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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE  
FIRST PROGRESS REPORT OF THE COMMITTEE ON JERUSALEM  
TO THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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 adviser 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:

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|--------------|---------------|
| Mr. Haldeman | (U.S.A.)      |
| Mr. Benoist  | (France)      |
| Mr. Yenisey  | (Turkey)      |
| Mr. Bames    | (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. Haldeman, 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. Haldeman was asked at the Committee's [second meeting](#) on 3 March 1949 to continue in office 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 Conay 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 discussions 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; at 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 discussions 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 interests 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 to 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 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 consider it necessary, to give new instructions as to the direction that the Committee's work should take.

Jerusalem

19 March 1949

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