

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RESTRICTED  
Com./Jer/SR.12  
15 March 1949

DOCUMENTS  
INDEX UNIT

19 DEC 1950

COMMITTEE ON JERUSALEM

SUMMARY RECORD OF THE TWELFTH MEETING

held in Jerusalem on 15 March 1949 at 11:45 a.m.

Present:	Mr. Halderman	(U.S.A.)	- 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
	Mr. Lifschitz	)	the Government of
			Israel to the
			Committee
	Mr. Gaulan		- Liaison Officer of
			the Government of
			Israel to the
			Commission.

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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

lating 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 co-operative 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 the 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 difference 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

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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 Bernadotte 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

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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 to 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

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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 unit 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 character, and the outside world as such had no great concern in it. He felt that the Committee's terms of reference could be met 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

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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 was one of its permanent features, and moreover, the Old City had at least as much importance for the Jews, from its 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 circumstance 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

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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 position 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 internationalized. 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

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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 demilitarisation arrangements. If it were proposed to internationalize 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 juridicial 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 internationalize 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 questions 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 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 the mandate, he felt the incident tended to prove that one great nation had been incapable of preserving Jerusalem alone. Internationalization might come too late, but that was no reason for not establishing it. He pointed out that when the Committee spoke of internationalization, 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

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 question of keeping peace in the Middle East and in the world equally important.

Recalling Mr. Comay's point regarding the intensity of Jewish religious interest 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.

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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.