

JERUSALEM AT THE UNITED NATIONS

by

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NEEBII
BEIRUT

Published by the Near East Ecumenical Bureau
for Information and Interpretation
P.O. Box 5376
Beirut, Lebanon
February 1974

I

1947 - 1950

The question of Jerusalem, one of the most important derivative issues from the main Palestine problem, has occupied a prominent place in the deliberations of the United Nations. It has been discussed by the General Assembly, the Security Council, the Trusteeship Council, the Conciliation Commission, as well as by other important U.N. bodies. Many resolutions have been adopted, reports submitted and solutions presented on this particular issue. This great concern shown over Jerusalem within the United Nations reflects the interest of world opinion and, indeed, the special place which Jerusalem has had all throughout history for great segments of mankind.

In the context of the United Nations the question of Jerusalem is a direct result of the partition of Palestine. The majority report of the U.N. Special Committee on Palestine (UNSCOP) which recommended partition, also recommended as part of it, the internationalization of Jerusalem as the best measure for the protection of all religious shrines in the Holy City. Resolution 181 (II) of 29 November 1947 on «the future government of Palestine» stipulated that Jerusalem shall be established as *Corpus Separatum* under a special international regime and shall be administered by the United Nations» (Part III, B). The boundaries of the city were defined as follows:

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. (Part III B).

The General Assembly requested the Trusteeship Council, in accordance with Section C of Part III of the Plan of Partition with Economic Union, to elaborate and approve a detailed statute of the city of Jerusalem (Document A/516) within five months from the adoption by the General Assembly of its resolution on the «future government of Palestine,» better known now as the Partition Resolution. The Arabs, throughout the recent history of Palestine, have always advocated that Palestine should be made into a unitary democratic state in which Arabs, Moslems and Christians, as well as Jews should live together with equal rights. Such a state, by virtue of its democratic system and constitution, would necessarily be under legal obligation to protect the rights and legitimate interests of all religious segments of the population. Consequently, and in such a unitary democratic system, no special regime was needed for Jerusalem.

With regard to the Zionist stand on internationalization of Jerusalem, the Jews themselves were divided: some accepted it and some refused it. They finally agreed to support it in order to gain the necessary votes, especially those of the Catholic states, to pass the Partition Resolution. Their primary objective then was the establishment of the Jewish state and its consolidation which they succeeded in achieving. But that was only the prelude to expand the area of the state — which they did when the opportune moment came.

Indeed, when Israel was proclaimed as a state on May 15, 1948, it had already occupied large areas allotted to the Arab state, as well as all of new Jerusalem which was to be part and parcel of the *Corpus Separatum* in accordance with the Partition Resolution.

In implementation of the Partition Resolution, the Trusteeship Council submitted a draft statute for the city of Jerusalem (T/118 Rev. 2) on 21 April 1948. One of the most delicate questions which confronted it was that of elections to the «Legislative Council» of the City. The Partition Resolution stated that,

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. (Res. 181 (II) Part III, Art. 5).

However, each of the two parties, the Arabs and the Jews, opposed having in the Legislative Council a majority of the other. The Trusteeship Council then submitted its proposals to the General Assembly and asked for new directives.

On 6 May 1948, the General Assembly voted Resolution 187 (S-2) which included the following paragraph :

Recommends that the Mandatory Power appoint under Palestine legislation, before 15 May 1948, a neutral acceptable to both Arabs and Jews, as Special Municipal Commissioner, who shall, with the co-operation of the community committees already existing in Jerusalem, carry out the functions hitherto performed by the Municipal Commission;

An American citizen, Mr. Harold Evans, a Quaker from Philadelphia, was appointed. He went to Jerusalem but stayed a short while, then returned to the United

States for he did not succeed in gaining the cooperation of the two parties.

Appointment of the Mediator and His Efforts:

On 14 May 1948, the General Assembly voted Resolution 186 (S-2) in which it decided to send a mediator to Palestine. His functions were, *inter alia*, to :

(ii) Assure the protection of the Holy Places, religious buildings and sites in Palestine;

(iii) Promote a peaceful adjustment of the future situation of Palestine.

On 20 May, Count Folke Bernadotte of Sweden was appointed. He went to Palestine and studied the situation closely. He met with Arab and Israeli experts in Rhodes on 21 and 23 June respectively, then held consultations separately until 25 June 1948. His proposal for the Jerusalem question was a part of his overall suggestions for the settlement of the Palestine question. In his own words:

On the basis of close analysis of the question and of ideas which emerged during the discussion, I presented to the parties, on 28 and 29 June respectively, under cover of my letter of 27 June (S/863), three brief papers, setting forth in outline my suggestions for a possible approach to the peaceful adjustment of the future situation of Palestine. These suggestions were as follows:

(1) That, subject to the willingness of the directly interested parties to consider such an arrangement, Palestine, as defined in the original Mandate entrusted to the United Kingdom in 1922, that is, including Transjordan, might form a union comprising two members, one Arab and one Jewish.

(2) That the boundaries of the two members be determined in the first instance by negotiation with the assistance of the Mediator and on the basis of suggestions to be made by him. When agreement is reached on the main outlines of the boundaries, they will be definitively fixed by a boundaries commission.

With regard to the suggestions on territorial matters, Bernadotte proposed «the 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» (A/648, para. 6.3).

This proposal drew an angry retort from Moshe Shertok, the Minister for Foreign Affairs of the provisional government of Israel. In a letter dated 5 July 1948, Shertok stated that the mediator's suggestion on Jerusalem was «disastrous» and completely rejected it. On July 6, 1948, Bernadotte answered Shertok. In view of the importance of the mediator's stand on Jerusalem, the full section of his reply to Shertok is worth stating. He said,

Jerusalem stands in the heart of what must be Arab territory in any partition of Palestine. To attempt to isolate this area politically and otherwise from surrounding territory presents enormous difficulties. The special condition of Jerusalem — its large Jewish population and its religious associations — needs special consideration, and the way for discussion of these questions was left open. Arab domination of legitimate Jewish and other non-Arab interests in Jerusalem was never intended or implied in the suggestions. Moreover, while I fully appreciate that the question of Jerusalem is of very great concern, for historical and other reasons, to the Jewish community of Palestine, *Jerusalem was never intended to be a part of the Jewish State.* In this sense, the position of the Jewish State is unaffected and the question of Jerusalem has no relationship to its status. The status of Jerusalem, therefore, is separate from the question of the constitution and boundaries of a Jewish State. My suggestions fully safeguard the historical and world-wide religious interests in Jerusalem. (A/648, Annex 1, p. 26, para. 8). (Emphasis added).

It is clear that for Bernadotte the Arab state was the natural environment for Jerusalem which should, therefore, constitute a political and economic unit with it. For this stand, Count Bernadotte, as we shall see a while later, paid with his own life.

This exchange took place while a cease-fire was in effect in Palestine. The first truce ordered by the Security Council in its resolution 50 (1948) on 29 May 1948 for four weeks went into effect on 11 June 1948 and lasted until 9 July. It called upon all governments and authorities concerned to undertake not to introduce fighting personnel into Palestine; that should men of military age be introduced into countries or territories under their control, they should not mobilize them or submit them to military training during the cease-fire; and to refrain from importing or exporting war material to Palestine as well as to all the respective countries of the warring parties. The resolution singled out Jerusalem with a special mention urging «all governments and authorities concerned to take every possible precaution for the protection of the Holy Places and of the City of Jerusalem, including access to all shrines and sanctuaries for the purpose of worship by those who have an established right to visit and worship at them;».

But on the eve of this first truce, the military situation of Israel verged at times on the «catastrophic.» Reporters Jon and David Kimche described the situation thus : «The fledging [Israeli] army was on the point of collapse.... Unless the army could complete its reorganization, increase its numbers, and secure more arms and equipment, it could not hope to hold out much longer.»¹ Israel used the four-week truce period to improve its military situation. It violated all the stipulations of the Security Council Resolution to its advantage. Moreover,

Aided by Jewish money and organizations, especially in the United States, the Zionist world-wide arms purchasing organization established a regular arms airlift with Cze-

(1) Quoted in *The Arab-Israeli Dilemma*, by Fred J. Khoury (Syracuse : Syracuse University Press, 1968), p. 76.

choslovakia, smuggled flying fortresses and fighterbombers from the United States and Britain, and bought tanks on their way to the scrap yard. Israel continued to recruit foreign volunteers with especially needed military skills and experience and to push the immigration of young Jews. By the end of the truce Israeli forces were estimated by various authorities to have grown to anywhere from 60,000 to 100,000 men.²

To this large and well equipped Israeli army, the Arab forces numbered between 35,000 and 45,000 - the balance tipping off visibly in favor of Israel. Furthermore, just prior to June 11, the day on which the truce became effective, the Zionists succeeded in opening a very rough and tortuous route, known as the «Burma Road,» as an emergency bypass of the Arab-held portions of the Tel-Aviv - Jerusalem Road on which they smuggled arms and ammunitions to the beseiged Israelis in Jerusalem. When hostilities broke out again on July 9, 1948, the Israelis were at a great advantage.

On 15 July 1948 the Security Council, having decided that the situation in Palestine constituted a threat to world peace within the meaning of Article 39 of the Charter³, ordered a second cease-fire. While the truce directives dealt with the whole of Palestine, yet special attention was given to Jerusalem.

Paragraph 5 of Resolution 54 states:

[The Security Council] orders as a matter of special and urgent necessity an immediate and unconditional cease fire in the City of Jerusalem to take effect 24 hours from the time of the adopting of this resolution, and instructs

(2) *Ibid.*, p. 77.

(3) Article 39 states : The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

the Truce Commission to take any necessary steps to make this cease-fire effective;

The Mediator was instructed to continue his efforts to bring about the *demilitarization* of the city, *without prejudice to the future political status of Jerusalem*, and to assure the protection of and access to Holy Places, religious buildings and sites in Palestine. This was to continue until a peaceful adjustment of the future situation of Palestine was reached. The second truce became effective on 19 July 1948. But Israel continued to violate it to gain more benefits while the mediator was submitting one report after the other to the Security Council on these violations (see in particular S/992). On 19 August, the Council adopted Resolution No. 56 (1948) stating the truce directives. These included, *inter alia*, that «no party is entitled to gain military or political advantage through violation of the truce.» In view of the explosive situation and the imminent danger to Jerusalem, the mediator concentrated his efforts on demilitarization. The Arabs accepted it but the Israelis refused, having occupied large Arab areas in Lydda and Ramleh and having opened a road between Tel-Aviv and Jerusalem on which they carried arms and ammunitions. Following their policy of *fait accompli*, they regarded Jerusalem as an integral part of the Jewish state, especially that the military situation developed in their favor. The mediator then proposed internationalization as recommended by the Partition Resolution. Thus, in his last report submitted to the General Assembly, he recommended that :

The City of Jerusalem, which should be understood as covering the area defined in the resolution of the General Assembly of 29 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.

The right of unimpeded access to Jerusalem, by road, rail or air, should be fully respected by all parties. (A/648 of 16 Sept. 1948).

However, Count Bernadotte was assassinated in Jerusalem on September 17 by Zionist terrorists with one of his assistants at noon time while driving to the Government House. The Security Council met immediately on September 18 and adopted unanimously Resolution 57 (1948) solemnly stating:

[The Security Council] *Deeply shocked* by the tragic death of the United Nations Mediator in Palestine, Count Folke Bernadotte, as the result of *a cowardly act* which appears to have been committed by *a criminal group of terrorists in Jerusalem while the United Nations representative was fulfilling his peace-seeking mission in the Holy Land*, (emphasis added).

«Resolves :

1. To request the Secretary-General to keep the flag of the United Nations at half-mast for a period of three days;

The Acting Mediator, Dr. Ralph Bunche, who was accompanying Count Bernadotte on his peace mission, reported to the Security Council in the following terms:

These assassinations constitute a critical challenge from *an unbridled band of Jewish terrorists to the very effort of the United Nations to achieve, by means of mediation, a peaceful adjustment of the dispute in Palestine. In a broader sense, they give evidence not only of contempt for the actions of the Security Council, but also a cynical disregard for the United Nations as a whole.* It is clearly imperative that urgent measures be taken to ensure that the aims of the United Nations in Palestine should not be frustrated by *criminal bands* or by any individuals or groups who might hope to profit from acts of such bands. (S/1018, para. 15). (Emphasis added).

No more eloquent obituary to Count Bernadotte and a condemnation of the assassins could better be expressed.

The Efforts of the Palestine Conciliation Commission

The General Assembly met for its third regular session in the fall of 1948. The Israeli forces had already occupied the new city of Jerusalem including all its Arab quarters while the Arab Jordanian troupes were defending the old city of Jerusalem which contained the majority of the Holy Shrines. This did not prevent the General Assembly from insisting on the internationalization of the city of Jerusalem as defined in the Partition Resolution. It voted on 11 December 1948 (Resolution 194 (III)) in accordance with which it created the Conciliation Commission for Palestine (CCP). Among the tasks entrusted to it was to formulate a permanent regime for the city of Jerusalem, and that it «should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;».

The PCC met with the Arab delegations and the Israeli delegation throughout the year 1949. The most important of the meetings was the one held in Lausanne, as a result of which the Lausanne Protocol was signed on 12 May 1949, accepting the Partition Resolution as a basis for the solution of the three problems: territorial, refugees and Jerusalem. The text of the Protocol was as follows:

The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly resolution of December 11, 1948, regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the delegation of Israel and to the delegations of the Arab States that the working documents attached hereto be taken as basis for discussion with the Commission.

(The working document annexed was a map on which were indicated the boundaries defined in the General

Assembly Resolution 181 (II) of November 29, 1947, which was taken as the basis of discussion with the Commission).

Israel needed a clean bill of health to join the United Nations. That was the Lausanne Protocol. However, no sooner was Israel accepted to the United Nations than it denounced the Lausanne Protocol. All that preceded and followed the signature is to be found in the Third Progress Report of the PCC No. A/927 dated 21 June 1949. This report contained a special section on Jerusalem (para. 36-38); it stated:

36. Since the dispatch of the Commission's previous report (A/833 of April 5, 1949), the Government of Israel has established ministerial services as well as other Israeli public services within the area defined in paragraph 8 of General Assembly resolution 194 (III), regarding which the Commission was instructed to present detailed proposals for a permanent international regime.
37. In a memorandum addressed to the Commission, the Arab delegations protested this decision and demanded the immediate withdrawal of the «administration and services which have been installed in this city in contempt of the resolution of 11 December 1948. This memorandum has been transmitted to the Israel delegation.
38. The Commission had already given some consideration to the matter of the establishment in Jerusalem of the ministerial services mentioned. An exchange of letters on the subject took place between the Commission and the Prime Minister of Israel during March and April; copies of these letters were transmitted to the Secretary General on 11 April 1949.

Israel's policy of *fait accompli* did not prevent the PCC from carrying out its mandate in this particular instance, as defined by the General Assembly Resolution, namely, to formulate a statute of an international regime for Jerusalem. On 1 September, 1949, the Commission approved the draft text of an Instrument (a statute) and transmitted it to the Secretary-General for communication to the General Assembly. (Official Records of the

General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, Vol. I (A/973). According to the PCC Report covering the period from 11 Dec. 1949 to 23 Oct. 1950, submitted to the Fifth Regular Session of the General Assembly (Supplement No. 18 (A/1367/Rev. 1),

7. The principal aim of the draft Instrument was to reconcile the requirement of the General Assembly for 'maximum local autonomy in Jerusalem' with the interests of the international community in a special status for the City. To this end, the draft Instrument provided that the Jerusalem area should be divided into an Arab and a Jewish zone, within which the local authorities were empowered to deal with all matters not of international concern. These were specifically reserved to the authority of the United Nations Commissioner.
8. The United Nations Commissioner, to be appointed by and responsible to the General Assembly, was charged with ensuring the protection of and free access to the Holy Places; supervising the permanent demilitarization and neutralization of the Jerusalem area; and ensuring the protection of human rights and of the rights of distinctive groups. The draft Instrument provided for the establishment of a General Council, composed of representatives from the Arab and Jewish zones, and presided over by the Commissioner, to co-ordinate matters of common interest to the two parts of the City. The Council would in practice have only advisory and consultative functions with the authorities of the Arab and Jewish zones of the city.

The project also contained detailed clauses for the protection of the Holy Shrines, religious sites, and guarantees to be given by both sides for their protection, inside and outside Jerusalem. The project was clear in that neither the Jews nor the Arabs could make of Jerusalem a capital for their respective states. Furthermore, the PCC appointed a U.N. commissioner for Jerusalem but he never took over his responsibilities.

Member states took different stands vis-a-vis this project. The Israelis rejected it stating that they could not accept an alternative to the *status quo*, i.e., that

Jerusalem shall remain the capital of their state. The members of the extreme terrorist organization, the Irgun, who formed the Herut political party after the declaration of the State of Israel, threatened that they would prevent by force the coming to Israel of any high commissioner representing the U.N. The Arab states, with the exception of Jordan, insisted on keeping internationalization as decided upon by the United Nations.

The General Assembly, in its fourth regular session, proved to be determined to establish a permanent international regime that would apply to the whole of Jerusalem. This stand was strengthened by the support which the Pope gave to internationalization and in his encyclicals, and which was adhered to by the Catholic states. The Big Powers also supported internationalization and the last meetings of the General Assembly witnessed one of the most heated and passionate debates on the issue ever to take place at the United Nations.

Efforts of the Trusteeship Council

On 9 Dec. 1949, the General Assembly voted resolution 303 (IV) in which it reaffirmed its intention that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem, and to confirm specifically the provisions of General Assembly Resolution 181 (II) : namely, (1) that the City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations; (2) that the Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority;

On 10 Dec. 1949, the General Assembly voted Resolution 356 (IV) appropriating a budget of \$8 million to carry out the international regime.

In spite of Israel's defiance of the U.N., the Trusteeship Council carried on the task entrusted to it by the General Assembly. It met in a special session from 8-20 December 1949 and voted on Resolution 113 (S-2) of 19 Dec., asking the President of the Council to prepare a working paper on the statute of Jerusalem in accordance with the resolution of the General Assembly of 9 December 1949, which was submitted to the Council at the beginning of its sixth regular session in Geneva on 19 January 1950.

Israel not only voted against this resolution, but hurried to complete the moving of all its ministries and government departments from Tel-Aviv to Jerusalem before the U.N. could implement its resolution on internationalization.

The Council, in facing Israel's utter disregard of the U.N., passed Resolution 114 (S-2) on 20 December 1949 stating:

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;

Israel ignored all these rulings and on 26 December 1949, in full contempt of the U.N., the Israeli Knesset began holding its meetings in Jerusalem. On 23 January

1950, the Knesset voted on a declaration making of Jerusalem the capital of Israel with retroactive effect from the day of the declaration of the State of Israel, i.e., 14 May 1948. The government completed the moving of all its departments to Jerusalem, with the exception of the Ministry of Foreign Affairs which was moved in July 1950.

On 4 April 1950, the Trusteeship Council completed the revision of the permanent statute for an international regime for Jerusalem and asked its President to communicate it to the Israeli and Jordanian governments. On June 1st, the Council resumed its meetings in New York during which time the President communicated to the Council the replies he received. Jordan disapproved of internationalization, but stated that it does not object to having the United Nations ascertain from time to time the protection of the Holy Places and the free access to them. Israel refused internationalization but accepted the United Nations to have a direct responsibility for the Holy Places which happened to be under Arab Jordanian control. Furthermore, Israel submitted proposals on 26 May 1950 to the President of the Trusteeship Council which in substance were nothing but a confirmation of its *fait accompli*. The Council considered that the task of its president was not successful and that the implementation of internationalization under these conditions was almost impossible. On 14 June, the Council decided to refer the matter to the General Assembly, in its Fifth Regular Session, along with its new statute for the internationalization of Jerusalem and the reports of its president. But the General Assembly did not adopt a resolution on Jerusalem either in this or the following sessions. It seemed that a curtain fell over the subject until 1967 when the problem of Jerusalem exploded again.

II

1967 and After

A Living Testimony:

Israel completed the occupation of Jerusalem after its aggressive war of 5 June 1967. What happened in the early days and weeks that followed the Israeli occupation of Jerusalem — and indeed of all occupied Arab territories — is a tale of horror, violence and tyranny. It was a human tragedy that was unfolding; and as befits the tragedy of old Jerusalem and its Arab inhabitants which was to continue for the years that followed, I have chosen two reports of eye witnesses who saw that tragedy. In view of the importance of these two accounts, which certainly constitute a living historical testimony, I saw fit to reproduce them here as Annex A and Annex B.

The first consists of extracts from «Jerusalem Diary» by Sister Marie-Térèse of the Companions of Jesus, published in *Temoinage Chrétien*, Paris, 27 July 1976.³ The second is a letter dated June 26, 1967, from Mrs. Nancy Nolan Abu-Haydar.⁴

The tragic events recorded in these two documents heralded the annexation by Israel of the old city under the sinister guise of «unification» of the two cities, the old and the new. All this should be kept in mind as we

(3) Reprinted in *Israel and the Geneva Conventions* (Beirut: The Institute for Palestine Studies, Anthology Series No. 3, 1968), pp. 18-27.

(4) Reprinted in *Ibid.*, pp. 14-17.

review the work of the various United Nations bodies on Jerusalem as of June 1967.

A. THE GENERAL ASSEMBLY

The General Assembly held a special emergency session from June 17 to July 21, 1967, to discuss the Middle East crisis. The «Jerusalem Question» together with the «humanitarian question,» i.e., the «newly displaced refugees» and the Arabs under Israeli occupation, were the two items on which substantial resolutions were adopted. The difference between the two, however, was that the former had political, legal and religious aspects connected with it while the latter was humanitarian. On 4 July 1967 the General Assembly, having discussed in detail the arbitrary measures which Israel implemented, adopted Resolution 2253 (ES-V), a brief but a decisive one, stating, *inter alia*, (Para 1-3), that it:

Considers that these measures are invalid:

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

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.

The Secretary-General submitted his report on 10 July 1967 (A/6753, S/8052), the first of a consecutive series of reports extending through 1972. In it he stated that Israel was proceeding with measures that would ultimately lead to changing the status of the City. Thereupon, the General Assembly reviewed the matter and passed Resolution 2254 (ES-V) of 14 July 1967 in which it noted «with the deepest regret and concern the non-compliance by Israel» with the previous resolution, «deplored the failure of Israel» to implement it, and

«reiterated its call to Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem.» The sense of urgency of the General Assembly in its demands of Israel is obvious. It also requested the Secretary-General to report to it and to the Security Council on the implementation of the resolution.

The Secretary-General appointed Ambassador Thalmann from Switzerland as his personal representative. He went to the Holy City and studied the situation from 21 August to 3 September 1967. The Secretary-General submitted his report as requested on 12 September 1967 (A/6793, S/8164). Some of his findings were:

Most of the Arabs interviewed by the Personal Representative stated that the Muslim population was shocked by Israeli acts which violated the sanctity of the Muslim shrines. It was regarded as a particular provocation that the Chief Rabbi of the Israel Army, with others of his faith, conducted prayers in the area of the Haram Al-Sharif.

The dynamiting and bulldozing of 135 houses in the Maghrabi Quarter (in front of the Wailing Wall) had also aroused strong feelings. This action involved the expulsion of 650 poor and pious Muslims from their homes in the immediate vicinity of the Mosque of Omar and the Aksa Mosque. The houses, which also included two small mosques, belonged partly to the *Waqf* and partly to Arab individuals.

It was charged that the Israel authorities had taken over the so-called Jewish Quarter and evicted 3,000 residents at short notice.

It was also pointed out that the Israel authorities had chosen a government school for girls near the Aksa Mosque as the seat of the High Rabbinical Court, without consulting the *Waqf*.

The Personal Representative was told that the Israel authorities claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aksa Mosque, and that it was rejected as contrary to the precepts of Koranic Law and of Muslim theology.

Judges and attorneys had therefore refused to co-operate with the Israel judiciary.

Where the schools were concerned, the Personal Representative found a pronounced aversion to the efforts of the Israel authorities to apply their own educational system to Arab schools. He was told that the teachers would refuse to resume their duties under the given conditions.

It was also clear from the report that Israel had annexed adjacent Arab occupied territories to the Municipality of Jerusalem and applied to all of them Israeli laws and regulations. Also, its measures to settle Arab Jerusalem by Jewish immigrants were proceeding unabated.

B. THE SECURITY COUNCIL

The question of Jerusalem was taken by the Security Council which adopted six decisions between 1968 and 1971. In the first, No. 250 (1968) of 27 April 1968, the Council called upon Israel «to refrain from holding a military parade in Jerusalem contemplated for 2 May 1968.» But Israel went on with its plans and the Security Council adopted Resolution 251 (1968) of 2 May 1968 which deplored in strong terms the holding by Israel of the military parade in Jerusalem on 2 May 1968 in disregard of the unanimous decision adopted by the Council on 27 April 1968.

However, Israel continued with impunity its defiance of all United Nations resolutions and international law. More Arab inhabitants were driven out of their homes which were consequently demolished. More Jewish immigrants were brought to live in housing projects on the expropriated Arab lands. The Security Council discussed the matter in detail and passed Resolution No. 252 (1968) of 21 May 1968 with special emphasis on the illegality of

expropriating lands and expelling the Arab inhabitants of Jerusalem.

In this resolution the Security Council affirmed the two General Assembly Resolutions of 4 and 14 July of the previous year. It acknowledged that since their adoptions, Israel has persisted in undertaking policies deplored by those resolutions and stressed, as it had done previously, that it cannot but consider the seizure of territory by military conquest as inadmissible. Paragraphs 2 and 3 read as follows:

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;

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;

The Council also requested the Secretary-General «to report on the implementation of the present resolution.» On 11 April 1969 he submitted his 3rd report S/9194 from which it was clear that Israel had not ceased from its illegal actions in violation of the General Assembly and Security Council resolutions. He submitted a 4th report on 30 June 1969 (S/9194/Add. 1) reproducing the texts of new Israeli laws being applied to Arab Jerusalem, thus ascertaining that Israel was actually and with impunity transforming the status of the City.

The Security Council took up the matter again on 30 June 1969. On 3 July it unanimously adopted Resolution 267 (1969) which was even more detailed and categorical than previous ones. For besides reaffirming all previous resolutions of the General Assembly and the Security

Council, it contained two new elements: a strong condemnation of Israel's actions (Operative Paragraph 3 stated that the Security Council «*censures* in the strongest terms all measures taken to change the status of the city of Jerusalem,»), and a *warning* to Israel to answer for its actions to the Security Council. It also (para. 6 and 7):

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

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.

As in previous resolutions, the Secretary-General was requested to «report to the Security Council on the implementation of the present resolution.»

On 5 December 1969 the Secretary-General submitted to the Council his report No. S/9537 giving Israel's answer to the effect that the so-called «unification» of Jerusalem cannot be reversed.

In other words, Israel was not desisting with its measures for the Judaization of Jerusalem. The Security Council debated the question of Jerusalem from 16-25 September 1971 and adopted its sixth resolution in which it cited eight reports of the Secretary-General (S/8052, S/8146, S/9149 and Add. 1, S/9537, S/10124 and Add. 1 and 2). It reaffirmed the principle of the inadmissibility of territory by military conquest and (para. 3 and 4):

Confirms in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the city of Jerusalem including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section are totally invalid and cannot change that status;

Urgently calls upon Israel to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the City, or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace;

Furthermore, departing from previous resolutions, the Council requested «the Secretary-General, in consultation with the President of the Security Council and using such instrumentalities as he may choose, including a representative or a mission, to report to the Security Council as appropriate and in any event within 60 days on the implementation of the resolution.»

In his report dated 19 December 1971 (S/10392), the Secretary-General stated that «after consultation with the President of the Security Council, it had been agreed that the best way of fulfilling his responsibilities under resolution 298 (1971) was through a mission of three members of the Security Council. He had in mind as members of the mission the representatives of Argentina, Italy and Sierra Leone. However, an exchange of letters with the Government of Israel had provided no indication that Israel was willing to comply with the Council's resolution. Consequently, it was not possible for the Secretary-General to fulfil his mandate.»

The Burning of Al-Aqsa Mosque: Following the burning of Al-Aqsa Mosque on 21 August 1969, the Arab and other states submitted a complaint to the Security Council. On 15 September 1969 the Council adopted Resolution 271 (1969) expressing its grief at the extensive damage caused by arson to the Holy Al-Aqsa Mosque and the consequent loss to human culture.

It recognized that (Para. 2) :

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.

It determined that (Para. 3) :

The execrable act of desecration and profanation of the Holy Al-Aqsa Mosque emphasizes the immediate necessity of Israel's 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.

It called upon Israel to (Para. 4) :

Scrupulously ... 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. (Emphasis added).

The Council further *condemned Israel* for its failure to comply with the afore-mentioned resolutions and called upon it to implement them forthwith. It reiterated (Para. 6) :

The determination in 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. (Emphasis added).

Finally it requested the Secretary-General to report to the Security Council on the compliance by Israel of the resolution.

Accordingly, the Secretary-General submitted a report (S/9559) based on information supplied by Israel. The Israeli authorities made a futile attempt to absolve themselves of the crime for which the Security Council condemned them. They alleged that the Arab states were

attempting to exploit the religious feelings of Moslems all over the world. They also claimed that an Israeli investigation led to the arrest of the culprit who caused the fire, that the Mosque was repaired and that prayers had resumed. Yet, no matter what reparations the Israeli authorities made, it could not revoke the harm that had already been done.

C. UNESCO.

With UNESCO we are taken into another domain where Israel's disdain of the cultural and historical heritage of mankind is revealed.

In the fall of 1968 the General Conference of UNESCO studied the reports submitted by its Director-General concerning the measures taken in the Middle East for the implementation of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict concluded in 1954. It adopted at the 15th General Conference two resolutions: 1) A general one, No. 15 C/3.342 of October/November 1968 requesting the states concerned to comply with those principles applicable to archaeological excavations; and 2) a specific one, No 15 C/3.343 calling on Israel,

- (a) to preserve scrupulously all the sites, buildings and other cultural properties especially in the old city of Jerusalem,
- (b) to desist from any archaeological excavations, transfer of such properties and changing of their features or their cultural and historical character;

Following the usual pattern of utter disregard to international obligations, Israel has shown nothing but contempt for these UNESCO resolutions and has carried on its work of excavations whose ultimate effect has been

to alter the historical character of Jerusalem. The Executive Board of UNESCO looked into the matter again in 1969 and 1970 and adopted two resolutions consecutively, No. 82 EX/4.4.2 of 1969 and No. 83 EX/4.3.1 of 1970. In the latter one, which was more forceful than the former, the Executive Board recalled all the previous resolutions of the U.N. and its various bodies on Jerusalem. It «expressed its deep concern at the violations by Israel of the Hague Conventions,» and, *inter alia*, demanded of Israel to desist from archaeological excavations that would change the cultural and historical character of the old city of Jerusalem, and to adhere scrupulously to the provisions of various resolutions previously taken. The Executive Board, during the same session, also condemned Israel in strong terms in its resolution No. 83 EX/4.3.1.1. of 1970, in relation to the burning of the al-Aqsa Mosque.

In 1971 the Executive Board looked further into Israel's archaeological excavations in the old city of Jerusalem, adopted a fifth decision and addressed yet another urgent call to Israel to halt such archaeological excavations, «particularly with regard to Christian and Islamic religious sites;».

D. THE COMMISSION ON HUMAN RIGHTS

Finally, it is to be recalled that the United Nations General Assembly, the Security Council, the Commission on Human Rights and the Economic and Social Council have adopted since June 14, 1967, around twenty resolutions dealing with Israel's violations of human rights in the occupied territories, and of the Fourth Geneva Convention with regard to the protection of civilians in time of war. These scores of resolutions and decisions, which

dealt with the status of Arab occupied territories, applied to Jerusalem as well. The Human Rights Commission, in its Resolution No. 9 (XXVII) of 15 March 1971, while condemning Israel's violation of human rights, singled out Jerusalem in the following paragraphs of the resolution:

Reaffirming that the Human Rights and fundamental freedoms as provided for in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, and in other relevant international instruments, fully apply to all the territories occupied by Israel as a result of the hostilities in the Middle East, *including occupied Jerusalem*; (Emphasis added).

Alarmed by the fact that Israel continues the establishment of settlements in the occupied territories *including occupied Jerusalem*, while it refuses to permit the return of the refugees and displaced persons to their homes, *a right the denial of which by Israel constitutes an affront to humanity and a grave violation of international law*; (Emphasis added).

Reaffirms that all measures taken by Israel to colonize the occupied territories including occupied Jerusalem are completely null and void:

Declares that Israel's continued and increasing violations of the human rights of the population of the occupied territories, and its deliberate and persistent refusal to abide by its *legal* obligations under the United Nations Charter, international law, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, indicate the necessity of collective action on the part of the international community to ensure respect for the human rights of the population of the occupied territories.

Urges the International Committee of the Red Cross to co-operate with the United Nations organs, and particularly with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in the fulfilment of its task to ensure the safeguarding of the human rights of the population of the occupied territories, and to inform the Commission on Human Rights at its twenty-eighth session of the steps it has taken in this regard;

Requests the Secretary-General to give wide-publicity

to United Nations documents dealing with the violations of human rights in the occupied territories, and in particular to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population in the Occupied Territories, and to use United Nations media of information in disseminating information on the conditions of the population of the occupied territories, the refugees and displaced persons;

The same commission looked into the same problem of Israel's contempt and obduracy and adopted Resolution 3 (XXVII) of 22 March 1972 in which Israel's actions in the occupied territories were described as *war crimes*. In fact, the Commission:

«Recalling its resolution 5 B (XXVI), which considered violations of the Geneva Conventions as *war crimes and an affront to humanity*,

Considers that grave breaches of the fourth Geneva Convention committed by Israel in the occupied Arab territories *constitute war crimes and an affront to humanity*.» (Emphasis added).

It is to be noted that since the establishment of the Nuremberg tribunals and the condemnation to death of Nazi leaders and militarists for war crimes and crimes against humanity, Israel, together with the racist fanatics of South Africa and Southern Rhodesia, has been stamped as a perpetrator of war crimes. It is, however, ironic that the very same people for whom the statutes and regulations of Nuremberg and the Geneva Conventions were formulated in order that such crimes may not recur, have been perpetrating against the Arabs the same hideous crimes that were committed by the Nazis against them and against other peoples.

Legitimate Rights :

So far, we have tried to present a precise but faithful account of the work of the United Nations, its various

bodies and its specialized agencies on the question of Jerusalem. At this point it should be emphasized that the tragedy of Jerusalem is part and parcel of the whole Palestine tragedy. Very simply, and in substance, it is a colonial-settler-conquest in which the undisputed Arab right, one and indivisible, has been submerged by Israeli Zionist power and tyranny and sacrificed by world power play. The opposition, therefore, is not between two rights but between a right and a wrong. Hence, special attention should be given to the now often repeated phrase «Arab legitimate rights.» Some are not aware that speaking of «legitimate rights,» much as this sounds plausible to the ear, amounts to an arbitrary division of one and the same concept, which obscures the issue. Every right is legitimate for the self-evident fact that it is a right. When a right is not legitimate, it is no more a right. Legitimacy is intrinsic in right, an integral part of it, and not an added predicate to it. Similarly illegitimacy is intrinsic in any wrong, crime or falsehood. If it is said, «this is an illegitimate crime,» the added adjective of illegitimacy to crime is redundant. The same redundancy would occur in adding legitimacy to right when speaking of «Arab legitimate rights.» This could mean the parcelling of some of these rights, subjecting them to compromise, acknowledging some while denying others, or beclouding the whole issue. All these have occurred as a result of the questioning or denial of the «legitimacy» of these rights.

From the above, I conclude that Arab rights in Jerusalem, so very clearly, precisely and decisively defined by international bodies, cannot and should not be divided and subjected to the gimmick of compromises. As already quoted, one of the resolutions of the Human Rights Commission, the highest international authority to defend

human rights, and whose members have been and are among the leading world authorities on the subject of human rights, stated: «*This is a right, the denial of which is an insult to humanity.*» (No. 9 (XXVII) of 15 March 1971). It should, therefore, be remembered that we are facing in Jerusalem, as indeed in all of Palestine, a unique savage conquest which challenges morality in all its categories. Its ramifications on the political and legal levels are:

1. Israel boasts that the United Nations, after the war of June 5, 1967, has been unable to condemn it, and ask its withdrawal from occupied territories. Here we have one resolution voted upon by an overwhelming majority (99 votes) on 4 July 1967, reaffirmed on 14 July of the same year, and later by scores of resolutions, already reviewed, in which it was resolved decisively that Israel's occupation of Jerusalem is illegal and, consequently, that its claimed sovereignty over it has been denied. As Israeli sovereignty has explicitly been declared null and void, Arab sovereignty and rights have been reaffirmed. These include all that has been stated in the Charter, the Universal Declaration of Human Rights, the Geneva Conventions and restated in United Nations resolutions. They include the right of the Arabs to their private property, individuality, the security of their persons, their sovereignty, their freedom from fear and from Israeli threats to drive them out of their homes and lands and from expropriation and occupation.

2. It is not a mere coincidence that the six decisive resolutions adopted by the Security Council on Jerusalem did not refer to Resolution 242 (1967) although all of them followed it; for according to some interpretations of resolution 242, Arab rights and sovereignty over

Arab territory may be made subject to bargaining. To avoid any such interpretation, the resolutions on Jerusalem have put the Holy City above any bargaining. This is a fact that should not be overlooked and should be made crystal clear to all concerned.

3. One of the results of the policy of *fait accompli* achieved by Israel is that its annexation of Arab Jerusalem in 1967 made the world forget what happened to usurped Arab rights in new Jerusalem from 1948 and after. Official reports of Britain as the mandatory power and United Nations documents affirm these rights and the justice of Arab claims unequivocally.

The Survey of Palestine prepared by the Palestine Chief Secretary for the information of the Anglo-American Committee of Inquiry, shows that of the total population of Jerusalem determined by the census of 1922 and 1931, 56,346 were Arabs and 34,431 were Jews, and 78,071 were Arabs and 54,538 were Jews, respectively (page 149, table 7 c). The same survey gives an estimate of total settled population in Jerusalem for the end of 1944 as 140,532 Arabs and 100,200 Jews (Page 152, table 8 c).

The Anglo-Palestine Yearbook 1947-1948 estimates the total settled population in Jerusalem at the end of 1946 as 150,590 Arabs and 102,520 Jews (page 34).

The Report of the United Nations Special Committee on Palestine states that Jews comprise more than 40 per cent of the total population of Jerusalem (page 18), but less than half. Figures pertaining to the number of Arabs include both Christian and Moslem. (Document S/10140 of 2 March 1971).

Henri Cattani, in an unpublished manuscript, advanced further proof of the justness of Arab claims : «In terms of land ownership, the built-up area of the New City of Jerusalem belonged to the extent of one-third to the Jews, and two-thirds to the Arabs. And in the sub-district of Jerusalem Jewish land owner-

ship in 1948 did not, in accordance with official statistics of the Government of Palestine, exceed 2% (UN document A/Ac 14/32 p. 293).»

On 18 February 1971, the Secretary-General submitted a report to the Security Council and the General Assembly concerning the status of Jerusalem (A/8282, S/10124). Paragraph 4 of this report contained the text of two notes handed by him on 26 January 1971 to the Permanent Representative of Israel. The first of the two notes incorporated the following paragraph:

In this connexion the Secretary-General would call the attention of the Permanent Representative to the Secretary-General's reporting responsibilities in regard to the status of Jerusalem under the relevant Security Council and General Assembly resolutions. These are Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969 and 271 (1969) of 15 September 1969, and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967. Consequently the Secretary-General must again request from the Israel authorities the transmission of a copy of the reported 'Master Plan' as well as detailed information on the Plan.

The second note stated:

Aside from legal and other considerations, the works currently being carried out by Israel within United Nations premises may bring about irreparable physical change to these premises. Consequently, the Secretary General, while reserving the right of the Organization to claim compensation for any ensuing loss or damage, requests that these works be suspended.

United Nations member states, desirous of maintaining the rule of law, were awaiting the replies of the Israeli authorities to his two notes. Instead, from 18 February up until the present time, numerous reports have been published in the press confirming Israel's implementation of its «Master Plan» in Jerusalem including work being carried out within the premises of the United Nations.

To quote only one of such reports, *Time* magazine in its issue of 1 March, in an article entitled «Full Speed Ahead,» stated:

Israeli Housing Minister Ze'ev Sharef announced that the Government would construct 19,500 apartments for about 100,000 people in three outlying districts.... The Government, Sharef said bluntly, is determined that Jerusalem remain «an emphatically Jewish city. This is a plan with a Jewish goal. *This is a Zionist exhibition.*»

The same article went on to say:

Mayor Kollek of Jerusalem... insists that Jerusalem cannot wait until its status is finally settled before it constructs more housing. In an analogy for Americans, he argues: «You don't stop urban development in Washington until you solve the black-white problem.»

We are also informed in the same article that more than 4,000 acres of land — mostly Arab — were expropriated for housing but Arab owners have refused to accept payment because this would sanction Israel's right of «*eminent domain.*»

The above facts give a background to the developments since 1948 and demonstrate the effect of Israel's policy of creating *fait accomplis*. Israel's actions since June 1967 have followed such a scheme and the pattern of colonization has become very clear: military conquest; forced mass exodus of Arab population; bulldozing and dynamiting of Arab houses, villages and quarters within the cities; duress through either imprisonment or expulsion; confiscation of land and construction of new purely Jewish settlements and the «ingathering» of new waves of immigration.

That the Zionist «Master Plan» was to occupy the whole of Jerusalem and settle it, is related in some of the writings of Zionist leaders and Israeli militarists. To mention one example only, Menachem Begin, the hero of the Deir Yassin Massacre, wrote that:

«At the end of January, 1948, at a meeting of the Command of the Irgun in which the planning Section participated, we outlined four strategic objectives: (1) Jerusalem; (2) Jaffa; (3) the Lydda-Ramleh plain; and (4) the Triangle*.

Thus Jerusalem was the first among the Arab targets to be occupied. The massacres of Deir Yassin was one step towards that occupation.

In its highest meanings, Jerusalem cannot be understood except in terms of history. It has always been a city of dreams wherein the human soul looked towards God. It is the city which the prophets and apostles have elevated to the highest level of the spirit and which the Zionists have demeaned to the level of racism. It is by upholding right and rendering justice to whom it is due that Jerusalem can regain its true spiritual meaning.

(*) Begin, Menachem: *The Revolt* (Henry Schuman, New York, 1951), p. 348.

ANNEX A
JERUSALEM DIARY
of Sister Marie-Terèse of the Companions
of Jesus
(EXTRACTS)

WE HAVE JUST EXPERIENCED a war in the one place in the world which is dearest to our hearts, in a place where its horror, its monstrosity and its senselessness seemed the most intolerable: We have just lived through the war in Jerusalem.

June 8

— Dozens of people whose houses had collapsed ran crying in the street. The children followed as best they could. ...A hundred people took refuge in the abbey. Father Paul asked them to shed their arms if they had any. One man brought out a small pocket knife! Everyone went down into the cellar.

The firing grew louder, quite near us... Would they fire on us? Finally we heard the first words in Hebrew... I looked through a crack in the door and saw the first two Israeli soldiers. Helmeted, machine-guns in hand, they advanced stealthily.

Father Paul said: «It is over—they have passed.» We opened the door again so that the menaced people might

enter. A poor father said he had to leave, that his wife and five children were still trapped in the ruins... Father Paul went with him.

... When Father Paul returned he carried three dying children on a stretcher. He had found the Muslim quarter where he lived bombed by Israeli planes. The man he had accompanied found his wife and five children crushed, mutilated by a bomb. I took the handle of the stretcher to help them to the hospital...

Inside the hospital the father who had already lost all his children tearfully embraced a dying child. The hospital staff was terrified by the arrival of the Israelis.

...Scarcely did the children arrive at the hospital when they were handed to me dead... A terrible odor emanated from somewhere. I opened a door and recoiled in fright: a mountain of dead bodies. I closed it and waited at the door.

...On one side of the hospital was a demolished Jordanian cannon. It was this which had attracted the planes, but it was three innocent families who suffered. One woman had to have her arm amputated. All their faces were covered with severe burns which made black holes in their skin. They said nothing, they did not even move. They lay there with their black eyes, terrified and stunned, wide open.

Father Paul organized more teams of men to find the wounded. In the streets filled with the sound of mortars and broken windows, the Arabs had hastily torn up and thrown out photographs of their relatives in military uniform. How they must have been afraid!

...On our way back to the hospital we discovered a child walking slowly at the end of one street, his arms

outstretched. The Israeli soldiers cried out to him: «Get out—Go back!» The child walked on. I went to his side. He was barefoot, with pieces of glass lodged in his feet. I asked him: «Where are you from?» He replied: «Where are you from?» Again I asked, «Where are you from, where is mother ? » He repeated with haggard eyes, «Where is mother?» He had gone mad. I brought him to the abbey. When we reached the door he saw the hand used as a knocker and cried: «Ah! Id Allah!» — «Ah ! The hand of God !»

I continued down the street and found Father Paul near a wagon with three wheels. Over it was a plank covered with a blanket. We raised the blanket: it was a young woman, dead, and completely white. We brought the wagon back to the hospital. How heavy it was! Once arrived, we removed the plank to bring it to the entrance. I turned back to the wagon which I had thought empty and uttered such a cry that Father Paul and the Israeli soldiers came running: five small children, one of them a two-week-old baby, lay there dead, as white as porcelain statues. It was horrible. One by one I brought them out, placing them on the plank with their mother. These we left in the ruins while we took care of the wounded children who were still alive. The father, arrested by the Israelis, had not been able to bring his family any farther. Father Paul gently picked up a tiny red baby shoe and tucked it in his pocket.

June 9

...We went to the hospital to bury the dead which were piling up at the entrance, but we had no car or ambulance.

The odor was so awful in that heat that we had to

wear masks. Father Paul and Father Raynier, from Sainte-Anne, did the hard work. I handed them the blankets. We walked in the blood and worms. In our despair of not having any sort of vehicle, an Israeli military ambulance came to take away the body of a wealthy Englishman... For the rest of the dead there was no help; we begged them for assistance, but to no avail.

So, one by one we carried them. ...As we approached the Muslim cemetery, the Jewish authorities arrived: Dayan and Eshkol. The Israelis applauded the procession of cars going to the temple. I decided to uncover the wagon where the woman and children lay dead. Some Jewish women and a soldier recoiled in horror: perhaps they will remember. Then an Israeli soldier, machine gun in hand, leaped at me and shouted: «Hide that! Hide it!» I obeyed more out of respect for the dead than for that voice and that expression which brought back memories of World War Two.

We went to a cemetery where a man was burying his wife and daughter... My habit was soaked with blood. Upon leaving the cemetery I saw some Israeli girls with revolvers in their hands. They were standing there laughing, drunk with triumph.

One Israeli came up and addressed Father Paul, who had not not recognized him. «I am your friend, B., from Haifa.»

«Ah! But you look so weary!»

«No-just disgusted by these Israeli bandits who have pillaged and sacked like vandals. In the G... area our soldiers killed two women to steal their jewelry...I could tell you much more, but I must leave» ...An Israeli soldier

asked from a jeep, «What's this? Haven't all the Arabs left yet?» —

We wanted to go to Bethlehem... so we went down to the street to find a car which would take us there... The odor of death was everywhere. A car driven by the son of a very well-known Israeli stopped and he offered to drive us. I noticed that this stolen car was a Jordanian ambulance, the one which we needed to carry the wounded and dead. We stopped in front of a store which was being looted. Israeli girls were leaving with arms full of packages of detergents and all sorts of thing... On the road we passed a dead woman in a ditch.

Bethlehem had undergone a full half-hour of bombing including the hospital. There were 30 dead.

Israeli tanks were in front of the Basilica, their guns pointed at the village. The people of Bethlehem were terrified. Since the arrival of the Israelis, cars had circulated announcing through their loud-speakers: «You have to two hours to leave your homes and flee to Jericho or Amman. If you don't, your homes will be destroyed.» This time, we decided to note everything and make a report to the Israeli officials to save what could be saved of peace for the future, for these incitements and psychological pressures to make the Arabs leave were very serious. We began to think that the Israelis may very well have done the same the first time, creating the original refugee problem.

...We left for Jerusalem... going slowly to find the dead woman we saw the night before in the ditch. She was still there. We stopped and got out: she was still clutching two loaves of bread she had gone to get for her children during the battle. We made a hole under a rock and buried her with the bread. Two Muslims came to

help us cover her, repeating their prayer: «God is great; only God is great.» We prayed with them. They embraced us and thanked us. We left. Two miles farther we found two wounded Arabs on the roadside who had been lying under the sun for three days. Many Israeli cars had passed but none stopped. We brought them to Jerusalem.

June 12, 13 and 14

We had an argument with Levi, an Israeli administrator sent to the Old City. He would not let us speak and said he wanted to requisition the abbey... Impossible to speak of the Geneva Convention. The attitude of the Israelis became unbearable.

...We visited occupied Jordan and saw Jenin, Nablus and the surrounding villages. We brought the wounded to hospitals since the ambulances had no gasoline; there were no cars as they had all been stolen. Everywhere we observed pillage, misery, and at Nablus, people burned by napalm.

Jordanian soldiers, dead in the fields, had not yet been buried; the stench was foul. There was curfew everywhere: the Jordanians could not circulate or work. We could not help but note that if the first wave of Israelis... avoided unnecessary destruction, the second was formed of thieves, pillagers and sometimes murderers, and the third was even more disturbing, for it seemed to concentrate on systematic destruction.

At Nablus we saw hundreds of families under the olive trees; they slept in the open. They told us they were from Qalkilya and were not allowed to go back. We went to Qalkilya to see what was happening; we received a sinister impression. The city was being blown up by

dynamite. Israeli civilians came to loot. Two of them were walking in the street with skull-caps on their heads and a suitcase in their hands. We watched them approach. As they came nearer one put his finger on the trigger of his gun. I, who had not seen his gesture, asked him in Hebrew: «Is it heavy?» For a moment, we stayed face to face. Then they turned away. The Devil was on the prowl.

An Israeli officer stopped his car and looked out the window. We asked him as innocently as possible where we were. He looked at us disdainfully and said in Hebrew: «It was Qalkilya; now it is Kfar Saba.» (Kfar Saba is the Israeli location nearest Qalkilya.) We felt we had better leave before we met the same fate as Qalkilya.

In Jerusalem, 400 poor families were expelled without the least idea where to go...now what is their future? The Israelis had won the war. Were they going to lose the peace?

We brought a young woman who was injured from Jenin to Nazareth's hospital. The next day there was a commotion about her among the Arabs of Nazareth: the Israelis wanted to take her to Jenin. She replied: «I want to go with those who brought me.»

June 15

...We left for Jenin, bringing the woman with us, but in the hospitals of Jenin there were no more antibiotics or antigangrene medications, and the International Red Cross had not yet received authorization to work in this zone occupied by the Israeli army.

...When we arrived back in Jerusalem, we found that

the abbey had an extra window. The bombardment had blasted a hole in the wall of the kitchen. Father Paul, who was extremely exhausted, had become quite ill.

During this time we observed the expulsion of hundreds of families from Jerusalem. Father Paul, still very sick, helped us from his bed to make the report of what we saw and verified for ourselves.

...We went to see General Rabin, the Israeli Chief of Staff. He told us that although the situation was not entirely under control in the occupied areas, he was willing to see our report. He said he had not realized the seriousness of the situation...he gave orders over the telephone...I believe that he knew very well what was going on but that he did not realize we knew enough to make such a report. It is much better for peace that they feel they are under observation...

June 23, 24 and 25

Anguish has seized us like a beast which strangles and crushes the heart. The war is over, but we have seen the slaughtered lamb too closely. I constantly imagine myself holding that two-week-old baby, crushed and covered with blood. When I awake at night, these images run through my mind, and I want to scream. Father Paul is so shaken that he can do nothing.

July 1

We decided to go back to the occupied territories... In Nablus, life was beginning to revive, but there was still no work. The Red Cross had not yet arrived: supplies were almost exhausted. Exports had been stopped;

farmers were obliged to sell at extremely low prices. Many families whose sons work in Kuwait, had to leave for Amman. The Israelis were far from restraining them. They only asked that they sign papers saying that they were leaving of their own free will. But after the provocations and the expulsions which we witnessed, this seemed to us but a political maneuver.

We then went to Qalkilya. At one point we came across a sign which read: «Do not use this road. There is no security.» This told us we were going the right way. Fortunately there were no army outposts.

We arrived by way of the forbidden road: the first houses to be destroyed were there. Some people had returned; then it was true! They came back to the ruins... The children slept under demolished roofs. There was no water or very little. Some 7,000 people of the 16,500 of Qalkilya had come back. ...But to what did they return! It was inhuman.

The former mayor of Qalkilya had come back, too. We went to see him. He told us everything:

«During the fighting, five per cent of the villagers were buried alive, and half the people fled to the hills when the Jordanian army left. The Israelis expelled the second half of the population, but not immediately. First they forbade the people to leave their houses for three days. Wednesday, at 4:00 p.m. an officer came to say: 'Leave the village because Iraqi planes are going to bomb it.' Then they took them by bus to Azzum, about 25 miles away.» The mayor was the last to leave.

Meanwhile, the Israelis, under orders, undertook the destruction of the city. Sunday, the mayor asked to see General Dayan to get permission for part of the po-

pulation to return to the ruins. About 2,500 of these people were refugees from the first war. UNRWA had helped them to rebuild their small houses, now once again in ruins.

In front of the mayor's house the people lined up to receive bread. Meanwhile, «Kol Israel,» the Israeli radio station, broadcast lies about Qalkilya. For example: «Qalkilya's population has returned to the city. Those whose houses were destroyed are being helped to rebuild them. Normal life is reviving...» We thanked the Arab mayor of Qalkilya, who resembled a patriarch watching carefully over his flock. He gave us his final information under the black, angry eyes of an Israeli officer. We thanked everyone, including the officer, and returned.

We now had a most difficult task before us: to get to Latrun. We had heard that it would be very difficult: all ways of access were forbidden and watched more closely than those at Qalkilya. At Ramallah, we encountered the outpost guarding the route. Although we represented an improvised Red Cross...the commander refused to let us pass. After an hour-long argument, we turned back to Jerusalem...

July 2

We awoke the next day thoroughly determined to get to Latrun. The sun was shining, and the Israeli flag flew over the Wailing Wall. The space once occupied by the 400 expelled families had been razed to make room for the crowds of Jewish schoolchildren and others who came to contemplate the Wall. They knelt in front of the stones. But because I had watched children dying under

the bombs, no stone in Jerusalem held any value for me any longer; only the immense suffering of the children of this earth, whether they be Jewish, Muslim, Christian, Buddhist or communist, black or white, yellow or brown.

Why was it impossible to get to Latrun? We went to get a permit from the Ministry of Foreign Affairs to circulate freely...we asked if it were necessary to specify Latrun... «No,» they replied, «This is all you need.»

We left his office and decided to try to get by the post even though the word «Latrun» was not marked on our pass. Maybe the soldiers would not be the same ones as yesterday...Our Arab friend driving the car said suddenly: «Father, there is no army. It looks like no one is there. I am going ahead!» He had scarcely finished when we passed through! He was right. The soldiers had been replaced by military police. Two policemen were seated calmly at the entrance of the guard-house about 50 yards from the road. Thank God, they had no time to act. We entered Latrun.

And there was what the Israelis did not want us to see: three villages systematically destroyed by dynamite and bulldozers. Alone, in the silence, mules wandered about the debris. Occasionally a piece of crushed furniture or a torn cushion would be sticking out of the mass of plaster, stone and cement. A pan and a blanket lay abandoned in the middle of the road...They had no time to save anything!

Israeli tractors from a neighboring kibbutz hurried to work the Arab land.

We arrived at the monastery of Latrun. Israeli soldiers were guarding the entrance. They looked at us suspiciously. Then, since we had passed the other barri-

ers, they let us through. The monks seemed like prisoners, so closely were they guarded. The Father welcomed us warmly, surprised at this unhopd-for visit. He told us:

«On the evening of the fifth, the Jordanian soldiers began to leave, advising the people to go, too. Some of them left, some took refuge in the monastery, and the rest stayed in their homes. Since the sixth...Israeli soldiers took them away in tractors...they said they would be taken to Jordan. After that, the tractors stayed at the monastery. The Israelis said they were for the kibbutz. On the night of the 26th or 27th, eight bulldozers razed Amuas, two destroyed Yulo and two Beit Nuba.»

July 4

...What matters to us now is to understand the reason for hate. At the time of the creation of Israel, were things as we saw them today? How many villages were razed? How many families expelled? Now we know that it was not the Arab armies who made the population flee and levelled the villages: they did not have time.

At nightfall we reached Bethlehem, where we found the same problem as in Jerusalem: no work...Jordanian currency was worthless, and Israelis were buying out the stores. When Arab stock has been exhausted, the new stocks came from Israeli stores, but at three times the regular price. The Jordanian banks were still closed.

The next morning we left for Hebron and the village of Suriff. Thirteen houses were destroyed after the Israelis warned: «This is a time to settle old accounts; leave you homes if you want to live.» In fact, one man who lingered a little too long was shot down.

In the afternoon, we left for Jericho and the Allenby Bridge. It is there the refugees must cross. They must walk on a broken bridge carrying their children and baggage, sometimes having to walk in water with only a rope stretched from side to side to help them. Israeli soldiers sitting in easy chairs have been watching them pass like this for weeks. If they had wanted to move their tanks over the river during the war, the bridge would have been repaired in a matter of hours! Why should they humiliate these people so? Below, on the bridge, expressions of hate; above the bridge, looks of disdain. But it is the terrified expressions on the faces of the children before the demolished bridge which wound the most.

As we were about to leave, a sobbing woman approached us. She said she just crossed the bridge to help part of her family which was leaving, but she had to go back to Bethlehem where her children were. The soldiers told her she could not return. We thought this could be easily arranged, but the officer, sitting in his armchair, told us: «This woman signed... and they know if they sign they cannot return.» We had no success. She had to leave with the others. So much for her husband and children in Bethlehem!

We returned to Jerusalem. Just outside Jericho, we came across a blackened vehicle of the Jordanian army. On top of the car a mark was still discernible: the Red Crescent. It was a Jordanian ambulance transporting the wounded. Napalm killed them all.

When we arrived in Israeli Jerusalem, we went to see the International Red Cross representatives. From them we learned that the Red Cross did not have permission to go anywhere and that no representative could

move without an Israeli officer by his side. Moreover, the messages they tried to transmit between divided families had to go to the censor's office where they were unduly delayed. They had not received permission to go to Qalkilya or Latrun, and when they tried to reach the Allenby Bridge, they received permission for a few hours only. They were, therefore, concentrating their efforts on exchange of prisoners.

July 13

Three professors from Scientific Research came to visit us. They were doing research in Israel for UNESCO. They asked questions and reflected upon them, for, they said, «this problem has been very hard for us. We could not see it clearly in Europe, and we think that we must make an effort to understand where the truth is in the Arab-Israeli conflict.»

We told them what we had seen in the past few days, which shed a dreary light on the drama we had witnessed for almost ten years. We tried to explain the basic causes of the conflict so that effective remedies might be applied for peace with justice: first, the refugees, beginning with the Israelis who were victims of anti-semitism; then the international imperialism of money of which the Arabs are the victims, and Israel, too, in the long run; and finally the danger inherent in the pretensions of a people to territorial acquisition in the name of Divine Right.

But where are there men who are free enough and strong enough to bear the truth?

ANNEX B

AN OPEN LETTER

by Nancy Nolan Abu Haydar*

Dear Editor:

MY HUSBAND AND I, along with our three children, lived in Jerusalem from September 1966 until June 19, 1967. During this time, my husband, a physician, was spending his sabbatical year of leave from the faculty of the medical School of the American University of Beirut at the Augusta Victoria Hospital in Jerusalem. There he was engaged in research work concerning malnutrition in Arab refugee children. Up to three weeks ago we knew Jerusalem as it lived in peace and security, its people happy and contented as they began to experience a taste of prosperity which they have worked so hard to attain in the 20 years since disaster struck them during the Arab-Israeli war of 1948.

Today Jerusalem is an occupied city, ruled over by an enemy determined to irrevocably change its physical appearance and break the spirit of its people. These objectives are being pursued in many ways with the utmost speed and precision as we saw very clearly.

* The authoress is the American wife of Dr. Najib Abu Haydar of the American University of Beirut. The letter was written on 26 June 1967.

After three hours' notice to evacuate their homes, the homes of approximately 250 families were bulldozed down in the Moroccan Quarter of the Old City to make way for a paved square in front of the Wailing Wall. In like manner the Jewish Quarter, so called after the Jews who rented land there prior to 1948 from the Arab land trusts, was destroyed so that a road leading directly to the Wailing Wall might be built. The 2,000-3,000 people made homeless by these combined operations, which were accomplished within 24 hours, wandered the streets with the few possessions they were able to snatch up and carry until finally, in desperation, most of them had no alternative but to board buses which took them to the banks of the Jordan River where they crossed over into what remains of Free Jordan. The Israeli authorities made absolutely no attempt to find or provide any kind of alternative housing for any of these people.

Still more terrible than such forced dispersals is the immediate danger of starvation which faces the 30,000 people who live within the old walled City of Jerusalem. Many of these people have been impoverished as a result of the looting of stores and homes and of being robbed of the money they carried in their pockets. As a result of all these factors the vast majority of these people have no money with which to buy the remaining stocks of foodstuffs. We have, with the help of friends, canvassed much of the Old City population and have neither talked to nor heard of anyone who has received food from the Israeli authorities, in spite of the announcement in the June 21st issue of *The Jerusalem Post* saying that «thousands of loaves of bread and bottles of milk» had been distributed free of charge to the residents of the Old City. Unless these people do receive help from the outside world within a very short period of time they will have

to choose between starvation and emigration to Free Jordan, thereby abandoning their homes and businesses. This pathetic situation has been deliberately contrived, I feel, as a means of forcing these people to leave. The Israeli authorities can so destroy and confiscate more and more property until the demographic structure of the Old City has been completely remodelled to suit the long term objectives of the Israeli Government.

Since, up to the day of our departure, there was no international relief agency working in Jerusalem, or in any other section of occupied Jordan, which could report to the world about these violations of all humanitarian principles, the Israeli authorities can pursue their aims unwatched and unhindered. All attempts of the Red Cross and its Moslem counterpart, the Red Crescent, to give material aid to the population of occupied Jordan have been ignored by the Israeli authorities. This attitude has been dramatically demonstrated in the incident of recent days when a Red Cross unit trying to enter the West Bank of Jordan across the ruined bridges over the River was fired upon by Israeli soldiers. At the same time all efforts by the people of Jerusalem themselves to organize relief have been thwarted. The Greek Patriarch in Jerusalem called for a meeting of all heads of religious communities in the Old City so that they might make plans to help their people. He promptly received a summons from the office of the Israeli military governor who told him that such meetings were forbidden and would only bring trouble to everyone involved. To emphasize this point the Patriarch, a man of about 80 years, was denied the use of his official car and returned to the Patriarchate, a distance of about two miles, on foot.

While the Israeli authorities proclaim to the world that all religions will be respected and protected and

post notices identifying the Holy Places, Israeli soldiers and youths are throwing «stink bombs» in the Church of the Holy Sepulchre. The Church of St. Anne, whose crypt marks the birthplace of the Virgin Mary, has been virtually destroyed and the Church of the Nativity in Bethlehem was damaged. The wanton killing of the Warden of the Garden Tomb by the Israelis was followed by shooting into the Tomb itself in an attempt to kill the Warden's wife. The desecration of the Christian churches, especially the Church of the Nativity and the Church of the Holy Sepulchre, included smoking in the churches, littering the churches and taking dogs inside. Moslem worship has been drastically curtailed.

The deliberate bombing of hospitals in Bethlehem and Jerusalem, destruction of ambulances clearly marked as such, the strafing of doctors retreating on foot from an army hospital, napalm bombs used on retreating soldiers and civilians, terror tactics such as threatening the use of gas in Bethlehem and the kidnapping of children from the Old City of Jerusalem, are all calculated to drive the people out of their homes and country. And the widescale, organized looting of stores and homes are some of the other terrible things which we have seen ourselves. It should be stressed that all of these things are being done by Israeli Army personnel, many of them officers.

While Jerusalem struggles to survive, the world's attention is absorbed by political discussions and the world Christian conscience is being deluded and poisoned by a world-wide hate campaign directed against the Arabs. The fact that this psychological warfare is raining indignities upon people from all Arab countries, and in many instances, involving people we know who have recently returned from Western countries, makes it all

the more diabolical and destructive in its implications than any of the heartbreaking effects of the recent war. This massive propaganda effort launched by world Zionism must be recognized as a diversionary tactic whose ultimate aim is to do nothing less than to finally and completely sever all relationships between the Western world and the Arab world by engendering bitter hatred between the two.

I appeal to every person who reads this letter to answer this campaign of hate with a campaign of Christian love and concern for all the people in the Arab world who are suffering from the effects of aggression, deprivation and malice. I believe that only the immediate and concerted action by people of all faiths the world over will save Jerusalem from demographic and spiritual obliteration.

Sincerely yours,

Nancy Nolan Abu Haydar

Beirut, Lebanon

APPENDICES : TEXTS OF U.N.
RESOLUTIONS ON JERUSALEM

A. GENERAL ASSEMBLY RESOLUTIONS

Resolution No. 194 (III) of 11 December 1948

Establishing a U.N. Conciliation Commission, resolving that Jerusalem should be placed under a permanent international regime, and resolving that the refugees should be permitted to return to their homes.

The General Assembly,

Having considered further the situation in Palestine,

1. *Express* its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. *Establishes* a Conciliation Commission consisting of three States Members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;

(b) To carry out the specific function and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. *Decides* that a Committee Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. *Requests* the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. *Calls upon* the Governments and authorities concerned to extend the scope of negotiations provided for in the Security Council's resolution of 16 November 1948 and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

6. *Instructs* the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. *Resolves* that the Holy Places—including Nazareth—religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. *Resolves* that, in view of its association with three world religions, the Jerusalem area, including 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, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;

Requests the Security Council to take further steps

to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area:

The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;

9. *Resolves* that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. *Instructs* the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

11. *Resolves* that the refugees wishing the return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or

damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;

12. *Authorizes* the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolutions;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards for the protection of the staff and premises of the Commission;

13. *Instructs* the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations.

14. *Calls upon* all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. *Requests* the Secretary-General to provide the necessary staff and facilities and to make appropriate ar-

rangements to provide the necessary funds required in carrying out the terms of the present resolution.*

Resolution No. 303 (IV) of 9 December 1949

Restating the intention that Jerusalem should be placed under a permanent international regime

The General Assembly,

Having regard to its resolutions 181 (II) of 29 November 1947 and 194 (III) of 11 December 1948,

Having studied the reports of the United Nations Conciliation Commission for Palestine set up under the latter resolution,

I. Decides

In relation to Jerusalem,

Believing that the principles underlying its previous resolutions concerning this matter, and in particular its resolution of 29 November 1947, represent a just and equitable settlement of the question,

1. To restate, therefore, its intention that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem, and to confirm specifically the following

* At the 186th plenary meeting on 11 December 1948, a committee of the Assembly consisting of the five States designated in paragraph 3 of the above resolution proposed that the following three States should constitute the Conciliation Commission : France, Turkey, the United States of America. The proposal of the committee having been adopted by the General Assembly at the same meeting, the Conciliation Commission is therefore composed of the above-mentioned three States.

provisions of General Assembly Resolution 181 (II):(1) the City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations; (2) The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority...; and (3) 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, as indicated on the attached sketch-map;

2. To request for this purpose that the Trusteeship Council at its next session, whether special or regular, complete the preparation of the Statute of Jerusalem, omitting the new inapplicable provisions, such as articles 32 and 39, and, without prejudice to the fundamental principles of the international regime for Jerusalem set forth in General Assembly resolution 181 (II) introducing therein amendments in the direction of its greater democratization, approve the Statute, and proceed immediately with its implementation. The Trusteeship Council shall not allow any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem;

II. *Calls upon* the States concerned to make formal undertakings, at an early date and in the light of their obligations as Members of the United Nations, that they will approach these matters with good will and be guided by the terms of the present resolution.

Resolution No. 2253 (ES-V) of 4 July 1967

Calling upon Israel to rescind and desist from measures 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.

Resolution No. 2254 (ES-V) of 14 July 1967

Deploping 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. *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.

B. SECURITY COUNCIL RESOLUTIONS

Resolution No. 250 (1968) of 27 April 1968

Calling on Israel to refrain from holding a military parade in Jerusalem

The Security Council,

Having heard the statements of the representatives of Jordan and Israel,

Having considered the Secretary-General's note (S/8561), particularly his note to the Permanent Representative of Israel to the United Nations,

Considering that the holding of a military parade in Jerusalem will aggravate tensions in the area and will have an adverse effect on a peaceful settlement of the problems in the area,

1. *Calls upon* Israel to refrain from holding the military parade in Jerusalem which is contemplated for 2 May 1968;

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

Resolution No. 251 (1968) of 2 May 1968

Deeply deploring the Israeli military parade in Jerusalem

The Security Council,

Noting the Secretary-General's reports of 26 April (S/8561) and 2 May 1968 (S/8567),

Recalling resolution 250 (1968) of 27 April 1968,

Deeply deplores the holding by Israel of the military parade in Jerusalem on 2 May 1968 in disregard of the unanimous decision adopted by the Council on 27 April 1968.

Resolution No. 252 (1968) of 21 May 1968

Calling on Israel to rescind all measures 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 of the Permanent Representative of Jordan on the situation in Jerusalem (S/8560) 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.

Resolution No. 267 (1969) of 3 July 1969

Calling once more on Israel to rescind all measures to change the status of Jerusalem

The Security Council,

Recalling its resolution 252 (1968) 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 resolutions of the General Assembly and the Security Council 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 taken 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 the present 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 the present resolution.

Resolution No. 271 (1969) of 15 September 1969

Noting the universal outrage at the desecration of the Al Aqsa Mosque and calling on Israel to rescind all measures to change the status of Jerusalem

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 resolution 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's 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 pro-

visions 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 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 the Security Council at the earliest possible date.

Resolution No. 298 (1971) of 25 September 1971

Deploring the failure of Israel to respect U.N. resolutions concerning measures to change the status of Jerusalem

The Security Council,

Recalling its resolutions 252 (1968) and 267 (1969) and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of July 1967 concerning measures and actions by Israel designed to change the status of the Israeli-occupied section of Jerusalem,

Having considered the letter of the Permanent Rep-

representative of Jordan on the situation in Jerusalem (S/10313) and the reports of the Secretary-General (S/8146, S/9149 and Add. 1, S/9537 and S/10124 and Add. 1 and 2), and having heard the statements of the parties concerned on the question,

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

Noting with concern the non-compliance by Israel with the above-mentioned resolutions,

Noting with concern further that since the adoption of the above-mentioned resolutions Israel has taken further measures designed to change the status and character of the occupied section of Jerusalem,

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

2. *Deplores* the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions by Israel purporting to affect the status of the city of Jerusalem;

3. *Confirms* in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the city of Jerusalem including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section are totally invalid and cannot change that status;

4. *Urgently calls upon Israel* to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the City, or which would prejudice the rights of the inhabitants and the interests of the

international community, or a just and lasting peace;

5. *Requests* the Secretary-General, in consultation with the President of the Security Council and using such instrumentalities as he may choose, including a representative or a mission, to report to the Security Council as appropriate and in any event within 60 days on the implementation of this resolution.

C. TRUSTEESHIP COUNCIL RESOLUTIONS

Resolution No. 32 (II) of 10 March 1948

Deciding that the draft Statute of Jerusalem is now in satisfactory form

The Trusteeship Council,

Having been directed by the General Assembly, in accordance with section C of Part III of the Plan of Partition with Economic Union (Document A/516), to elaborate and approve a detailed Statute of the City of Jerusalem within five months from the adoption by the General Assembly of its resolution on the future government of Palestine, and

Having completed its discussion on the draft Statute,

Decides that the Statute is now in satisfactory form and agrees that the question of its formal approval, together with the appointment of a Governor of the City, shall be taken up at a subsequent meeting to be held not later than one week before 29 April 1948.

Resolution No. 113 (S-2) of 19 December 1949

Asking the President of the Council to prepare a working paper on the Statute of Jerusalem

The Trusteeship Council,

Considering that the completion of the preparation of the statute of Jerusalem, with which the Council has been charged by General Assembly resolution 303 (IV) of 9 December 1949, should be effected as soon as possible,

Entrusts the President with the task of preparing a working paper on the statute of Jerusalem in accordance with the resolution of the General Assembly of 9 December 1949, said working paper to be submitted to the Council at the beginning of its sixth regular session in Geneva on 19 January 1950;

Invites the members of the Council, if they so desire, to send to the President written suggestions or observations on the provisions of the draft statute;

Invites the delegations now participating without vote in the deliberations on the question of Jerusalem similarly to present their views if they so desire;

Authorizes the President to ascertain the views of any other interested Governments, institutions or organizations.

The written suggestions and views referred to above shall be submitted to the President not later than 5 January 1950.

Resolution No. 114 (S-2) of 20 December 1949

Requesting Israel to revoke the removal to Jerusalem of certain ministries and departments

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:

(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.

Resolution No. 117 (VI) of 10 February 1950

Deciding to complete the preparation of the Statute of Jerusalem

The Trusteeship Council,

Decides to proceed immediately with the completion of the preparation of the Statute for the City of Jerusalem in accordance with the terms of paragraph 1.2 of

General Assembly resolution 303 (IV) of 9 December 1949.

Resolution No. 118 (VI) of 11 February 1950

Inviting Israel and Jordan to express their views on the revision of the draft Statute of Jerusalem

The Trusteeship Council,

Having decided to embark forthwith, in accordance with General Assembly resolution 303 (IV) of 9 December 1949, on the revision of the draft Statute for the City of Jerusalem prepared by it in 1948,

Considering that the two States at present occupying the area and City of Jerusalem have not so far officially acquainted the Council with their views on the task assigned to it by the General Assembly,

Decides to invite the State of Israel and the Hashemite Kingdom of the Jordan to depute qualified representatives to attend the Council for the purpose of expounding the views of their respective Governments on the revision of the draft Statute for the City of Jerusalem and its implementation.

Resolution No. 232 (VI) of 4 April 1950

Requesting Israel and Jordan to cooperate in the implementation of the Statute of Jerusalem

The Trusteeship Council,

Having approved the Statute for the City of Jerusalem at its eighty-first meeting on 4 April 1950,

Requests the President of the Trusteeship Council:

(a) To transmit the text of the Statute for the City of Jerusalem to the Governments of the two States at

present occupying the area and City of Jerusalem;

(b) To request from the two Governments their full cooperation in view of paragraph II of General Assembly resolution 303 (IV) of 9 December 1949;

(c) To report on these matters to the Trusteeship Council in the course of its seventh regular session.

Resolution No. 234 (VII) of 14 June 1950

Noting the unwillingness of Jordan and Israel to collaborate in the implementation of the Statute of Jerusalem

The Trusteeship Council,

Having received the request of the General Assembly concerning an international régime for the Jerusalem area and the protection of the Holy Places contained in resolution 303 (IV) of 9 December 1949,

Having approved on 4 April 1950 a Statute for the City of Jerusalem in accordance with that resolution,

Having entrusted to its President the mission of transmitting to the Governments of Israel and the Hashimite Kingdom of the Jordan the text of the Statute and of requesting their full co-operation,

Having received no reply from the Government of the Hashimite Kingdom of the Jordan and an expression of views from the Government of Israel as a result of which it appears that neither Government is prepared to collaborate in the implementation of the Statute as approved by the Trusteeship Council,

Decides to submit to the General Assembly the attached report together with copies of the Statute as approved by the Council, the reports of President

Garreau to the members of the Council and the reply of the Government of Israel dated 26 May 1950.

D. UNESCO RESOLUTIONS

Resolution No. 15C/3.343 of October/November 1968

Calling upon Israel to preserve cultural properties, especially in the old city of Jerusalem

The General Conference,

Aware of the exceptional importance of the cultural property in the old city of Jerusalem, particularly the Holy Places, not only to the States directly concerned but to all humanity, on account of their artistic, historical and religious value,

Noting resolution 2253 (ES-V) adopted by the United Nations General Assembly on 4 July 1967, concerning the city of Jerusalem,

1. *Addresses* an urgent international appeal in accordance with the said United Nations resolution, calling upon Israel:

(a) to preserve scrupulously all the sites, buildings, and other cultural properties, especially in the old city of Jerusalem;

(b) to desist from any archaeological excavations, transfer of such properties and changing of their features or their cultural and historical character;

2. *Invites* the Director-General to use all the influence and means at his disposal, in co-operation with all parties concerned, to ensure the best possible implementation of this resolution.

Decision No. 83 EX/4.3.1 of 1970

Expressing deep concern at Israel's violations of the Convention for the Protection of Cultural Properties in the Event of Armed Conflict

The Executive Board,

1. *Recalling* the provisions of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict,

2. *Recalling* resolutions 3.342 and 3.343 adopted by the General Conference at its fifteenth session and decision 4.4.2 adopted by the Executive Board at its 82nd session,

3. *Recalling* the Security Council resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the United Nations General Assembly resolutions 2253 and 2254 of 4 and 14 July 1967 respectively, concerning measures and actions affecting the status of the City of Jerusalem,

4. *Noting* the report of the Director-General (33 EX/12) and the observations submitted by the Commissioners-General in their recent reports (Annexes I, II and III to document 83 EX/12),

5. *Expresses* its deep concern at the violations by Israel of The Hague Convention, of resolutions 3.342 and 3.343 of the fifteenth session of the General Conference and of decision 82 EX/Decisions 4.4.2 of the Executive Board and at the disregard of the Recommendation on Archaeological Excavations which emerge from the reports of the Commissioners-General;

6. *Invites* Israel:

(a) To preserve scrupulously all the sites, buildings and other cultural properties, especially in the old city of Jerusalem;

(b) to desist from any archaeological excavations, the transfer of such properties and any change of their features or their cultural and historical character; and

(c) to adhere scrupulously to the provisions of the above-mentioned Convention, Recommendation, resolutions and decision;

7. *Invites* the Director-General, in agreement with the legally sovereign State concerned and in conformity with the United Nations resolutions mentioned in paragraph 3 of this resolution:

(a) To assist the parties concerned, both public and private, by technical advice relating either to questions of general import or to particular, specific problems and to supplement such advice by technical assistance designed to facilitate its application;

(b) to seek the means of ensuring the rigorous and effective application of the said Convention, Recommendation, resolutions and decision;

(c) to provide world public opinion with objective information on these matters with a view to enlightening its judgement and also to promote, in connexion with the preservation of Jerusalem, a vast movement of understanding and mutual respect between the cultures whose historical roots are there;

8. *Requests* the Director-General to consult the Governments Parties to The Hague Convention on the advi-

sability of calling, as soon as possible, a meeting of the High Contracting Parties with a view to studying means whereby the scope of the said Convention can be made clear and its efficacy enhanced and to report to the Board at its next session on the application of this decision.

Decision No. 88 EX-4.3.1 of 1971

Calling upon Israel to preserve cultural properties, especially Christian and Islamic religious sites in the old city of Jerusalem

The Executive Board,

1. *Recalling* the provisions of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict,

2. *Recalling* resolutions 3.342 and 3.343 adopted by the General Conference at its fifteenth session and decisions 4.4.2 and 4.3.1 adopted by the Executive Board at its 82nd and 83rd sessions respectively,

3. *Recalling* the Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969 and 298 (1971) of 25 September 1971 and the United Nations General Assembly resolutions 2253 and 2254 of 4 and 14 July 1967 respectively, concerning measures and actions affecting the status of the City of Jerusalem,

4. *Having considered* the reports contained in documents 87 EX/31, 87 EX/34, 87 EX/35, 88 EX/46 and 88 EX/47,

5. *Reaffirms* Unesco's concern regarding the implementation of its previous decisions in this matter;

6. *Urgently calls* upon Israel to:

(a) see that the necessary measures are taken for the scrupulous preservation of all sites, buildings and other cultural properties, especially in the Old City of Jerusalem;

(b) desist from any archaeological excavations, the transfer of such properties and any change of their features or their cultural and historical character, particularly with regard to Christian and Islamic religious sites;

(c) adhere scrupulously to the provisions of the above-mentioned Convention and resolutions;

7. *Invites* the Director-General to ensure the presence of Unesco in the City of Jerusalem with a view to securing an efficient implementation of the resolutions of the General Conference and the Executive Board in this respect;

8. *Further invites* the Director-General to report to the Executive Board at its 89th session on the implementation of this resolution.