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DOCUMENTS AND SOURCE MATERIAL

DOCUMENTS CONCERNING THE STATUS OF JERUSALEM

A. THE PERIOD OF THE BRITISH MANDATE AND THE CREATION OF THE STATE OF ISRAEL

1

REPORT OF THE INTERNATIONAL COMMISSION APPOINTED BY THE BRITISH MANDATORY GOVERNMENT "TO DETERMINE THE RIGHTS AND CLAIMS OF MOSLEMS AND JEWS IN CONNECTION WITH THE WESTERN OR WAILING WALL AT JERUSALEM," DECEMBER 1930.¹ [EXCERPTS]

[*The Wailing Wall, in addition to being the holiest Jewish shrine, is the Western Wall of the Haram esh-Sharif, one of the three most sacred places of Islam. Following clashes between Arabs and Jews over claims on the Wall in 1929, the British Mandatory Government, with the approval of the League of Nations, appointed an International Commission of Inquiry to make an authoritative statement on the religious status quo at the Wall.*]

.

The conclusions arrived at by the Commission on the basis of the reasoning and evidence adduced above, may be summed up as follows:

A. To the Moslems belong the sole ownership of, and the sole proprietary right to, the Western Wall, seeing that it forms an integral part of the Haram-esh-Sherif area, which is a Waqf property.²

To the Moslems there also belongs the ownership of the Pavement in front of the Wall and of the adjacent so-called Moghrabi (Moroccan) Quarter opposite the Wall, inasmuch as the last-mentioned property was made Waqf under Moslem Sharia Law, it being dedicated to charitable purposes.

Such appurtenances of worship and/or such other objects as the Jews may be entitled to place near the Wall either in conformity with the provisions of this present Verdict or by agreement come to between the Parties shall under no circumstances be considered as, or have the effect of, establishing for them any sort of proprietary right to the adjacent Pavement.

On the other hand the Moslems shall be under the obligation not to construct or build any edifice or to demolish or repair any building within the Waqf property (Haram area and Moghrabi Quarter) adjacent to the Wall, in such a manner that the said work would encroach on the Pavement or impair the access of the Jews to the Wall or involve any disturbance to, or interference with, the Jews during the times of their devotional visits to the Wall, if it can in any way be avoided.

B. The Jews shall have free access to the Western Wall for the purpose of devotions

¹ *Great Britain*, Report of the Commission Appointed by His Majesty's Government ... to Determine the Rights and Claims of Moslems and Jews in Connection with the Western or Wailing Wall at

Jerusalem, December 1930 (*London: HMSO, 1930*).

² *Waqf: Islamic religious, educational and charitable endowment.*

at all times—subject to the explicit stipulations hereinafter to be mentioned, viz.,

(1) The temporary instructions issued by the Palestine Administration at the end of September, 1929, relative to “appurtenances of worship”³ (see Section 2, *a, b, c* [of the instructions]), are to be made permanent, subject however to the one modification that it shall be permissible to place near the Wall the Cabinet or Ark containing the Scroll or Scrolls of the Law and the Table on which the Ark stands and the Table on which the Scroll is laid when being read from, but only on the following occasions, viz.,

(a) at any special fast and assembly for public prayer that the Chief Rabbis of Jerusalem may order to be held in the consequence of some public distress or calamity, provided due notice shall have been given by them to the Administration;

(b) on New Year’s Day and on the Day of Atonement, and also on any other “holy days” that are recognised by the Government as such days on which it has been customary for the Ark containing the Scrolls of the Law to be brought to the Wall.

Save as provided in the articles of this Verdict it shall not be permissible to have any appurtenances of worship in the vicinity of the Wall.

(2) No objection or obstacle shall be raised to the Jews, in their individual capacity, carrying with them to the Wall hand-books or other articles customarily used at their devotions either as a general thing or upon special occasions, nor to their wearing such garments as were of old used at their devotions.

(3) The temporarily enacted prohibitions against the bringing to the Wall of benches, carpets or mattings, chairs, curtains and screens, etc., and against the driving of animals at certain hours along the Pavement are to be made absolute, as is also the injunction as to keeping the door at the southern end of the Wall locked during certain hours. The right,

however, for Moslems to go to and fro in an ordinary way along the Pavement shall be respected and remain inviolable as hitherto.

(4) It shall be prohibited to bring to the Wall any tent or a curtain or any similar object with a view to placing it there—even though for a limited space of time.

(5) The Jews shall not be permitted to blow the ram’s horn (*shofar*) near the Wall nor cause any other disturbance to the Moslems that is avoidable; the Moslems on the other hand shall not be permitted to carry out the *Zikr* ceremony close to the Pavement during the progress of the Jewish devotions or to cause annoyance to the Jews in any other way.

(6) It is to be understood that the Administration shall be entitled to give such instructions as they may think fit respecting the dimensions of each of the objects that it is permissible for the Jews to bring to the Wall, respecting the particular days and hours above referred to, and also respecting other details that may be necessary for the adequate and complete carrying out of this present Verdict of the Commission.

(7) It shall be prohibited for any person or persons to make use of the place in front of the Wall or its surroundings for all political speeches or utterances or demonstrations of any kind whatever.

(8) It shall be held to be a matter of common interest to Moslems and Jews alike that the Western Wall should not be disfigured by having any engravings or inscriptions placed upon it or by having nails or similar objects driven into it, and also that the Pavement in front of the Wall should be kept clean and be properly respected by Moslems and Jews alike; it is herewith declared to be the Moslems’ right and duty to have the Pavement cleaned and repaired, if and when that is necessary, upon due notice being given to the Administration.

³ *The instructions defined those appurtenances of worship (e.g. ritual lamps, prayer stands, tables) which could be brought daily or on the*

Sabbath or on Holy Days to the Wailing Wall for purposes of Jewish worship.

(9) Owing to the Wall's character as an historical monument its fitting maintenance shall be entrusted to the Palestine Administration, so that any repairs to it that may be necessary shall be carried out by them and under their supervision though only after consultation with the Supreme Moslem Council and the Rabbinical Council for Palestine.

(10) If any repairs to the Pavement that are necessary are not attended to by the Moslems in due time, the Palestine Administration shall take the necessary steps to have the work done.

(11) The Chief Rabbis of Jerusalem shall be required to nominate one or more officials to be their authorized representative or representatives for receiving the instructions and other communications that will be issued from time to time by the Palestine Administration regarding the Western Wall, the Pavement in front of it, and the formalities to be observed with regard to the Jewish devotions near the Wall.

2

UN GENERAL ASSEMBLY RESOLUTION
181 (II) OF NOVEMBER 29, 1947 ON THE
PARTITION OF PALESTINE. [EXCERPTS FROM
THE SECTION ON JERUSALEM]

[The resolution recommended the internationalization of Jerusalem under a United Nations Administration with wide-ranging reserve powers. A substantial degree of local autonomy was offered to the Arab and Jewish communities within the city boundaries. The City of Jerusalem boundaries prescribed by the UN plan included 100,000 Jews and 105,000 Arabs and persons belonging to neither community.]

PART III

CITY OF JERUSALEM

A. SPECIAL REGIME

The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship

Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

B. BOUNDARIES OF THE CITY

The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat....

C. STATUTE OF THE CITY

.

2. *Governor and administrative staff.* A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen whenever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. *Local autonomy.* (a) The existing local autonomous units in the territory of the City (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of special town units consisting, respectively, of the Jewish and Arab sections of new Jerusalem. The new

¹ *United Nations*, Report to the General Assembly by the United Nations Special

Committee on Palestine, *August 31, 1947, Chap. VI, Part II, Justification*, 5.

town units shall continue to form part of the present municipality of Jerusalem.

4. *Security measures.* (a) The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the protection of the Holy Places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. *Legislative organization.* A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the Council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

13. *Holy Places.* (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in

conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the City. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

3

PROPOSALS OF UN MEDIATOR COUNT FOLKE BERNADOTTE ON JERUSALEM.

[*In his initial suggestions Bernadotte proposed that Jerusalem become part of an Arab state in Palestine. In his later report Bernadotte recommended that it be demilitarized and internationalized.*]

A. BERNADOTTE'S SUGGESTIONS TO THE PARTIES OF JUNE 28, 1948.¹ [EXCERPTS]

Part III. Annex to the Suggestions: Territorial Matters.

... It is considered that certain territorial arrangements might be worthy of consideration. These might be along the following lines:

1. Inclusion of the whole or part of the Negeb in Arab territory.

¹ UN doc. S/863.

2. Inclusion of the whole or part of Western Galilee in Jewish territory.

3. Inclusion of the City of Jerusalem in Arab territory, with municipal autonomy for the Jewish community and special arrangements for the protection of the Holy Places.

4. Consideration of the status of Jaffa.

5. Establishment of a free port at Haifa, the area of the free port to include the refineries and terminals.

6. Establishment of a free airport at Lydda.

B. BERNADOTTE'S PROGRESS REPORT, RECOMMENDATIONS FOR DEMILITARIZATION AND INTERNATIONALIZATION.¹ [EXCERPTS]

VII ... PROTECTION OF THE HOLY PLACES.

2. Authorities on both sides have tried to preserve and protect the Holy Places, religious buildings and sites. Many religious buildings, however, are located in areas where heavy fighting has occurred, and some of them have been destroyed. Synagogues have thus been demolished in the Jewish quarter of the Old City of Jerusalem. Even during the present truce Jerusalem remains a critical spot where shelling by mortars and artillery in various parts of the city frequently takes place. Thus the Holy Places are in constant danger. Damage to many such structures cannot be fully repaired under existing conditions and further deterioration will occur. Military authorities have requisitioned many hospitals, hospices and schools belonging to religious orders. The Church of the Holy Sepulchre has been hit once, with no appreciable damage. The Church of Dormition in the Old City has been severely hit, but its walls are still standing. The Mount of Olives and the Garden of Gethsemane have been spared and their religious buildings remain intact. The Haram-esh-Sharif, including the Dome of the Rock, has suffered damage from shelling. Windows have been broken and inlaid work shattered. The Church of the Nativity and other religious sites in Bethlehem have suffered no damage.

¹ UN doc. A/648.

3. Apart from the efforts of official authorities on both sides, the protection of the Holy Places, religious buildings and sites has been assured to the extent possible, particularly in Jerusalem, by the intervention of the United Nations observers. Representations regarding attacks against or the military occupation and use of religious buildings in the Jerusalem front lines have also been made by the Truce Commission.

4. The demilitarization of Jerusalem, more than any other action, would ensure the safety of its Holy Places and religious buildings.

VIII ... SPECIFIC CONCLUSIONS

(g) The City of Jerusalem, which should be understood as covering the area defined in the resolution of the General Assembly of 29th November, should be treated separately and should be placed under effective United Nations control with maximum feasible local autonomy for its Arab and Jewish communities, with full safeguards for the protection of the Holy Places and sites and free access to them, and for religious freedom.

(h) The right of unimpeded access to Jerusalem, by road, rail or air, should be fully respected by all parties.

4

STATEMENT MADE BY ISRAELI FOREIGN MINISTER MOSHE SHARETT BEFORE THE SPECIAL POLITICAL COMMITTEE OF THE UN GENERAL ASSEMBLY REJECTING THE INTERNATIONALIZATION OF THE JEWISH SECTOR OF JERUSALEM, NOVEMBER 25, 1949.² [EXCERPTS]

Here is the crux of the problem. An international regime over Jerusalem which does not derive its authority from the freely expressed will of its inhabitants, denies to those inhabitants the elementary right enjoyed by their compatriots elsewhere, namely the right to belong to an

² New York Times, November 26, 1949.

independent state as its full-fledged citizens.

Do the religious associations of Jerusalem justify such a denial? Must they necessarily predominate over the elementary interests and legitimate aspirations of civilized human beings?

Cannot the Holy Places be protected and religious associations secured except by limiting the Jewish inhabitants of Jerusalem in the exercise of their civic and political self-determination? Is it indeed in the long-term interest of churches and religious institutions that they should be charged with responsibility for permanently interfering with the normal course of secular life and the full self-expression of the population?

The answer of my Government to all these questions is in the negative.

The draft instrument of the Palestine Conciliation Commission¹ is to us unacceptable mainly because its basis is the establishment of an outside authority over a whole area, namely, the subjection of the independence of Israel.

The Government of Israel has already had opportunities to indicate the nature of the solution of the problem which it considers both practicable and fair. It accepts the principle of international concern in the Holy Places, expressed through the United Nations. It accepts the idea of an international regime to give effect to that concern but it is its conception that the international regime should be of a functional, not a territorial, character; viz. it should be concerned with the supervision of the Holy Places and the enforcement, through the appropriate authorities, of measures necessary for their protection and accessibility.

It points to the possibility of supplementing the exercise of such functional authority by the United Nations throughout the area of Jerusalem with the complete internationalization of the Old City which represents a massive concentration of all the main shrines.

¹ *A proposal for an international regime over Jerusalem, which conceded greater powers to the local communities than the 1947 partition*

The distinction between the Old City and the New City is of the essence, and its importance cannot be overemphasized. The Old City, which contains within its walls the chief sanctuaries of the three faiths, all the Christian patriarchates, a number of monasteries and hostels, the Moslem ecclesiastical foundations and a Jewish quarter, with ancient synagogues now in ruins, covers only 6.5 per cent of Jerusalem's municipal territory and only 2 per cent of its town planning area.

The Arab authorities in its control have refused the Jews access to their main shrine—the Wailing Wall, which is the remnant of the Temple.

Outside the walls the Arabs hold 30 per cent of Jerusalem's town planning area, as delimited by the British Mandatory Administration to provide scope for the city's growth and development.

If the present Arab inhabitants of the Walled City could be induced, by the offer of better housing facilities, to move of their free will out of the congested quarters and settle in the free space outside the walls, then the Walled City could be converted into a spacious and dignified compound, relieved of its present ugliness and squalor, containing only Holy Places and religious foundations and consecrated to religious worship and pilgrimage by members of all faiths under the aegis of the United Nations.

The achievement of such a transformation should be a worthy object of United Nations initiative and care.

5

STATEMENT MADE BY JORDANIAN DELEGATE, FAWZI PASHA EL-MULKI BEFORE THE SPECIAL POLITICAL COMMITTEE OF THE UN GENERAL ASSEMBLY REJECTING THE INTERNATIONALIZATION OF THE ARAB SECTOR OF JERUSALEM, NOVEMBER 26, 1949.² [EXCERPTS]

To begin with, we can make this declaration, from which we have never departed.

resolution had done.

² New York Times, November 27, 1949.

The Holy Places in the Holy City and its environs under the control of my Government are safe and secure, and shall be the sacred trust protected by everything dear to us.

It is worthy of note that our military forces have defended the Holy City, and, with all the resources under their command, have endeavoured to save the Holy Places from destruction, thus securing the reverence with which it [the City] is held by the believers of the whole world.

Mr. Chairman, were it not for this genuine effort on the part of the Jordan Kingdom, Jerusalem like the rest of Arab Palestine now under Jewish control would have been overrun and lost and consequently, we would not, I am afraid, be discussing the future of the Holy City, for the future of the Holy City would have been otherwise sealed.

Having made such a contribution in preserving and protecting the Holy Places, and having endeavoured to reinstate the normal situation that existed, my country hopefully requests this honourable committee that this session of the Assembly not be closed before effective measures are taken to repatriate all Arab inhabitants of Jerusalem to their homes, thus restoring the city, Old and New, to the status that existed prior to the tragic events.

The armistice agreement provided for detailed stipulations covering the whole area, including Jerusalem territory; although the armistice agreement was purely dictated by military considerations, it provided the minimum degree for the prospects of safety and defence.

It must be remarked, however, that the delineation of the armistice line has taken into account the contiguous character of the whole area under the control of the Jordan military forces.

It would certainly be a destruction of the equilibrium of the armistice lines should we isolate the area of Jerusalem from the ambit of the armistice agreement. It would form, so to speak, a vacuum in our

lines of defence, it would form a large pocket in the area under our control.

It is quite evident that the Jerusalem area falls in the heart of the territory under our control. Any segregation will subject Arab Palestine to unspeakable dangers. The Arab areas falling south and north of Jerusalem will become dismembered and disconnected.

Mr. Chairman, it is an established fact that my country, which has made its best endeavours to safeguard the interests of the victims of the Palestine tragedy and to administer their affairs, feels reluctant to exclude no less than 150,000 Arabs, inhabitants of the Jerusalem area, from Arab sovereignty, eventually undermining Arab existence.

Last, but not least, I should emphasize that the Holy City has been in Arab hands since time immemorial. The Holy Places and shrines adding sanctity to the Holy City have been met with the best guardianship the world has ever witnessed.

6

UN TRUSTEESHIP COUNCIL RESOLUTION 114 (S-2) OF DECEMBER 20, 1949 ON THE REMOVAL TO JERUSALEM OF CERTAIN ISRAELI GOVERNMENT DEPARTMENTS.¹

The Trusteeship Council:

Concerned at the removal to Jerusalem of certain ministries and central departments of the Government of Israel,

Considering that such action ignores and is incompatible with the provisions of paragraph II of General Assembly resolution 303 (IV) of 9 December 1949,

1. *Is of the opinion* that the action of the Government of Israel is likely to render more difficult the implementation of the Statute of Jerusalem with which the Council is entrusted by the General Assembly resolution of 9 December 1949;

2. *Requests* the President of the Trusteeship Council:

¹ *In preparation for the proclamation of Jewish Jerusalem as Israel's capital on January 23, 1950.*

(a) To invite the Government of Israel to submit a written statement on the matters covered by this resolution, to revoke these measures, and to abstain from any action liable to hinder the implementation of the General Assembly resolution of 9 December 1949;

(b) To keep closely in touch with the developments in Jerusalem while the Council is not in session;

3. *Requests* the Secretary-General to communicate this resolution promptly to all Member States of the United Nations.

7

STATEMENT BY DAVID BEN GURION,
THE THEN ISRAELI PRIME MINISTER, ON

HIS PROPOSAL TO CAPTURE THE OLD CITY
OF JERUSALEM IN 1952.¹

Replying to the question "If it was Jordan and Syria who violated the armistice agreement why was it that we attacked Egypt in 1956?", Ben Gurion said: "I suggested that we mount the Sinai campaign in 1955, without England and France, and that we send a task force to Sharm esh-Sheikh. Also, in 1952, I suggested that we liberate the districts of Jerusalem and Hebron after the Jordanians had blown up the pipe supplying Jerusalem with water [the pipe passing through the Latrun District, carrying water from Ra's el-'Ein to Jerusalem] in violation of the armistice agreement. Actually, we secretly laid down another pipe, but that does not excuse the Jordanians. The majority of the Cabinet was against my suggestion...."

B. THE PERIOD AFTER THE JUNE WAR OF 1967

8

ISRAELI AIMS AND MEASURES AFFECTING
THE ARAB CITY OF JERUSALEM AS EXPRESSED
TO UN AMBASSADOR THALMANN BY ISRAELI
LEADERS, AUGUST 1967.² [EXCERPTS]

[*This report was made by U Thant after UN General Assembly Resolution 2254 (ES-V) had requested a report on the situation in Jerusalem from the Secretary-General. Ambassador Thalmann had been sent as U Thant's Personal Representative to Jerusalem*]

IV. MEASURES TAKEN BY THE ISRAEL
GOVERNMENT IN ORDER TO INTEGRATE THE
PARTS OF THE CITY WHICH WERE NOT UNDER
ISRAEL CONTROL BEFORE JUNE 1967.

A. *Preliminary remarks.*

33. In the numerous conversations which the Personal Representative had with Israel

leaders, including the Prime Minister and the Minister for Foreign Affairs, it was made clear beyond any doubt that Israel was taking every step to place under its sovereignty those parts of the city which were not controlled by Israel before June 1967. The statutory bases for this had already been created, and the administrative authorities had started to apply Israel laws and regulations in those parts of the city. However, for practical reasons—for example, because the texts of the laws had not been translated into Arabic—but also with the intention that the Arab population should become familiar with the new situation step by step, not all Israel laws and regulations were as yet being enforced; nevertheless, it was the declared objective of the Israel Government to equalize the legal and administrative status of the residents of those parts of the city which were not previously controlled by Israel with that of the Israel citizens as soon as possible.

¹ *Excerpt from the report of an interview with Ben Gurion, Ma'ariv (Tel Aviv),*

April 28, 1971.

² *UN doc. A/6793.*

34. The Personal Representative was repeatedly assured by the Israel side that every attention was being paid to the well-being of the Arab population and that the Arab residents would have the opportunity to bring their standard of living up to the level prevailing in Israel.

35. The Israel authorities stated unequivocally that the process of integration was irreversible and not negotiable.

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B. Israel legislation affecting East Jerusalem.

38. The Personal Representative was supplied by the Israel authorities with the text of certain laws and orders which had been adopted with a view to including Old Jerusalem and certain surrounding areas previously under the control of Jordan within the State of Israel.

39. Under the Law and Administration Ordinance (Amendment No. 11) Law of 27 June 1967, it was provided that the law, jurisdiction and administration of the State should apply in any area of the State of Israel designated by the Government by order. Under this provision the Government issued an order dated 28 June 1967 which declared that a territory defined in an annex was an area in which the law, jurisdiction and administration of the State of Israel were in force. The area described in detail in the annex included the Old City, Sur Baher, Sheikh Jarrah, the Kalandia airport, Mount Scopus and vicinity and Sha'afat.

40. Similarly under the Municipal Corporations Ordinance (Amendment No. 7) of 27 June 1967, the Minister of Interior was empowered at his discretion to enlarge, by proclamation, the area of a particular municipal corporation by the inclusion of an area designated under the Law and Administration Ordinance as just amended. By an order dated the following day the Minister declared that the boundaries of the Jerusalem Municipal Corporation be extended by the inclusion of the area described in the previous paragraph.

.
C. Physical measures...

44. The opening of means of access to the Old City and the destruction of bar-

riers started almost immediately after the end of hostilities. By the end of August all former access roads had been reopened.

45. Alongside this activity went on the destruction of former Jordanian military positions and the removal of mines, principally in the old no-man's land, in the Jerusalem area.

46. The Israel authorities stated that buildings in a slum area outside the Temple Wall had been destroyed; the inhabitants had been provided with alternative housing. Fifty to seventy families, however, had been put in houses left by refugees who had since returned, so they had to find their own accommodation; they were being given key money and their rent would be subsidized for two years through the city welfare agency. Loans for seven years would also be made to fifty-five families in the Old City whose houses had been damaged by shelling, so that they might repair them before the winter. Dilapidated and dangerous houses along the Old City walls had been demolished (these houses had mainly been in no-man's land) and it was planned to build a park round the walls. The land was mostly church property and compensation would be paid. Houses in no-man's land, where there were many mines, had been demined and demolished; they had been uninhabited since 1948. These houses were in a dangerous condition and there was a risk of squatters with the existing housing shortage. It had not been possible to do anything about them before, as they were in no-man's land.

47. The Israel authorities further stated that there were no plans for the construction of buildings in East Jerusalem. There was a ban on all buildings within the Old City walls, except for the reconstruction of several streets in the Jewish Quarter. These would be kept in the same style as before as far as their exteriors were concerned, but would be modernized inside.

.
E. Economic Measures.

69. The Personal Representative was informed that everything was being done not to cut East Jerusalem off from its source of supply on the west bank, in particular in

respect of fruit and vegetables and other agricultural supplies. It was true that certain measures had been taken to avoid the overflow of agricultural produce so as not to affect the price and markets for frozen vegetables in Israel; some produce, however, had gone from Jerusalem to other markets in Israel.

70. It was stressed that agricultural produce from the west bank was untaxed on entry into the city. Customs check-points had been set up near Sha'afat and Bethlehem and other imports were in law subject to Israel customs duty; in practice, however, no customs duty was being collected on any product.

71. Under a customs order published on 28 June, wholesalers were liable to pay on goods previously imported the difference between the duties already paid to Jordan and the higher Israel tariff. Stocks had been inventoried, but the Customs Department had not yet sent out any debit notices, which would in any case only be served on wholesalers with stocks of a value exceeding 1,000 dollars.

72. On the other hand, the Israel system of excise duties was being applied not only to East Jerusalem but throughout the Israel controlled areas and was being collected at the factory. Duties were accordingly payable on tobacco, alcoholic beverages, spirits, petrol and cement.

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F. *Measures concerning the judiciary.*

97. The High Rabbinical Court (the highest Jewish authority in religious matters) has been moved to East Jerusalem. A municipal court, presided over by an Israel municipal magistrate, deals with infringement of by-laws. It was stated that so far no Arabs had been charged before this court.

98. The Israel authorities stated that with the application of Israel law to East Jerusalem, the appointment of a *Kadi* (judge in the religious court) would be governed

by the procedure provided in the relevant Israel law. However, the Government of Israel has decided to allow the situation prevailing before 5 June 1967 to continue. Muslim courts were functioning and handing down judgements in the same manner as in the past.

.

9

TEXT OF A MEMORANDUM SUBMITTED TO
UN AMBASSADOR THALMANN BY THE MAYOR
OF ARAB JERUSALEM ON AUGUST 26, 1967.¹
[EXCERPTS]

The Israel occupation authorities have not complied with the United Nations resolutions on Jerusalem.² Notwithstanding these directives, they have proceeded with and given effect to annexationist measures without heeding world public opinion and against the wishes of the Arab inhabitants, thus violating fundamental and elementary international laws relating to occupied countries. These measures, the ultimate goal of which—territorial expansion—the occupation authorities have not succeeded in concealing, include the following:

(a) *Basic measures.*

1. They have torn down the barriers separating the two sectors of the city, and they have tacitly authorized their army and their people to harass the civilian population by pillaging houses, shops and vehicles, by seizing hotels, and by restricting the freedom of the population for a long period of time.

2. They have tacitly authorized the desecration of Christian and Muslim Holy Places and have permitted access to them during hours of prayer. We must also protest the complete lack of decorum shown by both men and women in dress and behaviour. This complete lack of respect has grossly offended the religious sensibilities of the faithful of both religions.

¹ *Annex B to the Secretary-General's report, ante, doc. 8.*

² *UN resolutions 2253 (ES-V) and 2254*

(ES-V) concerning Israeli moves to change the status of the city.

3. One hundred and thirty-five houses in the Mughrabi Quarter adjoining the Wailing Wall and adjacent to the two Mosques of Omar and Aksa, which are Muslim Holy Places, have been dynamited and razed by bulldozers. Because of this, 650 Muslims, all of them poor and pious persons living near the Muslim Holy Place, were removed from their homes and driven away after having been allowed no more than three hours to evacuate their homes, which they had to do while the curfew was in effect. One can easily imagine the consternation of these families, who had to see to the removal of their property and take care of their children and their aged. One part of these buildings, comprising some houses, and two small mosques, belongs to the Muslim *Waqf*. The other part was private property over which the Jews had no rights. They razed these buildings in order to make room for a Jewish religious institution.

4. The occupation authorities also took over some houses in the area known as the Jewish Quarter inside the boundaries of the Old City. They forced the evacuation of 3,000 residents after a one to three day period of grace and during non-curfew hours. Many therefore had to abandon their property when they fled and thus swelled the number of the refugees, many of whom are still completely destitute. We should bear in mind that most of these houses were Arab property.

• • • • •
c) *Measures taken against the Arab administration.*

• • • • •
3. All the Jordanian laws in force in the Arab sector of the city have been repealed and replaced by Israel measures and laws, in violation of international law, which stipulates that the laws in force in occupied territories must be respected.

4. The occupation authorities have erected barriers between Jerusalem and the other Arab villages on the West Bank and have obstructed the free movement of its inhabitants by instituting a system of passes issued by the occupying forces.

5. They have set up customs posts on the boundaries of the City of Jerusalem for

the purpose of taxing merchandise originating in the occupied Arab areas, while merchandise of Israel origin is left tax-free, in order to compel the Arabs to buy Israel products.

• • • • •
d) *Matters relating to the Holy Places.*

1. Following repeated desecration of the Christian Holy Places, the Custodian of the Holy Places ordered the closing of some churches under his authority in the Arab sector and refused to open them to visitors. These Holy Places include the Church of Gethsemane, or Church of the Nations, the Church of Bethany, and the Church of the Prison of Christ on the Via Dolorosa.

2. The failure of the occupation authorities to prevent desecrations of the Holy Places has led to the burglary of one of the largest and holiest churches in the world. The priceless, diamond-studded crown of the Statue of the Virgin, Our Lady of Sorrows, on Calvary itself was stolen some ten days ago.

3. Armenian and Latin priests have been victims of aggression or offences committed by Jews, including, in some cases, Jewish religious officials, as well as by Israel soldiers or police.

4. The Chief Rabbi of the Israel Army, Brigadier Goren, with his escort and other Jews, on 15 August 1967 mounted to the Dome of the Rock with liturgical vestments and prayer-books. They conducted a prayer lasting two hours within the confines of the Mosque of Omar, thus infringing the inviolability of a Holy Place venerated by all Islam. Far from stopping at this provocation, they made known their intention of repeating such religious acts. At an official meeting held in Jerusalem on 12 August 1967, the Israel Minister for Religion stated that the occupation authorities considered the Mosque of Omar and its outlying buildings as their property either by past acquisition or by recent conquest. He also expressly proclaimed that those authorities were determined sooner or later to rebuild their temple on the Dome of the Rock itself. That statement shows how far their aggressive intentions against the Muslim Holy Places in Jerusalem extend, and no

Muslim, or any honest man, could ever accept that statement.

5. The occupation authorities are constantly drawing up plans for the expansion and erection of religious buildings near "Boraq"; one of the most recent statements, reported in the *Jerusalem Post* of 8 August 1967, tells us that the occupying forces will continue to demolish other buildings belonging either to the Muslim *Waqf* or to Arab owners.

6. They have occupied a government school for girls which was built on *Waqf* land in the Mughrabi Quarter near the Aksa Mosque with a view to transforming it into a supreme religious tribunal without having asked the permission of, or even informed, the Muslim *Waqf*. They have even planted Jewish and religious emblems on them.

7. They have claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aksa Mosque; those claims were rejected by the Muslim judiciary of the City of Jerusalem as contrary to the precepts of Koranic Law and the commands of Muslim theology. The situation is still very tense between the occupation authorities and the Muslim Committee concerning this very important religious issue.

e) *Economic matters.*

1. The local banks were closed, their assets confiscated and their work suspended.

2. On the other hand, five of the main stores in the Arab sector were confiscated and turned into branches of Israeli banks.

3. The Israel authorities abolished transactions in Jordanian currency and forced the inhabitants of the Arab sector to change their money into Israel currency at a rate much below that recognized in the free world markets and even further below the official rate, thus causing the Arab inhabitants and other residents heavy losses.

4. The occupying forces destroyed a large plastics factory inside the Walls, where

200 manual and clerical workers were employed. The goods produced there were marketed in Jerusalem, in other towns on the West Bank and in some neighbouring Arab countries. The buildings were demolished and the machinery was pillaged before the owners had time to remove it. By this action, the occupation authorities deprived the inhabitants of one of the major projects on the West Bank.

5. The tax authorities began to notify the inhabitants officially that motor vehicles and telephones would be subject to taxation in accordance with Israel law. They would also collect income tax. Practical measures were taken to impose customs duties on all merchandise in Arab shops and warehouses, although the owners had already paid Jordanian duties.

10

REPORT PREPARED BY THE INSTITUTE FOR PALESTINE STUDIES, BEIRUT, IN 1968 CONCERNING CHRISTIAN PROPERTIES IN THE ISRAELI SECTOR OF JERUSALEM.¹

During the Arab-Israeli war last June there was much concern about the fate of holy places in the Old City of Jerusalem. In fact, apart from the church of St. Anne, damage to Christian shrines was slight. This was not, however, the case with other Christian property in the Israeli-occupied sector of Jerusalem, belonging to the three major sects, the Latins, Greeks and Armenians. The annexation of the Old City to west Jerusalem, and the return of buildings and cemeteries belonging to them on Mount Sion after a lapse of twenty years, has revealed that these have been extensively desecrated by the occupying forces, and have fared far worse than anything in the Old City during the war.

These Christian properties are on the summit of Mount Sion, just outside the city walls to the south. From 1948 until 1967 they were technically in Israel, but the general public was forbidden access to them, and they were under the direct control of the Israeli army.

¹ Submitted to the UN by the Jordanian Permanent Representative, April 19, 1968, and recorded in UN doc. S/8552.

Amongst the buildings is the Armenian Church of St. Saviour, by tradition built on the house of Caiaphas; it is a fifteenth-century structure, on approximately the same site as a much earlier Byzantine Church. It belongs to the Armenian Patriarchate in Jerusalem, which is also located on Mount Sion, but within the walls of Jerusalem. Since 1948 the prelates of the Armenian church have been unable to visit St. Saviour's either from Jordan or Israel. Some years ago a UN truce supervisor was asked about the church, but was unable to get inside it, the Israelis telling him it was mined. At the time, he expressed the private opinion that it was being used as an advanced Israeli machine-gun post.

The evidence of recent photographs¹ and reports has proved this conjecture to be correct. The monastery buildings around the church were fortified by the Israelis, and the walls between individual cells demolished to make a continuous passage; the windows were filled with sand-bags and wooden gun emplacements. It is clear that they attached considerable importance to the site, as it commanded the south-west angle of the Old City.

Less comprehensible was the behaviour of the Israeli soldiers during twenty years occupation of the buildings. The courtyard of the church of St. Saviour is the traditional burying-place of the Patriarchs of the Armenian Church in Jerusalem, and at least fourteen of the venerable tombs were smashed open, and their contents desecrated. Two were demolished and excavated to a depth of six feet below the ground.

The interior of the church of St. Saviour is a scene of total devastation. The carved and gilded altar has been wrecked, and an altar painting lies destroyed on the floor below. The oil paintings that decorated the upper part of the north and south walls have been torn out of their frames, leaving only tattered shreds of canvas. Many of the Kütahya tiles, brought specially from Turkey by Armenian pilgrims in the early eighteenth century, have been ripped

from the walls; those that have not been stolen lie smashed on the ground, along with a tangled mass of broken church furniture. The valuable collection of old church vestments has completely disappeared.

So has the well-known Byzantine mosaic² which was in the basement of the monastery. Père Vincent, the distinguished French scholar, once described it as 'une très élégante mosaïque... du IV^e/V^e siècle. It has been expertly lifted and removed. It is common knowledge that the Israeli Minister of Defence, General Dayan, has an amateur interest in antiquities; some of his troops would seem to have emulated him.

Adjacent to the Armenian church is the Greek Orthodox cemetery on Mount Sion, which to judge from the photographs now resembles a film set for the Resurrection. Practically every tomb in the cemetery is smashed. Fragments of marble crosses, angels' wings, and inscriptions lie inextricably mixed with human bones, blackened tree stumps, and the remains of rockets and shells. In contrast to the sack of the Armenian church, the damage could conceivably have been the result of the two wars, in 1948 and 1967, rather than systematic pillage. However, there is no doubt that the cemetery was also occupied by Israeli soldiers; there are well-beaten paths between the tombs, and one of the out-houses is labelled NIGHT CLUB. More graffiti, in Hebrew and English, must have been added by other soldiers to while away their time.

The state of the third cemetery on Mount Sion, belonging to the Latin church, has been described in a recent issue of the Catholic journal, *La Terre Sainte*, by the Very Reverend Father André.³ Procureur-Général in the Holy Land since 1962, he speaks with authority as he has had the task of supervising the repairs to the damaged cemetery. He begins by deploring the overthrowing of Jewish tombstones by the Arabs of the Mount of Olives — the subject of a recent Israeli White Paper — but observes that they did not, as far as is

¹ Photographs were included in the original document.

² Vincent et Abel, Jérusalem Nouvelle, 1922; II, 497-500, fig. 183. [Original note.]

³ R. P. Isaïas André, "Profanation de Cimetières à Jérusalem", in *La Terre Sainte*, (Jérusalem; Mars 1968). [Original note.]

known, actually drag the corpses out of the tombs, as happened with so many Christian graves. He published several macabre photographs, showing smashed tombs in the Catholic cemetery, with the remains of coffins and the deceased strewn all around. In conclusion he rightly asks why these acts of profanation by the Israelis were not also mentioned in the White Paper.

As the non-Arab Christian communities are by no means directly involved in the Arab-Israeli conflict, one wonders what possible reason there can have been for the desecration of their cemeteries and churches. It is clear that the pillage and destruction was carried out over a period of years, suggesting that the soldiers' misconduct was condoned by successive generations of Israeli officers. Since the war the Israelis have made it quite clear that whilst some of the recently occupied territories might possibly be negotiable, the Old City is excluded from any bargaining and that they intend to stay. This must give pause for thought to the three major Christian sects in Jerusalem, in light of what has happened to their property during twenty years of occupation; they must surely view the future with apprehension, however much the Israeli government may attempt to reassure them of its benevolence.

11

PETITION BY INHABITANTS OF ARAB JERUSALEM TO THE ISRAELI MILITARY GOVERNOR PROTESTING AGAINST THE ENFORCEMENT OF THE ISRAELI TAX LAWS, MAY 22, 1968.¹

The Arab inhabitants of occupied Arab Jerusalem have received various notices to pay government and municipal taxes and dues, including the following: income tax, customs duties, sales tax, excise tax, national insurance tax, property tax, municipal tax on rents, industries, business and the professions, and fees for car and radio licenses.

The levy of these taxes and fees in accordance with Israeli laws and regulations

¹ *Archives of The Institute for Palestine Studies.*

² *UN docs. A/RES/2253 and 2254 (ES-V),*

violates the most elementary principles of the Declaration of Human Rights and the resolutions adopted unanimously by the General Assembly of the United Nations on July 4, 1967 and July 14, 1967,² and the resolution adopted by the Security Council on 21 May, 1967,³ all of which express United Nations opposition to the measures taken by the Israeli authorities for the annexation of occupied Arab Jerusalem. The United Nations does not recognise this annexation and has persistently demanded that there should be no changes in the status of that city.

Moreover, the levying of these taxes violates international law, which stipulates that military occupation forces should abide by and administer the laws and regulations that were in force before the occupation. We therefore object to the levying of these taxes in accordance with Israeli laws and regulations, and demand that Jordanian laws and regulations be administered in occupied Arab Jerusalem, which is part of the occupied West Bank of Jordan.

Signatories:

Sa'd al-Din al-Alami, Mufti of Jerusalem; Dr. Ibrahim Khalil, Deputy Mayor of Jerusalem; Shaikh Hilmi al-Muhtaseb; [32 others].

12

LETTER FROM THE PERMANENT REPRESENTATIVE OF JORDAN AT THE UNITED NATIONS TO THE SECRETARY-GENERAL, 12 JUNE 1968.⁴ [EXCERPTS]

Upon instructions from my Government, I have the honour to bring to Your Excellency's attention, a new order by the Israeli Finance Minister, issued in the Israeli Gazette No. 143 dated 18 April 1968, by which more Arab lands and buildings in the Old City of Jerusalem were expropriated.

The area expropriated is situated between the south-western wall of the Haram-esh-Sharif and the Armenian Quarter in the Old City. It includes the site of the nocturnal journey of Prophet Mohammed

respectively.

³ *UN doc. S/RES/252.*

⁴ *UN doc. S/8634.*

(Al-Buraq), the Mughrabi Quarter, which was bulldozed by the Israelis immediately after the June 1967 conflict, Bab Al-Silsilah Quarter, Sharaf Quarter, Jewish Quarter and Al-Husor Market.

All these Quarters are 100 per cent Arab property, except for the Jewish Quarter, which is mostly Arab-owned and Islamic Waqf. The area expropriated also includes part of the Assyrian Quarter.

The area newly expropriated is about 116 dunums which includes 700 buildings varying from two to four stories. The Arabs own 595 of these buildings distributed as follows: 12 are Islamic Waqf, 99 are North African Islamic Waqf, 354 are Moslem families Waqf and 130 are Arab individual ownership and family property.

The expropriated real estates included 437 shops and 1,048 apartments that sheltered about 5,000 Arabs.

Some ancient buildings go back to the Mamluk's era. Most important of these are the Tashtimooore School, the Imam's Palace, and Athria Mashhoura Market, popularly known as Al-Bashourah.

Two religious "corners" (Zawiyah), one for the Moslems of North Africa and another for Aal Abu As-Saud, are situated in the area expropriated. The latter corner was demolished by the Israeli authorities.

A girl's school with 300 pupils and belonging to the Moslem Waqf was closed down by the Israeli authorities and transferred to accommodate the Jewish Religious Court of Appeal.

All these Israeli measures of expropriation and annexation have resulted in an influx of about 5,500 Arabs from the Old City and the loss of their property which they have inherited generation after generation. These measures have also deprived more than 700 from their daily means of life and thus added to the number of unemployed and to the number of Palestinian refugees.

On the other hand, steps are being taken

to bring thousands of Jews to replace the expelled Arabs and thousands more to live in new buildings to be built by the Israeli Government.

According to the *Christian Science Monitor* of 13 March 1968, the Israeli Housing Minister, Mordechai Bentov, announced that in the next two or three years about 10,000 Jews will be able to move into new homes in East Jerusalem. Moreover, it has become known that a first Jewish group of what is known as "Nahal" will be moved into the area in the near future.

These Israeli measures are in complete defiance of the General Assembly and Security Council resolutions which called upon Israel "to desist forthwith from taking any action which would alter the status of Jerusalem"¹ and considered "that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status".²

The Israeli measures are against the will and the wish of the people of Jerusalem. This has been demonstrated by several memoranda which the inhabitants of Jerusalem and the West Bank of Jordan submitted to the United Nations and its representatives as well as protests submitted to the Israeli authorities and public demonstrations against such Israeli measures. But the Israeli authorities continue in their annexation and expropriation of Arab lands and property.

Since you are entrusted by the Security Council resolution with following up the implementation, I call this to Your Excellency's attention for appropriate action.

13

STATEMENT BY THE ISLAMIC ASSOCIATION IN JERUSALEM CONCERNING MOSLEM HOLY PLACES, ISLAMIC WAQFS AND THE SHARI'A JUDICATURE, AUGUST 19, 1968.³

In spite of repeated protests, and of many denunciations of measures taken by the

¹ *General Assembly resolutions 2253 (ES-V) and 2254 (ES-V)*.

² *Security Council resolution 252 (1968)*.

³ *Archives of The Institute for Palestine Studies*.

occupation authorities involving flagrant interference in the religious affairs of Muslims, their *Waqfs*, institutions and places of worship, the occupation authorities are persisting in these measures and continuing their attempts to exert pressure on Muslim affairs in Arab Jerusalem and all the other occupied areas in the West Bank of Jordan.

The Aqsa Mosque in Jerusalem has been desecrated. One of its main entrances has been seized and the mosque has been opened to elements who have violated the sanctity of this, the first of the two *qiblas* and the third most holy place in Islam. Moreover, the Israeli occupation authorities have forcibly interfered with the Ibrahimi Mosque in Hebron, used it as a synagogue and turned it into a place where visitors conduct themselves utterly regardless of the modesty and decorum due to the sanctity of the shrine and the place it occupies in the hearts of all Muslims.

Islamic *Waqfs*, both in Arab Jerusalem and elsewhere, have been encroached upon. *Waqf* lands and Islamic holy places have been seized. *Waqf* institutions and mosques in Jerusalem and several villages have been entirely demolished and their inhabitants dispersed against their will.

Statements of protest by the bodies of Jerusalem and other places against this illegal conduct have been ignored.

After all these grave violations of the sanctity of Islamic shrines and *Waqfs*, the "Jaffa Shari'a Court", which was established by the Israeli occupation authorities and is sustained by and ruled according to their wishes, has taken a new illegal step, which constitutes a serious violation of the principles of law, tradition and international custom. It is a barefaced act of aggression against the existence and the jurisdiction of the Jerusalem Shari'a Court,¹ which is entirely incompatible with international law and custom, for the following reasons:

1. This "court" has no legitimate

¹ *The official Islamic Shari'a court in Jerusalem.*

² *The report was written by the newspaper's Middle East correspondent, David Hirst, from*

authority, for it violates the Shar'ia law both in logic and in context. It derives from a quarter that is not competent to administer the law to Muslims, and its presiding judge has, contrary to Shari'a law, taken an oath of loyalty and allegiance to the supreme head of the authority which appointed him.

2. This "court", because of its illegitimate status in the view of Islamic jurisprudence, has no authority to pass judgement with respect to the affairs of Muslims in Arab Jerusalem or other areas of the occupied West Bank.

3. This "court" is not competent to pass judgement in affairs concerning or lying within the jurisdiction of either the Jerusalem Shari'a Court or any other such court.

4. Interference by this "court" in the judicial and religious affairs of Muslims in Arab Jerusalem is a violation of the Geneva Convention and conflicts with the resolutions of the General Assembly of the United Nations and of the Security Council, which affirm the rejection by all countries in the world of the annexation to Israel of Jordanian Arab Jerusalem, regarding the measures taken by the occupation authorities in this respect as null and void, and as in no way altering the situation that prevailed prior to the occupation.

14

REPORT IN THE ENGLISH NEWSPAPER
The Guardian CONCERNING THE WALLING
WALL. AUGUST 25, 1969.² [EXCERPT]

Apart from the destruction of many buildings, including two mosques, the kind of ceremonies the Israelis have conducted at the Walling Wall violate the carefully defined stipulations, designed to take care of Moslem sensibilities, which the international commission [of inquiry, sent to Palestine in 1930] laid down.³

Beirut after the Arab reaction to the burning of the Al-Aqsa Mosque in Jerusalem.

³ See doc. I, ante.

Among other things, as reported by the *Jerusalem Post*, paratroopers, with rifles in one hand and the Old Testament in the other, took their oath of allegiance in front of the wall. The same newspaper reported¹ how [former Israeli Prime Minister] Ben Gurion visited the wall and "looked with distaste" at the ceramic sign *Al-Buraq* (the Arabic name for the wall, and of sacred significance to Moslems because it was here that Mohammed's steed, Buraq, was tethered when he went on his celestial journey).

"This is not right, it should come down," Ben-Gurion was quoted as saying, and he proceeded to dismantle it. Ben-Gurion's gesture is one of many indications that whatever they [the Israelis] may say about the Arabs' treatment of Jewish holy places, they themselves often show scant respect for other faiths.

15

LETTER FROM THE PERMANENT REPRESENTATIVE OF ISRAEL AT THE UNITED NATIONS TO THE SECRETARY-GENERAL, NOVEMBER 27, 1969.² [EXCERPTS RELATING TO THE HOLY PLACES]

Jerusalem has been the focus of Israel's faith and nationhood for three thousand years and has been Israel's centre of Government for two decades. It is inconceivable that Jerusalem should be torn apart again or that any international interests can be served by pressing for the City to be dismembered. These interests are based on the Holy Places of three great monotheistic religions. For the first time since 1948 the shrines of all faiths have been open to access by those who hold them sacred.

Israel has ensured that the Holy Places be administered under the responsibility of the religions concerned. Places of worship and religious institutions destroyed or damaged in the assaults of 1948 and 1967 have been or are being restored. I reiterated my Government's willingness to work out agreements with the representative bodies of the three religions to ensure that the universal and sacred character of the Holy

Places is appropriately expressed and free access to them guaranteed. My Government has initiated and maintained contact with all such bodies that are willing to to discuss with us these matters of common concern.

The progress of the City during the past two years stands in sharp contrast to the situation which prevailed from 1948 to 1967 in the Jordan-occupied section. After its occupation in 1948 the Jewish quarter of the walled Old City was practically destroyed and scores of synagogues in it were laid waste. The ancient Jewish cemetery on the Mount of Olives was desecrated and partly demolished. Despite a solemn obligation in the Armistice Agreement, no Jews in Israel or anywhere in the world were allowed access to their most sacred shrine, the Western (Wailing) Wall, or to any other place in Jordanian hands associated with Jewish history, religion and tradition. Even the Moslem Arab citizens of Israel were not allowed by Jordan to reach their Holy Places. Outbreaks of fighting, bloodshed and tension were frequent across the armistice lines which ran through the heart of the City.

International opinion has every reason to regret that the Security Council remained completely indifferent to the destruction and sacrilege of Jewish houses of prayer, residences and burial grounds and violation of the principle of free access to the Holy Places. It would be incongruous for a body which did nothing to prevent Jerusalem's violent division to work now against its peaceful union or to censure measures taken to ensure the livelihood of all its inhabitants and to maintain public law and order despite occasional terrorist attacks upon the civil population organized, directed and financed by the very Jordanian authorities which showed such callous disregard for Jerusalem's peace and sanctity on many occasions during the past twenty years.

¹ *Jerusalem Post*, June 9, 1967.

² *UN doc. S/9537*.

16

ISRAELI LAW ACQUIRING LAND IN THE ARAB SECTOR OF JERUSALEM, AUGUST 30, 1970.

LAND (ACQUISITION FOR PUBLIC PURPOSES) ORDINANCE, 1943.

Notice published pursuant to sections 5 and 7

The public is hereby notified that the lands described in the annex hereto are unreservedly required by the Minister of Finance for public purposes and that the Minister of Finance is prepared to negotiate the acquisition thereof.

Any person who claims any right in or usufruct of the said lands and who wishes to obtain compensation therefor is invited to forward to the Director of the Land Registration Division, within two months of the date of publication of this notice in the official Gazette, a statement of his right in or usufruct of the said lands, together with evidence in support of his claim, including details of the entry, if any, in the land register and an itemized statement of the compensation applied for and the amount claimed in respect of each item.

The public is also hereby notified that the Minister of Finance intends to take immediate possession of the lands in question, inasmuch as they are urgently required for the public purposes for which it is proposed to acquire them, and the Minister of Finance hereby orders any person who is in possession of the said lands to relinquish possession thereof forthwith.

ANNEX

1. A plot of land having an area of approximately 470 dunums, situated at Jerusalem, in and around the place known as Neve Yaakov.

The said plot of land is marked in red on Plan No. HS/A/112/322, drawn on the scale of 1:2500 and signed by the Minister of Finance.

2. A plot of land having a total area of approximately 4,840 dunums, situated to the north-west of Jerusalem.

The said plot is marked in red on Plan No. HS/121/322, drawn on the scale of

1:5000 and signed by the Minister of Finance.

3. A plot of land having a total area of approximately 2,240 dunums, situated to the south-east of Jerusalem, marked in red, with the exception of the lands marked in blue, on plan No. HR/122/322, drawn on the scale of 1:5000 and signed by the Minister of Finance.

4. A plot of land having a total area of approximately 2,700 dunums, situated to the south-west of Jerusalem, marked in red, with the exception of the lands marked in blue, on Plan No. HR/123/322, drawn on the scale of 1:5000 and signed by the Minister of Finance.

5. A plot of land having a total area of approximately 1,200 dunums, situated at Jerusalem, in and around the place known as Kalandia.

The said plot is marked in red, with the exception of the lands marked in blue, on Plan No. HR/123/322, drawn on the scale of 1:5000 and signed by the Minister of Finance.

6. A plot of land having a total area of approximately 130 dunums at Jerusalem consisting of a combination of parcels and parts of parcels, the boundaries being those numbered 3020, 3031 and 3032 and the boundary specified under No. 30029. The said lands are marked in red, with the exception of the lands marked in blue, on Area Plan No. HF/120/1322, drawn on the scale of 1:1200 and signed by the Minister of Finance.

7. A plot of land having a total area of approximately 100 dunums at Jerusalem, consisting of a combination of parcels and parts of parcels, the boundaries of which are numbered 30033 and 30034. The said lands are marked in red on Area Plan No. HF/126/322, drawn on the scale of 1:1250 and signed by the Minister of Finance. Copies of the plans in question are deposited at the Jerusalem District Land Registration Office and at the Jerusalem District Headquarters and any interested persons are entitled to inspect them during office hours.

Pinhas SAPIR
Minister of Finance
30 August 1970

17

LETTER FROM THE PERMANENT REPRESENTATIVES OF JORDAN AND THE UNITED ARAB REPUBLIC AT THE UNITED NATIONS TO THE SECRETARY-GENERAL CONCERNING ISRAELI BUILDING PLANS IN JERUSALEM, FEBRUARY 22, 1971. [EXCERPTS]

Further to our letter addressed to Your Excellency on 8 January 1971 (A/8272, S/10075), and upon instructions from our Governments, we have the honour to bring to Your Excellency's attention the following Israeli violations concerning Jerusalem.

General Assembly resolutions 2253 (ES-V) and 2254 (ES-V), as well as Security Council resolutions 252 (1968) and 271 (1969), deplored Israel's unilateral steps to change the character of Jerusalem and confirmed that actions by Israel which purport to alter the status of the city were invalid and could not change that status.

All these resolutions and others have not deterred Israel from disregarding United Nations authority and decisions.

It continued to confiscate or expropriate Arab land and property...

New Israeli settlements and industrial projects are being constructed on Arab confiscated lands. The Ministry of Housing, according to the Israeli daily newspaper *Haaretz* of 24 November 1970, was to build 3,000 housing units in the eastern part of Jerusalem. Israeli companies were to build an additional 500 units in different places in the city. It was expected that 698 units would be completed by the end of 1970 in "Ramat Eshkol". (This is the housing project initiated in 1969 on confiscated Arab land between Sheikh Jarrah and the village of Shu'fat). One hundred and fifty units are being built on Mount Scopus and twelve buildings in Karm el-Waz...

Regarding the Old City of Jerusalem, *Haaretz* of 5 January 1971 reported that: "A special unit works within the Old City; its task is to evacuate Arab inhabitants. Up till now there are 2,500 families left and all efforts are being made to evacuate them.

Lately fifty Arab shops and groceries were closed down and 3,000 Arabs were evacuated."¹

In place of those evicted Arabs, Jewish families will move into the renovated houses as well as the newly built housing units. Israel's Deputy Prime Minister, Yigal Allon, has already moved into one of these houses. *Haaretz* of 25 November 1970 reports that 172 houses will be finished within six months, to be occupied by Jewish families.

The latest stage of confiscation was announced on 30 August 1970. The Israeli Minister of Finance issued an order to confiscate 11,680 dunums (a dunum = 1,000 square metres) of Arab land north and south of the City of Jerusalem and around the wall of the Old City.

The above measures of confiscation of Arab lands were a prelude to the Israeli so-called "master plan" for Jerusalem, a subject of our letter addressed to Your Excellency on 8 January 1971 (A/8272, S/10075). This plan continues to draw sharp criticism from the international community, for it purports to change not only the demographic situation and the character of Jerusalem but also the villages and hills around the city extending to the towns of Ramallah in the north and Bethlehem in the south.

The so-called "master plan" of Jerusalem envisages the construction of four suburbs on confiscated private and public Arab land and property: 1,700 housing units to be constructed in Nabi Yakoub and Beit Hanina villages north of the city; 18,000 units in Nabi Samuel village to the north-west of the city; 3,000 housing units in the area near the village of Surbahir and El-Mukkaber mountain near Telpiot, partly in the no-man's land; and 12,000 units between the villages of Beit Safafa and Sharafat, north-west of the city.

Besides serving a military strategic purpose these projected housing units are intended to house new waves of Jewish immigrants. "Jewish immigration to Jerusalem is the fundamental question," said Mr. Sharef, Israel's Minister of

¹ This item refers to the previously Jewish Quarter of the Old City.

Housing, as reported in *The New York Times* of 16 February 1971. The construction of these units — up to 35,000 — is to accommodate 122,000 new Jewish immigrants — almost half of Jerusalem's present population.

ANNEX III

A. Excerpts from the *New York Times* of 16 February 1971.

*Israelis Disregard Critics,
Press Jerusalem Housing*

By Henry Rayment

Jerusalem, Feb. 15 - Disregarding local and international critics, the Israeli Ministry of Housing announced today that it would move ahead with plans for four sprawling housing projects in the Biblical hillsides that surround Jerusalem.

The plans envision the construction of up to 35,000 units capable of accommodating 122,000 new Israeli residents — almost half of Jerusalem's present population — in the territories that were seized from Jordan in the six-day war of 1967.

In announcing details of the plan, Zev Sharef, the Minister of Housing, spoke with unusual bluntness of its political goals: To settle new immigrants as quickly as possible in order to keep Jerusalem "a Jewish city." He said that the Government would finance new housing for Arabs in the surroundings of the towns of Ramallah and Bethlehem, north and south of Jerusalem respectively.

Up to now Israeli officials had been careful about attributing political motives to the expansion of housing projects outside Jerusalem, wanting to avoid as much as possible any suggestion that the projects were motivated by anything other than urban and human considerations.

Mr. Sharef's announcement was the first public statement on the matter by an Israeli official since Mayor Teddy Kollek of Jerusalem said on Jan. 28 that the new housing projects would be delayed for "urbanistic and aesthetic" reasons. The Mayor was responding to criticism from a group of international architects and

city-planners that has been helping him design a master plan for Jerusalem, several local architects and the Council for a Beautiful Israel, a recently formed conservation group opposed to haphazard urban construction and industrial sprawl.

"Jewish immigration to Jerusalem is the fundamental question," Mr. Sharef said repeatedly during a three-hour news conference marked by sharp exchanges over the impact of the proposed housing developments on the historic pastoral landscape surrounding this city, holy to three religions.

"For more than 100 years Jerusalem had a Jewish majority, and we want to keep this up without touching the legitimate interests of the minorities and preventing the division of Jerusalem again," he added. Jerusalem now has a population of about 275,000, of whom about 60,000 are Arabs.

Questioned on whether he was speaking for himself or for the entire Cabinet, Mr. Sharef said that he had discussed the plan with the Ministers of Justice and Interior and that there was "complete agreement within the Government."

5 Architects Dismissed

Five young architects of the Ministry of Housing who recently joined the ranks of the critics were summarily dismissed yesterday by Mr. Sharef, who accused them of "talking with forked tongues". The architects, who initially worked on the projects, wrote a letter to Mayor Kollek on Feb. 3 stating that they had suffered a "crisis of conscience" and urging him to oppose the plan.

While Mr. Kollek had sought strenuously to confine the debate to aesthetic and urban considerations at today's news conference, Mr. Sharef practically reversed the Mayor's approach.

"We are moved by national and not urban considerations," Mr. Sharef, a short, stocky man of 63, declared.

He cited as national considerations the need to provide new housing for immigrants and to relieve the urban congestion already afflicting some of Israel's cities, a desire to maintain the present population balance of Jerusalem and the Government's resistance to suggestions that the capital

be internationalized as part of a peace settlement.

Mr. Sharef expressed disagreement with some of the recommendations for a master plan for Jerusalem made in December by the international panel of experts formed by Mayor Kollek. The panel included such well-known architects as Philip C. Johnson and Louis I. Kahn of the United States and Bruno Zevi of Italy, as well as city planners such as Prof. Charles M. Haar, chairman of the Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University.

The panel criticized what it termed lack of inspiration and vision in the planning effort for Jerusalem and attempts at prosaic solutions in a center of faith and poetry. It also noted the absence of any Arab or Moslem representatives on the planning group.

One of its recommendations was to try to hold Jerusalem suburbs to a low population density, creating garden villages that would not disturb the serene beauty of the city's surroundings. This is also the conception advocated by the Council for a Beautiful Israel.

"We see no reason why Jerusalem must claim a preferential status," Mr. Sharef said. "Some planners have been speaking of a 2.8 per cent annual growth, but we believe Jerusalem must annually absorb 10 to 15 per cent of our immigrants — that is a national consideration."

18

ARTICLE IN THE VATICAN *L'Osservatore Romano*, MARCH 22, 1971.¹ [EXCERPT]

In this setting, as each of the parties tries to place itself on the best footing for negotiations, the fate of Jerusalem remains a highly sensitive issue affecting the chances of attaining lasting peace and of re-establishing the mutual understanding which is its base. Any political agreement on other matters could meet with an insurmountable obstacle and stumbling-block on this point, should the sense of justice of those in au-

thority be unequal to enforcing respect for the rights of the minority communities, who today feel their existence and future development threatened by an apparent policy of slow suffocation, or should Jerusalem cease to be the city offering religious identity to the adherents of all three great monotheistic faiths—Judaism, Christianity and Islam.

These considerations demand that attention be drawn to a problem whose repercussions, if they are not checked in time, could entail irreparable harm for the cause of peace in the Middle East. The unfortunate division of the city, followed by British withdrawal from Palestine in 1948 and by the failure to implement UN resolutions that Jerusalem and her surroundings should be a *corpus separatum*, all received their epilogue when this city, which should have belonged to all, had its Arab sector occupied by the Israeli Army in the 1967 war. This occupation was almost immediately converted by the Israeli parliament into what was in practice an annexation of the city under the title of unification. The desire to extend sovereignty over the Arab sector has since been expressed in legislative, fiscal and town planning measures which are progressively stamping Jerusalem with a particularistic character prejudicial to non-Jewish members of the population, both Christian and Moslem. These are being forced in the name of city planning to retreat into increasingly smaller confines, and ultimately to seek elsewhere a future which the climate of their homeland no longer makes available to them.

As was the fate of the project to internationalize the city, the United Nations Security Council and General Assembly resolutions calling for no alteration to be made in the status of Jerusalem, and for the revocation of all measures taken to that end, have come to nothing. They nevertheless remain witness that a serious state of affairs is taking shape, contrary to the dictates of law and in keeping with the logic behind *faits accomplis*.

One need only survey the expropriation measures taken to gain an idea of the radical changes which have given the city an

¹ Translated from *L'Osservatore Romano* (*Edition hebdomadaire en langue française*), April 2, 1971.

outward appearance quite foreign to its historical and religious character and to its universal mission. In January 1968, three hundred hectares [740 acres] of land were expropriated in the Mount Scopus region, and these have already been largely covered by Jewish dwellings. In August, 1970, one thousand two hundred additional hectares [2960 acres] in the Arab sector of Jerusalem and its environs were expropriated in order to carry out the plan for a 'Greater Jerusalem.' Another project for the Old City now under consideration would provide for the eviction of approximately 6,000 Arabs and the expropriation of many buildings.

It is impossible not to feel keenly apprehensive about alterations of such magnitude. In Israel itself, these plans have drawn well-founded criticisms based on considerations extending beyond those of town planning.

The Jerusalem press has even connected the government's haste in formulating and executing these projects with the peace initiative sponsored by American Secretary of State Rogers. No attempt has been made to conceal the intention thus to be

inferred from the plans, that of affirming Israeli sovereignty over the entire city as an accomplished fact. This intention was, indeed, officially confirmed by the Israeli Minister of Housing who has expressly declared this to be a "plan with Jewish goals in mind."

On February 21, despite the overt opposition of architects and technicians, the Jewish municipal council of Jerusalem approved the plans drawn up by the Ministry of Housing for the construction of residential suburban districts.

There will thus arise, upon the hills surrounding the Holy City, a veritable construction-belt consisting of 20,000 dwellings destined to house about 75,000 Jews.

The implementation of these plans is unfortunately not in the interest of peace and should elicit the concern of those who truly work for a final peace in the Middle East. Along with other projects, reports of which have begun to appear in the world press, these plans confirm the need for an international juridical instance which would truly guarantee the unique character of Jerusalem and the rights of the minority communities in the City.

APPENDIX: UN GENERAL ASSEMBLY AND SECURITY COUNCIL RESOLUTIONS CONCERNING THE STATUS OF JERUSALEM, 1967-69.

19

UN GENERAL ASSEMBLY RESOLUTION 2253 (ES-V) OF JULY 4, 1967 CONCERNING MEASURES TAKEN BY ISRAEL TO CHANGE THE STATUS OF JERUSALEM.

The General Assembly,

Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

1. *Considers* that these measures are invalid ;

2. *Calls upon* Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem ;

3. *Requests* the Secretary-General to report to the General Assembly and the Security Council on the situation and on the

implementation of the present resolution not later than one week from its adoption.

20

UN GENERAL ASSEMBLY RESOLUTION 2254 (ES-V) OF JULY 14, 1967 CONCERNING MEASURES TAKEN BY ISRAEL TO CHANGE THE STATUS OF JERUSALEM.

The General Assembly,

Recalling its resolution 2253 (ES-V) of 4 July 1967,

Having received the report submitted by the Secretary-General,

Taking note with the deepest regret and concern of the non-compliance by Israel with resolution 2253 (ES-V),

1. *Deplores* the failure of Israel to implement General Assembly resolution 2253 (ES-V);

2. *Reiterates* its call to Israel in that resolution to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem,

3. *Requests* the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution.

21

UN SECURITY COUNCIL RESOLUTION 252 OF MAY 21, 1968 CONCERNING MEASURES TAKEN BY ISRAEL TO CHANGE THE STATUS OF JERUSALEM.

The Security Council,

Recalling General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967,

Having considered the letter (S/8560) of the Permanent Representative of Jordan on the situation in Jerusalem and the report of the Secretary-General (S/8146),

Having heard the statements made before the Council,

Noting that since the adoption of the above-mentioned resolutions, Israel has taken further measures and actions in contravention of those resolutions,

Bearing in mind the need to work for a just and lasting peace,

Reaffirming that acquisition of territory by military conquest is inadmissible,

1. *Deplores* the failure of Israel to comply with the General Assembly resolutions mentioned above;

2. *Considers* that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

3. *Urgently calls upon* Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;

4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution.

22

UN SECURITY COUNCIL RESOLUTION 267 OF JULY 3, 1969 CONCERNING MEASURES TAKEN BY ISRAEL TO CHANGE THE STATUS OF JERUSALEM.

The Security Council,

Recalling its resolution 252 of 21 May 1968 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 respectively concerning measures and actions by Israel affecting the status of the City of Jerusalem,

Having heard the statements of the parties concerned on the question,

Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolution 252 (1968);

2. *Deplores* the failure of Israel to show any regard for the General Assembly and Security Council resolutions mentioned above;

3. *Censures* in the strongest terms all measures taken to change the status of the City of Jerusalem;

4. *Confirms* that all legislative and administrative measures and actions by Israel which purport to alter the status of Jerusalem including expropriation of land and properties thereon are invalid and cannot change that status;

5. *Urgently calls* once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

6. *Requests* Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of this resolution;

7. *Determines* that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what

further action should be taken in this matter;

8. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution.

23

UN SECURITY COUNCIL RESOLUTION 271
OF SEPTEMBER 15, 1969 FOLLOWING THE
BURNING OF THE AL-AQSA MOSQUE.

The Security Council,

Grieved at the extensive damage caused by arson to the Holy al-Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel,

Mindful of the consequent loss to human culture,

Having heard the statements made before the Council reflecting the universal outrage caused by the act of sacrilege in one of the most venerated shrines of mankind,

Recalling its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, concerning measures and actions by Israel affecting the status of the city of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolutions 252 (1968) and 267 (1969);

2. *Recognizes* that any act of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem or any

encouragement of, or connivance at, any such act may seriously endanger international peace and security;

3. *Determines* that the execrable act of desecration and profanation of the Holy al-Aqsa Mosque emphasizes the immediate necessity of Israel desisting from acting in violation of the aforesaid resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem;

4. *Calls upon* Israel scrupulously to observe the provisions of the Geneva Conventions and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem, including any co-operation that Council may desire from countries with predominantly Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem;

5. *Condemns* the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions;

6. *Reiterates* the determination in operative paragraph 7 of resolution 267 (1969) that in the event of a negative response or no response, the Security Council shall convene without delay to consider what further action should be taken in this matter;

7. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report thereon to Security Council at the earliest possible date.