

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RESTRICTED
NC/22
13 June 1949
Original: English

Letter and Memorandum dated 20 May 1949
addressed to the Principal Secretary of
the Conciliation Commission by the Chairman and
Director of the Commission of the Churches
on International Affairs

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Dear Sir,

Following the desire expressed by the Ad Hoc Political Committee of the United Nations General Assembly that the United Nations Conciliation Commission, when studying the question of the Holy Places and free access thereto, should take into account the views of the Commission of the Churches on International Affairs, we submit herewith a Memorandum entitled:

THE PROTECTION OF RELIGIOUS INTERESTS AND
ACTIVITIES IN PALESTINE

Respectfully yours,

S/ Kenneth G. Grubb, Chairman

S/ O. Frederick Nolde, Director

MEMORANDUM

THE PROTECTION OF RELIGIOUS INTERESTS AND ACTIVITIES IN PALESTINE

The Ad Hoc Political Committee of the Third Session of the General Assembly, Part II, in its report on the Application of Israel for Admission to Membership in the United Nations took note of requests by representatives of various governments 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," take into account the views of the Holy See, the Orthodox Patriarchate, Moslem religious authorities and the Commission of the Churches on International Affairs. (United Nations document A/855, 10 May 1949) The report of the Ad Hoc Political Committee was adopted by the General Assembly on 11 May 1949.

In pursuit of the opportunity thus afforded, the Commission of the Churches on International Affairs submits this memorandum to the Palestine Conciliation Commission established by the United Nations General Assembly at its Third Session in Paris.

The Commission of the Churches on International Affairs has been formally constituted as the joint agency of the World Council of Churches and the International Missionary Council. The World Council of Churches includes in its membership one hundred and fifty-five Churches in forty-four lands; its offices are in Geneva, New York and London. The International Missionary Council is composed of fifty-two national organizations, Conferences and Committees in sixty-eight countries and territories; its offices are in New York and London.

I. Manifest Concern about Settlements in Palestine as they Bear Upon Religious Interests and Activities

Numerous expressions of opinion by segments of the constituency represented in the Commission of the Churches on International Affairs testify to the concern which Christians entertain about settlements in Palestine and particularly in Jerusalem. Some of these have been in the form of statements by recognized Christian leaders, acting in their personal or representative

capacity. Others have been incorporated in formal resolutions by member bodies of the World Council of Churches or the International Missionary Council.

A few illustrations of such statements and resolutions are here presented to emphasize the importance which is attached to the Jerusalem settlement and to indicate the nature of the political arrangements which many believe to be imperative.

- (1) Excerpt from a letter (April, 1948) to the Patriarch of Jerusalem signed by the five Presidents of the World Council of Churches (Dr. Marc Boegner, President of the Federation Protestante; Dr. Erling Eidem, Archbishop of Upsala; Dr. Geoffrey Fisher, Archbishop of Canterbury; Dr. S. Germanos, Archbishop of Thyateira; Dr. John R. Mott, U.S.A.

"Your Beatitude may rest assured that we shall constantly bear in mind, and seek to forward the following aims:

"(1) We desire that Christian people throughout the world should continue in prayer for the peace of the Holy Land, and especially for their fellow Christians.

"(2) We desire that the land of our Lord's earthly ministry shall be a land where men can live in peace and quietness and where the status of the Holy Places shall be secured and access to them freely maintained.

"(3) We desire to see the human rights and liberties of all men in Palestine guaranteed, and fully embodied in whatever settlement or provisions are eventually effective, and especially the right to worship God according to conscience, and to teach and preach the faith in which they believe.

"Your Beatitude is well aware that the political settlement of this matter rests with the United Nations. The attitude of Christian people to that organization may be deeply affected by the action resolved upon. We shall take every step open to us to ensure that the decisions of the United Nations, or of other authorities concerned, may agree with these ends."

- (2) Excerpt from a statement (April 1949) submitted to the Honorable Warren R. Austin and approved by the Executive Committee of the Federal Council of the Churches of Christ in America
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an people are profoundly disturbed at the
n increase of violent warfare in Palestine
drawal of British troops on May 15th.
or the lives of all those involved -
oslems and Jews - and our conviction that
differences should be sought by peaceful
us to urge with all our strength that the
t of the United Nations to arrange a truce
by the responsible leaders on both sides.

an especially deep concern for the Holy
alem, sacred around the world to those of
ths, and containing places whose destruction
ept as permissible. Under the partition
ast fall Jerusalem was to be a trust
t is obviously a part of the trust territory
ent trusteeship proposal. Surely it should
status under any arrangement, and it should
the character of an 'open city'."

ted April 27, 1949)
ast Christian Council,
member of the Inter-
ionary Council. The
istian Council is a
ites the Protestant
churches of the following
a, Balkans, Egypt, Ethiopia,
ebanon, North Africa,
dan, Syria, Transjordan

r East Christian Council unanimously urges
it to the highest authorities its belief
sential for the preservation of peace,

the greater Jerusalem area be placed under
s administration so as to constitute a
igious freedom for all faiths, and

speedy provision be made for the re-
of the Palestine refugees including where
r return to their former homes and in
heir resettlement with full compensation
lost."

he United Nations
9 by the Ecumenical
Jerusalem

ith a vivic interest that the Ecumenical
following the sincere endeavors made by
tions during the negotiations held for
n of the Holy Places.

"The Ecumenical Patriarch believes that the only appropriate solution of the problem is the application of an international status, under the guardianship of the United Nations, over the whole city of Jerusalem and the sacred shrines of Palestine as well."

II. Conditions to be Met in the
Palestine Settlements in Order
that Religious Interests and
Activities May be Appropriately
Safeguarded

From the various statements made by different parts of our world-wide constituency, we draw the basic conditions which we believe must be met by the political arrangements under which Palestine, and more particularly, Jerusalem, shall be governed. In citing these conditions, we are confident that they reflect the view of our constituency as to the minimum requirements to be observed and that they will command the active support of the member churches and councils in the World Council of Churches and the International Missionary Council.

1. Human rights and fundamental freedoms, and, particularly, full religious liberty must be safeguarded for all without distinction as to race, sex, language or religion.
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When governments are, to any considerable extent, animated by a special religious conviction and committed to the predominant protection of its expression, there exists the danger of discrimination against those who hold other convictions and desire to give expression to them. This danger is present in all Palestine and is most acute in areas where historic religious monuments are concentrated and where current religious work is most actively pursued by adherents of a faith differing from that represented in the government.

In order that the religious interests of all men and of the religious communities with which they are affiliated - Christian, Jewish, Moslem - may be adequately protected, arrangements for Jerusalem, and in fact, for all Palestine should include specific provisions to safeguard human rights and fundamental freedoms. The religious issues at stake call for the full application of those articles in the Universal Declaration of Human Rights which bear on religious liberty, particularly Articles eighteen and nineteen:

"ARTICLE 18 - Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

"ARTICLE 19 - Everyone has 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 and regardless of frontiers."

The presence in Palestine of adherents of three faiths requires explicit safeguards for observing the traditional right of religious freedom, including freedom to extend one's faith by processes of persuasion and the appeal to reason and conscience.

2. The protection of Holy Places, religious buildings and sites in Palestine and free access thereto should be recognized as a matter of international responsibility

Our primary concern is with people, not places, and therefore we have stressed first of all the rights and freedoms of all men. Nevertheless, we cannot ignore buildings and sites which are monuments of sacred events in the past and which stand indeed as Holy Places for people today and for generations to follow. Their combined significance transcends any single faith or nationality. Their protection and the opportunity of free access to them should be accepted as an international responsibility.

We do not presume to define the political mechanisms by which this international responsibility shall be fulfilled. We do, however, express the strong conviction that artificial separation of historic religious sites from the community in which they are located - particularly in the Jerusalem areas where such sites are numerous - would be an inadequate method of exercising international responsibility. Whatever plan is devised, it should reckon with the current life of the three faiths represented in the population as well as with the historic interest which a large part of the world professes. This will require, we believe, political arrangements wherein measures for the protection and world-wide use of the holy places are integrated with the guarantee of human rights and freedoms for all inhabitants.

3. All church-owned and mission-owned properties in Palestine that have been occupied by either Arabs or Jews should be returned to their owners
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During the period of disturbance in Palestine, numerous ecclesiastical properties have been seized for governmental or military purposes. Practically all the reported violations have occurred in areas occupied by Jewish authorities.

At the Third Session of the United Nations General Assembly in Paris, the Government of Israel submitted a memorandum to a number of Member States wherein it stated:

"One matter under discussion with certain church authorities concerns properties which were formerly requisitioned by the British military forces and are now in the occupation of the Israeli Army. It has been made clear that these properties will be returned to their rightful owners as soon as the military situation makes it possible for them to be derequisitioned. There is not, and there never has been, the slightest intention to expropriate church properties."

A similar commitment was subsequently made to various Christian leaders, including officials in the World Council of Churches and the International Missionary Council.

We respectfully submit that the Palestine Conciliation Commission should establish the principle that all ecclesiastical properties in Palestine that have been occupied by either Arabs or Jews should be returned to their owners; and further, should take appropriate steps to see to it that the property claims are promptly and justly settled.

In advancing the above minimum conditions for effecting a settlement in Palestine which will be adequate to protect religious interests and activities, we disclaim competence as to the specific political arrangements whereby they can satisfactorily be met. At the same time, we believe that the political arrangements can be designed to comply with these requirements and that their acceptability must be appraised by the extent of such compliance.

Submitted by Kenneth G. Grubb,
Chairman

O. Frederick Nolde,
Director

May, 1949