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

1. Since the First Progress Report of the Committee on Jerusalem*, dated 19 March 1949, some changes have occurred in the membership and secretariat of the Committee which at present is composed as follows:

Mr. Philippe Benoist	(France)
Mr. Orhan Eralp	(Turkey)
Mr. James W. Barco	(U.S.A.)
Dr. Axel Serup	(Secretariat)

2. In the conclusions of the First Progress Report of the Committee it was pointed out that the initial discussions with the interested parties left considerable doubt as to the possibility of internationalising Jerusalem in a manner fully compatible with the letter and spirit of paragraph 8 of the resolution of the General Assembly of 11 December 1948 and acceptable to the parties concerned. It was felt, however, by two members of the Committee that there was 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 asked the Conciliation Commission for guidance and instructions with respect to its future work.

3. On 19 March the Committee left together with the Conciliation Commission for discussions with the representatives of the Arab States, which were held in Beirut, Lebanon, between 21 March and 5 April.

4. At its 26th and 28th meetings held in Beirut on 20 and 24 March, the Conciliation Commission considered the First Progress Report of the Committee on Jerusalem. After

some discussion of the Committee's terms of reference, the Commission instructed the Committee to proceed with its work and if necessary to call on the American, French and Turkish consuls in Jerusalem for advisory discussions.

5. On 28 March a statement appeared in the Israeli and foreign press according to which certain Ministries and public services of the Government of Israel were to be transferred from Tel Aviv to Jerusalem. The Committee took the view that such a measure, if carried out, would be contrary to the intention of the resolution of the General Assembly of 11 December 1948, which provides that the Jerusalem area should be accorded special and separate treatment and placed under effective United Nations control. It accordingly decided to recommend to the Commission that action should be taken in this matter. An exchange of letters on the subject took place between the Commission and the Prime Minister of Israel during March and April. The Commission stated that it would welcome an assurance that it was not intended to put the reported transfer into effect, and stressed the incompatibility of such a measure with paragraph 8 of the Assembly's resolution. In reply the Government of Israel said that it was unable to accept this view and that, pending final determination of the future of Jerusalem, it considered itself entitled to use the accommodation available there, for administrative convenience. At a later stage the Arab delegations presented to the Conciliation Commission a memorandum in which objection was raised to the installation in Jerusalem of Israeli departments and services and whereby the request was made that such departments and services be transferred elsewhere without delay. This memorandum was transmitted by the Commission to the Israeli delegation. The exchange of letters between the Commission and the Prime Minister of Israel, and the observations of the Arab delegations, were reported to the Secretary-General in the Commission's Third Progress Report (A.AC.25/P.R.3).

6. At its 16th meeting on 1 April, the Committee decided that on its return to Jerusalem it should hold consultations with religious authorities for the purpose of ascertaining their views and that it should proceed with further consultations with the representatives of the Government of Israel.

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7. On 4 April the Committee returned to Jerusalem and proceeded to consultations with the following religious dignitaries or their representatives, who were asked their views on the future regime for Jerusalem:

The Latin Patriarch
The Greek Orthodox Patriarch
The Armenian Patriarch
The Father Custos of the Holy Land
The Greek Catholic Patriarchal Vicar
The Coptic Patriarch
The Abyssinian Abbot
The Armenian Catholic Acting Vicar
The Supreme Moslem Council
The Chief Rabbi of the Ashkenazic Jewish Community
The Chief Rabbi of the Sephardic Jewish Community.

8. The Committee also sought to make contact with representatives of the Syrian Catholic and Syrian Jacobite Churches, and with the Anglican Bishop in Jerusalem, who, however, were absent from the city.

9. The Committee subsequently received a visit in Lausanne from the representative in Western Europe of the Greek Orthodox Ecumenical Patriarchate of Constantinople.

10. Three main trends of thought emerged from the Committee's consultations with the heads of religious communities.

11. The representatives of the Christian Churches were unanimous in demanding the internationalisation of Jerusalem as envisaged in the resolution of the General Assembly of 11 December 1948. They further asked that freedom of access to the Holy Places should be ensured and the status quo concerning them preserved; that the rights and privileges enjoyed by the Christian Churches under the British Mandate should be maintained, and guarantees to that effect incorporated in the peace treaties to be concluded between Israel and the Arab States; and that the security of Christians and of their property should be safeguarded.

12. The Supreme Moslem Council for its part favoured the placing of Jerusalem under full Arab authority. Its President recalled that Jerusalem and its Holy Places had been under Moslem guardianship for over 14 centuries, and expressed little confidence in United Nations guarantees of order and security under an international regime. He added,

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however, that if the United Nations were to implement the resolution of 11 December 1948 in its entirety, the Moslems would be prepared to accept the internationalisation of Jerusalem.

13. The Chief Rabbi of the Ashkenazic Jewish Community stressed the spiritual and historical significance of Jerusalem for Jewry, and called for the integration of the entire city, Old and New, into the State of Israel.

14. On 12 April the Committee undertook a tour to Galilee in order to visit Holy Places, religious buildings and sites in that area. The Committee visited the following Christian Holy Places in Nazareth:

The Ancient Synagogue
The Church of the Annunciation
The Church and Workshop of St. Joseph
The Virgin's Well

as well as the shores of the Sea of Galilee from Tiberias to Capernaum and the Ancient Synagogue in Capernaum.

15. Throughout this tour the Committee received the general impression that the Holy Places in this area had been, with certain exceptions, protected and respected but that the clergy were at present working under very difficult conditions, particularly from the point of view of communications. The main reason appeared to be that circulation permits and purchase permits for vehicles were granted by the Israeli authorities only after long delays.

16. In accordance with the Commission's instructions, informal discussions were held between members of the Committee and the American, French and Turkish consuls in Jerusalem. Members of the Committee also held informal consultations with the representatives of the Government of Israel.

17. The Committee left Jerusalem together with the Conciliation Commission between 16 and 22 April for the meeting in Lausanne with representatives of the Arab States and of Israel which began on 26 April. During its initial discussions in Lausanne, the Committee drew up two questionnaires, the purpose of which was to elicit the views of the delegations concerning the following points: the degree of internationalisation desirable and practicable in

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Jerusalem; the guarantees and international sanctions considered necessary to ensure the international regime; the administrative and judicial organs to be established; the measures to be taken for the demilitarisation of the area; the question of customs frontiers and the desirability of possibility of establishing Jerusalem as an economic "free zone"; and measures for the protection of and access to the Holy Places inside and outside the Jerusalem area. The questionnaires were transmitted to the Arab delegations and to the delegation of Israel between 3 and 5 May 1949. In handing these questionnaires over to the interested delegations, the Committee made it clear that they were purely exploratory in character and that they should not be regarded as in any way prejudging the final issue.

18. At the same time the Committee communicated to the delegations, for their consideration, a tentative list of shrines and sites in Palestine regarded as Holy Places. The list had been drawn up on the basis of particulars made available to United Nations organs on various occasions by representatives of certain religious communities and by the Government of Palestine. The Committee made it clear to the delegations that it did not regard the list as comprehensive and the delegations were asked to make such alterations and additions to it as they deemed appropriate.

19. The reply of the delegation of Israel to the questionnaires was addressed to the Committee in a letter dated 31 May. The letter stated that the Government of Israel was not able to countenance the establishment of a system of direct international government of the Jerusalem area. It considered such a system to be impracticable and, partly on account of its impracticability, undesirable. On the other hand, it favoured an international regime which would apply to the whole area of Jerusalem but which would be restricted functionally so as to be concerned only with the protection and control of Holy Places and not with any purely secular or political aspects of life and government. Such an international regime, in the view of the Israeli Government, would not be incompatible with the division of the Jerusalem area into two zones, in which the authority of the neighbouring States could be exercised in respect to all matters not reserved to the exclusive competence of the international

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regime. The Government of Israel considered that such a partition of the Jerusalem area offered prospects of an acceptable solution, and was ready to discuss administrative arrangements concerning such matters as common public services and facilities with the authority controlling the Arab part of the area.

20. The letter referred the Committee to the detailed statement of Israeli policy regarding Jerusalem and the Holy Places made by Mr. Aubrey Eban on 5 May to the ad hoc Political Committee of the General Assembly. On the specific subject of the protection of Holy Places, reference was also made to the statement by President Weizmann on 23 April 1949, wherein the pledge was given that the Government of Israel would ensure full security for religious institutions in the exercise of their functions; that it would grant the supervision of the Holy Places to those who hold them sacred, and that it would encourage and accept the fullest international safeguards and controls for their immunity and protection.

21. During the meeting of the Committee with the delegations of the Arab States on 20 June, the representative of Lebanon replied in detail to the questionnaires submitted by the Committee. He emphasised that the only solution consistent in law and in fact with the provisions of paragraph 8 of the resolution of the General Assembly would be to place the Jerusalem area under the exclusive authority of the United Nations without interference from any State. Any division of authority between the United Nations and any State was likely to detract from the efficacy of the international regime and to give rise to future complications. Further, a corridor such as that which at present linked Jerusalem with Israeli territory would be incompatible with such a regime and would, moreover, constitute a permanent danger for the Holy City and be contrary to the territorial delimitation appearing on the map attached to the Protocol of 12 May 1949.

22. At the same time the Lebanese Government felt that an administrative organisation responsible to the international authority should be established and ensure the maximum local autonomy for each element of the population, Christian, Moslem and Jewish, in accordance with sub-paragraph 3 of

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paragraph 8 of the resolution of 11 December 1948.

23. The representative of Lebanon further explained that his Government envisaged an international regime under which legislative power should be vested exclusively in a Council on which the three communities would be represented. The inhabitants of Jerusalem would have Jerusalem citizenship, exclusive of any other nationality; immigration which would alter the population distribution as it existed on 29 November 1947 would be forbidden; and real estate transactions within the area between Arabs and Jews would be prohibited, except with the express consent of the administrative authorities to whom the parties were answerable. Provision would have to be made for local Arab and Jewish courts of common law, and for a Supreme Court whose competence would extend to constitutional and statutory questions, jurisdictional conflicts and appeals from decisions of local courts. The whole area would be demilitarised and declared neutral, and any act committed in contravention of the international statute would be considered as a threat to the peace according to Article 39 of the United Nations Charter and would entail sanctions under Articles 41 and 42. Provision should be made for an armed force of two to three thousand men under the control of the international authority. Finally, the whole Jerusalem area would constitute an economic free zone.

24. As regards the protection of Holy Places within the Jerusalem area, the Lebanese Government considered that the international administration should ensure respect for the status quo under the threat of sanctions to be applied by the above-mentioned Supreme Court. Any act committed against such Holy Places emanating from an authority outside the Jerusalem area would entail intervention by the Security Council. In regard to access to the Holy Places, the Lebanese Government was prepared to accord all necessary facilities to persons duly authorized by the international administration, and to study with that administration all material measures likely to facilitate access to the Jerusalem area. With respect to Holy Places outside the Jerusalem area, the Lebanese Government suggested the establishment of a control commission under the auspices of the United Nations, whose function would be to receive complaints and carry out

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inquiries and to report to an ad hoc organ of the United Nations, whose decision would be final.

25. With regard to the list of Holy Places submitted by the Committee, the Lebanese representative pointed out that in his Government's view the definition of Holy Places for which special measures were envisaged by the General Assembly's resolution was a very wide one and embraced all localities, sites and buildings in Palestine dedicated to Christianity, Islam and Judaism. Neither the list transmitted by the Committee nor the list of Moslem Holy Places which would shortly be forwarded to the Committee could therefore be considered as restrictive.

26. The representative of Egypt informed the Committee that his delegation supported the views put forward by the representative of Lebanon. He stressed that for centuries Jerusalem 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 regarded the proposed international regime as one which had been imposed by circumstances and which in no way reflected upon the previous Moslem administration. The representative of Egypt further emphasised that neither Arabs nor Jews should establish their capital in any part of the international area defined in the General Assembly's resolution.

27. The representative of Syria informed the Committee that his delegation also supported the views put forward by the representative of Lebanon. He pointed out that in their desire to respond to the appeal from the international community, the Arabs had accepted the internationalisation of Jerusalem, provided that it was certain that such a measure would not merely be a preparatory step towards the transformation of Jerusalem into a Jewish capital. On the subject of the corridor linking Jerusalem with the Jewish State, he expressed the opinion that the existence of such a corridor would mean that Jerusalem, far from being genuinely internationalised, would be attached to Jewish territory and that this might lead to continuous agitation and perhaps to a future war. As to municipal organisation, his delegation considered that there could not be any question of establishing a Christian municipal zone, but merely of setting up

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Arab and Jewish zones:

28. The representative of the Hashemite Jordan Kingdom made a short statement in which he stressed the importance of the Protocol of 12 May 1949 and declared that, once a beginning had been made in the application of the Protocol, his delegation would make clear its detailed views on the future of Jerusalem.

29. On 30 June a meeting was held with the delegation of Israel to discuss questions concerning the Holy Places and in particular those situated outside the Jerusalem area. The representative of Israel stated that both with regard to the definition of Holy Places and in connection with administrative arrangements concerning them, the Government of Israel accepted the position existing in Palestine before the end of the British Mandate. That applied also to the list of Holy Places submitted by the Committee on Jerusalem, to which he had no alterations to make. In his Government's view, effective supervision by the United Nations of Holy Places in Israel could best be exercised by a United Nations Commissioner who would be assisted by a United Nations staff and who would reside in or near Israel. The United Nations Commissioner would keep in direct contact with the Israeli Ministry of Religions and would be in constant touch with the heads of religious bodies throughout the country. In any cases of difficulty concerning a Holy Place, the religious authorities concerned would first approach the Ministry of Religions; should their complaints not receive satisfactory treatment at the hands of the Ministry, they would be able to lay the matter before the United Nations Commissioner, who in extreme cases would refer the question to the United Nations. Among the other functions of the United Nations Commissioner would be the settlement of disputes between two or more communities concerning a Holy Place; the endorsement of applications for Israeli entry and residence visas from individual ministers of religion and pilgrims, and the determination on the spot of places and buildings falling within the term "Holy Places, religious buildings and sites".

30. While such supervisory functions would be exercised by the United Nations Commissioner, the State of Israel would itself retain full responsibility for the protection of the

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Holy Places within its territory. It did not envisage that such protection would require special police measures.

31. With regard to access to the Holy Places, the Government of Israel was ready to grant every facility in the matter of entry and residence visas to bona fide ministers of religion and to pilgrims.

32. The Committee pointed out that as regards the future of the Jerusalem area, it had taken due note of the statement contained in the Israeli delegation's letter of 31 May, but would welcome a more specific reply to its questionnaire on the subject. The representative of Israel explained that in his Government's view the question of principle should first be agreed upon before the detailed aspects of the matter could be tackled.

33. The present position of the Governments concerned, as disclosed to the Committee in formal statements, may be summed up as follows:

Jerusalem

34. Paragraph 8 of the resolution of the General Assembly of 11 December 1948 lays down that the Jerusalem area shall be accorded "special and separate treatment from the rest of Palestine and be placed under effective United Nations control". It further instructs the Conciliation Commission to prepare "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". It has, however, become clear to the Committee that the interpretation given by each party to the "international regime" is radically different from that of the other party.

35. The Government of Israel has repeatedly emphasised the integration of the Jewish part of Jerusalem into the economic, political and administrative framework of the State of Israel. It therefore holds that the international regime for Jerusalem, although it might apply to the whole area, that is the Old and the New City, should in fact be restricted functionally so as to be concerned only with the protection and control of Holy Places. The international regime should therefore, in the opinion of the Government of Israel, not

be concerned with any purely secular or political aspects of life and Government in Jerusalem.

36. The Governments of Egypt, Syria and Lebanon, on the other hand, propose an internationalisation of Jerusalem along the lines of the special regime for Jerusalem envisaged by the Partition Plan of 29 November 1947, which provided that the City should be established as a corpus separatum and be administered by the United Nations. Invoking the Protocol of 12 May 1949 they call for a solution whereby the Jerusalem area would be placed under the sole authority of the United Nations without interference from any State. It would be established as a separate legal, political and economic entity whose integrity and stability would be preserved by international guarantees, including the application of sanctions under Articles 41 and 42 of the United Nations Charter.

The Holy Places

37. Although differing radically in their approach to the question of the future status of Jerusalem itself, the Arab and Israeli delegations are in substantial agreement as regards measures to protect the Holy Places within the Jerusalem area. Both parties consider that such protection should be assured by the United Nations authority in Jerusalem. Similarly, as regards protection of the Holy Places outside the Jerusalem area, both suggest the establishment of a special United Nations supervisory authority.

38. While there is therefore agreement in regard to questions relating to Holy Places, the Committee is faced with two radically different approaches to the problem of the future status of Jerusalem itself. In the light of this situation, and on the assumption that it would be of little practical value to draw up a scheme for internationalisation which would have no prospect of acceptance by the parties most directly concerned, the Committee is continuing its efforts to work out proposals for an international regime which, while constituting a genuine implementation of the terms of the resolution in their general sense, would also take into account so far as practicable the views of the interested parties and which would be workable in itself.