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COMMITTEE ON JERUSALEM

Extracts from statement by Mr. Eban,  
representative of the Government of Israel,  
at the forty-fifth meeting  
of the Ad Hoc Political Committee, 5 May 1949

Working paper circulated by the Secretariat

".... In the ill-fated history of the November statute (for Jerusalem) it should be carefully borne in mind that there was the most absolute Jewish compliance and co-operation, and the fiercest Arab resistance carried to the point of violent attack. There is nothing inconsistent between our solitary readiness -- our almost solitary readiness -- to uphold the Jerusalem statute of last year, and our most profound conviction this year that the application of the international principle to Jerusalem requires the formulation of new proposals, the institution of new thinking, and, if necessary, the acceptance of a new approach. The past actions and omissions which I have briefly described cannot be swept lightheartedly away. In November, 1947, we regarded the Jerusalem statute as the most effective and practical way of expressing the international interest in Jerusalem in the conditions then prevailing. If we wish to apply the international principle in Jerusalem today, as we do, we cannot fail to take account of the changes that have occurred since then. These changes arise from the refusal of the United Nations to ratify or apply the statutes worked out by the Trusteeship Council; the armed resistance of the Arab States against the November resolution and particularly against the internationalization of Jerusalem; the terrible privations and sufferings endured by the Jews of Jerusalem reminiscent of the days of siege in the life of the prophet Jeremiah; the successful defence of Jerusalem by Jewish forces against its imminent annexation to an Arab State; the restoration of peace, order and dignified life in Jerusalem; the

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accompanying integration of the life of the City into the life of the States to which its people are bound by every tie of natural allegiance; and the obvious, patent and evident unwillingness of the United Nations to undertake a heavy military, administrative or financial commitment in the City, a commitment which would in any case be unnecessary now that a pattern of order and security exists.

It is important to emphasize that nobody can simultaneously applaud the restoration of peace to Jerusalem and deplore the integration of the life of the city into the life of the neighbouring states which are now exercising the functions of administration.

For it was precisely this process of integration into the authority of effective and competent governments which accompanied, and indeed made possible, the pacification of Jerusalem. This process of integration took place. I must emphasize, not in any desire to create new political or juridical facts, but as an essential condition for the restoration of the city's life.

If the city was not to fall it was necessary for Jewish forces to defend it. If the city was not to starve and perish from thirst it was necessary for the Jews of Israel to revive its supply lines. If the city was not to become a centre for all the rebellions and dissident elements in the country (as it was on that dark and terrible day of 17 September 1948) it was necessary to introduce administrative and legislative controls. If the city was to emerge from the arbitrary authorities of military government to the enjoyment of free civic life, it was necessary to replace the military governorships by civilian administrations. If the city, sustained not by industry but by educational and governmental institutions, was not to become impoverished and depressed it was necessary to establish institutions of health and learning and at least a proportion of the official business which had once been its main support.

This and nothing else, this and this alone, was the motive for transferring to Jerusalem the personnel of non-political departments whose presence might stem the flight from Jerusalem and preserve for the city its traditional primacy in the religious, educational and medical life of the country.

No juridical facts whatever are created by such steps which are dictated by nothing but a reverent desire to heal Jerusalem's wounds and to add economic recovery to the other aspects of its splendid recuperation.

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The statement in the Lebanese draft resolution to the effect that the Jewish part of Jerusalem has been proclaimed as a part of the State of Israel is a false statement. It is extraordinary that the representative of a Member State should find it possible to introduce a falsehood into the preamble of a draft resolution. For the most salient feature in the Israeli attitude to the Jerusalem problem today is my Government's earnest and ardent desire to see the juridical status of the city satisfactorily determined by international consent.

In his meeting with the Conciliation Commission on 7 April 1949, the Prime Minister of Israel said: "We shall attempt to convince the United Nations of the justice of our proposals, we shall bring our views to the Assembly of the United Nations. The matter will come to the Assembly and the decision will be made there."

The Second Progress Report of the Conciliation Commission in an effort at brevity does not accurately reflect the Prime Minister's attitude as revealed by the verbal record.

My Government would have preferred to continue its discussions with the Conciliation Commission until such time as the fourth regular session was prepared to consider substantive proposals on the future status of Jerusalem.

Yet the expression of international anxiety, and in particular the alarmist misrepresentation of certain events, compel us to state the main principles of our approach at this time.

We believe that the international principle must be maintained but that in the existing circumstances it should be expressed more realistically and practically than was envisaged in the ambitious proposals worked out by the General Assembly last November.

We must seek to apply the international principle with some regard to the conditions existing in April 1949 and not in accordance with the conditions which our predecessors might have reasonably envisaged in November 1947.

The peace secured in Jerusalem by the cooperative action of the Governments of Israel and Transjordan is too precious an asset to be disrupted by reversing the clock of history, even if this could be done.

I notice that in the recent papal encyclical the principle is laid down that the status of Jerusalem must be one which in

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the present circumstances -- not in the circumstances of November 1947, but one which in the present circumstances will ensure the safety and protection of the Holy Places.

The fact of Jerusalem's integration into the neighbouring states and the necessity and possibility to take a more practical view of the United Nations administrative task must be taken into account. One possible way of solving the problem is by limiting the international regime in area so that it applies not to the entire city but only to that part of it which contains the greatest concentration of religious and historic shrines.

This was a proposal put forward by my Government in Paris in the earlier part of the current session. On the other hand, it is possible to go further and to envisage an international regime which applies to the whole city of Jerusalem but which is restricted functionally so as to be concerned only with the protection and control of Holy Places and not with any purely secular or political aspects of life and government.

This is the kind of approach which we favour at our present stage in the consideration of this problem. To this end the Government of Israel made a statement on the 23rd April, through the President of the State, expressing its policy in the following words:

"The Government and people of Israel are conscious of the international interest in the safety of the Holy Places and the right of free access to them. We pledge ourselves to ensure full security for religious institutions in the exercise of their functions; to grant the supervision of the Holy Places by those who hold them sacred; and to encourage and accept the fullest international safeguards and controls for their immunity and protection. Just as we are resolved to give complete and practical expression to the universal interest arising from the Holy Places, so we expect that the international community will understand the direct and inescapable responsibility which Israel bears and exercises in the daily life and administration of Jewish Jerusalem. I am satisfied" President Weizmann continued "that no real incompatibility exists between the interests and concerns of Christianity, to which His Holiness the Pope has recently given eloquent expression, and the aspirations of the people of Jerusalem

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to assure their government and security in conformity with their national allegiance. If there is a genuine desire to reconcile these two interests, a harmonious solution can swiftly be secured with international consent."

This is a far-reaching commitment, surrendering to the international community the right of control and jurisdiction over Holy Places in Israeli territory. It deserves the closest examination by all parties concerned.

It is important to draw attention to the fact that no similar pledge has been made by the Arab Government which controls the majority of the Holy Places in Jerusalem. If a commitment similar to ours were elicited from Transjordan, it cannot be doubted that the problem of the Holy Places would be on the way to solution, provided only that the United Nations were to assume even this more modest responsibility in an active and responsible spirit. The sad history of the Jerusalem statute should have taught us that it is of little value to cede responsibilities to the international community if the United Nations shows no tendency to take them up.

The position as we understand it is that if the United Nations could secure from the Arab Government concerned a commitment similar to that made by Israel and were then to establish an international regime in Jerusalem which would confine its jurisdiction and authority to the Holy Places, the Jerusalem problem could be successfully solved.

The Conciliation Commission's sanguine belief, shared by the representative of Lebanon this morning, that some Arab States have modified their hostility to international control carries us no further at all, since it does not commit the only Government which here matters -- the only Arab Government in control of any part of Jerusalem or the Holy Places.

Lebanese acceptance at this stage is tactically clever but ineffective. The fact is that the Arab Government controlling the majority of the Holy Places in Jerusalem has not given any undertaking comparable to ours, accepting international control of any areas or any functions. The effective Arab attitude to the surrender of jurisdiction over Holy Places thus remains effectively negative. We remain just as far in advance of the effective Arab position as we were last year.

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I should like to add that the Foreign Minister of Israel, in a statement to the press last week, while discussing the possibility both of an international regime for the Old City, and an international regime for the entire Jerusalem area but confined in its functions to the control of Holy Places, added:

"There may be alternative solutions to the problem of Jerusalem which we would be prepared to consider."

We are still, therefore, in an intermediate stage of discussion. We seek the reconciliation of two interests for each of which we have a deep and abiding concern. There is the universal interest arising out of the Holy Places -- an interest quite understandably seeking juridical expression; and there is the necessity of providing the people of Jerusalem with an administration that conforms with their welfare, their interest and their national sentiment and allegiance.

These two interests are to be reconciled; we do not and should not seek the complete subordination of one to the other. Any proposal which genuinely harmonises the two will have our sympathetic attention...."

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".... I have outlined the views of the Government of Israel on the settlement of Jerusalem's future status. It is, I think, not for this Committee to decide whether it endorses these particular views or not. It is for this Committee to decide in the context of its present discussion whether these views are compatible with the earnest thought and devout conscience of a responsible Government, holding a trust reposed in its hands by civilization, and a simultaneous concern sharpened by recent tragedy, for the lives and well-being and the national sentiment of tens of thousands of people in the City.

There is nothing unusual or eccentric in the views which I have outlined here. Many governments and representatives of the United Nations and even the General Assembly itself have perceived the necessity in recent months of revising the conceptions of international control envisaged in the original November resolution. Thus, in an address to the House of Commons on 14 April, Mr. Christopher Mayhew, Under Secretary of State for Foreign Affairs in the United Kingdom, made the following

four points which illustrate the general trend of revision. I shall quote the main four paragraphs of his statement with accompanying comment. He said:

"(1) It is satisfactory to note that the situation has been quiet in Jerusalem for some months. It is going to be a sad Eastertide in the City. But at least, in sharp contrast against the guerrilla warfare which went on for many months after the end of the Mandate, things are quiet and have been quiet there for many months now. The City is divided by a military demarcation line between Israeli and Transjordan forces which forms part of the demarcation line agreed in the general armistice signed by Israel and Transjordan. Israelis hold all the New City while Transjordan controls the Old City where the principal Holy Places are situated."

With reference to that statement, my Government agrees with this estimate of the significant changes which have occurred in Jerusalem within the past year involving an impressive transition from war to peace.

This statement went on:

"(2) Regarding the possibilities of the internationalization of Jerusalem, I am sure that the United Nations express the will of the entire civilized world in insisting that the Holy Places be protected and free access be assured for them for all religions as well as for all inhabitants of Palestine. Our view is that whatever solution comes -- internationalization or not, or part internationalization -- we feel that there must be free access to the Holy Places for all religions."

With respect to that part of the statement, my Government warmly upholds the view that whatever solution comes, there must be free access to the Holy Places of all religions, including the Jewish religion.

The statement goes on, in its third paragraph, to say:

"(3) The United Nations proposed what we should secure this by setting up an international regime, and that, of course, is what several members asked for today. But in talking about internationalization, it is necessary to consider carefully just what this involves. We here are up against the same problem as the United Nations were up against when they laid down the partition plan of 1947. The main difficulty is implementation. The plain fact remains that to impose an international regime in a considerable area foreseen by the United Nations would be a very formidable task. It would require a very large police force and administrative

With reference to that estimate, there can be no doubt at a

of the validity of the view that to impose an international regime in a considerable area would require a very large police force and administration. Our contacts with leading members of the United Nations convince us that no such military or administrative commitment is feasible. Nor is it any longer necessary, in view of the fact that peace now prevails in the City under its existing administration, and its services are assured.

Fourthly, the statement went on, in conclusion:

"(4) We must therefore have some doubts, though His Majesty's Government (in the United Kingdom) were among the first to suggest that this was the ideal solution, as to how far the scheme of full internationalization can in fact be worked. It is, of course, possible to imagine the variants of such a scheme that might be more practicable, such as the increase of autonomy of local municipalities to a point where an international governor became the titular head concerned almost entirely with the protection of the Holy Places. I do not think" -- concluded Mr. Mayhew, on behalf of the United Kingdom Government -- "it would be useful at present to consider all the possible variants of this theme as there are many of them."

We share these doubts as to how far a scheme of what is called full internationalization can in fact be worked, although we still uphold an international regime for the Holy Places. Mr. Mayhew's view that the international regime, however established, should be concerned entirely with the protection of the Holy Places, is in general accord with the statement by President Weizmann on 23 April.

The sources which I have quoted are not alone in feeling the necessity for formulating new and more realistic proposals for expressing the international interests in Jerusalem. On 27 June 1948 the late Mediator, Count Bernadotte, became so skeptical of the practicability of an international regime that he advocated complete abandonment of the international principle. Count Bernadotte wrote to all the Governments concerned that "to attempt to isolate this area politically and otherwise from surrounding territory presents enormous difficulties."

In a conversation which I was privileged to have with Count Bernadotte and Dr. Bunche, on 16 July, they argued with fervour, conviction and success in an effort to persuade my Government that the original conception of an internationalized Jerusalem would have to be, if not abandoned, as suggested in those proposals, at least modified.

During the sessions of the General Assembly in Paris last winter, the important principle that Jerusalem must be more fully

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integrated into the life of the neighbouring State or States was presented by the delegation of the United States, whose representative, Dr. Jessup, said: "The United States delegation believes that the Jerusalem area should be integrated, in so far as was consistent with its special international character, with the remainder of Palestine." In fact, he went on to say that "it would only be at the fourth session of the General Assembly that lasting decisions could be made with regard to an international regime for Jerusalem as a result of the proposals which the Conciliation Commission would present."

This last sentence by Dr. Jessup accords fully with Mr. Ben-Gurion's statement to the Conciliation Commission looking to the forthcoming session of the General Assembly as the occasion for coming to lasting decisions with respect to an international regime for Jerusalem.

In recent weeks and especially during and since the sessions of the General Assembly in Paris my delegation has heard from several governments, including one of the leading members of the United Nations, interesting proposals and principles for a solution of the Jerusalem problem.

All these proposals indicate a desire to embark upon new thinking in the light of changing circumstances. All of them are based upon the principle of restricting the exercise of international authority as far as possible to the actual protection and control of the Holy Places themselves. When the General Assembly instructed its Commission, on 11 December 1948 to prepare a new proposal for expressing the international principle, it clearly implied that the old proposal is no longer effective.

I should add that the General Assembly, on 11 December, recommended not an international regime, but effective United Nations control. Any use of the word "internationalization" is inaccurate as a reflection of the views of the General Assembly as expressed in its Resolution of 11 December.

In concluding and summarizing my observations on the Jerusalem problem, I find it necessary once again to emphasize that we uphold the necessity to which attention was drawn in the Pope's recent Encyclical to ensure free access to the Holy Places, the security of Catholics and other Christian institutions and to accept and encourage full international control for the protection and immunity of the Holy Places. Everything in the policy which I have outlined on behalf of the Government of Israel conforms

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with the objectives contained in that important Papal pronouncement. I therefore summarize my Government's attitude on the Jerusalem problem as follows:

1. The Government of Israel co-operated to the fullest extent with the statute drawn up in November 1947. It bears no responsibility for the failure of that project which arose through the deliberate armed resistance of the Arab States and the refusal of organs of the United Nations to ratify or assume the obligations necessary for the fulfillment of the statute.

2. The Government of Israel advocates and supports the establishment by the United Nations of an international regime for Jerusalem concerned exclusively with the control and protection of Holy Places and sites. If such a regime for the Holy Places is established, my Government will co-operate with it.

3. The Government of Israel will also agree to place under international control, Holy Places in other parts of its territory outside Jerusalem. We support the suggestion that guarantees should be given for what the representative of Argentina calls "the protection of the Sacred Places in Palestine and free access thereto."

4. The Government of Israel is prepared to offer the fullest safeguards and guarantees for the security of religious institutions in the exercise of their functions. The Government of Israel is prepared to negotiate immediately with all religious authorities concerned with this end in view. I should add that a beginning of such negotiations has already been made through my Government's contacts with Monsignor Vergani, the Papal Envoy in the State of Israel. Sometimes the safeguarding of religious institutions is a matter in the charge of governments and not of the Vatican itself. In some such instances negotiations for the safeguarding of their immunity have already begun. In particular, there has been successful negotiation between the Government of Israel and the Government of France which has been the leader in many of the religious and cultural movements symbolized by great institutions in all parts of the country.

5. The Government of Israel will persevere in its efforts to repair the damage inflicted on religious buildings and sites in the course of the war launched by Arab States.

6. The Government of Israel regards with pride and satisfaction its part in the restoration of peace and order which are the essential requisites of any reverent care for the Holy Places and sites.

7. The integration of the Jewish part of Jerusalem into the life of the State of Israel has taken place as a natural historical process arising from the conditions of war, from the vacuum of authority created by the termination of the Mandate and from the refusal of the United Nations to assume any direct administrative responsibilities on the scene. This integration which is paralleled by a similar process in the Arab area is not incompatible with the establishment of an international regime charged with full juridical status for the effective protection of the Holy Places, no matter where situated. A proposal or alternative proposals for reconciling these interests will be submitted by Israel to the forthcoming session of the General Assembly. One such proposal has already been presented to the Conciliation Commission by the Prime Minister of Israel. That is reported in the concluding passage of the Second Progress Report of the Conciliation Commission.

8. The Government of Israel will continue to seek agreements with the Arab interests concerned for the maintenance and preservation of peace and the reopening of blocked access into and within the City of Jerusalem. Such negotiations now proceeding, however, do not affect the juridical status of Jerusalem which we shall seek to define by international consent.

9. The Government of Israel notes a disposition on the part of the Conciliation Commission and individual Member States to formulate new proposals for the effective and practical satisfaction of international interests in Jerusalem. The Government of Israel will give its most earnest study and attention to all such proposals, in the firm belief that the United Nations should only assume responsibilities which it is willing and able to exercise and which do not go beyond the limits required for the genuine fulfillment of universal interests.

10. The Government of Israel notes the Resolution of the General Assembly of 11 December providing for the discussion of a lasting solution of the Jerusalem problem at the Fourth Regular Session. The Government of Israel believes that the General Assembly should on that occasion discuss the final juridical status of Jerusalem. The Government of Israel hopes to contribute to that discussion, either by commenting on proposals put forward or by submitting proposals of its own for the approval of the General Assembly.

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11. The Government of Israel draws attention to the existence of profound Jewish religious interests, which give Jerusalem a central and abiding place in Jewish spiritual life. All the sacred associations of Jerusalem derive ultimately from its Jewish origins. The preservation of synagogues, the right of access to the Wailing Wall and of residence within the Walled City, require international guarantees and implementation.

12. These views of the Government of Israel on the future of Jerusalem are fully in accord with the principles of the Charter, with the General Assembly Resolution of 11 December and with the views of many Members of the United Nations whose eligibility to retain their membership has never been questioned. The conscientious and honest regard which the Government of Israel has shown and will continue to show, both for international interests and for the welfare of the population, entitled it to present its record on Jerusalem as its highest point of credit...."