territory of Jerusalem.
13. The Territory of Jerusalem shall constitute an economic free zone.

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

P A R T II
AUTHORITY OF THE UNITED NATIONS

14. The United Nations shall be represented in the Territory of Jerusalem by an Administrator appointed for three years by the General Assembly. He shall be responsible to the Assembly and may be dismissed by it. The General Assembly shall appoint a Deputy Administrator on the recommendation of the Administrator. The Administrator and his Deputy shall not be citizens of Jerusalem or of the State of Israel or of any Arab State.
The Administrator and his Deputy shall be assisted by an Executive Council, of which they shall be Chairman and Vice-Chairman, by a Supreme Court, Mixed Tribunal, Civil Guard and an International Police Force.
15. The Executive Council shall be composed of nine members, three of whom shall be appointed by the authorities of the Jewish zone, three by the authorities of the Arab zone and three by the Administrator. The latter will endeavour to ensure by his choice the representation of the principal groups in Jerusalem other than Arab and Jewish communities.
16. The Administrator with the assistance of the Executive Council shall take the necessary legislative measures to ensure:
 - the maintenance and protection of and freedom of access to the Holy Places and buildings enumerated in article 3;
 - protection of and freedom of access to all hospices and to all other places and buildings of a religious or educational character;
 - the maintenance of order on the basis of the existing Statute Quo of the Churches of the Holy Sepulchre and of the Nativity, the Church of the Tomb of the Virgin, the parvis of the Wailing Wall and the Jewish Cemetery in the Josaphat Valley;
 - the maintenance of public order;
 - the proper functioning of the principal common services in the Territory of Jerusalem.
17. The Administrator shall report to the Security Council any occurrence or situation which, in his opinion, is contrary to the provisions of the present statute.
18. Foreign consular representatives in Jerusalem shall be accredited to the Administrator who shall grant them exequaturs valid for the whole of the Territory of Jerusalem.

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

19. The Administrator shall be authorized to ask the Governments of the States both neighbouring and adjacent to the Territory of Jerusalem to facilitate the granting of rights of transit to all persons desiring to enter or leave the Territory of Jerusalem, and to take measures facilitating such transit.
20. Persons who are not citizens of the Territory of Jerusalem shall be granted free access to the Territory and shall be permitted to remain in the territory for one month.
The Administrator alone shall be entitled to make exceptions to this rule, in particular to grant to non-citizens the right of permanent residence in Jerusalem.
21. The Civil Guard and the International Police Force shall be recruited and may be dismissed by the Administrator.
Members of the International Police Force shall not be citizens of Jerusalem, nor of the State of Israel or of any Arab State.
The International Police Force shall be fully equipped with up-to-date heavy flight arms and ammunition.
22. The allowances and the salaries of the Administrator, the Deputy Administrator, the members of the Executive Council, the Supreme Court, the Mixed Tribunal, the Civil Guard and the International Police Force as well as the cost and maintenance of the equipment at the disposal of the above mentioned personnel will be borne by the United Nations, the Jewish zone and the Arab zone, each paying one third, as expenditure in the international interest.
23. Expenditure resulting from the functioning of common services for the Jewish and Arab zones shall be equally divided between these two zones by the Administrator assisted by the Executive Council, as expenditure in the common interest.
24. The Administrator shall submit, with the approval of the Executive Council, a yearly draft budget to the Secretary-General of the United Nations including an estimate and a justification of expenditures in the international and in the common interest of the Territory of Jerusalem. This draft will have to be proved by a resolution of the General Assembly during its ordinary session.

P A R T I I I AUTONOMOUS ZONES

25. The Jewish and Arab zones of the Territory of Jerusalem shall be administrated autonomously in accordance with democratic principles. Each zone shall have a Territorial Council, elected by universal, direct and secret suffrage on the basis of proportional representation. Each zone shall have an executive organ as well as its own judicial organization.
26. The responsible authorities of the Jewish and Arab zones shall be authorized to take any legislative, administrative or judicial measures, compatible with the provisions of the present statute.
They shall called upon, in particular, to determine and to collect taxes and to prepare the budget of their respective zones, taking into account their share of expenditures in the international and in the common interest, as requested by the Administrator and approved by the General Assembly.
27. The authorities of the Jewish and Arab zones shall be obliged to inform the Administrator of all measures taken by them of a legislative, administrative or judicial nature.
28. Each zone shall have its own police force, the size of which may not exceed that of the United Nations Police Force provided for by articles 21 and 22.
The autonomous police forces of the Jewish and Arab zones shall be armed only with side arms.
29. The responsible authorities of each of the two zones shall determine the composition of the tribunals of their zone and appoint and terminate the judges.
30. The tribunals of each of the two zones shall deal with disputes between two or more persons belonging to their respective zones as well as with crimes and offenses committed in their respective zones by one or more citizens of Jerusalem belonging to one or the other zone.

P A R T I V SUPREME COURT

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

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

32. The Supreme Court shall determine, either ex-officio or at the request of the Administrator, the responsible authorities of the Jewish and Arab zones or of private citizens, the conformity of laws ordinances regulations, administrative acts and judicial decisions with the Permanent International Statute of the Territory of Jerusalem.

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

P A R T V
MIXED TRIBUNAL

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

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

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

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

P A R T VI
MONETARY SYSTEM

35. The issue of the special currency of the Territory of Jerusalem shall be entrusted to a General Bank placed under the control of the Administrator and the executive Council.

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

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

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

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

P A R T VII
TRANSITORY PROVISIONS
(To be drawn up later)



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 20TH MEETING, JERUSALEM, 11 APRIL 1949**

[Meeting with the Ashkenazi Chief Rabbi on the internationalization of Jerusalem]

Present:	Mr. Benoist(France)	- Chairman
	Mr. Yenisey (Turkey)	
	Mr. Halderman (USA)	
	Dr. Serup	- Secretariat
	His Eminence Dr. I. Herzog	- Chief Rabbi of the Ashkenazic Jewish Community

The CHAIRMAN introduced the members of the Committee to the Chief Rabbi and explained that the purpose of the visit was to hear Dr.Herzog's opinion on the question of the internationalization of Jerusalem.

The CHIEF RABBI stated that he could not imagine a Jewish State without Jerusalem. In ancient days, when the Jews had returned from Babylonian captivity, the Jewish commonwealth had been concentrated in Jerusalem and its suburbs. The significance of Jerusalem to the Jews was evident from the fact that they mentioned it in their prayers. Jerusalem was admittedly sacred to Christians and Moslems but to the Jews it is the holiest

of the holy. To the Christians Jerusalem was holy because of certain associations which the Jews understood and respected, but to the Jews Jerusalem was sacred for its own sake. The Temple had not been in existence for almost 2,000 years but in spite of that, Jerusalem was still for the Jews the holiest city in the world.

In reply to a question, the Chief Rabbi stressed that in speaking of Jerusalem he meant the entire city, since the New City was overwhelmingly Jewish. He explained that the Jews had no intention of rebuilding the Temple. According to their faith, the Temple including access to the Holy Places and the right of residence in Jerusalem?

The CHIEF RABBI declared that if the United Nations continued to fulfil its mission, Jerusalem would become a part of Israel. However, the Jews had no intention to deprive the Arabs of their civic rights. The Jews believed in a providential revival of Israel, and it must be admitted that the sequence of events in the last years indicated Divine intervention.

Mr. HALDERMAN stressed that whereas the Chief Rabbi looked to the United Nations to make Jerusalem a part of Israel, the United Nations had already decided that it should be internationalized.

The CHIEF RABBI declared that an internationalized Jerusalem would not be the Jerusalem for which the Jews prayed every day. Jerusalem was and must remain an integral part of Israel. The task now incumbent on the Committee was to bring about a revision of the United Nations decision and to incorporate Jerusalem in the State of Israel. Be so doing, the United Nations would fulfil the predictions of the prophets and the angels.



UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM, DRAFT PROPOSAL FOR AN INTERNATIONAL REGIME FOR THE JERUSALEM AREA, 15 APRIL 1949

*[Draft proposal for an international regime based on the concept of dual sovereignty breaking with the idea of *corpus separatum*, thus not contemplating certain special provisions]*

DRAFT PROPOSAL FOR AN INTERNATIONAL REGIME FOR THE JERUSALEM AREA

(Working paper prepared by the Secretariat in pursuance of the decision of the Committee of 29 March 1949 requesting the Legal Advisor to prepare a Draft based on (1) the Draft Statute prepared by the Trusteeship Council (UN document T/118/Rev.2), (2) the Draft Statute submitted by the French member of the Committee (Com.Jer/15) and (3) suggestions submitted on the same subject by the US member of the Committee. The present Draft Proposal for an International Regime for the Jerusalem Area is based on the idea of dual sovereignty over the area of Jerusalem and breaks decisively with the principle of *corpus separatum* which was the basis of the Draft Statute prepared by the Trusteeship Council. For this reason no provision has been made for a special nationality, flag, monetary system, free zone, representation abroad, etc., as it is felt that such attributions necessarily require that the area be conceived as a separate legal entity, that is as a *corpus separatum*.)

I. GENERAL PROVISIONS

1. The area of Jerusalem includes the present municipality of Jerusalem 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 area of Jerusalem shall be divided into two zones, a Jewish zone and an Arab zone. The demarcation line shall be determined through agreement between the Parties concerned. All matters which are not specifically dealt with in the present Statute shall be considered as being within the purview of the responsible authorities of the two zones.

II. ORGANS

3. The United Nations shall be represented in the area of Jerusalem by an Administrator who shall be appointed by and be responsible to the General Assembly of the United Nations which may also dismiss him. He shall not be a citizen of Israel or any of the Arab States.
4. There shall be established for the area of Jerusalem an Administrative Council which is to be composed of 4 Municipal Councillors for each of the two zones and two nominated members being neither Jewish nor Arab.
5. On behalf of the United Nations the Administrator shall ensure:

- (1) the protection of and free access to the Holy Places as provided in Part III of this Plan;
 - (2) protection of human rights and the right of distinctive groups as provided in Part IV of this Plan;
 - (3) the demilitarization and neutralization of the area as provided in Part V of this Plan;
 - (4) the freest possible access to Jerusalem by road, rail or air for all inhabitants of Palestine.
6. The Administrative Council shall be responsible for:
- (1) Common public services
 - (2) Coordination of measures to maintain peace and order
 - (3) Budgetary questions
 - (4) Such other municipal matters, as town-planning, which must of necessity be common to the area, and such plans for the future development of the area which may serve to emphasize its character as the spiritual centre of the world.
7. There shall be established an International Tribunal composed of three Judges selected by the President of the International Court of Justice. The Tribunal shall have jurisdiction with respect to:
- (1) cases of jurisdictional conflicts between administrative organs and courts within the area of Jerusalem;
 - (2) cases submitted either by the Administrator or the responsible authorities of the Jewish and Arab zone involving claims, that laws, ordinances, regulations, administrative acts or court decisions are incompatible with the Statute.
8. There shall be established a Mixed Tribunal composed of three Judges of whom two are to be appointed by the responsible authorities of the Jewish and Arab zones respectively, whereas the third Judge shall be appointed by the President of the International Tribunal. The Mixed Tribunal shall have jurisdiction with respect to cases in which the Parties involved do not belong to the same zone.
9. The Administrator shall be authorized to recruit a small number of guards for the protection of the Holy Places as well as for the protection of his Headquarters and his staff.

III. HOLY PLACES

10. The Holy Places within the Jerusalem area to which the Status Quo applies: the Basilica of the Holy Sanctuary of the Sepulchre and its dependencies, the Deir el Sultan, the Sanctuary of the Ascension, the Tomb of the Virgin, the Wailing Wall, the Basilica of the Nativity, Bethlehem, the Grotto of the Milk, Bethlehem, the Field of the Shepherds, Bethlehem, Tachel's Tomb, near Bethlehem, are placed under the direct control of the United Nations Administration who shall be empowered to make regulations to ensure their protection and free access and who shall also, if necessary, have the right to station guards at the Holy Places and along routes giving immediate access to them.
11. The Administrator shall supervise the protection of and access to the Holy Places in the Jerusalem area other than those mentioned under 10) and suitable arrangements shall be made to that effect with the responsible authorities of the two zones.
12. In order to facilitate the access to all Holy Places in the Jerusalem area, the Administrator shall be empowered to call on the responsible authorities of the Jewish and Arab zones to grant rights of passage to persons who want to visit the Holy Places and to make suitable arrangements with respect to such passage.
13. The Administrator shall decide disputes between any religious communities or within any religious community in connection with any Holy Place, religious building or site. Such decision shall not be called in question in any court. He shall further have the power to carry out necessary repairs to Holy Places when such repairs are urgently needed and the community concerned, though having been called upon, does not carry out within a reasonable time the repair in question.

IV. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

14. All persons in the area of Jerusalem shall enjoy the human rights and fundamental freedoms set forth in the Universal Declaration of Human Rights of 1948.
If the United Nations Administrator considers that any such rights are being interfered with unreasonably, he may bring the matter to the attention of the responsible authorities of the zone in question and, if necessary, bring the matter before the competent organ of the United Nations.

V. DEMILITARIZATION AND NEUTRALIZATION

15. The area of Jerusalem shall be permanently demilitarized and neutralized. There shall be no military or paramilitary forces or stocks of war material within the area.
The responsible authorities of the two zones shall be called upon to give formal assurances with respect to the demilitarized character of their respective zones, and the inviolability of the demarcation line between the zones.

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

VI. ECONOMIC AND FINANCIAL ARRANGEMENTS

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



UN CONCILIATION COMMISSION FOR PALESTINE, SECOND PROGRESS REPORT ON ACTIVITIES, 19 APRIL 1949 [EXCERPTS]

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. [...]

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. [...]

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.

[...]

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."



UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM, SUMMARY RECORD OF THE 23RD MEETING, LAUSANNE, 2 MAY 1949

[Regarding a questionnaire for the Arab and Jewish delegation on the internationalization of Jerusalem]

Present: Mr. Yenisey (Turkey) - Chairman
Mr. Eralp (Turkey)
Mr. Barco (USA)
Mr. Benoist (France)
Mr. de la Tour Du Pin (France)
Dr. Serup - Secretary of the Committee

The Committee continued its discussion of the questions to be submitted to the Arab and Israeli delegations, taking as its basis proposals for an international regime for the Jerusalem area prepared by the Secretariat (Com.Jer/W.16).

The Committee had before it a list of questions drawn up by the French delegate and a tentative list of questions drawn up by the Committee at its 22nd meeting (see Com.Jer/SR.22).

It was generally agreed that in putting the questions to the delegations, it was important to avoid giving the impression that the Committee had already made hard and fast decisions on the matters under discussion; on the other hand, it was equally important that the delegations should not feel that decisions rested solely with themselves.

It was suggested that questions along the following lines should be put to the delegations:

1. What kind of guarantees do you consider necessary to ensure the permanence and ability of an international regime for the Jerusalem area?
2. Do you consider that the Jerusalem area should constitute a territory under the sole sovereignty of the United Nations, to the exclusion of all other sovereignty?
3. Would you prefer that the area of Jerusalem be divided into two zones, a Jewish zone and an Arab zone, and that the international regime be based on restrictions to such sovereignty?

4. As an alternative to the proposals indicated under (2) and (3), would you approve an arrangement whereby the Jerusalem area would be divided into a Jewish zone, an Arab zone, and a small international area comprising certain sectors under dispute?
5. What kind of administrative body would you envisage for the administration of common public facilities and services in Jerusalem? How should such a body be composed?
6. What Tribunals should in your opinion be set up to deal with:-
 - (i) cases of jurisdictional conflicts between administrative organs and courts within the area of Jerusalem;
 - (ii) cases involving claims that laws, ordinances, regulations, administrative acts or court decisions are incompatible with the Statute;
 - (iii) cases in which the parties involved do not belong to the same zone?
7. Which are the Moslem (Jewish) Holy Places
 - (a) in the Jerusalem area;
 - (b) outside the Jerusalem area,

in respect of which United Nations guarantees should in your view be provided?
8. What measures of protection and what guarantees should in your opinion be provided by the United Nations in respect of Moslem (Jewish) Holy Places.
 - (a) in the Jerusalem area;
 - (b) outside the Jerusalem area?
9. What measures is your Government prepared to take with a view to ensuring the protection of and free access to the Holy Places.
 - (a) in the Jerusalem area;
 - (b) outside the Jerusalem area?
10. Does your Government have any objection to the complete demilitarization and neutralization of the Arab (Jewish) zone of Jerusalem and to the prohibition within its boundaries of all military or para-military formations, exercises and activities?
11. Is your Government prepared to give formal assurances with respect to the demilitarization of the Arab (Jewish) zone of Jerusalem and to the inviolability of the demarcation line between the Arab and Jewish zones?
12. What are your views concerning the desirability and possibility of establishing the Jerusalem area as an economic free zone?



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
QUESTIONNAIRE CONCERNING AN INTERNATIONAL REGIME
FOR THE JERUSALEM AREA, 3 MAY 1949**

[Questionnaire sent to the Arab and Jewish delegations]

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?
2. Do you consider that the Jerusalem area should be placed under the exclusive authority of the United Nations?
3. Or would you prefer that the area of Jerusalem be divided into two zones, a Jewish zone and an Arab zone, 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?

In the eventually mentioned under (3):-

4. What kind of administrative body would you envisage for the administration of common public facilities and services in Jerusalem? How should such a body be composed?
5. What Tribunals should in your opinion be set up to deal with:
 - (i) cases of jurisdictional conflicts between administrative organs and courts within the area of Jerusalem;
 - (ii) cases involving claims that laws, ordinances, regulations, administrative acts or court decisions are incompatible with the Statute;
 - (iii) cases in which the parties involved do not belong to the same zone.

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?
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?
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?
9. What measures does your Government propose to take concerning the complete demilitarization and neutralization of the Jerusalem area and the prohibition within its boundaries of all military or para-military formations, exercises and activities?
10. Is your Government prepared to give formal assurances with respect to the permanent demilitarization of the Jerusalem area and to the inviolability of the demarcation line between the Arab and Jewish zones?
11. What do you consider should be the customs frontiers for the Jerusalem area?
12. What are your views concerning the desirability and possibility of establishing the Jerusalem area as an economic free zone?



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 26TH MEETING, LAUSANNE, 3 MAY 1949**

[Report of a meeting with an Egyptian Delegation on the internationalization of Jerusalem]

Present: Mr. Yenisey (Turkey) - Chairman
Mr. Benoist (France)
Mr. Barco (U.S.A.)
Dr. Serup - Secretary of the Committee
Abdel Chafi el Labbane) - Representatives of Egypt
Mahmoud Ramzy)

The CHAIRMAN outlined briefly the task before the Committee, quoting paragraphs 7 and 8 of the General Assembly's resolution, which laid down certain principles regarding Jerusalem and the Holy Places. The Jerusalem Committee, appointed by the Commission to carry out the instructions given in the resolution, had worked for two months in Jerusalem and had made contact with all representative bodies and groups concerned. It had prepared some proposals for an international regime for Jerusalem but wanted now to ascertain the opinion of all interested parties. The Committee had therefore prepared two questionnaires, which had been circulated, one on the regime for Jerusalem, the other on the protection of the Holy Places outside Jerusalem, to submit to the delegation present in Lausanne. These questionnaires were purely exploratory in character and did not commit the Jerusalem Committee in any way.

Mr. Abdel Chafi EL LABBANE said that he would prefer to give his delegation's replies to the questionnaire at a later moment after he had an opportunity to study the documents. He recalled that the Arab delegations present at the Beirut meetings had accepted the principle of internationalization of Jerusalem out of respect for the decisions of the General Assembly, on the condition that there would be guarantees of stability. He therefore felt that it was the responsibility of the Committee to suggest guarantees which it thought suitable; his delegation would be glad to cooperate with the Committee.

Concerning the Holy Places, he drew attention to the faithful stewardship exercised by the Arabs throughout many centuries.

As regards Jerusalem, he expressed the opinion that the international regime should cover the entire Jerusalem area, and that if possible there should be no division of the city into zones, since the New and Old Cities were interdependent. Non-division of the city was important in itself as the best guarantee of the permanence and stability of the international regime; the other guarantees were of a subordinate character. He would be ready to discuss the latter at another meeting early in the week.

The CHAIRMAN promised to provide the Egyptian delegation with the list of Holy Places which had been prepared by the Committee. The Committee would be glad to meet the delegation early the following week, and hoped that it would make its replies to the questions as full and detailed as possible.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 27TH MEETING, LAUSANNE, 3 MAY 1949**

[Report of a meeting with the Jordanian representative on the internationalization of Jerusalem]

Present:	Mr. Yenisey	(Turkey)
	Mr. Benoist	(France)
	Mr. Barco	(USA)
	Dr. Serup	- Secretary of the Committee
	Dr. Musa Husseini	- Representative of the Hashemite Jordan Kingdom

The CHAIRMAN welcomed the Hashemite Jordan representative and reviewed briefly the terms of reference of the Committee on Jerusalem, pointing out that the Committee could not adopt a final regime for Jerusalem until the views of the delegations presented in Lausanne had been ascertained. He presented the two questionnaires prepared by the Committee, explaining that they were exploratory in nature and did not commit the Committee in any way, and asked for the views of the Jordan representative.

Dr. HUSSEINI explained that his delegation could not at present take a definite position regarding the internationalization of Jerusalem; it reserved its full right to consider the question of Jerusalem in connection with the final settlement of the whole Palestine question. He desired, at the present meeting, to go over the questionnaires and obtain the opinions of the Committee on certain questions, for the information of his delegation.

QUESTIONNAIRE ON JERUSALEM

Question 1. With regard to guarantees and sanctions, Dr. HUSSEINI recalled that at one time there had been talk of a possible international police force for Jerusalem. He wondered whether such a force was still under consideration and what its size would be.

Mr. BENIOST replied that the Committee's ideas on the point were still indefinite; it had taken no decisions. If there were such a force, it might vary greatly in size. The Committee's thinking had followed more fundamental lines, dealing particularly with moral, economic and military sanctions, which it considered more important than a police force. Obviously, however, both sanctions and guarantees must be provided for.

Dr. HUSSEINI pointed out that the guarantees were a more positive form of action than sanctions; his delegation attached more importance to the positive guarantees.

Question 2 and 3. In reply to a question by Dr. Husseini, the CHAIRMAN explained that under the type of regime envisaged in question 2, there would be one international administration for the whole of Jerusalem, without division into separate zones. A certain degree of municipal autonomy would be recognized, but the city would be entirely separate from the neighbouring States; it would have the status of an independent state, with separate citizenship. Under the type of regime contemplated in question 3, there would be two zones, Arab and Jewish, which would be under the authority of the two neighbouring States, except for certain functions which would be reserved to the international authority.

Dr. HUSSEINI asked how the Committee envisaged the division into two zones.

The CHAIRMAN replied that the Committee had no definite demarcation line in mind. The interested parties might perhaps be asked to discuss that question under the guidance of the Commission.

Mr. BENOIST added that that question involved the matter of free access to the Holy Places. For example, the line from the Jaffa Gate to Bethlehem either should be under Arab control or should form part of the line between the two zones, in order that a direct free route to Bethlehem might be maintained.

Dr. HUSSEINI agreed that the matter of the Holy Places must enter into the settlement, but pointed out that Jerusalem was more than a collection of Holy Places and that the human question must also be considered. Retention of the present lines inside Jerusalem was out of the question. His delegation was interested in the principle on which the division into zones would be made; he stressed the legal aspect of the question and declared that any division based on military considerations would be valid.

Concerning the type of regime envisaged under question 2, Dr. HUSSEINI asked whether a regime of dual sovereignty, a sort of *condominium* such as existed in the Anglo-Egyptian Sudan, would be considered impossible by the Committee.

The CHAIRMAN explained that it was not a question of sovereignty, but of authority. The two zones would not be a part of the neighbouring States; those States would simply exercise authority over certain functions within the zones. The resolution implied that sovereignty over Jerusalem belonged to all the United Nations. Moreover, a *condominium* could not rightly be termed an “international regime”.

Dr. HUSSEINI pointed out that Tangier was under the sovereignty of the Sultan but under the authority of its international regime. He wondered whether the reverse of such a plan might not be contemplated for Jerusalem.

The CHAIRMAN replied that in the opinion of the committee such a course would not be practicable.

To a question by Dr. HUSSEINI, who asked whether it was within the competence of the Committee to discuss Jerusalem in relation to the rest of Palestine from a territorial point of view, the CHAIRMAN replied in the negative.

Question 7. Dr. Husseini expressed the hope that it was not the Committee’s intention to make any changes in the *status quo* as regards the Holy Places. He thought some assurances should be given that such changes would not be made without the agreement of all interested parties and then only in cases of definite necessity.

Mr. BENOIST declared that the Committee was in entire agreement on that point. In any case no change would be made before the final peace settlement. It was possible that eventually a commission might be set up, as had been contemplated in 1919, to exercise certain functions with regard to the Christian Holy Places only: e.g., to effect certain necessary repairs to the Church of the Holy Sepulchre.

Question 8. Mr. BENOIST drew attention to the fact that this question included such matters as the furnishing of transit visas and the eventual building of an airport.

Dr. HUSSEINI pointed out that the question of permanent free access “by road, rail and air” to the Holy Places and Jerusalem would be closely related to the type of regime established and the territorial arrangements made.

Question 9. In reply to a question by Dr. Husseini concerning the relation between the terms “demilitarization” and “neutralization”, the CHAIRMAN explained that within the meaning of the term “demilitarization” no military forces could be introduced from outside into the two zones, which would have no connection with the armed forces of the two neighbouring States. The contemplated “neutralization” would also be of a political character.

The Chairman agreed with Dr. Husseini’s suggestion that questions 11 and 12 applied more to the regime considered under question 2 than to that envisaged under question 3.

QUESTIONNAIRE ON THE HOLY PLACES

The CHAIRMAN drew attention to the fact that the Committee had prepared a list of the Holy Places with which it was concerned. The list was not complete, however, as regards the Moslems Holy Places; Dr. Husseini might be able to make certain additions to it.



UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM, WORKING PAPER PREPARED BY THE SECRETARIAT, 26 MAY 1949

[On the implementation of paragraph 7 of the UNGA resolution of 11 Dec. 1948 (Protection of and access to Holy Places)]

1. Paragraph 7 of the resolution of the General Assembly of 11 December 1948 deals with the Holy Places in Palestine and provides

"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 Gen-

eral Assembly its detailed proposal 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."

2. This text differs only on two points from the text found in the United Kingdom Draft Proposal (A/C.1/394), which was originally submitted to the First Commission of the Third Session of the General Assembly in Paris and which is the basis of the entire Assembly resolution. In the first place the original text provided that with respect to the Holy Places outside Jerusalem, the Conciliation Commission should *consult* with the political authorities of the areas concerned in order to obtain appropriate formal guarantees as to the protection of the Holy Places and access to them. During the debates of the First Commission it was felt, however, that the Conciliation Commission should take a stronger stand and actually *call upon* the authorities to give the said guarantees and a corresponding change was therefore undertaken in the United Kingdom proposal. In the second place, the beginning of the original text did not mention Nazareth among the Holy Places in Palestine. The proposal to include Nazareth came from the delegation of El Salvador and Belgium and was supported by the delegation of France.
3. An analysis of the text of paragraph 7 of the resolution shows that the provision consists of three distinct parts, one of a general character and two of a special character. The first part applies to all Holy Places (including Nazareth), religious buildings and sites in Palestine and provides (a) that arrangements should be made for their protection and free access in accordance with existing rights and historical practice; (b) that such arrangements should be under effective United Nations supervision. The second and third part of the paragraph elaborate the principle contained in the first part. The second part relates only to the Holy Places *in the Jerusalem area* and obliges the Conciliation Commission, when preparing its detailed proposal for a permanent international regime for Jerusalem, to include recommendations concerning the Holy Places in that territory. The third part of the paragraph applies, on the other hand, only to the Holy Places *outside the Jerusalem area* and requires the Conciliation Commission (a) to call upon the political authorities of the areas concerned as to the protection of the Holy Places and their access and (b) to present such guarantees to the General Assembly for approval.
4. Before examining the question of the implementation of paragraph 7, it would appear useful to recall the proposals regarding Holy Places which formed part of the Plan of partition with Economic Union, adopted by the General Assembly on 29 November 1947. In this Plan it was envisaged that the provisional government of each of the Arab and Jewish States before independence, should make a declaration to the United Nations which, *inter alia*, should contain the following clauses regarding 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.
 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 favorable 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 cooperation and such privileges and immunities as are necessary for the exercise of his functions in the State. "

It was furthermore provided in the Plan that the Governor of the City of Jerusalem, in determining whether the rules regarding the Holy Places were being properly applied and in making decisions in cases of disputes with regard to the Holy Places, might be assisted by a consultative council of representatives of different denominations acting in advisory capacity.

5. With respect to the implementation of paragraph 7 by the Conciliation Commission, it would appear from what has been mentioned under 3 that the action to be taken by the Commission depends upon whether it is the question of Holy Places *inside* or *outside* the Jerusalem area. As far as Holy places *inside* the Jerusalem area are concerned, the action of the Commission should aim at the elaboration of recommendations within the framework of the proposal for an international regime for the area of Jerusalem. This part of paragraph 7 is thus being implemented by the Commission having charged the Jerusalem Committee to draw up a Draft Proposal for an international regime for the area of Jerusalem, which Draft Proposal is to contain special provisions for the protection of and access to the Holy Places within that area. As to the Holy Places *outside* the Jerusalem area, on the other hand, the action of the Commission will be of a different character.
6. On this last point the third part of paragraph 7 of the resolution prescribes "that 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."
7. It will be seen that these expressions leave open the question in which form the necessary guarantees should be given. It could also be asked at which stage during its work the Conciliation Commission should take action on this point.
8. With respect to the form of the guarantees it might perhaps be assured that the General Assembly had in mind that the action to be taken should consist in an appeal to the Parties concerned and that it should aim at some declarations similar to those which were to be issued by the Jewish and Arab States under the Partition Plan (see above under 4). Such declarations would then presumably be required even if a party had already in its Constitution inserted provisions for the protection of Holy Places, such as has been done by Israel, the Draft Constitution of which in Article 15 (2) and (3) partly reproduces the provisions of the Partition Plan regarding the Holy Places. On the other hand, it would be necessary to submit the declarations in question to the General Assembly for approval.
9. If the appeal to the Parties concerned is to have a *simultaneous* character, it would follow that no action could or should be taken by the Conciliation Commission at the present stage as the appeal to the political authorities" outside Palestine necessarily would have to await the settlement of the territorial question in Palestine. But even if the appeal to the interested parties would not have to be made *simultaneously*, it might still be preferable to postpone any action with respect to Israel at least until the Committee on Jerusalem receives answers to the preliminary questions regarding the Holy Places outside the Jerusalem area, contained in document Com.Jer/7 of 3 May 1949.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
WORKING PAPER PREPARED BY THE SECRETARIAT, 14 JUNE 1949**

*[Summary of the discussions in the Ad-Hoc Political Committee on the question of consultations
with religious authorities concerning the protection of the Holy Places]*

Paragraph 15 of the report of the *ad hoc* Political Committee on the application of Israel for admission to the United Nations states that the Argentine representative requested

"that the report of the *ad hoc* Political Committee to the General Assembly express the desire of the Committee 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 along the lines of the resolutions of the General Assembly of 29 November 1947 and 11 December 1948, take into account the views of the Holy See and those other religious authorities who desired to present their position with regard to this matter to the Conciliation Commission within a reasonable time limit, in written or verbal form."

The following is a summary note of the discussions in the *ad hoc* Political Committee which led to the above recommendation to the Conciliation Commission on the part of the Committee.

The question of possible consultations with religious authorities concerning the protection of the Holy Places was raised at the beginning of the *ad hoc* Committee debates on Israel's application for admission. At the 42nd meeting of the Committee the Argentine representative announced that his Government unreservedly favoured the admission of Israel but that it felt particular concern about the future of the Holy Places, and considered that the Committee might appropriately hear the opinion of experts on the matter. He presented the following draft resolution (A/AC.24/61): "Considering the fundamental interests of the Catholic Church with regard to the fate of the Holy Places in Palestine."

THE AD HOC COMMITTEE

Invites the Holy See to submit, as it sees fit, a verbal or written report on the guarantees which, in its exalted opinion, would be necessary for the protection of the Sacred Places in Palestine and for free access thereto."

The representative of Egypt observed that in proposing that the Holy See be asked to present its views, the Argentine delegate had presumably not intended to exclude the possibility of the Committee hearing the views of other religions and sects. Hundreds of millions of Moslems all over the world were interested in the Holy Places of Palestine. It was implicit in the terms of the resolution of 11 December 1948 that the General Assembly considered the Holy Places to be the concern of various religious bodies.

The representative of Greece circulated an amendment to the Argentine proposal (A/AC.24/63), suggesting that the Orthodox Patriarchate of Jerusalem should also be invited to report on guarantees necessary to protect the Holy Places. On the following day at the 44th meeting the Saudi Arabian representative introduced an amendment to the Greek amendment (A/AC.24/67) Rev 1), proposing that the invitation should be further extended to "the Moslem religious authority, namely the Supreme Moslem Council of the Ulema Al-Azhar."

General support for the Argentine resolution and for the amendments was expressed by the representatives of Belgium, Chile, Cuba, Egypt and the Lebanon. The delegate of Poland, however, complained that the draft resolution itself was not clear. Should the Holy See be invited to submit its opinion as a State, i.e., as the Vatican, or as the representative of the Catholic Church? In the latter case, other religious bodies had as great an interest as the Holy See in the protection of the Holy Places. The representative of the U.S.S.R. saw no reason to request a report from the Holy See. The Vatican had never taken part in international conferences in the capacity of a sovereign State. For obvious reasons, no representatives of religious groups had been present during any of the Assembly's deliberations on the Palestine case, including those on the internationalization of Jerusalem. The representative of Australia feared that consultation with religious authorities might lead to endless delay in the Committee's work.

At the 43rd meeting the representative of Guatemala suggested that the Argentine proposal and the Greek amendments thereto did not require action by the Committee at the present time and should be referred to the Conciliation Commission for Palestine. The United States representative also reminded the Committee that the question of the protection of and access to the Holy Places was not on the agenda of the General Assembly. The *ad hoc* Committee would not have time to examine the question with the care it deserved. Churches or other secular or religious groups could present proposals to the Conciliation Commission.

The United Kingdom representative stated that, while his Government fully appreciated the motives that had prompted the resolution, the list of interested authorities did not seem to it to be complete; further, his Government was not satisfied that the authorities mentioned would be either able or willing to make the reports suggested, which would result in any case in a very partial picture; finally, it was not suggested that the Committee's decision should be dependent on the reports made; it was therefore not clear what useful purpose would be served by the draft resolution. The representative of Poland stressed that in view of the relations between the various religions and sects in the Holy Land, the proposed procedure would place the Committee in the difficult position of an arbiter between quarrelling religious groups.

The representative of Denmark pointed out that the General Assembly had instructed the Conciliation Commission to study the question of Jerusalem and to present its recommendations to the Assembly. It was apparently proposed to interfere with that procedure. The *ad hoc* Committee was concerned exclusively with the admission of Israel, and it was questionable whether the Committee was competent to take up the matter of the Holy Places. Further, he was not convinced that the list of religious authorities to be consulted was complete. In the circumstances, he wished to make a formal proposal that discussion of the Argentine draft resolution should be adjourned until the representative of Israel had explained the attitude of his Government regarding the implementation of the General Assembly's resolutions of 29 November 1947 and 11 December 1948.

The Committee at its 44th meeting adopted the Danish motion for adjournment by 21 votes to 20 with 6 abstentions. The Committee's ensuing meetings were taken up by a general statement by the representative of Israel on his Government's attitude to all questions under discussion,* and by observations made in amplification of this statement and in reply to questions put by members of the Committee.

During the 46th meeting the Polish representative put a number of questions to the representative of the Government of Israel concerning the religious authorities to be consulted by the Committee in the event that the Argentine proposal and its amendments were adopted. The representative of Israel stressed that in order to obtain an impression of religious opinion in Palestine, it would be necessary for the *ad hoc* Committee to consult authorities and representatives numbering a dozen or more people. In view of the great diversity of opinion regarding policies for the protection of the Holy Places, separate consultations would have to be conducted with, for example, representatives of the Catholic, Greek Orthodox, Armenian, Orthodox, Coptic, Anglican and other Protestant Churches, and with representatives of the Jewish faith.

At the 51st meeting the Argentine representative declared that his delegation would have welcomed, before the opening of the general debate, the authoritative opinion of the Holy See on the guarantees necessary for the protection of the Holy Places in Jerusalem, but since he now felt that the Committee was in a position to take a decision on Israel's application, he would not press for a vote on his proposal and was prepared to withdraw it. He would however ask the Rapporteur to include in his report a reference to the effect that the Conciliation Commission, when studying the questions of Jerusalem and the Holy Places, should take into account the opinion of the Holy See and of other religious authorities.

The delegates of Greece and Saudi Arabia also withdrew their amendments, the representative of Saudi Arabia expressing regret that the draft resolution had been withdrawn.

The Norwegian representative, supported by the delegates of Denmark and Sweden, asked that the Commission of the Churches on International Affairs be included in the list of various religious groups from which the Conciliation Commission should seek an opinion. The Commission was an organization created by the World Council of Churches and the International Missionary Council, and represented, among other bodies, the Protestant Churches.

The Argentine delegate emphasized that the reference he wished to have included in the report should appear there as the majority view of the Committee, and not as the observation of the Argentine delegation. He could not accept an alternative suggestion, put forward by the representative of Greece, that the report should merely state that the Committee requested the Conciliation Commission to ascertain the views of the representatives of all churches concerned in the matter.

The representative of Poland did not consider that the statement which the Argentine representative wished to have inserted in the report could be represented as the majority opinion of the Committee without a vote. The question was accordingly put to the vote and the Committee decided by 38 votes to 6, with 11 abstentions, to include the Argentine statement in its report to the General Assembly.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 33RD MEETING, LAUSANNE, 20 JUNE 1949**

[Meeting with delegations of Arab states on the issue of an international regime for Jerusalem]

Present:	Mr. Barco	(USA)	- Chairman
	Mr. Benoist	(France)	
	Mr. Eralp	(Turkey)	
	Mr. Serup		- Committee Secretary
	Mr. Abdel Chafi El Labbane		- Representative of Egypt
	Dr. Mussa Hussein		- Representative of the Hashemite Jordan Kingdom
	Mr. Mohamed Ali Hamade		- Representative of Lebanon
	Mr. Ahmad Choukairi		- Representative of Syria

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 organization, 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 demilitarized 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 organizations 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 religion 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 facilitations should be accord to any person having an authorization 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 emphasize that neither Arabs nor Jewish 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 experiences 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 regime. 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 paramilitary 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 delegation 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) emphasized 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 internationalization, 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 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 internationalizing 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.



**UN CONCILIATION COMMISSION FOR PALESTINE, THIRD PROGRESS
REPORT ON ACTIVITIES, 21 JUNE 1949 [EXCERPTS]**

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 third progress report of the United Nations Conciliation Commission for Palestine.

Lausanne, 13 June 1949

1. Upon its return to Jerusalem, after the Beirut talks and its visit to Tel Aviv (see second progress report*¹³), the Commission proposed to the Governments of the Arab States and the Government of Israel that they send to Lausanne delegations with which the Commission could continue its work of conciliation.
2. Four Arab States, Egypt, the Hashemite Jordan Kingdom, Lebanon and Syria, as well as the State of Israel, accepted this proposal. The Commission desires herewith to express its gratitude to those States for having accepted its proposal, and also for having sent to Lausanne highly qualified delegations headed by persons exercising great authority in foreign affairs in their respective countries.
3. The Commission held its first meeting in Lausanne on 27 April, and immediately official meetings were held with each of the delegations, while at the same time the members of the Commission were establishing personal contacts with the members of the Arab and Israeli delegations. These first contacts, both official and personal, led the Commission to the belief that a sincere desire existed on both sides to achieve positive progress toward the reestablishment of peace in Palestine.

A. Conciliation

4. The exchanges of views held in Lausanne, unlike those held in Beirut, must be considered not only as bearing upon one of the specific tasks entrusted to the Commission by the General Assembly resolution of 11 December 1948, such as the refugee question or the status of Jerusalem, but also as bearing upon its general task of conciliation of the points of view of the parties with a view to achieving a final settlement of all questions outstanding between them.

[...]

17. For their part, the Arab delegations submitted to the Commission a proposal directed toward the immediate return of the refugees coming from the territories now under Israeli authority which formed part of the Arab zone on the map attached to the Protocol of 12 May: that is, Western Galilee, the area of Lydda, Ramle and Beersheba, Jaffa, Jerusalem and the coast line north of Gaza.
18. The Commission has transmitted these proposals to the Arab delegations and to the delegation of Israel respectively, without giving an opinion as to their merits or faults. Neither the Arab delegations nor the delegation of Israel have felt able to accept any of these proposals.
19. A large part of the Commission's attention and activity during the past weeks has been devoted to the study of preliminary measures which should be taken for the preservation of the rights and property of the refugees. In Jerusalem, before its departure for Lausanne, the Commission, on its own initiative, presented to the Government of Israel a list of preliminary measures which it considered fair and just if a favourable atmosphere were to be created for the meetings in Lausanne. In Lausanne, this aspect of the refugee problem was the subject of oral and written communications addressed to the Commission by the Arab delegations and by the organizations representing the refugees. The request included, among others, measures to facilitate the return of the proprietors of orange groves, together with the necessary labourers, in order to prevent the total loss of the groves; measures to facilitate the reuniting of families separated as a result of the hostilities; measures which would make it possible for the refugees to have access to all or part of the accounts now blocked by the Government of Israel, etc. All these matters are still the subject of correspondence and conversations between the Commission and the Israeli delegation.

[...]

30. Regarding the Jerusalem area, the Israeli delegation stated that its disposition was a separate question which did not enter into the present proposal.
31. It has already been indicated (see paragraph 17 above) that, for their part, the Arab delegations made a proposal that the refugees coming from certain areas defined on the map annexed to the Protocol of 12 May, comprising those from Western Galilee, from the town of Jaffa, from the central area including Lydda, Ramle and Beersheba, from the southern coastal zone and from the Jerusalem area as defined on the above-mentioned map, should be enabled to return to their homes forthwith. In the course of discussion

¹³ * A/838

with the Commission, the Arab delegations have indicated that this proposal bears a territorial aspect, since it envisages the return of refugees to areas designated as Arab territory, and which are in principle to be recognized as Arab territory.

[...]

E. Question of Jerusalem

34. Before leaving Jerusalem, the Committee on Jerusalem called upon the Christian, Moslem and Jewish religious authorities in Palestine for the purpose of ascertaining their views and wishes concerning the future of Jerusalem and the Holy Places. The Committee also visited Nazareth and other Holy Places in Galilee in order to make contact with the clergy in charge of religious buildings and sites.
35. The Committee has continued its work in Lausanne in collaboration with the Arab delegations and the delegation of Israel. Its aim continues to be to exhaust all the means at its disposal with a view to submitting to the Commission proposals for an international regime for Jerusalem which will be both in conformity with the Assembly's resolution of 11 December 1948 and acceptable to the Arab States and to the State of Israel. To this end, the Committee communicated to the Arab delegations and to the delegation of Israel a questionnaire containing a certain number of points which the Committee considers fundamental and concerning which it is necessary, in its view, to learn the opinions of the interested parties. So far, only the reply of the Government of Israel has been received.
36. Since the dispatch of the Commission's previous report, the Government of Israel has established ministerial services as well as other Israeli public services within the area defined in paragraph 8 of the General Assembly resolution of 11 December, regarding which the Commission was instructed to present detailed proposals for a permanent international regime.
37. In a memorandum addressed to the Commission, the Arab delegations protested this decision and demanded the immediate withdrawal of the "administration and services which have been installed in this city in contempt of the resolution of 11 December 1948". This memorandum has been transmitted to the Israeli delegation.
38. The Commission had already given some consideration to the matter of the establishment in Jerusalem of the ministerial services mentioned. An exchange of letters on the subject took place between the Commission and the Prime Minister of Israel during March and April; copies of these letters were transmitted to the Secretary-General on 11 April.

[...]

ANNEX A

RECORD OF A MEETING BETWEEN THE CONCILIATION COMMISSION AND
THE DELEGATIONS OF EGYPT, JORDAN, LEBANON AND SYRIA
held at Lausanne on 12 May 1949 at 11.30 a.m.

Present:

Mr. De Boisanger (Chairman)	France
Mr. Yalcin	Turkey
Mr. Ethridge	United States of America
Mr. Azcarate (Principal Secretary)	
H.E. Abdel Monem Mostafa	Egypt
H.E. Fauzi Pasha Mulki	Jordan
H.E. Fouad Bey Ammoun	Lebanon
H.E. Adnan Atassi	Syria

ANNEX B

RECORD OF A MEETING BETWEEN THE CONCILIATION COMMISSION
AND THE DELEGATION OF ISRAEL
held at Lausanne on 12 May 1949 at 10.30 a.m.

Present:

Mr. De Boisanger (Chairman)	France
Mr. Yalcin	Turkey
Mr. Ethridge	United States of America
Mr. Azcarate (Principal Secretary)	
Dr. Walter Eytan	Israel



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
ECONOMIC ASPECTS OF THE CONSTITUTION OF A "FREE ZONE" IN THE JERUSALEM
AREA, WORKING PAPER PREPARED BY THE SECRETARIAT, 25 JUNE 1949**

When the "preliminary draft for an international regime for the Jerusalem area" was being prepared, the Committee on Jerusalem, in the course of the discussions, considered the possibility of constituting the Jerusalem area a "free zone". Within the framework of the last preliminary draft prepared by the Committee*¹⁴, which provides, *inter alia*, for the co-existence in the Jerusalem area of two zones - a Jewish zone and an Arab zone - separated by a demarcation line to be fixed (Article 2), this paper explains:

- I. the organization of such a free zone, and
- II. the advantages and disadvantages of this institution**¹⁵.

I. WORKING OF A FREE ZONE IN THE JERUSALEM AREA.

1. The outstanding feature of a free zone in the Jerusalem area would be its constitution on a territory politically subject to two sovereign States - the State of Israel and an Arab State - and, in certain respects, under the authority of the United Nations Administrator.
2. The two sovereign States would establish their customs round the frontiers of the Jerusalem area, Such withdrawal of the customs cordons beyond the boundaries of the area would thus involve the disappearance of any customs cordon on the inner political frontier of the area (see sketch annexed).
3. To explain the working of the zone by means of concrete illustrations various cases must be studied:
Goods coming from Israel or the surrounding Arab State - Such goods would enter the market formed by the Jewish and Arab zones of the Jerusalem area without being subject to any Arab or Jewish customs duties or to any restriction as to quantity. Goods from the State of Israel, for instance, would cross the Jewish customs cordon without paying Jewish export duties, and would enter the Arab zone without paying Arab import duties. They would circulate freely in the two zones of the City, and of the area, and could be purchased by any inhabitant or resident, free of customs duty.
4. *Goods from foreign countries* - Goods consigned to Jerusalem arriving at Haifa, for instance, or at an Arab port 'would be sent "in transit" through the State of Israel or the Arab State, without being taxed an entry at Haifa or at another Arab port by the customs of the country concerned. They would then be carried in sealed wagons or lorries from the seaport to Jerusalem. They would not pay customs duties in the countries they passed through. The question whether only the surrounding States (Israel and the Arab State) would let products through "in transit", or whether the other Arab States would grant the same privilege for goods consigned to or from Jerusalem would have to be studied.
5. *Products-manufactured in the Jerusalem area and exported abroad* - Such goods would pass "in transit" through the surrounding States to the seaport, or to the country of destination, without paying any customs duty to the State of Israel or the surrounding Arab State.
6. *Goods admitted free of customs duty and re-consigned to a surrounding country* - It is obvious that goods admitted customs-free to the Jerusalem area, if re-exported to Israel or the surrounding Arab country, would have to pay the customs duty in the State concerned. Thus an American lorry purchased duty-free in Jerusalem from an Arab by a Jew of Jerusalem would have, before it could be sold in Israel, to pay Israeli customs duty.
7. Various ways exist of paralysing the working of a free zone, such as the establishment of tolls, of indirect taxation, or of Sanitary regulations, for instance, for foodstuffs. Very special attention should be paid to this question, so that the institution should not be crippled by such devices.
8. On the Jerusalem market goods would circulate and be sold freely. Two currencies would be legal tender: (1) the Israeli pound, which would be legal tender in the Israeli zone; (a) the currency of the Arab State, which would be legal tender in the Arab zone. However, it would be highly desirable for both currencies to be legal tender throughout the whole of the Jerusalem area, in order to facilitate business. It would probably be necessary to make this point clear in the regulations for the free zone,

¹⁴ * Com.Jer./W.18.

¹⁵ **On "free zones" in general, see the Memorandum on the "Free Zones" of Upper Savoy and the Gex district (Com.Jer./W.19).

II. ADVANTAGES AND DISADVANTAGES OF THE INSTITUTION OF A FREE ZONE FOR JERUSALEM.

A. For the Jerusalem area and particularly the City of Jerusalem.

9. Products arriving in Jerusalem free of duty from Israel and the Arab State, or any other country in the world, would encounter such competition on the Jerusalem market that the cost of living in Jerusalem would be relatively low, compared with the neighbouring countries. From the Arab countries and Israel would come mainly foodstuffs (agricultural and animal produce), while from the countries of Europe and America would come manufactured goods. Amman, for instance, where goods from all over the world are to be found at very low prices' is an entrepôt and important clearing house for the Middle East. Jerusalem might grow prosperous for the same reasons, in fact even more so, since no customs duties would be levied on imported goods.
10. As a result, it would exercise an attraction for the population of the surrounding countries, drawn by the low cost of living and the free trade atmosphere which would prevail in the City, and would encourage the development of trade and of various "services which could radiate throughout the surrounding countries (transport companies, for instance, with headquarters in Jerusalem).
11. This influx of population would probably lead to a rise in the value of real estate (land and buildings).
12. Finally, the cost of living in Jerusalem would make conditions easier for tourists and pilgrims. It might increase their number, and encourage them to stay longer. This would be important for a city like Jerusalem, in view of its special position, particularly when one considers the high cost of living in Israel, which threatens to spread to the whole of the Jewish zone of Jerusalem and prove a material obstacle to tourist traffic and pilgrimages.
13. If Jerusalem became an important centre of trade and supply for the neighbouring countries, the enrichment of its inhabitants would be of direct benefit to the municipality (or municipalities), which would thus acquire richer and more varied taxable resources, a most important matter for a city with heavy municipal expenses, and which had difficulty in balancing its budget.
14. One of the methods employed by modern States to paralyse the working of free zones has been the introduction, or more accurately, the repercussions of the introduction of exchange and currency control. Jerusalem, being subject to two sovereign States, would enjoy an exceptional position:
 - (a) Israel would only be able to apply restrictions on the use of foreign currency to Jewish importers of foreign goods;
 - (b) the Arab State, if it had an exchange control, could only apply it to its own nationals.

As a matter of fact it, is really very unlikely, in view of the profits which could be made by local importers, that the two States would manage to co-ordinate their currency policies. The result would be that the Jerusalem zone would not experience paralyzing exchange control restrictions and could receive goods from the whole world.
15. Finally, the establishment of a free zone would ensure that the economic life of the Jerusalem area was sheltered from fluctuations in the economic situation of the two countries - from an economic crisis in Israel, or an agricultural crisis in the "rate State.

B. For the Surrounding States:

16. Theoretically the institution of a free zone would place such modern industries as might wish to establish themselves in the Jerusalem area in a difficult position. It would deprive them of the Jerusalem area market, as they would be unable to establish and develop themselves behind protective customs barriers, and would be faced with the competition of products from all over the world. In point of fact, the population of the Jerusalem area would constitute for Jewish industries, for instance, only a fraction of the Jewish clientele of Israel, for products manufactured in Jerusalem by such Jewish industries would enjoy a protected market in Israel (Israeli customs duties being exceptionally high).

On the other hand, it should be noted that Israeli industrial products manufactured in the Jewish zone of Jerusalem or in Israel, might not find customers among the Arabs of Jerusalem, because the Arabs would have the manufactured products of the whole world to choose from, and these would often be of better quality, and almost always less expensive, than Israeli products.
17. Transjordan would run the risk of finding in the free zone of Jerusalem a redoubtable rival to Amman, which has so far been one of the most important clearing-houses for western goods in the Middle East, and one of the most active centres of contraband.
18. It is probable that the Parliaments of Israel and of the Arab State, taking their stand on the principle of the equality of citizens before the law) would protest against the institution of, a free zone in Jerusalem, which would confer on the inhabitants of the Jerusalem area a higher standard of existence and a relatively low cost of living.
19. For the State of Israel, the institution of such a free zone might be very important if the Arab States continue their ban on exports to Israel. The free zone of Jerusalem might become the "channel" through which Jerusalem would receive products from the Arab world in spite of the ban. This fact is particularly

important when it is realised that, until the outbreak of hostilities, a large part of Palestine food supplies came from the surrounding Arab countries, particularly Syria, the Lebanon, Transjordan and Egypt.

20. The cutting of a city into two zones, separated by a political frontier, is theoretically possible. From the economic point of view, it would lead to many and serious difficulties affecting the daily life of the citizens and tourists, although the purpose of this working paper is not to analyse to consequences of such a division, these difficulties should be mentioned, if only briefly. The creation of a "free zone" would mitigate these difficulties for the economic life of a city and an area divided politically between two sovereign States.
21. The constitution of the Jerusalem area as a free zone of the kind described would give an economic basis to the area and, more particularly, to the City which, though having its territory divided between two States, should retain a certain unity, and a certain international character.

The institution of a free zone would strengthen its unity, and create a community of interests in a city which, from the political point of view, would be distracted by opposing forces. It would develop a community of interests between Jewish and Arab citizens a community of interests peculiar to Jerusalem which would enable the City to retain a relatively independent and international character.



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
SUMMARY RECORD OF THE 38TH MEETING WITH ARCHBISHOP GERMANOS,
LAUSANNE, 13 JULY 1949**

[On role of Greek Orthodox Church and internationalization of Jerusalem]

Present: Mr. Benoist (France) - Chairman
Mr. Eralp (Turkey)
Mr. Barco (USA)
Dr. Azcarate - Principal Secretary
Dr. Serup - Committee Secretary
His Eminence Archbishop Germanos, Metropolitan of Thyatiera and Representative of the Orthodox Ecumenical Patriarchate of Constantinople in Western and Central Europe.

His Eminence Archbishop GERMANOS recalled that he had been appointed some twenty-five years ago as the representative of the Patriarch of Constantinople in Western and Central Europe. He was therefore not only bishop of the diocese but the representative of the Greek Orthodox Ecclesiastical authorities for western Europe.

During a pastoral visit to his diocese, he was visiting Lausanne and had taken the opportunity of calling on the Committee to explain the views of the Greek Orthodox Church generally and of the Patriarch of Jerusalem in particular. There were several points he wished to stress on which the Greek Orthodox Church had taken up a special position.

Recalling the part played in history by the Greek Orthodox Patriarchate of Jerusalem, he said that for centuries the Patriarchate had been the guardian of Holy Places in Palestine. It had founded the Monastic Brotherhood of the Holy Sepulchre which had played a considerable part in the protection of Holy Places and in looking after the needs of pilgrims to the Holy Land. The Patriarchate of Jerusalem had therefore combined the duties of guarding Holy Places and of administering the ecclesiastical affairs of Christians in Palestine.

His Eminence referred to the Brotherhood's activities in erecting and supporting religious and even secular schools, hospitals and orphanages and to their work in succouring the poor and needy, and on the basis of history and the rights and privileges granted to the Greek Orthodox Church, the *status quo* of 1757 had been established and had been confirmed in 1852. The United Kingdom, as Mandatory Power, had continued to recognize the *status quo*, and he emphasized the fact that the Greek Orthodox Church, represented by the Ecumenical Patriarch of Constantinople and the Patriarch of Jerusalem, saw in the maintenance of the *status quo* and of the rights and privileges of the Church, as confirmed by international treaties or by practice, an essential guarantee for the future of continued friendly relations between the various religious denominations and for the avoidance of friction which had so often degenerated into political strife. He pointed out that that would prove to be in the interest of the present administration of Israel as well as in those of the religious communities.

In that connection, he thought that the suggestion for the appointment of a United Nations Administrator for the Holy Places was by no means a satisfactory or complete solution of the problem, especially in view of the difficulties which the Administrator would encounter in his relations with both parties.

With regard to the regime to be applied to Jerusalem, he wished to say, without prejudice to either the Israeli or Arab parties, that the Greek Orthodox Church regarded the decision taken by the United Nations in November 1947 as the only one corresponding to Christian opinion, and the internationalisation of Jerusalem and the surrounding areas and free access to all Holy Places as the only solution which would satisfy the religious conscience of the world. That view had also been expressed by His Holiness the Pope and by the Anglican Archbishops of Canterbury and York.

The Patriarch of Constantinople had also issued a statement, in which he had declared that the Greek Orthodox Church was interested, first, in the maintenance of the *status quo* as regards the Holy Places and free access thereto; second, in the maintenance of the rights and privileges of the Greek Orthodox Church, as confirmed by international treaties and by practice. The Patriarch had added that he would be satisfied if free access to the Holy Places were granted to all persons, as had been the case during the Mandate.

His Eminence wished to stress the fact that the internationalisation of Jerusalem should not be confined to the Old City but should be extended to both parts.

Such were the conditions under which the Orthodox Church and the whole Christian world thought peace and prosperity could exist in Palestine. In fulfilling their task of conciliation, the United Nations would win the gratitude and the blessing of all the faithful.

The CHAIRMAN expressed the Committee's appreciation of His Eminence's presence at the meeting and assured him that the United Nations was fully aware of the prestige and the role of the Greek Orthodox Church in Palestine.

With regard to the *status quo*, he wished to know whether, under a system of United Nations control, the Greek Orthodox Church would see any objection to the keys of the Basilica of the Holy Sepulchre, now in the custody of a Moslem family, being entrusted to some party less directly concerned, such as, for instance, Scandinavians.

His Eminence Archbishop GERMANOS said that the Patriarch of Jerusalem would not object to such a procedure. He pointed out that the keeping of the keys was an old-established custom rather than a religious privilege and that no great importance would be attached to the matter. The question could be settled by the United Nations as they saw fit and the keys entrusted to Protestant authorities as they were less directly concerned with the Holy Places than the Greek Orthodox, Roman Catholic or Armenian Churches.

The CHAIRMAN, for information purposes, gave His Eminence copies of the statements made by representatives of the Roman Catholic, Greek Orthodox and Armenian Churches in Jerusalem to the Committee, as well as two memoranda from the Russian Orthodox Societies in Palestine which had been transmitted to the Israeli delegation.

His Eminence Archbishop GERMANOS explained to the Committee that the Orthodox Palestinian Society and the Russian Ecclesiastical Mission had built on property in Palestine in order to accommodate pilgrims coming from Russia but that those buildings could not be said to have the character of Holy Places. During the British Mandate, the Government of Palestine had been requested to cede the property to the clergy in the Union of Soviet Socialist Republics, but that request had not been complied with. It seemed however that some understanding existed between the Soviet authorities and the Israeli authorities with respect to their cession to the Soviet Church.



**SUMMARY RECORD OF A MEETING BETWEEN THE UN CONCILIATION COMMISSION
FOR PALESTINE, COMMITTEE ON JERUSALEM, AND THE ISRAELI DELEGATION,
LAUSANNE, 13 AUGUST 1949**

[Report of the UNCCP meeting following a press release by David Ben Gurion on the status of Jerusalem]

Present:	Mr. Eralp	(Turkey) - Chairman
	Mr. Benoist	(France)
	Mr. Barco	(USA)
	Dr. Serup	- Committee Secretary
	Mr. Arazi) - Representatives of Israel
	Mr. Lifshitz)

The CHAIRMAN informed the Israeli delegation that the Committee had thought it necessary to hold the present meeting in order to request clarification of a news item which had appeared in the "Palestine Post" of 3 August 1949 according to which several more Government offices, including the Ministry of Finance's Controller of Banks and the water research section of the Ministry of Agriculture, had been transferred to Jerusalem and representatives had been appointed there of the Ministry of Agriculture's Department of water and development, livestock, corn crops, fruit trees, protection of plants and forestry.

The Committee also wished to have some explanation on the reported statement made by Mr. Ben Gurion on the occasion of the re-opening of the Tel Aviv- Jerusalem railway. The statement had contained certain remarks which the Committee viewed with deep concern. The Chairman pointed out that the Committee was engaged in a most delicate task in seeking to draw up proposals for an international regime for Jerusalem which would be compatible with the General Assembly's resolution of 11 December 1948 and would, at the same time, satisfy the legitimate interests of the parties concerned. Incidents such as those would only serve to make the work of the Committee, and consequently of the Commission, still more difficult.

Mr. BENOIST requested that the following extract from the "Palestine Post" of 8 August 1949, containing the statement made by Mr. Ben Gurion on the occasion of the re-opening of the Tel Aviv- Jerusalem railway, be read to the Committee and to the Israeli delegation:

"On the arrival of the train at the Jerusalem station yesterday, the Prime Minister, Mr. David Ben Gurion said:

"Mayor of Jerusalem, soldiers of the Israeli army, and friends:

"This train, which is making the run to Jerusalem for the first time since our independence was declared, is a new and strong link in the chain built by the Army, Government and our economic effort for the redemption of Jerusalem. It binds all parts of the country to the capital of the land with strands of steel and love.

"Jerusalem was the burning point in our fight for independence from the very first. Both the cruelty of the enemy and the suffering and courage of the inhabitants reached their highest in this city.

"With blood and fire our enemies planned to cut off Jewish Jerusalem, and, with it, our hope for the establishment of the State. Jewish courage and labour put the enemy's plan to nought.

"When the Commercial Centre in Jerusalem was set on fire, the barbarous crusade of extermination began. With murderers laying in ambush along the whole length of the Tel Aviv-Jerusalem highway, the enemy tried to destroy the Jewish line of communication and to cut off the Eternal City of the Jewish people from every other centre of the Yishuv. Jerusalem was besieged and Jewish inhabitants were starved. The pumping station was blown up at Latrun so that the city might die of thirst. And the Arab invading armies, under Christian generalship, did what even the pagan Nazis and Fascists dared not do in the last World War: They bombed and shelled with unrelenting mercilessness the Holy City of three religions.

"The Christian world did not lift a finger to save Jerusalem. The sacredness of the City was forgotten. No voice of protest was raised against the profaners and destroyers of the Holy City.

"The Strength of Israel, however, will not fail. The Haganah, and after it the Israeli Army, saved the greater part of Jerusalem and freed it. With great courage, the Jews of Jerusalem withstood the ravages of murder, siege, hunger, thirst, shelling and bombing. Like a steel wall of defence and succour stood the few isolated agricultural settlements in the hills of Jerusalem – to the south, north and west.

"Operation Nahshon broke through the siege with an iron fist and captured the hills to the west. The fighters of Latrun gave their all to save shelled Jerusalem, and a new road, the road of Valour, was paved in the Shefelah, leading to the besieged capital. The struggle to deliver Jerusalem is crowned by the possession of all the district through which the Jaffa-Jerusalem train once passed.

"The work of the defenders and conqueror has borne fruit: Jerusalem to-day welcomes her first Israel train.

"This is no longer the step-child train that used to come here after the Jaffa-Jerusalem rail line was built. This is an Israel train, all of whose workers are Jews, and which serves as an economic and strategic bulwark of our independence and our freedom. The valley, the plain and the mountain through which it passes have been conquered and freed by the Israel Army. Both ends of the way are part of the State of Israel.

"I believe that the train will fulfill its mission of restoring Jerusalem's economic importance and of strengthening the historic and political bond between the Jewish people and its eternal capital, and will return the crown to its former glory."

The "Palestine Post" of 8 August also reported the following statement by Mr. Ben Gurion:

... Stepping from the train yesterday, the Prime Minister, Mr. Ben Gurion, began his speech by saying: "Mr. Mayor of Tel Aviv" ... After a pause, followed by a wave of laughter from the crowd, Mr. Ben Gurion corrected himself, adding: "What is now in Tel Aviv will soon be in Jerusalem."

Mr. Benoist thereupon wished to present his delegation's views on the statement Mr. Ben Gurion was reported to have made.

The resolution adopted by the General Assembly of the United Nations on 11 December 1948 had stipulated that the Jerusalem area, in view of the place it hold in the Christian, Jewish and Moslem religions, should be accorded a special regime, distinct from that of the other regions of Palestine. According to the terms of that resolution, therefore, the Conciliation Commission, represented by the Committee on Jerusalem, was at present endeavouring to prepare draft proposals for an international regime for the Holy City acceptable to Jews, Arabs and Christians, as well as to the State of Israel, the Arab States and other Member States of the United Nations.

The least that could be said, in all impartiality, of the statements reported in the "Palestine Post" as having been made by the Prime Minister of the State of Israel, was that they were not of a nature to facilitate the work of the Committee on Jerusalem. The French delegation would naturally be glad to have the exact text of the statements made by Mr. Ben Gurion, in order to be able to refute the tendentious comments to which they had given rise.

Mr. Benoist added that he hoped the tenor of the speeches which would doubtless be made in Jerusalem the following Wednesday during the ceremonies to mark the transfer of the ashes of Theodore Herzl, the founder of Zionism, for who he and his countrymen had always felt the greatest respect, would not increase the difficulties already confronting the Committee.

Mr. BARCO shared the views expressed by the other members of the Committee that anything which might prejudice the Committee's work should be avoided by the parties concerned. He hoped the matters which had occasioned the present meeting would not prejudice the Committee's work and that, moreover, further incidents of that kind would not arise.

Mr. ARAZI requested further elucidation from the Chairman as to the objections raised in connection with the transfer of certain Israeli Government offices to Jerusalem.

The CHAIRMAN, in explanation, recalled that correspondence had taken place on the subject of moving Government offices to Jerusalem between the Conciliation Commission and the State of Israel at the time when the Commission was meeting in Beirut and that the Commission had mentioned that it considered such a procedure to be incompatible with article 8 of the General Assembly's resolution which called for a special status for Jerusalem.

The news report in the "Palestine Post" of 3 August would seem to indicate a systematic moving of Government offices from Tel Aviv to Jerusalem. The Committee was therefore most anxious to receive some assurance that the capital was not in effect being transferred at the very moment when the Committee was endeavouring to draw up proposals for an international regime for the Jerusalem area.

Mr. ARAZI, in reply, said that the transfer of those Government offices did not mark any new development in the situation but were merely part of the normal return of certain offices which had always had their archives in Jerusalem and had always been housed in certain buildings there. At the time when the mandatory regime was abolished, some had been moved temporarily to Tel Aviv, but since their publications appeared in Jerusalem and considering moreover the housing shortage in Tel Aviv, as well as the fact that many officials had their homes in Jerusalem, it was quite in order for such a return to have been effected.

The CHAIRMAN noted with satisfaction the explanation supplied by the representative of Israel, and specifically asked whether Mr. Arazi's remarks could be regarded as a denial that there was a systematic movement of Government offices to Jerusalem for the purpose of making it the capital.

Mr. ARAZI confirmed that view. He further informed the Committee that the report published in the "Palestine Post" of 8 August did in fact contain the full, official text of the speech made by the Prime Minister of Israel. He would appreciate some elucidation from the French representative as to which part of Mr. Ben Gurion's speech had given rise to unfavourable comment.

Mr. BENOIST mentioned in reply that the statement that the railway bound all parts of the country to “the capital of the land”, although it could of course be taken to mean Tel Aviv, would seem to indicate that Jerusalem was still regarded morally as the capital of the country. If Jerusalem were referred to by Mr. Ben Gurion as an integral part of Israel, he did not see how that could be taken to be compatible with the General Assembly’s resolution providing for a separate regime for the Jerusalem area.

He wished strongly to emphasize the fact that since the Committee was endeavouring to prepare proposals which would prove acceptable to Jews, Arabs and Christians alike, it was essential that there should be a moral atmosphere favourable to such work. Accordingly it seemed to him that, although it was of course normal for the Prime Minister to congratulate the Israeli forces who had indeed fought with the utmost valour, it was most unfortunate that a phrase such as “Christian generalship” should have been used and a comparison drawn with pagan Nazis and fascists. As for the statement that the Christian world had not lifted a finger to save Jerusalem, he wished to recall that three or four French officers had died there at the hands of Arabs and Jewish terrorists, not to mention other United Nations officials who had died in pursuance of their duty. He wished to draw particular attention to what he considered a most significant remark, namely that both ends of the way were part of the State of Israel. He found such a view difficult to reconcile with any proposal for an international regime for Jerusalem.

Mr. Benoist accepted the representative of Israel’s explanation of the transfer of certain Government offices. In connection with Mr. Ben Gurion’s reported statement that what was now in Tel Aviv would soon be in Jerusalem, he pointed out that it would be a most illogical course to follow if everything in Tel Aviv were moved to Jerusalem.

Mr. ARAZI, replying to the various points raised by the representative of France, said first of all that when Mr. Ben Gurion had referred to Jerusalem as the “capital of the land”, it should be understood, in the same way as the phrases the “eternal capital” and the “crown”, in the biblical sense.

With regard to the expression “under Christian generalship” referring to Glubb Pasha and others, commanding the Arab Legion, he explained that the Prime Minister, in addressing the crowd, had doubtless decided that it would be preferable not to mention those officers by name on such a glorious occasion and had used this phrase merely to make his meaning clear to his audience. He could assure the Committee however that there had been no intention on the speaker’s part to link the Christian world as a whole with Israel’s enemies.

He thought however that some justification existed for drawing a comparison with pagan Nazis and Fascists since wholesale destruction of Jerusalem by cannon-fire had been attempted during the recent hostilities, whereas, during the last war, even the Nazis had not bombed either Jerusalem or Rome.

Referring to Mr. Ben Gurion’s statement that the Christian world had not lifted a finger to save Jerusalem, he said that although his Government deeply deplored the death of the French officers and other officials, he wished to point out that these deplorable events had taken place, mostly in other parts of Palestine. When wholesale demolition of Jerusalem had been attempted, the Jewry of Jerusalem had stood alone in defending the City. No aid had been forthcoming from the Christian world. The Haganah alone, and later the Israeli Army had by their valour saved Jerusalem.

As for the reported statement by Mr. Ben Gurion that what was now in Tel Aviv would soon be in Jerusalem, he stressed the fact that the remark had been occasioned by a mere slip of the tongue. No undue importance should be attached to reports of that nature which appeared in the press. If all such statements were taken seriously at their face value, there would be cause for anxiety in reports on visits made to Jerusalem by King Abdullah and certain British generals.

With regard to the statement that both ends of the way were part of the State of Israel, he explained that the railway station in Jerusalem did belong to the State of Israel and was operated by Jews. Moreover the Jewish zone of Jerusalem was indeed regarded as part of the Jewish State.

In response to a query from Mr. BENOIST as to whether such a view were compatible with an international regime for the whole Jerusalem area, Mr. LIFSHITZ said that he thought it possible for the Jewish part of the Jerusalem area to be under Israeli jurisdiction and still to form part of an international zone.

Mr. BENOIST thanked the Israeli delegation for its explanations which he would submit to his Government.



**UN CONCILIATION COMMISSION FOR PALESTINE, SUMMARY RECORD
OF THE 91ST MEETING, LAUSANNE, 25 AUGUST 1949**

[Report of a meeting on the demilitarization of Jerusalem]

Present: Mr. Yalcin (Turkey) - Chairman
Mr. de Boisanger (France)
Mr. Porter (USA)
Dr. Azcarate - Principal Secretary

Demilitarization of Jerusalem

The CHAIRMAN recalled that at the previous day's meeting (SR/LM/34), the representative of Egypt had requested that the Commission take steps to secure the implementation of that provision of the resolution of 11 December 1948 which called for the demilitarization of Jerusalem. He invited the views of the Commission as to what steps could be taken.

Mr. de BOISANGER pointed out that according to the terms of the resolution, the task was one for the Security Council, not for the Conciliation Commission. If the Commission so desired, it might include in its report a recommendation for demilitarization. For the time being, however, he thought the Commission could do no more than transmit to the Secretary General, for communication to the Security Council, the desire expressed by the representative of Egypt.

In reply to a question from Mr. PORTER, Mr. de Boisanger pointed out that Jerusalem was at present occupied by troops and that it would be difficult to have those troops removed during the period of the armistice. There was no conflict, as such, between the resolution and the armistice agreements with regard to Jerusalem; but demilitarization could hardly be effected for the duration of the state of armistice, which was merely a broader extension of the state of truce.

The Commission adopted Mr. de Biosanger's proposal, and approved the following text of a cable for dispatch to the Secretary-General:

"At Commission meeting August 24, representative Egypt called attention provision in Para 8 of December 11 resolution relating to demilitarization Jerusalem and remarked that this provision not yet carried out. He asked whether Commission might consider taking steps necessary implement this provision. Chairman replied Commission would consider. At meeting 25 August Commission decided to transmit foregoing observation Egyptian representative to Secretary-General for communication Chairman Security Council."



**UN CONCILIATION COMMISSION FOR PALESTINE, COMMITTEE ON JERUSALEM,
THIRD PROGRESS REPORT ON ACTIVITIES, 27 AUGUST 1949**

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 the 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 on the plan for the international regime for the area of Jerusalem which has been

- adopted by the Committee as a result of its further deliberation 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 (UN 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. 1 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 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, 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 proposals 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 the 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 Shu'fat; the most western 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 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. ORGANSArticle 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 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 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 Articles 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 representations 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 function 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 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 function 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 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 to 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 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. It shall determine its own regulations and rules of procedures. 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 principals 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 offense has been committed. In cases of doubt, the criminal law and procedure of the zone most favourable to be 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 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 the 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 function.

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 BUILDING 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 or 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 through 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 or 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 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 BUILDING 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

The area of Jerusalem shall be permanently demilitarised and neutralised. There shall be no military or paramilitary forces or stocks of war material within the area.

The responsible authorities of the two zones shall make declaration 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 people 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.

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 8 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 discussion 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 an 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 *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 *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 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, this 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 concerned. 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 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 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 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 since the Council would be mainly concerned with such matters as public services, religious affiliations should not make for any divergence 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 provisions 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 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 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.

Article 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.

Paragraph 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 1757, whereby arrangements as to rights, privileges and practices concerning certain Holy Places to be perpetuated.

The Holy Places to which the status quo applied, and still applies, are those to which conflicting claims were put forward, either by religious faiths or by branches of a religious faith. These Holy Places are the Basilica of the Holy Sepulcher 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 if 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 representative in Jerusalem of the States traditionally most concerned with the Holy Places or of the heads of various Chris-

tian, 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 these 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 these undertakings to the Internal 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, 23, 24, 25.

No comments.

C.

DRAFT DECLARATION CONCERNING THE HOLY PLACES, RELIGIOUS BUILDINGS AND SITES IN PALESTINE OUTSIDE THE AREA OF JERUSALEM.

The Government of

Conscious of its responsibilities concerning 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 assure the safety of ministers of religion, those officiating in religious services and the members of religious orders and institutions; to allow them 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 the nationality or faith, subject only to consideration of national security.

The Government of undertakes to give special consideration to such recommendation 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, 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, of 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.



**UN GENERAL ASSEMBLY, 4TH SESSION, PALESTINE - PROPOSALS FOR A
PERMANENT INTERNATIONAL REGIME FOR THE JERUSALEM AREA
(DOCUMENT A/973), 12 SEPTEMBER 1949**

**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 (A/AC.25/1)

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.

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 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 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

[Not reproduced (see paragraph 2 of the covering letter from the UN Conciliation Commission for Palestine).]



UN CONCILIATION COMMISSION FOR PALESTINE, STATEMENT ON PROPOSALS FOR A PERMANENT INTERNATIONAL REGIME FOR THE JERUSALEM AREA, 9 NOVEMBER 1949

[Reply and clarifications to comments following the publication of the proposal for an international regime]

The publication of the United Nations Conciliation Commission for Palestine for an international regime for the Jerusalem area has given rise to 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 the 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 ~~widely~~ 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 fulfill 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 connection, 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 coordination 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.

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

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

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



**UN GENERAL ASSEMBLY, DRAFT AGREEMENT WITH THE STATE OF ISRAEL
ON HOLY PLACES IN JERUSALEM, 25 NOVEMBER 1949**

See Vol. II: Israeli Documents



UN GENERAL ASSEMBLY RESOLUTION 303 (IV) CONCERNING THE INTERNATIONALIZATION OF JERUSALEM AND THE PROTECTION OF THE HOLY PLACES, 9 DECEMBER 1949

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) of 29 November 1947 and 194(III) of 11 December 1948,

Having studied the reports of the United Nations Conciliation Commissioner 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): (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;
2. To request for this purpose that the Trusteeship Council at its next session, whether special or regular, complete the preparation of the Status of Jerusalem, 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 State 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.



UN GENERAL ASSEMBLY RESOLUTION 356, 10 DECEMBER 1949

[This resolution was another effort to implement the international regime for Jerusalem, appropriating \$8 million for this purpose. These appropriations were cancelled in Res. 468 of 14 Dec. 1950. Thus, Jerusalem remained divided into an Arab and an Israeli section. When Israel proclaimed West Jerusalem as its capital neither the UNGA nor the UNSC condemned this].

The General Assembly

Resolves that for the financial year 1950 1. An amount of US\$49,641,773 is hereby appropriated for the following purposes: [...]

6. Investigations and inquiries	3,417,700
(a) United Nations Field Service	337,000
(b) Permanent international regime for the Jerusalem area and protection of the Holy Places	<u>8,000,000</u>
		11,754,700



**UN CONCILIATION COMMISSION FOR PALESTINE, 5TH PROGRESS REPORT,
14 DECEMBER 1949 [EXCERPTS]**

[Report on UNCCP activities with regard to Jerusalem during the period 16 Sept. to 9 Dec. 1949]

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 fifth progress report of the United Nations Conciliation Commission for Palestine.

[...] B. Jerusalem and the Holy Places

3. As stated in its fourth progress report (A/992), the Commission, on 1 September 1949, approved a draft text of an Instrument establishing a permanent international regime for the Jerusalem area, and transmitted it to the Secretary-General for communication to the General Assembly (A/973), in accordance with paragraph 8 of the resolution of 11 December 1948.
During its recess and following the resumption of its meetings in New York on 19 October, the Commission became aware that publication of the draft text had given rise to certain misconceptions and misrepresentations, based apparently on a fundamental misunderstanding of the letter and spirit of the plan. The Commission accordingly decided to circulate, as an addendum to its draft Instrument, a statement setting forth certain clarifications of its plan.*
4. On 24 November, the Commission was invited to appear before the *Ad Hoc* Political Committee of the General Assembly, to which the question of Jerusalem had been referred. On this occasion, the Chairman of the Commission made an introductory statement explaining the principles which had guided the Commission in drawing up its draft Instrument for the internationalization of the Jerusalem area and elucidating the internal structure of the Instrument itself (Annex).
5. During its meetings in Lausanne, the Commission had, in conformity with paragraph 7 of General Assembly resolution 194 (III) of 11 December 1948 communicated to the delegations a proposed declaration to be made by the Governments concerned with respect to the Holy Places, religious buildings and sites in Palestine outside the Jerusalem area. On 8 and 15 November 1949, the Israeli and Arab delegations respectively communicated to the Commission their Governments' position with regard to the required guarantees for the protection of and free access to the Holy Places outside the Jerusalem area. The Commission has transmitted these replies, together with its own draft declaration, to the Secretary-General for communication to the members of the General Assembly. [...]

ANNEX

Text of an address delivered by the Chairman of the United Nations Conciliation Commission for Palestine to the Ad Hoc Political Committee before the opening of the debate on Jerusalem, 24 November 1949

In submitting its draft Instrument on Jerusalem to the General Assembly for its consideration, the Conciliation Commission has been guided by its terms of reference laid down in the Assembly resolution of 11 December 1948. As regards Jerusalem, the Commission was invited to present detailed proposals for a permanent international regime consistent with the maximum local autonomy for distinctive groups. In addition, the Commission has made every endeavour to take into account the existing political and territorial situation in Jerusalem, the viewpoints of the inhabitants, and the viewpoints of the religious communities and the political authorities most directly concerned with Jerusalem's future. Admittedly, the Commission's plan does not completely satisfy the aspirations of every group or party. The Commission does feel, however, that its plan is capable of being put into operation without seriously infringing upon the rights of any group or seriously dislocating the existing arrangements for the Holy City's government. The Commission believes, moreover, that its plan provides positive safeguards for those matters of international concern which prompted the General Assembly to adopt its resolution of 11 December 1948.

The provisions of the Commission's plan can be regarded as falling under three headings:

- Firstly, those provisions relating exclusively to the protection of and access to the Holy Places;
- Secondly, those provisions which relate to much needed assistance in restoring Jerusalem to a normal life and safeguarding its unique character; and
- Thirdly, those provisions which promote peace and security in the area of Jerusalem and, consequently, in the whole of Palestine.

The Commission has recently issued a statement which has been distributed to all the delegations explaining in somewhat greater detail the intents and purposes of the various provisions of the plan. If further clarifica-

tions are desired by certain delegations, my colleagues and I are, of course, at your disposal. The Commission believes that the plan it has presented is workable, effective and appropriate to the Commission's terms of reference. The Commission considers, moreover, that its task, as envisaged by the General Assembly resolution of 11 December 1948, has been fulfilled as regards Jerusalem. It is for you here to decide, in the light of the many conflicting viewpoints and interests, whether it has found a satisfactory solution to a question the answer to which is awaited anxiously by the many thousands of the faithful of the Christian, Jewish and Moslem religions throughout the world.



UN TRUSTEESHIP COUNCIL RESOLUTION 114 (S-2) ON THE REMOVAL TO JERUSALEM OF CERTAIN ISRAELI GOVERNMENT DEPARTMENTS, 20 DECEMBER 1949

The Trusteeship Council:

Concerned at the removal to Jerusalem of certain ministries and central departments of the Government of Israel,

Considering that such action ignores and is incompatible with the provisions of paragraph II of General Assembly resolution 303 (IV) of 9 December 1949,

1. *Is of the opinion* that the action of the Government of Israel is likely to render more difficult the implementation of the Statute of Jerusalem with which the Council is entrusted by the General Assembly resolution of 9 December 1949;
2. *Requests* the President of the Trusteeship Council:
 - (a) To invite the Government of Israel to submit a written statement on the matters covered by this resolution, to revoke these measures, and to abstain from any action liable to hinder the implementation of the General Assembly resolution of 9 December 1949;
 - (b) To keep closely in touch with the developments in Jerusalem while the Council is not in session;
3. *Requests* the Secretary-General to communicate this resolution promptly to all Member States of the United Nations.



THE QUESTION OF AN INTERNATIONAL REGIME FOR THE JERUSALEM AREA AND PROTECTION OF THE HOLY PLACES, WORKING PAPER PREPARED BY THE PRESIDENT OF THE UN TRUSTEESHIP COUNCIL, 31 JANUARY 1950 [EXCERPTS]

[Suggestion submitted by the President of the Trusteeship Council on the draft statute]

[...]

Note by the Secretariat: The present working paper is reproduced at the request of the President of the Trusteeship Council in accordance with the Council's Resolution 113(2-s) of 19 December 1949 on the completion of the preparation of the Statute of the City of Jerusalem (T/426).

Part I is identical with the suggestions made by the President in his statement to the Council on 30 January, 1950. Part II contains the only communication received from a Member Government which contained suggestions for the President's consideration, although a note was received from the United Kingdom delegation reserving the right of that Government to submit its views at a later date. Part III contains *in extenso* important communications received by the President from other sources.

I. SUGGESTIONS SUBMITTED BY THE PRESIDENT OF THE TRUSTEESHIP COUNCIL CONCERNING THE INTERPRETATION TO BE GIVEN TO THE GENERAL ASSEMBLY RESOLUTION 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 demilitarisation and neutralisation 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 Hashemite 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 Hashemite 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 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 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 demilitarisation and neutralisation 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 Hashemite Kingdom of 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 Hashemite 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, he 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 Hashemite Kingdom of the Jordan.
10. The Governor of the Holy Places would direct the external affairs of the International City.
11. He 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 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.



**UN TRUSTEESHIP COUNCIL, DRAFT PROPOSAL FOR A STATUTE
FOR THE CITY OF JERUSALEM, 4 APRIL 1950**

[See also the earlier version of the draft statute, which was published on 21 April 1948. It had less paragraphs in the first part but articles on legislation that are missing in this 1950 edition. Furthermore it had more definite dates (e.g. entry into action of statute etc), while the 1950 edition includes references to UN resolutions that were approved meanwhile]

QUESTION OF AN INTERNATIONAL REGIME FOR THE JERUSALEM AREA AND PROTECTION
OF THE HOLY PLACES: SPECIAL REPORT OF THE TRUSTEESHIP COUNCIL

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 resolutions as follows:

1. 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;
2. 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 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, 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 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 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 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 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. 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.
2. All persons have the right to life, liberty and security of person.
3. 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.
4. No person may be arrested, detained, convicted or punished, except according to due process of law.
5. No person or property shall be subjected to search or seizure, except according to due process of law.
6. 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.
7. 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. No shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.
8. 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.
9. All persons have the right to freedom of thought, conscience and religious; this right includes freedom to change their religion or belief, and freedom, either alone or in community with other, either in public or in private, to manifest their religion or belief in teaching, practice, worship and observance.
10. 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 impart information and ideas through any media.
11. 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.
12. The family law and personal status of all persons and communities and their religious interests, including endowments, shall be respected.
13. 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.
14. 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.
15. 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 the 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 pre-scribed 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 judgement 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 instruction 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 principle 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, 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 to 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 principle 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.
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 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 Chief Justice. They shall be appointed by, and their appointments shall be terminated only by, the Trusteeship Council.
2. The legislative 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 legislative 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 legislative 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 purpose 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 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 of 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 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 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 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 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 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 be 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 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 articles 21 and 22 of this Statute and 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 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.



**UN GENERAL ASSEMBLY, QUESTION OF AN INTERNATIONAL REGIME FOR THE
JERUSALEM AREA AND PROTECTION OF THE HOLY PLACES, SPECIAL REPORT OF THE
UN TRUSTEESHIP COUNCIL, 14 JUNE 1950 [EXCERPTS]**

[...] Annexes

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

[...]

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*¹⁶ in accordance with that resolution,

Having entrusted to its President the mission of transmitting to the Governments of Israel and the Hashemite 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 Hashemite 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 session¹⁷ its previous intention¹⁸ 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,¹⁹ 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 resolved²⁰ 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 resolution²¹ 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.

¹⁶ See annex II, page 19.

¹⁷ Resolution 303 (IV) of 3 December 1949.

¹⁸ Resolution 181 (II) of 29 November 1947.

¹⁹ T/118/Rev.2 dated 21 April 1948.

²⁰ T/426.

²¹ T/427.

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 report²² 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 decided²³ 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 decided²⁴ 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 resolution²⁵ 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 resolution²⁶ 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 report²⁷ on the mission which the Council had entrusted

²² T/457 (annex I, page 3).

²³ T/PV.211

²⁴ T/467.

²⁵ T/469.

²⁶ T/564.

²⁷ T/681 (annex III, page 28).

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 1950.²⁸ [...]

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

²⁸ See enclosure to annex III, page 28.

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



**UN CONCILIATION COMMISSION FOR PALESTINE, GENERAL PROGRESS REPORT
AND SUPPLEMENTARY REPORT, 2 SEPTEMBER 1950 [EXCERPTS]**

*[Activities of UNCCP during the period from 11 Dec. 1949 to 23 Oct. 1950 and
Terms of Reference for the UN Representative in Jerusalem]*

INTRODUCTION

1. On 11 December 1948, the General Assembly, having considered further the situation in Palestine as set forth in the report of the late United Nations Mediator, Count Folke Bernadotte,^{1/29} adopted resolution 194 (III) providing for the establishment of a United Nations Conciliation Commission for Palestine to be composed of three States.
2. Paragraph 13 of the above solution instructed 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. Since taking up its functions in January 1949 the Conciliation Commission for Palestine has submitted seven reports^{2/30} to the Secretary-General on the successive stages of its efforts to assist the interested parties to achieve a final settlement of all questions outstanding between them. These documents have been communicated to the Members of the United Nations. The Commission, however, considers it useful at this stage of its work to present to the Secretary-General a general report of its efforts to date, in order to give the Members of the United Nations an over-all view of developments since the adoption of resolution 194 (III). The Commission intends to submit at a later date a supplementary report^{3/31} containing an appraisal of the present situation in Palestine in relation to the task entrusted to the Commission by that resolution.
3. General Assembly resolution 194 (III) gave the Commission the general task of facilitating a settlement of all questions outstanding between the countries party to the Palestine conflict. A detailed account of the Commission's activities from its establishment to the present time in connexion with this over-all task is given in chapter I below, entitled, "The conciliation effort". Since conciliation covered many of the specific questions at issue between the parties, it will be found that matters which are dealt with in detail in later chapters are also briefly mentioned in chapter I of this report.
4. The General Assembly in resolution 194 (III) singled out two questions on which it formulated principles and on which it gave specific instructions to the Conciliation Commission. The first of these was the internationalization of the Jerusalem area, in connection with which the Commission was to present pro-

²⁹ 1/ See *Official Records of the General Assembly, Third Session, supplement No. 11*.

³⁰ 2/ *Ibid.*, Fourth Session, Ad Hoc Political Committee, Annex, Vol. II (A/819, A/838, A/927, A/992) and *ibid.*, Fifth Session, Annex to agenda item 20 (A/1252, A/1255, A/1288).

³¹ 3/ See page 30.

posals to the fourth session of the General Assembly. This was done, but the Commission considers it useful to give a brief resume of its activities in this connection, which is contained in chapter II of the present report. The second question on which the Commission received a definite mandate from the Assembly was that of the refugees. This is the question which has preoccupied the Commission perhaps more than any other, and it is dealt with in chapter III.

5. Finally, although the territorial question was not singled out by the resolution, and although no specific instructions were given by the Assembly in its regard, the Commission considers that it is of such importance that it has devoted chapter IV of this report to matters pertaining to it.

Chapter I: THE CONCILIATION EFFORT

1. The general mandate of the Conciliation Commission was set forth in paragraphs 4 and 6 of General Assembly resolution 194 (III) of 11 December 1948, which request 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" and instruct it to "take steps to assist the governments and authorities concerned to achieve a final settlement of all questions outstanding between them". Paragraph 5 of the resolution 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 1948 ^{4/32} 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".
2. The Commission believed that, in order to accomplish this general task of conciliation, it should initially concentrate on efforts to bring about a rapprochement between the parties concerned. It believed that its most pressing task should be to use its good offices for the purpose of enabling the governments concerned to enter into negotiations - if possible, direct one - and to collaborate with them in order that these conversations could result in a "final settlement of all questions outstanding between them". Accordingly, the Commission made a series of official visits, between 12 and 25 February 1949, to the Governments of Egypt, Saudi Arabia, Transjordan (Jordan), Iraq, Syria, Lebanon and Israel. The Commission's primary object in these preliminary talks was to canvass the parties concerned on their views as to the way in which contact could be established and negotiations begun with a view to arriving at a final settlement.
3. The attitude adopted by the Arab States during this series of visits was that they were not prepared to enter into general peace negotiations with Israel until the refugee question had been settled, at least in principle. With the exception of Transjordan (Jordan), the Arab Governments maintained that the acceptance by Israel of the right of the refugees, as expressed in paragraph 11 of the resolution 194 (III), to return to their homes, must be regarded as the condition *sine qua non* for the discussion of other questions.
4. The Government of Israel, on the other hand, was not prepared to accept as a principle the injunction contained in paragraph 11, and further, was not prepared to negotiate on any point separately and outside the framework of a general settlement. It declared its willingness, however, to meet with the Arab States separately or collectively for the purpose of entering into general peace negotiations with a view to settling all problems outstanding between them and Israel.
5. The Conciliation Commission, while fully recognizing the importance and extreme urgency of the refugee question, both from the humanitarian and political points of view, did not consider it possible to separate any one problem from the rest of the peace negotiations or from the final peace settlement.
6. Following its initial contacts with the interested governments, the Commission considered that it would be useful to gain a clearer understanding of the views of the parties with regard to the refugee problem, in order to determine the position that this question would take in relation to the final peace negotiations. But, owing to the practical impossibility of carrying on negotiations by repeated visits to the various capitals, the Commission decided to invite the Arab States to hold meetings in Beirut beginning on 21 March 1949 for the purpose of exchanging views on the refugee problem with the Commission. It was considered that these exchanges of views could eventually be extended to other questions, should the desire be expressed in the course of the conversations.
7. The talks in Beirut took the form of separate meetings between the Commission and each of the Arab delegations, and were principally concerned with the refugee question. This matter is dealt with in detail in chapter III. However, one of the Commission's main objectives in these conversations was to clarify the attitude of the Arab States as to whether in their opinion the study and solution of the refugee problem had to be considered as a prerequisite to the opening of discussions on other questions still at issue between the parties. As a result of these conversations, the Arab States, except Iraq, while maintaining the view that the refugee problem should be considered as the most pressing, and as an imperative task for

³² ^{4/} See *Official Records of the Security Council, Third Year, 381st meeting.*

the Commission, no longer insisted upon its settlement before conversations on other outstanding questions could take place. They further declared that they were ready to consider favourably the sending of delegations to a neutral city where the Commission could continue its exchanges of views with these delegations and also establish contact with a delegation of the Government of Israel.

8. Following the Beirut conversations, which lasted from 21 March to 5 April 1949, the Commission held a long interview with Mr. Ben Gurion, Prime Minister of Israel, in Tel Aviv on 7 April, during which the various questions at issue were discussed. The Chairman of the Commission (Mr. Yalcin) informed the Prime Minister of the results of the Commission's meetings with the Arab States in Beirut and 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. The Chairman informed Mr. Ben Gurion that it was understood that these new conversations would not be confined to the question of refugees but would cover all the questions outstanding between the Arab States and the State of Israel.
9. Upon its return to Jerusalem, the Commission proposed to the Governments of the Arab States and the Government of Israel that they send delegations to Lausanne who would co-operate with the Commission in its work of conciliation. Four Arab States--Egypt, Transjordan,³³ Lebanon and Syria--as well as the State of Israel, accepted this proposal. Iraq and Saudi Arabia did not send delegations, stating that they would adhere to the point of view expressed by the other Arab States. The Commission held its first meeting in Lausanne on 27 April, and immediately official meetings were held with each of the delegations, while at the same time the members of the Commission were establishing personal contacts with the members of the Arab and Israeli delegations.
10. The exchanges of views held in Lausanne, unlike those held in Beirut, must be considered not only as bearing upon one of the specific tasks entrusted to the Commission by General Assembly resolution 194 (III), such as the refugee question or the status of Jerusalem, but also bearing upon its general task of conciliation of the points of view of the parties with a view to achieving a final settlement of all questions outstanding between them. The purpose of the Lausanne meetings was to continue the exchanges of views between the Commission and the respective delegations on a broad basis and in circumstances which would make possible the achievement of concrete and positive results. Furthermore, having in mind the letter and the spirit of the invitation addressed by the General Assembly, on 11 December 1948, to the government and authorities concerned, "to seek agreement by negotiations conducted either with the Conciliation Commission or directly..." the Commission would have welcomed any development opening the way to direct negotiations. The attitude of the parties was such, however, that the Commission was unable to induce them to engage in direct negotiations under its auspices.
11. The Israel delegation would have preferred to discuss each question separately with the State or States directly concerned. The delegations insisted from the beginning, however, that the Palestine question was of equal concern to all the Arab States, and that the Commission therefore should look upon them as a single block, and should negotiate with them as such. The Commission did not relinquish the possibility of holding meetings with one or more Arab delegations separately, should the nature of the questions have made it desirable.
12. The Commission, in its desire to stress that the matters outstanding between the governments concerned, and particularly the refugee question and the territorial question, were closely interlinked, urged the Arab and Israel delegations to extend their exchanges of views to all the problems covered by the General Assembly's resolution. To this end, it asked the two parties separately to sign with the Commission a Protocol which would constitute the basis of work. This Protocol of 12 May 1949 declared that:³⁴

"The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly's resolution of 11 December 1948, regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the delegations of the Arab States and to the delegation of Israel that the working document attached hereto be taken as a basis for discussions with the Commission.

"The interested delegations have accepted this proposal with the understanding that the exchanges of views which will be carried on by the Commission with the two parties will bear upon the territorial adjustments necessary to the above-indicated objectives."

To this document was annexed a map on which were indicated the boundaries defined in the General Assembly's resolution 181 (II) of 29 November 1947. This map was taken as the basis of discussion with the

³³ 5/ On 2 June 1949, the Commission was informed that Transjordan would henceforth be known as the Hashimite Kingdom of the Jordan.

³⁴ 6/ See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, Vol. II (A/927, annex A)*.

Commission. It was by virtue of the signing of this Protocol, on 12 May 1949, that the Commission was able to obtain from the two parties their views on all outstanding questions.

13. During the meeting with the Israel delegation at which the Protocol was signed, the Israel representative stated that he wished to make it clear that he was signing this document subject to the terms of his letter of 9 May to the Chairman of the Commission (Mr. de Boisanger), in which he stated that his delegation was ready to fall in with the Commission's proposal on the understanding that his readiness in no way prejudiced the right of his delegation to express itself freely on the matters at issue, on which it fully reserved its position.
14. The Chairman of the Commission then asked for clarification of the statement that the Israel delegation "reserved its position" on the matters at issue. He assumed this meant simply that the Israel delegation reserved its right to reject parts of the boundaries set out in the partition plan and to propose others, but that the partition plan would be adhered to as a point from which to work. The representative of Israel confirmed that that had been his meaning.
15. In order to provide the maximum flexibility in the negotiations, the Commission constituted a General Committee, comprising the chief advisers of its members, whose function consisted in studying, in collaboration with the delegations of the Arab States and of Israel, the questions submitted to it by the Commission.
16. The signing of the Protocol provided both a starting point and a framework for the discussion of territorial questions. Soon after the signing of the Protocol, the Commission informed all delegations that it intended to transmit proposals received from any delegation to the other delegations concerned. A number of such proposals were subsequently received and transmitted by the Commission during the first phase of the Lausanne meetings. The Arab delegations proposed that the areas occupied by Israel outside the territory allotted to it by the partition plan should be recognized in principle as constituting Arab territory to which the refugees could return forthwith. The Israel delegation proposed that its frontiers with Egypt and the Lebanon should be those which had existed between the Mandated Territory of Palestine and these two countries respectively. With regard to Jordan, Israel proposed that the armistice lines should be taken as a basis for negotiations. Israel refused to negotiate with Syria as long as that country refused to sign an armistice agreement with Israel. These proposals are dealt with in chapter IV below. Intensive discussions were also held with regard to the refugees, and a certain number of proposals were put forward by both sides. A Technical Committee was established by the Commission on 14 June to study the refugee question in the field. These matters are described in detail in chapter III.
17. It soon became apparent that the immediate problem facing the Commission consisted in linking together the negotiations on the refugee problem and those concerned with territorial questions. The pressure exerted by the Arab delegations in favour of giving priority to the refugee question, combined with Israel's pressure in favour of general discussions including territorial questions, threatened to create a situation in which it would be difficult to arrive at agreement on the solution of these fundamental problems. In order to give delegations present in Lausanne the opportunity of consulting their governments, the Commission suspended its meetings from 1 July to 18 July. Upon the resumption of the Commission's meetings, all delegations present in Lausanne gave express assurances of their intention of collaborating with the Commission toward a final settlement of the Palestine problem and the establishment of a just and lasting peace in Palestine.
18. During the second phase of the Lausanne negotiations, the delegation of Israel agreed, under certain conditions, to discuss the refugee question first, within the framework of general negotiations, and to make certain specific proposals relating to that question (see chapter III). For their part, the Arab delegations submitted a clear and concrete statement of their position on territorial points (see chapter IV).
19. On 15 August, the Commission submitted to the parties a memorandum setting forth a certain number of questions, notably regarding the refugees and the territorial question, the answers to which would define in a clear and precise manner the position of the delegations with regard to the aims established by the General Assembly, and would consequently enable the Commission to determine the line to be followed in its future work. In this memorandum the Commission also inquired whether the parties would undertake to facilitate the task of an Economic Survey Mission, charged by the United Nations with the establishment of major works projects in the Middle East to facilitate the repatriation, resettlement and economic and social rehabilitation of the Arab refugees. (This memorandum, as well as the replies of the Arab and Israel delegations, dated 29 and 31 August respectively, are dealt with in detail in chapters III and IV. The establishment and terms of reference of the Economic Survey Mission are discussed in chapter III below).
20. In accordance with the terms of paragraph 5 of General Assembly resolution 194 (III), the Commission made sustained efforts during its Lausanne meetings to bring the interested parties to undertake direct negotiations under the auspices of the Commission. These efforts were without success, as regards the general negotiations, owing to the fact that the Arab delegations refused to meet the Israeli delegation and declared themselves satisfied with the existing procedure. On the technical level, the Commission suc-

ceeded in forming a mixed committee of experts to study the question of "unfreezing Arab assets blocked both by Israel and by the Arab States" (see chapter III). On the other hand, the Commission failed in its efforts to form a similar committee to deal with the question of orange groves, owing to the opposition of the Israel delegation.

21. Referring to the communications received from the parties on 29 and 31 August, the Commission pointed out to the various delegations on 12 September that, in its opinion, their proposals concerning the territorial question exceeded the limits of what might be considered "adjustments" of the map attached to the Protocol of 12 May. The Commission, therefore, felt obliged to request the various governments to re-examine their positions. The Commission indicated that it considered that any specific proposals on its part at that time concerning possible modifications of the positions adopted by the two sides would be premature. It nevertheless reserved the right to make such proposals in the future and to avail itself of the authority conferred upon it by the General Assembly, in so far as it considered necessary. The Commission requested the delegations and their governments to re-examine certain of the main points contained in their replies to the Commission's memorandum of 15 August and to submit new proposals on those subjects. In order to give the governments concerned time to study its request, the Commission decided to suspend its meetings on 15 September and to reconvene in New York on 19 October.
22. Upon the resumption of meetings in New York, the Arab delegations informed the Commission that they still adhered to the terms of the Protocol of 12 May and saw no reason to deviate from the proposals they had already presented; this stand of the Arab delegations was to be considered as final and it was for the Commission itself to take the initiative of stating in what way it considered the Arab territorial demands excessive. At the same time, the Arab delegations expressed the opinion that the method thus far followed by the Commission, of simply transmitting the proposals of the one side to the other, had resulted in little of practical value, and strongly urged the Commission to present its own suggestions or proposals. They added that they had confidence in the Conciliation Commission's ability to undertake this task and were not prepared to enter into direct negotiations with the representatives of Israel.
23. On 27 October the delegation of Israel replied to the Commission's note of 12 September. In its letter, the Israel delegation maintained in their entirety the proposals already submitted to the Commission in Lausanne with regard to the territorial question. Further, the delegation reaffirmed its desire to open direct peace negotiations with each of the interested parties. The position of Israel was that the refusal of the Arab States to meet the representatives of Israel around a conference table, under the auspices of the Commission, rendered the continuation of the Commission's efforts at conciliation "fruitless" and might even render them "harmful". Finally, the delegation of Israel felt that the procedure by which the Commission would itself formulate specific proposals would call in question "the whole method of conciliation hitherto followed, and the terms of reference of the Commission itself".
24. In its reply, dated 10 November 1949, the Commission pointed out that it had always been and continued to be in favour of direct negotiations between the representatives of the Arab States and the State of Israel, but that it was necessary to take into consideration the terms of General Assembly resolution 194 (III), by which the governments and authorities concerned were to seek agreement by negotiation, either directly or through the Conciliation Commission, and that the Arab representatives persisted in their desire to continue negotiations through the Commission. Moreover, the Commission pointed out that its power to submit concrete proposals to the parties arose not only from the very nature of its task of conciliation, but from the specific terms of sub-paragraph 2 (a) of General Assembly resolution 194 (III), which instructed the Commission to assume, in so far as it considered necessary in existing circumstances, the functions given to the United Nations Mediator by the General Assembly.
25. In a letter dated 30 November 1949, referring to the Commission's letter of 12 September and the Israel delegation's reply of 19 October, the permanent representative of Israel to the United Nations stated that his Government believed that, since the whole future of the Conciliation Commission would now appear to be under discussion in the General Assembly, it would be preferable to await the outcome of that discussion before embarking upon any long-term planning of the conciliation effort in the future. With reference to the proposal that the Conciliation Commission should itself make specific suggestions to the parties, he pointed out that the Israel Government's views were fully set out in the letter which he had addressed to the Conciliation Commission on 27 October.
26. The Commission maintained its view that it had received from the General Assembly in explicit terms the power and obligation to undertake in the existing circumstances a procedure of mediation and, in consequence, to submit compromise proposals to the parties concerned. Therefore the Commission, hoping to undertake this task with the interested parties, decided to reconvene on 16 January in Geneva for the purpose of continuing its negotiations with the delegations of the Arab States and Israel after a brief recess.

27. At its opening meetings with the interested parties in Geneva in January 1950, the Conciliation Commission informed the Arab and Israeli delegations of its views on the extent to which General Assembly resolutions 302 (IV) and 303 (IV) concerning Palestine had a bearing upon the Commission's mandate.
28. In a statement made during the opening meetings of the Commission with the Arab delegations and the delegation of Israel, the Chairman, Mr. Palmer, stated that the Commission's general mandate "to take steps to assist the governments and authorities concerned to achieve a final settlement of all questions outstanding between them" remained in full force. Further, the Commission remained the organ seized with the final settlement of all questions outstanding between the parties, and specifically with the problem of the return of the refugees to their homes and the problem of compensation under the terms of paragraph 11 of resolution 194 (III), which was reaffirmed by resolution 302 (IV).
29. The Chairman also recalled that, as the Commission had abundantly made clear in the past, it favoured the establishment of direct contact between the parties. Such a course appeared to the Commission all the more indispensable if it were to mediate effectively between them. The Commission was ready to assist the parties in reaching agreements, whether collectively or separately, both on the larger issues and on questions of a more local character.
30. Following the above declaration regarding the Conciliation Commission's position, a number of informal meetings were held between the Commission and the various delegations for the purpose of arriving at an agreed method of combining in a single procedure the wishes expressed by the Arab and Israel delegations for mediation and direct negotiations respectively.
31. As a result of these conversations the Commission on 23 February proposed the formation of a mixed committee which would be charged with a specific task: to consider a request, submitted to the Commission by the Egyptian delegation in October, that refugees in the Gaza area be permitted to return to and cultivate their lands north and east of the Gaza strip. The committee was to be composed of an Egyptian and an Israeli member, as well as a member of the Commission.
32. The Israel delegation replied that the *modus vivendi* which had been signed on 22 February in the Egyptian-Israeli Mixed Armistice Commission ^{7/35} represented the greatest degree of fulfilment that could be given to the Egyptian proposals. In reply, the Commission pointed out that the *modus vivendi* settled only a part of the proposal submitted by the Egyptian delegation, and reaffirmed its view that the creation of a mixed committee would be useful. On 23 March the Israel delegation reaffirmed its position, stating that the Egyptian representatives had made no reservations on signing the agreement of 22 February and therefore shared the Israel view that the points in question had been settled. The Israel delegation also expressed the view that matters of such a local and specific character should be dealt with in the Mixed Armistice Commission, and reiterated its desire to discuss the question of a final peace settlement with any Arab delegation, under the auspices of the Conciliation Commission.
33. On 23 March, after numerous preliminary exchanges of views, the Egyptian delegation informed the Commission that its Government would take a favourable view of the creation of a mixed committee to decide on the implementation of the Egyptian proposals only after these proposals had been explicitly and formally accepted by the other party.
34. The attitude adopted in this case by the parties directly concerned convinced the Commission that it would not be possible to undertake negotiations between any Arab State and Israel, limited to single specific subjects; it decided, therefore, to proceed from its proposal for one mixed committee to the establishment of a more general procedure, which would take into account Israel's request for direct and general negotiations and the Arab request for mediation. Accordingly, on 29 March, the Commission presented to the Arab and Israel delegations in consecutive meetings a memorandum (see appendix 2), containing proposals for a new procedure which would combine these requests of the parties by establishing mixed committees. The Commission pointed out that the official viewpoints of the Arab States and Israel on mediation and direct negotiations, respectively, were not incompatible but should be regarded as complementary. It stated that it failed to understand how it would be possible for the Commission to mediate unless its proposals could be discussed directly by the parties in committees. The Commission also stated that it would reserve the right to determine what questions would form the subject of its proposals, since the Commission alone would be in a position to judge the advisability of submitting proposals on a certain point at any given moment. This would not prevent the parties from indicating questions on which the Commission could usefully take the initiative. The parties would thus make a most positive contribution to the proper functioning of the new method of operation. The Commission stated that it would of course act upon any request coming jointly from one or more Arab delegations and from the delegation of Israel.

³⁵ ^{7/} See document S/1471.

35. As regards organization, the Commission envisaged the formation of mixed committees under the chairmanship of a representative of the Commission and composed of representatives of the countries which were concerned with the particular subject under discussion. In special cases, of course, this general formula could be modified by mutual agreement between the parties and the Commission.
36. The Commission concluded its memorandum by stating that once the proposals had been accepted in principle, the details of their implementation could be discussed further and agreed upon with the parties.
37. On 4 April 1950, in accordance with a decision of the Commission, the Chairman, Mr. de Boisanger, accompanied by the Principal Secretary, left for the Middle East where, in addition to visiting Jerusalem, he called at the capitals of the four Arab States accredited to the Commission and at Tel Aviv. These visits had the double purpose of providing the governments concerned with any supplementary explanations which might be conducive to the better understanding and final acceptance of the Commission's proposals, and of ascertaining in so far as possible the reaction of the various governments to those proposals.
38. In the course of conversations with officials in the different capitals, the Chairman emphasized the following points:
 - (a) The Commission had decided to submit its proposals because it was increasingly concerned with the dangers of allowing the present situation to be prolonged indefinitely;
 - (b) The Commission fully realized the responsibility it was undertaking in making its proposals; they had been submitted to the parties, after most careful consideration, because the Commission saw no other way out of the present impasse;
 - (c) The Commission was prepared to pursue its work of conciliation according to the procedure outlined in its proposals of 29 March with any government or governments willing to accept them;
 - (d) If the Commission's proposals were accepted in principle, the details of the procedure envisaged should be the subject of further negotiations between the Commission and the government or governments having accepted them;
 - (e) In the joint negotiations suggested by the Commission, both parties would be negotiating with the Commission as well: "triangular negotiations" would be a proper term to define the new procedure;
 - (f) The Commission was convinced that there was nothing in its proposals which could not be accepted by the parties, and, in its view, the method of work now suggested would contribute most effectively to the settlement of the questions pending between them.
39. Between 5 and 13 April the Chairman had conversations with the President, the Prime Minister and the Minister for Foreign Affairs of Israel. The Foreign Minister stated that he was prepared to consider the Commission's proposals, the constructive character of which he recognized. The Chairman then held conversations in Amman with King Abdullah and his Ministers; in Damascus with the President of the Syrian Republic, the Acting Minister for Foreign Affairs and the Acting Prime Minister; and in Beirut with the President of the Lebanese Republic and the Acting Minister for Foreign Affairs. The Chairman and his party then proceeded to Cairo, where, after having met the Lebanese and Syrian Prime Ministers, he received the Arab reply to the Commission's proposals, delivered by the Foreign Minister of Egypt, on 14 April.
40. Stating that he was speaking on behalf of all the Arab States, the Foreign Minister of Egypt declared that if the Commission succeeded in persuading the Government of Israel to accept and undertake to implement the provisions of General Assembly resolution 194 (III) in connexion with the refugees, the Arab States would be prepared to sit jointly with Israel to study the details of execution of these provisions. As regards the other questions under study by the Commission, the Arab Governments were of the opinion that the present procedure should be maintained with one difference, namely, that the Commission should undertake mediation as well as conciliation. Once agreement in principle had been attained to such proposals as the Commission might submit, the Arab Governments would be prepared to envisage the formation of mixed committees to study the implementation of these proposals.
41. On 6 May, the Minister for Foreign Affairs of Israel, in a letter replying to the Commission's memorandum of 29 March, stated that the Government of Israel would negotiate a peace settlement with the Arab States directly--either with or without the participation of the Conciliation Commission as proposed--on the understanding that the principals in these negotiations would be the Israel and Arab delegations, while the Conciliation Commission would act as a "harmonizing agent" between the parties, with a view to inducing a friendly atmosphere and extending its good offices to the parties with their consent. He further stated that the Government of Israel reaffirmed categorically its willingness to negotiate with any State which announced its readiness to conclude a final settlement of all outstanding questions with a view to the establishment of permanent peace. The Government of Israel required no concessions or undertakings in advance of such negotiations, it being understood that any party having claims to make would be entitled to put them forward in the course of the negotiations.
42. The Commission considered the appropriateness of taking up with the Government of Israel the conditions which the Arab States placed upon the acceptance of the proposals of 29 March, and concluded that

to do so would not facilitate its task of conciliation. It was, therefore, deemed preferable to inform the parties of the principles which would guide the commission in the conduct of negotiations within the mixed committees in the hope that its proposals would thus prove acceptable to both the Arab States and to Israel. In consequence, it decided to send a new letter to the Arab Governments and the Government of Israel. In this letter, dated 11 May, the Commission, taking into consideration the views expressed by both sides in response to its proposals, was careful to stress certain points:

- (a) It indicated that the objective aimed at was to achieve a final settlement of the Palestine problem as called for in General Assembly resolution 194 (III);
 - (b) It noted that the various problems raised by such a settlement were linked together;
 - (c) It recognized, nevertheless, that some of the problems were of an urgent nature and might, by agreement between the parties, be examined before the others;
 - (d) Finally, it emphasized that the principles laid down in General Assembly resolution 194 (III) were to be respected.
43. The common reply of the Governments of Egypt, Lebanon, Jordan and Syria to the Commission's note of 11 May was communicated in a letter from the delegate of Egypt dated 19 May. In this letter the four Arab States emphasized their desire to see, first of all, the problem of the refugees solved on a basis of justice, equity and humanity in accordance with General Assembly resolution 194 (III). The Arab States reiterated that the acceptance of the Commission's proposals to establish mixed committees was subject to a double condition: the Government of Israel first should accept the provisions of General Assembly resolution 194 (III) calling for the return of the refugees to their homes and payment of compensation, and secondly, it should undertake to implement these provisions.
 44. As regards the other aspects of the Palestine problem, the Arab States confirmed the attitude communicated orally to the Chairman of the Commission in their name by the Minister for Foreign Affairs of Egypt on 14 April. In this letter from the representative of Egypt, containing the common reply of the four Arab States, the refugee problem is dealt with as the "basic problem", all others being considered as "related questions" only.³⁶
 45. The Government of Israel replied to the Commission's note of 11 May in a letter from the Minister for Foreign Affairs dated 20 May. The Foreign Minister stated that it appeared from the note of 11 May that the Commission was not yet in a position to reply to the question contained in the letter from the Government of Israel dated 6 May, as to the "Arab State or States which might be ready to negotiate with Israel with a view to a final peace settlement". In these circumstances, the Minister presumed that the Commission would deem it preferable "to await a clarification of the Arab attitude on the question of direct negotiations before considering the next step".
 46. The reply from the Arab States to the Commission's note of 11 May once again raised the question whether the Commission should take up with the Government of Israel the conditions laid down by the Arab States for participation in the work of the mixed committees. The Commission found nothing in the Arab reply which warranted a departure from the position which it had already adopted in relation to the first Arab reply of 14 April. It considered that to take up the Arab conditions with the Government of Israel would not facilitate the fulfilment of its task of conciliation or the acceptance by both parties of the proposals contained in its memorandum of 29 March. In consequence, the Commission decided that it was desirable to clarify for the parties certain aspects of its proposals of 29 March.
 47. In a note dated 30 May, the Commission recalled that the General Assembly of the United Nations in its resolution 194 (III), which constituted the charter of the Commission, had requested the Commission to "establish contact between the parties themselves and the Commission at the earliest possible date". In this resolution the Assembly had invited the governments concerned 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".
 48. The Commission pointed out in its note that "it was in response to this request and in accordance with the instructions given in paragraph 6 of the resolution that the Commission, in view of the fact that the parties had failed to undertake direct negotiations, invited them to seek, in mixed committees under the chairmanship of the Commission, the agreement aimed at by the General Assembly.
 49. The Commission emphasized the inappropriateness of laying down prerequisite conditions for the initiation of a procedure conforming to the Assembly's resolution, especially when such conditions referred to principles laid down by that resolution. The note of 30 May stated that all these principles "must be respected and one of them cannot be singled out for special recognition without impairing the equilibrium of resolution

³⁶ g/ This statement is not made in the letter from the Lebanese delegation dated 17 May, which contained the Lebanese reply and which did not differ in substance from that contained in the common letter communicated by the Egyptian delegation.

194 (III) as a whole". The note further stated that the Commission felt sure that these principles were recognized by the parties and that they meant to respect them. However, their implementation gave rise to complex problems, and it was with these problems that negotiations in the mixed committees would deal. The Commission concluded its note by referring to the necessity of establishing as soon as possible conditions of peace and stability in the Middle East and of putting an end to the sufferings of the refugees. It expressed the hope that it would be possible to proceed without new delays to the establishment of the mixed committees.

50. On 12 June, at the request of the delegation of Egypt, the Commission met with the Arab delegations to receive the reply of the Egyptian Government to the Commission's note of 30 May 1950. In this reply, the Government of Egypt pointed out the lack of any mention in the Commission's note of 30 May of a formal and explicit statement by the Government of Israel that it would accept the recommendation of resolution 194 (III) concerning the return of refugees to their homes and the payment of compensation to those who chose not to return. Under these circumstances the Government of Egypt declared that it maintained its attitude as regards the conditions under which it would be ready to co-operate in the work of mixed committees as proposed by the Commission.
51. The delegates of Syria and Lebanon, having associated themselves with the views expressed by the Egyptian representative, stated that their respective Governments adhered to the position previously adopted by the Arab States.
52. The representative of the Hashimite Kingdom of the Jordan, who had received no instructions from his Government at the time of the meeting on 12 June, communicated his Government's reply to the Commission on 21 June 1950. In its reply the Government of Jordan noted that the Government of Israel, far from showing itself ready to implement the General Assembly's resolution concerning the return of refugees, was driving certain Arab tribal populations out of territory under Israel control in southern Palestine "in order to settle Jewish immigrants in their place". Under these circumstances the Jordanian Government considered that no useful purpose would be served by entering into negotiations with Israel at that time. In a further letter, dated 26 June, the representative of Jordan explained among other things that his Government's refusal to sit on mixed committees was due to its wish not to act against the common policy of the Arab States. As soon as the Government of Israel showed signs of good will, Jordan would be ready to re-examine the situation, it being understood that the rights of the Arabs would be safeguarded and the wishes of the Arab States duly taken into consideration.
53. It was clear from the replies of the Arab States that they did not consider adequate the statement contained in the Commission's note of 11 May, and reiterated in that of 30 May, that the new procedure would be based on the recognition and respect by the parties of all principles contained in resolution 194 (III), since these principles formed a homogeneous whole and could not be separated from one another.
54. In these circumstances the Commission concluded that it would not serve any useful purpose to continue the exchange of notes on its proposals and decided to return to its official headquarters in Jerusalem in order to pursue its task of conciliation through first-hand contacts with all governments concerned. The Commission closed its session in Geneva on 15 July and reconvened in Jerusalem at the beginning of August.
55. During its stay in the Middle East (from 1 August to 6 September 1950) the Commission established contact directly with the interested governments. To this end it visited Alexandria, Amman, Beirut, Damascus and Tel Aviv and held official meetings with the Ministers for Foreign Affairs of the various governments. The Commission also had the honour of being received either by the Prime Ministers or by the Heads of State. In addition to these official meetings, the members of the Commission had numerous personal conversations with political personalities in each of these countries. On 2 September in Jerusalem the Commission granted a hearing to representatives of the Ramallah Refugee Congress.
56. In the formal meetings of the Commission with each of the Foreign Ministers, the Chairman of the Commission, Mr. Palmer, recalled the proposals for the establishment of mixed committees which were submitted by the Commission to the parties on 29 March 1950. He expressed regret that the creation of these committees had not proved possible. The Chairman of the Commission also pointed out the importance which the Commission attached to the problem of compensation for the property of Arab refugees.
57. These exchanges of view made it clear to the Commission that the attitude of the governments concerned to its proposals of 29 March, as set forth in the correspondence exchanged with the Commission in Geneva, had not changed. In these circumstances, the Commission was obliged to acknowledge that for the time being there were no grounds on which it could pursue its efforts to set up mixed committees.
58. The Commission, having received an invitation from the Turkish Government, decided to visit Ankara before terminating its meetings in Jerusalem, in order to make direct contact with that Government, thus completing its visits to the capitals of the governments represented on the Commission (Washington, 3 November 1949; Paris, 20 February 1950). By agreement between the Commission and the Turkish Government, the dates of 4 and 5 September were fixed for this visit.

59. In its meeting on 2 September the Commission decided to suspend its meetings after the visit to the Turkish Government, and to meet again at Lake Success (or New York) on 2 October.

Chapter II: THE QUESTION OF JERUSALEM AND THE HOLY PLACES

1. By the General Assembly's resolution of 194 (III) of 11 December 1948 the Commission was charged with certain specific and clearly defined directives with regard to Jerusalem and the Holy Places. With regard to Jerusalem, the Assembly resolved in paragraph 8 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..."

The Assembly instructed the Commission:

"to present to the fourth regular session of the General Assembly detailed proposals for a permanent international régime 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..."

As regards the Holy Places, the Assembly resolved in paragraph 7:

"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 the 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 régime 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."

2. Before establishing contact with the governments concerned, the Commission set up a special Committee on Jerusalem and its Holy Places, charged with the task of undertaking without delay the preparatory work necessary for the elaboration of the proposals and recommendations to be submitted to the Assembly. This Committee consisted of the advisers to the three members of the Commission and one member of the Secretariat and was authorized to establish contact with the interested authorities with a view to obtaining the detailed information which it needed to perform its functions.
3. On the basis of instructions given to it by the Commission, the Committee on Jerusalem began the formulation of a draft Instrument for the internationalization of Jerusalem, in conformity with the terms of paragraph 8 of resolution 194 (III). While the Commission was aware that acceptance by the parties directly concerned was not mentioned in the terms of reference which it received from the General Assembly on the subject of the internationalization of Jerusalem, it nevertheless considered that such acceptance would facilitate considerably the establishment and functioning of such an international régime. Upon the instructions of the Commission, therefore, the Committee on Jerusalem held interviews with representatives of Arab and Jewish central and local authorities and, in Jerusalem and elsewhere in the Middle East, with various religious representatives.
4. 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 régime 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 régime.
5. 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 régime for the city of Jerusalem; it did, however, accept without reservation an international régime for, or the international control of, the Holy Places in the City.
6. On 1 September 1949, the Commission approved the draft text of an Instrument establishing a permanent international régime for the Jerusalem area, and transmitted it to the Secretary-General for communication to the General Assembly,^{9/37} in accordance with paragraph 8 of resolution 194 (III).

³⁷ ^{9/} See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, Vol. I (A/973)*.

7. 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.
8. 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 the Holy Places, religious buildings and sites of Palestine situated outside the Jerusalem area.
9. During its recess and following the resumption of its meetings in New York on 19 October 1949, the Commission became aware that publication of the draft text had given rise to certain misconceptions, based apparently on a fundamental misunderstanding of the letter and spirit of the plan. The Commission accordingly decided to circulate, as an addendum to its draft Instrument, a statement setting forth certain clarifications of its plan.^{10/38}
10. On 24 November, the Commission was invited to appear before the Ad Hoc Political Committee of the General Assembly, to which the question of Jerusalem had been referred. On this occasion, the Chairman of the Commission, Mr. Yalcin, made an introductory statement explaining the principles which had guided the Commission in drawing up its draft Instrument for the internationalization of the Jerusalem area.
11. During its meetings in Lausanne, the Commission had, in conformity with paragraph 7 of General Assembly resolution 194 (III), communicated to the delegations a proposed declaration to be made by the governments concerned with respect to the Holy Places, religious buildings and sites in Palestine outside the Jerusalem area. On 8 and 15 November 1949, the Israel and Arab delegations respectively communicated to the Commission their Governments' positions with regard to the required guarantees for the protection of and free access to the Holy Places outside the Jerusalem area. The Commission transmitted these replies, together with its own draft declaration, to the Secretary-General for communication to the Members of the General Assembly.^{11/39}
12. At the time when the Commission concluded its study of the draft Instrument for Jerusalem, it seemed necessary to the Commission to make use of the faculty given to it by paragraph 8 of resolution 194 (III) which authorized the Commission "to appoint a United Nations representative who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area..." On 23 August 1949, the Commission decided to appoint such a representative, whose functions would terminate on the date on which the United Nations Commissioner appointed under the terms of the draft Instrument establishing a permanent international régime for the Jerusalem area took office, or at such other time as the General Assembly or the Conciliation Commission should decide. The terms of reference for this representative are attached as appendix 3. On 9 September, at the suggestion of the Secretary-General, the Commission appointed Mr. Alberto Gonzalez Fernandez as United Nations Representative in Jerusalem. For personal reasons, however, Mr. Gonzalez Fernandez was unable to assume his functions.
13. With the presentation to the General Assembly of its proposals regarding the establishment of an international régime for Jerusalem, the responsibilities of the Commission under paragraph 8 of the resolution 194 (III) were fulfilled.

[...]

³⁸ 10/ Ibid., A/973/Add.1.

³⁹ 11/ Ibid., A/1113.

Appendix 3
TERMS OF REFERENCE OF THE UNITED NATIONS REPRESENTATIVE IN JERUSALEM

The terms of reference of the United Nations Representative in Palestine are:

1. To keep the Conciliation Commission immediately informed of any fact of a nature to compromise the task entrusted to the Commission under paragraph 8 of General Assembly resolution 194 (III) of 11 December 1948, which provides that the Jerusalem area "should be accorded special and separate treatment from the rest of Palestine", and which instructs the Commission to draw up "a permanent international régime for the Jerusalem area";
2. To keep the Conciliation Commission informed of the conditions under which the governments and authorities concerned collaborate with him and take, in accordance with paragraph 14 of resolution 194 (III) "all possible steps to assist in the implementation of the present resolution";
3. To assure, in conformity with paragraph 9 of resolution 194 (III), "the freest possible access to Jerusalem... to all inhabitants of Palestine", making the necessary arrangements for this purpose with the competent authorities. The word "Jerusalem" obviously applies both to the part of the city occupied by Israel troops by virtue of the armistice of 3 April 1949 and to the part of the City occupied by Jordan troops by virtue of the same armistice;
4. To co-ordinate, in accordance with the last sub-paragraph of paragraph 8 of resolution 194 (III), which calls on the local authorities to collaborate with the United Nations Representative, with respect to the interim administration of the Jerusalem area, the main common services of that area, in particular the distribution of water supplies and of electricity;
5. To ensure, pending the entry into office of the United Nations Commission for Jerusalem, the protection of and free access to the Holy Places, sites and religious edifices of the Jerusalem area, as defined in resolution 194 (III) of 11 December 1948, and to ensure that the undertakings subscribed to by the political authorities concerned, with reference to the protection of and free access to the Holy Places, sites and religious edifices of Palestine located outside the Jerusalem area, are carried out.

The functions of the United Nations Representative in Jerusalem shall terminate on the date on which the United Nations Commissioner appointed under the terms of the draft Instrument establishing a permanent international régime for the Jerusalem area assumes his functions, or at such other time as the General Assembly or the Conciliation Commission may decide. [...]



DRAFT RESOLUTION CONCERNING AN INTERNATIONAL REGIME FOR THE HOLY PLACES, PROPOSED BY SWEDEN, 5 DECEMBER 1950

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 1 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.



UN GENERAL ASSEMBLY RESOLUTION 468, 14 DECEMBER 1950

[See also Resolution 356 of 10 Dec. 1949 above, which had appropriated \$8million as funds to implement the international regime for Jerusalem.]

The General Assembly

Resolves that for the financial year 1950:

8. The amount of \$US49,641,773, appropriated by resolution 356 (IV) adopted on 10 December 1949, is reduced by \$8,000,000 through the cancellation of the appropriation for the establishment of a permanent international regime for the Jerusalem area and protection of the Holy Places;
9. The residual amount of \$41,641,773 appropriated by the said resolution is increased by \$2,879,000 as follows:

[Note: Remainder missing in original, the Ed.]



**UN CONCILIATION COMMISSION FOR PALESTINE,
13TH PROGRESS REPORT ON ACTIVITIES, 4 JANUARY 1954 [EXCERPTS]**

*[Excerpts of the Report, which covered the period from 28 Nov. 1952 to 31 Dec. 1953,
relating to the transfer Israel's Foreign Ministry to Jerusalem]*

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 6 of General Assembly resolution 512 (VI) of 26 January 1952, the thirteenth progress report of the United Nations Conciliation Commission for Palestine. [...]

Transfer to Jerusalem of the Ministry for Foreign Affairs of Israel

25. On 16 July 1953, the Secretary-General received identical letters from the Permanent Representatives of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen protesting against the decision of Israel to transfer its Ministry for Foreign Affairs to Jerusalem. The text of the letter was transmitted by the Secretary-General to the Chairman of the Conciliation Commission in accordance with a wish expressed by the above-mentioned representatives. In its reply to the Secretary-General, dated 2 September, the Commission recalled the position adopted by it in the past on the question of the transfer of Ministries of the Israel Government to Jerusalem, in the light of the special status accorded that city by the relevant decisions of the General Assembly. It pointed out that, during the course of the Commission's work in 1949 on the preparation of a draft instrument establishing an international regime for the Jerusalem area, it was informed that the Government of Israel proposed to transfer certain Ministries and Departments to Jerusalem. On 30 March 1949, the Commission had addressed a letter to the Prime Minister of Israel pointing out that such a measure would be incompatible with paragraph 8 of General Assembly resolution 194 (III) of 11 December 1948 which had resolved that the Jerusalem area should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control. The Commission had then assumed the position that, with the presentation to the General Assembly of its proposals for an international regime for Jerusalem, the Commission's responsibilities under paragraph 8 of resolution 194 (III) were fulfilled. With regard to the situation created by the transfer of the Israel Ministry for Foreign Affairs, the Commission could only recall the position already adopted by it in March 1949. [...]



UN SECURITY COUNCIL RESOLUTION 127, 22 JANUARY 1958

[Resolution concerning the armistice demarcation lines in Jerusalem]

The Security Council,

Recalling its consideration on 6 September 1957 ^{1/40} of the complaint of the Hashemite Kingdom of Jordan concerning activities conducted by Israel in the zone between the armistice demarcation lines in the area of Government House at Jerusalem,

Having considered the report relating to the zone dated 23 September 1957, submitted in response to the Council's request by the Acting Chief of Staff of the United Nations Truce Supervision Organization in Palestine,^{2/41}

Noting that the status of the zone is affected by the provisions of the Israel-Jordan General Armistice Agreement ^{3/42} and that neither Israel nor Jordan enjoys sovereignty over any part of the zone (the zone being beyond the respective demarcation lines),

Motivated by a desire to reduce tensions and avoid the creation of new incidents,

1. *Directs* the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to regulate activities within the zone subject to such arrangements as may be made pursuant to the provisions of the General Armistice Agreement and pursuant to paragraph 3 below, bearing in mind ownership of property there, it being understood that, unless otherwise mutually agreed, Israelis should not be allowed to use Arab-owned properties and Arabs should not be allowed to use Israeli-owned properties;
2. *Directs* the Chief of Staff to conduct a survey of property records with a view to determining property ownership in the zone;

⁴⁰ ^{1/} See *Official Records of the Security Council, Twelfth Year*, 787th and 788th meetings.

⁴¹ ^{2/} *Ibid.*, *Twelfth Year, Supplement for July, August and September 1957*, document S/3892.

⁴² ^{3/} *Ibid.*, *Fourth Year, Special Supplement No. 1*.

3. *Endorses* the recommendations of the Acting Chief of Staff that:
 - (a) The parties should discuss through the Mixed Armistice Commission civilian activities in the zone;
 - (b) In order to create an atmosphere which would be more conducive to fruitful discussion, activities in the zone, such as those initiated by Israelis on 21 July 1957, should be suspended until such time as the survey has been completed and provisions made for the regulation of activities in the zone;
 - (c) Such discussions should be completed within a period of two months;
 - (d) the Security Council should be advised of the result of the discussions;
4. *Calls upon* the parties to the Israel-Jordan General Armistice Agreement to co-operate with the Chief of Staff and in the Mixed Armistice Commission in carrying out these recommendations pursuant to the present resolution;
5. *Calls upon* the parties to the Israel-Jordan General Armistice Agreement to observe article III of the Agreement and prevent all forces referred to in article III of the Agreement from passing over the armistice demarcation lines and to remove or destroy all their respective military facilities and installations in the zone;
6. *Calls upon* the parties to use the machinery provided for in the General Armistice Agreement for the implementation of the provisions of that Agreement;
7. *Requests* the Chief of Staff to report on the implementation of the present resolution.

[Adopted unanimously at the 810th meeting.]



**UN GENERAL ASSEMBLY RESOLUTION 2253 (ES-V) FOLLOWING THE ENACTMENT
OF THE LAWS CONCERNING THE APPLICATION OF ISRAEL LAW, JURISDICTION
AND ADMINISTRATION TO EAST JERUSALEM, 4 JULY 1967**

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.



**UN GENERAL ASSEMBLY RESOLUTION 2254 (ES-V) FOLLOWING THE ENACTMENT OF
THE LAWS CONCERNING THE APPLICATION OF ISRAEL LAW AND JURISDICTION TO
EAST JERUSALEM, 14 JULY 1967**

2254 (ES-V). MEASURES TAKEN BY ISRAEL TO CHANGE THE STATUS OF THE
CITY OF JERUSALEM

The General Assembly,

Recalling its resolution 2253 (ES-V) of 4 July 1967,

Having received the report submitted by the Secretary-General,

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. *Request* the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution.



REPORT BY UN SECRETARY-GENERAL U THANT ON ISRAELI AIMS AND MEASURES AFFECTING THE ARAB CITY OF JERUSALEM, AUGUST 1967 [EXCERPTS]

[After UNGA Res. 2254(ES-V) had requested a report on the situation in Jerusalem U Thant had sent his Personal Representative Ambassador Thalmann to Jerusalem, who reported what was expressed to him by Israeli leaders.]

[...] IV. MEASURES TAKEN BY THE ISRAEL GOVERNMENT IN ORDER TO INTEGRATE THE PARTS OF THE CITY WHICH 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 administration 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 being enforced; nevertheless, it was the declared objective of the Israel Government to equalize the legal and administrative status of the residents of those part of the city which were not previously controlled by Israel with that of the Israeli citizens as soon as possible.
34. The Personal Representative was repeatedly assured by the Israel side that every attention was being paid to the wellbeing 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. [...]

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, Sheikh Jarrah, the Kalandia airport, Mount Scopus and vicinity and Sha'afat.
40. Similarly under the Municipal Corporation 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 designed 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 be extended by the inclusion of the area described in the previous paragraph. [...]

C. Physical measures....

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 positions and the removal of mines, principally in the old no-man's land, in the Jerusalem area.
46. The Israeli authorities stated that buildings in a slum 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 demined 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. [...]

E. Economic measures

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 Customs 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. [...]

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 Israeli 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 had 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. [...]



**REPORT BY UN SECRETARY-GENERAL U THANT UNDER UN GENERAL ASSEMBLY
RESOLUTION 2254 (ES-V) RELATING TO JERUSALEM, 12 SEPTEMBER 1967 [EXCERPTS]**

[Report on the situation in the two sectors of Jerusalem following the 1967 War]

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 kilometers.

tres. 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 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 connections 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:

<u>In Israel pounds:</u>	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
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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 diner.^{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.

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.

^{1/} The current rate is 8.40 Israel pounds to the diner.

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 to continue. Muslim courts were functioning and handing down judgements in the same manner as in the law. However, the Government of Israel has decided to allow the situation prevailing before 5 June 1967 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 & Institutions
on the West Bank | The Workers in the Jerusalem Municipality Councils |
| The Union of Doctors | The Workers in Exchange Offices |
| The Union of Dentists | The Union of Workers in Hotels and Cafes |
| The Union of Pharmacists | The Union of Workers and Chauffeurs |
| The Union of Lawyers | The Union of Bakers |
| The Union of Engineers | The Union of Builders |
| The Union of the Officials and Labourers of the
Electricity Board in Jerusalem | The Union of Tourist Guides |
| The Union of Scaffolding Workers in Jerusalem | The Union of Tailors |
| The Labourers in Printing Houses | 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:

[For the full text see **Vol. II: Israeli Documents**]

[...]

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

**UN SECURITY COUNCIL RESOLUTION 242, 22 NOVEMBER 1967**

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East;

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security;

Emphasizing further that all Member states in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter;

1. *Affirms* that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:
 - (i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;
 - (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;
2. *Affirms further* the necessity
 - a. for guaranteeing freedom of navigation through international waterways in the area;
 - b. for achieving a just settlement of the refugee problem;
 - c. for guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;
3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles and in this resolution;
4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

**UN SECURITY COUNCIL, RESOLUTION 250, 27 APRIL 1968**

[Resolution asking Israel to desist from holding a military parade]

The Security Council,

Having heard the statements of the representatives of Jordan and Israel,

Having considered the Secretary-General's note (S/8561), particularly his note to the Permanent Representative of Israel to the United Nations,

Considering that the holding of a military parade in Jerusalem will aggravate tensions in the area and have an adverse effect on a peaceful settlement of the problems in the area,

1. *Calls upon* Israel to refrain from holding the military parade in Jerusalem which is contemplated for 2 May 1968;

2. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution.

[Adopted unanimously at the 1417th meeting.]



UN SECURITY COUNCIL RESOLUTION 251, 2 MAY 1968

[Resolution deploring holding of military parade in Jerusalem]

The Security Council,

Noting the Secretary-General's reports of 26 April (S/8561) and 2 May 1968 (S/8567),

Recalling resolution 250 (1968) of 27 April 1968,

Deeply deplores the holding by Israel of the military parade in Jerusalem on 2 May 1968 in disregard of the unanimous decision adopted by the Council on 27 April 1968.

[Adopted unanimously at the 1420th meeting.]



UN SECURITY COUNCIL RESOLUTION 252 CONCERNING THE APPLICATION OF ISRAEL LAW, JURISDICTION AND ADMINISTRATION TO EAST JERUSALEM (MEASURES TAKEN BY ISRAEL TO CHANGE THE STATUS OF JERUSALEM), 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) and the report of the Secretary-General (S/8146),

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.



UN SECURITY COUNCIL RESOLUTION 259 ON ISRAELI MEASURES CHANGING THE STATUS OF JERUSALEM, 27 SEPTEMBER 1968

The Security Council,

Concerned with the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel following the hostilities of 5 June 1967,

Recalling its resolution (1967) of 14 June 1967,

Noting the report by the Secretary-General, contained in document S/8699, and appreciating his efforts in this connexion,

Deploring the delay in the implementation of resolution (1967) because of the conditions still being set by Israel for receiving of Special Representative of the Secretary-General,

1. *Requests* the Secretary-General urgently to dispatch a Special Representative to the Arab territories under military occupation by Israel following the hostilities of 5 June 1967, and to report on the implementation of resolution (1967);

2. *Requests* the Government of Israel to receive the Special Representative of the Secretary-General, to co-operate with him and to facilitate his work;
3. *Recommends* that the Secretary-General be afforded all co-operation in his efforts to bring about the implementation of the present resolution and resolution (1967).



**UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION
(UNESCO), GENERAL CONFERENCE, 15TH SESSION, RESOLUTION 3.343,
APPEAL ON JERUSALEM, PARIS, 20 NOVEMBER 1968**

[Resolution calling for the preservation of the archeological heritage of the city]

SOCIAL SCIENCES, HUMAN SCIENCES AND CULTURE
PRESERVATION AND PRESENTATION OF THE CULTURAL HERITAGE

The General Conference,

Aware of 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,

Noting resolution 2253 (ES-V) adopted by the United Nations General Assembly on 4 July 1967,

1. *Addresses* an urgent international appeal in accordance with the said United Nations resolution, calling upon Israel:
 - (a) to preserve scrupulously all the sites, buildings, and other cultural properties, especially in the old city of Jerusalem;
 - (b) to desist from any archaeological excavations, transfer of such properties and changing of their features on their cultural and historical character;
2. *Invites* the Director-General to use all the influence and means at his disposal, in co-operation with all parties concerned, to ensure the best possible implementation of this resolution.



**REPORT OF THE UN SECRETARY-GENERAL UNDER UN SECURITY COUNCIL
RESOLUTION 252 (1968) OF 21 MAY 1968, CORRESPONDENCE WITH THE PERMANENT
REPRESENTATIVE OF ISRAEL TO THE UN, 11 APRIL 1969**

1. This report is submitted in pursuance of Security Council resolution 252(1968) of 21 May 1968, which requested the Secretary-General to report to the Council on the implementation of the resolution. In this resolution, the Council considered that "all legislative and administrative measures and action 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".
2. Since the termination of the mission of his Personal Representative in Jerusalem, Ambassador Ernesto A. Thalman, in September 1967,² the Secretary-General has had no means of obtaining first-hand information on which to base the required reporting. Following the adoption of Security Council resolution 252 (1968), the Secretary-General transmitted, by a cable dated 21 May 1968, the text of the resolution to the Foreign Minister of Israel in accordance with established procedure. On 13 February 1969, the Secretary-General addressed to the Permanent Representative of Israel the following note verbale:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to Security Council resolution 252(1968) of 21 May 1968. In this resolution the Security 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'.

² See the report of the Secretary-General of 12 September 1967 under General Assembly resolution 2254(ES-V) (A/6793 and S/8146).

The Council also requested the Secretary-General 'to report to the Security Council on the implementation of the present resolution'.

"The Secretary-General must in the main look to the Government of Israel for the information necessary in the discharge of the reporting responsibilities placed upon him by the Security Council, as indicated above.

"The Secretary-General, therefore, requests the Government of Israel to provide him with such information and will be grateful to have it at an early date.

"The Secretary-General takes this opportunity to express to the Permanent Representative of Israel the assurance of his highest consideration."

3. The Permanent Representative of Israel replied to the Secretary-General by a note verbale dated 25 March 1969, which reads as follows:

"The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his note of 13 February 1969 concerning Security Council resolution 252 (1968) of 21 May 1968, and on instructions from his Government has the honour to state that the position of the Government of Israel in the matter remains as set forth in the letter addressed to the Secretary-General by the Minister for Foreign Affairs on 10 July 1967 (A/6753) and in the statements made by the representatives of Israel in the General Assembly and the Security Council.

"The Permanent Representative of Israel avails himself of this opportunity to express to the Secretary-General of the United Nations the assurances of his highest consideration."

4. The only other source of information of an official nature pertinent to the implementation of Security Council resolution 252(1968) which has been available to the Secretary-General is the Israel Official Gazette (Reshumoth). According to this Gazette, which is published originally in Hebrew, the Israel Parliament, on the basis of a bill submitted by the Israel Government,³ adopted on 14 August 1968 the "Legal and Administrative Matters (Regulation) Law",⁴ which is relevant to the situation in Jerusalem. In this regard, it may be recalled that according to the note issued by the President of the Security Council on 10 February 1969 (S/9000), the Israel Government decided to postpone until 23 May 1969 the putting into effect of this law. An unofficial translation of this law as well as the relevant bill and explanatory notes is annexed to the present report.⁵



UN SECURITY COUNCIL RESOLUTION 267 CONCERNING MEASURES TAKEN BY ISRAEL TO CHANGE THE STATUS OF JERUSALEM, 3 JULY 1969

The Security Council,

Recalling its resolution 252 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 General Assembly and Security Council resolution 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 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;

³ *Hatza'ot Chok* (Bills) No. 787 of 14 July 1968, pp. 358-362.

⁴ *Sefer Ha'Chukkim* (Principal Legislation) No. 542 of 23 August 1968.

⁵ For these see *Vol.II: Israeli Documents* (the Editor).

6. *Requests* Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of provisions of this 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 this resolution.



NOTE BY THE UN SECRETARY-GENERAL TO THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN, 27 AUGUST 1969

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to Security Council resolution S/RES/267 (1969) of 3 July 1969, concerning the status of the City of Jerusalem. Under the terms of that resolution the Council requested Israel 'to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of this resolution' and requested the Secretary-General 'to report to the Security Council on the implementation of this resolution'.

The Permanent Representative of Israel will recall that on 4 August, in conversation with him, the Secretary-General referred to this question and inquired as to when the response of the Government of Israel to the Security Council resolution might be expected. The Secretary-General would be grateful if the Permanent Representative of Israel would be so kind as to convey to his Government the Secretary-General's hope that its response on this most important matter may be soon forthcoming.



UN SECURITY COUNCIL RESOLUTION 271 CONCERNING ARSON AT AL-AQSA MOSQUE AND THE STATUS OF JERUSALEM, 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 ^{1/6} 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 ^{1/} Geneva Conventions of 12 August 1949 (*United Nations, Treaty Series*, vol. 75 (1950), Nos. 970-973).

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, USA)].



**NOTE BY THE UN SECRETARY-GENERAL TO THE PERMANENT
REPRESENTATIVE OF ISRAEL TO THE UN, 15 OCTOBER 1969**

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to Security Council resolution 267 (1969) of 3 July 1969 concerning the question of Jerusalem.

In its resolution 267(1969), the Security Council requested Israel 'to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of this resolution' and requested the Secretary-General 'to report to the Security Council on the implementation of this resolution'. It is recalled that on 4 August in conversation with the Permanent Representative of Israel, the Secretary-General referred to this question and inquired as to when the response of the Government of Israel to the Security Council resolution might be expected. In a subsequent note verbale dated 27 August 1969, the Secretary-General requested the Permanent Representative of Israel to convey to his Government the Secretary-General's communication and informed the Secretary-General that 'the communication had been transmitted to Jerusalem for consideration by the Israel Government'. So far, the Secretary-General has received no response from the Israel Government, either directly or through the Permanent Representative.

The Israel Government is, obviously, the only source for the information necessary, for the discharge of the Secretary-General's reporting responsibilities under Security Council resolution 267(1969). Therefore, the Secretary-General once again requests the Israel Government to provide him with such information and he earnestly hopes that it will be made available to him at an early date. The Secretary-General will in any case be obliged in the very near future to report to the Security Council in fulfillment of the responsibilities placed on him in the above-mentioned resolution.

The Secretary-General takes this opportunity to renew to the Permanent Representative the assurances of his highest consideration.



**UNESCO EXECUTIVE BOARD, RESOLUTIONS AND DECISIONS ADOPTED
AT ITS 83RD SESSION (PARIS, 15 SEPTEMBER-10 OCTOBER 1969),
RESOLUTION 4.3.1, PARIS, 25 OCTOBER 1969**

4.3 Social Sciences, Human Sciences and Culture

4.3.1 Report by the Director-General on the implementation of resolutions 3.342 and 3.343 adopted by the General Conference at its fifteenth session and on the application, in the occupied territories, of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (83 EX/12)

The Executive Board,

1. *Recalling* the provisions of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict,
2. *Recalling* resolutions 3.342 and 3.343 adopted by the General Conference at its fifteenth session and decision 4.4.2 adopted by the Executive Board at its 82nd session,
3. *Recalling* the Security Council resolutions 252 (1968) of 21 May 1969 and 267 (1969) of 3 July 1969 and the United Nations General Assembly resolutions 2253 and 2254 of 4 and 14 July 1967 respectively, concerning measures and actions affecting the status of the City of Jerusalem,
4. *Noting* the report of the Director-General (33 EX/12) and the observations submitted by the Commissioners-General in their recent reports (Annexes I, II and III to document 83 EX/12),

5. *Expresses* its deep concern at the violations by Israel of The Hague Convention, of resolutions 3. 342 and 3. 343 of the fifteenth session of the General Conference and of decision 82 EX/Decisions 4. 4. 2 of the Executive Board and at the disregard of the Recommendation on Archaeological Excavations which emerge from the reports of the Commissioners-General;
6. *Invites* Israel:
 - (a) To preserve scrupulously all the sites, buildings and other cultural properties, especially in the old city of Jerusalem;
 - (b) to desist from any archaeological excavations, the transfer of such properties and any change of their features or their cultural and historical character; and
 - (c) to adhere scrupulously to the provisions of the above-mentioned Convention, Recommendation, resolutions and decision;
7. *Invites* the Director-General, in agreement with the legally sovereign State concerned and in conformity with the United Nations resolutions mentioned in paragraph 3 of this resolution:
 - (a) To assist the parties concerned, both public and private, by technical advice relating either to questions of general import or to particular, specific problems and to supplement such advice by technical assistance designed to facilitate its application;
 - (b) to seek the means of ensuring the rigorous and effective application of the said Convention, Recommendation, resolutions and decision;
 - (c) to provide world public opinion with objective information on these matters with a view to enlightening its judgement and also to promote, in connexion with the preservation of Jerusalem, a vast movement of understanding and mutual respect between the cultures whose historical roots are there;
8. *Requests* the Director-General to consult the Governments Parties to The Hague Convention on the advisability of calling, as soon as possible, a meeting of the High Contracting Parties with a view to studying means whereby the scope of the said Convention can be made clear and its efficacy enhanced and to report to the Board at its next session on the application of this decision.

4.3.1.1 Burning of the Aqsa Mosque (83 EX/34 and Add.)

The Executive Board,

1. *Profoundly distressed* by the extensive damage which an act of arson caused, on 21 August 1969, to the Sacred Mosque of Aqsa, in Jerusalem, under Israel military occupation,
2. *Aware of* the loss which the cultural heritage of mankind has thereby sustained,
3. *Having heard* the statements made to the Board, which bear witness to the universal indignation aroused by this sacrilegious act,
4. *Condemns* the criminal burning of the Aqsa Mosque as well as all those who are responsible for it.



NOTE BY THE UN SECRETARY-GENERAL, TO THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN, 21 NOVEMBER 1969

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to the Secretary-General's notes of 27 August and 15 October 1969 concerning the implementation of Security Council resolution 267(1969) of 3 July 1969 on the subject of Jerusalem.

The Secretary-General considers it necessary to discharge his obligation to submit the report on this matter requested by the Security Council in the above-mentioned resolution within the next week. The Secretary-General, therefore, very much hopes that the information he has requested on this subject from the Government of Israel will be forthcoming before that time.

The Secretary-General takes this opportunity to renew to the Permanent Representative of Israel the assurances of his highest consideration.



**REPORT OF THE UN SECRETARY-GENERAL UNDER UN SECURITY COUNCIL
RESOLUTIONS 252 (1968), 267 (1969) AND 271 (1969) AND UN GENERAL ASSEMBLY
RESOLUTION 2254 (ES-V), 18 FEBRUARY 1971**

*[Report relating correspondence between the Sec.-Gen. and the Israeli representative
on the subject of Government House]*

1. In the light of recent reported statements from various sources concerning Jerusalem and in view of the reporting responsibilities conferred upon him by the Security Council and the General Assembly,⁷ the Secretary-General considers it necessary to submit the present report.
2. On 10 December 1970, the Secretary-General handed to the Permanent Representative of Israel to the United Nations a note of the same date, which reads as follows:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to request the Permanent Representative to bring the following to his Government's urgent attention:

 - "1. A press report, which appeared in the 19 August 1970 issue of the *Jerusalem Post*, contained information that 'The Jerusalem District Town Planning Committee yesterday [18 August 1970] approved a master plan for a 10,000-dunam area within and outside the Old City walls'. The press report indicated, among other things, that the plan was to take effect in four months [i.e. on 18 December 1970] and that 'The Government House area has been classified as a residential area, with land to be set aside for hotels'.
 - "2. On instructions from the Secretary-General, representatives of UNTSO informally approached the Israel Foreign Ministry on this matter. On 12 November 1970, they were informed by the Deputy Director of the Division of Political Affairs that the plan referred to by the *Jerusalem Post* had not yet been made public. They then asked the Deputy Director whether the plan affected the Government House premises, both in its present limits and those before June 1967, but received no reply.
 - "3. On 3 December 1970, the *Jerusalem Post* carried a further report on this subject according to which the District Planning Commission approved in principle on 1 December developments in the Government House area and near Beit Safafa and detailed plans for the property were expected to be submitted shortly to the Housing Ministry since the Ministry was known 'to want construction to start next month'. The report also stated that 'The Government House development, designed by David Best, will consist of 600-700 housing units on 150 dunams'
 - "4. In order to enable the Secretary-General to meet his responsibilities to the Security Council and to the General Assembly in relation to the status of the City of Jerusalem, he would appreciate the receipt at an early date of detailed information from the Israel authorities relating to the reported 'master plan' together with a copy thereof.
 - "5. In connection with the matter under reference, the Secretary-General also attaches great importance to the status of the United Nations premises at Government House. He would therefore appreciate clarification from the Israel authorities whether the reported 'master plan' envisages any development affecting the United Nations premises at Government House, either as to the area returned to the United Nations by the Israel authorities in August 1967 or the remainder of the area of the Government House premises as constituted on 5 June 1967, in respect of which the Secretary-General has expressed the views of the United Nations in his report to the Security Council of 11 August 1967 (S/7930/Add.27), and his letter of 22 August 1967 to the Permanent Representative of Israel (S/7930/Add.29).

"The Secretary-General takes this opportunity to express once again to the Permanent Representative of Israel the assurances of his highest consideration."
3. On 8 January 1971, the Acting Permanent Representative of Israel to the United Nations addressed the following note to the Secretary-General:

"The Acting Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour, on instructions of his Government, to refer to the Secretary-General's communication of 10 December 1970 and to state that he is authorized to assure the Secretary-General that the position of the Government of Israel as regards Government House continues to be as indicated in the letters dated 29 June 1967 and 22 August 1967 from the Permanent Representative of Israel to the Secretary-General (S/7930/Add.20 and 29), and that no changes are contemplated with regard to the arrangements made in August 1967.

⁷ 1/ Security Council resolutions 252(1968) of 21 May 1968, 267 (1969) of 3 July 1969 and 271 (1969) of 15 September 1969, and General Assembly resolution 2254 (ES-V) of 14 July 1967.

"The Acting Permanent Representative of Israel avails himself of this opportunity to renew to the Secretary-General the assurances of his highest consideration."

4. On 26 January 1971, the Secretary-General handed two notes to the Permanent Representative of Israel. The first note reads:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to the Acting Permanent Representative's note of 8 January 1971 in reply to his note of 10 December 1970 to the Permanent Representative. "In his note of 10 December 1970, the Secretary-General indicated that he would appreciate the receipt of a copy of the reported Jerusalem 'Master Plan' and detailed information thereon from the Israel authorities, as well as clarification as to whether such a 'Master Plan' envisages any development affecting part or the whole of the United Nations premises at Government House.

"The reply given in the Acting Permanent Representative's note of 8 January 1971 omits any reference to the reported 'Master Plan' and does not contain either a response to the Secretary-General's request for a copy of the Plan or information thereon.

"In this connexion the Secretary-General would call the attention of the Permanent Representative to the Secretary-General's reporting responsibilities in regard to the status of Jerusalem under the relevant Security Council and General Assembly resolutions. These are Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969 and 271 (1969) of 15 September 1969, and General Assembly resolutions 2253(ES-V) and 2254 (ES-V) of 4 and 14 July 1967. Consequently the Secretary-General must again request from the Israel authorities the transmission of a copy of the reported 'Master Plan' as well as detailed information on the Plan.

"The Secretary-General is sending to the Permanent Representative of Israel a separate note dealing with the United Nations Government House premises.

"The Secretary-General avails himself of this opportunity to renew to the Permanent Representative of Israel the assurances of his highest consideration."

The second note is as follows:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to the Acting Permanent Representative's note of 8 January 1971 and to the related question of the inviolability and return to the United Nations of its premises at Government House in Jerusalem, as constituted on 5 June 1967.

"In a note of 10 December 1970, the Secretary-General asked the Permanent Representative to transmit to his Government a request for information about the reported Jerusalem 'Master Plan' and for clarification as to whether it envisages any development affecting the United Nations premises at Government House, either as to the area returned to the United Nations by the Israel authorities in August 1967 or the remainder of the area of the Government House premises as constituted on 5 June 1967.

"The Acting Permanent Representative, in the reply contained in his note of 8 January 1971, does not answer the question raised by the Secretary-General about the effects of the reported 'Master Plan' on the whole or part of the Government House premises. Instead, the Acting Permanent Representative assures the Secretary-General that 'the position of the Government of Israel as regards Government House continues to be as indicated in the letters dated 29 June 1967 and 22 August 1967 from the Permanent Representative of Israel to the Secretary-General (S/7930/Add.20 and 29), and that no changes are contemplated with regard to the arrangements made in August 1967'.

"In so far as the assurances proffered by the Government of Israel do not safeguard the rights of the United Nations to possession of the whole of its Government House premises as constituted on 5 June 1967, they do not cover the obligations of the Secretary-General in this matter.

"In his report of 11 August 1967 to the Security Council (S/7930/Add.27), the Secretary-General made it clear that 'the United Nations is entitled to the return of the premises of Government House exactly as they were constituted on 5 June 1967 and that it has the right to exclusive and undisturbed occupancy and possession of the full Government House compound'. This position was expressly reserved by the Secretary-General in the exchange of letters of 22 August 1967 with the Permanent Representative of Israel (S/7930/Add.29) prior to the return of UNTSO to a part of the Government House premises. Solely because of the urgent need for the facilities at Government House, the Chief of Staff of UNTSO was authorized by the Secretary-General to return to the lesser area, without prejudice to all rights and claims of the United Nations to the occupancy and possession of the whole of the premises.

"This reservation made by the Secretary-General is part of the understanding for the return of UNTSO to Government House and entails that Israel should refrain from any unilateral action which would frustrate or render ineffective the United Nations right to inviolability of the whole of its Government House premises and to the immunity of those premises, 'by whomsoever held', from 'search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action', in accordance with the Convention on Privileges and Immunities of the United Nations to which Israel acceded on 21 September 1949.

"Since the dispatch of his note of 10 December 1970, the Secretary-General has been informed by UNTSO that on 3 January 1971 a bulldozer commenced working within the perimeter of the United Nations premises at Government House as constituted on 5 June 1967, on the south-eastern side of these premises. This activity, which coincides with reports appearing in the press about the immediate implementation of a project to erect housing units and other buildings in that area, indicates a further and serious violation of the inviolability of United Nations premises under the Charter of the United Nations and the Convention on Privileges and Immunities of the United Nations.

"Aside from legal and other considerations, the works currently being carried out by Israel within United Nations premises may bring about irreparable physical change to these premises. Consequently, the Secretary-General, while reserving the right of the Organization to claim compensation for any ensuing loss or damage, requests that these works be suspended.

"The Secretary-General continues to maintain that there is no basis for any curtailment of United Nations rights to Government House as constituted on 5 June 1967 and, especially in view of the recent developments mentioned above, is compelled to seek again by all appropriate means the full recognition and implementation of the right of the Organization to the occupancy and possession of its whole premises in that area. Accordingly the Secretary-General, in the exercise of his responsibilities in a matter involving the rights and interests of the Organization and in view of the implications of this matter on the principle of inviolability of United Nations premises wherever located and by whomsoever held, now also requests the unreserved return to the United Nations of the remainder of its Government House premises.

"The Secretary-General avails himself of this opportunity to renew to the Permanent Representative of Israel the assurances of his highest consideration."

5. So far no reply to these two notes has been received from the Permanent Representative of Israel.



**REPORT OF THE UN SECRETARY-GENERAL UNDER UN SECURITY COUNCIL
RESOLUTIONS 252 (1968), 267 (1969) AND 271 (1969) AND UN GENERAL ASSEMBLY
RESOLUTION 2254 (ES-V), ADDENDUM, 20 APRIL 1971**

[Addendum to the previous report]

1. Since the publication of the report of 18 February 1971 (A/8282, S/10124), a further exchange of communications concerning the status of Jerusalem and the United Nations premises at Government House in Jerusalem has taken place between the Secretary-General and the Permanent Representative of Israel to the United Nations.
2. On 8 March 1971, the Permanent Representative of Israel addressed the following note to the Secretary-General in reply to the latter's two communications of 26 January 1971 (A/8282 and S/10124, para. 4):

"The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour, on instructions of his Government, to refer to the Secretary-General's two notes dated 26 January 1971 (A/8282, S/10124), one dealing with the premises known as Government House and the other dealing more generally with building construction in Jerusalem.

"The Permanent Representative of Israel is instructed to state that these two communications have been carefully examined and that the Government of Israel's position remains as it has been conveyed to the Secretary-General in its various communications on the subject. At the same time, the Government of Israel wishes to place on record its reservations to the various legal and other considerations advanced in those two notes, and more particularly to the references made in them to claims of the United Nations 'to the occupancy and possession of the whole of the premises' of Government House.

"The Permanent Representative of Israel avails himself of this opportunity to renew to the Secretary-General of the United Nations the expression of his highest consideration."
3. On 12 April, the Secretary-General sent the following note to the Permanent Representative of Israel:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to the Permanent Representative's note of 8 March 1971 in response to two notes from the Secretary-General of 26 January 1971 - one relating to the status of Jerusalem and the other to the question of the return to the United Nations of the whole of its premises, as constituted on 5 June 1967 - at Government House in Jerusalem.

"The Permanent Representative's reply of 8 March 1971 is to the effect that the Secretary-General's two communications have 'been carefully examined and that the Government of Israel's position remains as it has been conveyed to the Secretary-General in its various communications on the subject'. At the same time, the Government of Israel wishes to place on record its reservations to the various legal and other considerations advanced in those two notes, and more particularly to the references made in them to claims of the United Nations 'to the occupancy and possession of the whole of the premises of Government House.'

"The Secretary-General notes that, presumably because of the reservations referred to in the above reply, no copy of the reported Jerusalem 'Master Plan' has been provided, nor has any information regarding it been furnished to the Secretary-General, notwithstanding the requests contained in his notes of 10 December 1970 and 26 January 1971.

I

"In so far as the Permanent Representative's reply of 8 March 1971 relates to the Secretary-General's note of 26 January 1971 regarding the status of Jerusalem, that reply will be communicated to the Security Council and the General Assembly pursuant to the Secretary-General's obligations to report under the relevant resolutions.

II

"In so far as the Permanent Representative's reply relates to the Secretary-General's communication of 26 January 1971 requesting the return of the whole of the United Nations premises at Government House as constituted on 5 June 1967, the Secretary-General notes that the reply contains no direct response to this request. Nor is any precise information given on the exact terms of the reservations which are at present held by the Government of Israel regarding the Secretary-General's request.

"The Secretary-General observes that the reservations referred, to in the Permanent Representative's note are now raised for the first time. They were not mentioned when part only of the Government House premises was returned to the United Nations. At that time the position of the Government of Israel, set out in the Permanent Representative's letter of 22 August 1967, indicated no such reservations, although the Secretary-General had previously expressly preserved the rights of the United Nations to the occupancy and possession of the whole of the Government House premises as constituted when UNTSO was forced to evacuate them on 5 June 1967. The Secretary-General would also observe that it was in reliance on the preservation of these United Nations rights that the Secretary-General authorized the return of the Chief of Staff of UNTSO and his staff to the lesser area, in the circumstances and under the conditions indicated in the Secretary-General's report to the Security Council of 11 August 1967 (S/7930/Add.27). As the reservations referred to in the note under reply relate in part to 'legal... considerations', it may be mentioned that one way of resolving any differences now arising would be to have resort to the procedure for settlement laid down in section 30 of the Convention on the Privileges and Immunities of the United Nations.

"In all the circumstances of the case, and taking into account both current works by the Israel authorities within and bordering upon Government House property as constituted on 5 June 1967 as well as the absence of a direct reply to the specific request of the Secretary-General in his note of 26 January 1971, the Secretary-General is constrained to reiterate that request, namely, for the unreserved return to the United Nations of the remainder of its Government House premises.

"The Secretary-General avails himself of this opportunity to renew to the Permanent Representative of Israel the assurances of his highest consideration."



REPORT OF THE UN SECRETARY-GENERAL UNDER UN SECURITY COUNCIL RESOLUTIONS 252 (1968), 267 (1969), AND 271 (1969) AND UN GENERAL ASSEMBLY RESOLUTION 2254 (ES-V), 20 AUGUST 1971

[Further exchange of correspondence following previous two reports on Government House]

1. Since the publication of the report of 20 April 1971 [*S/10124/Add.1*], a further exchange of communications concerning the United Nations premises at Government House in Jerusalem has taken place between the Secretary-General and the Permanent Representative of Israel to the United Nations.
2. On 18 August 1971, the representative of Israel handed the following note to the Secretary-General in reply to the latter's communication of 12 April 1971 [*ibid.*, para. 3]:

"The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour, on instructions from his Government, to refer to the Secretary-General's note of 12 April 1971.

"The Government of Israel has examined with great care the above note and, while reserving its position as recorded in the exchange of letters of 4 July 1967 and 22 August 1967 between the representative of Israel and the Secretary-General contained in document S/7930/Add.29, wishes to inform the Secretary-General that no changes are contemplated with regard to the situation which has ensued from the above exchange of letters in 1967."

3. On 19 August 1971, the following note was addressed by the Secretary-General to the representative of Israel:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to the Permanent representative's note of 18 August 1971 in response to the Secretary-General's note of 12 April 1971, part II of which reiterated the Secretary-General's previous request of 26 January 1971 for the unreserved return to the United Nations of the remainder of its Government House premises.

"The Permanent representative's reply of 18 August 1971 is to the effect that the Government of Israel has examined with great care the Secretary-General's note of 12 April 1971 and, 'while reserving its position as recorded in the exchange of letters of 4 July 1967 and 22 August 1967 between the representative of Israel and the Secretary-General contained in document S/7930/Add.29, wishes to inform the Secretary-General that no changes are contemplated with regard to the situation which has ensued from the above exchange of letters in 1967'.

"The Secretary-General has carefully considered the above reply which he understands to mean that the Government of Israel, having already discontinued all construction and other work within the area of the United Nations premises at Government House as constituted on 5 June 1967, will refrain from reinitiating such construction or other work within the said area until the difference of opinion reflected in the 1967 exchange of letters has been satisfactorily resolved.

"Should the Secretary-General's understanding set out above be incorrect, the Secretary-General reiterates the observation made in his note of 12 April 1971 to the effect that 'one way of resolving any differences now arising would be to have resort to the procedure for settlement laid down in section 30 of the Convention on the Privileges and Immunities of the United Nations'.

"As in the case of the previous correspondence on the subject of Government House, the Secretary-General is arranging for the circulation of the present exchange in a report to the Security Council and the General Assembly."



**UN SECURITY COUNCIL RESOLUTION 298 DEPLORING THE FAILURE OF ISRAEL
TO RESPECT FORMER UN RESOLUTIONS CONCERNING MEASURES TAKEN
TO CHANGE THE STATUS OF JERUSALEM, 25 SEPTEMBER 1971**

The Security Council,

Recalling its resolutions 252 (1968) and 267 (1969) and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 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 (S/10313) and the report of the Secretary-General (S/8052, S/8146, S/9149 and Add. 1, S/9537 and S/10124 and Add. 1 and 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 further 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* Security Council 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 Security Council as appropriate and in any event within 60 days on the implementation of this resolution.

[Adopted at the 1582nd meeting with 14:0 and one abstention (Syria).]



**UNESCO EXECUTIVE BOARD, RESOLUTIONS AND DECISIONS ADOPTED
AT ITS 88TH SESSION (PARIS, 6 OCTOBER-2 NOVEMBER 1971),
DECISION NO. 88 EX/4.3.1., PARIS, 2 DECEMBER 1971**

[Call on Israel to preserve cultural properties, especially religious sites in the Old City of Jerusalem]

4.3 Social Science, Human Sciences and Culture

4.3.1 Report of the Government of Jordan on the Violation of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (87 EX/31, 87 EX/34, 87 EX/35, 88 EX/46 and 88 EX/47)

The Executive Board,

1. *Recalling* the provisions of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict,
2. *Recalling* resolutions 3.342 and 3.343 adopted by the General Conference at its fifteenth session and decisions 4.4.2 and 4.3.1 adopted by the Executive Board at its 82nd and 83rd sessions respectively,
3. *Recalling* the Security Council resolutions 252 (1968, of 21 May 1968), 267 (1969) of 3 July 1969 and 298 (1971) of 25 September 1971 and the United Nations General Assembly resolutions 2253 and 2254 of 4 and 14 July 1967 respectively, concerning measures and actions affecting the status of the City of Jerusalem,
4. *Having considered* the reports contained in documents 87 EX/31, 87 EX/34, 87 EX/35, 88 EX/46 and 88 EX/47.
5. *Reaffirms* Unesco's concern regarding the implementation of its previous decisions in this matter;
6. *Urgently calls* upon Israel to:
 - (a) see that the necessary measures are taken for the scrupulous preservation of all sites, buildings and other cultural properties, especially in the Old City of Jerusalem;
 - (b) desist from any archaeological excavations, the transfer of such properties and any change of their features or their cultural and historical character, particularly with regard to Christian and Islamic religious sites;
 - (c) adhere scrupulously to the provisions of the above-mentioned Convention and resolutions;
7. *Invites* the Director-General to ensure the presence of Unesco in the City of Jerusalem with a view to securing an efficient implementation of the resolutions of the General Conference and the Executive Board in this respect;
8. *Further unites* the Director-General to report to the Executive Board at its 89th session on the implementation of this resolution.



**UNESCO EXECUTIVE BOARD, RESOLUTIONS AND DECISIONS ADOPTED
AT ITS 89TH SESSION (MADRID AND PARIS, 29 MAY-7 JULY 1972),
DECISION NO. 89 EX 4.4.1, PARIS, 2 AUGUST 1972**

[Decision deploring the continuation of Israeli archaeological excavations in Jerusalem]

4.4 Social Sciences, Human Sciences and Culture

4.4.1 Report of the Director-General on the application of 88 EX/Decision 4.3.1 (89 EX/19 rev. and Add. 1, 2 and 3)

The Executive Board.

1. *Recalling* the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954).

2. *Recalling resolutions* 3.342 and 3.343 adopted by the General Conference at its fifteenth session and decisions 4.4.2, 4.3.1 and 4.3.1 adopted by the Executive Board at its 82nd, 83rd and 88th sessions respectively.
3. *Recalling* the Security Council resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and 298 of 25 September 1971, and resolutions 2253 and 2254 (4 and 14 July 1967) of the United Nations General Assembly concerning measures and actions affecting the status of the City of Jerusalem,
4. *Taking note* of the report of the Director-General (89 EX/19 rev.) and his efforts to secure the implementation of the decisions of the Executive Board.
5. *Reproves* Israel's negative attitude with regard to decision 4.3.1 adopted by the Executive Board at Unesco at its 88th session;
6. *Deplores* the continuation under present conditions of archaeological excavations in Jerusalem by Israel;
7. *Urgently calls again* upon Israel to:
 - (a) see that the necessary measures are taken for the scrupulous preservation of all sites, buildings, monuments and other cultural properties, especially in the Old City of Jerusalem;
 - (b) desist from any archaeological excavations, the transfer of such properties and any change of their features or their cultural and historical character, particularly with regard to Christian and Islamic religious sites;
 - (c) adhere scrupulously to the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954) and the resolutions mentioned above, particularly paragraph 7 of decision 4.3.1 adopted by the Executive Board at its 88th session;
8. *Thanks* the Director-General for his continuous efforts in this matter and *invites* him to continue his efforts and to report to the Executive Board at its 90th session, in order to consider the necessary measures to be taken.



UNESCO GENERAL CONFERENCE, 17TH SESSION, SOCIAL SCIENCES, HUMANITIES AND CULTURE, PRESERVATION AND PRESENTATION OF THE CULTURAL HERITAGE, RESOLUTION 3.422, PARIS, 17 OCTOBER-21 NOVEMBER 1972

[Appeal for the preservation of Jerusalem's cultural heritage and deploring Israeli excavations in the city]

The General Conference,

Aware of the exceptional importance of the cultural property in the Old City of Jerusalem, particularly of the Holy Places, not only to the countries directly concerned but to all humanity, on account of their exceptional cultural, historical and religious value,

Recalling once more the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954),

Recalling once more Security Council resolutions 250 of 21 May 1968, 267 of 3 July 1969 and 298 of 25 September 1971, and resolutions 2253 and 2254 (4 and 14 July 1967) of the United Nations General Assembly concerning measures and actions affecting the status of the City of Jerusalem,

Recalling resolutions 3.342 and 3.343 adopted by the General Conference at its fifteenth session, and decisions 4.4.2, 4.3.1, 4.3.1, 4.4.1 and 4.3.1 adopted by the Executive Board at its 82nd, 83rd, 88th, 89th and 90th sessions respectively,

Recalling particularly paragraph 7 of decision 4.3.1 of the 88th session of the Executive Board, which invites the Director-General 'to ensure the presence of Unesco in the City of Jerusalem with a view to securing an efficient implementation of the resolutions of the General Conference and the Executive Board in this respect',

Taking note of decision 4.3.1 adopted by the Executive Board at its 90th session, which observed 'that Israel's attitude does not constitute a satisfactory response' to the Executive Board decisions 4.3.1 and 4.4.1 of the 88th and 89th sessions as communicated in the letter of the Director General dated 18 July 1972 and in which the Board decided 'in view of the attitude of Israel... to submit the matter to the General Conference under item 13.3 (doc. 17C/5, Sub-Chapter 3.4: Preservation of Cultural Heritage) with a view to securing an efficient implementation of the resolutions of the General Conference and of the Executive Board in this respect,

Noting that Israel persists in not complying with the relevant resolutions and that its attitude prevents this Organization from undertaking the mission which is incumbent upon it under the terms of the Constitution,

Having noted the Director-General's proposal to provide, Israel with an expert, a measure which does not seem sufficient to establish Unesco's presence in Jerusalem,

1. *Deprecates* the continuation by Israel of archaeological excavations in Jerusalem;
2. *Urgently calls* again upon Israel:

- (a) to take the necessary measures for the scrupulous preservation of all sites, buildings and other cultural properties, especially in the Old City of Jerusalem;
 - (b) to desist from any alteration of the features of the City of Jerusalem;
 - (c) to desist from any archaeological excavations, the transfer of cultural properties and any alteration of their features or their cultural and historical character, particularly with regard to Christian and Islamic religious sites;
 - (d) to adhere scrupulously to the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954) and of the above-mentioned resolutions;
3. *Invites* the Director-General to continue his efforts to establish the effective presence of Unesco in the City of Jerusalem and thus make possible the actual implementation of the resolutions adopted by the General Conference and the Executive Board for that purpose;
 4. *Invites* the Director-General to report to the Executive Board at its 92nd session on the implementation of this resolution in order to enable it, should the occasion arise, to consider the necessary measures.



**UNESCO EXECUTIVE BOARD, RESOLUTIONS AND DECISIONS ADOPTED
AT ITS 90TH SESSION (MADRID AND PARIS, 25 SEPTEMBER-21 NOVEMBER 1972),
DECISION NO. 88 EX/4.3.1., PARIS, 2 DECEMBER 1971**

[The decision, submitting the issue of Israeli excavations in Jerusalem to the General Conference]

4.3 Social Sciences, Human Sciences and Culture

4.3.1 Report of the Director-General on the application of 88 EX/Decisions, 4.3.1 and 89 EX/Decisions, 4.4.1 (90 EX/9)

The Executive Board.

1. *Recalling* the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict The Hague. 1954,
2. *Recalling* resolutions 3.342 and 3.343 adopted by the General Conference at its fifteenth session and decisions 4.4.2, 4.3.1, 4.3.1 and 4.4.1 adopted by the Executive Board at its 82nd, 83rd, 88th and 89th sessions respectively, particularly paragraph 7 of decision 4.3.1 which invites the Director-General "to ensure the presence of Unesco in the city of Jerusalem with a view to securing an efficient implementation of the resolution of the General Conference and the Executive Board in this respect",
3. *Recalling* the Security Council resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and 298 of 25 September 1971. and resolutions 2253 and 2254 (4 and 14 July 1967 of the United Nations General Assembly concerning measures and actions affecting the status of the City of Jerusalem.
4. *Taking note* of the report of the Director-General (90 EX/9) and appreciating his endeavours for the implementation of decisions 88 EX/Decision 4.3.1 and 89 EX/ Decision 4.4.1,
5. *Observing* that Israel's attitude does not constitute a satisfactory response to the Executive Board decisions 88 EX/Decision 4.3.1 and 89 EX/Decision 4.4.1, as communicated in the letter of the Director-General dated 18 July 1972,
6. In view of the attitude of Israel *decides* to submit the matter to the General Conference to be considered under item 13.3 (17 C/5 sub-chapter 3.4 "Preservation of Cultural Heritage") with a view to securing an efficient implementation of the resolutions of the General Conference and of Executive Board in this respect.



**REPORT OF THE UN SECRETARY-GENERAL UNDER UN SECURITY COUNCIL
RESOLUTION 331 (1973), 18 MAY 1973 [EXCERPTS]**

[Report on the activities of UN on the question of Jerusalem]

[...]

C. Question of Jerusalem

23. Following the June 1967 hostilities the question of Jerusalem was first considered by the General Assembly at its fifth emergency special session. By its resolution 2253 (ES-V) of 4 July 1967 and resolution 2254 (ES-V) of 14 July 1967, the Assembly considered that the measures taken by Israel to change the status of the city were invalid, called upon Israel to rescind all measures already taken and to desist

- forthwith from taking any action which would alter the status of Jerusalem, and requested the Secretary-General to report to it and to the Security Council on the situation.
24. In pursuance of General Assembly resolution 2253 (ES-V) the Secretary-General submitted a report (A/6753-S/8052) on 10 July 1967 based on the information he had obtained from the Israeli Government. In his message to the Secretary-General the Israeli Foreign Minister indicated that the measures referred to in the General Assembly's resolution related to the integration of Jerusalem in the administrative and municipal spheres and furnished a legal basis for the protection of the Holy Places in Jerusalem.
 25. After the adoption of Assembly resolution 2254 (ES-V), the Secretary-General appointed Ambassador A. Thalmann of Switzerland as his Personal Representative in Jerusalem in order to obtain information on the situation in the city. The Secretary-General's report on the activities of the Thalmann mission was submitted on 12 September 1967 (A/6793-S/8146). The report contained a description of the measures taken by the Israeli Government in order to integrate the parts of the city which had not been under Israeli control before June 1967. In particular, it referred to a law passed on 27 June 1967 providing 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, as well as to an order issued by the Government on 28 June declaring the law, jurisdiction and administration of the State of Israel to be in force in the Old City and certain surrounding areas previously under Jordanian control.
 26. On 27 April 1968 the Security Council adopted resolution 250 (1968) in which it called upon Israel to refrain from holding the military parade in Jerusalem which was contemplated for 2 May 1968. When the military parade was held as scheduled, the Security Council, on 2 May 1968, adopted resolution 251 (1968) in which the Council "deeply deplores the holding by Israel of the military parade in Jerusalem on 2 May 1968 in disregard of the unanimous decision adopted by the Council on 27 April 1968".
 27. On 21 May the Security Council adopted resolution 252 (1968) in which it considered that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tended to change the legal status of Jerusalem were invalid and could not change that status. It also urgently called on Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tended to change the status of Jerusalem and requested the Secretary-General to report to the Security Council on the implementation of the resolution. On 11 April 1969 the Secretary-General submitted a report (S/9149) in pursuance of Security Council resolution 252 (1968), which indicated that the Israeli Government's position in the matter remained the same. In this and a subsequent report dated 30 June 1969 (S/9149/Add.1) the Secretary-General circulated an unofficial translation of certain Israeli legislative and regulatory texts published in the Israel Official Gazette, which are relevant to the situation in Jerusalem.
 28. At the request of Jordan the Council met on 30 June 1969 and adopted on 3 July resolution 267 (1969) in which it censured all measures taken to change the status of the city of Jerusalem, confirmed that all legislative and administrative measures and actions taken by Israel which purported to alter the status of Jerusalem, including expropriation of land and properties thereon, were invalid and urgently called once more upon Israel to rescind forthwith all measures taken by it which might tend to change the status of the city and to refrain from all actions likely to have such an effect. The Council also requested Israel to inform it without any further delay of its intentions with regard to the implementation of the provisions of the resolution and requested the Secretary-General to report to it on the matter. In pursuance of resolution 267 (1969) the Secretary-General submitted a report on 5 December 1969 (S/9537) in which he transmitted the information he had obtained from the Israeli Government. Israel took the position that it was inconceivable that Jerusalem should be torn apart again or that any international interest could be served by pressing for the dismemberment of the city.
 29. On 21 August 1969 a fire occurred at the Al Aqsa Mosque in the Old City of Jerusalem and caused extensive damage to the building. At the request of the Arab Governments and others, the Security Council met to discuss the matter. In its resolution 271 (1969) of 15 September 1969, the Council recognized 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 might seriously endanger international peace and security. It determined that the execrable act of desecration and profanation of the Holy Al Aqsa Mosque emphasized the immediate necessity of Israel's desisting from acting in violation of United Nations resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem, and it called 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 Muslim Council of Jerusalem, including any co-operation that that Council might desire from countries with predominantly Muslim populations and from Muslim communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem. The Council further condemned the failure of Israel to comply with its resolutions on the question of Jerusalem and called upon it to implement them forthwith. It also requested the Secretary-General to follow the implementation of the resolution and report thereon to the Council.

30. In compliance with this request, the Secretary-General submitted a report (S/9559) on 16 December 1969 based on information obtained from Israel. The Israeli Government charged that the genesis of the Council's resolution was the attempt of Arab States to exploit the fire in the Al Aqsa Mosque for propaganda purposes and to excite religious passions throughout the Moslem World. It went on to say that the report of the Commission of Enquiry appointed by the President of the Israel Supreme Court was published on 23 September 1969 and that the trial of the person accused of arson in connexion with the fire was in progress. In the meantime the Mosque had been temporarily repaired and prayers were being conducted as usual.
31. In a report dated 18 February 1971 and subsequent addenda (A/8282-S/10124 and Add.1 and 2) the Secretary-General brought to the attention of the Security Council an exchange of correspondence between him and the Permanent Representative of Israel concerning a master plan for the construction of housing developments in an area within and outside the Old City walls.
32. At the request of Jordan, the Security Council met again on 16 September 1971 to consider the question of Jerusalem. By its resolution 298 (1971) of 25 September 1971 the Council reaffirmed its resolutions 252 (1968) and 267 (1969). It confirmed 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, were totally invalid and could not change that status. The Council urgently called upon Israel to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which might purport to change the status of the city and requested the Secretary-General, in consultation with the President of the Council, to report to it within 60 days on the implementation of the resolution. In his report dated 19 December 1971 (S/10392), the Secretary-General stated that after consultation with the President of the Security Council, it had been agreed that the best way of fulfilling his responsibilities under resolution 298 (1971) was through a mission of three members of the Security Council. He had in mind as members of the mission the representatives of Argentina, Italy and Sierra Leone. However, an exchange of letters with the Government of Israel had provided no indication that Israel was willing to comply with the Council's resolution. Consequently, it was not possible for the Secretary-General to fulfil his mandate.
33. On 23 April 1973 the Permanent Representative of Jordan addressed a letter to the Secretary-General (A/9059-S/10919), in which he drew attention to reports that the Israeli Government intended to hold a large military parade in Jerusalem on 7 May 1973 to celebrate the twenty-fifth anniversary of the establishment of Israel and that the parade would extend to the Arab sector of Jerusalem. In that connexion, the President of the Security Council, after consulting all members of the Council, drew the attention of the Permanent Representative of Israel on 27 April 1973 to the provisions of Security Council resolutions 250 (1968) and 251 (1968) concerning the holding by Israel of a military parade in Jerusalem on 2 May 1968 (S/10922). In a second letter to the Secretary-General dated 8 May 1973 (A/9064-S/10924) the Permanent Representative of Jordan complained that the Israeli Government had held the parade, and he stated that this action was, "besides being an open defiance of the Security Council's most recent and direct pronouncement, a flagrant violation of the spirit and intent of the Council's unanimously adopted resolutions 250 (1968) of 27 April 1968 and 251 (1968) of 2 May 1968".
34. In connection with the question of Jerusalem a reference should be made to the status of Government House, which serves as headquarters of UNTSO. A controversy on this matter has arisen between the Israeli Government and the United Nations after the hostilities of June 1967. In exchanges of correspondence with the Israeli Permanent Representative (S/7930/Add.27 and 29 and A/8282-S/10124 and Add.1 and 2), the Secretary-General has made clear his position that the United Nations had the right to the exclusive and undisturbed occupancy and possession of the full Government House compound as it was constituted on 5 June 1967. [...]



UNESCO EXECUTIVE BOARD, RESOLUTIONS AND DECISIONS ADOPTED AT ITS 92ND SESSION (PARIS, 25 APRIL-12 MAY 1973), DECISION NO. 92 EX/4.5.1, PARIS, 5 JUNE 1973

[Call on Israel to respect the historical character of Jerusalem]

4.5 Social Sciences, Human Sciences and Culture

4.5.1 Report of the Director-General on the application of 17 C/Resolutions, 3.422 (Jerusalem) (92 EX/16)

The Executive Board.

1. *Recalling* the Security Council resolutions 252 of 21 May 1968, 267 of 3 July' 1969 and 298 of 25 September 1971, and resolutions 2253 and 2254 ;4 and 14 July 1967) of the United Nations General Assembly concerning measures and actions affecting the status of the City of Jerusalem.

2. *Recalling* resolutions 3.342, 3.343, and 3.422 adopted by the General Conference at its fifteenth and seventeenth sessions, and decisions 4.4.2, 4.3.1, 4.3.1, 4.4.1 and 4.3.1 adopted by the Executive Board at its 82nd, 83rd, 88th, 89th and 90th sessions respectively.
3. *Mindful* that since the fifteenth session of the General Conference, the Organization has urgently railed upon Israel to desist from any archaeological excavating in the Holy City, and from any alteration of the features of the City of Jerusalem, an appeal which Israel did not respect,
4. *Aware that* the General Conference at its seventeenth session had:
 - (a) *Noted* that Israel persisted in not complying with the relevant resolutions and that its attitude prevented the Organization from undertaking the mission which is incumbent upon it under the terms of the Constitution;
 - (b) *Invited* the Director-General to continue his efforts to establish the effective presence of UNESCO in the City of Jerusalem and thus make possible the actual implementation of the resolutions adopted by the General Conference and the Executive Board for that purpose;
5. *Taking note of document 92 EX/ 16* in which the Director-General informs the Executive Board of the outcome of his efforts in compliance with paragraph 3 of resolution 3-422 adopted by the General Conference at its seventeenth session, and especially his intention mentioned in paragraph 5 of the document to appoint a qualified person as his representative for Jerusalem.
6. *Expresses* its appreciation to the Director-General for this first achievement in the implementation of paragraph 3 of resolution 17 C 3.422, and its confidence that he will appoint a representative of the highest quality and integrity;
7. *Invites* the Director-General to include among the terms of reference given to his representative an instruction to study and report to him on changes to the features of the Holy City since the adoption by the General Conference of its resolution in 1968 and, through the Unesco presence in Jerusalem, to make possible the effective implementation of the resolutions and decisions adopted by the General Conference and the Executive Board, particularly paragraph 2 of resolution 17 C/3.422 of the General Conference at its seventeenth session, which called urgently Upon Israel *inter alia*:
 - (a) to take the necessary measures for the scrupulous preservation of all sites, buildings and other cultural properties, especially in the Old City of Jerusalem;
 - (b) to desist from any alteration of the features of the City of Jerusalem;
 - (c) to desist from any archaeological excavations, the transfer of cultural properties and any alteration of their features or their cultural and historical character, particularly With regard to Christian and Islamic religious sites;
 - (d) to adhere scrupulously to the resolutions of the General Conference;
8. *Invites* the Director-General to report to the Executive Board at its 93rd session on the implementation of this resolution.



**UNESCO EXECUTIVE BOARD, RESOLUTIONS AND DECISIONS ADOPTED
AT ITS 93ND SESSION (PARIS, 12 SEPTEMBER-11 OCTOBER 1973),
DECISION NO. 93 EX/4.5.1, PARIS, 9 NOVEMBER 1973**

[Decision, requesting the UNESCO Dir.-Gen. to present a comprehensive report on the implementation of all previous UN resolutions concerning the status of Jerusalem]

4.5 Social Sciences, Human Sciences and Culture

4.5.1 Report of the Director-General on the application of resolution 92 EX/Decisions, 4. 5.1 (Jerusalem) (93 EX/17 and Add. 1 Rev.)

The Executive Board,

1. *Recalling* the Security Council resolutions 252 of 21 May 1968, 267 of 3 July 1969 and 298 of 25 September 1971, and resolutions 2253 and 2254 (4 and 14 July 1967) of the United Nations General Assembly, concerning measures and actions affecting the status of the City of Jerusalem and resolution 2949 (paragraphs 7 and 8) of 8 December 1972, concerning the policies and practices affecting the physical character or demographic composition of the occupied Arab territories,
2. *Recalling* resolutions 3.342, 3.343 and 3.422 adopted by the General Conference at its fifteenth and seventeenth sessions and decisions 4.4.2, 4.3.1, 4.3.1, 4.3.1, 4.4.1, 4.3.1 and 4.5.1 (particularly its paragraph 7), adopted by the Executive Board at its 82nd, 83rd, 84th, 88th, 89th, 90th and 92nd sessions respectively, regarding the preservation of religious and cultural properties, particularly in the City of Jerusalem,

3. *Noting* that, since the 88th session, the Executive Board has decided that Unesco should be present in the City of Jerusalem in an attempt to ensure the effective implementation of the resolutions and decisions adopted by the General Conference and the Executive Board in this connection,
4. *Taking note* of documents 93 EX/17 and 93 EX/17 Add. 1 Rev.,
5. *Decides* to re-examine at its 94th session this question in its substance and consequently invites the Director-General to present to the Executive Board at that session a comprehensive report on the implementation of this and the aforementioned resolutions and decisions.



**UNESCO EXECUTIVE BOARD, RESOLUTIONS AND DECISIONS ADOPTED
AT ITS 94TH SESSION (PARIS AND VARNA, 20 MAY-28 JUNE 1974),
DECISION NO. 94 EX/4.4.1, PARIS, 26 JULY 1974**

[Decision condemning Israel for its persistent violations of UN and UNESCO Resolutions on Jerusalem]

4.4 Social Sciences, Human Sciences and Culture

4.4.1 Report by the Director-General in pursuance of 93 EX/Decision 4.5.1 (Jerusalem) (94 EX/14)

The Executive Board,

1. *Recalling* the Security Council resolutions 252 of 21 May 1968, 267 of 3 July 1969 and 298 of 25 September 1971, and resolutions 2253 and 2254 (4 and 14 July 1967) of the United Nations General Assembly, concerning measures and actions affecting the status of the City of Jerusalem, and resolution 2949 (paragraphs 7 and 8) of 8 December 1972, concerning the policies and practices affecting the physical character or demographic composition of the occupied Arab territories,
2. *Recalling* resolutions 3.342, 3.343 and 3.422 adopted by the General Conference at its fifteenth and seventeenth sessions, and decisions 4.4.2, 4.3.1, 4.3.1, 4.3.1, 4.4.1, 4.3.1 and 4.5.1 (particularly its paragraph 7), adopted by the Executive Board at its 82nd, 83rd, 84th, 88th, 89th, 90th and 92nd sessions respectively, regarding the preservation of religious and cultural properties, particularly in the City of Jerusalem,
3. *Noting* the report of the Director-General (94 EX/14) on the visits of December 1973 and April 1974 made by his representative to the City of Jerusalem,
4. *Convinced* from certain aspects of the report that "Israel persists in not complying with the relevant resolutions, and that its attitude prevents the Organization from undertaking the mission which is incumbent upon it under the terms of the Constitution";
5. *Being aware* that the General Conference according to its resolution 3.422 of the seventeenth session had authorized the Board to consider the necessary measures to be taken towards Israel, should the occasion arise,
6. *Condemns* the persistent violation by Israel of the aforesaid resolutions and decisions adopted by the General Conference and the Executive Board;
7. *Decides* to submit the matter to the General Conference at its eighteenth session for decisions to be taken on further appropriate measures within its competence.



**INTERNATIONAL CIVIL AVIATION ORGANIZATION,
ASSEMBLY RESOLUTION A21-7 (THE AIRPORT OF JERUSALEM), 15 OCTOBER 1974**

[Resolution asking states and companies to refrain from using the Jerusalem airport]

Whereas Jerusalem airport lies in the occupied Arab territories and is registered under the jurisdiction of Jordan in ICAO Middle East Air Navigation Plan;

Recalling that Articles 1, 5 and 6 of the Convention on International Civil Aviation provide that Contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory and that no scheduled air services, or non-scheduled international air services for the purpose of taking on or discharging passengers, cargo or mail, may be operated over or into the territory of a Contracting State except with the special permission or other authorization by that State;

The Assembly resolves that all Contracting States should, in implementation of the above relevant Articles of the Convention, take all necessary measures to refrain from operating, or giving permission to any airline

to operate any air service, whether scheduled or non-scheduled, to or from Jerusalem airport, unless prior permission is granted pursuant to the provisions of the said Articles.



UNESCO GENERAL CONFERENCE, 18TH SESSION, RESOLUTION 3427 CONCERNING CULTURAL PROPERTY IN JERUSALEM, PARIS, 17 OCTOBER-23 NOVEMBER 1974

SOCIAL SCIENCES, HUMANITIES AND CULTURE CULTURAL HERITAGE

Implementation of the resolutions of the General Conference and decisions of the Executive Board concerning the protection of cultural property in Jerusalem

The General Conference,

Taking into account the importance attached by UNESCO, in accordance with its Constitution, to the protection and preservation of the world heritage of monuments of historic or scientific value.

Taking into account also resolution 2253 of 4 July 1967 and resolution 2254 of 14 July 1967 adopted by the United Nations General Assembly calling on Israel to nullify the measures it has taken to change the status of the City of Jerusalem and to refrain from those in the future, and Security Council resolution 267 of 3 July 1969 and resolution 298 of 25 September 1971 expressing regret at Israel's disregard of the United Nations resolutions on the preservation of the status of Jerusalem,

Aware of the exceptional importance of the cultural property in the Old City of Jerusalem, not only to the countries directly concerned but to all humanity, on account of their unique cultural, historical and religious value,

Recalling that since the fifteenth session of the General Conference (1968) the Organisation has urgently called on Israel to desist from any archaeological excavations in the City of Jerusalem and from any alteration of its features or its cultural and historical character, particularly with regard to Christian and Islamic religious sites (15C/Resolutions 3.342 and 3.343; 82 EX/Decision 4.4.2, 83EX/Decision 4.3.1, 88EX/Decision 4.3.1, 89EX/Decision 4.4.1, 90EX/Decision 4.3.1, and 17C/Resolution 3.422),

1. *Bearing in mind* that, at its seventeenth session, the General Conference, in resolution 3.422;
 - (a) *Noted* "that Israel persists in not complying with the relevant resolutions and that its attitude prevents this Organisation from undertaking the mission which is incumbent upon it under the terms of the Constitution",
 - (b) *Invited* "the Director-General to continue his efforts to establish the effective presence of UNESCO in the City of Jerusalem and thus make possible the actual implementation of the resolutions adopted by the General Assembly and the Executive Board for that purpose",
2. *Recalling* that the Executive Board, at its 94th session (decision 4.4.1):
 - (a) was convinced by the purport of the Director-General's report on the mission of his representative to the City of Jerusalem that "Israel persists in not complying with the relevant resolutions and that its attitude prevents the Organisation from undertaking the mission which is incumbent upon it under the terms of its Constitution",
 - (b) condemned Israel's persistent violation of the resolutions adopted by the General Conference and the Executive Board in this regard,
 - (c) has submitted the matter to the General Conference to take such appropriate measures as are within its competence,

Whereas Israel, in persistently violating the resolutions adopted by the General Conference and the Executive Board with a view to preserving the cultural heritage of the City of Jerusalem, defies willfully the world conscience and the international community,

Whereas the General Conference cannot remain passive before Israel's continuous persistence in violating its resolutions,

Guided by precedents adopted by the General Conference since its fourteenth session upon the persistent violation of its resolutions and the violation of the aims stipulated in the Constitution (14C/ Resolution 11, 15C/Resolutions 9.12 and 9.14, 16C/Resolution 8 and 17C/Resolution 10.1),

1. *Reaffirms* all the resolutions mentioned above and insists on their implementation;
2. *Condemns* Israel for its attitude which is contradictory to the aims of the Organisation as a stated in its Constitutions by its persistence in altering the historical features of the City of Jerusalem and by undertaking excavations which constitute a danger to its monuments, subsequent to its illegal occupation of this city;

3. *Invites* the Director-General to withhold assistance from Israel in the fields of education, science and culture until such time as it scrupulously respects the aforementioned resolutions and decisions.



**INTERNATIONAL CIVIL AVIATION ORGANIZATION, ACTION OF THE COUNCIL,
86TH SESSION (THE AIRPORT OF JERUSALEM), 17 DECEMBER 1974**

[Resolution deploring use by Israel of Jerusalem airport disregarding Resolution A21-7]

15(1) On 17 December, the Council adopted, by 17 votes to 1 with 10 abstentions, the 18(1-29) following resolution co-sponsored by the Representatives of Egypt and Morocco (C-WP/6204):

"*Whereas* Assembly Resolution A21-7 resolved that all Contracting States should, in implementation of Articles 1, 5 and 6 of the Convention, take all necessary measures to refrain from operating, or giving permission to any airlines to operate, any air service, whether scheduled or non-scheduled, to or from Jerusalem airport, unless prior permission is granted pursuant to the provisions of the said Article; and

Whereas, in spite of the above Resolution, Israel continues to disregard it and flights are taking place to Jerusalem airport without any special or other permission from the Jordanian Civil Aviation Authority, which, as is evident from the ICAO Middle East Air Navigation Plan, has jurisdiction over that airport;

The Council:

- 1) *Deeply Deplores* the action of Israel in disregarding Assembly Resolution A21-7.
- 2) *Urges* Israel to respect fully and abide by the said Assembly Resolution."

The vote was taken by roll call at the request of the Representative of Lebanon, the twenty-eight Council member States represented at the meeting voting as follows:

In favour: Brazil, China, Czechoslovak Socialist Republic, Egypt, France, India, Indonesia, Italy, Lebanon, Madagascar, Morocco, Nigeria, Pakistan, Senegal, Spain, Union of the Soviet Socialist Republics, Yugoslavia

Opposed: United States

Abstained: Argentina, Australia, Canada, Colombia, Costa Rica, Federal Republic of Germany, Japan, Sweden, Trinidad and Tobago, United Kingdom.



**UN SECURITY COUNCIL, DRAFT RESOLUTION ON THE WORSENING SITUATION
IN THE PALESTINIAN TERRITORIES (DOCUMENT S/12022), 24 MARCH 1976**

*[The draft resolution - presented by Benin, Guyana, Pakistan, Panama
and United Republic of Tanzania - was not approved due to a US veto]*

The Security Council,

Having considered recent development in the occupied Arab territories,

Deeply concerned at the serious situation which has arisen in these territories as a result of continued Israeli occupation,

Deeply concerned further at the measures taken by the Israeli authorities leading to the present grave situation including measures aimed at changing the physical, cultural, demographic and religious character of the occupied territories and, in particular, the City of Jerusalem, the establishment of Israeli settlements in the occupied territories and other violations of the human rights of the inhabitants of those territories.

Emphasizing the inadmissibility of the acquisition of territory by war,

Recalling and reaffirming the resolutions of the General Assembly and the Security Council calling upon Israel to rescind all measures already taken and to desist from taking any further action which would alter the status of the City of Jerusalem and the character of the occupied Arab territories,

Noting that, notwithstanding the aforementioned resolutions, Israel persists in its policy aimed at changing the physical, cultural, demographic and religious character of the city of Jerusalem in particular,

Reaffirming the urgent need for establishing a just and lasting peace in the Middle East,

1. Deplores Israel's failure to put a stop to action and policies tending to change the status of the City of Jerusalem and to rescind measures already taken to that effect;

2. Calls on Israel, pending the speedy termination of its occupation, to refrain from all measures against the Arab inhabitants of the occupied territories;
3. Calls on Israel to respect and uphold the inviolability of the Holy Places which are under its occupation and to desist from the expropriation of or encroachment upon Arab lands and property or the establishment of Israeli settlements thereon in the occupied Arab territories and to desist from all other actions and policies designed to change the legal status of the City of Jerusalem and to rescind measures already taken to that effect;
4. Decides to keep the situation under constant attention with a view to meeting again should circumstances so require.



**REPORT OF THE UN COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS
OF THE PALESTINIAN PEOPLE, UN GENERAL ASSEMBLY OFFICIAL RECORDS:
31ST SESSION, SUPPLEMENT No. 35 (A/31/35), NEW YORK, 21 JULY 1976 [EXCERPTS]**

[Report recalling the importance of Jerusalem for the Palestinian people]

[...]

E. Status of Jerusalem

36. 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.
37. 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.
38. 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.
39. 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 and that Israel should be called upon to desist from any actions or policies designed to change the legal status of Jerusalem. In this respect, Security Council resolution 298 (1971), in particular was recalled. [...]



**STATEMENT BY THE PRESIDENT OF THE UN SECURITY COUNCIL,
1969TH MEETING, 11 NOVEMBER 1976**

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,^{1/8} 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^{2/9} is applicable to the Arab territories occupied by Israel since 1967. Therefore, the occupying Power is

⁸ 1/ *Ibid.*, document S/12218.

⁹ 2/ United Nations, *Treaty Series*, vol. 75, p. 287.

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 connection, the Council deplors 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."



**UNESCO GENERAL CONFERENCE, RESOLUTION 4/7.6/13 ADOPTED
AT ITS 20TH SESSION, 1 JANUARY 1978**

The General Conference,

Considering the importance of the role played by Unesco, in accordance with its Constitution, in the protection and preservation of the world heritage of monuments of historic or scientific value,

Considering the exceptional importance of the cultural property in the Old City of Jerusalem, not only to the countries directly concerned but to all humanity, on account of its unique cultural, historical and religious value,

Recalling Article 32 of the Recommendation on International Principles Applicable to Archaeological Excavations, adopted by the General Conference at its ninth session (New Delhi, 1956), which stipulates that, in the event of armed conflict, any Member State occupying the territory of another State should refrain from carrying out archaeological excavations in the occupied territory,

Considering that Israel, taking advantage of its military occupation of the territory, has unilaterally and in defiance of all accepted laws, taken upon itself to alter the configuration and status of the City of Jerusalem,

Considering that such a situation, resulting from an act of force which offends the conscience of the international community as a whole, jeopardizes the chances of restoring the peace for which it is Unesco's task to work, and has incurred the reprobation of the community of nations,

Considering that in its resolutions 2253 (ES-V) of 4 July 1967, 2254 (ES-V) of 14 July 1967, and 32/5 of 28 October 1977, the United Nations General Assembly "affirmed that the changes undertaken by Israel in the City of Jerusalem are unlawful, and called upon Israel to rescind all such measures already taken and to desist from taking any action which would alter the status of Jerusalem,

Considering that the United Nations Security Council noted, in its resolutions 252(1968) of 21 May 1968 and 267(1969) of 3 July 1969, that the measures taken by Israel which tend to change the status of Jerusalem are invalid and cannot change that status, and called upon Israel to rescind forthwith all measures taken by it and in future to refrain from all action likely to alter the status of Jerusalem,

Recalling that since the fifteenth session of the General Conference (1968) Unesco has urgently called on Israel to desist from any archaeological excavations in the City of Jerusalem and from any alteration of its features or its cultural and historical character, particularly with regard to Christian and Islamic religious sites (15 C/Resolution 3.342 and 3.343, 82 EX/Decision 4.4.2, 83 EX/Decision 4.3.1, 88 EX/Decision 4.3.1, 89 EX/Decision 4.4.1, 17 C/Resolution 3.422, 18 C/Resolution 3.427 and 19 C/Resolution 4.129),

Bearing in mind that, at its seventeenth session, the General Conference, in resolution 3.422,

(a) noted "that Israel persists in not complying with the relevant resolutions and that its attitude prevents this Organization from undertaking the mission which is incumbent upon it under the terms of the Constitution",

(b) invited "the Director-General to continue his efforts to establish the effective presence of Unesco in the City of Jerusalem and thus make possible the actual implementation of the resolutions adopted by the General Conference and the Executive Board for that purpose",

Considering that it is most legitimately that, on the basis of these very clear resolutions, reiterated with a constant patience dictated by the need to preserve peace, and in compliance with the letter and spirit of the aforementioned resolutions of the General Assembly and the Security Council of the United Nations, the General

Conference of Unesco, at its eighteenth session, after recalling and reaffirming the relevant resolutions it had previously adopted in resolution 3.427 "condemns Israel for its attitude which is contradictory to the aims of the Organization as stated in its Constitution by its persistence in altering the historical features of the City of Jerusalem and by undertaking excavations which constitute a danger to its monuments, subsequent to its illegal occupation of this city" and "invites the Director-General to withhold assistance from Israel in the fields of education, science and culture until such time as it scrupulously respects the aforementioned resolutions and decisions",

Considering that the lifting of the restrictions which the Director-General was thus invited to apply depends solely upon the will of Israel,

Considering that this challenge, which is intolerable for the dignity of the other Member States, prevents the Organization from properly discharging the mission laid upon it by its Constitution,

Affirming solemnly the right of every people not to be deprived of the significant evidence of its past on the pretext of searching for vestiges of another culture,

Considering that Member States as a whole can but deplore and, as the United Nations General Assembly did in its resolution 3525(XXX) of 15 December 1975, "condemn... the following Israeli policies and practices: the annexation of parts of the occupied territories;... the destruction and demolition of Arab houses; the pillaging of archaeological and cultural property ...",

Noting in the light of the report of the Director-General contained in document 20 C/19 Add., that Israel has not changed its attitude with regard to the aforementioned resolutions of the United Nations and of Unesco, and that it has not undertaken to desist finally from undertaking excavations,

Guided by the previous decisions adopted by the General Conference since its fourteenth session (14 C/Resolution 11, 15 C/Resolution 9.12 and 9.14, 16 C/Resolution 8, 17 C/Resolution 10.1, 18 C/Resolution 3.427 and 19 C/Resolution 4.129),

1. *Warmly thanks* the Director-General for his efforts with a view to the implementation of resolution 4.129 adopted by the General Conference at its nineteenth session;
2. *Reaffirms* the aforementioned resolutions adopted by the General Conference of Unesco concerning Jerusalem, particularly 18 C/Resolution 3.427, and insists that they be put into effect;
3. *Condemns* the Israeli occupying authorities for having infringed the resolutions adopted by the United Nations and by Unesco, and for having continued from the beginning of the occupation until the present, to change and Judaize the historic and cultural configuration of Jerusalem;
4. *Issues an urgent and firm appeal* to Israel to desist forthwith and finally from continuing the excavations unlawfully undertaken and from taking steps which are altering the character and status of the City of Jerusalem;
5. *Requests* the Director-General to report to the Executive Board at its 107th session on the implementation of this resolution.



UN GENERAL ASSEMBLY RESOLUTION 33/113 ON THE REPORT OF THE SPECIAL COMMITTEE ON PALESTINE (UNSCOP), 18 DECEMBER 1978 [EXCERPTS]

B

The General Assembly,

Recalling its resolutions 32/5 of 28 October 1977,

Expressing grave anxiety and concern over the present serious situation in the occupied Arab territories as a recontinued Israeli occupation and the measures and actions taken by the Government of Israel, as the occupying Power, and designed to change the legal status, geographical nature and demographic composition of those territories,

Considering that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 17/ is applicable to all the Arab territories occupied since 5 June 1967,

1. *Determines* that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitutes a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East;
2. *Strongly deplores* the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories;
3. *Calls upon* Israel to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian persons in Time of War of 12 August 1949;

4. *Calls once more upon* the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem;
5. *Urges* all States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to respect and to exert all efforts in order to ensure respect for and compliance with its provisions in all the Arab territories occupied by Israel since 1967, including Jerusalem.

C

The General Assembly, [...]

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its thoroughness and impartiality; [...]
4. *Deplores* the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilians in Time of War and other applicable international instruments, and condemns in particular those violations which that Convention designates as "grave breaches" thereof;
5. *Condemns* the following Israeli policies and practices:
 - (a) Annexation of parts of the occupied territories;
 - (b) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands and transfer of an alien population thereto;
 - (c) Evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and denial of their right to return;
 - (d) Confiscation and expropriation of private and public Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;
 - (e) Destruction and demolition of houses;
 - (f) Mass arrests, administrative detention and ill-treatment of the Arab population;
 - (g) Ill-treatment and torture of persons under detention;
 - (h) Pillaging of archaeological and cultural property;
 - (i) Interference with religious freedom and practices as well as family rights and customs;
 - (j) Illegal exploitation of the natural wealth, resources and population of the occupied territories;
6. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions.



UN SECURITY COUNCIL RESOLUTION 452 ON SETTLEMENTS, 29 JULY 1979 [EXCERPTS]

The Security Council,

[...]

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, [...]

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.

[Adopted with one abstention: USA]



**UNESCO GENERAL CONFERENCE, RESOLUTION 21 C/4/14 (1980) ADOPTED
AT ITS 21ST SESSION, 1 JANUARY 1980**

[Resolution concerning the preservation of cultural property in Jerusalem]

The General Conference,

Recalling the Constitution and the objectives of Unesco relating to the protection and preservation of the world heritage of monuments of historical and scientific value,

Considering the exceptional importance of the cultural property in the City of Jerusalem, not only to the countries directly concerned but to all humanity, on account of its unique cultural, historical and religious value,

Recalling United Nations General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967, calling on Israel to rescind the measures it has taken to change the status of the City of Jerusalem and to refrain from any similar act in the future,

Recalling the resolutions and decisions adopted by the General Conference and the Executive Board of Unesco, in particular 18 C/Resolution 3.427, 19 C/Resolution 4.129 and 20 C/Resolution 4/7.6/13,

Taking into consideration Security Council resolution 478 dated 20 August 1980,

Considering that the adoption by Israel of the 'basic law' modifying the character and status of the Holy City of Jerusalem is yet another of the many obstructions placed by Israel in the way of Unesco's continuing efforts to protect the common heritage of mankind,

1. *Reaffirms* all the resolutions and decisions adopted by the General Conference and the Executive Board concerning the City of Jerusalem;
2. *Vigorously condemns* Israel for its continuing refusal to carry out those resolutions and decisions;
3. *Endorses* Security Council resolution 478, dated 20 August 1980, by which the Council:
 - '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;
 - 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;
 - 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...';
4. *Invites* Member States to withhold all recognition of the modifications made by Israel to the character and status of Jerusalem and to abstain from any act that might imply any recognition whatsoever of those modifications;
5. *Invites* the Executive Board to review developments in the situation regarding Jerusalem and to take any measures that it might consider appropriate, in conformity with the prerogatives conferred upon it by the Constitution;
6. *Invites* the Director-General to keep a constant watch on the execution of the resolutions and decisions of the General Conference and Executive Board concerning Jerusalem;
7. *Recommends that* the World Heritage Committee speed up the procedure for including the City of Jerusalem on the 'World Heritage List' and that it consider its inclusion on the 'List of World Heritage in Danger';
8. *Thanks* the Director-General for his efforts to secure implementation of Unesco's resolutions on the question of Jerusalem;
9. *Requests* the Director-General to inform the Executive Board, at its 113th session, of developments in this matter;
10. *Decides* to include this item on the agenda of its twenty-second session.



UN SECURITY COUNCIL RESOLUTION 465, 1 MARCH 1980

[Resolution concerning the application of the Fourth Geneva Convention and the prohibition to establish settlements in the territories, including Jerusalem]

The Security Council,

Taking note of the reports of the Commission of the Security Council established under resolution 446 (197) 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 letter 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,

Deploring 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 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 1967,

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 deplotes* 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 deplotes* 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.

[Adopted unanimously at the 2203rd meeting.]



**LETTER FROM THE CHAIRMAN OF THE COMMITTEE ON THE EXERCISE OF THE
INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE ADDRESSED TO THE PRESIDENT
OF THE UN SECURITY COUNCIL, 12 MARCH 1980**

[Letter on the US position with regard to SC resolution 456 and on other issues with regard to Jerusalem]

The Committee on the Exercise of the Inalienable Rights of the Palestinian People has authorized me, in my capacity as Chairman of the Committee, to convey to you its deep concern at the possible implications of the statement made by the President of the United States of America regarding Security Council resolution 465 (1980). The Committee has no intention of questioning the right of any government to formulate its foreign policy, but there is one particular sentence in that statement to which the Committee wishes to draw the atten-

tion of the Security Council, since it touches on a very important aspect of the Committee's mandate. The sentence in question reads as follows:

"As to Jerusalem, we strongly believe that Jerusalem should be undivided, with free access to the holy places for all faiths, and that its status should be determined in the negotiations for a comprehensive peace settlement."

The Committee is concerned at the fact that this formulation can be interpreted as supporting Israel's insistence that the City of Jerusalem is indivisible as long as it remains under Israeli domination. The Committee believes that this proposition is in direct contradiction with resolution 242 (1967) which emphasizes the inadmissibility of the acquisition of territories by war and calls for the withdrawal of Israeli armed forces from territories occupied in the June 1967 conflict. The Committee sincerely hopes that the American statement is in no way designed to support the Israeli position.

The Committee is equally concerned at the reference made in that statement to the status of Jerusalem as a matter for negotiation. In the Committee's view, the Holy City of Jerusalem already has a very special and unique status as a holy city for the three monotheistic religions. The only international definition of the status of Jerusalem is to be found in General Assembly resolution 181 (II), which specifies that the City of Jerusalem shall be established as a *corpus separatum* under a special international régime administered by the United Nations. This definition was implicitly upheld by subsequent resolutions of the Council. Resolution 252 (1968) determines that measures taken by Israel which tend to change the legal status of Jerusalem are invalid and cannot change that status. Resolution 267 (1969), which was adopted unanimously, confirmed that such measures are invalid and cannot change the status of Jerusalem. Resolution 298 (1971) again confirmed that such measures are totally invalid and cannot change the status of the City. Resolution 465 (1980) itself, which the Council has just adopted unanimously, determines that all measures taken by Israel to change the status of the Palestinian and other occupied Arab territories, including Jerusalem, have no legal validity. As a result, the Committee believes that it is only by means of an internationalized status of *corpus separatum* that free access to the Holy Places can be guaranteed to the followers of all religions. The Committee hopes that the above-mentioned American statement is not intended to prejudge this delicate issue.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Falilou KANE
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People



**UN GENERAL ASSEMBLY RESOLUTION ES-7/2 ON THE QUESTION OF PALESTINE,
29 JULY 1980**

[Resolution on the question of Palestine with reference to Jerusalem]

The General Assembly,

Having considered the question of Palestine at an emergency special session,

Convinced that the failure to solve this question poses a grave threat to international peace and security,

Noting with regret and concern that the Security Council, at its 2220th meeting on 30 April 1980, failed to take a decision, as a result of the negative vote of the United States of America, on the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People endorsed by the General Assembly in its resolutions 31/20 of 24 November 1976, 32/40 of 2 December 1977, 33/28 A of 7 December 1978 and 34/65 A of 29 November 1979,

Having considered the letter dated 1 July 1980 from the Permanent Representative of Senegal to the United Nations, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Having heard the statement by the Observer of the Palestine Liberation Organization, the representative of the Palestinian people,

1. *Recalls and reaffirms* its resolutions 3236 (XXIX) and 3237 (XXIX) of 22 November 1974 and all other relevant United Nations resolutions pertinent to the question of Palestine;
2. *Reaffirms*, in particular, that a comprehensive, just and lasting peace in the Middle East cannot be established, in accordance with the Charter of the United Nations and the relevant United Nations resolutions, without the withdrawal of Israel from all the occupied Palestinian and other Arab territories, in-

- cluding Jerusalem, and without the achievement of a just solution of the problems of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people in Palestine;
3. *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 return;
 4. *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;
 5. *Reaffirms* the right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing in all efforts, deliberations and conferences on the question of Palestine and the situation in the Middle East within the framework of the United Nations;
 6. *Reaffirms* the fundamental principle of the inadmissibility of the acquisition of territory by force;
 7. *Calls upon* Israel to withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact, and urges that such withdrawal from all the occupied territories should start before 15 November 1980;
 8. *Demands* that Israel should fully comply with provisions of resolution 465 (1980) adopted unanimously by the Security Council on 1 March 1980;
 9. *Further demands* that Israel should fully comply with all United Nations resolutions relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolution 476 (1980) of 30 June 1980;
 10. *Expresses its opposition* to all policies and plans aimed at the resettlement of the Palestinians outside their homeland;
 11. *Requests and authorizes* the Secretary-General, in consultation, as appropriate, with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to take the necessary measures towards the implementation of the recommendations contained in paragraphs 59 to 72 of the report of the Committee to the General Assembly at its thirty-first session as a basis for the solution of the question of Palestine;
 12. *Requests* the Secretary-General to report to the General Assembly at its thirty-fifth session on the implementation of the present resolution;
 13. *Requests* the Security Council, in the event of non-compliance by Israel with the present resolution, to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter;
 14. *Decides* to adjourn the seventh emergency special session temporarily and to authorize the President of the latest regular session of the General Assembly to resume its meetings upon request from member States.



**UN SECURITY COUNCIL RESOLUTION 476 CONCERNING MEASURES
TAKEN BY ISRAEL IN JERUSALEM, 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, contained in document S/13966,

Reaffirming that the acquisition of territory by force is inadmissible,

Bearing in mind the specific status of Jerusalem and, in particular, the need to protect and preserve 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), 267 (1969), 271 (1969), 298 (1971) and 465 (1980),

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Deploring the persistence of Israel in changing the physical character, demographic composition, institutional structure and the status of the Holy City of Jerusalem,

Gravely concerned about 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 for ending 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 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 the present 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 the present 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 the present resolution.

[Adopted at the 2242nd meeting by 14 votes to none, with one abstention (USA).]



**LETTER FROM THE CHAIRMAN OF THE COMMITTEE ON THE EXERCISE
OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE TO THE
UN SECRETARY-GENERAL, 4 AUGUST 1980**

[Letter in response to the Israeli 'Basic Law on Jerusalem']

The Committee on the Exercise of the Inalienable Rights of the Palestinian People has authorized me, in my capacity as Chairman of the Committee, to convey to you its grave concern at the latest action taken by the Government of Israel in finalizing its plans to make Jerusalem the capital of Israel.

This action by Israel not only demonstrates its contempt for international law but is a deliberate violation of Security Council resolution 476 (1980), adopted as recently as 30 June 1980, which, *inter alia*, urgently called upon Israel to abide by 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.

It is also in violation of paragraph 9 of resolution ES-7/2 adopted by the General Assembly on 29 July 1980 at its seventh emergency special session, in which the Assembly:

"Further demands that Israel should fully comply with all United Nations resolutions relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolution 476 (1980) of 30 June 1980."

Such actions prove that Israel, in spite of its protestations, has little intention of helping progress towards a peaceful settlement of the Middle East problems. By its violations of international law, and by its defiance of United Nations resolutions, Israel is posing an increasing threat to international peace and security.

The Committee is strongly convinced that the Security Council should now examine practical ways and means in accordance with the relevant provisions of the Charter of the United Nations, to secure full implementation of Council resolution 476 (1980).

I should be grateful if you would have this letter circulated as a document of the General Assembly, under item 24 of the provisional agenda, and of the Security Council.

(Signed) Falilou KANE
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People



UN SECURITY COUNCIL RESOLUTION 478, 20 AUGUST 1980

[Resolution adopted following the enactment of the Basic Law on Jerusalem, calling upon member states to withdraw their diplomatic missions from the city]

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 mission 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 2254th meeting by 14 votes with 1 abstention (USA).]



**UNESCO GENERAL CONFERENCE, JERUSALEM AND THE IMPLEMENTATION
OF 20 C/RESOLUTION 4/7.6/13, 21ST SESSION, BELGRADE, 30 SEPTEMBER 1980**

[Report by the UNESCO Director General of his mission in Jerusalem]

The Director-General submits to the General Conference a report on the application of resolution 4/7.6/13 adopted by the General Conference at its twentieth session, on communications he has received concerning Jerusalem and on the action taken as a result of those communications and of decisions 4.5.7 and 5.5.1 adopted by the Executive Board at its 107th session (May 1979) and at its 109th session (April-June 1980), respectively. [...]

III. MISSIONS TO JERUSALEM BY THE DIRECTOR-GENERAL'S PERSONAL REPRESENTATIVE

The Director-General, in order to fulfil his role in carrying out the wishes expressed by the General Conference, instructed Professor Raymond Lemaire, resident of ICOMOS and professor at the University of Louvain, to visit Jerusalem. Professor Lemaire did so on two occasions from 1 to 4 April 1979 and from 5 to 11 March 1980. These missions were carried out with the agreement of the Government of Israel in pursuance of 20 C/Resolution 4/7.6/13.

The Director-General put before the Executive Board the following report by Professor Lemaire on the mission he had carried out from 1 to 4 April 1979:

"The mission to Jerusalem was preceded by two journeys to Paris for the purpose of meeting the Director-General and various senior officials of Unesco concerned by the question.

Persons met

On the Israeli side:

Mr. Eytan Ron, Director-General of the Ministry of Foreign Affairs
Mr. Sopher, Director of the Division of International Organizations, Ministry of Foreign Affairs
Mr. Guiladi, Deputy Director of the same Division
Mrs. Yael Vered, Director of the Division of the Middle East and the Eastern Mediterranean, Ministry of Foreign Affairs
Professor Mazar
Professor Avigad
Mr. A. Byran, former Director-General of Antiquities
Mr. A. Extan, Director of Antiquities
Mr. X. Mintzker, Architect in the Department of Antiquities

On the Arab side:

Mr. Tahbboub, Director-General of Wakf in Sharif
Mr. Marwan Abou Chalaf, Director of the Al-Aqsa Museum

Purpose of the mission: to examine the excavation sites and the state of general conservation of the site and city of Jerusalem; to obtain information concerning certain operations at the Moors' Gate of the Haram-El-Sharif; and to examine the state of conservation of the Abou Medienne *zawiya*.

(i) The excavations

All work has stopped on the excavation sites, both in the city and on the Hill of Ophel (City of David). No further alterations seem to have been made there since my last visit in September 1978. According to information obtained from Mr. Extan, Director of Antiquities, who is responsible for considering applications for the starting of new excavations, no further applications have been made to date, and no notice has been given of any. It is clear, however, that if an application were made in due form, affording the requisite scientific guarantees, it would not be turned down, in conformity with the policy adopted by the government in this matter.

(ii) The state of general conservation of the site and City of Jerusalem

There is nothing important to report. So far as the site is concerned, the high-rise blocks already being built at the time of my previous visits in 1977 and 1978 are now being completed. There are no signs of any work having begun on any further high rise building. It will be remembered that those already mentioned are all located in the Israeli sector, that is to say, within the 1967 frontiers.

The improvements to the zone surrounding the south and west ramparts are virtually complete. The debris has been cleared and archaeological remains have been uncovered. A considerable number of olive and palm trees have been planted. The improvements to the zone in front of the Damascus Gate, begun a few weeks ago, look as if they will form the final stage in the operation.

Within the city, the drains and water-pipes are slowly continuing to be modernized in the Arab Quarter.

(iii) The operations at the Moors' Gate of the Haram-El-Sharif

These operations are the subject of a complaint dated 10 January 1979 addressed to the Secretary-General of the United Nations by the Moroccan Government. The complaint relates to the I examined the site, with which I have been very familiar for close on nine years, passing by there on each of my visits. I saw no signs of any new demolition either at the Gate or in its vicinity. I also questioned in this connection Mr. Tahbboub, Director-General of the Wakf, and the architect Issam Awwad, architect of the same organization. They told me that they knew nothing of any new demolition work in the area.

Some confusion may have arisen from certain work undertaken by the Israelis at that Gate, which is the only one of the Haram to which they hold the key and over which they keep a watch. The panels of the Gate have in fact been repainted in their original green colour and the threshold, which had become smooth and slippery from the tens of thousands of feet that have trodden over it, has been roughened.

In addition, the directors of the Al-Aqsa Museum and the Israeli authorities are in disagreement concerning the wall on the southern side of the Gate in question. The Israelis are refusing permission for this wall to be made higher so that a patio can be laid out as a place to exhibit carved stonework from the Haram. The refusal is based on security considerations since the adjacent terrace constitutes an observation post forming part of the security system set up around the Wailing Wall.

(iv) The Abou Mediienne Zawiya

This Zawiya is the property of the Moroccan Wakf. Previous complaints referred to the dangers of expropriation and demolition. The Mayor of Jerusalem had denied any such dangers. I re-examined all the buildings and found nothing changed. I had the impression during my conversations with Israeli officials that strong pressure might be brought to bear on the Wakf authorities for them to sell the property to the city, which would like to make a public stairway into one of the courtyards to provide a new link between the piazza, which has been laid out in front of the Wailing Wall, and the Jewish Quarter of the old city, restoration of which is nearing completion. This stairway would be built without affecting the historic buildings of the *zawiya*.

Questioned on this matter, Mr. Tahbboub told me that the Wakf would never give up the property in question, as it had neither the duty nor the right to do so, the foundation having been created for religious purposes. A serious conflict could therefore arise in this connection in the near future. I drew the attention of the Israeli authorities to the possible consequences of the expropriation of this property, one of the last that the Maghreb Wakf, which has been the principal victim of the expropriations in the sector affected by Professor Mazar's excavations, possesses in Jerusalem".

Professor Lemaire met the following officials: Professor Z. Werblowski, Chairman of the Israeli National Commission for Unesco, Mr. Elizur, Deputy Director-General of the Israeli Ministry of Foreign Affairs, Mrs. R. Raeli, Assistant Director of the department of International Organizations in the same Ministry, Mr. Eitan, Director of Antiquities of Israel, Professor Mazar, Avigan, Biran and Shilo of the Hebrew University, Mr. P. Bugod, architect in charge of a number of projects in Jerusalem, Mr. T. Kollek, Mayor of Jerusalem, and several members of his staff, including Mr. Y. Yaacovy, Director-General of East Jerusalem Development Ltd. In the absence of Mr. Tahbboub, Director of Wakf, Professor Lemaire held discussions with Mr. Hussein, the architect of the Wakf, and Mr. I. Awwad, engineer of the Al Aqsa Restoration Committee. Professor Lemaire was unable to meet the Director of the Al Aqsa Museum, who was absent.

20. The points noted and the opinions reached by Professor Lemaire as a result of this mission are as follows:

"A. THE ARCHAEOLOGICAL EXCAVATIONS IN THE VARIOUS SECTORS(a) The excavations near the Haram-al-Sharif

- (i) The excavations near the Haram-al-Sharif have been at a complete standstill for more than three years. I saw no particular activity there, nor any traces of recent digging. There have been isolated instances of consolidation and maintenance work with a view to safeguarding fragile features. However, some conservation and consolidation will be necessary in the walls, mosaics and other remains which have been uncovered and are to be definitely protected. This is particularly so in view of the fact that the recent winter was especially harsh.
- (ii) The restoration work commenced four years ago, particularly on the steps of the Double Gate, has not been completed. The columns which were mistakenly set up in the vicinity, in a 'fanciful' conception of how the site should look, are still in place.

(b) Excavations in the 'Jewish Quarter'

- (iii) There are no excavations in progress and, according to Professor Avigan, the archaeologist responsible for the sector, none are planned. Consolidation work is under way in order to safeguard the remains of the 'Nea' and of the neighbouring Byzantine and medieval ruins discovered five years ago. At a number of points, important archaeological remains discovered during earlier excavations have been preserved under new buildings. It is intended to prepare and to open them for display.

(c) Excavations in the 'city of David'

- (iv) Excavations have been carried out at this site, which contains the oldest traces of the city, for the past two years. They are being undertaken in conjunction with the removal of the unstable soil covering the eastern slope of the promontory. The city authorities give two reasons to justify the extreme urgency of the work in progress: first, the instability of the soil, which, in recent years, has caused the collapse of a number of houses and the deaths of several children; secondly, the digging of a trench for the new sewer running from the Old City.
- (v) The instability of the ground is largely due to the fact that the archaeologists who succeeded one another on the site (R. Weill (1913-1914), MacCalister (1922-1923) and Kathleen Kenyon (1961-1967) threw up steep heaps of spoil from the Herodian and Byzantine periods. The soil is genuinely unstable. I was able to observe, in this late winter period and after heavy rain, that there were long fissures parallel to the slope in areas at the top of the hill that have not been affected by any recent excavations; this shows that large-scale slippage is in progress. The central area of the promontory is traversed by a small valley several metres deep created by the outlet of the Ottoman sewer of the historic city. This valley is bordered by almost ver-

tical cliffs which intersect the old glacis, exposing layers of pottery fragments and other historical material. It is in these layers and in the piles of earth which the archaeologists built up on the hill that children seek, particularly following the rain storms which lay them bare, the pottery and coins which they sell to tourists. Their lives are endangered by the sudden earthfalls, which are sometimes caused by their own scabbling.

- (vi) Two years ago, the municipal authorities decided that, in order to prevent the recurrence of accidents of this sort, they would remove the unstable soil. In view of the wealth of archaeological remains contained in the subsoil, which include the vestiges of successive fortifications dating back as far as the Iron Age, this operation cannot be undertaken without archaeological supervision or, at least in certain sectors, without digging. As this work progresses, the remains uncovered in the previously excavated sites - particularly the sites worked by K. Kenyon, which are of uncertain stability and in a deplorable condition - are being consolidated and cleaned. The local inhabitants use the side of the hill as a rubbish dump, and a number of archaeological sites are not disappearing under mounds of waste.
- (vii) Archaeological investigation of the zone affected by the new sewer was completed in 1979. Cleaning of the archaeological sites opened up by Weill, MacCallister and Kenyon is almost finished. The removal of soil has begun, but the major Professor Y. Shilo of the Hebrew University.

(d) Dig envisaged for 1980

- (viii) According to Mr. A. Eyten, Director of Antiquities, his office, which is responsible for issuing the mandatory permits, has not so far received any request for permission to undertake excavations in Jerusalem. There is, however, one dig which may be considered probable for 1980, namely the continuation of the work in the 'City of David' which has been mentioned above.

B. OPERATIONS IN THE OLD CITY

(a) The restoration of the 'Jewish quarter'

- (ix) This work is nearing completion. Most of the houses have been rebuilt or restored. Paving of the streets and the layout of squares is in progress. 'Archaeological parks' have been created in order to show off the historical remains, which include those of Crusader churches discovered during the restoration work and synagogues destroyed during the 1947-1948 war. The fabric of the new souk above the Cardo of Aelia Capitolina, in which Roman and Byzantine remains are displayed, is virtually complete.
- (x) This quarter of the city, which had been occupied for centuries by a mixed but mainly Jewish population, was largely destroyed during the 1947-1948 war. It is now occupied exclusively by religious organizations and individual Jews. The last Arab inhabitant left the district a short while ago, under pressure from the Israeli authorities.

(b) The renovation of the sewers and the water, electricity, telephone and television-signal distribution systems in the Old City

- (xi) This work continues. According to Mr. T. Kollek, the Mayor of the city, several million dollars are spent on it each year. The main sewer and numerous connections in the vicinity of the street which crosses the city from the Damascus Gate to the Dun Gate have been completed. All the new pipes and cables run in the same trench. The urgency and necessity of this work are indisputable. In a trench that was open during my mission, I was able to see yet again the very poor state of the old sewers, which form part of a system that was built up over the centuries in bits and pieces and is largely blocked. The city engineers say that the impossibility of maintaining these old drains leads to blockages which in turn cause the pipes to burst under the pressure of the water and are the source of frequent accidents, such as the collapse of neighbouring houses. There is no doubt whatever that the creation of the new network is bringing about a television aerials is improving its visual aspect.
- (xii) Unfortunately, the work - of which the difficulty in the narrow and winding streets of an ancient city should not be underestimated - has affected the stability of a number of buildings at the base of which a trench sometimes several metres deep has been dug. The study of the working plans and a site visit with the supervising engineers enabled me to see that the preparatory work has been undertaken in accordance with professional standards and with allowance for the uncertain stability of numerous buildings. With regard to the latter, foundations have been strengthened, buttresses have been built, and facades have been shored up.
- (xiii) Despite these precautions, two buildings have collapsed. Both were in the vernacular style of Jerusalem: walls of small squared stones, and two storeys, both vaulted. The reasons advanced for the collapse differ according to whether the source of the information is Arab or Israeli.
- (xiv) The first of the buildings in question was a house situated near the Bab El-Hadid which belonged to the Wakf and was inhabited by the Al-Muakkat family. It collapsed on 8 December 1979.

- (xv) The architect of the Wakf, Mr. Husseini, warned the municipal authorities about the dangerous state of the building on several occasions, claiming that it was due to the digging of a trench along the front wall for the installation of the new sewer. According to him, no effort was made at consolidation.
- (xvi) The Director-General of East Jerusalem Development Ltd., Mr. Yaacovy, who is an engineer, claims that at the point in question, the new sewer was not laid in a trench dug in fresh ground, but in the channel made for the pre-existing sewer. The plans I was shown indicate the presence of this channel. According to Mr. Yaacovy, the collapse of the house was due to the presence of two old water tanks which had been leaking for a long time, with the result that the water had undermined the foundations. Consolidation of the house was said to have been considered, but had been found to be impossible without incurring enormous expense, for it would have been necessary to underpin the whole of the foundations. In addition, the state of the walls and of the vaulting made the value of such work uncertain.
- (xvii) As things stand, it is impossible to determine which of these versions is correct. There are, however, three points which may be made:
- First:* Cracks, most of which were not very large, appeared in several houses close to the street after the sewer was laid. There can be no question that they were caused by slight movement characteristics of the soil following the laying of the sewer, or a combination of these two things.
- Second:* With regard to the house itself, the masonry which still survives shows that the mortar used in construction is of very poor quality and crumbles between one's fingers.
- Third:* It is many months since the sewer was laid, but the street has still not been repaved (this is true of most of the streets in the lower city that have been affected by the installation of the sewer network), and a good deal of the rain, which has been heavy this winter and which runs off with difficulty, penetrates into the ground. It is possible that this phenomenon has helped to alter the mechanical properties of the subsoil and that it is, therefore, not unconnected with the modification of the stability of the houses, many of which have shallow foundations.
- (xviii) The Wakf has instituted proceedings against the city before the Israeli High Court. The collapse of the house has also been the subject of a complaint by Jordan to the Security Council. The representative of the Israeli Ministry for Foreign Affairs has expressed his government's point of view on the matter in a Note dated 28 January 1980 (A/35/77-S/13766).
- (xix) The second building to have been destroyed was the house of the Shehabi family, which belonged to the Wakf and was situated at No. 53 Aqabat-el-Saraya. It was demolished several months ago because it was threatening to collapse. However, there had previously been a solid system of buttresses made of metal girders, similar to those which the municipal authorities had installed in other parts of the city. These girders are still to be seen lying on the ruins of the house.
- (xx) Once again, the accounts of what happened differ:

In the eyes of some, the municipal authorities ordered the house to be demolished without any valid reason. In the opinion of others, the house, which had allegedly been damaged by an explosion during a terrorist attack, could not have been saved without enormous expense. They allege that the original intention had been to conserve the house and that it had been buttressed for that purpose, but that a closer examination had led to a decision not to proceed with the work.

C. THE HISTORIC SITE OF JERUSALEM

- (xxi) With regard to significant changes in the historic site of Jerusalem, I noted the construction in the Israeli zone of the city of two new towers of medium height (some 15 storeys); the first is the Hotel Commodore building, while the second is to be enlarged, and there is an extensive building site west of the existing premises.
- (xxiii) Finally, it is said that the project for a Hyatt Hotel on the slopes of Mount Scopus, between the Hebrew University and the French Hill district, which was first announced some years ago, is to be revived. The scheme was said to have been abandoned, but it has cropped up again in respect of the same site but with new plans. Apparently, the intention is now to put up not a tower but buildings which would follow the slope of the hill, accentuating it in order to cut off the view from the Old City of the French Hill housing complex, which has been much criticized. I have not seen the project. The plans for it have been drawn up by a world-renowned British architect."

IV. DEVELOPMENTS SINCE 1967 WITH REGARD TO THE SAFEGUARDING OF MONUMENTS IN JERUSALEM

21. In pursuance of decision 4.5.7 adopted by the Executive Board at its 107th session, the Director-General instructed Professor Lemaire to prepare a report on the safeguarding of the cultural heritage in Jerusalem since 1967. That report, covering developments in the situation from 1967 to the time of the mission carried out by Professor Lemaire from 5 to 10 March 1980, is reproduced below:

"A. EXCAVATIONS

- (i) On the initiative of the Hebrew University and the Antiquities Department of Israel, an extensive programme of exploration in the subsoil of the newly occupied parts of Jerusalem was begun in 1968. Since the nature and scale of these excavations varies, it is wise to divide them into two categories.

(a) Excavations that have been systematically and scientifically planned

- (ii) This part covers digs the planning of which holds no risk of destruction of historical remains as a result of development, construction or other work.
- (iii) These are chiefly the *digs undertaken under the direction of Professor B. Mazar to the south and south-east of the Haram-al-Sharif precinct*. By dint of systematic exploration of an area covering more than two hectares, Professor Mazar succeeded in unearthing a collection of highly important remains dating from the time of the Kings to that of the Omayyids. The greater part of these excavations were carried out in open ground, but extending them entailed the demolition - over an area of a little more than one hectare - of a part of the Maghreb Quarter, comprising houses of Sa'ud near the gate leading from that quarter to the Haram-al-Sharif esplanade. These excavations were carried out on Arab owned land, without the owners' prior approval, or on land expropriated for the purpose.
- (iv) The outcry provoked by this destruction, the complaints made on the subject by the Jordanian Government and the various decisions of the Executive Board and resolutions of the General Conference of Unesco led the Director-General to send to the scene Professor de Angelis d'Ossat in 1969 and Professor R.M. Lemaire from 1971 onwards. The successive resolutions adopted by the General Conference and the decisions taken by the Executive Board since 1969 are concerned chiefly with these excavations, which were discontinued at the beginning of 1977.
- (v) In addition a systematic excavation of the *interior of the citadel* was carried out under the direction of R. Amiran and A. Eitan in 1968-1969, and in 1971-1972, by agreement with the Armenian religious authorities who owned the land, digs were carried out under the responsibility of B. Bahat and Mr. M. Broshi in the gardens of the Armenian Quarter and in those of the Convent of the Saviour, which stands on the site opposite the house of Caiaphas.
- (vi) Neither the digs carried out in the citadel nor those made in the Armenian Quarter gave rise to any protest. Since the sites were enclosed and private, the existence of the digs was revealed only through the publication of a general report on archaeological research in Jerusalem which appeared in 1975. The Director-General's representative in Jerusalem was not notified of their existence except in the case of the citadel dig, which had been completed more than two years before he was appointed.

(b) Excavation of sites threatened by development or construction work

- (vii) Excavations have been carried out in Jerusalem in connection with major development and construction schemes.
- (viii) The biggest of these excavations are those carried out in the Jewish Quarter and directed by Professor N. Avigad. Since the Middle Ages, the city enclosed within the ramparts has been divided into four traditional quarters: Christian, Muslim, Armenian and Jewish. The Jewish Quarter is situated in the south-west of the city and suffered severe war damage in 1947-1948. In 1967 the Israeli Government decided to restore it and to rebuild the houses synagogues and schools there for the benefit of exclusively Jewish institutions and inhabitants. At the same time the quarter was equipped with new infrastructures.
- (ix) All large-scale projects which entailed the renewal of foundations or earthworks were preceded by detailed excavations. seventh century B.C. and remains of some large Herodian houses burnt down by Titus in 70 A.D.; of the 'Cardo' of Aelia Capitolina, the city rebuilt by Hadrian in the second century; of the 'Nea', the famous basilica erected by the Emperor Justinian in the sixth century; of an Omayyid palace; of a Crusader convent; etc.
- (x) No significant destruction, except of the crumbling ruins of war-damaged vernacular dwellings, has been reported in connection with these excavations in the Jewish Quarter, which were discontinued at the end of 1977.
- (xi) In addition, archaeological sample surveys made in conjunction with the renewal of the sewers and water mains in several streets of the Christian and Muslim Quarters produced some isolated finds.
- (xii) In 1968, on the initiative of the Jewish mayor of Jerusalem, the Israeli Government decided to develop the *external periphery of the ramparts* erected by Sultan Suleiman the Magnificent between 1538 and 1540. It was decided to create a national park comprising the valleys of Kidron, the slopes of the Mount of Olives and the Valley of Gehenna, and over 200 hectares were purchased or expropriated for that purpose, giving rise to several complaints to the United Nations and Unesco by the Jordanian Government. Almost all the land adjoining the rampart to the south, west and north has been devel-

oped. The rubble and debris that had accumulated at the foot of the walls over the centuries have been cleared. The excavations have uncovered the remains of earlier walls and, to the south, of Byzantine and earlier residential quarters. Vegetation has been planted and footpaths laid out. The excavations were directed by D. Bahat and M. Broshi.

- (xiii) The work was completed in 1978 except at the Damascus Gate, where the site is being worked on in order to reveal the remains of the Herodian Gate and the stonework built over it in the sixteenth century.

(c) Excavations on the Ophel

- (xiv) Samples have been taken in this sector south of the ramparts, where the first city of Jerusalem was situated. The spoil taken from the excavations and piled up on the hillside had become unstable and caused fatal accidents in 1976, so the municipality decided to have it removed. At the same time it was decided to clean up and strengthen the walls revealed by the earlier excavations. The land in question belongs to the Jewish municipality of Jerusalem, having been donated to it by the Rothschild family, which had purchased it before 1914, in order to facilitate digging operations. Larger scale as having been drawn up on that occasion. However, only earth-clearing work and limited sample digs have been carried out, and these ceased in October 1979.

(d) The 'tunnel'

- (xvi) Since 1967 vaulted underground chambers of Herodian, Byzantine, Omayyid and Crusade origin, which had largely been filled in over the centuries or converted into cisterns or even septic tanks, have been cleared, and those alongside the Haram-al-Sharif wall, i.e. the precincts of the Temple built by Herod, have been fitted out for Jewish religious services as an extension of the esplanade which is used for religious purposes and which runs in front of the western wall known as the 'Wailing Wall'.
- (xvii) A new sewer has been installed to collect all the sewage formerly carried by a network which had taken shape over the centuries and which was a source of major sanitary problems. The clearing of these chambers, whose vaults have withstood for centuries the weight of the buildings erected above them, has not damaged the monuments - chiefly of the Mameluke era and vernacular houses built over the vaults.
- (xviii) It is a different matter with certain structures standing above a tunnel, nearly 200 metres long which was dug under the existing buildings all along the northernmost part of the wall for the purpose of clearing the base of the wall throughout its length. Although the tunnel is shored up, and although the shoring has been strengthened as a result of the visits paid by the Director-General's representative, there has been some subsidence, partly as a result of rainwater infiltration that has made the ground unstable.
- (xix) Certain buildings - more particularly Ribat Kurd, Madrassa Jawahriya and Sharabeh House - have suffered damage that has endangered their stability. This damage, which has since been roughly patched up or shored up, has given rise to several complaints to the Director-General by the Jordanian Government.
- (xx) There was no need to dig this tunnel and, moreover, it does not meet the scientific criteria for a properly planned archaeological excavation.

B. Changes in the city and site of Jerusalem

- (xxi) The only major demolition in the Old City is that of the Maghreb Quarter situated to the west of Haram-al-Sharif, which began immediately after the capture of the Old City by the Israeli forces in June 1967. The aim at that time was to clear the western wall of Haram-al-Sharif, which is also called the 'Wailing Wall' and which constitutes the most precious relic of cramped courtyard. The Israeli Government wished to feature it more prominently and give it a setting in keeping with the veneration in which it is held by Jewish believers. Old photographs show that the demolished quarter was less densely built up than the neighbouring quarters. It was made up of a fabric of vernacular architecture similar to that of the adjacent streets which still exist. Its main thoroughfare gave access to the Moors' Gate of the Haram-al-Sharif and beside that thoroughfare rose the two Mameluke buildings which are mentioned in subparagraph (iii), and which were destroyed in 1969 when demolition was in progress in the quarter to clear the ground for digging. The total area of the quarter demolished was approximately 11,500 square metres.
- (xxii) Between 1971 and 1978 a few houses bordering the esplanade that runs in front of the western wall of the Haram-al-Sharif were knocked down, either to improve access to the wall or to make way for a new main sewer.
- (xxiii) The most difficult problem of development in the Old City concerns the esplanade in front of the western wall of the Haram-al-Sharif. The demolition of the houses there has left an unduly big gap, and several projects have been drawn up to reduce it to a more suitable scale and to give it a less chaotic appearance and an atmosphere that will enhance the great Jewish significance of the site. None of these projects has been started, but they explain the municipality's policy of acquiring, through purchase or expropriation, the Arab properties surrounding the esplanade, particularly in the narrow strip that sepa-

rates it from the Jewish Quarter. This policy has caused tension, as in the case of *the Abou Medienna Zawiya*, a Moroccan Wakf property that the City is trying to acquire. The pressure put upon the owners has given rise to complaints to the Director-General by the Jordanian and Moroccan Governments.

- (xxiv) The preservation of the traditional site of Jerusalem is one of the subjects of the concern expressed by the General Conference and the Executive Board of Unesco in recent years. It is true that the site has been considerably altered since 1967. Many buildings have been erected there to house, inter alia, government departments, tens of thousands of dwellings, hotels and factories. Although the vast majority of the new buildings are situated west of the line that separated the Arab and Jewish Sectors of the city in 1967, certain major developments such as the French Hill and Ramat Eshkol housing estates, Jerusalem International Airport and certain industrial zones built or developed since 1967 are in the occupied area.
- (xxv) The town-planning pressures imposed by population growth, a changing lifestyle and the development of tourist traffic have been intensified during the past 10 years, and the building of a series of tower blocks and high-density districts are spoiling the skyline and the proportions of the city scape. The majority of these structures, however, are situated west of the line separating the two sectors.
22. The Director-General wished to bring to the notice of the General Conference all the information available to him as at 8 July 1980. He is deeply aware of the outstanding importance of the cultural heritage of Jerusalem and will continue to do everything in his power to preserve this universal heritage, in particular by maintaining the presence of Unesco in Jerusalem.

Annex I - Resolution 21 C/4/14 (1980)

Annex II - Decision 4.5.7 adopted by the Executive Board at its 107th Session (May 1979)

Annex III - Decision 5.5.1 adopted by the Executive Board at its 109th Session (May 1980)



**INTERNATIONAL CIVIL AVIATION ORGANIZATION,
ASSEMBLY RESOLUTION A23-5 (THE AIRPORT OF JERUSALEM), 3 OCTOBER 1980**

[Resolution deploring Israel's use of the Jerusalem airport]

Whereas Israel passed a legislation altering the geographic, demographic, and historic character and status of Jerusalem;

Whereas Jerusalem airport is an integral part of Jerusalem which lies in the occupied Arab territories;

Whereas the Security Council of the United Nations, in its Resolution No. 478 of 20 August 1980, considered these Israeli measures null and void;

Whereas Article 5 of the Agreement concluded between the United Nations and ICAO, contained in Doc 7970, affirms the obligation of ICAO to work toward the realization of United Nations objectives;

Whereas the ICAO Assembly Resolution A21-7 of 1974 recognizes the Arab sovereignty over Jerusalem Airport;

Whereas the Council, in its 86th Session (December 1975), deeply deplored the Israeli disregard of the above-mentioned Assembly resolution;

Whereas the Israeli measures are contrary to the ICAO Assembly Resolution A21-7 of 1974, and the Council decision taken at its 86th Session on 17 December 1975;

Whereas Israel persists in challenging and defying ICAO resolutions;

The Assembly

1. *Reaffirms* its Resolution A21-7 (1974) and the Council decision taken at its 86th Session, on 17 December 1975.
2. *Considers* the alteration of geographic, demographic and historic character and status of Jerusalem null and void.
3. *Deeply deplores* the action of Israel in formally annexing Jerusalem including its airport.
4. *Urges* Israel to rescind such measures and abide by the ICAO Assembly resolutions.
5. *Directs* the Council to take the necessary measures to implement Assembly Resolution A21-7 and Council decision taken at its 86th Session on 17 December 1975.



**REPORT OF THE UN SECRETARY-GENERAL, UN GENERAL ASSEMBLY, 35TH SESSION,
AGENDA ITEM 26: THE SITUATION IN THE MIDDLE EAST, 24 OCTOBER 1980 [EXCERPTS]**

[Report on developments in the Middle East with reference to the question of Jerusalem]

INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolution 34/70 of 6 December 1979. In that resolution, which is summarized in paragraph 43 below, the General Assembly requested the Secretary-General to report to the Security Council periodically on the development of the situation in the Middle East and to submit to the General Assembly at its thirty-fifth session a report covering, in all their aspects, the developments in the Middle East.
2. It may be recalled that, on 24 October 1979, the Secretary-General submitted a report on the same subject to the General Assembly and the Security Council (A/34/584-S/13578), in pursuance of General Assembly resolution 33/29 of 7 December 1978. In that report, the Secretary-General gave an account of the efforts undertaken by the United Nations to deal with various aspects of the situation in the Middle East, namely, the status of the cease-fire, the situation in the occupied territories, the Palestine refugee problem, Palestinian rights and the search for a peaceful settlement. A similar pattern is followed in the present report.
3. The present report is based mainly on information available in United Nations documents. In order to avoid duplication, reference will be made to reports of the Secretary-General and other official United Nations documents concerning the Middle East, whenever appropriate. [...].

III. SITUATION IN THE OCCUPIED TERRITORIES

15. The action taken prior to October 1979 by the United Nations concerning the situation in the Arab territories occupied by Israel and the question of Jerusalem were outlined in the Secretary-General's report of 24 October 1979 (A/34/584-S/13578, paras. 20-30).
16. The General Assembly, at its thirty-fourth session, after considering the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/34/631), adopted three resolutions on 12 December 1979. By resolution 34/90 A, the Assembly condemned certain Israeli policies and practices in the occupied territories and demanded that Israel desist forthwith from those policies and practices. It renewed the mandate of the Special Committee, which is composed of Senegal, Sri Lanka and Yugoslavia, and requested it to report to the Secretary-General as soon as possible and whenever the need arose thereafter. By resolution 34/90 B, it reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁰ was applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem, and called again upon Israel to acknowledge and to comply with the provisions of that Convention. By resolution 34/90 C, the Assembly determined that all measures and actions taken by Israel designed to change the legal status, geographical nature and demographic composition of the occupied Arab territories had no legal validity and constituted a serious obstruction to efforts aimed at achieving a just and lasting peace in the Middle East. It called once more upon the Government of Israel to desist forthwith from taking such measures, in particular the establishment of settlements in the Palestinian and other Arab territories.

[...]

22. The Security Council held a number of meetings during the period under review to examine various matters relating to the situation in occupied territories and the question of Jerusalem. On 15 February 1980, the Permanent Representative of Jordan requested a meeting of the Security Council to consider Israeli actions in disregard of resolutions 446 (1979) and 452 (1979), by which the Security Council had called on Israel to cease the establishment of settlements in occupied territories (S/13801). On the same date, the Permanent Representative of Morocco, as Chairman of the Islamic Group, also requested an urgent meeting of the Security Council to consider the grave and disturbing situation created by the measures taken by Israel in the city of Al-Khalil (Hebron) on the West Bank (S/13802). The Security Council held five meetings between 22 February and 1 March 1980 (S/PV.2199-2203). On the latter date, it unanimously adopted resolution 465 (1980), in which the Council, after taking note of the reports of its Commission established under resolution 446 (1979) (S/13450 and Corr.1 and S/13679), determined 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, had no legal validity and that Israel's policies and practices of settling parts of its population and new immigrants in those territories constituted a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East; strongly deplored the continuation

¹⁰ 1/ United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

and persistence of Israel in pursuing those policies and practices and called 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 occupied territories, including Jerusalem. In the same resolution, the Security Council called upon all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories and requested the Commission to continue to examine the situation relating to settlements in the occupied territories and to report to the Security Council before 1 September 1980. At the request of the Commission, the date of submission of the report was subsequently extended until 25 November 1980 (S/14116).

[...]

26. The situation in the occupied territories, with specific reference to Jerusalem, was considered by the Security Council at eight meetings held between 24 and 30 June (S/PV.2233-2236, 2238, 2239, 2241, 2242), at the request of the Acting Permanent Representative of Pakistan (S/13966), the current Chairman of the Organization of the Islamic Conference, in pursuance of the decision taken by the Eleventh Islamic Conference of Foreign Ministers. On 30 June 1980, the Security Council adopted resolution 476 (1980), in which it reaffirmed the overriding necessity to end the prolonged occupation of the occupied Arab territories, including Jerusalem, and strongly deplored the continued refusal of Israel, the occupying Power, to comply with the relevant resolutions of the Security Council and the General Assembly. The Council reconfirmed that all legislative and administrative measures and actions taken by Israel which purported to alter the character and status of the Holy City of Jerusalem had no legal validity and constituted a flagrant violation of the Fourth Geneva Convention and a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East, and reiterated that all such measures which had altered the geographic, demographic and historical character and status of the Holy City of Jerusalem were null and void and must be rescinded in compliance with the relevant resolution of the Security Council. The Council urgently called on Israel to abide by this and previous Security Council resolutions and to desist forthwith from persisting in the policies and measures affecting the character and status of the Holy City of Jerusalem, and reaffirmed its determination, in the event of non-compliance of Israel with the 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 the resolution.
27. In a letter dated 1 August 1980 (S/14084), the Acting Permanent Representative of Pakistan and current Chairman of the Organization of the Islamic Conference said that Israel, in violation of the Security Council resolutions including 476 (1980), had persisted in its measures to alter the status of the Holy City of Jerusalem and enacted a law proclaiming it as the capital of Israel. Recalling that the Security Council, in resolution 476 (1980), had reaffirmed its determination, in the event of the non-compliance of Israel, to examine practical ways and means in accordance with relevant provisions of the Charter to secure its full implementation, he requested an immediate meeting of the Security Council. On 20 August 1980 the Security Council adopted (S/PV.2245) resolution 478 (1980), in which it 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; affirmed that the enactment of the "basic law" by Israel constituted a violation of international law and did not affect the continued application of the Fourth Geneva Convention in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem; determined that all legislative and administrative measures and actions taken by Israel which had altered or purported to alter the character and status of the Holy City of Jerusalem, and, in particular, the recent "basic law" on Jerusalem, were null and void and must be rescinded forthwith; and affirmed also that that action constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. The Security Council further decided not to recognize the "basic law" and such other actions by Israel that, as a result of that law, sought to alter the character and status of Jerusalem; called upon all Members of the United Nations to accept this decision and called upon those States that had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City; and requested the Secretary-General to report to it on the implementation of the resolution before 15 November 1980. Since the adoption of resolution 478 (1980), the 10 States which maintained a diplomatic mission in Jerusalem at the time have informed the Secretary-General that they had decided to withdraw their respective diplomatic missions from the Holy City (S/14124, S/14126, S/14127, S/14135, S/14137, S/14138, S/14144, S/14151, S/14163 and S/14168). The Secretary-General's report in pursuance of resolution 478 (1980) will be circulated shortly.
28. Since the General Assembly last discussed the matter, the situation in the occupied territories has been the subject of a number of additional communications addressed to the President of the Security Council or the Secretary-General and circulated as official documents of the United Nations. These communications dealt with the question of Israeli settlements and the expropriation of land in the occupied territories (A/35/102-S/13795, S/13798, A/35/103, S/13811, A/35/111, S/13830, S/13839, S/13843, S/13844, A/35/133-S/13845 and Corr.1, S/13849, S/13851, S/13859, S/13997), the question of expulsion of and attacks against Palestinian leaders in occupied territories (A/35/218-S/13928, S/13936, A/35/225, A/35/278-S/13976, S/13979, A/35/281-S/13983, A/35/283-S/13988), the question of Jerusalem (S/13840, S/14017, S/14018,

S/14032, S/14049, S/14098, S/14103, S/14115, S/14169, A/35/508-S/14207) and other questions affecting the human rights of the population of the occupied territories (S/13720, A/35/60-S/13732, A/35/64-S/13738, S/13765, A/35/77-S/13766, A/35/81-S/13772, A/35/87-S/13782, S/13791, A/35/97-S/13792, A/35/98-S/13793, A/35/101, S/13815, S/13854, A/35/155-S/13861, A/35/158, S/13868, A/35/166-S/13874, A/35/206-S/13922 and Corr.1, S/14075, S/14082, S/14096). Communications were also received from Israel regarding violent incidents in occupied territories for which the PLO was said to have claimed responsibility (A/35/86-S/13781, A/35/186, A/35/207-S/13923, S/14016, A/35/302, A/35/387-S/14101, S/14125).

[...]

40. At its seventh emergency special session, the General Assembly, in its resolution ES-7/2, reaffirmed the inalienable rights in Palestine of the Palestinian people, including the right to self-determination without external interference, and to national independence and sovereignty, and the right to establish its own independent sovereign State. It called upon Israel to withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, and urged that such withdrawal from all the occupied territories should start before 15 November 1980. The General Assembly requested and authorized the Secretary-General, in consultation, as appropriate, with the Committee, to take the necessary measures towards the implementation of the recommendations contained in paragraphs 59 to 72 of the report of the Committee to the General Assembly at its thirty-first session ^{5/11} as a basis for the solution of the question of Palestine. It also requested the Secretary-General to report to the General Assembly at its thirty-fifth session on the implementation of the present resolution and requested the Security Council, in the event of non-compliance by Israel with the present resolution, to adopt effective measures under Chapter VII of the Charter. The General Assembly decided to adjourn the seventh emergency special session temporarily and to resume upon request from Member States. In resolution ES-7/3 adopted by the seventh emergency special session, the General Assembly requested the Committee to study thoroughly the reasons for the refusal of Israel to comply with the relevant United Nations resolutions, particularly resolution 31/20 of 24 November 1976, in which the General Assembly endorsed the recommendations of the Committee and the numerous resolutions demanding the withdrawal of Israel from the occupied Palestinian and other Arab territories, including Jerusalem, and to submit the study to the Assembly.
41. Since the General Assembly discussed the matter at its thirty-fourth session, a number of communications have been addressed by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the President of the Security Council or the Secretary-General (A/35/230, S/13940, A/35/279-S/13978, A/35/377-S/14089, A/35/378-S/14090, A/35/398-S/14110). The rights of the Palestinian people have also been the subject of communications received from Member States (A/35/209, A/ES-7/4, A/ES-7/7, A/ES-7/11, A/35/390). In addition, a number of communications in which Israel expressed its view of the Palestine Liberation Organization have been received and circulated as official documents of the United Nations (S/13872, ^{6/12} A/35/170, S/13985, A/35/282, A/35/395-S/14107).

VI. SEARCH FOR A PEACEFUL SETTLEMENT

42. The search for a peaceful settlement in the Middle East from June 1967 until October 1979 was described in the reports of the Secretary-General of 18 May 1973 (S/10929, paras. 43-113), 17 October 1978 (A/33/311-S/12896, paras. 61-99) and 24 October 1979 (A/34/584-S/13578, paras. 45-53).
43. The situation in the Middle East was considered again by the General Assembly at its thirty-fourth session. On 6 December 1979, the General Assembly adopted resolution 34/70, in which it condemned Israel's continued occupation of Palestinian and other Arab territories; declared once more that peace was indivisible and that a just and lasting settlement of the Middle East question must be based on a comprehensive solution, under the auspices of the United Nations, which took into account all aspects of the Arab-Israeli conflict, in particular the attainment by the Palestinian people of all its inalienable rights and the Israeli withdrawal from all the occupied Arab and Palestinian territories, including Jerusalem; condemned all partial agreements and separate treaties which violated the recognized rights of the Palestinian people and contradicted the principles of just and comprehensive solutions to the Middle East problem; reaffirmed that, until Israel withdrew from all the occupied territories and until the Palestinian people attained and exercised its inalienable national rights, a comprehensive, just and lasting peace in the Middle East, in which all countries and peoples in the region lived in peace and security within recognized and secure boundaries, would not be achieved; called anew for the early convening of the Peace Conference on the Middle East, under the auspices of the United Nations and the co-chairmanship of the Union of Soviet Socialist Republics and the United States of America, with the participation on an equal footing of all parties concerned, including the Palestine Liberation Organization; urged the parties to the conflict and all other interested parties to work towards the achievement of a comprehensive settlement covering all aspects of the problem and worked out with the participation of all parties concerned within the

¹¹ 5/ Ibid., Thirty-first Session, Supplement No. 35 (A/31/35).

¹² 6/ The comments of the PLO on document S/13872 are contained in document S/13898, annex.

framework of the United Nations; and requested the Security Council, in the exercise of its responsibilities under the Charter, to take all necessary measures to ensure the implementation of relevant resolutions of both the Security Council and the General Assembly and to facilitate the achievement of such a comprehensive settlement aiming at the establishment of a just and lasting peace in the region.

44. As outlined earlier in this report, the General Assembly also held an emergency special session in July 1980 to discuss the question of Palestine (see paras. 39-40 above), and the Security Council held seven series of meetings to examine various problems relating to the rights of the Palestinian people, the situation in the occupied territories and the question of Jerusalem (see paras. 22-27 and 38 above). The outcome of these meetings is relevant to the search for a comprehensive settlement of the Middle East problem.

[...]

48. In his annual report on the work of the Organization,^{7/13} the Secretary-General has indicated that the main aspects of the Middle East problem are interdependent and cannot be separated. A continuous and determined effort must therefore be made to achieve a comprehensive settlement through negotiations involving all the parties concerned, including the Palestine Liberation Organization. Any future solution of the problem will have to be based on the right of all States in the area to live in peace within secure and recognized boundaries free from threats or acts of force, on the inalienable rights of the Palestinians, including their right to self-determination, and on withdrawal from occupied territories. In this context the question of Jerusalem is of primary importance and cannot be solved through any unilateral decision. The Secretary-General continues to believe that the United Nations can do much to facilitate a settlement, and he earnestly hopes that it will play an increasingly important role in this vital endeavour.



**REPORT OF THE UN SECRETARY-GENERAL UNDER UN SECURITY COUNCIL
RESOLUTION 478 (1980), 11 NOVEMBER 1980**

*[Report to the UNSC as requested by Res. 478, following the enactment of Israeli Basic Law
declaring the annexation of Jerusalem as capital of Israel]*

1. The present report is submitted in pursuance of resolution 478 (1980), which was adopted by the Security Council on 20 August 1980 on the question of Jerusalem. The operative part of that resolution reads as follows.

"The Security Council. [...]

- "1. *Censures in the strongest terms the enactment by Israel of the basic law on Jerusalem and the refusal to comply with the 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 Fourth Geneva Convention of 12 August 1949 Relative to the Protection of Civilian Persons in Time of War 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 all Members of the United Nations:*
 - (a) to accept this decision;
 - (b) and upon those States that have established diplomatic Missions in Jerusalem to withdraw such Missions from the Holy City;
- "6. *Requests the Secretary-General to report to the Security Council on the implementation of this resolution before 15 November 1980;*
- "7. *Decides to remain seized of this serious situation."*

2. The text of the resolution was transmitted to the Minister for Foreign Affairs of Israel by the Secretary-General immediately after its adoption by the Security Council on 20 August 1980. In a note dated 6 October addressed to the Permanent Representative of Israel, the Secretary-General drew attention to his reporting responsibility under paragraph 6 of the resolution and requested the Permanent Representative to make available to him by 5 November his Government's comments on the implementation of the resolution. The reply of the Permanent Representative of Israel is contained in a note dated 4 November, which reads as follows:

¹³ 7/ Ibid., Thirty-fifth Session, Supplement No. 1 (A/35/1).

"The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and, in response to the latter's note of 6 October 1980 concerning Security Council resolution 478 (1980), has the honour to draw attention to the statement made by the Minister for Foreign Affairs of Israel on 29 September 1980 in the course of the General Debate at the 35th regular session of the General Assembly.

"As the Foreign Minister observed, the situation of the various religions represented in Jerusalem has never been better than that prevailing since the reunification of the city in 1967. Israel has assured the free and unfettered observance of the religious rights of members of all faiths, who also administer their communal activities and their Holy Places without any interference.

"The Minister went on to note that throughout recorded history, only the Jewish people has made Jerusalem its capital. For the last one hundred and fifty years the majority of the city's population has been Jewish.

"He further expressed the hope that nations who seek peace, and know the reality which prevails in Jerusalem today, will respect the undivided city of Jerusalem as the capital of Israel, in the same way that Israel respects the Holy Places of all religions and their freedoms in the city."

3. Before the Security Council adopted resolution 478 (1980), the Governments of Chile, Ecuador and Venezuela had announced their decisions to withdraw their diplomatic missions from Jerusalem. Thus, at the time of the adoption of the resolution, 10 States maintained diplomatic missions in Jerusalem. In the course of August-September 1980, the Governments of those States informed the Secretary General that they had decided to withdraw their respective diplomatic missions from the Holy City. Their communications have been circulated as documents of the Security Council. The dates of the communications and the symbols of the relevant Security Council documents are set forth below:

<u>States</u>	<u>Dates of communication</u>	<u>Document Symbols</u>
El Salvador	22 August 1980	S/14124
Costa Rica	26 August 1980	S/14126
Panama	26 August 1980	S/14127
Colombia	28 August 1980	S/14135
Haiti	29 August 1980	S/14137
Bolivia	29 August 1980	S/14138
Netherlands	29 August 1980	S/14144
Guatemala	5 September 1980	S/14151
Dominican Republic	9 September 1980	S/14163
Uruguay	9 September 1980	S/14168



**REPORT OF THE SECURITY COUNCIL COMMISSION ESTABLISHED UNDER
RESOLUTION 446 (1979) TO EXAMINE THE SITUATION OF SETTLEMENTS IN THE
ARAB TERRITORIES OCCUPIED SINCE 1967, 25 NOVEMBER 1980 [EXCERPTS]**

I. INTRODUCTION

A. Mandate and composition of the Commission

1. The present report is the third I/ which the Commission has the honour to submit to the Security Council in implementation of its mandate as determined in paragraph 4 of resolution 446 (1979) which reads as follows:

"The Security Council ... establishes a Commission consisting of three members of the Security Council ... to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem."

2. Following the submission of the Commission's second report, the Security Council adopted at its 2203rd meeting on 1 March 1980 resolution 465 (1980) [...]

B. Visit to Jordan (26-28 September 1980)

(a) Meetings with His Highness the Crown Prince of Jordan and with government officials

34. On 27 September 1980, the Commission had a working meeting in Amman at the Ministry for Occupied Territories Affairs, where it was received by Mr. Hassan Ibrahim, Minister of State for Occupied Territories Affairs. Also present at the meeting were Mr. Shawkat Mahmoud, Under-Secretary, Ministry for Occupied Territories Affairs, and other government officials.

35. After welcoming the members of the Commission, the Minister of State said that the Government of Jordan had noted with grave concern that, as a result of the persistence of Israel in its settlement policies and practices, the situation in the occupied territories, with particular reference to the West Bank, was becoming increasingly difficult. The Government had therefore felt it necessary to create a new ministry, the Ministry for Occupied Territories Affairs, which had been put specifically in charge of following closely the developments in the areas concerned, and in particular, to undertake practical efforts to alleviate the deteriorating living conditions of the Arab population of the occupied West Bank.
36. Reviewing the situation in the West Bank the Minister of State observed that Israel had not complied with the terms of Security Council resolutions 452 (1979) of 20 July 1979 or 465 (1980) of 1 March 1980. He pointed out in that regard that Israel had neither ceased the establishment, construction and planning of settlements in the territories occupied since 1967, including Jerusalem, as called for in the former resolution, nor had it dismantled the existing settlements, as called for under the terms of the latter. On the contrary, Israel was establishing, constructing and planning new settlements, as well as expanding those already established. [...]
39. Another instance of non-compliance by Israel with the aforementioned Security Council resolutions was a decision adopted by the Israeli Cabinet on 16 September 1979, which allowed Israelis to purchase lands and property in the occupied West Bank, including Jerusalem. [...]
43. Concerning Jerusalem, the Minister of State said that in addition to the land and properties already confiscated, as previously reported, there was a new plan to expropriate 79 million square metres and to build 12,000 housing units in the north and east of the city. This would affect 27 Arab villages and could lead to the emigration of 130,000 Arab citizens. Furthermore, in connexion with the decision by the Israeli Prime Minister to move his office to east Jerusalem, Arab families living in that area had been ordered to vacate their dwellings. [...]
64. Crown Prince Hassan reminded the Commission that Jordan's position concerning Jerusalem and the West Bank had been repeatedly stated. On Jerusalem, he said that Jordan considered the Holy City as an integral part of the West Bank. It was an essential problem which, once solved, could lead to a comprehensive solution. [...]
68. The Crown Prince's statement was highlighted by a presentation of slides on Israeli settlements in the West Bank (including Jerusalem) as well as statistical charts. Comments made during the presentation emphasized Israel's determination to strengthen its presence in the West Bank by fortifying its settlements and by surrounding Jerusalem with a ring of residential buildings practically cutting it off from the rest of the West Bank.
69. The presentation indicated also that the real advantage which Israel was deriving from its occupation was not the enforcement of its security but the alleviation of its national economic plight through the control and exploitation of the occupied Arab territories.

(b) Hearings held in Amman

70. During its stay in Jordan the Commission had the opportunity of having six witnesses who had expressed the wish to appear before it. A summary of each statement received by the Commission can be found in annex I to the present report.
71. Among those statements, the Commission noted with particular interest that of Mr. Ruhi El-Khatib (Witness No. 2), who was the Mayor of Jerusalem when he was expelled from that city in 1968. Mr. El-Khatib, who had already testified before the Commission in 1979, ^{2/} said that since his last appearance, Israel's policy of judaizing Jerusalem by eliminating Arab presence and history had been systematically enforced. He referred in particular to the archeological excavations which, pursued despite United Nations and UNESCO resolutions, were gravely damaging Moslem shrines and driving away Arab inhabitants; the taking over of Arab public services such as the Electricity Company of Jerusalem, a case presently pending to the Old City of Jerusalem, for which Arab inhabitants in the coveted area had been evacuated, and work on which had started; the law declaring Jerusalem the capital of Israel; and the closure of one of the few remaining Arab educational institutions on the West Bank. Mayor El-Khatib insisted that the time was running short before the trend became irreversible.

[...]

D. Visit to Egypt (29 September-1 October 1980)

(a) Meetings with government officials

85. On 29 September the Commission arrived in Cairo. The following morning, it was received at the Prime Minister's Office by Mr. Fouad Mohyeldeen, Deputy Prime Minister of Egypt. Also present at the meeting was Dr. Samir Ahmed, Under-Secretary for International Organizations, Ministry of Foreign Affairs. [...]

89. The Deputy Prime Minister also pointed out that when Egypt felt that the negotiations for the autonomy in Gaza and the West Bank were not going as expected, it had suspended the negotiations. President Sadat, in exchanging letters with Prime Minister Begin, had included the following reasons for the suspension of negotiations: the decision to annex Jerusalem as the capital of Israel, the establishment of additional settlements in the West Bank and Gaza and the renewed repression of the Arab population. [...]
102. Turning specifically to the question of the Gaza Strip, Dr. El-Baz stated that Gaza was part of the Palestinian entity whose territorial integrity must be preserved. Therefore, Egypt would never accept an agreement on Gaza separate from the West Bank. Both Gaza and the West Bank had to be subjected to the same legal process and the inhabitants of those areas as a whole must be granted their inalienable rights, including, naturally, their right to self-determination. For that reason, Egypt believed that the voting rights of the inhabitants of East Jerusalem should be exercised there and not anywhere else as had been suggested as a compromise. [...]

F. Meeting in Tunisia with the Secretary-General of the League of Arab States

[...]

146. On the question of Jerusalem, the Secretary-General of the Foreign Ministry voiced the grave concern of Tunisia which, he said, was shared by almost 1 billion Moslems all over the world in connection with the purported annexation of East Jerusalem by Israel. He noted in that connection that the Tunisian community, which had been living for generations in East Jerusalem, had been expelled by Israel and forced to flee to other Arab countries.
147. Mr. Mestiri stated that Tunisia favoured a solution of the Middle East problem through peaceful negotiations and considered that the United Nations should take the appropriate initiative in that regard.

H. Audience with His Majesty the King of Morocco, Chairman of the Committee on Jerusalem of the Islamic Conference

148. On 4 October, at Ifrane, Morocco, the Commission was received in audience by His Majesty King Hassan II. Addressing the Commission as Chairman of the Committee on Jerusalem of the Islamic Conference, King Hassan stressed the necessity of establishing a global, just and lasting peace in the Middle East.
149. After observing that, if a new conflict should break out in the region, it would be of infinitely graver proportions than in the past, owing to the ever-growing military capacity of the parties concerned, the King stated that, in order to be lasting, such a peace must guarantee security without humiliating anyone.
150. Jerusalem, he said, was a special problem within the context of the occupation by Israel of Arab territories, an unjust occupation that was incompatible with the most elementary principles of international law. What was in question in the case of the Holy City was not only the exercise of a right to sovereignty over a territory but also the administration of a spiritual centre of world-wide significance. Thus, by attempting to alter the status of the Holy City with the intention of making it the capital of the Jewish state, Mr. Begin's Government had trampled on the dignity of both the Arab world and the Christian world.
151. King Hassan added in that regard that, when the Arabs had requested the Holy See and other Christian authorities to join in their efforts, they had *ipso facto* recognized that the question of Jerusalem also had a Christian dimension. Consequently, he said, it was expected that the future status of the City would take into account the moral and material contribution of Christianity; it was interesting to note that, whereas there were differences of opinion even among the Moslems on other aspects of the question of Palestine, there was, with respect to the future of Jerusalem, agreement of principle not only among the Moslems themselves but apparently between them and the Christians.
152. That was probably why Mr. Begin's Government systematically turned down every opportunity to negotiate on the Holy City, a matter on which it doubtless felt too vulnerable. However, the King added, that was also precisely why any negotiations should begin with Jerusalem, the possible key to a solution for the over-all question of the occupied territories. Jerusalem could thus serve as a starting point in peace efforts. Such efforts would initiate a process that would subsequently extend to the other occupied territories.
153. As to the strategy which the Arabs were thinking of adopting, through the Committee on Jerusalem, in order to exert the necessary pressure on Israel, it would be necessary to establish economic sanctions covering petroleum or other products, which the Islamic Conference would coordinate in order to make them fully effective. If an embargo were to be imposed, it would be strictly applied by Morocco. The King then alluded to the "Jihad", and explained that the word basically signified a global struggle in which all the potentialities of the Moslem world were mobilized, both at the cultural and information levels and in the economic, political and military fields. He emphasized, however, that only as a last resort would recourse be had to war, as the final stage in efforts to attain an objective.
154. It must be realized that Israel benefited from two important means of assistance in addition to help from its allies. First, it received the unconditional support of most members of the Jewish faith; and second,

thanks to their control of the mass media in many countries, it benefited from the ignorance of the rest of the world concerning the situation prevailing in the areas concerned.

155. The least that should be secured for the Holy City was the *status quo ante* of 1967, leaving aside for the time being the question of sovereignty, which could only be settled simultaneously with the other territorial questions concerning the occupied territories. It would therefore appear desirable to entrust the administration of Jerusalem to spiritual leaders under some form of guardianship arrangement. That would be a provisional measure, pending an ultimate solution, which could be achieved through negotiations once the voices of reason with Israel succeeded in making themselves heard. But as long as the Government of Mr. Begin persisted in speaking of Judea and Samaria to designate the West Bank of Jordan, no such solution could be contemplated.
156. After affirming that the goal was the recognition of the right to security and survival of all the States of the region, including a Palestinian State, King Hassan expressed the hope that one day the Israeli and Palestinian peoples, united in a joint effort, would be in a position to compete with the most powerful by virtue of their human potential and the intellectual and material resources available to them.
157. During the exchange of views which followed, King Hassan dwelt on the advantages to be derived by the Commission from seeking an opportunity of having contact with the Holy See, not only because Christianity, and especially the Vatican, had an important role to play in solving the question of Jerusalem but also out of deference to the remarkable personality of His Holiness the Pope, whose advice and support could facilitate the efforts being undertaken.

III. INFORMATION ON THE ISRAELI SETTLEMENTS AND ON THE DEPLETION OF WATER RESOURCES IN THE OCCUPIED ARAB TERRITORIES

A. Information on settlements in the occupied Arab territories, including Jerusalem

[...]

(b) Implementation by Israel of its settlement policy

[...]

164. With the active support of the Government of Israel, the number of settlers has also increased. According to information available to the Commission, a report from the Director General of the Prime Minister's Office indicated that since the present Government came to power in 1977, the number of settlers in the West Bank alone had risen from 3,200 to 17,400. Those figures do not include the settlers in East Jerusalem and the Jerusalem area which by now number approximately 80,000. [...]
168. It should also be noted that the settlement policy is not limited to rural areas. Thus, in connection with the West Bank, the commission was informed that the Israeli Ministry of Construction and Housing had submitted a plan for the establishment in Hebron of 200 housing units for settlers. Similarly, in addition to Hebron, the towns of Beit Jala and Al-Bireh are now surrounded by Israeli settlements. As a result of this, those towns are not only barred from expanding but also threatened with a reduction in their present limits. In fact, that has already been the case for an important part of Al-Bireh and almost one-third of Beit Jala which were taken away for the expansion of Jerusalem.

[...]

(d) Jerusalem

175. Deep concern about the unilateral transformation of East Jerusalem has been expressed by every authority with whom the Commission has had an opportunity to exchange views.
176. The Commission was reminded that shortly after the 1967 war, East Jerusalem was the subject of an illegal and unilateral decision by Israel to annex the Holy City and to incorporate it into the Israeli Jerusalem Municipality. Then a special policy was applied to the Holy City to alter its demographic character by creating conditions for the replacement of the Arab inhabitants with a Jewish population through an intensive programme of settlement.
177. Despite United Nations resolutions opposing any measures which could alter the demographic character of the Holy City, the construction programme by Israel which started several years ago has been actively pursued. According to recent information, by early 1980 six major new residential suburbs housing over 50,000 Israelis had been practically finished, thus encircling the 110,000 Palestinians who were still living in East Jerusalem and separating them from the rest of the West Bank. Furthermore, a plan was announced last March for the construction of a wide living complex in the district of Beit Hanina. In addition, the Commission was also informed of the existence of another plan called the "Greater Jerusalem Plan" which is reported to be under implementation. That plan would lead to the additional expropriation or dispersion of some 130,000 Arab inhabitants living in 27 villages in order to include the area concerned within the city limit of "Greater Jerusalem".

178. On several occasions the Commission was also reminded of Israel's recent announcement that Jerusalem had become the united capital of Israel. Following that so-called "basic law", although it was censured by the Security Council, initiatives were taken by the Israeli authorities to transfer into East Jerusalem not only the Office of the Prime minister - a move which raised international concern - but also a number of official services and several ministries.
179. As to the building to be used by the Prime Minister and his Cabinet, the work is said to be proceeding. Arab properties adjacent to it have already been confiscated and several Arab families have been ordered to vacate their nearby houses due to be demolished.

[...]

V. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

233. In the fulfillment of its mandate and during its contacts with government authorities, pertinent organizations and private individuals directly concerned, the Commission has examined the situation in the closest manner possible as the previous reports so indicate. The Commission has noted deep anxiety about what was unanimously considered as a continuous process of deterioration of the situation in the occupied Arab territories, including Jerusalem, which is marked by heightened tensions and increased conflict and could lead to a major conflagration.
234. Consequently after having carefully examined all the elements of information which the Commission has been in a position to gather in the implementation of its mandate, the Commission would like to reaffirm the entirety of the conclusions contained in its two previous reports; and more specifically the following:
- (a) The Israeli Government is actively pursuing its wilful, systematic large-scale process of establishing settlements in the occupied territories;
 - (b) A correlation exists between the establishment of Israeli settlements and the displacement of the Arab population;
 - (c) In the implementation of its policy of settlements, Israel is resorting to methods - often coercive and sometimes more subtle - which include the control of water resources, the seizure of private property, the destruction of houses and the banishment of persons in complete disregard for basic human rights;
 - (d) The settlement policy has brought drastic and adverse changes to the economic and social pattern of the daily life of the remaining Arab population; and is causing profound changes of a geographical and demographic nature in the occupied territories including Jerusalem;
 - (e) Those changes 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 Security Council in the matter.
235. Consequently, the Commission wishes to reiterate that Israel's policy of settlement, by which, as an example, 33.3 per cent of the West Bank has been confiscated to date, has no legal validity and constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the area.
236. In view of the recent deterioration of the situation in the occupied Arab territories, the Commission considers that Israel's settlement policy, with the unjustified sufferings which it imposes on a defenseless population is an incitement to further unrest and violence.
237. The Israeli policy of settlements has led to major displacements and dispossession of Palestinians, adding to the ever-growing number of refugees with all the attendant consequences.
238. Available evidence shows that Israeli occupying authorities continue to deplete the natural resources, particularly water resources in the occupied territories for their advantage and to the detriment of the Palestinian people.
239. As water is a scarce and precious commodity in the area, its control and apportionment means control of the most vital means of survival. It would seem therefore, that Israel employs water both as an economic and even political weapon to further its policy of settlements. Consequently, the economy and agriculture of the Arab population is adversely affected by the exploitation of water resources by the occupying authorities.
240. On Jerusalem, the Commission has noted with grave concern that tension and confrontation between Israel and the Islamic world have increased, especially following the enactment of a "basic law" in the Israeli Knesset, proclaiming change in the character and status of the Holy City, which has also affected Christendom.

B. Recommendations

241. In view of the observations and conclusions above, the Commission would like to make the following recommendations. [...]

248. With regard to Jerusalem, bearing in mind what was already stated in its previous reports, 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, including resolution 478 (1980), by which the Council determined, *inter alia*, that the "basic law" on Jerusalem must be rescinded forthwith, and to desist from taking any further measures which would change the status of Jerusalem, including the pluralistic and religious dimensions of that Holy City.
249. The Commission wishes to reiterate its recommendation that the Security Council adopt effective measures to prevail on Israel to cease forthwith its settlements policies in all aspects in the occupied Arab territories, including Jerusalem.

ANNEXES

[...]

Annex I: SUMMARIES OF TESTIMONY

[...] I. JORDAN

[...]

WITNESS NO. 2 - MR. RUHI EL-KHATIB, MAYOR OF JERUSALEM

3. The witness said that during his previous testimony before the Commission a/ he had outlined Israel's acts of aggression against the Holy City and the Palestinian people, of which he had been in a position to have knowledge in particular, until his expulsion from Jerusalem on 7 March 1968.
4. He indicated his intention this time to draw attention to specific actions which had occurred since his last appearance.

(i) Excavations conducted in the Holy City

5. Mr. El-Khatib said that Israel had continued its illegal digging inside the city walls, especially around such holy Islamic Shrines as the Al Aqsa Mosque and the Holy Dome of the Rock. In that area, he said, the excavations were essentially concentrated on the southern and western sides of the Al Aqsa Mosque, where the Israelis carried out diggings of various depths, from 10 to 14 metres, in an area 50 metres wide. This was done in spite of the various resolutions which UNESCO had adopted on the matter, condemning these excavations and appealing to Israel to desist forthwith from continuing the excavations undertaken unlawfully. As a result of that work, one building had collapsed and 26 others were so badly damaged that several hundreds of inhabitants had to be evacuated. The witness added that such vandalism was all the more deplorable in view of a letter published in the London *Times* of 17 August 1972 by a leading archaeologist, Dr. Kathleen Kenyon, describing those historic buildings as unique treasures of the Islamic Mamluk period, and emphasizing that similar treasures existed only in Cairo. The witness indicated that he had sent a communication to UNESCO on the matter.

(ii) Arbitrary measures against the Electricity Company of Jerusalem

6. Mr. El-Khatib stated that the Electricity Company of Jerusalem was the largest share-holding company on the West Bank with shares owned by approximately 2,000 Arabs. It was supplying electricity to around 300,000 inhabitants and 131 industrial enterprises.
7. On 31 December 1979, an order had been issued by the Israeli Minister of Energy and the Military Commander of the West Bank to the Electricity Company of Jerusalem to sell its undertaking as defined in its concession. The sale was to become effective on 1 January 1981. The purpose was to integrate the Arab company into the Israeli system.
8. On the same day, the Chairman of the Board conveyed to the Minister of Energy the company's protest and rejection of that arbitrary measure which was contrary to international law and requested the Minister to reconsider the decision.
9. The Israeli occupation authorities refused to reconsider the matter and the company submitted the case to the Court where it is still pending.

(iii) Expropriation of Arab lands around Jerusalem

10. The witness referred also to an article published in the Jerusalem Post of 8 November 1974 under the headline "For the construction of a fortress in Jerusalem", which described the construction made by Israel on expropriated Arab lands during the period 1968-1973 and the Israeli settlements, which had been established in the northern and eastern parts of the city after 1967. Since then, the witness said, the Israeli authorities continued to expropriate more of the Arab lands around Jerusalem. The most important case happened in February 1980, when the Israeli authorities took 600 dunums from the village of Abu Dees, south of Jerusalem. On 11 March 1980, Israel further expropriated 1,000 dunums from the village of Al Isawiya, east of Jerusalem. The purpose of these expropriations was, according to Israeli sources, to establish new settlements to accommodate 60,000 settlers. But, clearly enough, it was also to encircle the whole city of Jerusalem and to cut it from the rest of the West Bank.

(iv) Closure of the Arab Science College of Abu Dees

11. Mr. El-Khatib stated also that on 16 March 1980, the Board of Abu Dees' Faculty and its benevolent society had been taken by surprise by an order issued by the Israeli military authorities to close the Faculty within two weeks on the pretext that, with three other universities and 12 Arab institutions in the West Bank, the Palestinian students had sufficient educational facilities.
12. The Board of the Faculty submitted a complaint supported by a report made by English educators and experts to the effect that the West Bank institutions would not be able to absorb more than 30 per cent of the students of Jerusalem. Nevertheless, the Israeli authorities closed the Faculty on 1 April 1980.

(v) Law declaring Jerusalem the "undivided capital" of Israel

13. Mr. El-Khatib recalled that since 1947 the international community had refused to recognize Jerusalem as the capital of Israel. Despite subsequent decisions adopted by international organizations, in particular since 1967, refusing to recognize the annexation of the remaining part of Jerusalem to Israel, the Israeli Parliament, on 20 July 1980, enacted a law declaring Jerusalem the "undivided Capital" of Israel. In his particular capacity as Mayor of Jerusalem Mr. El-Khatib strongly objected to that decision.

(vi) Decision to transfer the Prime Minister's office

14. As to the well-known decision to establish the Prime Minister's office in Jerusalem, Mr. El-Khatib said that offices were being built for that very purpose on lands taken by force from their Arab owners. He recalled that that action had been examined by the Security Council which had declared that decision null and void and called for the restitution of the lands to their Arab owners. The witness added that among the families who had fallen victim to that expropriation was his own family, which had lost 60,000 square metres of "waqf" land on which the Israeli construction for those offices had already started. Recently, it was reported that those offices would be shortly ready for occupancy and that the office of the Prime Minister would be transferred there in accordance with previous planning. [...]

Annex II: LIST OF SETTLEMENTS

A comprehensive, cumulative and up-dated list of all the known Israeli settlements in the occupied Arab territories, including any additional information on the settlements contained in the previous list (see S/13450/Add. 1, annex III) and information on projected settlements.

A. Israeli settlements on the West Bank

Name	Date Founded	Location	Type	Economic Base	Land Used (in Dunums)	Original Land Owners
1. Atrot	1970	Jerusalem: N. edge, nr. airport	Industrial zone	61 factories	10,000	Arab residents of Beit Hanina village
2. Neve Ya'acov	1973	Jerusalem: north of town	Residential suburb	2,500 housing units	10,000	Arab residents of Beit Hanina village
3. Ramot	1973	Jerusalem: north-west, near Nabi Samwil	Residential suburb	750 housing units (8,000 units planned)	30,000	Arab residents of Beit Ikksa village; 100 Arab homes demolished
4. Ramat Eshkol	1968	Jerusalem: north side	Residential area	1,700 housing units	600	Arab land (expropriated)
5. French Hill	1969	Jerusalem: north side, along Jerusalem-Ramallah road	Residential area	2,100 housing units	15,000	Arab land; land from Catholic convent
6. Nahalat Defna		Jerusalem: north side	Residential area	250 housing units	270	Arab families and Waqf properties
7. Gilo Sharafat (Gilo)	1973	Jerusalem: south near Beit Jala	Residential suburb	1,200 housing units out of 10,000 planned	4,000	Palestinian residents of Jerusalem, Beit Jala, Beit Safafa and Sharafat
8. East Talpiot	1973	Jerusalem: east side south of Jabal Al-Mukabber where UN headquarters was situated	Residential suburb	1,000 housing units (3,000 planned)	20,000	Arab residents of Jerusalem, Sur Bahir, Sheikh Sa'ad and UN enclave expropriated
9. Jewish Quarter (Old City of Jerusalem)	1967	Jerusalem: "Old City" between western wall of Al Aqsa Mosque and Latin Convent	Residential area	320 housing units and shops		160 Arab houses demolished, 600 homes expropriated, 6,500 Arab residents evacuated

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10. Hebrew University	1969	Jerusalem: north side	University campus	Offices, classrooms, dormitories and hospital		Expansion of pre-1948 old university for which land expropriated
11. Sanhedria Extension	1973	Jerusalem: north side	Residential area	250 housing units		Former demilitarized zone, entirely expropriated
12. Shiloh	1976	East of Nablus-Ramallah road	Gush Emunim		15,00080 to 90	From villages of Turmus Ayya, Qaryut, Abu-Elfalah and El-Maghireh Dunums closed off, almond trees cut down
13. Kochav Hashahar	1975	North-east of Taiyyibe village	Nahal, then Kibbutz	Agriculture	4,000	Land from Dier Jarir and Kufur Malik; water from Ain Samia, Ramallah's sole water source
14. Ofra (<i>Settlement planned for expansion (for details see annex III, below).</i> (Ba'al Hatzor)	1975	East of Ramallah on Jericho road	Gush Emunim	Workshops and agriculture	350	100 dunums from Ain Yabrud village, 250 dunums from Silwad village
15. Mevo Horon	1969	Latrun salient	Moshav	Agriculture 2 wells	16,000	Land from Yalu, Imvas and Beit Nuba villages, destroyed by Israel after 1967 war
16. Beit Horonb	1977	Mid-way on Ramallah-Latrun road, near Tira	Gush Emunim		150	Initial takeover of Arab land
17. Mevo Horon Dalot (Matatyahu)	1977	Latrun area; 3 km from armistice line		Agriculture		DMZ - (Midya Arab village prior to 1948)
18. Kfar Ruth	1977	Latrun area; 1 km south-east of Shayelet settlement		Agriculture		DMZ - (site of Midya village), thousands of dunums of irrigated lands)
19. Givat Hamivtar	1975	On north side of Jerusalem		350 housing units		Land area entirely expropriated
20. Canada Park	1976	Latrun salient: on Latrun-Ramallah road	Jewish National Fund Park		4,200	Land of destroyed villages of Yalu, Imvas and Beit Nuba (including 1,500 dunums of orchards)
21. Ramonimb	1977	North-east of Taybeh and Rammun villages; north of Ramallah-Jericho road	Nahal		300	Residents of Taybeh village (expropriated lands)
22. Beit El	1977	North of Ramallah-Nablus road	Gush Emunim		35	Arab land. Settlement to expand on 250 dunums of expropriated land
23. Giv'onb	1977	North-west of Jerusalem; near El-Jib village	Gush Emunim			Ex-Jordanian military base. 5,000 dunums needed to be expropriated from El-Jib village
24. Shayelet (Mevo Hori'im)	1977	Latrun area	Moshav	Agriculture		DMZ land (site of Arab village of Midya)
25. Neve Zuf (Nabi Saleh)	1977	North-west of Ramallah; near Beir Nidham	Gush Emunim		400	Closed off, including 100 dunums of wheat fields and almond trees of Nabi Saleh villagers
26. Mehola	1968	Jordan valley: north end of West Bank	Nahal until Nov. 1969, then moshav	Field crops, metal factory 1 well and 1 reservoir	3,000	Residents of Bardala and Ain el-Beida villages. Water supply of villages depleted by wells of Mehola
27. Argaman	1968	Near end of Damya-Nablus road	Nahal until May 1971, then moshav	Agriculture 5 absentee wells and 1 reservoir	5,000	Arab agricultural land, including 1,000 dunums from Marj al-Naja
28. Nev Mas-sunh	1976	Jordan valley: south of Nablus-Damiya road			800	Residents of Arab villages of Al-Ajajra and Jiftlik
29. Massuah	1970	Jordan valley: just south of No. 28	Nahal until May 1974, then kibbutz	vegetables, fishpond, water from Hamra 1 well, 2	3,000	Residents of Al-Ajajra and Jiftlik villages, "expropriated land"

				reservoirs		
30. Phatza'El B	1977	South of settlement No. 29	Rural settlement		1,500	Arab land
31. Phatza'El	1970	End of south-west road from Aqraba	Moshav	Vegetables, 3 wells*600 cubic metres per hour*1 reservoir	3,000	Residents of Fazayil village
32. Tomer	1976	Jordan valley: south of settlement No. 31		Hothouse vegetables	Unknown as construction still going on	
33. Gilgal	1970	Jordan valley: south of settlement No. 32	Nahal until May 1973 then moshav	Vegetables, citrus, field crops	3,300	Arab land "plan to pump water from Jordan river"
34. Netiv Hag-dud	1976-1977	South of Gilgal settlement No. 33	Nahal to become moshav		Unknown as construction still going on	
35. Mivsom (Na'aran)	1977begin construction	Jordan valley: near Arab village of Awja	Nahal to become moshav			Land expropriated from residents of Al-Awja village
36. Yitav	1970	West of Al-Awja village	Nahal until Oct. 1976 then kibbutz	Vegetables, field crops	2,000	Arab land from Al-Awja village "including that of absentee owners", water from Ain Al-Awja and two wells nearby
37. Almog	1977	Jordan valley: north-west of Dead Sea	Nahal			Water supply drawn by 12-inch pipeline from well near Aqbat Jaber, Jericho refugee camp
38. Kalia	1968	Jordan valley: north-west of Dead Sea	Nahal until 1975, then kibbutz	Vegetables, dairy, vineyards, fish-ponds		Previously Jordan army camp, water supply from Wadi Keit west of Jericho
39. Mitzpe Shalem	1970	Dead Sea: west shore	Nahal then kibbutz	Date palms, vegetables	over 50	
40. Malki Shua	1976	North edge of West Bank: south of Mt. Gibboa; access road from Beit Sheen	Nahal			
41. Ro'l	1974	"Limit of settlements" road (LS); north end	Nahal; moshav by 1978	Agriculture	2,500	Tubas village residents, land cultivated with wheat
42. Bega'ot	1972	LS road, north end; south of Ro'l (No. 41)	Moshav	Poultry, vegetables, citrus	5,000	Tamun village, land closed off
43. Hamra	1971	LS road: on east West Nablus-Damiya road, in lush valley. Farm land	Moshav	Vegetables, flowers, citrus, poultry; 1 well, 2 reservoirs, 12-inch water pipeline to Massauh (No. 29) in Jordan valley	450	Land from Bab al-Nagab village; valley land near Damiya Bridge 450 dunums of "absentee owner groves"
44. Mekhora	1973	LS road: south of Hamra (No. 43)	Nahal until July 1976, then moshav	Vegetables, fruit	4,000	From Bab al-Nagab, Beit Dajan and Beit Furik villages water supply includes 1 well, 3 reservoirs
45. Gitit	1972 Aug.	LS road: near east-west Aqraba valley road	Nahal until Dec. 1975, now kibbutz	Vegetables, field crops	5,000	Land from Aqraba closed off, sprayed with defoliant early 1972
46. Ma'al Ephraim	1972	LS road: on east-west Aqraba valley road	Regional centre		200	Arab land
47. Nevo Shiloh (Givat Adum)	Nov. 1976	South of Ma'ale Ephraim settlement No. 46			1,300	Residents of Turmus Ayya, Abu-Fallah and al-Mughayyir villages

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48. Mishor Adomin (Ma'ale Adomin)	Nov. 1974	Dominates Jericho-Jerusalem road	Industrial estate and army base; Gush Emunim settlers	Industry	(81,000)	70,000 dunums closed off Oct. 1972 by army, additional 700 dunums expropriated from villages of Abu dis, Umaryya and Issawyya 10,000 dunums from Silwa; 300 dunums from Silwa and Anota
49. Mizpeh Jericho	early 1978	East of Mishor Adomin settlement (No. 48) overlooking Jericho				Land expropriated from above-mentioned villages
50. Reihan (Nei'ami, Bet)	1977	North-west of Jenin, 3 km beyond armistice line	Nahal, 1978 kibbutz	Agriculture		Arab land
51. Dotan (Sanur)	Oct. 1977	Along Nablus-Jenin road in Sanur valley	Gush Emunim			Land of pre-1967 Jordanian police station near Sanur village
52. Natal Ma'ale	Jan. 1978	East of Nablus-Jenin road	Gush Emunim		550	Land confiscated from Silat Al-Dhaha village including 25 olive trees
53. Shomron	Oct. 1977	On Nablus-Jenin road			1,680	Kufr Sur village
54. Salfit (Tsur Nathan Bet)	Aug. 1977	South-east of Tulcarm	Nahal		1,000	Kufr Sur village half of land privately owned (cultivated), half common land for grazing
55. Elon Moreh (Qaddum)	Dec. 1975	Near Nablus-Qalqilya road	Gush Emunim		300	Arabs of kufr Qaddum village
56. Qaruay-Shomron	Oct. 1977	South side of Nablus-Qalqilya road, near Jinsafut village	Gush Emunim		150	Taken from villages of Jinsafut, Hajj and Kufr Laqif
57. El Qana (Settlement planned for expansion (for details see annex III, below). (Mes'ha Pe'erim)	April 1977	South-east of Qalqilya	Gush Emunim Nahal		10300	Site of former Jordanian police station from Mes'ha village
58. Tafush (Bareget)	Jan. 1978	Along Nablus-Ramallah road 13 km south of Nablus			150	Arab villagers of Yasuf
59. Haris	Feb. 1978	2 km west of Nablus-Ramallah road, near Salfit junction	Nahal 2 km access road built		800	300 dunums expropriated for military camp 500 dunums of pasturage closed off from villages of kufr Haris, Harda and Salfit
60. Har Gilo	1976	In Beit Jala village area	Residential suburb		400	Grapevines and fruit trees expropriated from beit Jala residents, June 1976
61. Efrat	1978	On road south of Bethlehem			7,000	Expropriated land, most of which cultivated
62. Takoah	June 1975	South-east of Bethlehem near Hebron	Nahal		3,000	Land expropriated from Rafidya village
63. Elazar	Oct. 1975	South of Bethlehem	Religious moshav	Chemical laboratory electronics	350	Vineyards expropriated from hadar village, 1973
64. Rosh Tzurim	July 1969	North of Hebron (Etzion bloc)	Kibbutz	Poultry	3,000	Including site of pre-1948 settlement plus expropriated land from nahalin village
65. Alon Shvot	July 1969 settlers, 1972	North of Hebron (Etzion bloc)	Regional centre for religious Jews	Yeshiva students plus families commute to Jerusalem	1,200	Land expropriated in 1969 from Arabs
66. Kfar Etzion	Sept. 1967 first settlement on	North of Hebron (Etzion bloc)	Kibbutz	Some agriculture, a factory		Site (1943-1948) of Jewish settlement and cultivated land (vineyards)

	the West Bank					
67. Migdal Oz	1977	West of Hebron (Etsion bloc)	Kibbutz	Agriculture	1,000 to 2,000	Residents of Beit Umar village, closed first as military area 600 plum and almond trees uprooted in Dec. 1977
68. Qiryat Arba Settlement planned for expansion (for details see annex III, below).	1970	Adjoins town of Hebron	Urban settlement	Factories, services, some commute to Jerusalem 401 housing units	4,250	Individuals from Hebron and Halhul, of which 1,500 dunums expropriated
69. Yattir	July 1977	South of Hebron, near armistice line	Gush Emunim Moshav		17,000 planned to be fenced	Pasture land
70. Zohar						
71. Sailat Dhahr	1978	On Nablus-Jenin road			550	Expropriated from Arab residents of Sailat Dhahr
72. Anatot	Late 1978	North of Jerusalem			3,000	Expropriated from residents of Anata village
73. Ya'afu Horom	1978	Near Arab village of Yatta; west of Hebron				
74. Tretseh						
75. Jericho	Approved 1978	Jericho area				
76. Zif	1978	South of Hebron	Under construction			
77. Neweimeh	1979	Near Jericho				
78. New Kfar Etzion	1979	On road between Bethlehem and Hebron				
79. Huwara	1979	Few miles east of Nablus	600 settlers already live there			
80. Tell kebir	1979; still under construction	New location/village of Deir El Hatab in the district of Nablus				
81. Karney Shomron (b)	mid-June 1979	On the main road between the towns of Nablus and Tulkarm, 3 kilometres west of the Settlement of Karney Shomron (a)				
82. Karney Shomron (d)	Sept. 1979	south of the settlement Karney Shomron 9a)			Scheduled to accommodate 100 families initially and 300 families after 5 years	
83. Reihan	Sept. 1979	in the district of Jenin/third settlement			to accommodate 50 families initially and 100 after 5 years	
84. Elazar	Sept. 1979	District of Kfar Etzion in the vicinity of another settlement, Eliazar				
85. Yafit	second half of 1979	in the district of Jiftlik			500	confiscated land from Arab owners in the Jordan Valley

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86. Gebeiot Oz (b)	beginning of 1980	between the villages of Haikh, Iskandar and Kafr Salim in the district of Jenin				
87. Reihan (e)	1980	east of the settlement of Reihan 9b), in the district of Jenin				
88. Eidan	July 1980	middle part of Wadi Araba, south of the Dead Sea	presently populated by 17 families and due to be joined by a further 20			
89. El Qana (b)	July 1980	east of settlement of El Qana, west of Nablus			111	Government-owned land - previously sealed off
90. Karney Shomron (h)	began construction Sept. 1979	8 km west of Karney Shomron 9a)	scheduled to accommodate 100 families initially and 300 more after 5 years			
91. Ma'ale Adomim	1979	north-east of Jerusalem (El-Khan El Ahmer)				
92. Ma'ale Adomim (c)	1979	East Jerusalem			400	Lands belonging to Jerusalem
93. Mehola 9b)	1979	north of the Jordan Valley	consists only of military tents			
94. Nahal Maoz	1979	north-east of Hebron in the district of Al Yaghama	established as camp to protect settlements in the district			
95. Ariel (b)	1979	in the district of Salfit, next to the settlement of Ariel (Haris)			1,330	Villages of Mardeh and Sikaka
96. Leona	1980	on the Jerusalem-Nablus				Village of Al-laban
97. Beit El (b)	1980	in the district of Ramallah				Village of Beitein
98. Efrat (town)	mid-October 1979	West Bethlehem, centrally located in relation to the Kfar Etzion			1,300	Village of Al Khudr
99. Giv'a Hadasha	decision on its establishment - mid-Oct. 1979	in the vicinity on another settlement, Giv'on, district of Ramallah			85	confiscated land, belonging to the village of El-Jib
100. Matatyahu	1976	district of Ramallah			600	private land of inhabitants of the village of Naalein
101. Giv'on (b)	1977	district of El-jib, north-west of Jerusalem				
102. Elon Moreh (<i>Work on settlement suspended following Israeli Supreme Court order. Instead a new settlement was started (Tell Kebir) as an alternative. Elon Moreh settlement was</i>)	June 1979	5 kilometres south of Nablus			1,300	villages of Rujeeb and Aurta

<i>not abandoned.)</i>						
103. Neve Tzuf	Sept. 1979	between the villages of Deir Ballout and Aboud, north of Ramallah			900	
104. Dotan	1977	south of Jenin, near the village of Araba	scheduled to accommodate 150 families initially and rising to 500 within 5 years		100	
105. Airel (Haris) Settlement planned for expansion (for details see annex III, below).	1977		currently inhabited by 30 Jewish families		500	villages of Kafr Haris (Salfit)
106. El Qana	1977	in the district of Abu-I-Qarnain on the Nablus road	scheduled to accommodate 500 Jewish families		150	K of area previously privately owned by Arab citizens
107. Tafvah	1978	in the district of Jenin				village of Taffouha

Source: List of settlements, maps, information supplied by the Government of Jordan as of September 1980. [...]



**UN GENERAL ASSEMBLY RESOLUTION 35/169, QUESTION OF PALESTINE,
15 DECEMBER 1980 [EXCERPTS]**

[Resolution reaffirming the importance of Jerusalem and the need to protect and preserve its heritage]

A

The General Assembly,

Recalling and reaffirming its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 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 to D of 29 November and 12 December 1979 and ES-7/2 of 29 July 1980,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people,

1. *Expresses its grave concern* that no just solution to the problem of Palestine has been achieved and this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security, and that Security Council resolution 242 (1967) of 22 November 1967 does not provide for the future and for the inalienable rights of the Palestinian people the attainment of which is a condition sine qua non for a just solution of the question of Palestine;
2. *Reaffirms* that a just and lasting peace in the Middle East cannot be established without the achievement, *inter alia*, of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people, including the right of return and the right to self-determination, national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and the principles of international law;
3. *Stresses* the basic principle that the future of the Palestinian people cannot be discussed in their absence and, therefore, calls once more for the invitation of the Palestine Liberation Organization, the representative of the Palestinian people, to participate, on the basis of General Assembly resolution 3237 (XXIX) of 22 November 1974, in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations, on an equal footing with other parties;

4. *Endorses* the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People contained in paragraphs 45 to 48 of its report and draws the attention of the Security Council to the need for urgent action thereon;
5. *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 return;
6. *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;
7. *Strongly reaffirms* its repeated endorsement of the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, as contained in paragraphs 59 to 72 of its report on its thirty-first session, and as reproduced in the annex to the present resolution;
8. *Demands* the complete and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, in conformity with the fundamental principle of the inadmissibility of the acquisition of territory by force;
9. *Demands* that Israel should fully comply with the provisions, in particular, of Security Council resolution 465 (1980) adopted unanimously on 1 March 1980;
10. *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 declaration of Israel that Jerusalem is its capital;
11. *Expresses its opposition* to all policies and plans aimed at the resettlement of the Palestinians outside their homeland;
12. *Condemns* Israel for its non-compliance with the provisions of General Assembly resolution ES-7/2 and Security Council resolutions 465 (1980) and 478 (1980) and other relevant resolutions of the United Nations;
13. *Requests* the Security Council to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter;
14. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Question of Palestine".

[...]

E

The General Assembly,

Recalling and reaffirming its resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967,

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,

Expressing its satisfaction at the decision taken by the States which have responded to Security Council resolution 478 (1980) and withdrawn their diplomatic representatives from the Holy City of Jerusalem,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Deploring the persistence of Israel in changing the physical character, demographic composition, institutional structure and the status of the Holy City of Jerusalem,

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,

1. *Censures* in the strongest terms the enactment by Israel of the "Basic Law" on Jerusalem;
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 and the proclamation of Jerusalem as the capital of Israel, 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 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



**UN GENERAL ASSEMBLY RESOLUTION 35/207 ON THE SITUATION IN THE MIDDLE EAST,
16 DECEMBER 1980**

[Resolution condemning Israeli annexation of Jerusalem]

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking into account the support extended to the just causes 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,

Deeply concerned that the Arab and Palestinian territories occupied since June 1967, including Jerusalem, still remain under illegal 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 the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming 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 from all the occupied Palestinian and other Arab territories, including Jerusalem,

Reaffirming further the 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,

1. *Condemns* Israel's continued occupation of Palestinian and other Arab territories, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and renews its call for the immediate, unconditional and total withdrawal of Israel from all these occupied territories;
2. *Reaffirms* its conviction that the question of Palestine is at 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;
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 the parties to the conflict, including the Palestine Liberation Organization as the representative of the Palestinian people;
4. *Declares once more* that peace in the Middle East is indivisible and that a just and lasting settlement of the Middle East problem must be based on a comprehensive solution, under the auspices of the United Nations, which ensures complete and unconditional withdrawal from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, and enables the Palestinian people to exercise its inalienable rights, including the right of return, and the right to self-determination, national independence and the establishment of its independent State in Palestine under the leadership of the Palestine Liberation Organization, in accordance with resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980 and 35/169 A of 15 December 1980;
5. *Rejects* all partial agreements and separate treaties 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;
6. *Further reaffirms* its strong rejection of Israel's decision to annex Jerusalem, declare it as its "capital" and alter its physical character, demographic composition, institutional structure and status, considers all these measures and their consequences null and void, requests that they should be rescinded immediately and calls upon all Member States, specialized agencies and other international organizations to

abide by the present resolution and all other relevant resolutions, including General Assembly resolution 35/169 E of 15 December 1980;

7. *Strongly condemns* Israel's aggression against Lebanon and the Palestinian people as well as its practices in the occupied Palestinian and other Arab territories, particularly the Syrian Golan Heights, including annexation, 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;
8. *Calls* for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;
9. *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-sixth session a report covering the developments in the Middle East in all their aspects.



**UNESCO EXECUTIVE BOARD, JERUSALEM AND THE APPLICATION OF
21 C/RESOLUTION 4/14, 20 AUGUST 1981**

[Report concerning developments with regard to holy and historical places in Jerusalem]

SUMMARY

In resolution 4/14 adopted at its twenty-first session, the General Conference invited the Director-General to keep a constant watch on the execution of the resolutions and decisions of the General Conference and Executive Board concerning Jerusalem and requested him to inform the Executive Board, at its 113th session, of developments in that matter. This document contains information in the possession of the Director-General at 13 August 1981.

I. INTRODUCTION

1. At its twenty-first session the General Conference considered the report of the Director-General on Jerusalem and the implementation of 20 C/Resolution 4/7.6/13 (documents 21 C/97, 21 C/97 Add. and 21 C/97 Add.2) and adopted resolution 4/14, which is annexed hereto. The text of that resolution was communicated by the Secretariat to the Permanent Delegate of Israel under cover of a letter dated 13 January 1981. In the operative part of the resolution the General Conference:

"1. *Reaffirms* all the resolutions and decisions adopted by the General Conference and the Executive Board concerning the City of Jerusalem;

2. *Vigorously condemns* Israel for its continuing refusal to carry out those resolutions and decisions;

3. *Endorses* Security Council resolution 478, dated 20 August 1980, by which the Council:

'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;

.....
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;

.....
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...';

4. *Invites* Member States to withhold all recognition of the modifications made by Israel to the character and status of Jerusalem and to abstain from any act that might imply any recognition whatsoever of those modifications;

5. *Invites* the Executive Board to review developments in the situation regarding Jerusalem and to take any measures that it might consider appropriate, in conformity with the prerogatives conferred upon it by the Constitution;

6. *Invites* the Director-General to keep a constant watch on the execution of the resolutions and decisions of the General Conference and Executive Board concerning Jerusalem;

7. *Recommends* that the World Heritage Committee speed up the procedure for including the City of Jerusalem on the 'World Heritage List' and that it consider its inclusion on the 'List of World Heritage in Danger';
 8. *Thanks* the Director-General for his efforts to secure implementation of Unesco's resolutions on the question of Jerusalem;
 9. *Requests* the Director-General to inform the Executive Board, at its 113th, session. of developments in this matter;
 10. *Decides* to include this item on the agenda of its twenty-second session."
2. In resolution 4/O1, also adopted at its twenty-first session, the General Conference further authorized the Director General to ensure "the presence of Unesco in Jerusalem with a view to the preservation of the city and the site."

II. COMMUNICATION RECEIVED BY THE DIRECTOR-GENERAL

SUBJECT OF JERUSALEM

3. The Director-General has received from the Permanent Delegate of the Hashemite Kingdom of Jordan to Unesco a communication dated 16 January 1981 concerning the Muslim cemeteries next to the old wall of Jerusalem and the Haram al-Sharif. The text of the communications which was transmitted by the Secretariat to the Permanent Delegate of Israel to Unesco in a letter dated 18 February 1981, with a request for any comments he might wish to make, is reproduced below:

"I wish to bring to your attention a further stage in the Israeli plan to change the Islamic cultural monuments of Jerusalem.

1. Israel has taken over the Muslim cemeteries next to the old wall of Jerusalem and the Haram al-Sharif on the east, and has entered their character. They include the two cemeteries of the Bab ar-Rahma Gate and the Bab al-Yusufiyya Gate, which Israel has turned into a public warden in which it has opened what it calls the 'Israeli National Park'.
2. I should like to point out that the importance of these cemeteries lies not only in their being waqf (inalienable property) but also in their cultural similarity to the tombs of the companions of the Prophet who were buried in the second half of the eighth century of the Hijra. Israel's violation of these cemeteries thus represents aggression against crucial evidence of Islamic history and culture throughout the world.
3. The Park and similar projects are merely pretexts. Israel uses the pretexts of beautification and modernization to carry out archaeological excavations and demolish and destroy cultural landmarks and commit aggression against them, subsequently taking them over: whereas Unesco has condemned all such practices in its resolutions.

I hope that this information may be helpful to you in implementing Unesco's resolutions, in particular resolution 21 C/4/14 about the protection of the cultural heritage and property in Jerusalem."

4. At 13 August 1981 the Director-General had not received any communication on this subject from the Permanent Delegate of Israel to Unesco.

III. MISSION OF THE PERSONAL REPRESENTATIVE OF THE DIRECTOR-GENERAL

5. In pursuance of 21 C/Resolution 4/i4, the Director-General instructed his personal representative Mr. Raymond Lemaire, Professor at the University of Louvain, to visit Jerusalem, and this he did from 3 to 7 August 1981. The mission was carried out after consultation with the Government of Israel.
6. Following his mission, Professor Lemaire delivered to the Director-General his report, which is reproduced in full below:

"1. Aims of the mission

The Jerusalem mission was carried out from 3 to 7 August. The purpose was to draw up a report on the safeguarding of the city's heritage of monuments and buildings. My attention was drawn to the following points in particular: the excavations, the safeguarding, restoration or rehabilitation operations carried out in the part of the city lying to the east of the Israeli borders and the consideration of a complaint lodged by the Jordanian Government with the Director-General concerning the violation and conversion into a national park of Muslim cemeteries situated along the eastern part of the old wall of the historic city.

I wish to thank the Government of Israel for the facilities and assistance extended to me for this mission.

2. Persons met

Mr Michael Elitzur, Deputy Director-General of the Ministry for Foreign Affairs;
Mr Ovadia Sopher, Director of the Department of International Organizations, Ministry for Foreign Affairs;
Mr Gad Cohen, of the same Department;
Mr Avi Eytan, Director of Antiquities, Ministry of Cultural Affairs;
Mr. Brosch, Deputy Mayor of Jerusalem;
Mr Yochi Mintzker, Architect in the Department of Antiquities;
Mr Pierre Bugod, Architect in charge of improvement operations in the historic city;
Professor A. Byran, Honorary Director of Antiquities;
Professor Ygal Shiloh, of the Hebrew University.
Mr Teddy Kollek, Mayor of Jerusalem, whom I should have liked to meet, was in Canada. In addition, and despite several attempts, I was unable to make any appointment with Professor Miazar and Professor Avigad, or with Mr. Thabboub, Director of Waqf in Jerusalem.

3. Excavations

3.1 *Jewish Quarter*. There are no excavations or borings under way. Professor Avigad has just published, in Hebrew, the general report on the excavations carried out by him in the sector in the last ten years. An English translation is to be printed soon.

Safeguarding operations have been carried out for the maintenance and display of the remains of the 'Nea', a famous church built in the sixth century under the Emperor Justinian. The work in question involves reinforced concrete covers filling in the bottom of the excavation occupying the projecting angle of the southern part of the old wall, half-way between the Zion Gate (Bab al-Nabi Dawud) and the Dung Gate. Mention was made in 1977 (see my report of 22 December 1977) of a scheme to build a hotel over a vast underground car-park reached by a tunnel beneath the old wall. This scheme has been abandoned in favour of a public park with an open-air theatre in the deepest area of the excavation. Part of it has already been filled in. The filling material is liable soon to cover the important Gothic remains of a convent built by the Crusaders which it would be desirable to safeguard. In the absence of the Mayor of Jerusalem, I was unable to obtain any reliable information on the future of these ruins, which were brought to light during the excavations a few years ago.

3.2 *The excavations near the Haram al-Sharif* have been at a standstill since 1976. Since my last visit in April 1979, a considerable amount of conservation and presentation work has been carried out, mainly in the area outside the rampart between the Double Gate and the south-eastern angle of the old wall. This area is known to contain remains of monuments, chiefly from the Herodian, Byzantine and Ommiad periods. The upper part of the walls, uncovered in the course of excavations, has been in various circumstances reinforced, dismantled and rebuilt or raised. In most cases the original parts are readily distinguishable from those remade or reconstituted. The people in charge of the projects have clearly set out to apply the principles of the 1964 Venice Charter on the subject.

Opinions may of course differ on the aesthetic quality or the nature of some of these operations, but there can be no doubt that the safeguarding of the remains called for action of the kind and on the scale undertaken. The remains from the Roman, Byzantine and Ommiad periods have been maintained without discrimination.

The reconstruction of the monumental stairway situated before the Double Gate and the columns put up without any archaeological justification, referred to in my report of 22 December 1977, are still in the same state despite the possibility contemplated at the time by the Director of Antiquities of at least taking down the columns.

In order to open up the excavations for visits, pathways, foot-bridges and metal staircases have been constructed. Provision has been made for inscriptions and explanatory plans. The excavation site is not yet open to the general public.

3.3 *Excavations in the 'City of David'*. Work has been under way in this area since 1978. It had been undertaken in order to remove the very large quantities of unstable earth and rubble accumulated by, *inter alia*, the numerous excavations carried out in the sector since the beginning of this century (see my report of 3 October 1978). This development was to be executed under archaeological supervision and accompanied by borings and consolidation of the remains brought to light in the course of previous excavations, often left without any maintenance and even in danger of disappearance. The work carried out was in accordance with this programme at the time of my visits in 1979 and 1980.

This year, however, the extent of the undertaking gives the impression that the work under way goes beyond what is needed to ensure the safety of the inhabitants and the safeguarding of archaeological remains. Admittedly when it comes to mixed and unstable earth - and the fatal accidents involving children buried by sudden earthfalls, together with the long cracks in the hillside that I myself observed after the

winter of 1978, prove that it is so difficult to lay down exactly what should be removed and what can be left as it is without danger. However, in several places so much earth and rubble have been removed that new risks of instability may arise. This is particularly so in the area overlooking the old way of the Jebusite period which had already been discovered by J. MacCallister and K. Kenyon but which has been further uncovered recently.

I urged Professor Y. Shiloh, the director of excavation, to seek expert advice regarding the present stability of the soil in the most critical sectors. This seems to me to be all the more desirable since the excavations are surmounted by a housing area and one of the houses appears to be particularly at risk. It is thought to be built on the bedrock covering part of the Ophel hill, but it would be wise to make sure of this.

When earth is removed, a painstaking check is made of previous excavations. This results in greater chronological accuracy. There can be no denying that the excavation area has been extended beyond anything done before 1967. Without any precise plans of these excavations, I was unable to determine the size of this extension.

The remains of ramparts and other constructions, dating back to the first millennium B.C., have been partially consolidated with a view to their conservation and display.

As I stated in my report of 3 October 1978, the excavations are mainly situated on land purchased over half a century ago by the Rothschild family and ceded to the State of Israel, which has included it in its private heritage.

From the scientific point of view, the operations seem to me to have been carried out in accordance with current methods and rules. Their value in throwing light on the most ancient history of Jerusalem is indisputable.

4. Safeguarding and rehabilitation work in the old city

Little work is under way in the old city. The construction of new infrastructures in some main streets of the city has been completed. The new pavement is in place. It is made up of large slabs of natural stone from the area and corresponds to the former situation. Houses have been consolidated according to the typical Jerusalem method, i.e. the construction of flying-buttresses. It is interesting to note that an effort has been made by owners to restore and improve several facades, mainly in the Haram al-Sharif neighbourhood and particularly in respect of a number of Waqf properties.

- 4.1 The only area in which completion operations on some scale are under way is the Jewish Quarter, involving the large Yeshiva Porat Yoseph ensemble designed by the architect M. Safdie on the vast esplanade front facing the Wailing Wall. The edifice replaces a building for the same purpose demolished in 1948 but much less monumental. Its size and its massiveness are scarcely in keeping with the scale of the site.
- 4.2 The southern area of the Roman and Byzantine Cardo was badly damaged during the 1948 war. Rehabilitation and reconstruction operations have been under way for many years. The gallery which prolongs the existing souls, and in which the remains of the Byzantine Cardo and those of subsequent historic constructions have been integrated and presented, is nearing completion. Inside the gallery, which is vaulted over, a number of bays in the Byzantine architectural style will be reassembled with original items discovered in the course of excavations.
- 4.3 I examined several buildings situated above the tunnel built in 1969-1972 along the Haram al-Sharif beneath the buildings of the Arab Quarter, and mainly 'Ribat Kurd' which had suffered considerable stability damage. I observed no noteworthy fresh deterioration. It seems then that the soil has become gradually stabilized after the installation of metal buttressing in the tunnel.
- 4.4 Improvements in the outer vicinity of the ramparts are being completed. Consolidation and presentation of the remains discovered during excavations before 1977 along the southern and western parts of the old wall is finished. Areas of greenery have been planted.

Reconstruction of the square in front of the Damascus Gate, which was under way in 1980, has also been completed. Work is continuing, however, on presentation of the remains of monuments at the Roman Gate discovered in the British mandate period beneath the sixteenth-century construction.

5. The Muslim cemeteries along the eastern part of the old wall

This wall overlooks the Cedron Valley, whose western slope has been occupied since the Middle Ages by the main Muslim cemetery of Jerusalem. A complaint lodged with the Director-General on 16 January 1981 by the Permanent Delegate of the Hashemite Kingdom of Jordan states that 'Israel has taken over the Muslim cemeteries... and has altered their character. They include the two cemeteries of the Bab ar-Rahma Gate and the Bab al-Yusufiyya Gate, which Israel has turned into a public garden in which it has opened what it calls the "Israeli National Park".'

The eastern wall has two gates in it: one, which has been walled up since the Middle Ages, is the 'Golden Gate', called Bab al-Dahariyeh' in the plans of the city dating back to British mandate days or earlier; the other, further north, is Saint Stephen's Gate' or Bab Sitti Maryam (al Sabat)'.

They are surrounded by cemeteries. Since it is the only area around the old wall containing cemeteries in uses it may be concluded that despite the difference in the names of the gates, this is the part of the territory of Jerusalem referred to in the complaint by the Government of Jordan.

I made a close inspection of the site, the state of which is as follows:

The area around the Golden Gate (Bab al-Dahariyeh), extending from Saint Stephen's Gate (Bab Sitti Maryam) to the south-eastern corner of the rampart, is entirely covered by a Muslim cemetery. No alteration has been made to it and it has fully retained the traditional aspect which has been familiar to me since my first visit to Jerusalem in 1971.

On the other hand, the area stretching between Saint Stephen's Gate (Bab Sitti Maryam) and the north-eastern corner of the old wall has had recent work done on it. A pre-existing pedestrian way has been laid out and local plants and trees put in around it. Freshly erected railings separate the area turned into a park from the vast Muslim cemetery occupying the rest of the hillside. No trace of a grave is to be seen in the 'park' area and it is impossible to check on the spot whether graves have been effaced or shifted.

I questioned Mr Brosch, the Deputy Mayor of Jerusalem, on the nature and date of these operations and on any projects concerning the area to the south of Saint Stephen's Gate (Bab Sitti Maryam). Being unable to give me any information in the absence of the Mayor and of the responsible municipal officials, he promised me an exhaustive note on the matter. It is to be transmitted to me via the Ministry for Foreign Affairs. I shall communicate it to the Director-General, with any comments I may have to make, as soon as I receive it.

6. Since my visit in 1980, there has been no noteworthy modification which would affect the landscape of the historic city of Jerusalem. In the Israeli city, high-rise buildings under construction at the time have been completed.

Construction of the Manilla development, along the western slope of the old wall in front of the Jaffa Gate is still under consideration. Considerable changes are thought to have been made to the project - which includes a vast underground car-park, shopping streets and galleries, a hotel and dwellings - in order to fit it into the site better and make it more compatible with the neighbourhood of the medieval surrounding wall. The land concerned by this project is situated partly inside Israeli territory and partly in the 'no man's land' which separated the cease-fire lines imposed in 1949 on the Jordanian and Israeli armies "

IV. PROPOSAL TO INCLUDE THE "OLD CITY OF JERUSALEM AND ITS WALLS" ON THE WORLD HERITAGE LIST

7. In a letter of 15 December 1980, the Permanent Delegate of the Hashemite Kingdom of Jordan to Unesco transmitted a file to the Director-General containing additional information and documentation in connection with the proposal to include the old city of Jerusalem and its walls on the World Heritage List, which was submitted to the World Heritage Committee at its fourth session (Paris, 1-5 September 1980) by the Hashemite Kingdom of Jordan.
8. In accordance with the procedure established by the World Heritage Committee, the Secretariat passed on the file, on 17 December 1980, to the International Council of Monuments and Sites (ICOMOS) in order that it might consider the proposal and make a recommendation on the subject to the Bureau of the World Heritage Committee.
9. In a letter dated 14 January 1981, furthermore, the Director-General drew the attention of the Chairman of the World Heritage Committee, Mr Michel Parent (France), to the recommendation by the General Conference that the World Heritage Committee "speed up the procedure for including the City of Jerusalem on the 'World Heritage List'".
10. In a letter dated 7 April 1981, the Chairman of the World Heritage Committee informed the Director-General that he had given full attention to the recommendations made by the General Conference to the World Heritage Committee concerning Jerusalem and that he had personally contacted the Secretariat of the International Council of Monuments and Sites (ICOMOS) to ensure that that organization gave careful consideration to the proposal for inclusion.
11. The proposal to include the old city of Jerusalem and its walls on the World Heritage List and the recommendation made by the International Council of Monuments and Sites (ICOMOS) in that connection were submitted to the Bureau of the World Heritage Committee at its fifth session (Paris, 4-7 May 1981). The record of the proceedings of the Bureau On the subject are reproduced below:

"The Bureau examined the nomination of the 'Old city of Jerusalem and its walls' presented by the Hashemite Kingdom of Jordan.

It noted that this inscription raised for some members problems of procedure and legality which were referred to the Committee for consideration.

The Bureau examined the report of ICOMOS which recommended inscription of the 'Old City of Jerusalem and its walls' on the World Heritage List. However, some members of the Bureau drew attention to the lack of balance in the list of monuments given in Annex III and indicated that it would be necessary that other historical buildings and monuments be included.

It has taken note of the agreement of the Hashemite Kingdom of Jordan to include in the list of monuments the historic buildings which ICOMOS recommends to and. Some states considered that the 'Old city of Jerusalem and its walls' constituted a historic ensemble which should be considered in its totality as a coherent whole whose balance and specific character depend on the synthesis of the elements of which it is composed, and where, since some elements belong to different historical periods, the preservation should be carried out taking into account the manifestations of all these periods.

These states considered that for this reason the inscription of the Old city of Jerusalem and its walls should be recommended to the Committee.

Other states expressed concern about the adequate protection and management of the site and requested the inscription not to be recommended to the Committee.

Under these conditions, since a general agreement could not be reached in the Bureau, it will be for the Committee to take in this respect the decision which in any case has to be taken by the Committee."

12. On 29 June 1981 the Permanent Delegates of 15 Member States of the World Heritage Committee (Argentina, Australia, Brazil, Bulgaria, Egypt, France, Federal Republic of Germany, Iraq, Italy, Jordan, Libyan Arab Jamahiriya, Nepal, Pakistan, Senegal, Tunisia) submitted to the Director-General and to the Chairman of the World Heritage Committee a request that an extraordinary session of the Committee be convened in Paris as soon as possible and before the fifth regular session of the Committee (which is to be held in Sydney from 26 to 30 October 1981) with the following provisional agenda:
 - election of two Vice-Chairmen for the Bureau of the World Heritage Committee;
 - nomination of the "Old city of Jerusalem and its walls," for inscription on the World Heritage List.
13. The Permanent Delegates of Cyprus and of Zaire (which are also members of the Committee) supported the request on 3 and 15 July 1981 respectively.
14. In accordance with Rule 2.2 of the Rules of Procedure of the Committee, the Director-General, in agreement with the Chairman of the Committee, granted the request by convening an extraordinary session of the World Heritage Committee which is to be held at Unesco Headquarters on 10 and 11 September 1981.
15. In this document the Director-General conveys to the Executive Board all the information concerning Jerusalem in his possession at 13 August 1981. He will continue to do everything within his power to ensure that the resolutions of the General Conference and the decisions of the Executive Board are implemented and he will spare no effort with a view to the preservation of the City of Jerusalem, which belongs to the heritage of all mankind.



**NOMINATION OF THE OLD CITY OF JERUSALEM FOR INSCRIPTION
ON THE WORLD HERITAGE LIST OF THE 1972 UNESCO CONVENTION
CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE,
10 AND 11 SEPTEMBER 1981 [EXCERPTS]**

REPORT OF THE RAPPORTEUR

6. The examination of this question was taken up following the resolution adopted by consensus by the World Heritage Committee at its fourth session held in Paris from 1 to 5 September 1980, and of the report of the Bureau of the Committee which, during its fifth session held at UNESCO Headquarters from 4 to 7 May 1981, had examined the proposal to inscribe the "Old City of Jerusalem and its Walls", presented by the Hashemite Kingdom of Jordan, as well as the report of ICOMOS (International Council on Monuments and Sites) which recommends the inclusion of this property on the World Heritage List.
7. The Chairman informed the Committee that Israel had requested that a representative of Israel be invited to take part in the deliberations of the Committee concerning the request by the government of Jordan that the "Old City of Jerusalem and its Walls" be inscribed on the World Heritage List. The Delegate of the United States of America, recalling the terms of Article 11(3) of the Convention, requested that Israel, as the State responsible for the administration and *de facto* control of the Old City of Jerusalem, be given the right to

speak at the appropriate time. The Chairman referred to Rules 6, 7 and 8 of the Rules of Procedure and concluded that Israel could not be invited to participate in the session, since it was not a State Party to the Convention.

8. The Chairman of the Committee informed State members of the terms of the letter addressed to him by the Permanent Delegate of Jordan to UNESCO (see Annex 11) by which he communicated in the form of an addendum to Annex III of file No. 148 Rev. the list of the buildings which ICOMOS had recommended adding (see Annex III).
9. The representative of Jordan presented the nomination with the following statement:

"Jordan as a member of UNESCO and as a State party to the Convention for the protection of the World Cultural and Natural Heritage, presented in September last year is nomination for the inscription of "The Old City of Jerusalem and its Walls" on the World Heritage List.

The value that Jerusalem represents for the three religions of Judaism, Christianity and Islam was the only possible explanation for the unanimous decision of your Committee in its 4th session of September 1980 to take into consideration the nomination presented by the H.K. of Jordan concerning the Old City of Jerusalem and its Walls in all its cultural and human aspects'.

The Committee was in full agreement in appreciating their unique importance in view of the universal values they represent from the religious, historical, architectural and artistic points of view.

The Committee decided to open the established procedure for the examination of this proposal for the inscription of the Old City and its Walls on the World Heritage List.

In the same spirit the General Conference of UNESCO in its 21st session adopted a resolution 4/14 in which it recommends to your very Committee to speed up the procedure for including the City of Jerusalem on the World Heritage List'.

Since the decision of your Committee in its 4th session, Jordanian specialists have been able to complete the technical file on the Old City of Jerusalem and its Walls, which was presented to the Secretariat on December 16, 1980. This file was later studied by ICOMOS, which in turn in its document No. 148 recommended to the Bureau of this Committee to accept the Jordanian nomination.

Mr. Chairman,

The reason why this extraordinary session of your Committee is held is the attempt of some colleague members of the Bureau to go back on the decision taken unanimously by your Committee at its 4th session. Despite this decision, despite the recommendation of the General Conference and despite even the recommendation for inscription made by the ICOMOS, those colleagues instead of studying the technical aspects of the nomination, as [*sic*] were expected to do, chose to deal with irrelevant complicated questions, that are neither within the competence of the Bureau nor of the Committee.

Jordan agreed during the discussions of the Bureau to all additions made by ICOMOS. Our letters addressed to the Chairman of your Committee and the Director-General of UNESCO and the Secretariat show clearly Jordan's adherence to the Recommendation concerning the safeguarding and contemporary role of historic areas.

It has been always our understanding that the Old City of Jerusalem constitutes an historic ensemble which should be considered in its totality as a coherent whole. The list of monuments attached to the application is meant to be indicative of the richness of the city and not exhaustive.

I ask you to consider this nomination in the spirit of the unique value of Jerusalem.

I ask you to stay within your competence. Jordan is not using this Committee or your deliberations as a vehicle for political claims. We realize and you should realize that the status of Jerusalem cannot be decided in your Committee. It is up to other international organs to decide on this very complicated issue. I appeal to you for the sake of humanity and its heritage, to stay within your competence, and accept the Jordanian request for the inclusion of the Old City of Jerusalem and its Walls on the World Heritage List."

10. The representative of ICOMOS recalled that, at the meeting of the Bureau in May 1981, that non-governmental organization had recommended the inscription of the "Old City of Jerusalem and its Walls" on the World Heritage List. He took note of the favourable response given by Jordan to their observations relating to the list of monuments and stated that, with the supplementary list now adds to the file, there was no longer a lack of balance in the list of monuments set out in Annex III of file No. 148 Rev. He confirmed that the description of the property comprised the totality of the Old City and its Walls, and included both the list of buildings submitted with the original nomination and the supplementary list.
11. The Committee registered this confirmation. It agreed that the "Old City of Jerusalem and its Walls" constituted an historic ensemble which should be considered in its totality as a coherent whole whose balance and specific character depend on the synthesis of the elements of which it is composed and where the preservation should be carried out taking into account the manifestations of all the different historical periods.

12. With report to the adequate protection and preservation of the site, ICOMOS considered that current practices ensured the adequate protection of the "Old City of Jerusalem", and drew attention to the participation of the international community in this regard. The ICOMOS representative recalled finally that, in any case, the procedures adopted by the Committee, in the case of proven inadequacy or manifest deficiency in the matter of preservation, enable the Committee to decide that the inscription be cancelled. In conclusion, he stated that ICOMOS was favourable to the inscription of the "Old City of Jerusalem and its Walls" on the World Heritage List.
13. In the subsequent discussion, it became evident that there was widespread support that a property as outstanding as the Old City should be inscribed on the World Heritage List. The majority of speakers had no reservations about Jordan's competence to make the proposal. A few speakers expressed reservations about Jordan's legal right to present the nomination and about the possible implications of inscription to questions related to the status of Jerusalem and to questions of sovereignty and jurisdiction. Although it was recognized that Article 11(3) of the Convention existed to cover these matters, these speakers were concerned that there should be no implicit or explicit recognition of the sovereignty of any State associated with the inscription. The United States Delegation objected explicitly to the nomination by Jordan as not conforming with the articles of the Convention which provide that the nominating State submit only those sites which are "situated in its territory", which require that the consent of "the State concerned" be obtained and which require that the nominating State provide an effective plan for the protection and management of the site. This delegation asked other delegations to join in rejecting an impermissible nomination.
14. At the end of the debate on file No. 148 Rev. presented by the Hashemite Kingdom of Jordan, the Committee decided to inscribe the Old City of Jerusalem and its Walls on the World Heritage List.
15. The above-mentioned decision was the subject of a vote by roll-call, the result of which was as follows: 14 for, 1 against and 5 abstentions. The representatives of nine State members of the Committee explained their votes; their statements, in extended or in summarized form, are to be found in Annex IV. The observer from Chile wished to address the meeting concerning the inscription of the Old City of Jerusalem on the World Heritage List; since the decision on that question had already been taken by the Committee, his request was not considered receivable and he was asked to transmit his statement in writing to the Chairman who would ensure that it was added to the file.



**LETTER FROM THE CHAIRMAN OF THE COMMITTEE ON THE EXERCISE
OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE ADDRESSED
TO THE UN SECRETARY-GENERAL, 17 SEPTEMBER 1981**

[Letter reporting of Israeli activities and excavations in the area of Haram al-Sharif]

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to convey to you the deep concern caused by Israel's actions in Jerusalem, where excavations are continuing in a tunnel located underneath Al-Haram Al-Sharif (the holy mosque), despite the assertion by a spokesman for the Israeli Minister for Religious Affairs that the digging had been halted. The work being done in this tunnel is endangering Islamic buildings adjacent to Al-Haram Al-Sharif and the continuation of this excavation work can only fan tension in the Holy City.

There have apparently already been some skirmishes between Arabs and Jews about the excavations and it may be expected that tension will mount unless work in the tunnel is halted immediately. The Committee is of the firm opinion that urgent action must be taken to make Israel clearly understand the dangers of continuing the work without taking the Arabs' religious feelings into account.

I should be grateful if you would arrange for this letter to be issued as a document of the General Assembly, under item 31 of the provisional agenda, and of the Security Council.

(Signed) Massamba SARRE
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People



UNESCO EXECUTIVE BOARD, DECISIONS AND RESOLUTIONS ADOPTED AT ITS 113TH SESSION (PARIS, 15 SEPTEMBER-2 OCTOBER 1981), RESOLUTION 5.5.1, 27 OCTOBER 1981

5.5 Culture and Communication

5.5.1 Jerusalem and the application of 21 C/Resolution 4/14 (113 EX/12 and Add. 1, 2, 3, 4 and 5 and 113 EX/40)

The Executive Board

1. *Recalling* all the resolutions and decisions adopted by the General Conference of Unesco and its Executive Board concerning the preservation of the cultural property in the city of Jerusalem and particularly resolution 4/14 adopted by the General Conference at its twenty-first session,
2. *Recalling* that the General Conference, in 21 C/Resolution 4/14, invited Member States “to withhold all recognition of the modifications made by Israel to the character and status of Jerusalem and to abstain from any act that might imply any recognition whatsoever of those modifications” and that it also invited the Director-General “to keep a constant watch on the execution of the resolutions and decisions of the General Conference and Executive Board concerning Jerusalem”,
3. *Having taken note* of the report of the Director-General (113 EX/12 and Add. 1, 2, 3, 4 and 5) which contains the report of his personal representative in the occupied city of Jerusalem describing the outcome of the mission carried out between 3 and 7 August 1981, and having listened to the additional information provided orally by the personal representative of the Director-General,
4. *Noting*, after considering the facts set out, that it transpires:
 - (a) that the Israeli occupying authorities are continuing with the excavations and transformations, the halting of which has been requested by the General Conference,
 - (b) that the excavations and transformations in progress seriously threaten the historical and cultural sites of Jerusalem and that they have never before reached such a pitch as they have today, in both intensity and gravity,
5. *Having taken note* of the decision of the World Heritage Committee, taken at its extraordinary session held in Paris on 10 and 11 September 1981, concerning the inclusion of the old city of Jerusalem and its walls on the World Heritage List,
6. *Considering* that the General Conference, at its twenty-first session, gave the Executive Board an explicit mandate to take any measures that it might consider appropriate, in conformity with the prerogatives conferred upon it by the Constitution,
7. *Thanks* the Director-General for what he has done and the representations he has made to secure implementation of the resolutions concerning the protection of cultural property located in Jerusalem;
8. *Notes* with satisfaction the World Heritage Committee’s decision to include the old city of Jerusalem and its walls on the World Heritage List;
9. *Recommends* that the World Heritage Committee speed up the procedure for including the old city of Jerusalem and its walls on the List of World Heritage in Danger;
10. *Expresses* its deep concern at the grave threat posed to the old city of Jerusalem and its walls by Israel’s continued excavations and transformations;
11. *Condemns* Israel’s persistent and deliberate violations of the resolutions adopted by Unesco in this connection;
12. *Invites* the Director-General to undertake a study of the situation of all the cultural property located in Jerusalem and of the dangers to which it is exposed so that the Executive Board can identify the facts making it possible to take the decision that the situation warrants;
13. *Decides* to include this item on the agenda of its 114th session.



**UN GENERAL ASSEMBLY RESOLUTION 36/15
CONCERNING EXCAVATIONS IN JERUSALEM, 28 OCTOBER 1981**

The General Assembly,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolutions 2253 (ES-V) of 4 July 1967, 2254 (ES-V) of 14 July 1967, 3092 (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 31/106 B of

16 December 1976, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978, 34/90 A of 12 December 1979 and 35/122 of 11 December 1980,

Recalling Security Council resolutions 252 (1968) of 27 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980,

Bearing in mind the need to protect and preserve the unique spiritual and religious character and dimensions of the Holy City of Jerusalem,

Expressing its very grave concern that Israel, as the occupying Power, persists in excavating and transforming the historical, cultural and religious sites of Jerusalem,

Noting with alarm that the excavations and transformations in progress seriously endanger the historical, cultural and religious sites of Jerusalem as well as its over-all configuration and that these sites have never been as endangered as they are today,

Noting with satisfaction and approval the decision of the World Heritage Committee of the United Nations Education, Scientific and Cultural Organization to include the Old City of Jerusalem and its walls on the World Heritage list,

Noting with appreciation the recommendation of the Executive Board of the United Nations Education, Scientific and Cultural Organization during its one hundred and thirteenth session that the World Heritage Committee should speed up the procedure for including the Old City of Jerusalem and its walls on the List of World Heritage in Danger.

1. *Determines* that the excavations and transformations of the landscape and of the historical, cultural and religious sites of Jerusalem constitute a flagrant violation of the principles of international law and the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;
2. *Decides* that such violations by Israel constitute a serious obstruction to achieving a comprehensive and just peace in the Middle East as well as a threat to international peace and security;
3. *Demands* that Israel desist forthwith from all excavations and transformations of the historical, cultural and religious sites of Jerusalem, particularly beneath and around the Moslem Holy Sanctuary of Al-Haram Al-Sharif (Al-Masjid Al-Aqsa and the Sacred Dome of the Rock), the structures of which are in danger of collapse;
4. *Requests* the Security Council to consider this situation in case Israel fails to comply immediately with the present resolution;
5. *Requests* the Secretary-General to report to the General Assembly and the Security Council to later than 23 November 1981, on the implementation of the present resolution.

[Adopted at the 42nd plenary meeting.]



**UN GENERAL ASSEMBLY, RESOLUTION 36/120, QUESTION OF PALESTINE,
10 DECEMBER 1981 [EXCERPTS]**

[Resolution on the question of Palestine, reaffirming the importance and peculiarity of Jerusalem]

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,

Deploring 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.



**UN RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE
NEAR EAST (UNRWA), RESOLUTION 36/146, 16 DECEMBER 1981 [EXCERPTS]**

*[Note: The call to establish the University of Jerusalem for Palestine Refugees
was repeated in numerous subsequent UNRWA Resolutions]*

G

UNIVERSITY OF JERUSALEM FOR PALESTINE REFUGEES

The General Assembly,

Recalling General Assembly resolution 35/13 B of 3 November 1980,

Having examined with appreciation the report of the Secretary-General concerning the establishment of the university of Jerusalem in pursuance of paragraphs 5 and 6 of resolution 35/13 B,

Having also examined with appreciation the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1980 to 30 June 1981,

1. Commends the constructive efforts made by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Council of the United Nations University and the United Nations Educational, Scientific and Cultural Organization in exploring ways and means of establishing at Jerusalem a university of arts and sciences to cater to the needs of Palestine refugees in the area, under the aegis of the United Nations;

2. Commends further the close co-operation of the competent educational authorities in the host countries as well as those of the Palestine Liberation Organization;
3. Recognizes the urgent necessity of establishing the proposed university;
4. Calls upon Israel as the occupying Power to desist from obstructing the implementation of the resolution of the General Assembly and to remove the obstacles which it has put in the way of establishing the university at Jerusalem;
5. Requests the Secretary-General to take all necessary measures, including a functional feasibility study for establishing the university at Jerusalem;
6. Further requests the Secretary-General to report to the General Assembly at its thirty-seventh session on the progress made in the implementation of the present resolution.



**UN GENERAL ASSEMBLY RESOLUTION 36/226 ON THE SITUATION IN THE MIDDLE EAST,
17 DECEMBER 1981 [EXCERPTS]**

[Resolution condemning Israeli activities in the Palestinian territories and Jerusalem]

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General dated 11 November 1981,

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,

Reiterates 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 occupied Palestinian and other Arab territories, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on the 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,

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;
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 as 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 and 36/120 A to F of 10 December 1981;
5. *Rejects* all partial agreements and separate treaties 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 A/RES/35/207 of 16 December 1980, 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, specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions, including General Assembly resolution 36/120 E;
 7. *Condemns* Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly in the Palestinian refugee camps 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 pertinent international conventions;
 8. *Strongly condemns* Israeli annexationist policies and practices in the occupied Syrian Golan Heights, the establishment of settlements, the confiscation of lands, the diversion of water resources, the intensification of repressive measures against the Syrian citizens therein and the forcible imposition of the Israeli citizenship on Syrian nationals, and declares all these measures as null and void as they constitute violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;
 9. *Strongly condemns* the Israeli aggression against Lebanon and the continuous bombardment and destruction of its cities and villages, and all acts that constitute a violation of its sovereignty, independence and territorial integrity and the security of its people, and prevent the full implementation of Security Council resolution 425 (1978) of 19 March 1978, including the full deployment of the United Nations Interim Force in Lebanon up to the internationally recognized borders;
 10. *Calls* for strict respect of the territorial integrity, sovereignty and political independence of Lebanon, and supports the efforts of the Lebanese Government, with regional and international endorsement, to restore the exclusive authority of the Lebanese State over all of its territory up to the internationally recognized boundaries;
 11. *Deplores* Israeli violations of the air space of various Arab countries and demands their immediate cessation;
 12. *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, and 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;
 13. *Calls upon* all States to put an end to the flow to Israel of any military, economic and financial resources, which would encourage it to pursue its aggressive policies against the Arab countries and the Palestinian people;
 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-seventh session a comprehensive report covering the developments in the Middle East in all their aspects. [...]



**UN GENERAL ASSEMBLY RESOLUTION 37/123 ON THE SITUATION IN THE MIDDLE EAST,
16 DECEMBER 1982 [EXCERPTS]**

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, [...]

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; [...]
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; [...]

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.

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 12th 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 12th 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; [...].



**DRAFT UN SECURITY COUNCIL RESOLUTION PROPOSED
BY IRAN, JORDAN, MOROCCO AND UGANDA, 20 APRIL 1982**

[This draft resolution, condemning Israeli violations, was vetoed by the US]

The Security Council,

Having considered the letter of the Permanent Representative of Morocco, dated 12 April 1982, conveying the request of His Majesty King Hassan II of Morocco, Chairman of Al-Quds Committee (S/14967),

Having considered the letter dated 13 April 1982 of the representative of Iraq, the current Chairman of the Islamic conference, contained in document S/14969,

Having heard the message of His Majesty King Hassan II of Morocco and the statements made before the Council reflecting the universal outrage caused by the acts of sacrilege at al-Haram al-Sharif, one of the holiest places of mankind,

Taking note of the statement received from the Higher Islamic Council in Jerusalem (S/14982) concerning the shooting of worshippers by armed Israeli within the precincts of al-Haram al-Sharif,

Bearing in mind the unique status of Jerusalem and, in particular, the need for protection and preservation of the spiritual and religious dimension of the Holy Places in the city,

Recalling its relevant resolutions pertaining to the status and character of the Holy City of Jerusalem,

Deeply concerned over the sacrilegious acts perpetrated against the sanctity of al-Haram al-Sharif, in Jerusalem on 11 April 1982 and the criminal acts of shooting at worshippers, particularly inside the sanctuary of the Dome of the Rock and the Al-Aqsa Mosque,

Deeply grieved at the loss of and injury to civilian life as a result of these criminal acts,

Affirming once more that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to all territories occupied by Israel since 1967, including Jerusalem,

1. *Condemns* in the strongest terms these appalling acts of sacrilege perpetrated within the precincts of al-Haram al-Sharif;
2. *Deplores* any act or encouragement of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem as tending to disturb world peace;
3. *Calls upon* Israel, the occupying Power, to observe and apply scrupulously the provisions of the Fourth Geneva Convention and the principles of international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Higher Islamic Council in Jerusalem;
4. *Requests* the Secretary-General as he deems appropriate to keep the Security Council fully informed on the implementation of this resolution;
5. *Decides* to remain seized of this serious matter.



**REPORT OF THE SECRETARY-GENERAL, UNDER UN GENERAL ASSEMBLY
RESOLUTION 36/120 E, 10 JUNE 1982**

1. On 10 December 1981, the General Assembly, at its thirty-sixth session, adopted resolution 36/120 E entitled "Question of Palestine", the operative part of which reads as follows:

"The General Assembly,

[...]

"5. Requests the Secretary-General to report on the implementation of those resolutions within six months."

[...]

3. On 22 February 1982, the Secretary-General addressed a note verbale to the Permanent Representative of Israel. In it, the Secretary-General drew the attention of the Permanent Representative to the operative paragraphs of General Assembly resolution 36/120 E and, in view of his reporting responsibility, requested the Permanent Representative to inform him, if possible by 15 May 1982 of any action which the Government of Israel had taken or envisaged to take in regard to the implementation of the resolution.
4. On 24 May 1982, the Permanent Representative of Israel addressed a note verbale to the Secretary-General, the substantive part of which is reproduced below:

"The Permanent Representative of Israel wishes to draw to the attention of: Secretary-General the position of the Government of Israel on Jerusalem, a set out by the Permanent Representative of Israel in his statement before the General Assembly on 2 December 1981 (A/36/PV.81), which, *inter alia*, reads as follows:

"United Jerusalem is and will remain the eternal capital of Israel and of the Jewish people. It epitomizes the restoration of our national sovereignty in our homeland, the Land of Israel. At the same time, *the* Government of Israel has ever been conscious of the fact that Jerusalem is also of deep meaning and concern to other faiths, to Christians Moslems, as well as Jews. Israel is deeply and reverently mindful of the city's manifold spiritual heritage, of its Holy Places, of its historical treasures and of its rich cultural legacy. Israel has given ample evidence of this profound regard for Jerusalem, as anyone who has visited the united city since 1967 well knows."

5. It will be recalled that, in paragraph 4 of General Assembly resolution 36/120 E, reference was made to Security Council resolution 478 (1980) of 20 August 1980. In that resolution, the Security Council had, *inter alia*, called upon "those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City". In letters dated 17 May 1982 (S/15109) and 1 June 1982 (A/37/262), the Charge d'Affaires of the Permanent Mission of Costa Rica transmitted to the Secretary-General a

message from the Minister for Foreign Affairs and Public Worship of Costa Rica informing the Secretary-General of his Government's decision, on 9 May 1982, to transfer its Embassy to Jerusalem. Communications regarding the decision of the Government of Costa Rica were thereafter addressed to the Secretary-General and to the President of the Security Council by the Permanent Representative of Iraq, current Chairman of the Islamic Conference (A/37/239-S/15114), and the Permanent Representative of Jordan (S/15091) and A/37/231-S/15093).



**UNESCO EXECUTIVE BOARD, DECISIONS AND RESOLUTIONS ADOPTED AT ITS
114TH SESSION (PARIS, 5-21 MAY 1982), DECISION 5.4.2, PARIS, 16 JUNE 1982**

5.4.2 Jerusalem and the implementation of 21 C/Resolution 4/ 14 (114 EX/ 17 and Add. 1, 2 and 3 and Corr. and 114 EX/42)

The Executive Board,

1. *Recalling* all the resolutions and decisions adopted by the General Conference of Unesco and its Executive Board concerning the preservation of cultural property in Jerusalem,
2. *Recalling*:
 - (a) that the General Conference, in its 21 C/Resolution 4/14, invited Member States to 'withhold all recognition of the modifications made by Israel to the character and status of Jerusalem and to abstain from any act that might imply any recognition whatsoever of those modifications', and that it also invited the Executive Board 'to review developments in the situation regarding Jerusalem and to take any measures that it might consider appropriate, in conformity with the prerogatives conferred upon it by the Constitution',
 - (b) that the Executive Board, in its decision 113 EX/3. 5.1, invited the Director-General 'to undertake a study of the situation of all the cultural property located in Jerusalem and of the dangers to which it is exposed so that the Executive Board can identify the facts making it possible to take the decision that the situation warrants',
3. *Having taken note* of the tragic machine-gunning incident at the Al Aqsa Mosque, which caused several casualties among the faithful and defaced the Holy Sanctuary of the Mosque,
4. *Noting* with extreme concern that Israel:
 - (a) persists in its refusal to abide by the resolutions and decisions adopted by Unesco concerning the City of Jerusalem,
 - (b) perseveres in its policy of annexing and Judaizing the City of Jerusalem,
 - (c) persists in carrying out excavations and destruction and in threatening the cultural character of Jerusalem,
 - (d) does not respect the sacred character of the Holy Places, which are continually subjected to assaults and profanation with the full knowledge of the Israeli authorities,
5. *Voting* with profound disquiet the refusal of the occupation authorities to allow the Director-General's mission, comprising five specialists, to go to the occupied City of Jerusalem,
6. *Having noted*, after consideration of the report of the Director-General contained in document 114 EX/17 and Add. 1, 2 and 3, the request submitted by Jordan that the Old City of Jerusalem and its walls, which are already included in the World Heritage List, be included in the List of World Heritage in Danger,
7. *Reaffirms* the previous resolutions and decisions of the General Conference and the Executive Board concerning cultural property in Jerusalem;
8. *Strongly condemns* Israel's repeated refusal to implement those resolutions and decisions;
9. *Recommends* to the General Conference that at its twenty-second session it consider the situation brought about by Israel's refusal to implement the resolutions and decisions adopted by the General Conference and the Executive Board, and that it take such action as it may deem appropriate in the matter;
10. *Strongly denounces* the act of aggression committed by Israeli soldiers against the Al Aqsa Mosque, which led to the death of several of the faithful;
11. *Recommends* to the World Heritage Committee that it speed up the procedure for including the Old City of Jerusalem and its walls in the List of World Heritage in Danger;
12. *Invites* the Director-General to continue his efforts to enable a mission to be sent to study the situation in occupied Jerusalem on the spot, in order that a report on this subject may be submitted to the Executive Board at its 116th session.



UN GENERAL ASSEMBLY RESOLUTION 37/120, 15 FEBRUARY 1983 [EXCERPTS]

UN Relief and Works Agency for Palestine Refugees in the Near East.

C

University of Jerusalem for Palestine Refugees

The General Assembly,

Recalling its resolution 36/146 G of 16 December 1981.

Having examined with appreciation the report of the Secretary-General concerning the establishment of a university at Jerusalem in pursuance of paragraph 5 and 6 of resolution 36/146 G.

Having also examined with appreciation the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1981 to 30 June 1982.

1. *Commends* the constructive efforts made by the Secretary-General, the Commissioner-General of the United Nations Relief and Works Agency for Palestinians Refugees in the Near East, the Council of the United Nations University and the United Nations Education, Scientific and Cultural Organization, which worked diligently towards the implementation of General Assembly resolution 36/146 G;
2. *Further commends* the close cooperation of the competent educational authorities concerned;
3. *Emphasizes* the need for strengthening the educational system in the Arab territories occupied since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;
4. *Endorses* the various steps recommended in the report of the Secretary-General, including the creation of a voluntary fund to be administered by the Department of Technical Co-operation for Development of the Secretariat, in order to provide graduate and post-doctoral fellowships for a highly trained core faculty of the proposed university;
5. *Requests* the Secretary-General to continue to take all necessary measures, including the conduct of a functional feasibility study, for establishing the University of Jerusalem in accordance with the recommendations contained in the report of the Secretary-General;
6. *Calls upon* Israel as the occupying Power to co-operate in the implementation of the present resolution and to remove the hindrances which it has put in the way of establishing the University of Jerusalem;
7. *Request* the Secretary-General to report to the General Assembly at its thirty-eighth session on the progress made in the implementation of the present resolution.



UNESCO EXECUTIVE BOARD, DECISIONS AND RESOLUTIONS ADOPTED AT ITS 114TH SESSION (PARIS, 25 MAY-29 JUNE 1983), DECISION 5.4.1, PARIS, 28 JULY 1983

5.4.1 Jerusalem and the implementation of 21 C/Resolution 4/14 (116 EX/18 and Add. 1 and Add. 2 and 116 EX/50)

The Executive Board,

1. *Recalling* all the resolutions and decisions adopted by the Unesco General Conference and Executive Board on the preservation of cultural property in Jerusalem, in particular 21 C/Resolution 4/ 14,
2. *Recalling* that in 21 C/Resolution 4/14, the General Conference invited the Executive Board to review developments in the situation regarding Jerusalem and to take any measures that it might consider appropriate, and invited the Director-General to keep a constant watch on the execution of the resolutions and decisions concerning Jerusalem,
3. *Observing* with deep disquiet that in addition to the tragic machine-gun attack in the Al-Aqsa Mosque on 13 April 1982, in which there were several victims among the faithful and damage to the Holy Sanctuary of the Mosque, the Mosque has again, in 1983, been the object of an attempted attack on the part of a group of Jewish religious extremists, and that there has been a substantial theft of rare historical objects from the Jerusalem Museum,
4. *Considering* with dismay that the responsibility for all these acts lies with the occupying authority which, where there has not been actual complicity, has omitted to take the necessary preventive and protective measures,

5. *Having noted* the Director-General's report contained in document 116 EX/18, especially paragraphs 4.1, 4.2, 6.2, 6.3, 6.4, 7, 8, 9, 10. 2 and 10.4,
6. *Observing* with deep disquiet that the picture painted by the report is largely as follows:
 - (a) Israel persists in its refusal to conform to the Unesco resolutions and decisions stipulating that there should be a halt to the excavations and to all work in progress which affects or modifies the historical and cultural character of the monuments and sites of the city of Jerusalem,
 - (b) the consequence of this negative attitude is to allow destruction, alteration and other serious threats to the unique historical character of the city of Jerusalem,
 - (c) the large-scale building work in progress is in grave danger of marring the whole landscape of the city for a long time to come,
 - (d) not only have the archaeological excavations in progress since 1967 not been suspended but are being pursued on an ever-increasing scale, thereby causing irreparable damage to the city of Jerusalem,
 - (e) in particular, the Haram al-Sharif, which has already been damaged as a result of the holes and tunnels that have been dug beneath it, remains exposed to more serious dangers, a situation that justifies the anxiety of all communities, especially Muslim circles,
7. *Considering* with emotion that new forms of Judaization of the Arab city of Jerusalem can be seen, with the settlement of small Jewish religious communities in houses in the vicinity of the Haram al-Sharif, which is seen as a first step towards eventually occupying the Haram al-Sharif itself,
8. *Considering* that this new situation is likely to exacerbate the tensions that already exist,
9. *Reaffirms* the previous resolutions and decisions of the General Conference and the Executive Board concerning cultural property in Jerusalem;
10. *Strongly condemns* Israel's persistent refusal to implement those resolutions and decisions, its deliberate policy of Judaization and annexation of the city of Jerusalem and the acts of aggression committed against the Al-Aqsa Mosque;
11. *Notes* with satisfaction the decision of the World Heritage Committee to include the Old City of Jerusalem and its walls on the List of World Heritage in Danger;
12. *Invites* that Committee to continue taking action to safeguard Jerusalem, in accordance with the provisions of the Convention for the Protection of the World Cultural and Natural Heritage;
13. *Thanks* the Director-General for his efforts to secure implementation of Unesco's resolutions and decisions on the question of Jerusalem;
14. *Invites* him to extend Unesco's necessary assistance for the safeguarding of the historical and religious heritage of Jerusalem, including the archives kept in the Al-Aqsa Library.



UN GENERAL ASSEMBLY RESOLUTION 38/58, 13 DECEMBER 1983 [EXCERPTS]

The General Assembly,

Recalling its resolution 36/120 C of 10 December 1981, in which it decided to convene, under the auspices of the United Nations, an International Conference on the Question of Palestine on the basis of its resolution ES-7/2 of 29 July 1980. [...]

3. *Welcomes and endorses* the call for convening an International Conference on the Middle East in conformity with the following guidelines:
 - a) The attainment by the Palestinian people of its legitimate inalienable rights, including the right to return, the right to self-determination and the right to establish its own independent State in Palestine;
 - b) The right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East;
 - c) The need to put an end to Israel's occupation of the Arab territories, in accordance with the principle of the inadmissibility of the acquisition of territory by force, and, consequently, the need to secure Israeli withdrawal from the territories occupied since 1967, including Jerusalem;
 - d) The need to oppose and reject such Israeli policies and practices in the Occupied Territories, including Jerusalem, and any de facto situations created by Israel as are contrary to international law and relevant United Nations resolutions, particularly the establishment of settlements, as these policies and practices constitute major obstacles to the achievement of peace in the Middle East;
 - e) The need to reaffirm as null and void 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, including the expropriation of land and property situated thereon, and in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel;
- f) The right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all people, the "sine qua non" of which is the recognition and attainment of the legitimate, inalienable rights of the Palestinian people as stated in subparagraph (a) above.



**UN GENERAL ASSEMBLY RESOLUTION 38/180,
MEETING NO. 102, 19 DECEMBER 1983 [EXCERPTS]**

The General Assembly, [...]

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; [...]
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; [...]

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,

[...]

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, [...];
 4. *Welcomes* the Arab Peace Plan adopted unanimously at the 12th 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.



**LETTER FROM THE ACTING CHAIRMAN OF THE COMMITTEE ON THE
EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE
TO THE UN SECRETARY-GENERAL, 6 FEBRUARY 1984**

[Letter reporting attempts to violate Al-Aqsa Mosque]

It is my obligation as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to draw your attention to a recent attempt to desecrate, if not indeed totally destroy, the holiest Moslem shrine in Jerusalem. I refer to the Dome of the Rock and El-Aqsa Mosque which, as you know, is considered the third most sacred place in Islam, after Mecca and Medina.

It has been borne out by police reports that the attempted destruction occurred on Friday, 27 January, but was fortunately foiled by Arab guards. Before dawn, shortly before thousands of Moslems were to gather for prayer, two men carrying explosives escalated the eastern wall of the Old City of Jerusalem. According to the accounts of both the police and Moslem leaders, a Moslem guard, being aware of the intrusion, appealed for help. As policemen arrived, the two intruders fled leaving behind 22 pounds of explosives and 18 hand grenades purportedly issued by the Israeli army.

In the view of the Mufti of Jerusalem, Sheik Saad-el-Din el-Alami, there were more than two assailants. The Mufti said that there were many bags of explosives at the foot of the wall that forms the Temple Mount. It is of interest that the Commander of Israel Southern East District, Yehoshua Caspi, was quoted by Israeli radio as saying that the presence of explosives and grenades pointed to Jews as the perpetrators. Initially, the police refused to confirm Moslem leaders' assertions about the scope of the assault.

Over recent months, many such instances have been reported of grenades and explosives placed at entrances to churches and mosques, their pins having been removed and their handles held down by rocks so that if the latter were disturbed an explosion would inevitably occur. To date, it is known that a Greek Orthodox nun, an Imam and a Moslem worshipper have been wounded.

Although these attacks have been followed by anonymous telephone calls to news organizations claiming responsibility by a group called "Terror against Terror", the police have declared they do not know whether or not such a group exists.

It is salutary, however, that the Mayor of Jerusalem expressed his disappointment that little condemnation of the attacks had come earlier from Israeli religious and political leaders. In fact, he went so far as to visit the Temple Mount to express regret to Moslem leaders.

Such a monstrous attempt to desecrate a holy shrine has come at a time when the former Israeli Assistant Attorney-General, Judith Karp, has been said to have reported on the failure of the occupying authorities to investigate and prosecute Jewish settlers who committed crimes against West Bank Arabs. *The New York Times* of 6 February 1984 said that her report was kept secret by the Ministry of Justice for more than a year. Mrs. Karp has since resigned, presumably in frustration that no action had yet been taken to curb the settlers' vigilantism.

I believe, Sir, you will concur that a new sense of urgency surrounds the issue, and I am bound to request on the part of the Committee that you draw the attention of members of the General Assembly and the Security Council to these recent despicable and deplorable events which have even raised the concern of Israeli leaders.

The members of the Committee believe strongly that the strictest respect for the relevant resolutions of the General Assembly and the Security Council should be ensured, as well as the principles of the Charter of the United Nations itself.

In consequence, I should be grateful if you would have the present letter circulated as a document of the General Assembly, under the item entitled "Question of Palestine", and of the Security Council.

(Signed) Raul ROA-KOURI

Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People



**UNESCO GENERAL CONFERENCE, 22ND SESSION (PARIS, 25 OCT.-26 NOV. 1983),
RESOLUTION 11.8, PARIS, 2 MARCH 1984**

[Resolution requesting the Director-General to keep the Executive Board informed of developments in the situation regarding cultural property in Jerusalem.]

The General Conference,

Recalling the Constitution of Unesco and its objectives relating to the preservation and protection of the world heritage of monuments of historical and scientific value,

Considering the exceptional importance of the cultural property in the City of Jerusalem, not only to the countries directly concerned but to all humanity,

Recalling all the relevant resolutions and decisions adopted by the General Conference and the Executive Board of Unesco, in particular 21C/Resolution 4/14,

Recalling that the General Conference, by that resolution, invited the Executive Board to review developments in the situation regarding Jerusalem and to take any measures that it might consider appropriate, and invited the Director-General to keep a constant watch on the execution of the resolutions and decisions concerning Jerusalem,

Having noted the report contained in document 22C/90, and in particular the report (116EX/18) submitted by the Director-General to the Executive Board at its 116th session,

Considering with consternation and concern that the Israeli occupying authorities are persisting in their refusal to apply the above-mentioned resolutions and decisions,

Noting specifically:

- (a) that those authorities are continuing to carry out excavations and are undertaking civil engineering and building operations detrimental to the historical and cultural character of the Holy City,
- (b) that the archaeological excavations and constructions begun and continued since 1967 are causing irreparable damage and harm to the Holy City of Jerusalem,
- (c) that the Al-Aqsa Mosque is more and more seriously and gravely endangered as a result of excavations and of the acts of armed aggression that have been perpetrated against it by fanatical groups,
- (d) that the objective of the establishment of Jewish colonies around the City of Jerusalem and of small Jewish religious communities inside the city is the Judaization of the City of Jerusalem,

Considering further that, in persisting in their policy of annexation of Jerusalem, the Israeli authorities are deliberately refusing to abide by the decisions of the United Nations and Unesco in the matter,

Considering that the above-mentioned policy and practices, which have repeatedly been denounced and condemned by the international community, constitute a constant violation of the Charter of the United Nations, the Constitution of Unesco and the international conventions and recommendations relating to the protection of cultural property in the occupied territories,

1. *Reaffirms* the previous resolutions and decisions of the General Conference and the Executive Board concerning cultural property in Jerusalem;
2. *Endorses* decision 5.4.1 adopted by the Executive Board at its 116th session;
3. *Strongly condemns* Israel's persistent refusal to abide by those resolutions and decisions, and its policy of Judaization and annexation of the City of Jerusalem;
4. *Invites* the Member States of Unesco to undertake all necessary action, by such means as they may deem appropriate, to put an end to this situation;
5. *Thanks* the World Heritage Committee for its decision to include the Old City of Jerusalem and its walls on the List of World Heritage in Danger and invites it to continue its activities for the protection and safe guarding of cultural property in the city;
6. *Thanks* the Director-General for the continued efforts he has made to ensure implementation of the relevant resolutions and decisions, while maintaining Unesco's presence in the city;
7. *Requests* the Director-General to keep the Executive Board informed of developments in the situation;
8. *Decides* to include this question in the agenda of its twenty-third session.



**LETTER FROM THE ACTING CHAIRMAN OF THE COMMITTEE ON THE
EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE
TO THE UN SECRETARY-GENERAL, 19 APRIL 1984**

[Letter reporting transfer of El Salvador Embassy to Tel Aviv]

As Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to refer to a news item in *The New York Times* of 14 April 1984 in which it is reported that the Government of El Salvador has officially removed its Embassy in Israel from Tel Aviv to Jerusalem.

You will recall that, in a previous letter dated 4 August 1980 (A/35/378-S/14090), the Chairman of the Committee wrote to the Secretary-General expressing grave concern at the action taken by the Government of Israel to bring to completion its plan to make Jerusalem the capital of Israel. Later, by resolution 478 (1980) of 20 August 1980, the Security Council called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.

Subsequently on 29 August 1980, the Chairman wrote to the Permanent Representatives of all States concerned, including El Salvador, expressing the Committee's deep satisfaction at the decision of their Governments to close their Embassies in Jerusalem and to move them to Tel Aviv. It was the belief of the Committee that such withdrawal of diplomatic missions reflected the concern of Governments for the sentiment and the opinion of the vast majority of the international community as well as respect for decisions of the Security Council.

I bring this recent action on the part of the Government of El-Salvador to your attention, since it is the considered opinion of Committee members that such action is not only detrimental to a satisfactory solution of the question of the status of the Holy City, but also is contrary to the spirit of Security Council and General Assembly resolutions on the subject.

Further, the Committee is of the strong conviction that until full and strict respect is accorded to relevant resolutions of the United Nations, and in particular those aimed at enabling the Palestinian people to exercise its inalienable rights, international peace and security in the region will be perpetually threatened.

Accordingly, I should be grateful if you would be so good as to have the text of this letter circulated as a document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) Raul ROA-KOURI

Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People



**REPORT OF A MISSION OF THE PERSONAL REPRESENTATIVE OF THE
UNESCO DIRECTOR-GENERAL TO JERUSALEM, 4 AUGUST 1984**

[In pursuance of 22 C/Resolution 11.8, the UNESCO Dir.-Gen. instructed his personal representative, Prof. Raymond Lemaire of the University of Louvain, to visit Jerusalem, which he did from 21-27 July 1984 after consultation with the Israeli Government. Afterwards, Lemaire delivered the following report.]

1. Purpose of the mission: to examine the cultural heritage in Jerusalem. The contents of this report refer back to the earlier general report dated 6 May 1983.

2. Persons met:

- Israeli:
- Mr P. Eliav, Deputy Director-General of the Ministry of Foreign Affairs;
 - Mr U. Manor, Deputy Director of the Human Rights Department of the Ministry of Foreign Affairs;
 - Mrs A.M. Lambert-Finckler, Ambassador, former Director of the Human Rights Department of the Ministry of Foreign Affairs;
 - Mrs Vered, Adviser for Jerusalem to the Minister of Foreign Affairs;
 - Mr Minerbi, Inspector-General, Ministry of Foreign Affairs;
 - Mr Gabai, Director-General of the Ministry of Justice;
 - Mr U. Hasson, Deputy Attorney-General;
 - Mr T. Kollek, Mayor of Jerusalem;
 - Mr S. Ovnat, Deputy Mayor of Jerusalem;
 - Mr M. Zylka, Adviser to the Mayor of Jerusalem;
 - Mr Y. Yaacobi, Director of the Jerusalem Development Company;
 - Mr N. Kidron, Engineering Adviser to the Ministry of Religious Affairs;
 - Mr D. Bahat, Chief Archaeologist of the City of Jerusalem;
 - Mr N. Avigad, Professor at the Hebrew University;
 - Mr Y. Shilo, Professor at the Hebrew University;
 - Mr P. Bugod, architect;
 - Mr D. Cassouto, architect;
 - Mr Rachmaninov, architect;
- Arab:
- Mr F. Hazine, Director of the Waqf in Jerusalem;
 - Mr Y. Natsheh, Director of the Department of Islamic Archaeology;
 - Mr Y. Awad, Resident Architect of the Al-Aqsa Restoration Committee;
 - Mr A. Husseini, architect of the Waqf;
 - Mr K. Salameh, Director of the Al-Aqsa Library;

3. The attempted attack of the Haram al-Sharif:

During the night of 26-27 January 1984, the guards at the Haram al-Sharif discovered within its precincts a batch of explosives and weapons left behind by a group of people who fled the scene. Over the next few days the Israeli police arrested twenty-seven people involved in this new attempted attack on the Islamic sanctuaries of the Haram. Mr Gabai, Director-General of the Ministry of Justice, and Mr U. Hasson, Deputy Attorney-General, gave me the following information on the state of the investigations and the legal action taken by the Israeli judicial authorities. According to this information, there was a complex and far-reaching plot aimed among other things at blowing up the mosques of Al-Aqsa and the Dome of the Rock. For this purpose, weapons and explosives had been stolen from the army. The conspiracy was in fact not new; it appears to have begun shortly after the visit of President Sadat to Jerusalem and the intention had been to put it into effect before the return of Sinai to Egypt.

A number of factors delayed the implementation of the plot including fears on the part of some concerning the international consequences of such an act. The strengthening of the Israeli guard at the entrance to the Haram following the attack carried out by Alan Goodman on 13 April 1982 made it more difficult to execute, and there were apprehensions among the conspirators at having to shoot at Israeli soldiers. Moreover, rumours of possible attacks had led the Israeli Government to strengthen the guard around the Haram still further.

The government takes an extremely serious view of this matter. All those involved have been arrested. Two of the conspirators, who pleaded guilty, have already been sentenced - one to ten years' imprisonment, the other to sixty months. The trial of those who have not pleaded guilty will begin next September.

4. The excavations

4.1 The tunnel dug, under the auspices of the Religious Affairs authorities, beneath the Arab properties along the western wall of the Haram al-Sharif is in the same state as on my previous visit in November 1983, except for the fact that consolidation work using reinforced concrete has been carried out along three-quarters of the section dug during 1982 and 1983. This work has been supervised by the engineer N.

Kidron and appears to have been solidly carried out in accordance with correct engineering procedures. It will probably be completed in two months' time. The tunnel's present length, from the arcade under the Al-Madrassa Al-Tankiziyya, is, according to Mr N. Kidron, 305 metres.

A new and very important element in this situation is the decision taken by the Prime Minister and the Minister of Religious Affairs to halt all work in the tunnel, except that required for consolidation and maintenance purposes. Following my last visit to the site, the Director-General of the Ministry of Religious Affairs had ordered a halt to the work. That order was confirmed by the Ministerial decision reported in the journal 'Haaretz' of 22 April 1984. The decision was taken following energetic representations by Mr T. Kollek, Mayor of the City, to the authorities concerned after serious damage had been detected in the Al-Madrassa Al-Manjakiyya, the headquarters of the Islamic Council of Jerusalem, which is situated above a section of the tunnel dug in 1983.

As was to be expected, the digging of the new section of the tunnel has caused movements in the mass of rubble and filling material extending to a height of some nine metres above the Roman soil level followed by the excavation. The same phenomenon had already occurred following the digging of the first part of the tunnel, which is at the root of the settlement and cracks to be found in a number of buildings constructed above, some of which form part of the fundamental Islamic heritage of Jerusalem. Of these, the Al-Madrassa Al-Jawhariyya and the Al-Kurd Hospice were the subject of comments in most of my reports in the period 1971 to 1976. I pointed out last November that movement was taking place in the Al-Madrassa Al-Manjakiyya, among other places in the great staircase and in certain walls and vaults. Since then, some of the cracks have worsened. More serious still is the collapse last April of part of the staircase; some of the steps have fallen into a hollow created by the movement of the soil above the tunnel. The Al-Madrassa Al-Manjakiyya is situated above a widened section of the tunnel which at that point incorporates some high H cisterns whose vaulting was considerably weakened and therefore constitutes a fragile infrastructure for the building above it. Since the level at which the tunnel was dug remained constant, the result is that at certain points the earth has been excavated well below the walls of cisterns. These therefore rest on banked-up rubble which, though well compacted, is cut off vertically in the plane of the walls. I noted this very dangerous situation in November 1983 and at that time issued a serious warning about it. Since then everything has been consolidated by a reinforced concrete sheathing. In my opinion, the structure of the tunnel is now solid and there is no danger of the building above it collapsing. However, it is very probable that slight movements will continue to cause cracks in the edifice for some time to come, probably for several years. The case of the Al-Madrassa Al-Jawhariyya, to which I shall return later, is a good example of such a process.

The staircase has been repaired according to correct engineering procedures and the entire building is under observation. Proposals for consolidation have already been made by Mr Kidron: they are completely inadequate from the structural point of view. In addition, they take no account of the fact that the Madrasa is a historical monument and that any work done should follow the rules prescribed for such edifices. But, from the point of view of stability and security, there appears to be no urgency. It is preferable to wait until the probable movement of the subsoil has stopped. In the interim, it would be advisable to carry out a complete expert survey of the building, and, depending on the results of such a survey possibly some temporary works. Given the importance of the building both as a monument and because of its symbolic significance (as the headquarters of the Islamic Council), I think it desirable that the survey should be carried out by a specialist engineer acceptable to both parties - the Waqf and the Ministry of Religious Affairs, which is responsible for the damage. In view of the tense atmosphere between the parties concerned, it is unlikely that an Israeli engineer would be acceptable to the Arab side. The choice of a foreign specialist would therefore seem to be the best solution. His report, describing the state of the building in detail, would serve as a reference document for the future; it should also contain whatever suggestions were necessary to ensure the stability of the building in the short term.

The idea of a survey seems to have been accepted on both the Israeli and the Waqf sides. The Israeli authorities favour the appointment of an engineer from the Technical University of Haifa. For the reasons given above, it is desirable that they should accept without delay the appointment of a foreign engineer, preferably an English speaker.

No precise chart of the tunnel, other than a partial surface map, seems to exist at present. This map does not show the location of the buildings above. Several requests have been made for a series of vertical cross-sections of the tunnel and the buildings above to be drawn. Such cross-sections would make for a better understanding of the processes taking place in certain buildings and would make it possible to identify in advance danger zones where precautionary measures should be taken. It is strongly recommended that such cross-sections be drawn up as soon as possible.

It has also been frequently suggested that those in charge of the tunnel should invite the Waqf engineers, Messrs A. Hussein and I. Awad, to inspect the tunnel and the substructure at the foot of the southern wall of the Haram at least once a year in their company. Such an inspection would help to clarify the situation and would ease the tensions surrounding the question of the tunnel and possible extensions under the Haram. When I spoke about this question with Minister Y. Burg on 6 April 1983, I believed that the principle of such an inspection had been accepted. However, it has not been authorized at the time of writing.

It is regrettable that the tunnelling, which constitutes an excavation in the deep subsoil of Jerusalem, has not been monitored by an experienced archaeologist. While not directing the work, which is in principle regrettable and can only be condemned, he could have been responsible for recording in scholarly fashion the archaeological information yielded by the subsoil. Now that the archaeological remains exposed by the digging have been covered for ever by concrete reinforcements, whole pages of the ancient history of Jerusalem may be lost for all time.

- 4.2 The work on the Ophel hill is practically complete. It consisted not so much of fresh excavations as of the cleaning, consolidation and presentation to good effect of the remains of the first Jerusalem wall brought to light by Kathleen Kenyon in 1961-1967. The area excavated by her has been slightly enlarged, mainly on the land acquired during the British mandate by the Rothschild family. Professor Y. Shilo, who directed the work, confirmed to me that no fresh excavation is planned on this site. According to him the whole operation, including removal of the unstable rubble, is coming to a close.

A system for monitoring the stability of the most critical area has been set up. Several clinometers have been installed on the slopes of the hill, which will make it possible in future to keep a check on any movements of old excavation rubble left in situ and to take action where necessary.

- 4.3 The second-century Roman remains at the Damascus Gate have been entirely uncovered. They can be reached beneath a concrete apron on which are laid the tiles of the small square within the walls behind the gate. New shops have been constructed and others renovated in this busy Arab commercial area. The Damascus Gate excavations were begun during the British mandate. The interiors of the flanking towers, one of which contains an Umayyad oil mill, have been cleared out over the last five years and the work is complete.
- 4.4 At the present time, it is to be noted that all the excavations have been halted inside and in the vicinity of the old city of Jerusalem. Except for the tunnel near the Haram al-Sharif, where work resumed two years ago after an interruption of nearly ten years, no notable excavation has been carried out since 1979. Since then, only occasional soundings connected with infrastructure or safety work have been made in the city. For the first time, a governmental decision to halt excavations has been taken. It has the digging of the 'tunnel' in view. Furthermore, no other excavations are announced for other sites. What is new is the statement that no further excavations will be carried out on the Ophel site, where it was previously feared that a vast plan was going to be carried out in addition to the clearance work necessary for safety reasons.

5. The work on providing amenities and public areas is continuing in the old city but is proceeding more slowly than before. It chiefly comprises:

- 5.1 *The renewal of sewers and pavings.* Since November 1983 the work has been mainly taking place in the Christian quarters of the city, between the Holy Sepulchre and the Damascus Gate. As in every other part of the city, the new paving consists of slabs of natural Jerusalem stone. In several places, parts of the Roman paving discovered when the sewers were being renewed have been brought up to the present street level. Throughout the Armenian and Christian quarters, the television aerials have been removed and replaced by a cable distribution system.

- 5.2 The establishment of the green belt around the *Wall of Süleyman the Magnificent* is being completed. Work has been under way since 1968 and has consisted mainly of clearing rubble, uncovering the wall to its original height and, possibly, the rock on which it rests, planting trees and shrubs and, in the southern part where the wall runs through the City of Herod which extended well beyond the present limits, carrying out excavations described in many previous reports. All these excavations were halted several years ago except for a recent sounding between the Damascus Gate and Herod's Gate, where fragments of the glacis which protected the city wall in Crusader times have been brought to light.

6. Birkat Israel. Public works on this site, which covers the location of one of the largest open-air water cisterns of the ancient city, is at present a cause of tension between the municipality and the Waqf. The cistern was filled in at the beginning of the century and its site is now occupied by a car-park and by temporary UNRWA huts. The whole area looks extremely shabby. The Waqf, which is the owner of this site, and the municipality are in agreement over the need to do something about it since the site is in the neighbourhood of the Lion Gate used by millions of Muslim and Christian pilgrims. Talks are under way between the two parties on a project to satisfy both. As the Waqf leaders see it, it is important that property and tenure rights should in no way be called in question. They therefore consider that the plan approved by both parties must be carried out by them and at their expense. They also consider, rightly, that this work should show the inspiration of Islamic art.

7. The Al-Madrasa Al-Jawhariyya has been regularly examined by me since 1971. It will be remembered that the building, which dates from the fourteenth century, stands over the oldest section of the tunnel and its stability has been seriously impaired in recent years. The ground appeared to be stabilized but in the past few months, new movements have been observed which have caused the subsidence of a number of stone courses at the base of the wall supporting the covered passageway to Ribat Kurt. The recent ground

movement caused by the digging of the tunnel, nearly ten years after the placing of permanent supports, shows how dangerous this type of work is, even when carried out with care, and how long the stabilization period can be after ground has been disturbed by excavations. This leads one to be cautious in assessing the extent of the damage caused to buildings.

The Al-Madrassa Al-JaWhariyya was given temporary strengthening a few years ago. The work was causing a very crude technique, which although it did indeed stabilize the building, also led to extensive damage to the interior, chiefly in the upper rooms where the walls were reinforced with substantial concrete slabs to which the masonry outside was tied. Things cannot stay as they are, because this can in no way be described as the full and scientific restoration of the building that those responsible for the damage agreed to undertake. When the mayor of the city was informed of this, he decided to open talks with the Waqf and the Ministry of Religious Affairs so that the restoration can be undertaken without delay, by acknowledged specialists in co-operation with the architects of the Waqf.

8. The Citadel is one of the chief monuments of Jerusalem. It comprises elements of widely varying date, extending from the Hasmonean era to the Ottoman era. Major excavations have been carried out at various periods within the great central courtyard. The most recent were carried out in 1968-1969 under the direction of A. Amiran and A. Eytan. They brought to light many substructures, frequently of great interest from the point of view of the history of the site and the city. These remains have not been covered over but have been strengthened and partially restored. They give an appearance of clutter and seriously detract from the monumental form and indeed from the architectural comprehensibility of the Citadel. The present arrangement is thus scarcely advantageous to the building. It would be desirable for a scheme more consonant with the site to be studied and put into effect. This might be provided by a concrete platform coinciding with the original soil levels at the time of the construction of the Citadel and covering the most interesting parts of the excavations, which would still be accessible to specialists. An outline in natural materials of different colours, set into the paving of the courtyard, would give visitors to the monument an idea of its archaeological history.
9. Work on the Haram al-Sharif
 - 9.1 Restoration work on the *Al-Aqsa Mosque* is continuing. The restoration of the cupola has been completed and is of very high quality. The mosaics on the great arcades and pendentives need to be consolidated and restored. It is very much hoped that the help of an expert on the restoration of ancient mosaics will be available before the work is undertaken. Expert advice is also required for the covering of the exterior of the dome with lead plates. These have been reconstituted to the original measurements, using old lead. There is, however, no worker specialized in laying this type of covering available on site to teach local workers the techniques involved.
 - 9.2 The restoration of the *Dome of the Chain* is being studied. The twelfth-century ceramic tiles have been carefully removed.
 - 9.3 The restoration of the *Golden Gate* is nearing completion. The building has been cleaned and repainted with lime grouting. The work has been carried out in compliance with normal standards. It is perhaps regrettable, however, that the ancient flagstone paving should have been repointed with dark grey cement. From the technical standpoint, this is no doubt a good idea since cement mortar is more resistant, but the result is aesthetically displeasing.
 - 9.4 I revisited the *Stables of Solomon* which are one of the most remarkable sites in the Haram al-Sharif. The derelict state of the huge underground vaults is distressing. They have been taken over by the pigeons, which are the cause of damage resulting not only from soiling by a thick layer of droppings but also from the action of harmful salts deriving from those excrements, which may eventually endanger the stones of the building.
10. The Department of Islamic Antiquities of the Waqf is pursuing the task of drawing up a *systematic inventory of the Islamic monuments* of the Old City. This inventory includes very exact, large-scale architectural drawings of the most outstanding buildings. Several dozen monuments have been most carefully surveyed in this way.
11. Cleaning, consolidation and conservation work has just been started at the *Al-Madrassa Al-Kilaniyya*, one of the most important Mameluke monuments of the lower city. The programme of work as outlined to me by Mr Natsheh, is indicative of well-advised caution, in the absence of the specialized work-force required to embark on proper restoration work on a monument of this nature.
12. Considerable efforts have been made in recent months by Mr K. Salameh, the Director of the *Al-Aqsa Library*. A great many manuscripts have been microfilmed and two catalogues published. There can be no doubt, however, that the situation remains critical as regards the state of conservation of many manuscripts suffering damage from mould and insects. According to Mr Salameh, the situation is equally dis-

quieting in other depositories in the city. No equipment or specialized staff are available locally to give the works the necessary treatment. Urgent measures are required if basic source material concerning the history of Jerusalem is to be saved. In that connection, it might perhaps be desirable to consider the possibility of bringing all the Arab manuscripts of Jerusalem together centrally in one of the buildings of the Haram, which should be equipped for the treatment and conservation of books. Given the humid conditions in all the ancient buildings on the site, the equipment required would certainly need to include an adequate air-conditioning plant. The purchase of equipment for treating the books and the training of specialized staff are both matters of great urgency. A report on the question was drawn up in April 1983 by Mr G. Brannahi, President of the International Association of Archives, Library and Graphic Art Restorers.

13. A Museum of Palestinian Folk Arts and Folklore was established in 1979 in the Islamic Cultural Centre in Jerusalem. It is being most devotedly managed by Mrs Z Hussein. Many traditional costumes and everyday objects or things used in crafts which have disappeared or are disappearing have been assembled there. The museum has no proper basic equipment and is short of specialized staff more particularly for the conservation and restoration of fabrics. The curator's task is made very difficult by the fact that the museum has no independent financial resources. There can, however, be no doubt that the establishment of this museum was timely, since the very radical changes that are at present taking place in the Arab society of Jerusalem seem likely to result, very shortly, in the disappearance of many customs, particularly as regards traditional costumes and domestic equipment. It is important for the history of Arab culture in Jerusalem that evidence of these should be preserved.

Professor R.M. LEMAIRE



REPORT OF THE UN SECRETARY-GENERAL IN PURSUANCE OF UN GENERAL ASSEMBLY RESOLUTION 38/180, 2 OCTOBER 1984 [EXCERPTS]

[Report on diplomatic relations with Israel in light of the reporting responsibility conferred upon the Sec.-Gen. in Res. 38/180 A-D. In Res. 38/180 C UNGA deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of UNSC Res. 478 (1980), and again called on them again to abide by the relevant UN resolutions. The report encloses replies from UN member states]

ANNEX

Replies received from Member States

[...]

BULGARIA [16 July 1984]

1. The People's Republic of Bulgaria shares the grave concern of the international community concerning the development of the Middle East situation which is endangering world peace and security.
2. The dangerous situation in this region is the result, above all, of the continuing illegal occupation by Israel of the Arab territories seized since 1967, as well as of Tel Aviv's denial to recognize the inalienable rights of the Palestinian people.
3. The People's Republic of Bulgaria condemns categorically these policies and actions aimed at perpetuating the Israeli occupation and at strengthening the military and political presence of the United States in the Middle East region. Israel would not have been so openly in defiance of the international community had it not been encouraged and given political, military and financial support by its "strategic ally", had the United States not blocked irresponsibly in the Security Council any chances for adopting effective measures against the aggressor and had the United States not tried to channel the development of events along the route of the discredited Camp David deal.
4. Proceeding from its principled and consistent position on the situation in the Middle East, the People's Republic of Bulgaria broke off, as early as 1967, its diplomatic relations with Israel and has strictly implemented ever since the measures set forth in General Assembly resolution 38/180 A, paragraph 13, aimed at the total isolation of the Israeli regime. In numerous official declarations the Government of Bulgaria has condemned in most resolute terms Israel's policy in the occupied Arab territories and the attempts of the forces of imperialism to reinforce their political and military presence in the region. Moreover, Bulgaria has invariably given and continues to give all possible material and moral support for the Arab people of Palestine and for its legitimate representative, the PLO, aiming at a just settlement of the Palestinian question which is at the heart of the Middle East crisis.
5. The comprehensive, lasting and just settlement of the Middle East problem would be unthinkable without Israel's withdrawal from all Arab territories occupied since 1967, without the realization of the right of the Palestinian people to self-determination and to the establishment of their own State, without the elimination of the illegal occupation of Jerusalem, without guarantees for the territorial integrity, independence and peaceful development of all States of the region.

6. The People's Republic of Bulgaria pays tribute to the efforts of the Secretary-General of the United Nations to contribute, within the framework of the prerogatives conferred upon him, to the pacific settlement of the conflict in the region. In this connection we support the appeal of the General Assembly of the United Nations, contained in its resolution 38/58 C calling for arranging and convening an international conference on the Middle East. It is our opinion that the United Nations and its Secretary-General can make an effective contribution to the realization of this conference.
7. On account of its geographical location the People's Republic of Bulgaria is particularly concerned at the growing military threat in a region in close proximity to its territory. In accordance with the principles of its peace-loving foreign policy, the People's Republic of Bulgaria will continue in the years ahead to contribute in an unswerving and steadfast manner to the efforts for achieving a just, durable and peaceful solution of the Middle East problem.

CHINA [Original: Chinese; 14 June 1984]

The Chinese Government has always respected and implemented the various resolutions of the United Nations General Assembly on the situation in the Middle East as mentioned in Your Excellency's letter. The Chinese Government holds that the Palestinian issue is the crux of the Middle East question. A comprehensive and just solution of the Middle East question must include two basic conditions, i.e. Israel's withdrawal from all the Arab territories it has occupied since 1967, including Arab Jerusalem, and the complete restoration of the legitimate national rights of the Palestinian people, including the right to return to their homeland, the right to self-determination and the right to establish their own State. The Palestine Liberation Organization, the sole legal representative of the Palestinian people, is entitled to participate in the negotiations for the comprehensive and just solution of the Middle East question.

CZECHOSLOVAKIA [Original: English; 12 June 1984]

1. Czechoslovakia severed its diplomatic relations with Israel on 10 June 1967 and expressed thus its fundamental disagreement with the policy of the Israeli Government at that time which flagrantly infringed against the generally accepted principles of international law when it attacked its neighbors and used force to occupy territories that had never belonged to Israel.
2. At the same time, Czechoslovakia discontinued all its political, commercial and cultural contacts with Israel with the exception of contacts with progressive Israeli organizations. The Czechoslovak position concerning the severing of diplomatic relations with Israel and of not granting it any sources of assistance remained unchanged till the present day, because the policies pursued by subsequent Israeli Governments did not offer any grounds for reversing that position.
3. Czechoslovakia has never accepted the annexation of Jerusalem. A Joint Political Declaration of the Political Consultative Committee of the Warsaw Treaty of 5 January 1983 calls unequivocally for the withdrawal of Israel from East Jerusalem and assumes that territory should become a part of the future independent Palestinian State.
4. Czechoslovakia's position of support for the struggle of the Palestinian people against the expansionist policies of Israel was reaffirmed in an exposition by the Czechoslovak Minister for Foreign Affairs in the Federal Assembly on 9 November 1982, as well as in his statement in the general debate of the thirty-eighth session of the United Nations General Assembly which expressed Czechoslovakia's fundamental disagreement with the dangerous changes in the demographic nature of the occupied territories undertaken by Israel.
5. Czechoslovakia's disagreement with the policies of the Israeli Government was furthermore expressed in the statement of the Head of the Czechoslovak delegation to the International Conference on the question of Palestine, which was recorded on 31 August 1983 as an official document of the Conference (A/CONF.114/26).

GERMAN DEMOCRATIC REPUBLIC [Original: English; 26 July 1984]

1. The German Democratic Republic watches the perilous course of developments in the Middle East with growing concern. While in western Europe, the most aggressive imperialist circles are flouting the stated will of millions of peace-loving people and keep on busily deploying nuclear weapons with a first-strike capability, they are, at the same time, seeking to turn the Middle East into a military staging area for NATO against the peoples in that region. The aim is always the same – to subject the Middle East to unlimited imperialist domination. As a consequence of the massive escalation of Israel's policy of aggression and occupation and of the United States' direct military interference in the region, the situation has deteriorated and the resulting dangers to the interests of the peoples in the Near and Middle East and to world peace in general have increased to an extraordinary degree. The German Democratic Republic demands the immediate cessation of the Israeli aggression. It speaks out resolutely against any enlargement of the military presence of the United States in the region, strongly opposes the political, financial, economic and military assistance that is being provided to the "strategic ally" of the United States, and supports all efforts undertaken by the majority of States and the United Nations with a view to achieving a just and lasting peace settlement in the Middle East. The German Democratic Republic considers that it is high time that Israel's

aggressive policies and internationally unlawful practices in the occupied Arab territories be countered by every means available. This makes it necessary for all peace-loving States to combine their efforts and to act in concert.

2. In the German Democratic Republic's view based on the fundamental principles of its socialist foreign policy and corresponding with the relevant decisions of the United Nations, a comprehensive settlement of the Middle East conflict presupposes as necessary conditions:
 - (a) The complete withdrawal of the Israeli troops from all Arab territories occupied since 1967, including East Jerusalem;
 - (b) The implementation of the legitimate rights of the Palestinian people, including the right to self-determination and the right to establish its own State;
 - (c) The guarantee of the right of all States in the region to secure an independent existence and development.

It takes an equally consistent stand in supporting the independence, sovereignty, unity and territorial integrity of Lebanon and in demanding the immediate and unconditional withdrawal of the Israeli troops from southern Lebanon.

3. The German Democratic Republic fully supports the action-oriented concluding documents of the International Conference on the Question of Palestine. In accordance with General Assembly resolutions 38/58 C and D, and acting in unison with the great majority of States, the German Democratic Republic comes out in favor of convening an international peace conference on the Middle East with the participation of all interested-sides, including the Palestine Liberation Organization, the sole legitimate representative of the Arab people of Palestine. This proposal corresponds with the USSR's six-point plan of 1982, which sets out the basic requirements for establishing a durable peace in the Middle East, and it reflects the Arab States' posture on this question, as embodied in the decisions of the Fez Summit Conference. The call from the majority of States for the convening of an international conference on the Middle East as the only practicable road to peace, security and justice in the region as well as to the realization of the inalienable rights of the Palestinian people confirms once again the accuracy of the conclusion that the policy of imperialist separate deals has ended in fiasco.
4. The German Democratic Republic strongly condemns the Israeli policy of occupation in the illegally occupied Arab territories. The resistance of the population and the heroic struggle of the Palestinian people against the Israeli occupation are to be stifled by the use of force and terror. To follow up the annexation of the Syrian Golan Heights and of East Jerusalem, preparations have begun for the final absorption of the West Bank and the Gaza Strip. The German Democratic Republic supports General Assembly resolution 38/79 D, in which it is said that "all measures taken by Israel to change the physical character, demographic composition, institutional structures or status of the occupied territories, or any part thereof, including Jerusalem, are null and void ...".
5. The people of the German Democratic Republic has a long-standing close and friendly relationship with the Arab people of Palestine and its sole legitimate representative, the Palestine Liberation Organization, which maintains an embassy in the capital of the German Democratic Republic, Berlin.
6. In its just struggle for the implementation of its legitimate rights, which - as the history of so many peoples' freedom fight abundantly proves - will triumph in the end, the Palestinian people has the German Democratic Republic's active political, moral and material support. This commitment has guided and will continue to guide the German Democratic Republic in its activities as a member of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People.

MOZAMBIQUE [Original: Spanish; 23 July 1984]

1. The Government of the People's Republic of Mozambique is following the developments in the Middle East with a sense of profound concern.
2. The Middle East is a zone of tension which threatens international peace and security.
3. Israel's militaristic, genocidal and expansionist policy continues to be the cause of the tragic and dangerous situation prevailing in that part of the world. In other words, Israel is continuing:
 - (a) To annex and occupy the Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant United Nations resolutions;
 - (b) To refuse to accept the right of the Palestinian people to self-determination and to the establishment of an independent Palestinian State;
 - (c) To commit acts of aggression and to oppress and massacre inhabitants both within the occupied territories and outside them, particularly in Lebanon.
4. Israel's intransigence is such that the international community must take vigorous steps with a view to obliging the Israeli authorities to respect the inalienable rights of the Palestinian people, as a prerequisite for creating a climate of peace and stability in the region.
5. For its part, the Government of Mozambique will continue firmly to support PLO and its just cause. It urges the international community to put pressure on the Israeli authorities to comply with United Na-

tions resolutions demanding respect for the inalienable right of the Palestinian people to self-determination and independence and calling for withdrawal from the occupied Arab territories and for non-interference in the internal affairs of the States of the region.

6. Accordingly, the Government of Mozambique is complying with both the letter and the spirit of resolution 38/180 and has no military, economic, financial, diplomatic or cultural relations with Israel.

POLAND [Original: English; 6 June 1984]

1. The Government of the Polish People's Republic is of the opinion that the continuing Israeli occupation of the Arab territories occupied as the result of the 1967 war and of the 1982 aggression against Lebanon as well as the non-implementation of the inalienable rights of the Palestinian people constitute the principal obstacle for the establishment of a lasting and just peace in the Middle East. The continuation of this state of affairs results from the expansionist tendencies in the policy of the State of Israel.
2. The expansionism of Israel, in violation of principles of international law and in disregard for the provisions of numerous United Nations resolutions, has found its expression in the annexation of the eastern part of Jerusalem and in the decision to extend Israeli legislation, jurisdiction and administration to the Syrian Golan Heights. In relevant statements of its Ministry of Foreign Affairs, the Government of the Polish People's Republic has resolutely condemned those acts of policy of annexation and aggression contrary to the Charter of the United Nations.
3. Poland steadfastly supports the legitimate aspiration of the Arab Palestinian people for the implementation of its inalienable national rights, including the right to self-determination and to the establishment of its own independent State, along with the safeguarding of peaceful existence and security for all States and peoples of the Middle East. We condemn Israel's policy of planned colonization of the West Bank and of the Gaza Strip. It leads, in a conscious and illegal manner, to the change of the demographical character of these territories, to the detriment of its indigenous Palestinian population. It is also accompanied by acts of repression and discrimination against the Palestinians. Poland condemns those actions as contrary to the norms of international law. It is likewise consistently implementing relevant resolutions and decisions of the United Nations concerning the question of Palestine and the situation in the occupied territories.
4. Poland invariably and consistently speaks out in favor of a lasting, just and political settlement of the Arab-Israeli conflict with a comprehensive consideration of all its aspects. The experiences of past decades and the present development of the situation in the region show clearly that the Middle East conflict cannot be solved by military force, piecemeal agreements or by imposition of unilateral settlement formulas that do not take into consideration the interests of the Arab nations. A political manifestation of Poland's position in favor of a peaceful settlement in the Middle East is our participation in the United Nations peace-keeping forces in the region. At present, a Polish military contingent is carrying out its peace mission with the United Nations Disengagement Observer Force.
5. Speaking out in favor of a comprehensive settlement of the Middle East conflict, the Government of the Polish People's Republic sees a practical way, towards the implementation of this goal in the convening of an international peace conference with the participation of all parties concerned, including the Palestine Liberation Organization as the role legitimate representative of the Palestinian people. We have consistently supported the idea of the peace conference, *inter alia*, at the International Conference of the Question of Palestine held at Geneva in 1983 and in the General Assembly of the United Nations. This idea has found its expression in General Assembly 38/58 and in the initiative of the Secretary-General of the United Nations on the convening of such a conference, undertaken in conformity with its provisions. Poland lends its full support to all actions aiming at the implementation of this initiative.
6. Poland has no diplomatic relations with Israel since 1967. In the field of bilateral contacts and as regards its attitude towards the State of Israel, the Government of the Polish Peoples's Republic is strictly following the provisions of relevant United Nations resolutions, including General Assembly resolution 38/180.

SIERRA LEONE [Original: English; 14 June 1984]

1. The Government of Sierra Leone continues to abide strictly by the terms of the relevant resolutions adopted by the United Nations on the situation in the Middle East.
2. Further Sierra Leone does not have any diplomatic trade or cultural relations with Israel nor does it cooperate with Israel in the field of technology.

TRINIDAD AND TOBAGO [Original: English; 6 June 1984]

There are no arrangements or agreements of any kind between Trinidad and Tobago and Israel which could contribute to Israel's military capability.

UNION OF SOVIET SOCIALIST REPUBLICS [Original: Russian; 12 September 1984]

1. The Soviet Union voted in favor and fully supports the provisions of General Assembly resolution 38/180, which condemns Israel's aggressive policy against the neighboring Arab States and the Palestinian people and qualifies Israel's actions as a threat to international peace and security and a clear violation of the princi-

ples of the Charter of the United Nations and of the decisions of the Security Council and the General Assembly. The turn of events in the Middle East confirms that Israel's policy as well as the all-round support given to Israel by the United States of America, which is encouraging the expansionist aspirations of its partner through the "strategic alliance" and is even resorting to direct armed intervention against the Arab countries, are responsible for the preservation in that region of a dangerously explosive hotbed of tension.

2. The USSR endorses the General Assembly's call for the total isolation of Israel and the cessation of cooperation with it in every sphere, and points out that since Israel's aggression against the Arab States in June 1967 it has severed diplomatic, trade and cultural relations with Israel and maintains no such relations with it at the present time. The Soviet Union does not supply Israel with any weapons or military equipment; nor does it buy weapons or military equipment from Israel or give it any economic, financial or technological assistance.
3. The Soviet Union considers that everything possible must be done in order to secure the cessation of Israel's aggression, eliminate the consequences of that aggression and ensure the establishment of a just and durable peace in the Middle East. The Soviet Union's proposals of 29 July 1984 for a Middle East settlement are aimed at the attainment of that object; these proposals set forth the principles of a comprehensive settlement in the region and point out that the only right and effective way of ensuring a radical solution to the Middle East problem is through collective efforts with the participation of all parties concerned, in other words, through talks within the framework of an international conference on the Middle East convened specially for the purpose.

VENEZUELA [Original: Spanish; 29 June 1984]

1. In general, Venezuela's view of the Middle East situation is consistent with an international doctrine based on the principles of law and the prerequisites for peace. In the context of the United Nations, Venezuela has always advocated the search for a just and lasting peace in the Middle East which would guarantee every State in the area, including Israel, the right to live in peace within secure and recognized boundaries in accordance with Security Council resolutions 242 (1967) and 338 (1973).
2. In addition, Venezuela is convinced of the legitimacy of the inalienable rights of the Palestinian people, including their right to self-determination in accordance with the guidelines laid down in resolution ES-7/2 adopted by the General Assembly at its seventh emergency special session, in 1980.
3. As regards the issues dealt with in resolution 38/180, Venezuela has the following comments:
[...]
(b) With regard to resolutions 38/180 C, paragraph 3, and 38/180 D, paragraph 7, concerning the status of Jerusalem, it should be noted that, in 1980, Venezuela moved the site of its Embassy from Jerusalem to Tel Aviv and, in addition, took particular interest in the elaboration of resolution 181 (II) of 1947, which lays the bases for the international status of the City of Jerusalem, thereby preserving for posterity its intrinsic value for Muslims, Jews and Christians.
4. In the same spirit, Venezuela supported similar resolutions in 1948 and 1949, as well as the resolutions which, starting from 1967, condemn unilateral attempts to alter the status of Jerusalem.

VIET NAM [Original: English; 4 May 1984]

1. The Socialist Republic of Viet Nam has special concern about the developments in the Middle East, one of the flash points of the world today. Viet Nam recalls with satisfaction that it has actively contributed to those genuine endeavors to find an equitable, political, comprehensive solution to the Middle East problem and by the same token, it has been one of the co-sponsors of the General Assembly resolutions on this problem since its admission to the United Nations in 1977. Therefore it considers as its obligation to see to the strict implementation of the aforementioned resolutions.
2. Viet Nam shares the assessment of and is in full agreement with the relevant resolutions/political declarations adopted by the General Assembly, the Seventh Summit of the Non-Aligned Movement and the International Conference on the Question of Palestine. Viet Nam is of the view that the Middle East problem and the question of Palestine are entwined with the latter lying in the heart of the former; any settlement of the Middle East problem can be reached only with a solution to the question of Palestine as the prerequisite. Such a settlement should ensure, *inter alia*, the exercise of the inalienable rights of the Palestinian people, i.e. their right to self-determination and to return and establish an independent State which they are endowed with in Palestine. Viet Nam is fully convinced that an equitable, political and comprehensive solution lies in the convening of an international peace conference on the Middle East, with its composition and agenda as enumerated in resolution 38/58 C and reiterated in the Secretary-General's letter dated 5 January 1984 (S/16409). The Socialist Republic of Viet Nam commends the Secretary-General for his efforts and supports those countries in their endeavor towards the said conference.
3. Israel, during more than three decades of its existence, has illegally occupied Palestine and Jerusalem; it has denied the Palestinian people every fundamental right and freedom; it has resorted to repression and terrorism in a wild attempt to terminate the existence of the Palestinians as a people. In the same vein, Israel has conducted wars of aggression against its Arab neighbors, invading and still occupying parts of

their territories. It has systematically flouted all the resolutions adopted by the General Assembly and the Security Council on the Middle East problem and the question of Palestine; it has violated the principles enshrined in the Charter of the United Nations and the norms of international law. Israel, in its practices of Zionism, has become a constant factor of instability in the Middle East, a grave threat to peace and security of adjacent areas and the world. Viet Nam has joined the international community in voicing indignation and condemnation of these acts by Israel. Viet Nam has no relations, in whatsoever forms, with the Tel Aviv authorities; furthermore it considers as imperative that urgent and effective measures should be taken to put an end to Zionist practices and to guarantee the relevant resolutions to be strictly observed.

4. The United States must bear equal responsibility for aggravated tensions in the Middle East. On the one hand, the United States provides Israel with economic and military aid and political protection to destabilize the region from within, which runs counter especially to paragraphs 13, 14 and 15 of resolution 38/180 A, paragraph 3 of resolution 38/180 C, paragraph 11 of resolution 38/180 D and paragraphs 3 and 4 of resolution 38/180 E. On the other hand, it has directly interfered in the internal affairs of the region, with the presence of its fleet in the Mediterranean Sea and its armed forces in the area, thus endangering national sovereignty, independence and territorial integrity of the countries in the region and adjacent areas.
5. The people of the Socialist Republic of Viet Nam are kept fully informed of what is going on in the Middle East. The mass media broadcast and/or headline the latest developments of the situation in that region. Viet Nam designated its high-ranking representatives to international conferences, seminars and/or symposiums on the two aforementioned entwined questions; statements were issued; activities performed in support of and solidarity with the people of Palestine in particular and of Arab countries in general. The Socialist Republic of Viet Nam tries its best to preserve and develop friendly relations with Arab people who have much in common in their struggle against imperialism and expansionism to defend their countries and peoples.
6. Viet Nam is firmly confident that the Arab people, particularly the Palestinians, having enjoyed support and assistance of the international community, will continue their struggle and bring home final victory.



**UNESCO, EXECUTIVE BOARD, DECISIONS AND RESOLUTIONS ADOPTED AT ITS
120TH SESSION (PARIS, 26 SEPTEMBER-22 OCTOBER 1984), 12 NOVEMBER 1984 [EXCERPTS]**

5.3 Culture

5.3.1 Jerusalem and the implementation of 22 C/Resolution 11.8 (120 EX/14 and 120 EX/37)

The Executive Board,

1. *Recalling* all the resolutions and decisions adopted by the General Conference and the Executive Board of Unesco regarding the protection and safeguarding of the cultural property in the city of Jerusalem, in particular 22 C/Resolution 11.8,
2. *Having noted* the report of the Director-General contained in document 120 EX/14,
3. *Considering* it necessary, after examination of the above-mentioned report and in the light of the relevant discussions, to provide additional detailed information, in particular on the following:
 - the effects of the digging of a tunnel along the western wall of Haram al-Sharif; the experts' study on the fabric of the Al-Madrasa Al-Manjakiyya,
4. *Considering also* that the Israeli occupation authorities have not yet replied to the letter of the Director-General dated 27 July 1984,
5. *Invites* the Director-General to take whatever steps he deems necessary to obtain the additional detailed information required, and to report to the 121st session of the Executive Board;
6. *Decides* to include this topic on the agenda of its 121st session so as to take an appropriate decision on the matter in the light of the Director-General's report.



**UN GENERAL ASSEMBLY RESOLUTION 39/146 ON THE SITUATION
IN THE MIDDLE EAST, 14 DECEMBER 1984 [EXCERPTS]**

A

The General Assembly, [...]

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 endeavors 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 12th 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;

B

The General Assembly,

[...] *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; [...]
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; [...]
9. *Further deplotes* 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; [...]
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; [...].

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. *Deplotes* 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;



**REPORT OF A MISSION OF THE PERSONAL REPRESENTATIVE OF THE UNESCO
DIRECTOR-GENERAL TO JERUSALEM, 19 MARCH 1985**

[In pursuance of 22 C/Resolution 11.8 of the General Conference and 120 EX/Decision 5.3.1 of the Executive Board, the UNESCO Dir.-Gen. instructed his personal representative, Prof. Raymond Lemaire of the University of Louvain, to visit Jerusalem, which he did from 5 to 9 March 1985. Following his mission, which was carried out after consultation with the Government of Israel, Lemaire delivered the following report.]

1. Date of the mission - 5 to 9 March 1985.
2. Purpose - to examine the cultural heritage of Jerusalem, particularly in connection with the problems mentioned in my general report submitted to the 120th session of the Executive Board or raised during the discussion of item 5.3.1 of its agenda.
3. Persons met:
 - 3.1 Israeli: Mr. T. Kollek, Mayor of Jerusalem;
Mr. P. Elian, Deputy Director-General of the Ministry of Foreign Affairs;
Mr. D. Ben Dov, Director of the Human Rights Department of the Ministry of Foreign Affairs;
Mr. I. Gerberg, Mr Ben Dov's Deputy Director;
Mrs. Y. Vered, Adviser for Jerusalem to the Minister of Foreign Affairs;
Mr. A. Eytan, Director of the Department of Antiquities of the Ministry of Culture;
Mr. A. Byran, Honorary Director of the Department of Antiquities, Member of the National Commission for Unesco;
Mr. A. Avigad, Professor at the Hebrew University;
Mr. D. Bahat, Conservator of the Monumental Heritage of Jerusalem, Department of Antiquities;
Mr. Y. Yaacovy, Chairman of East Jerusalem Development Ltd;
Mr. N. Kidron, Engineering Adviser to the Ministry of Religious Affairs;
Mrs. R. Sivan, Curator of the Museum of the Citadel, Jerusalem;
Mr. P. Bugod, architect;
Mr. N. Melzer, architect.

- 3.2 Arab: Mr. Y. Awad, Resident Architect of the al-Aqsa Mosque and Haram al-Sharif Restoration Committee;
Mr. Y. Natshe, Director of the Department of Islamic Archaeology;
Mr. H. Ahmad Abdallah, Director of the Archives of the Higher Islamic Council and Wage Administration of Jerusalem;
Mr. F. Hazine, Director of the Waqf, and
Mr. A. Hussein were absent from Jerusalem at the time of my visit.

4. The excavations

To my knowledge and on the basis of a detailed inspection of the city, no new site for excavation has been opened since my visit in July 1984. Furthermore, none of the sites previously excavated shows any signs of recent activity. It therefore appears that all excavations have been halted in Jerusalem at present. Moreover, during my conversations with officials of the Department of Antiquities, no mention was made of any new project of this sort. It should be noted:

- (1) That a project is currently being prepared by the architect, Nachum Melzer, for the permanent consolidation and presentation to good effect of the remains of the wall on the east slope of the *Ophel hill* (City of David). The project covers the remains unearthed during work carried out on the site over almost a century, particularly by Kathleen Kenyon (1967-1968) and Y. Shilo (1978-1983). The walls and pitching built over the last few years to consolidate the side of the hill will be planted over in the course of the works. According to the archaeologists in charge, the project marks the end of all archaeological activities on this site.
- (2) The work at the *Damascus Gate* to uncover Roman remains has been completed. There are no excavations in progress. The remains of the Roman Gate have been consolidated. A site museum of great importance for the town of Aelia Capitolina, which was rebuilt by the Emperor Hadrian after the destruction of the City of Herod in the year 70, has been established in the basement of the structure and under the public square within the walls immediately behind the Gate.
- (3) The part of the site opened by Professor Mazar in his day to the *south and west of the Haram al-Sharif* and located inside the wall is at present suffering from an obvious lack of maintenance. The uncovered remains, which date from the earliest period of the city's history down to the Umayyad period, are certainly not endangered, but the site is definitely in need of cleaning and maintenance. On the other hand, the part of the same site located outside of the wall, which includes mainly Roman, Byzantine and Umayyad remains, is well maintained and can be visited. There is no need to discuss here the unfortunate hypothetical reconstruction work carried out on the site three years ago, which is highly debatable in aesthetic terms. It has been dealt with at length in previous reports.
The attention of the responsible authorities has been drawn to the possible consequences of the present situation. It is their intention to take prompt corrective action. It has been confirmed that no new excavations are planned in this sector, nor any extension to other sites adjoining the Haram al-Sharif.

5. The tunnel

The tunnel which has been dug under the buildings of the Arab quarter along the Western wall of the Haram al-Sharif has not been carried any further; its length is the same as it was in July 1984. As is known, the tunnelling was halted in April 1984 by a decision of the Prime Minister of Israel, mainly as a result of serious problems of stability at al-Madrassa al-Manjakiyya, the Headquarters of the city's Islamic Council (cf. my reports of 6 May 1983, 19 October 1983, and 4 August 1984).

The consolidation of the tunnel has been completed, with the exception of two small sections which will be completed shortly. Major consolidation work using reinforced concrete has been carried out under al-Madrassa al-Manjakiyya, where large ancient cisterns are located.

This work ought to ensure the overall stability of the buildings standing over this part of the tunnel, but as the excavations have disturbed the rubble on which these buildings rest, they could undergo smaller movements in the future. An expert on stability acceptable to the two parties has not yet been appointed in accordance with the wish expressed by the Executive Board in October 1984 in decision 5.3.1 (120 EX/14). I have drawn the attention of the Israeli authorities to this fact and suggested the names of some experts of international reputation.

Furthermore, the Waqf architects have not yet received the plans and cross-sections of the tunnel; nor have they been invited to visit it. This has been proposed on several occasions, and the idea was accepted by Mr Burg, the Minister of Religious Affairs, in April 1983 but as yet no action has been taken. Efforts have been made to relaunch the proposal.

I was not able to meet the architect responsible for Waqf properties, Mr A. Husseini. According to Mr Awad and Mr Natshe, who belong to the same administration and regularly visit the Islamic Council building, there has been no major new damage since my last visit in October 1984.

6. The work on providing amenities and public areas

6.1 The renovation of sewers and paving has continued, mainly in the Christian quarter and in the northeastern sector of the Arab quarter. However, as in every other part of the city, the streets have been paved with local natural stone. I was not informed of any problems of stability or other recent damage resulting from this work. Moreover, according to Mr Yaacovy, Chairman of East Jerusalem Development Ltd., the damage caused by previous work has been repaired and buildings of uncertain stability have been reinforced, generally by means of flying buttresses built over the street in accordance with the normal practice in Jerusalem. In this connection, perhaps it is worth noting that the proliferation of such buttresses might alter inordinately the appearance of certain picturesque streets in the city and thus impair their traditional image and balance.

6.2 According to a recent report prepared by East Jerusalem Development Ltd., the following work has been carried out to date in connection with the renovation of infrastructures, paving, and amenities within the wall of Suleyman the Magnificent:

renovation of infrastructure	7,750 m
renovation of paving	33,400 m ²
drainage	5,853 m
renovation of sewers	10,416 m
new water-supply conduits	12,100 m
buried telephone cable	30,825 m
buried television distribution cable	20,585 m
buried street lighting cable	12,365 m
street lighting installations	505
electricity transformer stations	4
reinforced buildings	181
buildings demolished because of inadequate stability	5

The map appended to the report prepared by East Jerusalem Development Ltd., indicates that this work covers practically all of the Armenian, Jewish and Christian quarters and also a large part of the Arab quarter, with the exception of the sector of the city situated to the northeast and bounded by the wall, the former Decumanus East (el Wad Street) and the Via Dolorosa. In this sector, only Bab Hutta Street and a few adjoining alleyways have been included. The removal of television aerials does not affect the Arab quarter. The renovation of amenities in this quarter is planned to take place at a later stage. According to Mr Kollek, the city's Mayor, the resources available for the provision of amenities and development of public areas have not been appreciably curtailed, in spite of the substantial budgetary restrictions imposed on the municipality of Jerusalem because of the general economic situation of the country.

7. The landscaping around the *wall* built in the sixteenth century by Sultan Suleyman has been completed. The same applies to the walk along the parapet of the wall.

Since October 1984, work has been carried out on the Dung Gate in the southern side of the wall, which was originally a very narrow gate and was widened during the Jordanian period between 1947 and 1967. The widening of the gate has been maintained, as this is one of the main access routes to the Wailing Wall and the lower part of the city. However, the concrete girder has been replaced by a flattened arch, above which the remains of the original gate have been preserved and restored.

The road which enters through this gate is being improved and vehicles and pedestrians separated because of the volume of traffic.

8. Birkat Israel. According to the Mayor of Jerusalem, the talks between the municipality and the Waqf authorities on the clean-up and development of this site have resulted in a solution satisfactory to both parties which will shortly be implemented.

9. Al-Madrasaal-Jawhariyya remains in the same state as in October 1984. The Israeli authorities, who were responsible for the damage and who financed the temporary strengthening work, are still willing to carry out or to bear the costs of restoration, but constructive contacts have not yet been established with regard to this matter between the parties involved. Amongst other questions, there is doubt as to who will be in charge of the work. Should the party responsible for the damage carry out the work with the full consent of the owner, or should the latter take the initiative with the payer's agreement? There is a will to resolve the problem on both sides, and thus it is probable that an agreement will be reached shortly and that constructive contacts will be arranged between the parties concerned.

10. The Waqf services, and the Department of Islamic Archaeology in particular, have undertaken the restoration of *al-Madrasa al-Kilaniyya*. The work, which concerns the facade for the most part, is being carried out with great care and after detailed archaeological study. However, as the occupants are to remain in their homes during the work and the practical and utilitarian improvements which they have made are to be preserved, there is no possibility of achieving either a real clean-up or the reinforcement and restoration that would ensure at once the survival of the building, the effective enhancement of its architectural qualities, and its use as decent and satisfactory accommodation. Certainly the order and dignity of the facade will be restored, but it will not be possible for the interiors of the buildings to be adequately refurbished or upgraded to the health standards required for minimal acceptability as living quarters. It should not be forgotten that most of the old buildings, mainly in the lower part of the city, are very damp, and that some of them - generally speaking, the most interesting ones in architectural terms, in particular the *madrastas* and mausoleums were not intended and are not suitable for the dense family accommodation which they provide at present. They lack the lighting, ventilation and facilities necessary for decent accommodation. Where facilities, in particular sanitary facilities, have been added, this has been done at the expense of essential architectural features, which have suffered extensive damage. In addition to these drawbacks, the premises are extremely damp and rubble and debris have piled up in unoccupied premises and courtyards. The conclusion of this analysis, which is applicable to a very large number of extremely important Islamic monuments in Jerusalem, is that mere superficial restoration work, such as work on façades alone, is entirely inadequate to save this heritage and to provide improved or merely viable accommodation in such parts of these buildings which are suitable for use as dwellings without permanent damage to the buildings in Question. The state of preservation of *al-Madrasa al-Muzhariyya* (built in 1480-1481), one of the pearls of Mameluke architecture in the city whose restoration is currently under study, fully confirms this diagnosis. Only major action scientifically planned in every respect with a view to seeking to rehabilitate the building before cleaning up its exterior, can guarantee the future of this remarkable work of Islamic architecture. The same observation unfortunately applies to most similar monuments in Jerusalem. Indeed, it should be realized that most buildings have deteriorated to such a point that solutions which involve only the restoration of their façades with-out regard for the rehabilitation of their internal structures may prove to be short-lived, as the causes of deterioration will not have been removed; furthermore, such solutions will not help to improve living conditions in the Arab quarter which, particularly in buildings classed as monuments, barely meet or fall short of the minimum requirements for health and habitability.
11. The restoration of the *al-Aqsa Mosque* is continuing normally. Measures will be adopted with a view to the renovation in the near future, of the covering of the cupola, which at present consists of silver-coloured aluminium. It will be restored to its original form and covered as before by lead sheeting.
12. I visited *the archive depository* of the Higher Islamic Council and Waqf Administration of Jerusalem, located in one of the buildings on the northern side of the Haram al-Sharif. The person in charge of this depository is Dr Ahmad Abdallah Yusef. The archives, part of which will soon be moved to a new depository possessing reading rooms equipped with microfilm readers and a library, are in general in an average state of conservation. However, many items, including a collection of manuscripts, require urgent attention involving the same type of equipment as in the case of the manuscripts in the al-Aqsa Library and in the Museum. Many archives, mostly of recent date and of undetermined interest, are stored in alarming conditions in a small octagonal structure on the Haram al-Sharif. These archives should be removed at once to a more appropriate storage area and treated without delay in order to prevent their rapid destruction.
13. The reorganization of the *al-Aqsa Museum* has almost been completed. An extremely varied array of precious objects (manuscripts, archives, pottery, stone and wood sculpture, costumes, ironwork, etc.,) of great interest are presented with restraint and taste. A number of objects on display have been restored very care-fully so that a clear distinction can be made between original parts and parts which have been reconstructed in order to complete the essential lines of the works of art concerned, in accordance with current practice in this field.



**LETTER FROM THE ACTING CHAIRMAN OF THE COMMITTEE ON THE
EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE
TO UN THE SECRETARY-GENERAL, 18 JULY 1985**

[Letter reporting closing of the Hospice Hospital in Jerusalem]

In my capacity as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, it is my responsibility to inform you of recent action taken by the Israeli authorities that will lead to the closing of the Hospice Hospital in occupied East Jerusalem.

The source of this information is news reports that appeared in *Al-Fajr* on 17 May and 12 July 1985 and in *Ha'aretz* on 9 July 1985.

According to *Al-Fajr*,² the Hospice is the only government hospital in the Arab part of Jerusalem and has traditionally cared for the poor. It has been under threat of closure by the Israeli Health Ministry for many years but such attempts were thwarted by local and international pressure. Although the Israeli Government claims, according to *Al-Fajr*,² that the closure is intended to reduce government expenses, it rejected offers by Hospice administrators and benefactors to turn the institution into a private hospital with its own budget.

At a press conference held on 14 May 1985, speakers, including the Hospital Director and other Israeli and Arab physicians, agreed that the Israeli health officials had no valid grounds to close the Hospice, since its staff is professionally qualified and is rendering a much needed service to the Arab residents of the Old City.

Ha'aretz and *Al-Fajr* have reported that the Hospice Hospital will be officially closed as at the end of July 1985. The decision was made by the Health Ministry of Israel after consultations with the State Employee Commission. After the closure, Arab patients from East Jerusalem in need of hospitalization will be referred to government hospitals in West Jerusalem.

It is the understanding of the Committee that this is but a further instance of the way in which the Israeli authorities are failing to provide medical services in a manner that is acceptable to the local population. It has been reported that the Israeli authorities have taken over a building in Sheikh Jarrah intended to house a central hospital and have prevented the Red Crescent Hospital in Jerusalem from expanding. The Secretary of the Pharmaceutical Union in the West Bank and Chairman of the Friends of the Hospice Committee has said that Israeli officials have refused to allow a children's hospital or a health centre to be built in Muslim *waqf* land to serve the poor population of Jerusalem.

I bring these matters to your attention since it is the considered view of the Committee that they represent still further evidence of the way in which the Government of Israel is failing to abide by international agreements regarding the status of citizens under occupation.

As has been expressed in previous communications, the Committee remains convinced that a concentrated international effort to find a just solution to the question of Palestine and to help avoid such inequities as are described in this letter must be given a new momentum.

In conclusion, I would like to request that this letter be circulated as a document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) Oscar ORAMAS-OLIVA

Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People



UNESCO GENERAL CONFERENCE, RESOLUTION 11.3 CONCERNING ASSAULTS AND ATTEMPTED ASSAULTS ON THE HOLY PLACES IN JERUSALEM, 8 NOVEMBER 1985

11.3 JERUSALEM AND THE IMPLEMENTATION OF 22C / RESOLUTION 11.8

The General Conference,

Recalling the provisions of the Constitution of UNESCO relating to the conservation and protection of and respect for the natural heritage and cultural property, especially property of outstanding universal value,

Recalling the Hague Convention and Protocol of 1954 concerning the protection of cultural property in the event of armed conflict,

Recalling that the conventions, recommendations and resolutions that have been adopted by the international community on behalf of the natural heritage and cultural property demonstrate the importance for humanity of safeguarding such property,

Considering that it is of importance to the entire international community that the natural and cultural heritage should be protected,

Considering the unique role of the city of Jerusalem in the history of humanity as a holy city for the three monotheistic religions that share the same philosophical, ethical and religious values, which are fundamental for more than 2,000 million people in all the continents of the world,

Considering that the entire city and its heritage of monuments bear living witness to this exceptional role,

Considering that it is the eternal vocation of Jerusalem to promote peace and understanding among men, in accordance with the message that was delivered there,

1. *Recalls* that it for that reason that the city of Jerusalem has been recognized as of universal importance by being included in the World Heritage List;
2. *Recalls* that the Israeli military occupation and the present status of the city entail dangers for the safeguarding of its essential vocation;
3. *Recalls and reaffirms* the previous resolutions adopted by the General Conference, which seek to ensure the safeguarding of all spiritual, cultural, historical and other value of the holy city;
4. *Deplores* the fact that assault and attempted assaults have been perpetrated on the holy places of Islam, which constitutes a grave derogation from the ecumenical location of the city;
5. *Deplores* the fact that works carried out in the old holy city have imperilled important historical monuments, which embody the cultural identity of the indigenous population;
6. *Recommends* that all Member States combine their efforts to ensure the total and effective safeguarding of the occupied holy city and the preservation and restoration of the historical monuments of the city and its universal heritage belonging to all religions;
7. *Draws the attention* of the international community more particularly to the state of degradation of a large part of the Islamic cultural and religious heritage and urges Member State to support the efforts of the Waqf, owner of this heritage, by making voluntary contribution to the financing of safeguarding operations;
8. *Thanks* the Director-General for everything he has done in this context and requests him to assist by appropriate means in implementing this resolution, in accordance with the conclusions of Professor Lemaire's report set out in document 23C/15;
9. *Decides* to include this question in the agenda of the twenty-fourth session of the General Conference, with a view to taking such decisions as may be required by the situation obtaining at that time.



**UN GENERAL ASSEMBLY RESOLUTION 40/168,
118TH PLENARY MEETING, 16 DECEMBER 1985 [EXCERPTS]**

A

The General Assembly, [...]

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; [...]
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; [...]
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; [...]
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; [...]
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; [...]

B

The General Assembly, [...]

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; [...]
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; [...]
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; [...]
9. *Further deploras* 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; [...]
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.

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. *Deploras* 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 41st session on the implementation of the present resolution.



DRAFT UN SECURITY COUNCIL RESOLUTION PRESENTED BY CONGO, GHANA, MADAGASCAR, TRINIDAD AND TOBAGO, AND THE UNITED ARAB EMIRATES, 29 JANUARY 1986

[The draft resolution, deploring the desecration of Al-Aqsa Mosque, was vetoed by the USA]

The Security Council,

Taking note of the letter (S/17740) from the Permanent Representative of Morocco to the United Nations, current Chairman of the Organization of the Islamic Conference, and the letter (S/17741) from the Permanent Representative of the United Arab Emirates to the United Nations, current Chairman of the Arab Group, both addressed on 16 January 1986 to the President of the Security Council.

Reaffirming that the 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,

Bearing in mind the specific status of Jerusalem and, in particular, the need to protect and preserve the unique spiritual and religious dimensions of the Holy Places in the city,

Recalling and reaffirming its resolutions relevant to the status and character of the Holy city of Jerusalem, in particular resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July and 271 (1969) of 15 September 1969, 298 (1971) of 25 September 1971, the consensus statement made by the President of the Security Council on 11 November 1976, resolutions 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980.

Strongly deploring the continued refusal of Israel, the occupying Power, to comply with the relevant resolutions of the Security Council,

Deeply concerned at the provocative acts by Israelis, including members of the Knesset and Security Forces which have violated the sanctity of the sanctuary of the Haram Al-Sharif in Jerusalem,

1. *Strongly deplores* the provocative acts which have violated the sanctity of the sanctuary of the Haram Al-Sharif in Jerusalem;
2. *Affirms* that such acts constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East, which could also endanger international peace and security;
3. *Determines once more* 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 the policy and practices of Israel of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;
4. *Reiterates* 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 "basic law" on Jerusalem are null and void and must be rescinded forthwith;
5. *Calls upon* Israel, the occupying Power, to observe scrupulously the norms of international law governing military occupation, in particular the provisions of the Fourth Geneva Convention, and to prevent any hindrance to the discharge of the established functions of the Supreme Islamic Council in Jerusalem, including any co-operation that the Council may desire from countries with predominantly Muslim populations and from Muslim communities in relation to its plans for the maintenance and repair of the Islamic Holy Places;
6. *Urgently calls* on Israel, the occupying Power, to implement forthwith the provisions of this resolution and the relevant Security Council resolutions;
7. *Requests* the Secretary-General to report to the Security Council on the implementation of the Present resolution before 1 May 1986.



**UNESCO EXECUTIVE BOARD, RESOLUTION 5.4.1 CONCERNING THE
ARCHAEOLOGICAL EXCAVATIONS IN JERUSALEM, 18 SEPTEMBER 1986**

5.4.1 JERUSALEM AND THE IMPLEMENTATION OF 23C / RESOLUTION 11.3

The Executive Board,

1. *Recalling* the provisions of the Constitutions of UNESCO relating to the conservation and protection of and respect for the natural heritage and cultural property, especially property of outstanding universal value;
2. *Recalling* the Hague Convention and Protocol of 1954 concerning the protection of cultural property in the event of armed conflict;

3. *Recalling* that the conventions, recommendations and resolutions that have been adopted by the international community on behalf of the natural heritage and cultural property demonstrate the importance for humanity of safeguarding such property;
4. *Considering* the unique role of the city of Jerusalem in the history of humanity as a holy city for the three monotheistic religions that share the same philosophical, ethical and religious values, which are fundamental for more than 2,000 million people in all the continents of the world;
5. *Considering* that the historic city of Jerusalem constitutes a homogeneous, balanced and unique cultural property of outstanding universal value, and that accordingly the international community has deemed it to be one of the invaluable and irreplaceable properties of humanity as a whole, worthy of being included on the World Heritage List;
6. *Considering* that the historic city of Jerusalem constitutes a homogeneous, balanced and unique cultural property of outstanding universal value, and that accordingly the international community has deemed it to be one of the invaluable and irreplaceable properties of humanity as a whole, worthy of being included on the World Heritage List;
7. *Considering* that it is the eternal vocation of Jerusalem to promote peace and understanding among men, in accordance with the message that was delivered there;
8. *Having* examined the Director-General's report on this matter (125 EX/15 and Add. 1);
9. *Takes note* of the report by Professor Lemaire (125 EX/15 Add.1), and in particular of the cessation of archaeological excavations in the holy city of Jerusalem;
10. *Requests* consequently that, in accordance with the provisions of the 1954 Hague Convention and the resolution of the General Conference adopted at its ninth session (New Delhi, 1956), no excavation should be resumed;
11. *Recalls* that the Israeli occupation of the city entails risks for the safeguarding of its essential vocation;
12. *Recalls and reaffirms* the previous decisions adopted by the Executive Board, which seek to ensure the safeguarding of all the spiritual, cultural, historical and other values of the holy city;
13. *Deplores* the fact that assault and attempted assaults have been perpetrated on the holy places of Islam, which constitutes a grave derogation from the ecumenical vocation of the city, and request, consequently, that the occupation authorities should reinforce security measures so as to prevent any further attempted assault;
14. *Urges* the Israeli occupation authorities to follow up immediately the recommendation of the Executive Board at its 120th session regarding the effects of the digging of a tunnel along the western wall of Haram Al-Sharif (Professor Lemaire's reports of 19 March 1985 and 28 July 1986);
15. *Thanks* the Director-General for all that he has done to ensure the application of UNESCO resolutions and decisions regarding the occupied city of Jerusalem.
16. *Invites* the Director-General to submit a synoptic report to it at its 127th session on the application of UNESCO resolutions and decisions regarding the cultural heritage of Jerusalem;
17. *Requests* the Director-General to launch a solemn appeal to the international community to contribute to the financing of the works for safeguarding the Islamic cultural and religious heritage in order to support the efforts of the Waqf, the owner of this heritage;
18. *Decides* to include this question on the agenda of its 127th session with a view to taking such decisions as may be required by the situation obtaining at that time.



**UNESCO EXECUTIVE BOARD, DECISION 5.4.1 ADOPTED AT ITS 125TH SESSION
(PARIS, 10 SEPT.-8 OCT. 1986), PARIS, 6 NOVEMBER 1986**

5.4 Culture and communication

5.4.1 Jerusalem and the implementation of 23 C/Resolution 11.3 (125 EX/15 and Add.1, and 125 EX/42)

Executive Board,

1. *Recalling* the provisions of the Constitution of Unesco relating to the conservation and protection of and respect for the natural heritage and cultural property, especially property of outstanding universal value,
2. *Recalling* the Hague Convention and Protocol of 1954 concerning the protection of cultural property in the event of armed conflict,
3. *Recalling* that the conventions, recommendations and resolutions that have been adopted by the international community on behalf of the natural heritage and cultural property demonstrate the importance for humanity of safeguarding such property,
4. *Considering* that it is of importance to the entire international community that the natural and cultural heritage should be protected,

5. *Considering* the unique role of the city of Jerusalem in the history of humanity as a holy city for the three monotheistic religions that share the same philosophical, ethical and religious values, which are fundamental for more than 2,000 million people in all the continents of the world,
6. *Considering* that the historic city of Jerusalem constitutes a homogeneous, balanced and unique cultural property of outstanding universal value, and that accordingly the international community has deemed it to be one of the invaluable and irreplaceable properties of humanity as a whole, worthy of being included on the World Heritage List,
7. *Considering* that it is the eternal vocation of Jerusalem to promote peace and understanding among men, in accordance with the message that was delivered there,
8. *Having examined* the Director-General's report on this matter (125 EX/15 and Add.1),
9. *Takes note* of the report by Professor Lemaire (125 EX/15 Add.1), and in particular of the cessation of archaeological excavations in the holy city of Jerusalem;
10. *Requests* consequently that, in accordance with the provisions of the 1954 Hague Convention and the resolution of the General Conference adopted at its ninth session (New Delhi, 1956), no excavation should be resumed;
11. *Recalls* that the Israeli occupation of the city entails risks for the safeguarding of its essential vocation;
12. *Recalls* and reaffirms the previous decisions adopted by the Executive Board, which seek to ensure the safeguarding of all the spiritual, cultural, historical and other values of the holy city;
13. *Deplores* the fact that assaults and attempted assaults have been perpetrated on the holy places of Islam, which constitutes a grave derogation from the ecumenical vocation of the city, and requests, consequently, that the occupation authorities should reinforce security measures so as to prevent any further attempted assault;
14. *Urges* the Israeli occupation authorities to follow up immediately the recommendation of the Executive Board at its 120th session regarding the effects of the digging of a tunnel along the western wall of Haram Al-Sharif (Professor Lemaire's reports of 19 March 1985 and 28 July 1986);
15. *Thanks* the Director-General for all that he has done to ensure the application of Unesco resolutions and decisions regarding the occupied city of Jerusalem:
16. *Invites* the Director-General to submit a synoptic report to it at its 127th session on the application of Unesco resolutions and decisions regarding the cultural heritage of Jerusalem;
17. *Requests* the Director-General to launch a solemn appeal to the international community to contribute to the financing of the works for safeguarding the Islamic cultural and religious heritage in order to support the efforts of the Waqf, the owner of this heritage;
18. *Decides* to include this question on the agenda of its 127th session with a view to taking such decisions as may be required by the situation obtaining at that time.



**UN GENERAL ASSEMBLY RESOLUTION 41/162,
97TH PLENARY MEETING, 5 DECEMBER 1986 [EXCERPTS]**

The General Assembly, [...]

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; [...]
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; [...]
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; [...]

The General Assembly, [...]

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; [...]
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; [...]
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; [...]

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, [...]

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.



**REPORT OF THE UN SECRETARY-GENERAL IN PURSUANCE OF UN GENERAL
ASSEMBLY RESOLUTION 41/162, 10 AUGUST 1987 [EXCERPTS]**

[Report enclosing replies by UN member states regarding Israeli activities in the Palestinian territories]

1. The present report is submitted in fulfilment of the reporting responsibility conferred upon the Secretary-General in resolutions 41/162 A to C, which the General Assembly adopted on 4 December 1986, at its forty-first session, under the agenda item entitled "The situation in the Middle East".
2. In paragraph 11 of resolution 41/162 A, which deals with the search for a solution to the Middle East problem, and in paragraphs 13 and 14 of resolution B, which deals with Israeli policies in the Syrian Golan Heights, the General Assembly called upon all States to adopt a number of measures concerning military, economic, diplomatic and cultural relations with Israel.
3. In resolution 41/162 C, the General Assembly deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and called 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. In order to fulfil his reporting responsibility under the above-mentioned resolutions, the Secretary-General, on 16 January 1987, addressed notes verbales to the Permanent Representative of Israel and to the Permanent Representatives of the other Member States and requested them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. The relevant parts of the replies received from Burkina Faso, Chad, Cuba, Cyprus, Czechoslovakia, Egypt, Jordan, Saudi Arabia and the Union of Soviet Socialist Republics are reproduced in the annex to the present report.
5. In Paragraph 15 of resolution 41/162 A, the General Assembly requested the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General As-

sembly at its forty-second session a comprehensive report covering the developments in the Middle East in all their aspects. That report will be submitted separately as a document of the General Assembly and the Security Council.

ANNEX: Replies received from Member States

[...]

CZECHOSLOVAKIA [Original: English; 18 May 1987]

1. The Czechoslovak Socialist Republic resolutely condemns the aggressive, expansionist Policy of the Israeli Government which is a source of constant tensions in the Middle East and has made this area one of the most dangerous hot-beds of tension worldwide. The Persisting Israeli occupation of the Arab lands seized by Israel during the war with the neighbouring Arab countries, which it stirred up in 1967, and its barring of the exercise of the legitimate inalienable rights of the Arab People of Palestine to the establishment of their own sovereign national State remain the main obstacles in the way of achievement of a just and lasting peace in the Middle East.
2. The annexation of the Eastern part of Jerusalem, the extension of the Israeli jurisdiction and legislation to the territories of the Syrian Golan Heights, the denial of the Palestinian right to the exercise of self-determination, the occupation of a Part of Lebanon's territory and the interference with the internal matters of this sovereign State are the most visible examples of a violation of the fundamental principles of the international law and of a number of united Nations resolutions by Israel. Thus, by its concrete behaviour and deeds, Israel is demonstrating that underlying political line is the doctrine of State terrorism which jeopardizes the vital interests of other countries and nations.
3. The Czechoslovak Socialist Republic has repeatedly pointed to the need for a universal and co-ordinated action by the international community against the policy of the Israeli government which is a threat to all States and nations in the Middle East region. The Czechoslovak Socialist Republic fully supports and strictly observes all restrictive measures in relations with Israel adopted within the United Nations, including a complete break of diplomatic contacts since June 1967. In keeping with its peace Policy Czechoslovakia does not provide any assistance to Israel and does not recognize any Israeli legislative steps adopted with the aim of consolidating the illegal domination of the Eastern part of Jerusalem and of changing the status of this town. In its attitude to these issues the Czechoslovak Socialist Republic strictly adheres to the Provisions of resolution 41/162 A to C and to all other United Nations resolutions adopted on this score.
4. The present development clearly shows the hopelessness of any ideas of settling the Middle East situation from a position of strength, by making separate deals or by enforcing unilateral schemes of settlement of the conflict which overlook the inalienable rights of the people of the Arab countries and of the Arab people of Palestine. This is why we fully endorse the Proposals for resolving the Middle East crisis through multilateral contacts in the framework of an international Middle East conference with equal Participation of the permanent members of the Security Council and of all parties concerned including PLO which is the sole legitimate representative of the Arab people of Palestine. We call for an undelayed start of consultations with the aim of setting up a preparatory committee of the international Middle East conference. We are convinced that such could be the road towards a settlement of the Middle East conflict. [...]

JORDAN [Original: Arabic; 12 May 1987]

1. Operative paragraphs 7 to 11 of resolution 41/162 A

1. The Government of the Hashemite Kingdom of Jordan rejects all the measures that have been and are being taken by the Israeli occupation authorities in the Arab and Palestinian territories occupied since 1967, including the city of Jerusalem, and considers all the measures null and void, particularly the decision of the Israeli Knesset to annex the city of Jerusalem and make it an eternal capital of Israel and also the alteration of the geographical, institutional and demographic character of the Holy City. The Jordanian Government calls upon the United Nations to continue its efforts, to exert various kinds of pressures in order to compel the Israeli occupation authorities to rescind the decision on the annexation of Jerusalem and to emphasize the need for Israel's compliance with and implementation of Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980.
2. The Government of the Hashemite Kingdom of Jordan also rejects the arbitrary actions and practices of the Israeli occupation authorities in the occupied Palestinian Arab territories, particularly the confiscation of land from the population and the establishment of Jewish settlements on that land.
3. The Government of the Hashemite Kingdom of Jordan appeals to all States Members of the United Nations to halt military, economic, financial and technological supplies and aid that help Israel to pursue its aggressive and expansionist policy and its occupation of Arab and Palestinian territories.

2. Operative paragraphs 13 and 14 of resolution 41/162 B

4. The Government of the Hashemite Kingdom of Jordan is in a state of war with Israel, which has been occupying Jordanian, Arab and Palestinian territories since 1967. As all are aware, Jordan does not maintain any relations with Israel of any kind whatsoever. Jordan calls upon all States Members of the United Nations to refrain from supplying Israel with weapons and equipment and also calls upon the various States

to halt economic, financial and technological assistance to Israel, as an attempt to apply pressure on it to end its occupation of the occupied Arab and Palestinian territories.

3. Operative paragraph 3 of resolution 41/162 C

5. The Hashemite Kingdom of Jordan appeals to all States Members of the United Nations to comply with the Charter and the resolutions of the United Nations and the Security Council and their subordinate organs concerning the Holy City and to reject the Israeli legislation on the so-called ~unification of Jerusalem and its establishment as the eternal capital of Israel.. Jordan also calls upon all States not to open embassies in Jerusalem and to comply with the resolutions of the Security Council on the subject.

SAUDI ARABIA [Original: English; 23 APRIL 1987]

The Government of Saudi Arabia is Pleased to convey the following:

1. With regard to paragraph 7 of resolution 41/162 A:

- (1) The Kingdom deplores Israel's failure to comply with and implement the resolutions of the Security Council and General Assembly, and believes that the time is opportune to take the effective measures stipulated in Chapter 7 of the United Nations Charter and to implement them immediately against the Zionist establishment.
- (2) The Kingdom's Government also reaffirms that the continuation of the Israeli occupation of Palestinian and other Arab territories, as well as its refusal to withdraw from there, and its decision to annex Al-Quds Asshareef and to declare it as its capital, constitute a flagrant violation to the principles of international law. United Nations resolutions and international legitimacy.
- (3) The Kingdom has always affirmed that it considers Al-Quds Asshareef as the capital of Palestine and an inseparable part of the occupied Palestinian territories, and that there must be a full and unconditional Israeli withdrawal from it, to restore it to Palestinian sovereignty.
- (4) The Kingdom is committed to and adheres to the principle of the inadmissibility of the acquisition of territories by force, and considers all settlements built or to be built by the Zionist establishment in all the occupied Palestinian and other Arab territories, including Al-Quds Asshareef, to be illegal and void measures that should be halted and removed in accordance with the articles of the United Nations Charter and its many resolutions pertaining to this subject.
- (5) The Kingdom continues to exercise all the means available to it to convince the countries that influence Israel to secure Israeli withdrawal from Al-Quds Asshareef and the occupied Palestinian and other Arab territories. It also explained and clarified in various international forums the problem of Al-Quds and the violations that the holy shrines are facing under the Israeli occupation.
- (6) The problem of Palestine in general, and that of Al-Quds Asshareef in particular, constitute one of the basic pillars of the Kingdom's foreign policy. The Kingdom has reaffirmed this through its conception of peace for the region in the King Fahd bin Abdul Aziz Al-Saud initiative, which was adopted by the Fez Conference in 1982 and is known now as the Arab Peace Proposal. Principle number six of the proposal calls for a reaffirmation of the necessity of establishing an independent Palestinian State with the Arab Al-Quds as its capital.

2. With regard to paragraph 11 of resolution 41/162 A:

The Kingdom, alongside its sister Arab countries, applies the boycott system against Israel and does not deal with it in any field whatsoever. The Kingdom also implements the basic principles of the Islamic boycott, and of Universal Islamic Law, and its provisions, which are considered a part of the national legislation. This also includes the decision of the special Islamic Summit Meeting which was held in Kuwait on 26 January 1987.

3. With regard to paragraphs 13 and 14 of resolution 41/162 B:

- (1) In respect of dealings with Israel, the Kingdom, alongside the Arab and Islamic countries, applies the same boycott rules stated previously.
- (2) As to relations with the Zionist establishment - the Kingdom has no relationship whatsoever with that establishment, whether political, economic, cultural, scientific or at any other level. The Kingdom, in fact, calls upon and urges other countries and peoples not to establish any form of relationship with the Israeli establishment.
- (3) The Kingdom follows an active policy on all these aspects, whether through the United Nations, or the Organization of the Islamic Conference, or the League of Arab States, or through the political and diplomatic contacts between the Kingdom and other States. Naturally, the Kingdom cannot recognize any condition other than that of Arab Al-Quds and its restoration to Arab sovereignty.
- (4) The Kingdom adheres to the terms of this resolution and the terms of all previous resolutions voted on affirmatively by Saudi Arabia. The declarations made by its officials and the statements made by the Minister for Foreign Affairs and the Kingdom's delegates to the United Nations are a clear example to that.

The Government of the Kingdom deplores the transfer of some diplomatic missions to the Al-Quds, and it considers this a flagrant violation of the principles of international law and of United Nations resolutions, especially of Security Council resolution 487 (1980). [...]



**UNESCO, SYNOPTIC REPORT ON DEVELOPMENTS IN THE SAFEGUARDING
OF THE MONUMENTAL HERITAGE OF JERUSALEM FROM 1971 TO 1987,
15 OCTOBER 1987**

[In pursuance of 125 EX/Decision 5.4.1 of the UNESCO Executive Board, the Director-General instructed his personal representative, Mr. Raymond Lemaire, Honorary Professor at the University of Louvain, to visit Jerusalem from 20-24 April 1987 and subsequently prepare a synoptic report on the application of UNESCO resolutions and decisions regarding the cultural heritage of Jerusalem].

1. Foreword

This report follows up two synoptic notes prepared on 18 November 1980 and 6 May 1983 respectively. It repeats the text and the facts described in them only to the extent that the situation has remained unchanged; any new events or developments are dealt with at length.

The purpose of the report is to provide a general picture of the state of the monumental heritage of the city of Jerusalem. Not only were monuments, sites and excavations which have been or are being carried out examined, but the general aspect of the Old City and its development were considered as well.

The author has sought to make a realistic and objective analysis of the situation with regard to the conservation of Jerusalem's monumental heritage, particularly in regard to the archaeological remains, buildings or parts of the city about which objections have been raised or which have been the subject of complaints lodged with the Director-General.

Examination of the problems has been deliberately confined to the technical and professional aspects. However, an outline of the general legal background has been provided so that the issues may be more clearly placed in their context. Technical and scientific assessments are based on knowledge or international standards that are generally accepted in the fields in question. Any qualitative assessments are based on the same standards.

2. The status of Jerusalem

So as to place the problems involved in the safeguarding of Jerusalem's monumental heritage in their proper perspective, it may be well to recall a number of basic facts concerning the status of Jerusalem as it emerges from the decisions of the United Nations. Until 1917 Jerusalem was a provincial city of the Ottoman Empire. After it was captured by General Allenby, it became the capital of Palestine, a territory under British Mandate, the Mandate having been granted by the League of Nations on 24 July 1922. In 1947, Great Britain placed its Mandate at the disposal of the United Nations which drew up a partition arrangement for Palestine setting up three distinct territories: one was for the constitution of an Arab State, the second for a Jewish State, while the third -Jerusalem -was to be placed under international jurisdiction (General Assembly Resolution 181, 29 November 1947). There thus arose, in the case of Jerusalem, the concept of the "Corpus Separatum", characterizing the legal status of the Holy City and underlying the Political attitudes of many countries towards it.

The war that broke out even before the departure of the British forces created a *de facto* situation which was recognized by the truce that came into force on 11 June 1948. This, in fact, divided the territory of Palestine and the city of Jerusalem between the two belligerents along a north-south axis. The Old City, over which a fierce battle had been fought, came into Jordanian possession, while the new city, which had been developing since the nineteenth century on its western flank, was attached to the new State of Israel that had been founded on 14 May 1948.

The Israeli Parliament, the Knesset, voted on 13 December 1949 that it and the government should be transferred to Jerusalem, and on 23 January 1950 proclaimed the city the capital of the State. In addition, the Jordanian Government, which had taken preparatory measures as early as April 1949, decided on 24 April 1950 to unify Palestine, including Jerusalem, and Jordan. However, on 9 December 1949, the United Nations General Assembly had, in Resolution 303, confirmed Resolution 181 which advocated that the city in its entirety should be accorded the status of international territory.

Divided for over 20 years by a veritable iron curtain, whose only opening was the famous Mandelbaum Gate, the whole city was occupied by the Israeli army at the same time as the West Bank during the Six-Day War in [July] 1967. On 27 June, the Knesset voted a law the implementation of which effectively resulted in the annexation of the eastern part of Jerusalem and a large surrounding area. It subsequently decided to make the entire city the capital of the State. On 22 November, the Security Council adopted Resolution 242 calling for the withdrawal of Israeli forces from all the occupied territories, including Jerusalem. This resolution is the

cornerstone of all the resolutions and recommendations subsequently adopted on the subject of the city by the United Nations and Unesco.

3. The city of Jerusalem and its suburbs

The preservation of the traditional site of Jerusalem is a concern that has been frequently voiced during the past 20 years at the General Conference and the Executive Board.

As in the case of many cities, Jerusalem has been undergoing constant change since the end of the nineteenth century. This process has been speeded up to an extraordinary extent since the foundation of the State of Israel, and, more especially, since 1967.

Many buildings have been erected in the city in order to house the government services of the State of Israel. Tens of thousands of new flats have been built, and large numbers of factories constructed. The basis of this policy was the Knesset's unilateral decision to annex the whole of the territory of the present municipality of Jerusalem. A large number of the new buildings are situated to the west of the former border, but important facilities such as the new Hebrew University on Mount Scopus (where it was founded in 1925), the thousands of housing estates on French Hill and Ramat-Eskhol, the Jerusalem International Airport and large industrial zones, all of which were built after 1967, are situated in the occupied territories.

Although the building boom has declined considerably with the economic crisis, fairly important extensions have continued to be made during recent years, such as the completion of high-rise buildings which were being built in the Israeli part of Jerusalem and whose silhouette merges with that of the tower blocks, all of which date back to earlier years. They none the less add to the regrettable building density that forms the backdrop to the Old City, one of the most beautiful urban landscapes in the world.

As far as the built-up area as a whole is concerned, mention should be made of the continuing construction of vast areas of suburban housing south-west of Nabi-Samuel. The area concerned was earmarked for development as a 'Residential Urban Zone' in the Israeli master-plan for the city drawn up in 1968. It is situated east of the border of the State of Israel and, hence, lies in the occupied territories.

The same may be said of the satellite town of Maale Adomin, which is about ten kilometres east of Jerusalem, and of the neighbouring industrial zone. This new development right out in the desert is close to the Jerusalem-Jericho road. According to municipal town-planning authorities over 1,000 housing units had been built there up to 1983. Maale Adomin is one of the links in the vast pattern of new building development which, in or around the present municipal territory of Jerusalem, extends the urban fabric -already vast and relatively dense in Israeli territory -to the north, east and south of the Old City, in the occupied zone. Although the innumerable buildings erected since the Six-Day War have altered the aspect of the city considerably, the starting-point of these changes goes back much further. Demographic trends in the city as a whole are significant in this respect:

1922: 68,000 inhabitants
1967: 267,000 inhabitants
1980: 380,000 inhabitants
approximately 450,000 at the present time.

Even before 1967, the rapid growth of the population and the development of tourism had called for the building of many new facilities which were not always properly integrated in the site or the morphology of the urban fabric. There are, for example, the large international hotels such as those built on the summit of the Mount of Olives and in the middle of the village of Siloe. These examples show that 'East Jerusalem' was beginning to suffer from the effects of uncontrolled urban growth even prior to 1967.

The situation has worsened over the last 10 years, especially as a result of the building of a series of tower blocks and fortress-like precincts that ruin the skyline and are out of keeping with the scale of the immediate backdrop to the admirable landscape of the Old City.

With the exception of one of these areas (French Hill), one tower block, the vast complex of the Hebrew University on Mount Scopus and the new Hyatt hotel, the majority of these buildings are situated west of the pre-1967 border, i.e. in Israeli territory.

It should be noted that a not inconsiderable part of the Jewish population is strongly opposed to the changes that are being made to the historic site of Jerusalem as a result of the construction of vast complexes, and this has led to the setting up of defence associations and advisory bodies, such as 'Beautiful Jerusalem'. For years

there has been growing opposition to the vast Mamilla reconstruction project, which is situated partly on Israeli territory and partly in the former 'no man's land' in the immediate vicinity of the Jaffa Gate.

It should, however, be pointed out that no high-rise buildings have been erected since the end of the seventies. The municipality no longer appears to authorize the construction of buildings of a disproportionate size that ruin the beauty of an incomparable site irrevocably.

Having become the 'capital' of a State, Jerusalem has once and for all lost the traditional 'biblical' dimension that characterized it over the centuries. This trend emerged somewhat timidly when Ottoman rule came to an end, continued under the British Mandate, began to develop non-traditional forms in the Jordanian era and became really pronounced after 1967. The Old City is now only a tiny part (90 hectares or 0.08 per cent) of a vast municipality straddling the border of the Israeli State and the occupied territories, where the facilities and buildings making up a large modern city have been and are still being erected. Because of the structure of the site, the city's position in the urban area as a whole and the policy that has been developed for close on one hundred years, the specific characteristics and integrity of the Old City and its relationship with the Valley of Kidron have been preserved, but, with the landscapes now emerging beyond the walls (to a moderate extent in the south and the east, but developing essentially to the north and the west, its surroundings have been totally disrupted. Open spaces have given way to vast built-up areas marked by the occasional tower block.

4. Development schemes in the Old City

These consist mainly in the renewal of the sewers, water mains and electricity supply, the resurfacing of streets and squares and improvements to street-lighting, shop-fronts and the external parts of the ramparts, clearance of rubbish dumps inside the ramparts and removal of television aerials. The restoration and rebuilding of the Jewish quarter inside the walls of the Old City is a separate undertaking as unlike the rest of the city it was seriously damaged in the 1948 war.

All this work began in 1969 and has been progressing ever since in stages, according to the financial resources available.

4.1 The renewal of public utilities (sewers, water mains and electricity supply cables) is more than three-quarters finished, according to the information provided by Mr. Yaacovi, Chairman of East Jerusalem Development Ltd., the organization in charge of the work. I have in the past stressed the technical and health reasons for carrying out this work. The old drainage system was obviously becoming inadequate to cope with the heavy increase in water consumption. Its haphazard structure made up of segments dating back to different, sometimes very ancient, periods, was the cause of many disruptions and mishaps which, given the nature of the water (sewage water) were likely to give rise to serious sanitation problems. While there seems to be no doubt as to the desirability of the work, in the eyes of the city's Arab population likewise, there is serious criticism of the way in which some of the work has been carried out. This includes the claim that insufficient attention was paid to the state of the buildings lining the streets, and that part of the work was done during the winter rainy season, thus increasing difficulties of access to homes and the risks of soil erosion and flooding of cellars. Certain houses developed serious fissures, or even collapsed. These houses are not very old (nineteenth or even early twentieth century) but they belong to the vernacular architecture of Jerusalem. They are built of local stone and feature barrel vaults and domes.

Scrutiny of the facades on the streets of the Muslim Quarter where new utilities have been installed does not, on the whole, show any developing cracks. Such scrutiny is not, however, exhaustive, for damage is usually more obvious inside the houses. The efficiency of the new sewage system is apparent from the fact that certain cellars which were previously flooded are no longer flooded today. The crypt of the patriarchal Armenian church, Our Lady of the Spasm, is a case in point. However, the Waqf architects report that in the low-lying parts of the Arab Quarter the new drains have had difficulty in coping with the rainfall of recent harsh winters, which has admittedly been very heavy.

Specific complaints aside, it is therefore difficult to reach a fair appraisal of the criticisms levelled at the way in which the work has been carried out. The authorities claim that the engineers analyse the work very carefully and take the necessary steps to prevent or, at any rate limit, the effects of major public works in the Old City. It is true that these are carried out under particularly difficult technical conditions. The streets are mostly very narrow (often less than two or three metres wide) and the flow of pedestrians and merchandise must be maintained during the works. The subsoil is extremely variable in texture and insecure, for it often consists of layers of debris that have built up over more than two millennia, several metres thick and encumbered with walls, old pipes, cisterns still in use or filled in, etc. The foundations of houses rest on this debris and are shallow in many cases. In the low-lying districts of this city, damp and salt seep into the mortar of the walls. All of this explains why the vernacular structures are often fragile. Excavations carried out at the base of their walls can destabilize them.

The fact that relatively few complaints were lodged, at least to my knowledge and according to information from both the Waqf architects and the municipal authorities, is an indication that the work was generally carried out with due attention to the nature of the neighbouring buildings. However, the emergence of new damage as time passes should not be ruled out. Settling of the soil after excavations can be slow and is likely to be more pronounced after a heavy rainy season. Moreover, the laying of new drains at a deeper level than previously is creating a new land drainage system which could accentuate soil subsidence.

The Arab authorities and dignitaries complain of difficulties experienced by the population in obtaining reparation for damage caused to houses by these public works. The municipality has allegedly been warning the owners concerned that they should carry out the necessary repairs themselves or have them done by the municipal services, at their own expense. According to these warnings, financial compensation is out of the question. However, according to Mr. Yaarcovi, one seriously damaged house has been rebuilt at the municipality's expense.

According to the same Arab sources, when the state of a building is so bad that repairs will not suffice and rebuilding is necessary, or when the owner deliberately opts for this solution because it is more in keeping with the use he wishes to make of his property, it is practically impossible to obtain a building permit. The fact that certain houses were demolished following installation of public utilities is allegedly attributable to this situation. Questioned on this issue, an Israeli architect explained that the difficulty lay not in the impossibility of obtaining the permit per se, but in the fact that any construction plan in Israel requires plans drawn up or countersigned by an architect of Israeli nationality. This requirement is in force in the Old City of Jerusalem since it is considered by the Israeli authorities to be Israeli territory. Arab owners and the Waqf in particular allegedly refuse, for obvious political reasons, to comply with this requirement.

Despite these difficulties many houses have been restored or consolidated by owners or tenants, with or without municipal aid. However, a significant number of cases remain which have not been satisfactorily settled.

Buildings of doubtful stability have in many cases been reinforced by flying buttresses built above the street, as has been customary in Jerusalem for centuries. In this connection, it must be pointed out that an overabundance of these buttresses is likely to change the landscape of some of the city's picturesque streets too much, and alter their traditional appearance and balance.

According to a report prepared in 1985 by East Jerusalem Development Ltd., which is responsible for planning and carrying out the work, the following work was done to renew the infrastructure, paved areas and amenities inside the Suleyman the Magnificent enclosure:

- renewal of infrastructure	7,750 m
- drainage	5,853 m
- new sewers	10,416 m
- underground telephone cables	12,100 m
- underground television cables	30,825 m
- street lighting	580 items
- electric power substations	4 stations
- buildings consolidated	181
- buildings demolished because too unstable	5

This work covers virtually all the Armenian, Jewish and Christian quarters and a large part of the Arab quarter, except for the north-eastern sector of the city bordered by the old East Decumanus (E1 Wad Street) and the Via Dolorosa. In this sector only Bab Hutia Street and a few side-streets have been improved.

4.2 *Resurfacing of streets:* Before work began, the surface of Jerusalem's streets was made up of a variety of materials: remains of paving stones from different areas and, primarily, bituminous products. The street surface, generally in an unsatisfactory condition, remains unchanged in those parts of the city that have not yet been renovated. It has been destroyed by extensive work elsewhere. The new surface is made up of slabs of natural Jerusalem stone. The design of the paving is pleasingly simple. That of the 'Via Dolorosa' is somewhat more complex than the others. The stations of the 'Way of the Cross' are suggested on the ground by semi-circles of the same stone on the same pattern as the paving as a whole.

Here and there, fragments of the ancient surface, found at a lower level, have been incorporated in the new pavement, especially opposite the Our Lady of Zion convent and on Christian Quarter Road in the vicinity of the Holy Sepulchre. These stones, which may have been trodden by the procession going up to Golgotha in 33 A.D., are relics that Christians view with emotion. The work seems to have been done to a satisfactory technical standard; aesthetically, it is pleasantly sober.

According to officials of East Jerusalem Development Ltd., some 33,400 square metres of new paving stones were laid in 1983.

A more important fixture, in the form of a small architect-designed square equipped with seats, has been built at the entrance to the Via Dolorosa, partly on the site of 'Birkat Israel', a large ancient water reservoir along the northern wall of Haram-al-Sharif. This reservoir was filled in during the British mandate for public health reasons. It is located on Waqf property and is used as a car park and collection site for refuse before its disposal outside the city. A redevelopment project including the planting of a rose garden was proposed by the municipality after the Waqf authorities had rejected an initial suggestion to cover the reservoir and install a large underground car park to meet the heavy demand for parking facilities near one of the mayor entrances to the Old City. This project was rejected because the Waqf authorities feared that new excavations at the base of the Haram-al-Sharif enclosure would threaten the entire Holy City. Recognizing the importance of this car park, which will in particular, serve part of the Arab Quarter, they have decided to redevelop the site according to a plan drawn up in agreement with the municipality. Work is under way.

4.3 Alterations to the ramparts: Work had been under way since 1969 on the external parts of the ramparts built by Suleyman the Magnificent between 1537 and 1541. The work has now been completed. It comprised:

- clearance of the base of the rampart where it had been concealed by deposits of earth or rubble;
- exposure of the remains of earlier Hasmonean, Roman or composite walls, where adequately preserved, particularly along the western and southern facades;
- exposure of the remains of the Herodian and Byzantine city where the wall built in the sixteenth century crosses ancient urban areas, since, before its destruction by Titus in 70 A.D., the city was much more extensive than it is today;
- landscaping (plants, footpaths) of the area between the ramparts and the various roads bypassing the historic city;
- conversion of the area in front of the Damascus Gate, the main entrance to the Old City, into a public plaza;
- excavation inside and behind the Damascus Gate, and presentation of the Gate inside the refurbished Roman and Ottoman rooms.

Nearly all these excavations and alterations have been carried out on expropriated lands. These expropriations have given rise to many complaints, regularly brought to the attention of the Director-General by the Jordanian Government.

The latest work, completed in the last two years, is the addition of an iron railing all along the covered way at the top of the inner face of the ramparts. This covered way has thus become accessible to tourists between St. Stephen's Gate to the east and Dung Gate to the south. Only that part of the rampart which merges with the southern and eastern wall of Haram-al-Sharif is not included in this long walk.

The work on the ramparts is part of a broader project to create a national park encompassing the Kidron Valleys, the slopes of the Mount of Olives and the area immediately surrounding the historic city wall. More than 200 hectares have been expropriated for that purpose, and have been the subject of several complaints lodged by the Jordanian Government with the United Nations and Unesco. Practically all the land adjoining the ramparts to the south, west and north has undergone changes. Rubble and debris that had piled up over the centuries at the foot of the walls have been removed. Excavations have brought to light the remains of earlier walls and, in the south, Byzantine and pre-Byzantine residential quarters. Vegetation has been planted and pathways provided for pedestrians. All this work is now finished.

4.4 Removal of television aerials: All the streets where new sewers have been laid are provided with underground cables for television transmission which is now operational in the Christian, Armenian and Jewish quarters; individual aerials in these quarters have accordingly been removed. Although an underground cable network exists in much of the Muslim quarter cable television has not yet been installed. According to the Mayor, part of the population is reported to be opposed to the project. The programmes broadcast in the Old City are the same as those in the other areas of the municipality of Jerusalem that are equipped with cable television facilities. According to the same source, they include two Jordanian and two Egyptian programmes in addition to the two Israeli ones.

5. The fabric of the vernacular habitat

While a city's glory lies in its monuments, it is the fabric of its streets and alleys lined with traditional dwellings that determines its atmosphere and spirit. In Jerusalem, the vernacular architecture has been characterized for many centuries both by the material it uses, i.e. beautiful golden limestone, and by its domed roofs and arched twin-light windows. Both in physical and aesthetic terms, this architecture has resisted the onslaught of time. The local government and some of the inhabitants are conscious of its merits and importance in preserving the specific character and spirit of the Old City of Jerusalem. Current regulations are designed to safeguard this architecture and prevent so-called 'modern' buildings, which would spoil the character of the Old City, from being erected in the city. It is therefore unfortunate that the most flagrant lapse as regards this excellent principle has been the reconstruction of the section of the Jewish Quarter facing the Haram-al-Sharif

and the Wailing Wall. A number of buildings, because of their size and architectural style, are out of keeping with the unpretentiousness and spirit of a site that is of such importance to the followers of several religions.

6. The Jewish Quarter

The Jewish Quarter occupies approximately 9.5 hectares in the western part of the Old City, north of the ancient Maghrib quarter which was destroyed in 1967 in order to open up the area around the Wailing Wall. It was very seriously damaged during the 1948 war. As soon as it took the Old City in 1967, the Israeli Government decided to evict its Arab inhabitants, expropriate the whole of the area and restore it. Priority is given in this quarter to the establishment of synagogues and Jewish religious and educational institutions. Although the population was previously mixed, the present occupants are exclusively Jewish. According to works on the history of Jerusalem prior to 1948, this had been the preferred area of the city's Jewish population since the sixteenth century. At the beginning of this century it contained a fairly large number of synagogues and yeshivahs. The two large Ashkenazi and Sephardic synagogues, the 'Nissam Bak' and 'Hurva' were founded there many years ago. They were both rebuilt in the middle of the nineteenth century and subsequently destroyed in 1948.

Large-scale operations have been carried out in this part of the city over the past 20 years, consisting mainly of:

- the restoration, reconstruction or preservation of ruins of architectural, historical or religious importance;
- the restoration of old houses that escaped destruction during the war and were not demolished subsequently;
- the construction of a large number of new houses;
- the restoration and laying out of open spaces;
- the restoration, improvement and partial reconstruction of the section of the ancient 'Cardo' which traditionally separated the Jewish quarter from the Armenian quarter;
- important excavations directed by Professor Avigad.

All this work has been finished or is nearing completion.

6.1 *Town-Planning policy:* The overall structure of the present-day Jewish Quarter remains largely true to that of former times, at least in spirit if not in the strict detail of its forms. The layout and dimensions of the main streets have been respected. However some open spaces have been enlarged and new ones cleared. A large space has been cleared in the centre of the Quarter where the greatest destruction took place; the poor state of conservation of the remaining houses meant that they were demolished rather than restored. It is an open question whether this area should be partially rebuilt or conserved such as it is today.

As regards layout, the nature and proportions of the surrounding open spaces, and the importance of volumes and materials, the Jewish Quarter is being rebuilt so as to form a normal part of the urban fabric of the Old City. The approach in dealing with open spaces, street surfacing and lighting and ancillary equipment, etc. is similar to that adopted in other parts of the city. Here and there archaeological remains brought to light during reconstruction and restoration work or excavations are displayed to advantage. The building density appears to have increased, but in the absence of detailed documents it is impossible to ascertain whether this is indeed the case.

6.2 *Restoration and reconstruction of houses:* It is difficult to draw a line between the restoration and reconstruction of houses, as a great deal of 'restoration' work is in fact tantamount to rebuilding. As far back as 1971 attention was drawn to certain scientific shortcomings in the work in progress. No attempt was made to remedy the situation. Instead of presenting a genuinely ancient appearance, this area gives an impression rather of 'new made to look old'. However the unity of the materials (Jerusalem stone), the proportions, the volumes and the architectural forms undoubtedly make for coherence. Admittedly it is regrettable that houses that could have been preserved and restored were destroyed and replaced by new buildings and that some houses in ruins that could have been restored were sacrificed in order to facilitate excavation work. It must be acknowledged, however, that the overall appearance of the area today respects the traditional values of the Old City.

The enormous buildings erected on the eastern side of the Jewish Quarter, facing the Haram and the al-Aqsa Mosque, constitute most regrettable exceptions to the traditional scale of values, which has been judiciously upheld elsewhere in the rebuilding of the Jewish Quarter. These two buildings are separated by the Valley of Tyropeon, which is partly taken up by the esplanade built in front of the Wailing Wall in 1967. Before 1948, the site of the present buildings was occupied by several yeshivahs, (the most important being Porat Yosef) which were already far larger than the usual type of building. The new constructions are totally out of proportion, their facades rising to a height of 10 storeys! Their architectural style is aggressive and bears no relation to the historical values of Hierosolymitan architecture. In the author's view their construction seems to be an error which will affect for a long time to come the overall aspect of the city and that of the area opened up by the laying out of the equally disproportionate esplanade in front of the Wailing Wall.

6.3. *The monuments*: The great Nissam Bak and Hurva synagogues have not been rebuilt. Their ruins have been consolidated and they are preserved as they stand. On the other hand, other more modest synagogues have been restored (Istambull, Benzakkai, etc.). During the course of the work the remains of a Christian church built by the Crusaders were identified -the Church of St. Mary of the Germans. The ruins have been consolidated and are presented in a well-kept garden.

6.4. An important monument situated at the northernmost point of the Quarter is the ancient 'Cardo' of the second-century Roman city. Over the centuries, and, certainly as early as the period of the Crusaders, it was rebuilt and turned into a covered market with a vaulted roof, the remains of which survived in the welter of partly mined buildings left by the war.

As early as 1971, the municipality announced that it wished to reconstruct these markets and organized a competition for this purpose. The initial project provided for a totally new building; extensive changes were made to it in order to preserve the noteworthy features of former buildings and incorporate them in it. A part of the medieval markets was thus conserved, booths from the Roman (or rather Byzantine) 'Cardo'. All these remains were conserved and incorporated in the new structure. Several bays were restored to their former position with the original columns. The structure as a whole was protected by a new roof consisting of a concrete shell. The market's trading function has been restored to it. Dwellings forming part of the Jewish Quarter have been built above it. Most of them embellished with hanging gardens and terraces shaded by climbing plants.

6.5. The very extensive *excavations* in this area have been halted since 1978. No new site has been opened since then and Professor Avigad, who is responsible for archaeological research in the area, has no new projects. Efforts have since been made to ensure that a number of important archaeological discoveries are preserved and enhanced. For instance, a 20-metre-long stretch of the foundations of the second city wall, dating back to the period of the Kings, can be seen in an open trench along a street site. Other remains have been conserved and are presented in the substructures of reconstructed buildings. The remains of the Nea, a famous church built in the sixth century by the Emperor Justinian and the 'burnt-out house', a moving example of a Roman dwelling destroyed when Emperor Titus burnt the city in the year 10 have been conserved and made accessible in this way.

A further example is a group of several Jewish patrician dwellings, which also date back to before the year 70; not only the cellars but also part of the ground-floor walls decorated with paint or stucco have been exposed. These remains are conserved in the substructures of a new Yeshiva and will soon be made accessible to the public.

7. Excavations in other sectors of the City

Excavations have been going on in Jerusalem for over a century, carried out mainly by the British, the French and the Americans. In 1967, at the time of the Six-Day War, an important campaign directed by two famous archaeologists, Kathleen Kenyon and Reverend Father R. de Vaux, O.P. was under way. It had been launched in 1964. Drilling work was carried out to the south of the Haram-al-Sharif and on the Ophel hill, which were the initial sites of the Holy City. These excavations ended in October 1967 with the agreement of the Israeli authorities who were occupying the territory.

On the initiative of the Hebrew University and the Department of Antiquities, a vast programme of exploration began in 1968 in the newly conquered Hierosolymitan substratum. Not only the nature but also the scale of all these excavations differ. It is as well, then, to divide them into separate categories.

7.1 *Excavations based on systematic scientific planning*: This section deals with excavations that are not undertaken for reasons of urgency, because for instance of the danger that buried remains might be destroyed by engineering, building or other types of work, as was the case of the excavations in the Jewish Quarter.

7.1.1 The most important and spectacular excavations of this type were undertaken in 1968 to the *south and south-east of the Haram-al-Sharif*, under the direction of Professor B. Mazar. Kathleen Kenyon and Reverend Father R. de Vaux had carried out a number of archaeological probes on this site, without any appreciable result. Following the systematic exploration of an area measuring over two hectares, Mazar discovered a group of very important remains ranging from the period of the Kings up to that of the Umayyads. A large part of these excavations were carried out on open land but they also extended to part of the area previously occupied by the Maghrib quarter, most of which was demolished in June 1967 on the initiative of David Ben-Gurion as part of the operation designed to open up the Wailing Wall. As a direct result of the extension of these excavations, at least two historical buildings from the Mameluke period were demolished, the Zawylah-al-Kakhrya and the house of Abu Sa'ud, which were close to the gate connecting this area with the Haram-al-Sharif esplanade, as well as a

school built by the Jordanian Government around 1960, which was being used as a Rabbinical Court at the time it was destroyed in 1973. These excavations were carried out on land that was Arab property, without the prior agreement of the owners, or on land that was expropriated to this end. The passions aroused by these acts of destruction and the complaints lodged in this connection by the Jordanian Government lie at the origin of the decision taken by the Director-General of Unesco to send Professor G. de Angelis d'Ossat to Jerusalem in 1969, and, commencing in 1971, Professor R. Lemaire.

The successive resolutions adopted by the General Conference and by the Executive Board since 1969 are concerned mainly with these excavations, which have been halted since the beginning of 1977.

Despite the criticisms of certain specialists, it must be acknowledged that these excavations are based on a sound scientific methodology. The findings are of exceptional importance for the history of Jerusalem since its origins and up to and including the Umayyad period.

In 1981 and 1982 extensive improvements were made to part of this archaeological site. They included conservation and consolidation work, for which there was, in principle, a clear need. Unfortunately, the way in which this work was tackled, was, to say the least, highly debatable. Professor Meir Ben-Dov of the Hebrew University was in charge of the operation. Over and above the safeguarding of the site, his intention was to make it 'intelligible' to visitors. The site is, indeed, extremely complex, consisting as it does of many archaeological layers extending over 1,500 years of history. Unfortunately the 'clarification' of the archaeological evidence has taken the form of vast archaeological reconstructions, in a number of instances and extremely risky venture. Walls several metres high have been built up, and vaults and ceilings reconstructed. The stark nature of the rebuilt parts certainly makes it possible to distinguish the new from the old but at the same time considerably disrupts the harmony of the site. The authentic remains have disappeared under the piling up of recent contributions. The authenticity of the site, which, over an area of a few hundred square metres, recounts the entire history of Jerusalem has been seriously affected. As far back as 1975 the author warned of the danger, in terms of the scientific credibility of the excavations, of reconstructing, in their entirety, the steps of the staircase leading to one of the great entrances of the Temple precincts and raising columns whose initial location was unknown. What has since been done goes far beyond the operations carried out at that time, which already gave rise to problems concerning the scientific approach adopted and the methods of execution.

The work carried out by Professor Meir Ben-Dov has aroused a great deal of criticism in Jerusalem and has been a source of concern both for the authorities and for his Israeli colleagues. The Professor's intentions were sound and his aim was to display remains from all periods to equal advantage, from the Kings up to the Umayyads. The method and the architectural and aesthetic approach adopted are, however, unacceptable. In view of the disastrous outcome of these operations and the numerous protests to which they have given rise both in Jerusalem and abroad, the Mayor of Jerusalem has decided to dismantle the majority of the additions to the original remains. It should be added that another part of the excavation site containing important remains - including tombs from the period of the Kings, impressive remains of the monumental staircase which in Herodian times connected the Valley of Tyropeon with the Temple esplanade, and imposing remnants of three Umayyad palaces - is in a state of neglect.

- 7.1.3 *Excavations in the Citadel*: Excavations have been carried out in the Citadel since the period of the British Mandate, the most recent, under the direction of R. Amian and A. Eitan, dating back to 1968-1969. The site was re-opened around 1980 as part of the work of completely refurbishing the building housing the Municipal Museum of the City of Jerusalem. Remains that were already known dating back to Hasmonean and Herodian times were again exposed. The idea was to display them by making considerable changes in the layout of the inner courtyard of the medieval Citadel. The ponderous nature of these remains of ancient edifices clashes seriously with the architecture of the medieval monument. In the case in point the desire to 'show everything' is satisfied to the detriment both of the intelligibility of the archaeological material displayed and of the later structure that houses them. The interiors of certain rooms in the Citadel are currently being altered in order to improve the presentation of the collections.
- 7.1.4 *Excavations at the Damascus Gate*: The Damascus Gate, on the northern side of the city walls, is the main entrance to the Old City. It dates back to the sixteenth century and rises above the monumental remains of a second-century Roman gate, the front of which was cleared at the time of the Mandate. Work was carried out between 1978 and 1985 in order to open up the rear part of the gate and clear out the inner rooms which had become filled with earth and rubble over the centuries. An oil press from the Byzantine period was found in one of the rooms. The entire Roman infrastructure of the Damascus Gate is accessible to the public.
- 7.1.5 Excavations were carried out in 1971-1972, with the agreement of the Armenian religious authorities who owned the land, in the *gardens of the Armenian Quarter* and those of the Convent of the Saviour, which was built on the site facing the house of Caiaphas. The excavations were carried out under the responsibility of B. Bahat and M. Broshi.

7.1.6 *The halting of planned excavations:* All excavations in the Arab sector of Jerusalem were stopped in 1978.

7.2 *Excavations of sites endangered by public works or building construction:* Any inhabited locality, whatever its current legal or political status, requires constant improvements and all the more so at a time of rapidly changing needs such as ours. In addition, Jerusalem has suffered considerable war damage. In view of the exceptional archaeological wealth of the entire subsoil of the city, any major renovation or reconstruction work carried out without prior excavations would have meant the definitive destruction of the only available fresh source of information throwing light on the history of a city of vital significance to hundreds of millions of people, whether Christians, Muslims or Jews.

A series of excavations has been conducted in Jerusalem on this account.

7.2.1 The excavations carried out in the *Jewish Quarter* referred to earlier fall into this category.

7.2.2 Archaeological probes were carried out at the same time as the *renewal of sewers and water mains* in several streets of the Christian and Muslim Quarters, resulting in isolated discoveries.

7.2.3 *Excavations on the Ophel hill.* Removals of backfill, excavations and consolidation of archaeological remains have been carried out in this sector south of the ramparts, on the site of the original city of Jerusalem. This area has been extensively excavated since the beginning of the century, the last diggings being those of August 1967 and 1968 by Kathleen Kenyon, the British archaeologist who worked for a long time in Jerusalem in co-operation with Father de Vaux, director of the Ecole Biblique.

The excavation rubble heaped up on the hillside became unstable and, in 1976, caused four fatal accidents. The municipality thereupon decided to remove it. On the same occasion, some walls previously brought to light and which had been in a pitiable state of conservation, were consolidated and presented to good effect. Most of the land concerned belongs to the Jewish municipality of Jerusalem, the gift of the Rothschild family, which had bought it before 1914, in order to facilitate excavation work.

What was originally an operation required for obvious safety reasons - children having been killed by a landslide - accompanied, in view of the exceptional archaeological importance of this site, by probes and maintenance, consolidation and presentation work on the remains previously brought to light, became a classic excavation. It was conducted with science and method but involved a risk of creating new safety problems. A system for monitoring the stability of the remaining earthfill was installed and the landscaping of the area completed in 1986. Work has been finally halted in this sector and no fresh excavation is planned.

7.3 *The status of excavations:* It is not easy to judge the legal status of all these excavations in relation to international agreements. The only valid Juridical reference is the Convention for the Protection of Cultural Property in the Event of Armed Conflict, *The Hague, 1954*, Article 5.2 of which provides that: 'Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation'.

Only the excavations carried out in the Jewish Quarter could, on the basis of a broad interpretation, meet this stipulation since the quarter was demolished as a result of warfare. Judging from photographs and on-the-spot observations, the state of the ruins constituted a public danger and the restoration or reconstruction decided upon by the Israeli political authorities amounted to a measure of preservation necessary for the safeguarding of historic buildings woven into a very dense urban fabric. Furthermore, failure to excavate would have resulted in the irreparable destruction of exceptionally important remains -as borne out by the discoveries made -contained in the subsoil referred to earlier.

Other excavations may be justified under ordinary law whereby the occupying Power has a duty to ensure safety and health in the areas occupied. Such action includes the replacement of sewers so inadequate and in such disrepair that they burst regularly, and the removal of unstable earth that has caused fatal accidents and constitutes a danger to the public. It is hard to deny that, in a site whose subsoil is exceptionally rich in archaeological remains, such works must be accompanied by probes strictly necessary for the safeguarding of the 'archives of the soil'. In some cases, however, the extent of such works may give rise to confusion.

The clear implication of these comments is that no legal justification may be invoked for excavations undertaken solely in pursuit of archaeological research, such as those conducted by Professor B. Mazar to the south and west of the Haram-al-Sharif, or for those that accompanied the restoration of the city ramparts.

The Recommendation on international principles applicable to archaeological excavations, adopted by the General Conference of Unesco at its ninth session in New Delhi in 1956, stipulates in Article 32 that 'any Member States occupying the territory of another State should refrain from carrying out archaeological excavations in the occupied territory'. Although this text carries no legal weight it is morally binding on the

countries that voted for it, which included Israel. The same article provides that 'the occupying Power should take all possible measures to protect [chance] finds' made, particularly during military works. Can this principle be applied by extension to excavations made in areas whose subsoil is threatened by new construction operations or by infrastructure works in an occupied territory? It is difficult to establish whether such a hypothesis complies with the spirit of the Recommendation, for its authors clearly did not envisage a long-term military occupation of the kind that has been in effect for twenty years in the region.

8. The tunnel along the west wall of the Haram-al-Sharif

The tunnel was started under the Muslim Quarter in 1968, on the initiative of the Rabbinate and the Ministry of Religious Affairs, in order to clear a strip of the surrounding wall of the Temple Mount. The initial stage of the work lasted until about 1975. The tunnel is in the form of a gallery averaging one to two metres in width and three to six or seven metres high according to the nature of the subsoil encountered.

This operation produced strong reactions in the Arab world, not only on account of the violation of ownership constituted by the digging of a tunnel under another's property but also owing to the damage caused by soil movements to historic monuments, of which there are many in the area, and to the exceptionally dense housing. It was also feared that a breach of one kind or another discovered in the wall might afford access beneath the Haram itself.

A complete halt to tunnelling a few years ago and the reinforcement of the underground gallery, together with consolidation of the Madrasa al-Jawhariyya and Ribat Kurd buildings, two monuments dating from Mameluke times which were fissured as a result of subsidence under their foundations, calmed the dispute.

Work resumed in 1981. At that time the tunnel was lengthened by at least a hundred or so metres. Today it virtually reaches the north-west corner of the Haram, which in Herodian times was the site of the famous Antonia fortress, and its total length is 305 m. The tunnel extension was mainly dug in earth mixed with rubble and passes through a number of ancient cisterns that are hard to date. It comes to a dead end formed by an angle of the rock carrying the walls of the fortress, whose foundations have been cleared. In common with the rest of the Herodian wall of the Haram, the masonry here is constituted by enormous blocks of carefully hewn stones, some weighing over 200 tonnes. It may be considered that, other than by cutting into solid rock, the tunnel cannot be extended any further. Its total length, including the rooms beneath the Madrasa al-Tankiziyya, is approximately 340 m. Its average depth below ground level is 8 to 9 m. The tunnel has been reinforced throughout with steel and concrete. The digging of the tunnel has nothing to do with any archaeological research programme and did not follow scientific excavation methods. Its only justification is on religious grounds.

Since the work of digging the tunnel began, visible damage has occurred in some buildings above it. The most extensive damage caused by the initial phase of operations affected more particularly the Madrasa al-Jawhariyya and the Ribat Kurd; the second phase caused cracks in the walls and the collapse of part of the great staircase of the Madrasa al-Manjakiyya, also built in the fourteenth century.

The destabilization of some buildings above the tunnel is caused by the settling of the soil between the 'vault' of the tunnel and the foundations of the buildings overhead. This layer of earth is generally several metres thick. It is made up of heterogeneous materials, accumulated over the centuries whose stability may be jeopardized by tunnelling, particularly when winter rains drain through. This settling may occur throughout the long period necessary for fresh stabilization of all the subsoil layers. Recent evidence of this is provided by new instances of the subsidence of masonry in the Ribat Kurd building beneath which the tunnel was dug in about 1969 or 1970, despite the reinforcement of the tunnel and of the building.

The worst damage has been observed in the Ribat Kurd and, recently, in the Madrasa al-Manjakiyya. The walls and the vaults of the monument cracked and part of the great staircase collapsed. The damage has since been repaired, but the building does not yet seem to have been permanently stabilized. The Madrasa al-Manjakiyya is situated above a widened section of the tunnel which at that point incorporates some high cisterns whose vaulting was considerably weakened and therefore constitutes a fragile infrastructure for the building above it. Since the level at which the tunnel was dug remained constant, at certain points the earth has been excavated well below the walls of cisterns. These therefore rest on banked-up rubble which, though well compacted, is cut off vertically in the plane of the walls. This very dangerous situation noted in November 1983 was at the time the subject of a serious warning. Since then everything has been consolidated by reinforced concrete sheathing. The structure of the tunnel is now strong and there is no danger of the building above it collapsing. However, it is very probable that slight movements will continue to cause cracks in the edifice for some time to come, probably for several years.

The digging of the tunnel has in the past been a constant source of discord between the religious authorities who took the initiative in the matter, and other administrations including the Office of the Mayor of Jerusalem and the National Antiquities Service. The Israeli press has frequently reported this friction. Upon energetic representations by the Mayor of the city to the Prime Minister and the Minister of Religious Affairs, confirmation of the total halt to the work promised by the Minister to the personal representative of the Director-General of Unesco was obtained. This decision was officially confirmed and a total halt to the tunnelling work has been noted. Since April 1984, in fact, there has been no lengthening or broadening of the tunnel. The collapse of the Madrasa al-Manjakiyya staircase occurred during the consolidation works and demonstrates, if such evidence were needed, both the difficulties and the dangers involved in such operations, which neither safeguarding considerations nor scientific research needs justify.

A new development occurred in March 1987. During the most recent consolidation work, part of the ceiling of the tunnel at the northern end collapsed opening up a passage into another tunnel running north, a good hundred metres long and ending in the southern part of a huge ancient cistern located at the intersection of the Via Dolorosa and A1 Wad Street, beneath the Convent of the Sisters of Zion. This tunnel was known, but its existence had seemingly been forgotten since no Israeli archaeologist has mentioned it in connection with the albeit highly controversial matter of the recent tunnel. Warren and Schick had, in fact, discovered it and explored it, respectively, in 1865 and in the last quarter of the nineteenth century. They carefully surveyed it and mention it in their studies. It seems that the Islamic authorities of the city were vaguely aware of it, for in 1983 they informed the representative of the Director-General that they feared the existence of a possible means of access starting from a vast cistern situated outside the Haram at the north-east angle of the wall; an old tunnel running along the line of the east wall of the sanctuary was thought to end in that underground room. The tunnel might afford a means of passage beneath the rock and it was feared, furthermore, that the religious authorities that had sponsored the digging of the tunnel might cut through the rock blocking it to link the two tunnels.

The rediscovered tunnel consists of a deep cut, less than a metre wide and up to eight metres high, in the solid rock and is opened by large stone slabs. It seems to have been originally intended to bring water to the Temple Mount. It was cut across by the construction of the Herodian wall and has therefore been out of use for nearly two thousand years at least.

In Warren's time the tunnel served as a cistern for sewage water; traces of this can still be seen today.

A series of smaller conduits lead out from the tunnel, as does a sequence of two underground rooms, the further one leading to an opening in the wall of the Haram-al-Sharif. A concrete slab seals off the entrance to it.

Inspection immediately following this discovery showed that no recent work had been done in the rediscovered tunnel or rooms. The Waqf authorities were immediately informed and their representatives made an on-the-spot inspection, also visiting the entire recently dug tunnel and the adjacent rooms brought to light or cleared. Talks are in progress between the parties concerned to consider whatever measures may be necessary to ensure that no fresh danger of access to the Haram is presented by any of these tunnels.

9. Tunnels beneath the Haram-al-Sharif

Access beneath the esplanade or the buildings of the Haram through openings in the precinct wall or through little-known old tunnels running underneath has been a constant source of concern to the Muslim authorities of the Holy Place over the past 15 years.

The present condition of the two existing points of access which are known has been examined on several occasions. They are sealed by solid masonry. The first of these is Warran Gate, an old Herodian entrance gate to the Temple esplanade which has survived in the lower part of the western wall. It could be reached through an original door opening into the tunnel which has been dug along this wall in recent years. Over the centuries this door was walled up and the tunnel which runs under the esplanade from the door was converted into a cistern. The old wall sealing the door was pierced six years ago by the excavators of the tunnel. It was resealed by the Haram authorities from their side with a wall of concrete; on the tunnel side the opening was closed by a solidly if somewhat carelessly constructed wall of concrete blocks.

10. Demolition in the Old City

The only major planned demolition in the Old City has been that of the *Maghrib Quarter* located to the west of the Haram-al-Sharif. This was begun immediately after the taking of the Old City by Israeli forces in June 1967. The intention at that time was to clear the area around the famous Wailing Wall, which is the most precious religious relic of the Jewish religion in Jerusalem. Until then, access to the Wall, which was enclosed in a narrow court, was relatively difficult. The Israeli Government wished to enhance the Wall, provid-

ing it with a setting in keeping with the reverence which it inspires in Jewish believers. Old photographs show that the demolished quarter was less dense than those adjoining it.

It consisted of buildings in the vernacular style similar to - though poorer than - those in the adjoining streets which still exist. The main thoroughfare, which led to the Maghrib Gate of the Haram, ran past two fine Mameluke buildings which were destroyed in 1969. It was at that time, in fact, that the demolition of the quarter was continued in order to clear the excavation sites. The total area of the demolished quarter was roughly one hectare, 15 acres (11,500 square metres).

Several houses adjoining the esplanade of the Wailing Wall were demolished between 1971 and 1978 to improve access and also to facilitate the laying of the new main sewer which had become essential because of the incidents caused by the age and inadequacy of the old system.

The demolition of the Maghrib Quarter left a yawning gap in the urban fabric. Several projects were therefore developed to give the site more harmonious proportions, a less chaotic appearance and an atmosphere which would reinforce its great significance for the Jewish religion. None of these projects was ever started. They do however explain the policy of the municipality in acquiring, through purchase or expropriation, the Arab properties surrounding the esplanade, mainly in the narrow strip between it and the Jewish Quarter. This policy gave rise to tension, exemplified in the case of the *Zawiva Abu Madvan*, the property of the Moroccan Waqf, which the city attempted to acquire. The pressure to which its owners was subjected was the subject of a complaint submitted by the Jordanian Government to the Director-General. The Israeli authorities have now given up the idea of this purchase.

11. Muslim fears concerning the Haram-al-Sharif

Several recent events have made the Islamic authorities of the Haram increasingly concerned for their rights and the safeguarding of the remarkable Muslim religious and monumental heritage concentrated within the Haram-al-Sharif.

It will be recalled that the Haram-al-Sharif has a religious history of unique significance for two thousand million Muslim, Christian and Jewish believers. Mount Moriah on which it is located is the site where King Solomon built the first temple in honour of Jehovah almost 3,000 years ago. Herod the Great rebuilt this temple shortly before our era and gave the site its present form which is that of a vast terrace (12 hectares) surrounded by enormous walls resembling a fortress with gates reached in some cases by monumental bridges crossing the valley of the Tyropeon. After the destruction of the temple and the city of Jerusalem in 70 A.D., the site remained in ruins until the city was rebuilt by the Emperor Hadrian in the year 135 under the name of Aelia Capitolina. Temples in honour of Jupiter, Minerva and Juno were built in the place of the Temple of Solomon. Some of these temples disappeared at the time of Constantine and were replaced by Christian oratories. Following the conquest of Jerusalem by the Caliph Omar in 638, the site renowned for its connection with the memory of the Prophet Mohammad was appropriated for Islamic worship. It has been used for that purpose ever since, with a break of nearly two centuries following the conquest of the city by the Crusaders in 1099. From the Middle Ages the Jews of Jerusalem, whose own religion forbade them access to the Temple Mount, have assembled for prayer along a short section of the western wall of the Haram, the famous Wailing Wall. Until 1967 this Wall was enclosed in a rather narrow court. Following the taking of Jerusalem in 1967 the area around the Wall was cleared by demolishing the Maghrib Quarter which obstructed the view. Further clearance was undertaken in 1970 with the demolition of the madrassas dating from the Mameluke period which lined the access road to the Maghrib Gate, the southernmost gate on the western side of the Haram.

Awareness of these historical facts is important for an understanding of the origin of the extreme tension which exists between Jews and Arabs with regard to the Holy Place shared by the two religions. This tension was slight and hardly noticeable before 1967 when the city was administered by the Muslim authorities. The taking of the city by Israel reversed the situation. Today the city is under Jewish control. Since then certain Jewish sects have reasserted their 'historical and religious rights' over the site of the only temple of the Jewish religion. They have instigated acts of aggression against the Haram although its Muslim ownership and sole use for the purpose of Islamic worship are guaranteed by Israeli law. A special unit of the Israeli police controls access to the Haram 24 hours a day in co-operation with the Muslim guard.

Several recent incidents illustrate and/or explain the present tension. The first was the attempted armed occupation of the Haram on 13 April 1982 by Allan Goldman. This assault was mounted by a single man, according to the legal inquiry, but it caused several deaths by gunfire among the Arab population and damaged the Dome of the Rock. On 7 April 1983 Goldman, who was found guilty and responsible for his acts, was condemned to death by the Israeli courts. This attack on the Holy Place greatly disturbed the Arab population of

Jerusalem and is a cause of considerable concern to the Muslim religious authorities who express doubts regarding the Israelis' determination to apply the rigour of the law to the guilty party, which would mean, in actual fact, life imprisonment, since the death penalty has been abolished in Israel.

A second event which occurred one year later, was the attempt of some 40 young Jewish religious extremists to organize prayers within the Haram on a Friday, the Muslim day of prayer in al-Aqsa Mosque. This attempt failed before the group managed to enter the site of the Haram as the Israeli police had learned of the plan. The Israeli courts nevertheless took an extremely serious view of this affair. Twenty-nine of the 40 people involved in this bid were tried for conspiracy to breach the peace.

Other events in 1985 added to the tension. On 8 January 1985 the Chairman and members of the Home Affairs Committee of the Israeli Parliament (Knesset) visited the Haram-al-Sharif. A prior request had been submitted to the Waqf authorities, who had given their agreement and had settled the detailed arrangements for the visit, including its form and the rules to be observed, with the Israeli authorities. Incidents occurred during the visit. Very different accounts are given by the parties concerned of their origin and cause. The Israeli police intervened on the site of the Haram following the incidents, the nature and scale of which it is difficult to assess retrospectively.

Another incident concerns an attempt to enter the Haram on Sunday, 19 January 1985 by a group belonging to the Kach movement led by Rabbi Meir Kahane. This religious group contests the validity of the government decision banning Jews from praying on the Temple Mount. In recent years they have made other similar attempts, which failed, in the same way as this one, at the gates of the precinct. These attempts are clearly condemned by the Israeli authorities, and the Israeli guards posted at the gates of the Haram have received instructions to forbid such entry to the site and, if necessary, to prevent it.

A third incident was reported shortly afterwards: an attempt to enter the precinct by digging a hole in the wall at the Ribat Kurd. According to mutually corroborative testimony of Arab and Israeli witnesses, a fanatical group entered a recess situated at the back of the inner courtyard of the Ribat Kurd and set about trying to dig an opening in the wall. At this spot, the wall is made up of large slabs of stone dating from the Herodian era and is several metres thick. They were surprised at the start of the operation by the Israeli police, who arrested them and closed the gate with a large padlock, the key of which is in their possession. In addition, the iron door was welded to its frame so as to prevent entry into the recess.

The tense atmosphere has also been maintained by the recent settlement of small Jewish religious communities in houses acquired in the Arab Quarter adjacent to the Haram. Until recently the Yeshivahs were all located in the Jewish Quarter where they had been for a long time. This tradition was broken between 1947 and 1976 when the city was divided into two political and administrative units. It was resumed after the Six-Day War. The policy of implanting Yeshivahs among the Muslim population is a new development. These small communities are very turbulent and sometimes even aggressive. Their settlement in the very heart of the Arab Quarter is considered as aggressive and has created considerable tension. According to the Mayor of the city these communities are closely supervised by the Israeli authorities.

Apparently they have also been informed by the Sephardic and Ashkenazi Grand Rabbis that they would be expelled from the Old City if their attitude continued to cause problems with the Muslim neighbourhood. These groups belong to religious persuasions of a somewhat extreme type. The very fact that they have deliberately decided to settle in an exclusively Arab quarter in the nearest available district to the Wailing Wall is a cause of concern to the high Muslim authorities who rightly or wrongly see it not only as an attack on the integrity of the area's population but also as the first step in a broader strategy of occupation which would in the long term include the Haram-al-Sharif itself.

The existence of such a strategy is formally denied both by the Ministry of the Interior and the Religious Affairs and by the Mayor of the city. The law referred to above which bans Jews from praying on the Haram-al-Sharif for reasons of public order, the extreme firmness shown by the police to those Jews who, in spite of this ban, have attempted to enter the Haram in order to pray, the extremely severe punishment meted out by the courts to those found guilty of assaults on the Holy Place and the threats issued by the Grand Rabbis to expel the Yeshivah dwellers prove, in their view, the genuine nature of a policy inspired by an absolute respect for the Muslim sanctuaries and the Haram-al-Sharif in particular. The regular expression by religious groups, referred to even in the Israeli press as extremist, of their determination to reoccupy the Temple Mount, to pray there or even to rebuild the temple destroyed by Titus is seen by the Israeli authorities as the action of individuals which can only be subject to legal proceedings if attempt is made to carry out these intentions or if preparations are made which would facilitate such an attempt.

Clearly, attempts to occupy the Haram such as the one in March 1983, the attack on the Dome of the Rock by Allan Goldman in the spring of 1982, the fire at the al-Aqsa Mosque in 1968, memories of which are still very much alive, the digging of the tunnel along the west wall, the installation of the Yeshivahs in the Muslim Quarter, the regular assertion by certain religious authorities of the right of Jews to the site of the Temple of Solomon and the intention expressed by certain religious groups to rebuild the temple -which would imply the demolition of the Dome of the Rock -are all events which threaten the great Muslim sanctuary. They are the cause of the very genuine concern felt by the Muslim high authorities and population of Jerusalem for the future of the Holy Places. In their view, the legal and police protection established by the Israeli Government does not always provide an adequate and lasting guarantee. They believe that a shift in the Israeli political majority towards a more radical form of religious fundamentalism could produce an alarming reversal of the present policy. For all of these reasons they believe that the Haram is an endangered monument.

12. The conservation of the Muslim monuments

12.1 The al-Aqsa Mosque

The restoration of the monument, following the 1968 fire, has entered its last stage. Much of the work done in fact amounts to reconstruction rather than restoration in the usual sense of the term. There has been criticism, not without reason, of the marked lack of interest shown at the planning stage with regard to the safeguarding of the oldest features of the Mosque, some of which were damaged in the fire. Far too many of these very old parts have been sacrificed -for instance, the east transept, a fine example of medieval architecture dating back to the Crusades, has been replaced by a new structure in the neo-Fatimid style.

The approach, however, changed radically with the assignment of responsibility for the work eight years ago to an architect/civil engineer specializing in the conservation of historical monuments.

More exacting standards are reflected in the work in progress, although the adverse effects of former decisions continue to weigh on operations. It would be desirable, for example, for greater importance to be attached to the preservation of what remains of the Crusaders' contribution to the history of the monument, which served as a church for nearly a century. According to present-day conceptions concerning the protection of monuments, as expressed for instance in the 1964 Venice Charter, valid contributions from every century to the history of a monument should be preserved.

The stucco decoration of the cupola of the Mosque has been restored. Part of it was damaged in the fire and it has been reconstituted most carefully. Great care was taken in uncovering the original painted areas with the use of the most up-to-date methods, and in ensuring that all the original parts were preserved. The roof, which had been unsatisfactorily re-covered in aluminium 30 or so years ago, has once again been covered with lead sheets in accordance with the original design and technique. The mosaics and the marble inlay work are being restored. The quality of the work carried out gained international recognition with the presentation of the Aga Khan Award in 1986.

12.2 The Dome of the Rock

The building was hit by several bullets at the time of the attack perpetrated by Alan Goldman in 1982. Traces of them remain on the marble columns, the marble and ceramic facing on the walls and the windows. The damage was not extensive but some of it is beyond repair.

The main problem is that the surrounding side roofing is not watertight. As in the case of the cupola, the roofing was redone in the 'fifties, when a very old lead covering was replaced with gold-coloured aluminium strips. These strips have warped as a result of the considerable differences of temperature. The structure is no longer watertight and rainwater penetrates. The damp is beginning to cause serious damage to some of the painted ceilings, and urgent measures are required if considerable ravages are to be avoided.

Replacement of the whole of the roof covering, i.e. both the cupola and the surrounding area, is planned. It has been decided to use gold-coloured copper sheets, laid according to the design that existed before the large aluminium plates were used. An international public appeal was recently launched with a view to carrying out the work.

12.3 The Dome of the Chain

This small monument next to the Dome of the Rock is still awaiting urgent restoration work, which is due to begin in 1987.

- 12.4 The services of the Waqf have restored a series of beautiful Mameluke facades enclosing the Haram to the north. They have been carefully cleaned and repointed with lime grouting identical to that originally used. A facade close to the Bab al-Silsila, the Turba Jaliqiyya, has been restored. This project was less successful: the cutting of new stones was a difficult task, and the repointing was done with cement. The quality of the work varies, but considerable efforts are being made compared to a few years ago, largely owing to the fact that the services of two architects specializing in conservation work and of a competent department of Islamic monuments are available locally.

- 12.5 On the Haram al-Sharif, the same team has undertaken restoration work on the small Mameluke temple of Qait Bay (fifteenth century). The stones of this elegant building were fixed together with iron clamps, rust from which had caused many stones to split. The building had to be partly dismantled and the damaged stones reassembled. This has been most successfully carried out.
- 12.6 Steps have also been taken to clean the famous Stables of Solomon, a huge underground hall consisting of 17 parallel vaults of differing lengths, with barrel vaulting and supported by impressive rows of columns. Two of the three south doors of the old Temple opened on to this huge substructure (the Triple Gate and the Single Gate). The present construction probably dates from the time of the Knights of Templar, whose monastery was situated above it. These halls had been taken over by pigeons, and enormous quantities of droppings had accumulated on the paving stones. The stables will in future be open to visitors to the Haram.
- 12.7 The Department of Islamic Antiquities of the Waqf has undertaken restoration work in the city of Jerusalem under very difficult conditions, given the impossibility of clearing these overcrowded buildings of their inhabitants and the lack of any scientific diagnosis of the causes of the chemical and physical deterioration of the construction materials. The work mainly concerns the facades and is being carried out by a small team of outstanding craftsmen, trained on the job, who have gradually acquired a sound technique for the structural consolidation of buildings and the replacement of materials damaged beyond repair. The following monuments have been restored so far: al-Madrassa al-Kilaniyya, al-Madrassa al-Muzhariyya, al-Madrassa al-Lonzhirlyya, the Tomb of Turkan Katum, Ribat Kurd, Ribat Beran Jamish, al-Madrassa al-Turkmaniyya, al-Madrassa al-Sarriyya, Khan-el-Sultan Market.

Work on the following monuments is scheduled to begin in 1987-1988: al-Madrassa al-Taziyya, al-Madrassa al-Jalikiyya including the Mootoconzawlyya Mausoleum, Saraiya-Sit-Tinshuq and the Khan-el-Sultan Market (second stage of the restoration work).

All the work done over the past five years has been carried out very carefully, following detailed drawings of the monuments and searching archaeological study. The restoration involved is difficult and requires great skill on the part of those undertaking it. The results are for the most part satisfactory, although in some cases it is open to doubt whether there has not been too much replacement of the old stonework, one of the aims of good restoration being to preserve as many original stones as possible. It is obviously difficult to judge properly after the event. It is also paradoxically open to doubt whether some of the stones left in place will resist the concentrated physical and chemical constraints to which they will certainly be subject, now that the surrounding stonework has been substantially renewed.

The task that remains to be accomplished is enormous. No secret should be made of the fact that apart from the monuments on the Haram, some of which are also awaiting restoration, the state of Jerusalem's Islamic heritage is bordering on disaster. Practically all the monuments belong to the religions or family Waqf and according to those responsible, these bodies lack funds for their maintenance, let alone their restoration.

One of them has analysed the causes of the situation as follows: 'Personally I attribute the decay of mausoleums to the following causes: first, physical phenomena such as rain, earthquakes, temperature, humidity and mossy plants, second, interference of man in those buildings, destroying some parts of them and adding new parts, while ignoring their historical and archaeological importance'.

The state of many of the masterpieces of Mameluke architecture in Jerusalem, such as al-Madrassa al-Tashtamuriyya, al-Madrassa and Turba Kilanlyya, the magnificent Khan-el-Sultan, which is currently being restored, and dozens of others unfortunately confirms this lucid analysis.

Without a systematic plan to safeguard these monuments based on an exhaustive inventory of the most important components of the Islamic heritage, as well as on a scientific diagnosis of their physical and architectural state and which will take into account the urgent need for protection measures the loss to Jerusalem's rich legacy of monuments may well be substantial within the space of a few years. However nothing could be worse than poor restoration work which would irrevocably destroy the archaeological and architectural value of the monuments, as well as their fragile and vulnerable beauty, as has already happened in certain cases. Much of this conservation and restoration work involves considerable technical difficulties. The complexity of Mameluke architecture, the considerable skill required to cut the stone, the frequently serious deterioration of the materials eroded by harmful salts and humidity raise problems that are extremely difficult to solve.

Moreover, mere restoration of facades is not sufficient to save this heritage. Admittedly the original design and elegance of the facades are restored to them, but the interiors cannot be tackled on the basis of artistic concepts nor can they offer the basic living conditions essential to health and hygiene, unless the buildings as a whole are rehabilitated and restored systematically. It should not be forgotten that the majority of the old buildings, mainly situated in the lower part of the city, are extremely damp and

some of them - generally the most interesting from the architectural standpoint, particularly the Madrasas and the mausoleums - are neither intended for nor adapted to the considerable population density today. They lack the lighting, ventilation and amenities necessary to provide decent accommodation. In instances where facilities have been added, particularly sanitary installations, this has been done at the expense of essential architectural spaces and has had an extremely adverse effect. For centuries the drainage system for sewage water has been unsatisfactory, as a result of which both the walls and the floors are saturated with corrosive salts. These problems are compounded by the extreme humidity and the piling up of debris and rubbish in unoccupied premises and in courtyards. This analysis, which applies to a large number of extremely important Islamic monuments in Jerusalem, shows that superficial restoration work such as that confined to the facades, is totally inadequate as a means of ensuring their future.

The safeguarding and restoration of the Islamic monuments is a long-term undertaking calling for considerable financial resources that are far beyond the means of the authorities who are the owners or are responsible for their management - The Waqf of Jerusalem. The decision taken by the Executive Board of Unesco in October 1986 requesting the Director-General to launch an appeal to provide it with financial aid is consequently most timely.

13. The Holy Sepulchre

Restoration work on the Holy Sepulchre has been going on now for some 20 years (1961). In the aftermath of the Second World War, concern about the lamentable state of the monument led to co-operation between the three Christian denominations that own the monument. The work is coming to a close with the restoration of the Rotunda and the nineteenth-century cupola surmounting it. Apart from the vestiges of the church's rebuilding by Constantine Monomach in 1018 -as yet unrestored -this was the part most affected by the fires that have ravaged the monument throughout its existence. The work of restoration was certainly an extremely difficult venture; unfortunately, it cannot be said to be a success. Inside the monument a great many stones have been renewed or re-cut. The archaeological reconstruction is more in keeping with the nineteenth-century doctrines than with the principles of the Venice Charter. No attention has been paid to the authentic remains nor has any attempt been made to use modern techniques to conserve those features that could have attested to the archaeological accuracy of the renovated parts. No respect has been shown for the appointments accumulated over the centuries, e.g. the seventeenth-century Iconostasis. This annihilation of the monument's historical dimension is likely to continue if the authorities go ahead with the plan to uncover, behind the Calvary Chapel, the fragment of the rock of Golgotha that escaped the destruction of the sanctuary by Caliph Hakim in 1009. It would mean destroying part of the Crusader construction and the seventeenth-century paintings that now decorate the chapel vaults. The historical dimension, of immeasurable value in a monument of such importance, seems to have been totally disregarded during the restoration operation. It would be extremely regrettable if the rest of the work were to be carried out in the same spirit and with the same methods. Admittedly, the sanctuary should not remain fixed in its past, but new needs should be met through the adoption of solutions that will not irrevocably diminish an historical testimony that dates back to the very origins of Christianity.

14. The al-Aqsa Museum is being reorganized and part of its collection is already on view, including some of the admirable manuscripts of the Koran that were saved with Unesco's help. However, the curator is anxious about the proper preservation of part of the collection and hopes to be able to have an Arab specialist trained with Unesco's assistance. This is certainly a much needed operation since such a specialist is desperately needed, among other things, for safeguarding the valuable archives in the al-Aqsa library which are being destroyed by the humidity of the premises in which they are kept and by the myriad insects that are consuming them. Despite his efforts, the Director of the library has no means of saving them on his own; their destruction would constitute an irreparable loss as regards the history of the city.

15. Considerable work has been done by the Director of the al-Ansa library in recent years. A great many manuscripts have been microfilmed and two catalogues published. There can be no doubt however, that the situation remains critical as regards the state of conservation of many manuscripts suffering damage from mould and insects. According to the Director, the situation is equally disquieting in other depositories in the city. There are no facilities or specialized personnel available locally to give the works the necessary treatment. Urgent measures are required if basic source material concerning the history of Jerusalem is to be saved. It might perhaps be desirable to consider the possibility of bringing all the Arabic manuscripts of Jerusalem together centrally in one of the buildings of the Haram, which should be equipped for the treatment and conservation of books. Given the humid conditions in all the ancient buildings on the site, the equipment required would certainly need to include an adequate air-conditioning plant. The purchase of equipment for treating the books and the training of specialized staff are matters of great urgency.

16. A Museum of Palestinian Folk Arts and Folklore was set up in 1979 in the Islamic Cultural Centre in Jerusalem. It is being most devotedly managed by its curator. Many traditional costumes and everyday objects or items used in crafts which have disappeared or are disappearing have been assembled there. The museum has no proper basic equipment and is short of specialized staff, particularly for the conservation and restoration of fabrics. The curator's task is made very difficult by the fact that the museum has no independent financial resources. There can, however, be no doubt that the creation of this museum was timely, since the very radical changes that are at present taking place in the Arab society of Jerusalem seem likely to result, very shortly, in the disappearance of many customs, particularly as regards traditional costumes and domestic equipment. It is important for the history of Arab culture of Jerusalem that evidence of these should be preserved.



**UNESCO EXECUTIVE BOARD, DECISION NO. 127 EX/5.4.1 DEPLORING ISRAELI ACTS
AGAINST ISLAMIC HOLY PLACES IN JERUSALEM, 15 OCTOBER 1987**

The Executive Board,

1. *Recalling the* provisions of the Constitution of Unesco relating to the conservation and protection of and respect for the natural heritage and cultural property, especially property of outstanding universal value,
2. *Recalling the* Hague Convention and Protocol of 1954 concerning the protection of cultural property in the event of armed conflict,
3. *Recalling the* Geneva Convention of 1949 concerning the protection of civilians in time of war, particularly those provisions that relate to Unesco's fields of competence,
4. *Recalling the* decisions of the General Assembly and the Security Council of the United Nations concerning Jerusalem,
5. *Recalling the* decision taken by the Executive Board at its 125th session inviting the Director-General to submit to it at its 127th session a synoptic report on the application of the resolutions and decisions regarding the cultural heritage of Jerusalem,
6. *Having examined* that report by the Director-General (127 EX/12 and Corn),
7. *Noting with grave concern* the serious factors recounted in the report by Professor Lemaire (127 EX/12 and Corn), including:
 - (a) delays in the implementation of Unesco resolutions and decisions concerning excavations,
 - (b) the damage to historic and cultural sites of Jerusalem caused by the construction of major complexes, such as housing districts and industrial zones,
 - (c) demolitions in the Maghribi quarter and of certain historic edifices,
 - (d) the permission granted by the occupying authorities to extremist individuals and groups to settle in the occupied Muslim quarter and establish 'yeshivoth' there, which is seen by the Palestinian population as a provocation and is apt to give rise to disturbances,
 - (e) the taking of land by means of expropriation, without the prior agreement of the owners, which has struck a blow at the cultural heritage of the City,
 - (f) *the* application of a settlement policy that has brought about a profound geographical and demographic change in occupied Jerusalem, and is intended to be irreversible,
8. *Reaffirming the* unique role of the City of Jerusalem in the history of mankind and, consequently, the urgent need to take all appropriate measures to safeguard its cultural character, its homogeneity and its irreplaceable universal value,
9. *Reaffirms* the previous decisions and resolutions adopted by Unesco to safeguard all the spiritual, cultural, historical and other values of the City;
10. *Deplores* once again all the acts committed since the occupation of the Holy City, in particular the attempts to occupy the Haram-al-Sharif, the attack on the Dome of the Rock, the arson at the al-Aqsa Mosque, the regular assertion of the 'rights of Jews' over the Haram esplanade and the intention expressed by certain extremist religious groups of demolishing the Dome of the Rock;
11. *Strongly deplors* the carrying out of such serious acts as the digging of the 'tunnel' along the west wall of the Haram-al-Sharif and the installation of 'yeshivoth' in the Muslim quarter and *holds* the occupying authorities responsible for all their consequences;
12. *Deplores* the destruction and modifications suffered during the occupation by the monumental heritage and the traditional historical site of the City;
13. *Thanks* the Director-General for all the efforts he has made to ensure the implementation of Unesco's decisions and resolutions;
14. *Once again urgently draws* the attention of the international community to the deterioration of the Is-

Islamic cultural and religious heritage and *invites* Member States, foundations and individuals to support the efforts of the Waqf, the owner of this heritage;

15. *Invites* the Director-General:
 - (a) to continue, so long as Jerusalem remains occupied, to ensure the strict application of Unesco's decisions and resolutions relating to the safeguarding of the City's cultural heritage;
 - (b) to submit to it at its 130th session a global report on the modifications undergone by the City of Jerusalem in Unesco's fields of competence as a result of the occupation;
16. *Decides* to place this question on the agenda of its 130th session, with a view to taking such decisions as may be required by the situation obtaining at the time of that session.

[Adopted at the 16th meeting with 32 in favour, 6 against and 7 abstaining]



**UNESCO GENERAL CONFERENCE, RESOLUTION 11.6 CONCERNING THE
MONUMENTAL HERITAGE OF JERUSALEM AND THE WAQF, 16 NOVEMBER 1987**

11.6 JERUSALEM AND THE IMPLEMENTATION OF 23C / RESOLUTION 11.3

The General Conference,

Recalling the provisions of the Constitution of UNESCO relating to the conservation and protection of and respect for the natural heritage and cultural property, especially property of outstanding universal value,

Recalling the Hague Convention and Protocol of 1954 concerning the protection of cultural property in the event of armed conflict,

Recalling that the Israeli military occupation and the present status of the city of Jerusalem entail dangers for the safeguarding of its essential vocation,

Having examined the report by the Director-General on this matter (24C/15 & Add.) and noting the results recorded in the synoptic report by professor Lemaire,

Noting that recent incidents have given rise to genuine concern on the part of the high authorities and the Palestinian population of Jerusalem, who consider that the measures taken by the occupation administration to avoid the repetition of these incidents do not always provide an adequate and lasting guarantee,

Reaffirming the unique role of the city of Jerusalem in the history of humanity and, consequently, the necessity and urgency of taking all appropriate measures to safeguard its cultural character, its homogeneity and its irreplaceable universal value,

1. *Recalls and reaffirms* the previous resolutions adopted by the General Conference, which seek to ensure the safeguarding of all the spiritual, cultural, historical and other values of the holy city;
2. *Deplores* the fact that assaults and attempted assaults have been perpetrated on the holy places of Islam, which constitutes a grave derogation of the ecumenical vocation of the city;
3. *Deplores* the fact that the monumental heritage and the traditional historical site of the city have been subjected to destruction and alterations during the occupation;
4. *Thanks* the Director-General for everything he has done to ensure that the decisions and resolutions of UNESCO are applied;
5. *Once more draws the attention* of the international community as a matter of urgency to the state of degradation of the Islamic cultural and religious heritage belonging to the Waqf and invites Member States, foundations and individuals to support the financial efforts of the Waqf to maintain and restore this heritage;
6. *Invites* the Director-General to continue the strict application of the decisions and resolutions of UNESCO relating to the safeguarding of the cultural heritage of Jerusalem so long as the city is occupied;
7. *Decides* to include this question in the agenda of its twenty-fifth session with a view to taking such decisions as may be required by the situation obtaining at that time.



**UN GENERAL ASSEMBLY RESOLUTION 42/209 ON THE SITUATION
IN THE MIDDLE EAST, 11 DECEMBER 1987 [EXCERPTS]**

B

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

[...]

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;

[...]

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/}

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.



UN GENERAL ASSEMBLY RESOLUTION 43/54 ON THE SITUATION IN THE MIDDLE EAST, 6 DECEMBER 1988

[Resolution deploring developments altering the status of Jerusalem]

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

[...]

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;

[...]

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, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986 and 42/209 D of 11 December 1987, 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 28 November 1988,

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-fourth session on the implementation of the present resolution.



**UN GENERAL ASSEMBLY RESOLUTION 43/176 ON THE QUESTION OF PALESTINE,
15 DECEMBER 1988 [EXCERPTS]**

The General Assembly,

1. *Affirms* the urgent need to achieve a just comprehensive settlement of the Arab-Israeli conflict, the core of which is the question of Palestine;
2. *Calls* for the convening of the International Peace Conference on the Middle East under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate rights of the Palestinian people, primarily the right to self-determination;
3. *Affirms* the following principles for the achievement of comprehensive peace:
 - (a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem and from the other occupied Arab territories;
 - (b) Guaranteeing arrangements for the security of all States in the region, including those named in resolution 181 (1) of 29 November 1947 [Israel and Palestine], within secure and internationally recognized boundaries;
 - (c) Resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) [calling for repatriation and compensation] of 11 December 1948, and subsequent resolutions;
 - (d) Dismantling the Israeli settlements in the territories occupied since 1967;
 - (e) Guaranteeing freedom of access to Holy Places, religious buildings and sites;
4. *Notes* the expressed desire and endeavors to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a limited period, as part of the peace process;
5. *Requests* the Security Council to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee, and to consider guarantees for security measures agreed upon by the Conference for all States in the region;
6. *Requests* the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, to facilitate the convening of the Conference, and to submit progress reports on developments in this matter.



**UNESCO EXECUTIVE BOARD, DECISION NO. 131 EX/5.4.1 DEPLORING ISRAEL'S
ALTERING THE CULTURAL HERITAGE IN THE OLD CITY OF JERUSALEM, 21 JUNE 1989**

The Executive Board,

1. *Recalling* the Hague Convention and Protocol of 1954 concerning the protection of cultural property in the event of armed conflict,
2. *Recalling* 127 EX/Decision 5.4.1, which was reiterated in resolution 11.6 adopted by the General Conference at its twenty fourth session and in which it invited the Directorial to submit to it at its 130th session a global report on the modifications undergone by the city of Jerusalem in Unesco's fields of competence as a result of the occupation, and *recalling also* 130 EX/Decision 5.4.1,
3. *Having examined the* report by the Director-General on this question (131 EX/17),
4. *Noting* that, despite the Director-General's efforts, it has not been possible to give full application to the above- mentioned decisions and resolutions,
5. *Deplores the* persistent practice by the Israeli authorities of making alterations to certain parts of the cultural heritage in the occupied old city of Jerusalem, as described in the report prepared by the representa-

tive of the Director-General (paras. 4, 6 and 8), alterations that are contrary to the relevant resolutions and decisions of Unesco;

6. *Thanks* the Director-General for all the efforts made to ensure the application of Unesco's decisions and resolutions, and *invites* him to continue his much appreciated efforts to achieve that application;
7. *Accordingly invites* the Director-General to:
 - (a) renew his efforts to send a team of his personal representatives to Jerusalem, composed on an interdisciplinary basis in order to enable his report also to encompass the various archaeological, artistic and socio-cultural aspects attaching to the problem of the preservation of the sites as viewed in its entirety;
 - (b) submit to it at its 132nd session the global report provided for in 127 EX/Decision 5.4.1 and 130 EX/Decision 5.4.1;
8. *Decides* to place this question on the agenda of its 132nd session.



UNESCO EXECUTIVE BOARD, DECISION NO. 132 EX/5.3.1, 12 OCTOBER 1989

[Decision recommending a draft resolution to the General Conference deploring Israeli alterations to the cultural and historical heritage of Jerusalem]

The Executive Board,

1. *Having considered* the Director-General's report on this question (132 EX/15),
2. *Thanks* the Director-General for all the action he has taken to put the Executive Board's decisions into effect;
3. *Decides* to place this question on the agenda of its 135th session;
4. *Recommends* to the General Conference that it adopt the following draft resolution:

The General Conference,

Recalling the Hague Convention and Protocol of 1954 concerning the protection of cultural property in the event of armed conflict,

Recalling that the Israeli military occupation and the present status of the city of Jerusalem put at risk the safeguarding of the essential vocation of that holy city, some of whose cultural property has already suffered damage and deterioration,

Reaffirming the unique role of the city of Jerusalem in the history of humankind and, consequently, the necessity and urgency of taking all appropriate measures to safeguard its cultural character, its homogeneity and its irreplaceable universal value,

Noting that the Executive Board, in 130 EX/Decision 5.4.1, invited the Director-General, in view of the diversity of aspects presented by Jerusalem's cultural property, to send to Jerusalem an interdisciplinary team of personal representatives to enable him to cover in his report the various archaeological, artistic and socio-cultural aspects of the overall problem of preserving the sites,

Having examined the Director-General's report on this question (25 C/14),

Noting with deep regret and keen concern that Israel has not yet responded to the Director-General's request that a team of his representatives be allowed to visit Jerusalem in accordance with the Unesco decisions,

1. *Recalls and reaffirms* the resolutions it has hitherto adopted so as to guarantee the protection of all the spiritual, cultural, historic and other values of the Holy City;
2. *Vehemently deplores* the fact that the cultural heritage and traditional historic site of the city of Jerusalem are still undergoing alterations as a result of the Israeli occupation;
3. *Considers* that the acts of interference, destruction and transformation perpetrated against Jerusalem's cultural heritage, whose protection and safeguarding have been the subject of many Unesco decisions and resolutions, are likely to impair the collective memory of peoples, especially those of the region, with regard to their history and civilization;
4. *Thanks* the Director-General for the action he has taken to ensure that Unesco's decisions and resolutions are put into effect and *invites* him to persevere with his efforts for as long as the Israeli occupation continues;
5. *Also invites* the Director-General to instruct Professor Lemaire, his personal representative, to report to him on the state of Jerusalem's cultural and religious heritage as a whole and on the action needed to preserve and restore it;

6. *Again issues an urgent appeal* to Member States, foundations and individuals to help safeguard the Islamic cultural and religious heritage belonging to the Waqf, whose condition is such that the financial and technical efforts being made by the Waqf to maintain and restore it are in need of support;
7. *Decides* to place this question on the agenda of its twenty-sixth session so that it may take whatever decision the situation may require.



UNESCO GENERAL CONFERENCE, RESOLUTION NO. 25C/3.6 DEPLORING ISRAELI ALTERATIONS TO CULTURAL AND HISTORICAL SITES IN JERUSALEM, 15 NOVEMBER 1989

The General Conference,

Recalling the Hague Convention and Protocol of 1954 concerning the protection of cultural property in the event of armed conflict,

Recalling that the Israeli military occupation and the present status of the city of Jerusalem put at risk the safeguarding of the essential vocation of that holy city, some of whose cultural property has already suffered damage and deterioration,

Reaffirming the unique role of the city of Jerusalem in the history of humankind and, consequently, the necessity and urgency of taking all appropriate measures to safeguard its cultural character, its homogeneity and its irreplaceable universal value,

Noting that the Executive Board, in 130 EX/Decision 5.4.1, invited the Director-General, in view of the diversity of aspects presented by Jerusalem's cultural property, to send to Jerusalem an interdisciplinary team of personal representatives to enable him to cover in his report the various archaeological, artistic and socio-cultural aspects of the overall problem of preserving the sites.

Having examined the Director-General's report on this question (25 C/14).

Noting with deep regret and keen concern that Israel has not yet responded to the Director-General's request that a team of his representatives be allowed to visit Jerusalem in accordance with the Unesco decisions,

1. *Recalls* and reaffirms the resolutions it has hitherto adopted so as to guarantee the protection of all the spiritual, cultural, historic and other values of the Holy City;
2. *Vehemently deplotes* the fact that the cultural heritage and traditional historic site of the city of Jerusalem are still undergoing alterations as a result of the Israeli occupation;
3. *Considers that* the acts of interference, destruction and transformation perpetrated against Jerusalem's cultural heritage, whose protection and safeguarding have been the subject of many Unesco decisions and resolutions, are likely to impair the collective memory of peoples, especially those of the region, with regard to their history and civilization;
4. *Thanks* the Director-General for the action he has taken to ensure that Unesco's decisions and resolutions are put into effect and *invites* him to persevere with his efforts for as long as the Israeli occupation continues;
5. *Also invites* the Director-General to instruct Professor Lemaire, his personal representative, to report to him on the state of Jerusalem's cultural and religious heritage as a whole and on the action needed to preserve and restore it;
6. *Again issues an urgent appeal* to Member States, foundations and individuals to help safeguard die Islamic cultural and religious heritage belonging to the Waqf, whose condition in such that the financial and technical efforts being made by the Waqf to maintain and restore it are in need of support;
7. *Decides* to place this question on the agenda of its twenty-sixth session so that it may take whatever decision the situation may require.

[Adopted at the 32nd plenary meeting by a vote of 91-1-0.]



UN GENERAL ASSEMBLY, RESOLUTION 44/40 ON THE SITUATION IN THE MIDDLE EAST, 4 DECEMBER 1989 [EXCERPTS]

[Resolution reaffirming previous resolutions and deploring Israeli activities altering the status of Jerusalem]

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",
[...]

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;

[...]

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, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987 and 43/54 C of 4 December 1988, 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 November 1989,¹

1. *Determine* 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-fifth session on the implementation of the present resolution. [...]



UN SECURITY COUNCIL RESOLUTION 672, 12 OCTOBER 1990

[Resolution related to the Al-Aqsa Massacre of 8 Oct. 1990 in Jerusalem]

The Security Council,

Recalling its resolutions 476 (1980) and 478 (1980).

Reaffirming that a just and lasting solution to the Arab-Israeli conflict must be based on its resolutions 242 (1967) and 338 (1973) through an active negotiating process which takes into account the right to security for all States in the region, including Israel, as well as the legitimate political rights of the Palestinian people.

Taking into consideration the statement of the Secretary-General relative to the purpose of the mission he is sending to the region and conveyed to the Council by the President on 12 October 1990.

1. *Expresses alarm* at the violence which took place on 8 October at the Al-Haram Al-Sharif and other Holy Places of Jerusalem resulting in over twenty Palestinian deaths and to the injury of more than one hundred and fifty people, including Palestinian civilians and innocent worshippers.
2. *Condemns* especially the acts of violence committed by the Israeli security forces resulting in injuries and loss of human life.
3. *Calls upon* Israel, the occupying power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention, which is applicable to all the territories occupied by Israel since 1967.
4. *Requests*, in connection with the decision of the Secretary-General to send a mission to the region, which the Council welcomes, that he submit a report to it before the end of October 1990 containing his findings and conclusions and that he use as appropriate all of the resources of the United Nations in the region in carrying out the mission.



¹ [2/ A/44/731-S/20968](#).

UN SECURITY COUNCIL RESOLUTION 673, 24 OCTOBER 1990

[Resolution reaffirming the UN Sec.-Gen.'s wish to send a mission to the region following Al-Aqsa massacre]

The Security Council.

Reaffirming the obligations of Member States under the United Nations Charter.

Reaffirming also its Resolution 672 (1990).

Having been briefed by the Secretary-General on 19 October 1990.

Expressing alarm at the rejection of Security Council Resolution 672 (1990) by the Israeli Government, and its refusal to accept the mission of the Secretary-General.

Taking into consideration the statement of the Secretary-General relative to the purpose of the mission he is sending to the region and conveyed to the Council by the President on 12 October 1990.

Gravely concerned at the continued deterioration of the situation in the occupied territories.

1. *Deplores* the refusal of the Israeli Government to receive the mission of the Secretary-General to the region.
2. *Urges* the Israeli Government to reconsider its decision and insists that it comply fully with Resolution 672 (1990) and to permit the mission of the Secretary-General to proceed in keeping with its purpose.
3. *Requests* the Secretary-General to submit to the Council the report requested in resolution 672 (1990).
4. *Affirms* its determination to give full and expeditious consideration to the report.



**UNESCO EXECUTIVE BOARD, DECISION NO. 135 EX/5.3.1 REGARDING
JERUSALEM'S CULTURAL HERITAGE, 25 OCTOBER 1990**

5.3 Culture and Communication

5.3.1 Jerusalem and the implementation of 25 C/Resolution 3.6 (135 EX/11 and 135 EX/30)

The Executive Board,

1. *Recalling* and reaffirming its previous decisions,
2. *Having examined* the Director-General's report (135 EX/11),
3. *Thanks* the Director-General and his representative, Professor Lemaire, for what they have done to secure the implementation of the decisions and resolutions of Unesco and *is gratified* by the quality of the report submitted;
4. *Again deplores* the fact that the cultural heritage and the traditional site of the City of Jerusalem are continuing to undergo modifications resulting from the occupation by Israel, and that these modifications have irremediably spoiled one of the most beautiful townscapes in the world;
5. *Requests Israel*, the occupying power, to comply with all the decisions and resolutions of Unesco concerning Jerusalem and to abstain from any act and modification prejudicial to the safeguarding of the religious, cultural and architectural character of Jerusalem, to its homogeneity and to its unique and universal value;
6. *Invites* the Director-General:
 - (a) to continue his efforts to secure the dispatch to Jerusalem of a mission by his representatives, in application of Unesco's decisions and resolutions;
 - (b) to appeal to the international community to express and give tangible evidence of its solidarity, particularly by way of voluntary contributions of any kind, so as to enable the Organization to prepare a study of operational projects for the restoration, consolidation and presentation of the monuments with a view to fully safeguarding the heritage of the City of Jerusalem;
7. *Decides* to place this question on the agenda for its 137th session.



**REPORT FROM THE UN SECRETARY-GENERAL TO THE UN SECURITY COUNCIL
IN ACCORDANCE WITH RESOLUTION 672 (1990), 31 OCTOBER 1990**

[Report of a mission sent to Jerusalem following the massacre on 8 October 1990 at Al-Aqsa Mosque]

1. On 12 October 1990, the Security Council adopted resolution 672 (1990), which reads as follows: [... 9see text above].

2. Prior to the adoption of the resolution and, as noted in the resolution's third preambular paragraph, the Secretary-General informed the Security Council of his decision to send a mission to the area. This decision was announced in a statement by the President at the Security Council's 2948th meeting, in which he said:

"In the informal consultations of members of the Council which led up to the consideration of this draft resolution, the Secretary-General explained that the purpose of the mission which he would be sending to the region would be to look into the circumstances surrounding the recent tragic events in Jerusalem and other similar developments in the occupied territories, and to submit by 24 October 1990 a report containing findings and recommendations to the Council on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation. He recalled, however, that under the Fourth Geneva Convention the principal responsibility for ensuring the protection of the Palestinians rested with the occupying Power, namely Israel."

3. Immediately following the adoption of resolution 672 (1990), the Secretary-General met with the Acting Permanent Representative of Israel to the United Nations in order to inform him that, in the light of the resolution and of the statement by the President of the Security Council, it was his intention to send a mission to the area as quickly as possible. In that connection, the Secretary-General inquired as to the facilities that would be extended by the Government of Israel to his delegation. The Acting Permanent Representative replied that Israel regretted the adoption of resolution 672 (1990), as was clear from the statement he had just made in the Security Council. He nevertheless undertook to convey the message of the Secretary-General to his Government. At a further meeting, on 15 October 1990, the Acting Permanent Representative of Israel handed to the Secretary-General a copy of the statement that had been adopted by the Israeli Cabinet on 14 October 1990, the text of which reads:

"The following is the announcement which the Cabinet has authorized the Deputy Prime Minister and Foreign Minister to communicate to the United Nations Secretary-General:

- "1. We have read the text of Security Council resolution 672 (1990) and the statement of the President of the Security Council that was communicated in connection thereto. They are totally unacceptable to us.
- "2. A. The Security Council decision completely disregards the attack against Jewish worshippers on the holiday of Succot at the Western Wall, which is on the Temple Mount, the holiest site of the Jewish people, and does not condemn those who attacked the worshippers; this is a political decision with no connection to reality.
"B. The State of Israel expressed its regret over the loss of life that occurred as a result of events on the Temple Mount, at a time when security forces were responsible for fulfilling their duties. Israel has also appointed an independent commission of inquiry into the chain of events, their causes and the actions of the security forces. The commission will present its conclusions and recommendations at the earliest possible date. As is known, the State of Israel ensures complete freedom of religion in the holy sites of all religions, in accordance with the law. Never, in all the history of Jerusalem, has freedom of religion for all been guaranteed as it has been since the city was unified under Israeli sovereignty in 1967, and never has the city been more open to all.
- "3. Jerusalem is not, in any part, 'occupied territory'; it is the sovereign capital of the State of Israel. Therefore, there is no room for any involvement on the part of the United Nations in any matter relating to Jerusalem, just as the United Nations does not intervene in events, some even more severe, that occur in other countries.
- "4. Given the above, Israel will not receive the delegation of the Secretary-General of the United Nations.
- "5. Israel will continue to assume responsibility, in accordance with its laws, for the safeguarding of holy places and for the security of all residents of Jerusalem, Jews and Arabs, as in all other areas it controls."

In connection with the statement of the Israeli Cabinet, the Secretary-General asked for the following clarification with respect to paragraph 4: Did the Cabinet decision imply that his delegation would not be received by the Government, or did it mean that it would be barred from entry? Stating that his instructions had been solely to hand over the text of the Cabinet decision, the Acting Permanent Representative indicated that he would convey to his Government the Secretary-General's request for clarification. At the same time, he drew attention to the fact that the Israeli Prime Minister had appointed a Commission of Investigation to look into the events that had taken place at Jerusalem on 8 October 1990. Immediately after the meeting, the Secretary-General sent a letter to the President of the Security Council to inform him of the discussion, and attached a copy of the Israeli Cabinet decision to his letter.

4. In the absence of a formal reaction from the Government of Israel, the Secretary-General invited the Acting Permanent Representative to meet with him again on 18 October 1990, in order to determine whether he had received instructions regarding his request for clarification. The latter replied that, in view of the Sec-

retary-General's reporting obligation under resolution 672 (1990), his Government was prepared to provide him with a copy of the report of its Commission of Investigation. The Commission, he said, was expected to conclude its work in the coming days. The Acting Permanent Representative noted that, in the light of Israel's readiness to provide that information, a United Nations mission to look into the 8 October 1990 incident was unnecessary. He stressed the fact that resolution 672 (1990) had not specifically requested that a mission be undertaken. In reply, the Secretary-General stated that there should be no linkage between the dispatch of a mission by him and the work of the Israeli Commission. The primary purpose of a United Nations mission would be, said the Secretary-General, to gather first-hand information, on the spot, from Israeli, Palestinian and other sources. He then asked the Acting Permanent Representative whether his Government had responded to his request for clarification. The latter replied that the Israeli Cabinet decision remained unchanged and that his Government did not wish the mission to come.

5. In the light of the above, the Secretary-General informed the Security Council, in a statement, in informal consultations on 19 October 1990, that he was not in a position to dispatch a mission to area. he added that he remained ready to do so, should he receive word from the Israeli authorities that his delegation would not be barred from entry. Commenting on the Secretary-General's statement, members of the Council expressed the opinion that efforts should continue to be made to send a mission.

[...]

7. On 25 October 1990, in follow-up to the transmittal of the text of the resolution the previous evening, a message was conveyed orally to the Government of Israel, through its Acting Permanent Representative to the United Nations, drawing to its attention paragraph 2 of resolution 673 (1990). On 31 October 1990, the Permanent Representative of Israel to the United Nations conveyed to the Secretary-General a letter, which reads as follows:

"As you recall, my predecessor, Ambassador Bein, conveyed to you the Government of Israel's decision, of 14 October 1990, not to receive the mission referred to in Security Council resolution 672 (1990). In its decision, my Government reiterated that Jerusalem `is the sovereign capital of the State of Israel. Therefore, there is no room for any involvement on the part of the United Nations in any matter relating to Jerusalem, just as the United Nations does not intervene in events, some even more severe, that occur in other countries'.

"This decision was taken within the context of a longstanding policy of the Government of Israel. May I point out, for example, the exchange of letters of September-November 1971 between the Minister of Foreign Affairs of Israel at the time, Mr. Abba Eban, and the then Secretary-General of the United Nations, concerning Security Council resolution 298 (1971) on the situation in Jerusalem. In that instance, the Government of Israel declined to receive the envoys and the mission to Jerusalem mentioned in operative paragraph 5 of the resolution.

"The decision of my Government also referred to the appointment of an independent commission of inquiry concerning the events of 8 October 1990. That Commission has now finished its work and submitted its findings to the Government. These findings have been made public, and the Government of Israel has decided to convey them in full to friendly Governments and other appropriate and interested organizations.

"The full report of the Commission is currently being translated into English and will be forwarded to you immediately upon its completion. I therefore have the honour, at present, to convey to you the enclosed text of the full report in Hebrew and the summary of the report in English. I trust that you will find the contents of interest."

The summary of the report as received from the Permanent Representative of Israel is being issued separately as an addendum to the present report.

8. The Secretary-General has thus been unable to secure independent information on the spot, about the circumstances surrounding the recent events in Jerusalem and similar developments in the West Bank and Gaza Strip. Widespread coverage has, however, been given by the international press to the clashes that occurred at Al-Haram Al-Shareef and other Holy Places of Jerusalem on 8 October 1990. According to reports, which vary, some 17 to 21 Palestinians were killed and more than 150 wounded by Israeli security forces, and more than 20 Israeli civilians and police were wounded by Palestinians. While there are conflicting opinions as to what provoked the clashes, observers on the spot, including personnel of the International Committee of the Red Cross (ICRC), stated that live ammunition was used against Palestinian civilians. Attention is drawn, in this connection, to the fact that a number of inquiries have been conducted. Apart from the Commission of Investigation referred to in paragraphs 3, 4 and 7 above, several Israeli and Palestinian human rights organizations have conducted inquiries of their own. The findings of two of them, B'Tselem and Al-Haq, were communicated to the Secretary-General, on 14 October and 28 October 1990, respectively, and are being issued separately as addenda to the present report. Furthermore, a number of Israeli and Palestinian individuals and groups had expressed willingness to meet with and provide information to the mission of the Secretary-General, should it have been sent to the area for the purposes that he had outlined to the members of the Council.

9. It will be recalled that the Security Council, in its resolution 605 (1987) of 22 December 1987, addressed the question of the safety and protection of the Palestinian civilians in the occupied territories. In that resolution - which was adopted in the earliest days of the *intifadah* - the Council requested the Secretary-General to examine the situation in the occupied territories by all means available to him, and to submit a report no later than 20 January 1988 containing recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation. On the basis of that mandate, and with the concurrence of the Israeli authorities, the Secretary-General was able to send a mission to the occupied territories to prepare a detailed report, including a set of recommendations, which was circulated on 21 January 1988 (S/19443). However, a resolution could not be adopted owing to the negative vote by a permanent member of the Council.
10. Since then, the Security Council has, on a number of occasions, met to consider the situation in the occupied Arab territories and it has adopted four resolutions specifically on the question of deportations. In resolutions 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989 and 641 (1989) of 30 August 1989, *inter alia*, the Council called upon Israel to desist from deporting Palestinian civilians and to ensure the safe and immediate return to the occupied Palestinian territories of those already deported. Further, the resolutions reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the Palestinian territories occupied by Israel since 1967, including Jerusalem, and to the other occupied Arab territories. In each resolution, the Council decided to keep the situation under review.
11. In a presidential statement dated 26 August 1988 (S/20156), the members of the Security Council said that they were gravely concerned by the continued deterioration of the situation in the Palestinian territories occupied by Israel since 1967, including Jerusalem, and especially by the grave and serious situation resulting from the closing-off of areas, the imposition of curfews and the consequent increase in the numbers of injuries and deaths that had occurred. They said that they were profoundly concerned by the persistence of Israel, the occupying Power, in continuing its policy of deporting Palestinian civilians in contravention of Security Council resolutions and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, as demonstrated on 17 August 1988 by its expulsion of four Palestinian civilians to Lebanon and its decision to expel 40 more. The members requested Israel immediately to desist from deporting any Palestinian civilians and immediately to ensure the safe return of those already deported. The members of the Security Council considered that the situation in the occupied territories had grave consequences for endeavours to achieve a comprehensive, just and lasting peace in the Middle East. They reaffirmed that the Geneva Convention was applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and requested the high contracting parties to ensure respect for the Convention. Recalling Security Council resolutions, the members of the Council said that they would keep the situation in the occupied Palestinian territories, including Jerusalem, under review.
12. More recently, the issue of protection was addressed at length by the Security Council following an incident on 20 May 1990 in which an Israeli gunman killed 7 Palestinian workers and wounded 11 others at Rishon Lezion in Israel. In the ensuing demonstrations, which erupted throughout the occupied territories in protest against that incident, 17 Palestinians were killed and more than 1,000 wounded by Israeli security forces. During the Security Council debate that was held in Geneva on 25 and 26 May 1990, and in New York on 31 May 1990, nearly every delegation that spoke, including members of the Council, emphasized the urgent need of the Palestinians for protection. However, a resolution that, *inter alia*, would have established a commission consisting of three members of the Security Council to examine the situation in the occupied territories and recommend ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation was not adopted owing to the negative vote of a permanent member of the Council.
13. In a presidential statement dated 19 June 1990 (S/21363), the members of the Security Council strongly deplored the incident which had occurred on 12 June 1990 in a clinic belong to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and located near to Shati camp in Gaza, in which several innocent Palestinian women and children were wounded by a tear-gas grenade thrown by an Israeli officer. Expressing dismay that the penalty imposed on that officer had been commuted, the members reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and requested the high contracting parties to ensure respect for the Convention. They called upon Israel to abide by its obligations under that Convention.
14. It should be noted that each of the above-mentioned resolutions and presidential statements, such as resolutions 672 (1990) and 673 (1990), reaffirm the applicability to the occupied territories of the Fourth Geneva Convention. In them, Israel is repeatedly called upon to abide by its obligations under the Convention. In this connection, it is useful to cite the articles of the Convention that underline the right to protection of the civilian population and that ascribe to the occupying Power certain responsibilities in this re-

gard. Under the Convention, the civilian population in the occupied territories is entitled to safety and protection, as clearly stated in its article 27, the first paragraph of which reads:

"Protected persons are entitled, *in all circumstances* [emphasis added], to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times [emphasis added] be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity."

The responsibility of the occupying Power is underlined in article 29, which reads:

"The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred."

An important responsibility is entrusted to the high contracting parties in the Convention's article 1, which states:

"The High Contracting Parties undertake to respect and to ensure respect for the present convention in all circumstances."

15. For its part, Israel, itself a high contracting party, has consistently taken the position that it does not accept formally the *de jure* applicability of the Fourth Geneva Convention, but states that it has since 1967 decided to act in *de facto* accordance with the Convention's "humanitarian provisions". The Israeli position is not accepted by ICRC, which is the guardian of the Geneva Conventions of 1949, nor has it been endorsed by the other high contracting parties to the Fourth Geneva Convention. The position of the Security Council has, in this connection, repeatedly been made clear.

Observations

16. In the light of my reporting obligations under resolution 672 (1990) and 673 (1990), I have given careful thought as to how I should do so, since it has not been possible to send a mission to the area subsequent to the adoption of these two resolutions. I have been guided by two principal considerations. First, that the tragic events of 8 October 1990 are only the most recent of many grave incidents in the occupied territories that have resulted in the deaths and wounding of a large number of civilians; these have once again caused the Security Council to discuss the question of the safety and protection of Palestinians. The second consideration has been that the responsibilities entrusted to me under resolutions 672 (1990) and 673 (1990) should be viewed in the context of earlier efforts that I have made in this connection.
17. It will be recalled that the principal recommendation of my 21 January 1988 report (S/19443) with respect to ensuring the safety and protection of the Palestinian civilian population was that the international community should make a concerted effort to persuade Israel to accept the *de jure* applicability of the Fourth Geneva Convention to the occupied territories and to correct its practices in order to comply fully with that Convention. My report also described certain steps that I intended to take, within existing arrangements, to improve the safety and protection accorded to the population by the international community. Foremost among the latter was my suggestion that the Commissioner-General of UNRWA should examine the addition to UNRWA's establishment in the occupied territories of extra international staff to improve the general assistance they provide. Since then, the number of international staff serving with UNRWA in the occupied territories has increased from 15 to 51. These additional staff members have helped to defuse tense situations, avert maltreatment of vulnerable groups, reduce interference with the movement of ambulances, and facilitate the provision of food and medical aid during curfews. In this connection, it should also be noted that the size of the international delegation of ICRC - which, under the Fourth Geneva Convention, has a definite role with regard to protection in the occupied territories - has increased from 15, in December 1987, to 45 today.
18. The additional presence in the occupied territories of international staff of these organizations has been welcomed by the Palestinians, but they add that, given the exceptional circumstances in which they are living, it has not had the necessary impact on the behaviour of the Israeli authorities. If anything, the message that is repeatedly conveyed to me by the Palestinians - whether in meetings with the leadership of the Palestine Liberation Organization (PLO) or personalities from the occupied territories, in numerous communications and appeals sent to me from groups and individuals in the area, or in conversations that members of my staff have had with individuals from all walks of life in the territories - is that far more is required on the part of the international community to ensure the safety and protection of the Palestinian civilian population in the occupied territories.
19. While it would not be possible for me to summarize in a few paragraphs the intensity of the feeling that has consistently been conveyed to me both in conversations with and in appeals by Palestinians, I would like to comment on several recurring themes that emerge from them. Palestinians have expressed a profound feeling of vulnerability at all times, whether in the workplace, at school, in places of worship or simply walking down the street. This fear was compounded by their view that there was no recourse to any authority, other

than the security forces who were so often responsible for the measures inflicted upon them. They have stated that they felt unsafe even inside their homes, which were frequently subjected to midnight searches, and during which entire households, including children, were beaten. It was said that arrests during such operations were common. A wide range of collective punishments had, they said, become routine during the past three years, such as curfews, the demolition of homes, administrative detention and the uprooting of trees. A system of arbitrary and heavy taxation had been imposed, which, if not complied with, might lead to the confiscation of personal property and even arrest. Furthermore, the Palestinians have complained bitterly about a number of longstanding Israeli practices: the taking of land, especially for Israeli settlements and the privileged access that these settlements were given to water supplies; the closure for prolonged periods of the universities, and the periodic closure of elementary and high schools, which, in the Palestinian view, amounted to a denial of their right to education; and the overall economic exploitation of the territories.

20. Palestinians emphasized that their distrust of the Israeli occupation authorities - be they the security forces charged with maintaining law and order or officials of the Civil Administration whose role affected most aspects of their daily lives - had grown so deep that they felt that only an impartial presence, properly mandated by the United Nations, would be able to provide them with a credible sense of protection. In this connection, many of them drew attention to the military observers stationed in Jerusalem at the headquarters of the United Nations Truce Supervision Organization (UNTSO), and inquired why they could not be assigned to monitor the situation in the occupied territories. While they expressed appreciation for the humanitarian efforts carried out by representatives of international agencies and voluntary agencies, they were nevertheless deeply frustrated that those organizations were prevented from intervening or unable to intervene more effectively on their behalf.
21. During the past three years, I have had occasion to meet with a number of senior Israeli officials in New York, and have frequently voiced to them my concern about the situation in the occupied territories. In discussions with me, and with members of my staff in the area, the Israeli authorities have maintained that measures such as administrative detentions, curfews and the closure of schools and universities have been carried out in order to restore calm in the territories. Israel's position has been, and continues to be, that it retains exclusive control over the territories it administers. Furthermore, the Israeli authorities point out that even under the Fourth Geneva Convention it would be for them to maintain law and order in the territories. According to them, their policy during the past three years has been to put an end to the unrest in the territories which, in their view, is fomented by elements from outside. They note that the security forces are adhering to strict regulations determined by the Minister for Defence and that violations of those regulations are punishable. In response to expressions of concern regarding the need for the safety and protection of the Palestinians, the Israeli authorities point out that the many Palestinians who have been killed by other Palestinians should be a matter of equal concern to the international community.
22. The Security Council will recall that towards the end of June 1990 I sent a Personal Representative to the area to look into the question of protection in the occupied territories and to report back to me personally. On 13 July 1990, in a statement to the Council in informal consultations, I said that I intended to pursue my initiative with the Israeli authorities in an effort to persuade them to comply fully with their obligations under the Fourth Geneva Convention. At the same time, I stressed that if the high contracting parties felt that further measures - such as the designation of a Protecting Power - were required, then it was up to them to take such a decision under procedures that were carefully spelled out in the Fourth Geneva Convention.
23. Had it been possible for me to send a mission to the area at the present time, it would have followed up on the discussions begun last summer with the Israeli authorities and the Palestinian leadership. The Israeli authorities indicated at that time that they would be implementing new measures in the territories. It should be noted that, in the subsequent months, there was a decreased military presence in the occupied territories and a decline in casualties resulting from actions involving the Israeli security forces there. Further, there has also been a reopening of certain academic institutions. Nevertheless, the essential facts of the occupation have not changed and the potential for friction and confrontation between Israelis and Palestinians has remained very high, as evidenced by the tragic events of 8 October 1990. The spate of violent attacks that have occurred since then, with more bloodshed on both sides, has generated further mistrust and bitterness.
24. The issue before us today is what practical steps can, in fact, be taken by the international community to ensure the safety and protection of the Palestinian civilians living under Israeli occupation. Clearly, the numerous appeals - whether by the Security Council, by myself as Secretary-General, by individual Member States or by ICRC, which is the custodian of the Geneva Conventions - to the Israeli authorities to abide by their obligations under the Fourth Geneva Convention have been ineffective. It is evident that for any measure of protection to be ensured, the co-operation of the Israeli authorities is, under the present circumstances, absolutely essential. Nevertheless, given the special responsibility of the high contracting parties for ensuring respect for the Convention, the Security Council might wish to call for a meeting of the high contracting parties to discuss possible measures that might be taken by them under the Convention. As regards the Palestinian appeals, referred to in paragraph 20, for an impartial presence, prop-

erly mandated by the United Nations, this is a matter on which the Security Council would have to decide: the mandates for the United Nations personnel in the area, whether civilian or military, derive from the competent United Nations bodies and the Secretary-General does not have the competence to act on his own.

25. It would be misleading to conclude this report - which has focused essentially on the need to ensure the safety and protection of the Palestinian civilians living under Israeli occupation - without underlining that it is a political conflict that lies at the heart of the tragic events that led to the adoption of Security Council resolution 672 (1990) and 673 (1990). The determination of the Palestinians to persevere with the *intifadah*, is evidence of their rejection of the occupation and their commitment to exercise their legitimate political rights, including self-determination.
26. It is essential, in these circumstances, that progress be made, and soon, to ensure an effective negotiating process, acceptable to all, that can secure the interest of both Israelis and Palestinians, and enable them to live in peace with each other. For my part, I will do whatever I can to be of help.



UN GENERAL ASSEMBLY RESOLUTION 45/68, 6 DECEMBER 1990 [EXCERPTS]

The General Assembly, [...] (Para. 3:)

Reaffirms the following principles for the achievement of comprehensive peace:

- (a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from other occupied territories;
- (b) Guaranteeing arrangements for security of all States in the region, including those named in resolution 181 (II) of November 1947, within secure and internationally recognized boundaries;
- (c) Resolving the problem of the Palestine refugees in conformity with General Assembly Resolutions 194 (III) of 11 December 1948, and subsequent relevant resolutions;
- (d) Dismantling of Israeli settlements in the territories occupied since 1967;
- (e) Guaranteeing freedom of access to Holy Places, religious building and sites;



**UN GENERAL ASSEMBLY, RESOLUTION 45/83 ON THE SITUATION
IN THE MIDDLE EAST, 13 DECEMBER 1990 [EXCERPTS]**

[Resolution deploring Israeli violations in Jerusalem]

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, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988 and 44/40 C of 4 December 1989, 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 15 October 1990,^{1/2}

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-sixth session on the implementation of the present resolution.



² 1/ A/45/595.

UN SECURITY COUNCIL RESOLUTION 681 ON PROTECTING PALESTINIANS IN THE ISRAELI OCCUPIED TERRITORIES, NEW YORK, 20 DECEMBER 1990 [EXCERPTS]

[The resolution grew out of Israel's refusal to allow a UN team to investigate the 8 October Haram al-Sharif killings by the Israeli army in accordance with UNSC Res. 672 and 673. Debated for over a month, it went through successive drafts in order to avoid a US veto].

The Security Council

Reaffirming the obligations of Members States under the United Nations Charter.

Reaffirming Further the principle of the inadmissibility of the acquisition of territory by war set forth in Security Council resolution 242 (1967).

Having Received the report of the Secretary General submitted in accordance with Security Council resolution 672 (1990) on ways and means for insuring the safety and protection of the Palestinian civilians under Israeli occupation and in particular taking note of paragraphs 20-26 therein (S/21919).

Taking Note of the interest of the Secretary General to visit and send his envoy to pursue his initiative with the Israeli authorities, as indicated in paragraph 22 of the report of the Secretary General (S/21919), and of their recent invitation extended to him.

Gravely Concerned at the dangerous deterioration of the situation in all the Palestinian territories occupied by Israel since 1967, including Jerusalem, and at the violence and rising tension in Israel.

Taking into Consideration the statement made by the President of the Security Council on 20 December 1990 concerning the method and approach for a comprehensive, just and lasting peace in the Arab-Israeli conflict.

Recalling its resolutions 607 (1988), 608 (1988), 366 (1989) and 641 (1989) and alarmed by the decision of the government of Israel to deport four Palestinians from the occupied territories in contravention of its obligations under the Fourth Geneva Convention.

1. *Expresses* its appreciation to the Secretary General for his report contained in document S/21919;
2. *Expresses* its grave concern over the rejection by Israel of Security Council resolutions 672 (1990) and 673 (1990);
3. *Deplores* the decision by the government of Israel, the occupying power, to resume deportations of Palestinian civilians in the occupied territories;
4. *Urges* the government of Israel to accept de jure applicability of the Fourth Geneva Convention of 1949 to all the territories occupied by Israel since 1967, and to abide scrupulously by the provisions of the said Convention;
5. *Calls on* the high contracting parties to the Fourth Geneva Convention of 1949 to insure respect by Israel, the occupying power, for its obligations under the Fourth Geneva Convention in accordance with Article 1;
6. *Requests* the Secretary General in cooperation with the International Committee of the Red Cross to develop further the idea from the report of the Secretary General (S/21919) of convening a meeting of the high contracting parties to the Fourth Geneva Convention and to discuss possible measures that might be taken by them under the Convention and for this purpose to invite these parties to submit their view on how the idea could contribute to the goals of the Convention as well as on other relevant matters and to report to the Council.
7. *Requests* the Secretary General to monitor and observe the situation regarding Palestinian civilians under Israeli occupation, making new efforts in this regard on an urgent basis, and to utilize and designate or draw upon the United Nations and other personnel and resources present there in the area and elsewhere needed to accomplish this task and to keep the Security Council regularly informed.
8. *Requests* further the Secretary General to submit a first progress report to the Security Council by the first week of March 1991, and every four months thereafter and decided to remain seized of the matter as necessary.

The members of the Security Council reaffirm their determination to support an active negotiating process in which all relevant parties would participate leading to a comprehensive, just and lasting peace to the Arab-Israeli conflict. In this context they agree that an international conference should facilitate efforts to achieve a negotiated settlement. However, the members of the council are of the view that there is no unanimity as to when would be the appropriate time for such a conference. In the view of the members of the council, the Arab-Israeli conflict is important and unique and must be addressed independently on its own merits.



**REPORT BY THE PERSONAL REPRESENTATIVE OF FEDERICO MAYOR,
UNESCO DIRECTOR-GENERAL, ON HIS MISSION TO JERUSALEM, 4 AUGUST 1991**

[After consultations with the parties concerned and in compliance with the relevant UNESCO decisions and resolutions, the Director-General's personal representative, Prof. Lemaire, visited Jerusalem from 14-19 July and submitted the following report, which was presented as of the provisional agenda, 'Jerusalem and the implementation of 25 c/Resolution 3.6.' at UNESCO's 137th session in Paris on 24 Sept. 1991.]

1. Purpose of the mission: Inspection of the monuments of the City of Jerusalem, with special reference to the complaints lodged with the Director-General by various authorities.

2. People interviewed

- 2.1 Israeli: Mr Johanan Bein, Deputy Director-General, Ministry of Foreign Affairs;
Mr Avi Millo, Director, International Organizations Division, Ministry of Foreign Affairs;
Mr Eli Ben Tura, of the same division;
Mrs Anne-Marie Lambert, honorary ambassador;
General Avi Drori, Director, Israel Antiquities Authority;
Mr Giori Solar, architect-curator, Israel Antiquities Authority;
Mr Gideon Avi, archaeologist for the District of Jerusalem;
Mr Teddy Kollek, Mayor of Jerusalem;
Mr Gabriel Padon, ambassador, adviser to the Mayor of Jerusalem;
Mr Ytzik Yaacovy, Director of East Jerusalem Development, Ltd.;
Mr Dan Bahat, former archaeologist of the District of Jerusalem;
Mr and Mrs Pierre Bugod, architects in charge of urban conservation and improvement works.
- 2.2 Arab: Mr Adnan Husseini, Director of the Jerusalem Waqf;
Mr Youssef al Natshe, Director of the Department of Antiquities of the Jerusalem Waqf;
Mr Rashid Khalidi, Associate Professor in the University of Chicago, agent of the Khalidi Foundation;
Miss Khalidi, of the same foundation.
- 2.3 Christian: His Excellency Mgr Dionysius B.Y. Jajjawi, Syrian Archbishop of the Holy Land;
Mr Yves Boiret, French Inspector-General of Historic Monuments, architect and restorer of the Holy Sepulchre;
Mr Georges Lavas, Professor in the University of Thessalonica, architect and restorer of the Holy Sepulchre.

3. Excavations

- 3.1 I did not observe any fresh excavations in the Old City of Jerusalem or in the immediate vicinity of its ramparts. The excavations under way in 1990 at the vast construction site of David's Village in the new Mamilla district in the neighbourhood of the Jaffa Gate have been halted for the time being. They will nevertheless be resumed at some time in the future, as determined by the progress of construction work on the new infrastructures or buildings scheduled in the project. They are salvage excavations, since the 'archives' contained in the ground would otherwise be irremediably destroyed by the scale of the works undertaken. The works area is situated mostly in the Israeli zone, with a small portion in the former no-man's-land of before June 1967. Mainly tombs have so far been found; they are reckoned to be Christian for the most part and to date from the Byzantine period.
- 3.2 Salvage excavations are also in progress outside the city on land earmarked for new housing construction for the Israeli population. Two of these excavation sites are located in the occupied zone between Jerusalem and Ramallah. The first, and larger, is situated on a building site in the immediate vicinity of the Arab village of Ras Amar. According to information supplied by antiquities department officials, the project includes the construction of a new satellite town called Pisgat Zeev, with 20,000 new dwellings. Before any construction of infrastructures or buildings, the department was instructed to carry out excavations as a matter of urgency. These excavations, which are still under way, uncovered substructures - some of large buildings - dating from either the Roman or the Byzantine period. One of them, which is particularly extensive and contains numerous remains of oil presses, has been identified by some archaeologists as a Byzantine monastery or convent. Others reckon it to be the remains of a large Roman estate specializing in olive cultivation. The dating of these remains is therefore uncertain. None the less, the discoveries shed some light on the nature of the countryside around the city of Jerusalem in ancient times. These excavations are salvage operations, decisions regarding the works resting entirely with the Ministry of Housing.

The other site is closer to Jerusalem but also in the occupied zone. It is Shoaffat, another Arab village, close to which work has begun on a new housing development (said by the same sources to comprise 5,000 dwellings) apparently intended primarily for Jewish religious communities. Here too, preventive excavations have uncovered remains of farms of the same period as those referred to in the previous paragraph.

In both sites the most important or spectacular archaeological remains will be preserved or transformed into parks. The original plans for the construction of infrastructures or buildings have been altered to allow for this. It is a matter for regret, incidentally, quite apart from the legal and political implications of building vast new complexes in an occupied territory, that these new districts generally form a violent adjunct to a landscape of highly varied and abundant forms. It is also noteworthy that the two developments fit into the chain of new towns and districts that are gradually ringing the city of Jerusalem from south to north, via the new town of Maale Adoumin some 20 kilometres to the east on the Jericho road, and now house over 20,000 inhabitants.

The official excavations programme of the Antiquities Authority shows that excavations are scheduled in 1991 at Qumram in formerly inhabited caves. (Qumram is where in about 1947 the famous oldest manuscript Bible scrolls were discovered; there have been numerous Israeli and foreign archaeological expeditions to Qumram since then.) The place is located near the Dead Sea, in occupied territory. Excavations are also scheduled at Banias, in an old city dating from Roman times and the Early Middle Ages, and in a Hellenistic and Roman sanctuary. Banias is in the occupied Golan.

4. The tunnel and ad-joining chambers

The unquestionable archaeological worth of the many underground chambers for Jerusalem visitors, coupled with the considerable religious attraction of the tunnel and the wall around Temple Mount for the Jews, has put increasing pressure on the religious authority managing the site, and on the archaeologists with scientific responsibility for it, to make the place more readily visitable and intelligible for the average visitor. It will be recalled that this matter was raised in one of my previous reports, and that one of the solutions proposed was to provide a northern exit from the tunnel by opening up the staircase that used to provide access from the outside to the Hasmonaean Pool conserved beneath the convent of the Sisters of Sion. This pool is linked to the tunnel by a very old aqueduct, discovered and explored by Charles Warren back in 1867-1870 but completely forgotten since then despite publication of the find. It was an unexpected subsidence that linked the aqueduct to the tunnel in 1986. The staircase would have led out to the street, in the Arab quarter of the city, that provides a main access to the Haram as-Sharif. That solution was discarded in 1989 in view of the protests received from the Muslim authorities and for security reasons (see my April 1989 report). Things have since then remained unchanged as regards access points - but not as regards the interior, which has been reorganized to facilitate viewing, with lighting to show off the chambers and architectural features. Explanatory notices have been installed to make this architecturally and historically highly complex place more comprehensible to visitors. There would be nothing wrong with that if it had been done with tasteful discretion and in keeping with the historic spirit of the place, but, alas, it has not. Two essential criticisms can be levelled at the works in question. The first concerns the aesthetic quality of certain innovations and their respect for the surrounding architecture. The most discordant introduction is the construction of a platform in one of the wings of the large hall in the shape of a Greek cross that constitutes the most monumental and impressive area of the complex. This platform, standing about three metres high and full at the base, is made of metal pieces of a mat gilt colour. It can be reached via a gallery that runs along one of the walls halfway up and is served by a staircase. The platform, which is said to have been built to afford a view of the full extent of the hall, actually houses a model of Temple Mount reconstituting the site as it is presumed to have been in the Herodian era, the 'Holy of Holies' being illuminated. Some tiers are provided at the rear, from where visitors can listen to the guide. This arrangement has to do with the second and more basic criticism that can be made of the works carried out: the entire design, the objects, the inscriptions, as regards both the introductory text and the luminous glass panels echoing the traditional form of the Decalogue, and the lighting are all aimed at convincing visitors that they are seeing a sanctuary of the Jewish religion. This is reasonable and legitimate when one is in the chambers situated opposite the surrounding wall, which is a prolongation of the Wailing Wall and is for the Jews an eminently sacred place, but it certainly does not apply to the other (far larger and more numerous) areas, which are the remains of Roman, Byzantine and Arab constructions that served various non-religious purposes and are quite unconnected with the lofty religious function of the Mount itself. Historical truth is given a rough handling here for the sake of a religious 'annexation' that is totally unjustified, as regards both the place and history, and is almost bound to leave the visitor with a misperception of the true significance of the site.

5. Street improvements in the Old City

The street improvement work is nearing completion in the Arab district, where practically all the roadways have been redone to provide sewers, water mains, power and telephone lines, conduits suitable for cable tele-

vision and new paving in Jerusalem stone. No complaints of damage to buildings as a result of the work have been made or received locally.

Similar work remains to be done in some parts of the Christian and Armenian Quarters to complete the street refurbishing of the Old City. This clearly represents a substantial improvement in the quality of life in the Old City, whose generally very old facilities (some sewers still dated from Roman times and were 2,000 years old!) no longer matched modern living and hygiene standards.

6. Work on the Haram as-Sharif

- 6.1 There has been little change in the Haram. All the work involved has been brought to a near or complete standstill by the recent events in the Middle East. More than ever, money and socio-cultural direction seem to be in too short supply for the commissioning or pursuit of significant work. Little progress has been made in rounding off the restoration of the al-Aqsa Mosque. The operation to replace the covering of the cupola of the Qubba as-Sakhra (Dome of the Rock), the chief monument of the Holy Place, seems to be at a standstill despite the fact that a crane and scaffolding have been in place for over two years. The Qubba as-Silsila (Dome of the Chain) is still screened off and without its superb sixteenth century ceramic tiles, but it is once again protected by a fine, extremely professionally installed lead roof.
- 6.2 Mention must be made of a substantial restoration scheme, the one of the Madrasa al-Guadiriyya, situated against the north perimeter wall of the Haram. This building, dating from the Ayyubid and Mamluk periods, had long been in ruins, part of it even being in danger of collapsing. The work, which is still under way, is intended to make it usable once more, either as a meeting room or for other purposes. The ongoing project includes the partial rebuilding of the front wall and is soundly designed and executed.
- 6.3 Constant observation of the restoration work on the major monuments of the Haram as-Sharif for about 20 consecutive years gives rise to some apprehension as regards their future. There is no quarrel with the quality of the work done. It can be deduced from the praise often heaped on them in my reports, and from the fact that the restoration of the cupola of the al-Aqsa Mosque won the International Aga Khan Prize, that the fears raised by certain work carried out 15 or so years ago need no longer be entertained. The present anxiety arises from two factors: a demonstrated inability to carry through certain restoration operations within acceptable deadlines; and the fact that there is no high-calibre scientific involvement in the taking of essential decisions regarding the future of monuments of crucial worth. Two examples illustrate this state of affairs. They concern essential monuments of the site: the Dome of the Chain and the Dome of the Rock. The restoration of the former was undertaken at least 10 years ago. At that time, in order to consolidate its structure, it was stripped of all its decoration, consisting essentially of ceramic tiles dating from the time of Suleyman the Magnificent. These tiles were carefully stored so that they could subsequently be put back in place. The work was halted for many years owing to lack of money. Such situations are obviously prejudicial to the proper safeguarding of the monument. Experience proves that after a long period it is often difficult to find and replace all the pieces even if great care has been taken of them at the start. A further point is that the beauty and the sanctity of the site are impaired by the continuing presence of scaffolding and screens. It is desirable that such substantial and complicated restoration work be undertaken only when all the resources for performing it within a reasonable period of time are forthcoming.

The second example concerns that incomparable masterpiece Islamic architecture, of Omayyad the Dome of the Rock. The edifice dates from the late seventh century and suffers from a host of ills, its roof, chiefly the permeability of paintings, the rusty clasps of its marble cladding, the state of its ceiling and the numerous repaintings of its admirable interior cupola. Comprehensive restoration is needed, which calls for crucial decisions as to the aspect and future of the monument. The most spectacular, and no doubt also the most difficult, concerns the facing of the cupola. It was renovated some 40 years ago and at present consists of large gold-coloured anodized aluminium sheets, which replaced a very old facing of much smaller lead sheets. It has two drawbacks. The first and more serious is that it is not waterproof. The wide temperature differences cause the sheets to expand and contract and so damage the weatherproofing. The second drawback has to do with aesthetics: the very excessive size of the individual panels detracts greatly from the monumental character of the edifice by departing considerably from one of the modules most expressive of the perception of its real dimensions. The covering therefore needs to be renewed - and one could describe the need as urgent, since the moisture seeping in may, in the medium term, endanger the superb stuccoes adorning the cupola and the internal painted ceilings. The work will present many complex archaeological, aesthetic and technical problems. Here are just some of the questions that will have to be answered:

- Should a new gilt cupola be made, to match the oldest description of the edifice, that of Ibn 'Abd Rabbih (tenth century), who reports that it was covered with 10,210 sheets of gilded copper?
- Should the cupola, on the contrary, be remade of lead, as it was for many centuries and until less than 50 years ago, and as it is to be seen in many old photographs?
- What are the implications of each of these options for the stability of the edifice?

- What technique should be used to give a stable gilding (if gilding is decided upon) that will resist the chemical and physical assaults of the atmosphere?

Lengthy multidisciplinary studies are needed to answer these questions properly, and at present there is no team available to undertake such studies. The engineer-architect in charge of the edifice has, it is true, displayed a high degree of competence in his work at the al-Aqsa Mosque. Clearly, however, in view of the range of disciplines involved (history, archaeology, stability of materials, metallurgy, etc.) he cannot alone overcome all the pressing problems. Furthermore, the decisions required cannot be left just to the administrative authorities without their being supplied with all the scientifically established data permitting the most favourable options to be adopted for the proper protection of such an exceptional monument, recognized by all specialists to be one of the greatest masterpieces of the world's architecture and as such entered, together with the entire Old City of Jerusalem, in the World Heritage List. It is therefore to be recommended that the Muslim religious authorities responsible for the Dome of the Rock set up a multidisciplinary scientific committee to supervise the restoration of the edifice, chosen from among the best specialists in ancient Islamic architecture, the restoration of monuments, and the metallurgical problems involved. The activities of such a committee and the preliminary studies could be funded from the Special Account for the Safeguarding of the Cultural Heritage, particularly the Islamic Monuments, of the City of Jerusalem.

7. The remarkable collection of Korans in the al-Aqsa Museum is ever a cause of worry for the curator. Some of the most precious manuscripts are still being attacked by insects and mildew, which despite the improved conservation conditions continue to do damage. Some years ago a German mission was asked to study the question of protecting these manuscripts, but no further action was taken although - a conservation campaign had been planned. Continuation of that mission's work is highly desirable.
8. Of the problems, apprehensions or fears notified to me by the Waqf authorities, two items are particularly noteworthy:

The first concerns thoroughfare-type improvements, namely paving and the installation of lighting above souks and buildings, some of which are said to belong to religious or private Waqfs, which all come under the jurisdiction and responsibility of the central Waqf. The locations involved are mainly the Suq al-Khwajat and a part of the Bab-Al Silsila road. These improvements were reportedly carried out without prior consultation or agreement with the owners of the premises and, according to the authorities in question, are intended mainly to establish fast, reliable thoroughfares between the yeshivas installed in the Arab poor district and the Jewish Quarter. It should nevertheless be observed that, according to the Israeli authorities, the edifices concerned belong to the urban public heritage and therefore fall within the exclusive jurisdiction of the municipality. Beyond the political and international-law problem raised by any action in occupied territory not warranted by the vital needs of the population, the question of the rights of each of the parties to the conflict in question is determined by title to the property concerned. In Jerusalem the determination of true title is extremely complex, and only a thorough survey could clarify the respective rights of the two parties.

The second apprehension concerns the increased interference of the Israeli administrative authorities in the management and maintenance of the Haram as-Sharif, and particularly in the restoration and major maintenance work on the historic buildings of the site. There is here a new reading of Israeli legislation concerning the administration of property allotted to religious communities, which indeed allows them a great deal of autonomy in the matter but does not exempt them from the need to apply for prior authorization. For the Islamic authorities, who have always managed the Haram as-Sharif, such autonomy is total and dispenses them from any formal application prior to carrying out restoration work on the buildings of the site. It seems that this interpretation, while not officially acknowledged by the municipality, has governed relations in this connection in the past. It would seem that a stricter interpretation has recently been imposed by the central authority, coming on top of much closer and more stringent police supervision of the sanctuary since the tragic events of 8 October 1990.

9. The Christian monuments

- 9.1 The restoration of the medieval porch of Saint Mark's Church, the seat of the Syrian Christian community, is being completed. Structural reinforcements have been carried out; the edifice, which was in danger of collapsing, has therefore been made stable. Completion work will be carried out in the coming weeks.
- 9.2 Restoration of the Holy Sepulchre is also proceeding very slowly - and not without problems as to the archaeological and aesthetic quality of the work. An agreement seems at last to have been reached between the representatives of the three religious communities (Catholic, Greek Orthodox and Armenian) regarding the internal decoration of the cupola. The work carried out over the years on this renowned monument has, as we know, been roundly criticized, and this was covered in my 1990 report. The religious authorities' power to decide the nature and extent of the work is clearly far too great and often results in decisions that fly in the face of even elementary rules of sound preservation or presentation of the

monument. Just as for the Haram as-Sharif, the formation of a scientific supervisory committee of a very high international standard would be needed here. It could give the backing of its authority, in dealings with owners, to the generally wise proposals made by the architects in charge, which are all too often countered by very narrow traditional or liturgical views that are in conflict with the very nature of the monument.



UNESCO EXECUTIVE BOARD, DECISION 5.3.1, 137TH SESSION, PARIS, 11 OCTOBER 1991

5.3 Culture

5.3.1 Jerusalem and the implementation of 25 C/Resolution 3.6 (137 EX/26 and 137 EX/33, Part II)

The Executive Board,

1. *Having examined* the Director-General's report concerning this question (137 EX/26),
2. *Thanks* the Director-General for the efforts he has undertaken with a view to carrying out the decisions of the Executive Board;
3. *Decides* to place this question on the agenda of its 140th session;
4. *Recommends* to the General Conference that it adopt the following draft resolution:

“The General Conference,

Recalling the 1954 Convention and Protocol of the Hague for the Protection of Cultural Property in the Event of Armed Conflict,

Having examined the Director-General's report on this question (26 C/14),

Observing with great concern that the cultural heritage and the historic site of the City of Jerusalem, occupied in 1967, are continuing to undergo modifications as a result of the Israeli occupation,

Noting with great regret that, to date, Israel has not responded to the Director-General's request concerning the dispatch to Jerusalem of an interdisciplinary mission of his personal representatives,

1. *Reaffirms* all its previous resolutions in the form in which they were adopted;
2. *Deeply regrets* that, in the course of road and construction work and archaeological digs, conservation measures are not being applied uniformly to Jewish, Christian and Muslim cemeteries, and requests that the tranquility of the Muslim cemetery located under the East Wall of the Old City, threatened by a project to widen and improve a pedestrian street, be respected;
3. *Deeply deplores* any project to dig a new tunnel under the Muslim quarter next to the Haram al-Sharif, and requests that Israel, the occupying power, prohibit the implementation of any such tunnel project, which would endanger a great number of important historical monuments and traditional buildings of great architectural value;
4. *Strongly deplores* the continued subjection of the occupied Holy City to modifications, alterations, changes and transformations of a demographic and environmental nature, all of which are doing irreparable damage to the equilibrium of this site, which is also one of the world's most beautiful urban landscapes;
5. *Deplores* the fact that, contrary to historical and archaeological truth, a Jewish religious presentation is given, according to the indications contained in the Director-General's report, of monuments belonging to the Roman, Crusader and Arab heritage of the City of Jerusalem, and more specifically of the underground edifices discovered or exposed to view in the course of the excavation of the tunnel along the West Wall of the Haram al-Sharif;
6. *Thanks* the Director-General for his efforts to ensure the application of UNESCO'S decisions and resolutions, and invites him to continue his actions to this end as long as the occupation continues;
7. *Also invites* the Director-General to have his personal representative, Professor Lemaire, report to him on the state of the whole cultural heritage consisting of movable, museological, archival, artistic and other components, and on the requirements to be met for its preservation;
8. *Invites* the Islamic authorities in charge of the Waqf in Jerusalem to form a council composed of internationally recognized scientific authorities in this field that could give advice on restoration work to be undertaken on the great Islamic monuments in the City, and more specifically on the Qubbat al-Sakhra (the Dome of the Rock);
9. *Decides* to place this question on the agenda of its twenty-seventh session in order to make the decision required by the situation.”



**UNESCO GENERAL CONFERENCE, RESOLUTION NO. 26C/3.12,
DEPLORING CHANGES IN JERUSALEM, 6 NOVEMBER 1991**

The General Conference,

Recalling the 1954 Convention and Protocol of The Hague for the Protection of Cultural Property in the Event of Armed Conflict,

Having examined the Director-General's report on this question (26 C/14),

Observing with great concern that the cultural heritage and the historic site of the City of Jerusalem, occupied in 1967, are continuing to undergo modifications as a result of the Israeli occupation,

Noting with great regret that, to date, Israel has not responded to the Director-General's request concerning the dispatch to Jerusalem of an interdisciplinary mission of his personal representatives,

1. *Reaffirms* all its previous resolutions in the form in which they were adopted;
2. *Deeply regrets* that, in the course of road and construction work and archaeological digs, conservation measures are not being applied uniformly to Jewish, Christian and Muslim cemeteries, and *requests* that the tranquility of the Muslim cemetery located under the East Wall of the Old City, threatened by a project to widen and improve a pedestrian street, be respected;
3. *Deeply deplors* any project to dig a new tunnel under the Muslim quarter next to the Haram al-Sharif, and *requests* that Israel, the occupying power, prohibit the implementation of any such tunnel project, which would endanger a great number of important historical monuments and traditional buildings of great architectural value;
4. *Strongly deplors* the continued subjection of the occupied Holy City to modifications, alterations, and transformations of a demographic and environmental nature, all of which are doing irreparable damage to the equilibrium of this site, which is also one of the world's most beautiful urban landscapes;
5. *Deplors* the fact that, contrary to historical and archaeological truth, a Jewish religious presentation is given, according to the indications contained in the Director-General's report, of monuments belonging to the Roman, Crusader and Arab heritage of the City of Jerusalem, and more specifically of the underground edifices discovered or exposed to view in the course of the excavation of the tunnel along the West Wall of the Haram al-Sharif;
6. *Thanks* the Director-General for his efforts to ensure the application of UNESCO's decisions and resolutions, and *invites* him to continue his actions to this end as long as the occupation continues;
7. *Also invites* the Director-General to have his personal representative, Professor Lemaire, report to him on the state of the whole cultural heritage consisting of movable, museological, archival, artistic and other components, and on the requirements to be met for its preservation;
8. *Invites* the Islamic authorities in charge of the *Waqf* in Jerusalem to form a council composed of internationally recognized scientific authorities in this field (that could give advice on restoration work to be undertaken on the great Islamic monuments in the City, and more specifically on the Qubbat al-Sakhra (the Dome of the Rock));
9. *Decides* to place this question on the agenda of its twenty-seventh session in order to take the decision required by the situation.

[Adopted at the 26th plenary meeting by a vote of 71-1-12]



**UN GENERAL ASSEMBLY RESOLUTION 46/75 REGARDING THE INTERNATIONAL
PEACE CONFERENCE ON THE MIDDLE EAST, 11 DECEMBER 1991 [EXCERPTS]**

The General Assembly,

Stressing that achieving a comprehensive settlement of the Middle East conflict, the core of which is the question of Palestine, will constitute a significant contribution to international peace and security.

Aware of the overwhelming support for the convening of the International Peace Conference on the Middle East, and noting the endeavours of the Secretary-General in this regard,

Noting the convening at Madrid, on 30 October 1991, of the Peace Conference on the Middle East,

Preoccupied by the increasingly serious situation in the occupied Palestinian territory as a result of persistent policies and practices of Israel, the occupying Power.

Aware of the ongoing uprising (*intifada*) of the Palestinian people since 9 December 1987, aimed at ending Israeli occupation of Palestinian territory occupied since 1967,

1. *Reaffirms* the urgent need to achieve a just and comprehensive settlement of the Arab-Israeli conflict, the core of which is the question of Palestine;
2. *Considers* that the convening of an International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination, would contribute to the promotion of peace in the region;
3. *Reaffirms* the following principles for the achievement of comprehensive peace:
 - (a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories;
 - (b) Guaranteeing arrangements for security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries;
 - (c) Resolving the problem of the Palestine refugees in conformity with General Assembly resolution 191 (III) of 11 December 1948, and subsequent relevant resolutions;
 - (d) Dismantling the Israeli settlements in the territories occupied since 1967;
 - (e) Guaranteeing freedom of access to Holy Places, religious buildings and sites;
4. *Welcomes* the convening at Madrid, on 30 October 1991, of the Peace Conference on the Middle East, which constitutes a significant step towards the establishment of a comprehensive just and lasting peace in the region;
5. *Notes* the expressed desire and endeavours to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a transitional period as part of the peace process.



**UN GENERAL ASSEMBLY, RESOLUTION 46/82 ON THE SITUATION
IN THE MIDDLE EAST, 16 DECEMBER 1991 [EXCERPTS]**

[Resolution deploring Israeli measures to change the status of Jerusalem]

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

[...]

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; 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; [...]

B

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, 40/16 C of 16 December 1985, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987 43/54 C of 6 December 1988, 44/40 C of 4 December 1989 and 45/83 C of 13 December 1990, 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 1991,³

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;

³ 1/ A/46/586.

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-seventh session on the implementation of the present resolution.



**UNESCO EXECUTIVE BOARD, DECISION NO. 140 EX/5.5.1 REGARDING
JERUSALEM'S CULTURAL HERITAGE, 29 OCTOBER 1992**

The Executive Board,

1. *Recalling* the 1954 Convention and Protocol of The Hague for the Protection of Cultural Property in the Event of Armed Conflict,
2. *Having examined* the Director-General's report (140 EX/12), 3. Expresses its satisfaction with regard to the urban improvements undertaken in the Old City by the Israeli occupation authorities;
3. *Deplores* the fact that the occupied Holy City has undergone modifications resulting from archaeological excavations and the building of new neighbourhoods, and demographic and environmental changes that irreversibly disturb the balance of the site, one of the most beautiful cityscapes in the world;
4. *Expresses* its deep appreciation and extends its profound gratitude to His Majesty King Fahd of Saudi Arabia for having responded very favourably to the latest call for funds to safeguard the al-Aqsa Mosque and the Dome of the Rock;
5. *Expresses* its deep appreciation and extends its profound gratitude to His Majesty King Hussein of Jordan for the exceptional donation he has made to finance the work of restoring Islamic cultural property in Jerusalem (the al-Aqsa Mosque and the Dome of the Rock);
6. *Extends* its heartfelt thanks to the Director-General for his unceasing efforts to safeguard cultural property in occupied East Jerusalem;
7. *Invites* him to continue his efforts, and in particular to ensure the implementation of 26 C/Resolution 3.12, by providing his personal representative, Professor Lemaire, with the means needed for him to accomplish the mission entrusted to him under the above-mentioned resolution;
8. *Invites* the Christian religious authorities responsible for the Holy Sepulchre to draw up a systematic protection and restoration plan;
9. *Further notes* the urgent need for action to safeguard a large number of Islamic monuments in particular and consequently urges Member States to contribute to the special account established for this purpose in pursuance of 130 EX/Decisions 5.4.1;
10. *Decides* to include this item in the agenda of its 142nd session.



**UN GENERAL ASSEMBLY, RESOLUTION 47/63 ON THE SITUATION
IN THE MIDDLE EAST, 11 DECEMBER 1992 [EXCERPTS]**

[Resolution deploring Israeli activities aimed at altering the status of Jerusalem]

B

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990 and 46/82 B of 16 December 1991, 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 25 November 1992,

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-eighth session on the implementation of the present resolution.



**UNESCO GENERAL CONFERENCE, RESOLUTION 3.8 ADOPTED ON THE REPORT OF
COMMISSION IV AT THE 27TH SESSION (PARIS, 25 OCTOBER TO 16 NOVEMBER 1993),
PARIS, 13 NOVEMBER 1993**

3.8 Jerusalem and the implementation of 26 C/Resolution 3.124

The General Conference,

Recalling the 1954 Convention and Protocol of the Hague for the Protection of Cultural Property in the Event of Armed Conflict, the relevant provisions of the fourth Geneva Convention of 1949 and its Additional Protocols, the Convention for the Protection of the World Cultural and Natural Heritage (1972) and the inclusion of the Old City of Jerusalem on the World Heritage List,

Welcoming the new era of peace in the Middle East heralded in particular by the Israeli-Palestinian Declaration of Principles and the Israeli-Jordanian Agenda,

Taking into account 142 EX/Decision 5.5.1,

Having taken note of the Director-General's report on this item (27 C/19 and 27 C/19 Add.),

Recalling that as far as the status of Jerusalem is concerned, UNESCO conforms to the resolutions and decisions of the General Assembly and the Security Council of the United Nations,

1. *Recalls and reaffirms* the previous decisions and resolutions of UNESCO concerning the safeguarding of the cultural heritage of Jerusalem and *requests* that no measure or act be undertaken that alters the religious, cultural, historical or demographic nature of the town or impairs the balance of the site as a whole;
2. *Endorses* the proposals, recommendations and appeals made by the Director-General (142 EX/INF.3 Add., 27 C/19 and 27 C/19 Add.) concerning the implementation of the resolutions and decisions of UNESCO on the safeguarding of the cultural heritage of Jerusalem, and in particular those concerning the preservation and restoration of the holy Christian and Muslim monuments, and *requests* the Member States to co-operate closely with UNESCO in the implementation of the resolutions of the General Conference on the safeguarding of the cultural heritage of Jerusalem and to assist the Director-General in better guaranteeing the quality of the work;
3. *Thanks* the Director-General for all that has been done to secure the implementation of UNESCO's decisions and resolutions on Jerusalem;
4. *Invites* the Director-General:
 - (a) to continue his efforts to secure the implementation of UNESCO's decisions and resolutions concerning Jerusalem, firmly ensuring that the mission conferred on UNESCO by its Constitution, the 1972 Convention and the various resolutions concerning Jerusalem is respected;
 - (b) to have a study undertaken, on an interdisciplinary basis, of a project for inventorying and restoring the cultural property of the Old City of Jerusalem, drawing on the services of experts of high repute in the fields concerned, and to submit the report on this matter to the Executive Board at its 145th session;
 - (c) 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, and, as far as the safeguarding operations are concerned, to ensure that they are undertaken with full respect for the Venice Charter and the universally accepted principles in this field;
5. *Decides* to include this question on the agenda of its twenty-eighth session.



UNESCO EXECUTIVE BOARD, DECISION 142 EX/5.5.1, ADOPTED AT ITS 142ND SESSION (PARIS, 11 OCTOBER-15 NOVEMBER 1993), 10 DECEMBER 1993 [EXCERPTS]

5.5 Culture

5.5.1 Jerusalem and the implementation of 26 C/Resolution 3.12 (142 EX/14 and 142 EX/48)

The Executive Board,

1. *Recalling* the 1954 Convention and Protocol of the Hague for the Protection of Cultural Property in the Event of Armed Conflict, the relevant provisions of the fourth Geneva Convention of 1949 and its Additional Protocols, the Convention for the Protection of the World Cultural and Natural Heritage (1972), and the inclusion of the Old City of Jerusalem on the World Heritage List,
2. *Having taken note* of the Director-General's report on this item (142 EX/14),
3. *Notes* with satisfaction that no specific complaint has been lodged with the Director-General during the past year and that the public works undertaken in the Old City have improved the living conditions of its inhabitants;
4. *Notes*:
 - (a) that the damage caused by the digging of a tunnel along the western wall of the Haram al-Sharif to the Madrasa al-Uthmaniyya has not yet been repaired;
 - (b) that excavation work is impeding one of the major points of access to the Haram al-Sharif, especially at the Gate of the Chain;
 - (c) that major restoration work is being carried out on the cupola and roofing of the Qubbat al-Sakhra or Dome of the Rock, a building that is considered to be one of the great masterpieces of Islamic art;
 - (d) that the work being carried out at the Holy Sepulchre and that planned for the near future is entirely inconsistent with the universally accepted principles and norms governing the restoration and conservation of historic monuments and that it seriously endangers the historical, archaeological, aesthetic and cultural properties of this exceptionally important building;
5. *Invites* the Jerusalem Waqf authorities to proceed with the work on the Dome of the Rock, giving special attention to a project that calls for complex and delicate technical expertise and substantial funding;
6. *Invites* the religious authorities responsible for the Holy Sepulchre to halt or abandon work that is imperiling its basic cultural significance and to plan new projects that respect its religious purpose and also the merits of the building;
7. *Invites* the Israeli authorities to repair the damage to Islamic monuments caused by the digging of the tunnel and to restore the square in front of the Gate of the Chain to its original condition;
8. *Stresses* the historic importance of the Israeli-Palestinian agreement signed in Washington on 13 September 1993, based on the 'Declaration of Principles on Interim Self-Government Arrangements' and the Israeli-Jordanian agenda signed in Washington on 15 September 1993, which signal the start of a new era of peace and stability;
9. *Expresses* the hope that, pending the results of the negotiations on Jerusalem envisaged in Article V of the Declaration and under the Israeli-Jordanian agenda, no act that alters the cultural, historic and spiritual character of Jerusalem and impairs the balance of the site will be carried out or tolerated;
10. *Thanks* the Director-General for what has been done to secure the implementation of UNESCO's decisions and resolutions;
11. *Thanks* the heads of State, governments, individuals and institutions that have helped to finance the safeguarding of the cultural property of Jerusalem;
12. *Invites* the Director-General:
 - (a) to continue his efforts to secure the implementation of UNESCO'S decisions and resolutions concerning Jerusalem;
 - (b) to be particularly vigilant during the interim period envisaged in the above-mentioned 'Declaration of Principles' in carrying out the task of safeguarding the cultural, historic and spiritual heritage of Jerusalem;
 - (c) to have a study undertaken, on an interdisciplinary basis, of a project for the establishment of an inventory of the cultural property of the Old City of Jerusalem, drawing on the services of experts of high repute in the fields concerned, and to submit their report on this matter to it at its 145th session;
13. Recommends that the General Conference adopt this decision as a resolution at its twenty-seventh session and include this question in the agenda for its twenty-eighth session;
14. Decides to include this item in the agenda for its 145th session.



**UN GENERAL ASSEMBLY, RESOLUTION 48/59 ON THE SITUATION
IN THE MIDDLE EAST, 14 DECEMBER 1993 [EXCERPTS]**

[Resolution declaring Israeli measures in East Jerusalem null and void]

A
JERUSALEM

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991 and 47/63 B of 11 December 1992, 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 also 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 25 October 1993,

1. *Determines* 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;
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-ninth session on the implementation of the present resolution.



**UN GENERAL ASSEMBLY RESOLUTION 48/212 ON ISRAELI SETTLEMENTS,
21 DECEMBER 1993**

Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan

The General Assembly,

Recalling its resolution 47/172 of 22 December 1992,

Taking note of Economic and Social Council resolution 1993/52 of 29 July 1993,

Reaffirming the principle of the permanent sovereignty of people under foreign occupation over their national resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force and recalling Security Council resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981,

Recalling also Security Council resolution 465 (1980) of 1 March 1980 and other resolutions affirming 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 territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Aware of the negative and grave economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory occupied since 1967, including Jerusalem, and on the Arab population of the Syrian Golan,

Welcoming the ongoing Middle East peace process started at Madrid, and in particular the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes, and its Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization, in Washington, DC, on 13 September 1993,

1. *Take note* of the report of the Secretary-General;
2. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967, are illegal and an obstacle to economic and social development;

3. *Recognizes* the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory occupied by Israel since 1967, including Jerusalem, and on the Arab population of the Syrian Golan;
4. *Reaffirms* the inalienable right of the Palestinian people and the population of the Syrian Golan to their natural and all other economic resources, and regards any infringement thereof as being illegal;
5. *Requests* the Secretary-General to submit to the General Assembly at its 49th session, through the Economic and Social Council, a report on the progress made in the implementation of the present resolution."

[Adopted on 21 December 1993 by a vote of 143 in favour, 3 against, 13 abstentions.]



**REPORT BY THE PERSONAL REPRESENTATIVE OF THE DIRECTOR-GENERAL OF
UNESCO ON JERUSALEM AND THE IMPLEMENTATION OF 27 C/RESOLUTION 3.8,
PARIS, 5 OCTOBER 1994 [EXCERPTS]**

*[Document reaffirming UNESCO's efforts in the preservation of Jerusalem,
placing attention on excavation works and specific buildings in the Old City]*

SUMMARY

The Director-General submits this document in compliance with decision 5.5.1 adopted by the Executive Board at its 142nd session on the subject of Jerusalem. It has been prepared on the basis of the information available as at 31 August 1994.

1. The Director-General is continuing to pay close attention to the developments in the Middle East which have laid the groundwork for the establishment of a lasting peace in that part of the world. He welcomes that process, and hopes that it will continue and be carried further. With regard to the Old City of Jerusalem, he reports below on the action taken to follow up the directives of the Executive Board and the General Conference.
2. At its 142nd session, the Executive Board examined the report of the Director-General on 'Jerusalem and the implementation of 26 C/Resolution 3.12' and adopted 142 EX/Decision 5.5.1 whereby it decided to include this item in the agenda for its 145th session.
3. At its twenty-seventh session, having examined the report of the Director-General on the same item, the General Conference adopted 27 C/Resolution 3.8, in which, among other things, it invited the Director-General:
 - (a) to continue his efforts to secure the implementation of UNESCO's decisions and resolutions concerning Jerusalem, firmly ensuring that the mission conferred on UNESCO by its Constitution, the 1972 Convention and the various resolutions
 - (b) to have a study undertaken, on an interdisciplinary basis, of a project for inventorying and restoring the cultural property of the Old City of Jerusalem, drawing on the services of experts of high repute in the fields concerned, and to submit the report on this matter to the Executive Board at its 145th session;
 - (c) 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, and, as far as the safeguarding operations are concerned, to ensure that they are undertaken with full respect for the Venice Charter and the universally accepted principles in this field;and decided to include this question on the agenda of its twenty-eighth session.

II

4. In compliance with this resolution, the Director-General dispatched a team of experts to Jerusalem to undertake a detailed study of certain technical problems concerning the state of the Dome of the Rock (*Qubbat as-Sakhra*) and to report to him on the solutions to be recommended. A preliminary mission of three specialists from the International Centre for the Study of the Preservation and the Restoration of Cultural Property (ICCROM) accordingly visited Jerusalem in March 1994. A second mission is due to be sent before the end of 1994 to examine the state of the mosaics, the stucco-work and the interior and exterior lighting.
5. The preliminary projects for the restoration of the Suq *al-Qattanin* (Cotton Market), the *Hammam al-'Ain* and the *Hammam ash-Shifa'* are currently being examined by the Jerusalem Waqf with a view to commencing work thereon.

6. A contract has been drawn up for the restoration of the Khalidi Library, which contains a large number of ancient manuscripts of great historical and cultural value. In particular, this contract concerns cataloguing and microfilming the manuscripts and improving their conditions of storage.
7. With respect to the Holy Sepulchre, in compliance with the resolutions and decisions of the governing bodies of UNESCO, and having informed the parties concerned, the Director-General decided to call a meeting of a Scientific Committee in Jerusalem in September 1994 in order to examine the state of this monument of outstanding historical and religious value, and, if possible, to propose solutions to the problems proposed by its restoration. These problems have been described in previous reports by the Director-General's personal representative, Professor Lemaire, and more particularly in the report of the team of experts sent to Jerusalem by the Director-General in August 1992.
8. Furthermore, the Secretariat is planning the production, in co-operation with all the institutions concerned, of a booklet on the immovable cultural heritage of the Old City of Jerusalem.
9. The balance of the Special Account for the Safeguarding of the Cultural Heritage, and more particularly the Islamic Monuments, of the City of Jerusalem, as at 29 July 1994, is US \$2,199,376, following a contribution of \$25,000 from the Government of Indonesia, received on 22 November 1993. His Majesty King Fahd of Saudi Arabia has also reiterated his willingness to provide the necessary financial resources for the restoration of the cultural heritage of Jerusalem, as soon as the studies undertaken for that purpose have been accepted.
10. In compliance with the resolutions and decisions of the governing bodies of UNESCO, the Director-General has continued his consultations with all the parties concerned, with a view to drawing up other projects to be financed by the Special Account.

III

11. In pursuance of 27 C/Resolution 3.8, Professor Lemaire visited Jerusalem from 15 to 21 January 1994 and again from 20 to 24 August 1994, and prepared the following report.
12. Report by the Director-General's personal representative

'Report to Mr Federico Mayor, Director-General of UNESCO
on the safeguarding of the urban and monumental heritage of Jerusalem'

1. Two official missions have been undertaken by your personal representative since the last report, dated 17 August 1993: the first from 15 to 21 January 1994, and the second from 20 to 24 August 1994. [...]

3. Excavations

With the exception of small-scale rescue excavations on sites outside the Old City, preparatory to new construction or reconstruction projects, no new archaeological research operation has been reported to me, either by Israeli officials or by the Arab authorities.

4. The 'tunnel'

Digging in the tunnel excavated during the 1970s under Arab property along the Western Wall of *Al-Haram ash-Sharif* (the Temple Mount) was discontinued many years ago. The only activity reported in recent years has essentially consisted of alterations designed to make visits easier and more informative. Some of that work, mentioned in previous reports, has occasioned criticism, regarding not only its desirability as such, but also its suitability for the site. There has been no change. In order to understand the situation, it should be borne in mind that the 'tunnel' consists of a long passageway, which is on average a good 1 metre wide and at least 2 metres high, dug along the Western Wall of *Al-Haram ash-Sharif*, which prolongs the Wailing Wall, beneath Arab property, for a distance of approximately 470 metres. At its northern end, the 'tunnel' cuts across an underground canal approximately 100 metres long leading to a double cistern from the Roman period located for the most part beneath a *Waqf* property, the *Via Dolorosa* and a wing of the Soeurs de Sion Convent. This canal was built before the reconstruction of the Jewish Temple by Herod: the wall enclosing the Temple Mount intersects it, thus deflecting it from its original purpose of carrying water to the Holy Place.

In view of the number of visitors (several hundred per day, not counting religious Jews wishing to pray there, since the wall uncovered by the tunnel is an extension of the Wailing Wall), the Israeli authorities responsible for the tunnel have in the last few years made several proposals to create an exit at the northern end of the tunnel. All such plans have been rejected by the *Waqf* authorities, on whose property such an exit would necessarily be situated.

In recent months, another solution has been adopted: a semi-circular tunnel, more than 2 metres high and 1.5 metres wide, and an underground platform have been dug, allegedly in order to link the two cisterns, which in fact are already linked by two large openings at water level. The main purpose of these alterations is to create a reception area which will enable groups of visitors to pass each other, and thus to double the capacity of the tunnel, which, I am told, has become a 'must' for Jewish pilgrims to Jerusalem.

The *Waqf* authorities have made vigorous protests against this fresh incursion beneath their property, which was carried out without prior agreement or warning. They were alerted by the noise of underground drilling.

Furthermore, according to the testimony of the archaeologist in charge of the tunnel, noise was reduced by the use of a chemical to loosen or even dilute the soft limestone rock. I requested, but was unable to obtain, further technical details of this process. However, the two cisterns are partly obstructed with excavation debris, which it is impossible to evacuate either through the canal or through the tunnel. This debris consists partly of a lime paste, which testifies to the destructiveness of the chemical injected into the rock. Given the highly porous nature of the rock there is reason to fear that the chemical may have seeped into the untouched bedrock underlying several historic buildings from the Mamluk period which are part of the *Al-Haram ash-Sharif* complex.

I think it important, and a matter of urgency, that experts independent of the tunnel authorities should examine the situation on site in order to determine the state of the affected bedrock and, if necessary, the remedies that might be used to strengthen it.

It is indispensable to evacuate the debris which has accumulated in the cisterns. This operation can be carried out only with the agreement of the *Waqf* authorities, who refuse to have anything to do with it. Furthermore, such an operation would require an opening to be made in the Roman vault of one of the cisterns, which is scarcely compatible with the most elementary principles governing the conservation of such precious monuments of antiquity.

5. Urban development in the Old City

The municipality has continued systematically to modernize the infrastructure of the various quarters of the city. In the past year, work has concentrated in particular on the Christian quarter, and more specifically on the area surrounding the Holy Sepulchre. The sewers, water mains and electric power and telephone lines have been modernized; the pavements have been resurfaced in Jerusalem stone; new awnings with striking patterns have been installed; and street lighting has been redesigned, considerably enhancing, *inter alia*, the appearance of the *suqs*.

6. Roads in the vicinity of the Old City

There are two trouble-spots: the road (called Ha-Ofel by the Israelis) that runs along the Muslim cemeteries and to the east of *Al-Haram ash-Sharif*; and the part of the Jaffa Road to the south of the Jaffa Gate that runs through the large Mamilla housing development area. Both roads are part of the small ring road around the Old City, following its walls closely. They carry heavy traffic.

- 6.1 The southeastern portion of the Ha-'Ofel road overlooks the Valley of Kidron and the three famous ancient monumental tombs: the Tomb of Absalom, the Tomb of St. James and the Tomb of Zechariah. With the Mount of Olives forming a backdrop, these constitute a major tourist attraction, prompting cars and buses to stop along the road, which in this part is narrow and has neither parking facilities nor pedestrian pavements. Numerous accidents occur here every year. The municipality has therefore made plans to create a car park large enough for three buses and several cars, a pedestrian pavement and a terrace in the shape of a round 'belvedere'. The land on either side of the road belongs to the *Waqf*, which is not inclined to part with the necessary area of approximately 1.500 m².

Furthermore, it should be noted that the site is particularly sensitive: it overlooks the part of the Valley of Kidron which separates the Old City from the Mount of Olives and provides one of the few remaining views of Jerusalem which has not changed. Nothing has fundamentally affected this landscape for several centuries; it thus constitutes a unique 'historical landscape'. Any development that may be deemed necessary should be carried out with the utmost sensitivity and tact. The project, which is not without its merits and has been designed by a competent architect, may constitute a somewhat over-ambitious response to existing or potential needs. Any development necessitated by obvious safety considerations should be kept to a strict minimum and designed in such a way that the new facilities blend into the landscape. In the immediate vicinity of the area where these facilities are planned, there used to be a wall surrounding an olive grove; the foundations of the wall are still visible, and the wall itself can still be seen in nineteenth-century photographs; it could perhaps be the starting-point for a structure that would be better integrated than the one currently proposed.

- 6.2 The problems posed by the large Mamilla housing development in the immediate vicinity of the Jaffa Gate of the Old City have been mentioned repeatedly in the reports of the Director-General's personal

representative since 1972. On each occasion, attention has been drawn to the dangers inherent in this project, and in particular to the grave menace it constitutes to the superb landscape of the head of the Valley of Hinnom, the southern ramparts of the Old City Wall, the Jaffa Gate and the Citadel. Unfortunately, the now-completed rows of covered car parks, which were doubtless necessary in order to keep all traffic out of the southern area (although it might have been preferable to seek some other solution) are more than ample confirmation of the fears voiced at the time by town planning specialists and by local associations such as 'Beautiful Jerusalem'. Row upon row of car parks marching up the hill crowned by the ramparts, and an outsize bridge spanning the road that runs along the Old City Wall, together conceal the base of the ramparts and introduce into the landscape an abrupt mass of horizontal lines which stands in stark contrast to the harmonious shape of the old fortifications as they follow the gentle slope leading to the Jaffa Gate and the Citadel. This constitutes without a doubt a very serious defacement of a unique landscape, which was one of the gems of the urban setting of the Holy City. The trees which are due to be planted in the car parks will probably help to soften this harsh contrast, but this will not suffice to recapture the well-ordered hierarchy of the now spoiled landscape.

It should be recalled that these car parks are located in a zone which before 1967 was a 'no-man's-land'; this zone had been abandoned since 1948 and was used as a large, open-air, untidy car park. It was surely a mistake not to place Marnilla within the bounds of the nearby national park which covers the rest of the Valley of Hinnom.

7. Islamic monuments

7.1 Al-Haram ash-Sharif

- 7.1.1 The Dome of the Rock (*Qubbat as-Sakhra*): For this monument, the main event of the past year has been the renovation of the roof of the Dome itself. This project was financed by a personal donation from King Hussein of Jordan. It has involved a complete renovation of the framework of the roof, the lead roofing material, the esplanade and fireproofing. The new roof of the Dome is made of copper sheets coated with a fine layer of nickel and an outer layer of gold leaf. While not exactly the same size as the traditional lead sheets, the new ones follow a similar pattern. The new roof replaces the result of an unfortunate restoration, carried out a mere 40 years ago, consisting of large plates of anodized aluminium whose appearance and waterproofing both left much to be desired.

The renovation was completed last May. UNESCO was not consulted beforehand on these plans, which have been executed with consummate skill. Both the materials and the techniques employed should vouch for the watertightness of the roof for a long time to come. Furthermore, with its gilded exterior, the shrine has recovered its former beauty and glory, in accordance with the earliest known descriptions of the edifice.

This work represents the first phase of an urgently needed overall restoration of the monument. Subsequent phases will be aimed at ensuring appropriate preservation and conservation of the marble facing on the outer and inner walls and of the fine Umayyad mosaics, cleaning and restoration of the monumental stucco decorations sculpted inside the dome, and renovation of the interior lighting and exterior illumination of the monumental complex consisting of the Dome of the Rock, the small nearby Dome of the Chain and the series of arcades located at the four cardinal points of the base of the edifice.

UNESCO has become involved in these projects at the particular request of the *Waqf* authorities, and has helped with the joint selection and the financing of experts to advise the architect-engineer entrusted with overseeing the work and choosing the most appropriate techniques for its execution.

- 7.1.2 There are no other developments to report with respect to the restoration of monuments on *Al-Haram ash-Sharif* or in its immediate vicinity.

Negotiations are still under way with the *Waqf* authorities concerning the use of the \$150,000 subvention pledged by the Director-General during his visit in 1993. This subvention is intended for an initial phase of restoration of the complex comprising the *Suq al-Qattanin* (Cotton Market), the most monumental of the approaches to *Al-Haram ash-Sharif*, and the two Mamluk *hammams* (Hamam ash-Shifa' and *Hammam al-'Ain*). A technical file has been prepared by the architect-engineer of *Al-Haram ash-Sharif*, which should make it possible to begin work soon.

7.2 Manuscripts of the Al-Aqsa Mosque: The Al-Aqsa Mosque has a library of highly valuable manuscripts.

The curator has compiled an annotated catalogue with illustrations, which will shortly be published with the help of a subvention of \$15,000 from UNESCO.

The state of conservation of a number of these manuscripts, including some of the oldest (eighth and ninth centuries) or the most ornate, is giving cause for concern. They should receive urgent attention. However, the appropriate equipment and expertise is not available locally. These volumes should be entrusted to one

of the major European institutions specializing in the restoration of old manuscripts and books. Financial assistance from UNESCO is needed for this purpose.

7.3 The restoration of the *Turbat Barakat Khan* Mausoleum, which contains the celebrated library of the Khalidi family, has been completed, and the installation of the facilities for conservation and consultation of the numerous manuscripts of outstanding value is nearly finished. This work has been carried out in part with the help of a subvention of \$60,000 from UNESCO, of which \$45,000 has been disbursed. The restoration of the manuscripts and books is being carried out in scientific and technical collaboration with Mr F. Conrad, of the University of London, who has also been asked to compile an annotated catalogue of the 1,200 manuscripts with the financial assistance of the Government of the Netherlands, the Saudi Furgan Foundation and the Khalidi family.

8. Christian monuments

There is nothing new or significant to report with respect to work on the Christian monuments of the city.

8.1 *The Holy Sepulchre*: The Director-General has decided once again to send the Scientific Committee, which will include several experts, in particular on Byzantine art, to visit the Holy Sepulchre. This mission is scheduled to take place before the session of the Executive Board; the results and conclusions of the mission will be published in a separate report.

8.2 It should also be reported that the Russian Orthodox Cathedral, located in the western part of the city, and which had been virtually abandoned for several decades is now being restored. Several of its cupolas have already been re-roofed with gilded copper.

R. Lemaire
29 August 1994



REPORT BY THE UN SECRETARY-GENERAL, UN GENERAL ASSEMBLY, 49TH SESSION, AGENDA ITEM 38, THE SITUATION IN THE MIDDLE EAST, 20 OCTOBER 1994 [EXCERPTS]

[Report conveying information on the transfer of certain diplomatic missions to Jerusalem]

I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolutions 48/59 A and B of 14 December 1993. The Assembly, in its resolution 48/59 A, which deals with the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) of 20 August 1980, called once more upon those States to abide by the provisions of the relevant United Nations resolutions. [...]
2. The Secretary-General, in order to fulfil his reporting responsibility under the above-mentioned resolutions, on 18 August 1994 addressed notes verbales to the Permanent Representatives of Israel and to the Permanent Representatives of the other Member States and requested them to inform him of any steps their Governments had taken or envisaged taking to implement the relevant provisions of those resolutions. As of 18 October 1994, five replies had been received, from Austria, France, India, Ukraine and Venezuela. Those replies are reproduced below.

II. REPLIES FROM MEMBER STATES

AUSTRIA [Original: English]

With regard to resolution 48/59 A, Austria continues to maintain its embassy in Tel Aviv as the question of Jerusalem still awaits a commonly agreeable solution. Austria is encouraged by recent progress in the Middle East peace process and expresses hope that a just and lasting solution with regard to the status of Jerusalem, acceptable to all parties involved, will be found in the near future. [...]

FRANCE [Original: French]

With regard to Jerusalem, France, which has a Consulate General in that city directly attached to the central administration, fully supports the principles recalled in resolution 48/59 A; it voted in favour of that resolution. The French Government takes every opportunity to recall its position on the matter, the most recent instance being the discussion within the European Union of the nature of representation in Jericho. [...]

INDIA [Original: English]

India has already complied with the provisions of the aforementioned resolutions, wherever applicable.

UKRAINE [Original: Russian]

By voting in favour of General Assembly resolutions 48/59 A and B, Ukraine recognized the overall soundness of their provisions and undertook to comply with them.

At the same time, Ukraine considers that the solution of the issues referred to in the two resolutions adopted is an integral part of the process of achieving a comprehensive settlement of the Middle East problem as a whole. In the opinion of Ukraine, the aforementioned resolutions do not fully correspond to present-day realities; in particular, they do not adequately reflect the positive changes that have occurred in 1994 in the course of the process of resolving the entire range of issues involved in a Middle East settlement.

In its statements, Ukraine unreservedly welcomed the signing in September 1993 of the Declaration of Principles by Palestine and Israel, the conclusion in May 1994 of the Cairo Agreement on the Gaza Strip and the Jericho Area, and the signing by Jordan and Israel in July 1994 of a declaration ending the state of war between the two States.

Ukraine has always attached the highest importance to international efforts to achieve a just and comprehensive settlement of the Middle East conflict in accordance with Security Council resolutions 242 (1967) and 338 (1973) and has supported the exercise of the inalienable rights of the Palestinian people on the basis of the existing rules and principles of international law.

Ukraine condemns all manifestations of political extremism and terrorism and calls upon all sides to be reasonable, to reach a compromise and not to resort to actions that would make further dialogue and the continuation of the Middle East peace process impossible.

Ukraine declares its readiness to cooperate by every means possible to further the Middle East peace process and to find a rapid solution to the entire range of issues involved in the Middle East conflict, including the status of the City of Jerusalem and the situation in the Syrian Golan.

VENEZUELA [Original: Spanish]

In accordance with Security Council resolution 478 (1980), Venezuela has maintained its diplomatic representation in Tel Aviv and supports compliance with the Council's resolutions on that subject.



**UNESCO EXECUTIVE BOARD, DECISION 145 EX/5.5.1, ADOPTED AT ITS 145TH SESSION
(PARIS, 17 OCTOBER-4 NOVEMBER 1994), PARIS, 4 NOVEMBER 1994 [EXCERPTS]**

5.5.1 Jerusalem and the implementation of 27 C/Resolution 3.8 (145 EX/17 and 145 EX/51, Part I)

The Executive Board,

1. *Recalling* the Hague Convention and Protocol of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, the relevant provisions of the Fourth Geneva Convention and its Additional Protocols, the Convention for the Protection of the World Cultural and Natural Heritage (1972) and the inclusion of the Old City of Jerusalem in the World Heritage List,
2. *Welcoming* the new era of peace in the Middle East, and *recalling* that, where the status of Jerusalem is concerned, UNESCO complies with the resolutions and decisions of the United Nations General Assembly and Security Council,
3. *Recalling* UNESCO's previous decisions and resolutions on the safeguarding of the cultural heritage of Jerusalem, requesting that no measure or act be undertaken that alters the religious, cultural, historical or demographic nature of the city or impairs the balance of the site as a whole, pending final negotiations on the status of Jerusalem,
4. *Having taken note* of the report submitted to the Director-General by Professor Lemaire,
5. *Notes*:
 - (a) that, following the first tunnel dug in the 1970s, a further semicircular tunnel, more than 2 metres high and 1.5 metres wide, and an underground platform have been dug under *Waqf* property, without first obtaining the agreement of the *Waqf* authorities or warning them;
 - (b) that the stability of the foundations of the historic buildings forming part of the *Al-Harâm ash-Sharîf* has been endangered by the use, in digging the tunnel, of a chemical affecting the bedrock underlying those buildings, which could seriously threaten their stability owing to the highly porous nature of the rock;
 - (c) that the municipality of Jerusalem is planning to build a car park and a belvedere by the side of the *Al-Harâm ash-Sharîf* Muslim cemetery, which would affect the *Al-Harâm* complex and the way in which it fits into the site;

- (d) that the completion of other car parks on the Mamilla site in the immediate vicinity of the Jaffa Gate in the Old City defaces one of the finest urban landscapes of the Holy City;
6. *Notes with satisfaction that:*
- (a) the replacement of the roof of the Dome of the Rock of the *Al-Harâm ash-Sharîf* and the renovation of the roofing and roof frame have been carried out by Jordan to very high technical, aesthetic and archaeological standards;
 - (b) urban development work has been undertaken in the Old City and in the vicinity of the Holy Sepulchre, thereby improving the appearance of the area;
7. *Thanks* the Director-General for his unceasing efforts to secure the implementation of UNESCO'S decisions and resolutions and to ensure that due regard is shown for the character and features of the Old City;
8. *Thanks* the Israeli authorities as well as the religious authorities in Jerusalem for their co-operation and their support for Professor Lemaire's missions to Jerusalem;
9. *Invites* the Director-General to be particularly vigilant in carrying out the task of safeguarding the religious, cultural and historic heritage and the demographic character of Jerusalem pending the results of the current negotiations, and, as far as the safeguarding operations are concerned, to ensure that they are undertaken with full respect for the Venice Charter and the universally accepted principles in this field;
10. *Also invites* him to take the necessary steps to ensure that the following operations are carried out:
- (a) preservation and conservation of the marble facing on the outer and inner walls of the *Al-Harâm ash-Sharîf* and of the Umayyad mosaics, and restoration of the monumental stucco decorations sculpted inside the dome;
 - (b) restoration of the complex comprising the *Sûq al-Qattânîn* and the two Mamlûk *hammâms* (*Hammâm ash-Shifâ* and *Hammâm al-'Ain*);
 - (c) restoration, as a matter of great urgency, of a number of manuscripts of the Al Aqsa Mosque, dating from the eighth and ninth centuries, whose condition is giving cause for concern;
 - (d) dispatch of a mission headed by Professor Lemaire with all the scientific assistance needed to examine the bedrock affected by the 11 substance used in digging the tunnel, in order to propose, the digging having been stopped, any measures that might be taken to consolidate the bedrock should this prove necessary;
 - (e) drawing up of an inventory, of the cultural and physical heritage of the Old City of Jerusalem by experts of high repute in the fields concerned, working on an interdisciplinary basis;
11. *Further invites* him to ensure that the forecourt of the Chain Gate is restored to its former state and that the work on the car park and belvedere by the side of the *Al-Harâm ash-Sharîf* Muslim cemetery is suspended;
12. *Decides* to place this item on the agenda of its 147th session.



**UN GENERAL ASSEMBLY, RESOLUTION 49/87 (A) ON THE SITUATION
IN THE MIDDLE EAST, 16 DECEMBER 1994 [EXCERPTS]**

[Resolution deploring the transfer of diplomatic missions from Tel Aviv to Jerusalem]

A
JERUSALEM

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992 and 48/59 A of 14 December 1993, 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 also 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 20 October 1994, 1/

1. *Determines* 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;

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 fiftieth session on the implementation of the present resolution.



**UN SECURITY COUNCIL, DRAFT RESOLUTION S/1995/394 ON LAND
EXPROPRIATION IN JERUSALEM, NEW YORK, 17 MAY 1995**

[Israel's April 27th announcement to confiscate 134 acres of land in East Jerusalem led to a UNSC debate, followed by a resolution, vetoed by the US. An attempt to replace the resolution with a UNSC presidential statement - initiated by Russia - failed as the proposed draft was still rejected as too strong by the US.]

BOTSWANA, HONDURAS, INDONESIA, NIGERIA, OMAN AND RWANDA: DRAFT RESOLUTION

The Security Council,

Reaffirming its previous resolutions on the status of Jerusalem, including resolutions 252 (1968), 267 (1969), 271 (1969), 476 (1980), 478 (1980) and 672 (1990),

Expressing concern over the recent declaration of Israeli expropriation orders of 53 hectares of land in East Jerusalem,

Reaffirming the applicability of the Fourth Geneva Convention of 12 August 1949 to all territories occupied by Israel since 1967, including Jerusalem,

Aware of the negative impact of the above-mentioned expropriations on the Middle East peace process, which started in Madrid in October 1991 on the basis of Security Council resolutions 242 (1967) and 338 (1973),

Aware also that in the Declaration of Principles of 13 September 1993 Israel and the Palestine Liberation Organization agreed to postpone negotiations on final status issues, including Jerusalem, until the second stage of the peace process,

Determined to provide the necessary backing to the Middle East peace process,

1. *Confirms that* the expropriation of land by Israel, the occupying power, in East Jerusalem is invalid and in violation of relevant Security Council resolutions and provisions of the Fourth Geneva Convention of 12 August 1949;
2. *Calls upon* the Government of Israel to rescind the expropriation orders and to refrain from such action in the future;
3. *Expresses* its full support for the Middle East peace process and its achievements, including the Declaration of Principles of 13 September 1993 as well as the following implementation agreements;
4. *Urges* the parties to adhere to the provisions of the agreement reached and to follow up with the full implementation of those agreements;
5. *Decides* to remain seized of the matter.

[Adopted with 14 in favor and 1 against (USA)]



**UNESCO, REPORT ON JERUSALEM AND THE IMPLEMENTATION OF
145 EX/DECISION 5.5.1, PARIS, 20 SEPTEMBER 1995**

[Report on UNESCO's restoration and safeguarding activities in and around Jerusalem's Old City]

I

1. The Director-General is continuing to watch very closely developments in the negotiations currently being held in the Middle East with the aim of establishing lasting peace in the region. He welcomes the process, and hopes that it will continue and come to a successful conclusion. With regard to the Old City of Jerusalem, he reports below on the action taken to give effect to the directives of the Executive Board and the General Conference.
2. The Director-General recalls that at its 145th session, the Executive Board examined his report on 'Jerusalem and the implementation of 27 C/Resolution 3.8' and adopted 145 EX/Decision 5.5.1 in which it requested '3.

[...] that no measure or act be taken that alters the religious, cultural, historical or demographic nature of the city or impairs the balance of the site as a whole, pending final negotiations on the status of Jerusalem'.

3. In the same decision the Executive Board invited the Director-General:

'10. [...] to take the necessary steps to ensure that the following operations are carried out:

- (a) preservation and conservation of the marble facing on the outer and inner walls of the Al-*Harâm ash-Sharîf* and of the Umayyad mosaics, and restoration of the monumental stucco decorations sculpted inside the dome;
- (b) restoration of the complex comprising the *Sûq al-Qattânin* and the two Mamlûk *hammâms* (*Hammâm ash-Shifâ* and *Hammâm al-'Ain*);
- (c) restoration, as a matter of great urgency, of a number of manuscripts of the Al-Aqsâ Mosque, dating from the eighth and ninth centuries, whose condition is giving cause for concern;
- (d) dispatch of a mission headed by Professor Lemaire with all the scientific assistance needed to examine the bedrock affected by the substance used in digging the tunnel, in order to propose, the digging having been stopped, any measures that might be taken to consolidate the bedrock should this prove necessary;
- (e) drawing up of an inventory of the cultural and physical heritage of the Old City of Jerusalem by experts of high repute in the fields concerned, working on an interdisciplinary basis;

and decided to include this question on the agenda of its 147th session.

II

4. In compliance with this decision, the Director-General dispatched three teams of experts to Jerusalem to undertake a detailed study of a number of technical problems concerning the condition of the marble, mosaics and stucco-work of the Dome of the Rock and to report to him on the solutions to be recommended. The reports of these missions and the preliminary proposals for restoration work have been communicated to the officials of the Jerusalem *Waqf* for consideration. A further mission to look at the interior and exterior lighting is planned for September 1995.
5. A project for the restoration of the two Mamlûk *hammâms* (*Hammâm ash-Shifâ* and *Hammâm al-'Ain*) together with an overall estimate of about US \$300,000 for the cost of the work has been communicated by the Jerusalem *Waqf*. The Director-General has been asked to increase the contribution to the Special Account for that purpose. A contract for the payment of the sum requested and for the early completion of the work will be drawn up as soon as the Secretariat has received a detailed description and work plan for the work.
6. A contract is also being drawn up for the publication of an annotated catalogue of the valuable ancient manuscripts held in the Al-Aqsâ Mosque Library and the Islamic Museum of Jerusalem. The catalogue has been drawn up by the Director of the Library, also curator of the Islamic Museum.
7. The urgently needed restoration of some precious manuscripts held at the Al-Aqsâ Mosque cannot, as things stand, be carried out on the spot. Consultations are therefore under way to examine the possibility of sending the manuscripts to a very high-level specialized institution abroad.
8. After a detailed study on the spot by the Director-General's personal representative of the condition of the rock in which the tunnel has been dug, the expert mission provided for was judged to be unnecessary.
9. The project to draw up an inventory of the cultural heritage of the Old City of Jerusalem, which would require substantial skills and financial resources, is under consideration. In addition, in 1994 the Director-General sent a letter to the authorities concerned, submitting to them a draft booklet on the city's cultural heritage with a view to securing their co-operation.
10. With respect to the Holy Sepulchre, the Director-General, in September 1994, convened a scientific committee in Jerusalem to examine the state of this monument which is of outstanding historical and religious value. The purpose was to supplement the report of the committee of experts sent there by the Director-General in August 1992, and if necessary to propose solutions to the problems raised by the restoration and decoration work being carried out there. A summary of the report of this mission is presented below by the Director-General's personal representative.
11. The balance of the Special Account for the Safeguarding of the Cultural Heritage, and more particularly the Islamic monuments, of the City of Jerusalem, as at 15 August 1995, is US \$2,230,800.
12. In compliance with the resolutions and decisions of the governing bodies of UNESCO, the Director-General has continued his consultations with all the parties concerned, with a view to identifying and drawing up other projects to be financed by the Special Account.

III

13. In pursuance of 27 C/Resolution 3.8, Professor Lemaire visited Jerusalem from 21 to 26 May 1995 and prepared the following report.

14. REPORT BY THE DIRECTOR-GENERAL'S PERSONAL REPRESENTATIVE

Report to Mr Federico Mayor, Director-General of UNESCO, on the safeguarding of the urban and monumental heritage of Jerusalem

1. Since the last report submitted to the Executive Board at its 145th session, several missions have been undertaken in pursuance of the policy decided upon by the governing bodies of UNESCO regarding the safeguarding of the cultural heritage of the City of Jerusalem.
 - A. Usual visit to Jerusalem by the undersigned, from 21 to 26 May 1995.
 - B. In-depth visit to the Holy Sepulchre by a group of experts, from 11 to 16 September 1994.
 - C. Expert mission on the cleaning and conservation treatment of the marble cladding of the Dome of the Rock (Qubbat as-Sakhra), from 17 to 21 March 1994.
 - D. Expert mission on the conservation of the mosaics of the Dome of the Rock, from 19 to 24 November 1994.
 - E. Expert mission on the cleaning, conservation and restoration of the painted stuccowork of the dome of the Dome of the Rock, from 17 to 27 December 1994.
 - F. An expert mission to examine the exterior and interior lighting of the Dome of the Rock is planned for September 1995.

With the exception of the mission by the Director-General's personal representative, these missions have been the subject of reports communicated to the authorities that are directly concerned by the problems dealt within them.

Mission of the Director-General's personal representative

1. Persons interviewed

Israelis: Mr Avi Manor, Director of the Division of International Organizations of the Ministry of Foreign Affairs;
 Mr Ehud Olmert, Mayor of Jerusalem;
 Mr Amos Radian, political adviser to the Mayor;
 Mr Amnon Lorch, President of East Jerusalem Development, Ltd.;
 Mr Amir Drori, Director of the Israel Antiquities Authority;
 Professor J. Glück, of the Haifa Polytechnic Faculty.¹

Arabs: Mr Faisal Husseini, assigned by the Palestinian Authority to be responsible for questions concerning Jerusalem;
 Mr Sheikh Saalhab, Director-General of *Waqfs* (Islamic religious endowments) in the occupied territories;
 Mr Adnan Husseini, Director of the *Waqf* of Jerusalem;
 Mr Isam Awwad, architect-engineer in charge of the restoration of Islamic monuments;
 Mr Khader Salameh, Director of the Al-Aqsà Mosque library and curator of the Islamic Museum of Jerusalem.

Christians: Mgr. Andrea Cordero Lanza di Montezemelo, Apostolic Delegate to Jerusalem and Apostolic Nuncio to the Israeli Government.

2. Excavations

- 2.1 On several occasions, the attention of Israeli officials in the Israel Antiquities Authority has been drawn to the derelict state and gradual deterioration of the excavations opened up more than 25 years ago by Professor Mazar at the base of the south-west corner of *Al-Harâm ash-Sharîf* (the Temple Mount). Excavations were halted there many years ago but a substantial part near the Bâb al-Maghâriba was simply abandoned. In a letter dated 9 February 1995, sent to the Director of UNESCO's Division of Physical Cultural Heritage, the Permanent Delegation of Jordan expressed its disquiet about the work commissioned by the municipality of Jerusalem in that area. An on-the-spot examination and information obtained from the authorities concerned make it possible to clarify the objectives of the work under way, which are essentially to clear the ground, clean up and consolidate the old excavations and improve the presentation of the Hebraic, Roman and Omayyad remains. However, the onsite examination revealed that this work is taking place in tandem with additional, not very extensive excavations which are for the most part concentrated on deepening some of the old trenches. As far as I could ascertain on the site, the new excavations do not go deeper than the level of the old local Roman road and therefore could not endanger the stability of the walls of *Al-Harâm ash-Sharîf* or the remains of the Omayyad palaces.
- 2.2 As the excavations are important tourist attractions, the municipality has devised a plan to separate visitors who tend to go and look at the ancient remains on the Ofel hillside, from the crowds attracted by the

'Wailing Wall' and the religious ceremonies held there. In this connection, a plan has been drawn up to make an underground passage which would pass out under the walls built in the reign of Süleimân the Magnificent by a gate other than the Dung Gate (recently widened to facilitate pedestrian access to the Old City from the south). Excavations at the base of the sixteenth century wall, about ten metres from the Dung Gate, have revealed the piers of a gate in the walls, probably from the Hasmonean period, preserved to a height of about two metres, the threshold of which has also been preserved and is situated at a similar depth in relation to the Dung Gate. The wall has been pierced at this place and it is planned to reopen this gate, which would provide the wished-for second crossing-point. From the technical and aesthetic points of view, this kind of work is possible without endangering the wall as it is. Clearly though, it would be a significant modification of the original condition of the sixteenth-century wall at that point.

No other excavation has been reported to me by the antiquities services or by the Islamic authorities.

3. The 'tunnel'

The tunnel dug over the last quarter of a century along the Western Wall of *Al-Harâm ash-Sharîf* (the Temple Mount) accounts for one of the regular chapters in the situation reports concerning the urban and monumental heritage of Jerusalem. In a letter dated 7 September 1994, the Minister of *Waqfs* and Islamic Affairs of Jordan drew the attention of the Director-General to the problems posed by this undertaking. The same concern was expressed by the Deputy Prime Minister of Jordan, President of the Jordan National Commission for UNESCO, in a letter dated 29 April 1995, and by the Director-General of ALECSO, Mr Mohammed Brahimi el-Mili, on 16 May 1995.

Information supplied by the authorities might have led one to believe that this chapter could be finally closed because all the works relating to it had been halted. The present situation shows this not to be the case, however. It will be recalled that the 'tunnel' consists of a sort of long corridor dug along almost the entire length of the Western Wall of *Al-Harâm ash-Sharîf* (the Temple Mount) underneath the Arab properties which back on to the Wall. The work, begun in secret in 1968, has caused quite a large number of stability problems to the buildings above it, which include some Mamlûk period buildings of great architectural and historical value.

The tunnel attracts a large number of religious Jews who go there to pray, and attracts even more tourists. As it is very long (almost 400 metres) and very narrow (rarely more than a metre wide), movement is difficult and it is almost out of the question to allow a group going up to meet a group going down. As a result, there is a plan to introduce one-way circulation and at the northern end of the passage to make an exit into the Old City. Various plans have been drawn up, all of which have led to conflict with the *Waqf* authorities, under and in whose properties the tunnel has been dug and the exit would be made. Two years ago, those in charge of the tunnel stated that they were going to restrict themselves to building a platform at the northern end of the tunnel near the Roman cisterns, known as the Strouthion cisterns, underneath the Convent of the Flagellation, where one group could wait for the next group to arrive so that they could pass each other. I observed during my last visit that this plan has been abandoned in favour of a significant additional excavation, with a staircase, cut into the solid rock which once supported the Roman fortress of Antonia, leading to a wall through which, if a door were made in it, one would emerge in the Via Dolorosa. I was told that this doorway would be made in the near future despite numerous objections.

At this point, it is important to correct some information that was given to me by the archaeologist in charge of the archaeological study of the tunnel, Mr Dan Bahat, during my previous visit. He had told me that the excavation of the new part of the tunnel, mentioned in my 1994 report, had been facilitated by the use of chemicals to attack the limestone rock. Professor Glûck, engineer in charge of the stability of the tunnel, categorically denies that this was done. While the use of such chemicals was discussed during the preliminary studies, it was rejected, both because there were serious questions about the effectiveness of the chemicals and because their side effects were unknown.

4. The Dome of the Rock

The restoration work on the dome has been completed. The new copper covering with its coating of pure gold has restored the famous monument to its original splendour. The building is now fully watertight, thus stopping the infiltrations of water which, in the past, were one of the major causes of its deterioration.

However, it is clear that this is merely the first phase of a much-needed general restoration. Some work even needs to be carried out as a matter of urgency. In the future, the building's outer facing of marble slabs and ceramics will need conservation and restoration work and, as was done recently at the Al-Aqsà Mosque, the original twelfth-century paintwork on the interior stucco-work of the dome must be renovated, the mosaics must be cleaned and arrangements made for them to be better preserved, and lighting must be installed that is more in keeping with the character of the monument.

With funding from the Special Account set up at UNESCO and consisting of donations from States and eminent and religious Islamic figures, the Organization is currently taking part in this vast undertaking by

means of scientific and technical assistance provided by the top international specialists in the field. In 1993, the Director-General sent a team of specialists in the conservation and restoration of monuments so as to report to him on the general condition of the monument and the work needed to safeguard it and present it to best advantage. On the basis of their report and with the agreement of local officials, three more studies were made with the aim of determining the causes of the deterioration and ways of correcting it. These were:

1. A study of the deterioration of the external marble facing of the walls. This had suffered over the centuries from various types of damage, and particularly the penetration into the white marble slabs of rust from the iron hooks which held them in place. Whilst the cause has been clearly established, studies are still being carried out to find a cleaning method that will not damage the original materials. The examination and studies were entrusted to specialists from ICCROM (International Centre for the Study of the Preservation and the Restoration of Cultural Property, Rome).
2. A study with a view to the renovation and restoration of the original paintwork on the stucco-work of the dome. These stuccoes have been painted over on several occasions over the centuries, most recently when the monument was restored at the end of the 1950s. Neither the chromatic composition nor the colours correspond to the original design; probes have established this. The situation is in fact similar to that of the contemporaneous dome of the Al-Aqsà Mosque, where the original decoration of amazing beauty was discovered underneath many layers of paint. Its restoration quite recently won a large prize from the Aga Khan Foundation. It is hoped that a similar result can be achieved for the Dome of the Rock. The expert examination was carried out by the specialists appointed by the *Waqf* to restore the Mosque's dome.
3. A similar study by a specialist from the Rome *Centro di conservazione archeologica* to determine the condition of the mosaics decorating the inside of the monument. They are both extremely beautiful and of exceptional archaeological and historical interest as they are the oldest in Islamic art and proof of the survival of high Byzantine traditions. Some parts are poorly or inadequately attached to the wall and others are missing. They are all very dirty from dust and pigeon droppings. Action is urgently needed to ensure the satisfactory preservation of these outstanding mosaics. Being already on the spot, the expert also examined the condition of the mosaics of the Al-Aqsà Mosque, also awaiting large-scale and urgently needed conservation and restoration work. He discovered about seven square metres of very beautiful mosaics which had become detached from the walls of the sanctuary at an unknown date and which, when restored, will be one of the treasures of the Al-Aqsà Museum.
4. A fourth expert mission to look at the exterior and interior lighting of the Dome of the Rock will take place in September 1995. It is not yet possible to say exactly how much the work recommended by the experts will cost. It would nevertheless seem that one should anticipate a figure of between US \$2 and 3 million.

5. Restoration of the *Hammâm ash-Shifâ* and *Hammâm al-'Ain*

The Director-General decided during his visit to Jerusalem in March 1993 that these restorations should in principle be subsidized from the Special Account. Numerous contacts were made with the Jerusalem *Waqf* authorities concerning the preparation of a project and budget. The outcome is that about \$300,000 are needed for the restoration of these two monuments, which are the last traditional *hammâms* in Jerusalem and important parts of the monumental complex of the *Sûq al-Qattânîn* (Cotton Market). A detailed description of the work, together with a precise evaluation, was requested several months ago from the *Waqf* administration to enable a subsidy contract to be drawn up. Despite several reminders, the document has not yet been submitted.

6. Publication of an annotated catalogue of the manuscript collection of the Al-Aqsà library and museum

This important study is the work of Dr Salameh, Director of both institutions. It is well known that the library and museum contain an outstanding collection of very fine manuscripts, in particular of the Koran. Twenty thousand dollars has been offered to the *Waqf* to fund the publication of the catalogue. It is planned that it will be fully illustrated with colour plates and will be of a high quality. The contract has been drawn up by the Secretariat but we are still waiting for a final estimate for the printing. One of the difficulties encountered has been the choice of a publishing company or a local printer capable of ensuring high-quality printing.

7. Restoration of the most important manuscript of the Al-Aqsà Mosque

A large number of valuable manuscripts, particularly manuscripts of the Koran, are in a dreadful condition, which gives grounds for great anxiety about their safeguarding. Some of them urgently need the attention of very eminent specialists. Such specialists are not to be found in Jerusalem and the work to be done in any case calls for highly specialized technical equipment. In addition, a long time is needed for the work and must include rest periods. It is therefore impossible to foresee the work being done on the spot. It

would be possible as things stand at present only in a small number of specialist institutions, most of them in Europe. The main problem with the manuscripts in question is the understandable reluctance of the Islamic authorities of Jerusalem to authorize their dispatch abroad. However, in view of the great urgency, the problem should be re-examined and considered seriously. The Special Account could be used to pay for the operation in its entirety or in part.

A general comment: it appears from the three preceding paragraphs that one of the major difficulties encountered in doing the work subsidized through the Special Account is the considerable delay - in some cases more than two years - in negotiating and signing the contracts UNESCO has proposed to the Jerusalem *Waqf* authorities. In fact, this essentially concerns contracts covering material work to be done on the spot.

With regard to the expert studies requested by those in charge locally, funding is settled directly between the institution or expert concerned and UNESCO, which considerably facilitates and hastens the operation. The origin of these problems is to be found essentially in the large number of local authorities participating and the lack of agreement on the spot about the nature and limits of their authority. It would be desirable for a constructive solution to be found where this situation is concerned.

8. The Holy Sepulchre

The basilica of the Holy Sepulchre has for several years been the subject of an important chapter of the annual report on the safeguarding of the monumental heritage of Jerusalem. It is true that, for Christians, it is the most venerable shrine of the Holy City. Whilst the whole city is on the List of World Heritage in Danger, it is only really valid for this building. Previous years' reports have clearly shown the reasoning behind this assessment. Taking their content as a basis, the Director-General sent two successive expert missions to report to him on the situation. The first was in August 1992. A number of hesitations were expressed about the integrity of its conclusions, which had been communicated to the Greek Orthodox and Armenian Patriarchs and the Custodian of the Holy Land, the three religious authorities responsible for safeguarding the monument. These hesitations were voiced in particular by the Greek Orthodox Church, since no Greek orthodox specialist had been among the experts. It should be recalled that the Director-General had invited a Greek specialist of repute to take part, but the person withdrew on the eve of the mission's departure. As a result, the Director-General asked the previous expert committee, expanded now to include two internationally recognized Greek specialists, to go back to Jerusalem and make a new examination of the condition of the building. This was the subject of a report submitted in April 1995. It has been communicated to the religious authorities concerned, accompanied, like the previous one, by a personal letter from the Director-General drawing their attention to the distressing state of the building. At the time of writing there had been no replies to these communications.

The new report confirms the observations and conclusions of the first one. It notes that the current management of the building, and therefore of the work which was recently begun or is due to begin there in the near future, is the same as it has always been, but the mission considers that most of the work and projects do not come up to contemporary conservation standards and are seriously endangering the historical, archaeological and artistic value of the monument. Considering its history of over sixteen centuries, to which the vestiges preserved bear witness, these values are clearly of outstanding cultural importance and deserve the highest consideration.

The mission also noted that the work carried out over the past 40 years was done without any scientific archaeological and historical study of the building, even though a study of this kind is the essential starting-point for this type of undertaking.

It further noted that each community carries out work in its own part without first consulting the custodians of other parts of the Church or taking into consideration the impact of its projects on the building as a whole.

The result is that most of the work has been planned and carried out to the detriment of the historical value of the Basilica, its archaeological features and potential beauty. The overall impression given by the monument is one of chaos and, in some parts, desertion, which diminishes, or even destroys the feeling of respect due to such a place.

As it is not very likely that the situation can be remedied rapidly, the Director-General has taken up one of the experts' proposals and recommended to the authorities responsible that they should suspend the implementation of new work and projects until a detailed scientific historical, archaeological and technical study is available, on the basis of which a new overall project could be drawn up to provide guidelines for all future work. This would make it possible eventually to restore to the monument its full value while adapting it to the needs of the different religions and accepting, within the aesthetic balance of the whole, the artistic traditions associated with them.

In order to promote this idea, the Director-General is proposing that the study should be financed by UNESCO and that new financial resources should be sought for it under the Special Account.

9. Drawing up of an inventory of the cultural and physical heritage of the Old City of Jerusalem

Decision 5.5.1 adopted by the Executive Board at its 145th session recommended that the Director-General should arrange for an inventory of the cultural and physical heritage of the Old City of Jerusalem to be drawn up 'by experts of high repute in the fields concerned, working on an interdisciplinary basis'. This would be a very extensive and complex project needing considerable financial resources. The project is under consideration and might be the subject of a report to the next session of the Executive Board.

10. Work in and around the Old City

There is no significant work to report in the Old City, where alterations to the roads are being carried out slowly, in line with the nature of the work under way for years.

However, beyond the walls, the new neighborhood of Mamilla, which lies against the Ottoman walls, is gradually being completed, blighting the urban landscape in an alarming way.

To the east of the city, the belvedere, road and small adjoining car park, mentioned in paragraph 6.1 of my 1994 general report to the Director-General, are being constructed despite the protests of the *Waqf*, the principal owner of the land in question. However, plans affecting the other side of the road, occupied by the main old Muslim cemetery of Jerusalem, have been abandoned.

R. Lemaire 10 August 1995



REPORT OF THE UN SECRETARY-GENERAL, UN GENERAL ASSEMBLY, THE SITUATION IN THE MIDDLE EAST, 24 OCTOBER 1995 [EXCERPTS]

[Report informing of replies from member states to resolution 49/87 A on the transfer of diplomatic missions]

I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolutions 49/87 A and B of 16 December 1994. The General Assembly, in its resolution 49/87 A, which deals with the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) of 20 August 1980, called once more upon those States to abide by the provisions of the relevant United Nations resolutions. In resolution 49/87 B, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the General Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan in implementation of the relevant Security Council resolutions.
2. The Secretary-General, in order to fulfil his reporting responsibility under the above-mentioned resolutions, on 31 August 1995 addressed notes verbales to the Permanent Representatives of Israel and other Member States and requested them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As of 10 October 1995, four replies had been received, from Austria, Cape Verde, Japan and Mexico. Those replies are reproduced in section II of the present report.

II. REPLIES FROM MEMBER STATES

AUSTRIA [Original: English]

With regard to resolution 49/87 A, on Jerusalem, Austria is encouraged by the recent agreement reached between Israel and the Palestine Liberation Organization on the second phase of Palestinian autonomy. The mutual respect displayed by both sides augurs well for the 1996 final status negotiations on pending issues, including the question of Jerusalem. In this regard, Austria has frequently stated its support for negotiations to solve the question of the status of Jerusalem based upon respective United Nations resolutions and its rejection of any changes in the status quo in the meantime by either side.

In the light of the unresolved status of Jerusalem and the continuous occupation of East Jerusalem, Austria is maintaining the location of its embassy to Israel in Tel Aviv.

With regard to resolution 49/87 B, on the Syrian Golan, Austria expresses the hope that the question of the Israeli occupation of the Golan Heights will be resolved by negotiations between the Syrian Arab Republic and Israel in the near future and has frequently expressed its support for the intensification of negotiations and their early conclusions based upon respective United Nations resolutions.

CAPE VERDE [Original: French]

The Government of Cape Verde has not taken any action contrary to the relevant provisions of resolutions 49/87 A and B adopted by the General Assembly on 16 December 1994.

JAPAN [Original: English]

Resolution 49/87 A

Consonant with its adherence to previous resolutions, the Government of Japan supports resolution General Assembly 49/87 A. It has not taken any additional measures since the adoption of the resolution. [...] In accordance with General Assembly resolution 49/87 A, Mexico maintains its embassy in Tel Aviv.



UNESCO GENERAL CONFERENCE, DECISION 147 EX/3.6.1., 20 OCTOBER 1995

The General Conference,

1. *Recalling* the provisions of the Hague Convention and Protocol of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the relevant provisions of the Geneva Convention and its Additional Protocols,
2. *Recalling* that the Old City of Jerusalem is included in the World Heritage List and in the List of World Heritage in Danger and that its protection also comes under the 1972 Convention for the Protection of the World Cultural and Natural Heritage,
3. *Having considered* the Director-General's report on this question (147 EX/17),
4. *Recalling* UNESCO's previous decisions and resolutions on the safeguarding of the cultural heritage of Jerusalem, requesting that no measure or act be undertaken that alters the religious, cultural, historical or demographical nature of the city or impairs the balance of the site as a whole, pending the outcome of negotiations on the final status of Jerusalem,
5. *Notes*
 - (a) that so far no inventory has been undertaken of the cultural and physical heritage of the Old City of Jerusalem by experts of high repute in the fields concerned, working on an interdisciplinary basis, as had been decided at the twenty-sixth session of the General Conference;
 - (b) that the bedrock affected by the substance used in digging the tunnel has not been examined, as decided at the 145th session of the Executive Board, in order to propose any measures that might be taken to consolidate the bedrock;
6. *Notes* that previous decisions and resolutions have not been complied with, as demonstrated by the fact that:
 - (a) further excavations have been undertaken in *Al-Harâm ash-Sharif*;
 - (b) a new gate, located some 10 metres away from the Gate of the Maghrebi, has been opened in the historic wall;
 - (c) this work significantly alters the architectural and historical aspects of the walls of the Old City, in violation of the recognized principles of preservation of a scheduled historic site and the relevant resolutions adopted in this regard;
 - (d) a significant additional excavation of the old tunnel already dug along the western wall of *Al-Harâm ash-Sharif* has been made despite the damage done to the historic buildings above that tunnel and notwithstanding the many objections raised in this respect, this new excavation being designed to result in an opening into the *Via Dolorosa*;
 - (e) the building work in the new neighbourhood of Mamilla is continuing, thus alarmingly impairing one of the most spectacular urban landscapes of the Holy City;
 - (f) the same is true of the developments affecting the belvedere, road and small adjoining car park in the east of the city, all of which lie on land which is the exclusive property of the Waqf;
7. *Notes however with satisfaction* the progress of the examination carried out by specialists from ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property, Rome) concerning the restoration of the external marble facing of the walls of the Dome of the Rock, the restoration of the stucco-work of the Dome, the conservation of the mosaics decorating the inside of the monument and the project concerning the lighting of the Dome of the Rock;
8. *Thanks* the Israeli authorities for their co-operation with the UNESCO missions;
9. *Pays tribute* to the constant efforts made by the Waqf authorities to preserve the Islamic cultural property of Jerusalem;
10. *Extends its thanks* to Professor Lemaire for the work that he has done since the beginning of his mission to Jerusalem;
11. *Thanks* the Director-General for the commendable efforts that he is unceasingly making to ensure the implementation of UNESCO's decisions and resolutions and to secure respect for all the aspects and characteristics of the historic site of the Old City of Jerusalem;

12. *Invites* him, having regard to the new situation created by the peace process and within the framework of the mission assigned to him to that end:
 - (a) to draw up a comprehensive medium- and long-term plan for the purpose of making an inventory of the cultural property of the Old City of Jerusalem and working out safeguarding measures, identifying at an initial stage the projects deemed to have priority;
 - (b) to dispatch a mission of highly qualified experts to examine the bedrock affected by the substance used in digging the tunnel in order to determine any measures that might be needed to consolidate the bedrock and the underlying structures;
 - (c) to arrange for work to be undertaken rapidly to restore *Hammâm ash-Shifa* and *Hammâm al-'Ain*, together with the *Sûq al-Qattânîn*, which form an indissociable complex vital for the conservation of the Old City;
 - (d) to arrange without delay for the restoration of the manuscripts from the Al-Aqsâ Mosque, some of which date from the eighth and ninth centuries, by establishing for that purpose on the spot a restoration workshop which would also serve as a training centre in this field;
 - (e) to arrange for a thorough historical, archaeological and technical scientific study to be carried out of the basilica of the Holy Sepulchre, under the aegis of UNESCO, on the basis of which further restoration projects could be drawn up, serving as guidance for future work;
13. *Further invites him* to be vigilant in ensuring that the Israeli authorities suspend the work to open the new gate in the historic walls and the continued digging of the tunnel;
14. *Decides* to place this item on the agenda of its twenty-ninth session.



**UNESCO, REPORT ON JERUSALEM AND THE IMPLEMENTATION
OF 27 C/RESOLUTION 3.8, ADDENDUM, 27 OCTOBER 1995**

[Additional report on the cultural heritage of Jerusalem]

1. At the 147th session of the Executive Board, the Director-General submitted a report on the implementation of 145 EX/Decision 5.5.1. In the report (147 EX/17), annexed hereto, the Director-General communicated the results of the mission by his personal representative, Professor Raymond Lemaire, to Jerusalem in May 1995.
2. Professor Lemaire again visited Jerusalem from 18 to 22 September to inform the Executive Board and the General Conference of the current situation and prepared the following report.
3. Report of the personal representative of the Director-General:

ADDITIONAL REPORT TO MR FEDERICO MAYOR ON THE SAFEGUARDING OF THE CULTURAL
HERITAGE, IN PARTICULAR THE URBAN AND MONUMENTAL HERITAGE OF JERUSALEM

As agreed, I visited Jerusalem from 18 to 22 September so as to be in position to report, before the debates on Jerusalem in the Executive Board and at the General Conference, on any *in situ* developments. There is some new information that could provide a clearer grasp of the situation.

1. The excavations

In my report of 10 August I noted that work was in progress at the archaeological site known as the 'Mazar excavations', situated on the south-west corner of *Al-Harâm ash-Sharif*. These excavations were undertaken shortly after the Israeli army occupied the Old City. They were discontinued some years ago and since then have been poorly maintained, if at all. My annual reports have repeatedly mentioned this situation, a rather alarming one in view of the fact that the remains uncovered are of capital importance for the history of the city from its origins to the recent past and often require sensitive safeguarding measures. In my previous reports I have repeatedly called for better maintenance.

The work under way in the sector should be divided into two parts. The first part is aimed at providing better protection and making visits to the excavation site safer and more informative. To that end, several types of work have been undertaken: clearance of the vegetation that has taken root over the years, freeing of half-buried walls, strengthening of fragile remains, anastylosis of some fallen buildings and partial reconstruction of others and arrangement of tour circuits. The second set of works consists of further digging to join the 'Mazar' excavations by an underground tunnel to those carried out nearly a century ago to the south of the complex at the Ofel site, where the 'original' Jerusalem stood. These are new excavations only a few dozen square metres in area. This operation is being combined with the opening of a walled-up gate in the city walls which predate those of the fifteenth century and are situated at the level of the latter's foundations. The purpose of this opening is to join the inside and outside excavation sites in this

part of the town by an underground passage following the access road to the old city through the Dun Gate. In fact, this entire area is congested by the large numbers of people seeking access to the Piazza created in front of the Wailing Wall. These are fairly substantial works that should improve visitor safety but would alter an historic site that has - it must be said - undergone other significant upheavals during the last quarter century. This issue has been widely discussed in many of the reports covering this period.

2. The tunnel

I observed no change since my last visit in the tunnel which runs along the western wall of *Al-Harâm ash-Sharîf*. The north exit on to the Via Dolorosa has not been built.

3. Al-Harâm ash-Sharîf

There have been no developments since my last report, except for some damp probably caused by a defective drain-pipe near the south-west corner of the wall surrounding the sanctuary, which is causing some concern about its long-term stability. Since its location dominates the 'Mazar' excavation site mentioned earlier, the Islamic and Israeli authorities would like a foreign expert of repute to study the situation. An early response will be given to this request.

4. The Dome of the Rock

It was agreed that restoration of the marble facing on the inner walls of the monument should be looked into, taking due account of an expert report prepared for the purpose following a UNESCO mission.

5. Hammâm ash-Shifâ and Hammâm al-'Ain

The contract for the financing of the works, amounting to some US\$300,000, is being concluded.

6. The catalogue of the manuscripts of the Al-Aqsâ Library and Museum

The contract for the financing of this publication is also nearing conclusion.

7. The Holy Sepulchre

There are no further developments to report.

R. Lemaire 1 October 1995

4. After examining the report of the Director-General, the Executive Board adopted decision 3.6.1, whereby it 'thanked the Director-General for the commendable efforts that he is unceasingly making to ensure the implementation of UNESCO's decisions and resolutions and to secure respect for all the aspects of the historic site of the Old City of Jerusalem', [...] 'decides to place this item on the agenda of the 150th session' [and] recommends that the General Conference adopt the following resolution:

The General Conference,

1. *Recalling* the provisions of the Hague Convention and Protocol of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the relevant provisions of the Geneva Convention and its Additional Protocols,
2. *Recalling* that the Old City of Jerusalem is included in the World Heritage List and in the List of World Heritage in Danger and that its protection also comes under the 1972 Convention for the Protection of the World Cultural and Natural Heritage,
3. *Having considered* the Director-General's report on this question (147 EX/17),
4. *Recalling* UNESCO's previous decisions and resolutions on the safeguarding of the cultural heritage of Jerusalem, requesting that no measure or act be undertaken that alters the religious, cultural, historical or demographical nature of the city or impairs the balance of the site as a whole, pending the outcome of negotiations on the final status of Jerusalem,
5. *Notes*
 - (a) that so far no inventory has been undertaken of the cultural and physical heritage of the Old City of Jerusalem by experts of high repute in the fields concerned, working on an interdisciplinary basis, as had been decided at the twenty-sixth session of the General Conference;
 - (b) that the bedrock affected by the substance used in digging the tunnel has not been examined, as decided at the 145th session of the Executive Board, in order to propose any measures that might be taken to consolidate the bedrock;
6. *Notes* that previous decisions and resolutions have not been complied with, as demonstrated by the fact that:
 - (a) further excavations have been undertaken in *Al-Harâm ash-Sharîf*;

- (b) a new gate, located some 10 metres away from the Gate of the Maghrebi, has been opened in the historic wall;
 - (c) this work significantly alters the architectural and historical aspects of the walls of the Old City, in violation of the recognized principles of preservation of a scheduled historic site and the relevant resolutions adopted in this regard;
 - (d) a significant additional excavation of the old tunnel already dug along the western wall of *Al-Harâm ash-Sharîf* has been made despite the damage done to the historic buildings above that tunnel and notwithstanding the many objections raised in this respect, this new excavation being designed to result in an opening into the *Via Dolorosa*;
 - (e) the building work in the new neighbourhood of Mamilla is continuing, thus alarmingly impairing one of the most spectacular urban landscapes of the Holy City;
 - (f) the same is true of the developments affecting the belvedere, road and small adjoining car park in the east of the city, all of which lie on land which is the exclusive property of the Waqf;
7. *Notes however with satisfaction* the progress of the examination carried out by specialists from ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property, Rome) concerning the restoration of the external marble facing of the walls of the Dome of the Rock, the restoration of the stucco-work of the Dome, the conservation of the mosaics decorating the inside of the monument and the project concerning the lighting of the Dome of the Rock;
 8. *Thanks* the Israeli authorities for their co-operation with the UNESCO missions;
 9. *Pays tribute* to the constant efforts made by the Waqf authorities to preserve the Islamic cultural property of Jerusalem;
 10. *Extends its thanks* to Professor Lemaire for the work that he has done since the beginning of his mission to Jerusalem;
 11. *Thanks* the Director-General for the commendable efforts that he is unceasingly making to ensure the implementation of UNESCO's decisions and resolutions and to secure respect for all the aspects and characteristics of the historic site of the Old City of Jerusalem;
 12. *Invites* him, having regard to the new situation created by the peace process and within the framework of the mission assigned to him to that end:
 - (a) to draw up a comprehensive medium- and long-term plan for the purpose of making an inventory of the cultural property of the Old City of Jerusalem and working out safeguarding measures, identifying at an initial stage the projects deemed to have priority;
 - (b) to dispatch a mission of highly qualified experts to examine the bedrock affected by the substance used in digging the tunnel in order to determine any measures that might be needed to consolidate the bedrock and the underlying structures;
 - (c) to arrange for work to be undertaken rapidly to restore *Hammâm ash-Shîfa* and *Hammâm al-'Ain*, together with the *Sûq al-Qattânîn*, which form an indissociable complex vital for the conservation of the Old City;
 - (d) to arrange without delay for the restoration of the manuscripts from the Al-Aqsa Mosque, some of which date from the eighth and ninth centuries, by establishing for that purpose on the spot a restoration workshop which would also serve as a training centre in this field;
 - (e) to arrange for a thorough historical, archaeological and technical scientific study to be carried out of the basilica of the Holy Sepulchre, under the aegis of UNESCO, on the basis of which further restoration projects could be drawn up, serving as guidance for future work;
 13. *Further invites him* to be vigilant in ensuring that the Israeli authorities suspend the work to open the new gate in the historic walls and the continued digging of the tunnel;
 14. *Decides* to place this item on the agenda of its twenty-ninth session.



**UNESCO GENERAL CONFERENCE, RESOLUTION 3.14 ADOPTED ON THE REPORT OF
COMMISSION IV AT THE 28TH SESSION (PARIS, 25 OCTOBER TO 16 NOVEMBER 1995),
15 NOVEMBER 1995**

The General Conference,

1. *Recalling* the provisions of the Hague Convention and Protocol of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the relevant provisions of the Geneva Convention and its Additional Protocols,

2. *Recalling* that the Old City of Jerusalem is included in the World Heritage List and in the List of World Heritage in Danger and that its protection also comes under the 1972 Convention for the Protection of the World Cultural and Natural Heritage,
3. *Having considered* the Director-General's report on this question (147 EX/17),
4. *Recalling* UNESCO's previous decisions and resolutions on the safeguarding of the cultural heritage of Jerusalem, requesting that no measure or act be undertaken that alters the religious, cultural, historical or demographical nature of the city or impairs the balance of the site as a whole, pending the outcome of negotiations on the final status of Jerusalem,
5. *Notes*
 - (a) that so far no inventory has been undertaken of the cultural and physical heritage of the Old City of Jerusalem by experts of high repute in the fields concerned, working on an interdisciplinary basis, as had been decided at the twenty-sixth session of the General Conference;
 - (b) that the bedrock affected by the substance used in digging the tunnel has not been examined, as decided at the 145th session of the Executive Board, in order to propose any measures that might be taken to consolidate the bedrock;
6. *Calls attention* to the fact that:
 - (a) further excavations have been undertaken in *Al-Harâm ash-Sharîf*;
 - (b) a new gate, located some 10 metres away from the Gate of the Maghrebi, has been opened in the historic wall;
 - (c) this work significantly alters the architectural and historical aspects of the walls of the Old City, in violation of the recognized principles of preservation of a scheduled historic site and the relevant resolutions adopted in this regard;
 - (d) a significant additional excavation of the old tunnel already dug along the western wall of *Al-Harâm ash-Sharîf* has been made despite the damage done to the historic buildings above that tunnel and notwithstanding the many objections raised in this respect, this new excavation being designed to result in an opening into the *Via Dolorosa*;
 - (e) the building work in the new neighbourhood of Mamilla is continuing, thus alarmingly impairing one of the most spectacular urban landscapes of the Holy City;
 - (f) the same is true of the developments affecting the belvedere, road and small adjoining car park in the east of the city, all of which lie on land which is the exclusive property of the *Waqf*;
7. *Notes however with satisfaction* the progress of the examination carried out by specialists from ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property, Rome) concerning the restoration of the external marble facing of the walls of the Dome of the Rock, the restoration of the stucco-work of the Dome, the conservation of the mosaics decorating the inside of the monument and the project concerning the lighting of the Dome of the Rock;
8. *Thanks* the Israeli authorities for their co-operation with the UNESCO missions;
9. *Pays tribute* to the constant efforts made by the *Waqf* authorities to preserve the Islamic cultural property of Jerusalem;
10. *Extends its thanks* to Professor Lemaire for the work that he has done since the beginning of his mission to Jerusalem;
11. *Thanks* the Director-General for the commendable efforts that he is unceasingly making to ensure the implementation of UNESCO's decisions and resolutions and to secure respect for all the aspects and characteristics of the historic site of the Old City of Jerusalem;
12. *Profoundly hopes* that the peace accords between Israel and Jordan and between Israel and the PLO will pave the way for a new era of mutual understanding, promoting the establishment of a culture of peace in the region and invites the Director-General, having regard to the new situation created by the peace process and within the framework of the mission assigned to him to that end:
 - (a) to draw up a comprehensive medium- and long-term plan for the purpose of making an inventory of the cultural property of the Old City of Jerusalem and working out safeguarding measures, identifying at an initial stage the projects deemed to have priority;
 - (b) to take appropriate measures to determine whether it is necessary to consider consolidating the bedrock and the structures built on it in connection with furthering the tunnel;
 - (c) to arrange for work to be undertaken rapidly to restore *Hammâm ash-Shîfa* and *Hammâm al-'Ain*, together with the *Sûq al-Qattânîn*, which form an indissociable complex vital for the conservation of the Old City;
 - (d) to arrange without delay for the restoration of the manuscripts from the Al-Aqsà Mosque, some of which date from the eighth and ninth centuries, by establishing for that purpose on the spot a restoration workshop which would also serve as a training centre in this field;

- (e) to arrange for a thorough historical, archaeological and technical scientific study to be carried out of the basilica of the Holy Sepulchre, under the aegis of UNESCO, on the basis of which further restoration projects could be drawn up, serving as guidance for future work;
13. *Further invites him* to be vigilant in ensuring that the Israeli authorities, with regard to the work to open the new gate in the historic walls and the continued digging of the tunnel, proceed with full respect for the Charter of Venice and the relevant universally recognized principles;
14. *Decides* to place this item on the agenda of its twenty-ninth session.



**UN GENERAL ASSEMBLY, RESOLUTION 50/22 ON THE SITUATION
IN THE MIDDLE EAST, 4 DECEMBER 1995 [EXCERPTS]**

[Resolution deploring transfer of diplomatic missions to Jerusalem and Israeli measures in the city]

A

JERUSALEM

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993 and 49/87 A of 16 December 1994, 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 also 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 24 October 1995,

1. *Determines* 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;
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 fifty-first session on the implementation of the present resolution.



**UN GENERAL ASSEMBLY, RESOLUTION 50/28, UNITED NATIONS RELIEF AND WORKS
AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST, 6 DECEMBER 1995 [EXCERPTS]**

[Resolution on the establishment of the University of Jerusalem 'Al-Quds']

[...]

G

UNIVERSITY OF JERUSALEM 'AL-QUDS' FOR PALESTINE REFUGEES

The General Assembly,

Recalling its resolutions 36/146 G of 16 December 1981, 37/120 C of 16 December 1982, 38/83 K of 15 December 1983, 39/99 K of 14 December 1984, 40/165 D and K of 16 December 1985, 41/69 K of 3 December 1986, 42/69 K of 2 December 1987, 43/57 J of 6 December 1988, 44/47 J of 8 December 1989, 45/73 J of 11 December 1990, 46/46 J of 9 December 1991, 47/69 J of 14 December 1992, 48/40 I of 10 December 1993 and 49/35 G of 9 December 1994,

Having considered the report of the Secretary-General, 18/

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 1994 to 30 June 1995,

1. Emphasizes the need for strengthening the educational system in the Palestinian territory occupied by Israel since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;
2. Requests the Secretary-General to continue to take all necessary measures for establishing the University of Jerusalem 'Al-Quds', in accordance with General Assembly resolution 35/13 B of 3 November 1980, giving due consideration to the recommendations consistent with the provisions of that resolution;
3. Calls once more upon Israel, the occupying Power, to cooperate in the implementation of the present resolution and to remove the hindrances that it has put in the way of establishing the University of Jerusalem 'Al-Quds';
4. Also requests the Secretary-General to report to the General Assembly at its fifty-first session on the progress made in the implementation of the present resolution.

[Adopted on 6 December 1995 by a vote of 148 in favour to 2 against, with 2 abstentions]



**UN GENERAL ASSEMBLY RESOLUTION 50/22, 50TH SESSION,
AGENDA ITEM 44, 12 DECEMBER 1995 [EXCERPTS]**

A: JERUSALEM

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993 and 49/87 A of 16 December 1994, 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 also 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 24 October 1995, A/50/574.

1. *Determines* 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;
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 fifty-first session on the implementation of the present resolution.



**UNESCO EXECUTIVE BOARD, DECISION 147 EX/3.6.1, ADOPTED AT ITS 147TH SESSION
(PARIS, 6 OCTOBER-15 NOVEMBER 1995), PARIS, 13 DECEMBER 1995 [EXCERPTS]**

3.6 Culture

3.6.1 Jerusalem and the implementation of 145 EX/Decision 5.5.1 (147 EX/17 and 147 EX/55 and Corrigenda)

The Executive Board,

1. Recalling the provisions of the Hague Convention and Protocol of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and the relevant provisions of the Geneva Convention and its Additional Protocols,
2. Recalling that the Old City of Jerusalem is included in the World Heritage List and in the List of World Heritage in Danger and that its protection also comes under the 1972 Convention for the Protection of the World Cultural and Natural Heritage,

3. Having considered the Director-General's report on this question (147 EX/17),
4. Recalling UNESCO's previous decisions and resolutions on the safeguarding of the cultural heritage of Jerusalem, requesting that no measure or act be undertaken that alters the religious, cultural, historical or demographical nature of the city or impairs the balance of the site as a whole, pending the outcome of negotiations on the final status of Jerusalem,
5. Notes:
 - (a) that so far no inventory has been undertaken of the cultural and physical heritage of the Old City of Jerusalem by experts of high repute in the fields concerned, working on an interdisciplinary basis, as was decided by the General Conference at its twenty-sixth session;
 - (b) that the bedrock affected by the substance used in digging the tunnel has not been examined, as decided at its 145th session, in order to propose any measures that might be taken to consolidate the rock;
6. Calls attention to the fact that:
 - (a) further excavations have been undertaken in the vicinity of *Al-Haram ash-Sharif*;
 - (b) a new gate, located some 10 metres away from Bâb al-Maghâriba, has been opened in the historic wall;
 - (c) this work significantly alters the architectural and historical aspects of the walls of the Old City, in violation of the recognized principles of preservation of a scheduled historic site and the relevant resolutions adopted in this regard;
 - (d) a significant additional excavation of the old tunnel already dug along the western wall of *Al-Haram ash-Sharif* has been made despite the damage done to the historic buildings above that tunnel and notwithstanding the many objections raised in this respect, this new excavation being designed to result in an opening into the *Via Dolorosa*;
 - (e) the building work in the new neighbourhood of Mamilla is continuing, thus alarmingly impairing one of the most spectacular urban landscapes of the Holy City;
 - (f) the same is true of the developments affecting the belvedere, road and small adjoining carpark in the east of the city, all of which lie on land which is the exclusive property of the *Waqf*;
7. Notes however with satisfaction the progress of the examination carried out by specialists from ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property, Rome) concerning the restoration of the external marble facing of the walls of the Dome of the Rock, the restoration of the stucco-work of the Dome, the conservation of the mosaics decorating the inside of the monument and the project concerning the lighting of the Dome of the Rock;
8. Thanks the Israeli authorities for their co-operation with the UNESCO missions;
9. Pays tribute to the constant efforts made by the *Waqf* authorities to preserve the Islamic cultural property of Jerusalem;
10. Extends its thanks to Professor Lemaire for the work that he has done since the beginning of his mission to Jerusalem;
11. Thanks the Director-General for the commendable efforts that he is unceasingly making to ensure the implementation of UNESCO's decisions and resolutions and to secure respect for all the aspects and characteristics of the historic site of the Old City of Jerusalem;
12. Profoundly hopes that the peace accords between Israel and Jordan and between Israel and the PLO will pave the way for a new era of mutual understanding, promoting the establishment of a culture of peace in the region and invites the Director-General, having regard to the new situation created by the peace process and within the framework of the mission assigned to him to that end:
 - (a) to draw up a comprehensive medium- and long-term plan for the purpose of making an inventory of the cultural property of the Old City of Jerusalem and working out safeguarding measures, identifying at an initial stage the projects deemed to have priority;
 - (b) to take appropriate measures to determine whether it is necessary to consider consolidating the bedrock and the structures built on it in connection with further tunnelling;
 - (c) to arrange for work to be undertaken rapidly to restore *Hammâm ash-Shifâ'* and *Hammâm al-'Ain*, together with the *Sûq al-Qattânîn*, which form an indissociable complex vital for the conservation of the Old City;
 - (d) to arrange without delay for the restoration of the manuscripts from the Al-Aqsa Mosque, some of which date from the eighth and ninth centuries, by establishing for that purpose on the spot a restoration workshop which would also serve as a training centre in this field;
 - (e) to arrange for a thorough historical, archaeological and technical scientific study to be carried out of the basilica of the Holy Sepulchre, under the aegis of UNESCO, on the basis of which further restoration projects could be drawn up, serving as guidance for future work;

13. Further invites him to be vigilant in ensuring that the Israeli authorities, with regard to the work to open the new gate in the historic walls and the continued digging of the tunnel, proceed with full respect for the Charter of Venice and the relevant universally recognized principles;
14. Recommends that the General Conference adopt this decision as a resolution at its twenty-eighth session;
15. Decides to place this item on the agenda of its 150th session.



**LETTER FROM THE CHAIRMAN OF THE COMMITTEE ON THE EXERCISE
OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE ADDRESSED
TO THE UN SECRETARY-GENERAL, 26 SEPTEMBER 1996**

[The letter informed about the clashes in the Palestinian territory following the opening of a new entrance to the archaeological tunnel in East Jerusalem]

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to express the greatest anxiety at the escalation of violence in the occupied Palestinian territory following Israel's decision to open a new entrance to the archaeological tunnel in East Jerusalem which runs under Arab property along the western wall of the Al-Haram al-Sharif, the third-largest site of Islam.

According to reports in the media, protest demonstrations by Palestinians were met with live ammunition, rubber bullets and tear gas by Israeli troops. Clashes have taken place in the West Bank towns of Ramallah, Bethlehem, Halhoul near Hebron, Jenin, and Qalqilya, as well as in the Gaza Strip. There have been reports that Israeli troops entered areas under the jurisdiction of the Palestinian Authority, and that gunfire was exchanged with Palestinian policemen. The latest press dispatches indicate that 40 Palestinians and 11 Israelis have been killed, and several hundred have been injured, the highest toll since the intifadah.

The Committee wishes to remind the international community that these tragic developments follow repeated warnings about the devastating consequences for Palestinian hopes and living conditions, of the delayed implementation by Israel of the agreements already reached, its prolonged closure of the occupied Palestinian territory, including Jerusalem, the resumption of land confiscation and settlement, and actions against Palestinian property and institutions in Jerusalem. The Committee believes that current events demonstrate the fragility of the peace process and calls on Israel urgently to reverse its measures, to promote reconciliation with the Palestinian people and to resume substantive negotiations towards a just final settlement in accordance with international legitimacy.

The Committee further believes that the current serious situation engages the responsibility of the Security Council for the maintenance of peace and security in the area, and associates itself with the call for an urgent meeting of the Council to consider the developments in the occupied Palestinian territory, including Jerusalem.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 35, and of the Security Council.

(Signed) Ibra Deguène KA
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People



UN SECURITY COUNCIL RESOLUTION 1073, 28 SEPTEMBER 1996

[On 23 Sept. Israel opened a tunnel linking the Western Wall with an exit near Al-Aqsa compound, provoking several days of rioting in the territories resulting in the deaths of over 55 Palestinians and some 14 Israelis. The UNSC called on Israel to reverse all acts which have resulted in the situation. The US abstained].

The Security Council,

Having considered the letter dated 26 September 1996 from the representative of Saudi Arabia on behalf of the States Members of the League of Arab States, contained in document S/1996/790, that referred to the action by the Government of Israel to open an entrance to a tunnel in the vicinity of Al Aqsa Mosque and its consequent results,

Expressing its deep concern about the tragic events in Jerusalem and the areas of Nablus, Ramallah, Bethlehem and the Gaza Strip, which resulted in a high number of deaths and injuries among the Palestinian civil-

ians, and concerned also about the clashes between the Israeli army and the Palestinian police and the casualties on both sides,

Recalling its resolutions on Jerusalem and other relevant Security Council resolutions,

Having discussed the situation at its formal meeting on 27 September 1996, with the participation of Ministers of Foreign Affairs of a number of countries,

Concerned about the difficulties facing the Middle East peace process and the deterioration of the situation, including inter alia its impact on the living conditions of the Palestinian people, and urging the parties to fulfill their obligations, including the agreements already reached,

Concerned about developments at the Holy Places of Jerusalem,

1. *Calls* for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation, and which have negative implications for the Middle East peace process;
2. *Calls* for the safety and protection of Palestinian civilians to be ensured;
3. *Calls* for the immediate resumption of negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached;
4. *Decides* to follow closely the situation and to remain seized of the matter.



**UNESCO EXECUTIVE BOARD, DECISION 150 EX/3.4.3. ,
PARIS, 31 OCTOBER 1996**

3.4.3 Jerusalem and the implementation of 147 EX/Decision 3.6.1 (150 EX/13 and 150 EX/42)

The Executive Board,

1. Recalling the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and the Protocol thereto, and the relevant provisions of the Geneva Convention and its Additional Protocols,
2. Recalling also that the Old City of Jerusalem is inscribed on the List of World Heritage in Danger, and that its protection also comes within the framework of the 1972 Convention for the Protection of the World Cultural and Natural Heritage,
3. Recalling further Security Council resolution 478 of 20 August 1980, that determined the illegal nature of all of the measures and actions taken by Israel with the aim of altering the character and status of the Holy City of Jerusalem, which it declared to be null and void,
4. Considering that the Israeli authorities have opened an entrance to the tunnel running along the western wall of al-Saram ash-Sharîf and extending as far as the area of Bâb al-Fawâghr, an act which has offended religious sensibilities in the world,
5. Stressing the necessity of ensuring the implementation of all resolutions and decisions of the General Conference and the Executive Board of UNESCO relating to the preservation of the cultural heritage of Jerusalem, notably 147 EX/Decision 3.6.1 and 28 C/Resolution 3.14, in which it was requested that 'no measure or act be undertaken that alters the religious, cultural, historical or demographical nature of the city or impairs the balance of the site as a whole',
6. Deplores the opening by the Israeli authorities of the aforesaid tunnel and the dozens of deaths and hundreds of injuries, which plunged the region once again into a vortex of violence;
7. Requests the Israeli authorities to return the tunnel to its state prior to the events of 23 September 1996, in accordance with the relevant international decisions, rules and instruments;
8. Expresses its great apprehension at the slowing down of the peace process and the delay in the implementation of the agreements in this connection, which threaten the peace process in the Middle East;
9. Calls upon the Director-General to take all necessary measures to ensure follow-up of the implementation of the present decision;
10. Decides to postpone to the 151st session its consideration of the other matters in the Director-General's report (150 EX/13).



**UN GENERAL ASSEMBLY, RESOLUTION 51/27 ON THE SITUATION
IN THE MIDDLE EAST, 4 DECEMBER 1996**

[Resolution deploring Israeli policies in Jerusalem and the transfer of diplomatic missions to the city]

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994 and 50/22 A of 4 December 1995, in which it 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 also 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 which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,

1. *Determines* 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;
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 fifty-second session on the implementation of the present resolution.

[Adopted by a vote 148 in favour, 1 against and 13 abstentions]



UN GENERAL ASSEMBLY RESOLUTION 51/133, 13 DECEMBER 1996 [EXCERPTS]

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, as well as relevant Security Council resolutions, includ. resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) and 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming 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 territory, including Jerusalem, and to the occupied Syrian Golan,

Welcoming the Middle East peace process started at Madrid and the agreements reached between the parties, in particular the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 and the Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995

Expressing grave concern over the decisions of the Government of Israel to resume settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties,

Gravely concerned in particular about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territories, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994

Taking note of the report of the Secretary-General,

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;
2. *Calls upon* Israel to accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular Article 49;
3. *Demands* complete cessation of all Israeli settlement activities;

4. *Stresses* the need for full implementation of Security Council resolution 904 (1994) of 18 March 1994, in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implementation measures, including *inter alia*, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory.

[Adopted by a vote 152 in favour, 2 against and 6 abstentions]



UN GENERAL ASSEMBLY RESOLUTION 51/190, 16 DECEMBER 1996 [EXCERPTS]

Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling Economic and Social Council resolution 1996/40 of 26 July 1996,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources;

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing concern at the exploitation by Israel, the occupying Power, of the natural resources of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Aware of the additional detrimental economic and social impact of the Israeli settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources,

Welcoming the ongoing Middle East peace process which started at Madrid on 30 October 1991 and which is based on Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and embodied in the Agreement on the Gaza Strip and the Jericho Area of 4 May 1994 and the Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995,

1. *Takes note* of the report of the Secretary-General,
2. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;
3. *Calls upon* Israel, the occupying Power, not to exploit, to cause loss or depletion of or endanger the natural resources in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;
4. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources and expresses the hope that this issue will be dealt with in the framework of the final status negotiation between the Palestinian and Israeli sides;
5. *Requests* the Secretary-General to report to it at its fifty-second session on the implementation of the present resolution, and decides to include in the agenda of the 52nd session the item entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan over their natural resources".

[Adopted by a vote 133 in favour, 3 against and 21 abstentions]



**UN SECRETARY-GENERAL, STATEMENT CONCERNING ISRAEL'S
DECISION TO BEGIN CONSTRUCTION AT HAR HOMA, 4 MARCH 1997**

The following statement was issued today by the Spokesman for Secretary-General Kofi Annan:

The Secretary-General has learned with concern the decision of the Government of Israel to proceed with construction at Har Homa. He considers unhelpful any action which may impede the final status negotiations scheduled to begin next month between Israel and the Palestine Liberation Organization. No objective is more important than for the parties to find mutually agreeable solutions to the sensitive issues involved, including Jerusalem.



UN SECURITY COUNCIL, DRAFT RESOLUTION ON THE ISSUE OF HAR HOMA/JABAL ABU GHNEIM, PRESENTED BY FRANCE, PORTUGAL, SWEDEN AND THE UK, 7 MARCH 1997

[This draft resolution was vetoed by the US]

The Security Council,

Having Considered the letter dated 27 February 1997 from the Permanent Observer of Palestine on behalf of the States Members of the League of Arab States (S/1997/165),

Expressing deep concern at the decision of the Government of Israel to initiate new settlement activities in the Jabal Abu Ghneim area in East Jerusalem,

Expressing concern about other recent measures that encourage or facilitate new settlement activities,

Stressing that such settlements are illegal and a major obstacle to peace,

Recalling its resolutions on Jerusalem and other relevant Security Council resolutions,

Confirming 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,

Reaffirming its support for the Middle East Peace Process and all its achievements, including the recent Agreement on Hebron,

Concerned about the difficulties facing the Middle East Peace Process, including the impact these have on the living conditions of the Palestinian people, and urging the parties to fulfil their obligations, including under the agreements already reached,

Having discussed the situation at its 3745th meeting on 5 and 6 March 1997,

1. *Calls upon* the Israeli authorities to refrain from all actions or measures, including settlement activities, which alter the facts on the ground, pre-empting the final status negotiations, and have negative implications for the Middle East Peace Process;
2. *Calls upon* Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilians in Time of War of 12 August 1949, which is applicable to all the territories occupied by Israel since 1967;
3. *Calls upon* all parties to continue, in the interests of peace and security, their negotiations within the Middle East Peace Process on its agreed basis and the timely implementation of the agreements reached;
4. *Decides* to remain seized of the matter.



UN GENERAL ASSEMBLY, STATEMENT ON A MEETING TO CONSIDER ISRAEL'S DECISION TO BUILD A NEW SETTLEMENT IN EAST JERUSALEM, 12 MARCH 1997 [EXCERPTS]

[On 7 March 1997, a UNSC Draft Resolution regarding Israel's actions in Jerusalem (see above) was vetoed by the US. Afterwards, the Arab Group at the UN called for an urgent UNGA session, which convened on 12 March and voted the next day to adopt the draft as UNGA Resolution (see following document)].

As the General Assembly met this morning in an urgent session convened on the question of Palestine and the situation in the Middle East, the Observer for Palestine called on the Assembly to guarantee Israel's compliance with agreements reached, while Israel's representative stressed unequivocally that the United Nations was not the appropriate forum for discussing issues of contention between the two parties.

Today's meeting was requested by the Group of Arab States and the Non-Aligned Movement, following the failure of the Security Council on 7 March to adopt a draft resolution that would have expressed deep concern about Israel's decision to build Har Homa, a 6,500 unit housing complex in the Jabal Abu Ghneim area of East Jerusalem, and would have called on Israel to refrain from any settlement activity that would "alter the facts on the ground", preempting negotiation on the final status of Jerusalem. It was not adopted due to a negative vote by a permanent member of the Council, the United States.

The Observer for Palestine this morning said the acceptance by Israel in previous agreements that the status of Jerusalem was an issue to be negotiated and Israel's classification of Jerusalem as an electoral district among the general Palestinian districts, as well as its commitment to preserve Palestinian institutions, clearly proved that all of the Israeli measures were illegal. The Palestinians would not accept the annulment of Palestinian and Arab rights in Jerusalem, and the international community should affirm its rejection of the illegal Israeli positions, he added

The representative of Israel, however, said the multitude of United Nations resolutions relating to the Arab-Israeli conflict had failed to advance the peace process even one inch. Direct negotiations had proven the only way to advance the cause of peace in the region. He called upon the Palestinians to agree to continue direct negotiations, which were free from outside interference.

Other speakers this morning stressed the need for Assembly action, in light of the Security Council's failure. Many called for Israel to rescind its decision and refrain from any unilateral action that would prejudice the final status negotiations for the occupied territories, particularly Jerusalem. Some participants said Israel had exhibited bad faith with its settlement policies and had chosen, instead of statesmanship, to intimidate and provoke the Palestinian people at a critical moment in the peace process. [...]



UN GENERAL ASSEMBLY RESOLUTION 51/223 ON JERUSALEM, 13 MARCH 1997

[See also the two previous documents]

The General Assembly,

Having considered the letters dated 21, 25 and 27 February 1997 from the Permanent Observer of Palestine on behalf of the States members of the League of Arab States (A/51/805-S/1997/149, A/51/808-S/1997/157 and S/1997/165),

Expressing deep concern at the decision of the Government of Israel to initiate new settlement activities in the Jebel Abu Ghneim area in East Jerusalem,

Expressing concern about other recent measures that encourage or facilitate new settlement activities,

Stressing that such settlements are illegal and a major obstacle to peace,

Recalling its resolutions on Jerusalem and other relevant General Assembly and Security Council resolutions,

Confirming 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,

Reaffirming its support for the Middle East Peace Process and all its achievements, including the recent Agreement on Hebron,

Concerned about the difficulties facing the Middle East Peace Process, including the impact these have on the living conditions of the Palestinian people, and urging the parties to fulfill their obligations, including under the agreements already reached,

Having discussed the situation at its 91st and 92nd plenary meetings on 12 March 1997,

1. *Calls upon* the Israeli authorities to refrain from all actions or measures, including settlements activities, which alter the facts on the ground, preempting the final status negotiations, and have negative implications for the Middle East Peace Process.
2. *Calls upon* Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which is applicable to all the territories occupied by Israel since 1967;
3. *Calls upon* all parties to continue, in the interests of peace and security, their negotiations within the Middle East Peace Process on its agreed basis and the timely implementation of the agreements reached;
4. *Requests* the Secretary-General to bring to the attention of the Government of Israel the provisions of this resolution.

[Adopted with 130 votes in favour, two abstentions and two against (US and Israel)]



BUREAU OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE, STATEMENT DEPLORING THE COMMENCEMENT OF CONSTRUCTION AT JABAL ABU GHNEIM, 18 MARCH 1997

The following statement was issued today by the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People:

The Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People greatly deplores the beginning of construction of a new settlement at Jabal Abu Ghneim mountain, despite the overwhelming opposition of the international community as expressed in General Assembly resolution 51/223, which was co-sponsored by 57 countries and received 130 votes in fa-

four and only two against. The Bureau wishes to express its most serious concern at the negative implications that this decision may have for the future of the peace process. It calls for an end to the policies of military occupation, land confiscation and settlement, and for the resumption of negotiations based on the agreements already reached, in a spirit of mutuality and goodwill.



**UN SECURITY COUNCIL, DRAFT RESOLUTION S/1997/241 ON ISRAELI SETTLEMENTS
PRESENTED BY EGYPT AND QATAR NEW YORK, 21 MARCH 1997**

[This draft resolution was vetoed by the US, received 13 votes in favor and one abstention (Costa Rica)]

The Security Council,

Recalling its relevant resolutions, in particular those concerning Jerusalem and Israeli settlements,

Aware of General Assembly resolution 51/223 of 13 March 1997,

Stressing its support for the Middle East peace process and the need for the implementation of the agreements and commitments reached,

1. *Demands* that Israel immediately cease construction of the Jabal Abu Ghunaym settlement in East Jerusalem, as well as all other Israeli settlement activities in the occupied territories;
2. *Requests* the Secretary-General to submit a report on the developments in this regard.



**UN GENERAL ASSEMBLY, RESOLUTION ES-10/2 ON ILLEGAL ISRAELI
ACTIONS IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED
PALESTINIAN TERRITORY, NEW YORK, 25 APRIL 1997**

[Having failed twice to achieve a halt to work at Har Homa in the UNSC, due to US vetoes, the Arab states and their supporters summoned an emergency UNGA meeting, where the following resolution was passed]

The General Assembly,

Aware of the commencement, after the adoption of General Assembly resolution 51/223 of 13 March 1997, of construction by Israel, the occupying Power, of a new settlement in Jabal Abu Ghneim to the south of East Jerusalem on 18 March 1997, and of other illegal Israeli actions in Jerusalem and the rest of the Occupied Palestinian Territory,

Noting with regret that the Security Council, at its 3747th meeting, on 7 March 1997, and at its 3756th meeting, on 21 March 1997, twice failed to adopt a resolution on the actions referred to above, as a result of the negative vote of a permanent member of the Council,

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until it is solved in all its aspects,

Reaffirming also the principle of the inadmissibility of the acquisition of territory by force,

Having considered the serious deterioration of the situation in the Occupied Palestinian Territory, including Jerusalem, and in the Middle East in general, including the serious difficulties facing the Middle East peace process, as a result of recent Israeli actions and measures,

Affirming its support for the Middle East peace process, started at Madrid in 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978, for the principle of land for peace and for the full and timely implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and of all commitments reached between the parties,

Recalling its relevant resolutions, including resolutions 181 (II) of 29 November 1947 and 51/223, and the relevant resolutions of the Security Council, in particular those on Jerusalem and Israeli settlements in the occupied territories, including resolutions 252 (1968) of 21 May 1968, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 672 (1990) of 12 October 1990 and 1073 (1996) of 28 September 1996,

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 and religious dimension of the City, as foreseen in relevant United Nations resolutions on this matter,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,^{1/} and the Regulations annexed to the Hague Convention IV of 1907^{2/} to the Occupied Palestinian Territory, including Jerusalem, and all other Arab territories occupied by Israel since 1967,

Recalling the obligation of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to respect and ensure respect for the Convention in all circumstances, in accordance with article 1 of the Convention,

Conscious of the serious dangers arising from persistent violation and grave breaches of the Convention and the responsibilities arising there from,

Convinced that ensuring respect for treaties and other sources of international law is essential for the maintenance of international peace and security, and determined, in accordance with the preamble to the Charter of the United Nations, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,

Also convinced, in this context, that the repeated violation by Israel, the occupying Power, of international law and its failure to comply with relevant Security Council and General Assembly resolutions and the agreements reached between the parties undermine the Middle East peace process and constitute a threat to international peace and security,

Increasingly concerned about the actions of armed Israeli settlers in the Occupied Palestinian Territory, including Jerusalem,

Aware that, in the circumstances, it should consider the situation with a view to making appropriate recommendations to the States Members of the United Nations, in accordance with General Assembly resolution 377 A (V) of 3 November 1950,

1. *Condemns* the construction by Israel, the occupying Power, of a new settlement in Jabal Abu Ghneim to the south of occupied East Jerusalem and all other illegal Israeli actions in all the occupied territories;
2. *Reaffirms* that all legislative and administrative measures and actions taken by Israel, the occupying Power, that have altered or purported to alter the character, legal status and demographic composition of Jerusalem are null and void and have no validity whatsoever;
3. *Reaffirms also* that Israeli settlements in all the territories occupied by Israel since 1967 are illegal and an obstacle to peace;
4. *Demands* immediate and full cessation of the construction in Jabal Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem;
5. *Demands also* that Israel accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to all the territories occupied since 1967, and that it comply with relevant Security Council resolutions, in accordance with the Charter of the United Nations;
6. *Stresses* the need to preserve the territorial integrity of all of the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods in the territory, including the removal of restrictions into and from East Jerusalem, and the freedom of movement to and from the outside world;
7. *Calls* for the cessation of all forms of assistance and support for illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, in particular settlement activities;
8. *Recommends* to the States that are High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to take measures, on a national or regional level, in fulfillment of their obligations under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention;
9. *Requests* the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jabal Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory;
10. *Expresses the need* for scrupulous implementation of the agreements reached between the parties, and urges the sponsors of the peace process, the interested parties and the entire international community to exert all the necessary efforts to revive the peace process and to ensure its success;
11. *Recommends* that a comprehensive, just and lasting solution to the question of the City 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 by the faithful of all religions and nationalities;
12. *Rejects* terrorism in all its forms and manifestations, in accordance with all relevant United Nations resolutions and declarations;
13. *Decides* to adjourn the tenth emergency special session of the General Assembly temporarily and to authorize the President of the General Assembly to resume its meetings upon request from Member States.

[Adopted by 134 in favor, 3 against (Israel, the US and Micronesia) with 11 abstentions]



**REPORT OF THE UN SECRETARY-GENERAL IN ACCORDANCE WITH
UN GENERAL ASSEMBLY RESOLUTION ES-10/2, 26 JUNE 1997 [EXCERPTS]**

[Report following the UN Res. ES-10/2 on the construction of the new Har Homa settlement]

I. INTRODUCTION

1. The present report is submitted pursuant to resolution ES-10/2 adopted on 25 April 1997 by the General Assembly at its tenth emergency special session. Operative paragraph 9 of the resolution reads as follows:

"9. *Requests* the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory."

II. CONSULTATIONS WITH ISRAEL AND THE PALESTINIAN AUTHORITY

[...]

6. Throughout May and into the first half of June, further consultations were held between the Chargé d'affaires a.i. of Israel and the Under-Secretary-General for Political Affairs to discuss the terms of reference of the proposed mission. In the course of those consultations the representative of Israel reiterated that a visit should be based on his Government's invitation and not be associated with the General Assembly resolution. While visiting the area, the representative's interlocutors would be exclusively the Government of Israel and the Palestinian Authority. Any views expressed by others whom the representative met on either side should not be reflected in the report of the Secretary-General. Furthermore, if the visit were to take place, the construction of housing in Har Homa (Jebel Abu Ghneim) should be the only issue to be reflected in the report to the General Assembly. Visits to settlements other than Har Homa (Jebel Abu Ghneim) should not take place.
7. In his letter to me of 2 June 1997, the Chargé d'affaires a.i. of Israel stated that the General Assembly resolution had not requested me to send an Envoy to visit the area. Prior to the adoption of the resolution, such a proposal had been deliberately removed from a draft of it, which indicated to him that the sending of an Envoy was not the will of the General Assembly. He added that even though the resolution had not called for the dispatch of an Envoy, and despite the concerns of Israel that such a step could stir up emotions and hinder the peace process, his Government remained prepared to welcome my representative. His Government also offered to place at my disposal, and at that of my representative, all relevant information.
8. In a letter dated 5 June 1997, I informed the Chargé d'affaires a.i. of Israel of my proposal to dispatch to Israel and the occupied territories the Under-Secretary-General for Political Affairs, Mr. Kieran Prendergast, as my Special Envoy. I indicated that the terms of reference for his visit would be to discuss with the Government of Israel any matter which it chose to raise with him and, based on those discussions as well as on consultations with the Palestinian Authority, to provide me with information that would enable me to prepare the report requested by the General Assembly in its resolution ES-10/2. I also stated that the primary focus of both the mission of my Special Envoy and my report would be the construction of housing in Jebel Abu Ghneim/Har Homa. However, I informed him that my Special Envoy would not decline to discuss other topics, should the Government of Israel or his other interlocutors choose to raise them. Similarly, while his principal interlocutors would be the Government of Israel and the Palestinian Authority, my Special Envoy would be ready to meet other parties should they request to see him.
9. In his reply dated 9 June 1997, the Chargé d'affaires a.i. of Israel confirmed that his Government was, in principle, prepared to welcome a representative of the Secretary-General, but that such a visit should not be associated with the resolution adopted by the General Assembly and should only take place after the terms of reference had been agreed upon. His Government's views with regard to the terms of reference, he said, were as stated in the conversations between myself and the Director-General of the Ministry of Foreign Affairs that took place on 16 May and in conversations he had with me and the Under-Secretary-General for Political Affairs and not those reflected in my letter of 5 June 1997. He added that it would be regrettable if the visit of my representative "were to have a negative effect on the current efforts to renew the peace process, and in particular the negotiations between Israel and the Palestinians".
10. In a letter dated 10 June 1997 to the Chargé d'affaires a.i. of Israel, I noted his position that the visit of my Special Envoy should not be associated with the General Assembly resolution. However, I also noted that from my perspective the main purpose of the visit was to lay the ground for the report requested by the General Assembly. Therefore, I added, the restrictions he wished to impose (see para. 6 above) would constrain a visit by my Special Envoy to the point where he could not adequately carry out the task of assisting me in preparing my report. I expressed my hope that the visit could take place on the basis set out in my letter of 5 June 1997. In order to allow time to complete the report by 25 June 1997, as requested in the resolution, my Special Envoy would need to leave New York not later than 14 June 1997.

11. In a reply dated 13 June 1997, the Chargé d'affaires a.i. of Israel stated that his Government believed that there had been no procedural or substantive justification for the convening of the emergency special session concerning the construction of a residential neighbourhood in Jerusalem. He reiterated that his country categorically rejected the one-sided resolution adopted at that session which he said stood in contradiction to the peace process and its principles. He repeated that the resolution did not require the Secretary-General to send an Envoy to the area, and that such a visit at that juncture could be detrimental to the efforts to renew the peace process and, in particular, the negotiations between Israel and the Palestinians. Notwithstanding the above, Israel had made a genuine effort to facilitate a visit by my representative, "asking only that such a visit should not be associated with the resolution and should only take place after the terms of reference for the visit had been agreed upon". Despite the effort of his Government, he added, it was understood from my letter of 10 June 1997 that I would not be able to send an Envoy on that basis.
12. In a further letter dated 19 June 1997, the Chargé d'affaires a.i. of Israel, in reference to the procedural aspects of the emergency special session of the General Assembly, indicated that: (a) the controversy over the building of a new neighbourhood in Jerusalem could not be considered, by any stretch of the imagination, a "threat to international peace and security"; (b) no determination had been made by the Security Council, during its two sessions on the subject, that the controversy constituted a "threat to international peace and security"; and (c) it should be noted that the procedure for the calling of an emergency special session had not been put into use for 15 years. It was particularly unsuited and discordant within the context of the Middle East peace process, which was based upon principles of bilateral dialogue, negotiation and mutual understanding.
13. With regard to resolution ES-10/2, the Israeli representative argued that:
 - (a) The peace process remained the only viable avenue for the solution of the problems in the Arab-Israeli conflict. The emergency special session was yet another manifestation of attempts to bypass the agreed-upon process of direct negotiations between the parties and to internationalize the conflict. These attempts had been futile in the past and would only serve to worsen the situation rather than resolve the differences;
 - (b) The construction at Har Homa did not, in any way, violate the agreements between Israel and the PLO. The project stemmed from the natural needs of a major urban area. The same applied as regards Israel's policy concerning settlements. There was no new policy in this regard - all that was being done was limited to providing for the natural growth of the population;
 - (c) The resolution singled out and blamed Israel for the difficulties which the peace process faced, while blatantly ignoring the obstacles posed by the Palestinian side to continued negotiations. Israel had fulfilled all of its commitments in accordance with the "note for the record" that was agreed upon at the time of the Hebron accord. The Palestinian side had not only failed in this regard by not amending the Palestinian National Charter, which it was committed to do, but also by refusing to fight terrorism. They had in fact taken steps which directly contradicted these commitments, and openly encouraged and enabled violence and terror;
 - (d) The General Assembly, in its resolution ES-10/2, had determined that the peace process was based, *inter alia*, on the principles of "land for peace". However, this "principle" was clearly not part of the basis of the process. It was not mentioned in the letter of invitation to the Madrid Conference, was not part of the terms of reference of the process and had not been included in any of the agreements signed within the Middle East peace process. Any attempt to change the agreed basis of the peace process without the consent of all of the parties concerned could have no effect and only served to undermine the process; [...]
 - (h) Finally, the Israeli letter stressed that the resolution called for measures "to ensure the freedom of religion and conscience of its (Jerusalem's) inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities". In fact, such measures had been fully implemented by Israel in Jerusalem, in marked contrast to the situation that prevailed prior to 1967.
14. Owing to the restrictions imposed on the scope of my Special Envoy's proposed mission by the Government of Israel (see para. 6 above), which were not acceptable to the United Nations, I regret that it has not been possible to dispatch a Special Envoy to Israel and the occupied territories in conditions that would have enabled me to discharge the mandate entrusted to me by the General Assembly in a fully satisfactory manner. I am therefore basing the substantive portion of this report, which follows, on reliable sources available to the United Nations at Headquarters and in the field.

III. REPORT PREPARED PURSUANT TO PARAGRAPH 9 OF RESOLUTION ES-10/2

15. According to the information available to the United Nations, the Government of Israel, as of 20 June 1997, has not abandoned its construction of a new Israeli settlement at Jebel Abu Ghneim. Settlement activity, including the expansion of existing settlements, the construction of bypass roads, the confiscation of land adjacent to settlements and related activities in violation of Security Council resolutions on the

matter, continued unabated throughout the occupied territories. The Abu Ghneim incident is nevertheless viewed as particularly serious for a number of reasons:

- (a) Politically, the commencement of construction of a new Israeli settlement at Jebel Abu Ghneim on 18 March 1997 represents the first move to construct an entirely new settlement on occupied Palestinian lands since a freeze was imposed on such activities by the previous Israeli Government in the context of the peace process. Palestinians point out that such a move prejudices final status negotiations, during which the issue of Jerusalem and borders is to be determined. The settlement is seen as closing the door on what Palestinians unanimously expect to be the future capital of a Palestinian State - East Jerusalem;
 - (b) Geographically, Abu Ghneim represents the final link in a chain of settlements constructed by Israel around occupied East Jerusalem. Already existing links in the chain include the settlements of French Hill, Ramot, Pisgah Ze'ev, Neve Ya'cov, and Gilo. The closing of this chain is seen as a final step towards the isolation of Jerusalem from the rest of the West Bank and as part of the stated policy of the Government of Israel of fully incorporating occupied East Jerusalem as part of the "unified eternal capital of the State of Israel";
 - (c) Demographically, the establishment of this settlement would have a significant effect on further advancing the forced alteration of the religious and ethnic composition of occupied East Jerusalem. Projections indicate that the new settlement would result in the transfer of some 50,000 Jewish settlers from Israel into this predominantly Arab area of occupied East Jerusalem, further altering the demographic character of the city;
 - (d) Economically, the establishment of a settlement on this site is expected to have damaging effects on an already devastated Palestinian economy in the occupied territories. Without reference to the losses suffered by Palestinians, whose land has been acquired for the settlement, the broader Palestinian economy would feel the immediate effects of the resulting separation of the economic hub of East Jerusalem from the towns and agricultural areas of the rest of the West Bank;
 - (e) With regard to its effects on the peace process, and the confidence of the Palestinian people in that process, the refusal of the Government of Israel to abandon construction of a new settlement at Jebel Abu Ghneim appears to represent, in the view of the Palestinian people, the largest single negative factor in the breakdown of the peace process and the fomenting of unrest in the occupied territories. Through both words (public statements) and actions (continuing construction activity at Jebel Abu Ghneim) the Israeli Prime Minister, and other representatives of the Government continue to reject the terms of the resolution of the General Assembly requiring a cessation of those activities. Palestinian communities in the Gaza Strip and the West Bank, including Jerusalem, have responded with two months of public demonstrations and protest. Hundreds of Palestinians have been wounded during the clashes with the Israeli military forces, and a number of Palestinian deaths have been reported. Tensions continue to mount.
16. Prime Minister Netanyahu announced a promise to build 3,500 housing units for Palestinians in East Jerusalem at the same time as construction at Jebel Abu Ghneim proceeds. The housing units are not to be built at Jebel Abu Ghneim, but in 10 as yet unspecified neighbourhoods in Arab East Jerusalem. It was also not clarified whether the housing units would be government funded, or if only building permits would be issued. Since 1967, reportedly only 600 housing units for Palestinians have been built by the Government.
 17. Israeli settlement expansion activities continued throughout the period under review in numerous locations throughout the occupied West Bank and Gaza Strip, including commencement of new settlements, expansion of existing settlements and construction of roads and other auxiliary sites adjacent to and between settlements. Expansion activities have been recorded in more than 30 existing settlement areas. Settlement road construction was under way at more than 10 sites.
- [...]
20. The Government of Israel has implemented further measures which alter or purport to alter the character, legal status and demographic composition of Jerusalem. During the period under review, a number of administrative, legal and other measures have been adopted by the State of Israel affecting the rights and status of Palestinian Jerusalemites. Among the most serious developments, hundreds of Palestinian Jerusalemites in 1997 received notice from the Israeli authorities that their residency rights had been revoked, and hundreds of Jerusalem identity cards - without which it is impossible to live in and often even to enter Jerusalem - have been confiscated. The loss of such permits results in a loss of rights to housing, health care, school access and freedom of movement into and around Jerusalem. The administrative practices in question apply only to non-Jews, i.e. mainly Palestinian Arabs in Jerusalem. Such decisions have been justified on the grounds of an Israeli determination that these people have "transferred their centre of life outside of Israel", based on periods of time spent outside of their home city, thereby treating Palestinian Jerusalemites as "resident immigrants", subject to discriminatory immigration controls. The practice, which reduces the Arab presence in Jerusalem, now threatens some 60,000 to 80,000 Palestinian Jerusalemites.

21. The Government of the State of Israel has not, as of 20 June 1997, accepted the *de jure* applicability of the fourth Geneva Convention of 1949 to all territories occupied since 1967. All other High Contracting Parties, as well as the International Committee of the Red Cross, have retained their consensus that the Convention does apply *de jure* to the occupied territories.
22. The realization of the principle of territorial integrity, as enunciated in the Oslo accords, has been frustrated during the period under review by Israeli restrictions on the movement of persons and goods between so-called A, B, and C areas of the West Bank, between Jerusalem and the rest of the West Bank, between the West Bank and the Gaza Strip, and between the occupied territories and the outside world. Safe passage arrangements have not been established, and arrangements for a Gaza seaport and airport have not been agreed upon. The Israeli policy of general closure, which has been in effect since 30 March 1993, imposes explicit restrictions on the mobility of goods and persons. There are fixed Israeli check-points on Palestinian roads, including key transport routes, and a system of differentiated mandatory permits for labourers, business people, medical personnel and patients, students, religious worshippers, and all other categories of Palestinians. Restrictions on entry to Jerusalem block access to the main north-south transportation route in the West Bank, necessitating lengthy and costly detours. This general closure has been aggravated by periodic comprehensive closures entailing the complete denial of such movements during a full 353 calendar days between 30 March 1993 and mid-June 1997. Since 21 March 1997, when a bomb attack in Tel Aviv, apparently carried out by Hamas, killed three Israeli women, such comprehensive closures have been imposed for a total of 24 days. Internal closure days, during which movement is not allowed even inside the West Bank (between A and B areas) totalled 27 days in 1996. Israeli restrictions on the movement of goods and personnel are also imposed on United Nations officials and project materials, resulting in delays and added costs for development projects in the West Bank and Gaza Strip and in serious disruption of the work of humanitarian agencies.
23. A number of further activities deemed to be in violation of international law continued to raise tensions and to jeopardize both the peace process and the rights of Palestinians in the occupied territories. Among these are the continued administrative detention of almost 300 Palestinians in Israeli jails, held without charge or trial, of which 10 have been held for more than three years; 20 for between two and three years; and 20 for between one and one and a half years. In all, more than 3,000 Palestinians are said to remain in Israeli prisons. Palestinian detainees in Israeli custody continue to be subjected to torture and other mistreatment under security regulations officially endorsed by the High Court and the Government of Israel, in spite of recent condemnation by the Committee Against Torture. Israeli demolitions of Palestinian homes in Jerusalem and other parts of the occupied territories continued. [...]

IV. REPLIES FROM MEMBER STATES

27. As of 23 June 1997, replies to my note verbale had been received from the following 11 countries: Australia, Colombia, the Democratic People's Republic of Korea, Egypt, Japan, Jordan, the Netherlands, Norway, the Russian Federation, Saudi Arabia and Tunisia. They are substantially reproduced below.

AUSTRALIA [Original: English]

1. The Permanent Representative of Australia notes that Australia abstained on resolution ES-10/2, both because the Government did not consider it would take forward the process of seeking peace in the Middle East and because we did not regard use of resolution 377 A (V), the uniting for peace resolution, as appropriate in the circumstances.
2. Australia has made clear its concern about Israel's decision to build on Har Homa/Jebel Abu Ghneim. We regard the decision to be inconsistent with Security Council resolutions on the Middle East and unhelpful because it complicates the process of achieving a peaceful settlement. We have consistently urged both sides to the dispute to avoid actions that jeopardize the peace process.
3. Australia continues to be deeply concerned about the situation in the Middle East and the absence of trust and confidence necessary for successful resumption of the peace negotiations. We again urge both sides urgently to commit themselves to honour the obligations they have made and to the search for a peaceful resolution of their differences.

COLOMBIA [Original: Spanish]

The Permanent Representative of Colombia informs the Secretary-General that his Government has implemented General Assembly resolution ES-10/2.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA [Original: English]

1. The Government of the Democratic People's Republic of Korea has officially expressed its denunciation of the attempts on the part of Israel to build new Jewish settlements in East Jerusalem. At the same time, the Minister for Foreign Affairs of the Democratic People's Republic of Korea sent a letter of solidarity to the Council of the League of Arab States in support of its decision on the question of East Jerusalem.

2. I would like to take this opportunity to reiterate my Government's consistent position of support for the struggle of Arab peoples, including the Palestinian people, to ensure lasting peace and security in the Middle East.

EGYPT [Original: English]

1. The construction of Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, is illegal and contravenes international law.
2. Resolution ES-10/2 reflects the continuous refusal and condemnation of the international community of the settlement policy pursued by Israel in the Occupied Palestinian Territory, including Jerusalem, and the other occupied Arab territories. This policy undermines the peace in the Middle East and is in clear violation of the relevant rules of international law, the Geneva Convention, as well as the relevant Security Council and General Assembly resolutions on the matter.
3. Egypt favours an active role of the Secretary-General in the follow-up of the said resolution. We believe that, in order to be able to present a comprehensive report on the matter to the General Assembly in accordance with paragraph 9 of the resolution, it will be of paramount importance for a senior United Nations official to pay a visit to the occupied territories, including Jerusalem, to gather all relevant and necessary information on the illegal Israeli settlement activities in these territories, including the settlement project in Jebel Abu Ghneim.

JAPAN [Original: English]

The Government of Japan respects resolution ES-10/2 and has endeavoured to revive the Middle East peace process by taking every opportunity to urge the parties concerned to make progress in the peace process. Some of Japan's recent efforts are as follows:

1. Prime Minister Ryutaro Hashimoto and Minister for Foreign Affairs Yukihiko Ikeda, in their respective meetings with the visiting Israeli Foreign Minister, Mr. David Levy, on 27 February 1997, expressed Japan's deep regret concerning the decision of the Government of Israel to construct housing in the Har Homa, or Jebel Abu Ghneim area of East Jerusalem.
2. Following the commencement of construction work by the Israeli Government in the Har Homa, or Jebel Abu Ghneim area of East Jerusalem, and the terrorist bombing in Tel Aviv, the Deputy Minister for Foreign Affairs conveyed Prime Minister Hashimoto's message to the Prime Minister of Israel and the President of the Palestinian Authority, urging that every effort should be made in order to salvage the peace process.
3. On 21 March 1997, the Government of Japan decided to extend emergency grant aid totalling 11 million dollars to assist the Palestinians, who are facing deteriorating economic conditions as a result of the closure of the West Bank and Gaza Strip by the Government of Israel. [...]

NETHERLANDS [Original: English]

The Permanent Representative of the Kingdom of the Netherlands in his capacity as representative of the Presidency of the European Union, submitted the following reply:

The European Union strongly disapproves of construction activities as undertaken by Israel to build a new settlement on the West Bank in Jebel Abu Ghneim/Har Homa. It reiterates that all settlement activities in the occupied territories contravene international law and are a major obstacle to peace. Settlement activities in territories under occupation by Israel constitute a violation of the Fourth Geneva Convention. These territories are not under Israeli sovereignty, and the European Union considers acquisition by force inadmissible. It has taken note with concern that construction in Jebel Abu Ghneim/Har Homa continues and that Israel has not yet complied with calls for its immediate suspension.

NORWAY [Original: English]

Norway remains gravely concerned about Israeli settlement activities on the West Bank, including East Jerusalem. Such unilateral acts change the facts on the ground and threaten a very fragile peace process. Its Government has raised this issue with the Government of Israel on numerous occasions, underlining the need to stop any further settlement activities while final status negotiations are under way. Norway deeply regrets that Israel has not heeded calls from its partner in peace, from neighbouring States and from the international community to stop the construction on Jebel Abu Ghneim. Norway has repeatedly called on both sides to show restraint and to resume as soon as possible negotiations on outstanding issues and final status.

RUSSIAN FEDERATION [Original: Russian]

1. The Russian Federation reaffirms its support for resolution ES-10/2. It has repeatedly stated its official view that Israel's settlement activities in the occupied territories are illegal from the standpoint of international law and hinder the normal progress of the Middle East peace process. The renewed construction of settlements runs counter to the Palestinian-Israeli agreements barring changes in the status of the Occupied Palestinian Territory prior to the conclusion of negotiations.

2. As a co-sponsor the peace process, the Russian Federation conveyed its opinion on the problem of Jebel Abu Ghneim to the Government of Israel, endeavouring to help to solve it in order to bring about the resumption of and progress in the Palestinian-Israeli negotiations. The Russian side intends to pursue active efforts to promote a normalized atmosphere in the context of a Middle East settlement and to create the conditions for revitalizing the peace process in all areas.

SAUDI ARABIA [Original: English]

1. The Permanent Representative would first like to reiterate Saudi Arabia's position on this matter, as already stated at the tenth emergency special session of the General Assembly on 24 April 1997. Saudi Arabia continues to believe strongly that a just and balanced peace in the Middle East is an integral part of international peace and security.
2. Regrettably, the Government of Israel continues blatantly to violate the provisions of the Madrid Peace Conference and the Oslo accords with its persistence in proceeding with construction of settlements at Jebel Abu Ghneim in the Holy City of Jerusalem, as well as other parts of the Occupied Palestinian Territory. Its disregard for a just peace in the Middle East is evident from its recent policies, including its decision to proceed with illegal construction of settlements within 24 hours of the adoption of resolution ES-10/2 by the international community, which "demands immediate and full cessation of the construction in Jebel Abu Ghneim". To day, this illegal activity has not ceased.
3. The Government of Israel must be persuaded to respect fully its commitments under the Madrid Peace Conference and the Oslo agreement so that a genuine and just peace can be secured in the Middle East.

TUNISIA [Original: French]

1. The Permanent Representative of Tunisia wishes first of all to emphasize Tunisia's indestructible attachment to the international legal order and its respect for the spirit and letter of United Nations resolutions on the question of Palestine, particularly the provisions of General Assembly resolution ES-10/2.
2. Whereas the Oslo, Washington and Cairo accords raised hopeful prospects for a just and lasting peaceful solution leading to the establishment of an independent Palestinian State with Jerusalem as its capital, the new Israeli Government has embarked on a policy of colonization of the occupied Palestinian territories with the aim of creating situations of fait accompli on the ground. Despite the condemnation of such practices by the international community, it is regrettable to observe that Israel is continuing to pursue the construction of settlements in Jebel Abu Ghneim, East Jerusalem and the rest of the Occupied Palestinian Territory, in defiance of the provisions of General Assembly resolution ES-10/2 and the relevant provisions of the Fourth Geneva Convention of 12 August 1949, which prohibits making changes of a geographical nature in territories under foreign occupation.
3. Every effort should be made, therefore, to compel the Government of Israel to abide by the commitments which it made in the framework of the Madrid Conference and the Oslo accords and to comply with the international legal order with a view to the establishment of a just, comprehensive and lasting peace in the Middle East.

V. REPLY FROM THE OBSERVER MISSION OF PALESTINE

28. The Permanent Observer of Palestine to the United Nations conveyed the following remarks.
 - (a) The Permanent Observer of Palestine emphasizes the importance of the tenth emergency special session, which was held to consider the illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory in the wake of the failure of the Security Council twice to adopt a resolution on those actions as a result of the negative vote of a permanent member of the Council;
 - (b) The Permanent Observer of Palestine emphasizes also the importance of resolution ES-10/2, overwhelmingly adopted by Member States of the United Nations. The resolution contains, *inter alia*, recommendations for collective measures to be taken by the members, in accordance with General Assembly resolution 377 A (V) of 3 November 1950 and reaffirms the established positions of the United Nations on illegal Israeli settlements and the question of the city of Jerusalem;
 - (c) The Permanent Observer of Palestine stresses the importance of the full implementation of resolution ES-10/2 by Member States, in particular operative paragraphs 7 and 8. With regard to operative paragraph 7, while there is no known Member State providing assistance to illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, the activities of private groups in some Member States to that effect and the issue of the fungibility of money raise concerns that should be addressed;
 - (d) Operative paragraph 8 of resolution ES-10/2 stresses the obligation of the High Contracting Parties to the Fourth Geneva Convention, under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention. It is accordingly expected that specific actions will be taken in this regard by the High Contracting Parties on a national as well as a regional level;
 - (e) Resolution ES-10/2 demands immediate and full cessation of the construction of Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem.

It is unfortunate to note that Israel, the occupying Power, has not heeded this demand and in fact it continues with such illegal measures and actions;

- (f) Resolution ES-10/2 stresses the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods in the Territory, including the removal of restrictions into and from East Jerusalem, and the freedom of movement to and from the outside world. It is also unfortunate to note that Israel, the occupying Power, continues to violate the territorial integrity of the Palestinian territory and continues to impose all kinds of restrictions on the freedom of movement of persons and goods;
- (g) Resolution ES-10/2 requests the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory. It is important to stress the necessity for the report to cover fully the issues specified in the mandate given to the Secretary-General;
- (h) It would be useful, during the process of preparation of the report of the Secretary-General to have a special representative of the Secretary-General visit the area to gain first-hand experience, especially with regard to illegal Israeli actions and measures related to Jerusalem and illegal Israeli settlements throughout the Occupied Palestinian Territory. In any case, however, the United Nations is believed to have broad experience and information, available through several agencies and United Nations bodies, on the actual situation on the ground; [...]



UNESCO EXECUTIVE BOARD, DECISION 151EX/3.3.1. , PARIS, JUNE 1997

3.3.1 Jerusalem and the implementation of 150 EX/Decision 3.4.3 (151 EX/9 and Add.)

The Executive Board,

1. *Recalling* the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Protocol thereto and the relevant provisions of the Geneva Convention and its Additional Protocols,
2. *Also recalling* that the Old City of Jerusalem is inscribed on the World Heritage List and the List of World Heritage in Danger, and that its protection also comes within the framework of the 1972 Convention for the Protection of the World Cultural and Natural Heritage,
3. *Recalling* further that, as regards the status of Jerusalem, UNESCO conforms to the resolutions and decisions of the General Assembly and of the Security Council of the United Nations,
4. *Having examined* the Director-General's report 151 EX/9 and Add.,
5. *Recalling* the previous decisions and resolutions on the safeguarding of the cultural heritage of Jerusalem, requesting that no measure or act be undertaken that alters the religious, cultural, historical or demographical nature of the city or impairs the balance of the site as a whole, pending the outcome of negotiations on the final status of Jerusalem,
6. *Keenly regrets* that the new buildings and extensions impair the balance of the urban fabric, disrupt the site and damage the landscape;
7. *Also regrets* that until now the Israeli authorities have not implemented 150 EX/Decision 3.4.3, which requested them to return the tunnel running along the western wall of *al- Haram ash-Sharif* to its state prior to the opening of an entrance to that tunnel;
8. *Notes*:
 - (a) that the work on a 'belvedere' in the east of the city has been almost completed, despite 147 EX/Decision 3.6.1 and 28 C/Resolution 3.14 of the General Conference;
 - (b) that, moreover, the construction of a footpath along the *ha-'Ofel* road by the Israeli occupying authorities has brought about the destruction of old graves in the Muslim Cemetery, and caused very extensive and irreparable damage to the landscape of the Old City of Jerusalem and that, indeed, the work now being completed has been the cause of the irremediable loss of one of Jerusalem's most essential treasures of landscape and history during this century;
 - (c) that to date no comprehensive plan has been drawn up for the purpose of making an inventory of the cultural property of the Old City of Jerusalem 151 EX/Decisions - page 12 and working out safeguarding measures, despite the relevant decisions and resolutions of the Executive Board and of the General Conference;

9. *Notes* with satisfaction the progress of the restoration work on the *al- Haram ash-Sharif*, the *Hammâm al-'Ain* and the precious manuscripts of the *al-Aqsa* mosque and the compilation of a catalogue of the collection of old Koranic manuscripts housed in *al- Haram ash-Sharif*;
10. *Thanks* the Heads of State and Government, the organizations and the legal entities and private individuals that have contributed to the Special Account for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem;
11. *Appeals* for further contributions to that Special Account;
12. *Thanks* the Director-General for the praiseworthy efforts that he ceaselessly expends in order to ensure the full implementation of UNESCO's decisions and resolutions with a view to the safeguarding of the cultural aspects, features and property of the Old City of Jerusalem;
13. *Requests* him to take the necessary measures to:
 - (a) ensure the implementation of 150 EX/Decision 3.4.3 concerning the opening of an entrance to the tunnel running along the western wall of *al- Haram ash-Sharif*;
 - (b) remedy the harmful consequences for the balance of the landscape and the environment of the Old City of Jerusalem, in particular for the *al- Haram ash-Sharif*, of the construction under way of the footpath between the western wall of the *al- Haram* and the *ha- 'Ofel* road;
 - (c) give instructions for the drawing up of a comprehensive plan for the purpose of making an inventory of the cultural property of the Old City of Jerusalem and working out safeguarding measures, such action to be possibly preceded by a preliminary study with a view to determining the necessary ways and means of drawing up such a comprehensive plan;
 - (d) continue his representations to the supreme religious authorities concerned with a view to undertaking the study on the Church of the Holy Sepulchre, and to report to it at its 152nd session;
14. *Decides* to place this item on the agenda of its 152nd session.



UN GENERAL ASSEMBLY, RESOLUTION ES-10/3 ON ILLEGAL ISRAELI ACTIONS IN THE OCCUPIED PALESTINIAN TERRITORIES, NEW YORK, 15 JULY 1997

[Having before it a report by the UN Sec.-Gen. which Israel had previously criticized as being biased and one-sided, the UNGA adopted a similar vote to the Resolution adopted on 25 April 1997, couched in stronger terms calling Israel to halt all settlement activities and mainly in Har Homa].

The General Assembly,

Having received with appreciation the report of the Secretary-General,^{1/}

Recalling all relevant United Nations resolutions,

Reaffirming its resolution ES-10/2 of 25 April 1997,

Having been informed in the report of the Secretary-General that, *inter alia*, the Government of Israel, as of 20 June 1997, has not abandoned its construction of the new Israeli settlement at Jabal Abu Ghneim and that settlement activity, including the expansion of existing settlements, the construction of bypass roads, the confiscation of lands adjacent to settlements and related activities, in violation of Security Council resolutions on the matter, continues unabated throughout the Occupied Palestinian Territory, and also that the Israeli Prime Minister and other representatives of the Government continue to reject the terms of resolution ES-10/2 requiring the cessation of those activities,

Aware that, in the light of the position of the Government of Israel, as indicated in the report of the Secretary-General, the General Assembly should once more consider the situation with a view to making additional appropriate recommendations to States Members of the United Nations, in accordance with General Assembly resolution 377 A (V) of 3 November 1950,

1. *Condemns* the failure of the Government of Israel to comply with the demands made by the General Assembly at its tenth emergency special session in resolution ES-10/2;
2. *Strongly deplures* the lack of cooperation of the Government of Israel and its attempts to impose restrictions upon the intended mission of the Special Envoy of the Secretary-General to Israel and the Occupied Palestinian Territory, including Jerusalem;
3. *Reaffirms* that all illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, especially settlement activity, and the practical results thereof cannot be recognized, irrespective of the passage of time;

4. *Reiterates* the demands made in resolution ES-10/2, in particular for the immediate and full cessation of the construction of a new settlement at Jabal Abu Ghneim, to the south of Occupied East Jerusalem, and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem;
5. *Demands* that Israel, the occupying Power, immediately cease and reverse all actions taken illegally, in contravention of international law, against Palestinian Jerusalemites;
6. *Recommends* to Member States that they actively discourage activities which directly contribute to any construction or development of Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, as these activities contravene international law;
7. *Demands* that Israel, the occupying Power, make available to Member States the necessary information about goods produced or manufactured in the illegal settlements in the Occupied Palestinian Territory, including Jerusalem;
8. *Stresses* that all Member States, in order to ensure their rights and benefits resulting from membership, should fulfil in good faith the obligations assumed by them in accordance with the provisions of the Charter of the United Nations;
9. *Emphasizes* the responsibilities, including personal ones, arising from persistent violations and grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;^{2/}.
10. *Recommends* that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect, in accordance with common article 1, and requests the Secretary-General to present a report on the matter within three months;
11. *Calls* for the reinjection of momentum into the stalled Middle East peace process and for the implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, as well as for the upholding of the principles of the process, including the exchange of land for peace, and calls upon the two sides to refrain from actions that impede the peace process by pre-empting permanent status negotiations;
12. *Stresses* the need for actions in accordance with the Charter, to continue to ensure respect for international law and relevant United Nations resolutions;
13. *Decides* to adjourn the 10th emergency special session of the General Assembly temporarily and to authorize the President of the most recent General Assembly to resume its meetings upon request from Member States.

[Adopted by 134 in favor, 3 against (Israel, US, Micronesia) with 14 abstentions]



**UNESCO GENERAL CONFERENCE, RESOLUTION 29C/22 ADOPTED AT
ITS 29TH SESSION, PARIS, 12 NOVEMBER 1997**

The General Conference,

Recalling the Hague Convention and Protocol of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, the relevant provisions of the Fourth Geneva Convention of 1949 and its Additional Protocols, the Convention for the Protection of the World Cultural and Natural Heritage (1972) and the inclusion of the Old City of Jerusalem on the World Heritage List and on the List of World Heritage in danger,

Recalling that, in regard to the status of Jerusalem, UNESCO abides by United Nations Security Council and General Assembly decisions and resolutions and in particular by decisions 242, 252, 267, 271, 298 and 478 of the Security Council and by resolutions 2253 and 2254 of the United Nations General Assembly,

Concerned at the difficulties facing the peace process in the Middle East and the deterioration of the situation, and in particular at the control measures that hamper free access by Palestinians to East Jerusalem and the Holy Places of the Old City of Jerusalem, and at the constraints faced in educational programmes envisaged,

Having considered the Director-General's report on this subject,

1. *Recalls and reaffirms* UNESCO's previous decisions and resolutions on the safeguarding of the cultural heritage of East Jerusalem, and requests that no measure and no action likely to modify the religious, cultural, historic and demographic character of the city and the overall balance of the site be taken;
2. *Welcomes* the restoration work undertaken by the Waqf under UNESCO's supervision on Hammam al-Shifa and Hammam al-Ain, the project for the preservation and restoration of the manuscripts of the Al Aqsa Museum and Library, and the project to publish the catalogue of the Al Aqsa manuscripts;

3. *Expresses* its satisfaction at the co-operation contemplated between UNESCO, the Jerusalem-Waqf and the Welfare Association (Centre for Development and Consultancy) with a view to the restoration of historic buildings in the Old City, and the training programme for heritage specialists;
4. *Thanks* the Member States (Saudi Arabia, Jordan, Sultanate of Oman, Qatar, Pakistan, Indonesia, Cyprus, Malta and Sao Tome and Principe) which have contributed to the safeguarding of the cultural property of the Old City of Jerusalem, and renews its appeal for this type of contribution to be increased;
5. *Thanks* the Director-General for all the efforts he has made and is continuing to make to ensure the implementation of UNESCO decisions and resolutions concerning Jerusalem;
6. *Invites the Director-General to undertake, following the studies already carried out and in co-operation with the Jerusalem-Waqf, restoration work on the Dome of the Rock;*
7. *Invites* the Director-General to initiate studies with a view to promoting the restoration and preservation of the historic and religious sites of all the religious communities in the Old City of Jerusalem;
8. *Decides* to place this question on the agenda of its thirtieth session.



**UN GENERAL ASSEMBLY, RESOLUTION ES-10/4 ON ILLEGAL ISRAELI ACTIONS
IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED PALESTINIAN
TERRITORY, 13 NOVEMBER 1997**

[Resolution condemning Israeli settlement activities, especially in Har Homa; still sitting as an emergency session, the UNGA once again adopted a resolution similar to those adopted on 25 April and 15 July].

The General Assembly,

Having received the report of the Secretary-General submitted in accordance with paragraph 10 of its resolution ES-10/3 of 15 July 1997, 1/

Having received at an earlier date the report of the Secretary-General submitted in accordance with paragraph 9 of its resolution ES-10/2 of 25 April 1997, 2/

Determined to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions,

Reiterating the demands made in resolutions ES-10/2 and ES-10/3, namely:

- (a) The immediate and full cessation of the construction in Jabal Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem,
- (b) That Israel accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 3/ to all the territories occupied since 1967, and that it comply with relevant Security Council resolutions, in accordance with the Charter of the United Nations,
- (c) That Israel, the occupying Power, immediately cease and reverse all actions taken illegally, in contravention of international law, against Palestinian Jerusalemites,
- (d) That Israel, the occupying Power, make available to Member States the necessary information about goods produced or manufactured in the illegal settlements in the Occupied Palestinian Territory, including Jerusalem,

Aware that Israel, the occupying Power, has not heeded any of the above-mentioned demands and that it continues with its illegal actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Having been informed in the report of the Secretary-General 2/ of the responses of the High Contracting Parties to the Geneva Convention and of the collective responses transmitted through letters from the President of the Coordinating Bureau of the Movement of Non-Aligned Countries, the Secretary-General of the League of Arab States and the Presidency of the Council of the European Union, to the note sent by the Government of Switzerland in its capacity as the depositary of the Convention,

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until it is solved in all its aspects,

Having received a letter dated 20 August 1997 from the Permanent Observer Mission of Palestine to the United Nations, 4/ informing about specific cases of assistance by individuals for illegal settlement activities,

Gravely concerned at the continuing deterioration of the Middle East peace process and the lack of implementation of the agreements reached,

Reaffirming that all illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, especially settlement activities, and the practical results thereof, cannot be recognized irrespective of the passage of time,

1. *Condemns* the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2 and ES-10/3, in particular the continuation of the building of a new settlement in Jebel Abu Ghneim to the south of Occupied East Jerusalem;
2. *Reiterates* its call for the cessation of all forms of assistance and support for illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, in particular settlement activities;
3. *Reiterates also* its recommendation to the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 3/ to take measures on a national or regional level, in fulfilment of their obligations under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention, as well as its recommendation to Member States to actively discourage activities which directly contribute to any construction or development of Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, as these activities contravene international law;
4. *Reiterates* its recommendation that the High Contracting Parties to the Geneva Convention convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article 1;
5. *Requests* the Government of Switzerland, in its capacity as the depository of the Geneva Convention, to undertake the necessary preparatory steps, including the convening of a meeting of experts in order to follow up on the above-mentioned recommendation, as soon as possible but not later than February 1998;
6. *Requests also* the Government of Switzerland to invite the Palestine Liberation Organization to participate in the above-mentioned conference and any preparatory steps for that conference;
7. *Calls* for reinjecting momentum into the stalled Middle East peace process, and for the implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, as well as for the upholding of the principles of the process, including the exchange of land for peace;
8. *Decides* that, in case of the continuous lack of compliance by Israel, the occupying Power, with the provisions of resolutions ES-10/2 and ES-10/3, it shall reconsider the situation with a view to making further appropriate recommendations to the States Members of the United Nations in accordance with its resolution 377 A (V) of 3 November 1950;
9. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meetings upon request from Member States.

[Adopted by 139 in favor, 3 against with 13 abstentions]



UN GENERAL ASSEMBLY, RESOLUTION 52/53 ON JERUSALEM, 9 DECEMBER 1997

[UNGA once again expressed its views on the annexation of East Jerusalem, and regretted that some member states still had embassies there.]

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995 and 51/27 of 4 December 1996, in which it 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 also 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 which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,^{1/}

1. *Determines* 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;
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 fifty-third session on the implementation of the present resolution.

[Adopted by a vote of 148 in favor, 1 against (Israel), 9 abstentions.]



**UNESCO EXECUTIVE BOARD, DECISIONS ADOPTED AT ITS 152ND SESSION
(PARIS, 6-17 OCTOBER 1997), DECISION 3.7.1, PARIS, 3 DECEMBER 1997**

3.7.1 Jerusalem and the implementation of 151 EX/Decision 3.3.1 (152 EX/16 and 152 EX/56)

The Executive Board,

1. *Having considered* the report by the Director-General (152 EX/16),
2. *Decides* to place this question on the agenda of its 155th session;
3. *Recommends* that the General Conference adopt the following draft resolution:

I

The General Conference,

Having learned of the sudden death of the Director-General's personal representative for Jerusalem, Professor Raymond Lemaire,

1. *Expresses* its deep sadness and heartfelt sympathy, extending its most sincere condolences to his wife and family;
2. *Pays* deeply felt tribute to the memory of a man who, over the past 26 years, devoted so much effort to the preservation of the Old City of Jerusalem.

II

The General Conference,

Recalling the Hague Convention and Protocol of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, the relevant provisions of the Fourth Geneva Convention of 1949 and its Additional Protocols, the Convention for the Protection of the World Cultural and Natural Heritage (1972) and the inclusion of the Old City of Jerusalem on the World Heritage List and on the List of World Heritage in danger,

Recalling that, in regard to the status of Jerusalem, UNESCO abides by United Nations Security Council and General Assembly decisions and resolutions and in particular by decisions 242, 252, 267, 271, 298 and 478 of the Security Council and by resolutions 2253 and 2254 of the United Nations General Assembly,

Concerned at the difficulties facing the peace process in the Middle East and the deterioration of the situation, and in particular at the control measures that hamper free access by Palestinians to East Jerusalem and the Holy Places of the Old City of Jerusalem, and at the constraints faced in educational programmes envisaged,

Having considered the Director-General's report on this subject,

1. *Recalls* and *reaffirms* UNESCO's previous decisions and resolutions on the safeguarding of the cultural heritage of East Jerusalem, and requests that no measure and no action likely to modify the religious, cultural, historical and demographic character of the city and the overall balance of the site be taken;
2. *Welcomes* the restoration work undertaken by the Waqf under UNESCO's supervision on *Sammâm ash-Shifâ'* and *Sammâm al-'Ain*, the project for the preservation and restoration of the manuscripts of the *Al-Aq Zâ* Museum and Library, and the project to publish the catalogue of the *Al-Aq Zâ* manuscripts;
3. *Expresses* its satisfaction at the co-operation contemplated between UNESCO, the Jerusalem Waqf and the Welfare Association (Centre for Development and Consultancy) with a view to the restoration of historic buildings in the Old City, and the training programme for heritage specialists;
4. *Thanks* the Member States (Saudi Arabia, Jordan, Sultanate of Oman, Qatar, Pakistan, Indonesia, Cyprus, Malta and Sao Tome and Principe) that have contributed to the safeguarding of the cultural property of the Old City of Jerusalem, and renews its appeal for this type of contribution to be increased;
5. *Thanks* the Director-General for all the efforts he has made and is continuing to make to ensure the implementation of UNESCO decisions and resolutions concerning Jerusalem;
6. *Invites* the Director-General to undertake, following the studies already carried out and in co-operation with the Jerusalem Waqf, restoration work on the Dome of the Rock;

7. *Invites* the Director-General to initiate studies with a view to promoting the restoration and preservation of the historic and religious sites of all the religious communities in the Old City of Jerusalem;
8. *Decides* to place this question on the agenda of its thirtieth session.



**UN ECONOMIC AND SOCIAL COUNCIL, REPORT ON THE SITUATION OF HUMAN RIGHTS
IN THE PALESTINIAN TERRITORIES OCCUPIED SINCE 1967, SUBMITTED BY HANNU
HALINEN, SPECIAL RAPPORTEUR, PURSUANT TO COMMISSION ON HUMAN RIGHTS
RESOLUTION 1993/2 A, 19 FEBRUARY 1998 [EXCERPTS]**

[Report providing information on settlement construction and house demolition in the area of Jerusalem]

I. PRINCIPAL CONCERNS REGARDING THE SITUATION OF HUMAN RIGHTS

[...]

46. Possibly the single most preoccupying factor which has exacerbated the situation of human rights in the occupied Palestinian territories is the increased construction and expansion of Israeli settlements and bypass roads. A turning point in this regard was the decision by the Israeli Government on 26 February 1997 to construct a settlement on Jabal Abu Ghneim in East Jerusalem, to be called Har Homa. Construction work on the settlement - the first new settlement to be built since the lifting of the freeze imposed on new settlement construction by the previous Labour Government - began on 18 March 1997. (In any case, despite the so-called freeze, a 43 per cent expansion in settlement activity was reported during the Labour Government.) Together with the recent announcement of plans to build a Jewish settlement in the Ras El Amud neighbourhood of East Jerusalem, Har Homa would complete the chain of Israeli settlements surrounding East Jerusalem, thereby preventing Palestinian territorial continuity. It has been alleged that the construction of at least seven new settlements had begun since the current Israeli Government took office. The Special Rapporteur was also informed about the opening of new stone quarries, in particular since the signing of the Oslo Accords, which caused considerable environmental damage in the occupied Palestinian territories.
47. The expansion and building of settlements and bypass roads implies confiscation of substantial areas of Palestinian-owned land. The Special Rapporteur was informed, however, that approximately 25 per cent of the housing units in existing settlements were unoccupied. The master plans of settlements were reportedly reviewed every three to five years. The Special Rapporteur was informed that the Israeli authorities had plans for greater Jerusalem that included annexing to the city the ring of settlements surrounding it, encompassing territory up to the city of Ramallah, and expanding further the Maaleh Adumim settlement. If expanded, Maaleh Adumim would have an area of some 60 square kilometres, making the settlement larger than Tel Aviv, although it houses only 20,000 inhabitants. The Bedouins living around Jerusalem have been particularly affected by land confiscation. It is estimated that more than 15,000 Bedouins are threatened with eviction from sites which they currently inhabit, without even being given alternative sites in which to settle by the Israeli Civil Administration. The Special Rapporteur was told that the current policy of eviction and land confiscation would ultimately render Area C and, gradually, Area B empty of Arabs. The Israeli settlement policy was described as a well-planned tool of annexation which would lead to a Bantustanization of Palestinian territory into territorially unconnected enclaves. During his visit to the Gaza Strip, the Special Rapporteur was able to visit the Mawasi area near Khan Younis which is cut off from that city and is completely surrounded by settlements.
48. In its resolution ES-10/2 of 25 April 1997, the General Assembly condemned the construction by Israel of a new settlement in Jabal Abu Ghneim to the south of occupied East Jerusalem, and reaffirmed that Israeli settlements in all the territories occupied by Israel since 1967 were illegal and an obstacle to peace. It called for the cessation of all forms of assistance and support for illegal Israeli activities in the occupied Palestinian territory, including Jerusalem, in particular settlement activities.
49. In his report submitted in accordance with General Assembly resolution ES-10/2, the Secretary-General stated that, demographically, the establishment of this settlement would have a significant effect on further advancing the forced alteration of the religious and ethnic composition of occupied East Jerusalem. In addition, he indicated that, economically, the establishment of a settlement on the site was expected to have damaging effects on an already devastated Palestinian economy in the occupied territories, as the broader Palestinian economy would feel the immediate effects of the resulting separation of the economic hub of East Jerusalem from the towns and agricultural areas of the rest of the West Bank (see A/ES-10/6-S/1997/494, chap. III).
50. In its resolution ES-10/3 of 15 July 1997, the General Assembly condemned the failure of the Government of Israel to comply with the demands made by the Assembly at its tenth emergency special session. It reiterated that all illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestin-

ian territory, especially settlement activity, and the practical results thereof could not be recognized irrespective of the passage of time. The Assembly recommended to Member States that they actively discourage activities which directly contributed to any construction or development of Israeli settlements in the occupied Palestinian territory, including Jerusalem, and demanded that Israel make available to Member States the necessary information about goods produced or manufactured in the illegal settlements in the occupied Palestinian territory, including Jerusalem.

51. The confiscation by the Israeli authorities of the identity cards of Palestinian Jerusalemites continues. This policy is said to have begun in 1993 and has reportedly been intensified since the signing of the Oslo Accords. It is estimated that up to 15,000 identity cards may have been confiscated so far. Israeli officials have reportedly officially recognized in March 1997 for the first time that the confiscation of Palestinian identity cards in Jerusalem was taking place and that some 1,467 cards were confiscated by May 1997. It should be recalled that Palestinians are considered as residents, not as citizens of Jerusalem, unless they officially take Israeli citizenship. The policy concerns Palestinians who have lived outside Jerusalem or abroad for more than seven years, those who live outside the city's official municipal boundaries, as well as Palestinians with dual citizenship, but is not applied to the Jewish inhabitants of Jerusalem. It is estimated that some 60,000 to 80,000 Palestinians might be considered by the Israeli authorities as living outside the municipal boundaries of Jerusalem.
52. In order to retain their residency rights in Jerusalem, Palestinian inhabitants have to prove that the city is their centre of life by presenting rent slips, electricity and water bills, tax returns and birth certificates to the municipal authorities, even if Jerusalem is their city of origin. Persons unable to present proof are reportedly not eligible for health insurance and their children cannot attend government schools. The situation has been aggravated by the introduction of the requirement by the Israeli authorities that both parents of a newborn child be residents of Jerusalem for the child to be legally registered. The Special Rapporteur was informed that there are currently some 5,000 newborn children who are not registered because their parents do not meet the required criteria. In addition, a child born in the West Bank to parents who are both residents of Jerusalem may not be registered in that city. The lack of automatic registration of children has engendered serious health problems. It has been reported that children have died because of the refusal of Israeli health-care institutions to treat them when they were told that the children did not have insurance.
53. Children in Jerusalem are said to not be part of either the Palestinian or Israeli national structure which represents a considerable problem for their sense of identity. Administratively, they belong to the Israeli system where they are not treated on an equal footing with Israeli children. It has been reported that there has been an increase in child labour among Jerusalemites who have complete access to Israel. The children, some of whom are reportedly as young as 12 and constitute cheap labour, are hired on an informal basis in factories, as agricultural and construction workers or in restaurants. The Special Rapporteur was informed that the dropout rate in schools in Jerusalem was much higher than in the West Bank. The uncertainty about their residency rights is reported to have had deep psychological effects on children. The worsening economic situation and decline in family income, especially in Jerusalem's Old City, have given rise to hyperactive children or those who are slow learners.
54. The Special Rapporteur's attention was drawn to the taxation system in East Jerusalem where the Palestinian population was described as paying a 25 per cent contribution to the municipal budget but receive only 5 per cent of the services in return. It is estimated that some 15 per cent of Jerusalem's Palestinian residents do not have proper sanitation.
55. The Special Rapporteur was informed about the *arnona*, i.e. the municipal real estate tax paid on the basis of the surface area owned or rented and which is often higher than the rent paid for particular premises. He was told that this tax was one of the silent ways in which the Israeli authorities were transferring Arab inhabitants out of Jerusalem since few shopkeepers had the money to pay the *arnona*. Since some 90 per cent of the customers in East Jerusalem come from the West Bank, many shops have had to close for lack of income as a result of the closures imposed on the occupied territories.
56. The situation of the Arab population of East Jerusalem is compounded further by a 35 per cent rate of unemployment. It is estimated that some 40 per cent of Arab Jerusalemites live below the poverty line. The difficult economic and social situation, lack of adequate housing, as well as house demolitions, which have been described as leading to a quiet deportation of Arab Jerusalemites, have in 1996 made the Jewish population of East Jerusalem a majority for the first time. It should also be recalled that since 1967, 64 per cent of East Jerusalem's territory, more than 70 square kilometres, has been confiscated.
57. The policies described above were described as quiet deportation, apartheid and ethnic expulsion. They were also said to be making native Jerusalemites stateless persons and foreigners in their own homeland.
58. A serious source of preoccupation has been the increase in the number of house demolitions in the occupied territories. In 1997, the number of Palestinian-owned houses demolished in East Jerusalem was said to be greater than the number demolished during the Intifada. In August 1997 alone, 19 houses were de-

molished in Jerusalem. The Special Rapporteur was informed that 60 per cent of the Palestinian population does not have adequate housing. In October 1997, the Special Rapporteur visited the so-called Steadfastness Camp at Al Samud in Jerusalem which is inhabited by some 500 persons from the city whose houses have been demolished and who do not wish to leave the city's official municipal boundaries.

59. The Special Rapporteur was informed of the seven phases, each one requiring an official stamp by the competent authority, through which Palestinians in Jerusalem and other parts of the occupied territories had to pass in order to obtain building permits. Building permits are reportedly not issued if a single stamp is missing.
60. A total of 80 houses owned by Arabs were demolished in East Jerusalem since the signing of the Oslo Accords in 1993. Some 118 houses were demolished in 1997 in the West Bank for lack of building permits while 7 were demolished for security reasons. An estimated 574 houses were demolished in the occupied territories since the current Israeli Government took office and eight new bypass roads have been built. The Special Rapporteur was informed that some 50,000 trees were uprooted in the occupied territories in 1997. [...]



**UN GENERAL ASSEMBLY, RESOLUTION ES-10/5 ON ILLEGAL ISRAELI ACTIONS
IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED PALESTINIAN
TERRITORY, 17 MARCH 1998**

[Resolution addressing recommendations to the High Contracting parties to the Fourth Geneva Convention and to the Government of Switzerland, in its capacity as the depositary of the Convention]

The General Assembly,

Reaffirming its resolutions ES-10/2 of 25 April 1997, ES-10/3 of 15 July 1997, and ES-10/4 of 13 November 1997,

Determined to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions,

Increasingly concerned about the persistent violations by Israel, the occupying Power, of the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, including its settlement construction at Jabal Abu Ghneim to the south of Occupied East Jerusalem, and its failure to accept the *de jure* applicability of the Convention to the Occupied Palestinian Territory, including Jerusalem, and the rest of the occupied Arab territories since 1967,

Aware that the necessary steps recommended in paragraph 5 of resolution ES-10/4, including the convening of a meeting of experts with a target date not later than end of February 1998 in order to follow up on the recommendations mentioned in paragraph 10 of resolution ES-10/3 and paragraph 4 of resolution ES-10/4, remain to be fulfilled,

Reiterates its condemnation of the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2, ES-10/3, and ES-10/4;

Reiterates all the demands made in resolutions ES-10/2, ES-10/3 and ES-10/4, and stresses the necessity of the full and immediate implementation by Israel, the occupying Power, of those demands;

Reiterates once again its recommendation that the High Contracting Parties to the Fourth Geneva Convention of 1949 convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article 1;

Reiterates its recommendation to the Government of Switzerland, in its capacity as the depositary of the Geneva Convention, to undertake the necessary preparatory steps, including the convening of a meeting of experts in order to follow up on the above-mentioned recommendations;

Extends the target date for the convening of the meeting of experts of the High Contracting Parties until the end of April 1998;

Reiterates the request made in paragraph 6 of resolution ES-10/4 to the Government of Switzerland to invite the Palestine Liberation Organization to participate in the above-mentioned conference and in any preparatory steps for that conference;

Reiterates its decision that, in case of continued lack of compliance by Israel, the occupying Power, with the provisions of resolutions ES-10/2, ES-10/3 and ES-10/4, it shall reconsider the situation with a view to making further appropriate recommendations to the States Members of the United Nations, in accordance with its resolution 377A (V) of 3 November 1950;

Decides to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meeting upon request from Member States.

[Adopted on 17 March 1998 by a vote of 120 in favour, 3 against and 5 abstentions]



**COMMISSION ON HUMAN RIGHTS, REPORT ON THE 54TH SESSION
(16 MARCH-24 APRIL 1998), UN ECONOMIC AND SOCIAL COUNCIL,
RESOLUTION 1998/1, 27 MARCH 1998 [EXCERPTS]**

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-FOURTH SESSION

A. Resolutions

1998/1. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Occupied Palestinian territories, including Jerusalem, and other occupied Arab territories,

Recalling also the General Assembly resolutions on Israeli violations of human rights in the Occupied Palestinian territories, including Jerusalem, occupied since 1967 and noting Assembly resolution ES-10/4 of 13 November 1997 in which the Assembly reiterated its recommendation that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of war convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article 1 of the Geneva Conventions,

Recalling further the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Taking note of the report (E/CN.4/1998/17) of the Special Rapporteur, Mr. Hannu Halinen, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/52/131 and Add.1 and Add.2),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Gravely concerned at the stagnation of the peace process because of the contempt of the Government of Israel for the principles on which this process was based, and its refusal to carry out its commitments in line with the agreements its signed with the Palestine Liberation Organization,

Recalling all its previous resolutions on the subject, including the latest, resolution 1997/1 of 26 March 1997,

1. *Condemns* the continued violations of human rights in the occupied Occupied Palestinian Territory, including East Jerusalem, in particular the continuation of acts of wounding and killing such as that which took place on 10 March 1998 when Israeli occupation soldiers shot dead three Palestinian workers and wounded nine others, one of them seriously, and the subsequent opening of fire on Palestinian civilians after the incidents of the following days, in addition to the detention of thousands of Palestinians without trial, the continuation of the confiscation of Palestinian lands, the extension and the establishment of Israeli settlements thereon, the confiscation of Palestinians' property and expropriation of their land, the demolition of Palestinian homes and the uprooting of fruit trees, and calls upon Israel to cease these acts immediately since these practices constitute a major obstacle in the way of peace;
2. *Also condemns* the opening of a tunnel under the Al Aqsa mosque, the continuation of the building of an Israeli settlement on Jabal Abu Ghenaim in Occupied East Jerusalem in addition to other settlements in the West Bank, the expropriation of Palestinian homes in Al-Amoud district in Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem and forcing them to live outside their home with the aim of the Judaization of Jerusalem, and calls upon the Government of Israel to close the tunnel and to put an end immediately to these practices;
3. *Further condemns* the use of torture against Palestinians during interrogation, which the Israeli High Court of Justice has legitimized, and calls upon the Government of Israel to refrain immediately from the current interrogation practices and to work on abolishing the abovementioned legitimization;

4. *Reaffirms* that all the Israeli settlements in the Palestinian territories occupied since 1967, including East Jerusalem, are illegal and should be dismantled in order to achieve a just, permanent and comprehensive peace in the region of the Middle East;
5. *Also reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical and demographic status of the city of East Jerusalem from its situation prior to the June 1967 war to be illegal and void;
6. *Further reaffirms* the great importance of the convening of a conference by the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with General Assembly resolution ES-10/4;
7. *Calls upon* Israel to cease immediately its policy of enforcing collective punishments, such as demolition of houses and closure of the Palestinian territory, measures which constitute flagrant violation of international law and international humanitarian law, endanger the lives of the Palestinians and also constitute a major obstacle in the way of peace;
8. *Calls once more upon* Israel, the occupying Power, to desist from all forms of violation of human rights in the Occupied Palestinian Territory, including East Jerusalem, and other occupied Arab territories, and to respect the bases of international law, the principles of international humanitarian law, its international commitments and the agreements it signed with the Palestine Liberation Organization;
9. *Also calls upon* Israel to withdraw from the Palestinian territories, including East Jerusalem, and the other Arab territories occupied since 1967, in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;
10. *Requests* the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-fourth session;
11. *Also requests* the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;
12. *Decides* to consider the question at its fifty-fifth session, as a matter of high priority.

[Adopted by a roll-call vote of 31 votes to 1, with 20 abstentions.]



**UN SECRETARY-GENERAL, STATEMENT DEPLORING ISRAEL'S DECISION
TO EXPAND THE BOUNDARIES OF JERUSALEM, 22 JUNE 1998**

The Secretary-General deplors the decision of the Government of Israel to expand the boundaries of Jerusalem. He regrets that Israel has taken this unilateral action which infringes upon numerous General Assembly and Security Council resolutions regarding the status of Jerusalem. The Secretary-General wishes to remind the Government of Israel that the international community has not recognized the earlier imposition by Israel of its laws, jurisdiction and administration on the City of Jerusalem.

The Secretary-General urges Israel to rescind this unfortunate decision and to make every effort to restart the peace process. Permanent status negotiations would, among other things, address Jerusalem according to the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993.



**PRESIDENT OF THE UN SECURITY COUNCIL, STATEMENT RECOGNIZING
THE IMPORTANCE OF THE ISSUE OF JERUSALEM, 13 JULY 1998**

[This non-binding statement represented a compromise, after the US had made it clear that it would veto any draft resolution in order not to compromise its efforts to revive the peace process.]

At the 3904th meeting of the Security Council, held on 13 July 1998, in connection with the Council's consideration of the item entitled "The situation in the occupied Arab territories", the President of the Security Council made the following statement on behalf of the Council:

The Security Council has considered the letters dated 18 and 22 June 1998 (S/1998/535 and S/1998/557), as well as the letters dated 8, 9 and 15 June 1998 (S/1998/481, S/1998/487 and S/1998/511), from the Permanent Observer of Palestine to the United Nations, and the letter dated 23 June 1998 (S/1998/558) from the Permanent Representative of the Sudan to the United Nations on behalf of the States members of the League of Arab States relating to the issue of Jerusalem.

The Security Council recognizes the importance and sensitivity of the issue of Jerusalem to all parties and expresses its support for the decision of the Palestine Liberation Organization and the Government of Israel, in accordance with the Declaration of Principles of 13 September 1993, that the permanent status negotiations shall cover the issue of Jerusalem. The Council therefore calls upon the parties to avoid actions which might prejudice the outcome of these negotiations.

In the context of its previous relevant resolutions, the Security Council considers the decision by the Government of Israel on 21 June 1998 to take steps to broaden the jurisdiction and planning boundaries of Jerusalem a serious and damaging development. The Council therefore calls upon the Government of Israel not to proceed with that decision and also not to take any other steps which would prejudice the outcome of the permanent status negotiations. Further, the Council also calls upon Israel to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

The Security Council supports the efforts of the United States aimed at breaking the stalemate in the peace process, calls upon the parties to respond positively to these efforts, notes that the Palestinian side has already given agreement in principle to the United States proposals, and expresses the hope that the permanent status negotiations can resume and progress can be made towards the achievement of a just, lasting and comprehensive peace based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

The Security Council will keep Israeli actions under review."



UNESCO EXECUTIVE BOARD, DECISION 155 EX/3.5.1, PARIS, NOVEMBER 1998

3.5.1 Jerusalem and the implementation of 152 EX/Decision 3.7.1 (155 EX/11 and 155 EX/56)

The Executive Board,

1. *Recalling* the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and the Protocol thereto, and the relevant provisions of the Geneva Convention and its Additional Protocols,
2. *Recalling* also that the Old City of Jerusalem is covered by the provisions of the 1972 Convention for the Protection of the World Cultural and Natural Heritage and that it is inscribed on the World Heritage List and on the List of World Heritage in Danger,
3. *Recalling* further that, with regard to the status of the City of Jerusalem, UNESCO is bound by the resolutions and decisions of the United Nations General Assembly and Security Council,
4. *Having considered* the report by the Director-General (155 EX/11) on this question,
5. *Recalls* previous decisions and resolutions on the safeguarding of the cultural heritage of Jerusalem requesting that no measure or act be undertaken that alters the religious, cultural, historical or demographic nature of the city or impairs the balance of the site as a whole, pending the outcome of negotiations on the final status of Jerusalem;
6. *Expresses* its hope that strict and rapid application of the Wye River Memorandum of 23 October 1998 will improve the atmosphere prevailing in the region in order that the checks impeding free access for Palestinians to East Jerusalem and the Holy Places of the Old City of Jerusalem may be lifted, and that no steps may be taken to impose new school curricula;
7. *Expresses* its regret at the fact that the Israeli authorities have not yet implemented 150 EX/Decision 3.4.3;
8. *Notes* with satisfaction the preparation of a draft priority action plan with an estimated overall budget of \$1,450,000;
9. *Thanks* the heads of state and government, organizations, institutions and individuals who have made contributions to the Special Account for the Safeguarding of the Cultural Heritage of the Old City of Jerusalem;

10. *Renews* its appeal for increased contributions to this Special Account;
11. *Thanks* the Director-General for his praiseworthy and unceasing efforts to guarantee full implementation of UNESCO's resolutions and decisions concerning the safeguarding of the monuments, characteristics and cultural property of the Old City of Jerusalem;
12. *Calls upon* the Director-General to take the following necessary measures:
 - (a) to guarantee the implementation of 150 EX/Decision 3.4.3;
 - (b) to ensure that the steps of the al-cUmariya Madrasa are rebuilt in accordance with internationally accepted technical methods and specifications;
 - (c) to dispatch an expert to assess future threats to other buildings resulting from the excavation of the tunnel mentioned in 150 EX/Decision 3.4.3 who would report to the Director-General before the 156th session of the Executive Board;
 - (d) to expedite effective implementation of the priority action plan with an estimated overall budget of \$1,450,000, in order to:
 - (i) establish a laboratory to restore the manuscripts in the museum and library of the al-Aqsà Mosque under the supervision of the Jerusalem Waqf and in co-operation with the Welfare Association;
 - (ii) restore the Sûq al-QaVVânîn, under the supervision of the Jerusalem Waqf and in co-operation with the Welfare Association;
 - (iii) establish an institute for the preservation of the heritage under the supervision of the Al-Quds University;
 - (iv) complete the restoration work on Sammam al-Shifâ' and Sammam al-cAin, under the supervision of the Jerusalem Waqf;
 - (v) prepare a course to train a workforce to use traditional building techniques, under the supervision of Al-Quds University and in cooperation with the Welfare Association;
 - (e) to initiate studies with a view to promoting the restoration and preservation of the historic and religious sites of all the religious communities in the Old City of Jerusalem;
13. Decides to include this item in the agenda of its 156th session.



UN GENERAL ASSEMBLY, RESOLUTION 53/37 ON JERUSALEM, 2 DECEMBER 1998

[Resolution deploring Israeli activities in Jerusalem and the transfer of diplomatic missions in the city]

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996 and 52/53 of 9 December 1997, in which it 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 also 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 which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,^{1/}

1. *Determines* 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;
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 fifty-fourth session on the implementation of the present resolution.



**UN COMMISSION ON HUMAN RIGHTS, REPORT ON THE SITUATION OF HUMAN RIGHTS
IN THE OCCUPIED ARAB TERRITORIES, NEW YORK, 20 JANUARY 1999 [EXCERPTS]**

[Report by Special Rapporteur Hannu Halinen investigating Israeli violations under the Geneva Convention]

19. Violations of human rights in the occupied Palestinian territories have continued during the period under review, to a large extent along the same lines as in the past. During his recent visit to the area, the Special Rapporteur was able to gain insight into the human rights issues currently giving rise to the greatest pre-occupation among the Palestinian population. These concerns have been exacerbated by the unilateral suspension by Israel on 2 December 1998 of the implementation of the Wye River Memorandum. Several interlocutors told the Special Rapporteur that human rights violations actually stemmed from the peace agreements and that the Palestinian population was currently living in a vacuum as far as protection of their human rights was concerned. He was told that Israel was violating human rights in the name of security. Nevertheless, human rights were, more than before, being seen by some as the vehicle to advance the peace process.
20. The occupation was viewed as being more forceful after the beginning of the peace process. The Special Rapporteur was told that before the peace process, the majority of human rights violations were individual, whereas they had become more collective in nature. The general human rights situation in areas under the control of the Palestinian Authority had deteriorated since the signing of the Wye River Memorandum. People thought that the situation was better without the peace process. Other sources informed the Special Rapporteur that not much had changed in the pattern of human rights violations, but rather in their scope.
21. The expansion of existing Israeli settlements and the building of new ones, as well as bypass roads connecting the settlements between themselves and with Israel, is currently the source of greatest concern in the occupied territories. In addition, the bypass roads disrupt the demographic continuity of the Arab environment. Ten bypass roads are said to have been built in the occupied territories in 1998. The attendant confiscation of Palestinian-owned land and the destruction of their agricultural infrastructure is further exacerbating tensions in the occupied territories. The Special Rapporteur was told that for the first time, farmers in some areas were prevented by the Israeli authorities from harvesting their crops. The Special Rapporteur's attention was drawn by all of his interlocutors to the pronounced increase in Israeli settlement activity and the concomitant confiscation of Palestinian-owned land since the signing of the Wye River Memorandum in October 1998. According to most estimates, the number of settlements built in contravention of article 49 of the Fourth Geneva Convention has reached 190.
22. The Special Rapporteur was able to visit a number of settlements in and around Jerusalem and to observe the network of bypass roads. He was informed that the building of 28 new bypass roads was announced after the signing of the Wye River Memorandum. He was told that the Israeli occupation had deprived Arab Jerusalemites of approximately 80 per cent of their land and that there were currently 17 settlements which spread in three "belts" around the city. The intention was to expand "Greater Jerusalem" into "Metropolitan Jerusalem", an "umbrella" that would incorporate neighbouring municipalities. The Special Rapporteur was told that 52 per cent of the land in East Jerusalem was for Palestinians while some 34 per cent had been given to Jews. There were practically no Jews in East Jerusalem in 1967; at present, there are some 163,000 Israelis and 155,000 to 158,000 Palestinians. The Israeli authorities have set the ratio of the Israeli and Palestinian populations in East Jerusalem at 73.5 per cent Jews and 26.5 per cent Arabs. Of particular concern to Palestinians was Israeli construction in the Arab neighbourhoods of Ras El Amud and Silwan. After the signing of the Wye River Memorandum, settlers seized a house in the Sheikh Jara neighbourhood and moved into two additional houses. Preparations for similar actions were said also to be under way in Ras El Amud and Bur Valley and Jericho areas. The Special Rapporteur visited a Palestinian living in a bus which is completely surrounded by a settlement built on his land.
24. The increased rate of demolition of Palestinian houses which has continued unabated has given rise to serious concern over the period under review. The reason given is that they had been built without a licence, in an "unscientific way" or in a "green area". Some 21,000 housing units would be required for the Palestinian inhabitants of Jerusalem alone. A licence to build a house, which involves a lengthy procedure, costs approximately US\$ 25,000 and expires within a year even if no construction takes place. In addition, Palestinians are not allowed to build more than two floors. In 1997, the Special Rapporteur visited the Samud "Steadfastness Camp" on a site in East Jerusalem where some 70 families whose houses had been demolished were living in tents in order not to leave the municipal boundaries of Jerusalem and lose their identity cards. During his recent visit to the area, he visited 16 of those families who are now living in an unfinished building in East Jerusalem with no amenities. According to the sources, 31 Palestinian structures were demolished in Jerusalem in 1998, affecting more than 300 persons including 120 children. He was told that 17 houses and a school had been demolished for the construction of Road No. 1. Over 700 demolitions are estimated to have taken place from the signing of the Oslo Accords until the

end of 1998. The Special Rapporteur was informed that, in addition to constituting collective punishment, house demolitions were considered by Palestinians as sources of extreme provocation and incitement.

25. The situation of the Arab inhabitants of Jerusalem continued to be precarious, particularly with regard to their identity cards, which made the registration of newborn children and family reunification in the city difficult. The registration of children may take up to seven years if one of the parents is not from Jerusalem. It is estimated that there are currently some 10,000 unregistered Palestinian children in Jerusalem. This means that they do not have a birth certificate and cannot obtain an identity card at the age of 16, cannot enroll at a university or get married. The "centre of life" criterion has continued to be applied by the Israeli authorities to determine whether Palestinians are entitled to live in Jerusalem. All Palestinians in Jerusalem are considered as foreigners and the "Law of Entry into Israel" of 1952 is applied. The Special Rapporteur was informed that many persons with identity cards discover that they have been deleted from the municipality's computer. From January to August 1998, 346 identity cards were taken from Arab Jerusalemites. The Special Rapporteur was informed that the conflict was being changed from a national into an ethnic one. He was told that the Israeli authorities applied a "three circles policy" to the Arab inhabitants of Jerusalem, consisting of isolation, deportation and replacement, with the alleged aim of reducing the Palestinian population to not even a minority by the time of the final status negotiations.
26. The Special Rapporteur was informed that the issue of residency rights and identity cards had serious repercussions on the health of Arab Jerusalemites, particularly infants, since the National Insurance Institute conducts an investigation of the whole family's residency status every time a child is born. The investigation may take more than a year and starts anew with every new birth in the family. During the investigation, the infant does not benefit from health insurance. This practice may have very serious repercussions for children who require medical treatment after birth. The Special Rapporteur was informed that the infant mortality rate in East Jerusalem was double that of the Jewish sector.

[...]

42. Palestinians still need permits to enter Israel and other parts of the occupied territories, in particular East Jerusalem, despite the fact that article 4 of the Declaration of Principles on Interim Self-Government Arrangements states that "the two sides view the West Bank and the Gaza Strip as a single territorial unit". The subsequent Interim Agreement signed on 28 September 1995 provides for procedures to operate a "safe passage" between the two parts of the territories, which has not occurred to date. Movement between parts of the occupied territories and between the occupied territories and Israel remains very difficult. During his recent mission to the area, the Special Rapporteur was obliged to hold one meeting in the West Bank since one of the persons present did not have a permit to enter Jerusalem.[...]



**UN GENERAL ASSEMBLY, RESOLUTION ES-10/6 ON ILLEGAL ISRAELI ACTIONS
IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED PALESTINIAN
TERRITORY, 9 FEBRUARY 1999 [EXCERPTS]**

[The draft resolution was introduced by the UAE, the Chairman of the Arab Group]

The General Assembly,

Reaffirming the resolutions of the tenth emergency special session, namely ES-10/2 of 25 April 1997, ES-10/3 of 15 July 1997, ES-10/4 of 13 November 1997, and ES-10/5 of 17 March 1998,

Determined to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant United Nations General Assembly and Security Council resolutions,

Reiterating the permanent responsibility of the United Nations towards the question of Palestine until it is solved in all its aspects,

Aware that Israel, the occupying Power, has not heeded the demands made in the resolutions of the tenth emergency special session and that it continues to carry out illegal actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, in particular settlement activity, including the construction of the new Israeli settlement at Jabal Abu Ghneim, the building of other new settlements and the expansion of existing settlements, the construction of bypass roads and the confiscation of lands,

Reaffirming that all illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, especially settlement activities, and the practical results thereof remain contrary to international law and cannot be recognized irrespective of the passage of time,

[...]

Expresses its grave concern at the adoption by the Israeli Knesset of the law of 26 January 1999 and the legislation of 27 January 1999, and *reaffirms* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character, legal status and

demographic composition of Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, are all null and void and have no validity whatsoever;

Reiterates also, in the strongest terms, all the demands made of Israel, the occupying Power, in the above-mentioned resolutions of the tenth emergency special session, including the immediate and full cessation of the construction at Jabal Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Occupied East Jerusalem; the acceptance of the *de jure* applicability of the Fourth Geneva Convention and compliance with relevant Security Council resolutions; the cessation and reversal of all actions taken illegally against Palestinian Jerusalemites; and the provision of information about goods produced or manufactured in the settlements;

Reiterates its previous recommendations to Member States for the cessation of all forms of assistance and support for illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, in particular settlement activities and to actively discourage activities that directly contribute to any construction or development of those settlements;

Affirms that, in spite of the actual deterioration of the Middle East peace process as a result of the lack of compliance by the Government of Israel with the existing agreements, increased efforts must be exerted to bring the peace process back on track and to continue the process towards the achievement of a just, comprehensive, and lasting peace in the region on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace, as well as Security Council resolution 425 (1978);

Reiterates its recommendation that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article 1, and further recommends that the High Contracting Parties convene the said conference on 15 July 1999 at United Nations Offices at Geneva;

Invites the Government of Switzerland, in its capacity as the depository of the Fourth Geneva Convention, to undertake whatever preparations are necessary prior to the conference;

Requests the Secretary-General of the United Nations to make the necessary facilities available to enable the High Contracting Parties to convene the conference;

Expresses its confidence that Palestine, as a party directly concerned, will participate in the above-mentioned conference;

Decides to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meeting upon request from Member States.

[Adopted by a vote of 115 in favor, 2 against, and 5 abstentions]



UNESCO GENERAL CONFERENCE, REPORT ON JERUSALEM AND THE IMPLEMENTATION OF 29C/RESOLUTION 22, 30TH SESSION, PARIS, 5 OCTOBER 1999 [EXCERPTS]

[Report by Prof. Leon Pressouyre to Mr. Federico Mayor, Director-General of UNESCO, on the safeguarding of the urban and monumental heritage of Jerusalem]

Foreword

The following report by UNESCO expert Mr. Leon Pressouyre addresses with depth and objectivity, changes in Jerusalem wrought by the Israeli authorities, especially in the archeological and historical sites that give form to the city. The political dimension has dominated Israeli efforts to renovate and rehabilitate historical sites in the old city in order to conform to their overriding political interests.

In reprinting this report, we hope this document will be used to focus attention on what is happening in the Holy City, in terms of the changes, forgeries and falsifications of the civilizational heritages of different cultures over the thousands of years of the city's history. We believe that the human history of the city should be preserved in a scientific, objective and human way, so that the traces of those nations, which have passed through the city, are not lost or demeaned.

This report observes particularly the tragic situation of the Old city, surrounded by an alien civilization, and whose archeological and historical monuments are dealt with chiefly in terms of Israeli political considerations. Honesty and objectivity are the special characteristics of this report, and have prompted us to present it to all those concerned with peace.

What does peace mean to a city that is a gathering of different world cultures? Doesn't its heritage deserve preservation as an enduring testament to all humanity? [...]

Definition of the mission:

In 156 EX/Decision 3.5.1, the Executive Board invited you “to appoint an eminent expert on the subject to present a report on the question covering all the aspects mentioned in the relevant resolutions and decisions of UNESCO, and to submit it to the General Conference at its 30th session”.

Following your request, I agreed in principle to undertake a mission to Jerusalem from 1 to 10 September 1999. The mission’s terms of reference specified that, in close collaboration with the Director of the Cultural Heritage Division (CLT/CH), I should:

- Study the situation in accordance with the relevant resolutions and decisions of UNESCO on the subject;
- Make contact in Jerusalem with the authorities involved in safeguarding the cultural heritage of the Old City;
- Submit to you, by 20 September 1999, a confidential report, which you alone would decide whether to submit to the General Conference.

However, after July substantial changes occurred in the conditions initially envisaged for the mission, which made an already difficult task still more arduous. [...]

Context and methodology of the mission:

The mission took place in a favourable context, the signing of the Sharm-el-Sheikh agreement (4-5 September 1999) coinciding with my visit to Jerusalem (1-10 September 1999). Despite the attacks that followed the historic negotiations on 5 September 1999, and although the question of Jerusalem is still not on the agenda of forthcoming meetings between Israelis and Palestinians, the hope of a just and lasting peace seems gradually to be gaining ground, as I realized during my official and unofficial meetings with local personalities.

Placed in the difficult position of an envoy mandated by an international organization, but in fact denied access to half of those concerned as a result of the attitude of two successive representatives of Israel to UNESCO, a simple choice faced me:

- either simply to acknowledge the situation, meet the Palestinian representatives mandated by H.E. Mr. Ahmad Abdelrazek only, and give you one-side report,
- or, out of intellectual honesty, to make contact with high-level Israeli colleagues on a personal basis and consult them unofficially.

I chose the second option, making clear to my Israeli contacts on the one hand that the authorities of their country did not approve of my mission and, on the other, that I could not guarantee that my report would be kept confidential. Four of them, whose fields of competence cover archaeology, cultural heritage, town planning and sociology, nevertheless agreed to answer my questions, provide me with information and visit sites with me, under a seal of secrecy. I would like to take this opportunity to express particular gratitude to them, since this report owes much to their sincere and disinterested love of Jerusalem.

At the end of my mission to listen, obtain information and observe, and given the positive developments in the peace process, I felt it necessary to formulate four observations:

- *The Old City is becoming a prisoner of the urbanization of its surroundings.*
- *Changes in its social composition are affecting the consistency of the urban fabric and of the built heritage in the Old City.*
- *Archaeology and the conservation of monuments in the Old City and its surroundings continue to be approached on an essentially political basis.*
- *The celebration of the millennium makes consideration of questions concerning the Christian sites and monuments of Jerusalem a matter of urgency.*

1. THE OLD CITY IS BECOMING A PRISONER OF THE URBANIZATION OF ITS SURROUNDINGS

Anyone returning to Jerusalem after an absence of several years will, first of all, notice the transformation of the urban landscape and the environs of the Old City. Large-scale redevelopment work is taking place in front of the Jaffa Gate to join up with David’s Village; huge developments are being erected to the northeast, such as the hotels below Derech Schechem Street, not far from the Tomb of the Kings and the Church of St. George. Large housing schemes in the northeastern and southeastern outskirts have now been added to the resolutely modern buildings of West Jerusalem, which began to spring up in 1948. They have different names-quarters

or colonies depending on their geographic or administrative location, but still correspond to one and the same definition, forming a vast belt of suburbs equipped with radial and peripheral communication systems.

The latter network prefigures increased urbanization and the gradual disappearance of the intervening landscape. With the epicentre of the city gradually shifting towards the east, the Old City is no longer in the outposts of the desert but in the heart of an area undergoing urbanization. This change, which began when Mr Teddy Kollek was Mayor of Jerusalem, has been actively continued under his successor, Mr Ehud Olmert, since 1994. It features prominently in the works of Israeli town planners, the latest of which, by Amir Cheshin, (*Municipal Policies in Jerusalem*), (Jerusalem, Passia, 1998), is particularly informative inasmuch as its author was one of the official advisers of the municipality from 1948 to 1994.

During the discussions, which I had with them, Palestinians and Israelis were unanimous in denouncing the risks that the "Greater Jerusalem" project entails for the urban landscape: much imagination is now required to see in Jerusalem the "town in which the desert dwells" as in the 1983 song by Shmuel Trigano. One of my Israeli interlocutors spoke apprehensively about the near future in which protected areas, such as the valley of Kidron and Gehenna, would be to Jerusalem what Central Park and Fort Tryon Park are to New York today, that is natural and cultural reserves that are strictly delimited and enclosed in an enormous city with shifting boundaries. The same interlocutor - without calling into question the validity of the "Jerusalem Law" voted by Knesset on 30 July 1980 - wondered about the pernicious effects of an urbanization policy, which was leading to the indisputable degradation of heritage values. In this respect, he welcomed the decision taken on 6 July 1999 by Minister Haim Ramon to stop work on a Jewish colony being built in the Arab quarter of Ras- al- Amud, in East Jerusalem, as a first positive measure, which symbolized the road that the government of Mr Ehud Barak would take.

But this confidence was not shared by everyone during my tour of inspection. The statement of principle by Israeli Prime Minister, to the effect that his government would not build new colonies in the West Bank, but would not demolish existing ones (11 June 1999), seems to be at variance with the facts: the network of existing colonies would appear to be spreading and branching out, even into sensitive areas. I myself went to Maale Adoumim on 9 September where I observed that large-scale construction work was still going on. This, as we know, is the largest communal settlement in East Jerusalem and the number of its inhabitants is now thought to exceed 60,000.

In my opinion, it is in the context of the urban Planning of a "Greater Jerusalem" that the roads built around the Old City - to which substantial and particularly painstaking parts of Professor Lemaire's report were consistently devoted - should be put. For such redevelopments, which have serious consequences for an environment that is increasingly being invaded by structures, approach ramps and retaining walls whose carefully dressed masonry does not succeed in masking their technical function, do not stem from a desire to landscape the outskirts of the historic center, but from the ever-growing need to establish selective relationships between the center and a periphery to which the town planners are giving special attention.

2. CHANGES IN ITS SOCIAL COMPOSITION ARE AFFECTING THE CONSISTENCY OF THE URBAN FABRIC AND OF THE BUILT HERITAGE IN THE OLD CITY.

The traditional distinction between four major quarters, the Jewish Quarter in the southeast, the Armenian Quarter in the southwest, the Christian Quarter in the northwest and the Muslim Quarter in the northeast, can still be seen in the Old City. But the cultural characteristics of these historic quarters are changing, not without unfortunate consequences for the consistency of the urban fabric and authenticity of the buildings.

The radical changes which affected the south-eastern sector may be mentioned here by way of information: after the destruction of the Maghrebi Quarter in 1967, followed by the redevelopment of the esplanade of the Wailing Wall, the reconstruction of the Jewish Quarter was a scenario which was much discussed in the 1970s in all town-planning institutes. The choice made, that of full-scale rebuilding, with structures often being raised above others, left little place for the restoration of old buildings, although that had been envisaged in the classic work by the architect Arie Sharon, prefaced by Teddy Kollek, *Planning Jerusalem* (Jerusalem, Weidenfeld and Nicolson, 1973). To a great extent, the discovery of the Byzantine Cardo, its partial anastylis and its transformation into a shopping arcade, which made it a tourist attraction known throughout the world, supplied the belated alibi for a renovation policy, which was not in keeping with the spirit of the Venice Charter.

What is at issue today is the integrity of the Muslim Quarter, which is the only one to have preserved, over a very extensive area, its system of highways and its traditional buildings. It is faced with many dangers, the most visible of which are overpopulation and changes in social composition.

Overpopulation, due to a recent influx of Muslim families which is difficult to quantify, risks creating the insalubrious conditions which could be used, as in the past, to justify action by the authorities who are always in favour of “slum-clearance”, a slogan used everywhere in the 1970s to justify arbitrary destruction.

Attention must be drawn here to the very positive field work carried out by an NGO, the Welfare Association, which since 1994 has been carrying out a programme to rehabilitate the Old City which, in addition to a series of carefully planned major actions, includes urgent rescue work aimed at ensuring minimum health-and-safety conditions in overpopulated or unhealthy housing areas.

The changes in social composition concern what the Palestinians call the “Jewish Settlements”. These housing units are visually characterized by raised structures and, above all, by the presence of Israeli flags which can be seen from elevated observation points such as the top of the Austrian Hospice, at No. 37 on the Via Dolorosa. A private overpass system, which links one block to another at terrace-level, was established recently. This system is found in other areas of the Mediterranean world, such as Ghadames (Libyan Arab Jamahiriya) and Mesta on the island of Chios (Greece), but it does not clearly form part of the architectural tradition of Jerusalem and the authenticity of the Old City cannot but suffer from these redevelopments, which are an expression of the segregationist logic generated by the situation.

Another danger is threatening the Old City: the “open spaces” which are likely to tempt property developers. To give a single example, I should like to draw your attention to the very sensitive Zone of Burj al-Laqlaq, which is situated in the north-eastern corner of the wall of Suleyman the Magnificent.

On 6 May 1998, the site was occupied by a group of Israeli “squatters” who wanted to establish a settlement there. In a climate of very great intercommunal tension, reflected in the letter 157/5/98 which was sent to you on 2 June 1998 by Mr Faisal Hussein, excavations carried out by the Israel Antiquities Authority (cf. 155 Ex/11, para. 8). The excavations have just ended, in the summer of 1999, but their results have not been published. In the spirit of your letter DG/4.6/151 of 9 July 1998, I see it therefore as a matter of urgency that UNESCO should once again express its concern about the use of a noteworthy historic and archaeological site.

I note with satisfaction that the Israeli authorities have, on several occasions, expressed their desire to preserve this area as a green space: this view, expressed in 1973 by the architect Arie Sharon in his book *Planning Jerusalem*, was reiterated in 1996 to justify a refusal to grant the building permit applied for by the Burj Laqlaq Community Center. When the Center nevertheless proceeded to carry out restoration work, the new construction was demolished under the supervision of the Israeli police, on the night of 27 August 1996.

In this highly divisive situation, the establishment of a small Jewish quarter, with or without a synagogue, on the site of Burj al-Laqlaq, which was mentioned by several of my interlocutors, would constitute both a historical falsification and an extremely serious provocation. Maintaining the status quo - even if it means the continued existence of waste ground - would probably be the most advisable solution, in the absence of any dialogue on the subject of landscaping the archaeological zone of Burj al-Laqlaq.

3. ARCHAEOLOGY AND THE CONSERVATION OF MONUMENTS IN THE OLD CITY AND ITS SURROUNDINGS CONTINUE TO BE APPROACHED ON AN ESSENTIALLY POLITICAL BASIS

The Israeli authorities having failed to act upon 150 EX/Decision 3.4.3 concerning access from the Via Dolorosa to the tunnel running along the western wall of al-Haram ash-Sharif, this matter, which has been discussed at length by the Executive Board and the General Conference since 1996, is still topical, as is the trouble caused by the digging of this tunnel in the stonework of four buildings: the Ottoman madrasa, the Jauhariya madrasa, the residence of Rabat al-Kurd, and the Manjakiya madrasa. Not having had access at that time to the report on the state of preservation of the al-Jauhariya complex submitted by professor Giorgio Croci on 6 September 1999, I was unable to pass his conclusions on to the authorities of the Islamic Waqf and merely took note of the concern reiterated, on behalf of that organization, by Mr Adnan al-Husseini.

Another dispute has arisen in 1999, connected with the restoration work done on the lower levels of the al-Aqsa Mosque, referred to as the “Old al-Aqsa”, by the Islamic Waqf.

The work, conducted by Mr Issam Awwad, the architect in charge of the conservation of al-Haram ash-Sharif, was completed in August 1999. It is a minimalist undertaking comparable in spirit to that concluded in 1997 in what is known as “Solomon’s Stables”, a large hypogeum fitted out as stables by the Knights Templar in the twelfth century. Improvement of the stonework, minor underpinning operations and the installation of deliberately reversible neon lighting have made it possible to open new prayer rooms, which was a priority for the religious authorities faced with an influx of pilgrims for the major Islamic feast days.

The success of the operation conducted by the Islamic Waqf was nevertheless marred by an incident in early August : an old window of the "Old al-Aqsa", freed of the material obstructing it and opened on to the southern slope of al-Haram ash-Sharif by Mr Issam Awwad, was immediately closed up by the Israeli police, purportedly as a security measure. The Islamic Waqf authorities provided me with a file on the matter, asserting that security was just a pretext since the restored window was fitted with a protective metal grid, and the aperture could not in any case be reached from the ground. My Israeli contacts, who tended to play the incident down, unofficially told me of an article by Meron Benvenisti, Deputy Mayor of Jerusalem in the Kollek administration, which was published in the daily newspaper *Ha'aretz* on 12 August 1999 under the title "In whose hands is the Temple Mount?" In it the author courageously distanced himself from the views of the zealots constantly seeking to reduce the Waqf's hold on the Temple Mount.

The recurring question of the Umayyad palaces, whose remains cover a vast platform to the south of al-Haram ash-Sharif, below the al-Aqsa Mosque, comes in the same emotional context, which justifies any amount of identity-based claims and counterclaims. Following a letter of 9 February 1995 to the Director of UNESCO's Division of Cultural Heritage from the Permanent Delegation of the Kingdom of Jordan, Professor Lemaire paid an on-site visit in May 1995 and gathered information clarifying the objectives of the work under way (147 EX/17, p.5) . He regularly reported thereafter on the progress of the work undertaken by Israeli archaeologists and landscape architects (150 EX/13, p.5), deploring, in his final mission, "the construction of a metallic pergola in the middle of the courtyard of one of the Umayyad palaces, which disfigures the site" (29 C/14, para. 12).

Development work is continuing today in the south-east sector in the spirit of the operations started in 1995, after the opening to the public in 1997 of the complex laid out to the south-west, which was the subject of a letter to the UNESCO Secretariat from the Ambassador of Israel, H.E. Mr Avi Shoket, dated 21 April 1997 (151 EX/9 Add., para 2). Having examined both those areas, I share the reservations expressed by the late lamented Raymond Lemaire about the spirit in which the site of the Umayyad palaces has been rehabilitated. After years of neglect, the vast area excavated by Professor Mazar has gradually lost the archaeological features that showed up so clearly on the old aerial photographs (Nahman Avigad, *Discovering Jerusalem*, Jerusalem, Shikmona Publishing Company, 1983, p.19, Fig.4) and were familiar both to Israeli archaeologists and to the general public (Meir Ben-Dove, *In the Shadow of the Temple*, Jerusalem, Keter Publishing House, 1985). Today's presentation, in which modern materials are conspicuous, is both complicated and simplistic. For in the guise of highlighting the remains of previous periods it indisputably trivializes the Umayyad palaces, major monuments in the area, over which the Waqf has constantly affirmed the validity of its jurisdiction. As Amos Elon wrote, and he could hardly be taxed with anti-Israeli prejudice: "Profound psychological reasons no doubt underly the characteristically political and sometimes even chauvinistic approach to (...). Patriotic archaeology, like faith in Freudian analysis, has a therapeutic effect; people overcome their doubts and fears and feel rejuvenated once they have rediscovered their origins, real or supposed, which are always hidden" (translated from the French). The fact that this quotation was supplied by one of my Israeli contacts makes one feel there is some hope that awareness of former ideological excesses may gradually persuade the Israel Antiquities Authority to adopt a more scientific and impartial approach to the city's centuries-old past.

4. THE CELEBRATION OF THE MILLENNIUM MAKES CONSIDERATION OF QUESTIONS CONCERNING THE CHRISTIAN SITES AND MONUMENTS OF JERUSALEM A MATTER OF URGENCY

The Christian communities are preparing, in unity of faith but a diversity of calendars, rites and places of worship, to celebrate the second millennium of the birth of Christ. Information from the Christian Information Center in Jerusalem suggests that the influx of pilgrims and tourists will converge not just on Bethlehem but on all the Christian sites in the region, and particularly those in Jerusalem and its surroundings.

No concerted action between the Christian communities - let alone between the different religions - seems to have been planned so far, leaving a question mark over essential considerations of security, and even of the preservation of the monuments concerned.

Security problems must not be underestimated, since the concordant celebrations of the three religions of the Book may give rise to unprecedented concentrations of people in the narrow streets of the Old City, particularly the Via Dolorosa. These security problems must nevertheless not be solved by means of ad hoc but irreversible alterations at the major sites of Christian Jerusalem, whether for intra muros monuments such as the Holy Sepulchre or the Ecce Homo Basilica, or for such extra muros as the Coenaculum and the Church of the Ascension.

My attention was drawn to new projects concerning the Holy Sepulchre, apparently involving the provision of an emergency exit . This solution, which does not seem to have been agreed to by the three communities concerned, should on no account be imposed at the last minute without careful prior study. The Holy Sepulchre's position, in the heart of the Christian Quarter would call rather for study of a pedestrian flow plan to

rapidly reduce the risk of a bottleneck occurring on the steps leading to its main entrance from Christian Quarter Road. Highlighting the old entrances in the historic topography of a well-known quarter should, at some later date, improve the incorporation of the monument in to the surrounding urban fabric. This does not seem to have been considered since the report submitted by the architect Jean Trouvelot on 20 August 1956.

With regard to the outlying places of worship, many of which are situated either on the Mount of Olives (Church of Saint Lazarus at Bethany; Bethpage Church; Gethsemane Church; Tomb of the Virgin; Churches of the Ascension; Convents of Pater Noster, Dominus Flevit, etc.) or on Mount Zion (Coenaculum, Saint Peter's in Gallicantu, etc.), specific problems of access and numbers of visitors should be dealt with case by case. Special attention should be given to those sites which are holy for two religions, such as the old Church of the Ascension, the site of a highly venerated mosque, or even to all three religions of the book, such as the complex of buildings on Mount Zion, comprising as it does David's Tomb, the Coenaculum, an ancient mosque and the Muslim cemetery of the Dajani family, which used to own the whole Jabal Nabi Daud area.



**REPORT OF THE UN SECRETARY-GENERAL, UN GENERAL ASSEMBLY,
THE SITUATION IN THE MIDDLE EAST 25 OCTOBER 1999**

[Replies from UN member states with regard to Israeli violations in Jerusalem]

I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolutions 53/37 and 53/38 of 2 December 1998. The General Assembly, by resolution 53/37, which deals with the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) of 20 August 1980, called once more upon those States to abide by the provisions of the relevant United Nations resolutions. By resolution 53/38, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the General Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions.
2. The Secretary-General, in order to fulfil his reporting responsibility under the above-mentioned resolutions, on 28 July 1999 addressed notes verbales to the Permanent Representative of Israel and to the permanent representatives of the other Member States, requesting them to inform him of any steps their Governments had taken or envisaged taking concerning the implementation of the relevant provisions of those resolutions. As at 18 October 1999, replies had been received from the Democratic People's Republic of Korea, Ecuador, Guyana, Jordan, Qatar and the Russian Federation. Those replies are reproduced in section II of the present report.

II. REPLIES FROM MEMBER STATES

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA: [Original: English]

1. The Government of the Democratic People's Republic of Korea remains committed to full and early implementation of General Assembly resolutions 53/37 and 53/38 and has not taken any measures that contravene them.
2. With regard to resolution 53/37, we are opposed to any acts on the part of Israel to change the demographic composition in Jerusalem and urge Israel to bring to an end the settlement project therein.
3. As regards resolution 53/38, we are of the view that peace is incompatible with occupation and, therefore, Israel should withdraw from the Syrian Golan unconditionally, as demanded by the international community. We also hope that the issue of ensuring peace in the Middle East will be resolved comprehensively on the basis of the principle "land for peace".

ECUADOR [Original: Spanish]

1. The Permanent Mission of Ecuador wishes to state that Ecuador firmly supports the principle of the peaceful settlement of disputes and therefore encourages further negotiations in this area with a view to finding a speedy and peaceful solution to the territorial problems in the region. Ecuador also rejects the occupation of territory by force, the violation of human rights and terrorist acts of any type.
2. In this context, the Ecuadorean delegation, which took part in the fifty-third session of the General Assembly, voted in favour of General Assembly resolutions 53/37 and 53/38, entitled, respectively, "Jerusalem" and "The situation in the Middle East: the Syrian Golan", which were adopted under the agenda item entitled "The situation in the Middle East".
3. Lastly, it should be noted that the Government of Ecuador maintains its diplomatic representation in the city of Tel Aviv.

GUYANA [Original: English]

The Government of Guyana has complied with both resolutions and supports them entirely. Guyana does not propose to establish a diplomatic mission in Jerusalem in violation of Security Council resolution 478 (1980). Guyana has also supported all efforts to ensure the resumption of the peace process and its success.

JORDAN [Original: Arabic]

1. Jordan rejects any Israeli measures taken within the City of Jerusalem that strengthen Israel's illegitimate authority in the territories it occupied in 1967. With regard to this matter, Jordan brings pressure to bear, through the diplomatic and legal channels available to it under international law and in accordance with the Jordanian-Israeli Treaty of Peace, with a view to halting the illegal Israeli practices and measures in the Holy City.
2. Jordan rejects any Israeli religious jurisdiction over the Islamic Holy Places and religious endowments in Jerusalem. Thus, because it is the party that is legally responsible for the administration of these Holy Places and endowments, Jordan performs its duties and discharges its obligations in terms of providing the necessary support to these Holy Places and endowments and their administration in a manner that is appropriate to countering Israeli domination of the Holy City.
3. Through the available diplomatic and legal channels, as well as in international forums, Jordan endeavours to oppose and halt abusive Israeli measures to withdraw the identity documents of Jordanian and Palestinian residents of Jerusalem, demolish their homes and drive them from the City by direct and indirect means, and to build settlements on occupied Arab land in violation of international law.
4. In every international and regional forum, Jordan is bringing diplomatic and legal pressure to bear on those countries that have transferred or intend to transfer their embassies in Israel to Jerusalem.
5. In cooperation with all the relevant parties, including the United Nations, Jordan will continue to implement the United Nations resolutions seeking to invalidate the illegal measures taken by Israel in Jerusalem.
6. In the context of the peace process, Jordan is endeavouring to achieve a comprehensive, lasting and just resolution of the Jerusalem issue in such a way as to ensure the legitimate rights of all parties in the City and bring an end to Israel's occupation of those parts of Jerusalem that it occupied in 1967.
7. Jordan remains committed to the resolutions adopted by the Security Council and General Assembly, in which the occupation and annexation of the Syrian Golan are deemed to be null and void and to have created no legal effects or acquired rights for Israel on the Syrian heights. Jordan will cooperate with the United Nations in the implementation of its resolutions on this question.
8. Jordan is bringing diplomatic and legal pressure to bear on Israel to comply with the Security Council resolutions on the question, including resolutions 242 (1967) of 22 November 1967 and 497 (1981) of 17 December 1981.
9. Jordan would welcome any progress made on the Syrian-Israeli track in the peace process, and it will do all in its power to achieve a just, lasting and comprehensive peace that ensures the rights of all parties and brings an end to the Israeli occupation of the Syrian Golan and to the measures taken by Israel to annex the area.

QATAR [Original: English]

The State of Qatar supports the above-mentioned General Assembly resolutions and demands their implementation.

RUSSIAN FEDERATION [Original: Russian]

1. The Russian Federation firmly adheres to the principle that the acquisition of territory by force is inadmissible. It considers East Jerusalem to be part of the Arab territory occupied since 1967 and does not recognize its annexation or the declaration of a "united" Jerusalem as the capital of Israel. This position is unchanged and has its basis in Security Council resolutions 252 (1968) of 21 May 1968 and 478 (1980) of 20 August 1980.
2. The Russian Federation bases its position on what was determined at the Madrid Peace Conference on the Middle East, that the fate of Jerusalem must be an element in Palestinian-Israeli talks on the final status of the Palestinian territories. Unilateral actions to change the current status of the City are inadmissible.
3. As a co-sponsor of the Middle East peace process, the Russian Federation welcomes the resumption on 13 September 1999 of the Palestinian-Israeli talks on the final status of the Palestinian territories, including East Jerusalem, and will facilitate in every possible way their advancement and successful conclusion.
4. With regard to the Golan Heights, the Russian Federation consistently advocates their return to Syria in accordance with Security Council resolutions 242 (1967) and 338 (1973) of 22 October 1973, on the basis of the "land for peace" principle. In our opinion, progress on the Syrian track could open the way for the desired solution to the problem of southern Lebanon, and could be of key importance for the establishment of a durable and comprehensive peace in the Middle East.
5. As a co-sponsor, the Russian Federation intends to continue its efforts to secure the swiftest possible resumption of Syrian-Israeli talks on the basis of the results already achieved in the negotiations.



**UNESCO GENERAL CONFERENCE, RESOLUTION 28 ADOPTED ON THE REPORT OF
COMMISSION IV AT THE 25TH PLENARY MEETING, 30TH SESSION (PARIS, 26 OCT.-17 NOV.
1999), PARIS, 16 NOVEMBER 1999**

Jerusalem and the implementation of 29 C/Resolution 22

The General Conference,

Recalling the Hague Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict (1954), the relevant provisions of the Fourth Geneva Convention (1949) and its Additional Protocols, the Convention for the Protection of the World Cultural and Natural Heritage (1972) and the inclusion of the Old City of Jerusalem on the World Heritage List and on the List of the World Heritage in Danger,

Recalling also that, in regard to the status of Jerusalem, UNESCO abides by United Nations Security Council and General Assembly decisions and resolutions, and in particular by resolutions 242 (1967), 252 (1968), 267 (1969), 271 (1969), 298 (1971) and 478 (1980) of the Security Council and by resolutions 2253 (ES-V) and 2254 (ES-V) of the United Nations General Assembly,

Concerned by the measures that continue to hamper free access by Palestinians to East Jerusalem and the Holy Places of the Old City of Jerusalem,

Having considered the report submitted by Professor Léon Pressouyre and transmitted to the General Conference by the Director-General (30 C/12),

1. *Notes that:*

- (a) the Old City of Jerusalem is affected by the urbanization of its surroundings;
 - (b) changes in its social composition may, in the long term, have an influence on the urban fabric and the built heritage in the Old City;
 - (c) archaeology and the conservation of monuments in the Old City and its surroundings continue to be a subject of concern;
 - (d) the Israeli authorities have, on several occasions, affirmed their intention of preserving the green spaces in the Old City;
2. *Recalls and reaffirms* UNESCO's previous decisions and resolutions on the safeguarding of the cultural heritage of East Jerusalem and *reiterates its request* that no measure and no action likely to modify the religious, cultural, historical and demographic character of the city or the overall balance of the site be taken;
3. *Thanks* the Director-General for all the efforts he has made and is continuing to make to ensure the implementation of UNESCO's decisions and resolutions concerning Jerusalem;
4. *Invites* the Director-General to entrust an expert of his choice, in accordance with the spirit of the 1972 Convention for the Protection of the World Cultural and Natural Heritage, with a further mission to Jerusalem in order to prepare a report on the needs of the Old City and its surroundings with respect to protection of the environment and of the cultural heritage, and to submit this report to the Executive Board at its 160th session;
5. *Requests* the Israeli authorities to facilitate this mission;
6. *Decides* to place this question on the agenda of its 31st session.



UN GENERAL ASSEMBLY, RESOLUTION 54/37 ON JERUSALEM, 1 DECEMBER 1999

[The operative parts of this resolution drafted by Afghanistan, Algeria, Bahrain, Bangladesh, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Tunisia, UAE, Yemen and Palestine, were that steps taken by Israel in Jerusalem since 1967 are null and void and that transfer of foreign diplomatic missions to Jerusalem was deplorable.]

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996, 52/53 of 9 December 1997 and 53/37 of 2 December 1998, 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 also 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 which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,
Having considered the report of the Secretary-General,

1. *Determines* 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;
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 fifty-fifth session on the implementation of the present resolution.

[Adopted with 139 in favor, 1 against, 3 abstentions and 45 absent]



UN ECONOMIC AND SOCIAL COUNCIL, RESOLUTION ON ECONOMIC AND SOCIAL REPERCUSSIONS OF THE ISRAELI OCCUPATION ON THE LIVING CONDITIONS OF THE PALESTINIAN PEOPLE IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM, AND THE ARAB POPULATION IN THE OCCUPIED SYRIAN GOLAN, 28 JULY 2000 [EXCERPTS]

The Economic and Social Council,

Recalling General Assembly resolution 54/230 of 22 December 1999,

Recalling also its resolution 1999/53 of 29 July 1999,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, [...]

Convinced that the Israeli occupation impedes efforts to achieve sustainable development and a sound economic environment in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan,

Gravely concerned about the deterioration of economic and living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population of the occupied Syrian Golan, and the exploitation by Israel, the occupying Power, of their natural resources, [...]

Conscious of the urgent need for the development of the economic and social infrastructure of the occupied Palestinian territory, including Jerusalem, and for the improvement of the living conditions of the Palestinian people as a key element of a lasting peace and stability,

1. *Stresses* the need to preserve the territorial integrity of all of the occupied Palestinian territory and to guarantee the freedom of movement of persons and goods in the territory, including the removal of restrictions on going into and from East Jerusalem, and the freedom of movement to and from the outside world; [...]
3. *Calls upon* Israel, the occupying Power, to cease its measures against the Palestinian people, in particular the closure of the occupied Palestinian territory, the enforced isolation of Palestinian towns, the destruction of homes and the isolation of Jerusalem; [...]
5. *Also reaffirms* that Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the occupied Syrian Golan, are illegal and an obstacle to economic and social development;
7. *Urges* Member States to encourage private foreign investment in the occupied Palestinian territory, including Jerusalem, in infrastructure, job-creation projects and social development, in order to alleviate the hardship of the Palestinian people and improve living conditions; [...]
9. *Decides* to include the item entitled "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan" in the agenda of its substantive session of 2001.



**LETTER FROM THE CHAIRMAN OF THE COMMITTEE ON THE EXERCISE
OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE TO THE
UN SECRETARY-GENERAL, 2 OCTOBER 2000**

[Letter reporting events occurred on the Haram Ash-Sharif on 28 September 2000]

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to draw your attention, as a matter of urgency, to the violent confrontations between the Israel Defence Forces (IDF) and police and Palestinian worshippers at Al-Aqsa Mosque and throughout the Haram al-Sharif compound that erupted on 28 September 2000. Violent confrontations also took place all across the West Bank and the Gaza Strip. According to media reports, 40 Palestinians died in the clashes. Altogether, some 1,500 people were reported injured. Reports indicate that most of the dead and injured sustained wounds caused by rubber-coated metal bullets and live ammunition. Moreover, excessive force was used by IDF against the Palestinian protesters, including tanks, helicopter gunships, anti-tank missiles and grenades.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to express the gravest and growing concern at the continued confrontations in the Old City of Jerusalem and throughout the West Bank and the Gaza Strip. The Committee is dismayed by the loss of life as a result of these confrontations. It is particularly saddened by the tragic deaths of innocent Palestinian children.

The Committee is of the view that the events of the past several days are a direct result of the policies and practices of the Israeli occupation. To this day, Israel has continued to violate its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention), and the provisions of dozens of Security Council and General Assembly resolutions. Our Committee has warned on a number of occasions that Israel's failure to live up to those principles, as well as the continued lack of progress in the Israeli-Palestinian peace negotiations, would allow despair and frustration to set in, putting the peace process in considerable jeopardy and leading to increased volatility on the ground.

The Committee therefore addresses an urgent appeal to you, as well as to all the parties concerned, to take the necessary steps in order to induce Israel to abide by its obligations and responsibilities under the Fourth Geneva Convention, to guarantee its respect for the Holy Places and to ensure international protection of the Palestinian people.

In the light of the above, the Committee reiterates its long-standing position that the United Nations should continue to exercise its permanent responsibility towards all the aspects of the question of Palestine, including the issue of Jerusalem, until it is resolved in a satisfactory manner, in conformity with relevant United Nations resolutions and in accordance with international legitimacy, and until the inalienable rights of the Palestinian people are fully realized.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 41, and of the Security Council.

(Signed) Ibra Deguène KA
Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People



UN SECURITY COUNCIL RESOLUTION 1322, 7 OCTOBER 2000 [EXCERPTS]

[Resolution deploring the provocative 28 Sept. events in Jerusalem]

The Security Council,

Recalling its resolutions 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 672 (1990) of 12 October 1990, and 1073 (1996) of 28 September 1996, and all its other relevant resolutions,

Deeply concerned by the tragic events that have taken place since 28 September 2000, that have led to numerous deaths and injuries, mostly among Palestinians,

Reaffirming that a just and lasting solution to the Arab and Israeli conflict must be based on its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiating process, Security Council - 2 - Press Release SC/6934 4205th Meeting (Night) 7 October 2000

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and Palestinian sides and urging the two sides to cooperate in these efforts,

Reaffirming the need for full respect by all of the Holy Places of the City of Jerusalem, and condemning any behaviour to the contrary,

1. *Deplores* the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other Holy Places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties; [...]

[Approved by 14 votes in favour to none against, with 1 abstention (US)]



**UN GENERAL ASSEMBLY, RESOLUTION ES-10/7 ON ILLEGAL ISRAELI ACTIONS
IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED
PALESTINIAN TERRITORY, 20 OCTOBER 2000 [EXCERPTS]**

[Co-sponsored by Afghanistan, Algeria, Bahrain, Bangladesh, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, UAE, Yemen and Palestine, the resolution condemned the violence taking place in the OPT and Jerusalem]

The General Assembly,

Reaffirming the resolutions of the tenth emergency special session and the necessity of full implementation of those resolutions,

Welcoming the adoption by the Security Council of resolution 1322 (2000) of 7 October 2000, and stressing the urgent need for full compliance with the resolution,

Expressing its deep concern over the provocative visit to Al-Haram Al-Sharif on 28 September 2000, and the tragic events that followed in Occupied East Jerusalem and other places in the Occupied Palestinian Territory, which resulted in a high number of deaths and injuries mostly among Palestinian civilians,

Expressing its deep concern also over the clashes between the Israeli army and the Palestinian police and the casualties on both sides,

Reaffirming that a just and lasting solution to the Arab-Israeli conflict must be based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiation process which takes into account the right of security for all States in the region, as well as the legitimate rights of the Palestinian people, including their right to self-determination,

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and the Palestinian sides and urging the two sides to cooperate in these efforts,

Reaffirming the need for full respect for the Holy Places of Occupied East Jerusalem and condemning any behavior to the contrary,

Reaffirming also the need for the full respect for the Holy places in the rest of the Occupied Palestinian Territory, as well as in Israel, and condemning any behavior to the contrary,

[...]

Noting the convening on 15 July 1999 for the first time of a Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, at the United Nations Office at Geneva, and welcoming also the statement adopted by the participating High Contracting Parties,

1. *Condemns* the violence that took place on 28 September 2000 and the following days at Al-Haram Al-Sharif and other Holy Places in Jerusalem as well as other areas in the Occupied Palestinian Territory, resulting in the deaths of over 100 people, the vast majority of whom were Palestinian civilians, and many other casualties;
2. *Condemns also* acts of violence, especially the excessive use of force by the Israeli forces against Palestinian civilians;
3. *Expresses support* for the understandings reached at the summit convened at Sharm El-Sheikh, Egypt, and urges all parties concerned to implement these understandings honestly and without delay;
4. *Demands* the immediate cessation of violence and the use of force, calls upon the parties to act immediately to reverse all measures taken in this regard since 28 September 2000 and acknowledges that necessary steps have been taken by the parties in this direction since the summit of Sharm El-Sheikh;
5. *Reiterates* that Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, are illegal and are an obstacle to peace, and calls for the prevention of illegal acts of violence by Israeli settlers; [...]



**UN GENERAL ASSEMBLY, DRAFT RESOLUTION DEPLORING
ISRAELI ACTIVITIES IN JERUSALEM, 27 NOVEMBER 2000**

[This draft resolution was presented by Afghanistan, Algeria, Bahrain, Bangladesh, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Jordan, Kuwait, Malaysia, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine]

JERUSALEM

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996, 52/53 of 9 December 1997, 53/37 of 2 December 1998 and 54/37 of 1 December 1999, 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 also 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 which had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,

1. *Determines* 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;
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 fifty-sixth session on the implementation of the present resolution.



UN GENERAL ASSEMBLY, RESOLUTION 55/50 ON JERUSALEM, 1 DECEMBER 2000

[Resolution declaring Israel's legal and administrative actions in Jerusalem illegal and, therefore, null and void, and deploring the transfer by some states of their diplomatic missions to the city]

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996, 52/53 of 9 December 1997, 53/37 of 2 December 1998 and 54/37 of 1 December 1999, 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 also 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 which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,

1. *Determines* 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;
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 fifty-sixth session on the implementation of the present resolution.

*[Adopted with 145 in favor, 1 against (Israel), 5 abstentions
(Angola, Micronesia, Marshall Islands, Nauru and the US) and 45 absent]*



**LETTER FROM THE ACTING CHAIRMAN OF THE COMMITTEE ON
THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE
TO THE UN SECRETARY-GENERAL, 22 AUGUST 2001 [EXCERPTS]**

[Letter condemning the escalation of violence in and around Jerusalem and Israeli violations in the city]

In my capacity as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to draw your attention, as a matter of urgency, to the present alarming situation in the Occupied Palestinian Territory, including Jerusalem.

The Committee has been extremely worried by the latest dramatic escalation of tensions and violence in and around East Jerusalem and in areas under full Palestinian control. Judging by its present policies and actions on the ground, it appears that Israel has no intention of respecting agreements signed with the Palestinian side and has firmly decided on continuing wide-scale military operations in the Occupied Palestinian Territory, including East Jerusalem, as well as in areas under full control of the Palestinian Authority. The latest and most striking incidents included the taking over of Orient House and other Palestinian institutions in East Jerusalem and Abu Dis, and the massive Israeli Defence Forces (IDF) incursion into Jenin. Furthermore, Israel continues to use sophisticated weapons, including helicopter gunships, in the extrajudicial killings of suspected Palestinian activists. As a result of the violence, the death toll is mounting, the Palestinian economy is decimated and the infrastructure of the Occupied Palestinian Territory gets further eroded. [...]



**STATEMENT BY UNESCO DIRECTOR-GENERAL, KOICHIRO MATSUURA, CALLING FOR
THE SAFEGUARD OF THE HERITAGE OF JERUSALEM, PARIS, 16 OCTOBER 2001**

I am convinced that the time is ripe for the launching of an international effort in favour of the safeguarding of the heritage of the *Old City of Jerusalem*. This city of unique and universal value, of art, of spirituality and of history, is not solely a matter for those around the world who are ever concerned about the kind of status or future it may have. It is a matter for humankind in its entirety. I therefore issue an appeal for the preparation, under UNESCO's auspices, and in the spirit of the 1972 Convention for the Protection of the World Cultural and Natural Heritage, of an overall plan for the safeguarding of this exceptional heritage which, alas, is still on the Heritage in Danger List. I accordingly intend, if this initiative receives broad endorsement, to seek the means necessary for the funding of this operation, which I shall conduct strictly on a professional and technical footing, removed from all political considerations. I seek from the international community what I see as a duty of self-respect; in this period of bewilderment and mindlessness, let us perform a highly symbolic act which sets forth our faith in the future of the human family, at peace with itself anew.



**REPORT OF THE SECRETARY-GENERAL, UN GENERAL ASSEMBLY,
THE SITUATION IN THE MIDDLE EAST, 17 OCTOBER 2001**

I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolutions 55/50 and 55/51 of 1 December 2000. The General Assembly, in its resolution 55/50, which deals with the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) of 20 August 1980, called once more upon those States to abide by the provisions of the relevant United Nations resolutions. In Assembly resolution 55/51, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan in implementation of the relevant Security Council resolutions.

2. The Secretary-General, in order to fulfil his reporting responsibility under the above-mentioned resolutions, on 27 July 2001 addressed notes verbales to the Permanent Representative of Israel and to the Permanent Representatives of other Member States requesting them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As of 11 October 2001 replies have been received from Belarus, Denmark, Israel, Japan and Portugal. Those replies are reproduced in section II of the present report.

II. REPLIES RECEIVED FROM MEMBER STATES

BELARUS [Original: English]

1. Belarus, as a member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, firmly supported resolutions 55/50 on Jerusalem and 55/51 on the Syrian Golan, adopted by the General Assembly on 1 December 2000 at its fifty-fifth session under the agenda item "The situation in the Middle East".
2. Belarus has been consistently adherent to the compliance by all Member States with the provisions of the relevant resolutions of the General Assembly of the United Nations relative to the character and status of the Holy City of Jerusalem.
3. Belarus condemns the continued occupation of the Syrian Golan in contravention of the relevant General Assembly and Security Council resolutions.
4. Belarus is firmly committed to a peaceful settlement of the Arab-Israeli conflict and calls on the parties to resume the peace process with a view to achieving a just, comprehensive and lasting peace in the region.

DENMARK [Original: English]

The Permanent Mission of Denmark has the honour to inform the Secretary-General that the above resolutions have not given occasion for any reporting on the part of the Danish Government.

ISRAEL [Original: English]

1. As the Secretary-General is aware, Israel voted against these resolutions, as well as against similar resolutions adopted by the General Assembly in previous sessions. In the light of the urgent need to bring an end to all acts of violence and terrorism in the region and to return to the agreed negotiating process, Israel wishes to place on record, once again, its position on this matter.
2. Israel views the aforementioned General Assembly resolutions as unbalanced documents that threaten to prejudice the outcome of the Middle East peace process. The one-sided approach reflected in these resolutions undermines fundamental agreements reached between the parties, according to which the achievement of a just and lasting peace in the region is possible only through direct bilateral negotiations.

JAPAN [Original: English]

Steps taken by the Government of Japan concerning the implementation of the relevant provisions of resolutions 55/50 and 55/51, adopted by the General Assembly on 1 December 2000, are as follows:

A. With respect to resolution 55/50

1. Japan has stated its view on the Basic Law of Israel proclaiming Jerusalem as the united capital of Israel in the statement of the Ministry of Foreign Affairs on 1 August 1980 as follows:
 - "(a) The Knesset has recently passed the Basic Law proclaiming Jerusalem as the united capital of Israel. It gives an ex post facto legal approval to the annexation of East Jerusalem, which was occupied by Israel in 1967. Japan cannot recognize such a unilateral change to the legal status of an occupied territory, which is in total violation of the relevant United Nations resolutions;
 - "(b) The Government of Japan is deeply concerned that such an action would not only deteriorate the atmosphere for the settlement of the Middle East peace problem, but also jeopardize the results of the efforts which have been made for the achievement of peace in this region."

This position has not changed since.
2. Japan believes that issues relating to Jerusalem should be resolved through the permanent status negotiations between the parties concerned, and until such a solution is achieved both parties should refrain from taking any unilateral action relating to the situation in Jerusalem.
3. Japan established a legation at Tel Aviv in 1955 which was made an embassy in 1963, but has never established an embassy in Jerusalem.

B. With respect to resolution 55/51

1. With regard to the passing in 1981 of legislation concerning the annexation of the Golan Heights, Japan issued a statement by the Minister for Foreign Affairs on 15 December 1981 as follows:
 - "(a) The Knesset passed legislation which in effect annexes the Golan Heights on 14 December 1981. Japan cannot condone such a unilateral change to the legal status of an occupied territory by Israel, following the annexation of East Jerusalem in July 1980, which is in total violation of international law and United Nations Security Council resolutions 242 and 338;

"(b) The Government of Japan is deeply concerned that such an action would not only impair the atmosphere that exists for the settlement of the Arab-Israeli conflict through peaceful means, but would also heighten tension in the region;

"(c) On this occasion, the Government of Japan reiterates its strong demand that Israel withdraw from all the territories occupied in 1967 as early as possible."

This position has not changed since.

2. Since February 1996, Japan has dispatched 45 personnel to the United Nations Disengagement Observer Force operating in the Golan Heights.

PORTUGAL [Original: English]

1. Concerning the implementation of resolution 55/50, the position of Portugal regarding the status of the city of Jerusalem has not changed. Portugal does not have a diplomatic mission in that city.
2. Concerning the implementation of resolution 55/51 on the situation on the Golan Heights, Portugal's position remains unaltered.
3. Regarding the implementation of these resolutions, Portugal concurs with the positions of its European Union partners.



UN GENERAL ASSEMBLY, RESOLUTION 56/31 ON JERUSALEM, 3 DECEMBER 2001

[Resolution recalling previous resolutions on Jerusalem, deploring Israeli violations in the city]

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, 41/162 C of 4 December 1986, 42/209 D of 11 December 1987, 43/54 C of 6 December 1988, 44/40 C of 4 December 1989, 45/83 C of 13 December 1990, 46/82 B of 16 December 1991, 47/63 B of 11 December 1992, 48/59 A of 14 December 1993, 49/87 A of 16 December 1994, 50/22 A of 4 December 1995, 51/27 of 4 December 1996, 52/53 of 9 December 1997, 53/37 of 2 December 1998, 54/37 of 1 December 1999 and 55/50 of 1 December 2000, 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 also 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 which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General,¹⁷

1. *Determines* 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;
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 fifty-seventh session on the implementation of the present resolution.



UN GENERAL ASSEMBLY, RESOLUTION ES 10/9 ON THE SITUATION IN THE OCCUPIED TERRITORIES, 10TH EMERGENCY SPECIAL SESSION NEW YORK, 20 DECEMBER 2001

[Following the US veto (and Norwegian and UK abstention) of a UNSC draft resolution regarding the situation in the OPT on 15 Dec., UNGA, passed two resolutions: ES10/8 - identical to the UNSC draft vetoed by the US - with 124 in favor, 6 against (Israel, Marshall Islands, Micronesia, Nauru, Tuvalu, US) and 25 abstaining, and ES10/9 with 133 in favor, 4 against (Israel, Marshall Island, Micronesia, US) and 16 abstaining]

The General Assembly,

Recalling its relevant resolutions, including resolutions of the tenth emergency special session on the situation in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Recalling also relevant Security Council Resolutions, including Resolutions 237 (1967) of 14 June 1967, 242 (1967) of 22 November 1967, 259 (1968) of 27 September 1968, 271 (1969) of 15 September 1969, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 484 (1980) of 19 December 1980, 592 (1986) of 8 December 1986, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 673 (1990) of 24 October 1990, 681 (1990) of 20 December 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992, 799 (1992) of 18 December 1992, 904 (1994) of 18 March 1994, and 1322 (2000) of 7 October 2000,

Taking note with appreciation of the convening of the Conference of High Contracting Parties to the Fourth Geneva Convention, on 15 July 1999, as recommended by the General Assembly in its Resolution ES-10/6 of 9 February 1999, and the statement adopted by the Conference,

Taking note with appreciation also of the reconvening of the abovementioned Conference, on 5 December 2001, and the important declaration adopted by the Conference,

Recalling relevant provisions of the Rome Statute of the International Criminal Court,

Reaffirming the position of the international community on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, as illegal and as an obstacle to peace,

Expressing its concern at Israeli actions taken recently against the Orient House and other Palestinian institutions in Occupied East Jerusalem as well as other illegal Israeli actions aimed at altering the status of the city and its demographic composition,

Reiterating the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 to the Occupied Palestinian Territory, including East Jerusalem,

Stressing that the Fourth Geneva Convention, which takes fully into account imperative military necessity, has to be respected in all circumstances,

Bearing in mind the relevant provisions of the Charter of the United Nations, including Article 96 thereof,

1. *Expresses* its full support for the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, convened on 5 December 2001 at Geneva;
2. *Calls upon* all members and observers of the United Nations as well as the Organization and its agencies to observe the abovementioned declaration;
3. *Decides to* adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.



**UNESCO EXECUTIVE BOARD, DECISIONS AND RESOLUTIONS ADOPTED
AT ITS 164TH SESSION, DECISION 164 EX/3.5.3, PARIS, 21 JUNE 2002 [EXCERPTS]**

[Decisions concerning the safeguarding of heritage in Jerusalem]

3.5.3 Jerusalem and the implementation of 162 EX/Decision 3.5.3 (164 EX/20 and Add. and 164 EX/51)

The Executive Board,

1. *Having examined* document 164 EX/20 and Add.,
2. *Reaffirms* all its previous decisions concerning Jerusalem;
3. *Requests* the Director-General to continue his efforts to implement those decisions;
4. *Invites* the Director-General to report to it on this subject at its 165th session.

[...]

3.5.3 Jerusalem and the implementation of 161 EX/Decision 3.4.2 (164 EX/16 and 162 EX/54)

The Executive Board,

1. *Recalling* 30 C/Resolution 28 and 161 EX/Decision 3.4.2, as well as the provisions of the Fourth Geneva Convention of 1949 and its Additional Protocols, of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954) and its Protocol, and of the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem on the World Heritage List and on the List of World Heritage in Danger, the UNESCO recommendations, resolutions and decisions on the protection of the cultural heritage and the relevant United Nations Security Council and General Assembly resolutions and decisions on the status of Jerusalem,

2. *Taking note* of document 162 EX/16 concerning Jerusalem and *drawing attention* to the obstacles to the implementation of 161 EX/Decision 3.4.2,
3. *Concerned* at the damage duly ascertained by experts of international repute, which has affected and threatens the balance of the Holy City,
4. *Profoundly concerned* at actions that endanger the heritage of that city and its cultural, architectural, historical and demographic components,
5. *Appreciates* the appeal by the Director-General at the opening of the 162nd session of the Executive Board for recognition of the importance of Jerusalem as a symbol of humankind's common heritage;
6. *Thanks* the Director-General for his praiseworthy and unceasing efforts for the preservation of the cultural and historic property of the Old City of Jerusalem, and requests him to continue his efforts to safeguard the overall balance of the site, and to endeavour to ensure the application by the occupying power of all decisions and resolutions concerning Jerusalem as regards the totality of its cultural, architectural, historical and demographic components as well as restoration work;
7. *Thanks* the States, organizations, institutions and individuals that have made financial contributions to the Special Account for the Safeguarding of the Cultural Heritage of the City of Jerusalem, and in particular the Kingdom of Saudi Arabia for its generous contribution;
8. *Reaffirms* its regret that the Israeli authorities continue to obstruct the mission to Jerusalem with which Professor Oleg Grabar has been entrusted and that, as a result of this obstruction, he has not been able to submit his report to the Executive Board at its 162nd session, and *invites* the Director-General to continue his efforts with a view to securing the implementation by the Israeli authorities of 30 C/Resolution 28 so as to enable Professor Grabar to carry out his mission to Jerusalem and to submit his report at the 164th session of the Board; and *firmly demands* that the Israeli authorities take all necessary measures to facilitate the satisfactory accomplishment of this mission;
9. *Requests* governmental and non-governmental organizations and institutions to observe UNESCO General Conference resolutions and Executive Board decisions relating to Jerusalem, and not to allow any measures to be taken which contravene them;
10. *Decides* to include this item in the agenda of its 164th session. [...]



**REPORT OF THE SECRETARY-GENERAL, UN GENERAL ASSEMBLY,
THE SITUATION IN THE MIDDLE EAST, 14 OCTOBER 2002 [EXCERPTS]**

[Replies from Member States to the Secretary-General's note verbale of 27 June 2002 concerning implementation of the relevant provisions of UNGA resolution 56/31, entitled "Jerusalem"]

I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolutions 56/31 and 56/32 of 3 December 2001. In its resolution 56/31, which deals with the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) of 20 August 1980, the Assembly called once more upon those States to abide by the provisions of the relevant United Nations resolutions. In resolution 56/32, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan in implementation of the relevant Security Council resolutions.
2. The Secretary-General, in order to fulfil his reporting responsibility under the above-mentioned resolutions, on 27 June 2002 addressed notes verbales to the Permanent Representative of Israel to the United Nations and to the Permanent Representatives of other Member States requesting them to inform him of any steps their Governments had taken or envisaged taking concerning the implementation of the relevant provisions of the above resolutions. As at 11 October 2002, replies had been received from Gambia, Israel, Japan, the Syrian Arab Republic and the United Arab Emirates. Those replies are reproduced in section II of the present report.

II. REPLIES RECEIVED FROM MEMBER STATES

GAMBIA [Original: English]

1. With reference to General Assembly resolution 56/31, the Gambia has no diplomatic mission in Jerusalem and does not intend to transfer any of its missions in that region to Jerusalem. [...]

ISRAEL [Original: English]

1. As the Secretary-General is aware, Israel voted against these resolutions, as well as against similar resolutions adopted by the General Assembly in previous sessions. In the light of the urgent need to bring an end to all acts of violence and terrorism in the region and to return to the agreed negotiating process, Israel wishes to put on record, once again, its position on this matter.
2. Israel views the aforementioned General Assembly resolutions as unbalanced documents that threaten to prejudice the outcome of the Middle East peace process. The one-sided approach reflected in these resolutions undermines a fundamental principle of the peace process, according to which the achievement of a just and lasting peace in the region is possible only through direct bilateral negotiations.

JAPAN [Original: English]

1. The steps taken by the Government of Japan concerning the implementation of the relevant provisions of resolutions 56/31 and 56/32 adopted by the General Assembly on 3 December 2001 under the agenda item entitled "The situation in the Middle East" are described below.

(a) Resolution 56/31

2. It is the view of the Government of Japan that the Basic Law of Israel of 1980 gives ex post facto legal approval to the annexation of East Jerusalem, which Israel occupied in 1967, and that such a unilateral change to the legal status of an occupied territory is in violation of the relevant United Nations resolutions and cannot be recognized.
3. The Government of Japan considers that, as agreed in the Oslo Accords, the status of Jerusalem should be determined through the permanent status negotiations between the Israelis and the Palestinians, and that until a solution is achieved through such negotiations both parties should refrain from taking any unilateral actions relating to the situation in Jerusalem. The Government of Japan does not have an establishment in Jerusalem; its Embassy is in Tel Aviv.
4. The vicious cycle of violence has been continuing on the ground for nearly two years, and little progress has been seen in the dialogue towards peace between the parties. The Government of Japan has called for self-restraint and dialogue on the part of both parties. It also has extended economic assistance to the Palestinians for their nation-building efforts, in particular in the field of human resources development in support of the Palestinian Authority reforms, which are indispensable to realizing a vision of two States living side by side within secure and recognized borders as well as achieving a just and lasting peace in the Middle East. The Government of Japan will actively continue these efforts. [...]

SYRIAN ARAB REPUBLIC [Original: Arabic]

[...]

2. The Syrian Arab Republic also affirms its support for resolution 56/31, entitled "Jerusalem", and invites the international community to exert pressure on Israel to end its occupation of the Arab territories that it occupied in 1967, including Jerusalem, and to abide by Security Council resolution 478 (1980) of 20 August 1980, in which the Council decided not to recognize the "Basic Law" on Jerusalem enacted by Israel, and determined that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem was illegal and therefore null and void and had no validity whatsoever. The Syrian Arab Republic also calls upon all States to abide fully by the provisions of resolution 56/31, in particular the provision in the second preambular paragraph which refers to Security Council resolution 478 (1980) of 20 August 1980, in which the Council called upon those States that had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City and to abide by the provisions of the resolution.

UNITED ARAB EMIRATES [Original: English]

1. The occupied city of Jerusalem

1. The United Arab Emirates has reiterated in all international circles the Arabic identity of Jerusalem and stressed the importance of resisting the Israeli attempts to profane its Islamic and Christian monuments and turn it into a Jewish city. We have always called upon international society to bring pressure to bear upon Israel to put an end to all such practices. The United Arab Emirates condemns the prosecution of Muslim and Christian religious figures by the Israeli occupying forces and insists on the importance of ensuring freedom of religion in the occupied city of Jerusalem.
2. We also affirm the joint Arabic position which considers the transfer of the American Embassy, or any attempt by any country to transfer its embassy to Jerusalem before reaching a final solution on the status of the city, as illegal and a violation of all international laws. We also confirm our commitment to the resolutions of the Arab Summit, which call for boycotting any country that recognizes Jerusalem as the capital of Israel or transfers its embassy to the city.
3. The United Arab Emirates has funded projects in Jerusalem in the total amount of US\$ 6 million, involving providing flooring for the inside of the Al-Aqsa Mosque and furnishing it, as well as opening a 24-hour clinic. We also repaired a number of wells, cemeteries and damaged houses. We funded the con-

struction of a wall around Al-Quds University and provided hospitals in the city of Jerusalem as well as other Palestinian cities with ambulances and medicine. There are further projects to be carried out in the city in the future. [...]



UN GENERAL ASSEMBLY, RESOLUTION 57/111 ON JERUSALEM, 14 FEBRUARY 2003

[Resolution calling for a solution of the question of Jerusalem and condemning Israeli actions in the city]

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 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" and called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City,

Expressing its grave concern at any action taken by any body, governmental or non-governmental, in violation of the above-mentioned resolutions,

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 and religious dimension of the city, as foreseen in relevant United Nations resolutions on this matter,

Having considered the report of the Secretary-General,

1. *Reiterates its determination* that any actions taken by Israel 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;
2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and 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;
3. *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;
4. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution.



REPORT OF THE SECRETARY-GENERAL, UN GENERAL ASSEMBLY, THE SITUATION IN THE MIDDLE EAST, 13 AUGUST 2003 [EXCERPTS]

[Replies received from Member States in response to the Secretary-General's note verbale of 19 June 2003 concerning implementation of the relevant provisions of UNGA resolutions 57/111, entitled "Jerusalem"]

I. INTRODUCTION

1. The present report is submitted pursuant to General Assembly resolutions 57/111 and 57/112, both of 3 December 2002. In its resolution 57/111, the Assembly deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and called once more upon those States to abide by the provisions of the relevant United Nations resolutions. In its resolution 57/112, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of Council resolutions 242 (1967) and 338 (1973).
2. In order to fulfil his reporting responsibility under resolutions 57/111 and 57/112, on 19 June 2003 the Secretary-General addressed notes verbales to the Permanent Representative of Israel to the United Na-

tions and to the Permanent Representatives of other Member States requesting them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 4 August 2003, replies had been received from Israel, Japan, the Netherlands, Norway, South Africa, Switzerland, the Syrian Arab Republic and Trinidad and Tobago. Those replies are reproduced in section II of the present report.

II. REPLIES RECEIVED FROM MEMBER STATES

[...]

JAPAN [Original: English]

1. Steps taken or planned by the Government of Japan concerning the implementation of the relevant provisions of resolutions 57/111 and 57/112 adopted by the General Assembly on 3 December 2003 under the agenda item entitled "The situation in the Middle East", are described below.

1. Resolution 57/111

2. It is the view of the Government of Japan that the Basic Law of Israel of 1980 gives ex post facto legal approval to the annexation of East Jerusalem, which Israel occupied in 1967, and that such a unilateral change to the legal status of an occupied territory is in violation of the relevant United Nations resolutions and cannot be recognized.
3. The Government of Japan considers that, as agreed in the Oslo Accords, the status of Jerusalem should be determined through permanent status negotiations between the Israelis and the Palestinians and that until a solution is achieved through such negotiations both parties should refrain from taking any unilateral actions relating to the situation in Jerusalem. The Government of Japan does not have an office in Jerusalem; its embassy is in Tel Aviv and there are no plans to transfer it.
4. Japan welcomes the positive direction being taken in line with the "road map" and hopes that the dialogue resumed between Israel and Palestine, including talks at the summit level, will continue. Japan will actively continue its efforts to promote peace in order to realize the vision of two States living side by side in peace and security as well as to assist state-building efforts by the Palestinians, which is indispensable to achieving a just and lasting peace, by implementing assistance measures focusing on "human development," "reform" and "confidence-building," as announced during the visit of Foreign Minister Kawaguchi in April 2003. [...]

THE NETHERLANDS [Original: English]

The Netherlands is in compliance with Security Council resolution 478 (1980). Furthermore, the Netherlands, through the European Union and otherwise, actively participates in and encourages international efforts such as those undertaken by the Quartet for the Middle East aimed at reaching a lasting peace in the region.

NORWAY [Original: English]

1. Resolution 57/111. Jerusalem

1. Norway's position remains in accordance with this resolution. Norway actively supports the Quartet road map and related diplomatic efforts that will, it is hoped, lead to a just and lasting solution to all aspects of the conflict. [...]

SWITZERLAND [Original: French]

1. Switzerland has often expressed its deep concern about the evolution of the situation in the Middle East, recalling the respective and specific obligation of the parties under international humanitarian law.
2. With respect to resolution 57/111, adopted by the General Assembly at its fifty-seventh session, on 3 December 2002, and in conformity with Security Council resolution 476 (1980), which reiterates that all measures that have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void, Switzerland considers that the extension of Israeli sovereignty to East Jerusalem constitutes a unilateral act that is contrary to international law and thus unacceptable.
3. Switzerland recalls that, in accordance with Security Council resolution 478 (1980), the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (fourth Geneva Convention), applies to all the territories in question, including the Golan Heights. In full conformity with General Assembly resolution 57/111, Switzerland believes that the final status of Jerusalem can only be settled by negotiations between all the parties concerned, on the basis of international law. The outcome of such negotiations must be to ensure free access to their holy places by people of all religions. [...]

SYRIAN ARAB REPUBLIC

[...]

3. The Syrian Arab Republic also expresses its support for General Assembly resolution 57/111, entitled "Jerusalem", and urges the international community to bring pressure to bear on Israel to end its occupation of the territories that it has occupied since 1967, including Jerusalem, and to comply with Security Council

resolution 478 (1980) of 20 August 1980, in which it was decided not to recognize the "basic law" enacted by Israel concerning Jerusalem. The resolution further determines that all legislative and administrative measures and actions taken by Israel in that regard are null and void and must be rescinded forthwith. The Syrian Arab Republic urges all States to comply completely with the provisions of resolution 57/111 and, in particular, of the third preambular paragraph thereof, which refers to Security Council resolution 478 (1980) of 20 August 1980. That resolution called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City and to abide by the provisions of the relevant United Nations resolutions. [...]



**UNESCO GENERAL CONFERENCE, RESOLUTION 39, JERUSALEM AND THE
IMPLEMENTATION OF 31 C/RESOLUTION 31, 32ND SESSION, PARIS, 17 OCTOBER 2003**

[Resolution on the safeguarding of the cultural heritage in Jerusalem]

The General Conference,

Referring to 31 C/Resolution 31, as well as to the provisions of the four Geneva Conventions (1949), The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocol and to the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem on the World Heritage List and on the List of World Heritage in Danger and the recommendations, resolutions and decisions of UNESCO on the protection of the cultural heritage,

Affirming that nothing in the present resolution, which aims at the safeguarding of the cultural heritage of the Old City of Jerusalem, will in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,

Taking note of document 32 C/15 concerning Jerusalem and drawing attention to the difficulties encountered in the implementation of 31 C/Resolution 31,

Noting that:

- (a) despite the sustained and praiseworthy efforts of the Director-General to implement the resolutions of the General Conference and the decisions of the Executive Board on the safeguarding of Jerusalem, little or no progress has been observed in this regard,
- (b) since it is recognized that certain dangers imperil some parts of the cultural heritage of the Old City of Jerusalem (al-Quds), it is necessary to safeguard monuments and historic sites in a spiritual, cultural and demographic context that, because of both its diversity and its harmonious complementarity, constitutes the unique character of Jerusalem as a symbol of the heritage of humanity as a whole,
- (c) concerning the technical mission entrusted to Professor Oleg Grabar, the Israeli authorities have indicated that while they were willing to consider this initiative, they were not able to take any action on it for the time being,

Recalling its decisions on the subject and inviting the Director-General to pursue his efforts for their implementation,

1. *Reiterates* its support for the initiative announced by the Director-General at the 31st session of the General Conference to prepare a comprehensive plan of action to safeguard the cultural heritage of the Old City of Jerusalem; in that connection, recalling the decision taken by the World Heritage Committee at its 27th session, invites the Director-General to set up, as soon as possible, in cooperation with the concerned parties, a highly qualified and purely technical mission to Jerusalem, concerning the state of conservation of the cultural heritage of the Old City of Jerusalem and its walls and requests the Director-General to establish, within a year, an equitably composed committee of experts to be entrusted with proposing, on an exclusively scientific and technical basis, guidelines for this plan of action and proposals for its implementation; invites the Israeli authorities to take the necessary measures in this regard;
2. *Invites* the start up, within a time frame compatible with the urgency of the situation, of the work to consolidate, restore and rehabilitate the interior of the al-Hfoaram ash-Sharif, in particular the Ash-rafiya Madrasa and the centre for the conservation of historic manuscripts, projects for which preparation is completed and funding available thanks to a generous contribution by the Kingdom of Saudi Arabia;
3. *Requests* also speeding up the establishment, within the Al-Quds University, of an archaeological training centre for which UNESCO, on the basis of a proposal by ICCROM, has developed a programme, a schedule and functioning modalities and expresses the wish that this project will reinforce the cooperation between the concerned institutions in Jerusalem;

4. *Reiterates* its appeal to States, organizations, institutions, legal entities and private individuals to contribute financially to the special account for the safeguarding of the cultural heritage of the Old City of Jerusalem, in particular for activities in favour of the preservation of all religious and historic monuments in need of restoration, in all parts of the Old City of Jerusalem as well as training and capacity-building in the field of restoration, preservation of monuments and sites, museum, archives and manuscripts, while at the same time thanking Italy for its cooperation;
5. *Requests* governmental and non-governmental organizations and institutions to observe UNESCO General Conference resolutions and Executive Board decisions relating to Jerusalem;
6. *Invites* the Director-General to present a report to the Executive Board at its 170th session;
7. *Decides* to include this item in the agenda of its 33rd session.



**UN GENERAL ASSEMBLY, RESOLUTION ES-10/13 ON ILLEGAL ISRAELI ACTIONS
IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED
PALESTINIAN TERRITORY, 21 OCTOBER 2003**

The General Assembly,

Recalling its relevant resolutions, including resolutions of the tenth emergency special session,

Recalling also Security Council resolutions 242(1967) of 22 November 1967, 267(1969) of 3 July 1969, 298(1971) of 25 September 1971, 446(1979) of 22 March 1979, 452(1979) of 20 July 1979, 465(1980) of 1 March 1980, 476(1980) of 30 June 1980, 478(1980) of 20 August 1980, 904(1994) of 18 March 1994, 1073(1996) of 28 September 1996 and 1397(2002) of 12 March 2002,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also its vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Condemning all acts of violence, terrorism and destruction,

Condemning in particular the suicide bombings and their recent intensification with the attack in Haifa,

Condemning the bomb attack in the Gaza Strip, which resulted in the death of three American security officers,

Deploring the extrajudicial killings and their recent intensification, in particular the attack on 20 October 2003 in Gaza,

Stressing the urgency of ending the current violent situation on the ground, the need to end the occupation that began in 1967, and the need to achieve peace based on the vision of two States mentioned above,

Particularly concerned that the route marked out for the wall under construction by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, could prejudice future negotiations and make the two-State solution physically impossible to implement and would cause further humanitarian hardship to the Palestinians,

Reiterating its call upon Israel, the occupying Power, to fully and effectively respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Reiterating its opposition to settlement activities in the Occupied Territories and to any activities involving the confiscation of land, disruption of the livelihood of protected persons and the de facto annexation of land,

1. *Demands* that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;
2. *Calls upon* both parties to fulfil their obligations under relevant provisions of the road map, the Palestinian Authority to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks, and the Government of Israel to take no actions undermining trust, including deportations and attacks on civilians and extrajudicial killings;
3. *Requests* the Secretary-General to report on compliance with the present resolution periodically, with the first report on compliance with paragraph 1 above to be submitted within one month and upon receipt of which further actions should be considered, if necessary, within the United Nations system;
4. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the current President of the General Assembly to resume its meeting upon request from Member States.



**UNESCO EXECUTIVE BOARD, DECISIONS AND RESOLUTIONS ADOPTED
AT ITS 167TH SESSION (PARIS, 15 SEPTEMBER-15 OCTOBER 2003),
DECISION 167 EX/3.6.1, PARIS, 14 NOVEMBER 2003 [EXCERPTS]**

3.6.1 Jerusalem and the implementation of 166 EX/Decision 3.4.1 (167 EX/10 and 167 EX/56 Part II)

The Executive Board,

1. *Recalling* 31 C/Resolution 31 and 166 EX/Decision 3.4.1, as well as the provisions of the fourth Geneva Convention (1949) and its additional Protocols, of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocol and of the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem on the World Heritage List and on the List of World Heritage in Danger, the recommendations, resolutions and decisions of UNESCO on the protection of the cultural heritage, and the relevant resolutions and decisions of the United Nations General Assembly and Security Council on the status of Jerusalem,
2. *Taking note* of document 167 EX/10 concerning Jerusalem and drawing attention to the obstacles to the implementation of 166 EX/Decision 3.4.1,
3. *Noting that*:
 - (a) despite the sustained and praiseworthy efforts of the Director-General to implement the numerous resolutions of the General Conference and the decisions of the Executive Board on the safeguarding of Jerusalem, no progress has been observed concerning respect, by the occupying power, of all the relevant resolutions and decisions relating to Jerusalem in all matters pertaining to its cultural, architectural, historical and demographic components as well as to restoration work,
 - (b) major infrastructural works are continuing and in some cases being speeded up, causing damage to monuments and the violation of historic sites, in a spiritual, cultural and demographic context that, because of both its diversity and its harmonious complementarity, constitutes the unique character of Jerusalem as a symbol of the heritage of humanity as a whole,
 - (c) serious dangers constantly imperil the cultural property of the Old City of Jerusalem (al-Quds),
 - (d) the mission entrusted to Professor Oleg Grabar to draw up a report on the present situation is still refused by Israel,
4. *Reaffirming* all its previous decisions on the subject and inviting the Director-General to pursue his efforts to obtain their implementation,
5. *Reiterates* its support for the initiative taken by the Director-General to prepare a comprehensive plan of action to safeguard the Old City of Jerusalem and, in that connection, decides to establish, as soon as possible, a committee of experts to be entrusted with proposing, on a scientific and technical basis the guidelines for this plan of action and the modalities for its implementation;
6. *Reiterates* its appeal to States, organizations, institutions, legal entities and private individuals to contribute financially to the Special Account for the safeguarding of the cultural heritage of the Holy City, while at the same time thanking Italy for its contribution;
7. *Requests* the beginning of work to consolidate, restore and rehabilitate the interior of the al-Haram ash-Sharif (Esplanade of the Mosques), in particular the Ashrafiya Madrasa and the centre for the conservation of historic manuscripts, projects for which the final plans are ready and funding available thanks to a generous contribution by the Kingdom of Saudi Arabia;
8. *Once again invites* the Director-General to continue his steps to ensure the implementation of the decision relating to the mission to Jerusalem of Professor Oleg Grabar;
9. *Urges* that the Israeli authorities take all requisite measures to enable this mission to proceed smoothly;
10. *Calls upon* governmental and non-governmental organizations and institutions to authorize no measure or activity that contravenes the resolutions of the General Conference and the decisions of the Executive Board relating to Jerusalem and to do nothing incompatible with the status of Jerusalem;
11. *Decides* to include this item on the agenda of its 169th session.



**REPORT OF THE UN SECRETARY-GENERAL PREPARED PURSUANT TO UN
GENERAL ASSEMBLY RESOLUTION ES-10/13, 24 NOVEMBER 2003 [EXCERPTS]**

[Report conveying information on the construction of the separation wall in and around Jerusalem]

SUMMARY

The present report is submitted pursuant to General Assembly resolution ES-10/13 of 21 October 2003, adopted at the resumed tenth emergency special session of the Assembly. In paragraph 1 of the resolution, the

Assembly "demand[ed] that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law". In keeping with the request of the General Assembly in paragraph 1 of resolution ES-10/13, I have concluded that Israel is not in compliance with the Assembly's demand that it "stop and reverse the construction of the wall in the Occupied Palestinian Territory". [...]

A. INTRODUCTION

1. The present report is submitted pursuant to General Assembly resolution ES-10/13 of 21 October 2003, adopted at the resumed tenth emergency special session of the Assembly. In paragraph 1 of the resolution, the Assembly "demand[ed] that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law". In paragraph 3, the Assembly requested the Secretary-General to report periodically on compliance with the resolution, but with the first report on compliance with paragraph 1.
2. This report focuses on the period from 14 April 2002, when the Government of Israel first decided to build a system of fences, walls, ditches and barriers in the West Bank ("the Barrier"),*⁴ to 20 November 2003. It is primarily based on publicly available research carried out by United Nations offices on the ground. Other materials available to the United Nations, including those in the public domain, were used in the preparation of this report. The Government of Israel and the Palestinian Authority were consulted in the preparation of this report and asked to provide information they deemed relevant. Some of that information is attached in annexes I and II.

B. COMPLIANCE WITH RESOLUTION ES-10/13

3. Paragraph 1 of resolution ES-10/13 states that the United Nations General Assembly "demands that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law". Israel has not complied with that demand. It has not stopped or reversed the ongoing construction of the Barrier. This is shown by the following information from United Nations field monitoring:
 - Ongoing construction in the occupied Palestinian territory, along the north-east boundary of the West Bank and east of Jerusalem
 - Levelling of land for a section in the north-west of the West Bank
 - Ongoing issuance of land requisition orders
 - Release of the first official map showing the planned route of the Barrier and declaration of intent to complete it by 2005.

C. ROUTE OF THE BARRIER

1. Background to the construction of the Barrier

4. The Government of Israel has since 1996 considered plans to halt infiltration into Israel from the central and northern West Bank, with the first Cabinet approval of such a plan in July 2001. After a sharp rise in Palestinian terror attacks in the spring of 2002, the Cabinet approved Government Decision 64/B on 14 April 2002, which called for construction of 80 kilometres of the Barrier in the three areas of the West Bank. The Seam Zone Administration, headed by the director general of the Israeli Ministry of Defence, was established to implement that decision.
5. On 23 June 2002, Israel's Cabinet Decision 2077 approved the first phase of a "continuous" Barrier in parts of the West Bank and Jerusalem. The decision stated that the Barrier "is a security measure" that "does not represent a political or other border". The route discussed was not made public; the decision stated that the "exact and final route of the fence will be decided by the prime minister and minister of defence". On 14 August 2002, the Cabinet approved the final route for Phase A construction, which ultimately included 123 kilometres in the northern West Bank and 19.5 kilometres around Jerusalem, almost entirely on land occupied by Israel in 1967.

2. The overall route

6. On 1 October 2003, after nearly a year of construction on various sections, the Israeli Cabinet approved a full Barrier route in Decision 883. Ministry of Defence documents say the planned route of the Barrier will form one continuous line stretching 720 kilometres along the West Bank. A map of the route, which

⁴ * Palestinians often call this system the Separation Wall and Israelis use the term Security Fence. For the purposes of the present report, the more general term "the Barrier" is used.

shows both completed and planned sections, was posted on the Ministry of Defence web site on 23 October 2003, two days after the General Assembly approved resolution ES-10/13.

7. Much of the completed Barrier, excluding East Jerusalem, runs close to the Green Line, though within Palestinian territory. The completed Barrier deviates more than 7.5 kilometres from the Green Line in certain places to incorporate settlements, while encircling Palestinian population areas. The part of the Barrier that roughly hews to the Green Line is along the northernmost part of the West Bank. A 1-2 kilometre stretch west of Tulkarm appears to run on the Israeli side of the Green Line. The planned route, if fully constructed, would deviate up to 22 kilometres in places from the Green Line.
8. Based on the route on the official map, including depth barriers and East Jerusalem, approximately 975 square kilometres, or 16.6 per cent of the entire West Bank, will lie between the Barrier and the Green Line. This area is home to approximately 17,000 Palestinians in the West Bank and 220,000 in East Jerusalem. If the full route is completed, another 160,000 Palestinians will live in enclaves, areas where the Barrier almost completely encircles communities and tracts of land. The planned route incorporates nearly 320,000 settlers, including approximately 178,000 in occupied East Jerusalem. [...]

4. Phases of the route completed or under construction

12. *Phase A (excluding occupied East Jerusalem)*. This initial part of the Barrier, which runs 123 kilometres from the Salem checkpoint north of Jenin to the settlement of Elkana in the central West Bank, was declared completed 31 July 2003, although work continues in some parts. Much of Phase A construction deviates from the Green Line, and incorporates Israeli settlements. United Nations offices on the ground calculate that the Barrier has put approximately 56,000 Palestinians in enclaves, areas encircled by the Barrier that open into the West Bank. They include about 5,300 Palestinians in "closed areas" between the Barrier and the Green Line where Israel requires permits or identity cards for Palestinians who reside there or want to enter the area. The enclaves include the town of Qalqiliya (pop. 41,606) and, to its south, a cluster of three villages with about 7,300 residents.
13. *Phase B*. This section is planned to run 45 kilometres east from the Salem checkpoint along the northern part of the Green Line to the Jordan Valley, and is scheduled for completion in December 2003. It does not incorporate any settlements or create any Palestinian enclaves.
14. *Jerusalem*. The existing barrier and planned route around Jerusalem is beyond the Green Line and, in some cases, the eastern municipal boundary of Jerusalem as annexed by Israel. Completed sections include two parts totalling 19.5 kilometres that flank Jerusalem, and a 1.5-kilometre concrete wall in the eastern Jerusalem neighbourhood of Abu Dis. The planned route includes a section due east of Jerusalem that links up with the existing Abu Dis wall; levelling of land has started at its southern end. A second section runs through the northern Jerusalem suburb of Al-Ram, which will be cut off from Jerusalem, and links with the existing northern barrier section at the Qalandia checkpoint. A third section will surround five Palestinian communities north-west of Jerusalem, creating a 2,000-acre enclave with 14,500 people. A gap remains in the planned route due east of Jerusalem near the settlement of Maale Adumim. [...]

D. Humanitarian and socio-economic impact

[...]

26. The Barrier's route through Jerusalem will also severely restrict movement and access for tens of thousands of urban Palestinians. A concrete wall through the neighbourhood of Abu Dis has already affected access to jobs and essential social services, notably schools and hospitals. The northern section of the Barrier has harmed long-standing commercial and social connections for tens of thousands of people, a phenomenon that will be repeated along much of the route through Jerusalem. The residences of some Jerusalem identity card holders are outside the Barrier, while those of some West Bank identity card holders are inside the Barrier. This raises concerns about the future status of residency for Palestinians in occupied East Jerusalem under current Israeli laws. [...]



UN GENERAL ASSEMBLY, RESOLUTION 58/22 ON JERUSALEM, 15 DECEMBER 2003

[Resolution reaffirming previous UN resolutions, calling for a solution of the Jerusalem question and deploring Israeli actions aimed at altering the status of the city]

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 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" and called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City,

Expressing its grave concern at any action taken by any body, governmental or non-governmental, in violation of the above-mentioned resolutions,

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 dimension of the city, as foreseen in relevant United Nations resolutions on this matter,

Having considered the report of the Secretary-General,

1. *Reiterates its determination* that any actions taken by Israel 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;
2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and 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;
3. *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;
4. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.



**UN GENERAL ASSEMBLY, REVISED DRAFT RESOLUTION (A-58-L.61-REV.1)
ON THE STATUS OF THE OCCUPIED PALESTINIAN TERRITORY,
INCLUDING EAST JERUSALEM, 6 MAY 2004**

The General Assembly,

Recalling its resolutions 3237 (XXIX) of 22 November 1974, 43/177 of 15 December 1988 and 52/250 of 7 July 1998,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1515 (2003) of 19 November 2003,

Recalling further the relevant provisions of international law as well as relevant United Nations resolutions with regard to Israeli settlements and to Occupied East Jerusalem,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Noting that Palestine, in its capacity as observer and pending its attainment of full membership in the United Nations, does not present credentials to the General Assembly,

Affirming the need to enable the Palestinian people to exercise sovereignty and to achieve independence in their State, Palestine,

1. *Affirms* that the status of the Palestinian territory occupied since 1967, including East Jerusalem, remains one of military occupation, and affirms, in accordance with the rules and principles of international law and relevant resolutions of the United Nations, including Security Council resolutions, that the Palestinian people have the right to self-determination and to sovereignty over their territory and that Israel, the occupying Power, has only the duties and obligations of an occupying Power under the Fourth Geneva Convention⁵ and the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War of 1907;⁶
2. *Expresses* its determination to contribute to the achievement of the inalienable rights of the Palestinian people and the attainment of a just and comprehensive negotiated peace settlement in the Middle East resulting in two viable, sovereign and independent States, Israel and Palestine, based on the pre-1967 borders and living side by side in peace and security.



⁵ 1/ United Nations, Treaty Series, vol. 75, No. 973.

⁶ 2/ See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

**UNESCO EXECUTIVE BOARD, DECISIONS AND RESOLUTIONS ADOPTED AT ITS 169TH
SESSION (PARIS, 14-28 APRIL 2004), DECISION 169 EX/3.7.1, PARIS, 25 MAY 2004**

3.7 Culture

3.7.1 Jerusalem and the implementation of 167 EX/Decision 3.6.1 and 32 C/Resolution 39 (169 EX/17 and 169 EX/45 Part II (Rev. in English only))

The Executive Board,

1. *Recalling* 32 C/Resolution 39, as well as the provisions of the four Geneva Conventions (1949), of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocol and of the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inscription of the Old City of Jerusalem on the World Heritage List and on the List of World Heritage in Danger and the recommendations, resolutions and decisions of UNESCO on the protection of the cultural heritage,
2. *Affirming* that nothing in the present decision, which aims at the safeguarding of the cultural heritage of the Old City of Jerusalem, will in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
3. *Expressing* its deep concern at all of the obstacles which seriously undermine the protection and safeguarding of the cultural heritage of Jerusalem,
4. *Taking note* of document 169 EX/17 concerning Jerusalem,
5. *Expressing* its sincere thanks to the Director-General for his sustained and praiseworthy efforts to implement 32 C/Resolution 39 on the safeguarding of the Old City of Jerusalem and inviting him to pursue his efforts to obtain its implementation,
6. *Takes note* with satisfaction:
 - (a) of the mission of Professor Andrea Papi (Italy) concerning the establishment of a centre for the conservation of Islamic manuscripts in the al-Ashrafiya Madrasa on the Esplanade of the Mosques (al-Haram ash-Sharif);
 - (b) of the institutional mission led by the Director of the World Heritage Centre with the President of the International Council on Monuments and Sites (ICOMOS), Professor Michael Petzet, and the Director-General of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), Dr Nicholas Stanley-Price, which visited Jerusalem from 28 February to 5 March 2004, and which was able to establish an inventory and make contact with the authorities concerned;
7. *Reiterates* its request to the Director-General to establish an international committee of independent experts, highly qualified technically and professionally, to be entrusted with proposing, on the basis of document 169 EX/17, the guidelines of the programmed plan of action and proposals for its implementation, and to do so in consultation with the parties concerned;
8. *Invites* the Director-General to submit a full report to it at its 170th session;
9. *Decides* to include this item in the agenda of its 170th session.



**UNESCO, CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL
AND NATURAL HERITAGE, WORLD HERITAGE COMMITTEE, DECISIONS ADOPTED AT
THE 28TH SESSION, SUZHOU, CHINA, 28 JUNE-7 JULY 2004 [EXCERPTS]**

JERUSALEM

28COM 15A.31 - Old City of Jerusalem and its Walls (Jerusalem (Site proposed by the Hashemite Kingdom of Jordan))

The World Heritage Committee,

1. *Takes note* with satisfaction of the continuing effort of the Director-General in pursuing a comprehensive initiative for the safeguarding of the cultural heritage of the Old City of Jerusalem, particularly with the setting up of highly qualified and purely technical missions and in line with the General Conference Resolution 32 C/Res 39 (October 2003) which referred to the relevant United Nations resolutions and decisions in particular the relevant Security Council Resolutions on the legal status of Jerusalem;

2. *Expresses* its concern for the threats to the cultural heritage of the Old City of Jerusalem, including the progressive alteration of its historic urban fabric and visual integrity, the lack of maintenance and inappropriate conservation approaches to some of its historic monuments, due to the difficulties posed by the present situation;
3. *Urges* the responsible authorities to establish in close consultation and cooperation with, and with the prior approval of all the concerned stakeholders, appropriate regulations, sensitive to the historic character of the Old City, for all rehabilitation and conservation activities within the Old City and to ensure its safeguarding;
4. *Further urges* the responsible authorities to facilitate the normal progress of rehabilitation and conservation works within the Old City, by allowing the free access of labourers and conservation materials to the property;
5. *Encourages* the concerned parties to take into account, when undertaking conservation activities, the principles and recommendations of the relevant international Charters, particularly with regard to the need to preserve the authenticity and integrity of the property and requests the concerned parties to ensure that international principles be applied with regard to interventions to the subsurface deposits in the Old City;
6. *Encourages* the Director-General to pursue his initiative for the safeguarding of the cultural heritage of the Old City of Jerusalem in the spirit of the General Conference Resolution 32C/Res 39 (October 2003) related to the establishment of guidelines for an Action Plan and proposals for its implementation;
7. *Decides* to retain the property on the List of World Heritage in Danger.



**UN GENERAL ASSEMBLY, RESOLUTION 59/32 ON JERUSALEM,
64TH PLENARY MEETING, 1 DECEMBER 2004**

*[Resolution reaffirming previous UN resolutions, calling for a solution of the Jerusalem question
and deploring Israeli actions aimed at altering the status of the city]*

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 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" and called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City,

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*, and recalling resolution ES-10/15 of 20 July 2004,

Expressing its grave concern at any action taken by any body, governmental or non-governmental, in violation of the above-mentioned resolutions,

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,

1. *Reiterates its determination* that any actions taken by Israel 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;
2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and 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;
3. *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;

4. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.



UNESCO, CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, WORLD HERITAGE COMMITTEE, DECISIONS ADOPTED AT THE 29TH SESSION, DURBAN, SOUTH AFRICA, 10-17 JULY 2005 [EXCERPTS]

JERUSALEM

29COM 7A.31 - Old City of Jerusalem and its Walls (Jerusalem (Site proposed by Jordan))

The World Heritage Committee,

1. *Having examined* Document *WHC-05/29 COM/7A.Add*,
2. *Recalling* Decision 28 COM 15A.31 adopted at its 28th session (Suzhou, 2004),
3. *Referring* to 171 EX/Decision 18, taken at the 171st session of the Executive Board of UNESCO (April 2005), notably “affirming that nothing, in the present decision, which aims at the safeguarding of the cultural heritage of the Old City of Jerusalem, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem”,
4. *Reiterates* its concern as to the threats to the cultural heritage of the Old City of Jerusalem, as stated in Decision 28 COM 15A.31;
5. *Takes note* with satisfaction of the continuing efforts of the Director-General of UNESCO in pursuing a comprehensive initiative for the safeguarding of the cultural heritage of the Old City of Jerusalem;
6. *Welcomes and supports* the preparation by UNESCO of an Action Plan based on the set of guidelines provided by the International Committee of Experts, as well as proposals for its implementation, in coordination with the concerned parties;
7. *Requests* the World Heritage Centre to report on the progress of these recommendations for examination by the Committee at its 30th session (Vilnius, 2006);
8. *Decides* to retain the Old City of Jerusalem and its Walls on the List of World Heritage in Danger.



REPORT OF THE SECRETARY-GENERAL, UN GENERAL ASSEMBLY, THE SITUATION IN THE MIDDLE EAST, 16 AUGUST 2005 [EXCERPTS]

[Replies received from Member States in response to the Secretary-General's note verbale of 31 May 2005 concerning implementation of the relevant provisions of UNGA Res. 59/32, entitled "Jerusalem"]

II. REPLIES RECEIVED FROM MEMBER STATES

COLOMBIA [Original: Spanish]

First, Colombia wishes to reaffirm its position of recognizing the right of Israel to secure and internationally recognized boundaries free from threats or acts of force, as well as its support for the Palestinian aspiration to establish in the region a free and independent State whose citizens are able to enjoy full human, social, economic and cultural rights, together with the right of self-determination.

Colombia thus shares the view that the two States should live side by side in harmony and peaceful coexistence, as proposed under the road map, the international policy instrument which is most conducive to the achievement of peace in the region and which has Colombia's full endorsement and support.

During the current session of the General Assembly, Colombia voted in favour of the above-mentioned resolution 59/32, entitled "Jerusalem", as it also did in the case of the resolutions adopted by the Assembly at its special emergency session, such as the resolution on the legal status of the Occupied Palestinian Territory, including East Jerusalem, of 7 May 2002, and the resolution of 20 July 2004 on the advisory opinion of the International Court of Justice on the construction of the wall by Israel.

By voting in favour of resolution 59/32, Colombia reaffirmed its established position not to transfer its diplomatic mission to Jerusalem and to support a just and lasting solution to the question of Jerusalem that takes into account the legitimate concerns of both parties.

Colombia also voted in favour of the second resolution referred to above, 59/33 on the Syrian Golan, thereby demonstrating its unchanging position of urging Israel to resume talks with both Lebanon and the Syrian Arab Republic with a view to fulfilling the commitments made in accordance with the relevant Security Council resolutions. Colombia has also supported related resolutions on the subject of the Syrian Golan in both the Second and Fourth Committees. In the Second Committee, it supported the resolution entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" and, in the Fourth Committee, the resolutions entitled "The occupied Syrian Golan" and "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan".

PANAMA [Original: Spanish]

The Government of Panama, in compliance with the provisions of General Assembly resolution 59/32 and of Security Council resolution 478 (1980), has maintained its diplomatic representation in the city of Tel Aviv, Israel, with the aim of contributing to the maintenance of the status of the Holy City of Jerusalem and to the achievement of a just and lasting peace in the Middle East.[...]

SYRIAN ARAB REPUBLIC [...]

The Government of the Syrian Arab Republic also emphasizes its endorsement of General Assembly resolution 59/32, entitled "Jerusalem". Syria calls on the international community to exercise pressure on Israel to end its occupation of the Arab territories which it has occupied since 1967, including Jerusalem, and comply with resolution 478 (1980), in which the Security Council decided not to recognize the "basic law" on Jerusalem and affirmed that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is unlawful and thus null and void, with no validity whatsoever. The Syrian Arab Republic further calls on all States to comply fully with the provisions of resolution 59/32, in particular the third preambular paragraph, which refers to Security Council resolution 478 (1980), in which the Security Council calls upon those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City and to accept the decision set forth in the resolution.



UN GENERAL ASSEMBLY, REPORT OF THE SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS ON THE SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN TERRITORIES OCCUPIED BY ISRAEL SINCE 1967, 18 AUGUST 2005 [EXCERPTS]

[Report conveying information on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem]

The Secretary-General has the honour to transmit to the General Assembly the report submitted by John Dugard, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967, in accordance with Commission resolutions 1993/2 A and 2005/7. [...]

V. JERUSALEM

28. East Jerusalem is not part of Israel. On the contrary, it is occupied territory, subject to the Fourth Geneva Convention. Unfortunately, Israel's illegal attempt at annexation of East Jerusalem has obscured this truth. As a consequence world public opinion tends, incorrectly, to treat Israel's occupation of East Jerusalem as different from that of the West Bank and Gaza.
29. Israel has embarked upon major changes to the character of Jerusalem. In essence, these changes are designed to reduce the number of Palestinians in the city and to increase the Jewish population of the city and thereby to undermine Palestinian claims to East Jerusalem as the capital of an independent Palestinian State. That this is the purpose of the wall in Jerusalem was acknowledged by the Israeli Minister for Jerusalem Affairs, Haim Ramon, on 10 July when he stated that the route of the wall would make Jerusalem "more Jewish". He added, "The Government is bringing security to the city and will also make Jerusalem the capital of a Jewish and democratic State of Israel."
30. Jewish settlements within East Jerusalem are to be expanded. Already there are some 184,000 settlers in East Jerusalem who will find themselves between the wall and the Green Line. Now, the settlement of Ma'aleh Adumim, with a population of 35,000, is to be joined to Jerusalem by some 3,600 housing units to be constructed in the so-called "E1" area. These units will accommodate some 20,000 settlers. New settlements are also being built near Walajeh (Nof Yael), Har Homa (Har Homa II), Jabel Mukabbir (Nof Zion), Abu Dis (Kidmat Zion), Binyamin (Geva Binyamin) and Giv'at Ze'ev (Agan ha-Ayalot) to form a Jewish urban belt around Palestinian East Jerusalem.

31. Palestinian contiguity in East Jerusalem is to be disrupted by the demolition of Palestinian houses, the expansion of settlements and the creation of parks. This is evident in the Silwan region where 88 houses have been subjected to demolition orders to make way for a park. This will further the linking up of Jewish settlements in Silwan and adjacent areas, thereby destroying the contiguity of Palestinian neighbourhoods. Even in the Old City, Jewish settlements are expanding.
32. Some 230,000 Palestinians live in East Jerusalem. The wall in the Jerusalem area is being constructed to transfer many Palestinians with Jerusalem identity documents to the West Bank. This is best seen in the transfer of the Palestinian neighbourhood of Shuafat (which includes 11,000 refugees), and of Salaam and Dar Khamis neighbourhoods in Anata, presently within Jerusalem's municipal boundary, to the West Bank. This will result in the transfer of some 55,000 Palestinians from Jerusalem to the West Bank. To this figure we must add about another 50,000 people who have Jerusalem identity cards who live in the satellite communities of East Jerusalem outside the Jerusalem municipal boundary such as Al-Ram, who migrated to such communities because they could not find housing inside the city owing to the expropriation of land and building restrictions. This means that the wall harms over 40 per cent of East Jerusalem's 230,000 Palestinians. The Israeli historian Tom Segev states, "What is happening today in Jerusalem goes beyond security needs and reflects the essence of the original Zionist dream. Maximum territory, minimum Arabs."
33. In a recent report titled *The Jerusalem Powder Keg*, the International Crisis Group states:
- "Stretching municipal boundaries, annexing Palestinian land and building new Jewish neighbourhoods/settlements, Israel has gradually created a municipal area several times Jerusalem's earlier size. It has also established new urban settlements outside the municipal boundary to surround the city, break contiguity between East Jerusalem and the West Bank, and strengthen links between these settlements, West Jerusalem and the rest of Israel" (p.i.).
34. The changes described above may serve the political interests of Israel, but they do so at the expense of the Palestinian population. Not infrequently, family members have different identity documents. The wife may have Jerusalem identification while her husband may hold West Bank identification. Whether they will be permitted to live together remains to be seen. At present many Jerusalem identity holders are employed in the West Bank. Uncertainty surrounds the question whether they will be permitted to cross freely into the West Bank or whether they will have to choose between the West Bank and Jerusalem. Access to schools and hospitals will also present serious difficulties.
35. Jerusalem is an historical city of great beauty. The wall has done much to disfigure the city. Those responsible for planning and constructing the wall in Jerusalem have done so with complete disregard for the environment. All this has been done in order to transform Jerusalem into a Jewish city. [...]
57. The Government of Israel is determined to defer final status negotiations for as long as possible to enable it to establish as many facts on the ground as possible before such negotiations begin. The international community should be aware of this obvious fact and do its best to ensure that such negotiations commence forthwith. Only a resolution to the conflict which ends Israeli occupation of the Occupied Palestinian Territory, the construction of the wall, the expansion of settlements and the de-Palestinization of Jerusalem will lead to an environment in which there is hope for respect for human rights.



**UN GENERAL ASSEMBLY, REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE
ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE
AND OTHER ARABS OF THE OCCUPIED TERRITORIES, 26 SEPTEMBER 2005 [EXCERPTS]**

[...]

B. RIGHT TO FREEDOM OF MOVEMENT AND FREEDOM TO CHOOSE ONE'S RESIDENCE

50. Israel's restrictions such as curfews, closures, checkpoints, rare points of access to the wall and arbitrary crossing times have become institutionalized, making freedom of movement a privilege rather than a right. These restrictions, which affected all Palestinians, were perceived as forms of collective punishment. A witness asserted to the Special Committee that restrictions imposed on the right to freedom of movement did not respect the principle of proportionality, were discriminatory, and violated the rights enshrined in the International Covenant on Civil and Political Rights.
51. Several witnesses stressed that these restrictions had deprived them of other essential rights such as their right to choose their residence, their right to an adequate standard of living, food and housing, their right to work, as well as their rights to health and education.
52. According to one witness, owing to the policy of "Judaization" of Jerusalem and the confiscation of lands, 86 per cent of Palestinians living in East Jerusalem could no longer own their lands, especially on the

outskirts of Jerusalem. The growth of the Arab population of Jerusalem from 75,000 in 1977 to some 360,000 today forced many of them outside the city or to crowd into relatives' homes or other premises. They had lost their residency and other rights, their rights to health and education, in particular, and it was estimated that up to 70,000 Jerusalem ID-card holders might lose their residency and other rights in the near future because of the wall.

53. Those remaining in Jerusalem had to pay at least 35 per cent of their income in taxes to the municipality of Jerusalem.⁸ Seventy-five per cent of the population in East Jerusalem were now living under the poverty line and 40 per cent were unemployed. During the first part of 2005, about 680 persons, including some 50 children, fled their homes. Families were increasingly indebted and could no longer pay school or university fees, leading many children and students to drop out.
54. According to this witness, in spring 2005, Israeli newspapers revealed the existence of an alleged secret 600-page detailed plan to restore by 2020 the city of Jerusalem to the way it looked in King David's time. This would entail the destruction of Palestinian villages bordering the old wall of Jerusalem. The situation was presently very tense in the village of Silwan, south-west of Jerusalem, and bordering Al-Aqsa mosque, where, citing an alleged old colonial law, Israeli authorities decided to demolish 100 houses. More than 1,000 people, including many children, had already left Silwan. In the village of Wallaja, south of Jerusalem, a community of 2,500 Palestinians lived close to a settlement of 5,000 Israelis; 600 Palestinians were expected to be removed and their houses demolished during the second half of 2005. In the area of the Holy Shrine, men under 45 were no longer allowed to go to the Al-Aqsa mosque, and it was expected that this restriction would be extended to Omar Square. Land given by Palestinian Christians to the Orthodox Church was now being confiscated.
55. As mentioned in last year's report, the issue of family reunification was becoming increasingly complicated for spouses non-resident in Jerusalem and their children.
56. The new Nationality and Entry into Israel (Temporary Order) Law, 5763-2003, renewed on a yearly basis, prohibits Israelis who are married to, or marry in the future, residents of OPT from living in Israel with their spouses. Children born in OPT to a parent who is a resident of East Jerusalem and a parent who is a resident of OPT are forbidden under this law to live in Jerusalem with their family. According to one witness, since the entry into force of the law, the Israeli authorities were only allowing reunification of families in East Jerusalem for a limited number of Palestinians from the West Bank: women over 25, men over 35 and children under 12. These persons were only given temporary residency permits allowing no access to community services, thereby forcing hundreds of families to live in East Jerusalem in precarious circumstances with no guarantee of renewal or a more permanent residency status.
57. The witness also highlighted the issue of "halved" families in the Gaza Strip, referring to the situation of husbands settled in Gaza and their wives in Israel. The new law did not automatically authorize them to settle in Israel; permission to do so depended on whether the permit issued to workers allowed them to go to Israel as individuals or as couples. Permits to go abroad from Gaza were granted on a very restricted basis, and men between 16 and 35 were forbidden to travel. Movement between the West Bank and Gaza was virtually impossible, especially with the forthcoming disengagement from the Gaza Strip by the Israelis. Such travel implied long journeys through Egypt and Jordan.
58. The Special Committee was told that the purpose of the new law was not to protect the "security" of Israel, but rather an attempt to protect the Jewish character of the Israeli State against the demographic consequences of family reunifications and to pre-empt any possible interpretation of these procedures by Palestinian beneficiaries as a "creeping right to return".
59. The new law damaged ties between residents of Jerusalem and the rest of the West Bank, especially, as described above, between family members. Residents of OPT married to Israeli citizens were previously able to receive, following an exhausting process, permanent-resident status; the new law only allowed temporary permits to be issued by the civil administration. It was expected that a new law governing entry into Israel would be drafted by March 2006.
60. A petition was filed in the Israeli Supreme Court by an NGO, two affected families, the Chairperson of the High Follow-up Committee for Arab Citizens of Israel and nine Arab members of the Knesset against the Israeli Minister of the Interior and the Attorney-General seeking the rescinding of the Nationality and Entry into Israel law on the grounds that it was discriminatory as it applied only to Palestinians.
61. After the Knesset had voted to extend the law, the NGO filed a motion in July 2004 for a moratorium on its implementation. In December 2004, a panel of the Supreme Court decided to postpone the final judgement on the petition against the law. In January 2005, the Knesset voted to extend the law for another five months. Again the NGO introduced a motion for a moratorium and requested a Court ruling on the petition. The Court turned down the motion in March 2005. [...]



**UNESCO GENERAL CONFERENCE, RESOLUTION 50 ADOPTED ON THE
REPORT OF COMMISSION IV AT THE 20TH PLENARY MEETING,
33RD SESSION (PARIS, 3-21 OCT. 2005), 20 OCTOBER 2005**

50 Jerusalem and the implementation of 32 C/Resolution 39

The General Conference,

Recalling 32 C/Resolution 39 and 171 EX/Decision 18, as well as the provisions of the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols, and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inclusion of the Old City of Jerusalem in the World Heritage List and in the List of World Heritage in Danger, and the recommendations, resolutions and decisions of UNESCO on the protection of the cultural heritage,

Affirming that nothing in the present decision, which is aimed at the safeguarding of the cultural heritage of the Old City of Jerusalem, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,

Having examined documents 33 C/13 and 33 C/13 Add. concerning Jerusalem,

1. *Expresses its sincere thanks* to the Director-General for his sustained efforts for the safeguarding of the cultural and natural heritage of the Old City of Jerusalem, in compliance with 32 C/Resolution 39 of the General Conference and 171 EX/Decision 18 of the Executive Board, and reiterates its concern as to the obstacles to the safeguarding of the cultural and natural heritage of the Old City of Jerusalem;
2. *Taking note* of the declaration by the Director-General concerning Jerusalem at the 172nd session of the Executive Board, which appeals to all parties concerned to respect the outstanding universal value of the Old City of Jerusalem and to refrain from anything that may jeopardize the distinctive character of the Old City of Jerusalem inscribed on the World Heritage List and on the List of World Heritage in Danger, *invites* him to pursue his efforts with the concerned authorities in this regard;
3. *Congratulates* the Director-General on his initiatives in favour of the safeguarding of the cultural heritage of the Old City of Jerusalem, particularly the latest UNESCO mission (September 2005);
4. *Invites* the Director-General to submit to it at its 175th session an action plan based on the guidelines proposed by the International Committee of Experts and the results of the missions on the spot;
5. *Expresses its gratitude* to the Director-General for the progress made towards establishing a centre for the conservation of Islamic manuscripts in al-Ashrafiya Madrasa within the Esplanade of the Mosques (al-Haram ash-Sharif), *requests* him to intensify his efforts in that regard, and *thanks* the United Arab Emirates and the Welfare Association for their support and their generous contribution;
6. *Recalling* that this item is inscribed on the agenda of the 174th session of the Executive Board, *decides* to include this item in the agenda of its 34th session.



**UN GENERAL ASSEMBLY, RESOLUTION 60/106 ON ISRAELI SETTLEMENTS
IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM,
AND THE OCCUPIED SYRIAN GOLAN, 8 DECEMBER 2005**

[Resolution condemning Israeli settlement activities in the territories]

The General Assembly,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Recalling its relevant resolutions, including resolution 59/123 of 10 December 2004, as well as those resolutions adopted at its tenth emergency special session,

Recalling also relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981 and 904 (1994) of 18 March 1994,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁷ to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention¹ and relevant provisions of customary law, including those codified in Additional Protocol I⁸ to the Geneva Conventions,⁹

⁷ United Nations, *Treaty Series*, vol. 75, No. 973.

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*,¹⁰ and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Noting that the International Court of Justice concluded that "the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law",¹¹

Taking note of the recent report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,¹²

Recalling the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993¹³ and the subsequent implementation agreements between the Palestinian and Israeli sides,

Recalling also the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,¹⁴ and noting specifically its call for a freeze on all settlement activity,

Aware that Israeli settlement activities have involved, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the exploitation of natural resources and other illegal actions against the Palestinian civilian population,

Bearing in mind the detrimental impact of Israeli settlement policies, decisions and activities on efforts to achieve peace in the Middle East,

Expressing grave concern about the continuation by Israel, the occupying Power, of settlement activities, in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties, including the construction and expansion of the settlements in Jabal Abu-Ghneim and Ras Al-Amud in and around Occupied East Jerusalem and the so-called E-1 plan, aimed at connecting its illegal settlements around and further isolating Occupied East Jerusalem,

Expressing grave concern also about the continuing unlawful construction by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Reiterating its opposition to settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and to any activities involving the confiscation of land, the disruption of the livelihood of protected persons and the de facto annexation of land,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Gravely concerned about the dangerous situation resulting from actions taken by the illegal armed Israeli settlers in the occupied territory,

Acknowledging the importance of the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and of the dismantlement of the settlements therein as a step towards the implementation of the road map,

Taking note of the relevant reports of the Secretary-General,¹⁵

1. *Reaffirms* that Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development;
2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹ to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49;
3. *Welcomes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;
4. *Calls upon* Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;
5. *Emphasizes* the need for the parties to speedily resolve all remaining issues in the Gaza Strip, including the removal of rubble;
6. *Reiterates its demand* for the immediate and complete cessation of all Israeli settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant resolutions of the Security Council;

⁸ Ibid., vol. 1125, No. 17512.

⁹ Ibid., vol. 75, Nos. 970-973.

¹⁰ See A/ES-10/273 and Corr.1.

¹¹ Ibid., advisory opinion, para. 120.

¹² See A/60/271.

¹³ A/48/486-S/26560, annex.

¹⁴ S/2003/529, annex.

¹⁵ A/60/294-298 and A/60/380.

7. *Demands* that Israel, the occupying Power, comply with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;⁴
8. *Stresses* the need for full implementation of Security Council resolution 904 (1994), in which, among other things, the Council called upon Israel, the occupying Power, to continue to take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and called for measures to be taken to guarantee the safety and protection of the Palestinian civilians in the occupied territory;
9. *Reiterates its calls* for the prevention of all acts of violence by Israeli settlers, especially against Palestinian civilians and properties, particularly in the light of recent developments;
10. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution.



**UN ECONOMIC AND SOCIAL COUNCIL, COMMISSION ON HUMAN RIGHTS, 62ND SESSION,
REPORT OF THE SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS,
JOHN DUGARD, ON THE SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN
TERRITORIES OCCUPIED BY ISRAEL SINCE 1967, 17 JANUARY 2006 [EXCERPTS]**

SUMMARY

[...] Settlements continue to grow, particularly in the "closed zone" between the Green Line and the wall, which at present accommodates 76 per cent of the settler population in the West Bank. The three major settlement blocs - Gush Etzion, Ma'aleh Adumim and Ariel - will effectively divide Palestinian territory into cantons or Bantustans. Settler violence remains a serious problem, particularly in the centre of Hebron, where settlers terrorize the local population.

The character of East Jerusalem is undergoing a major change as a result of the construction of the wall through Palestinian neighbourhoods. The clear purpose of the wall in the Jerusalem area is to reduce the number of Palestinians in the city by transferring them to the West Bank. This causes major humanitarian problems: families are separated and access to hospitals, schools and the workplace are denied. In November 2005, European Union missions in Jerusalem issued a report in which they accused Israel of embarking on the encirclement of the city by the wall in order to achieve "the completion of the annexation of Jerusalem". [...]

INTRODUCTION

[...] 2. The above positive developments are outweighed by the disorder that prevails in Gaza and the uncertainty relating to passage of persons and goods in and out of the territory; by the continued construction of the wall and the expansion of settlements; by the de-Palestinization of Jerusalem; by settler and Israel Defense Forces violence; by the failure to release Palestinian prisoners; by the restriction of free movement caused by checkpoints, both fixed and temporary ("flying checkpoints"); by house demolitions aimed at curtailing the expansion of towns and villages; by poverty and unemployment caused by the occupation; by the emergence of a new wave of internally displaced persons resulting from the seizure of land for the construction of the wall; and by restraints on education and access to medical facilities caused by checkpoints and the wall. Much needs to be done by Israel, therefore, before it can claim to comply with its minimum obligations in the field of human rights and humanitarian law. With an Israeli general election scheduled for March 2006, and no Israeli political party committed to the promotion of the human rights of the Palestinian people, it seems clear that no meaningful improvement in the situation can be expected in the foreseeable future. (A Palestinian general election is scheduled for January 2006. Hopefully it will produce a Government of Palestine committed to the creation of a Palestinian State founded on respect for human rights and the rule of law.) [...]

I. VISIT OF THE SPECIAL RAPPORTEUR

[...] V. JERUSALEM

30. East Jerusalem is not part of Israel. On the contrary, it is occupied territory, subject to the Fourth Geneva Convention. Unfortunately, Israel's illegal attempt at annexation of East Jerusalem has obscured this truth. As a consequence, world public opinion tends, incorrectly, to treat Israel's occupation of East Jerusalem as different from that of the West Bank and Gaza.
31. Israel has embarked upon major changes to the character of Jerusalem. In essence, these changes are designed to reduce the number of Palestinians in the city and to increase the Jewish population of the city, thereby undermining Palestinian claims to East Jerusalem as the capital of an independent Palestinian

State. That this is the purpose of the wall in Jerusalem was acknowledged by the Israeli Minister for Jerusalem Affairs, Mr. Haim Ramon, on 10 July 2005 when he stated that the route of the wall would make Jerusalem "more Jewish". He added "The Government is bringing security to the city and will also make Jerusalem the capital of a Jewish and democratic State of Israel."

32. There are already some 190,000 Jewish settlers in Israeli-occupied East Jerusalem. Plans are, however, under way to increase the number of settlers and to extend settlements both to encircle Jerusalem and to cut the West Bank in half. Within the Old City of Jerusalem there are some 80 Jewish settler buildings and institutions. Moreover, there is a plan to build a large new Jewish settlement in the Muslim Quarter near Herod's Gate. Settlement expansion is also evident in neighbourhoods surrounding the Old City such as Silwan. Beyond this lie the more established settlements such as Ramot, French Hill, Har Homa and Gilo. The inner circle of settlements will be encircled by the settlement blocs of Givat Ze'ev to the north, Ma'aleh Adumim to the east, and Gush Etzion to the south. Particularly threatening to a future Palestinian State is Ma'aleh Adumim, which is to be expanded by "E1" ("East 1"), a 53-square-mile area larger than Tel Aviv designated to have 3,500 housing units to accommodate 15,000 to 20,000 new settlers. The expanded Ma'aleh Adumim will effectively cut the West Bank in half, separating Ramallah from Bethlehem, with serious economic and political consequences.
33. Conversely, the Palestinian population of East Jerusalem, presently numbering some 230,000, is to be reduced by a number of stratagems. First, by house demolitions. There was a sharp increase in house demolitions in 2004, when 152 homes were destroyed in East Jerusalem. Plans to destroy 88 homes in the Silwan district are presently on hold. Secondly, this population is to be reduced by routing the wall to the west of neighbourhoods previously part of East Jerusalem. Thus areas such as the Shu'afat camp, with a population of some 55,000, and West Anata are excluded from the East Jerusalem municipality and transferred to the West Bank. Thirdly, this will be done by transferring neighbourhoods previously integrated into East Jerusalem into the West Bank by means of the wall. Neighbourhoods such as Abu Dis, Anata and Al-Eizariya fall into this category.
34. The exclusion of large neighbourhoods from East Jerusalem and their transfer to the West Bank will cause great suffering to thousands of Palestinians and personal tragedies to many. A sharp distinction is made between Palestinians with blue Jerusalem ID cards and those with green West Bank ID cards living in East Jerusalem neighbourhoods. West Bank ID cardholders, and in due course Jerusalem ID cardholders living to the east of the wall, will no longer be able to access hospitals and schools in Jerusalem or to work in Jerusalem without special permits to enter Jerusalem. The differences in ID cards will also have a profound effect on family life, as many spouses hold different ID cards. They will be forced to live separately on different sides of the wall under Israeli law, which prohibits family unification. If one spouse elects to move east of the wall, he or she will lose his or her rights (such as medical insurance and social security) attached to the Jerusalem ID. In this way Israel hopes to further reduce the Palestinian population of East Jerusalem by compelling spouses to move to the West Bank side of the wall. The Special Rapporteur visited two of the neighbourhoods most affected by the wall - Abu Dis and Al-Eizariya. There he met husbands separated from their wives and persons separated from their livelihoods, schools and hospitals in Jerusalem. Words cannot convey the hardships to which Palestinians are subjected in the interests of the Judaization of Jerusalem.
35. In November 2005 the heads of 25 European Union missions stationed in East Jerusalem prepared a report on Israel's plans to change the character of East Jerusalem. The report condemned the construction of the wall and settlements, the demolition of Palestinian homes, the separation of Palestinian residents and families, and the discriminatory practices employed by Israel. It concluded:
Jerusalem is already one of the trickiest issues on the road to reaching a final status agreement between Israel and the Palestinians. But several interlinked Israeli policies are reducing the possibility of reaching a final status agreement on Jerusalem that any Palestinian could accept. We judge that this is a deliberate Israeli policy - the completion of the annexation of East Jerusalem. Israeli measures also risk radicalizing the hitherto relatively quiescent Palestinian population of East Jerusalem.



UN GENERAL ASSEMBLY, RESOLUTION 60/41 ON JERUSALEM, 10 FEBRUARY 2006

[Resolution reaffirming previous UN resolutions, calling for a solution of the Jerusalem question, and deploring Israeli actions aimed at altering the status of the city]

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 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" and called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City,

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*,¹⁶ and recalling resolution ES-10/15 of 20 July 2004,

Expressing its grave concern at 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 and its construction of the wall in and around 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,¹⁷

1. Reiterates its determination that any actions taken by Israel 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;
2. *Deplores* the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and 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;
3. *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;
4. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the implementation of the present resolution.



**UNESCO EXECUTIVE BOARD, DECISIONS AND RESOLUTIONS ADOPTED AT ITS
174TH SESSION (PARIS, 28 MARCH-13 APRIL 2006), DECISION 12, PARIS, 12 MAY 2006**

Jerusalem and the implementation of 33 C/Resolution 50 and 172 EX/Decision 18 (174 EX/14; 174 EX/48 Part II)

The Executive Board,

1. *Recalling* 32 C/Resolution 39 and 172 EX/Decision 18, as well as the provisions of the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols, and the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inclusion of the Old City of Jerusalem in the World Heritage List and in the List of World Heritage in Danger, and the recommendations, resolutions and decisions of UNESCO on the protection of the cultural heritage,
2. *Affirming* that nothing in the present decision, which is aimed at the safeguarding of the cultural heritage of the Old City of Jerusalem, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
3. *Having examined* document 174 EX/14 concerning Jerusalem,
4. *Expresses* its sincere thanks to the Director-General for his sustained efforts for the safeguarding of the cultural and natural heritage of the Old City of Jerusalem, in compliance with 32 C/Resolution 39 of the General Conference and 171 EX/Decision 18 of the Executive Board, and reiterates its concern as to the obstacles and practices to the safeguarding of the cultural and natural heritage of the Old City of Jerusalem;
5. *Taking note* of the declaration by the Director-General concerning Jerusalem at the 172nd session of the Executive Board which appeals to all parties concerned to respect the outstanding universal value of the Old City of Jerusalem and to refrain from anything that may jeopardize the distinctive character of the

¹⁶ See A/ES-10/273 and Corr.1.

¹⁷ A/60/258.

Old City of Jerusalem inscribed on the World Heritage List and on the List of World Heritage in Danger, invites him to pursue his efforts with the concerned authorities in this regard;

6. *Congratulates* the Director-General on his initiatives in favour of the safeguarding of the cultural heritage of the Old City of Jerusalem, particularly the latest UNESCO mission (December 2005);
7. *Expresses* its gratitude to the Director-General for the progress made towards establishing a centre for the conservation of Islamic manuscripts in al-Ashrafiya Madrasa within the Esplanade of the Mosques (al-Haram ash-Sharif), requests him to intensify his efforts in that regard, and thanks the United Arab Emirates and the Welfare Association for their support and their generous contribution;
8. *Takes note* of the information provided in document 174 EX/14 concerning the progress made towards the establishment of an action plan based on the guidelines proposed by the International Committee of Experts and the results of the missions on the spot;
9. *Encourages* UNESCO Member States to contribute to the efforts towards the implementation of the programme activities for the first phase of the action plan for the cultural heritage of the Old City of Jerusalem as identified by the experts and the concerned authorities notably by extra-budgetary resources;
10. *Invites* the Director-General to submit to it at its 175th session such an action plan, and decides to include this item in the agenda of the 175th session of the Executive Board.



**FINAL DOCUMENT ADOPTED BY THE UNITED NATIONS INTERNATIONAL
MEETING IN SUPPORT OF ISRAELI-PALESTINIAN PEACE, VIENNA, 28 JUNE 2006**

1. The United Nations International Meeting in Support of Israeli-Palestinian Peace was held at the United Nations Office at Vienna, on 27 and 28 June 2006, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian people. Participants in the Meeting included international experts, representatives of Governments, Palestine, intergovernmental organizations, United Nations entities, parliaments, civil society and the media.
2. The Meeting was convened by the Committee with a view to demonstrate the unswerving commitment of the world community to resolving this decades-old conflict, to help search for ways to stabilize the volatile situation in the area and resume political negotiations leading to a permanent two-State solution to the conflict, based on the 1967 borders, in accordance with the Road Map and Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003). The participants reviewed the situation in the Occupied Palestinian Territory, including East Jerusalem, discussed the state of the political process and challenges ahead, as well as international efforts in support of Israeli-Palestinian peace. The Meeting was also held at a time of a major political transition for both Israelis and Palestinians and amidst a worsening political, economic and humanitarian situation in the Occupied Palestinian Territory, including East Jerusalem.
3. The participants agreed that there was an urgent need to resume a meaningful political dialogue between the parties and expressed concern at the intentions, repeatedly expressed by Israeli officials, to pursue unilateral measures. The participants called on Israel to refrain from any unilateral steps that prejudiced final status issues and jeopardized a negotiated two-State solution. In this regard, the participants noted the recent meeting between the Palestinian Authority President Mahmoud Abbas and the Prime Minister of Israel Ehud Olmert and urged the two parties to resume negotiations as soon as possible, thereby reactivating the long-staledated political process. In discussing efforts at advancing Israeli-Palestinian peace, the participants also noted the important facilitating role played by the Quartet and key regional parties - Egypt and Jordan.
4. The participants expressed particular concern at the recent upsurge in violence and its destructive effect on the hopes for peace. They condemned the intensified military strikes, incursions and extrajudicial assassinations by Israel, the occupying Power. They called on Israel to halt its invasion of Gaza, withdraw from the Strip, and stop escalating the current crisis. Alarmed at the large number of Palestinian civilians, including children, killed in the last few weeks and being of opinion that this escalation warranted an impartial international investigation, the participants supported a request to the Secretary-General to facilitate such an investigation. They also called for the cessation of rocket attacks on Israel carried out by Palestinian groups from the Gaza Strip. These actions put civilians in serious danger and inflame and destabilize the already fragile situation. The participants warned that the cycle of violence and counter-violence was getting out of control and had to be broken. A comprehensive Israeli-Palestinian ceasefire could be a first step in this direction.
5. The participants condemned the continuing construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, in defiance of the Advisory Opinion of the International Court of Justice. They noted the delay in establishing the Register of Damages with the goal of compensating those who had suffered any material damage as a result of the wall's construction, and urged the Secretary-General to intensify his efforts in this direction. The participants also denounced the continued ex-

pansion of illegal settlements in the Occupied Palestinian Territory, including East Jerusalem, in violation of international law and Israel's obligations under the Road Map. They expressed concern about the intensified settlement activities in and around East Jerusalem, including efforts to implement the so-called "E1 plan", and the situation in the Jordan Valley where new settlements had recently been established. In addition to being illegal and causing daily hardship for the Palestinian population, these physical obstacles in the Occupied Palestinian Territory prejudice the outcome of the permanent status negotiations and complicate efforts at establishing a contiguous and independent State of Palestine.

6. The participants welcomed the agreement on the National Conciliation Document ("Prisoners Document"), reached between Palestinian political groups on 26 June. They strongly supported efforts by the Palestinian Authority President Mahmoud Abbas that led to this agreement. They urged him to continue his work aimed at bringing together all political trends of the Palestinian society and convincing them to speak with one voice and to comply with existing understandings and obligations undertaken by the Palestinian Authority and the Palestine Liberation Organization.
7. The participants emphasized that the continuing occupation of the Palestinian territory, now in its fortieth year, remained the root cause of the conflict. They expressed the view that this long-standing conflict could have no final solution without the achievement of the Palestinian people of its inalienable rights defined by the General Assembly in 1974 as the right to self-determination without external interference, the right to national independence and sovereignty, and the right of Palestinians to return to their homes and property, from which they had been displaced and uprooted.
8. The participants stressed the critical importance of the international donor assistance. At the same time, they expressed apprehension over the recent decision by some donors to suspend direct aid to the Palestinian Authority. They noted efforts by the Quartet to resolve this situation, in particular its recent endorsement of an European Union's proposal for the establishment of a temporary international mechanism to deliver assistance to the Palestinian people. The participants were hopeful that these efforts would help alleviate the rapidly deteriorating economic and humanitarian conditions in the Occupied Palestinian Territory. They urged the Government of Israel to fulfil its obligations under international law towards the Palestinian civilian population and lift its restrictions on the freedom of movement and other measures stifling the economic and social life in the Occupied Palestinian Territory, including East Jerusalem, and to resume the transfer of collected Palestinian tax revenues to the Palestinian Authority in keeping with signed agreements.
9. The participants reaffirmed the permanent responsibility of the United Nations with respect to the question of Palestine, until it was resolved in conformity with relevant United Nations resolutions and norms of international law, and until the inalienable rights of the Palestinian people were fully realized in all aspects.



UNESCO, CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, WORLD HERITAGE COMMITTEE, DECISIONS ADOPTED THE 30TH SESSION, AGENDA ITEM 7: EXAMINATION OF THE STATE OF CONSERVATION OF WORLD HERITAGE PROPERTIES, VILNIUS, LITHUANIA, 8-16 JULY 2006 [EXCERPTS]

7A. State of Conservation of the properties inscribed on the List of World Heritage in Danger

30COM 7A.34 - State of Conservation (Old City of Jerusalem and its Walls)

The World Heritage Committee,

1. *Having examined* Document *WHC-06/30.COM/7A.Add.Rev*,
2. *Recalling* Decision 29 COM 7A.31 adopted at its 29th session (Durban, 2005),
3. *Further recalling* 32 C/Resolution 39 of the General Conference of UNESCO and Decision 172EX.18 of the Executive Board of UNESCO, as well as the provisions of the four Geneva Conventions (1949), the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols, and the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the inclusion of the Old City of Jerusalem in the World Heritage List and in the List of World Heritage in Danger, and the recommendations, resolutions and decisions of UNESCO on the protection of cultural heritage,
4. *Affirming* that nothing, in the present decision, which aims at the safeguarding of the cultural heritage of the Old City of Jerusalem, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
5. *Reiterates its concern* as to the obstacles and practices, such as archaeological excavations or new constructions, which could alter the outstanding universal value of the cultural heritage of the Old City of Jerusalem, including its urban and social fabric as well as its visual integrity;

6. *Asks* the Israeli authorities to provide to the World Heritage Centre all relevant information concerning the new buildings planned in and around the Western Wall Plaza, including the plans for the reconstruction of the access leading to the al-Haram ash-Sharif;
7. *Invites* all authorities and institutions to cooperate constructively for the conservation of the cultural heritage of the Old City of Jerusalem and, in particular, the Israeli authorities to facilitate access of materials and technical staff for the restoration of monuments and housing in the Old City, in particular in the al-Haram ash-Sharif;
8. *Requests* the World Heritage Centre to report on the state of conservation and on the progress in the preparation and implementation of the Action Plan for the safeguarding of the cultural heritage of the Old City of Jerusalem, together with the necessary achievable benchmarks, for the examination by the Committee at its 31st session in 2007;
9. *Further requests* the concerned parties to collaborate with the World Heritage Centre in this endeavour and invites all the States Parties to contribute to its implementation through extra-budgetary funding;
10. *Congratulates* the Director-General of UNESCO for his commitment in pursuing a comprehensive initiative for the safeguarding of the cultural heritage of the Old City of Jerusalem;
11. **Decides to retain the Old City of Jerusalem on the List of World Heritage in Danger.**



**LETTER FROM THE DEPUTY PERMANENT REPRESENTATIVE OF EL SALVADOR
TO THE UN TO THE UN SECRETARY-GENERAL, 25 AUGUST 2006**

On instructions from my Government, I have the honour to transmit to you a copy of the letter from the Minister for Foreign Affairs of the Republic of El Salvador, Mr. Francisco Estéban Láinez Rivas (see annex).

I should be grateful if you would have this letter circulated as a document of the United Nations and inform the relevant bodies.

(Signed) César Edgardo Martínez Flores
Ambassador, Deputy Permanent Representative, Chargé d'affaires a.i.

ANNEX

I have the honour to inform you that the Government of the Republic of El Salvador has decided to transfer the Embassy of El Salvador in Israel to the city of Tel Aviv (see enclosure).

The decision to transfer our diplomatic mission was taken after a thorough evaluation and a series of consultations and was based on the sincere wish of the Government and people of El Salvador that this decision might contribute to achieving peace and stability in the Middle East. Furthermore, it is important to stress that this decision is pursuant to the various international resolutions on the status of the city of Jerusalem, in particular Security Council resolution 478 (1980).

I should be grateful if you would inform the relevant United Nations bodies, including the Security Council, about this decision and have this letter circulated as a document of the United Nations.

(Signed) Francisco E. Láinez
Minister for Foreign Affairs

ENCLOSURE

Official statement of the Government of El Salvador

The Government of El Salvador, having assessed the current situation in the Middle East with Israel, and following the agreements reached in Security Council resolution 1701 (2006), whose mandate aims to promote security and greater stability and to establish a new phase of favourable expectations for the Middle East, states the following:

- Members of the international community must make their best efforts to implement the necessary measures agreed in the various United Nations resolutions, with a view to establishing the conditions for a just, lasting and sustainable peace in the region;
- The Government of El Salvador reaffirms its interest in contributing to the Middle East peace process in the framework of the United Nations system and reiterates its commitment to finding a negotiated political solution to the conflict;

- In view of the above, and taking into account the current situation in the Middle East, the Government of El Salvador has decided to transfer its diplomatic mission in the State of Israel from Jerusalem to Tel Aviv;
- The Government of El Salvador will continue its active participation and support for initiatives that reject terrorism and violence as the means of resolving conflicts and that recognize and guarantee the right of the State of Israel to exist and live in peace within secure and internationally recognized borders. The Government of El Salvador also reiterates its recognition of the right of a Palestinian State to exist;
- The United Nations, in keeping with its mandate to foster peace and understanding, should always ensure that due respect is accorded to the parties concerned and secure the agreement of all actors so as to bring about a lasting and sustainable peaceful coexistence between Arabs and Israelis.



**REPORT OF THE SECRETARY-GENERAL, UN GENERAL ASSEMBLY,
61ST SESSION, THE SITUATION IN THE MIDDLE EAST, 27 AUGUST 2006 [EXCERPTS]**

I. INTRODUCTION

1. The present report is submitted pursuant to General Assembly resolutions 60/40 and 60/41. In its resolution 60/41, the Assembly deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and called once more upon those States to abide by the provisions of the relevant United Nations resolutions. In its resolution 60/40, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions.
2. In order to fulfil his reporting responsibility under resolutions 60/40 and 60/41, on 2 June 2006 the Secretary-General addressed notes verbales to the Permanent Representative of Israel to the United Nations and to the Permanent Representatives of other Member States requesting them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 15 August 2006, replies had been received from Israel, Mali and the Syrian Arab Republic. Those replies are reproduced in section II of the present report.

II. REPLIES RECEIVED FROM MEMBER STATES

SYRIAN ARAB REPUBLIC [Original: Arabic]

[...]

6. The Syrian Arab Republic reaffirms its support for General Assembly resolution 59/32, entitled "Jerusalem", and calls upon the international community to exert pressure on Israel to end the occupation of the Arab lands occupied by it in 1967, including Jerusalem, and to comply with Security Council resolution 478 (1980), in which the Council decided not to recognize the "basic law" passed by Israel in respect of Jerusalem and affirmed that the Israeli decision to impose its laws, jurisdiction and administration on the city of Al-Quds Al-Sharif was illegal and consequently null and void and had no validity whatsoever. The Syrian Arab Republic also calls for full compliance with the provisions of General Assembly resolution 60/41, in particular the reference in its third preambular paragraph to Security Council resolution 478 (1980), in which the Council called upon those States which had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City and to comply with the provisions of that resolution.



**UN GENERAL ASSEMBLY, DRAFT RESOLUTION ON JERUSALEM,
61ST SESSION, THE SITUATION IN THE MIDDLE EAST, 22 NOVEMBER 2006**

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: Draft Resolution

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*,¹⁸ 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", and its construction of the wall in and around 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,¹⁹

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. *Welcomes* the decision of those States that had established diplomatic missions in Jerusalem to withdraw their missions from the city, in compliance with Security Council resolution 478 (1980);
3. *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;
4. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.



¹⁸ See A/ES-10/273 and Corr.1.

¹⁹ ²A/61/298.

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- Memorandum on Jerusalem Sent by Chief Rabbi of the Orthodox Community in Palestine, Yosef Tzvi Dushinsky, to the UN, 19 November 1947
- Communication from the Union of Orthodox Rabbis of America to Karel Lisicky, Chairman of the UN Palestine Commission, 13 April 1948
- Memorandum by Neturey Karta of the Orthodox Jewry, Jerusalem, to the UN Secretary-General, 18 July 1949
- Cablegram from the Secretary of the Neturey Karta Community to the President of the UN Trusteeship Council, 7 February 1950
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- Orthodox and Conservative Rabbis, Joint Statement on Jerusalem, 20 January 2000
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- Statement Received from the Permanent Observer of the Holy See to the United Nations, 3 December 1979
- Letter from the Chargé d'Affaires A.I. of the Permanent Observer Mission of the Holy See to the UN Addressed to the President of the UN Security Council, 30 June 1980
- Letter of the Middle Eastern Council of Churches (MECC) General Secretary, Gabriel Habib, to King Hassan II of Morocco on the Occasion of the Meeting of the Jerusalem Committee in Casablanca, 14 August 1980
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- Letter from Christian Patriarchs to President Yasser Arafat, Prime Minister Ehud Barak, and US President Bill Clinton, 17 July 2000
- Pope John Paul II, Recitation of the Angelus, Castel Gandolfo, 23 July 2000 [Excerpts]
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