

DOCUMENTS ON JERUSALEM

Volume I:

1. Jewish Statements and Positions
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PASSIA

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INTRODUCTION

To study Palestinian history in depth requires a familiarity with certain documents that have had an impact upon the unfolding history of the Palestinian cause. The academic responsibility of any researcher necessitates constant referral to different sources of information and a willingness to understand, observe, and analyze facts within the given historical context, both as historical events and as part of a certain political environment, as well as in relation to the different channels of thinking that governed a particular historical moment.

In yet another attempt to facilitate this task, PASSIA undertook a project in the years 1996-97 consisting of the compilation of documents, statements, and other resources pertaining to the Palestine Question in general and the issue of Jerusalem in particular with the intention of providing researchers and anyone else with an interest in the subject matter with a comprehensive resource work on the evolution and course of the Palestinian-Israeli conflict from pre-Ottoman times until the present. The outcome was a volume of documents on Jerusalem and two on Palestine containing the full or partial texts (relevant excerpts) of several hundred statements, documents, and resolutions displaying the attitudes, positions, and proposals associated throughout history with various key players, mediators, and international bodies.

Since all three volumes mentioned above had been out of print for some time due to the great demand for each, PASSIA, in 2006, embarked on a new project, the purpose of which was to research, edit, and publish amended and updated versions of this valuable series of documents.

It was decided, whilst compiling and organizing the huge number of relevant texts to tackle the Jerusalem issue separately due to its special standing within the wider Palestine-Israel conflict. The many proposals put forward over the years in a bid to find a solution to the Palestine Question all recognized the need to pay special attention to Jerusalem be it because of the city's unique status as the historic site of the Holy Places of the three great monotheistic religions, its symbolic nature, or its significance in terms of the national identity of the peoples of the region.

The *Documents on Jerusalem* are arranged by source of origin (e.g., Jewish, Christian, Muslim, European, US, Palestinian, Israeli, Arab, UN, etc.) and, within each sub-category, in chronological order.

The four volumes on Jerusalem list the full texts or extracts relating to the issue of Jerusalem of numerous statements, documents, and resolutions mirroring the different attitudes towards Jerusalem as they have evolved throughout history. They are organized as follows:

VOLUME I:

Part I: Documents with a Religious Background

- Jewish Statements and Positions
- Christian Statements and Positions
- Muslim Statements and Positions

Part II: Political Documents

- European Documents
- US Documents
- International, Bilateral, & Other Documents

VOLUME II:

- Palestinian Documents
- Israeli Documents

VOLUME III:

- Documents from Arab/Islamic States and Organizations

VOLUME IV:

- UN Documents

Each volume includes an electronic version (CD) of the texts it contains, the purpose of which is to facilitate the search for certain sources, subjects, and documents, as well as an annex listing the entries found in other three volumes.

Although we have endeavored to make this publication as reader/user friendly as possible, one should be aware that there is some inconsistency in terms of the spelling of non-English words - names and places (such as Haram Ash-Sharif or *Intifada*) – since we adhered, wherever possible, to the original version rather than apply our usual spelling rules. It is for the same reason that the volumes contain a number of minor typographical errors such as the omission of apostrophes, inconsistent capitalization, and spelling mistakes found in the originals.

Footnotes included in the volumes - excluding those marked “the ed.” - are mostly those that appeared in the original texts though the readership note that the numbering will not necessarily be accordance with the original version.

About This Volume

Volume I presented here looks into the religious claims of the three monotheistic religions - Judaism, Christianity, and Islam - to Jerusalem, all of which relate to different places in the city and all of which are therefore both significant and unique. There is no question that the holiness of Jerusalem complicates any attempt to solve the Jerusalem question and that this holiness is often used or manipulated in order to reach non-religious goals. The fact that Jerusalem is sacred to Muslims, Christians, and Jews alike and the meaning of this religious attachment to the city have always been and will continue to be of major importance. Today, however, it is the geopolitical controversy that has become the dominant factor, forcing religious, historical, and ideological arguments into the background.

Also included in Volume I are statements, positions, decisions, and declarations originating from European, US, and other international sources as well as bilateral agreements and understandings reached between two or more parties to the conflict.

Without exception, the European states as well as the EU consider International Law applicable to Jerusalem and consequently believe that its status has yet to be resolved. They therefore reject the application of Israeli Law in East Jerusalem and support UN Resolutions 242 and 338, both of which call for Israel’s withdrawal from all areas occupied in 1967, including Jerusalem. In addition, not one of the European states recognizes Jerusalem as the capital of Israel, which is the reason why all European embassies are located in Tel Aviv and not in the Holy City.

According to official US policy East Jerusalem is part of the West Bank and not of Israel and the status of Jerusalem, as yet unresolved, should be settled through negotiations. Accordingly, subsequent US administrations have repeatedly stated that no party should make unilateral attempts to change the status of the city, including by resorting to the creation of new settlements there.

However, the US position towards Jerusalem has been inconsistent and apart from establishing and maintaining its embassy in Tel Aviv, the US has yet to take any concrete measures that are in accordance with official US policy. It also considers to release funds for Israel, which have been used, amongst other things, for settlement activity, including in Jerusalem. The US administration's posi-

tion on the various issues relating to the Israeli-Palestinian conflict is subject to change at any moment - but always in the best interest of Israel.

In 1947, the US supported the Partition Plan only until it became clear that the parties directly involved - Jordan and Israel - rejected it. In 1949, the US adopted an approach that foresaw Jerusalem as an undivided city with autonomous Arab and Jewish zones under an international UN commission. In accordance with International Law, the US boycotted throughout the 1950s and 1960s events such as the military parades on Israel's Independence Day in Jerusalem and the opening of the new parliament building on confiscated Arab land in West Jerusalem. After 1967, the US continued to maintain its position that the status of Jerusalem should not be changed unilaterally and should be resolved through negotiation. In this context, it is worth noting that the US Consulate in Jerusalem, which was established during Ottoman times, continues to function independently of the Embassy in Tel Aviv.

However, the official US position has repeatedly been contradicted by US votes at the UN, where the US - as one of the five permanent members of the Security Council that are entitled to veto a resolution - frequently votes against resolutions on Jerusalem and Palestine. Furthermore, since the late 1960s, the US Congress has become increasingly involved in discussions on Jerusalem's future and has even introduced resolutions of its own, including those congratulating Israel on Jerusalem's "unification" and recognizing the city as the capital of Israel. Moreover, today, Jewish settlements in East Jerusalem are no longer declared "illegal" but only "complicating factors" in terms of the peace negotiations. In addition, the US Congress has recently stepped up a campaign to have the US Embassy in Tel Aviv transferred to Jerusalem.

A Final Note

We have done our utmost to uphold our commitment to objectivity and comprehensiveness and thus hope to be excused for entries we may have missed as well as for any other mistakes relating to the production of these volumes.

PASSIA hopes that the *Documents on Jerusalem* will serve as a valuable resource of a scope and comprehensiveness that has never before been available in such a form and that this will be of enormous benefit to anyone interested in tracing the events and various stages relating to the issue of Jerusalem.

Finally yet importantly, I would like to express my sincere appreciation to the entire PASSIA team whose invaluable efforts and teamwork have contributed to the realization of this project.

Special thanks also go to the Representative Office of Finland, Ramallah, for the kind support that made the printing and binding of this publication possible.

January 2007

Dr. Mahdi F. Abdul Hadi
Head of PASSIA

PART I:

DOCUMENTS

WITH A

RELIGIOUS BACKGROUND

1. JEWISH STATEMENTS AND POSITIONS

COMMUNICATION FROM CHIEF RABBI YOSEF TZVI DUSHINSKY TO THE UNITED NATIONS AD-HOC PALESTINE COMMITTEE, 18 NOVEMBER 1947

[Request of Ashkenazi community to give international status to Jerusalem]

To the Secretary General of the United Nations Lake Success.

The Jewish Orthodox community (Eida Hacharedis) of Jerusalem comprising 60,000 souls, objects to the plea of including Jerusalem in the Jewish state and/or its residents becoming automatically citizens of the Jewish state.

Our community demands that Jerusalem be an international zone, under your protection, with full autonomy, and its residents be free citizens of the international zone of Jerusalem.

We beg of you, not to take any action before receiving our memorandum which is being sent by airmail.

Chief Rabbi J. Z. Dushinsky
In the Name of the Ashkenazic Community



MEMORANDUM ON JERUSALEM SENT BY CHIEF RABBI OF THE ORTHODOX COMMUNITY IN PALESTINE, YOSEF TZVI DUSHINSKY, TO THE UN, 19 NOVEMBER 1947

Forward

The declaration of the Mandate government that it will shortly remove its administration from the Holy Land gives us cause to declare our position and our request for guarantee for the existence of the Orthodox Community (Edah Hacharedis) in the Holy City, a Community which existed before the rule of the Mandate Government and which is a continuation of a Jewish Community of hundreds of years, in connection with the proposed status which the United Nations Organisation plans to impose on Jerusalem.

1.

The Community of Orthodox Jews in the Holy City, which looks forward to the fulfillment of the prophecy that all peoples shall be rid of the spirit of animosity and that a brotherhood of nations shall arise, as the Scriptures state: The mountains of the L-rd's house shall be established. . . and all the nations shall flow unto it (Isaiah 2), demands that the city which is sacred to all the nations should remain unique and above all national interests of all peoples. The existence of the Holy City should be secured by a firm international agreement, that under any circumstances which may arise between nations, all parties shall accept the position that it (the Holy City) be considered neutral, and nothing should be done directly or indirectly to change its neutral status.

2.

A greater Jerusalem, given the status of an international zone by international agreement, is the surest guarantee for its neutrality. All efforts should be directed to assure that in this Holy City there should be implemented the unity of international brotherhood towards all Mankind, and to prevent the underlying causes for disharmony and animosity, and to assure the rule of pure G-dliness and religious worship to all who dwell in this city.

3.

Any form of division and splitting up of Jerusalem will have the effect of underscoring the differences between races and religions, which contradicts the principles of harmony tolerance and brotherhood of the inhabitants; and will eventually imperil for the future peace of the city. Jerusalem must unify all its residents. It should be recognized that a citizen of Jerusalem stands above all narrow national interests. Even in the days of David and Solomon Jerusalem was not divided according to the tribal boundaries but belong to all.

On the basis of these principles we sent our cable with our just demand: 1) Not to include Jerusalem in any state and not to parcel it into separate parts. 2) Not to impose on the residents of Jerusalem the citizenship of any state, but solely the citizenship of the Holy City; as a resident of Jerusalem and an international citizen, and this city should be declared an open international city.

By guaranteeing these two points there is every reason to believe that the Holy City shall be the seat of peace, security and international brotherhood.

In the hope that this memorandum shall be promptly brought before the authoritative organs of the United Nations, and in the belief that it shall gain the attention necessary for the fulfillment of our requests which are in accord with the spirit of the United Nations Charter, we hereby affix our signatures with all the respect.



COMMUNICATION FROM THE UNION OF ORTHODOX RABBIS OF AMERICA TO KAREL LISICKY, CHAIRMAN OF THE UN PALESTINE COMMISSION, 13 APRIL 1948

[Telegram concerning international trusteeship of the city]

We the Union of Orthodox Rabbis of America desire to place before you our sense of deepest concern over the security of Jerusalem, a city sacred to all men and women of faith. For thousands of years Jerusalem has been a sanctuary and a Holy City. It has been a spiritual center from which has come forth and will continue to flow consolation to countless multitudes of mankind.

It is with horror which we believe must be shared by millions of religious men and women everywhere, that we have learned of the desecration which armed Arab gangs have been permitted to perpetrate in its holiest precincts. The ancient Wailing Wall, sole remnant of the glories of the Temple of Solomon and holiest sanctuary of Israel, has been profaned by armed hooligans, and Jews who throughout the centuries have prayed at its hallowed stones forcibly prevented from access to its environs. The entire city of Jerusalem with its population of 100,000 Jews has been isolated by hostile forces which threaten the lives of innocent men, women, and children and seek to starve and destroy them.

We call to your attention the discussions in which you participated preceding the decision of the twenty-ninth of November 1947 of the General Assembly of the United Nations to internationalize Jerusalem as the common spiritual heritage of all mankind. In the decision then taken you played a leading and constructive role. We therefore appeal to you and through you to the members of the Palestine Commission of the United Nations to ensure that immediate action be taken to establish forthwith international Trusteeship of the City and to effectuate the decision of the United Nations including the recruitment of a non-Palestinian force to keep the peace in the Holy City.

Union of Orthodox Rabbis of America
132, Nassau Street

Rabbi Israel Rosenberg, Chairman, Presidium
Rabbis El Silver L Levinthal, Presidium
Rabbi L. Skitaer, Executive Director



MEMORANDUM BY NETUREY KARTA OF THE ORTHODOX JEWRY, JERUSALEM, TO THE UN SECRETARY-GENERAL, 18 JULY 1949

[Memorandum by the Orthodox Jewish group Neturei Karta, on the internationalization of Jerusalem]

Honoured Sir,

On behalf of orthodox Jews, the old residents of Jerusalem, we have the honour to address you in the following matter.

We, the orthodox Jews, who are the source of Judaism, who believe in our Heavenly Father and follow the teaching of His divine laws, are the founders of the early Jewish Yishuv in the Holy Land. Our forefathers came to this country at great peril and in conditions of great strain and difficulty have our families been established here. Their goal in coming to live in the Holy Land was inspired simply by the urge to make their dwelling place and raise their children and future generations in an atmosphere of truth and sanctity and to be guided at every step by our God-given law for the unbreakable bond between Jewry and the Holy Land is the

same Torah which has lightened our darkness in exile and proved the solid foundation of our existence in faith and hope. As it is written in the 105th Psalm "God hath given to them the lands of the nations and the strivings of the kingdoms have they inherited that they may guard and heed His holy teaching". Our aim and the aim of our ancestors in coming here had no political or other purpose and brought no injury to anybody for we have been enjoined and bidden to seek the welfare and peace of the land in which we dwell and thus have we lived in peaceful and neighbourly goodwill with all residents in the Holy Land.

When Palestine came under the charge of the League of Nations and Great Britain became responsible as Mandatory the majority of the Jews in the country were strictly orthodox. At that time the Zionists succeeded in bringing into the Holy land a growing stream of Zionist immigrants - people whose ways of life and godlessness were viewed by orthodox Jews established here, with alarm and dismay - fear at the possibility that our children would be misled by the ungodly and dismay at the growing influence and determination of the godless Zionists to be recognized as the representatives and leaders of all Jewry over the whole world. Whatever its origin, present day political Zionism is in direct conflict with Jewish God-given Laws. The Zionists quickly replaced orthodox religious schooling by a national system of education and having taken all sections of the Jewish Community under their wing, these have been organised on a foundation which is alien to Judaism and in fact is so planned as to eliminate religion.

The spiritual leaders of Orthodox Jews in the Holy Land at that time then came out, together with all our sages over the world and Jews who had their faith at heart, into an open campaign against the Zionist domination in the Holy Land. Our Rabbis and sages proclaimed that those who do not adhere to the teaching of our holy laws do not come within the fold of Jewry and do not bear the name of Israel and can never be looked upon as representing the Jewish nation. With a great public outcry our spiritual leaders backed by orthodox Jewry all over the world appealed to the Mandatory Government and to the League of Nations who, after much deliberation of the whole matter with the Mandates Commission, passed a law giving authority to orthodox Jews in exercise of their freedom of conscience, to opt out of the Community organised under Zionist auspices and represented by the Zionist Vaad Leumi which went by the name of Knesseth Israel. This law, although it meant that all official power had been taken out of the hands of orthodox Jews and passed to the Vaad Leumi, nevertheless still granted religious freedom to the orthodox Jews by conferring on them the right to form a separate Jewish community, free and independent of Zionist domination and influence, so that their way of life and education would be pursued without let or hindrance.

Now that the United Nations Commission has handed over the Holy Land to Zionist rule this act appears (Heaven forbid) to set the seal upon the fate of the remaining orthodox Jews in the Holy Land because the various Zionist parties are well experienced and determined to uproot the religious element and to remake the Jew into something altogether different. This has wrecked our hopes and our peace of mind and makes naught of the faith which inspired our ancestors to keep alive the Jewish spirit and teaching in the Holy Land.

In general, orthodox Jewry was opposed to the creation of a Jewish State, more particularly a State under Zionist domination. Testimony to this effect was given before the United Nations Commission when that august body held its sessions in Jerusalem, by the Chief Rabbi Dushinsky (of blessed memory) and by Rabbi Benghis who has replaced Rabbi Dushinsky as head of Orthodox Jewry in Jerusalem. A memorandum to this effect was also submitted but so far, nothing has resulted from these pleadings and representations. We now therefore approach you with the following petition. We feel justified in demanding this from you because, in our opinion, we still come under your charge. We believe that it is by divine will that the United Nations have been made responsible for our welfare in succession to the League of Nations, and since the Mandatory Government resigned trusteeship of the Holy Land, this country and its people come under your care. It therefore rests with you to protect us for we, the orthodox Jews, are counted among the inhabitants of this Holy Land, and we will not give up the right to claim your protection. In the name of humanity, justice and righteousness we appeal to you not to forsake us and not to make us subservient to an authority whose principles and practices violate all that we have been taught to hold sacred and to cherish, and whose avowed intention is to undermine our religious existence. In general therefore we ask you to deliver us from Zionist domination in whatever manner you may deem to be fitting.

Our appeal to the United Nations therefore takes the following form:

1. That a decision be taken and made effective that the whole of Jerusalem, the Holy, should remain under international charge. That this remains a town in which orthodox Jews may live in freedom and independence.
2. To substantiate the fact that in future we, the orthodox Jews, shall be under the protection of the United Nations and that we be given United Nations passports.

3. That the United Nations immediately appoint a responsible person or persons from among its members whose duty it will be to safeguard the rights and interests of orthodox Jews in our Holy Land.

We are confident that in your wisdom and experience, you will understand and appreciate our heartache and all that we have left unsaid even better than we can express it. The very fact that we are compelled to make this appeal speaks for itself. We pray you to do everything possible through the United Nations to lighten our burden and to help us achieve the peace and tranquility which we seek in the service of our Heavenly Father.

We sign ourselves, with the highest respect,

Your most gratefully,
(Signed) Rabbi Amram Blau
Rabbi Aron Katzenelenbogen



**CABLEGRAM FROM THE SECRETARY OF THE NETUREY KARTA COMMUNITY TO THE
PRESIDENT OF THE UN TRUSTEESHIP COUNCIL, 7 FEBRUARY 1950**

see Vol. II: Israeli documents



**MEMORANDUM ON THE CONDITIONS OF ASHKENAZI JEWS FROM THE COUNCIL OF
THE ASHKENAZI JEWISH COMMUNITY, JERUSALEM, 21 FEBRUARY 1950**

Note by the Secretariat:

The following memorandum dated 21 February 1950 from the Council of the Ashkenazic Jewish Community, Jerusalem concerning the future status of Jerusalem was received by the President of the Trusteeship Council and is hereby circulated to the members of the Council.

"The Council of the Ashkenazic Jewish Community of Jerusalem has the honour to submit this memorandum in connection with the decision about to be taken by your exalted Committee to settle the future status of the Holy City, and we crave your earnest attention to our demands and suggestions which effect the lives and the conscience of thousands of orthodox Jews resident in Jerusalem.

FOUNDATION

The Ashkenazic Jewish Community is a link with the Yishuv of Old Jerusalem, established over 100 years ago as a spiritual entity. After the first World War it was re-established under the leadership of the then Chief Rabbi Joseph Hayim Sonnenfeld on whose death the leadership passed to the late Chief Rabbi Joseph Zvi Dushinsky. The present spiritual head of the Community is Rabbi Selig Reuven Benghis.

The Community is made up of orthodox Jews who are content to live here as our parents lived here before us for many generations, and desire no change. The Community's daily life is based on the laws and teachings of the holy Torah (Jewish Laws) which is strictly adhered to in every respect. No trimmings, political or otherwise, are sought or wanted. With the immigration of orthodox Jews from abroad many have joined the Community so that we now number some 30,000 souls.

The Council of the Ashkenazic Jewish Community of Jerusalem takes care of our spiritual needs by the provision of Rabbis, Rabbinical Courts competent to decide questions of Jewish law and personal status, ritual slaughter of meat, dietary (kashrut) requirements and family purity, synagogues, burial, etc., and are looked upon as the supreme authority over orthodox Jews in the Holy Land.

The Ashkenazic Jewish Community has its own separate system of education for its members. A purely theological education whose directors and teachers have no political or party affiliations whatsoever. Our Community also manage their own hospitals, orphanages, Talmudical schools and colleges, relief organisations and social welfare - all under strictly orthodox Jews to serve the Community.

CLAIMS AND DEMANDS

At this vital point in our existence, we approach Your Honours in the name of the thousands of orthodox Jews, long resident in Jerusalem, members of our Community, and appeal to you to secure the inclusion of the following demands within the framework of the future Constitution of Jerusalem.

Our demands may be divided into two categories: Special and General. Special claims are:

- I. Rights and powers of the Council of Ashkenazic Jews in Jerusalem.
- II. Recognition of the Rabbinical Council of Ashkenazic Jews.
- III. Absolute freedom of religious education.

General claims are:

- IV. Jerusalem be proclaimed a Holy City.
- V. Constitution of the Municipality.
- VI. The Holy Places.
- VII. Freedom of business and trade

We will now deal with each demand separately.

I. Rights and Powers of the Council of Ashkenazic Jews:

For reasons of religion and conscience, orthodox Jews are separately organised and represented by the above Council. Under the Mandate when the Zionists were officially recognised as the Knesseth Israel represented by the Vaad Leumi (National Council), orthodox Jews opted out of the recognised Knesseth Israel and would have no connection with them. And since every attempt to compel us to join them in any matter whatsoever is regarded as a violation of religious freedom, we have the honour to claim

- (a) That the Ashkenazic Jewish Community be given recognition as a separate religious community and granted complete autonomy so as to be totally independent.
- (b) Only the elected representatives of the Ashkenazic Jewish Community to be recognized as having authority to represent the Community and to speak and act on its behalf in all matters.
- (c) To make possible and easy the separate requirements of the Ashkenazic Jewish Community in matters of burial and ritual slaughter of meat.
- (d) That power be given to the Council to impose and collect taxes from the members of the Community for the conduct of the Community's affairs. [...]

IV. Proclamation of Jerusalem as a Holy City

The City of Jerusalem is sacred to millions of people all over the world. We therefore have the honour to request that Jerusalem be proclaimed to all the world A CITY OF HOLINESS AND RELIGION. That this City be more inter-religious than international, i.e. that all nations should understand and agree that Jerusalem is a place dedicated to WORSHIP and is outside all political considerations whatsoever. With this end in view, we suggest:

- (a) That Your Honours decide that Jerusalem is outside every matter connected with politics and parties and for her well known and acknowledged sanctity is to become a corner of the Globe within whose confines there shall always be Peace. To prohibit in this City the noise of cannon, sword and gunfire, and to secure that Jerusalem shall not be concerned or affected in any way in the event of hostilities or warfare occurring elsewhere. At least in the Holy City let the prophetic word in the Bible come true: That one nation shall not raise the sword against the other.
- (b) To make easy by every possible means the pursuit and service of religion and to safeguard religious freedom and sentiment, so that orthodox Jews may fulfil their religious duties in the finest manner; and to ensure that no laws are passed which contain provisions that are contrary, however little, to religious freedom.
- (c) To prohibit in the Holy City everything which openly violates religion and all deeds contrary to sanctity and decorum, i.e. dressing indecorously and immodestly, abandoned dancing, mixed swimming baths, etc., and to declare the violation of religion and decorum a breach of the peace, the offender being punishable as a disturber of the peace.
- (d) To permit the settlement in Jerusalem of orthodox Rabbis and religious people, Talmudic students, and elderly persons of 50 years and upwards who desire to spend their old age in an atmosphere of decorum and religious devotion.

V. Constitution of the Municipality:

The Municipality should cover all the inhabitants of the City, of every religion, so that there may be harmony and co-operation in every domestic matter of common interest to all. In this connection we demand:

- (a) That there should be only one Municipality embracing the whole City.
- (b) Its powers shall be confined to domestic matters only, - i.e. provision and maintenance of roads, water supply, electricity, etc.

- (c) The Municipality shall have no concern with matters of education and learning. Every community to be free to conduct its own education according to its religious teaching and conscience.
- (d) The Powers of the Municipality to impose and collect taxes should be restricted to the collection of taxes required for the maintenance of the City's domestic needs, and should have no power to collect taxes for education, learning, or any religious or other matters.
- (e) The right of voting and election to the Municipality, whether active or passive, should be given only to men, and not to women, in order that Jewish religious sentiment may be respected.

VI. The Holy Places:

- (a) There should be free access to Jews from all over the world to all our Holy Places. These are: The Western (Wailing) Wall, Tomb of Mother Rachel, Tomb of the Prophet Zachariyeh, Tombs of the Prophets, Tomb of the Prophetess Huldah, Tomb of Simon the Just and the Tombs of the Sanhedrin, Tombs of the Royal House of David, Jewish Cemetery on the Mount of Olives, the holy synagogues in the Old City.
- (b) To count as holy places all houses of worship, of Torah study, Yeshivoth (Theological Seminaries), religious schools, cemeteries.

VII. Freedom of Business and Trade:

To create harmony and to avoid division, quarrels and envy among the inhabitants of the Holy City, we suggest:

- (a) To secure the freedom of all business, import and export, and all trade in a normal manner and to prohibit monopolies of any and every kind.
- (b) To ensure a general programme of import and export free for all. In the event of the City being divided into Zones (to which we are opposed), we request that the Ashkenazic Jewish Community be allotted a specific share directly and should not be attached to or dependent upon any other body.
- (c) The free pursuit of work and trade. There should be no power given anywhere to compel a worker or tradesman to belong to any particular organization. Every person should have the right to work and earn at will and in peace.

We believe that Your Honours will find in our claims and suggestions a way to secure the peace and happiness of all inhabitants of Jerusalem and safeguard the free exercise of religious learning and service. Should you succeed in realising this, you will have made possible the peaceful living and development of thousands of Jews who staunchly believe in the holiness of Jerusalem and whose families have been resident here for many generations.

We hope and pray that Your Honours will give due weight to our demands and will pass judgment thereon in the spirit of justice and understanding; our sole aim being to raise and uplift the divine glory, the sanctity and beauty of the Holy City.

In the hope that you will see your way to fulfil our claims and accept our suggestions, we have the honour to sign ourselves, with the highest respect.

(Signed) Rabbi Eliahu N. Porusch-Glickman
Vice President of the Council."



**WORLD JEWISH CONGRESS (WJC), DECLARATION ON JERUSALEM, ADOPTED AT THE
WJC 8TH PLENARY ASSEMBLY, JERUSALEM, JANUARY 1986**

DECLARATION ON JERUSALEM

We the representatives of Jewish communities in all six continents, have come to Jerusalem not only to participate in the deliberations of our Plenary Assembly, but as pilgrims to renew our irrevocable commitment to this Holy City as the immemorial center of the spiritual life and aspirations of the whole House of Israel.

We revere this city, as do adherents of other traditions, for what it has given mankind in the past. But as Jews we look also to the future. For we are not wayfarers who pass through the city and are content to remember what once was. We believe with a perfect faith that Jerusalem will yet fulfill its vocation in human history as the city of peace and reconciliation of social justice and human brotherhood. We hear the voice of the Prophet as clearly today as did our fathers twenty-five centuries ago: "I will bring my people from the East country and from the west country. And they shall dwell in the midst of Jerusalem... And Jerusalem shall be called the city of truth."

In the name of this ideal we stand steadfast with the people of Israel in the resolve to maintain the unity and integrity of Jerusalem as the capital of the State of Israel.

In this confrontation Jerusalem is significant because it is symbol of God's kingdom on earth, the symbol of God's relationship to mankind. As long as Jews were not in Jerusalem, Christianity could deny us spiritual authenticity. But now, we are a living people and rethink its theology. There is a deep-seated subconscious refusal on the part of Christianity to allow Jerusalem to be Jewish. Because what is at state here is the very rationale for Christian theology.

The government of Israel and the authorities of this city have brilliantly and conclusively demonstrated that they provide effective guarantees of free access to, and the reverent safeguarding of, the holy places of other faiths; and there can today be not even the shadow of a doubt that freedom of worship for all religious communities will be protected by all the powers of the state. The modern Jewish symbol for our sense of history - not as a moral retreat, but as a symbol of challenge - is the Western Wall, the kotel. When we go to the Wall, what do we see - no beautiful synagogue, not even imposing architectural remains. There's nothing there. Just broken stones, a sense of incompleteness.

We salute, Jerusalem, the city of fulfillment, the city of the future. Neither time nor circumstances can shake our loyalty to this ideal. Our fathers remembered Jerusalem in joy and in sorrow, in freedom and under oppression. Though all the Jewish centuries they affirmed the hope for which it stands in a daily liturgy, and it found expression in the writing of our greatest poets and teachers.

We have come to Jerusalem to make the solemn pledge that we shall remain true to this heritage.



**PROCLAMATION OF THE THIRD INTERNATIONAL CHRISTIAN ZIONIST
CONGRESS, JERUSALEM, 29 FEBRUARY 1996 [EXCERPTS]**

PREAMBLE

We, the delegates to the Third International Christian Zionist Congress, have assembled in Jerusalem this 29th day of February, 1996. This Congress coincides with the 3,000th anniversary celebration of the Jewish presence in Jerusalem, the Holy City of God. Confident in the favor of God upon our endeavors, we have convened for the following purposes:

- To join the celebration of "Jerusalem 3,000";
- To pray for the peace of Jerusalem and to declare our firm position on the future status of the city;
- To demonstrate Christian concern for Israel and the Jewish People;
- To commit our fervent efforts to instruct and persuade Christians and men everywhere of the revealed truths pertaining to Israel and the Jewish People in the Testaments of God an enlightened by the Holy Spirit;
- To deliberate on the positions and measures which we must take to assist Israel and the Jewish People in facing the challenges before them, particularly in response to the Agreements and final-status talks with the Palestinian Arabs, the bilateral talks with Syria, and the need for continuing Aliyah;
- To express our deep concern with and to seek to address the increasing threat posed by radical Islam to Israel, to Christian minorities in the Middle East and to the world, while offering compassionate prayer for those millions of people now in the Islamic faith, and
- To determine the priorities for Christian Zionist efforts in the future.

AFFIRMATION OF CHRISTIAN ZIONISM

After careful consideration and prayer, we join with one heart and mind to declare and decree our firm belief that:

1. The Bible is the inspired Word of God and is the basis of our faith as Christians following the teachings of our Lord and the Apostles and the source of our motivation as Zionists.
2. God the Father, Almighty, chose the ancient nation and people of Israel, the descendants of Abraham, Isaac and Jacob, to reveal His plan of redemption for the world. They remain elect of God, and without the Jewish nation His redemptive purposes for the world will not be completed.
3. Jesus of Nazareth is the Messiah and has promised to return to Jerusalem, to Israel and to the world.

4. It is reprehensible that generations of Jewish People have been killed and persecuted in the name of our Lord, and we challenge the Church to repent of any sins of commission or omission against them.
5. The scattering of the Jewish People throughout the centuries of the Diaspora was ordained by the Lord as corrective, as were previous exiles, and redemptive, bringing the knowledge of the one true God of Israel unto the Gentile nations.
6. The modern Ingathering of the Jewish People to Eretz Israel and the rebirth of the nation of Israel are in fulfillment of biblical prophecies, as written in both the Old and New Testaments.
7. Christian believers are instructed by Scripture to acknowledge the Hebraic roots of their faith and to actively assist and participate in the plan of God for the ingathering of the Jewish People and the restoration of the nation of Israel in our day.
8. The Lord in His zealous love for Israel and the Jewish People blesses and curses peoples and judges nations based upon their treatment of the Chosen People of Israel.
9. Concerning Jerusalem: It is the Holy City of the Jewish People and those of biblical faith. At the time appointed by God, Messiah will return to sit on the everlasting Throne of David in Jerusalem and will reign over all the world in righteousness and peace.
10. According to God's distribution of nations, the Land of Israel has been given to the Jewish People by God as an everlasting possession by an eternal covenant. The Jewish People have the absolute right to possess and dwell in the Land, including Judea, Samaria, Gaza and the Golan.
11. Christians should oppose all forms of discrimination and prejudice (anti-Semitism) against the Jewish People and the Jewish State and should seek to be a comfort and a friend to them.
12. God's choice of Israel was a means to reach the world with His love, Word and redemption. Therefore, fulfilling the Great Commission is vital and flows out of our commitment to Israel.

STATEMENTS AND RESOLUTIONS

1. Because of the sovereign purposes of God for the City, Jerusalem must remain undivided, under Israeli sovereignty, open to all peoples, the capitol of Israel only, and all nations should so concur and place their embassies here. (...)
6. Regarding Islam, we express the following concerns with Muslim attitudes towards Jews and Christians out of a sense of compassion for the millions of people who believe that they follow in the faith of Abraham by way of Islam, and with a commitment to intercede for them, that the Spirit of Truth will reveal to them the true nature of the faith of Abraham:
 - A. We are convinced from a biblical standpoint that the Muslim concept of "Allah" is an anti-Jewish and anti-Christian distortion of how God revealed Himself to the Patriarchs, Kings and Prophets of Israel, and how God has revealed Himself through our Lord. We find these attitudes have their source in the portions of the Qur'an which accuse Jews and Christians of having falsified the revelation of God given in Scripture.
 - B. Those elements within the Islamic faith which promote hatred of Israel and of Jewish peoples bring spiritual bondage, evil and confusion upon themselves, their followers and their nations. Christian compassion demands that all Christians actively seek to free them from any such hatred towards Israel and the Jewish People.
 - C. The Islamic claim to Jerusalem, including its exclusive claim to the Temple Mount, is in direct contradiction to the clear biblical and historical significance of the city and its holiest site, and this claim is of later religio-political origin rather than arising from any Qur'anic text or early Muslim tradition.
 - D. We condemn that radical view now ascendant within Islam which, by its own tenets, advocates violence and Jihad (holy war) as a legitimate means to spread the Islamic faith and advance the Islamic world view. We find the most pernicious expression of such radical views is the belief that a Muslim who sacrifices his very life to kill a Jew receives the reward of instant entry to Paradise. The practice of such beliefs poses an increasingly unacceptable peril to Israel and a grave threat to both the Muslim and non-Muslim peoples throughout the world. These threats must be opposed and challenged by all.



**RABBI ZALMAN B. MELAMED, 'THE WORD - FROM JERUSALEM',
AIRD ON ARUTZ-7, 26 SEPTEMBER 1996**

[Note: Arutz-7 (settler) Radio is a project of Bet-El Yeshiva Center Institutions]

Thank G-d, the government has opened the Hasmonean Tunnel in Jerusalem. The Arabs, for their part, are fuming, and are showing it by rioting and shooting. They do not accept the fact that the Jewish people have a share in Old Jerusalem. Although our political leaders have explained over and over that the tunnel does not pass under the Temple Mount, they refuse to recognize our bonds with the city of Jerusalem.

I am happy and gratified that the government has made this move, which on the face of it is really nothing special - although it was delayed for several years. At the same time, I regret certain remarks of various government ministers that imply that there is a "separation of rights" in Jerusalem, as if to say that the Western Wall is ours, and the Temple Mount is theirs, Heaven forbid. After all, the only value of the Wall for us is the fact that it is the Wall of the Temple Mount, and that it is so close to the Temple. The source of holiness for the Jewish people is within, on the site on which stood our two Temples. Only because of our sins are we in a situation wherein we cannot perform the purification ceremony required to ascend to the Mount. But the fact that we therefore do not enter the site of the Holiness does not imply that our connection to the place is waning; on the contrary, it shows the sublime regard in which we hold the Temple Mount.

We must therefore openly and unabashedly, over and over, declare the simple truth that the entire Temple Mount is ours. It is the site of the two destroyed Holy Temples, and is the place upon which the Third Temple will be rebuilt - soon, with the help of G-d. We have not given up on the Temple Mount, we have no authority to do so, and we will never do so. It is the heart of Jerusalem, of the Land of Israel, of the world - and it is the heart of the People of Israel. We have been promised by the Prophet Isaiah (2,2), "It shall come to pass in the Last Days, that the Mountain of the L-rd's House shall be established on the top of the mountains, and shall be exalted above the hills, and all the nations shall stream unto it. And many nations shall go and say, Come, let us go up to the mountain of the L-rd, to the house of the G-d of Jacob; and He will teach us of His ways, and we will walk in His paths; for out of Zion shall go forth Torah, and the word of the L-rd from Jerusalem." We are closer to the fulfillment of this prophecy today than we have ever been. Even when we were in exile, we never abandoned our claim to the Temple Mount - how much more so now that we have returned to Jerusalem.

The Arab response to the opening of the tunnel in Jerusalem shows us precisely how important it was to make such a move. It is an indication of how crucial it is to perform actions that show that Old Jerusalem is ours forever. It is not open for negotiations, and we do not have "partners" in controlling it. It is totally ours. The Arab response, using the weapons that we allowed them, is merely a harbinger of things to come if, G-d forbid, the Israel Defense Forces withdraw from the city of Hebron. Following such a scenario, every house that is built, or every wall or garden that is established, could cause riots that could seriously endanger the Jewish community there. It is therefore forbidden to give up control over any part of the city of Hebron. We must call upon the Jewish public to visit the old city of Jerusalem, and not to be scared, but rather to show and strengthen our presence throughout the walled city. It is our city, our holy city, the city of G-d, the city in which our Kings ruled, the City of David, the Eternal City, the city that will be rebuilt speedily in our days, Amen.



THE ORTHODOX UNION RESPONSE TO PRESIDENT CLINTON'S WAIVER OF JERUSALEM EMBASSY ACT FUNDING SANCTION, 18 JUNE 1999

The Union of Orthodox Jewish Congregations of America is profoundly disappointed that President Clinton has chosen to waive the funding sanctions of the Jerusalem Embassy Act of 1995.

This action will, unfortunately, be misconstrued by Israel's enemies to suggest that Jerusalem's future status is somehow uncertain. As the President himself acknowledges, the waiver of funding sanctions does not change his Administration's legal obligations to obey the law of the land and recognize united Jerusalem as the capital of Israel in word and deed. We call upon President Clinton to take every appropriate measure to do so, particularly in the context of the Israel-Palestinian "final status" negotiations.



JEWISH PEACE LOBBY, "RABBINIC CALL FOR A SHARED JERUSALEM," 19 JANUARY 2000

[This petition, signed by over 300 mainly Reform rabbis, was organized by Prof. Jerome Segal of the University of Maryland, who earlier designed a survey (with the Guttman Institute) on Israeli Jewish attitudes on Jerusalem. Initially, the identities of only some of the rabbis were made public. The New York weekly Forward was the first to publish the petition on 11 Feb. 2000 with the names of all 316 signatories.]

For 3000 years Jerusalem has been at the center of Jewish religious and national consciousness. For more than a thousand years, Jerusalem was the capital of the Jewish state, and the Temple on the Temple Mount was the center of Jewish religious life. For almost two thousand years since then, the return to Jerusalem was symbolic of the return of the Jewish people to self-determination. Jerusalem was the constant object of Jewish

prayer: "Next Year In Jerusalem." Today, Jerusalem is once again the capital of Israel, and the rightfulness of the Jewish presence and Jewish sovereignty in Jerusalem is unchallengeable.

The question is whether Jerusalem should be under the *exclusive* sovereignty of one nation. The question is whether the pursuit of both justice and lasting peace requires that, in some form, Jerusalem be shared with the Palestinian people. We believe that it does. We call for a shared Jerusalem, and, in support of this position we urge attention to the following considerations:

- Failure to resolve the Jerusalem question runs the risk of replacing the more diffuse Israeli-Palestinian conflict with a Jerusalem-centered conflict - one that may prove even more dangerous and horrible than what we have witnessed during the last several decades.
- The "Jerusalem question" can be solved. Most Israelis do not view the current municipal boundaries as sacrosanct. Substantial numbers would give serious consideration to Palestinian sovereignty over parts of East Jerusalem. Many would favor a redefined city that was smaller but more thoroughly Jewish in its population. Both Palestinians and Israelis are open to creative solutions for sidestepping the most difficult issues, such as sovereignty over the Temple Mount. The 1996 discussions between Israeli and Palestinian leaders (Yossi Beilin and Abu Mazen) demonstrated this. What is needed is political leadership that is imaginative and committed to genuine compromise.
- Much of the area of present-day municipal Jerusalem can be removed from controversy. The current boundaries of Jerusalem, as determined by the Israeli government, bear little relationship to the Jerusalem that has been the object of veneration by three religions over the centuries. Until the middle of the nineteenth century Jerusalem was the "Old City," an area constituting only 1% of the present city.
- The area that is currently known as East Jerusalem is an arbitrary entity that emerged only thirty years ago. Only 10% of it represents that Eastern part of the city from which Israel was excluded access during the period of Jordanian control. The other 90% was West Bank territory grafted onto the city by the Israeli government several weeks after the cessation of the 1967 war.
- Much of East Jerusalem is not an urban area at all. Rather, it is a sprawling undeveloped space, within which still sit isolated Arab village areas. These areas, as well as others where Palestinians live (outside of the Old City) are of distinctly lesser importance to Israelis. Similarly, the areas of Jewish residence (outside the Old City) are of distinctly lesser importance to Palestinians. Thus, the potential exists for two distinct municipal areas, Al-Quds and Yerushalayim that would overlap on the Old City.
- Palestinians, be they Muslims or Christians, have rights in regard to Jerusalem that are worthy of respect. For almost the entire history of Islam, with the exception of the Crusader era and certain periods of the 20th century, Jerusalem was under the rule of Muslims. It was towards Jerusalem that Muslims first prayed, and it is from the Temple Mount in Jerusalem that Mohammed is believed to have ascended to Heaven to receive his final revelation. Thus, it is natural that Muslims would also view Jerusalem as their city. And for Christians, Jerusalem is the Holy City within the Holy Land, the central locus of the formative events of their religious experience.
- Today, there are some 180,000 Palestinians who live in East Jerusalem, making it the largest urban concentration in the West Bank. These Palestinians, though eligible, have refused to become Israeli citizens; they voted in the Palestinian elections for their Legislative Council, and if there is a Palestinian state, it is likely that these Jerusalemites will become citizens of that state. Approximately one out of every eight Palestinians in the West Bank/East Jerusalem region falls into this category.
- The Old City, the area of greatest contention, has a population of 30,000; of its residents some 90% are Palestinians.

These factors cannot and should not be ignored. They do not undermine the significance of Jewish rights to Jerusalem, but they strongly justify searching for an alternative to an exclusive Israeli sovereignty. Such an alternative can be found, and when it is achieved, it will not only provide for an Israeli-Palestinian accord on Jerusalem, it will lay the basis for a wider Islamic recognition of Jewish and Israeli rights in Jerusalem. As such, it will be the strongest basis for lasting peace. Indeed, for both Islam and Christianity the importance of Jerusalem emerged not from their rejection of the Jewish prophetic tradition, but from their efforts to incorporate it. All three faiths view Abraham as their seminal patriarch and prophet, and it is through achieving "the Peace of Jerusalem" that humankind may aspire to lasting reconciliation among these Abrahamic religions.



**ORTHODOX AND CONSERVATIVE RABBIS, JOINT STATEMENT ON JERUSALEM,
20 JANUARY 2000**

[A day after the above petition was issued by Reform rabbis, the central bodies of the Conservative and Orthodox rabbis issued a counter petition. While not actually signed, the statement represented the memberships of the two organizations Rabbinical Assembly and Rabbinical Council of America.]

The Rabbinical Assembly, comprising 1,500 Conservative rabbis, and the Rabbinical Council of America, comprising over 1,100 Orthodox rabbis, have jointly issued a statement reiterating their previously declared organizational policies that Jerusalem is the united and indivisible capital solely of the State of Israel. Historically, Israel alone has demonstrated its ability to guarantee free access to holy sites of all faiths and will continue to promote this policy.

The R.A. and the R.C.A. view with great dismay the statement released by 300 unnamed rabbis, which wishes to promote a "shared Jerusalem." The State of Israel has committed itself to face-to-face negotiations with the Palestinians, and only Israel and her neighbors should determine conditions for peace.



**SPEECH BY CHIEF RABBI ISRAEL MEIR LAU AT THE INTERRELIGIOUS MEETING AT THE
PONTIFICAL INSTITUTE, NOTRE DAME, JERUSALEM, 23 MARCH 2000**

[Speech on the importance of the city of Jerusalem for the Jewish people]

Our very distinguished and honored guest, the Pope John Paul II, "Baruch Haba Welcome", my colleague Sheikh Taysir Tamimi, dear guest, friends, ladies and gentlemen,

I will start with a few words of our Hebrew Language, the language of the bible, our holy book. The same words repeated by the prophets Isaiah and Micah say the following to summarize the prophecy of Micah, I will only mention a few sentences of it:

"But in the last days it shall come to pass, that the mountain of the house of the Lord shall be established on the top of the mountains, and it shall be exalted above the hills; and peoples shall stream towards it. And many nations shall come and say, Come, and let us go up to the mountains of the Lord, and to the house of the God of Jacob; and he will teach us of his ways, and we will walk in this paths: for Torah shall go forth from Zion, and the word of the Lord from Jerusalem. But they shall sit every man under his vine and under his fig tree; and none shall make them afraid: for the mouth of the Lord has spoken it. For let all people walk everyone in the name of his god, and we will walk in the name of the Lord our God forever and ever." (Micah 4)

Dear friends,

Everyone has his way of serving the Almighty, but one way is common and must be common for all mankind, all the believers of all the religions, especially the brother of the monotheistic faith. Peace, friendship, understanding, listening to one another, even though we do not agree with everything. In spite of all obstacles and differences to overcome obstacles and differences we have to speak, we have to listen. We are ready to go from place to place, from one continent to the other, from one century to another, offering a hand, speaking about peace.

In the name of this city, the holy city of Jerusalem, the eternal capital city of the people of Israel. Its very name has the meaning of peace. There was a debate because two personalities called this city different names. Abraham called it "Yireh", after binding his son Isaac on the Mount of Moriah (Genesis 22). But Shem, son of Noah, Great-grandfather of Abraham called this city "Shalaim" (Genesis 14). According to our sages, the Almighty came and said: "Shem, the son of Noah, called it "Shalaim", Abraham, my beloved son, called it "Yireh". I will make a combination of both names and I will put peace amongst these two personalities: "Yireh-Shalaim" = "YeruShalaim" = "Yerushalayim". One long name, yet a name of peace, of a combination of both "Yireh" and "Shalaim".

We know the secret that peace can never be achieved by leaders only, even spiritual leaders, even leaders of this level, of this highest standard. Peace can be accomplished only if it will be followed by the leaders of mankind, populations, nations, the people, families. Step by step, we must adopt peace, not only in public speeches, but also integrate peace in the daily framework. This is a good start, this is a bridge. Here you can learn what is the target, what is the destination, what we are asking for.

Take the Hebrew Language. We do not know what it means when two people meet and say "Hi", or when two people separate and say "Bye". There is no "Hi" and no "Bye"; there is only "Shalom". "Shalom" when we meet, and "Shalom" when we depart. "Shalom Aleichem" (peace be to you), "Aleichem Shalom" (To you be peace), "Bruchim Habaim" (blessed are those who come) always with the word of "Shalom". This is the climax of our prayers. Three times a day we ask the Almighty to "put peace, goodness, and blessings upon us and all of the people of Israel". This is our prayer, our dream, and our wish. Who else like us, a nation who suffered so much, who sacrificed so much, understands the need, the urgent need for peace, understanding and friendship?

If you will permit me; you remember the prophecy of Isaiah, speaking about the time in the future, when the branch of the tree of Yishai, of King David, the Messiah will arrive:

"The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf and the young lion and the fatling together; and a little child shall lead them. And the cow and the bear shall feed; their young ones shall lie down together; and the lion shall eat straw like the ox. And the nursing child shall play by the hole of the cobra, and the weaned child shall put his hand on the vipers nest. They shall not hurt nor destroy in all my holy mountain: for the earth shall be full of knowledge of the Lord, as the waters cover the sea." (Isaiah 11:6-9)

Your visit here, your coming here, the recognition of the Jewish independent State of Israel, the recognition of Jerusalem as its united eternal capital city, in Yad Vashem when you came and you shared with us your memories from the dark days of the Holocaust, you are the real bridge and hope for understanding for friendship and hopefully for brotherhood.

All the best to you, and God shall bless you all!



**ORTHODOX UNION APPLAUDING ARIEL SHARON'S VISIT TO THE AL-AQSA COMPOUND
AND DEPLORING PROPOSAL OF UN JURISDICTION, 28 SEPTEMBER 2000**

The Union of Orthodox Jewish Congregations of America today praised Ariel Sharon for reasserting the right of Jews to visit the Temple Mount. Jerusalem under the sovereignty of the State of Israel is a free and open city to all faiths and Jews should be able to visit the Temple Mount. Israel has upheld its moral and ethical obligations to the people of the world by granting access to all religious holy sites of all faiths. It is intolerable that Jews cannot visit the Temple Mount without threats of riots and violence by the Palestinians. The very fact that threats are made by the Palestinians when a Jewish official elects to visit the Temple Mount is reason enough to make sure that the Temple Mount remains under exclusive Jewish sovereignty so that no one of any faith is denied access to a holy place.

The Temple Mount, *Har Habayit*, is sacred to the Jewish people and is our national treasure. We deplore any consideration of granting the United Nations Security Council jurisdiction over the Temple Mount. The UN has never accepted Israeli rights and sovereignty in Jerusalem. This has long been central to the discriminatory treatment of Israel that has been demonstrated by the United Nations throughout its institutions and overall structure. Past UN resolutions on Jerusalem have deemed it "occupied territory". UN refusal to recognize Israel's sovereignty over Jerusalem makes Israel the only country in the world that does not have a sovereign right to choose its own capital. Israel cannot allow *Har Habayit* to be under the jurisdiction of a body that has been politicized against Israel for many years. We deeply oppose this proposal and reiterate our firm belief that all of Jerusalem must remain undivided under the sole sovereignty of the State of Israel.



**LETTER BY PROFESSOR JONATHAN SACKS, UK CHIEF RABBI, TO EHUD OLMERT,
MAYOR OF JERUSALEM, AFFIRMING THE IMPORTANCE OF JERUSALEM FOR THE
JEWISH PEOPLE, JANUARY 2001**

I will not be joining you at the Jerusalem Rally on Monday because of my concern that, despite the intentions of the organisers, it will be seen as a political gesture in the midst of an election campaign. As a matter of principle I do not believe that religious leaders should be involved in party politics, and therefore I shall not attend.

I would not wish the moment to pass, however, without making clear my support on a matter which transcends politics.

In all of history there is no story to compare with the love of the Jewish people for Jerusalem the holy city, and in particular, the Temple Mount. It was here, almost 4000 years ago, that Abraham and Isaac walked to their great trial of faith; here that 3000 years ago, David established the capital of the Jewish kingdom and Solomon built the Temple as the earthly home of G-d. It was to this spot that Jews, wherever they were across the globe, turned their faces and thoughts in prayer.

Two and a half thousand years ago, after the destruction of the First Temple, the Jewish exiles in Babylon made a vow which we, their descendants, have kept ever since. "If I forget you, O Jerusalem, may my right hand forget its skill. May my tongue cling to the roof of my mouth if I do not consider Jerusalem my highest Joy." Jerusalem is the home of the Jewish heart and the heart of the Jewish home. Israel my no more give away the Temple Mount than a human being may donate his heart. We may not save someone else's life at the cost of our own.

A thousand years before the birth of Christianity, more than one-and-a-half thousand years before the birth of Islam, the people of Israel were given Jerusalem as a sacred trust on behalf of G-d and humanity as a whole. From King Solomon's great prayer at the inauguration of the Temple to the prophetic visions of the time to come, Jerusalem was seen as a place which people of many faiths would consider holy. The Jewish people was charged to be its guardian, not for their sake only, but for the sake of all those who turned to heaven in prayer.

That is what the State of Israel has done since 1967. With care and sensitivity it has preserved, for all faiths, access to their holy sites, in sharp contrast to the systematic desecration of Jewish holy sites that took place between 1948 to 1967, when Jerusalem was under different hands. Israel has both the right and duty to continue its supervision of the Old City, under the arrangements that have served many faiths and denominations so well until now.

Israel is a State, but it is more than a State. It is the continuation of the story of the people of the covenant that stretches across more centuries and continents than the story of any other people. Jewish history - which extends for three - quarters of the history of the civilisation of mankind - has been, almost from the beginning, a journey towards Jerusalem. It stands at the epicentre of Jewish memory and hope. Is it conceivable that the Jews of any generation could give away the holy of holies of the Jewish should - so that instead of saying "Next year in Jerusalem" we should be condemned to say, "Last year in Jerusalem" it cannot be. None of us, not even a democratically elected government of Israel, has the authority to abandon the prayers and dreams of a hundred generations of our ancestors.

Therefore I pray with you for the peace of "Jerusalem rebuilt as a city united together," the city we hold as G-d's guardian for the sake and benefit of mankind.



THE ORTHODOX UNION'S INSTITUTE FOR PUBLIC AFFAIRS, A PROCLAMATION OF SOLIDARITY WITH JERUSALEM IN THE 35TH YEAR OF REUNIFICATION AND IN THE 54TH YEAR OF THE STATE OF ISRAEL, MAY 2002

Whereas 2002 marks fifty-four years of independence of the State of Israel, a modern-day miracle we are fortunate to witness in our time, and;

Whereas King David first declared Jerusalem the capital of ancient Israel nearly 3000 years ago, and;

Whereas over the centuries of exile from Israel, there has always been a continuous Jewish presence in Jerusalem, and;

Whereas Jerusalem has always remained the focus of national, religious, and spiritual aspirations to the Jewish people despite their exile, and;

Whereas access to the holy sites in the city was regularly denied to worshippers during the many years Jerusalem was held by outside conquerors, and;

Whereas Jerusalem was divided in two following Israel's War of Independence and one half of the city was barred to Jews, and;

Whereas Jerusalem was reunited by Israel 35 years ago, and;

Whereas in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capital of Israel, "must remain a united city," and reaffirmed it on March 17, 1994, and;

Whereas 93 United States Senators joined in March of 1995 in an unprecedented public letter to Secretary of State Warren Christopher declaring that "Jerusalem is and shall remain the undivided capital of the State of Israel", and that "the United States Embassy belongs in Jerusalem," and;

Whereas in October 1995 the Senate reaffirmed in a loud, near unanimous vote that United Jerusalem is the capital of Israel and declared that it is the policy of the United States to relocate our embassy to Jerusalem where it has always belonged, and;

Whereas this year marks the 35th year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected, and;

Whereas throughout its long history Jerusalem was controlled by many sovereigns, but served as the capital *only* of the Jewish nation, and;

Whereas Jerusalem is the eternal, united capital of Israel, and;

Whereas the status of Jerusalem as the capital of Israel continues to be challenged;

Therefore it be resolved that we, the membership of the _____ (synagogue, school, or organization chapter) join with the Orthodox Union, the Rabbinical Council of America, the people of Israel, and the Jewish community of the United States of America in reaffirming that Jerusalem is and must remain the eternal capital of Israel, united and under Israeli sovereignty and that we will increase our efforts to educate American policy-makers and the public about the unique status of Jerusalem in the life of Israel and world Jewry and will strongly urge our government to move the United States Embassy from Tel Aviv to Jerusalem as legislated by the United States Congress.



**UNION OF ORTHODOX JEWISH CONGREGATIONS APPLAUDING THE US HOUSE PASSAGE
OF PROVISIONS ON INTEGRITY OF JERUSALEM IN THE FOREIGN RELATIONS
AUTHORIZATION ACT, 22 JULY 2005**

Today, the Union of Orthodox Jewish Congregations of America - the nation's largest Orthodox Jewish umbrella organization, through its Institute for Public Affairs, applauded yesterday's passage by the US House of Representatives of the Foreign Relations Authorization Act including provisions recognizing the integrity of Jerusalem as the capital of the State of Israel.

The bill as passed contains three provisions consistent with longstanding US policy recognizing Jerusalem as the capital of Israel:

- 1) A provision which ensures that in issuing a US passport to a US citizen born in Jerusalem, the State Department shall, upon the request of the newborn's guardian, list 'Israel' as the place of birth. (This directs a change in current practice under which the listing is simply 'Jerusalem' with no country identified.)
- 2) A provision which disallows the use of federal funds to operate the US Consulate in East Jerusalem unless, like all other consulates around the globe, that consulate is under the supervision and authority of the US Ambassador to Israel. (Currently, the East Jerusalem Consulate reports directly to the State Department as if it were an embassy in a separate nation.)
- 3) A provision that requires and funds expended to publish any official US Government document listing nations and their capital cities to list Jerusalem as the capital of the State of Israel.

Nathan Diament, director of public policy for the Orthodox Union, issued the following statement in reaction to yesterday's House action:

"The Orthodox Jewish community is deeply gratified that the US House of Representatives, on a bipartisan basis, has enacted these provisions as part of the Foreign Relations Authorization bill. It has long been the policy of the United States to recognize that sovereign nations have the right to designate their capital cities. In the case of Israel, that capital is the city which has been the heart of the Jewish People for millennia - the holy city of Jerusalem - which is, and must remain, the eternal and indivisible capital of the State of Israel.

The provisions passed by the House are simple and reasonable implementations of standing US policy which should not be ignored on the basis of "diplomatic sensitivities." We call upon friends of Israel and the Jewish community in the US Senate to ensure these provisions are maintained in the final version of this legislation.

While we appreciate the Administration's institutional interest to direct America's foreign policy, we nonetheless appeal to the President - as one who has been a staunch friend of Israel throughout his tenure - to withdraw the Administration's opposition to these modest and sensible provisions and allow them to implement US policy."



2. CHRISTIAN STATEMENTS AND POSITIONS

PEACE TREATY OF JAFFA CONCLUDED BETWEEN HOLY ROMAN EMPEROR FREDERICK II (THE GREAT) OF HOHENSTAUFEN AND SULTAN OF BABYLON AND DAMASCUS MALIK AL-KAMEL, REPRESENTED BY FAKHR EL-DIN, JAFFA, 11 FEBRUARY 1229

[Emperor Frederick II was sent by Pope Gregory IX to be the leader of the crusade in Palestine. He arrived in 1228, but instead of leading a crusade he played a game of diplomacy: he won over Malik Al-Kamel, the Sultan of Egypt, who was at war with the Prince of Damascus, and concluded the following treaty with him, according to the terms of which Jerusalem, Bethlehem, and Nazareth were restored to the Christians. On 18 March 1229, without any religious ceremony, Frederick assumed the royal crown of Jerusalem in the Church of the Holy Sepulchre. In 1230, the pontiff ratified the Treaty of Jaffa]

Article 1

The Sultan remits Jerusalem to the Emperor and his prefects. The Emperor can dispose of and protect Jerusalem as he pleases.

Article 2

The Emperor shall respect the inviolability of Golgatha, not only with regard to the *Temple of Salomon* and the *Temple of Our Lord*, but also with regard to the surrounding wall and the related structures. He shall not tolerate any disturbance whatsoever of these Holy Sites, not even by Franks of whatever generation. And he shall see to it that they will place these sites into the hands and protection of the Sarrazins without charging anything, so that the latter may conduct their prayers there and proclaim their law without either interdiction or contradiction, and that the keys to the doors of the enclosure of these Holy Sites shall forever remain in the hands of its servants and guardians.

Article 3

No Sarrazin [i.e. all non-Catholics, be they Christian Orthodox, Copt, Jewish or Muslim, Arab, Egyptian, Kurd or Turk] shall be prevented from travelling innocently on pilgrimage to Bethlehem.

Article 4

A Franc deeply appreciating the majesty and dignity of the *Temple of Our Lord* may worship there. However, if he lacks that faith, his presence in that place shall not be allowed.

Article 5

A Sarrazin who caused damage to another Sarrazin while in Jerusalem shall be brought before a Sarrazin court.

Artikel 6

The Emperor shall not assist any Franks or Sarrazins engaged in fighting, or intending to fight, any other Sarrazins. If war breaks out, he will also not assist or cause anybody to assist or become an ally of those who started the hostilities. And he will neither join the latter, nor assist them with either provisions or troops.

Article 7

The Emperor will turn away all those with bad intentions both from the territory of the Sultan Malik Al-Kamel and from the territory which is the object of the truce and, as much as possible, he will defend these territories with the armed forces of his vassals and of his imperial guard as well as with his treasures.

Article 8

In the event of Franks intending to act in contradiction of the stipulations of this treaty, the Emperor shall defend the Sultan and prevent his vassals and armed forces from any such actions.

Article 9

Tripolis and its territorium, Chrach, Castel Blanc, Tortose, Margat and Antiocha and what, be it in times of war or peace, will be found there, shall remain in their status. The Emperor shall prevent any assistance to the leaders of these towns which might be given by his people, armed forces or residents or visitors of this territory.



PAPAL ENCYCLICAL "IN MULTICIBUS", 23 OCTOBER 1948

[Encyclical letter with a focus on holy places with a concern for their destruction and violations. The letter also supports internationalization of Jerusalem and advocates free access to holy places]

Amidst the many worries which beset us in these days, so fraught with consequences decisive for the life of mankind and which make us feel all the more the burden of the Supreme Pontificate, that caused by the war now convulsing Palestine occupies a special place.

We can say with all truth, Venerable Brethren, that neither joyful nor sorrowful events can lessen the sorrow which sears our soul at the thought that the blood of men continues to flow freely on the soil on which our Saviour Jesus Christ shed his blood to bring to all humanity without distinction redemption and salvation; that under those skies through which echoed, on that prophetic night, the evangelical message of peace, fighting continues, the misery of the poor and the fear of the affrighted are increasing, while thousands of refugees straying and driven from their homes wander from their country in search of shelter and food.

And what makes our grief even more intense are not only the reports which continually come in to us of the destruction and damage suffered by Holy Places, but also the anxiety which these reports arouse in us for the fate of the same Holy Places which, scattered through all of Palestine and especially on the soil of the Holy City, were sanctified by the birth, life and death of our Saviour.

It is not necessary to assure you, Venerable Brothers, that surrounded by the spectacle of so many evils and envisaging even greater evils, we did not close ourselves up in our grief, but we have done everything in our power to find a remedy for them.

Speaking even before the armed conflict began to a delegation of distinguished Arabs come to render us homage, we manifested our lively solicitude for peace in Palestine and condemning every recourse to acts of violence, we declared that this peace could not be brought about except in truth and justice, that is, in respect of everybody's right of the acquired tradition, especially in the religious field, as also in the strict fulfillment of the duties and obligations of each group of the inhabitants.

Once war was declared, without abandoning the attitude of impartiality imposed on us by our apostolic mission, which places us above the conflicts which agitate human society, we did not fail to bend our effort in so far as seems feasible to us and according as the occasion offered for the triumph of justice and peace in Palestine and for the respecting and safeguarding of the Holy Places.

At the same time, although beset by the numerous and pressing appeals which daily reached this apostolic see, we have endeavored to come to the aid of the unhappy victims of the war and we have sent to our representatives in Palestine, in the Lebanon and in Egypt, the means at our disposal. We have also encouraged the launching and extension by the Catholics of various countries, of charitable enterprises for the same purpose.

Convinced too, that human means will not suffice to find an adequate solution to a problem, the exceptional complexity of which is apparent to everybody, we have had above all recourse to the great means of prayer. In our recent encyclical letter "Auspicia Quaedam" (certain tokens) we invited you, Venerable Brothers, to pray and to get the faithful entrusted to your pastoral care to pray so that, under the auspices of the Most Holy Virgin, differences may be settled with justice and peace and concord return to Palestine.

We know that our appeal was not addressed to you in vain. Nor are we unmindful that while we in union with the whole Catholic world were exerting ourselves for peace in Palestine by our prayers and efforts, men of good will, to whom we gladly pay a tribute of praise, were multiplying their noble efforts for the same purpose without regard for the dangers and sacrifices which they incurred.

Nevertheless, the continuance of the conflict and the increasing growth of the moral and material losses which inexorably accompany it, induce us to renew our appeal to you with still greater insistence, in the hope that it may be hearkened to by the whole Christian world.

As we stated to the members of the Sacred College of Cardinals on June 2nd last, in acquainting them of our anxiety for Palestine, we do not believe that the Christian world could look on with indifference or with barren indignation, while the Holy Land, to which all approached with the greatest reverence and kissed with the most ardent love, is still being trodden by troops at war and subject to air bombardments. We do not believe that it could allow the devastation of the Holy Places to become complete, the great Sepulchre of Christ to be destroyed.

We are confident that the fervent appeals arising to the omnipotent and all-merciful God from the Christians scattered throughout the world, together with the hopes of so many noble hearts ardently solicitous for what is true and good, will serve to render less arduous for the men who governed the destinies of peoples the task of giving to Palestine the real benefit of justice.

We are convinced that these supplications and hopes, indicative of the value that such a large number of people attribute to the Holy Places, will deepen the conviction in the high assemblies in which the problem of peace is being discussed that it would be expedient, as a better guarantee for the safety of the sanctuaries under the present circumstances, to give an international character to Jerusalem and its vicinity where so many and so precious reminders of the life and death of our Saviour are to be found. It is also necessary to assure the international guarantees both the right of free access to the Holy Places scattered throughout Palestine and the freedom of religion and the respect for customs and religious traditions.

And may the day soon come when men will again have the possibility of going in pious pilgrimages to the Holy Places to find there again revealed, in those living monuments of the love which exalts itself in the sacrifice of life for others, the great secret of the peaceful co-existence of all peoples.

With this hope we impart from our heart to you, Venerable Brothers, to your faithful and to all those who will take our appeal to their hearts, our apostolic blessing as a pledge of divine favours and in token of our benevolence.



POPE PIUS XII, 'REDEMPTORIS NOSTRI CRUCIATUS,' ENCYCLICAL ON THE HOLY PLACES IN PALESTINE, 15 APRIL 1949 [EXCERPTS]

[Encyclical imploring for the cessation of hostilities and asking for due immunity and protection to be guaranteed to all the Holy Places of Palestine, not only in Jerusalem]

To the Venerable Brethren the Patriarchs, Primate, Archbishops, Bishops, and other Ordinaries in Peace and Communion with the Apostolic See.

1. The passion of Our Redeemer, rendered present, as it were to us during these days of Holy Week, makes the minds of Christians turn with deepest reverence to that land which Divine Providence willed to be the cherished home-country of the Word Incarnate, and in which Christ Jesus lived His earthly life, shed His blood and died.
2. Yet at the present time, as We recall the memory of those Holy Places with more ardent devotion, Our heart is full to overflowing with keenest anxiety because of the difficulty and uncertainty of the situation which there prevails.
3. During this past year, We have urged you insistently, Venerable Brethren, in successive letters, that all should join in public prayer to implore the cessation of hostilities which have brought destruction and death in that land, and settlement of the dispute on principles of justice, which would fully safeguard the freedom of Catholics and at the same time provide guarantees for the safety of those most Holy Places.
4. And now that hostilities have ended, or at least have been suspended after the recent truce, We offer Our most sincere and heartfelt thanks to God and voice Our emphatic approval of the labor of those whose noble efforts have contributed towards the re-establishment of peace.
5. But although the actual fighting is over, tranquility or order in Palestine is still very far from having been restored. For We are still receiving complaints from those who have every right to deplore the profanation of sacred buildings, images, charitable institutions, as well as the destruction of peaceful homes of religious communities. Piteous appeals still reach Us from numerous refugees, of every age and condition, who have been forced by the disastrous war to emigrate and even live in exile in concentration camps, the prey to destitution, contagious disease and perils of every sort.
6. We are not unmindful of the considerable aid contributed by public and private agencies for relief of these suffering thousands; and We Ourselves, continuing the work of charity, organized from the beginning of Our Pontificate, have left nothing undone, within Our means, to meet the more urgent needs of this same unhappy multitude.
7. But the condition of these exiles is so critical and unstable that it cannot longer be permitted to continue. While, therefore, We encourage all generous and noble souls to put forth their best effort to aid these homeless people in their sorrow and destitution, We make an earnest appeal to those responsible that justice may be rendered to all who have been driven far from their homes by the turmoil of war and whose most ardent desire now is to lead peaceful lives once more.

8. During these holy days this is Our fondest hope, and likewise that of all Christian peoples: that peace may finally shed its light over the land where He, Who is called by the Sacred Prophets, "the Prince of Peace" (*Is. 9: 6*) and by the Apostle of the Gentiles Peace Itself (*Eph. 2: 14*), lived His life and shed His blood.
9. We have never ceased to pray repeatedly for this enduring and genuine peace. And to the end that it might be brought to fruition and permanence at the earliest possible moment, We have already insisted in Our Encyclical letter *In Multiplicibus*, that the time has come when Jerusalem and its vicinity, where the previous memorials of the Life and Death of the Divine Redeemer are preserved, should be accorded and legally guaranteed an "international" status, which in the present circumstances seems to offer the best and most satisfactory protection for these sacred monuments.
10. We cannot help repeating here the same declaration, encouraged by the thought that it may also serve as an inspiration to Our children. Let them, wherever they are living, use every legitimate means to persuade the rulers of nations, and those whose duty it is to settle this important question, to accord to Jerusalem and its surroundings a juridical status whose stability under the present circumstances can only be adequately assured by a united effort of nations that love peace and respect the right of others.
11. Besides, it is of the utmost importance that due immunity and protection be guaranteed to all the Holy Places of Palestine not only in Jerusalem but also in the other cities and villages as well.
12. Not a few of these places have suffered serious loss and damage owing to the upheaval and devastation of the war. Since they are religious memorials of such moment - objects of veneration to the whole world and an incentive and support to Christian piety - these places should also be suitably protected by definite statute guaranteed by an "international" agreement.
13. We are well aware of the intense desire of Our children, following the ancient tradition, to go on pilgrimage once more to these places from which they were barred by the general disturbed conditions. The Year of Atonement which is at hand increases all the more these desires; it is only natural that during this period the faithful should be more eager than ever to visit that land which was the scene of our Divine Redemption. God grant that these longings be satisfied as soon as possible.
14. To bring about this happy result, it will be necessary, of course, to make such arrangements as will allow pilgrims to approach freely those sacred edifices; enabling each to profess his devotion openly and without hindrance, and to remain there free from fear and danger. It must also be considered objectionable that pilgrims should see these places profaned by sinful and worldly entertainments, which are assuredly an offense to the Divine Redeemer and to the Christian conscience.
15. Moreover, We very much desire that the many Catholic institutions which have been erected in Palestine to help the poor, to educate youth and give hospitality to visitors, may be enabled, as is fitting, to carry on unimpeded the work they did so laudably in the past.
16. Nor can We omit to point out that all rights to the Holy Places, which Catholics during many centuries have acquired and time and again defended valiantly, and which Our predecessors have solemnly and effectively vindicated, should be preserved inviolate. These, Venerable Brethren, are the considerations We wished to put before you.
17. Encourage the faithful committed to your charge to be ever more concerned about the conditions in Palestine and have them make their lawful requests known, positively and unequivocally, to the rulers of nations. But let them especially implore unceasingly the help of Him, Who is the Ruler of Men and Nations. May God look down with mercy on the whole world, but particularly on that land which was bedewed with the Blood of the Incarnate Word, so that the charity of Jesus Christ, which alone can bring tranquility and peace, may conquer all hatred and strife.
18. Meantime, may the Apostolic Blessing, which We lovingly impart to you, Venerable Brethren, and to all your flock, be a pledge of heavenly gifts and a token of our affection.



**MEMORANDUM PRESENTED TO THE CONCILIATION COMMISSION OF THE UN BY THE
CATHOLIC RELIGIOUS COMMUNITIES OF THE JEWISH SECTOR OF JERUSALEM,
8 JULY 1949**

[This memorandum focuses on the situation in Jerusalem, stressing the neutrality of churches and the need for the city's internationalization. It concludes by providing recommendations to improve the current status.]

The following memorandum is circulated for the information of the Committee on Jerusalem.

NOTES

I

While the United Nations continues to examine the Palestine problem, the Catholic institutions of Jerusalem desire to explain to the Conciliation Commission their situation in Palestine and more particularly in the Holy City.

In the conflict opposing the Arabs and Jews we are neutral and we remain completely neutral.

Our institutions have already suffered too deeply; we feel that their very existence is threatened; our duty is to neglect nothing in an endeavour to save them. It is for this reason that we address an urgent appeal to the United Nations, in order that it may bring about, in favour of our institutions, the triumph of Justice and of right.

II

We recognise the right of the Jews, whether they are Zionists or not, to live in peace and to create for themselves a free and independent nation.

Individual or collective deportations, forced expropriations without equitable compensation - when they are not motivated by reasons of the deepest gravity - are contrary to the most elementary ethics. The individual has rights which States themselves must respect.

On 14 March 1937 Pope Pius XI, in his Encyclical "With Burning Sorrow" vigorously condemned the racial theories which have caused terrible suffering to Christians and above all to Jews. All nations which still harbour some feelings of humanity, justice and fraternity have the duty to do their utmost to prevent the return of this sanguinary madness and to grant freedom to the thousands of human beings who are behind the bars of concentration camps and who have committed no crime other than that of belonging to their race or of professing their religion,

But was it necessary, in order to suppress the problem of "displaced persons" to create another equally inhuman problem? Are 600,000 Arabs to give up their property and their homes, simply to hand them over to 200,000 Jews?

III

Since the Arabs have accepted the decisions of the United Nations concerning Jerusalem and the Holy Places, we shall confine ourselves here to refuting the arguments put forward by the Jews against the internationalisation of Jerusalem and its surrounding area.

THE INTERNATIONALISATION OF JERUSALEM

I. A HISTORICAL FACT: JERUSALEM - THE HOLY CITY

Jerusalem is not an ordinary city, a city like any other, it is a HOLY CITY. It is in fact the religious capital of all the dispersed Jews (12 or 13 millions). It is also the religious capital of all Christians (over 670 millions). The Moslems claim it as one of their principal holy cities, and they number over 250 millions. The fact that it is thus a Holy City makes Jerusalem a city unique in the world, a city which does not belong exclusively to its present inhabitants but to the Jews, Christians and Moslems of the whole world. Because of this sacred character it was respected by all the belligerents during the last two world wars.

In vain for the last year have Jews and Arabs battled desperately for Jerusalem, respecting neither the most venerable sanctuaries, nor places of worship, hospitals, foreign institutions, educational or charitable; in vain did the Arabs seize the Jewish quarter of the Old City, blow up the synagogues, demolish all the houses, devastate the Jewish cemeteries on the Mount of Olives; in vain did the Jews invade the Arab sectors of the New City, looting all the houses and installing everywhere inhabitants of their own race; in vain does the Jewish press proclaim that since the United Nations vote of 29 November 1947 the situation of Jerusalem has changed, that national aspirations and the victories of Israel's soldiers demand that Jerusalem shall be Jewish; despite profanation and destruction, Jerusalem remains the Holy City, and as such cannot be the exclusive domain of either Jews or Arabs.

The reasons which led the United Nations to place Jerusalem and its surrounding area under an international regime are as valid today as they were yesterday, for they do not depend on political and military fluctuations. Ruse and force can oppress the truth and the right, but they cannot suppress them.

II. NECESSITY OF AN INTERNATIONAL REGIME FOR JERUSALEM AND THE HOLY PLACES OF PALESTINE

In order to save what can still be saved and to prevent the return of massacres and destruction as ruinous for one side as for the other, it is indispensable that a just and strong Government should ensure order and peace. Such a Government cannot be either Jewish or Arab, for feelings run so high and interests are so divergent that the fighting might start again at a moment's notice. The signing of the armistice agreements between the State of Israel and the Arab States does not greatly reassure us, for everyone knows that the present partition of the country has only been accepted by the Zionists as a first stage. The goal to be achieved is the conquest

of the whole of Palestine, of Transjordan and of a part of Syria and the Lebanon, with Jerusalem as capital. The Irgun and the Stern Gang do not conceal their aims in this respect, (See Annex No. 1, "Aims of Political Zionism")*. If the leaders of the State of Israel appear to be satisfied with the present boundaries, it is purely for reasons of political prudence. In reality they think exactly as do the Irgun and the Stern Gang, and this explains the violence with which they oppose the internationalisation of Jerusalem as voted by the United Nations. The presence in Palestine of an international police force could, in fact, obstruct and even thwart their plan of conquest. They would doubtless accept the placing of the Holy Places of the Old City under the *nominal*, but not the *effective*, protection of the United Nations and they declare that they are ready to ensure, through their Police and their Army, the protection of the Holy Places and religious institutions.

All these proposals and others which might be made along the same lines are totally unacceptable to Christians. In order that peace may reign in Jerusalem, a well-armed police force is indispensable, for we cannot count either on a Jewish or on an Arab police force.

At the beginning of the disturbances of 1929 the Arab police took sides with the Arabs and the Jewish police with the Jews. The British officers thus found themselves without men, and were unable to maintain order. The same situation prevailed at the time of the British withdrawal last year.

It is true that the Government of Israel has organised a police force and an army, but can we rely on them to protect and defend our rights? Certainly we cannot. A perusal of the documents in Annex 2** to the present memorandum will amply justify our point of view.

In this Annex there is no mention of the looting of Arab houses organised either by the army or by the civil Government, but only of the profanations and thefts committed by the Israeli Army in regard to *neutral* religious institutions, during the truces or after the signing of the armistices. All these documents were communicated at the time to the Jewish authorities, who admitted their exactitude. We summarise them briefly below as follows:

A. PROFANATIONS

Notre Dame de France	In the Main Chapel, groups of soldiers of both sexes were surprised in the act of performing improvised dances, round a harmonium, in the Choir. The brass doors of the tabernacles had been forced, the white silk veils had been torn away, the figures of Christ taken from the crosses and carried off. The Chapel of the Sacred Heart had been transformed into a dance-hall and a . . . W. C.
Hospital of Saint Louis	A figure of Christ and three statues in the dispensary were dismantled and smashed to little pieces, which were found in sacks of earth.
Sanctuary of the Dormition	Figures of Christ and status broken. Ornaments crumpled and torn.
Chapel of the Cenacle	Several Crucifixes broken.
Chapel of St. Francis in Katamon	Four statues broken.
Chapel of the White Fathers at Ain Karim	Tabernacle smashed in, door torn off. Statue of the Virgin smashed to atoms

B. LOOTING

We make no mention of simple thefts committed by isolated soldiers on their own account, but only of thefts which can only have been committed by apparently organised groups, under the leadership or with the at any rate tacit authorisation of those in command of them.

Notre Dame de France	The well known Hospice used to be furnished and equipped to receive 350 persons. During its occupation by the British army, all the furniture and equipment had been put together in the part reserved for the use of the Community. With the exception of the ornaments, of a good part of the altar linen and of the library, during the twelve months of the occupation of Notre Dame de France, all or part of the following were removed: the furniture of the rooms (beds, tables, cupboards, wash-stands, carpets, etc.), china, kitchen utensils, cutlery, dining room tables, linen. The telephone switchboard and the carpenter's room had been looted. All this material had been collected together in closed rooms. The military authorities had even placed on the doors notices in Hebrew forbidding entry to
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	them. The looting was carried out above all during the truces uninterruptedly, in spite of protests and of the promises of the Jewish authorities. (See "file of Notre Dame de France", Annex No. 2)***
Abbey of the Dormition	The same looting as in the case of Notre Dame de France. The Benedictine Fathers having been expelled, the army was able to carry on its activities without protests being lodged. Everything was not stolen, since recently a Benedictine Father, authorised to visit the Abbey, was in a position to note that the military had left in its place - one tap.
Franciscan Club in Katamon	Complete looting of all the material of the Club and of the Chapel.
School of the Sisters of Notre Dame	All the school furniture and the entire library was removed. From the beginning of the occupation, the Fathers of Zion had obtained from the Jewish authorities the authorisation to transport this furniture to their Ratisbon house, but the military authorities refused to allow them to do so. A few days later, everything had disappeared.
Country house of the Fathers of Zion at Abu Ghosh	The Fathers had taken back to Jerusalem all their furniture. After having occupied the house for several months, the Israeli army took away, on their departure, all the doors, including the entrance door, all the windows and all the shutters. In the farm, the looting was even more thorough, for the soldiers even took away the roof, leaving only the walls. It should be stressed that the Fathers of Zion had given free shelter and food, in their Jerusalem institution, to over 300 Jewish refugees, including all the children, numbering a hundred, of the Maale Hamisha Colony, adjacent to their country house at Abu Ghosh.

It should be noted that all these cases of looting, and many others which we have not been in a position to check, were carried out almost uninterruptedly, in spite of protests from religious and consular authorities. All the promises of the Jewish authorities that a stop would be put to them and that the stolen property would be returned have remained up to the present a dead letter.

Can we after this put our trust in the Government of Israel when it offers to take under its protection the Holy Places and the religious institutions?

Can we at least count on the police of this new State? We cannot count on it either. Experience has taught us that when it deigns to stir, it invariably arrives too late; that it sometimes instigates inquiries, but practically never brings them to a conclusion. As for complaints lodged with it, they apparently are carefully filed away and preserved, no doubt, for the Day of Judgment.

The Bernadotte case is typical of this manner of proceeding.

On 17 September 1948, the United Nations Mediator and Colonel Sérot were odiously assassinated. The police only began their inquiry 24 hours later, and the Hagana promptly enrolled in its ranks the soldiers who had belonged to the Stern Gang, the supposed murderers, who thus escaped all police investigations. Their leader was arrested ... Trial ... Verdict and condemnation to 8 years' imprisonment... General amnesty... Elections to the Constituent Assembly... and Friedmann-Yellin, leader of the Stern Gang, is elected Deputy!

III. THE REFUGEE QUESTION

In the Jerusalem sector, the great majority of the Arabs who had to abandon their houses or who were expelled from them were Christians. The Talbieh, Katamon, Baka, Musrara, Jaffa Road and Mamillah Road Quarters were almost entirely occupied by Christian families. These families had always lived on good terms with the Jews, even during the disturbances of 1929; they had too much trust in the internationalization of Jerusalem to foresee that they would be attacked.

The Israeli press and Government unjustly reproach the Arabs for having abandoned their houses and their property, and claim the right for themselves to take them over as "res nullius". They forget that, if the non-combattant Arabs left, it was because they knew what fate was in store for them. The sack of Deir Yassin, whose entire population (women, children and old people) was savagely massacred by the Israeli army, had been a sufficient warning for them. Those who wished to remain were either forced to leave under pain of death or else sent to concentration camps.

Why do these camps contain those persons who, wishing to return to their homes in the Jewish zone, refused to sign an undertaking urged upon them to go to the Arab zone or to Transjordan? What is the reason for this

moral pressure on civilian prisoners? Is it not in order to eliminate from the New City all Christian elements, and to thus oblige the religious institutions to close their doors? Why does Israel stubbornly refuse to allow the Arabs to return, while at the same time it loudly professes that it has no dearer wish than to live in brotherhood with them? This obstinacy, a fruit of Jewish racialism, runs the risk of widening still further the gap between Jews and Arabs and of creating in the whole world a wave of anti-semitism whose effects will be as disastrous for the young State of Israel as for the millions of Jews who live outside Palestine. "Caveant Consoles"! They should re-read the introduction to "The Jewish State" in which Herzl wrote:

"The Jewish question exists wherever the Jews live in any considerable numbers. Where it did not formerly exist, it is imported by Jewish immigrants."

It will certainly not be long before the Israeli press and Government invokes, to justify a new invasion of Arab Palestine, the notorious "Lebensraum" of Hitler. But why, if they lack space, do they make such difficulties over authorisation to leave for those of their own people who do not wish to remain because they find that the reality does not correspond to the promises made by Zionist propaganda?

IV. RELIGIOUS FREEDOM AND FREEDOM OF EDUCATION

The State of Israel will no doubt incorporate in its Constitution freedom of worship and of education. Will these freedoms be effectively assured?

In passing, we would stress the difference between the mentality of the Jews of Jerusalem and those of other towns. In Tel Aviv and Haifa, for example, there is as yet no religious fanaticism, whereas in Jerusalem it is very pronounced. Non-Jewish Christians will not be too much troubled, but they will have to live in their homes as in a ghetto, while Christians of Jewish origin, not being allowed to work for Jews, will have to leave the country - if they are allowed to leave.

The United Nations voted on 10 November 1948 Article 18 of the Declaration of Human Rights which reads as follows:

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

Will Israel, who is now a member of the United Nations, accept this Declaration?

Will Christian educational institutions be able to receive Jewish pupils without being molested?

Will Jewish families be able to entrust the teaching and bringing up of their children to Christian schools?

If we ask those questions it is because great pressure has always been brought to bear, above all in Jerusalem, by the Jewish press and Jewish organizations on families who wished to make use of this freedom. The Jewish population does not scruple to announce to all and sundry that the Arabs and the foreigners, with the exception of tourists' have nothing more to do in the State of Israel.

CONCLUSION

To sum up, we ask:

1. That the decision of the United Nations concerning the internationalisation of Jerusalem and its surrounding area should be put into effect.
2. That a strong neutral police force, supported if necessary by an auxiliary Jewish and Arab police force, should ensure order, peace and freedom.
3. That the Arab refugees should be able to return to their homes.
4. That the Declaration of Human Rights, voted by the United Nations, should be respected by the State of Israel.

This memorandum has been signed by:

Father Terence W. Kuehn O.F.M., Director, Terra Sancta College
Father V. Mestre, Superior of St. Pierre de Sion (Ratisbonne)
Father Pascal St. Jean, Superior of Notre Dame de France
Rev. John O'Kourke, S.J., Superior of the Pontifical Biblical Institute at Jerusalem
Father Maurus Killer, O.S.B., Senior Abbatiae Dormitionis at Mount Zion
Sister Séraphine, Regional Superior, Sisters of St. Joseph of the Apparition
Sister Françoise, Superior of the French Hospital in Jerusalem

Sister Marie Marguerite Thérèse de Sion, Superior of the Orphanage of Notre Dame de Sion, Ain Karim
Sister Geneviève Chaland, Superior of the Hospice St. Vincent de Paul
Sister Jeanne d'Arc, Superior of the Pensionnat St. Joseph
Sister Eustachia, Provincial Superior of the Sisters of St. Charles



**ARCHBISHOP OF CANTERBURY, PRIVATE MEMORANDUM ON THE FUTURE
OF JERUSALEM, 31 OCTOBER 1949**

I. The Present Plan

The proposal at present before the United Nations is that of the Conciliation Commission, which divides the area which is to be under international control into two municipal zones, one Jewish and one Arab. It is proposed that the demarcation line between the two zones shall be the present armistice line, without prejudice to the establishment of a final definitive line at a later stage.

The proposal is open to very serious criticisms as follows:

- (a) The essential thing is that a settlement should be made now which can be upheld as final and binding. But a demarcation line between zones within the international enclave establishes an abiding element of uncertainty and friction. The present armistice line bears the marks of its derivation from military operations and is not the product of reasoned thought. For many reasons it is unsatisfactory. But if it is declared that it may be adjusted later, at once an element of uncertainty and jockeying for position is introduced which must cause jealousy and friction.
- (b) Whether, as is most likely, the demarcation line remains unaltered for an indefinite period or whether it is adjusted, the fact will remain that there is an artificial boundary separating the two zones across which Jews and Arabs will confront one another. Even if the international control were moderately effective, it would not allay Arab fears of Jewish designs upon the old city, while to those Jews who are determined to possess themselves of the old city the sight of it just beyond their zone across an artificial line would be a constant irritant.
- (c) Even moderately effective control would be possible only if the plan had the real goodwill of Jews and Arabs; but that goodwill is not to be expected. The plan is not welcome to the Arabs and has already been rejected outright by spokesmen for the Israeli Government who claim for the Israeli State the large Jewish population resident in the new city.
- (d) Without such goodwill and full co-operation by Jew and Arab, the position of the international authority responsible for the enclave would be certainly difficult and in all probability would become impossible. Prevention of breeches of the peace along the artificial boundary line would be a constant worry. The detection of offenders against the peace, who could find refuge among their own people, would prove as exasperatingly difficult as it has proved, in the past. Extremists on either side would escape detection and punishment. It is hard to believe that the international authorities could exercise a really efficient control. If by the employment of sufficient forces they were able to do so, they would be sitting permanently on a volcano: and past bitter experience goes to show that from time to time the volcano would erupt.

For such reasons it ought to be said that a plan of municipal zones separated by a demarcation line is unwise in itself and since it has not the goodwill necessary to make it in any degree workable, is unworkable also.

II. A New Start

It is urgently necessary to discover a new plan which may break the present deadlock, which may be presented to Jew and Arab as a fair and reasonable settlement, which may again give room for manoeuvre on an assured basis and which may then be adopted by the United Nations with conviction as a permanent and definitive solution.

Let it be said first that if Jerusalem is to take its rightful place as a spiritual centre for the whole world, Jew, Moslem and Christian should play their full part in making it a living city in which adherents of all three Faiths would take their share in the building up of cultural and spiritual life. There must be from the nature of the case an international enclave. It must be of such a kind as to win the goodwill of the three great faiths and give room for them to develop worthy religious and cultural institutions so that visitors, tourists, scholars and pilgrims who come to Jerusalem from all parts of the world may see and perceive a city which while embracing members of three Faiths is yet at unity in itself. The problem is to discover an international enclave which may be accepted with reasonable goodwill by all concerned.

III. A New Plan

The areas of Jerusalem which are here considered are those lying immediately to the North, West and South of the old city.

- (a) It is proposed that the large Jewish residential area in the north and west should not be a part of the international enclave but should be incorporated in the Israeli State. The area may be defined as that lying to the north and west of a line beginning from the junction of the Nablus Road with St. Paul's Road and running southwest along St. Paul's Road, then west along the Street of the Prophets and then south along King George Avenue as far as Terra Santa College.

In this area a large number of Jews live. Its exclusion from the international enclave and its inclusion in the Israeli State is reasonable in itself and should be a cause of satisfaction to the Jews.

- (b) With this exception, the whole area originally assigned to the international enclave should remain under international authority, but without any division into zones. Within the enclave Jews and Arabs would dwell together with equal rights. But there are certain points which call for special comment.

- (i) The area lying south and east of the roads mentioned under (a) above and between those roads and the old city constitutes the main shopping centre of the modern city. It also contains a large number of public buildings such as Barclays Bank, the General Post Office, King David Hotel, the international Y.M.C.A., the Electric Power Station, the Railway Station. Moreover, it contains the big Arab Cemetery and a number of religious buildings.

Thus this area serves in a special degree the whole region and should most properly be in the international enclave. Even more important, it would thus interpose an international area between the limits of the Israeli State (as defined above) and the old city.

The present plan perpetuates two irritant demarcation lines, one between the Israeli State and the international enclave, another inside the enclave between the Jewish municipal zone and the Arab municipal zone. This new plan has only one demarcation line, that between the Israeli State and the enclave and drawn as here suggested it should be widely acceptable to the Jews as at least an improvement on the present plan. At the same time by putting the line as here suggested at some distance from the walls of the old city, it should greatly diminish fears of aggression on the one side and covetous aspirations on the other.

- (ii) Mount Scopus and the Mount of Olives with the Hebrew University would be in the international enclave where Jew and Arab have equal rights, but not (as in the present plan) in an Arab municipal zone. Thus Jews will have free access to the University. They should be encouraged to consider this University as their most important intellectual contribution to the international city, functioning side by side with Moslem and Christian higher institutions of learning, and so contributing to make Jerusalem a great spiritual centre for the world.

- (iii) The area to the south of Terra Santa College bounded by Mamillah Road, King George Avenue and the Bethlehem Road would be in the international enclave, but not (as in the present plan) in a Jewish municipal zone. It was, before the departure of the British, an Arab residential area; on their departure it was immediately occupied by Jewish forces; the Arab population has mostly gone away and their homes have been largely occupied by Jewish families. Under international control every facility should be given for the development of an Arab residential population in this area.

- (iv) Finally in the old city itself, removed as one would hope for ever, from strife and contention, facilities should be given for the return of Jews to the former Jewish quarter from which they have gone. And once again the old city would contain its Moslem, Jewish and Christian quarter.

IV. In short, the proposal is for a return to an international enclave without division into Jewish and Arab zones. By handing over the area of the new city described above to the Israeli Government a great cause of contention is removed. Within the international zone control could be complete and effective. Old wounds could be healed, and Jerusalem set free to fulfil its great message to mankind. If such a proposal found general support in the United Nations it could be carried through with conviction as a fair and a hopeful plan of action. The deadlock must be broken. The interminable process of discussions must come to an end. Here is suggested a plan which (after discussion and with any necessary modification of details but without any change of its principles) the United Nations could promote strongly and unitedly, thereby setting Jerusalem apart for all time from world strife and giving fresh hope and encouragement to those who strive for the cause of peace on earth.

V. A note should be added on Nazareth. With the international enclave in Jerusalem it would be easy to arrange some degree of international supervision of Nazareth or of any other Holy Place outside Jerusalem as a safeguard against any possible misuse of these Holy Places.



**COMMUNICATIONS FROM CHURCHES AND QUALIFIED ORGANIZATIONS TO THE UN
TRUSTEESHIP COUNCIL, DECEMBER 1949-FEBRUARY 1950**

[Various communications received by Trusteeship Council from different Christian organizations reporting on status of Christian institutions and importance of Jerusalem]

1. Letter dated 31 December 1949 from the Greek Orthodox Archbishop in North and South America to the President of the Trusteeship Council

In accordance with the Resolution adopted by the Trusteeship Council on December 19, 1949 I have the honour to submit herewith for your and the Council's consideration the general outline of the views held by the Orthodox Patriarchate of Jerusalem on the matter of the future of the Holy City and its administration under the Resolution of December 9, 1949 of the Fourth General Assembly.

In the formulation of these views, as well as in its general attitude towards the question under consideration, the Orthodox Patriarchate of Jerusalem is guided by a paramount desire, shared, we believe, by all Christians, to preserve the peace of Jerusalem and to safeguard the Holy City from any developments which might jeopardize the security of the places of worship or cause troubles or even bloodshed in this city which has already suffered so much. With this in mind, the following points are made, which, at this stage, are necessarily of a more general character, while specific suggestions may come from the Orthodox Patriarchate of Jerusalem at a later date.

1. The fundamental principle adhered to until today with regard to the Holy Places, religious buildings and sites in Jerusalem and the surrounding area has been the maintenance of the existing rights. It is deemed essential to further adhere to this principle of the status quo and to find the way to express it in an unambiguous form, thus laying the basis for the international status of the Holy City.
2. On the basis of the principle accepted with regard to the status quo, as above, a provision should be made for the maintenance of the ethnological and linguistic peculiarity of any Church and for the preservation of the existing character of the Cloisters belonging to any denomination.
3. It would, furthermore, be necessary to include a provision in the Statute to the effect that the real and other property of the Church be exempt from taxes in any form and that they cannot be appropriated for any reason.
4. In addition, another provision should be included to the effect that no interference of civilian authorities or laymen is to be permitted in the administration of this property, according to the existing ecclesiastical law and the rules of the Church.
5. The Patriarch or head of any denomination, when selected according to the ecclesiastical rules, should *eo ipso* be considered as the representative of his denomination with all powers and privileges appertaining to his office, and should not need a separate formal recognition by the Governor of the City or any other civilian authority.
6. It might further be useful to recognize these Patriarchates or denominations as having a legal personality.
7. The education offered presently by any denomination and the jurisdiction exercised by the heads of these denominations should continue in its present form.
8. The free appointment of clergymen should be secured taking into account the ethnological and linguistic peculiarity of the Patriarchate or denomination concerned. Provision should be made for the regulation of their status as citizens of the City.
9. With regard to the person or persons to whom the administration of the Holy City will be entrusted, provision will be made, no doubt, to ensure that they will be selected or appointed from among persons whose impartiality is beyond question. An additional guarantee however, which the Orthodox Patriarchate is ready to suggest, is that these persons should not belong to any of the denominations having direct interest in the keeping of the Holy Places. The same considerations would apply to any judicial body eventually to be established with jurisdiction over disputes involving the Holy Places.

The above points do not represent a systematic and detailed layout for a statute of the Holy City and the surrounding area. They constitute a number of remarks of a general character and the Orthodox Patriarchate of Jerusalem remains, therefore, at the disposal of the Trusteeship Council and of the United Nations in general, with a view to presenting, if necessary, at a later stage its views in oral or written form in detail.

In concluding, I wish to avail myself of this opportunity to assure you, Mr. President, and the other honourable members of the Council that the Greek Orthodox Patriarchate of Jerusalem and the Orthodox Christians in general pray to God, that He may bless your work and guide your decisions towards establishing peace in the Holy City.

(Signed) Archbishop Michael

2. Cablegram dated 18 January 1950 from the Greek Patriarch of Jerusalem to the President of the Trusteeship Council

Archbishop of Thyateira Germanos Attorney and representative of Jerusalem Patriarchate will appear before your Council to explain rights privileges our Patriarchate.

(Signed) Patriarch Timotheus.

3. Letter dated 11 January 1950 from the Primate of the Armenian Church of North America to Dr. Ralph Bunche, Director of the Trusteeship Division and attached memorandum.

I have been entrusted by the Locum Tenens of the Armenian Patriarchate of Jerusalem with the duty of presenting the views and the position of the said Patriarchate concerning the future status of Jerusalem.

The enclosed memorandum has therefore been prepared to be submitted to the Trusteeship Council of the United Nations Organization, which will be sitting in Geneva on the 19th of this month to prepare the statute of Jerusalem governing the Holy City, when eventually internationalized.

It is my request therefore, that you be good enough to transmit this Memorandum to the abovementioned Trusteeship Council for their consideration during their forthcoming session.

(Signed) Bishop Tiran Nersoyan

A Memorandum on the Rights of the Armenian Church in the Holy Places, and on the Proposed Internationalization of Jerusalem, and on the Status of the Holy Places, presented by the Most Rev. Bishop Tiran Nersoyan, Primate of the Armenian Apostolic Orthodox Church of America, on behalf of the Armenian Patriarchate of Jerusalem, to the Trusteeship Council of the United Nations Organization, for consideration of its Forthcoming Session to be convened to draw up the Statute of Jerusalem.

A Historical Note

From the early centuries of the history of the Christian Church Armenians have been established in Jerusalem and have used and cared for the Holy Places, together with other Christian communities, themselves being from one of the countries of the Near East. Through the many and turbulent vicissitudes, which the Holy Land has endured under many rules and regimes, the Armenian Church has maintained her position in Palestine, and Armenian monks have led a life of prayer and worship on and near the Holy Sites. In the sixth century these monks formed their separate national groups. Thus in the seventh century the Armenian Church had great many large and small monastic establishments in different parts of the Holy Land, supported by the gifts of the Armenian princes, sent from the mother country. Archeological remains found in Jerusalem attest to these flourishing establishments under the jurisdiction of their own bishop. During the Arabic reign in the Holy Land the Armenian bishopric in Jerusalem has been recognized and maintained as a national community, together with other church groups. During the period of Crusades the Armenians have continued to live in Jerusalem on friendly terms with the Latin princes and the Roman Church. With the conquest of Salahaddin, the position of Armenians was enhanced, their head was known as Patriarch and their rights and privileges were recognized by the sultans of the Arab dynasty, as attested by historians of the time. In the XIII century we find the Armenians holding a prominent position in the Holy Places. At that time the Cathedral of St. James was the seat of the Armenian Patriarchate, exercising custodianship over the Holy Places in common with other communities. After the advent of Memlouks of Egypt, Armenians continued to maintain their position in the Holy City and in 1311 A.D. the Memlouk Sultan confirmed formally the established rights of the Armenian Church on the holy shrines. After the Memlouks, when the Ottomans occupied Jerusalem (1517 A.D.), Sultan Selim in his turn confirmed by edict the same rights, which have been preserved and maintained by the Armenian Church in the Holy Places up to the present time. In 1720 A.D. the Armenians participated in equal share with the Greek and the Latin Patriarchates in the work of restoration of the Church of the Holy Sepulchre which they have continued to use equally with them ever since. After the great fire of the Church of the Holy Sepulchre, in 1808 A.D., bitter and prolonged dissensions arose among the three Patriarchates, and although Sultan Mahmoud II adjudicated between them in 1812 A.D., the disputes did not subside until 1853 A.D., when the *status quo ante* was finally established, regulating the determination of the rights of the three principal communities and others in the Holy Places, and making for peaceful relationship between the three communities.

The Necessity of continuing the maintenance of the Status Quo

The Armenian Church, as represented by the Armenian Patriarchate of Jerusalem, firmly believes that it is absolutely necessary to maintain the principles of the *Status Quo* in the Statute to be drawn by the Trusteeship

Council of the United Nations for eventual adoption by the authorities of the United Nations Organization for the care and responsibility over the Holy Places. During the British Mandate over Palestine this principle was judiciously maintained and all the interested communities enjoyed their rights and privileges peacefully to the benefit of all concerned. Any new and radical disposition concerning the maintenance and the use of the Holy Places would undoubtedly re-create among the Christian communities of the Holy Land dissensions and disputes, which for many years have been gradually eliminated by the continued application of the *Status Quo*, resulting in harmonious agreements and accords. We believe that rights and privileges which have prevailed for over a thousand years should be respected to the extent in which they are exercised at present. Countless generations of the members of the Churches sharing the use and the responsibilities in the Holy Places, have made heavy sacrifices in order to be able to worship their Lord in accordance with their own religious rite on the very places which have been hallowed by the acts of His earthly life; any disregard of this fact would result in grave injustice. Therefore we believe that the centuries old principle of the *Status Quo* is, and should continue to be, the sole legal basis for the disposition of the Holy Places provided in the future status of Jerusalem. *The Status Quo* should further be the guiding principle in any adjustments and accommodations in the use of the Holy Places, which may be made in the future owing to the eventual structural repairs and alterations in the various edifices on the Holy Sites.

The Desirability and justice of the eventual Internationalization of Jerusalem

The Armenian Church, through the Armenian Patriarchate of Jerusalem, hereby voices its support, together with other churches concerned and other nations, of the resolution of the General Assembly of the United Nations in favor of the Internationalization of Jerusalem. Considering the International character of the Holy Places in Jerusalem, and its sacredness to the three great religions of the world, it is wholly appropriate that the Holy City should not be ruled by any one nation, or should not be under any one regime. It is requisite that free access to and use of the Holy Places should be safeguarded by an international authority. It is further appropriate that the international status of Jerusalem should be a symbol of international amity and harmony befitting a city of religious shrines.

Armenian Patriarchate entitled to a place on the administrative council

In this connection, the Armenian Patriarchate of Jerusalem wishes to state that in view of its past and present position in Jerusalem, it is entitled to have its seat, along with other Patriarchates or communities in Jerusalem, in any future council or governing body which may be formed and established in the Holy City.

(Signed) Bishop Tiran Nersoyan

4. Cablegram dated 29 January 1950 from the Locum Tenens of the Armenian Patriarchate of Jerusalem to the President of the Trusteeship Council.

"We have delegated Bishop Tiran of New York as the Authorized Representative of our Patriarchates See of Jerusalem."

Locum Tenens Armenians Patriarchate Jerusalem.

5. Letter dated 3 January 1950 from the Director of the Commission of the Churches on International Affairs to the President of the Trusteeship Council and two attached memoranda

As director of the Commission of the Churches on International Affairs, I submit to you herewith two documents which bear upon the work of the Trusteeship Council in giving effect to the General Assembly action on the internationalization of Jerusalem. The Churches' Commission is jointly constituted by and represents the World Council of Churches and the International Missionary Council.

'The first document, entitled 'The Protection of Religious Interests and Activities in Palestine', has been formally endorsed by our Commission's Executive Committee. This memorandum was transmitted to the United Nations Palestine Conciliation Commission at Lausanne last spring in response to an invitation by the General Assembly and was subsequently communicated to all delegates serving on the Ad Hoc Political Committee at the General Assembly's Fourth Session. It stresses particularly the necessity of protecting the *contemporaneous* interests and activities of all religious faiths. We respectfully submit that the three minimum conditions advanced on pages 16-18 of the memorandum be explicitly met in the Statute by which Jerusalem is to be internationally administered.

The second document is a memorandum on 'The Future of Jerusalem,' prepared by the Archbishop of Canterbury and supported by leaders in the Church of England. Since the proposals in this memorandum were compiled only a short time before the General Assembly's debate on Jerusalem, the Churches' Commission had no opportunity to review them or to act upon them. They should therefore be construed as representing the judgment one segment within the Commission's constituency. In submitting to you the memorandum by the Archbishop of Canterbury, I fully realize that its provisions do not comply with the terms which the action of the General Assembly requires. However, I trust that you will not consider inappropriate my view that, during the work of drafting the Statute for Jerusalem and seeking measures for its implementation, variant plans or elements thereof may profitably receive consideration.

(Signed) O. Frederick Nolde

THE PROTECTION OF RELIGIOUS INTERESTS AND ACTIVITIES IN PALESTINE

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

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

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

I. MANIFEST CONCERN ABOUT SETTLEMENTS IN PALESTINE AS THEY BEAR UPON RELIGIOUS INTERESTS AND ACTIVITIES

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

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

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

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

- "(1) We desire that Christian people throughout the world should continue in prayer for the peace of the Holy Land, and especially for their fellow Christians.
- "(2) We desire that the land of our Lord's earthly ministry shall be a land where men can live in peace and quietness and where the status of the Holy Places shall be secured and access to them freely maintained.
- "(3) We desire to see the human rights and liberties of all men in Palestine guaranteed, and fully embodied in whatever settlement of provisions are eventually effective, and especially the right to worship God according to conscience, and to teach and preach the faith in which they believe.

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

(2) Excerpt from a statement (April 1948) submitted to the Honorable Warren R. Austin and approved by the Executive Committee of the Federal Council of the Churches of Christ in America

"Christian people are profoundly disturbed at the prospect of an increase of violent warfare in Palestine upon the withdrawal of British troops on May 15th. Our concern for the lives of all those involved - Christians, Moslems and Jews - and our conviction that adjustment of differences should be sought by peaceful methods lead us to urge with all our strength that the present effort of the United Nations to arrange a truce be supported by the responsible leaders on both sides.

"We have an especially deep concern for the Holy City of Jerusalem, sacred around the world to those of all three faiths, and containing places whose destruction we cannot accept as permissible. Under the partition proposal of last fall Jerusalem was to be a trust territory. It is obviously a part of the trust territory under the recent trusteeship proposal. Surely it should have a trust status under any arrangement, and it should be given now the character of an 'open city'."

(3) Resolution (dated 27 April 1949) by the Near East Christian Council, a constituent member of the International Missionary Council. The Near East Christian Council is a body which unites the Protestant missions and churches of the following areas: Arabia, Balkans, Egypt, Ethiopia, Iran, Iraq, Lebanon, North Africa, Palestine, Sudan, Syria, Transjordan, and Turkey.

"The Near East Christian Council unanimously urges you to transmit to the highest authorities its belief that it is essential for the preservation of peace.

- "1. That the greater Jerusalem area be placed under United Nations administration so as to constitute a center of religious freedom for all faiths, and
- "2. That speedy provision be made for the rehabilitation of the Palestine refugees including where possible their return to their former homes and in other cases their resettlement with full compensation for property lost."

(4) An appeal to the United Nations on 6 May 1949, by the Ecumenical Patriarch

"It is with a vivid interest that the Ecumenical Patriarch is following the sincere endeavors made by the United Nations during the negotiations held for the protection of the Holy Places.

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

II. CONDITIONS TO BE MET IN THE PALESTINE SETTLEMENTS IN ORDER THAT RELIGIOUS INTERESTS AND ACTIVITIES MAY BE APPROPRIATELY SAFEGUARDED

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

1. Human rights and fundamental freedoms, and, particularly, full religious liberty must be safeguarded for all without distinction as to race, sex, language or religion.

When governments are, to any considerable extent, animated by a special religious conviction and committed to the predominant protection of its expression, there exists the danger of discrimination against those who hold other convictions and desire to give expression to them. This danger is present in all Palestine and is more acute in areas where historic religious monuments are concentrated and where current religious work is most actively pursued by adherents of a faith differing from that represented in the government.

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

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

"ARTICLE 19 - Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

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

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

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

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

3. All church-owned and mission-owned properties in Palestine that have been occupied by either Arabs or Jews should be returned to their owners.

During the period of disturbance in Palestine, numerous ecclesiastical properties have been seized for governmental or military purposes. Practically all the reported violations have occurred in areas occupied by Jewish authorities.

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

"One matter under discussion with certain church authorities concerns properties which were formerly requisitioned by the British military forces and are now in the occupation of the Israeli Army. It has been made clear that these properties will be returned to their rightful owners as soon

as the military situation makes it possible for them to be derequisitioned. There is not, and there never has been, the slightest intention to expropriate church properties."

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

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

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

Submitted by: Kenneth G. Grubb, Chairman
O. Frederick Nolde, Director
May 1949

ADDENDUM

An additional illustration may be cited in connection with those listed under Section I, *Manifest Concern about settlements in Palestine as They Bear Upon Religious Interests and Activities*, pages 16-17.

5) Near and Middle East Committee of the Conference of British Missionary Societies. Extract from Minutes of a Meeting on Friday, 4 March 1949.

"It was proposed by the Rev. Dudley Dixon, seconded by the Right Rev. Bishop L.H. Gwynne and RESOLVED that:

"The Committee recommends to Standing Committee that every possible action should be taken by the British Council of Churches and the Churches Commission on International Affairs to secure by negotiation with the Government and United Nations that:

- "1. Jerusalem should be preserved as an International Zone.
- "2. There should be guarantees from the Israeli Government that they will uphold the Declaration of Human Rights.
- "3. That negotiations should be continued which would lead to the return of church property now in the hands of the Israeli Government.

Private Memorandum by the Archbishop of Canterbury - October 31st, 1949 THE FUTURE OF JERUSALEM [see entry above, dated 31 October 1949]

6. Letters dated 18 and 19 January 1950 from an unofficial Fact-Finding Mission of the American Christian Palestine Committee to the President of the Trusteeship Council.

The undersigned have just completed an extensive visit to Israel as an unofficial, completely independent Fact-Finding Mission of the American Christian Palestine Committee. We have observed conditions existing in both Jewish and Arab areas. Cities and localities covered include Tel-Aviv, Jaffa, Haifa, Jerusalem, Nazareth, Tiberias, Beer-Sheba, and many intervening points in the Negev, Judea, and Galilee. We discussed the problem of the internationalization of Jerusalem with representatives of the Israel government, the Coptic church, the Greek Catholic church, the Copt Catholic church, the Roman Catholic church, Protestant churches, and with Arabs (both Christian and Moslem), as well as with many city officials and administrative officers. From these discussions, we have come to the following conclusions:

1. We believe that the plan to internationalize the Jerusalem area is dangerous and unnecessary. The overwhelming majority of leaders of religious groups we interviewed expressed the belief it would not work. Many held it was impractical and certain to add confusion and impede peace negotiations now in progress. Total internationalization is not necessary for the protection of the Holy Places. Neither the Arabs nor Israelis has any other plan or purpose than to protect and preserve them. Moslems have kept these places inviolate for many centuries, and virtually all of them are now in Arab hands. There is not the slightest evidence that Israel will molest or limit the use of any religious institution or shrine.
There is complete religious freedom in Israel. The many leaders of religious institutions interviewed all declared they were in no way interfered with in their functions.
2. The prevailing conviction was that when the bitterness created by the recent war will have diminished, Israel and the Arabs would yet come to an agreement in these controversial matters, provided external interference did not complicate the problem.
An illustration of such adjustability between Arabs and Israelis is to be found in Nazareth. A predominantly Moslem community, with a Moslem mayor (Yousef Fahoum), this city nevertheless has about three thousand Roman Catholics, three thousand Orthodox, and several thousand Protestants. This city is under Israeli military administration. However, the mayor assured us that he was free in the exercise of his functions. Thus in a city, the Arab authorities of which had wisely decided that the people would remain in their homes and not flee to Arab Legion territory, the same peace, harmony, and freedom exist which are characteristic of all Israel. This area is represented in the Knesset (Parliament) by three Arabs! It is our conviction that the cooperative and harmonious relationship existing between Israeli officials and Christian institutions in Nazareth is the strongest possible evidence against any need for the maximal internationalization of the Jerusalem area.
3. We regard as utterly false and without any factual support the report that Israelis have desecrated religious institutions, churches, or shrines since the fighting ceased. The government of Israel has established a Department of Religious Affairs, dealing constructively and fairly with the complex religious communities in her territory. A special division concerns itself with Christian organizations to see that Christian communities and activities are protected and to maintain agreeable relationships with the government of Israel. The actions of this division are greatly encouraging to all religious leaders. We would add with conviction and appreciation that the prevailing spiritual attitude of the people and government of Israel is a further guarantee of all religious rights. These people have undergone the trials of a bitter war. They are building a society, established on the principles of full equality and liberty, and they should be encouraged and sustained by all Americans who believe in these principles not only for the Middle East, but for all the world. Numerous Christian and Moslem institutions have been protected by express orders of the Israel government, with signs conspicuously posted, and it was evident from our inspection of the premises that these orders are carefully obeyed. In many cases, where the building has been caught in the line of fire, restitution has been made and restoration is in process.
4. On the basic issue of internationalization, we would caution against the drafting of a Jerusalem statute by the United Nations that would interfere with the just territorial sovereignty of any nation, in this case the territory of Israel and Jordan. Both of these nations property object to the UN plan on this ground. Freedom of access and protection of the Holy Places can easily be secured without the internationalization of territory or people.
5. The Garreau plan for Internationalization is, in our opinion, a decided improvement over previous maximal schemes but is still too inclusive.
It is hardly justifiable to exclude so obvious a Holy Place as the Mosque of Omar of the Old City from an internationalized zone, and then to include a portion of the business district of the New City, and the entire Mount Scopus where absolutely no legally established Holy Places are to be found. To advance such a plan on the ground that the territory to be taken from Israel and Jordan must be equalized is to condemn the plan by demonstrating that the major consideration is not concern for the Holy Places.
The greatest criticism advanced against all plans outlined to date is that they were drafted without regard to the wishes of the citizens of the Old and New Jerusalem, but rather from the political considerations of the various member governments of the United Nations and by outside interests. The one exception is to be found in that part of the Garreau plan dealing with Bethlehem. There the wishes of the people seem to have been considered, for it is proposed that the Church of the Nativity alone be internationalized and that the remainder of the city remain under the administration of Jordan.
6. While this Fact Finding Mission had as its purpose the study of the internationalization of Jerusalem we could not escape the human problems arising out of the tragedy of war, such as homelessness, the displacement of peoples and the psychological problems besetting both peoples. We believe that these human tragedies must be alleviated in the spirit of attaining the maximum justice for both Jews and Arabs. It was apparent to us that these human problems cannot be resolved in any permanent fashion except as a part of an overall peace signed between the several Arab states and Israel. It is therefore of overwhelming importance, both for this purpose and for any permanent adjustment concerning the sacred sites, to effect a speedy peace settlement.

7. The plan we, as fact-finders, now propose is the setting up of a United Nations Commission, with no territorial sovereignty, but with full right to seek the removal of existing limitations of access to the Old City of Jerusalem and the Holy Places, all of which are in Arab territory. Guarantees should be given to such a commission by both Jordan and Israel assuring the freedom and sanctity of the sacred places within their territories. This is all that the Christian world has a right to require of two sovereign states, which we believe will in time compose their differences. This making of the peace will be accomplished all the more speedily if Israel and Jordan are encouraged in their negotiations by the Western powers.

Accordingly, we call upon our government to press for a reconsideration of the United Nations Assembly decision and to urge the adoption of a plan such as outlined above. We would point out to all who are justifiably interested in the prestige and power of the UN that the reconsideration of its decision is within the prerogatives of the international organization, and that the formulation of a just and workable plan for guaranteeing the sanctity of the Holy Places will enhance its prestige and power.

(Signed) Dr. John W. Bradbury; Dr. Victor Obenhaus; Mrs. M.E. Tilly; Dr. Samuel Guy Inman;
Dr. Ralph W. Riley; Dr. Charles J. Turck

The following introductory paragraph was inadvertently omitted from the letter on the Internationalization of Jerusalem sent to you January 18 by the American Christian Palestine Committee Fact Finding Mission:

"We find ourselves in hearty agreement with the action of the American delegation at the last meeting of the United Nations Assembly in opposing the internationalization of Jerusalem and the Holy Places and regard it as a wise position for our government to have taken. We are in accord with the statement of Hon. Francis B. Sayre, the US representative on the Trusteeship Council, that 'the United States favored a practical solution of the Jerusalem problem and that no solution is practical that has to be enforced with the aid of an American Army'."

(Signed) Dr. Samuel Guy Inman; Dr. Charles J. Turck; Mrs. M.E. Tilly; Dr. Ralph W. Riley;
Dr. John W. Bradbury; Prof. Victor Obenhaus

7. Letter dated 13 January 1950 from the Reverend Charles T. Bridgeman to the President of the Trusteeship Council and attached memorandum

"Having lived in Jerusalem for twenty years prior to 1944, I beg leave to draw the attention of your Council to the enclosed memorandum which brings out what I believe to be a neglected aspect of the Jerusalem problem.

The vast majority of the 24,000 Christians and a good proportion of the 23,000 Moslems who live *outside* the walls of Jerusalem had their homes, businesses and charitable institutions in that portion of the Jerusalem area now held by the Israeli forces. Though the report appearing as of today in the New York Times suggests that your Council is considering a new arrangement of the international area which is an improvement on the suggestions made by Israel and the Kingdom of Jordan, I think the plan as reported still falls short of what is required, as it cuts up the city into too many sections and leaves too much of the area occupied normally by non-Jews in the Israeli sector.

Although not being on the spot I have been unable to check all details of my map,* I believe that you will find it substantially correct."

(Signed) Charles T. Bridgeman.

* Map not attached to the present document.

THE INTERNATIONALIZATION OF JERUSALEM AND THE CHRISTIAN POPULATION
By Charles T. Bridgeman

The Assembly of the United Nations has reaffirmed its decision of 1947 to place Jerusalem, Bethlehem and an adjacent region of about 100 sq. miles under international control.

Israel and the Hashemite Kingdom of Jordan, whose respective military forces now occupy the western and the eastern halves of the area, have expressed their determination not to surrender the parts they hold to inter-

national administration; and Israel has gone so far as to begin making Jerusalem the capital of the State of Israel.

In the face of this defiance of the Assembly's action, the world is wondering whether the United Nations has the moral and military forces sufficient to impose its plan. Moral force springs from the strength of moral conviction. At the moment the strength of the case for partition rests not alone upon the trouble it would cause to have to impose the plan against possible military opposition, but also on the popular ignorance of what partition of the city of Jerusalem would really mean to the people living there and to the world at large.

Foremost among the popular misconceptions about Jerusalem are:

- (1) That the Jews have a greater claim to the city than anyone else;
- (2) That there are really two separate Jerusalems: the old Walled city occupied by Arab forces; and the "New Jewish City" mainly populated and created by Jews;
- (3) That in such a case as this where rival nations make a claim to the same city, and agree to divide it between themselves, it is but right to allow them to make this mutual compromise.

This paper is designed to bring out some neglected considerations concerning the actual situation, with the purpose of showing that in fact *Jerusalem is one indivisible city*, and that the existence of a *large Christian population in Jerusalem* makes the proposed division of the city into predominantly Israeli and Moslem Arab parts highly inequitable.

1. History. 1950 marks approximately the 3000th year since the Israelites under David took Jerusalem from the Jebusites. Out of that long period the Israelites and the Jews have governed the city for only about 600 years, even including the years when Herod ruled as a vessel of Rome. (See Exhibit A). Even as the main element in the population the Jews largely disappeared after the wars of 70 and 135 A.D. Benjamin of Tudela, a Jewish pilgrim who visited the Holy Land about 1170/71 A.D. found but 1440 Jews in all Palestine; and Nahman Gerondi in 1267 found only two Jewish families in Jerusalem.

Christians began to appear in the first century, and under Christian Byzantine rule became a predominant element. Christians under the Roman Empire and the Crusades ruled the city for almost 500 years. Moslem Arabs conquered the country in 639 and ruled it for 425 years, being succeeded by the Moslem Turks who ruled it for 420 years.

The historical association of Christians and Moslems with Jerusalem is just as significant as that of the Jews; and the Christians, who have lived in the city continuously for 1900 years, have as weighty a claim to consideration as any others. And on religious grounds Jerusalem is a Holy City of great importance to Christians and to Moslems as well as to Jews. It is a city of *three faiths*.

2. The Geography of Jerusalem. The ancient walled city is bounded on the east and the south by steep valleys which cut it off from the adjacent hills. On the north and west opens a plateau which in modern times as in antiquity serves to provide room for expansion outside the historic walls.

In the middle of the last century Christians and Moslems as well as Jews began to expand into this suburban extra-mural area. Jewish settlers coming from Europe could find no place inside the small Jewish quarter of the walled city and so built outside. The better class Christians and Moslems sought the suburbs to find more room and a healthier atmosphere. The greater proportion of the many Christian communities coming to Jerusalem in the past century have also settled outside the walls. Meanwhile the Mount of Olives to the east of Jerusalem has been occupied by Christian churches and convents and Jewish cemeteries; and Mt. Scopus to the north has become the site of the Hebrew University and the Hadassah Hospital.

No Man's Land and the present military line between the two rival nations cut the city in half, leaving almost the whole of the western suburban area in Israeli hands and the walled city in Arab hands. See map.

3. Population elements in the Enclave and in Jerusalem. In the Jerusalem- Bethlehem enclave as a whole there were, before the recent fighting began, about 100,000 Jews, 65,000 Moslems and 40,000 Christians. The vast majority of the Christians were native stock, commonly called Christian Arabs.

In Jerusalem itself, the Mandatory Government estimated in 1946 that there were 99,320 Jews, 33,680 Moslems and 31,350 Christians.

Today we are informed that there are but 1,000 Arabs in the Israeli-held western part of the city. Such was not the case prior to the fighting. The following estimate, though necessarily sketchy for lack of exact figures, gives a fair picture of the condition before the fighting started.

	Jews	Christians	Moslems
Living within the walls	4,000	7,000	10,000
Living outside the walls	95,000	24,000	23,000

(For the basis of this estimate see Exhibit B.)

46,000 Christians and Moslems then occupied the extra mural area, most of which is now in Israeli hands and has but 1,000 Arabs.

4. Economic and Social Life of Jerusalem. Under the Turks and the British extra-mural Jerusalem grew up as a community in which people could buy land where they wished and settle where they liked. All three religious communities lived side by side and intermingled. There was a certain tendency for communities to settle in distinct quarters but they were not contiguous, being separated by quarters of the other communities.

All communities shared in the migration to outside the walls. The homes of the better class Arabs, Christians and Moslems alike, were all found in the extra-mural area, leaving only the poorer families and the members of religious establishments inside the walls. This area was not therefore exclusively or mainly Jewish. All modern shops, hotels and factories, a goodly number of which are owned by the Arabs, are found in the part outside the walls.

Those who lived inside the walls went outside to do business in a bank, to attend a hospital, to attend school, or to buy at the modern shops. By the same sign, those who lived in the extra-mural area went inside the walls to worship at the shrines, Jewish, Moslem and Christian, to buy vegetables in the old market and to visit friends living in the old houses.

If the city were to be partitioned along the line of the present No Man's Land it would run a sword through the living body of a unified city, and erect an international frontier between people and their banks, schools and hospitals, places of business and places of worship. For example, the Jews of the western part would be cut off from the Old Jewish quarter, the sacred Wailing Wall, the Hadassah Hospital and the Hebrew University, as well all the Jewish cemeteries. And the Moslem and Christian inhabitants now refugees from their homes, schools and places of business in the extra-mural area would be deprived of the very substance of their lives; and the ones normally living in the walled city would be cut off from access to the essential shops and hospitals outside.

5. The International Character of Jerusalem. Jerusalem is not just an Arab-Jewish city. It is international in its very constitution.

Practically all of the 60 living languages spoken in Palestine are represented in Jerusalem. Christians in Jerusalem come from 30 different countries. Moslems speak 17 different languages. The Jews themselves, though now seeking to stress the need for speaking Hebrew and taking Israeli nationality, come from many countries and speak 26 different languages as their native tongues.

Foremost among the foreign Christian nations were the French, the Italians, the Russians and the old German settlers. Of course, the British community had shrunk to small proportions since the giving up of the Mandate; and the Christian American community has been less than 100 persons. But the international character of the city is proclaimed by the many different styles of architecture used by the different nationalities; and heard in the babel of tongues in the streets.

6. The Interconfessional Character of the City. It is hardly necessary to observe that Jews and Moslems of every important sect are found in Jerusalem. But the same is true of Christians. The following figures taken from the Census of 1931, though much smaller than they would have been in 1946 when the city was much larger, suggest something of the variety and importance of the various Christian bodies.

Documents on Jerusalem – Documents with a Religious Background

<i>Orthodox Patriarchate of Jerusalem:</i>		
(Native Arabs, Greeks, Russians, Rumanians, Bulgarians, etc.)		13,595
Syrian Orthodox (Jacobite)		979
Armenian Orthodox (Gregorian)		2,154
Coptic (Egyptian Christians)		90
Abyssinian Church		93
<i>Roman Catholic</i>		9,708
Latin Rite	8,756	
Greek Rite	351	
Maronite	130	
Armenian Catholic	273	
Syrian Catholic	142	
Assyrian Catholic	46	
<i>Anglican</i>		1,391
British about	1,000	
Arab	391	
<i>Presbyterian</i>		34
<i>Lutheran</i>		67
<i>German Temple Society ca.</i>		200
<i>Unclassified</i> (incl. Incl. American Protestants, Armenian Protestants, Pentacostal, Baptist, Methodist, Hebrew-Christian, etc.)		2,292

By 1946 the total number of Christians had increased to 31,350.

7. The Christian Stake in the Holy City. The real Christian stake in the Holy City lies in the lives of the 31,000 Christians who normally inhabit the city and constitute the oldest Christian community in the world.

The attempt has been made to becloud this fact by speaking as though the only interest Christians had in the Holy City lay in a few Holy Places whose protection could be assigned to a small commission of the United Nations.

There are indeed certain very sacred "international shrines", among them the Church of the Holy Sepulchre, the Temple Area and the Wailing Wall, which have preoccupied the attention in turn of the Turkish and British Governments because being owned by several different religions they have been the object of special attention. Even these are but a fraction of the recognized places of religious interest. The situation in the international shrines has for nearly two centuries been stabilized by a recognized *status quo*. The proper administration of this *status quo* is of course an important matter for the United Nations.

But still more important to every Christian community is the wholesome life of its members and the continuance of the Christian community as a vital part of the complex life of the Holy City.

At the present moment the vast majority of the Christians are refugees from their homes, their businesses, their churches, their schools and their hospitals, and if under a partitioned Jerusalem they are prohibited from repossessing the homes now occupied by new immigrants they will have been permanently dispossessed of their stake in the Holy City.

8. Christian Institutions in Israeli-held Areas: How considerable is the share which Christians have in the Israeli-held parts of the city can be seen from the following long, but still incomplete list of important institutions. See map for numbers showing approximate locations.

It will be noted that all six Christian Hospitals, caring in a normal year for 7,000 patients (including 1,000 Jews), are in the Israeli-held area. So also are 12 parish churches, 14 convents, 16 schools, including almost all the high schools used by Christians and Moslems, and other such institutions as the American YMCA, the Jesuit Biblical Institute, and the like.

1. English Hospital	27. Convent, School and Orphanage of the <i>Surs de Charité</i> (RC)
2. German Hospital	28. School of the Sisters of Zion (RC)
3. Italian Hospital	29. Convent and Hospice of the Sisters of St. Charles (RC)
4. Ophthalmic Hospital of the Order of St. John of Jerusalem	30. French Sisters' School in Talbiyeh (RC)
5. Moravian Leper Hospital	31. Convent of the Sisters of St. Claire (RC)
6. French Hospital	32. Convent & School of the Sisters of St. Joseph (RC)
7. American Y.M.C.A.	33. Syrian Orthodox School
8. American Protestant Church (Armenian Protestant)	34. Greek Orthodox Lay School
9. The American Church (C. & M.A.)	35. Greek School in Katamon
10. The American Pentacostal Church	36. Bishop Gobat Junior School (Anglican)
11. The Newman School of Missions (Methodist)	37. Talitha Kumi School (Luth.)
12. American Baptist Mission	38. Jesuit Biblical Institute
13. Russian Church and Convent	39. Greek Orthodox Convent of the Holy Cross The American (Protestant) Cemetery
14. Abyssinian Church and Convent	41. The Benedictine Convent with the Church of the Dormition of the Blessed Virgin
15. Scottish Church of St. Andrew	42. Armenian Church of the House of Caiaphas
16. German Temple Church	43. The Cenacle (Moslem Tomb of David) where Franciscans have rights)
17. St. Paul's Arab Anglican Church	44. Residence of the Apostolic Delegate
18. Greek Church of Nicophoria	45. The British-German Cemetery
19. Greek Convent of St. Simeon the Just, Katamon	46. The Orthodox Cemetery
20. Greek Church of Abu Tor	47. The Latin Cemetery
21. Ratisbon Convent and School (RC)	48. The Armenian Cemetery
22. Terra Santa College (RC)	49. The Hospice of Notre Dame (French RC)
23. Jerusalem Girls' College (Anglican)	50. The Greek Convent of Mount Zion
24. Schmidt's Girls High School (RC)	51. The Italian School
25. Convent of the <i>Surs de Marie Réparatrice</i> (RC)	52A. The Syrian Orphanage (Lutheran)
26. Convent and School of the <i>Surs du Rosaire</i> (RC)	52B. The Romanian Orthodox Church

Christian Institutions in No Man's Land

- The Franciscan Boys' School
- The Swedish School
- The Syrian Orthodox Patriarchate
- The Church and Convent of the Assumptionist Fathers at Church of St. Peter of the Cock Crowing

9. Christian Institutions in Arab-held area North of City. There are also many Christian institutions in the Arab-held areas outside the walled city. Those in the northern suburb are here treated separately because possession of this area by the Arabs cuts off the Israelis from access to their highly important Hebrew University and Hadassah Hospital on Mt. Scopus. If an effort were made to secure this area for the Israelis; it would affect the following institutions in part of whole.

- 53A. St. George's Anglican Cathedral and Hospice
- 53B. St George's Junior and High School for Boys.
- 54. St. Stephen's Church and the Dominican (RC) Convent with its Ecole Biblique.
- 55. Convent and school of the Soeurs Franciscaines de Marie (RC)
- 56. The "Garden Tomb", considered by many Protestants the real tomb of Christ.
- 57. The Lazarist Convent and former school building
- 58. The American Colony
- 59. The Augusta Victoria Foundation on the Mt of Olives (German Lutheran)
- 60. The American Colony Cemetery
- 61. The British War Cemetery (World War I).

10. Other Christian Institutions in Arab-held areas outside the Walls.

- 62. The Garden of Gethsemane, with the Franciscan Church of the Agony (RC)
- 63. The Tomb of the Blessed Virgin (Orthodox, Armenian, Syrian and Moslem)

64. Russian Gethsemane and Church of St Mary Magdalene with convent.
65. The Greek Orthodox Shrine of the Stoning of St Stephen
66. The Greek Orthodox Convent of "Ye Men of Galilee".
67. The Russian Orthodox Convent on the Mt of Olives
68. The Carmelite Sisters Convent, with the Churches of the Creed and the Lord's Prayer.
69. The Church of the Sacred Heart on the site of the Eleona.
70. The Church of the Ascension (now a Moslem mosque in which Latins, Orthodox, Armenians and Syrians have rights to hold services at times).

11. Jewish and Moslem Institutions cut off from their People. The partition of the city along the present unnatural line would affect Jews and Moslems as well as Christians.

(a) *Jewish institutions in Arab-held areas, inside and outside the Walls*

- The Wailing Wall, part of the old Jewish Temple
- The Hebrew University
- The Hadassah Hospital with its laboratories
- The Jewish Quarter of the Old City with its old synagogues
- All the Jewish cemeteries on the slopes of the Mount of Olives and Mount Zion

(b) *Moslem institutions in Israeli hands*

- The great Moslem Cemetery of Mamillah
- The building of the Moslem Charities foundation
- Numerous Moslem villages with their mosques including the infamous Deir Yassin.

12. The Practical Consequences of Partition. The above mentioned Christian institutions are not mere buildings but the core of a living community. They are part of the life of the 31,000 Christians who normally inhabit Jerusalem, and more especially of the 24,000 who live outside the walls.

Partition means the erection of an international frontier down the middle of the city. Passage across this line, if allowed, would mean at least the carrying of passes and customs controls.

Furthermore both the Hashemite Arabs and the Israelis base their claim to their share of the city upon *military necessity*. Each says it is a vital element in their defence system. This means *the permanent militarization of Jerusalem*.

Israelis and Hashemite Arabs alike lay *claim to the whole of the undivided city*. Each regards partition as a temporary expedient. Eventually the fanatics in one camp or the other will precipitate a crisis when they think conditions favor their side and *fighting will break out again in the City of Peace*.

Partitioned Jerusalem will be a city of confusion ripe to become again a city of war.

13. The Inadequacy of the current Israeli Proposals. The Israeli Government, while proposing partition, suggests that Christian interests be protected by creating an international commission to supervise the "international shrines". Enough has been said to show how unrealistic this is from the Christian viewpoint.

But they have a second proposal: that the old walled city be emptied of its inhabitants and the whole made into an international shrine.

This is both cynical and impracticable. The Israelis suggest that while they be allowed to keep all their share, the Arabs be forced to surrender their share. Moreover the suburban area in Arab hands adjacent to the city is unsuitable for extensive erection of new homes for the 17,000 people who would be displaced.

14. The Plea that Internationalization against the will of the Israeli and Moslem Arab Inhabitants would be Undemocratic. Did we hear this argument put forward by the Arabs, who for years have been protesting, *on democratic principles*, for the right to have their voice heard in the disposition of Palestine, in which they had a two-thirds majority, one might be inclined to listen. But the Zionists, who have been replying to the Arabs that it was by right of the international judgment of the League of Nations and the United Nations that the Arabs inherent rights have been set aside in favour of the Jews, now hasten to assert the principles of self-determination.

It is by no means certain that all the Jews and all the Moslems in Jerusalem, faced with the full consequences of partition, are in favour of the plan. But even if they were, it should be noted 1) that they will not

under internationalization lose their citizenship; and 2) they will have almost complete autonomy in local inter-communal affairs.

If in either Israeli or Moslem community the advantages of living in the Holy City are outweighed by the annoyance of being under international supervision, they are not compelled to remain there. But in fact one wonders whether many would indeed leave.

Meanwhile, under international control all the three communities and the citizens of the many countries could enjoy a peace and security which otherwise would be unknown, and with it free access to the whole of the indivisible city.

15. The Body of Predominant Vatican Influence. The Israelis have made a direct bid for Protestant support for partition. Ben Gurion recently was reported to have said that the supporters of internationalization were the Arabs, the Communists and the Roman Catholics.

Protestant leaders in America have been told that internationalization means that the Vatican will soon dominate the Holy City; while Orthodox Christian leaders in Jerusalem are warned that under internationalization the Vatican will take away their rights in the international shrines.

This unworthy suggestion is easily answered.

The respective rights of the various Christian communities who share the international shrines, such as the Holy Sepulchre and the Church of the Nativity at Bethlehem, were established nearly two centuries ago by the Ottoman Turks and have been sedulously maintained by the British. Any international commission, on which Orthodox and Protestant as well as Roman Catholic countries, and Moslem states as well as the State of Israel, would be represented would make it their primary duty to see that no painful changes were made in the well established *status quo*. Nor would the Vatican wish to be placed in the invidious position of altering so delicate a situation.

But granted such a thing were possible, what Christian is there who would prefer handing the holiest shrines of the Christian religion and the welfare of the Christian community over to non-Christians in preference to seeing them in the hands of fellow-Christians, even of a different tradition?

16. The Question of Force. In view of the fact that spokesmen for Israel and also for Hashemite Jordan suggest that they would oppose by force the attempt to internationalize the Holy City, the question arises whether the United Nations has the military force to impose its decision. As one pro-partition spokesman expressed it: Who among the Christians is ready to die to make Jerusalem an international city?

No realistic person can think that, if the United Nations is firm in supporting its decision to create the enclave, the Hashemite Arabs and still less the Israelis would dare to defy with armed force the considered judgment of the nations.

Israel is too dependent upon public opinion to risk such a calamity, which would ruin its much valued reputation for fairness and international decency. And both Israelis and the Hashemite Arabs could quickly be brought to terms by the mere application of those economic sanctions which lie within the power of the United Nations. Of the two Israel is even more vulnerable in this respect than the Arabs.

But there is a force stronger than that of military might.

Israelis and Moslem Arabs as well as Christians realize that mere nationalistic fervor must yield place to the superior claims of international brotherhood and religion. Jerusalem, sacred to the three great monotheistic religions, stands for something higher and more sublime than nationalism. It stands for the ideal which lies behind the very creation of the United Nations itself. Any attempt to oppose by force the internationalization of Jerusalem would be an affront to civilized men everywhere. It would be tantamount to the assertion that international goodwill, brotherhood and toleration were dead, and that force alone ruled the destinies of men.

An international enclave where the three religions could live side by side in peace and the nations of the world lay aside their nationalism in the interests of something nobler and grander would be indeed an inspiration to men of good will everywhere.

New York, January 6th, 1950.

EXHIBIT A:

THE DOMINANT GOVERNMENTS IN JERUSALEM 3000 B.C.-1950 A.D.

			<i>Years</i>
Israelites	Davidic Kingdom to Fall of Jerusalem	1050-586 B.C.	464
Babylonians	Fall of Jerusalem to fall of Babylon	586-538 B.C.	50
Persians	Cyrus to Macedonian conquest of Persia	538-332 B.C.	206
Greeks	Alexander's conquest of Jerusalem to emancipation of city by Maccabees	332-166 B.C.	166
Jews	Maccabean Kingdom	166-63 B.C.	93
Pagan Romans	Roman conquest of Jerusalem to fall of paganism	63 B.C.-A.D.373	386
	Herod as vassal of Rome and his heir: semi-independent Jewish rules	37 B.C.-A.D.6	43
Christian	From Constantine to Persian conquest	A.D. 323-614	291
Romans	Period of Persian rule	A.D. 614-628	14
Persians	Reconquest of city by Byzantines	A.D. 628-637	11
Romans	Conquest by Moslem Arabs	A.D. 637-1072	435
Arabs	Rule by Moslem Turks	A.D. 1072-1092	20
Turks	Reconquest by Arabs	A.D. 1092-1099	7
Arabs	Crusading Kingdom	A.D. 1099-1187	88
Christians	Reconquest by Arabs	A.D. 1187-1229	42
Arabs	City ceded by treaty to Frederick II	A.D. 1229-1239	10
Christians	Revived Arab rule	A.D. 1239-1514	278
Arabs	Jerusalem under Ottoman Turks	A.D. 1517-1917	400
Moslem Turks	British conquest and mandate	A.D. 1917-1947	30
Christians	Jerusalem seized by Israelis and Arabs	A.D. 1947-1950	3

EXHIBIT B

THE POPULATION OF JERUSALEM OUTSIDE THE WALLS

All figures for the population of Jerusalem since the careful 1931 Census are estimates. At that time the population of Jerusalem was given as follows:

	Total	Moslems	Christians	Jews
Inside the walls	25,183	12,201	7,759	5,222
Outside the walls	65,320	7,693	11,576	46,000

Since that date there has been a steady movement away from the walled city, Moslems and Christians as well as Jews seeking better quarters outside.

In 1946 the British Mandatory Government estimated that the population of Jerusalem was 163,350, and included 33,680 Moslems, 31,350 Christians and 99,320 Jews. Allowing therefore for a small decline in the population within the walled city, this gives us for this date, prior to the fighting which made refugees of most of the Moslem and Christian inhabitants of the extra-mural area, the following rough estimate for the numbers living inside and outside the walled city:

	Moslems	Christians	Jews
Within the walls	10,000	7,000	4,000
Outside the walls	21,000	24,000	95,000

Of the 45,000 non-Jews living then in extra-mural Jerusalem, the greater proportion lived in the area now occupied by Israeli forces. Included in these Israeli held areas are the fine modern quarters of Talbiyeh, German Colony, Katamon, Upper and Lower Beka'as and Abu Tor.

8. Letter Dated 16 January 1950 from Mrs. Freda Kirchwey, President of the Nation Associates to the President of the Trusteeship Council

On the eve of the meeting of the Trusteeship Council, I am taking the liberty of bringing to your attention and, through you, to the members of the Trusteeship Council, a plan offering a solution for the Jerusalem question entitled, "A proposal for an international curatorship for Holy Places".

This proposal was submitted by the signatories, a group of distinguished Americans, to the General Assembly recently concluded. This proposal, like many others, failed to receive detailed study for reasons with which you are familiar and which need no recounting at this time.

I invite your attention to the plan at this moment in view of a disposition on your part and seemingly of other members of the Trusteeship Council to look for solutions of the Jerusalem question on a basis different from the resolution of 9 December.

This plan calls for the establishment of a United Nations' Commission composed of representatives of the principal faiths for the purpose of:

1. Authenticating the Holy Sites in Palestine.
2. Assuming responsibility for their preservation.
3. Ensuring freedom of access at all times.
4. Supervising the restoration of such Holy Sites, if any, as may have been damaged in the Palestine war.

The Commission to be established would be responsible to the Security Council and be authorized to employ guards.

In the judgment of the signatories, this plan is in accord with the general purposes of the United Nations respecting the Jerusalem question. It does, in fact, protect the Holy Places, since any violation of their sanctity would immediately become subject to the action of the Security Council. It is in accord with the basic principles of the Charter. It would, we believe, find acceptance on the part of Jordan and Israel.

It would be possible under the plan proposed to fly the United Nations flag over each Holy Site so designated and to proclaim the area occupied by each a demilitarized zone.

The principle underlying this proposal is precisely the same under which you, as we understand it, have proposed that the Church of the Nativity in Bethlehem should be internationalized and demilitarized. In the case of Bethlehem and the Church of the Nativity, you have not suggested either the internationalization of the city as a whole or the internationalization of its population. We see no reason why the same principle is not equally applicable to all other Holy Sites.

On behalf of- the signatories, may I ask that consideration be given to this plan as fulfilling the basic purposes of the United Nations regarding this question.

(Signed) Freda KIRCHWEY

9. Telegram Dated 5 February 1950 from a Number of Catholic International Organizations to the President of the Trusteeship Council

The undersigned Catholic international organizations assembled at Luxembourg for their annual conference declare on behalf of their millions of members in 71 countries in 5 continents their support for United Nations General Assembly resolution of 9 December 1949 concerning internationalization Jerusalem stop They express their confidence that the Trusteeship Council will ensure its full and faithful implementation.

- International Catholic Association of Girls' Friendly Societies, International Christian Welfare Association, Catholic Children's International, International Bureau Catholic Youth, Caritas Catholica, Catholic Associations of Nurses, Editors Catholic Newspapers, Catholic Young Women, Pax Romana, International Movement Catholic Intellectuals, International Catholic Cinema Office, Associations Catholic Medical Practitioners, Joc International St. Vincent de Paul Society, International Catholic Bureau of Broadcasting, Catholic Employers' Associations, Catholic Union International Study, Catholic International Union Social Service, International Union Catholic Women's Leagues, Men's Catholic Action.



LETTER FROM THE COPTIC ORTHODOX ARCHBISHOP FOR JERUSALEM AND THE NEAR EAST TO THE PRESIDENT OF THE UN TRUSTEESHIP COUNCIL, 20 MAY 1950

[Letter addressed to the Trusteeship Council focusing on the status of Egyptian Coptic Orthodox Church and its rights and privileges of the Church of the Holy Sepulchre]

Note by the Secretariat: The following letter dated 20 May 1950 from Jacobus, Coptic Orthodox Archbishop for Jerusalem and the Near East was received by the President of the Trusteeship Council and is hereby circulated to the members of the Council.

"Apostolic Blessings be unto you.

"Jacobus, By the Grace of God, the Coptic Orthodox Archbishop of Jerusalem and the Near East at Jerusalem, writes this to Your Excellency and prays God that He may preserve your life and bestows upon you the health and strength that you may do His will and that He may enlighten you in order that the Holy Land may be saved from its present Chaos, especially so in respect of Jerusalem, the Holy City you were chosen to study its future.

"You are undoubtedly aware that the Egyptian Coptic Orthodox Church is fully represented in this part of the world and it has its community and properties in the Holy Land, besides its prevailing rights and privileges in Jerusalem and in the Holy Sepulchre Church.

"We have always been following with deep interest, your steps in the meetings of the Trusteeship Council in the course of discussing the future of Jerusalem, its laws and its constitution, and have always been praying God to direct your steps into the right path.

"Now, and some two months ago we heard that your respectable Council has invited representatives of the Greek Orthodox, Roman Catholics and the Armenian Orthodox to attend the meetings of the Trusteeship Council during its session in Geneva and to comment there on the contents of the proposed constitution for Jerusalem.

"We feel sure we stand on the same footing with any other community regarding the representation of the Christian faith in the Holy Land. Should your Council discuss, in its coming session, the prevailing rights and privileges of the Church of the Holy Sepulchre, we must draw your attention here to the fact that the Copts enjoy equal rights and privileges as any other Christian community. I therefore find that if it were necessary to invite representatives of other communities to attend the meetings of the Council, it is equally necessary that I or any other representative chosen by His Beatitude, the Pope of Alexandria, should also be invited to attend.

"We address this to you for fear that you may receive wrong information about our rights, and we request to attend meetings of the Council on the same footing as those other representatives of the above-mentioned communities whom we hear had proceeded from Geneva to Lake Success for the June meetings of the Council.

"For further explanation we beg to inform you that our rights inside the Church of the Holy Sepulchre and Gethsemane are all subject to the *status quo* which was valid during the Turkish regime and the British mandate, and which we do not desire to change, for we have inside the Church of the Holy Sepulchre our properties, prayers, oil lamps, feasts, customs, including day and night censuring and the procedure included in the *status quo* during the official and unofficial feasts.

"We submit this for your perusal, and we are prepared if necessary to attend your Council in its meetings for the discussion of the Holy City, the Church of the Holy Sepulchre and the Holy Places in general.

"In conclusion we pray God that He may direct you and enlighten you to do what is good for His Holy City.

(Signed) JACOBUS
The Coptic Orthodox Archbishop for Jerusalem and the Near East, Jerusalem."



**HIS BEATITUDE BENEDICTOS, THE GREEK ORTHODOX PATRIARCH OF JERUSALEM,
REPLY TO THE ADDRESS OF ISRAELI PRIME MINISTER LEVI ESHKOL ON THE
PROTECTION OF THE HOLY PLACES, 27 JUNE 1967 [EXCERPTS]**

[For the Address of PM Eshkol see Vol. II: Israeli Documents]

We have heard with pleasure of the free access to the holy sites and we deeply appreciate your kind wish [...] I believe that I speak on behalf of all my brothers and fellow leaders here tonight if I say that we are pleased with the behaviour of the Israeli army. All of its men have shown us kindness and a willingness to serve us. Everybody has displayed respect for the Holy Places and churches. [...]



**STATEMENT BY THE LATIN CUSTOS OF THE HOLY LAND REGARDING
THE HOLY PLACES, 27 APRIL 1968**

Thanks be to God, pilgrimages to the Christian Shrines are increasing in number from day to day, and pilgrims make their visits as they did a year ago. Only occasionally they are advised, though not prevented by force, to omit the visit to the River Jordan, on account of some danger of shooting in that zone.

All the services (I mean religious services) are going on as usual in the Christian Churches. It would be enough to mention how orderly everything was during the recent celebrations of Holy Week and Easter.

As I had the occasion to state on previous occasions, practically none of our Holy Places and churches were damaged or destroyed during the Six Day War. In one or two places minor damage was caused, because the fight went on in the immediate vicinity of the church or monastery. One place which suffered quite a bit was our monastery on Mount Zion.

What I have stated so far are facts that everybody can check. Of course a war is a war; yet in general we must be grateful to Almighty God that the Holy Places were Preserved from destruction, and almost in all cases from damage, even small. I suppose that all can see for themselves in what conditions are our churches. And again I should say 'Thanks be to God!' that Christians and pilgrims have been able to continue their divine worship in our churches, practically without any break since last June.



**OFFICIAL COMMUNIQUÉ FOLLOWING THE AUDIENCE GRANTED TO
PRIME MINISTER MEIR BY POPE PAUL VI, 15 JANUARY 1973**

[The meeting between the Pope then Israeli Prime Minister Golda Meir, discussed, inter alia, the internationalisation of Jerusalem; the following is the official communiqué, translated from the Italian, as published in L'Osservatore Romano.]

This morning, 15 January 1973, at 12:15 hours, His Holiness Pope Paul VI received in audience Her Excellency Mrs. Golda Meir, Prime Minister of Israel, who was accompanied by the Ambassador of Israel in Italy, His Excellency Mr. Amiel E. Najjar.

The conversation, which lasted about an hour, had as its themes the situation in the Middle East and the particular problems that concern the Holy Land.

His Holiness, after recounting the history and the sufferings of the Jewish people, expounded the point of view of the Holy See on the questions that have a major connection with its humanitarian mission, such as the problem of the refugees and the situation of the various communities that live in the Holy Land; and on those of its own more specifically religious mission insofar as concerns the Holy Places and the sacred and universal character of the City of Jerusalem.

The Prime Minister emphasised Israel's wish for peace, and fully illustrated Israel's position on the possibilities of arriving at a peaceful solution of the Middle Eastern conflict through negotiation between the parties and on the questions mentioned above; and, furthermore, alluded to the phenomenon of terrorism as well as particular situations regarding the Jewish communities in certain parts of the world.

His Holiness, finally, in expressing his fervent wish that it shall be justice and right that establish peace and co-existence among all the peoples of the Middle East, once more manifested the intention of the Holy See to do everything within its possibilities to achieve that end.



**WORLD COUNCIL OF CHURCHES, EXECUTIVE COMMITTEE RESOLUTION,
BAD SAAROW, GERMAN DEMOCRATIC REPUBLIC, FEBRUARY 1974**

Noting that the Christian holy places in Jerusalem and neighboring areas belong in the greatest extent to member churches of the World Council of Churches, specifically the Eastern Orthodox and Oriental Orthodox churches, and are also of concern to other Christians, the Executive Committee requests the General Secretary, in consultation with these churches, to investigate problems that might develop in regard to the future control of these places as a result of international negotiations in the Middle East.



**STATEMENT BY THE WORLD COUNCIL OF CHURCHES CENTRAL COMMITTEE
ON JERUSALEM, WEST BERLIN, AUGUST 1974**

The Central Committee affirms that in order to reach a satisfactory position regarding Jerusalem the following facts should be taken into account:

1. Jerusalem is a holy city for three monotheistic religions: Judaism, Christianity, and Islam. The tendency to minimize Jerusalem's importance for any of these three religions should be avoided.
2. Its importance for Christianity is reflected in the following statement of the Executive Committee of the WCC at Bad Saarow (February 1974):
Christian Holy Places in Jerusalem and neighboring areas belong to the greatest extent to member churches of the WCC, specifically the Eastern Orthodox and Oriental Orthodox Churches and are also of concern to other Christians.
But the question of Jerusalem is not only a matter of protection of the holy places; it is organically linked with living faiths and communities of people in the holy city.
Any proposed solution as to the future of the holy places in Jerusalem should take into account the legitimate rights of the churches most directly concerned.
3. Any solution on Jerusalem should take into account the rights and needs of the indigenous people of the holy city.
4. We are of the opinion that matters related to jurisdiction over Jerusalem will find their lasting solution within the context of the settlement of the conflict in its totality.

The Central Committee recommends that the above should be worked out with member churches, initially those most directly concerned, and in consultation with the Roman Catholic Churches. These issues should also become subjects for dialogue with Jewish and Muslim participants.



**STATEMENT BY THE FIFTH GENERAL ASSEMBLY OF THE WORLD COUNCIL OF
CHURCHES, NAIROBI, 23 NOVEMBER-10 DECEMBER 1975**

1. For many millions of Christians throughout the world, as well as for the adherents of the two great sister monotheistic religions, namely, Judaism and Islam, Jerusalem continues to be a focus of deepest religious inspiration and attachment. It is therefore their responsibility to cooperate in the creation of conditions that will ensure that Jerusalem is a city open to the adherents of all three religions, where they can meet and live together. The tendency to minimize Jerusalem's importance for any of these three religions should be avoided.
2. The special legislation regulating the relationship of the Christian communities and the authorities, guaranteed by international treaties (Paris 1856 and Berlin 1878) and the League of Nations and known as the *Status Quo* of the Holy Places must be fully safeguarded and confirmed in any agreement concerning Jerusalem. Christian Holy Places in Jerusalem and neighbouring areas belong to the greatest extent to member churches of the WCC. On the basis of the *Status Quo* none of the church authorities of a given denomination could represent unilaterally and on behalf of all Christians the Christian point of view, each church authority of a given denomination representing only its own point of view.

3. Many member churches of the WCC are deeply concerned about the Christian Holy Places. However, the question of Jerusalem is not only a matter of protection of the Holy Places, it is organically linked with living faiths and communities of people in the Holy City. Therefore the General Assembly deems it essential that the Holy Shrines should not become mere monuments of visitation but should serve as living places of worship integrated and responsive to Christian communities who continue to maintain their life and roots within the Holy City and for those who out of religious attachments want to visit them.
4. While recognizing the complexity and emotional implications of the issues surrounding the future status of Jerusalem, the General Assembly believes that such status has to be determined within the general context of the settlement of the Middle East conflict in its totality.
5. However, the Assembly thinks that apart from any politics, the whole settlement of the interreligious problem of the Holy Places should take place under an international aegis and guarantee which ought to be respected by the parties concerned, as well as the ruling authorities.
6. The General Assembly recommends that the above should be worked out with the most directly concerned member churches, as well as with the Roman Catholic Church. These issues should also become subjects for dialogue with Jewish and Muslim counterparts.
7. The Assembly expresses its profound hope and fervent prayers for the peace and welfare of the Holy City and all its inhabitants.



**STATEMENT RECEIVED FROM THE PERMANENT OBSERVER OF THE HOLY SEE
TO THE UNITED NATIONS, 3 DECEMBER 1979**

1. It is commonly felt that the failure to find a solution to the question of Jerusalem, or an inadequate solution, or even a resigned postponement of the problem could bring into question the settlement of the whole Middle East crisis. The Holy See also considers it important that in this matter there should not be created irreversible situations which would prejudice the desired solution.
2. In his speech of 21 December 1973, His Holiness Pope Paul VI expressed the confident hope that the Holy See would fittingly be able to make its voice heard when the problem of Jerusalem became the subject of concrete discussions in the context of the peace negotiations for the Middle East.
On his part, His Holiness Pope John Paul II, in his address to the General Assembly of the United Nations on 2 October 1979, stated: "I also hope for a special statute that, under international guarantees - as my predecessor Paul VI indicated - would respect the particular nature of Jerusalem, a heritage sacred to the veneration of millions of believers of the three great monotheistic religions, Judaism, Christianity and Islam."
It hardly seems necessary to emphasize that the Holy See's interest in this question has a spiritual, historical and juridical basis, that its nature is not political but religious and that its aims are conciliation and peace. The intention of the Holy See is to preserve and guarantee to the Holy City its identity as religious centre, unique and outstanding in the history of the world, in such a way that it may become a stable place of encounter and concord for the three great monotheistic religions (Judaism, Christianity and Islam).
Needless to say, on this subject, the Holy See endeavours to keep in contact not only with the religious authorities of the various Christian Churches but also with the principal leaders of Islam and Judaism.
3. The ideal and historical reality of the Holy City is manifested in the fact that Jerusalem has been and continues to be the most important centre of all three great monotheistic religions, inasmuch as the City is the seat of three religious communities that live together there and is the site of shrines and memorials venerated by the followers of these religions, who, numbering almost a billion and a half throughout the world, regard Jerusalem as a common sacred patrimony.
This composite presence in Jerusalem of various groups means that an equitable, stable and peaceful solution of the problem of Jerusalem implies, above all, the recognition of an historical and religious pluralism, to be put into practice by according all of the three religions, in their particular expression as communities, full enjoyment of their respective rights, excluding positions of predominance and, indeed, favouring the prospect of a useful human and religious dialogue.
4. The Holy See's view is that such considerations are of primary and determining importance with regard to the problem of political sovereignty itself. That is to say: whatever solution be found to the question of sovereignty over Jerusalem (not excluding the hypothesis of the "internationalization" of the City), the satisfying and safeguarding of the above-mentioned requirements must be ensured, and, at the same time, the international community ought to be the guarantor of interests that involve numerous and diverse peoples.
This does not mean, however, that any solution of the political problem of the sovereignty of Jerusalem can be considered irrelevant to the global settlement of the question. Rather, the Holy See, the more because of the particular character of Jerusalem, acknowledges the need for a solution that will be based on the principles of justice and attained by peaceful means.

5. This perspective gives rise to the need for a "special statute, internationally guaranteed" for Jerusalem, which the Holy See is earnestly hoping for.

The content of this "statute" would include, among other things, two orders of guarantees:

- (a) Parity, for three religious communities, of freedom of worship and of access to the Holy Places; of protection of rights of ownership and of other rights acquired by the individual communities; of the preservation and safeguarding of the historical and urban aspects proper to the City.
- (b) Equal enjoyment of the rights of the three religious communities, with guarantees for the promotion of their spiritual, cultural, civil and social life, including adequate opportunities for economic progress, education, employment, etc.

It will be necessary, furthermore, to define the territory and list the Holy Places, as well as provide for the guarantees and for the supervision which the international community will have to give to the "statute" and for the juridical form of this commitment and of the accord of the interested parties.

6. In many localities of the Holy Land apart from Jerusalem there are important Shrines and Holy Places of one or other religious confession. Suitable guarantees, analogous to those for the city of Jerusalem and in some way linked to an international juridical protection, should be provided for these places also.



**LETTER FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT
OBSERVER MISSION OF THE HOLY SEE TO THE UN ADDRESSED TO THE
PRESIDENT OF THE UN SECURITY COUNCIL, 30 JUNE 1980**

[Letter with annexed article reflecting the Holy See's position on Jerusalem and the Holy Places]

On instructions from His Eminence the Cardinal Secretary of the State of His Holiness, I have the honour to request you to circulate as a Security Council document the attached text published in the 30 June issue of *Osservatore Romano*, which reflects the position of the Holy See concerning Jerusalem and all the Holy Places. The English translation, which was made from Italian, may be regarded as authorized.

(Signed) Monsignor Alain LEBEAUPIN
Chargé d'Affaires a.i.

Annex II

Text on the Question of Jerusalem published by the *Osservatore Romano* (30 June 1980)

JERUSALEM

In his speech to the President of the United States of America, Mr. Jimmy Carter, on Saturday 21 June 1980, the Holy Father spoke of Jerusalem in these terms: "The question of Jerusalem, which during these very days attracts the attention of the world in a special way, is pivotal to a just peace in those parts of the world, since this Holy City embodies interests and aspirations that are shared by different peoples in different ways. It is my hope that a common monotheistic tradition of faith will help to promote harmony among all those who call upon God."

In His Holiness's words we find reference to permanent historical features (the "common monotheistic tradition of faith"), to present facts (the "interests and aspirations that are shared by different peoples"), and to a "hope" for Jerusalem (that "harmony among all those who call upon God" may be promoted in Jerusalem, in the Middle East and throughout the world).

History and contemporary reality

Throughout the centuries Jerusalem has been endowed with deep religious significance and spiritual value for Christians, Jews and Moslems.

The Holy City is the object of fervent love and has exercised a constant appeal for the Jewish people, ever since David chose it as his capital and Solomon built the temple there. Within it much of the history of Judaism took place, and the thoughts of the Jews were directed to it down the centuries, even when scattered in the "Diaspora" of the past and the present.

There is no ignoring either the deep attachment of the Moslems to Jerusalem "the Holy", as they call it. This attachment was already explicit in the life and thoughts of the found of Islam. It has been reinforced by an almost unbroken Islamic presence in Jerusalem since 638 A.D., and it is attested by outstanding monuments such as the Aqsa Mosque and the Mosque of Omar.

There is no need to point out that Jerusalem also belongs spiritually to all Christians. There the voice of Christ was heard many times. The great events of the redemption, the passion, death and resurrection of the Lord, took place there. It was there that the first Christian community sprang up, and there has been, even if at times with great difficulty, a continuous ecclesiastical presence. Numerous shrines indicate the places connected with Christ's life and, ever since the beginnings of Christianity, there has been a constant flow of pilgrims to them. Saint Jerome is one of the most illustrious witnesses to the Christian presence. In the picture of the world presented by Dante Alighieri in his *Divina Commedia* Jerusalem is seen as the centre of the earth.

At present all three communities, the Christian, the Jewish and the Moslem, are part of the Holy City's population and are closely linked with its life and sacred character. Each community is the "guardian" of its shrines and holy places. Jerusalem has a whole network of organizations, reception centres for pilgrims, educational and research institutes and welfare bodies. These organizations have great importance for the community they belong to and also for the followers of the same religion throughout the world.

In short, the history and contemporary reality of Jerusalem present a unique case of a city that is in itself deeply united by nature but is at the same time characterized by a closely intertwined religious plurality. Preservation of the treasures of the significance of Jerusalem requires that this plurality be recognized and safeguarded in a stable concrete manner and therefore publicly and juridically, so as to ensure for all three religions a level of parity, without any of them feeling subordinate with regard to the others.

The religious communities of Jerusalem and the international community

The three religious communities of Jerusalem, the Christian, the Jewish and the Moslem, are the primary subjects interested in the preservation of the sacred character of the city and should be partners in deciding their own future. No less than the monuments and holy places, the situation of these communities cannot fail to be a matter of concern for all. As regards the presence of the Christians, everyone is aware of the importance, both in the past and still today, not only of the Catholic community with its various rites, but also of the Greek Orthodox, the Armenian and the other eastern communities, not forgetting the Anglican groups and others springing from the Reformation.

In short, the Jerusalem question cannot be reduced to mere "free access for all to the holy places." Concretely it is also required: (1) that the overall character of Jerusalem as a sacred heritage shared by all three monotheistic religions be guaranteed by appropriate measures; (2) that the religious freedom in all its aspects be safeguarded for them; (3) that the complex of rights acquired by the various communities over the shrines and the centres for spirituality, study and welfare be protected; (4) that the continuance and development of religious, educational and social activity by each community be ensured; (5) that this be actuated with equality of treatment for all three religions; (6) that this be achieved through an "appropriate juridical safeguard" that does not derive from the will of only one of the parties interested.

This "juridical safeguard" corresponds, in substance, to the "special statute" that the Holy See desires for Jerusalem: "this Holy City embodies interest and aspirations that are shared by different people". The very universalism of the three monotheistic religions, which constitute the faith of many hundreds of millions of believers in every continent, calls for a responsibility that goes well beyond the limits of the States of the regions. The significance and value of Jerusalem are such as to surpass the interests of any single State or bilateral agreements between one State and others.

Furthermore, the international community has already dealt with the Jerusalem question; for instance, UNESCO very recently made an important intervention with the aim of safeguarding the artistic and religious riches represented by Jerusalem as a whole, as the "common heritage of humanity".

THE UNITED NATIONS ORGANIZATION AND JERUSALEM

As early as its second session, the General Assembly of the United Nations approved on 29 November 1947 a resolution on Palestine of which the third part was devoted to Jerusalem. The resolution was confirmed in the next two sessions, on 11 December 1948 and 9 December 1949 while on 14 April 1950 the Trusteeship Council approved a "special statute" for the city on the basis of the Assembly's decisions. The solution proposed by the United Nations envisaged the setting up of a "*corpus separatum*" for "Jerusalem and the surrounding area", administered by the Trusteeship Council of the United Nations.

This "territorial internationalization" of Jerusalem was not of course put into effect, because in the 1948 conflict the Arab side occupied the eastern zone of the city and the Israeli side, the western. The position of the United Nations does not appear at least as yet to have formally revoked. The General Assembly, as well as

the Security Council, has repeatedly, beginning with the resolution of 4 July 1967, insisted on the invalidity of any measure taken to change the status of the city.

The Holy See considers the safeguarding of the Sacred and Universal character of Jerusalem to be of such primary importance as to require any Power that comes to exercise sovereignty over the Holy Land to assume the obligation, to the three religious confessions spread throughout the world, to protect not only the special character of the City, but also the rights connected, on the basis of an appropriate juridical system guaranteed by a higher international body.

HOPES FOR JERUSALEM

In his address to President Carter, the Holy Father referred to the fact that the question of Jerusalem "during these very days attracts the attention of the world in a special way".

The positions of the two sides on the question of sovereignty over Jerusalem are known to be very far apart; any unilateral act tending to modify that status of the Holy City would be very serious. The Holy Father's hope is that the representatives of the nations will keep in mind the "common monotheistic tradition of faith" and succeed in finding the historical and present day reality of Jerusalem reasons for softening the bitterness of confrontation and for promoting "harmony among all those who call upon God". The aim will be to ensure that Jerusalem will no longer be an object of contention but a place of encounter and brotherhood between the peoples and believers of the three religions and a pledge of friendship between the peoples who see in Jerusalem something that is part of their very soul.



LETTER OF THE MIDDLE EASTERN COUNCIL OF CHURCHES (MECC) GENERAL SECRETARY, GABRIEL HABIB, TO KING HASSAN II OF MOROCCO ON THE OCCASION OF THE MEETING OF THE JERUSALEM COMMITTEE IN CASABLANCA, 14 AUGUST 1980

His Majesty King Hassan II, Ruler of Morocco:

We greet you with prayers that peace may be yours in God's keeping and with a desire for your esteem.

We who send you this letter are the Middle East Council of Churches. The Council includes in its membership the Greek Orthodox churches of the Arab world, the Eastern churches (Syrian, Coptic and Armenian), and the Protestant Churches. In this message we are joined by the Catholic Church.

Beloved by you and by us, and giving its light to our two religions and our peoples, it is Jerusalem itself which has induced us to write this letter to Your Majesty in your capacity as chairperson of the Jerusalem Committee. We approach you to say that we reject the annexation of Jerusalem by Israel as well as the declaration that it has become its capital. This accords with positions we have taken earlier "You and we, in our hope, in our resolve, and in the giving of ourselves, belong to the Holy City." This is what Patriarch Elias IV said at the Islamic Summit Conference of Lahore.

Our insistence upon the autonomy of Jerusalem stems from our insistence upon the complete freedom of religion in it. It is the meeting place of worshipers and it is the symbol of the unity which humanity longs for. "Human beings are not stones; they are a living presence." And if we speak with special emphasis about the holy places, it is because Christianity and Islam unquestionably have the largest share of these in the City. The authentic children of these two religions who have been charged to love and continually care for these holy places are the Palestinians. In what concerns the cause of Jerusalem, the Palestinian character of the city has the weight of justice on its side. It is its human face which looks out over creation. Jerusalem is Palestine's head, and you cannot justify separating the problem of the City from the problem of the Palestinian people and the restoration of their full and unprejudiced rights.

While we bless your efforts to arrive at inter-religious understanding with regard to the Holy City, we permit ourselves to remind Your Majesty that the eastern Christian voice is the voice of the Christian children of the land. With the Muslims they have endured Jerusalem's sufferings and with the Muslim people they are ready to arrive at a mutual agreement concerning the future of the city as well as the future of those who have been driven out of it as refugees. We think of Muslim assemblies as our own appropriate pulpits. From them our two voices may sound as one since our hearts are in harmony.

For these reasons the Middle East Council of Churches has convened its member churches in an emergency meeting on Jerusalem. It also urges today that world Christian and Muslim organizations as well as Jewish organizations which understand Arab rights cooperate together to guarantee justice and to bring peace to the City of Peace.

May the Lord strongly support you and bless your efforts with success. Peace be upon you.



**WORLD COUNCIL OF CHURCHES, CENTRAL COMMITTEE STATEMENT ON JERUSALEM
GENEVA, 14-22 AUGUST 1980 [EXCERPTS]**

[Statement on the Israeli unilateral action of annexing East Jerusalem]

1. On the basis of previous World Council of Churches statements the Central committee opposes the Israeli unilateral action of annexing East Jerusalem and uniting the city as its "eternal capital" under its exclusive sovereignty.
2. This decision is contrary to all pertinent United Nations resolutions. It dangerously undermines all efforts towards the just solution of the Middle East problem and thus jeopardizes regional and world peace.
3. The Central Committee reiterates the statement on Jerusalem issued by the World Council of Churches Assembly in Nairobi, 1975, which stressed that the tendency to minimize Jerusalem's importance for any of the three monotheistic religions should be avoided. The destiny of Jerusalem should be viewed in terms of people including Christians as well as Jews and Muslims and not only in terms of shrines. Therefore, just as the future status of Jerusalem has been considered part of the destiny of the Jewish people, so it cannot be considered in isolation from the destiny of the Palestinian people, and should thus be determined within the general context of the settlement of the Middle East conflict in its totality.
4. The Central Committee calls the member churches to exert through their respective Governments all pressure on Israel to withhold all action on Jerusalem, the future of which should be included in the agenda of official negotiations involving Israel and the Palestinians on self-determination and on the solution of the Middle East conflict.
5. Recognizing that Jerusalem is a focus of the deepest religious inspiration and attachment for all Christians in the world, the Central Committee urges the World Council of Churches to undertake an active role in expressing the concerted Christian voice and to aid churches in fully assuming their role as partners in deciding the future character of Jerusalem.
6. The Central Committee also urges the General Secretary to explore, in consultation with member churches in the area and the Vatican, possibilities of trying to find the best solution to the problem of Jerusalem through all appropriate and effective means and ways such as convening jointly or separately international consultations or any other approaches or actions on Jerusalem. The General Secretary should also explore possibilities of consultations with the Muslim and Jewish communities concerned with the future character of Jerusalem in order to seek ways to consolidate justice and human coexistence in the City of Peace. [...]



**CLOSING STATEMENT OF THE MIDDLE EASTERN COUNCIL OF CHURCHES (MECC)
EMERGENCY MEETING ON JERUSALEM, AUGUST 1980 [EXCERPTS]**

Jerusalem has been the subject of our preoccupation and concerns ever since the tragic displacement of its original inhabitants. Our agony became unbearable when Jerusalem was forcefully annexed to the state of Israel and declared its "eternal capital."

We share with all the nations of the world the consciousness that this usurpation stands in violation and defiance of both the resolutions of the United Nations and the will of the Christian and Muslim inhabitants of Jerusalem, who for centuries imprinted the character of the holy City with their religious and cultural heritage. The Christians and Muslims of Jerusalem, along with all the peace-makers of the world, reject the Judaization of the character and features of the City and the eradication of the cultural identity of its people. That City was the meeting place of the three monotheistic faiths. It will lose its significance and its role should the Israeli occupation persist. For the Israeli occupation, with its denial of the Arab character of the City and its bid to settle Jews alone in Palestine, is bound to render, on the basis of such political logic, the lives of the Arab Palestinians impossible and void of all national expression.

The City is inseparably tied to the Palestinian people. No resolution on the issue of Jerusalem can be accepted unless the Palestinian people are reassured of their freedom and prosperity, and their deliverance from subjugation and bondage.

As Jerusalem is the concern of every human being and while cooperating with all international religious and other bodies of good will, in our capacity as Eastern Christians, we categorically assert that, in the matter of Jerusalem, no one can substitute our one and united voice. We state this for the following reason: In regard to the Christian world we are the first party concerned due to our original and permanent presence in Jerusalem and the region. We open our hearts and offer our cooperation to all people with good will, be they Muslims, Christians, Jews or others who are determined to achieve a genuine and true peace in Jerusalem and in the region. In such blessed effort let us remember that peace in this City is a source of blessing for the entire East and a pledge of freedom for all nations.



**NATIONAL COUNCIL OF CHURCHES OF CHRIST GOVERNING BOARD, MIDDLE EAST
POLICY STATEMENT, 6 NOVEMBER 1980 [EXCERPTS]**

[Statement reporting guidelines on status of Jerusalem]

The National Council of Churches of Christ in the USA considers the following affirmations essential:

Agreement on the future status of Jerusalem, a focus of the deepest religious inspiration and attachment of three faiths, Judaism, Christianity and Islam. Existing international treaties [...] and League of Nations actions regulating the rights and claims of the three monotheistic religions to Holy Places should remain unaltered [...] the destiny of Jerusalem should be viewed in terms of people and not only in terms of shrines.

Therefore, the future status of Jerusalem should be included in the agenda of the official negotiations including Israel and the Palestinian people. [...] Unilateral actions by any one group in relation to Jerusalem will only perpetuate antagonisms that will threaten the peace of the city and possibly of the region."



**WORLD COUNCIL OF CHURCHES, SIXTH ASSEMBLY STATEMENT ON THE MIDDLE EAST
VANCOUVER, CANADA, JULY/AUGUST 1983 [EXCERPTS]**

[...]

5. Jerusalem

5.1 We reaffirm that "Jerusalem is a Holy City for three monotheistic religions: Judaism, Christianity and Islam. The tendency to minimize Jerusalem's importance for any of these three religions should be avoided" (Vth Assembly, Nairobi 1975). The WCC should implement the proposal of the WCC Central Committee (August 1980) that dialogue be initiated with Jews and Muslims so that members of the three religions can understand each other's deep religious attachment to Jerusalem and so that together they can contribute towards political processes that would lead to a mutually acceptable agreement for sharing the city. The churches should give priority to this while continuing efforts to secure a general settlement of the Middle East conflicts. The special legislation known as the Status Quo of the Holy Places must be safeguarded and confirmed in any agreement concerning Jerusalem.

5.2 We call the attention of the churches to the need for:

5.2.1 actions which will ensure a continuing indigenous Christian presence and witness in Jerusalem;

5.2.1.1. wider ecumenical awareness of the plight of the indigenous Muslim and Christian communities suffering from the repressive actions of the occupying power in East Jerusalem and other occupied territories.

We call upon the churches to express their common concern that although Israeli law guarantees free access for members of all religious traditions rooted in Jerusalem to their holy places, the state of war between Israel and Arab states, the political reality created by the Israeli annexation of East Jerusalem and continuing occupation of the West Bank means that Arab Muslims and Christians continue to experience serious difficulties and are often prevented from visiting the Holy City. [...]



**STATEMENT BY THE CHRISTIAN CHURCHES ON THE "CHRISTIAN EMBASSY"
IN JERUSALEM, 15 APRIL 1988**

[The International Christian Embassy in Jerusalem is a self-proclaimed Christian Zionist institution which has an international vision for the shaping of a doctrine which allows Christian faith and biblical interpretation to become subservient to the policies of the state of Israel and a revisionist Zionist political ideology and which rejects inter-religious understanding].

The Christian Churches in the Holy Land, whose roots go back to the beginning of Christianity, hereby state the following:

1. The so-called "Christian Embassy" does not represent nor replace the Christian community in Jerusalem or the majority of the Faithful all over the world. We do not acknowledge this body nor its activities and conferences. The teachings of our Lord and the Light of the Gospel have gone out from this very Holy Land. We are the representatives of Christianity here, venerating and safeguarding the Holy Places, and we do not expect people coming from abroad, unaware of our problems, to act on our behalf.
2. We categorically refuse and reject any political interpretation of the Holy Scripture.
3. According to our Lord's commands, we seek peace and justice for all the people in the world, and especially in the region, without any kind of discrimination or violence.



**ADDRESS BY THE PERMANENT OBSERVER OF THE HOLY SEE TO THE UN, ARCHBISHOP
RENATO R. MARTINO, CONCERNING JERUSALEM, NEW YORK, 10 APRIL 1989 [EXCERPTS]**

[Archbishop Martino gave this address at Fordham University, proposing a special regime for the Old City that would guarantee the equality of rights of the three major religions.]

The City of Jerusalem

Allow me to be more specific on the question of Jerusalem, and by "Jerusalem" I mean to limit myself to the Old City. Religiously Jerusalem has a singularity and a primacy for the three monotheistic religions - and to the millions and millions of adherents of those religions who, although they may never see the city with their own eyes, consider it to be part of their spiritual heritage and will not give up that birthright under either military or political pressure.

In the eyes of the Holy See, Jerusalem must be preserved as a unified historical and cultural entity; its holy places, knitted as they are throughout the entire fabric of the Old City, cannot be separated from it.

Therefore, in the general spirit of the earliest United Nations' decisions in the late 1940s regarding the internationalization of Jerusalem - decisions which have never been officially rescinded - the Holy See maintain that the city must enjoy a special, a privileged statue, and that statute must be international guarantees. This statute must include two types of guarantees:

- 1) equality of rights and of treatment for the three monotheistic religious communities, including freedom of worship, and access to the Holy Places, protection of the rights and privileges already won by those communities, within the context of cultural and historical conservation of the Holy City.
- 2) guarantees that the three religious communities can continue to exist and live in peace, pursuing their religious, cultural, civil and economic activities.

It must be understood that the declaration in 1980 that Jerusalem is the "central and indivisible capital" of Israel is contrary to international law, based as it is on military occupation without the consent of the interested parties or the United Nations and condemned as it immediately was by the United Nations Security Council; the fact that almost no countries have moved their embassies to Jerusalem must be seen as further proof that the international community rejects the legitimacy of the unilateral declaration.

The Holy See is firmly convinced that the problem of Jerusalem cannot and must not be faced exclusively and primarily by answering the question of who should have sovereignty over it, as has been done up to this point by Israel, the Arab countries and the PLO in proclaiming the Palestinian State.

Such a way of coming to grips with and resolving the problem would always lead the excluded party to dispute the solution.

The Holy City would continue to be a reason for conflict and an obstacle to peace, rather than the foundation for and the "crossroads of peace."

The Holy See gives primary consideration to be sacred, universal and distinct character of the City, and from this, deduces that a "special statute, internationally guaranteed" is needed for it.

The problem of sovereignty, which is certainly an important and delicate one, will have to be a subordinate consideration. Whatever concrete solution might be found for that issue, it will have to be in conformity with principles of justice and brought about by a peaceful agreement which assures that the above-mentioned guarantees will be met and safeguarded.



**STATEMENT BY THE HEADS OF THE CHRISTIAN COMMUNITIES IN JERUSALEM,
27 APRIL 1989**

We, the heads of the Christian communities in the Holy City, have met together in view of the grave situation prevailing in Jerusalem and the whole of the country.

It is our Christian conviction that as spiritual leaders we have an urgent duty to follow up the developments in this situation and to make known to the world the conditions of life of our people here in the Holy Land.

In Jerusalem, on the West Bank and in Gaza our people experience in their daily lives constant deprivation of their fundamental rights because of the arbitrary actions deliberately taken by the authorities. Our people are often subjected to unprovoked harassment and hardship.

We are particularly concerned by the tragic and unnecessary loss of Palestinian lives, especially among young minors. Unarmed and innocent people are being killed by the unwarranted use of firearms and hundreds are wounded by the excessive use of force.

We protest against the frequent shooting incidents in the vicinity of the Holy Places. We also condemn the practice of mass administrative arrests, and of continuing detention of adults and minors without trial. We further condemn the use of all forms of collective punishment, including the demolition of homes and depriving whole communities of basic services such as water and electricity.

We appeal to the world community to support our demand for the reopening of schools and universities, closed for the past 16 months, so that thousands of children can enjoy again their basic right to education. We demand that the authorities respect the right of believers to enjoy free access to all places of worship on the Holy Days of all religions.

We affirm our human solidarity and sympathy with all who are suffering and oppressed; we pray for the return of peace based on justice to Jerusalem and the Holy Land; and we request the international community and the UN Organisation to give urgent attention to the plight of the Palestinian people, and to work for a speedy and just resolution of the Palestinian problem.

Signatories: Greek Orthodox Patriarch of Jerusalem, Latin Patriarch of Jerusalem, President Bishop, Episcopal Church in Jerusalem and Middle East, Greek-Catholic Patriarchal Vicar of Jerusalem, Armenian Orthodox Patriarch of Jerusalem, Evangelical Lutheran Church in Jordan, Coptic Orthodox Patriarch of Jerusalem, Syrian Orthodox Patriarchal Vicar of Jerusalem, Custos of the Holy Land.



**POSITION PAPER ON THE MIDDLE EAST BY THE CANADIAN COUNCIL OF CHURCHES
APPROVED BY THE GENERAL BOARD, 13 OCTOBER 1989 [EXCERPTS]**

4. The Israeli-Palestinian Conflict:

[...]

8. Jerusalem:

We affirm that the status of Jerusalem is an important issue in itself, quite separate from the Israeli-Palestinian conflict, and so merits particular attention.

In our view, the Israeli annexation of East Jerusalem is a violation of international law.

Jerusalem is a Holy City for the three Abrahamic faiths, and there should be no attempt to minimize its importance for any of these three communities. Dialogue among Christians, Muslims, and Jews can deepen our understanding of this profound religious attachment to Jerusalem.

We affirm the vital importance of free access for members of all three religious traditions to the holy places in Jerusalem.

As Christian churches we are concerned at the dwindling Christian population in Jerusalem because of widespread emigration. We believe that a continuing Christian presence and witness in Jerusalem is of importance to the whole Christian church.



POLICY STATEMENT ON THE MIDDLE EAST OF THE NATIONAL CONFERENCE OF CATHOLIC BISHOPS, BALTIMORE, 9 NOVEMBER 1989 [EXCERPTS]

A. Principles for Policy (...)

7. The Status of Jerusalem:

The city of Jerusalem has been a contested issue in the Arab-Israeli-Palestinian question since 1948. Clearly the ultimate status of the city cannot be settled by unilateral measures.

Here we affirm and support the basic principle set forth by the Holy See on several occasions:

- (1) the sacred character of Jerusalem as a heritage for the Abrahamic faiths should be guaranteed;
- (2) religious freedom of persons and of communities should be safeguarded;
- (3) the rights acquired by the various communities regarding shrines, holy places, educational and social institutions must be ensured; and
- (4) the Holy City's special religious status and the shrines proper to each religion should be protected by "an appropriate juridical safeguard" which is internationally respected and guaranteed.

It is useful to recognize that these elements are not fulfilled by simply discussing who has the sovereignty in Jerusalem, nor do these elements require any particular form of jurisdiction or sovereignty. They neither demand nor exclude one civil power exercising sovereignty in the city of Jerusalem.

B. The Intifada

[...]

Of particular concern to us as bishops is the April, 1989 statement of the heads of Christian communities in Jerusalem describing their peoples' experience of constant deprivation of their fundamental rights, and tragic and unnecessary loss of Palestinian lives, especially among minors: "In Jerusalem, on the West Bank and in Gaza our people experience in their daily lives constant deprivation of their fundamental rights because of arbitrary actions deliberately taken by the authorities. Our people are often subjected to unprovoked harassment and hardship" (cf. Appendix II). [...]



STATEMENT BY THE MIDDLE EAST COUNCIL OF CHURCHES (MECC) GENERAL SECRETARY, GABRIEL HABIB, CONCERNING THE OCCUPATION OF ST. JOHN'S HOSPICE, 14 APRIL 1990

On Holy Thursday, when the churches were entering the time of the suffering of the Cross, looking toward the Resurrection, a group of Israeli settlers, supported by the provocative behavior of the police, including the use of tear gas, occupied the hospice of the Greek Orthodox Patriarchate of Jerusalem in the heart of the Old City. This betrays all efforts toward reconciliation, rooted in the spiritual heritage of Jerusalem, and comes as further evidence of the continued suffering endured by the people of the Holy City. It constitutes a violation of international agreements and of local traditions, mutually recognized and followed by Jews, Christians and Muslims.

The Middle East Council of Churches, astounded by the aggressive and humiliating action against Patriarch Diodorus I, his bishops and people with him, and mindful of positions taken by its Presidents, H. B. Patriarch Ignatios IV, H. H. Patriarch Ignatios Zacca I Iwas, H. E. Archbishop Youssef El-Khoury, and H. G. Bishop Samir Kafity, deplors this incident, affirms the solidarity of the churches of the region with the churches of Jerusalem, and calls for the immediate evacuation of the hospice in keeping with the international laws and practices.

The Council rejoices at seeing all the churches of Jerusalem and their leaders united in a common procession on the road to Golgotha, rejecting with one voice divisiveness in the Holy City, and injustice and human indignity in the Holy Land, thereby manifesting a sign of peace and freedom for all people of God through the Resurrection.

The Council welcomes with great appreciation the attitude of the Muslim leadership, deploring the aggression and affirming their solidarity with the Christians in these trying times.

The Council calls upon those in authority and all who exercise power and influence to act immediately in support of human rights in respect of established international agreements. The Council expresses its gratitude to all the churches, both in the region and around the world, for their response to its recent call to prayer and action for peace in the Holy Land. It further appeals to them to make every effort to confirm Jerusalem as a city of dialogue between people of the three monotheistic faiths, a model of living on the basis of mutual respect and justice and a pillar of peace in the holy Land, the region and the world.



**STATEMENT BY THE HEADS OF CHRISTIAN CHURCHES AND COMMUNITIES IN
JERUSALEM ON THE JEWISH SETTLEMENT ATTEMPT IN EAST JERUSALEM,
JERUSALEM, 23 APRIL 1990**

[The following statement, announcing the closure of the Christian churches in the Holy Land to protest the occupation of a Greek Orthodox-owned property in the Old City by Jewish settlers, marked the first time the Church of the Holy Sepulchre had been closed in 800 years].

Today, Monday, 23 April 1990, We, the Patriarchs, the Custos, the Heads of the Christian Churches and Communities in Jerusalem, have gathered together to consider our response to the extremely grave events that occurred during Holy Week and their enduring consequences.

In the afternoon of 11 April 1990, Wednesday in Holy Week, 150 settlers, many of them armed men, forcibly occupied St. John's Hospice in the heart of the Christian Quarter of the Old City, a 3,000-square-meter property of the Greek Orthodox Patriarchate.

Their action received support from Israeli authorities. It was financed, at least in great part, by the government, and there have been visits by government ministers and parliamentary authorities to encourage the settlers. Subsequently, it appears that high-level governmental authorities intervened to restrain the police from carrying out judicial eviction orders.

This action occurred towards the culmination of Holy Week and caused grievous disruption to some of the most solemn rites of the Christian religion, at the holiest shrine of Christendom, the Basilica of the Holy Sepulchre Church.

This government-backed settlers' action continues to provoke almost daily violent incidents in and around the area containing the Holy Sepulchre and the centers of church governance, and has occasioned the provocative presence of numerous armed men in the same restricted area. Consequently, freedom of access to the Holy Sepulchre and freedom of worship within it have been threatened.

This act of armed settlement seriously jeopardizes the integrity, cultural and religious autonomy of the Christian, Armenian and Muslim Quarters, in violation of the century-old status and character of these quarters of the Holy City, honored by all previous rulers of Jerusalem, and the international community (and which the Israeli government authorities have repeatedly pledged themselves to uphold).

This action further endangers the survival of all Christian communities in the Holy City.

We, the Heads of Jerusalem's Christian Churches and Communities, unreservedly condemn the actions of the settlers.

We deplore the open support and encouragement it has received from Israeli government quarters.

We demand that the Israeli authorities effect the immediate removal of these settlers and secure the property for its legitimate owners, the Greek Orthodox Patriarchate.

We appeal to the international community, to all churches and religious leaders, and to all people of good will throughout the world to give their active support to our call.

We have unanimously decided that:

- i) On Friday, 27 April, all Christian Holy Places in Jerusalem, Nazareth, and Bethlehem, and elsewhere in the Holy Land, will close their doors as of 9:00 A.M. and will not reopen until the following day.
- ii) On the same day, all church bells throughout the country will ring a funeral toll every hour on the hour from 9:00 A.M. until noon.
- iii) Sunday, 29 April, shall be a special day of prayer on behalf of the Christian Community of Jerusalem, in which we invite all our fellow Christian believers throughout the world to join.

We have decided to remain in an open session to monitor developments in the case.

Signatories: Greek Orthodox Patriarch of Jerusalem, Latin Patriarch of Jerusalem, Armenian Patriarch of Jerusalem, Custos of the Holy Land, Coptic Archbishop of Jerusalem, Syrian Archbishop of Jerusalem, Ethiopian Archbishop of Jerusalem, Anglican Bishop in Jerusalem, and President Bishop of Anglican Church, The Greek-Catholic Patriarchal Vicar, The Lutheran Probst of Jerusalem.



**LETTER ON JERUSALEM BY THE MIDDLE EAST COUNCIL OF CHURCHES (MECC)
GENERAL SECRETARY, GABRIEL HABIB, TO HIS MAJESTY KING HASSAN II, 9 MAY 1990**

Your Esteemed Majesty, King Hassan II, may God keep you.

The Middle East Council of Churches is privileged to express its great admiration for the efforts that Your Majesty has expended in the cause of liberating Jerusalem, and its sincere regard for the wise and far-sighted policies of Your Majesty, based as they are upon Muslim-Christian solidarity, with regard to asserting the freedom of the Muslim and Christian holy places.

Your Majesty:

In the city of Jerusalem where Muslim holy places were violated by Israeli settlers, today these same usurpers are violating Christian holy places. As Monarch of the Kingdom of Morocco and Chairman of the Organization of Islamic States' Committee for the Liberation of Jerusalem, Your Majesty has doubtlessly followed closely the serious instance of violation to which the Monastery of St. John - adjacent to both the Church of the Resurrection and to the Mosque of Omar - has been subjected.

This aggressive act has sparked the outrage of Christians and Muslims in Jerusalem and the rest of occupied Palestine as both a religious and national issue. The Al-Aqsa Mosque closed its doors to visitors at the same time as Christian church authorities closed all places of pilgrimage in the Holy Land. To emphasize this unified Muslim-Christian stand, the Arab leaders and people of Jerusalem came together in demonstrations expressing their opposition and outrage. The one slogan they raised was liberation from occupation and desecration of the places belonging to religious institutions.

Inspired by this unanimity, the Middle East Council of Churches turns to your Majesty as the primary Muslim and Arab authority commissioned to deal with the fate of Jerusalem. We are moved to optimism that Your Majesty will take a personal interest in the dynamics of this Muslim-Christian unanimity concerning the occupation of Jerusalem in the interest of rescuing the holy places from assault, violation, confiscation or abuse.

Your Majesty:

Permit us to suggest that Your Majesty form a joint Muslim-Christian committee on the highest level to include prominent spiritual and secular personalities. Under your oversight and guidance, let this committee be charged with pursuing this issue in international gatherings, and with following up the dynamics of Muslim-Christian unanimity, and strengthening it in the face of the common danger which threatens our very existence and the core of those things we hold sacred.

We are pleased to place ourselves at Your Majesty's disposal in order that you might see what resources we have and in order to work under your guidance toward realizing this lofty goal.

The Middle East Council of Churches, with high hopes in your response, raises its prayers that God may grant you good health and strength, and that he will keep you and guide you and direct your ways in what is good and just and true and makes for peace.

Your Majesty, please accept our highest expressions of esteem and respect.



**MIDDLE EAST COUNCIL OF CHURCHES (MECC), STATEMENT CONCERNING
THE MASSACRE AT AL-HARAM AL-SHARIF, 11 OCTOBER 1990**

Following the massacre perpetrated by the Israeli occupying forces at the Haram Al-Sharif on 8 October 1990, Mr. Gabriel Habib, General Secretary of the Middle East Council of Churches, issued the following statement:

The Middle East Council of Churches received with dismay the news of the mass massacre to which tens of Palestinian citizens were subjected in the courtyard of the Haram Al-Sharif in the city of Jerusalem at the hands of an Israeli group called "Temple Mount Faithful" and the Israeli occupying authorities.

The character of this criminal attack confirms without a doubt that it was deliberate and had been planned for some time between the occupying authorities and an extremist Israeli terrorist group. Its intent was to change the pluralistic character of Jerusalem City. It is reminiscent of what happened when St. John's Hospice of the Greek Orthodox Patriarchate of Jerusalem was occupied.

The Middle East Council of Churches which condemns in the strongest terms this terrifying crime pleads with the international community to speedily intervene to compel Israel to abide by the Geneva conventions regarding the protection of civilians during war time and under the circumstances of occupation, and to take all measures which will guarantee the protection of the Palestinian people in the face of these inhuman practices.

The Council of Churches sees this attack and the repression of the right of the Palestinian people's uprising (Intifada) as confirming the urgent need for implementing all the resolutions of the United Nations regarding the Palestinian question, and for initiating peace negotiations which guarantee the right of the Palestinian people to self-determination and to establishing an independent state in the framework of solutions which recognize the right of all states and peoples in the region to live in security and peace.

The Council of Churches looks to Jerusalem as the high point of pilgrimage and as the symbol of the reconciling encounter between religions. It stresses that its destiny as the city of dialogue between people of faith lies at the heart of the witness and vocation of the Christians of these regions.



**WORLD COUNCIL OF CHURCHES, STATEMENT BY GENERAL SECRETARY EMILIO
CASTRO, ON JERUSALEM KILLINGS, 12 OCTOBER 1990**

The World Council of Churches condemns the use of deadly force by the Israeli security forces, resulting in the killing of more than twenty and the wounding of hundreds of Palestinians in Jerusalem. The manner in which the Israeli authorities have acted reflects total disregard of their obligations under international law and makes them fully responsible for this tragedy. The Council extends to the families of the victims its sincere condolence and upholds them in its prayers.

The World Council of Churches reaffirms its opposition to the continuing repressive actions of the occupying power in East Jerusalem and other Occupied Territories. It has repeatedly appealed to the Israeli authorities to ensure the sanctity of the Holy Places in Jerusalem and the free access to them by the adherents of the respective religions. The latest incident has to be seen as part of a deliberate policy of the Israel authorities to change the status of Jerusalem by a combination of administrative actions and force. This is a clear violation of international agreements regarding Jerusalem and a breach of international law related to territories under occupation.

The World Council of Churches expresses the hope that the United Nations Security Council will take immediate and effective steps to protect the lives and safety of the Palestinians in the Occupied Territories and their free access to the Holy Places. The World Council of Churches again urges the Security Council to take steps towards holding the International Peace Conference on the Middle East to deal with all out-standing issues including Jerusalem.

The World Council of Churches prays for all of the people of the Middle East and specially remembers the Muslim community in Jerusalem and its leaders. It reaffirms its readiness to stand together with all religious communities in a spirit of servanthood seeking to be faithful in one common calling to be peace-makers and reconcilers and a sign of hope for all.



**LETTER BY THE GENERAL SECRETARY OF THE MIDDLE EAST COUNCIL OF CHURCHES
(MECC) TO THE CHAIRMAN OF THE ROYAL COMMITTEE ON JERUSALEM, AKRAM
ZU'AYTAR, AMMAN, 15 MARCH 1991**

To the esteemed Mr. Akram Zu'aytar,
Chairman of the Royal Committee for Jerusalem Affairs,

Greetings and deep respect:

Since its founding in 1974, the Middle East Council of Churches has persistently accorded the matter of Jerusalem exceptional importance in view of the spiritual value which the Holy City represents for the faithful of the three monotheistic religions, and the special position it occupies in the hearts and in the witness of the Christians of this region.

In 1980 the Council called together a large ecclesiastical conference which met in Damascus under the chairmanship of His Beatitude Patriarch Ignatius IV Hazim, Greek Orthodox Patriarch of Antioch. Many church leaders attended, among them Patriarch Diodorus I who was then Greek Orthodox bishop in Jordan. The meeting concluded with the demand that the City be returned to Arab sovereignty, that one cannot distinguish between the problem of Jerusalem as a holy city and the problem of its people, and that the question of Jerusalem must be considered a part of the larger issue linked to the rights of the Palestinian people.

The declaration published at the conclusion of the meeting emphasized the need to respect the pluralistic character of the City and to forbid anything that might make it the exclusive religious domain for the people of only one of the monotheistic religions.

When a group of Israeli settlers occupied St. John's Hospice belonging to the Greek Orthodox Patriarchate in the Christian quarter of Jerusalem, in a statement issued by its General Secretary, Mr. Gabriel Habib on April 14, 1990, the Middle East Council of Churches expressed the view that "the occupation [of St. John's Hospice] a new indication that the suffering which the Holy City endured was continuing, and that it was an abject violation of international agreements and of the locally traditions commonly recognized by the three monotheistic religions.

In the same statement, the Council welcomed the Christian-Muslim solidarity which became apparent in the denunciation by Muslim leaders of the assault. They called "those with influence and the ability to act to move quickly on the principle of establishing justice and respecting international agreements."

As the occupation continued, Mr. Gabriel Habib sent a letter to His Majesty King Hassan II, the King of Morocco, in his capacity as chairman of the Committee for the Liberation of Jerusalem created by the Islamic Conference Organization, recommending that His Majesty assume oversight of "the dynamic of Muslim-Christian solidarity in the face of the occupation in order to rescue the holy places from assault, violation, confiscation or desecration."

The Council suggested to His Majesty that he form a Muslim-Christian committee on the highest level, whose members should be prominent spiritual and temporal Muslim and Christian personalities, to pursue the cause of Jerusalem in international gatherings, and to follow up on the dynamics of Muslim-Christian solidarity, strengthening it in the face of the common danger which threatens the religious holy places at their core.

When Israeli forces launched the massacre in the courtyard of the Haram Al-Sharif in Jerusalem on October 8, 1990, the heads of the Christian communions in Jerusalem, in the forefront of whom was one of the Presidents

of the Middle East Council of Churches, Bishop Samir Kafiti, condemned the massacre, and with a strong sense of solidarity in a common fate, they lived through the crisis with their brothers and sisters. Mr. Gabriel Habib also published a statement in which he called the world community "to intervene quickly to compel Israel to respect and apply the Geneva conventions regarding the protection of civilians during wartime and under occupation, and to take all steps to guarantee the provision of international protection for the Palestinian people in the face of Israeli actions which violate their rights to life and their rights to keep their sacred places."

The statement concluded by asserting "the urgent need to compel Israel to implement all the resolutions of the United Nations which have to do with the Palestinian problem, and to initiate negotiations which would guarantee the rights of the Palestinian people to self-determination and to establish their independent state in the context of the right of all the states of the region to live in security and peace."

On the strength of these policies to which the Council committed itself, and because your worthy organization was established to defend the Holy City, I have written this letter to confirm the suggestion which we talked over with Mr. Fayiz Jabir when we last met together. It stipulates the formation of a Muslim-Christian committee made up from the Royal Committee for Jerusalem Affairs and the Middle East Council of Churches to plan common initiatives to be taken on Arab, Islamic and international levels which would emphasize the significance of Jerusalem as the symbol of positive encounter and dialogue between all whose faith is in one God, and as a fundamental pillar for any solution to the conflicts through which the region is living.

The statement did not neglect the fact that developments being witnessed in the region today following the Gulf War and the efforts being expended on many levels to achieve a political resolution of the Arab-Israeli conflict, makes the formation of this committee more needed now than at any time in the past. It would exist to make the issue of Jerusalem a burden on the conscience of the international family, and put it on the agenda of the negotiations dealing with the Palestinian-Israeli conflict.

As we wish you success in the task with which you have been charged, we anticipate that Jerusalem will become the example of living together in brotherly love whose foundations are justice and mutual respect, and that it will become the gateway for peace for all the people of the Holy Land.

Please accept our warmest greetings,

(Signed) Gabriel Habib
General Secretary of the Middle East Council of Churches



**STATEMENT BY THE HEADS OF THE CHURCHES IN THE HOLY LAND,
JERUSALEM, 14 JANUARY 1992**

[According to the Jerusalem Post (16 January), the Church leaders were summoned the day after they issued their statement to the office of Mayor Teddy Kollek, who told them he was "angry and insulted" at their criticism. It should be noted that the "international protection" at the end of the statement refers to UNESCO, marking the first time the Church leaders have raised the possibility of a UN oversight role.]

As we stand upon the threshold of a New Year we, the Patriarchs and Heads of the Christian Churches in Jerusalem, look ahead to a period of peace of justice in which our children may grow and prosper, unencumbered by fears and uncertainties, strong in their faith in the Lord.

It is our heartfelt wish and hope to see this blessed land endowed with peace and to see justice prevail across its breadth and length.

We address this longing to the authorities in Israel, to the Palestinian leaders and to the Palestinian and Jewish peoples and beseech the Lord to give us all light and strength to effect reconciliation and find peace, justice and security for all.

But certain untoward developments that occurred recently and that continue to occur to this day, threaten to thwart the fulfillment of this longing. We are profoundly concerned over several grave incidents besetting our life and that of our communities, and causing tribulation not only among the local Christian population but among our brethren in all parts of the world as well.

One of the most serious incidents, and the one with the widest repercussions, has been the seizure of houses in Silwan by settlers who enjoy public funding and seek to evict many other families from the same neighborhood of Silwan.

Since April 1990, the St. John's Hospice, adjoining the Holy Sepulchre, has been occupied by settlers. Despite official undertakings that the building is to be restored to its original legitimate owners, the Greek Orthodox Patriarchate, it is still occupied by the settlers.

Furthermore, in recent months, Ateret Cohanim has begun intensifying its aggressive settlement policy in and around Jerusalem. Unfortunately, the Israeli authorities, though fully aware of the implications, have adopted an ambivalent attitude to the depredations of the settlers.

As we have repeatedly stated in the past, we categorically condemn any attempt to modify the demographic and unique character and status of Jerusalem.

Collective punishment continues to be visited indiscriminately on the civilian Palestinian population. For a whole fortnight, from 1 to 15 December, total curfew was imposed on the Ramallah area and new restrictions placed on West Bank towns and the Gaza Strip, aggravating the severe restrictions on movement already in force since the beginning of last year. These measures, in addition to causing considerable hardship to people, have severely limited their freedom of access to the Holy Places in Jerusalem during Feast days.

We condemn the stabbing of the Patriarchal Vicar of the Syrian Catholic Church on Christmas Eve, and the assault on his convent.

We regret that the authorities who were alerted to the threat on his life, did not take preventive measures and furthermore set the assailant free, before the settlement of the issue.

Around the dawn of the New Year, vandals slashed the tires of several cars belonging to Christian institutions, consular missions and Armenian residents parked near the Armenian Patriarchate and daubed racist slogans on a gate.

During the weekend of 28 December, a rare sixth-century Byzantine mosaic was vandalized. The dedicatory Greek inscription of the apse was irreversibly damaged. Two funerary chambers belonging to an Armenian sixth-century monastery were buried beneath a huge pile of rocks.

Several Christian vestiges, such as St. Stephen's monastic complex (near Damascus Gate) and St. George's monastery outside Jaffa Gate, have been denied posterity and buried under new highways.

We demand the authorities to provide protection against these depredations and take prompt action to forestall any further harassment in the future, and preserve the newly discovered relics of the Early Christian Church in Jerusalem. If no appropriate and satisfactory measures are taken to protect Christian archaeological sites, we will consider seeking international protection to preserve our universal Christian heritage.

We pray to the Almighty that peace and understanding may reign in our region, and that His Holy Land may be blessed with stability and prosperity.

We call upon all the faithful to pray that the Lord may bestow upon us the grace of peace in the coming year.

Signatories: Greek Orthodox Patriarch of Jerusalem, Latin Patriarch of Jerusalem, Armenian Patriarch of Jerusalem, Custos of the Holy Land, Coptic Archbishop of Jerusalem, Syrian Archbishop of Jerusalem, Anglican Bishop in Jerusalem, and Presiding Bishop of Anglican Church, The Greek-Catholic Patriarchal Vicar, The Lutheran Bishop of Jerusalem.



**STATEMENT BY ARCHBISHOP JEAN-LOUIS TAURAN, HOLY SEE SECRETARY
FOR RELATIONS WITH STATES, 26 SEPTEMBER 1992 [EXCERPTS]**

[Request of the Holy See to grant a special status to Jerusalem]

Jerusalem - particularly the part enclosed within the walls - represents a good for humanity to be preserved in all its dimensions and characteristics. In order to preserve this value, the Holy See asks that the city be given a special status with international guarantees [...] there should be a supranational and international entity endowed with means adequate to insure the preservation of the special characteristics of the City, its Holy Places, the freedom to visit them, its religious and ethnic communities, a guarantee of their essential liberty and its city plan.



**STATEMENT BY THE HOLY SEE PRESS OFFICE DIRECTOR JOAQUIN NAVARRO-VALLS,
VATICAN CITY, 30 DECEMBER 1993 [EXCERPTS]**

[...]

8. Questions relative to the city of Jerusalem and other Holy Places, which for so long have been the object of the Holy See's concern, are not directly or explicitly mentioned in the Agreement because of their international and multilateral references, which does not permit solving them with an Agreement which is, by definition, bilateral between the two signing Parties.

That does not mean that the position of the Holy See with regards to such questions has changed or that their importance has been, in any way, forgotten. The Holy See has noted that, in what concerns the territorial questions and the sovereignty linked to this, something has changed in the position of the Parties most directly interested.

After the Madrid Conference, after the negotiations in Washington (1992-1993) and after the historical agreement between Israel and the PLO (13 September 1993), the parties, whose claims are well known, now are sitting opposite one another for direct negotiations. The Holy See, coherent with the principles already recalled concerning its participation in the problems of international co-existence, does not intend to take the place of any of the Parties in treating the problems of territorial sovereignty.

The Holy See, on the other hand, feels the duty and the right to continue to claim, as it has always done, several guarantees in the international sphere. It asks that whoever exercises sovereignty, alone or with others, must adhere to an internationally guaranteed special statute for that which concerns the safekeeping of the highest religious and cultural values found in that area.

In this regard, one could recall the analysis made by Pope Paul VI which could be considered as the basis of all successive pronouncements of the Holy See*: 'The question, seen in its general terms, now offers, in our view, two aspects which are essential and cannot be omitted. The first regards the Holy Places properly called and considered as such by the three monotheistic religions having an interest, Hebrew, Christian and Muslim, and intends to safeguard the freedom of worship, the respect for, the preservation of an access to the same Holy Places, protected by special immunity through their own statute, whose observance is guaranteed by an institution of international character with particular regard for the historical and religious physiognomy of Jerusalem. The second aspect of the question refers to the free enjoyment of religious and civil rights which persons have a right to expect in the seats, in the activities of all communities present in the territory' of the Holy Land.

The Holy See maintains that its position is mirrored in the consensus of the international community, shown in a privileged way in resolution 181 (II), adopted by the United Nations [General Assembly] on 29 November 1947, even if today those ends could be equally reached with means and instruments different from those foreseen at the time.

The Holy See, in solidarity with the leaders of all three monotheistic religions and with so many other men of good will, hopes always for the day in which the Holy City of Jerusalem can truly become the crossroads city of peace, a privileged place for the meeting of peoples, cultures and civilizations.

In this context, the Holy See expresses its trust in the international community - and in the Parties more directly interested in the global future of the territory of Jerusalem, the State of Israel and the Palestinians - so that all commit themselves to consider this their position, which is also the expression of universal interest towards the particular religious and cultural values so intimately linked with the Holy City of Jerusalem and its neighbouring areas.



WORLD COUNCIL OF CHURCHES, COMMENT ON THE NEW DIPLOMATIC ARRANGEMENTS BETWEEN THE VATICAN AND THE STATE OF ISRAEL, 10 JANUARY 1994

The Executive Committee of the World Council of Churches welcomed the signing of the peace accords between the State of Israel and the Palestine Liberation Organization in September 1993, calling upon all parties directly or indirectly involved to offer their cooperation for the successful fulfilment of the aims of the accords. Recent developments in relations between the Vatican State and the State of Israel could be regarded as further progress in the Middle East peace process.

While it is not the general practice of the WCC to comment on the activities of the Vatican as a state which maintains diplomatic relations with sovereign nations, it is appropriate to respond to inquiries on this agreement given its potential implications for ecumenical and interfaith relations.

It is our understanding that the question of the future status of Jerusalem will be a subject of continuing discussions between the Vatican and the State of Israel. The World Council of Churches and its member churches, especially those living and witnessing in the region, will be following these discussions with considerable interest.

The long-standing position of the ecumenical movement with regard to the status of Jerusalem is that this city's importance for the three great monotheistic religions, Christianity, Islam and Judaism, cannot be overestimated. Each has Holy Places there to which pilgrims have come for centuries, and which are symbols of their peoples' deep attachments to this "City of Peace."

Jewish, Muslim and Christian participants in a colloquium on the "Spiritual Significance of Jerusalem," convened jointly last May by the WCC, the Lutheran World Federation, the Holy See's Commission for Religious Relations with Jews, and the Pontifical Council for Interreligious Dialogue underscored this point, affirming "that this Holy City holds universal spiritual significance to all for whom the ultimate truth is the God of Abraham."

The WCC position was restated by the Central Committee in its "Statement on Jerusalem," adopted in August 1974:

"Christian Holy Places in Jerusalem and neighbouring areas belong to the greatest extent to member churches of the WCC, specifically the Eastern Orthodox and Oriental Orthodox Churches, and are also of concern to other Christians.

"But the question of Jerusalem is not only a matter of the protection of the Holy Places, it is organically linked with living faiths and communities of people in the Holy City. Any proposed solution as to the future of the Holy Places in Jerusalem should take into account the legitimate rights of the churches most directly concerned, (including) the rights and needs of the indigenous peoples of the Holy City."

All future agreements on Jerusalem must be approached as part of the comprehensive Middle East peace process, since they will affect directly the lives of religious communities not only in Jerusalem, Israel and the Occupied Territories, but also those elsewhere in the region and beyond. In the present historical context and in a geographical area like the Middle East, religious and political dimensions of questions like the status of Jerusalem are virtually inseparable. Rightly approached, in consultation with all those involved, these agreements could make of this city a living symbol of the potential of religious communities to live together in harmony. But decisions taken in unilateral ways or according to narrow national or religious interests would have potentially serious political implications for the success of an overall peace settlement.

The status of Jerusalem has been, and will continue to be a subject of discussion in bilateral dialogues between WCC member churches and the Roman Catholic Church and in the formal dialogues between the WCC and that church. How the State of Israel approaches the issue will also determine for many groups in and beyond the region the degree to which it truly seeks to build a solid base for peace. The WCC hopes that both parties will respect the full range of rights of faith communities and peoples directly affected as they move to the formalization of their relations.



**MEMORANDUM FROM THE HEADS OF THE CHRISTIAN COMMUNITIES IN JERUSALEM
ON THE SIGNIFICANCE OF JERUSALEM FOR CHRISTIANS, 14 NOVEMBER 1994**

Preamble

1. On Monday, November 14, 1994, the heads of Christian communities in Jerusalem met in solemn conclave to discuss the status of the holy city and the situation of the Christians there, at the conclusion of which they issued the following declaration:

Jerusalem, Holy City

2. Jerusalem is a city holy for the people of the three monotheistic religions: Judaism, Christianity and Islam. Its unique nature of sanctity endows it with a special vocation: calling for reconciliation and harmony

among people, whether citizens, pilgrims or visitors. And because of its symbolic and emotive value, Jerusalem has been a rallying cry for different revived nationalistic and fundamentalist stirrings in the region and elsewhere. And, unfortunately, the city has become a source of conflict and disharmony. It is at the heart of the Israeli-Palestinian and Israeli-Arab disputes. While the mystical call of the city attracts believers, its present unenviable situation scandalizes many.

The Peace Process

3. The current Arab-Israeli peace process is on its way towards a resolution of the Middle East conflict. Some new facts have already been established, some concrete signs posted. But in the process Jerusalem has again been side-stepped, because its status, and especially sovereignty over the city, are the most difficult questions to resolve in future negotiations. Nevertheless, one must already begin to reflect on the question and do whatever is necessary to be able to approach them in the most favorable conditions when the moment arrives.

Present Positions

4. When the different sides involved now speak of Jerusalem, they often assume exclusivist positions. Their claims are very divergent, indeed conflicting. The Israeli position is that Jerusalem should remain the unified and eternal capital of the state of Israel, under the absolute sovereignty of Israel alone. The Palestinians, on the other hand, insist that Jerusalem should become the capital of a future state of Palestine, although they do not lay claim to the entire modern city, but envisage only the eastern, Arab part.

Lessons of History

5. Jerusalem has a long, eventful history. It has known numerous wars and conquests, has been destroyed time and again, only to be reborn anew and rise from its ashes, like the mythical phoenix. Religious motivation has always gone hand in hand with political and cultural aspirations, and has often played a preponderant role. This motivation has often led to exclusivism or at least the supremacy of one people over the others. But every exclusivity or every human supremacy is against the prophetic character of Jerusalem. Its universal vocation and appeal is to be a city of peace and harmony among all who dwell therein. Jerusalem, like the entire holy land has witnessed throughout its history the successive advent of numerous new peoples: They came from the desert, from the sea, from the north, from the east. Most often the newcomers were gradually integrated into the local population. This was a rather constant characteristic. But when the newcomers tried to claim exclusive possession of the city and the land, or refused to integrate themselves, then the others rejected them. Indeed, the experience of history teaches us that in order for Jerusalem to be a city of peace, no longer lusted after from the outside and thus a bone of contention between warring sides, it cannot belong exclusively to one people or to only one religion. Jerusalem should be open to all, shared by all. Those who govern the city should make it "the capital of humankind." This universal vision of Jerusalem would help those who exercise power there to open it to others who are also fondly attached to it and to accept sharing it with them.

The Christian vision of Jerusalem

6. Through the prayerful reading of the Bible, Christians recognize in faith that the long history of the people of God, with Jerusalem as its center, is the history of salvation which fulfills God's design in and through Jesus of Nazareth, the Christ. The one God has chosen Jerusalem to be the place where His name alone will dwell in the midst of His people so that they may offer to Him acceptable worship. The prophets look up to Jerusalem, especially after the purification of the exile: Jerusalem will be called the city of justice, faithful city (*Isaiah 1:26-27*) where the Lord dwells in holiness as in Sinai (*cf. Psalms 68:18*). The Lord will place the city in the middle of the nations (*Ezekiel 5:5*), where the Second Temple will become a house of prayer for all peoples (*Isaiah 2:2, 56:6-7*). Jerusalem, aglow with the presence of God (*Isaiah 60:1*), ought to be a city whose gates are always open (*Isaiah 11*), with peace as magistrate and justice as government (*Isaiah 17*).

*In the vision of their faith, Christians believe the Jerusalem of the prophets to be the foreseen place of the salvation in and through Jesus Christ. In the Gospels, Jerusalem rejects the Sent One, the Savior, and He weeps over it because this city of the prophets that is also the city of the essential salvific events - the death and resurrection of Jesus - has completely lost sight of the path to peace (*cf. Luke 19:42*).*

In the Acts of the Apostles, Jerusalem is the place of the gift of the Spirit, of the birth of the church (2), the community of the disciples of Jesus who are to be His witnesses not only in Jerusalem but even the ends of the earth (1:8). In Jerusalem, the first Christian community incarnated the ecclesiastical ideal, and thus it remains a continuing reference point.

The Book of Revelations proclaims the anticipation of the new, heavenly Jerusalem (3:12, 21:2 cf. Galatians 4:26; Hebrews 12:22). This holy city is the image of the new creation and the aspirations of all peoples, where God will wipe away all tears and "there shall be no more death or mourning, crying out or pain, for the former world has passed away" (21:4).

7. The earthly Jerusalem, in the Christian tradition, prefigures the heavenly Jerusalem as "the vision of peace." In the liturgy, the church itself receives the name of Jerusalem and relives all that city's anguish, joys and hopes.
Furthermore, during the first centuries the liturgy of Jerusalem became the foundation of all liturgies everywhere, and later deeply influenced the development of diverse liturgical traditions, because of the many pilgrimages to Jerusalem and the symbolic meaning of the Holy City.
8. The pilgrimages slowly developed an understanding of the need to unify the sanctification of space through celebrations at the holy places with the sanctification in time through the calendar celebrations of the holy events of the salvation (*Egeria, Cyril of Jerusalem*). Jerusalem soon occupied a unique place in the heart of Christianity everywhere. A theology and spirituality of pilgrimage developed.
It was an ascetic time of biblical refreshment at the sources, a time of testing during which Christians recalled that they are strangers and pilgrims on earth (*cf. Hebrews 11:13*), and that their personal and community vocation always and everywhere, is to take up the cross and follow Jesus.

The Continuing Presence of a Christian Community

9. For Christianity, Jerusalem is the place of roots, ever living and nourishing. In Jerusalem is born every Christian. To be in Jerusalem is for every Christian to be at home.
For almost 2,000 years, through so many hardships and the succession of so many powers, the local church with its faithful has always been actively present in Jerusalem. Across the centuries, the local church has been witnessing to the life and preaching, the death and resurrection of Jesus Christ upon the same Holy Places, and its faithful have been receiving other brothers and sisters in the faith, as pilgrims, resident or in transit, inviting them to be re-immersed into the refreshing, ever living ecclesiastical sources. That continuing presence of a living Christian community is inseparable from the historical sites. Through the "living stones" the holy archaeological sites take on "life".

The city as holy and as other cities

10. The significance of Jerusalem for Christians thus has two inseparable fundamental dimensions:

- 1) a Holy city with holy places most precious to Christians because of their link with the history of salvation fulfilled in and through Jesus Christ;
- 2) a city with a community of Christians which has been living continually there since its origins.

Thus for the local Christians as well as for local Jews and Muslims, Jerusalem is not only a Holy City, but also their native city where they live, whence their right to continue to live there freely, with all the rights which obtain from that.

Legitimate demands of Christians for Jerusalem

11. In so far as Jerusalem is the quintessential Holy City, it above all ought to enjoy full freedom of access to its holy places, and freedom of worship. Those rights of property ownership, custody and worship which different churches have acquired throughout history *should continue to be retained by the same communities. These rights which are already protected in the status quo of the holy places according to historical "firmans" and other documents, should continue to be recognized and respected.*
The Christians of the entire world, Western or Eastern, should have the right to come on pilgrimage to Jerusalem. They ought to be able to find there all that is necessary to carry out their pilgrimage in the spirit of their authentic tradition: freedom to visit and move around, to pray at holy sites, to embark into spiritual attendance and respectful practice of their faith, to enjoy the possibility of a prolonged stay and the benefits of hospitality and dignified lodgings.
12. The local Christian communities should enjoy all those rights to enable them to continue their active presence in freedom and to fulfill their responsibilities towards both their own local members and towards the Christian pilgrims throughout the world.
Local Christians, not only in their capacity as Christians per se, but like all other citizens, religious or not, should enjoy the same fundamental rights for all: social, cultural, political and national. Among these rights are:
 - the human right of freedom of worship and of conscience, both as individuals and as religious communities;
 - civil and historical rights which allow them to carry out their religious, educational, medical and other duties of charity;

- the right to have their own institutions, such as hospices for pilgrims, institutes for the study of the Bible and the Traditions, centers for encounters with believers of other religions, monasteries, churches, cemeteries, and so forth, and the right to have their own personnel man and run these institutions.
13. In claiming these rights for themselves, Christians recognize and respect similar and parallel rights of Jewish and Muslim believers and their communities. Christians declare themselves disposed to search with Jews and Muslims for a mutually respectful application of these rights and for a harmonious coexistence, in the perspective for the universal spiritual vocation of Jerusalem.

Special Statute for Jerusalem

14. All this presupposes a special judicial and political statute for Jerusalem which reflects the universal importance and significance of the city.
- 1) In order to satisfy the national aspirations of all its inhabitants, and in order that Jews, Christians and Muslims can be "at home" in Jerusalem and at peace with one another, representatives from the three monotheistic religions, in addition to local political powers, ought to be associated in the elaboration and application of such a special statute.
 - 2) Because of the universal significance of Jerusalem, the international community ought to be engaged in the stability and permanence of this statute. Jerusalem is too precious to be dependent solely on municipal or national political authorities, whoever they may be. Experience shows that an international guarantee is necessary.

Experience shows that such local authorities, for political reasons or the claims of security, sometimes are required to violate the rights of free access to the holy places. Therefore, it is necessary to accord Jerusalem a special statute which will allow Jerusalem not to be victimized by laws imposed as a result of hostilities or wars but to be an open city which transcends local, regional or world political troubles. This statute, established in common by local political and religious authorities, should also be guaranteed by the international community.

Conclusion

Jerusalem is a symbol and a promise of the presence of God, of fraternity and peace for humankind, in particular the children of Abraham: Jews, Christians and Muslims.

We call upon all parties concerned to comprehend and accept the nature and deep significance of Jerusalem, city of God. None can appropriate it in exclusivist ways. We invite each party to go beyond all exclusivist visions or actions, and without discrimination, to consider the religious and national aspirations of others, in order to give back to Jerusalem its true universal character and to make of the city a holy place of reconciliation for humankind.

Signatures: Greek Orthodox Patriarch, Latin Patriarch, Armenian Patriarch, Custos of the Holy Land, Coptic Archbishop, Syrian Archbishop, Ethiopian Archbishop, Anglican Bishop, Greek-Catholic Patriarchal Vicar, Lutheran Bishop, Maronite Patriarchal Vicar, Syrian Patriarchal Vicar.



AMERICAN FRIENDS SERVICE COMMITTEE AND FRIENDS COMMITTEE ON NATIONAL LEGISLATION, 'JERUSALEM: BARRIER OR GATEWAY TO PEACE,' 23 FEBRUARY 1995

[The AFSC is a Quaker organization which includes people of various faiths who are committed to social justice, peace, and humanitarian service, based on the Quaker belief in the worth of every person and faith in the power of love to overcome violence and injustice. The FCNL endeavors to bring Quaker values to bear on national policy through congressional testimony, Capitol Hill visits, educational activities, publications, and lobbying. The following statement calls for an agreement on Jerusalem and suggests principles and guidelines]

A JOINT STATEMENT OF THE FRIENDS COMMITTEE ON NATIONAL LEGISLATION AND THE AMERICAN FRIENDS SERVICE COMMITTEE

Jerusalem is a microcosm of the Israeli-Palestinian conflict. Since the conflict began, conditions in the Holy City have always reflected wider relations between Israeli Jews and Palestinian Arabs. Jerusalem will not, for good or ill, escape this role in the future. The justice and stability of the peace now being negotiated by Palestinians and Israelis will inevitably be mirrored in Jerusalem. An agreement on Jerusalem that can command broad assent among Israelis and Palestinians is essential to a lasting peace.

Such an agreement may be difficult to envision at present. The effects of twenty-eight years of Israeli occupation are more evident in Palestinian East Jerusalem than elsewhere in the West Bank and Gaza. The legacy of the divided city from 1948 to 1967 is still palpable. Current Israeli and Palestinian positions on Jerusalem seem far apart. A tragic escalation of violence, the continuing restrictions and illegal settlement activity of the occupation, delays and setbacks in negotiations, and issues of internal Palestinian governance all contribute to an environment in which it is difficult to imagine a future accord on Jerusalem.

We believe despite these difficulties that an agreement on Jerusalem acceptable to all parties is achievable. We believe, moreover, that public discussion of the future of Jerusalem has grown urgent for three reasons: to prepare the way for official negotiations on Jerusalem scheduled to begin no later than May 5, 1996; to keep the vision and possibility of a better future from being obscured by the problems of the present; and to urge immediate interim steps that both parties and the United States should take to ensure eventual achievement of a just and lasting Israeli-Palestinian agreement on Jerusalem and other outstanding issues.

This statement of the Friends Committee on National Legislation and the American Friends Service Committee is intended as an initial contribution to the public discussion of the future of Jerusalem. It is intended at the same time to call attention to the actions urgently needed now to make agreement possible in the future.

PRINCIPLES OF A SETTLEMENT:

Five broad principles of fairness and equity should guide a settlement on Jerusalem. These principles, in essence, assert that Jerusalem must be shared, that the city can not be the exclusive domain of Israelis or Palestinians if there is to be a lasting peace between the two peoples.

We take encouragement from the fact that there is partial agreement among Israeli and Palestinian leaderships on some of these principles and significantly broader agreement among those Israelis and Palestinians who were in the forefront of the long struggle to achieve mutual recognition.

1) A settlement on Jerusalem must be reached by negotiation between the Israeli and Palestinian leaderships and approved democratically by the Israeli and Palestinian peoples.

By agreeing to include Jerusalem in final status talks, Israel and the PLO have already committed themselves to decide the city's future by negotiation. Israel's parliamentary process will provide a means for Israelis to approve an eventual agreement. Palestinians also need a democratic forum to express their will. Creation of an elected, broadly representative, Palestinian Self Governing Authority that includes East Jerusalem Palestinians is thus a prerequisite for resolution of the Jerusalem question.

2) A settlement must leave Jerusalem physically undivided and open to the entry and free movement of peoples throughout.

Palestinians or Israelis desire a return to the status quo of the Jerusalem of 1948-1967, when a no-man's land of barbed wire and land mines ran through the middle of the city and residents on one side were barred from travel to the other. Regardless of whether a final agreement provides for shared or divided sovereignty or one or two municipalities, Jerusalem, as the symbol and centerpiece of Israeli-Palestinian relations, should be an open and physically united city.

3) A settlement must accord equal political and national status to Israelis and Palestinians in Jerusalem

Any settlement that accords either national group an inferior status will sooner or later be repudiated by that group, fatally undermining Israeli-Palestinian peace. Equality of status for Israelis and Palestinians in Jerusalem would most likely take the form of recognizing Jerusalem as the capital of both Israel and an independent Palestinian state. Other solutions, such as internationalization of the city, are possible, but less likely to gain support.

4) A settlement must permit the equitable growth and development of Jerusalem to meet the needs of both Israelis and Palestinians and must allow the political, economic, and cultural institutions of both peoples to flourish in Jerusalem.

This might be accomplished in part by expanding Jerusalem's municipal boundaries to create balanced Jewish and Arab constituent boroughs, or by contracting municipal boundaries to create separate Israeli and Palestinian municipalities. Most importantly, agreed borders or subdivisions and administrative arrangements must facilitate equitable land use. Palestinians must have the opportunity to build in Jerusalem denied them by twenty-eight years of occupation. Redress must be offered for land seized in occupied East Jerusalem in violation of international law, perhaps by providing Palestinians with comparable land in West Jerusalem and Israel's Jerusalem corridor further west. Jerusalem property lost by Palestinians and Israelis in 1948 must also

be taken into account in devising equitable arrangements for the future. Also, competing needs of secular and religious residents of Jerusalem must be accommodated.

5) A settlement should give formal expression to the special significance of Jerusalem in Judaism, Christianity and Islam.

Jerusalem is first the domain of its inhabitants. But portions of Jerusalem are also sacred to Jews, Christians and Muslims around the world. An agreement between Israelis and Palestinians should include a joint grant of formal status to international representatives of Judaism, Christianity and Islam. A grant of status, rather than a simple guarantee of access, would appropriately reflect world religious attachment to Jerusalem and perhaps promote a reconciling inter-religious cooperation of international consequence.

IMMEDIATE STEPS AND THE US ROLE

Developments in the interim period of Palestinian self-rule and final status negotiations can help or hinder a fair and equitable agreement on Jerusalem. Present circumstances in Jerusalem pose a grave threat to the peace process and the city's future. Israel, as the occupying power in East Jerusalem, has the greatest power to improve conditions. The PLO, for its part, can do much, by promoting Palestinian democracy. The US, as guarantor of the peace process, can take some positive steps itself and can play an important role in encouraging the parties to constructive action.

The following steps should be taken now to reverse declining support for the peace process and advance an equitable agreement:

- *Lift permanently the military closure of Jerusalem that restricts entrance of West Bank and Gaza residents to the city.* The closure of Jerusalem imposes severe economic and social hardships on Palestinians and encourages Palestinian opposition to the peace process. Immediate human and political needs will be served by lifting the closure. Equally important, opening Jerusalem to the free movement of Palestinians will achieve one requirement of an equitable accord on the city's future.
- *Halt the process of seizing Palestinian public and private land in Jerusalem, as well as elsewhere in the occupied territories.* New land seizures and new actions to take possession of lands said to have been formally seized earlier destroy confidence in the peace process and further prejudice negotiations by *faits accomplis*.
- *Stop the establishment and expansion of settlements in and around Jerusalem, as well as elsewhere in the territories.* Continuing settlement activity, like land seizure, diminishes political support for the peace process and threatens to impose a unilateral, instead of a negotiated, solution to the Jerusalem question and other Israeli-Palestinian issues.
- *Alleviate the most severe problems of overcrowding and substandard housing in Palestinian neighborhoods by issuing building permits for new construction that addresses this problem.* A recent report by the Israeli Municipality of Jerusalem confirms that a severe housing shortage exists for Palestinians as "the direct result of a planning process limiting Arab building in Jerusalem." Immediate steps to address the shortage would both build confidence and provide humanitarian relief.
- *Establish a strong framework for Palestinian democracy by providing for free and fair elections to the Palestinian Self Governing Authority.* The elections should be conducted in a manner that encourages all factions to participate and must be preceded by redeployment of the Israeli army away from Palestinian population centers, as provided for in the Declaration of Principles. The Self Governing Authority should include an elected assembly with sole legislative powers. Such an inclusive, democratic structure is essential for authoritative decision-making on Jerusalem and all other important issues.
- *Insure that Palestinian residents of Jerusalem be eligible for election to the Palestinian Self Governing Authority and allowed to vote for the Authority at polling places in Jerusalem.* Failure to do so would partially disenfranchise Palestinian Jerusalemites and give them a separate and inferior status compared to Palestinians elsewhere in the occupied territories.

The United States can support an equitable accord on Jerusalem by encouraging Israel and the Palestinians to take the above steps. In addition, the US, acting alone can contribute in some measure to a fair solution by taking the following actions:

- *The US should fully implement its policy of deducting from Israeli loan guarantees an amount equal to Israeli settlement spending, including spending for settlements in and around Jerusalem.* When it was established in 1991 this policy was one of the most principled and effective steps taken by the US in recent years to promote Arab-Israeli peace. It played a role in bringing a moderate government to power in Israel and its rigorous implementation now can encourage moderate Israeli policies and also build Palestinian confidence in the peace process.

- *Until Israelis and the Palestinians implement a final status agreement, Administration statements and actions should continue to reflect the international consensus and longstanding US view that Jerusalem's status is unresolved and that East Jerusalem is occupied territory. Any verbal departure from this position, or any action inconsistent with it, such as moving the US embassy from Tel Aviv to Jerusalem, could make it more difficult or impossible to reach agreement on the city's future.*
- *The Administration should instruct US government representatives to meet Palestinian representatives in Jerusalem to conduct official business. Refusal to do so would imply that Palestinians have no standing in Jerusalem. Official US-Palestinian meetings in Jerusalem serve to highlight the need to take account of Palestinian rights in an agreement on the city's future.*
- *Congress should refrain from adopting further resolutions that affirm only Israeli rights and interests in Jerusalem. Congressional resolutions on Jerusalem have often appeared more uncompromising than statements by some Israeli cabinet ministers and city council members. Congress should avoid being drawn into efforts by right wing annexationists in Israel and their supporters in the United States to frustrate the overall peace process by promoting an uncompromising stance on Jerusalem.*

Positive action on these immediate steps can bring us closer to a fair and equitable settlement on Jerusalem consistent with the five principles of a solution that we have outlined. We believe these principles have the power to produce an agreement on Jerusalem that can be the strong cornerstone of Israeli-Palestinian peace and an example to the world of concord and cooperation in the wake of bitter conflict. The achievement of such an agreement is a matter that concerns not only Israelis, Palestinians and the United States, but other Middle Eastern states, world religious bodies, and, in fact, the entire international community. We hope that the principles we have articulated here will occasion thoughtful comment and foster international commitment to an agreement on Jerusalem that will transform the Holy City from a barrier into a gateway to peace.

NOTE: In this statement we speak of "Jerusalem," "East Jerusalem," "West Jerusalem" and the "Holy City." It is important to note that none of these commonly used terms has an agreed or precise geographical or legal meaning. We find in this fact the seed of future agreement. An agreement is possible largely because there is no sacrosanct answer to the question, "What is Jerusalem?" The city's boundaries, in the mind and therefore on the ground, admit of great flexibility. The task of negotiation in large measure is to find boundaries that can accommodate all interests.



US CHRISTIAN LEADERS, STATEMENT ON JERUSALEM, WASHINGTON, 6 MARCH 1995

[Eight high ranking US Christian leaders issued an extraordinary statement urging the US government to press Israel to halt land confiscations and settlements expansion in Jerusalem. The mayor of Jerusalem and US-Jewish groups harshly criticized the initiative.]

JERUSALEM: CITY OF PEACE
Pray for the Peace of Jerusalem (Ps. 122:6)

Jerusalem, sacred to Jews, Christians and Muslims, is the spiritual heritage of all the children of Abraham, and all believers share the longing for the time when nations find it truly the City of Peace.

The story of Jerusalem is a tragic one, and in the web of history members of the three faiths are not innocent of one another's blood. Today, however, we stand at a special point in history where the future of Jerusalem is open to peaceful negotiation. The three communities of faith must have a part in those deliberations.

Mr. President, we appeal to you as representative leaders of Christian communions and organizations in the United States with strong ties to the Middle East. We ask that in its role as facilitator to the Middle East peace process, the United States government place the question of Jerusalem higher on its agenda.

Above all we ask that the Administration use its influence to prevent this vital issue from being settled by force of events or the creation of facts on the ground. We fear that if issues centering on Jerusalem are not dealt with openly and directly by all affected parties, they have the potential to derail the peace process.

At the same time, we believe that making Jerusalem a subject for open negotiation between Israelis and Palestinians is essential for reaching an accord on the question of Jerusalem. Representatives of the three Abrahamic religions must also have a role in shaping the ultimate resolution of issues affecting historic Jerusalem

and the commitment of the international community in guaranteeing the living presence of the three religious communities in the Holy City.

We come to you because developments on the ground in the Jerusalem area leave less and less for negotiation in the last phase of the peace process.

- In contravention of international law, more and more land is taken out of Palestinian hands and placed under Israeli control by annexation, expropriation, and private purchases, often coercive or of questionable legality;
- Israeli planning for “Greater Jerusalem” is an open secret; and
- Israel’s assertion that Jerusalem will remain the “eternal and undivided capital of Israel” is widely interpreted as a claim of exclusive Israeli sovereignty over the city that preempts genuine negotiations.

We are concerned:

- that the Administration is backing away from the long-term United States policy that East Jerusalem is subject to UN Security Council Resolution 242 regarding territories occupied by Israeli armed forces in 1967;
- that the Administration is failing to recognize and support Palestinian rights and interests in Jerusalem.
- that the Administration is not using its considerable influence to halt Israeli construction in East Jerusalem and continued expansion into Palestinian areas.

It is our conviction, Mr. President, that a resolution of the question of Jerusalem has the potential for advancing cooperation between the three Abrahamic faiths or sowing the seeds of new religious conflicts between Muslims, Jews and Christians. The future of Jerusalem must not be preempted by the actions of any one party. Only a negotiated agreement that respects the human and political rights of Palestinians and Israelis as well as the three religious communities can lead to lasting peace. The goal of a “warm peace” between Israel and its Arab neighbors can only be achieved in the context of a shared city where the interests of all parties are respected.

In view of the deteriorating conditions on the ground and the central importance of this issue to the peace process, we urge you to use to the peace process, we urge you to use your good offices to see that the negotiators take up the question of Jerusalem as soon as possible and that the position of the United States fully reflects the concerns expressed in this statement.

Signatories: Cardinal William H. Keeler, President, National Council of Catholic Bishops; Kara Newell, Executive Director, American Friends Service Committee; Very Rev. Gerald L. Brown, S.S. President, Roman Catholic Conference of Major Superiors of Men’s Institutes; Archbishop Iakovos, Primate, Greek-Orthodox Archdiocese of North & South America; The Most Rev. Edmond L. Browning, Presiding Bishop and Primate The Episcopal Church; Metropolitan Phillip Y. Saliba, Antiochian Orthodox Christian Archdiocese of North America; The Rev. Herbert W. Chilstrom, Bishop, Evangelical Lutheran Church in America; Robert A. Seiple, President, World Vision.



**WORLD COUNCIL OF CHURCHES, CENTRAL COMMITTEE, STATEMENT ON
THE STATUS OF JERUSALEM, GENEVA, SWITZERLAND, 14-22 SEPTEMBER 1995**

In previous WCC statements on Jerusalem, quoted below, the World Council of Churches has affirmed that:

1. Jerusalem is a holy city for three monotheistic religions: Judaism, Christianity and Islam (Central Committee, Berlin/West, 1974). It is therefore their responsibility to cooperate in the creation of conditions that will ensure that Jerusalem is a city open to the adherents of all three religions, where they can meet and live together. The tendency to minimize Jerusalem's importance for any of these three religions should be avoided. (V. Assembly, Nairobi, 1975)
2. Christian Holy Places in Jerusalem and neighbouring areas belong to the greatest extent to member churches of the World Council of Churches, specifically to the Eastern Orthodox and Oriental Orthodox Churches... Any proposed solution as to the future of the holy places in Jerusalem should take into account the legitimate rights of the churches most directly concerned. (Central Committee, 1974)
3. (The) question of Jerusalem is not only a matter of protection of the Holy Places, it is organically linked with living faiths and communities of people in the holy city. (It) is essential that the holy shrines should

not become mere monuments of visitation, but should serve as living places of worship integrated and responsive to Christian communities who continue to maintain their life and roots within the holy city, and for those who, out of religious attachment, want to visit them. (V. Assembly)

4. The special legislation regulating the relationship of the Christian communities and the authorities, guaranteed by international treaties (Paris 1856 and Berlin 1878) and the League of Nations and known as the status quo of the Holy Places must be fully safeguarded and confirmed in any agreement concerning Jerusalem. (V. Assembly)
5. (The) settlement of the interreligious problems of the holy places should take place under an international aegis and guarantee which ought to be respected by the parties concerned as well as the ruling authorities; (and) should be worked out with the most directly concerned member churches, as well as with the Roman Catholic Church. These issues should also become subjects for dialogue with Jewish and Muslim counterparts. (V. Assembly)
6. (The) future status of Jerusalem... has to be determined within the general context of the settlement of the Middle East conflict in its totality. (V. Assembly).
7. (Just) as the future status of Jerusalem has been considered part of the destiny of the Jewish people, so it cannot be considered in isolation from the destiny of the Palestinian people... (Central Committee, Geneva, 1980).

Against this background, and in the light of the deep religious, historical and emotional attachments of Christians, Jews and Muslims to Jerusalem and the turmoil to which this gives rise; and recognising the significance of Jerusalem to the continuing Middle East peace process, the Central Committee of the World Council of Churches, meeting in Geneva, 14-22 September 1995,

- *Welcomes* the visit to Jerusalem by the General Secretary (15-21 May 1995), during which he met with the heads of Churches and Christian Communities in Jerusalem, with the Prime Minister and Foreign Minister of Israel, the President of the Palestinian National Authority, and others;
- *Welcomes* especially the joint Memorandum of the Heads of Christian Communities in Jerusalem on the Significance of Jerusalem for Christians, in which they call on all parties "to go beyond exclusivist visions or actions, and without discrimination, to consider the religious and national aspirations of others, in order to give back to Jerusalem its true universal character and to make of the city a holy place of reconciliation for humankind";
- *Notes* with appreciation their appeal for full respect of the rights of believers to freedom of access to holy places, of movement within the Holy City, and to carry out pilgrimages in the spirit of authentic tradition; the rights of local Christian Communities to freedom of worship and of conscience, both as individuals and as religious communities, to carry out their religious, educational, medical and other duties of charity, and to have their own institutions and their own personnel to run them;
- *Endorses* their affirmation that, in claiming these rights for themselves, Christians recognize and respect similar and parallel rights of Jewish and Muslim believers and their communities, and declare themselves disposed to search with Jews and Muslims for a mutually respectful application of these rights and for a harmonious coexistence in the perspective of the universal spiritual vocation of Jerusalem;
- *Endorses* their call
 - "for a special judicial and political statute for Jerusalem which reflects the universal importance and significance of the city;
 - "that, in order to satisfy the national aspirations of all its inhabitants, and in order that Jews, Christians and Muslims can be 'at home' in Jerusalem and at peace with one another, representatives from the three monotheistic religions, in addition to local political powers, ought to be associated in the elaboration and application of such a special statute;
 - "that, because of the universal significance of Jerusalem, the international community ought to be engaged in the stability and permanence of this statute and provide the necessary guarantees in order that Jerusalem not be dependent solely on municipal or national political authorities, whoever they may be, that Jerusalem not be victimized by laws imposed as a result of hostilities or wars, but to be an open city which transcends local, regional or world political troubles."
- *Reiterates* its statement of August 1980 opposing the Israeli unilateral action of annexing East Jerusalem and uniting the city as its "eternal capital" under its exclusive sovereignty in contradiction of pertinent United Nations resolutions;
- *Expresses* profound concern about the policies of the State of Israel which have created a situation of political and economic insecurity for the indigenous Christian population of Jerusalem which has contributed to a process of emigration which continuously diminishes the Christian presence in Jerusalem;
- *Appeals* once again to the State of Israel to desist from its continuing, systematic policies of confiscation of buildings and land, destruction of buildings, establishment of new Jewish settlements in and around

East Jerusalem, discrimination in the granting of building permits, constraints on the freedom of movement for Arab Christians and Muslims, as well as for indigenous Christians within and access to Jerusalem and the Holy Places, and from all attempts to alter the demographic status quo of the Holy City prior to the conclusion of agreements with regard to its future status;

- *Calls* upon the Government of Israel and on the Palestinian National Authority to take up soon the question of the future status of Jerusalem in their negotiations, given its centrality to the ultimate success of efforts to implement the Accords and to promote peace in and beyond the Middle East region; and
- *Appeals* to member churches to be constant in prayer and in acts of solidarity with the Christian communities in Jerusalem in order to ensure a continuing, vital Christian presence in the Holy City and to strengthen the historic role of these communities and their leaders in promoting open communication, dialogue and cooperation among all communities in the Holy City.



**ADDRESS OF POPE JOHN PAUL II DURING THE EXCHANGE OF GREETINGS WITH THE
DIPLOMATIC CORPS ACCREDITED TO THE HOLY SEE, 13 JANUARY 1996 [EXCERPTS]**

[Excerpts calling for a solution of the Question of Jerusalem]

Your Excellencies, Ladies and Gentlemen,

1. I thank you for your presence and for the good wishes formulated by your Dean with such refinement of sentiment and expression. Please accept in return my own fervent wish that God will bless you, your families and your nations; may he grant to everyone a year of happiness! [...]
2. Today we cannot but rejoice to see here, for the first time, the Representative of the Palestinian People. For more than a year, as you know, the Holy See has enjoyed diplomatic relations with the State of Israel. We had been looking forward to this happy state of affairs, because it is the eloquent sign that the Middle East has resolutely taken the path of peace proclaimed to mankind by the Child born in Bethlehem. May God assist the Israelis and Palestinians to live from now on side by side, with one another, in peace, mutual esteem and sincere cooperation! Future generations demand this and the whole region will benefit from it.

But allow me to confide that this hope could prove ephemeral if a just and adequate solution is not also found to the particular problem of Jerusalem. The religious and universal dimension of the Holy City demands a commitment on the part of the whole international community, in order to ensure that the City preserves its uniqueness and retains its living character. The Holy Places, dear to the three monotheistic religions, are of course important for believers, but they would lose much of their significance if they were not permanently surrounded by active communities of Jews, Christians and Muslims, enjoying true freedom of conscience and religion, and developing their own religious, educational and social activities. The year 1996 should see the beginning of negotiations on the definitive status of the territories under the administration of the National Palestinian Authority, and also on the sensitive issue of the City of Jerusalem. It is my hope that the international community will offer the political partners most directly involved the juridical and diplomatic instruments capable of ensuring that Jerusalem, one and holy, may truly be a "crossroads of peace" [...].



**STATEMENT ON JERUSALEM, CHURCH OF THE BRETHERN GENERAL BOARD,
12 MARCH 1996**

[Statement from a Christian perspective affirming some basic principles in view of final negotiation talks]

The Christian community throughout the world affirms its spiritual and historical roots in Jerusalem. Sacred to Jews, Muslims, and Christians, Jerusalem is also a disputed city and the symbolic center of much of the conflict in the Middle East.

The status of Jerusalem will be of particular importance over the next several months because the Israelis and the Palestinians have agreed that the "final status" of Jerusalem will be determined between the parties during talks scheduled to begin in May 1996. As these talks begin, we recognize that the stakes are extremely high, as both the Israeli and Palestinian peoples claim Jerusalem as their capital. The Church of the Brethren joins

with Muslims, Jews, and Christians at home and in the Middle East to support principles of justice, religious liberty and peaceful resolution of the questions of Jerusalem.

For many years the Church of the Brethren has appealed for the termination of violence and counter-violence by all parties in the Middle East, opposed the Israeli acquisition of land by force, and has stressed the importance of international efforts to assure the legitimate rights of self-determination for the Palestinian people as well as the legitimate security interests of Israel. Specifically, in relation to the city of Jerusalem, we also affirm the following principles.

1. A just and lasting peace in the Middle East is inseparable from a Jerusalem that is open to entry and free movement for all peoples, including freedom of worship and full freedom of access to its holy places.
2. Mutual recognition of Jerusalem by Christians, Muslims, and Jews as the sacred city for all and support for full access to its holy places will play a significant role in defusing interreligious conflict among the three great monotheistic religions.
3. Confidence-building measures, such as the immediate cessation of land confiscation and settlement building around Jerusalem by the Israeli government, just allocation of building permits to alleviate overcrowding and substandard housing in Palestinian neighborhoods, and provisions to protect human rights, are imperative to foster religious liberty and undergird the peace process.
4. Religious, economic and cultural institutions of both Israelis and Palestinians must be allowed to flourish in Jerusalem.
5. A jointly-administered municipality - in accordance with United Nations Security Council Resolution 242 - rather than a monopoly of sovereignty by either party, will enhance the growth and development needs of both Israelis and Palestinians.

We also urge the United States government to maintain an active and balanced role in the peace process, recognizing its unique relationship with the government of Israel, the legitimate claims of the Palestinian people, and the importance of a just and equitable resolution of the status of Jerusalem. Toward this aim, the US embassy in Tel Aviv should not be relocated until the permanent status negotiations on Jerusalem are concluded.

A striking biblical image is Jesus weeping for and praying for Jerusalem. In these times, we encourage our membership to join hands and hearts to pray and work to bring peace with justice in Jerusalem.



**GENERAL CONFERENCE OF THE UNITED METHODIST CHURCH,
STATEMENT ON JERUSALEM, APRIL 1996**

[Statement providing guidelines to Israel and the international community on the situation of Jerusalem]

Jerusalem is sacred to all the children of Abraham: Jews, Muslims, and Christians. We have a vision of Jerusalem as a city of peace and reconciliation, where indigenous Palestinians and Israelis can live as neighbors and, along with visitors and tourists, have access to holy sites and exercise freedom of religious expression. The peaceful resolution of the Jerusalem issue is crucial to the success of the whole process of making peace between Palestinians and Israelis. International consensus and law, in accordance with United Nations Resolution 242, support the view that the Jerusalem issue is unresolved and that East Jerusalem is occupied territory.

However, the prospects for a just resolution in accordance with-Resolution 242 are being seriously compromised by policies of the Israeli government. These include the confiscation of increasing amounts of Palestinian land, expansion of the borders of Jerusalem to include more and more Palestinian villages and lands (thus forming what is now known as "Greater Jerusalem"), the building of settlements for Jewish families on these lands, closures that prevent Palestinians from traveling to or through Jerusalem, the withholding of basic services from tax-paying Palestinian neighborhoods, the denial of Jerusalem identity cards to Palestinian citizens, and the denial of building permits for Palestinians (causing an increased number of homeless persons and the departure of Palestinian residents from Jerusalem). Therefore, The United Methodist Church requests that the government of the United States, and other nations as well, urge the State of-Israel to:

1. Cease the confiscation of Palestinian lands;
2. Cease the building of new, or expansion of existing, settlements in the occupied territory and Gaza;
3. Lift the closure of Jerusalem to Palestinians;
4. Issue Jerusalem building permits to Palestinians so that they can build and maintain their buildings;
5. Halt the practice of denying Jerusalem identity cards to Palestinian citizens- and

6. Address the problem of homelessness, severe overcrowding, and substandard housing among the Palestinian residents of Jerusalem.

Governments, by their silence and through financial assistance, contribution to the creation of these "facts on the ground," which impede peace and may preclude any hope of Jerusalem ever becoming the City of Peace and Reconciliation for which we pray. Therefore, we urge our governments to:

1. Reject efforts to move embassies from Tel Aviv to Jerusalem;
2. Deduct annually from any Israeli loan guarantees an amount equal to all Israeli settlement spending in that year, including spending for settlements in and around Jerusalem; and
3. Affirm that the status of Jerusalem is unresolved, and that East Jerusalem is, indeed, occupied territory.



CONSIDERATIONS OF THE SECRETARIAT OF STATE OF THE VATICAN ON JERUSALEM, MAY 1996

[Summary of the Holy See's relationship with Jerusalem].

1. The fundamental agreement between the Holy See and the state of Israel was signed on Dec. 30, 1993. In Article 11.2 of the agreement we find the same basic concept that appears in Article 24 of the Lateran Treaty, which was an agreement between the Holy See and the Italian state signed on Feb. 11, 1929 [ending a long controversy arising out of the occupation of Rome in 1870]. Paragraph 2 of Article 11 of the fundamental agreement says: "The Holy See ... is solemnly committed to remaining a stranger to all merely temporal conflicts, which principle applies specifically to disputed territories and unsettled borders." This statement has given rise to a number of critical observations, especially when reference is being made to the status of Jerusalem. In part these reservations may be due to the fact that few people have paid proper attention to the first part of the same Paragraph 2 of Article 11, where it says that the Holy See maintains "in every case the right to exercise its moral and spiritual teaching office."
2. On the same day that the agreement was signed, the Press Office of the Holy See publicly presented a detailed official statement which included, among other things, an explanation of the meaning of Article 11.2. The statement said that the Holy See would not get involved in territorial problems as far as strictly technical aspects were concerned, but it would not renounce its mission or its right to express its judgment on the moral dimensions that each of these questions necessarily entails.
3. The same statement made a specific reference to the question of Jerusalem and affirmed:
 - That questions relative to the city of Jerusalem have been a cause of concern for the Holy See for a long time.
 - That these questions are not mentioned in the agreement because of their international and multilateral character, which prevents their being resolved by the fundamental agreement, which by its nature is bilateral, binding only the two parties which signed it.
 - That these questions remain important for the Holy See, which has not changed its position on them (a position which the statement then proceeds to illustrate).

I. Analysis of the Question

1. There exists a territorial problem relative to Jerusalem. Since 1967, when a part of the city was militarily occupied and then annexed, this problem has become more obvious and more difficult. The part of the city that was occupied and annexed is where most of the holy places of the three monotheistic religions are situated.

The Holy See has always insisted that this territorial question should be resolved equitably and by negotiation. The Holy See, as the previously mentioned Article 11 of the fundamental agreement indicates, is not concerned with the question of how many square meters or kilometers constitute the disputed territory, but it does have the right-a right which it exercises-to express a moral judgment on the situation.

It is obvious that every territorial dispute involves ethical considerations such as the right of national communities to self-determination, the right of communities to preserve their own identity, the right of all people to equality before the law and in the distribution of resources, the right not to be discriminated against by reason of ethnic origin or religious affiliation, etc.

The Holy See's attitude with regard to the territorial situation of Jerusalem is necessarily the same as that of the international community. The latter could be summarized as follows: The part of the city militarily occupied in 1967 and subsequently annexed and declared the capital of the state of Israel is occupied territory, and all Israeli measures which exceed the power of a belligerent occupant under international law are therefore null and void. In particular, this same position was expressed and is still expressed by Resolution

478 of the UN Security Council, adopted on Aug. 20, 1980, which declared the Israeli "basic law" concerning Jerusalem to be "null and void," and which invited countries with embassies in Jerusalem to move them elsewhere. As is well known, when the Holy See entered into diplomatic relations with the state of Israel, it opened its nunciature (embassy) in Tel Aviv, where indeed the overwhelming majority of the embassies are situated. It is also well known that the apostolic delegation for Jerusalem and Palestine (opened on Feb. 11, 1948, before the state of Israel was established) continues to function.

2. There is, however, a further aspect of Jerusalem which in the Holy See's view goes well beyond the simple territorial aspect: This is the "religious dimension" of the city, the particular value which it has for the Jewish, Christian and Muslim believers who live there, and for Jewish, Christian and Muslim believers throughout the world.

It is a question here of a value which must be considered as having a worldwide and universal character: Jerusalem is a "treasure of the whole of humanity."

For decades and long before the 1967 occupation, the Holy See has always been very attentive to this aspect and has not failed to intervene when necessary, insisting on the need for adequate measures to protect the singular identity of the holy city. An explanation of what this protection consists of and what characteristics it must have in order to meet its objectives can be outlined as follows in II, 2.

- a) With a view to safeguarding the universal character of a city already claimed by two peoples (Arab and Jewish) and held sacred by three religions, the Holy See supported the proposal for the internationalization of the territory, the *corpus separatum* called for by UN General Assembly Resolution 181 (II) of Nov. 29, 1947. The Holy See at the time considered the *corpus separatum* as an adequate means, a useful juridical instrument, for preventing Jerusalem from becoming a cause and arena of conflict, with the resulting loss of an important aspect of its identity (as in fact subsequently happened and continues to happen).
- b) In the years that followed, although the objective of internationalization was shown to be unattainable, the Holy See- especially, but not only through public statements of the popes- continued to call for the protection of the holy city's identity. It consistently drew attention to the need for an international commitment in this regard. To this end, the Holy See has consistently called for an international juridical instrument: which is what is meant by the phrase *an internationally guaranteed special statute*.
- c) Following the well-known events of 1967 and their aftermath, the Holy See's concern has not waned, but has become ever more insistent. Documented proof of this concern can be found in Archbishop Edmond Farhat's collection of documents titled Jerusalem in Papal Documents from 1887 to 1984 published in Rome in 1987. This valuable work has also been translated into Arabic and published in Lebanon.

Among these documents the following can be listed as examples for their comprehensiveness and clarity:

- The address of Pope Paul VI to the cardinals and prelates of the Roman Curia on Dec. 22, 1967.
- The statement distributed at the United Nations by the Holy See's Permanent Observer Mission on Dec. 3, 1979.
- The article which appeared in the June 30-July 1, 1980, edition of L'Osservatore Romano.

II. Clarification of Some Concepts

1. It is important to note that in its interventions the Holy See has always insisted on yet another question which, given the particular situation of Jerusalem, is of fundamental importance precisely for safeguarding the identity of the Holy City: Jerusalem is equally regarded as sacred by the three great monotheistic religions- Judaism, Christianity and Islam. In other words, no unilateral claim made in the name of one or other of these religions or by reason of historical precedence or numerical preponderance is acceptable. Jerusalem is a unique reality, universal because of its sacredness as a whole and for the three religions.

This was clearly underscored by His Holiness Pope John Paul II in his apostolic letter *Redemptiois Anno* of April 20, 1984. There he writes: "Jews ardently love [Jerusalem and in every age venerate her memory, abundant as she is in many remains and monuments from the time of David, who chose her as the capital, and of Solomon, who built the temple there. Therefore they turn their minds to her daily, one may say, and point to her as the sign of their nation...."

"Christians honor her with a religious and intent concern because there the words of Christ so often resounded, there the great events of the redemption were accomplished: the passion, death and resurrection of the Lord. In the city of Jerusalem the first Christian community sprang up and remained throughout the centuries a continual ecclesial presence despite difficulties...."

"Muslims also call Jerusalem 'holy,' with a profound attachment that goes back to the origins of Islam and spring from the fact that they have there many special places of pilgrimage and for more than a thousand years have dwelt there, almost without interruption."

2. It would also seem important and fundamental to explain what the Holy See means by *safeguarding the identity* of Jerusalem and what it means by *guarantees*. In the Holy See's view:
 - The historical and material characteristics of the city as well as its religious and cultural characteristics must be preserved, and perhaps today it is necessary to speak of restoring and safeguarding those still existing.

-There must be equality of rights and treatment for those belonging to the communities of the three religions found in the city, in the context of the freedom of spiritual, cultural, civic and economic activities.

-The holy places situated in the city must be preserved, and the rights of freedom of religion and worship, and of access for residents and pilgrims alike, whether from the Holy Land itself or from other parts of the world, must be safeguarded.

At stake is the basic question of preserving and protecting the identity of the holy city in its entirety, in every aspect. For example, the simple "extraterritoriality" of the holy places, with the assurance that pilgrims would be able to visit them without hindrance, would not suffice. The identity of the city includes a sacred character which belongs not just to the individual sites or monuments, as if these could be separated from one another or isolated from the respective communities. The sacred character involves Jerusalem in its entirety, its holy places and its communities.

III. Situation After the Oslo Agreements

The Oslo agreements between the Israelis and the Palestinians called for a second stage, in which some particularly delicate and difficult problems would be dealt with. These include the whole question of Jerusalem. From this perspective the Holy See, firmly maintaining its position, together with the requirements that follow from it, believes that certain considerations can be formulated:

1. It is foreseen that negotiations will take place. The promise of negotiations and the presumption that they will take place are already in themselves a positive development, but only a beginning. The Holy See can only hope that the intentions expressed by the parties most directly involved will become a reality. The Holy See is ready to offer its support in this regard, in accordance with the possibilities open to it and its specific character.
2. As they are now prospected, the negotiations are expected to include the participation of the sponsors of the peace process and, in the light of statements made in the last few months, other parties also could be invited to contribute. The Holy See believes in the importance of extending representation at the negotiating table, precisely in order to ensure that the negotiations themselves are fair and that no aspect of the problem is overlooked.
3. It is essential that the parties to the negotiations take fair and appropriate account of the sacred and universal character of the city. This requires that any possible solution should have the support of the three religions, both at the local level and beyond, and that the international community should in some way be involved.
4. In effect, the territorial and religious dimensions of the problem, although often separated in order to facilitate proper and thorough discussions of the situation, are interrelated. They are such that a political solution will not be valid unless it takes into account in a profound and just manner the religious needs present in the city. This the Holy See has often stressed. These are needs stemming from history, but above all they are needs of today; they concern, before all else, the full observance of that most fundamental of human rights, the right to freedom of religion and conscience.

IV. Conclusions

The patriarchs and the other Christian religious leaders in Jerusalem on Nov. 14, 1994, issued a memorandum on the holy city. In the final part of their document they wrote: "It is necessary to accord Jerusalem a special statute which will allow Jerusalem not to be victimized by laws imposed as a result of hostilities or wars, but to be an open city which transcends local, regional and world political troubles. This statute, established in common by local political and religious authorities, should also be guaranteed by the international community."

This demand of the Christian religious leaders of Jerusalem substantially reflects what the Holy See has insisted on for years, and which was repeated, though in different terms, by His Holiness Pope John Paul II last Jan. 13, in his address to the diplomatic corps accredited to the Holy See:

1. His Holiness first invoked divine assistance: "May God assist the Israelis and the Palestinians to live from now on side by side with one another in peace, mutual esteem and sincere cooperation!" He added: "Allow me to confide that this hope could prove ephemeral if a just and adequate solution is not also found to the particular problem of Jerusalem." (Thus the question of Jerusalem, together with all that it involves -politically, territorially, religiously, demographically, etc.-exists and is a fundamental one.)
2. The pope continued: "The religious and universal dimension of the holy city demands a commitment on the part of the whole international community in order to ensure that the city preserves its uniqueness and retains its living character." (The pope thus calls for a commitment that is international in nature in order to preserve Jerusalem's identity, especially from the religious and cultural point of view, the very reason why the city constitutes an important part of the world's patrimony.) He goes on to say that: "The holy places, dear to the three monotheistic religions, are of course important for believers, but they would lose much of their significance if they were not permanently surrounded by active communities of Jews, Christians and

Muslims, enjoying true freedom of conscience and religion, and engaging in their own religious, educational and social activities."

3. And referring to the scheduled negotiations which should take into account the question of Jerusalem in its entirety, the pope said: "It is my hope that the international community will offer to the political partners most directly involved the juridical and diplomatic instruments capable of ensuring that Jerusalem, one and holy, may truly be a crossroads of peace." (Here His Holiness is asking for an international instrument and for international assistance to safeguard the true value that Jerusalem has for Israelis and Palestinians, for Jews, Christians and Muslims).

The pope addresses this call to the good will of the political leaders of that region and of the whole world, and to their sense of justice. It is a plea he makes to all believers and a prayer to the God of the three religions, who chose to bless that region with a special manifestation of his presence. God did so in order to call men and women to accept, understand and make their own contribution to his message of brotherhood and peace.

These are the concepts presented in two paragraphs of the already quoted apostolic letter *Redemptiois Anno*:

"Jerusalem contains communities of believers full of life, whose presence the peoples of the whole world regard as a sign and source of hope-especially those who consider the holy city to be in a certain way their spiritual heritage and a symbol of peace and harmony.

"Indeed, insofar as she is the homeland of the hearts of all the spiritual descendants of Abraham who hold her very dear, and the place where, according to faith, the created things of earth encounter the infinite transcendence of God, Jerusalem stands out as a symbol of coming together, of union and of universal peace for the human family."



MUSLIM AND CHRISTIAN SPIRITUAL LEADERS, "MUSLIMS AND CHRISTIANS TOGETHER FOR JERUSALEM'S SAKE", BEIRUT, 14-16 JUNE 1996

THE JERUSALEM APPEAL

Driven by the suffering of Jerusalem, its people and blessed land, and in solidarity with Lebanon, rising up from its trials more strong and more firmly united, we - spiritual leaders of Arab world, both Muslim and Christian - met in Beirut from 14-16 June 1996. Grateful to the Middle East Council of Churches and the Arab Working Group on Christian-Muslim Dialogue for their invitation, we came together to speak with one voice to all the world near and far, and to all peoples and states. It is the voice of our people, Arab believers, Muslims and Christians, rising out of our common history, looking to our shared future.

THE CAUSE OF JERUSALEM IS PIVOTAL TO US. Before it we are not factions, NONE OF US CLAIMS IT EXCLUSIVELY FOR HIS FAITH. We all belong to Jerusalem, we stand near Jerusalem in affection. Our faith cannot find reassurance as long as Jerusalem is in captivity. The issue of Jerusalem should not be postponed nor delayed.

JERUSALEM IS ITS PEOPLE. ITS PEOPLE ARE PALESTINIANS who, ever since Jerusalem existed and for countless generations, have lived within it. They have never been severed from it and know no other place as their capital. Separated from its history they do not know themselves.

It is these people who today are suffering. Their livelihoods are at stake, they are expelled from their homes, humiliated, their land confiscated. Our solicitude for them invites us to voice a common position. Their cause is our cause. This position calls for a solution where Arab sovereignty, linking Jerusalem to Palestine, is restored. For Jerusalem is in the heart of Palestine and no political solution may sever Jerusalem from Palestine nor from its people, their heritage and identity. The holy places remain alive through the people of the Holy City who worship God and seek His blessing, through prayers and prostration and pilgrimage. Without the people, holy shrines would become museums rather than houses of invocation.

NO POWER IN THE WORLD HAS THE RIGHT TO JUDAIZE JERUSALEM, internationalize it, or deprive it of its Arab and Christian-Muslim character. No international, Arab, Christian or Muslim authority can dispose of Jerusalem's Christian-Muslim character. Any decision to this effect is void and illegitimate.

As we gather around Jerusalem and for it, we are deeply concerned by the impositions of Israel: stripping people of their land based on no right, systematically impeding constructions permits for the city's Palestinian

inhabitants, persistently preventing their free access to the city, restraining the Palestinians from exercising their right to political expression, and continuing to modify its demographic configuration through the settlement of those who are not part of its original population, while expelling its native children. All of these actions violate moral principles and international covenants. They must cease immediately.

We are indignant by Israel's provocative actions which drive Jerusalemites, Christians and Muslims alike, to emigrate. Jerusalem is turned into a confiscated city while its vocation, in view of its sanctity, history and significance, is to be a place of encounter for all. Faced with this situation, we cannot but appeal to the whole world, as we bear trust for our people, their rights and their land:

There is a people, the Palestinian people, whose existence and future are at risk. Let them not be left alone in their tribulation. Jerusalem is a land of encounter for its people. Do not permit that it becomes an arena echoing with memories, or a museum of holy places bereft of soul and people.

PEACE IS THE FRUIT OF JUSTICE. PEACE CAN NOT REST, NOR WILL IT ENDURE, UPON INJUSTICE AND OPPRESSION. What we fear most is that the interests of states may coincide to impose a situation where the Palestinian people are deprived of establishing an independent state, with Jerusalem as its capital, and where a full withdrawal from Southern Lebanon and the Syrian Golan Heights is not secured.

On the basis of our commitment to the cause of Jerusalem, WE CALL UPON ALL CHRISTIANS AND MUSLIMS OF THE WORLD TO SUPPORT THE LEGITIMATE PALESTINIAN RIGHTS. We call upon all the churches and Islamic bodies and organizations to look with concern to the freedom of Jerusalem and not to spare any effort, in all respects, so that justice may prevail.

WE CALL UPON NATIONS OF THE WORLD, THE UNITED NATIONS and its agencies, and various Non-Governmental Organizations, to offer their assistance to Palestinian institutions in Jerusalem in order to develop their infrastructure, and to continue to provide the necessary services in the social fields, in health, education and housing.

WE CALL UPON ARAB GOVERNMENTS AND THE PALESTINIAN AUTHORITY to unify their positions concerning Jerusalem, a historical trust for the Arabs and all people of faith throughout the world, and to intensify their defense of the Arab character of Jerusalem and its religious pluralism raising it to the stature befitting this blessed city.

AS AN OCCUPYING FORCE, ISRAEL SHOULD STOP ALL ACTS WHICH CLOSE JERUSALEM IN THE FACE OF ITS PEOPLE, the Palestinians and all believers. Israel should desist from all actions that change the physical and human complexion of Jerusalem. Israel should fully recognize the rights of the Palestinian people. This is an intrinsic requirement for peace and justice.

Israeli violations of Arab human rights, and offenses against Muslim and Christian holy places, could not have occurred without the support of various international powers. These powers should refrain from aiding aggression and providing support that enables Israel to enforce its plans of settlement, Judaization, displacement and destruction.

We, as Christians and Muslims, do not recognize the legitimacy of any foreign diplomatic representation established in Jerusalem and consider any such establishment to be an act of hostility against Arabs, Christians and Muslims alike.

For our part, we will be the united voice of Jerusalem and will extend support to its people in every way possible to help consolidate their presence in their own land, restore their freedom and protect their holy places. As Christians and Muslims, we shall join efforts so that Jerusalem may become a city of reconciliation, justice and peace for all.

JERUSALEM IS OUR ASCENT TO HEAVEN. IN SPIRIT WE WERE BORN OF IT. WE ARE BONDED TO IT WITH LOVE. WE ARE IN IT UNTIL GOD INHERITS THE EARTH AND ALL THEREIN.

Peace to Jerusalem. May peace rest upon Jerusalem. May Jerusalem's peace rest upon the world.

Approved by:

From the Christian part: H.H. Pope Shnouda of the Coptic Orthodox Church of Egypt, H.B. Patriarch Parthenios of Alexandria Greek Orthodox Church, H.B. Patriarch Ignatius IV Hazim, Greek Orthodox Church of Syria and Lebanon, H.B. Patriarch Zakka Iwas of the Syrian Orthodox Church, H.B. Michael

Sabbah, Latin Patriarch of Jerusalem, H.B. Patriarch Jean Kasparian of the Armenian Catholic Church in Lebanon, H.B. Patriarch Ignatius Haik of the Syrian Catholic Church in Lebanon, H.H. Catholikos Aram Keshishian of Armenian Orthodox Church of Cilicia, Patriarchal Vicar Roland Abou Jawdeh of the Maronite Church in Lebanon, Presiding Bishop Samir Kafity, Anglican Church in Jerusalem and the Middle East, Rev. Dr. Salim Sahiouny, President of the Evangelical Supreme Council in Syria and Lebanon, Bishop Hillarion Kaputji, Greek Catholic of Jerusalem, and many other representatives of all Churches in the Middle East.

From the Muslim part: Imam Sheikh Mohammad Mahdi Shams Eddin of the Shi'a community in Lebanon, Grand Mufti Mohammad Keftaro of Syria, Mufti Mohammad Rashid Kabai of Lebanon, Dr. Mustafa Al-Shaka' representing the Grand Imam of Al-Azhar of Egypt, Sheikh Youssef Al-Karadawi from the Gulf, Sheikh Hassan Tahboub, Minister of Awkaf in Palestine, and Dr. Hassan Selwadi, representing the Grand Mufti Ekrima Sabri of Jerusalem, as well as many other community leaders and intellectuals.



**JERUSALEM FIRST - A MESSAGE BY MICHEL SABBABH, LATIN PATRIARCH OF
JERUSALEM, 29 SEPTEMBER 1996**

1. Recently violence broke out in the Holy City along with all the other Palestinian cities in reaction to the opening of the tunnel beside Masjed Al-Aksa. This incident constituted a provocation to the deepest Muslim religious feelings and fears, provided the several and repeated attempts from some Jewish parties which have been aiming to reach and to control Haram Al-Sharif. For Christians also, this opening has turned the Via Dolorosa into an area of constant tension, preventing believers and pilgrims from accessing this holy site, given that one of the entrances of the tunnel is right across from the Flagellation Church. During this wave of violence many victims were killed and wounded on both Palestinian and Israeli sides. We express our deep condolences to the afflicted families on both sides and we pray for all the wounded.
2. We are part of all what has been happening in Jerusalem. We are part of the Holy City, and of all happenings in it. The sufferings of all the residents of this city, Palestinians and Israelis alike, are our sufferings too. Our prayer is that, one day, peace, based upon justice, truth and trust, may become a reality in the hearts of all the components of the City.
3. We believe that the direct reasons beyond the outbreak of this violence wave triggered by the tunnel incident and spread throughout the Palestinian cities, are the jamming of the peace process along with all the accumulated injustices and sufferings of people in the Palestinian cities: the repeated closures and specially of Jerusalem, the continuous land confiscations aiming to expand the Jewish settlements, the effort to reduce the Palestinian Christian and Moslem presence in Jerusalem through confiscating the ID's of Jerusalem residents who live, for any reason, outside the Holy City borders, whether in the Palestinian regions or abroad, the demolishing of houses, the holding of Palestinian prisoners, the continuous humiliation and harassment in the way of dealing with Palestinians, and finally the worsening of the situation of the daily life living to a miserable level.
4. Nevertheless we also believe that violence cannot but generate violence. Only peace can produce peace. It is only through respecting and guaranteeing basic human rights and human dignity that peace will be maintained. We sincerely call upon the Israeli authorities, with the primary aim to reach the needed security for the Israeli people himself, and we say to them that this security cannot become a reality without insuring the same security to the Palestinians in Jerusalem and in all their cities. We urge them to reactivate the peace process and without any more delays or hesitations. Time is not working for the peacemakers. Rather time is costing immeasurable pain and suffering and is only benefiting extremism and violence. We do not want that violence be the only language that moves issues and alert authorities, but let wise determination and good intentions be the motive for moving the peace process. It is also clear at this stage that the question of the Holy City is the main nerve in calming down the whole situation: Jerusalem first and foremost. The question of Jerusalem must be examined and negotiated, despite the difficulties and challenges.
5. Since the first day we visited along with the Patriarchs of the Holy City the wounded in the Maqassed Hospital, then we proceeded to the High Islamic Council where we ensured our Muslim brothers about the unity of our one Palestinian people, Muslims and Christians, and the necessity of the Moslem Christian dialogue for the daily life requirements. At the same evening, we paid a visit to the Mayor of Jerusalem, Mr. Ehud Olmert and expressed our concerns about the events in the Holy City and the Palestinian cities. We expressed our condolences for the deceased and injured from the Israeli side, and made clear that the security of the Israelis should be built on the Palestinian security and on easing the great sufferings of the people. At the meeting of the Patriarchs and Heads of Christian communities in Jerusalem we decided to have an ecumenical prayer at Saint-Anne Basilica and then in the Flagellation Church, on Sunday, September 29, 1996 at 4 h. p.m.

We ask all our sons and daughters to pray God that peace may return with the Palestinian and Israeli authorities we call to come back to tranquility, so that the peace process could be resumed with new determination. Pray to God that He may grant us peace and tranquility; that he may put in the minds of Palestinian and Israeli leaders wisdom and prudence so as to go out the tunnel of fears and hesitation, to build a new civilisation founded on peace, justice and love, in the Holy City and throughout the whole region.



**STATEMENT OF THE PATRIARCHS, BISHOPS, CLERGY AND PEOPLE OF THE CHRISTIAN CHURCHES OF JERUSALEM: "CALL FOR PEACE AND JUSTICE IN THE HOLY LAND",
29 SEPTEMBER 1996**

Our Dear Brothers and Sisters,

For the past few days we have been going through the way of the cross. Together we have experienced feelings of pain and bitterness as we lived through the events that have shaken Jerusalem and the whole of our country, events that have led to the death of scores of people and wounding of hundreds.

Our first response as Christians in the midst of crises is the response of prayer. We cry out to God to have mercy on all of us, and to grant wisdom to the leaders of all the peoples of his land so that they might make the right decisions that will put an end to bloodshed and lead us to a just peace.

As we lift our voices in prayer, we wish to emphasize three principles that spring from the core of our faith in God and grow out of experience of the Christian Church in this country for the past 2000 years.

1. Peace and security in our country cannot prevail unless they are established on justice. We believe that God is the God of justice and righteousness. God does not accept oppression, but calls on all of us as members of one human family, Arabs and Jews, to make justice and to love righteousness. God does not accept the domination of the powerful or their arrogance. Our faith assures us that any effort by the governing authority to impose peace in our country, which is not established on justice and righteousness will lead to failure and disaster. We, therefore, urgently call on the Israeli government to pursue the peace process with all seriousness and to carry out all its obligations to our people. We urge the Israeli government to change its attitude and purify its motives. Peace cannot be imposed by the power of arms. Brutality will not lead to security. Stability cannot be established by way of injustice and the denial of rights. Justice must come first, and then peace will follow; a peace that will lead to security. We as Christians feel that the Israeli government's formula for peace is flawed. Its slogan is "security first and then peace." Such a formula casts justice aside and will never bring peace. As the prophet Isaiah has said "The effect of justice will be peace and the result of justice, quietness and security forever." (Isaiah 32:17).
2. Our faith teaches us that there is not difference between the life of one person and another. There is no difference in God's eyes between Jew and Palestinian, between Arab and foreigner. God is the creator of all. As believers in one God, we plainly state that all must live under the same law. We, therefore, call on the Israeli government to bring all its discriminatory policies to an end. Palestinians should have rights in their country, just as Jews have rights in their country. This is the only way that peace can prevail. Every time the Israeli government gives preferential treatment to Jew over Palestinians, it sows the seed of hatred and violence and thus is responsible for the growth of animosity towards its own people. We urge the Israeli government to abstain from the confiscation of land, to return confiscated land to its rightful owners, to stop the demolition of homes, to release all prisoners and detainees, to remove road blocks, and to respect all signed agreements. We call upon the Israeli government to close the recently opened tunnel, to refrain from causing insult and humiliation to the Palestinian people, and treat the Palestinians as genuine partners, who are seeking a life of freedom and dignity in their own country and on their own land. Racial discrimination does not lead to peace and security. Discrimination cannot be the basis for building trust between the two peoples.
3. The opening of the tunnel in the Old City of Jerusalem was only the straw that broke the camel's back. However, the opening of the tunnel itself has great significance for it has touched the religious nerve of our Muslim brothers and sisters. The religious nerve in our country is the most sensitive nerve of all. A just and democratic government does not violate the religious sensitivity of others in this way. The easiest fire to kindle is the fire of religious opening of other tunnels which will inevitably lead to breaking into compound of the Mosque and the occupation of a part of it. Further archeological claims near the tunnel might also effect Christian sites and restrict pilgrims in the area. Therefore, what is required is the closure of the tunnel, along with pledge to the Muslim community that Israeli violation of Muslim of Christian holy places.

"Jerusalem first" is now a priority. It is the heart of the conflict and the key to peace. When the closure of the Jerusalem is lifted and the two parties share sovereignty over it, Jerusalem will become the city of peace. If Israel maintains an exclusive sovereignty over the city, and continues it "Judaization," Jerusalem will never be the city of peace. Any peace imposed by the iron fist will remain a fake and temporary peace. Jews will never feel secure and Palestinians will never submit to it. We there insist on an open Jerusalem, the capital for two states; a city that will be a model for the peaceful coexistence between two peoples, Palestinian and Israeli. Thus, Jerusalem will become a genuine symbol of authentic brotherhood and tolerance between the three faiths: Islam, Judaism, and Christianity.

We call on all authorities concerned to end the violence, to work for the establishment of justice, so that stability might be realized. We ask God to fill our hearts and minds with love, strength, and all that is good, so that our region, our country, and our Jerusalem will have the peace for which we all strive and pray.

Signed by: The Greek Orthodox Patriarch, The Latin Patriarch, The Armenian Patriarch, The Custos of the Holy Land, Coptic Archbishop, Syriac Archbishop, Ethiopian Archbishop, Anglican Bishop, Greek Catholic Patriarchal Vicar, Maronite Patriarchal Vicar, Lutheran Bishop, and Catholic Syriac Patriarchal Vicar.



STATEMENT FROM PATRIARCHS, BISHOPS, CLERGY AND PEOPLE OF THE CHRISTIAN CHURCHES OF JERUSALEM: "JERUSALEM FIRST" IS NOW A PRIORITY," 8 OCTOBER 1996

[Statement expressing concern on the issue of final status negotiations on Jerusalem and appealing to the Israeli government and the international community for a start of negotiations]

Churches for Middle East Peace is deeply concerned about the outbreak of violence between the Israeli military and Palestinian civilians and police. The significant progress toward peace among Israel, the Palestinian Authority, Syria, Jordan, Egypt and other Arab states must not be destroyed by a renewed cycle of violence. We appeal to the US government to exercise its responsibility as primary sponsor of the peace process. The international community as well as the Palestinians need assurances that genuine negotiations on Jerusalem will take place. We appeal to the government of Israel to avoid creating facts on the ground that preempt final status negotiations on Jerusalem.

The following statement was read in an unprecedented ecumenical service of 1500 people gathered at St. Anne's Church near Lion's Gate, inside the Old City of Jerusalem on September 29, 1996.

For the past few days we have been going through the way of the cross. Together we have experienced feelings of pain and bitterness as we lived through the events that have shaken Jerusalem and the whole of our country, events that have led to the death of scores of people and the wounding of hundreds.

Our first response as Christians in the midst of crises is the response of prayer. We cry out to God to have mercy on all of us, and to grant wisdom to the leaders of all the peoples of this land so that they might make the right decisions that will put an end to bloodshed and lead us to a just peace.

As we lift our voices in prayer, we wish to emphasize three principles that spring from the core of our faith in God and grow out of the experience of the Christian Church in this country for the past 2000 years.

1. Peace and security in our country cannot prevail unless they are established on justice. We believe that God is the God of justice and righteousness. God does not accept oppression, but calls on all of us as members of one human family, Arabs and Jews, to make justice and to love righteousness. God does not accept the domination of the powerful or their arrogance. Our faith assures us that any effort by the governing authority to impose peace in our country, which is not established on justice and righteousness will lead to failure and disaster. We, therefore, urgently call on the Israeli government to pursue the peace process with all seriousness and to carry out all its obligations to our people. We urge the Israeli government to change its attitude and purify its motives. Peace cannot be imposed by the power of arms. Brutality will not lead to security. Stability cannot be established by way of injustice and the denial of rights. Justice must come first, and then peace will follow; a peace that will lead to security. We as Christians feel that the Israeli government's formula for peace is flawed. Its slogan is: security first and then peace. Such a formula casts justice aside and will never bring peace. As the prophet Isaiah has said "The effect of justice will be peace and the result of justice, quietness and security forever" (Isaiah 32:17).

2. Our faith teaches us that there is no difference between the life of one person and another. There is no difference in God's eyes between Jew and Palestinian, between Arab and foreigner. God is the creator of all. As believers in one God, we plainly state that all must live under the same law. We, therefore, call on the Israeli government to bring all its discriminatory policies to an end. Palestinians should have rights in their country, just as Jews have rights in their country. This is the only way that peace can prevail.
Every time the Israeli government gives preferential treatment to Jews over Palestinians, it sows the seeds of hatred and violence and thus is responsible for the growth of animosity towards its own people. We urge the Israeli government to abstain from the confiscation of land, to return confiscated land to its rightful owners, to stop the demolition of homes, to release all prisoners and detainees, to remove road blocks, and to respect all signed agreements. We call upon the Israeli government to close the recently opened tunnel, to refrain from causing insult and humiliation to the Palestinian people, and treat the Palestinians as genuine partners, who are seeking a life of freedom and dignity in their own country and on their own land. Racial discrimination does not lead to peace or security. Discrimination cannot be the basis for building trust between the two peoples.
3. The opening of the tunnel in the Old City of Jerusalem was only the straw that broke the camel's back. However, the opening of the tunnel itself has great significance for it has touched the religious nerve of our Muslim brothers and sisters. The religious nerve in our country is the most sensitive nerve of all. A just and democratic government does not violate the religious sensibility of others in this way. The easiest fire to kindle is the fire of religious emotion. For our Muslim brothers and sisters, the opening of the tunnel is a prelude to the opening of other tunnels which will inevitably lead to breaking into the compound of the Mosque and the occupation of a part of it. Further archeological claims near the tunnel might also affect Christian sites and restrict pilgrims in the area. Therefore, what is required is the closure of the tunnel, along with a pledge to the Muslim community that the Israeli government will never allow an infringement of any part of the Mosque compound or any violation of Muslim or Christian holy places.

"Jerusalem first" is now a priority. It is the heart of the conflict and the key to peace. When the closure of Jerusalem is lifted and the two parties share sovereignty over it, Jerusalem will become the city of peace. If Israel maintains an exclusive sovereignty over the city, and continues its "Judaization," Jerusalem will never be the city of peace. Any peace imposed by the iron fist will remain a fake and temporary peace. Jews will never feel secure and Palestinians will never submit to it. We therefore insist on an open Jerusalem, the capital for two states; a city that will be a model for the peaceful coexistence between two peoples, Palestinian and Israeli. Thus, Jerusalem will become a genuine symbol of authentic brotherhood and tolerance between the three faiths, Islam, Judaism, and Christianity.

We call on all authorities concerned to end the violence, to work for the establishment of justice, so that stability might be realized. We ask God to fill our hearts and minds with love, strength and all that is good, so that our region, our country, and our Jerusalem will have the peace for which we all strive and pray.



**URGENT APPEAL BY THE COMMISSION FOR JUSTICE AND PEACE OF THE LATIN
PATRIARCHATE OF JERUSALEM FOR ASSISTANCE AND ACTION TO THE BISHOPS OF
THE WORLD, 10 OCTOBER 1996**

Following the recent tragic events in the Holy Land, the situation for Palestinians in the West Bank, Jerusalem and Gaza continues to deteriorate. Amid largely false reports to the world media that the closure of the territories and Gaza has been eased, the Israeli government has strictly enforced a policy that the West Bank and Gaza is a closed military zone. This means that Palestinians are being denied the freedom to travel.

Jerusalemites are not being allowed to enter the West Bank to conduct business, to visit religious sites, go to hospitals or clinics, or attend schools or universities. Likewise, West Bank and Gaza Palestinians are not allowed to enter Jerusalem for religious, educational, general medical or commercial reasons. Moreover, travel between West Bank towns is severely restricted or prohibited. Institutions in the West Bank, Gaza and East Jerusalem, including schools and hospitals, are being strangled. The Palestinian economy continues to worsen, with already high unemployment rising further. The anxiety, distress and discouragement of the Palestinian population is growing daily. The closure of the West Bank and Gaza must be lifted immediately.

We ask that you take concrete steps to assist in alleviating the situation.

Please inform your congregations and commissions of the serious threat to these institutions of the Holy Land, and to the very survival of the Palestinian population. Please contact your own government officials

about this situation. Please contact the representatives of the Israeli government in your area to protest the worsening situation and the punitive closure.

We ask that you raise the following important issues:

1. The right to travel freely within the West Bank, and to and from Jerusalem must be restored. The closure must be lifted immediately.
2. The fundamental right to receive an education must be restored.
3. The fundamental right to religious worship must be restored.
4. The fundamental right to receive health care must be restored.
5. The fundamental right to work must be restored.
6. Peace accords should be honored and implemented immediately.



**COUNSEL OF THE CATHOLIC PATRIARCHS OF ORIENT GENERAL SECRETARY,
PALESTINE AND JERUSALEM, 18 OCTOBER 1996**

Due to the procrastination of the Peace Process in Jerusalem, the situation is still deteriorating. The anxiety of the Palestinian People is growing, since the cities have become mass prisons because of the restraining of freedom of movement and the lack of work. The Holy City is still prohibited for the Palestinians Jerusalemites. All this seems to prepare for a big reaction that could lead to violence.

We declare that violence is unacceptable from any source of power. We draw the attention of the authorities that the security measures imposed actually by the Israelis may lead to violence, and poses a continuous threat to the needed security.

We appeal to the local and international authorities to alleviate the suffering on daily living of the Palestinian people, to lift the restrictions imposed on the right to travel freely and to allow the right of entry to the Holy City. We also call upon the authorities to take an immediate action to implement as soon as possible the just and comprehensive and final peace with the Palestinian people as well as with Syria and Lebanon. Because time as well as the slowing of the peace process and hesitation is not serving peace but on the contrary is benefiting extremism and violence on both sides.

Jerusalem first and foremost. The question of Jerusalem must be examined and negotiated in order to find a reasonable solution in the light of its historical background and importance, as well as in the light of the United Nations resolutions, of the hopes and symbols that the Holy City to all its citizens, its neighboring people and the world. In this context we join our voices to all our brothers the Patriarchs and the Head of Christian Churches in Jerusalem in proclaiming that this city is holy for all three religions: Jewish, Christian and Muslim and that Jerusalem is the key for peace and war. We are forced to express our fears and worries concerning the present disturbing situation in the Holy City which is against the will of the United Nations resolutions and against the just search for peace. We claim that an exclusive sovereignty over the city is an invitation to war, when a call to equally sharing the same rights and duties over Jerusalem by its components, is a call to peace and security for the Holy City and the region as whole."



**NATIONAL COUNCIL OF CHURCHES USA, "CITY OF HOLINESS AND HOPE: A MESSAGE
ON JERUSALEM," 15 NOVEMBER 1996**

[Statement conveying Christian perspectives on Jerusalem and calling for peace and justice to all in the city]

For Jews, Christians and Muslims, Jerusalem has been a city of holiness and hope. It is the place where histories, both separate and intersecting, have become enshrined, and where redemption and renewal have been remembered and promised.

Jerusalem has been a city of conflict, where followers of the three Abrahamic traditions have sought to make exclusive or superior claims on the Holy City. All such claims have been contradicted by Jerusalem's stubborn character as a place where religions meet, where Jews, Christians and Muslims encounter each other in their quest of faithfulness to God.

Christians should not presume to define the significance of Jerusalem for their partners in the Abrahamic tradition. Even among Christians there are widely differing perspectives on the meaning of Jerusalem, its spiritual significance, its political future. But an unwillingness to define or evaluate the devotion of others should not prevent us from attempting to articulate convictions and hopes that we, as Christians, believe should be realized in the determination of the status of the Holy City. We are especially mindful of the statements and sentiments of the Christians of Jerusalem, Palestine and Israel, and the Middle East, whose lives are touched immediately by the success or failure of the parties involved and the international community to arrive at a satisfactory solution to the problem of Jerusalem.

As Christians in the United States, we bear a special responsibility in light of the US role as sponsor of the peace process. In its 1980 Middle East Policy Statement, the Governing Board of the National Council of the Churches of Christ affirmed that the issue of Jerusalem was an issue not only of shrines, but also of people. The holiness of Jerusalem and the peace of Jerusalem are inseparable from the extension of justice to all of its people. While the definition of the political solution is the responsibility of the political leadership of Israel and the Palestinian people, we are impelled to set forth what we feel should be embodied in the ultimate resolution of the status of the city. A durable solution to the political question concerning Jerusalem will require the imaginative genius and good will of people of faith, of the negotiators and of their US sponsor.

Jerusalem as a place where the divine and the human have come together.

For Christians, Jerusalem is the venue of redemption, the place where the love of God for humanity took human form in the life, death and resurrection of Jesus Christ. That coming together of the divine and the human in the Incarnation ensures that the full stature and dignity of human beings can never be at odds with the will of God.

Similarly, for Jews and Muslims, Jerusalem is a place of great historical and theological significance.

Yet no geography, no city, including Jerusalem, can be called holy except that God's righteousness dwells within it, and nor can remain holy except by the just relations of the people who dwell within it.

Jerusalem as a shared legacy

For Jerusalem to realize its vocation it cannot belong to any one people or religion. History is replete with the efforts of groups - religious, ethnic or national - to possess Jerusalem. And history has demonstrated that such efforts have had the effect of violating the very nature of the place and despoiling its holiness. One of the most egregious of these episodes in history was the Crusades, in which western Christians wreaked havoc and slaughter on Muslims, Jews and oriental Christians alike in an effort to "reclaim" Jerusalem for Christendom. The Crusades now stand as a sad example of how misguided zeal can produce shortsightedness, violence, cruelty and, ultimately, futility.

It is our belief that any solution to the disputed status of Jerusalem must recognize that it is a city like no other, that it is "home" to people of all three traditions, home to people who live far away but nevertheless find their identity, their past and their future hopes represented in the Holy City. It is essential that those who negotiate the future of Jerusalem recognize its truly unique role, that they use the prophetic imagination of their traditions to define new modes of sovereignty and governance so that Jerusalem will stand as a symbol of peace and conviviality, a living antidote to the chronic diseases of bigotry, intolerance, ultra-nationalism and exclusivism.

Jerusalem as the city of two peoples and three faiths

What was viewed as possibly a new period in the history of this city, symbolized by a moving gesture of reconciliation, the handshake between the Prime Minister of the State of Israel and the Chairman of the Palestine Liberation Organization, has become instead a period of uncertainties, dashed hopes and unfulfilled expectations for many Palestinians and Israelis. One of the elements of the Declaration of Principles ratified by that handshake was a promise to negotiate the final status of Jerusalem. That promise has not been kept.

The recent violence reflects the deep frustration of Palestinians with the lack of progress in the peace process and the continuing denial of their rights. The extension and opening of a tunnel near the Dome of the Rock mosque was a provocation that reflected insensitivity and disregard for the religious feelings and national claims of Palestinians in Jerusalem. This tunnel should be returned to its state before the violence began, and no further actions should be taken that may affect the status of the Holy Places in Jerusalem prior to a negotiated settlement.

Since assuming control of all of Jerusalem in 1967, Israel has been consistent in extending free access to the Holy Places to the international Christian community. For this policy, Israel is to be commended.

By contrast, for much of that period Middle Eastern Christians have been unable to come to Jerusalem. The signing of peace agreements between Israel and Egypt, and between Israel and Jordan, may have reduced the impediments for some Middle Eastern Christians, but for Palestinian Christians and Muslims resident in the West Bank and Gaza, Jerusalem remains largely inaccessible. Since the Gulf War in 1991, the Israeli authorities have imposed a continuous series of closures of Jerusalem and of Israel itself to Palestinians in the Occupied Territories. While the closures have varied in their severity, they have had the overall effect of depriving most Palestinian Muslims and Christians of the right to worship at the places held sacred in their respective traditions. In addition, the closure has had a devastating impact on the Palestinian economy, on education, on health care, and on the unity of families.

Israel has explained this policy as a measure necessary to assure the security of Israelis, and of the city of Jerusalem itself. Indeed, Israel has suffered grievously from the senseless violence of terrorism. It is our belief, however, that the only durable guarantor of peace is justice. As long as Palestinians are deprived of access to their cultural, economic and religious center, Jerusalem, the possibility of violence borne of frustration will remain. Any resolution of the question of Jerusalem, we believe, must guarantee free access to Jerusalem for all.

Of grave impact as well has been the intensive and extensive building of exclusively Jewish settlements in and around the city, and the subsequent and relentless expansion of the municipal limits of the city to include those settlements. The impact of these settlements and the expansion of the boundaries of Jerusalem has been the effective displacement of Palestinians, since much of the building has taken place on confiscated Palestinian land. The settlement policy has, as well, altered the delicate demographic balance of Jerusalem, magnifying the fears of its Palestinian residents that they will be overwhelmed and marginalized in the city that they consider to be the center of their national life, and perhaps finally will be expelled from it completely. The settlements, which are illegal under international law, are thus an obstacle to peace.

Jerusalem as paradigm of peace and justice

Jerusalem both comprehends and transcends its contemporary status. When we speak of a new Jerusalem, we look to a Jerusalem whose holiness resides not only in its past, but also comprehends its present and looks forward in hope to its future. When we call Jerusalem the Holy City, we are both evoking its sacred history and at the same time praying for the realization of future hopes and promises.

It is our challenge always to work to overcome the dissonance between the present Jerusalem, which reflects the chronic maladies of humanity - divisiveness, violence, intolerance, chauvinism - and the future Jerusalem, the city that is hallowed in faith, the mother who can nurture without favoritism all her children, whether they are Jews, Muslims or Christians.

A Jerusalem that is called holy by Christians, a place where every Christian can feel at home, cannot reflect values that are at odds with the fundamental tenets of our faith. This, too, is our stake in Jerusalem: not a territorial claim, not a political design, but rather a steady insistence that the city we call "holy" and "home" reflects common values of love, sharing and justice.

The peace of Jerusalem for which we, with the Psalmist pray, is a peace for all its people: Muslims, Jews and Christians alike. It is a peace grounded in the thirst for justice. For us, this is not a peripheral concern, a passing cause. It lies at the heart of who we are and who we want to be. We join our brothers and sisters in the Abrahamic tradition in striving together, in hope and love, for a Jerusalem that remains holy for all.



CHRISTIAN CALL FOR A SHARED JERUSALEM, 13 DECEMBER 1996

[A coalition of 15 Protestant and Catholic US organizations: American Baptist Churches / American Friends Service Committee / Church of the Brethren / Christian Church (Disciples of Christ) / Episcopal Church / Evangelical Lutheran Church in American / Friends Committee on National Legislation / Maryknoll Fathers and Brothers / Mennonite Central Committee / National Council of Churches / Presbyterian Church (USA) / Catholic Conference of major Superiors of Men's Institutes / Unitarian Universalist Association / United Church of Christ / United Methodist Church - altogether 600 individuals and organizations - signed the following statement]

CHRISTIANS CALL FOR A SHARED JERUSALEM:
HERITAGE, HOPE AND HOME OF TWO PEOPLES AND THREE RELIGIONS

Jerusalem is a sacred city to Jews, Christians and Muslims, the Children of Abraham. All long for Jerusalem to be the City of Peace. For most of its history, the fate of Jerusalem was determined by war. Now the ancient hope for peace can become reality through negotiations. Israeli leaders hold that Jerusalem should be Israel's capital under the sole sovereignty of the State of Israel. Palestinian leaders hold that traditionally Arab east Jerusalem should become the capital of a new State of Palestine.

As Christians committed to working for peace, we support a negotiated solution for Jerusalem that respects the human and political rights of both Palestinians and Israelis, as well as the rights of the three religious communities. We urge Jews, Christians and Muslims to open dialogue on these issues.

*Jerusalem at peace cannot belong exclusively to one people, one country or one religion.
Jerusalem should be open to all, shared by all ... two peoples and three religions.*

We urge the United States government to call upon negotiators to move beyond exclusivist claims and create a Jerusalem that is a sign of peace and a symbol of reconciliation for all humankind.

Churches for Middle East Peace encourages you to include the Christmas Prayer for the Peace of Jerusalem and the bulletin insert in worship services and study settings through Epiphany.

A Christmas Prayer for the Peace of Jerusalem

Almighty God, you have come to us as a small child and brought us the gift of eternal love. We thank you for the prophet's hope, for the angels' songs, for the wondrous birth of the Savior. We thank you for the start to guide us to Jesus. We thank you for the promise of peace on earth and goodwill toward all people.

Help us, we pray at this Christmas time, to celebrate your promise of peace by living with hope for justice.

In this season of joy, our thoughts focus on the little town of Bethlehem, nestled in the hills near Jerusalem. Yet even as our hearts are warmed with familiar songs of Christmas, we remember that the children of Abraham - Jews, Christians and Muslims - who still live in these sacred places are not yet at peace. We pray that you will guide those in positions of authority that they may strive sincerely for justice and compassion in the Holy Land.

Like Jesus, we too are drawn to the City of David, the City of Peace. Help us, O God, as we resolve a new to pray and to work for the peace of Jerusalem. Give us the strength, the wisdom and the courage to pursue a pastoral and prophetic ministry. Enable us to be agents of reconciliation and hope in Jerusalem, in our own neighborhoods and throughout the world: through Jesus Christ our Lord. Amen.

*Wake, awake, for night is flying
the watchmen on the heights are crying;
Awake Jerusalem at last*

In this Christmas season, as we celebrate the coming of the Prince of Peace, we are called upon by our sister churches in Jerusalem and the West Bank, including Bethlehem, to hear the cries of the people. This year there is more suffering, fear and uncertainty ...

Because the Palestinian people in Bethlehem and the West Bank - Christians and Muslims alike - have been denied access to families, doctors, banks and markets in Jerusalem;

Because land owned for centuries by Christian villagers in Bethlehem and Beit Sahour, near the shepherds' fields, is to be turned into a Jewish settlement by the Israeli authorities;

Because the Christian people of the West Bank and Bethlehem will not be permitted into Jerusalem to worship at their churches;

Because Christians in the Galilee and Jerusalem will not be permitted to celebrate the birth of Christ in Bethlehem's Manger Square on Christmas eve;

During this Advent-Christmas-Epiphany season find a peaceful way to follow in the path of the Christ by taking a stand against these injustices and expressing your commitment to peace, justice and security for all the people of Jerusalem and the Holy Land.



**WASHINGTON OFFICE OF THE PRESBYTERIAN CHURCH (USA),
CONCERNS FOR THE ARAB-ISRAELI PEACE PROCESS, 1996**

[The General Assembly of the Presbyterian Church is composed of over 560 commissioners, who represent a constituency of some 11,500 congregations with over 2.6 million members. The following statement expressed concerns with regard to the final negotiation talks, especially in connection with the status of Jerusalem]

The 208th General Assembly (1996) of the Presbyterian Church (USA.) approves the report, "Concerns for the Arab-Israeli Peace Process," as its response to the appeals received by the Office of the Stated Clerk from church partners in the Middle East. As Israel and the Palestinian authority enter "final status" negotiations and as peace talks involving Israel, Syria, and Lebanon continue, the 208th General Assembly (1996):

Concerning the Peace Process:

1. Recognizes the pressures created by continued military exchanges, attacks upon civilians, and changes in political leadership in Israel, and calls upon Palestinians and the states of Israel, Syria, and Lebanon to continue in the peace process that all have embraced and not to retreat from commitments that have already been made.

Concerning Jerusalem:

8. Insists that- representatives of the three Abrahamic religions must have a role in shaping the ultimate resolution affecting historic Jerusalem, in guaranteeing control of religious sites to the appropriate faith groups, and in assuring the viability of a living presence of all three religious communities.
9. Calls again upon the President of the United States to refrain from moving the United States Embassy in Israel from Tel Aviv and to prevent any further steps toward the construction of a US embassy building in any part of Jerusalem or its environs, until the permanent status of the city is established as part of a final peace agreement between Israel and the Palestinian Authority.
10. Recognizes that Jerusalem is an integral part of all Palestinian life - social, economic, religious, and political - and states that until a final negotiation of the status of Jerusalem is reached, access to the city by Palestinians must not be denied by Israeli authority.
11. Calls for a negotiated solution between Israel and the Palestinian Authority that established an expression of the national rights of both Israel and Palestine in Jerusalem. Until the actualization of Palestinian sovereignty, if that is their desire, Palestinians in Jerusalem must have the opportunity to share in decision making regarding the municipality, including the unimpeded right to enter and leave the city at will, full access to building permits to meet the desperate need of housing, and equity in receiving city services, without abandoning the goal of national rights.
12. Opposes all unilateral actions by Israel that change the demography and character of the city to the detriment of the Palestinians. Particularly do we call for a termination of Israel's plan to build a Jewish settlement on the forested Abu Ghneim mountain.

Concerning the United States:

1. Calls upon the United States government, as sponsor of the peace process, to remain engaged in facilitating negotiation, exercising even-handedness as the best hope of achieving a just and lasting peace that will be the true security of all. As sponsor of the peace process, the United States has the responsibility of ensuring that it and all parties fulfill commitments made.



**GENERAL SECRETARY OF THE WORLD COUNCIL OF CHURCHES, REV. DR KONRAD
RAISER, STATEMENT TO THE HEADS OF CHURCHES AND CHRISTIAN COMMUNITIES IN
JERUSALEM REGARDING THE JABAL ABU GHNEIM SETTLEMENT, 13 MARCH 1997**

[Statement expressing the WCC's concern of the construction of new settlements in and around Jerusalem]

Dear Brothers and Sisters in Christ:

“May the Lord of peace himself give you peace at all times in all ways. The Lord be with you all” (2 Th 3:16).

I recall with joy and appreciation the visit I paid to you in May 1995. Since then, the World Council of Churches has followed closely developments in Jerusalem, and in the broader Middle East process.

It is with grave concern that the WCC has been following the recent developments in Jerusalem and the West Bank. We are especially concerned about the decision by the Israeli government to construct a new settlement, Har Homa, between East Jerusalem and Bethlehem on Mount Abu Ghneim. We recognize the political, religious, economic and ecological consequences of this decision, as well as the deeply felt frustration and despair among your faithful and all peace-loving people. It constitutes one of the most serious violations of the Oslo Accords to date.

Following my visit to Jerusalem in May 1995, the WCC Central Committee appealed to the State of Israel “to desist from its continuing, systematic policies of confiscation of buildings and land” and “the establishment of new Jewish settlements in and around East Jerusalem,” “and from all attempts to alter the demographic status quo of the Holy City prior to the conclusion of agreement with regard to its future status.”

In September 1993, the WCC Executive Committee warmly welcomed the signing of the Oslo Accord, and at the same time cautioned that the “breakthrough” did not yet ensure peace or guarantee justice. It said that full, speedy implementation of these accords is indispensable. We believe that any unilateral decision which alters the status of Jerusalem violates the spirit of this recent agreement and undermines the credibility of the Middle East peace process. We strongly condemn any obstacles to the current peace negotiations and acts that ignore the final status of negotiations of the “City of Peace”: Jerusalem.

The nature of Jerusalem, a holy city for three monotheistic faiths, has to be determined by its people, both Israeli and Palestinian. We reiterate the words of the MECC that “trust, good faith and confidence are needed to repair old and build new firm foundations for a relationship between Israelis and Palestinians.”

Please be reassured of our prayers and solidarity with the Christian community in Jerusalem and all those who are still hungry for the fruits of peace. May the crossing of the Lenten desert be a time of forgiveness, renewal, healing, and increased love of neighbour. May the journey towards Christ's glorious resurrection be a source of patience and hope, for we know that life and joy will prevail, because through his death and resurrection Christ has conquered all powers of sin and death.

In anticipation of this ever renewed experience of resurrection, we pray that the God of justice and peace, the God of resurrection and life, the God of joy and hope be with you all. “May the God of hope fill you with all joy and peace in believing, so that by the power of the Holy Spirit you may abound in hope” (Rm 15:13).”



**UNITED CHURCH OF CHRIST, GENERAL SYNOD XXI, STATEMENT ON JERUSALEM,
JERUSALEM: CITY OF LIFE, JUNE 1997**

For Jews, Christians and Muslims, Jerusalem has been a city of hope and holiness. It is the place where histories, both separate and intersecting, have been enshrined, and where redemption and renewal have been promised.

Jerusalem has also been an arena of conflict, where followers of the three Abrahamic traditions have, at various points in the city's long history, sought to make exclusive or preeminent claims on the Holy City. All such claims have been superseded by the durability of the devotion of those who have cherished the deeper significance of the city, and by Jerusalem's stubborn character as a place where religions meet, where Jews, Christians and Muslims encounter each other in their quest of faithfulness to God.

We have entered a new period in the history of this city, a period inaugurated by a moving gesture of reconciliation, a handshake between the Prime Minister of the State of Israel and the Chairman of the Palestine Liberation Organization, two warriors and former foes who sought to put an end to the long conflict between Israel and the Palestinian people. One of the elements of the Declaration of Principles ratified by that handshake was a promise to negotiate the future status of Jerusalem.

Other matters for the final status negotiations were to be refugees, settlements, and boundaries. Those negotiations were to begin in May of 1996. Christians should not presume to define and delineate the significance of Jerusalem for their partners in the Abrahamic tradition. Indeed, even among Christians there are widely differing perspectives on the meaning of Jerusalem, its spiritual significance its political future. But an unwillingness to define or evaluate the devotion of others should not prevent us from attempting, at least, to articulate principles and hopes that we, as Christians, believe should be realized in the determination of the status of the Holy City. In lining out these principles, we are especially mindful of the statements and sentiments of those Christians whose lives are touched immediately by the failure of the parties involved, and the

international community, to arrive at a satisfactory solution to the problem of Jerusalem, the Christians of the Middle East and most particularly the Christians of Jerusalem and of Palestine. As US Christians we bear a special responsibility in light of the US role as sponsor of the peace process.

Jerusalem as a place where the divine and the human come together. For Christians, Jerusalem is the venue of redemption, when the love of God for humanity took human form in the life, death, and resurrection of Jesus Christ. That coming together of the divine and the human, the Incarnation, reminds us that the rights and dignity of human beings can never be at odds with the will of God.

In its 1980 Middle East Policy Statement, which was affirmed at the General Synod and General Assembly of the UCC and Disciples, respectively, in 1981, the Governing Board of the National Council of the Churches of Christ stated that the issue of Jerusalem was an issue not only of shrines, but also of people. The holiness of Jerusalem and the peace of Jerusalem are inseparable from the extension of justice to all of its people.

Since assuming control of all of Jerusalem in 1967, Israel has been consistent in extending free access to the Holy Places to the international Christian community. For this policy, Israel is to be commended. But for much of that period, restrictions have been placed on the access of Middle Eastern Christians to Jerusalem. The signing of peace agreements between Israel and Egypt, and between Israel and Jordan have eased these restrictions for a large number of Middle Eastern Christians, but for Palestinian Christians and Muslims resident in the West Bank and Gaza, Jerusalem is largely inaccessible. Since the Gulf War, the Israeli authorities have imposed a continuous closure of Jerusalem and of Israel itself to Palestinians in the Occupied Territories. While the closures have varied in their strictness, they have had the overall effect of depriving most Palestinian Muslims and Christians of the right to worship at the places held sacred in their respective traditions. In addition, the closure has had a devastating impact on the Palestinian economy, on education, on healthcare, and on the unity of families.

Israel has explained this policy as a measure necessary to assure the security of Israel, and of the city of Jerusalem itself. And indeed, Israel has suffered grievously from the senseless violence of terrorism. It is our belief, however, that the only durable guarantor of peace is justice. As long as Palestinians are deprived of access to their cultural, economic and religious center, Jerusalem, the possibility of violence borne of frustration will remain. Any resolution of the question of Jerusalem, we believe, must guarantee free access to Jerusalem for all.

Of grave impact as well has been the intensive and extensive building of exclusively Jewish settlements in and around the city, and the subsequent and relentless expansion of the municipal limits of the city to include those settlements. The impact of these settlements and the expansion of the definition of Jerusalem has been the effective displacement of Palestinians, since much of the building has taken place on confiscated Palestinian land. The settlement policy has, as well, altered the delicate demographic balance of Jerusalem, magnifying the fears of its Palestinian residents that they will be overwhelmed and marginalized in the city that they consider to be the center of their national life.

Jerusalem: a shared legacy. For Jerusalem to realize its vocation cannot, in any ultimate sense, "belong" to any one people or religion. History is replete with the efforts of groups- religious, ethnic or national- to "own" Jerusalem. And history has demonstrated that such efforts have had the effect of violating the very nature of the place and despoiling its holiness. One of the most egregious of these episodes in history was the Crusades, in which western Christians wreaked havoc and slaughter on Muslims, Jews and oriental Christians alike in an effort to "reclaim" Jerusalem for western Christendom. The Crusades now stand as a sad example of shortsightedness, cruelty and, ultimately, futility.

It is our belief that any solution to the disputed status of Jerusalem must recognize that it is a city like no other, that it is 'home' to people of all three traditions, home to people who live far away but nevertheless find their identity, their past and their future hopes in the Holy City. It is essential that those who negotiate the future of Jerusalem recognize its truly unique role, that they use the prophetic imagination of their traditions to define new modes of sovereignty and governance so that Jerusalem will stand as a symbol of peace and conviviality, a living antidote to the contemporary diseases of bigotry, intolerance, ultra-nationalism and exclusivism. While we cannot presume to define this solution in political terms, we are impelled to set forth the principles that we feel should be embodied in the ultimate resolution of the status of the city. A durable solution to the question of Jerusalem will require the imaginative genius and good will of people of faith, of the negotiators and of their US sponsor. It could lead to new understanding of how the prevailing political norms, in particular the institution of the nation-state and the role of "capital" of the nation state, may be made consonant with Jerusalem's unique role as spiritual capital of religious traditions that transcend political boundaries.

Jerusalem as a paradigm of peace and justice. Jerusalem both transcends and comprehends its contemporary status. When we Christians speak of a new Jerusalem, we look to a Jerusalem whose holiness resides not only

in its past, but also comprehends its present and looks forward in hope to its future. When we call Jerusalem the Holy City, we are both evolving its divine history and at the same time praying for the realization of future hopes and promises.

It is our challenge always to work to overcome the dissonance between the real Jerusalem, which reflects the maladies of contemporary humanity - divisiveness, violence, intolerance, chauvinism - and that of the city that is hallowed in our faith, the mother who nurtures without favoritism her children- Jews, Muslims and Christians, who provides a home for her extended family as well, a home that radiates abundant life and the glory of God.

A Jerusalem that is called holy by Christians, that is, as the church leaders of Jerusalem have put it in their statement of November, 1994, a place where every Christian feels at home, cannot reflect values that are at odds with the fundamental tenets of our faith- This, too, is our stake in Jerusalem: not a territorial claim, not a political design, but rather a steady insistence that the city we call "holy" and "home" reflects our common values of love, sharing and justice.

The peace of Jerusalem for which we, with the Psalmist, pray, is a peace for all its people: Jews, Christians and Muslims alike. It is a peace grounded in the thirst for justice. For us, this is not a peripheral concern, a passing cause. It lies at the heart of who we are and who we want to be. We invite our siblings in the Abrahamic tradition to strive together, in hope and love, for a Jerusalem that remains holy to all of us.

Whereas the 1980 National Council of Churches Middle East Policy Statement, which was affirmed in 1981 at the General Assembly (Christian Church, Disciples of Christ) and the General Synod (the United Church of Christ), stated that the issue of Jerusalem was an issue not only of shrines, but also of people, and

Whereas the peace in Jerusalem is inseparable from the extension of justice to all of its people, and

Whereas the peace in Jerusalem for which we pray is a peace for Jews, Christians and Muslims alike, and

Whereas in March 1995 Paul H. Sherry, President of the United Church of Christ and Richard L. Hamm, the President and General Minister of the Christian Church (Disciples of Christ) affirmed the appeal to U.S. President Bill Clinton by eight US Catholic, Orthodox and Protestant church leaders that the US take initiative to ensure that the future of Jerusalem not be preempted by the actions of any one party, and

Whereas on December 21, 1996 Presidents Paul H. Sherry and Richard L. Hamm joined over 600 other Christian leaders in signing an ecumenical full page advertisement in the New York Times that declared support as Christians for a negotiated solution for Jerusalem that respects the human and political rights of both Palestinians and Israelis, as well as the rights of the three religious communities of the city, and

Whereas in December 1996 the President of the United Church of Christ, Paul H. Sherry, and the General Minister and President of the Christian Church (Disciples of Christ) Richard L. Hamm, have issued pastoral primers about Jerusalem to the churches as follow up to the action of the Common Global Ministries Board, and

Whereas Presidents Paul H. Sherry and Richard L. Hamm have sought an appointment with President Bill Clinton to express the concerns about Jerusalem and the need for a consistent strong stand by the United States, in accord with the terms of this resolution,

Therefore be it resolved that the United Church of Christ, in collaboration with the Christian Church (Disciples of Christ):

1) examine our theological understanding of the significance of Jerusalem,

2) deepen our relations with Jews, Muslims and Palestinian Christians locally and internationally, and

Be it further resolved that the United Church of Christ, in collaboration with the Christian Church (Disciples of Christ) encourage our members to seek dialogue with people of diverse faiths and cultures in their practice of tourism and pilgrimage in and to the Holy Land, and

Be it further resolved that the General Synod KU of the United Church of Christ joins in affirming the text of the December 21, 1996 Churches for Middle East Peace statement "Heritage, Hope and Home to Two Peoples and Three Religions:"

"Jerusalem is a sacred city to Jews, Christians and Muslims, the Children of Abraham. All long for Jerusalem to be the City of Peace. Now the ancient hope for peace can become reality through negotiations. Israeli leaders hold that Jerusalem should be Israel's capital under the sole sovereignty of the State of Israel. Palestinian leaders hold that traditionally Arab eastern Jerusalem should become the capital of a new State of 'Palestine. As Christians committed to working for peace, we support a negotiated solution for Jerusalem that respects the human and political rights of both Palestinians and Israelis, as well as the rights of the three religious communities. We urge Jews, Christians and Muslims to open dialogue on these issues.

Jerusalem at peace cannot belong exclusively to one people, one country or one religion. Jerusalem should be open to all, shared by all ...Two peoples and three religions. We urge the United States

government to call upon negotiators to move beyond exclusivist claims and create a Jerusalem that is a sign of peace and a symbol of reconciliation for all humankind."



**STATEMENT BY THE DOMESTIC AND FOREIGN MISSIONARY SOCIETY OF THE
PROTESTANT EPISCOPAL CHURCH IN THE USA ON JERUSALEM, 1997**

[Statement invoking the recognition of Jerusalem as capital for two states]

Resolved, that the 72nd General Convention recognizes Jerusalem as the seat of the Abrahamic peoples, acknowledges the historic presence of Jews, Palestinian Christians, and Muslims and affirms:

1. That Jerusalem should serve as the capital for two sovereign and independent states, Israel and Palestine;
2. The government of Israel should remove forthwith all roadblocks and obstacles preventing free access to Jerusalem for Palestinians;
3. The government of Israel should change its planning policies so that Palestinians have equal rights to build housing in Jerusalem and develop their institutions which have been restricted since 1967;
4. East Jerusalem, as an integral part of the occupied territories, should be included in all political arrangements relating to those territories, including self-determination, release of prisoners, right of return, and eventual sovereignty, and be it further

Resolved, That the Convention urge the government of the United States to use its diplomatic and economic influence in support of the above and to demonstrate a firm commitment to justice for Palestinians as it does for the security of the State of Israel; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Prime Minister of Israel, the President of the Palestinian Authority, and appropriate members of the Congress of the United States.

(The international gathering of Anglican bishops for the Lambeth Conference in 1998 issued a resolution affirming that Jerusalem should be the capital city of both Israel and an independent Palestinian state with free access for Christians, Jews, and Muslims. The resolution said that the continued building and expansion of Jewish settlement within Jerusalem and the occupied territories "remains a major obstacle to any just and lasting peace.")



**LAMBETH CONFERENCE, RESOLUTIONS FROM THE REGIONS (SECTION FIVE),
CANTERBURY, ENGLAND, 18 JULY AND 9 AUGUST 1998 [EXCERPTS]**

[Resolution on Jerusalem, conveying basic principles on how to find a solution for the city's status]

RESOLUTION V.20 - ON THE HOLY LAND

This Conference:

- (a) expresses its deep ongoing concern about the tragic situation in the Holy Land, especially as it affects the City of Jerusalem;
- (b) affirms the following points:
 - i. Jerusalem is holy to the three Abrahamic faiths, Judaism, Christianity, and Islam, and a home equally for Palestinians and Israelis;
 - ii. The status of Jerusalem is fundamental to any just and lasting peace settlement and therefore it should serve as the capital of two sovereign states, Israel and Palestine, with free access to the adherents of all three faiths.
 - iii. East Jerusalem is an integral part of the occupied territories, and should be included in all political arrangements relating to those territories, including self-determination, release of prisoners, right of return, and eventual sovereignty;
 - iv. The continued serious decline of the Christian Community is a substantial threat to the threefold presence in the Holy City;
 - v. The continued building and expansion of Jewish Settlements within East Jerusalem and the occupied territories remains a major obstacle to any just and lasting peace.

- (c) urges the government of Israel to recognize the right of Palestinians, Christians and Muslims alike to build their own homes and establish their own institutions in Jerusalem; [...]



**PERMANENT OBSERVER MISSION OF THE HOLY SEE TO THE UN,
NON-PAPER ON JERUSALEM, 20 JULY 1998**

[The "Non-Paper on Jerusalem" was published on 6 Aug. 1998 by the Holy See's observer mission to the UN, criticizing Israel for its decision to broaden Jerusalem's jurisdiction.]

The persistent lack of progress in the Middle East peace process is continuing to cause serious concern and is giving rise to a strong feeling of frustration among people in that region, as they see the hopes raised by agreements courageously reached in the past steadily diminishing.

The international community, through resolutions of the Security Council and the General Assembly of the United Nations, or through agreements supported and encouraged by it, has repeatedly sought, and continues to seek, to build a world in which the right of peoples to self-determination will be ever more respected and the peace and security of every citizen will be more effectively guaranteed. Unilaterally adopted decisions, while giving the impression of being acts of provocation, seem to challenge the validity and even the very force of international law.

"The decision by the Government of Israel on 21 June 1998 to take steps to broaden the jurisdiction and planning boundaries of Jerusalem (S/PRST/1998/21 of 13 July 1998) is causing great disquiet. It certainly does not favor dialogue aimed at a solution of the problem of the Holy City, which is universally recognized as a heritage of humanity and the cradle of the three great monotheistic religions (Judaism, Christianity, and Islam).

In this context the Holy See recalls especially United Nations General Assembly Resolution ES-10/2 of 25 April 1997, which condemned the construction of new settlements in East Jerusalem, and in particular operative paragraph 11 thereof which reads: "Recommends that a comprehensive, just and lasting solution to the question of the City of Jerusalem, which should be reached in permanent status negotiations between the parties, should include internationally guaranteed provisions to insure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities".

In consideration of the special identity of the Holy City, an outstanding religious and cultural center in the history of humanity, the Holy See appeals to the international community to ensure the avoidance of irreversible solutions which could prejudice the very future of Jerusalem as a cause it to lose the universal character which makes it a heritage of humanity.

At the same time, realizing how important the political question is for the Holy City, the Holy See urges all parties concerned to continue along the path begun at the Madrid Conference and to respect the commitments already reached.

The Holy See likewise urges them not to spare the efforts needed for the attainment of a solution which, based on principles of justice and on respect for legitimate aspirations of the parties, will secure peaceful co-existence of the two peoples and include internationally guaranteed provisions to ensure the freedom of religion and of conscience of the inhabitants of Jerusalem, as well as permanent and unhindered access to the Holy Places by the faithful of all religions and nationalities.



**VATICAN FOREIGN MINISTER ARCHBISHOP JEAN-LOUIS TAURAN, ADDRESS TO THE
WORLD CONFERENCE OF BISHOPS, JERUSALEM, 26 OCTOBER 1998 [EXCERPTS]**

[The Address, expressing the Holy See's view regarding Jerusalem, was made in the presence of the Latin Patriarch of Jerusalem and the delegates of the principal Catholic Bishops' Conferences.]

It is Jerusalem that has brought us together.
It is Jerusalem that urges us to look to the future.

And Jerusalem, yet again, wishes to impart its secret,
the secret which the prophet Ezekiel disclosed for all time:
"And the name of the city henceforth shall be, The Lord is there" (Ez 48:35).

On behalf of us all, I think it is right that I should thank His Beatitude Patriarch Michel Sabbah for the warm welcome extended to us, as well as for the spiritual joy he has brought us by gathering us together for the sake of the Holy City. This cause of the Holy City has long been at the center of the Holy See's concerns and one of its top priorities for international action, ever since the Jerusalem question existed.

I. THE JERUSALEM QUESTION

Indeed, there is a conflict, or rather there are conflicts, because of and within Jerusalem - all related to its universally accepted uniqueness. It is unique in itself, and consequently it is also unique in its conflicts. It is different from any other city. The introduction to a book published in 1994 by a number of important Israeli academics begins thus: "At least in three respects Jerusalem differs from most other places: the City is holy to the adherents of three religions, it is the subject of conflicting national claims by two peoples, and its population is heterogeneous to a considerable degree". Let us remember what Pope John Paul II wrote in his Apostolic Letter "Redemptiois Anno" of 20 April 1984: "...Jews ardently love (Jerusalem) and in every age venerate her memory, abundant as she is in many remains and monuments from the time of David who chose her as the capital, and of Solomon who built the Temple there. Therefore, they turn their minds to her daily, one may say, and point to her as the sign of their nation."

"Christians honor her with a religious and intent concern because there the words of Christ so often resounded, there the great events of the Redemption were accomplished: the Passion, Death and Resurrection of the Lord. In the City of Jerusalem the first Christian community sprang up and remained throughout the centuries a continual ecclesial presence despite difficulties."

"Muslims also call Jerusalem "holy", with a profound attachment that goes back to the origins of Islam and springs from the fact that they have there many special places of pilgrimage and for more than a thousand years have dwelt there, almost without interruption."

II.

I think it is important to clarify from the very start that when we speak of Jerusalem the distinction often made between "the question of the Holy Places and the question of Jerusalem" is unacceptable to the Holy See. It is obvious that the Holy Places derive their meaning and their cultic and cultural uses from their intimate connection with the surrounding environment, to be understood not merely in terms of geography but also and most especially in its urban, architectural and above all human community and institutional dimensions.

In papal documents there certainly exist emphases and nuances, and they are seen more clearly the greater the span of time under consideration, for example, in a book edited by Archbishop Edmond Farhat in which he gathers papal documents from 1887 to 1986 (one hundred years), dividing this span of time into three periods:

1. from 1887 to 1947 (the first war between Arabs and Israelis), when the Popes spoke of the Holy Land in general and of Jerusalem, insisting primarily on the need to protect the physical integrity of the Holy Places and on the needs of the local Catholics;
2. from 1947 to 1964 (Pope Paul VI's pilgrimage): here the stress is on safeguarding the Holy Places, on freedom of access for all the faithful of the three religions and the right of each of the three religions to have control of its own holy sites;
3. from 1964 to the present day, a period during which the emphasis moves to Jerusalem in a global context and to the preservation of its identity and vocation: the Holy Places; the areas surrounding them; guarantees for everybody of their own cultural and religious identity; freedom of religion and conscience for the inhabitants and the pilgrims; the cultural dimension.

III.

From the references to historical events, particularly those of the last fifty years, there emerges what is commonly referred to as the "political dimension" of Jerusalem in a complex of situations which have arisen regarding territorial control and the actions carried out to gain such control. The concern expressed in the interventions of the Popes and in other documents of the Holy See could not and cannot overlook this aspect. It is ever present, first, in order to prevent the Holy City becoming a battlefield and later to ensure that it does not become, as is the situation today, a case of manifest international injustice. *The situation today has been brought about and is maintained by force. The Holy See has spoken out on this and will continue to speak out*

clearly, without mincing words and consistently adhering to the position of the majority within the international community, as expressed above all in the pertinent United Nations Resolutions. Since 1967, a part of the City has been occupied militarily and subsequently annexed. In that part of the City are to be found most of the Holy Places of the three monotheistic Religions. East Jerusalem is illegally occupied. It is therefore wrong to claim that the Holy See is only interested in the religious aspect or aspects of the City and overlooks the political and territorial aspect. The Holy See is indeed interested in this aspect and has the right and duty to be, especially insofar as the matter remains unresolved and is the cause of conflict, injustice, human rights violations, restrictions of religious freedom and conscience, fear and personal insecurity. Obviously, the Holy See's immediate and practical concern is with religious questions, while in other matters - political, economic, etc. - it interests itself inasmuch as they have a moral dimension. If the Holy See has no competence to enter into territorial disputes between Nations, to take sides, to seek to impose detailed solutions, on the contrary it has the right and duty of reminding the Parties of the obligation to resolve controversies peacefully, in accordance with the principles of justice and equity within the international legal framework.

In the case of Jerusalem, both aspects, the religious and the political and territorial, are closely linked, even though they are different in their constitutive elements, in the proper means of dealing with them and in finding a solution to them.

IV. WHAT IS THE HOLY SEE REQUESTING FOR JERUSALEM?

1. First of all it asks that Jerusalem be respected for what it is in itself or rather what it should be, compared with what it actually is. That is what I defined a short while ago as the vocation or identity of the Holy City. Jerusalem is a treasure of the whole of humanity. In view of a situation of evident conflict and considering the rapid transformation of the Holy City, any unilateral solution or one brought about by force is not and cannot be a solution at all.

It is the view of the Holy See that every exclusive claim - be it religious or political - is contrary to the logic proper to the very City itself. I must insist: every citizen of Jerusalem and every person who visits Jerusalem should embody the message of dialogue, coexistence and respect evoked by the City. Exclusive claims cannot be backed up by numerical or historical criteria

Having said that, I must add that there is nothing to prevent Jerusalem, in its unity and uniqueness, becoming the symbol and the national center of both the Peoples that claim it as their Capital. But if Jerusalem is sacred to Jews, Christians and Muslims, it is also sacred to many people from every part of the world who look to it as their spiritual capital or travel there on pilgrimage, to pray and to meet their brethren in faith. It is the cultural heritage of everybody, including those who visit it simply as tourists.

2. Consequently, the Holy See believes that there is an obligation to find a realistic solution to the problems of Jerusalem, to all of them, according to their particular characteristics.

- a. There is a political problem concerning Jerusalem for Israelis and Palestinians first of all which is very practical. The Madrid Conference of 1991 and what followed gave birth to hopes of a peaceful future. Hopes founded on a willingness to talk, to negotiate and to seek to compromise. Hopes which appeared well-founded also by reason of the commitment and efforts of a large section of the international community, and in particular of the United States of America, as the events which took place at Wye Plantation in the last few days have demonstrated. Let us hope that the aspirations for dialogue and peace will contribute to the implementation of what has been agreed upon.

In this context, which is certainly both complex and delicate, the Jerusalem question has been placed at the bottom of the agenda. It is understandable that the difficulty and delicacy of the question of Jerusalem have meant that it has been left till last. But we all know, and the Israelis and the Palestinians are the first in this, that peace and coexistence in the Holy Land and Middle East have no future, unless an answer is found to the political question of Jerusalem. Allow me to quote once again from "Redemptionis Anno" of 1984, in which His Holiness Pope John Paul II wrote: "I am convinced that the failure to find an adequate solution to the question of Jerusalem, and the resigned postponement of the problem, only compromise further the longed-for peaceful and just settlement of the crisis of the whole Middle East."

What does the Holy See mean by an "adequate solution"? It means recognizing that the situation today is one of conflict. It means that Israelis and Palestinians, with the collaboration of all who can help them, have to reach an agreement which corresponds in some way to their particular legitimate and reasonable aspirations, and respects the principles of justice.

- b. As far as the Holy See is concerned, however, the solution of a territorial dispute alone is not enough for Jerusalem, precisely because Jerusalem is an unparalleled reality: it is part of the patrimony of the whole

world. And the whole world has shown that it is fully aware of this when, for example, through resolutions of the United Nations it has sought to defend that patrimony.

Looking to Jerusalem, the Holy See continues to ask that it be protected by "a special internationally guaranteed Statute". What is meant by this? In the Holy See's view:

- the historical and material characteristics of the City, as well as its religious and cultural characteristics, must be preserved, and perhaps today it is necessary to speak of restoring and safeguarding those still existing;
- there must be equality of rights and treatment for those belonging to the communities of the three religions found in the City, in the context of the freedom of spiritual, cultural, civic and economic activities;
- the Holy Places situated in the City must be preserved, and the rights of freedom of religion and worship, and of access, for residents and pilgrims alike, whether from the Holy Land itself or from other parts of the world, must be safeguarded.

At stake is the basic question of preserving and protecting the identity of the Holy City in its entirety, in every aspect. For example, the simple "extraterritoriality" of the Holy Places, with the assurance that pilgrims would be able to visit them without hindrance, would not suffice. The identity of the City includes a sacred character which belongs not just to the individual sites or monuments, as if these could be separated from one another or isolated from the respective communities. The sacred character involves Jerusalem in its entirety, its holy places and its communities with their schools, hospitals, cultural, social and economic activities.

Israelis and Palestinians, in the desired search for a political settlement of their conflict over Jerusalem, cannot overlook the fact that the City has aspects which go far beyond their legitimate national interests. They, therefore, have to take these aspects into consideration in looking for and in reaching a lasting political and territorial solution. In the same way, they will not be able to avoid giving due consideration to the efforts and demands of all legitimately interested parties. In this, Israelis and Palestinians must not feel in any way restricted, but rather honored and reassured.

V.

It is essential that the parties to the negotiations take fair and appropriate account of the sacred and universal character of the City. This requires that any possible solution should have the support of the three monotheistic Religions, both at the local level and at the international level. Besides, as they are being proposed, the negotiations are expected to include the participation of the sponsors of the Peace Process and other parties could also be invited to contribute. The Holy See believes in the importance of extending representation at the negotiating table: in order to be sure that no aspect of the problems is overlooked and to affirm that the whole International Community is responsible for the uniqueness and sacredness of this incomparable City.

CONCLUSION

In these coming days we shall listen to various other presentations and reflections. I would like to end my own intervention by expressing two feelings which I have experienced with great intensity:

- a. Sometimes I have felt great sadness and almost a sense of helplessness: the way forward to peace for the Holy Land and Jerusalem appears very precarious, alternating between progress and hesitation or failure. One has the impression that anything could happen: be it good or bad. Thinking also about the Year 2000, I wish to quote a few words which Pope John Paul II addressed to the Diplomatic Corps on 11 January 1992: "What a blessing it would be if this Holy Land, where God spoke and Jesus walked, could become a special place of encounter and prayer for peoples, if this Holy City of Jerusalem could be a sign and instrument of peace and reconciliation! It is here that believers have a mission of primary importance to accomplish. Forgetting the past and looking to the future, they are called to repentance, to re-examine their behavior and to realize once again that they are brothers and sisters by reason of the one God who loves them and invites them to cooperate in his plan for humanity".
- b. And the second of my feelings: Episcopates of important Nations of the world are represented here. The Bishops are in communion and solidarity with each other, and the initiative of His Beatitude Patriarch Michel Sabbah is founded on this certainty. In the name of the Holy Father and together with the Patriarch I say to you all: let us remember Jerusalem, let us recall its essential nature, its vocation and the love which people have for it, let us help the world and those who wield power in it to remember Jerusalem and to understand that for its sake it should not be impossible to make it definitively a place of meeting, of harmony and of peace. It is my earnest hope that the Episcopates of the world will become Jerusalem's "Ambassadors" within the local Churches, to your respective Nations and societies and to the institutions

and Authorities thereof. "Let my tongue cleave to the roof of my mouth, if I do not remember you, if I do not set Jerusalem above my highest joy!" (Ps. 137:6)



FINAL COMMUNIQUÉ OF A CHRISTIAN MEETING ON JERUSALEM, 27 OCTOBER 1998

[The presidents or delegates from several Bishops' Conferences and the unions of Episcopal Conferences of Europe, the Americas, Africa and Asia, invited Cardinals, and the members of the Assembly of Catholic Ordinaries of the Holy Land, met on 26-27 Oct. 1998 at the invitation of H.B. Michel Sabbah, Latin Patriarch of Jerusalem, to reflect on the Question of Jerusalem].

1. Aware of our responsibilities towards the Holy City, and responding to the invitation of the local Church of Jerusalem, and in communion with her, we wish to offer our contribution to the peace of the Holy City for the good of all its inhabitants and of all who love her, Jews, Christians and Muslims, Palestinians and Israelis. Our only aim is to reach a stable peace in Jerusalem. In this task we wish to collaborate with all the Churches of Jerusalem.
2. Jerusalem, the Holy City for the three monotheistic religions, is of unique value for the region and for the whole world. Thus, Jerusalem is and ought to be a universal symbol of fraternity and peace.
3. Conscious of the unique significance of Jerusalem and bearing in mind the responsibilities which stem from her unique vocation, before God and before humanity, we find it fitting that the Jewish, Christian and Muslim faithful work together, with sincerity and in mutual trust, so that this city may truly be able to fulfil its divine calling: a place of encounter and reconciliation among religions and peoples.
4. For Christians, as for Jews and Muslims, Jerusalem is a city of special religious reference. For Christians, in particular, Jerusalem is sacred as the place where Jesus, the Word and Son of God, lived, suffered, died on a cross and rose from the dead, bringing to completion the work of our redemption. The descent of the Holy Spirit on Pentecost Day marked the birth of the Church which spread from Jerusalem to the ends of the earth, so that down the centuries Jerusalem has been cherished throughout the world as "the Mother Church". Thus, the Holy City is always in our prayers as we await the final fulfilment of all the promises of God for a new Jerusalem, coming down from heaven where God will dwell with humanity.
5. For 2,000 years, a living Christian community has been the bearer of the memory and the promise of the Holy City. Today, through all the changes and vicissitudes of history, this Christian community continues to dwell and worship in Jerusalem, and is deeply committed to continue to bear witness to the life, death and resurrection of Christ around the Holy Places where these mysteries were enacted. In fidelity to this commitment, they can rely on the solidarity of the universal Church.
6. During these days of reflection, we have reaffirmed the duty of all Christians together with other believers and people of goodwill to strive to find a solution to the many problems facing the peoples and believers of the Holy City. Today Jerusalem is at a crucial time in her modern history. Decisions taken in these days and those to be taken in the months ahead will influence the conditions of life in Jerusalem for the future. This becomes especially urgent as we approach the Great Jubilee of the Year 2000.
7. Jerusalem, the city of three religions, is also home to two peoples, Israelis and Palestinians, and is the heartland of their respective national aspirations. Negotiations between the State of Israel and the Palestinian National Authority, with the support of the international community, will shape "a final status" for Jerusalem. It is incumbent on the believers of the three religions, out of the love and hope they bear for her, and on the community of nations, because of the unique and universal character of the Holy City, to share their thoughts and expectations for the future of Jerusalem. Decisions will be made by political leaders but the concerns and hopes of believers must also be included in the pertinent negotiations.
8. We have also reaffirmed that the uniqueness and holiness of the most sacred parts of Jerusalem require a special statute for her most sacred parts, which recognizes the rights of all its inhabitants and of its three religious communities. Active communities of Jews, Christians and Muslim should enjoy true freedom of conscience and religion, including full access to the Holy Places, and their right to carry out their own religious, educational and social activities. Such a statute should also guarantee the sacred character and the universal cultural heritage of the city. Free access to Jerusalem should be guaranteed to all, local people and pilgrims, friends and opponents. Finally, this special statute should be supported by international guarantees.
9. Therefore, conscious of the words of the Holy Father, "Jerusalem is that place where, more than any other, the dialogue between God and humanity was realized", we support the position of the Holy See and the Memorandum of the Patriarchs and Heads of Churches in Jerusalem signed and published by them in November 1994.



**ARCHBISHOP THEODORE E. MCCARRICK, CHAIRMAN OF THE COMMITTEE ON
INTERNATIONAL POLICY, ON 'THE FUTURE OF JERUSALEM: SOME CLARIFICATIONS',
US CATHOLIC CONFERENCE, 17 NOVEMBER 1998**

Three weeks ago Archbishop Jean-Louis Tauran, the Holy See's Secretary for Relations with States, called on the episcopates of the world to serve as "'ambassadors' for Jerusalem." Today I have conveyed that request to the U.S. bishops. The bishops have been asked to educate the faithful, and especially pilgrims, on the Church's concern for the future of Jerusalem, and to inform public opinion of our hopes for the future of the Holy City.

Today, I would like to clarify the Holy See's commission to the bishops. I would like to explain the Christian attachment to Jerusalem, to identify the Church's particular concerns for the future of the city, and to correct some potential, though quite common, misperceptions about our stand.

Christian Affection for Jerusalem

As Christians we revere Jerusalem as the place where God affirmed his covenant with his people, and we affirm the central place of Jerusalem in the hearts of the Jewish people. At the same time, we attest to its enormous religious significance for Christians and Muslims as well.

As a city sacred to the three monotheistic religions, Jerusalem has both a unique and universal religious significance. Its sacred history makes it a place of encounter between God and humanity, but also for the mingling of believers from every corner of the earth, and as such Jerusalem possesses a vocation to be a symbol of the unity of the human family.

As Christians, we have a particular attachment to Jerusalem as the place where Jesus lived, suffered, died and rose again. For us, the city has been hallowed by the continuing presence of a resident Christian community, in a very real sense our Mother Church; by centuries of pilgrimage; by the prayerful lives of monks, nuns and religious; and by numerous works of charity that serve the local people. Pilgrims, and indeed the world, look to Jerusalem for religious inspiration and profound religious scholarship.

The Political Question

In the months ahead, Israelis and Palestinians are due to address the future of Jerusalem in so-called "final status" negotiations. Two dimensions of those negotiations need to be distinguished. One is the political dimension; the other is the religious.

On the political side, there are two issues. The first is the question of territory: How is Jerusalem to be shared and/or divided between Israelis and Palestinians? The second is the question of sovereignty: How is sovereignty over the city to be arranged?

On these issues, the Holy See has no specific position. It only holds up two general moral tests. The first is the principle of international law that no territory may be acquired by use of armed force. The alternative in this case, of course, is territory can be allotted by negotiation. Secondly, to be morally adequate, the political-territorial settlement on Jerusalem must satisfy the particular, legitimate, and reasonable aspirations of both peoples, Israelis and Palestinians, and must respect the principles of justice.

The Religious Question

The second dimension of defining a final-status agreement concerns preserving Jerusalem's uniquely religious character. In the Holy See's view and our own, preservation of the religious character of Jerusalem is also a matter for bilateral negotiation. Nonetheless, we firmly urge that in what pertains to religion that the negotiating parties consult closely with the three religious communities - Jewish, Christian and Muslim - and that their concerns be given careful consideration in the negotiations.

We also believe that insofar as it deals with the religious dimensions of Jerusalem the final-status agreement ought to enjoy international guarantees.

Contrary to some reports, the Holy See seeks no direct role in the negotiations. It regards negotiations concerning Jerusalem as a bilateral matter between Israelis and Palestinians, though one in which the two parties should heed the rightful interests of others and of the world community.

A Special Statute

For some years, the Holy See has sought "a special statute" for Jerusalem. Such a statute is necessary to preserve the unique religious character of the Holy City, and to secure the rights of the living religious communities there. Moreover, by Jerusalem, we do not mean the metropolis steadily enlarged after 1967 by unilateral Israeli action. Rather, we refer to Jerusalem's historic, religious core with its Holy Places, the living religious communities which surround them, and the institutions which serve them and the world's pilgrims.

The proposed statute should be confused neither with the so-called "*corpus separatum*" proposed by the United Nations in 1947, nor with what is popularly called "the internationalization" of the city. Pope Paul VI abandoned support for the UN's *corpus separatum* proposal in 1968, and for most of the intervening period the Holy See has sought to advance the development of a special statute for Jerusalem. Such a statute ought to do four things:

1. Preserve, restore and safeguard the physical, cultural and historical attributes of the city;
2. Assure equality of rights and services for all residents of the city;
3. Guarantee the freedom of the religious communities to carry out the full range of their activities: cultural, social, educational and charitable, as well as strictly religious ones; and
4. Afford protection to the Holy Places and freedom of access to all, residents and pilgrims alike, including local pilgrims from anywhere in the Holy Land.

It is for these four provisions – preservation of historic, religious Jerusalem; equality of rights and services for all residents; freedom of religion for the religious communities; and, free access for all pilgrims – that supporting guarantees are sought from the international community.

Bilateral Negotiations, International Guarantees

As with the political questions, I repeat, we believe that any special statute ought to be negotiated by the two parties themselves. At the same time, the nature of the issues and their significance for humanity as a whole require consultation on the part of the negotiators with the three religious communities and especially with their local religious leaders. Furthermore, experience has shown that, when they are drafted and agreed upon, the provisions of such a statute should enjoy further guarantees from the international community.

The Dialogue Ahead

In the weeks ahead, U.S. bishops will be voicing their concern for Jerusalem to the Catholic faithful, to the American public, and to our public officials. We shall be acting in tandem with bishops in other countries around the world. All will be acting from the conviction that, as a city with universal religious significance, Jerusalem demands that more than one or two voices be heard in determining her future. Our efforts will not be a parochial Catholic undertaking. Rather, it will be a movement on behalf of the three monotheistic religions and of believing humanity.

We hope that, for the love of Jerusalem, we will be able to engage in fruitful dialogue with Jews, Muslims, and other Christians on this issue, so vital to all of us.



WORLD COUNCIL OF CHURCHES, STATEMENT ON THE STATUS OF JERUSALEM, ADOPTED AT ITS 8TH ASSEMBLY, HARARE, ZIMBABWE, 3-14 DECEMBER 1998

At a time when Jerusalem is again a focus of worldwide attention, we are reminded that this city is central to the faith of Christians. In this city our Lord Jesus Christ was crucified, died and rose again. Jerusalem is the place where the gift of the Spirit was given and the church was born. For the writers of the New Testament, Jerusalem represents the new creation, the life to come and the aspirations of all people, where God will wipe away all tears, and "there shall be no more death or mourning, crying out or pain, for the former world has passed away." (Rev. 21:4) It is where for two thousand years faithful Christians have given a living witness to the truth of the gospel. Through these "living stones", the biblical sites take on life.

The WCC has repeatedly addressed the question of Jerusalem since 1948. Jerusalem has been at the heart of the Israel-Palestine conflict since the time of the League of Nations Mandate and Partition, yet the issue of Jerusalem has consistently been postponed to "future negotiations" due to the complexities of the issues involved. The inability of the parties and of the international community to settle this question has left Jerusa-

Jerusalem vulnerable to a series of unilateral actions which have radically altered its geography and demography in a way which violates especially the rights of Palestinians and poses a continuing threat to peace and security of all the inhabitants of the city and the region.

Conscious of the fact that a solution for the question of Jerusalem is essential to any final negotiated agreement in the Middle East; The eighth assembly of the World Council of Churches, meeting in Harare, Zimbabwe, 3-14 December 1998

1. Reaffirms earlier positions of the World Council of Churches that:
 - 1.1. Jerusalem is a holy city for three monotheistic religions - Judaism, Christianity and Islam - who share responsibility to cooperate to ensure that Jerusalem be a city open to the adherents of all three religions, a place where they can meet and live together.
 - 1.2. Christian Holy Places in Jerusalem and neighbouring areas belong to the greatest extent to member churches of the World Council of Churches, specifically to the local Eastern Orthodox and Oriental Orthodox churches. Any proposed solution as to the future of the holy places in Jerusalem should take into account the legitimate rights of the churches most directly concerned.
 - 1.3. The special legislation regulating the relationship of the Christian communities and the authorities, guaranteed by ancient covenants and orders, and codified in international treaties (Paris 1856 and Berlin 1878) and the League of Nations and known as the status quo of the Holy Places, must be safeguarded.
 - 1.4. The settlement of any problems with regard to the holy places should take place through dialogue and under an international aegis and guarantees which must be respected by the parties concerned and by the ruling authorities.
 - 1.5. The question of Jerusalem is not only a matter of protection of the holy places but is also organically linked with people who live there, their living faiths and communities. The holy shrines should not become mere monuments of visitation, but should serve as living places of worship integrated and responsive to all communities who continue to maintain their life and roots within the city, and for those who, out of religious attachment, want to visit them.
 - 1.6. The future status of Jerusalem is to be seen as part of a general settlement of the wider Middle East conflict as related to the destinies of the Israeli and Palestinian peoples alike.
2. Reiterates the significance and importance of the continuing presence of Christian communities in Jerusalem, the birthplace of the Christian church, and condemns once again the violations of fundamental rights of Palestinians in Jerusalem which oblige many to leave.
3. Considers that negotiations with respect to the future status of Jerusalem must be undertaken without further delay and considered to be part of rather than a product of a comprehensive settlement for the region, and that such negotiations should take into account:
 - 3.1. The contemporary context of the Middle East, especially developments in negotiations on the Israel-Palestine conflict since 1991;
 - 3.2. The implications of the continuing conflict for international peace and security;
 - 3.3. The legitimate concerns of all the peoples of the region, and particularly of the Israeli and Palestinian peoples, for justice, peace, security, equal rights, and full participation in decisions related to their future;
 - 3.4. The historical commitment to the status quo of the Holy Places and the rights and welfare of the churches, living communities and peoples associated with them;
 - 3.5. The statements of mutual recognition exchanged between the Palestine Liberation Organization and the state of Israel, and the rights of the Palestinian people to self-determination and to statehood.
4. Recalls the framework established in international law related to the status of Jerusalem, including:
 - 4.1. The terms of the British Mandate for Palestine confirmed by the council of the League of Nations in 1922 which set a broad framework with respect to rights to the Holy Places and of religious communities;
 - 4.2. The 1947 report to the UN general assembly (UNGA) of its Special Committee on Palestine and the "Partition Plan" (res. 181 (II), 29 November 1947) in which the general assembly addressed in detail the Holy Places and religious and minority rights, and established the city of Jerusalem as a corpus separatum with precisely defined geographical boundaries and a statute;
 - 4.3. UNGA res.194 (December 1948) which specified the special status of Jerusalem and the right of return of Palestinian refugees, and successive resolutions affirming resolutions 181 and 194;
 - 4.4. The fourth Geneva Convention (1949) which was and remains applicable to parts of Palestine regarded as "occupied territory";

- 4.5. UNGA res. 303 (IV), 9 December 1948, by which the general assembly restated "its intention that Jerusalem should be placed under a permanent international regime..." and "be established as a corpus separatum under a special international regime...administered by the United Nations"; and
- 4.6. UN Security Council resolutions 242 (1967) and 338 (1973) demanding Israeli withdrawal from all occupied territories including Jerusalem, and subsequent resolutions addressed specifically to Jerusalem.
5. Notes that the international community as embodied in the United Nations retains authority and responsibility with respect to Jerusalem and the right to authorize or consent to any legal change in the status of Jerusalem, and that no unilateral action nor final legal status agreed by the parties can have the force of law until such consent is given.
6. Welcomes especially the Joint Memorandum of Their Beatitudes and of the Heads of Christian Communities in Jerusalem on the Significance of Jerusalem for Christians (14 November 1994) in which they call on all parties "to go beyond exclusivist visions or actions, and without discrimination to consider the religious and national aspirations of others, in order to give back to Jerusalem its true universal character and to make of the city a Holy Place of reconciliation for humankind".
7. Recognizes that the solution to the question of Jerusalem is in the first place the responsibility of the parties directly involved, but that the Christian churches and the Jewish and Muslim religious communities have a central role to play in relation to such negotiations.
8. Conscious of the churches' responsibility with respect to Jerusalem, adopts the following principles which must be taken into consideration in any final agreement on the status of Jerusalem and as the basis for a common ecumenical approach:
 - 8.1. The peaceful settlement of the territorial claims of Palestinians and Israelis should respect the holiness and wholeness of the city.
 - 8.2. Access to the Holy Places, religious buildings and sites should be free, and freedom of worship must be secured for peoples of all faiths.
 - 8.3. The rights of all communities of Jerusalem to carry out their own religious, educational and social activities must be guaranteed.
 - 8.4. Free access to Jerusalem must be assured and protected for the Palestinian people.
 - 8.5. Jerusalem must remain an open and inclusive city.
 - 8.6. Jerusalem must be a shared city in terms of sovereignty and citizenship.
 - 8.7. The provisions of the fourth Geneva Convention must be honoured with respect to the rights of Palestinians to property, building and residency; the prohibition of effecting changes in population in occupied territories; and the prohibition of changes in geographical boundaries, annexation of territory, or settlement which would change the religious, cultural or historical character of Jerusalem without the agreement of the parties concerned and the approval of the international community.
9. With their beatitudes and the heads of Christian communities in Jerusalem, we regard Jerusalem to be a symbol and a promise of the presence of God, of shared life, and of peace for humankind, especially among the peoples of the three monotheistic faiths, Jews, Christians and Muslims.
10. With the psalmist, we pray for the peace of Jerusalem:

"May they prosper who love you!
Peace be within your walls, and security within your towers."
For my bretheren and companions' sake I will say, "Peace be within you."
For the sake of the house of the Lord our God, I will seek your good. (Ps. 122)



**ADDRESS BY THE MOST REVEREND SECRETARY OF STATE OF THE VATICAN,
JEAN-LOUIS TAURAN, TO THE US CONFERENCE OF CATHOLIC BISHOPS,
WASHINGTON, DC, 10 MARCH 1999 [EXCERPTS]**

The Catholic Church's interest in the Middle East goes back to the very first years of the Church's existence. Christians have always revered this region of the world, where God has drawn close to mankind: there the Jewish people had its founding experience of the Covenant; there Jesus lived, died and rose; it was there that the Prophet Mohammed developed his religious and juridical thought. So it is a region where for centuries faith and culture, faith and politics have met, sometimes fruitfully, often in confrontation.

[...] On two occasions the Holy See has demonstrated its fidelity to this philosophy of international relations.

The first instance is in the context of the Israeli-Palestinian conflict. Each and every intervention by the Popes and their collaborators has consisted in stating that every people has the right to dignity, peace and security. And yet these cannot be secured by trampling on those of others. That is why the Popes, as also the international community, have never accepted, and this still remains true today, the annexation of territory by force. They have never ceased to invite the parties in conflict to meet, engage in dialogue and negotiate. Thus it is easy to appreciate that without the least hesitation Pope John Paul II encouraged the Middle East Peace Process, and in particular the Madrid Conference (his letters to Presidents Bush and Gorbachev eloquently witness to this). Moreover, the Madrid context has enabled the Holy See to reach a "*Fundamental Agreement*" and to establish diplomatic relations with the State of Israel. The political dialogue between Israelis and Arabs which was going on at the time allowed the Holy See to draw closer to one of the main actors in the crisis, that is to say the State of Israel, without having to sacrifice the principles it seeks to defend and which are adequately reflected in the pertinent UN Resolutions. If the Palestinian partners, supported by the Arab world, were seated around the negotiating table, who could blame the Holy See for pursuing a more formal dialogue with the Israeli authorities in order to contribute more effectively to the cause of peace? It has become clear, as a reading of the 30 December 1993 Fundamental Agreement and the authorized interpretative declarations show, that the Holy See has absolutely not abandoned its principles: the peaceful resolution of differences, rejection of the forcible occupation by one of the parties of an area of the City of Jerusalem and the request for an internationally guaranteed statute for the most religious parts of this unique city.

[...]

The Holy Land, as the Popes love to call the Middle East, should be a sort of workshop for inter-religious dialogue, with Jerusalem, the Holy City *par excellence*, as its symbol. This explains why, and with what perseverance and intensity, since 1947, *the Popes have made themselves the defenders of the preservation of the unique and sacred character of that City.*

Still today two peoples claim sovereignty over Jerusalem, and the faithful of three religions, both on the spot and throughout the world, look to it as their spiritual home. A political solution has certainly to be found within the framework of bilateral negotiations, but without forgetting, for all that, the sacred reality which the City enshrines. So it is that the Holy See, which has no direct technical competence or ambition whatsoever to intervene in the territorial dispute dividing the two peoples, certainly cannot fail to concern itself with the safeguarding of the sacred and cultural dimension of the Holy Places of the three religions. In its view, this is a universal cause which therefore requires that the entire international community should act as guarantor. The Holy See therefore strictly favors "a special internationally guaranteed statute" for the most sacred areas of the City, in order in the future to preserve and protect the identity of the Holy City in its entirety and in every aspect:

- the historical, material, religious and cultural characteristics;
- the equality of rights and treatment for those belonging to the three religious communities, in the context of the freedom of their spiritual, cultural, civic and economic activities;
- the rights of freedom, of religion and worship for all, and of access to the shrines for residents and pilgrims alike, whether from the Holy Land itself or from other parts of the world.

All this supposes also that these shrines might always remain at the centre of living and active religious communities, where these communities and their individual members have the possibility of fully enjoying their basic human rights and of maintaining their cultural identity.

This request of the Holy See regards, first and foremost, the most religiously significant part of the City, namely the Old City. But such a formula would have to be extended to other shrines outside the Old City and beyond Greater Jerusalem, in Israel as well as in the West Bank.

Perhaps you now have a better understanding of the sense of the words of Pope John Paul II, when in his Apostolic Letter "*Redemptiois Anno*" of April 20, 1984 he wrote: "Jerusalem stands out as a symbol of coming together, of union, and of universal peace for the human family". Or yet again his words addressed to the Diplomatic Corps accredited to the Holy See on 11 January 1992: "What a blessing it would be if this Holy Land, where God spoke and Jesus walked, could become a special place for encounter and prayer for peoples, if this Holy City of Jerusalem could be a sign and instrument of peace and reconciliation"!

[...]

It must also be recognized that relations between the Holy See and the Jewish world - above all with the State of Israel - have hardly been helped by the failure to resolve the Palestinian problem, the lack of respect for

certain UN Security Council Resolutions and duly concluded international Agreements, without forgetting the annexation by force of a part of the City of Jerusalem. [...]



**CHURCHES FOR MIDDLE EAST PEACE, LETTER TO PRESIDENT CLINTON:
POSTPONE MOVING US EMBASSY TO JERUSALEM, 5 MAY 1999**

[Appeal from CMEP opposing moving of US embassy from Tel Aviv to Jerusalem]

Dear Mr. President:

As the representatives to Churches for Middle East Peace from our denominations and organizations, we are writing to urge you to invoke a national security waiver under the Jerusalem Embassy Act of 1995 that would allow the United States to postpone moving the US Embassy in Israel from Tel Aviv to Jerusalem. Your willingness to take this step in the past is appreciated, and we call upon you to do so again.

Your call on April 26 for an extension of the peace process and a quick move to final status talks brings renewed hope for a negotiated resolution of those issues. It continues to be absolutely essential that the United States adhere to its long held policy regarding Jerusalem and the location of the US embassy. With Israeli elections approaching and the Wye River agreements not yet fully implemented, even the impression that any change is underway must be avoided. We oppose any interim measures that could be interpreted as a change in policy toward Jerusalem prior to its determination through negotiations. The result would likely be violent confrontations and a diminution of the leadership-role of United States in the anticipated final status talks.

We support your administration's insistent opposition to Israel's unilateral actions that are intended to change the demographics and character of Jerusalem and the West Bank. Yet, the confiscation by Israeli authorities of East Jerusalem identity cards, the demolition of Palestinian homes and the vigorous promotion of settlements continue. Additionally, we urge your heightened attention to the Israeli effort to force the closure of international NGOs and Palestinian institutions in Jerusalem that are an integral part of Palestinian civil society and hope for the future.

Churches for Middle East Peace supports a permanent resolution that respects and adequately meets the national and human rights of both Israelis and Palestinians as well as the rights of the three religious communities - Jews, Christians and Muslims. We urge the United States government to call upon negotiators to move beyond exclusivist claims and to strive through negotiations to create a Jerusalem that is a sign of peace and a symbol of reconciliation.

Sincerely,

Dale Bishop, Common Global Ministries Board Christian Church (Disciples of Christ) and The United Church of Christ

Loyce Swartz Borgmann, Washington Office, Church of the Brethren

Mark B. Brown, Assistant Director for Advocacy, Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America

J. Daryl Byler, Director, Washington Office, Mennonite Central Committee

John A. Buehrens, President, Unitarian Universalist Association

Thom White Wolf Fassett, General Secretary, General Board of Church and Society, The United Methodist Church

Thomas Hart, Director of Government Relations, The Episcopal Church

Eugene P. Heideman, Representative to CMEP, Reformed Church in America

Peggy Hutchison, Assistant General Sec'y, Mission Contexts and General Board of Global Ministries, The United Methodist Church

Eleanora Giddings Ivory, Director, Washington Office, Presbyterian Church (USA)

Ted Keating, S.M., Director of Justice and Peace, Roman Catholic Conference of Major Superiors of Men's Institutes

James E. Lintner, Director, Office for Church in Society, United Church of Christ and Associate General Secretary for Public Policy, Nat'l Council of Churches of Christ in the USA

James H. Matlack, Director, Washington Office, American Friends Service Committee

Mia Adjali, Executive Secretary for Global Concerns, Women's Division, General Board of Global Ministries, The United Methodist Church

Peter Ruggere, M.M. Office for Global Concerns, Maryknoll Fathers, Brothers, Sisters and Lay Missioners

Joe Volk, Executive Secretary, Friends Committee on National Legislation



**SPEECH ON “THE VATICAN AND JERUSALEM” TO COMMEMORATE THE 50TH
ANNIVERSARY OF THE PONTIFICAL MISSION FOR PALESTINE AT THE UN,
23 OCTOBER 1999 [EXCERPTS]**

[In his remarks, Archbishop Jean-Louis Tauran, clearly and concisely defined the Vatican’s official position and views on the Holy City of Jerusalem]

“... With regard to the question of Jerusalem, the Holy See has always maintained that this question cannot and should not be reduced simply to one of unimpeded access to the Holy Places. The living dimension of these places requires also

- (1) that the global character of Jerusalem as a sacred heritage common to the three monotheistic religions be guaranteed;
- (2) that religious freedom in all its aspects be defended;
- (3) that all the acquired rights of the various communities with regard to shrines, centers of spirituality and study, and charitable institutes be safeguarded;
- (4) that the maintenance and development of the respective religions be treated equally. In order that all of these may be guaranteed, the Holy See seeks a special internationally guaranteed statute for the most sacred part of the City of Jerusalem.”



**POST-SYNODAL APOSTOLIC EXHORTATION, *ECCLESIA IN ASIA*,
OF POPE JOHN PAUL II, NEW DELHI, 6 NOVEMBER 1999 [EXCERPTS]**

The Church in Asia: Past and Present

9. [...]

At the same time, there are Churches in very difficult circumstances, "experiencing intense trials in the practice of their faith".¹ The Synod Fathers were moved by reports of the heroic witness, unshaken perseverance and steady growth of the Catholic Church in China, by the efforts of the Church in South Korea to offer assistance to the people of North Korea, the humble steadfastness of the Catholic community in Vietnam, the isolation of Christians in such places as Laos and Myanmar, the difficult co-existence with the majority in some predominantly Islamic states² The Synod paid special attention to the situation of the Church in the Holy Land and in the Holy City of Jerusalem, "the heart of Christianity",³ a city dear to all the children of Abraham. The Synod Fathers expressed the belief that the peace of the region, and even the world, depends in large measure on the peace and reconciliation which have eluded Jerusalem for so long.⁴

[...]

The Holy Spirit and the Church's Mission in Asia

18. The Spirit who moved upon Asia in the time of the patriarchs and prophets, and still more powerfully in the time of Jesus Christ and the early Church, moves now among Asian Christians, strengthening the witness of their faith among the peoples, cultures and religions of the continent. Just as the great dialogue of love between God and man was prepared for by the Spirit and accomplished on Asian soil in the mystery of Christ, so the dialogue between the Saviour and the peoples of the continent continues today by the power of the same Holy Spirit at work in the Church. In this process, Bishops, priests, religious and lay men and women all have an essential role to play, remembering the words of Jesus, which are both a promise and a mandate: "You shall receive power when the Holy Spirit has come upon you; and you shall be my witnesses in Jerusalem and in all Judea and Samaria and to the end of the earth" (*Acts 1:8*). [...]

Sharing Hopes and Sufferings

[...] Likewise, the Synod's thoughts frequently returned to the Church in Jerusalem, which has a special place in the hearts of all Christians. Indeed, the words of the Prophet Isaiah find an echo in the hearts of millions of

¹ *Propositio 51.*

² Cf. *Propositiones 51, 52 and 53.*

³ *Propositio 57.*

⁴ (32) Cf. *ibid.*

believers throughout the world, for whom Jerusalem occupies a unique and cherished position: "Rejoice with Jerusalem, and be glad for her, all you who love her... that you may drink deeply with delight from the abundance of her glory" (66:10-11). Jerusalem, the city of reconciliation of men with God and among themselves, has so often been a place of conflict and division. The Synod Fathers called upon the particular Churches to stand in solidarity with the Church in Jerusalem by sharing her sorrows, by praying for her and cooperating with her in serving peace, justice and reconciliation between the two peoples and the three religions present in the Holy City.⁵ I renew the appeal which I have often made to political and religious leaders and to all people of good will to search for ways to ensure the peace and integrity of Jerusalem. As I have already written, it is my own fervent wish to go there on a religious pilgrimage, like my predecessor Pope Paul VI, to pray in the Holy City where Jesus Christ lived, died and rose again and to visit the place from which, in the power of the Holy Spirit, the Apostles went forth to proclaim the Gospel of Jesus Christ to the world.⁶ [...]



**WRITTEN STATEMENT SUBMITTED BY PAX CHRISTI INTERNATIONAL TO THE
INTERNATIONAL CATHOLIC PEACE MOVEMENT REGARDING THE VIOLATION OF
HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE,
30 DECEMBER 1999**

[Remarks on final status talks on Jerusalem]

1. On 8 November 1999, Israeli and Palestinian negotiators started the final talks which have to lead to a definitive status of the Palestinian territories. The deadline for these talks is 13 September 2000, the seventh anniversary of the Oslo Agreements, but both parties hope to reach a preliminary agreement by February 2000.
2. One of the difficult aspects of the talks is the status of the city of Jerusalem. In 1967, Israel occupied the Arab eastern part of Jerusalem, together with the rest of the West Bank of Jordan River. For Israel, united Jerusalem is the eternal city and it claims jurisdiction over the whole city. The Palestinians want to have the eastern part of the city as the capital of the Palestinian State. The international community and Pax Christi International do not accept the claims of Israel over Jerusalem. We would like to urge the United Nations Commission for Human Rights to support the parties involved in the process in finding a compromise and to take the following aspects into consideration.
3. The future of Jerusalem depends on its two dimensions, religious and political. On the political level, two nationalities, Israeli and Palestinian, are present and have political rights in the city. On the religious level, three religions, Judaism, Christianity and Islam, have religious rights, and require both political entities to guarantee religious freedom for all believers, local and universal. Exclusivism from any side, political or religious, will harm the identity of the city and the harmony among all those who are concerned, all its sons and daughters. Jerusalem cannot be solely Israeli or merely Palestinian, neither can it be solely Muslim or Christian or Jewish. It should be shared by all.
4. Throughout its past history, Jerusalem was in the hands of a single political power corresponding to or supported by one religion. Therefore, it was always a source of war. Exclusivism nourishes wars and hostility today and tomorrow, as in the past. To reach a position of stable peace, each one of its children, Israelis and Palestinians, Jews, Christians and Muslims, should feel at home and should enjoy the same freedom and the same rights and duties. No one should feel himself a guest or a stranger in his own city.
5. Given the five essential components of the living Jerusalem, two nationalities and three religions, does that mean that Jerusalem must be divided again? At present Jerusalem, despite its political unification, is divided into two populations, Jewish and Palestinian, still deeply separated by the conflict that is visible in the facts and in the hearts of both. The question to be asked now is rather: how to reunify the city? The answer: by recognizing the separate rights of all; even divided politically, it will be reunified. The Israeli part will be Israeli and a capital for Israel; the Palestinian part will be Palestinian and a capital for Palestine. And the part containing holy places should have a special arrangement, agreed upon by the two political parties and the three religions. Divide Jerusalem in order to reunify it: this is what is needed now, in order to achieve peace and reconciliation among its two peoples and three religions.

⁵ (145) Cf. *Propositio* 57.

⁶ (146) Cf. Letter Concerning Pilgrimage to the Places Linked to the History of Salvation (29 June 1999), 7: L'Osservatore Romano (30 June - 1 July 1999), 9.

6. Therefore, Jerusalem requires a special status, given its pluralistic and religious importance. The guiding principle in this elaboration is the following: to give Jerusalem a definitive stability, so that it will never again become a source of war between peoples and religions. For that, the five components of the city (three religions and two peoples) must be taken into consideration and given satisfaction, and due respect guaranteed to national or religious differences.
7. Because of the universal significance of Jerusalem, the international community, including the Commission on Human Rights, ought to be engaged in securing the stability and permanence of this status. Jerusalem is too precious to be dependent solely on municipal or national political authorities, whoever they may be. Experience shows that an international guarantee is necessary. Therefore, it needs a unique status which will distinguish it from all the other cities of the world and put it above all problems of security. This special local status given to Jerusalem should have the support and the guarantees of the international community.
8. Ways should be found so that Jerusalem remains open to all without any exception. The security system should adapt to that priority; Jerusalem is first of all a spiritual capital for the three religions, not only for believers coming from all over the world, but also for those believers who are Palestinians and live near Jerusalem.
9. Religion cannot be an agent of war. True religion is an invitation to reconciliation, mutual respect and love. This endeavour to recognize and accept the other should lead all believers of the three faiths to a common ideal of holiness. It is only on that deep level of holiness that the unity of the city can be built. This religious endeavour towards the essence of religion, which is holiness in men's relationship with God and with one another, should inspire all the political measures taken by all the political leaders in Jerusalem.
10. In continuously striving for a peaceful transition in which the rights of all the peoples in the region can be respected, Pax Christi International hopes that the political leaders will be able to take the difficult decisions needed. We are, of course, pleased that final talks between Israelis and Palestinians are taking place. Pax Christi International offers to all leaders involved in this process its support in seizing this critical opportunity to bring a definitive and just peace to the area. The peoples of the region have been searching for such a peace for long time.



BASIC AGREEMENT BETWEEN THE HOLY SEE AND THE PALESTINE LIBERATION ORGANIZATION (PLO), 15 FEBRUARY 2000 [EXCERPTS]

[The agreement covered all basic principles that regulate relations between the Palestinian government and the Catholic Church. It also calls for respect and maintenance of the legal code of the internationally recognized Holy Sites, mainly located in Jerusalem]

The Holy See, the Sovereign Authority of the Catholic Church, and the Palestine Liberation Organization (hereinafter: PLO), the Representative of the Palestinian People working for the benefit and on behalf of the Palestinian Authority:

[...]

Declaring that an equitable solution for the issue of Jerusalem, based on international resolutions, is fundamental for a just and lasting peace in the Middle East, and that unilateral decisions and actions altering the specific character and status of Jerusalem are morally and legally unacceptable;

Calling, therefore, for a special statute for Jerusalem, internationally guaranteed, which should safeguard the following:

- a. Freedom of religion and conscience for all
- b. The equality before the law of the three monotheistic religions and their institutions and followers in the City;
- c. The proper identity and sacred character of the City and its universally significant, religious and cultural heritage;
- d. The Holy Places, the freedom of access to them and of worship in them.
- e. The Regime of "Status Quo" in those Holy Places where it applies;

Recognizing that Palestinians irrespective of their religious affiliation are equal members of Palestinian society;

Concluding that the achievements of the aforementioned Bilateral Permanent Working Commission now amount to appropriate matter for a first and Basic Agreement, which should provide a solid and lasting foundation for the continued development of their present and future relations, and for the furtherance of the Commission's on-going task, Agree on the following Articles: [...]

Article 4: The regime of the "Status Quo" will be maintained and observed in those Christian Holy Places where it applies. [...]



GREETING OF JOHN PAUL II TO THE GRAND MUFTI OF JERUSALEM AND THE HOLY LAND, SHEIKH EKRIMA SABRI, 26 MARCH 2000

[The note included the following brief remark on the status of Jerusalem]

*Eminence, Your Excellency,
Distinguished Muslim authorities,*

I wish to express my gratitude to you, in your capacity as Chairman of the Islamic Supreme Committee, for receiving me within the Haram al-Sharif which is connected with the memory of Abraham, who for all believers is a model of faith and submission to Almighty God.

This visit of mine, as you are aware, is essentially a religious and spiritual pilgrimage. Pilgrimage to holy places is a feature common to many religious traditions, especially to the three Abrahamic religions. I thank God revered by Jews, Christians and Muslims. Jerusalem is the Holy City par excellence. It forms part of the common patrimony of our religions and of the whole of humanity.

May the Almighty grant peace to the whole of this beloved region, so that all the people living in it may enjoy their rights, live in harmony and cooperation, and bear witness to the One God in acts of goodness and human solidarity. Thank you, all!



THE JERUSALEM SABELL DOCUMENT - PRINCIPLES FOR A JUST PEACE IN PALESTINE-ISRAEL, 15 MAY 2000 [EXCERPTS]

"Seek Peace and Pursue it." (1 Peter 3:11)

In pursuit of peace and out of our faith commitment, Sabeel Ecumenical Liberation Theology Center, Jerusalem has formulated a set of principles by which we, as Palestinian Christians, feel a just, secure, and lasting peace can be achieved.

THEOLOGICAL BASIS

Our faith teaches us that,

1. God, creator and redeemer, loves all people equally (John 3:16, Acts 17:24-28).
2. God demands that justice be done. No enduring peace, security, or reconciliation is possible without the foundation of justice. The demands of justice will not disappear; and the struggle for justice must be pursued diligently and persistently but non-violently (Jeremiah 9:23-24, Isaiah 32:16-17, Romans 12:17-21).
3. The Holy Land is God's gift to Palestinians and Israelis. They must live justly and mercifully and be good stewards of it (Micah 6:8).
4. "Love your neighbor as yourself" is an inclusive principle that must be honored and sought after (Mark 12:31). The Golden Rule continues to apply, "Do to others what you want them to do to you" (Matthew 7:12).
5. Faithfulness to God obliges us to work for justice, peace, forgiveness, reconciliation, and healing (Matthew 5:9, 43-45).

MORAL BASIS

3. Since Israel acquired by force 77% of the land of Palestine in 1948, approximately 20% more than the United Nations had allotted, and established its state there, it is moral and right for Israel to return the whole of the areas captured in 1967, i.e. the Gaza Strip and West Bank, including East Jerusalem, to the millions of Palestinians who need their own small sovereign state. [...]
5. Sharing the sovereignty of Jerusalem is imperative to a moral and just peace. [...]

LEGAL BASIS: International Legitimacy

The following principles have been affirmed and repeatedly reaffirmed by the international community:

1. Palestinian refugees have the right of return - UN General Assembly Resolution 194.
2. The Gaza Strip and the West Bank, including East Jerusalem, are occupied territories and the Israeli forces must withdraw from them - UN Security Council Resolution 242 and 338 based on the international principle of the inadmissibility of the acquisition of territory by force.
3. The Israeli settlements in the Gaza Strip and West Bank, including East Jerusalem, are illegal. Moreover, it is illegal for the occupying power to transfer its population to, or to change the status of, the occupied territories - Fourth Geneva Convention.
4. East Jerusalem is occupied territory. Israel's unilateral actions to alter the status of Jerusalem are illegal and invalid - UN Security Council Resolutions 252 and 478.

THE PRINCIPLES WHICH SABEEL STANDS FOR:

[...]

2. The Palestinians must have their own sovereign, independent, and democratic state established on the whole of the Gaza Strip and West Bank, including East Jerusalem. Israel must withdraw to the June 4, 1967 borders. No solution is acceptable if it does not guarantee the Palestinians' and Israelis' right to self-determination, independence, and sovereignty.
3. Jerusalem's sovereignty must be shared by the two states of Palestine and Israel. The city must remain open for Palestinians, Israelis, and all. East Jerusalem can be the capital of Palestine while West Jerusalem can be the capital of Israel. Any agreement must protect the sanctity of the holy places and guarantee the rights of the three religions, Christianity, Islam, and Judaism on an equal basis. All illegal confiscation of land or expansion of areas by Israel within the walled city of Jerusalem since 1967 must be reversed. [...]
5. All Israeli Jewish settlements on the Gaza Strip and West Bank, including East Jerusalem, are illegal under international law. All the settlements built on Palestinian soil since 1967 must be part of Palestine.

[...]

THE GENUINE HOPE: Two sovereign and fully democratic states

This scenario envisages the total withdrawal of Israel from all the occupied territories, including East Jerusalem, according to United Nations resolutions 242 and 338. The Palestinians will establish their sovereign state on the whole of the 23% of the land of Palestine. One way to redeem the settlements is to make them the new towns for the returning Palestinian refugees. This can constitute a part of Israel's reparations to the Palestinians. Israel must compensate the owners from whom the land was confiscated. The Jewish settlers who choose to remain in Palestine can become Palestinian citizens and live under Palestinian sovereignty.

As to Jerusalem, it will have to be shared. The city must remain open to all. A peace treaty will be drawn up and the two countries will become inter-dependent economically and will help each other develop their resources for the well being of both their peoples.

[...]

THE VISION FOR THE FUTURE

Our vision involves two sovereign states, Palestine and Israel, who will enter into a confederation or even a federation, possibly with other neighboring countries and where Jerusalem becomes the federal capital. Indeed, the ideal and best solution has always been to envisage ultimately a bi-national state in Palestine-Israel where people are free and equal, living under a constitutional democracy that protects and guarantees all their rights, responsibilities, and duties without racism or discrimination. One state for two nations and three religions. [...]



**LETTER FROM CHRISTIAN PATRIARCHS TO PRESIDENT YASSER ARAFAT,
PRIME MINISTER EHUD BARAK, AND US PRESIDENT BILL CLINTON,
17 JULY 2000**

[The letter requested the participation of representatives from the main churches to the Camp David summit concerning the final status talks on Jerusalem]

HE Mr. Bill Jefferson Clinton, President of the United States

HE Mr. Ehud Barak, Prime Minister of Israel

HE Mr. Yasser Arafat, President of the Palestinian National Authority

Your Excellencies:

Greetings to you from Jerusalem as you strive to bring peace to our beloved Holy Land. We continue to pray that you will succeed in your prophetic mission of ending the long and painful conflict in our region. Yours is a difficult and challenging task, and we remain confident that you will conclude it in a manner that lifts up the hopes of the two peoples and three religions of this land - Palestinians and Israelis, Jews, Christians and Muslims alike.

Your Excellencies,

It is an established fact that our Patriarchates and Churches enjoy a long history and a rich heritage in this biblical land. Local Christians have been represented by their ecclesial institutions here for centuries, and have enjoyed special privileges that were codified by the Status Quo provisions as much as by custom and tradition over many centuries. As you deliberate over those issues that impact the Holy City of Jerusalem, we trust you will not forget or overlook our age-long presence here. The rich tapestry of this land is made even richer and more precious with this continuous Christian life, witness and presence alongside the two other Abrahamic traditions of Judaism and Islam.

Conscious of this qualitative and quantitative reality as represented by all our Christian communities, we appeal to you as foremost political leaders and negotiators to ensure that the Christian communities within the walls of the Old City are not separated from each other. We regard the Christian and Armenian Quarters of the Old City as inseparable and contiguous entities that are firmly united by the same faith. Furthermore, we trust that your negotiations will also secure that any arrangement for Jerusalem will ensure that the fundamental freedoms of worship and access by all Christians to their holy sanctuaries and to their headquarters within the Old City are not impeded in any way whatsoever. Such freedoms underline the special nature of this city and enhance its right to development.

We suggest that one possible way of ensuring this peaceful unity and cohesive prosperity of the Christian presence in the Holy City of Jerusalem - with its varied mosaic of worshippers, churches and sanctuaries - is through a system of international guarantees that will ensure to the three religious communities a quality of right of access to their respective holy places, of profession of faith and of development.

Your Excellencies,

As Heads of our Churches and being fully conscious of the heavy duty we carry with us, we also suggest that it might well be advisable to have representatives from our three Patriarchates and the Custody of the Holy Land at the Camp David summit meeting as much as at any future fora in order to provide a continuity and consultation on our future and on our rights so that our one collective presence here - with its history of rights and expectations-is maintained unequivocally and safeguarded fully.

In conclusion, and as we re-iterate our prayers for the success of your summit meeting, we also recall that Jerusalem - Al-Quds the Sacred and Yerushalaim the Peaceful - will remain vital to Jews, Christians and Muslims alike. And in so being, it will also reflect a sense of full equality for all the three religions witnessing in this land.

Diodoros I
Greek Orthodox Patriarch

Michel Sabbah
Latin Patriarch

Torkom II
Armenian Orthodox Patriarch



**POPE JOHN PAUL II, RECITATION OF THE ANGELUS, CASTEL GANDOLFO,
23 JULY 2000 [EXCERPTS]**

Dear Brothers and Sisters!

[...] For several days, at Camp David in the United States of America, negotiations have been under way to reach an agreement that could contribute to the definitive establishment of peace in the Middle East.

For my part, I wish to accompany these certainly difficult negotiations with my prayer and encouragement, inviting those responsible to continue their efforts and hoping that they will always be motivated by the sincere desire to respect law and justice for all and to achieve a just and lasting peace.

At the same time, I would like to invite the parties involved not to overlook the importance of the spiritual dimension of the city of Jerusalem, with its Holy Places and the communities of the three monotheistic religions surrounding them. The Holy See continues to maintain that only a special, internationally guaranteed statute can effectively preserve the most sacred parts of the Holy City and ensure freedom of belief and worship for all believers who, in the region and throughout the world, see Jerusalem as the crossroads of peace and coexistence.



**CHANCELLOR OF THE LATIN PATRIARCHATE OF JERUSALEM, STATEMENT ON THE
CHURCH'S POSITION ON THE FINAL STATUS OF JERUSALEM, JERUSALEM, AUGUST 2000**

[With Jerusalem at the center of the Israeli-Palestinian talks at Camp David, the question of an international status for the holy places was raised in a number of church statements. In the ensuing controversy, Father Raed Awad Abu Sahlieh, Chancellor of Jerusalem's Latin Patriarchate, released a statement representing the official position of "the local church of Jerusalem."]

During the last few weeks, opinions have varied concerning the Christian position on the final status issues of Jerusalem-positions reflecting either the position of the local church in Jerusalem or that of the universal church as represented mainly by the Vatican. There have been so many interpretations of this position, particularly following the letter of the Patriarchs of the Holy Land to the negotiators at the Camp David summit, the declarations of His Holiness Pope John Paul II, or those of the minister of foreign affairs of the Holy See. We can summarize all those statements by saying that Jerusalem needs a special status with international guarantees. For this reason, and to avoid any past ambiguity or future misunderstanding, I would like to explain the Christian position.

First of all, I would like to stress that the Christians in the Holy Land-including those in Jerusalem-are Arab Palestinians who remain an inseparable component in this city. And alongside our Muslim brothers, we form a human, historical, and national unity that has lasted for centuries since the "Covenant of the Caliph Omar." Christians here trace their history and presence in this land for two thousand years and are the descendants of the apostles, the forefathers, the prophets, and the saints. We are not a weak or alien minority; we are neither tortured nor imported from foreign lands. Rather, we are a small group from within the overall Palestinian people who believe that the Palestinian question, with Jerusalem at its heart, is the core issue that must be resolved in accordance with international legitimacy and with the aim of reaching a just and comprehensive peace.

Therefore, we consider the city of Jerusalem, the West Bank, and Gaza Strip as occupied lands. As such, all the rules of international law and the resolutions of the United Nations apply to this conflict and are to be implemented here. Consequently, East Jerusalem must go back to the Palestinians and be under their complete Palestinian sovereignty and become the capital of the future state. For this reason, we believe that the Palestinian leadership represents all its Muslim and Christian citizens and speaks or negotiates on their behalf in all the international gatherings or meetings. Therefore, we do not consider ourselves a third party in the current negotiations but remain part of the Palestinian party that represents us without reservation or prejudice.

When the Christian religious leaders demanded to take part in any negotiations concerning the final status of the city of Jerusalem, they did not want to become a third party but simply requested that their opinion should be taken into consideration concerning those fateful resolutions that impact the Christian communities and their holy places. They asked, in particular, that the "special religious and spiritual nature of the Holy City" must be taken into consideration so that it would have a special status that is guaranteed internationally. This is to ensure the fundamental rights not only of Christians but also of Muslims and Jews so that they can all enjoy freedom of worship and free access to the places of worship without any hindrance. For this reason,

Jerusalem ought to become an open city for all- not only for Israelis and foreign tourists or pilgrims, but also for the inhabitants of our own country here. However, we can also point out the need [to adhere] to the "Status Quo," an agreement that goes back to the Ottoman era, which is internationally recognized and which organizes relations between the Christians in the administration of their holy places.

This is what I mean by international guarantees. It is not an internationalization of the city, as some have understood or explained it. Rather, we demand to have an international body like the United Nations that guarantees the timely implementation of all future agreements. After all, historical experience has taught us that "there are no sacred dates and no sacred covenants" for the Israeli side. We want the world to be a witness to those agreements and to guarantee them. As for the issue of sovereignty and the administration of the holy city, each side would have its own sovereignty so that we can talk about a concept of "sharing without dividing." It means that all the city of Jerusalem remains one undivided city with two peoples. The western side becomes the capital for Israel and the eastern side the capital for the Palestinians. The city will remain open to all three monotheistic religions-Judaism, Islam, and Christianity-with each in his own place of worship. This ensures that the city will be one that is open to all the peoples worldwide without any discrimination on the basis of race, religion, language, gender, or nationality. As such, Jerusalem will be a center of universal pilgrimage since it has Arab, Islamic, and universal Christian dimensions. So the issue of the "special status" is a collective prerequisite that is required by the special spiritual and unique natures of the city since it is holy for all. I believe that the Old City in particular could well be declared as a capital for everyone or one for nobody. As such, it would become a "spiritual capital" or "divine capital" or a "capital for God" for all three religions in which the concept of sovereignty will belong to God rather than to one or other political state or party.

Once this creative solution is established for the Old City, we can address the rest of the problem. In that way, there can be a sharing whereby Palestinians and Israelis can have their respective capitals-on condition that there will be no division and the city will remain open to all.

Finally, I would like to explain the concept of "protection" or "guarantees." We do not say that there must be a physical presence of international forces to protect the Old City or administer it nor do we mean that the Christian side, owing to its small numbers, is afraid about its future or asks for protection because it feels weak or persecuted. No! We are not a third party, and we are not a weak party either, but we constitute an integral component of Palestinian society. Palestinian Muslims and Christians are partners on the same level. We both have our rights as much as our duties. We only ask for international guarantees to all the agreements that will be entered into so that all these agreements will be respected and implemented and that they will not remain a worthless piece of paper. Even the birth of the Palestinian state needs international guarantees that recognize its legality and protect it in the future.

This is the position of the local Church of Jerusalem. It is a position that complies fully with the universal church-and particularly the Vatican. It no longer calls for the internationalization of Jerusalem as it did previously when it demanded that Jerusalem be a *corpus separatum*. Today, it demands a "special status with international guarantees." This was clearly explained by Archbishop Jean-Louis Tauran, minister of foreign affairs of the Vatican, who participated at the international conference held by His Beatitude Michel Sabbah, Latin Patriarch of Jerusalem, who has never ceased to defend this concept in all international gatherings.

There is no other position or explanation that can apply to this situation. We propose it, but do not impose it. We hope that it will help reach a just and comprehensive solution to the issue of Jerusalem. After all, this city is the heart of the heart and the soul in the body, and we pray for it to God Almighty day and night.

Pray for the Peace in Jerusalem, Prosperity to your Houses! Peace inside your city walls, Prosperity to your Palaces. Since all are my brothers and friends, I say Peace be with You (Psalm 122).



**US CHURCH LEADERS, LETTER TO PRESIDENT CLINTON ON JERUSALEM
AND THE PEACE PROCESS, 7 SEPTEMBER 2000**

Dear Mr. President,

We appreciate the considerable devotion and time that you personally, along with other governmental officials, have given to Israeli-Arab peacemaking. The recent summit meeting at Camp David was a significant step forward in this historic and difficult endeavor.

We have followed with great interest and concern the reports of the discussions related to Jerusalem and its final status. As you know, the unique status of Jerusalem - sacred to Christians, Jews, and Muslims - has long been a high priority issue for our churches. Some of our American churches - Catholic, Orthodox, Lutheran, and Episcopal - are directly engaged with partner churches in Jerusalem. But for all, the ties to the Jerusalem churches and the Christian community are deep and strong.

Our concern about Jerusalem and its status extends far beyond our connections with the Jerusalem churches because we recognize, as you do, the profound significance of the Holy City for the whole of humankind, especially for the Abrahamic family, as well as its centrality in peacemaking between Israel, the Palestinians, and other Arab states.

As many of us wrote to you on 6 March 1995, "We believe that making Jerusalem a subject for open negotiation between Israelis and Palestinians is essential for reaching an accord on Jerusalem. Representatives of the three Abrahamic religions must also have a role in shaping the ultimate resolution of issues affecting Jerusalem and the commitment of the international community to guaranteeing the living presence of the three religious communities in the Holy City." Now, more than five years later, we are thankful that the negotiations on Jerusalem have begun. However, we must continue to seek your recognition of the constructive advisory and consultative role that the churches, here and in Jerusalem, can bring to the political negotiations. At this time, we do not view the administration's attention to the American churches' interests, concerns, and recommendations or those of the Jerusalem churches' interests and rights to be adequate.

We urge your attention to the 17 July letter from the Jerusalem patriarchs to you, Mr. Barak and Mr. Arafat. We were heartened to learn that shortly after their letter, officials from both Israel and the Palestinians met with the Jerusalem church leaders. We do appreciate that Secretary of State Madeleine Albright consulted with Vatican officials following the Camp David summit.

We bring your attention to the following perspectives and principles to which we remain committed:

With due regard for the groundbreaking Oslo peace process, we must emphasize that international law relevant to Jerusalem in United Nations resolutions and the Fourth Geneva Convention cannot be cast aside and is not negated by the Oslo accords. Israel's occupation of East Jerusalem is illegal according to international law. Furthermore, the resolution of Jerusalem's future and status should not be a matter to be determined solely by the governing officials of Israel and the PLO under the auspices of the United States government. The significance of Jerusalem to the international community must receive higher consideration if a political agreement is to be broadly endorsed and enduring.

The destructive effort by the US Congress to move the US embassy from Tel Aviv to Jerusalem prior to an agreement is extremely provocative. The leadership you have exercised by using the legislation's waiver authority has been commended by many of our churches. We are sorely disappointed by recent statements indicating that you might take the unilateral action of authorizing the movement of the embassy before an agreement is reached on Jerusalem's final status.

The current situation of the closure of Jerusalem to Palestinians of the West Bank and Gaza unless they obtain a permit for entry from Israel is a totally unacceptable and discriminatory practice. Despite international criticism and your appeals to avoid unilateral actions, Israel has continued to expand its settlements on Palestinian land in and near Jerusalem. We are distressed that these and other Israeli practices, intended to weaken the Palestinian community in Jerusalem and the integral relationship of Jerusalem to the West Bank, have continued during your leadership of the peace process.

The churches' campaign to promote the principle of sharing Jerusalem between the two peoples and three religions is based on our steadfast commitment to an equitable solution for Jerusalem that respects the human and political rights of Israelis and Palestinians as well as the three religious communities. The churches' interest extends to the living communities of believers as well as to the holy sites.

And finally, we appeal to you and the negotiators to accord Jerusalem a special statute for its governance with international guarantees to ensure its implementation. In November 1994, the twelve patriarchs and bishops of Jerusalem wrote, "It is necessary to accord Jerusalem a special statute which will allow Jerusalem not to be victimized by laws imposed as a result of hostilities or wars and which will allow Jerusalem to be an open city which transcends local, regional, or world political troubles."

We urge you to use your good offices to see that the position of the United States fully reflects the concerns expressed in this letter and that the perspectives of our American churches be taken into consideration.

Signed by the heads of: *The Evangelical Lutheran Church in America, the Unitarian Universalist Association, the National Conference of Catholic Bishops, the Catholic Conference of Major Superiors of Mens' Institutes, the Reformed Church in America, the Episcopal Church, the Christian Church (Disciples of Christ), the General Assembly of the Presbyterian Church (USA), the Mennonite*

Central Committee, the Church of the Brethren, the Antiochian Orthodox Christian Archdiocese of North America, the United Methodist Council of Bishops, the United Church of Christ, and the National Council of Churches in the USA.



**ADDRESS OF POPE JOHN PAUL II TO THE NEW AMBASSADOR OF THE
STATE OF ISRAEL TO THE HOLY SEE, 18 SEPTEMBER 2000 [EXCERPTS]**

[Remarks on the situation of Jerusalem and Christian perspective]

Mr Ambassador,

I am very pleased to welcome you to the Vatican and to accept the Letters accrediting you as Ambassador Extraordinary and Plenipotentiary of the State of Israel to the Holy See. My thoughts at this moment are of a deep and abiding gratitude: gratitude to God who in this year of the Great Jubilee led my pilgrim steps to the Holy Land and its peoples; gratitude to the civil and religious authorities for the welcome and attention they gave me during the intense days of my visit in March. [...]

Concerning the delicate question of Jerusalem, what is important is that the way forward be the path of dialogue and agreement, not force and imposition. And what is of special concern to the Holy See is that the unique religious character of the Holy City be preserved by a special, internationally guaranteed statute. The history and present reality of inter-religious relations in the Holy Land is such that no just and lasting peace is foreseeable without some form of support from the international community. The purpose of this international support would be the conservation of the cultural and religious patrimony of the Holy City, a patrimony which belongs to Jews, Christians and Muslims all over the world and to the entire international community. In fact, the Holy Places are not mere memorials of the past, but are and must continue to be the nerve-centre of vibrant, living and developing communities of believers, free in the exercise of their rights and duties, and living in harmony with one another. What is at stake is not just the preservation of and free access to the holy places of the three religions, but also the free exercise of the religious and civil rights pertaining to the members, places and activities of the various communities. The end result must be – as I said during my visit – a Jerusalem and a Holy Land in which the various religious communities succeed in living and working together in friendship and harmony, a Jerusalem that will truly be a City of Peace for all peoples. Then we shall all repeat the words of the Prophet: "Come, let us go up to the mountain of the Lord, [...] that he may teach us his ways and that we may walk in his paths" (*Is* 2:3).

Mr Ambassador, my prayers are with you as you begin your mission as Israel's diplomatic representative to the Holy See, and I am certain that you will do everything in your power to increase understanding and friendship between us, in the spirit of the Fundamental Agreement and the other documents which are intended to guarantee its application. Likewise, the various offices of the Roman Curia will willingly cooperate with you as you discharge your high duties. May goodness and kindness follow you all the days of your life (cf. *Ps* 22:6).



**WORLD COUNCIL OF CHURCHES, RESOLUTION ON JERUSALEM FINAL STATUS
NEGOTIATIONS, EXECUTIVE COMMITTEE, GENEVA, 26-29 SEPTEMBER 2000**

[Resolution expressing the need and urgency for a solution of the question of Jerusalem and request of support for the initiatives of Christian churches towards this goal]

Recalling the appeal of the WCC Eighth Assembly (Harare, 1998) that negotiations on the future status of Jerusalem should "be undertaken without further delay and considered to be part of rather than a product of a comprehensive settlement for the region;"

Noting that negotiations on the final status on Jerusalem have begun; and Sharing the conviction expressed by Their Beatitudes the Patriarchs and Heads of Churches and Christian Communities in Jerusalem in their statement of 26 September 2000 "that the political negotiators (must) take all necessary steps to (conclude them in a way that would) best ensure true peace with true justice and security for the "two peoples and three religions" of this land - Palestinians and Israelis, Jews, Christians and Muslims alike."

The Executive Committee, meeting in Geneva, 26-29 September 2000:

1. *Expresses* its appreciation for the comprehensive analysis of issues related to the present final status negotiations contained in the document, "Background paper on the Status of Jerusalem - December 1998 to Present," prepared by International Relations staff, and *commends* it to the churches and ecumenical bodies for study and appropriate action;
2. *Commends* the initiatives taken in follow-up to the Statement on the Status of Jerusalem adopted by the Eighth Assembly;
3. *Firmly believes* that Jerusalem can be a source of peace, stability and coexistence rather than of division and conflict that destroy human dignity and hope;
4. *Reaffirms* the principles contained in that statement as particularly relevant in the context of the present negotiations;
5. *Remains convinced* of the urgency of pursuing negotiations on Jerusalem based on these principles;
6. *Encourages* the parties to have the courage to abandon narrow, exclusive claims in favor of efforts to build an open, inclusive and shared city where free access to Holy Places and freedom of worship is assured for people of all faiths;
7. *Reiterates* its conviction "that the solution to the question of Jerusalem is in the first place the responsibility of the parties directly involved, but that the Christian churches and the Jewish and Muslim religious communities have a central role to play in relation to (the) negotiations;"
8. *Welcomes* in this connection the recent initiatives taken by Heads of Churches of Jerusalem and the supportive steps taken by church leaders in the USA; and
9. *Urges* all member churches
 - to bring the WCC's Eighth Assembly Statement on the Status of Jerusalem to the attention of their governments;
 - to speak out boldly and in unison for the application of these principles; and to remain constant in prayer and in solidarity with the local churches for a just peace in Jerusalem and for the whole of the Middle East.



EVANGELICAL LUTHERAN CHURCH IN AMERICA, STATEMENT ON AUGUSTA VICTORIA HOSPITAL, 3 OCTOBER 2000

We are saddened by the deaths and injuries of so many people, both Palestinian and Israeli, in clashes prompted largely by the dispute over the future status of Jerusalem. We call on all sides to end the fighting. We urge Israeli and Palestinian leaders to negotiate a lasting disengagement and cease-fire of armed forces and to use their authority to promote an end to the violence.

We protest the disproportionate and excessive use of lethal force by Israeli forces, their increasing use of live ammunition, their firing of rubber-coated bullets into the faces and heads of Palestinian youth, and their disregard for humanitarian institutions, such as the Augusta Victoria Hospital on the Mount of Olives. We wish to express the Evangelical Lutheran Church in America's strongest objection to the use of the Augusta Victoria Hospital premises by Israeli forces September 29 and 30, and demand that Israeli troops not use the perimeter of the hospital nor the property of the Lutheran World Federation for military activity. Their presence is provocative and may lead to additional clashes and casualties.

Progress in the negotiations concerning Jerusalem is crucial in both the short and long term. On September 6th, on behalf of the Evangelical Lutheran Church in America, I joined a number of other heads of churches here in the United States in writing to President Clinton about the churches' campaign to promote the principle of sharing Jerusalem between the two peoples and three religions. This effort is based on our steadfast commitment to an equitable, negotiated solution for Jerusalem that respects the human and political rights of Israelis and Palestinians as well as the three religious communities, Jewish, Muslim and Christian. The churches' concern, brought to the fore again by the recent violence, extends to the living communities of believers as well as to the holy sites.

In the letter to President Clinton we raised a number of issues that still must be addressed by the Israeli, Palestinian, and U.S. negotiating teams. The current situation of the closure of Jerusalem to Palestinians of the West Bank and Gaza, unless they obtain a permit for entry from Israel, is made all the more painful when that closure is extended to ambulances or private cars attempting to bring wounded children, women and men to Augusta Victoria Hospital and other hospitals in Jerusalem. A report received this morning indicates that access to Augusta Victoria Hospital is still being blocked by Israeli forces.

On behalf of the Evangelical Lutheran Church in America I would like to express my condolences to all those who have lost loved ones in these recent clashes and ask God to comfort them in their time of grief. We will continue to work and pray for an end to the violence, seek to bolster those who search for a negotiated end to the conflict, and support those who provide pastoral care, emergency medical assistance, and other services in this time of crisis.

H. George Anderson, Presiding Bishop



**ANGLICAN DIOCESE OF JERUSALEM, STATEMENT REGARDING THE 28 SEPTEMBER
EVENTS IN JERUSALEM, 4 OCTOBER 2000**

The whole Diocese, both clergy and laity, is distressed by the current state of affairs in our Land of the Holy One.

Naturally we extend our condolences to all the bereaved families and our prayers for recovery and healing to the thousands of victims and their families who have been injured in body, mind and spirit. This said, we would want to register our profound disappointment and dismay at the way in which the Israeli Leadership has allowed this situation to deteriorate rapidly.

We vehemently denounce the random shooting by the Israeli forces, which began on September 28th at the Al-Aqsa Mosque in Jerusalem and has continued to date, even extending to Mary's Well and the Basilica of the Annunciation in Nazareth. We hold the Government of Israel responsible for the killing and injury of so many and now call upon the United Nations and their Security Council to take immediate measures to stop the massacre of our Palestinian people. Furthermore, we call upon them to ensure the withdrawal of Israeli armed forces from all liberated and disputed Palestinian territories.

We call upon the United Nations to require Israel to comply with all its resolutions in order that:

- the safety of our people is guaranteed;
- their right to self-determination and the right to a State of their own on Palestinian soil with Jerusalem as its capital is assured together with the restoration of human dignity.

In conclusion we would ask that the United Nations make a full investigation into the recent atrocities and hold the Government of Israel accountable for provoking this violent situation.

The Rt. Reverend Riah Abu El-Assal
Anglican Bishop in Jerusalem



**SABEEL APPEAL TO THE CONSCIENCE OF THE INTERNATIONAL COMMUNITY TO END
THE MASSACRE OF THE PALESTINIAN PEOPLE, JERUSALEM, 5 OCTOBER 2000**

Sabeel Ecumenical Liberation Theology Center in Jerusalem shares the pain and suffering of its own Palestinian People at these very tragic times. It is clear that al-Haram al-Sharif (known to Jews as the Temple Mount) has been the intended target of the Israeli onslaught. In other words, if we consider Jerusalem as the heart of the Palestinian/Israeli conflict, then the heart of the conflict over Jerusalem is al-Haram area. From all indications, Israel's intention is to continue to dominate and control it at any cost. Hence the Israeli provocation, the excessive military force, and the brutality of their army's response in order to break the Palestinian will and force them to bow to Israeli demands. Therefore, Sabeel strongly emphasizes the following:

1. Al-Haram al-Sharif that includes the Dome of the Rock, al-Aqsa Mosque, and the surrounding sanctuary is an Arab Islamic Waqf, i.e. a Muslim Religious Trust. It is Islam's holiest place in Palestine. Al-Haram has been the property of the Muslims and under their sole sovereignty for over one thousand two hundred years.

It is important to note that the Muslims did not replace any existing structure at the time of its building in the seventh century.

2. The trigger for the current events was the premeditated violation of al-Haram al-Sharif by Ariel Sharon, the head of the Israeli right wing Likud party. He came not in peace but in a provocative assertion of exclusive Israeli power and sovereignty over all Jerusalem, including its Muslim and Christian shrines. As such, his visit at the head of a force of over a thousand heavily armed soldiers was correctly seen as an act of provocation and desecration. It sent shock waves throughout the Palestinian community in Palestine and Israel and throughout the Middle East. It has resulted in the killings by the Israeli forces of over 65 Palestinians and the injury of over a thousand. We deplore these massacres and find them outrageous and despicable.
3. It was right for our Palestinian Muslim brothers and sisters to stand up in the defense of their holiest place, al-Haram al-Sharif, when it was being threatened and desecrated. It was also right for the Palestinian people, Muslim and Christian, to take a united stand against Israeli injustice and in the defense of their holy places and homeland.
4. We extend our heartfelt condolences to all the bereaved families and pray to God for the healing of all the wounded and injured. May God grant patience and grace to all those who are anguished and troubled.
5. The massive eruption of the Palestinian community including the Palestinian Arab Israeli citizens is indicative that oppression, discrimination, and the undermining of human rights, dignity, and decency cannot be tolerated endlessly. Peace can only be built on the principle that Palestinian life is equal to Israeli life and Palestinian rights to statehood, sovereignty, land, freedom and liberty are as sacred as Israeli rights. When Israel takes cognizance of this fact, we will then know the things that make for an enduring peace.
6. As we hold fast to our faith in God - the God who executes justice and causes truth and right to triumph - we must not lose hope but continue to work diligently for the restoration of our Palestinian legitimate rights so that we can live in our independent state in liberty, democracy, and human dignity.
7. We appeal to the Israeli Government to put an end to all provocation and massacres. These actions will not yield peace. On the contrary, they will deepen the injustice, nourish the hatred and resentment, and lead to more violence, brutality, and terrorism. Furthermore, these actions will deprive the children of our two peoples, Palestinians and Israelis, of the dreams and hopes for a better and brighter future.
8. We appeal to the conscience of the United States' Administration to enforce Israel's compliance with United Nations' resolutions. We believe that the peace process should not be merely a reflection of the balance of power between the parties, but should reflect the genuine principles of justice, morality and international law.
9. We appeal to the conscience of world leaders, including Arab leadership, to make a more concerted effort in order to put an end to the Israeli occupation of the Gaza Strip and the West Bank, including East Jerusalem, so that the peace we long for will be based on justice and the door will be opened before our two nations, Palestinians and Israelis, for a promising future of security, stability, and prosperity.
10. We appeal to our friends everywhere and to all people who believe that peace based on justice is the only answer to the Palestinian/Israeli conflict, to show their solidarity by:
 - a. holding special prayer services, preferably ecumenical, for the end of the present tragedy and for a just peace to be established.
 - b. urging their governments to pressure Israel to end the massacre and to insist that UN resolutions 242 and 338, which call for the end of the Israeli occupation, are implemented.
 - c. ensuring that the media portrays the truth of the current situation in Palestine and Israel with honesty and objectivity, and without bias.

"... let justice roll down like waters and righteousness like an ever-flowing stream." (Amos 5:24)

"Blessed are the peacemakers, for they will be called children of God" (Mathew 5:9)

The Rev. Dr. Naim Ateek, Sabeel President



ANGLICAN DIOCESE OF JERUSALEM, URGENT APPEAL, 9 OCTOBER 2000

SALAAM

There is no doubt that the current violent conflict targeting the Liberated Palestinian Territories, Jerusalem and the Arab Palestinian citizens of Israel has markedly escalated over the past twenty-four hours.

On Sunday evening, October 8th, several hundreds of armed Israeli settlers brazenly rampaged through Arab homes and businesses in Nazareth, as well as the Jerusalem suburbs of Shufat, A-Ram and Beit Hanina. Property was wantonly destroyed, people were attacked and injured, and two Arab Palestinian Nazarenes were killed.

The increased focus of attack on the Arab Palestinian citizens of Israel is a calculated change in policy. Over the last fifty-two years, this has never happened. The Arab Palestinians of Israel have a proven history of observance of the laws of Israel; their only recent provocation to violent attacks has been peaceful demonstrations.

So far, over 90 Palestinians have been killed, including 13 Arab Israelis, and of these over 50% are minors under the age of eighteen. Over three thousand have been injured. Health care institutions are full beyond capacity, and the Palestinian Ministry of Health reports a dangerously low stock of medications and supplies. Hospitals in neighboring Arab countries are also full with those critical cases that have been transferred. The recent closure of the Gaza Airport by Israel has not only hindered the arrival of international donations of medical supplies and aid, it has necessitated the transport of critically ill and injured patients across the border to El Arish in Egypt for air evacuation. Your support to help alleviate the pain of our injured will be greatly appreciated.

We ask that you send your gifts of kindness to our Diocese, which will be earmarked toward Al Ahli Arab Hospital in Gaza and St. Luke's Hospital in Nablus.

We recognize, with gratitude, the resolution of the United Nations Security Council, condemning the extreme force used against Arab Palestinians by the Israeli Armed Forces.

We call upon the international community to provide us, the Arab Palestinians of the Liberated Palestinian Lands, the Holy City of Jerusalem and inside the State of Israel, with protection. We fear for our safety and security, and the safety of our families, neighbors and loved ones.

We call upon the international community to compel the State of Israel to withdraw its armed forces, troops, armed settlers and civilians, and vigilante patrols from all inhabited areas of Liberated Palestine, as well as the predominately Arab populated areas of East Jerusalem and Israel.

We call upon the international community to demand a proper investigation of the causes behind the current bloody aggression, to be carried out by a neutral party, such as the United Nations.

We call upon the international community to force the government of Israel to honor, comply and abide by all previous United Nations resolutions and withdraw from areas still under Israeli occupation since 1967, including East Jerusalem.

We ask that the international community support our endeavor to raise the funds necessary to cover the cost of legal proceedings against those found responsible, with the object of recouping the loss of property and life, and the devastating effects of injury to body, mind and spirit. This will be done through an Ecumenical Fund for Legal Aid to Support Palestinian Victims of Violence.

We deeply value your support in prayer and your endeavor to bring awareness of the Palestinian cause to your respective governments.

In Christ,

Rt. Rev. Riah Abu El-Assal
Anglican Bishop in Jerusalem



**LETTER FROM THE PRESIDING BISHOP OF THE EPISCOPAL CHURCH
TO PRESIDENT CLINTON, 9 OCTOBER 2000**

Dear Mr. President:

I am appalled to read and see daily accounts of the violence that has been unleashed in the Holy Land these past days. As Israel attempts to celebrate its holiest day, Yom Kippur, we find the home for the three Abrahamic faiths aflame in violence. The paradox is all too striking.

The provocative visit of Ariel Sharon to the Al-Aqsa Mosque has unleashed the rage and frustration of the Palestinian people who have suffered from occupation and its accompanying misery. I have longed for the

day when Israel could live at peace with her neighbors and I salute the bravery of her leaders who have taken bold steps to bring about that peace. This action by Mr. Sharon undermines the heroic efforts of Israel's peacemakers and is cause for outrage and grief.

I know you are energetically working with all sides to stem the violence and restore the peace process. Even as you do this, I call upon you to include the following immediate steps:

- Call upon Israel to refrain from the use of a disproportional military response to the violence, especially the use of heavy military equipment. Teenagers and children armed with sling shots and rocks do not deserve to be shot dead in cold blood. They are, at the end of the day, the victims of the failure to find a true peace rooted in justice. The presence of Israeli forces in both the liberated areas under the control of the Palestinian Authority, as well as their presence anywhere in the remaining Occupied Territories serves to fuel the crisis. They should not be there. Please implore Mr. Barak to practice restraint as you urge Mr. Arafat to do all in his power to stop the violence.
- Insist that the safety of all the people in the area on both sides be protected and the Palestinians' right to self-determination be honored. This episode must not be used as an excuse to perpetuate the injustice of occupation. The sad spectacle of seeing the destruction of Joseph's Tomb is the result of pent-up rage from years of occupation that will only be healed through recognition of the right of Palestinian people to self-rule. I also certainly affirm the responsibility of both sides to respect and protect all those sites deemed sacred by the three Abrahamic faiths.
- Support an international investigation into this tragic outbreak of violence that threatens to destroy the peace process. Knowing the full truth of how this episode was ignited will be a necessary beginning in rebuilding trust and confidence.
- Support enforcement of United Nations resolutions pertinent to the Israeli/Palestinian conflict. Our country has insisted on enforcement of UN resolutions related to Iraq. We cannot be seen as weak on enforcing resolutions on the Israeli/Palestinian conflict. We must be above political pandering and know that people of good will on both sides of the conflict will support just actions, both Israeli and Palestinian.

I have been in communication with the Right Reverend Riah Abu El-Assal, bishop of the Episcopal Diocese of Jerusalem, and am grateful for his courage and forcefulness in speaking out on the situation. I appreciate the efforts of all religious leaders from the three Abrahamic faiths who are working to restore calm while insisting on a just peace that will provide a balm on the sore wounds of both Israelis and Palestinians.

The violence and its resultant loss of such young life, and the grief which accompanies it, is the most clear evidence that neither side can abandon the search for an honorable peace. Your tireless work on behalf of that peace, along with your counterparts in the process, must be allowed to resume and succeed as soon as possible, for the sake of the children and the cause of justice and peace. You are in my prayers, Mr. President, as you lead our nation into the ways of peacemaking on behalf of two noble and courageous people.

Sincerely,

Frank T. Griswold
Presiding Bishop and Primate, The Episcopal Church, USA



**INTERVENTION BY THE HOLY SEE DELEGATION TO THE UN ON THE OCCASION OF THE
55TH SESSION OF THE GENERAL ASSEMBLY ON ITEM "UNITED NATIONS RELIEF AND
WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST", 30 OCTOBER 2000
[EXCERPTS]**

[Remarks on the status of Jerusalem and the Catholic position on the city]

My Delegation notes with appreciation the valuable services rendered by UNRWA in bringing food, shelter and clothing as well as educational services and health care to Palestinian refugees since it was established in 1950. [...]

The humanitarian aid provided to the refugees by UNRWA, and the Pontifical Mission for Palestine, which was founded in 1949, will continue. However, they should not be understood as a substitute for just, stable and definitive solution to the problems of the region.

It is the hope of my Delegation that this solution will include the question of the city of Jerusalem.

In light of the recent violence the Holy See renews its consistent call for an internationally guaranteed statute to safeguard the sites sacred to Jews, Christians and Muslims. The Holy See notes that for some time now the unique character of Jerusalem has resulted in a "de facto" situation which has given control of the sacred sites to the appropriate religious authorities regardless of who has had political control. The proper recognition of the spiritual patrimony of the three monotheistic religions, under international guarantees, must be a part of the negotiation process which will bring peace to the region. Because Jerusalem holds such spiritual importance to believers representing almost forty-five percent of the world's population, as recommended by the General Assembly, in its resolution of 25 April 1997 (A/RES/ES-10/2) and reaffirmed thereafter, *"a comprehensive, just and lasting solution to the question of the City of Jerusalem, which should be reached in permanent status negotiations between the parties, should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities"*. Moreover, my Delegation believes that the Holy Places should receive protection from their use for political gain. [...]



**APPEAL BY THE JERUSALEM PATRIARCHS AND CHURCH HEADS,
JERUSALEM, 9 NOVEMBER 2000**

[The following text was signed by the Patriarchs and Archbishops heading the Greek Orthodox, Latin Catholic, Armenian Orthodox, Coptic Orthodox, Ethiopian Orthodox, Greek Catholic, Armenian Catholic, Maronite, Syrian Orthodox, Syrian Catholic, Episcopal, and Evangelical Lutheran churches in Jerusalem]

A FAITHFUL APPEAL FROM THE CHURCHES OF JERUSALEM

"They act as if my people's wounds were only scratches. 'All is well', they say, when all is not well." -
Jeremiah 6:14

On 28 September 2000, following the provocative visit of the Israeli Opposition Likud leader to the esplanade of the Haram al-Sharif in Jerusalem, a new Palestinian uprising burst forth in the Holy Land. This incident itself, as much as the events that ensued, should have clearly signalled to both the Israeli and Palestinian leadership of the dire need to press on with their dialogue in addressing the whole process of peace and in resolving all outstanding issues - including the question of Jerusalem.

Yet, Israel preferred to respond with an even larger recourse to force. Fully conscious of our duty as religious leaders, we look with extreme pain and sadness at all the deaths, injuries and handicaps of this latest outburst.

Although both peoples have been affected by the events of the past five weeks, we cannot but also note that the overwhelming majority of the victims are Palestinians. We voice our profound solidarity and deep sympathy with all of them, and offer our condolences to the families of all those - young or old - who have lost their lives or sustained injuries.

We believe that it is truly high time to put an end to such cycles of mutual disaster. We stress that the rights of one people are also the rights of the other people. Palestinians should be able to enjoy their own full security and to protect their interests and those of their people as much as Israel should be able to enjoy its full security and to protect its interests and those of its people. Both peoples can then live peacefully side by side, each in their own sovereign state, without being a source of fear for the other.

But so long as one people remains the subject of injustice, it will continue to be a constant source of fear and insecurity for its neighbor. The Church believes that it is the right as much as duty of an occupied people to struggle against injustice in order to gain their freedom, although it also believes that non-violent means of struggle remain stronger and far more efficient. In this sense, both parties must show the necessary fortitude, both in their hearts and in their minds, to look at the core of the conflict so that the Palestinian people can gain at long last its full freedom within its own sustainable state.

It is imperative now to implement the principles of international legitimacy by enforcing the binding UN Security Council resolutions. Such fortitude is a wise sign of foresight and an indispensable pre-requisite for long-lasting peace.

It remains our conviction that justice will eventually prevail and violence will inevitably cease one day. Only then can reconciliation bring both peoples together again. As such, it would be much wiser and more coura-

geous to go directly to a dialogue that secures peace through those elements of justice, security and dignity without suffering many more episodes of painful violence.

Today, from the Holy City of Jerusalem, we cry out our desire to see peace with justice, equality and security established soon between Palestinians and Israelis on this holy land that was chosen by God to reveal His wisdom to human beings. We appeal to all Orthodox, Catholic and Protestant Churches world-wide, as well as to all "friends of peace" in our land, in the region and across the whole world to toil together for the establishment of a comprehensive, just and durable peace between Israelis and Palestinians.

Peace in justice remains the absolute and inviolable right of both peoples of this land. Peace should not be sacrificed for political pride. After all, peace can only be the fruit of justice.

"Some trust in their war chariots and others in their horses, but we trust in the power of the Lord our God." -
Psalms 20:7.



CHURCHES FOR MIDDLE EAST PEACE, LETTER TO THE US HOUSE OF REPRESENTATIVES ON THE FUTURE STATUS OF JERUSALEM, 19 MARCH 2001

The Honorable (Members of House International Relations Committee)
United States House of Representatives, Washington, DC 20515

Dear Representative:

Churches for Middle East Peace urges the House International Relations Committee not to insert into the State Department Authorization bill language that would attempt to change the status of Jerusalem. On behalf of the member churches and church-based organizations that make up Churches for Middle East Peace, I appeal to the committee to oppose House Resolution 598, a bill to take certain steps toward recognition by the US of Jerusalem as the capital of Israel.

The breakdown of peace negotiations and the outbreak of violence between Israel and the Palestinians is indeed tragic and cause for great concern among members of Congress, as it is for Churches for Middle East Peace. During troubled times such as these the actions of Congress related to the Middle East become even more important. Any signal from Congress which contradicts the long-held US policy that the status of Jerusalem is an issue to be resolved by the parties through negotiations would greatly damage efforts to stem violence and restart negotiations. Additionally, Congressional action to change the status of Jerusalem would undercut the Administration's efforts to improve relations with Arab and Muslim nations worldwide and could put US vital interests at risk.

We urge the Congress to express its support for and friendship with both Israel and the Palestinian Authority and to encourage both to end the use of violence and to take initiatives that restore confidence in each other as a partner for peace. The United States needs to help the Israelis and Palestinians get back to the negotiating table where lies the only enduring solution to this conflict.

Sincerely,

Corinne Whitlatch, Director



INTERVENTION OF H.E. MONS. RENATO R. MARTINO AT THE UN ON ITEM 87 – ‘UNITED NATIONS RELIEF AND WORK AGENCY FOR PALESTINE’, 29 OCTOBER 2001 [EXCERPTS]

Mr. Chairman:

My Delegation comes before you this year with an exceptionally heavy heart. The events of 11 September seem to have cast a dark shadow upon the life of this city which in turn has a profound effect throughout the world. However this is but one tragedy which makes my Delegation heavy of heart. Although they were founded as temporary agencies, UNRWA and the Pontifical Mission for Palestine have labored to assist the Palestinian Refugees for over fifty years.

Each year we come before this Committee with an intervention and I am sorry to say that each year our observations are the same. [...]

Beyond addressing these significant humanitarian needs noted above, Mr. Chairman, it is the hope of my Delegation that any solution found for the multifaceted problems of the region will include the question of the Holy City of Jerusalem. In light of the numerous incidents of violence and the rigors of imposed closures, the Holy See renews its consistent call for "...internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities". (*A/Res/ES 10-2, 5 May 1997*). Current levels of violence have caused pilgrims to stay away from the Holy Land thus imposing severe economic penalties on all the people of the region. I also note that the local population does not have free access to their shrines and holy places. [...]



CHURCHES FOR MIDDLE EAST PEACE, LETTER TO PRESIDENT BUSH APPRECIATING HIS WAIVER TO POSTPONE THE MOVING OF THE US EMBASSY TO JERUSALEM, 21 JUNE 2002

Dear Mr. President:

Churches for Middle East Peace thanks you for invoking a national security waiver to postpone the Congressionally-mandated building of an American embassy in Jerusalem and moving the embassy from Tel Aviv. Your decision was prudent and consistent with the important role of the United States government in the international effort to resolve the Israeli-Palestinian conflict.

Even in these dark days when Jerusalem is racked by violence, the vision persists that it can fulfill its vocation as a sign of peace and symbol of reconciliation for all humankind.

As Christians committed to working for peace, we support a negotiated solution for Jerusalem that respects the human and political rights of both Palestinians and Israelis, as well as the rights of the three religious communities. Jerusalem should be shared by all – two peoples and three religions.

Again, we thank you for this action and your regard for the profound political and religious importance of Jerusalem.

Sincerely,

Corinne Whitlatch, Director



URGENT MESSAGE FROM THE HEADS OF CHURCHES IN JERUSALEM TO PRESIDENT GEORGE BUSH REGARDING US LEGISLATION ON JERUSALEM, 7 OCTOBER 2002

Your Excellency,

We greet you from Jerusalem in the name of our Lord Jesus Christ - himself the Prince of Peace.

We are greatly troubled as we learn of the new legislation you have signed in recent days - specifically section 214 of the Foreign Relations Authorization Act (HR 1646) relating to Jerusalem.

At a time when so many efforts are being made to end the bloodshed and violence of this Land and work for peace it seems provocative to us that your Congress should seem to want to pre-empt the careful negotiation and legislation which have already been deemed necessary especially under the Oslo Agreement and UN Resolutions 242, 338.

East Jerusalem is occupied territory and as such should be currently protected by International law. Areas of the City are sacred to Jews, Moslems and Christians. As such, these areas need to be freely open and access safeguarded to adherents of these Faiths.

We fully appreciate the infinite patience, care and goodwill which will be necessary to resolve the final status of the Holy City of Jerusalem and therefore appeal to you not to jeopardize future peace efforts otherwise there will be increased suffering in an already troubled area.

The Very Rev'd Michael H. Sellors
Coordinator for the Heads of Churches
St. George's Cathedral-Jerusalem (PO Box 19810 Jerusalem 91190)



**INTERVENTION BY H.E. MSGR. RENATO R. MARTINO AT THE SECOND COMMITTEE
OF THE 57TH UN GENERAL ASSEMBLY ON THE RELATIONSHIP OF CULTURE TO
DEVELOPMENT, 5 NOVEMBER 2002 [EXCERPTS]**

[Remark on the need to search for a solution to the question of Jerusalem]

Mr Chairman,

After reading the Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, my Delegation once again voices its praise and appreciation for the work of the Agency. This Delegation also offers words of condolence for those members of the UNRWA staff killed or injured in carrying out their duties.

My Delegation notes that previous speakers have clearly identified many of the critical issues festering in the region served by UNRWA. They have spoken about settlements, curfews, closures, assassinations, suicide bombers as well as the effects upon the Palestinian people regarding employment, education and access to medical services. [...]

Holy City of Jerusalem

Mr Chairman,

Beyond addressing the root issues which have for over two years led to an unending cycle of violence, it is the hope of my Delegation that any solution found for the multifaceted problems of the region will include the Holy City of Jerusalem. The Holy See renews its consistent call for internationally guaranteed provisions to ensure the freedom of religion and conscience of its inhabitants, in order to safeguard the special character of the City and of the sites sacred to Jews, Christians and Muslims. Current levels of violence have caused pilgrims to stay away from the Holy Land thus imposing severe economic penalties on all the people of the region.

The Holy See appeals for greater international solidarity and the political will to eliminate the root cause of the reprehensible violence affecting the people of the region especially the civilian population and children who should be exempt from such hostilities.

Thank you, Mr Chairman.



**CHURCHES FOR MIDDLE EAST PEACE, LETTER TO THE US CONGRESS ON THE
TRANSFER OF THE US EMBASSY FROM TEL AVIV TO JERUSALEM, 7 NOVEMBER 2002**

Dear Representative/Senator:

During this extended session of the 107th Congress, Churches for Middle East Peace (CMEP) asks for your attention to the repercussions of the provisions related to Jerusalem that were inserted into the Foreign Relations Authorization Act by conferees from the House International Relations Committee and Senate Foreign Relations Committee.

An urgent message to President Bush about the legislation from the Heads of the Churches in Jerusalem is enclosed.

Churches for Middle East Peace has consistently supported the long-standing policy of the United States government that the status of Jerusalem must be determined by negotiations by the parties and that the US embassy in Israel remain in Tel Aviv until that time. The issue of Jerusalem's status has long been a major concern of Churches for Middle East Peace, which advocates for a united city shared by the two peoples and three faiths, and which encourages a negotiated agreement toward that conclusion.

This legislative action, in conjunction with previous legislation to mandate that the President relocate the embassy to Jerusalem, gives the impression that the United States has recognized Jerusalem as the capital of Israel that therefore negotiations are irrelevant. This has serious damaging effects on US foreign policy in the Middle East.

We urge you and the Congress to recognize the enormous sensitivity related to Jerusalem's status and to pass legislation that upholds US policy and international law relative to Jerusalem.

Sincerely,

Corinne Whitlatch, Director, Churches for Middle East Peace
Stan DeBoe, OSST, Chair, Churches for Middle East Peace



**INTERVENTION BY THE HOLY SEE DELEGATION AT THE IV COMMITTEE OF THE 58TH
UN GENERAL ASSEMBLY ON 'UNITED NATIONS RELIEF AND WORKS AGENCY FOR
PALESTINE REFUGEES IN THE NEAR EAST', STATEMENT OF H.E. MSGR. CELESTINO
MIGLIORE, 3 NOVEMBER 2003 [EXCERPTS]**

[Intervention expressing the need for a solution of the issue of Jerusalem]

Mr Chairman,

My Delegation, having carefully reviewed the Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, expresses its praise and appreciation for the work of the Agency during a time of crises and challenges. [...]

With the recent breakdown of the ceasefire the level of violence has increased sharply, and Palestinian and Israeli civilians continue to be killed. The Holy See is convinced that the present conflict in the Middle East will find a lasting solution only when there are two independent and sovereign States living side by side in peace and security. To this end, questions concerning Palestinian refugees and Israeli settlements, for example, or the problem of setting territorial boundaries and defining the status of the most sacred places of the City of Jerusalem, need to be the subject of open dialogue and sincere negotiation. [...]

Beyond addressing these significant humanitarian needs noted above, Mr Chairman, it is the hope of my Delegation that any solution found for the multifaceted problems of the region will include the question of the Holy City of Jerusalem. In light of the numerous incidents of violence and the rigors imposed by closures, the Holy See renews its consistent call for "...internationally guaranteed provisions to ensure the freedom of religion and of conscience for its inhabitants, as well as permanent, free and unhindered access to the holy places by the faithful of all religions and nationalities" (A/Res/ES 10-2, 5 May 1997). Current levels of violence have caused pilgrims to stay away from the Holy Land, thus imposing even more severe economic penalties on all the people of the region, besides hindering the right of people from all over the world to visit and pray at the religious sites. My Delegation also notes that the local population does not have free access to their shrines and holy places. [...]



**PRESS STATEMENT CALLING FOR COEXISTENCE AND RESPECT IN JERUSALEM FROM
THE BILATERAL COMMITTEE OF THE HOLY SEE'S COMMISSION FOR RELIGIOUS
RELATIONS WITH THE JEWS AND THE CHIEF RABBINATE OF ISRAEL,
ROME, 17-19 OCTOBER 2004**

From our meeting in Grottaferrata (Rome), October 17-19, 2004, we issue this declaration.

Conscious of the fact that there is not wide enough awareness in our respective communities of the momentous change that has taken place in the relationship between Catholics and Jews; and in light of our own committee's work and our current discussions on a shared vision for a just and ethical society; we declare:

1. We are not enemies, but unequivocal partners in articulating the essential moral values for the survival and welfare of human society.
2. Jerusalem has a sacred character for all the children of Abraham. We call on all relevant authorities to respect this character and to prevent actions which offend the sensibilities of religious communities that reside in Jerusalem and hold her dear.
3. We call on religious authorities to protest publicly when actions of disrespect towards religious persons, symbols and Holy Sites are committed, such as the desecration of cemeteries and the recent assault on the

Armenian Patriarch of Jerusalem. We call on them to educate their communities to behave with respect and dignity towards people and towards their attachment to their faith.

Jewish Delegation:

1. Rabbino Shar Yishuv Cohen, former Chief Rabbi of Haifa
2. Rabbino Rasyon Arussi, Chief Rabbi of Kiryat Ono
3. Rabbino Yossef Azran, Chief Rabbi of Rishon-Lezion
4. Rabbino David Brodman, General Director for Jewish Education in Savyon
5. Rabbino David Rosen, International director for inter-religious affairs
6. Signor Oded Wiener, General Director for the Chief Rabbinate of Israel in Jerusalem

Catholic Delegation:

1. His Reverend Eminency Cardinal Jorge María Mejía
2. His Reverend Eminency Cardinal Georges Cottier, O.P.
3. His Reverend Excellency Mons. Pietro Sambì
4. His Reverend Excellency Mons. Giacinto-Boulos Marcuzzo
5. Rev. Mons. Pier Francesco Fumagalli
6. Rev. P. Norbert Hofmann, S.D.B.



INTERVENTION BY THE HOLY SEE AT THE 4TH COMMISSION OF THE UN GENERAL ASSEMBLY ON ITEM 75 – ‘UN RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST’, STATEMENT BY H.E. MSGR. CELESTINO MIGLIORE, 1 NOVEMBER 2004 [EXCERPTS]

[Statement renewing the call for a solution of the question of Jerusalem]

Mr. Chairman,

My Delegation would like to begin by expressing its appreciation of the Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and of the work of the Agency itself over the last year. [...]

Mr. Chairman, it is the hope of my Delegation that any solution found to resolve this multifaceted problem should include the question of the Holy City of Jerusalem. In light of the numerous incidents of violence and the challenge to free movement posed by the Wall, with checkpoints and curfews, the Holy See renews its call for "... internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities" (A/RES/ES-10/2). Jerusalem, the Holy City, is the common patrimony of the believing world and whoever has custody of the Holy City is accountable for it to the international community. Its governance should not be considered solely a matter for one or other authority.

Current levels of violence have caused pilgrims to stay away from the Holy Land, imposing ever more severe economic penalties on all the people of the region, besides hindering the right of people from all over the world to visit and pray at the religious sites. My Delegation notes, in particular, that the local population does not always have free access to the shrines and holy places. [...]



CHURCHES FOR MIDDLE EAST PEACE, LETTER TO DANIEL KURTZER, US AMBASSADOR TO ISRAEL, REGARDING ISRAELI SEIZURE OF EAST JERUSALEM LAND, 25 JANUARY 2005

[Letter denouncing Israeli policies in East Jerusalem; for the reply see US Documents in this Volume]

Dear Ambassador Kurtzer,

It is with anticipation of a productive and constructive time in your role as our country's representative to Israel that we write today. Churches for Middle East Peace, a coalition of the national offices of twenty denominations, religious orders and church-related agencies – Orthodox, Catholic and Protestant – has long

supported a two-state solution to the Israeli-Palestinian conflict that provides for the security, economic well-being and legitimacy that both peoples and their states need and deserve.

Therefore we were extremely disappointed to read the news, first reported in *Ha'aretz* on January 21 that the Israeli cabinet has recently acted on a decision, made secretly at their July 8, 2004 meeting, that the State of Israel takes ownership of a huge amount of Palestinian property in East Jerusalem. It is shocking to think that property worth hundreds of millions of dollars and owned by residents of the West Bank could be seized. The residents of the largely-Christian communities that lie close to Jerusalem - Bethlehem, Beit Jala and Beit Sahour - are particularly affected by what is called "theft" and "state stupidity of the highest order" by *Ha'aretz*.

At this time when a great deal of pressure and encouragement is being directed toward Palestinian President Abbas to stop violence by militants and carry out governance reforms, Israel's leaders should be taking actions that engender confidence in their intentions. We urge you to make clear to Prime Minister Sharon and other Israeli political leaders that this land grab by Israel, which makes a mockery of the President's stated vision of a viable state for the Palestinian people and destroys hope of peacemaking, must be overturned.

The longtime efforts of the government of Israel to diminish Palestinian presence and legitimacy in East Jerusalem must halt and be reversed if Palestinians, and the international community, are expected to believe that the current and vigorous push for peace is not a ruse.

Israel's building of separation barriers, both fences and walls, is a concrete deterrent to hope for a future of the two states and their peoples living as neighbors. The dangerous impact of the separation barrier is most evident in and near Jerusalem: Palestinian land on the "wrong" side of the barrier is now being seized by Israel; East Jerusalem institutions that serve West Bank Palestinians are cut off from their populace; the essential role of East Jerusalem as the hub of a viable Palestinian state is being made impossible. The government of Israel has been somewhat responsive to the US's directives regarding the route of the barrier being on the green line and not damaging Palestinian life. Churches for Middle East Peace urges the United States government to again make clear to Prime Minister Sharon that he too has responsibilities to make the most of this new moment of opportunity, which could be the last opportunity for a durable Israeli-Palestinian peace. Your able assistance is requested and will be greatly appreciated.

Sincerely,

Corinne Whitlatch
Executive Director

J. Daryl Byler
Chair of the Board



**OPEN LETTER ON THE STATUS OF JERUSALEM, FROM PETER WEIDERUD, DIRECTOR,
COMMISSION OF THE CHURCHES ON INTERNATIONAL AFFAIRS, WORLD COUNCIL OF
CHURCHES, 31 MARCH 2005**

[Letter denouncing Israeli activities aimed at jeopardizing the status of East Jerusalem]

The World Council of Churches is deeply concerned about actions by the Government of Israel which threaten the achievement of a just peace for both Israel and Palestine by pre-empting negotiations on the final status of Jerusalem within the framework of international law. This letter reiterates the position of the WCC on a matter of critical importance.

While world attention is drawn to its Gaza withdrawal plans, the Government of Israel has intensified unilateral programs to consolidate control over Jerusalem and other occupied territory. These include:

- Creating a new *de facto* border by construction of the Wall on occupied territory, cutting all of annexed Jerusalem off from the West Bank in contravention of international law and the Advisory Opinion of the International Court of Justice in 2004.
- Cutting the West Bank in two by adding 3,500 housing units to Ma'ale Adumim settlement. This decision mocks prospects for a viable, contiguous Palestinian State with a shared Jerusalem as its capital.
- Repeated declarations by the government top leaders that large illegal West Bank settlements and all of Jerusalem will belong to Israel in any final agreement.

- Ongoing violations of human and civil rights of Palestinians in Jerusalem - illegal Jewish settlements are built in their neighborhoods while construction permits for Palestinians are denied, family homes are demolished, requests for family reunification are denied.
- Threats and more threats, including an absentee property law allowing confiscation of Palestinian property in Jerusalem and a new regulation to require permits for Jerusalem residents entering the West Bank.

The WCC has long affirmed that the final status of Jerusalem must be part of a comprehensive peace settlement and be negotiated without delay; that the unilateral annexation of Jerusalem by the Government of Israel puts regional and world peace in jeopardy; that alterations of boundaries, population and settlements which change the religious, cultural or historical character of Jerusalem without the consent of the parties involved and the approval of the international community are violations of the Fourth Geneva Convention.

Irregular transfers of church-held land from one side to the other only add to the alarm of those who hope for justice; all such transfers must be annulled.

The WCC calls for an open and inclusive Jerusalem, a city of shared sovereignty and citizenship, a city of two peoples and three faiths, of Christians, Muslims and Jews. Now is the time to cease actions that pre-empt peace in Jerusalem and to begin negotiation of Jerusalem's final status within the framework of international law.



**CHURCHES FOR MIDDLE EAST PEACE, LETTER TO US SECRETARY OF STATE
CONDOLEEZZA RICE ON JERUSALEM ISSUES, 6 APRIL 2005**

[The letter commends Secretary Rice's recent policy statements on Israeli-Palestinian issues and registers concerns about actions which prejudice final status negotiations on Jerusalem.]

Dear Secretary Rice,

Thank you for your leadership and personal engagement in implementing President Bush's policy goal of a negotiated agreement that will lead to two independent, sovereign and viable states – Israel and Palestine. We are grateful that the raging violence has diminished and that hope for a political resolution is taking root among the Israeli and Palestinian people. We are particularly heartened by the President's statement in Brussels that a truly viable Palestinian state requires contiguous territory on the West Bank.

Churches for Middle East Peace has throughout its 20 year history viewed Jerusalem as a major issue at the heart of the Israeli-Palestinian-Arab conflict. We see a negotiated agreement between Israel and the Palestinian Authority on sharing Jerusalem as key to both resolving the political conflict and for a future reconciliation among the peoples of the region. We encourage the Administration in both private and public settings to firmly insist that Israel and Prime Minister Sharon, as well as the Palestinian Authority, comply with the Road Map and not take actions that prejudice final status negotiations on the status of Jerusalem, borders or settlements.

Open and free access that allows Palestinians, as well as visitors and pilgrims, to move freely between East Jerusalem and the cities and villages of the West Bank is essential for the viability of a future Palestinian state. We fear that certain actions and policies of the government of Israel threaten Palestinian presence and legitimacy in East Jerusalem and should be halted and reversed. Of particular and current concern to us are: 1) the E-1 expansion plan; 2) the imminent approval of the construction of 3,500 housing units in and around Ma'ale Adumim; 3) routing of the barrier beyond the Green Line in and around East Jerusalem; 4) the project at Rachel's tomb area in Bethlehem; 5) the effort to revoke the tax exemption accorded East Jerusalem-based church-agencies – Lutheran World Federation, Mennonite Central Committee and Catholic Relief Services.

Churches for Middle East Peace receives reports from Palestinian partner churches (Orthodox, Catholic, Episcopal and Lutheran), from American and international church-related institutions (such as Augusta Victoria Hospital, St. George's College and Bethlehem University) and from church-related development organizations (such as Catholic Relief Services and World Vision) of unrelenting hardship and oppression due to the ongoing occupation and the separation of East Jerusalem from the Palestinian people in the West Bank and Gaza.

We echo the heads of churches in Jerusalem who in an Easter season letter wrote, “We believe in Jerusalem as a city of Peace shared by Muslims, Jews and Christians. We also believe that Jerusalem should serve as the capital for Palestine and Israel....We are calling on both Israelis and Palestinians to see God in the other, accept the humanity of the other and recognize each other’s human, civil, religious and political rights.”

We stand with you and President Bush in recognizing the urgency of the moment, and the opportunity and responsibility that brings to our country’s leaders and public.

Sincerely,
The Executive Committee of Churches for Middle East Peace
(*J. Daryl Byler, Chair Stan DeBoe, OSST Catherine Gordon, Jeanette Holt Maureen Shea*)



CHURCHES FOR MIDDLE EAST PEACE, LETTER TO DANIEL KURTZER, US AMBASSADOR TO ISRAEL, REGARDING MA’ALE ADUMIM SETTLEMENT, 19 MAY 2005

[Letter condemning de facto annexation of Ma’ale Adumim to Jerusalem]

Dear Mr. Ambassador,

Churches for Middle East is alarmed by reports this week that the Israeli government is moving forward with construction of a separation barrier that will connect Ma’ale Adumim to Jerusalem, an action that will be seen as de facto annexation. The routing of this segment of the separation barrier on West Bank land prejudices the future border, and additionally, by blocking contiguity of East Jerusalem with Palestinian population centers in the West Bank, threatens the viability of a future state of Palestine.

We have been encouraged by your and the President’s statements regarding the routing of the barrier and Israel’s obligations under the road map to not expand settlements. We endorse the Administration’s policy position that the issues of Jerusalem’s status, settlements and the border must be resolved by negotiations. With urgency, we ask US officials to stop the Israeli government from building the barrier connecting Ma’ale Adumim to Jerusalem and insist that Israel fulfill its obligation to stop all expansion of settlements and to withdraw from outposts.

In his upcoming meeting with President Abbas, President Bush is expected to continue to press the Palestinian Authority to end acts of violence against Israelis, an obligation that we will also emphasize in our meeting with Mr. Abbas next week. However, we fear that unless the government of Israel immediately ceases its provocative actions to create facts-on-the-ground that the cycle of violence will resume and a two-state solution to the conflict will become impossible to achieve.

We appreciate your attention to our concern and your commitment to Israeli-Palestinian peace.

Sincerely,
J. Daryl Byler Corinne Whitlatch
Chair Executive Director



BISHOP MUNIB YOUNAN OF THE EVANGELICAL LUTHERAN CHURCH IN JORDAN AND THE HOLY LAND (ELCJHL), ON “A FEAST OF INCLUSION: A PALESTINIAN CHRISTIAN APPEAL FOR AN OPEN AND SHARED JERUSALEM”, OCTOBER 2005

Salaam and grace to you from Jerusalem, City of Peace

This year we are blessed to celebrate the Jewish High Holidays at the same time as the Holy Month of Ramadan. Both Ramadan and Yom Kippur call for repentance and fasting, and Sukkot invites pondering the wanderings in this life, as it commemorates the Hebrews wandering homeless in the wilderness of Sinai after their deliverance from oppression in Egypt. It reminds us we are all just pilgrims and wanderers in God’s world. And at the center of it all is Jerusalem, with all its pluralistic richness, not only a Holy City to the three monotheistic faiths, but also claimed by both Israelis and Palestinians as their capitol. Of all places in God’s creation, it is meant to be a place open to all and shared by all.

This month of feasts should encourage us all to see hope and promise together in the City of Peace. Instead, this month has become a showcase for exclusive claims of one religion over another, of freedom for some at the expense of others.

On the road to Jerusalem the first day of Sukkot, I was shocked to see a truck with two large stone blocks engraved with words proclaiming them to be the "cornerstones of the third temple." Fundamentalist Christian Evangelicals and some Jewish zealots were once again trying to begin the Third Temple on the Temple Mount to hasten the coming of the Messiah. The problem is that the "Temple Mount" overlaps the Haram al-Sharif, the third holiest site for Muslims, which now holds the Dome of the Rock and Al Aqsa Mosques. There have been several plots to destroy these Muslim sites in order to build this Third Temple. So far the High Court of Justice in Israel has rejected a request from the Temple Mount Faithful to place the cornerstones next to the Western Wall because of the provocative implications. Nevertheless, this harvest feast of Sukkot - which should be a sacred time to celebrate deliverance from oppression and abundant life - has become for some a call to "liberate" the Temple Mount from "Arab occupation" and to push out one religion in order to claim exclusive rights for another! Thousands of right-wing Evangelical Christians have inundated the city to promote this twisted theology that God wants to expel the Muslims to build this Third Temple that will then bring on the bloody, end-time battle of Armageddon so that Jesus will come again. This is reprehensible theology and false teaching which not only undermines the meaning of the Cross, but makes a mockery of the Christian and Jewish God of love and justice.

As a result, during this month that is holy to both Muslims and Jews, this whole city has catered to protect the right of the Jewish and right-wing Evangelical Christians to worship as they like, while Palestinians are locked behind barricades, closed-off streets and even, for some, denied access to their holy sites. Streets are closed and filled with police and soldiers who are there to protect the rights of some at the expense of others! Though these actions are justified as "security measures," they are arbitrary and inconsistent and do not, in fact, guarantee security. They only guarantee inconvenience and humiliation and increase the chance that people might be provoked.

And what about Palestinian Christians in Jerusalem during these High Holidays? Only local Christians - not the Christian Zionist visitors dressed in white robes who wish to incite the final battle - are subject to these repressive measures. We are all still under occupation, and the Feasts mean severely increased closures, travel restrictions, road blocks, and check points imposed on the West Bank.

Many Palestinian Christians, including myself, treasure sharing our Jewish and Muslim neighbors' feasts and joining them in prayers for justice, peace and reconciliation. I just experienced the beauty and richness of a celebration in a sukka with Jewish friends, just as I have experienced the same at a Ramadan Iftar meal with Muslim friends. We have so much to learn from one another when we honor and respect one another's traditions.

This week Muslim shopkeepers have been asking me what "born again" means because right-wing Evangelical Christians have been going shop by shop trying to convert them. I have passed them in the streets this week but they don't greet me and won't even walk with me. I've been told I am not their brother in Christ, but an "Arab enemy of God." The Muslims ask me how we Lutherans here relate to them and their theology. To me, they add to our frustrations and make of Jerusalem a confused and arrogant Tower of Babel, when it really is the City of Pentecost, where the Spirit's universal language of love transcended the diversity of human languages so that all understood. God's message of justice, peace and reconciliation transcends the narrow, human boundaries we create and empowers us to spread God's love to all people.

If Jesus were to look out at Jerusalem today, he would weep again over a Jerusalem that is being turned into the exclusive realm of one group at the expense of others. Jesus called us to do the things that make for peace and to be ministers of reconciliation. Justice and truth-telling are necessary for the birth of peace and reconciliation. Faith leaders cannot be silent when religion is used to provoke conflict and justify exclusive rights for one group and collective punishment for another. We ask you, fellow Christians and people of good conscience, to help us preserve the multi-faceted character, holiness and inclusivity of this great city by affirming that Jerusalem is still the Holy City of and for the three Peoples of the Book, where all have the same right of free access to pray, without permits and permission from the powerful.

Jesus still calls us to a Feast of Inclusion and a New Jerusalem where all are welcomed, all are equal and all are equally valued. We hold fast to our vision where someday, Christians, Muslims and Jews, Israelis and Palestinians - all people - will one day be able to freely celebrate our diverse but equally sacred feasts. We pray for a religious awakening of justice and reconciliation that puts an end to occupation and oppression, suicide bombings and drive-by shootings, terrorism and counter-terrorism, targeted assassinations and

incursions. The Book of Revelation in Chapters 22-23 shares a vision of the river of life running through the Holy City, and on the banks of that river is the Tree of Life. The leaves of this tree are medicine for the Healing of the Nations. I was reminded of this every worship service for 18 years as pastor in the Lutheran Church in Ramallah, where I gazed at this hopeful vision in the stained glass windows above the altar depicting this passage.

In the midst of all this pushing and posturing, we raise our voice, small and insignificant but clear and convinced, that the true fast "God requires of us is to do justice, love kindness and walk humbly with our God (Micah 6:8). Keep Jerusalem a House of Prayer for all nations, open and shared by all, not a place of exclusion - for the healing of the nations.



**INTERVENTION BY THE HOLY SEE AT THE 4TH COMMISSION OF THE 60TH SESSION OF
THE UN GENERAL ASSEMBLY ON ITEM 30 – ‘UNITED NATIONS RELIEF AND WORKS
AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST’, INTERVENTION OF H.E. MONS.
CELESTINO MIGLIORE, 1 NOVEMBER 2005 [EXCERPTS]**

*[Statement expressing hope for a quick solution of the Jerusalem problem and calling for mutual respects
among the different religions living in the city]*

Mr Chairman,

[...] In the hope that the many problems of the region will be resolved by negotiation and dialogue, my delegation underlines that a lasting solution will include the question of the Holy City of Jerusalem. In light of the numerous incidents of violence and the challenge to free movement posed by the security wall, the Holy See renews its support for "...internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities" (A/RES/ES-10/2).

Jerusalem is the acknowledged home of the three Abrahamic faiths, and whoever has custody of the Holy City has a particular responsibility for it before the international community. Borrowing the recent words of Pope Benedict XVI, we hope that Jerusalem will one day be "a home of harmony and peace" for all believers.

The time is long overdue for fraternal, open dialogue in order to bring about the birth of two states, side by side, mutually respecting each other's right to exist and prosper. There have already been far too many innocent victims, be they Israeli or Palestinian, Jews, Christians and Moslems alike. Only with a just and lasting peace – not imposed, but secured through negotiation - will the legitimate aspirations of all the peoples of the Holy Land be fulfilled.

Thank you, Mr. Chairman.



**LETTER BY THE PATRIARCHS AND HEADS OF CHURCHES IN JERUSALEM
CONDEMNING ISRAELI PRACTICES IN JERUSALEM, 6 FEBRUARY 2006**

*"They have treated the wounds of my people lightly saying Peace, Peace when there is no Peace." Jeremiah 6:14
"If one member suffers all members suffer with it." I Corinthians 12: 26
Make plain the vision... Habakkuk 2:2*

Churches and Christian brothers and sisters around the world:

Grace and Peace to you from Jerusalem,

The World Council of Churches together with Churches and international agencies have joined together for a special Christian advocacy initiative called International Church Action for Peace in Palestine and Israel, March 12-19, 2006. This initiative comes from those who are part of the Ecumenical Accompaniment Program in Palestine and Israel (EAPPI) together with Pax Christi International. The EAPPI began three years ago as a response to a call from the Churches in Jerusalem. Today one year away from the 40th anniversary of the illegal Israeli Occupation of Palestine we renew our call and urge you to actively participate in the worldwide week of Christian advocacy for a just peace.

During the last 39 years Churches, Church Leaders and ordinary Christians have worked tirelessly and patiently advocating for Peace in Palestine and Israel. Now as the situation continues to deteriorate and opportunities for peace are forsaken it is crucial for Christians to make their voices heard vigorously in the public arena. Together with the strong and deeply treasured actions of prayer and Christian solidarity, the churches in Jerusalem and the Holy Land need you to speak with the moral authority of the church from the ethical perspective of the Christian faith. Lawmakers and politicians in your country need to know that the Churches are well aware of the on-going suffering caused by the Occupation and the subsequent insecurity and are becoming even more actively involved in seeking a just peace. All national governments have a responsibility to uphold international law and Christians have a role in holding our governments to account.

We ask all Christians to consider the prophetic role of the Church and the power and importance of public witness so that the sufferings, injustices and insecurity of the Occupation which affects Israelis and Palestinians - be they Christian, Muslims or Jews - becomes an urgent priority for all national governments.

The positive attention given to the unilateral pullout from the Gaza strip has served to draw world attention away from the realities on the West Bank and East Jerusalem. There is a steady expansion of Israeli military control. Settler blocks continue to grow and land is illegally seized to build a wall which has been condemned internationally. West Bank cities are being choked to death economically and the people live in constant fear of military incursions. The security situation within the Palestinian Territories is in crisis and the Palestinian Authority must be supported in its efforts to impose the rule of law and at the same time be held accountable in fulfilling their responsibilities.

The price of Occupation is unbearably high for those living in Israeli as well. The country is dominated by insecurity, fear and poverty at the same time social inequalities spiral out of control. Palestinian Christians face the same struggles and suffer the same desperate situation as all other Palestinians but we also face an alarming rate of migration out of Palestine. The Christian presence in Palestine is important for the whole society and we are concerned for the future of our community and for the institutions that serve all Palestinians.

The same solution is required to end the suffering both in Israel and Palestine: A just peace reached through negotiations guided by international law. An end to the illegal Occupation is the first step towards real peace and security for both Israel and Palestine. Peace, Justice and Security for Palestine will bring Peace, Justice and Security for Israel.

We continue to pray for the peace of Jerusalem and to insist that a shared and open Jerusalem, which respects the rights and sovereignty of the three religions and two peoples, is essential to a just peace in the Middle East.

The Christian perspective on law and justice leads us to call for a two-state solution based on international law which provides a truly viable, contiguous, independent, sovereign state.

We affirm a vision of Peace with Justice based on reconciliation. We as Christians have faith in God's power and presence. Our faith is a well spring of hope and perseverance. It is that very hope that leads us to assert that the present situation can and must be changed. We call for assertive non-violent efforts to bring peace and we condemn in the strongest possible terms all those that use violence and acts of terror.

However, the situation is urgent. With every passing month the possibility of a peaceful negotiated solution grows more distant. The more settlements that are built and the more the Wall sets the borders on confiscated lands means that the West Bank communities are separated further from each other. Similarly, as Muslims and Christians have further restrictions on access to the Holy sites especially in Jerusalem, the people cannot travel and families are separated. Palestinian children are illegally detained and more Palestinian Christians leave the Holy Land because of lack of work, security and hope for the future. In consequence a viable, contiguous Palestinian State becomes less likely. Every day is pushing a short term solution further away.

We hope and pray that Christians throughout the world will join together in the week of March 12 to 19 to make a public witness for peace. It is our prayer that you will speak boldly to your lawmakers to lift up the suffering of the people and to ask them to undertake specific actions for peace.

In Jerusalem, Bethlehem and Ramallah Christians will be gathering in joint services on March 12 to launch the International Church Action for Peace in Palestine and Israel and lift up the Christian voice for a Just Peace. Join us in your own country and speak to your own government.

It is your solidarity that together with God's grace helps us to be advocates of Peace and ministers of Reconciliation in this war-torn place. God has given us the vision of Peace with Justice: Join with us to "make plain the vision".

(Signed) Patriarchs and Heads of Churches in Jerusalem



**PATRIARCHS AND HEADS OF THE LOCAL CHRISTIAN CHURCHES IN JERUSALEM,
STATEMENT ON THE STATUS OF JERUSALEM, JERUSALEM, 29 SEPTEMBER 2006**

Once more, we have experienced another period of deadly violence in the war in South Lebanon. We still face more death and demolition in Gaza, and more insecurity in the Israeli society. Therefore, we say it is high time to start a serious effort from all parts for a total definitive and just peace. Moreover, we believe that peace must begin in this Holy City of Jerusalem.

Therefore, we present the following statement hoping it will bring a modest contribution to the birth of peace in our Land.

In 1994, we, the Patriarchs and Heads of the local Christian Churches in Jerusalem, published a memorandum entitled "*The Meaning of Jerusalem for Christians*" that insisted on the Christian character of Jerusalem, and on the importance of the Christian presence in her. It also discussed the special political status that must be accorded to the city because of her sacred character. Since that time, we have witnessed the increasing tendency of the political authorities to unilaterally decide the fate of the city and define her status. The access of our faithful and our personnel to Jerusalem is ever-more difficult. With the construction of the wall many of our faithful are excluded from the precincts of the holy city, and according to plans published in the local press, many more will also be excluded in the future. Surrounded by walls, Jerusalem is no longer at the centre and is no longer the heart of life as she should be.

We consider it part of our duty to draw the attention of the local Authorities, as well as the international community and the world Churches, to this very grave situation and call for a concerted effort to search for a common vision on the status of this holy city based on international resolutions and having regard to the rights of two peoples in her and the three faith communities.

In this city, in which God chose to speak to humanity and to reconcile peoples with Himself and among themselves, we raise our voices to say that the paths, followed up till now, have not brought about the pacification of the city and have not reassured normal life for her inhabitants. Therefore they must be changed. The political leaders must search for a new vision as well as for new means.

In God's own design two peoples and three religions have been living together in this city. Our vision is that they should continue to live together in harmony, respect, mutual acceptance and cooperation.

1. Jerusalem, Holy City and city of daily life for two peoples and three religions

Jerusalem, heritage of humanity and holy city, is also the city of daily life for her inhabitants, both Palestinians and Israelis, Jews, Christians and Muslim, and for all who are linked to them by family ties as well as for those for whom Jerusalem is the location of their prayer, of their schools, hospitals and work places. Not only historical memories and sacred places of pilgrimage, but also living communities of believers, Jews, Christians and Muslims, make the city of Jerusalem beloved and unique for each one of the three monotheistic faiths. Holy places and living human communities are inseparable.

In addition, both the sacred character of the holy city and the needs of her inhabitants have attracted and continue to attract numerous religious institutions. These have been recognized by the successive authorities throughout the centuries and have acquired certain rights that allow them to fulfill their obligations towards the holy city and her inhabitants. Consequently, the fundamental rights pertaining to both individuals and institutions must be respected. For individuals, these are basic rights that permit them to exercise their religious, political and social duties and to meet their religious, educational, cultural and medical needs. For communities, this is the right to possess, to freely administer the works necessary for their ministry and their overall human development – churches, monasteries, schools, hospitals, social institutions, theological and biblical institutes, accommodation for pilgrims, etc. It also includes the right to bring in the personnel and avail of the means needed for the proper functioning of the institutions.

2. Requirements for a just and durable solution for the Jerusalem question

The future of the city must be decided by common agreement, through collaboration and consultation and not imposed by power and force. Unilateral decisions or imposed solutions will continue to be very detrimental to peace and security.

Different solutions are possible. The city of Jerusalem might remain united but sovereignty in this case must be shared, exercised according to a principle of equality by both Israelis and Palestinians. However, the city might also be divided if this be the desire of the two peoples who live here, with two distinct sovereignties, the aim of which would be to reach a true unity of hearts in the two parts of the city. The wall, which tears apart the city at more than one point and which excludes a great number of her inhabitants must give way to an education that will strengthen mutual trust and acceptance.

Face to face with the inability of the parties involved to find a just and durable solution up until the present time, the assistance of the international community is a necessity. In the future too, this aid needs to continue in the form of guarantees that will ensure the stability of the agreements reached by the two sides.

We recommend to create as soon as possible, an ad hoc committee to reflect on the future of the city. In this committee the local Churches of Jerusalem must be a part.

3. Special status – Open City

Jerusalem, holy city, heritage of humanity, city of *two peoples and three religions*, has a unique character that distinguishes her from all the other cities of the world; a character which surpasses any local political sovereignty. *“Jerusalem is too precious to be dependent solely on municipal or national political authorities”* (Cf. Memorandum, 1994). Jerusalem’s two peoples are the guardians of her sanctity and carry a double responsibility: to organize their lives in the city and to welcome all the “pilgrims” who come from around the world. The needed international collaboration is not meant to replace the role and the sovereignty of her two peoples. It is rather needed in order to help both peoples to reach the definition and the stability of the *special status* of the city. That is why, concretely, and from the political, economic and social point of view, her two peoples must bestow on Jerusalem a special status that corresponds to her double character, holy and universal, and ordinary and local, where daily life unfolds. Once this status has been found and defined, the international community is required to confirm it with international guaranties that will assure continuing peace and respect for all.

The components of this special status must include the following elements:

1. *“The human right of freedom of worship and of conscience for all, both as individuals and as religious communities”* (cf. Memorandum 1994).
2. Equality of all her inhabitants before the law, in coordination with the international resolutions.
3. Free access to Jerusalem for all, citizens, residents or pilgrims, at all times, whether in peace or in war. Therefore Jerusalem should be an open city.
4. *“The rights of property ownership, custody and worship which the different Churches have acquired throughout history should continue to be retained by the same communities. These rights which are already protected in the Status Quo of the Holy Places according to historical “firmans” and other documents, should continue to be recognized and respected”* (cf Memorandum 1994).
5. The various Christian Holy Places in the city, wherever they are, must remain united in geography, whatever the solution envisaged.

Conclusion

For Jews, Christians and Muslims, Jerusalem is a high place of revelation and of God’s encounter with humanity. That is why we cannot remain indifferent to her fate nor remain silent in the face of her sufferings. *“For Jerusalem’s sake I will not rest until her vindication shines out like the dawn and her salvation like a burning torch”* (Is 62:1).

We are launching this solemn appeal to all the religious leaders in the Holy Land to collaborate together in order to reach a common vision of the city that might unite the hearts of all believers. We call on our political authorities to seek out the common points of agreement and, in co-operation with the religious authorities, to find a solution which corresponds to the city’s sacred character.

We hope that our appeal might be heard and that the political leaders, respecting the nature of this holy city, might show themselves capable of reaching a final and definitive agreement that might make of Jerusalem a true sign of the presence of God and of His peace among all.

- + *Patriarch Theophilos III*: Greek Orthodox Patriarchate
- + *Patriarch Michel Sabbah*: Latin Patriarchate.
- + *Patriarch Torkom II*: Armenian Apostolic Orthodox Patriarchate
- Rev Pier Battista Pizziballa*, ofm, Custos of the Holy Land
- + *Anba Abraham*: Coptic Orthodox Patriarchate.
- + *Swerios Malki Mourad*: Syrian Orthodox Patriarchate.
- + *Abune Grima*: Ethiopian Orthodox Patriarchate
- + *Paul Nabil Sayyah*: Maronite Patriarchal Exarchate.
- + *Bishop Riah Abu Al-Assal*: Episcopal Church of Jerusalem & the Middle East.
- + *Bishop Mounib Younan*: Lutheran Evangelical Church.
- + *Pierre Malki*: Exarch for the Syrian Catholics - Jerusalem
- + *George Bakar*: Greek Catholic Patriarchal Exarchate
- Rev Rafael Minassian*: Armenian Catholic Patriarchal Exarchate.



3. MUSLIM STATEMENTS AND POSITIONS

See also Volume III: Documents from Arab/Islamic States and Organizations

COVENANT OF OMAR IBN AL-KHATTAB, 638 AD

The charter of the second Caliph, Omar Ibn al-Khattab, with the people of Jerusalem in 638 A.D. handed to Patriarch Sophranus:

"In the name of Allah, the most Merciful, the most Compassionate"

This is the assurance of safety which the servant of Allah, [the second Caliph] Umar [Ibn al-Khattab], the Commander of the Faithful, has granted to the people of Aelia [Capitolina]. He has granted them safety for their lives and possessions; their churches and crosses; the sick and the healthy of the city; and for the rest of its religious community. Their churches will not be inhabited nor destroyed [by Muslims]. Neither they, nor the land on which they stand, nor their cross, nor their possessions will be confiscated. They will not be forcibly converted, nor any one of them harmed. No Jew will live with them in Aelia.

The people of Aelia must pay the poll tax like the people of the [other] cities, and they must expel the Byzantines and the robbers. As for those who will leave [the city], their lives and possessions shall be safeguarded until they reach their place of safety; and as for those who remain, they will be safe. They will have to pay the poll tax like the people of Aelia.

Those of the people of Aelia who would like to leave with the Byzantines, take their possessions, and abandon their churches and crosses will be safe until they reach their place of safety. Those villagers (ahl al-Ard) who were in Aelia before the killing of so-and-so may remain in the city if they wish, but they must pay the poll tax like the people of Aelia.

Those who wish may go with the Byzantines, and those who wish may return to their families. Nothing will be taken from them until their harvest has been reaped. The contents of this assurance are under the covenant of Allah, are the responsibility of His Prophet, of the Caliphs, and of the Faithful, If [the people of Aelia] pay the poll tax according to their obligations.

The persons who attest to it are: Khalid Ibn al-Walid, 'Amro Ibn al-'Asi, 'Abd al-Rahman Ibn 'Awf, and Mu'awiyah Ibn Abi Sufyan. This assurance was written and prepared in the year 15 [A.H.].



RESOLUTIONS OF THE ISLAMIC CONFERENCE MEETING IN JERUSALEM FOR THE DEFENCE OF AL-BURAQ AL-SHARIF, 16 NOVEMBER 1928

The Islamic conference meeting in Jerusalem for the defence of Al-Buraq Al-Sharif has resolved:

Firstly, that Al-Buraq is part of the holy Al-Aqsa Mosque, that it is a site sacred to Islam by virtue of Qur'anic teachings and that it, its adjacent vicinity and the extensive *waqf* lands surrounding it in all directions are the sole property of the Muslim people.

Secondly, the conference asks the government to prohibit the Jews from installing any fixtures for seating, lighting, worship or recitation, whether on a temporary or permanent basis, and to prohibit them from raising their voices and making public speeches, so that the Muslims will not be compelled to undertake such prohibitions themselves, regardless of the cost this may entail.

Thirdly, whereas the Jews have persisted in their assault on Al- Buraq Al-Sharif, which is an integral part of Al-Aqsa Mosque, the first of the two kiblahs and the Third Holy Place, the conference declares that the continued assault on the Jews upon Al- Buraq Al-Sharif and the failure to take firm action to prevent this will lead to dangerous developments in the Islamic world, whereby the Muslim people will rise to thwart the greatest peril that has descended upon them in the past eight centuries.

Fourthly, in view of the gravity of the situation and the alarm of the Muslim people, the conference has resolved to send an urgent mission to the high commissioner (The British governor of Palestine) requesting that the government issue as soon as possible an official statement declaring that Al-Buraq Al-Sharif and all other holy places will be protected from all Jewish encroachments.



**FATWA FROM THE RELIGIOUS SCHOLARS OF PALESTINE REGARDING
SELLING OF LANDS TO THE JEWS, 26 JANUARY 1935**

Praise be to Allah, Lord of the Worlds, and blessings and peace be upon His trustworthy Messenger, and upon all his family and companions, and on those who followed them in goodness up to the Day of Judgement.

As for what follows:

We, the Muftis, judges, teachers, lecturers, Imams, preachers, and all other religious scholars and religious men of the Muslims in Palestine; who have gathered this day in this religious assembly which has been convened in Jerusalem, in the Farthest Mosque (al-Aqsa) - whose surroundings are blessed - (issue the following statement) after examination and perusal of the situation confronting us.

The situation involves selling Palestinian lands to the Jews, which serves toward attainment of the goals of Zionism. These goals involve Judaizing this holy Islamic country, displacing it from the hands of its people and expelling them from it, and erasing all trace of Islam from it by demolishing mosques and (other) places of worship and Islamic holy sites. All this has already occurred in the regions whose sale to the Jews has been completed, and whose inhabitants have been expelled, homeless upon the earth. It is feared that the same will occur - may Allah not permit it - in the First of the Two Qiblas, the Third, after the Two Holy Mosques, which is the Blessed Aqsa Mosque.

We have examined the verdicts (*fatwas*) which have been issued by the Muftis and scholars of Islam in Iraq, Egypt, India, Morocco, Syria, Palestine, and all the other Islamic regions. These verdicts all agree upon the prohibition of selling the land in Palestine to the Jews, and (they also agree) upon the prohibition of acting as middleman on these sales, or playing the part of a broker, or assisting the matter in any manner or form; and also upon the prohibition of being pleased with this entire affair, or remaining silent before it. They agree, furthermore, with respect to every Palestinian, that all of the above, committed by somebody who is aware of the consequences and contented with them, necessarily entail disbelief (*kufir*), and apostasy (*irtidad*) from the religion of Islam. This occurs through believing in the permissibility of the matters, as has been mentioned in the verdict issued by the respected Sayyid Amin Al-Husayni, Mufti of Jerusalem and President of the Supreme Islamic Council.

After examination and perusal of all of the above, we support the content of those noble verdicts, and agree that the seller, the land broker, the mediator and anybody facilitating the sale of Palestine are all:

1. Knowingly aiding in expelling Muslims from their homes
2. Preventing people from the mosques of Allah, preventing the remembrance of His name therein, and striving to ruin them.
3. Taking the Jews as allies, for his deeds are considered as help and support to them against the Muslims.
4. Annoying Allah, His Messenger and the believers.
5. Betraying Allah and His messenger, and the trust (appointed to him).

Let us return to the clarifying evidences for these regulations in circumstances such as these, from the Book of Allah, such as the following (translated):

"Oh believers! Do not betray Allah and the Messenger, nor knowingly betray your trusts. Know that your wealth and offspring are (but) a test, and that with Allah is a tremendous reward." [8:27-28]

"Those who annoy believing men and women by that which they do not deserve - they are guilty of slander and manifest sin." [33:58]

"Who is more unjust than one who prevents people from the mosques of Allah, lest His name be remembered therein, and strives to destroy them? It does not befit those people to enter them (the mosques) except in fear. There is disgrace for them in this world, and theirs is a tremendous punishment in the Hereafter." [2:114]

"Allah does not prevent you from being kind and equitable to those who have not fought you on account of your religion, nor driven you out of your homes. Allah loves the equitable. Allah only forbids you from befriending those who have fought you on account of your religion, and driven you from your homes, and assisted in expelling you; whoever befriends them, they are the wrongdoers." [60:8-9]

"Oh believers! Do not take as friends and protectors (those who are) My enemies and your enemies." [60:1]

"And whoever befriends them is one of them" [5:51]

The Imams of exegesis (tafsir) have mentioned that the meaning of "he is one of them" is that he is one of their group, and that his status is like theirs.

It can be realized from all that we have hitherto mentioned in the way of means and results, sayings, rulings and verdicts, that with regard to those selling Palestine to the Jews, whether directly or through some intermediary or broker, as well as those facilitating the matter or assisting in it by any means whatsoever, while knowing of the above-mentioned consequences:

- it is not permissible to perform the funeral prayer for them when they die
- they may not be buried in Muslim graveyards
- it is obligatory to repudiate them, cut off relations with them, and hold their kind in contempt, and not to love them or be intimate with them.

The above holds true even if the person involved should be one's own parents, children, siblings or spouses.

"Oh believers! Take not your fathers and brothers as friends if they prefer disbelief to faith. And whoever among you befriends them - those are the wrongdoers." [9:23]

"Say, 'If your fathers, your children, your brothers, your spouses, your kinsfolk, the wealth you have acquired, the trade whose loss you fear, and the dwellings which you are pleased with, are more beloved to you than Allah and His messenger, and jihad in His path, then wait until Allah brings about His decree. Allah does not guide transgressing people.'" [9:24]

Bearing this in mind, to remain silent in the face of the actions of these people, and to be pleased with them, is absolutely forbidden.

"Oh believers! Hearken to Allah and to the Messenger when they call you toward that which gives you life. Know that Allah intervenes between a man and his heart, and that to Him will you be returned. And fear an affliction which may not afflict the wrongdoers exclusively among you, and know that Allah is severe in punishment." [8:24-25]

May Allah make us of those who hear the word and follow its excellence, for He is our Protector; how excellent a protector, and how excellent a lender of support.

Signed on 20 Shawwal 1353 AH (26 January 1935 CE)



**RESOLUTION ADOPTED BY THE HIGHER WAQF COUNCIL AND THE
COMMITTEE FOR MUSLIM AFFAIRS, 14 AUGUST 1967**

The Higher *Waqf* Council and Committee for Muslim Affairs read in its meeting held on 9 August 1967 the report published by the *Jerusalem Post* in its issue of 8 August 1967 under the heading "The need to clear 82 metres in the area of Al-Buraq Wall" and discussed the evolution of the question of the Wailing Wall in its different phases and adopted the following conclusions:

1. The Jews have right of access to the Holy Place called the Wailing Wall,, which is the Western Wall to the Holy Mosque, and the Muslims have preserved the Wall throughout the centuries and saw to it that no damage ever occurred.
2. The Jews enjoyed full freedom in using their rights of access to this Wall to conduct prayers and supplications until the 1948 war.
3. The Jew's rights in the Wailing Wall have been established by *status quo* and tradition.
4. In 1927 during the British Mandate Government, the Jews tried to go beyond their rights, and a bloody incident ensued between them and the Arabs. An official paper (The Western or Wailing Wall) was published by H.M. Mandatory Government in Palestine in 1931, following the resolution adopted by the League of Nations on 14 January 1930 and this paper announced the formation of a judicial Commission to consist of three non-British members. This International Commission after investigations, gave the following ruling:
 - (a) The Western Wall is exclusive Muslim property, and Muslims exercise rights in rem over the Wall since it is part of the area of the Holy Mosque which is Muslim *Waqf*. Muslims also have right of property over the resift facing the Wall and over the Maghrabi Quarter in the vicinity of the Wall since they are charitable Muslim *Waqf*.
 - (b) The Jews have right of access to the Wall where they can conduct prayers and supplications subject tot he following rules.
 - (c) The door at the northern end of the Wall should be kept closed at certain hours which have to be decided upon and become binding, seeing to it that the Muslim's right of passage on the resift in the customary way is respected and preserved.
 - (d) It is prohibited for any person to use the area in front of the Wall or the area adjoining for speeches or political demonstrations of any type.
 - (e) Since the Wall is an historical site, the Administration in Palestine should undertake it reconstruction and preservation after consultation with the Higher Muslim Council and the Rabbinical Council.
 - (f) Failing any action by the Muslim authorities to reconstruct the resift, the Administration in Palestine should then take the necessary steps to reconstruct it.
 - (g) The wooden door leading from the resift to the corner in the northern end of the Wall should remain closed on Saturdays and on Jewish Feast days... etc.
5. When the Israeli Authorities occupied Arab Jerusalem with other Arab territories after the June War, they contravened all local and international law or conventions. In the Wailing Wall area they destroyed two Muslim Mosques and a whole quarter, the Maghrabi Quarter, rendering its population homeless, although the quarter is a charitable Muslim *Waqf*, in order to expand.
6. It is established in international laws, and conventions that it is not allowed to infringe upon other peoples' rights in an attempt to expand one's own through the exercise of acclaim to expand. Therefore the above-mentioned actions contravene all laws and conventions.
7. The Israeli Authorities went further in the publication of a story in the *Jerusalem Post* under the heading "The need to clear 82 metres in the Area of the Al-Buraq Wall" which contained the following:

It is possible to settle the dispute which arose over the issue of decent behaviour in the area facing the Wall, and specially as regards the separation of women from men in the Area, if the plan drawn up in the Ministry for Religious Affairs to clear 82 metres is executed.

A Committee for Education attached to the Knesset toured the Jewish Holy Places yesterday, and was informed by Chief Rabbi, an official in the Ministry of Religion, that the concerned area is concealed by a number of buildings adjoining the Wall, and that it is possible to destroy these buildings and thus clear 48 metres for those who wish to pray whilst the rest of the area will remain open to the general public. Chief Rabbi Torin also said that it has been proved that the northern part of the Wall also existed but was concealed by a number of buildings constructed over the centuries, and that the excavations carried out by the Jordanian Authorities showed that the Eastern part of the Wall existed in its entire length, and it is thought that the site for the Southern part also exists, and thus the Walls surrounding the Temple should extend for 480 metres.

In view of all this, the Higher Council for Muslim *Waqf* in the Western Bank, in its mentioned capacity and in its capacity as a Muslim Committee responsible with the Director of the Office of Muslim *Waqf*, has convened and discussed the dangerous situation referred to by the aforementioned paper, and has decided to put the following on record:

1. The Muslim Committees in the occupied territories on the West Bank do not deny the Jews their traditional rights in the Western Wall.
2. The Muslim bodies, through, point out that the actions referred to in the *Jerusalem Post*, if accurate, imply the destruction of the honorary corner adjoining the Blessed Aqsa Mosque, which is a Holy Muslim Shrine, together with other buildings, the destruction of the Tankizi School, the site of the Old Religious Court, where a Mosque stands, the destruction of the Institute for Muslim Studies and the Secretariat of the General Islamic Conference, all of which are religious and historical Muslim sites and charitable Muslim *Waqf*.

The above-mentioned Muslim bodies hope that the Authorities will take into consideration the consequences of such actions and its repercussions in the Muslim and international communities, and the damage which such actions would cause to the Aqsa Mosque, and that it will further take into consideration that it is not permissible to infringe upon the rights of Muslims or to violate the sanctity of their Holy Shrines, and that such actions would contravene all international laws and conventions.

We hope that the Israeli Authorities will reassure the Muslim Community that it does not contemplate hurting Muslims' susceptibilities concerning their Shrines, *Waqf* and charitable institutions, and further that the story published in the *Jerusalem Post* is not accurate and has no support from the Ministry of Religious Affairs or any other official body. We have asked the Director of the Office of Muslim *Waqf* to inform the Military Governor of this meeting and the resolutions adopted in it.

Signatories: Said Sabri (*Member of the Waqf Council and Judge of the Muslim Religious Council in Jerusalem*), Hilmi Al-Muhtaseb (*Member of the Waqf Council and Member of the Supreme Muslim Religious Court*), Abdel Hamid El Sayeh (*President of the Waqf Council and President of the Supreme Muslim Religious Court*), Hassan Tahboub (*Director of the Muslim Waqf in Jerusalem*), Sa'd El-Din Alami (*Member of the Waqf Council and Mufti of Jerusalem*).



STATEMENT BY THE ISLAMIC ASSOCIATION IN JERUSALEM CONCERNING MUSLIM HOLY PLACES, ISLAMIC WAQFS, AND THE SHARI'A JUDICATURE, 19 AUGUST 1968

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

The Aqsa Mosque in Jerusalem has been desecrated. One of its main entrances has been seized and the mosque has been opened to elements which have violated the sanctity of this, the first of the *two qiblas* and the third most holy place in Islam. Moreover, the Israeli occupation authorities have forcibly interfered with the Ibrahimi Mosque in Hebron, used it as a synagogue and turned it into a place where visitors conduct themselves utterly regardless of the modesty and decorum due to the sanctity of the shrine and the place it occupies in the hearts of all Muslims. Islamic *Waqfs*, both in Arab Jerusalem and elsewhere, have been encroached upon. *Waqf* lands and Islamic holy places have been seized. *Waqf* institutions and mosques in Jerusalem and several villages have been entirely demolished and their inhabitants dispersed against their will. Statements of protest by the bodies of Jerusalem and other places against this illegal conduct have been ignored.

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

1. This "court" has no legitimate authority, for it violates the Shari'a law both in logic and in context. It derives from a quarter that is not competent to administer the law to Muslims, and its presiding judge has, contrary to Shari'a law, taken an oath of loyalty and allegiance to the supreme head of the authority which appointed him.
2. This "court", because of its illegitimate status in the view of Islamic jurisprudence, has no authority to pass judgement with respect to the affairs of Muslims in Arab Jerusalem or other areas of the occupied West Bank.

3. This "court" is not competent to pass judgement in affairs concerning or lying within the jurisdiction of either the Jerusalem Shari'a Court or any other such court.
4. Interference by this "court" in the judicial and religious affairs of Muslims in Arab Jerusalem is a violation of the Geneva Convention and conflicts with the resolutions of the General Assembly of the United Nations and of the Security Council, which affirm the rejection by all countries in the world of the annexation to Israel of Jordanian Arab Jerusalem, regarding the measures taken by the occupation authorities in this respect as null and void, and as in no way altering the situation that prevailed prior to the occupation.



**STATEMENT BY THE HIGHER ISLAMIC COUNCIL ON THE EVENTS OCCURRED
AT AL-AQSA MOSQUE, JERUSALEM, 12 APRIL 1982**

[The statement, denouncing acts perpetrated by Israeli troops against Al-Aqsa Mosque in Jerusalem on Easter Sunday, 11 April 1982, was passed by Jordan's Permanent Representative to the UN, Hazem Nusseibeh, to the UN Sec.-Gen. on 15 April 1982, with the request to circulate it as a document of the Security Council]

In The Name of God, the All Merciful, the All Compassionate,

The Islamic Council in Jerusalem had earlier convened an emergency press conference, in which the Council outlined concisely some of the events to which the Blessed Al-Aqsa Mosque had been exposed and also outlined in categorical terms the warnings which it had addressed to the responsible officials on the highest levels in the Israeli Government.

It had requested them to shoulder their responsibilities in preventing what happened yesterday or what might happen in the future against this great sanctuary.

Today, and in the light of the new facts, disclosures and consequences which have become evident in consequence of the outrageous acts which occurred yesterday and what accompanied and followed those sad events, the Islamic Council wishes to state the following:

1. The number of those who were murdered yesterday was two, and the number of the wounded exceeded 100.
2. The forcible assault of the criminal soldier was only a" initial phase of the criminal operation. It has been established that firing did not emanate from him alone but from many directions and, in particular, from the western wing of the Holy Al-Aqsa Mosque as well as from the roof of the religious school which belongs to the Islamic Higher Council and is under the occupation of the Israeli armed forces, which had expelled the students who were taking Islamic studies there. This proves that the operation had been well-prepared and coordinated in advance of the actual event.
3. The assault upon the structure of the Dome of the Rock resulted in inflicting damage to the structure of the Dome of the Rock.
4. The grand glass mosaic panel at the entrance to the gate of the Dome of the Rock from its western side was totally destroyed; and serious damage was inflicted on the Dome of the Rock and on the marble pillars within it.
5. Such an operation should not be allowed to happen without warning of the serious consequences which result from enabling armed civilian organizations to impose themselves on the people and to regard themselves as responsible for the land while fully armed. This has enabled these organizations to carry out acts of abduction and wanton assassination as they see fit, drawing their support from the authority which had been accorded to them by the Government to perpetrate acts against the people, who are totally devoid of any arms. Therefore, we take this opportunity to demand of the Government that it put a stop to these acts of provocation and tom place upon it responsibility for all the events and consequences that might occur.
6. The precedent which occurred at the holy Ibrahimi sanctuary and has resulted in depriving the Muslims from freely performing their prayers makes it imperative upon us to warn of the serious consequences which would accrue to the Holy Al-Aqsa Mosque in consequence of the occupation of Al-Aqsa Mosque by the Israeli forces and their forbidding the worshippers to perform their religious duties. Such a situation gravely contradicts the Islamic Shari'a law which absolutely forbids any closure of the Mosque to the worshippers for any reasons whatsoever and under any circumstances.

7. The description of the criminal in the official statements as deranged is rejected and should not be issued by any responsible Government; for it is Unreasonable that one of the regular soldiers in its army who is required to pass a medical examination should be allowed to carry arms amidst other soldiers. If anyone alleges that this criminal is deranged, then what can be said about the other soldiers who assisted him in the firing spree from the western area? The Higher Islamic Council rejects the statements of the responsible Israeli officials, which contained audacious and clear distortions against the Higher Islamic Council, and the attempts of the Israeli officials to offer excuses for the events which occurred.

We shall move forthwith to perform our worship at the Holy Al-Aqsa Mosque.
The Higher Islamic Council and all national institutions and public bodies

N.B.: A cable of protest from the Higher Islamic Council containing the aforementioned statement has been sent to the Secretary-General of the United Nations.



**MESSAGE FROM THE PRESIDENT OF THE HIGHER ISLAMIC COMMISSION IN
JERUSALEM ADDRESSED TO THE UN SECRETARY-GENERAL, 16 JANUARY 1988**

[Message on Israeli action on the Haram Al-Sharif compound]

Israel, not satisfied with its expulsion of the sons of Palestine from their homeland, and despite the protests of the Security Council and the international community, has ordered its troops to lay siege to mosques in Al-Quds and Bethlehem. Thus it was that on 15 January 1988, as worshippers were at Friday prayers at the Al-Aqsa Mosque and the Dome of the Rock, Israeli troops opened fire and hurled tear-gas canisters, before proceeding to a general charge that spared not even women, children and the elderly. Many were seriously wounded and had to be hospitalized.

In the face of such practices by the Israeli occupation authorities, the whole world must resolutely condemn those barbaric outrages, which are contrary to international norms and customs, and must put an end to the daily suffering of the Palestinian people.

(Signed) Sheikh Sa'ad al-Din Alami
President of the Higher Islamic Commission



**STATEMENT OF SOLIDARITY WITH THE CHRISTIAN CHURCHES IN JERUSALEM BY
THE HIGHER COUNCIL FOR ISLAMIC WAQF AFFAIRS AND HOLY SITES, APRIL 1990**

The Higher Council for Islamic Waqf Affairs and Holy Sites is following with profound anxiety and pain the dangerous Israeli aggressions taken up by settler groups supported by the Israeli government upon the Christian holy places and properties in the heart of the historic Christian Quarter in the Holy City of Jerusalem. After studying the statement and decisions published by the patriarchs and heads of the Christian churches and denominations, and to declare its unlimited solidarity with what was said in the statement, (the Higher Council) considers that this aggression is aimed at the holy places and rights of all Palestinian Muslims and Christians in the Holy Land, as it is an attack on the Christian world in its entirety and its undisputed right to worship in the Holy Land and the rest of Palestine.

In an expression of Muslim solidarity with their Christian brethren in these difficult circumstances which everybody is passing through, and in compliance with what the heads of the Christian churches and communities announced on 23 April 1990, the Higher Islamic Council has decided to close the doors of Al-Haram Al-Sharif (Al-Aqsa Mosque) compound to all foreign visitors and tourists all day Friday, Shawwal 2, 1410 A.H., 27 April 1990, until the next morning. The council, in these difficult hours, calls on people of conscience and believers in God throughout the world to join hands and take active and effective steps to stop these flagrant aggressions and return order to its proper place and restore the rights of [the building's] owners.

(Signed) Sheikh Sa'ad al-Din Alami
Head of the Higher Islamic Council and the Mufti of Jerusalem



STATEMENT BY THE SUPREME ISLAMIC COUNCIL, JERUSALEM, 9 OCTOBER 1990

In the Name of God the Merciful and Benevolent

While the Supreme Islamic Council considers all those killed as martyrs, and is pained by the suffering of the wounded and detainees, it welcomes the press and would like to apprise you of the tragic situation created by the unprecedented bloody and barbaric events that took place in the Haram Ash-Sharif.

After a preliminary investigation conducted by the Supreme Council and on the basis of first hand knowledge on the part of a number of its members, of the events that took place on Black Monday, the Supreme Council concluded the following:

The massacre which was perpetrated by the Israeli occupation troops, was planned in advance and was pre-meditated as appearing from the following:

1. Their permission to extremist Zionists to organize a provocative march, hostile to the feelings and rights of Muslims and threatening to the holiest of sites (Al-Haram ash-Sharif).
2. The encouragement to extremism and hostility by the Israeli Prime Minister a day prior to the massacre, when he announced in front of a large Israeli crowd Israel's intentions to control the Holy City and to subject it and everything inside it to a plan of annexation and Judaisation.
3. The provocations and harassments by the occupation troops of Muslim crowds of the events of the massacre which took place on Black Monday against the Muslim crowds especially the women.
4. The direct threats by a number of police and border guard officers to the Muslim clergy. They threatened them directly using obscene language saying to the Muslims "you shall see today". All this took place before the massacre was perpetrated. Similar threats were heard by several Muslims in the area, who heard officers and soldiers saying "Today will be the day of the Muslims".
5. The barbarism shown by the occupation troops, as they employed live ammunition against the Muslim crowds who were preparing for prayers. Shots were also fired from a helicopter at the crowd near the Dome of the Rock, at Al-Aqsa Mosque, and throughout the area.
6. The Israeli authorities prevented foreigners as well as media representatives from entering the area that morning in an obvious attempt to enforce a blackout on the true sequence of events that was going to unfold.
7. The Supreme Muslim Council has taken the following decisions:
 - (1) Offer condolences for the souls of the martyrs at the Council for three days at its main office in the Haram, starting from this day.
 - (2) Mourning will be held for three days. Muslims are called upon to come to Al-Aqsa Mosque for prayers and to address themselves to God ALMIGHTY to remove from us this oppressive condition.
 - (3) The Arab and Muslim worlds are called upon to announce a total work stoppage for one hour on Wednesday, October 10 at 12:00 noon, in the expression of the extent of the injustice suffered by the Al-Aqsa Mosque.
 - (4) The Security Council is hereby required to implement its Resolution 242 calling for Israeli withdrawal from the occupied territories, foremost from Holy Jerusalem.
 - (5) We condemn all American and Western attempts to portray what happened as an example of religious extremism. The Council affirms that real extremism is the Zionist extremism being practised against Muslims and against Arabs more generally, both in Jerusalem and in the entire country. There is no way in which Muslims who have to come to pray can be described as extremists, at a time when the occupation troops and settlers are given a free hand to kill worshippers and to harass them.
 - (6) We reject all Israeli attempts to take control of the keys of the Haram ash-Sharif gates, and all attempts to interfere in its affairs.
 - (7) The Supreme Council places the entire responsibility on the Israeli authorities. It affirms that all those statements issued by Israeli officials which are characterized by incitement and the use of force and terrorism to subjugate the citizens of the occupied territories are the cause of what happened.

- (8) The Supreme Council, while it presents its case and the case of the entire Muslim and Arab worlds in the calmest possible spirit, expects that the Muslim and Arab worlds, the entire civilized world, the United Nations Organization, and all the committees branching from it, will appreciate our situation and will come to our aid so that the condition of injustice will be removed.
- (9) The Supreme Council announces that the Muslims will continue to hold on to their holy shrines, foremost among which being the Haram ash-Sharif and its mosques, Al-Aqsa and the Dome of the Rock. The Muslim will not allow any infringements against these shrines whatever the sacrificial cost.

We thank you and we appreciate your efforts at trying to clarify the true nature of the situation which we suffer.

Jerusalem 20/3/1411 Hija 9/10/1990 AD
The Supreme Islamic Council



**REPORT OF THE COMMISSION, APPOINTED BY THE HIGHER ISLAMIC COUNCIL, FOR
INQUIRY AND COLLECTION OF DOCUMENTS AND INFORMATION CONCERNING THE
LATEST EVENTS AT THE HARAM AL-SHARIF (AL-AQSA MASSACRE), JERUSALEM,
9 RABIA THANI 1411 HIJRA (28 OCTOBER 1990)**

[The statement, which denounces the massacre perpetrated by Israeli troops at Al-Aqsa Mosque in Jerusalem on 8 October 1990, was transmitted on behalf of the PLO Exec. Committee by the Permanent Observer of Palestine to the United Nations, Nasser Al-Qidwa, to the UN Secretary-General on 2 November 1990, with the request to have it circulated as an official document of the General Assembly and the Security Council]

To His Holiness, the Head of the Higher Islamic Council/Jerusalem

In response to your letter of 24 Rabia Awal 1411, 13 October 1990, in which you appointed us to conduct an inquiry and to collect information and documentation, we are the commission, composed of:

- Sheikh Ibrahim Said Sabri, Jerusalem Shari'a Court Judge, member of the Islamic council: Head of the Commission of Inquiry;
- Sheikh Mohammad Ahmad Yassin, assistant to the Director of the Holy al-Aqsa Mosque, member of the Islamic Council: Commission Member;
- Attorney Hashem Khalil Issa, member of the Islamic Council: Member;
- Sheikh Yasser Abdul Majid Abu Ghazaleh, head of the Education and Religious Instruction: Rapporteur.

In order to carry out our mandate, the Commission took the following steps:

- (1) We listened to eye-witness accounts and collected sworn affidavits from over 50 eye-witnesses, attached to this report (Appendix 10);
- (2) Visited the hospitals, heard the testimonies of the wounded, and interviewed medical staff, doctors and nurses;
- (3) Visited the local media (*An-Nahar, Ash-Sha'ab, Al-Fajr, Al-Quds*) and the Arab Journalists Association, whom we thank for their cooperation;
- (4) Surveyed the press and Arab bulletins, and translations from the Hebrew press and reports issued by specialized societies;
- (5) Examined the site of the events and material evidence left on al-Aqsa and the Dome of the Rock buildings, columns, doors and plazas, and the remains of spent ammunition (Appendix 12);
- (6) Supported our account with personal data, written testimonies, and photographs, which are attached to the report.

Before we turn to our conclusions, we shall briefly refer to the significance of the Holy al-Aqsa Mosque for the Muslim.

THE SIGNIFICANCE OF THE HOLY AL-AQSA MOSQUE

"Glory to God, who did take his servant on a journey by night from the sacred mosque to the farthest mosque whose precincts we did bless, in order that we might show him some of our signs, for he is the one who hears and sees (all things)" (Sura XVII).

"The prophet said, 'The journeys are to three mosques' the sacred mosque, the farthest mosque and my mosque'" (al-Bukhari).

The al-Aqsa Mosque is the first qibla (direction for prayer) for Muslims, and the third most sacred mosque, and the reward for each prayer in the Mosque or its plaza equals 500 prayers.

The Holy al-Aqsa Mosque is a part of the Muslim faith all over the world, and they are ready to give up their lives for it. What clear proof of that. The Muslims are ready to sacrifice everything to preserve it and anyone who harms it is harming the Muslims in their faith, which is the most precious thing to the Muslim.

Al-Aqsa Mosque is the whole area surrounded by the walls including the gates, the plazas, the Mosateb, the Mahareb, and the Zawayia, and the buildings of al-Aqsa itself and its sanctity. The outside walls of al-Aqsa also belong to the Muslims themselves and only Muslims have the right to this place. See the order concerning the (western wall or wailing wall) in Palestine, 1931, and the Bulletin in the Palestine Laws, 1933, Fourth Volume, p. 3397, translation to Arabic (Appendix 3).

CAUSES OF THE MASSACRE

Background on the Temple Mount Faithful

(A) the Temple Mount Faithful is one of the most extreme religious Jewish groups, established in 1967 by Gershon Solomon, and its aim is to exercise Israeli authority over the Holy al-Aqsa Mosque and to build the third Jewish Temple, to replace the previous temple) which allegedly was on the al-Aqsa and Dome of the Rock site. This group distributes bulletins showing a picture of the temple built, according to their imagination, on the ruins of the two mosques. (An example is attached).

The Temple Mount Faithful refuses to accept that the Mosque is in Muslims hands, and they have tried throughout the years to enter the Mosque area during religious events, in order to put facts on the ground, in fulfilment of their criminal intentions. Every one of these attempts has resulted in clashes between them and the Muslims and every attempt has failed, because the Mosque is Islamic and this is God's will (Attached report about all attempts since 1967, Appendix 4).

Prior to the last events, this group declared in a bulletin distributed to the Israeli media during their Sukkoth holidays, that they plan to march on 8 October 1990 toward the Holy al-Aqsa Mosque. They said that they seek to liberate the Mount, meaning the Holy al-Aqsa, from the hands of the Arabs, and they also said that they will place a *succa* in front of the Maghrabeh Gate and they called upon Jews to attend the march. According to them, this march will be the culminating act, in which they will place the cornerstone for the so-called "third temple" (Appendix 5: translation of the bulletin). Even after the bloody events, the extremist Gershon Solomon declared that the Arab-Islamic occupation of the Holy al-Aqsa area should end and that Jews must renew their deep connection to the holy sites (See Appendix 6: *Ash-Sha'ab*, p. 1, no. 5901).

(B) Only a few days before the al-Aqsa massacre, Prime Minister Shamir announced a plan to take over holy Jerusalem, and to force everyone to accept the Israeli annexation and the police also announced that they will use new methods in confronting the events.

(C) Extremists like MK Geula Cohen and Ministers Ne'eman and Sharon and others expressed deep hatred against the Arabs and called for using all means against them.

THE EVENTS OF THE MASSACRE

(A) Prior to the Massacre

(1) In light of the Temple Mount Faithful announcement, Muslims gathered on Monday, 19 Rabia Awal 1411, 8 October 1990, on the Day of the Martyrs at Al-Aqsa Mosque, in order to prevent this group from entering the Mosque plaza. Muslims started coming to the Mosque at the dawn prayers.

The Muslims were disciplined and quiet. Preachers and Islamic scholars gave religious lessons and people prayed to God to keep their mosque and to remove the evil from them and their mosque (See Appendix 7" photos of mid-morning prayers, a few minutes before the massacre).

(2) The employees of the Islamic Waqf, with the help of Muslims, clergy and elderly Muslims, attempted to control the situation and they created a human chain to separate those praying from fully-armed Israeli

soldiers who were on the Mosque plaza between the Maghrabeh and Chain Gates and on the western roofs between the two gates. This human chain prevented anyone from approaching the Maghrabeh Gate, and the distance between the two groups was 50 meters. The situation continued to be calm until the massacre started. It was a massacre committed by the Israeli occupation forces with all its units -- border guards, police, unidentified plain-clothed people.

- (3) The officer in charge of the border guard unit (Shlomo Katabi), known as "the Yemenite", threatened the assistant to the Director of the Mosque: ""This is your day and we don't play around here" (free translation from the Hebrew). The officer in charge of the Mosque police station, whose name in Zion Said, said, "If a small stone is thrown on us, we will shoot with live ammunition and I will kill 100,000 Muslims." Other threats of bloodshed were repeated from time to time, and the Yemenite officer provoked the Muslims with body gestures, as was stated in eye-witness testimonies.
- (4) The Israeli authorities did not allow tourists into the Mosque on that day, unlike in previous similar events, and it is believed that they did so, because they did not want the world to see what they had planned against the Muslims and the Mosque.
- (5) The Israeli authorities did not limit Muslims coming into the Mosque, as they have in the past.
- (6) The Israeli authorities did, however, allow extremist Jews, including the Temple Mount Faithful, to march toward Al-Aqsa Mosque on Monday, 8 October 1990, and the police and border guards know that Muslims will defend the Mosque with their bodies and souls. If the police and border guard command were interested in peace and calm, they would have prevented these groups from coming, and prevented them from distributing their bulletin to the press and media. By allowing these things, they challenged the Islamic faith and sensitivities of one billion Muslims.
- (7) Jewish worshipers were evacuated from the Holy Buraq Plaza (Wailing Wall) before the shooting started.

(B) The Beginning of the Massacre

- (1) Everything was quiet and religious classes were taking place, when all of a sudden, at about 10.40, screams were heard from women who were on the southeast Mostaba of the Dome of the Rock, known as al-Kark Mostaba.

Muslims started toward the source of the screams and the people chanted, "Allahu Akbar". The soldiers started shooting live ammunition, rubber bullets and tear gas, in many places. As the women continued screaming, more tear gas was thrown on them. In response to the shooting, Muslims stoned the soldiers on the Mosque area between the Maghrabeh and Chain Gates and the walls on the western side. Shooting and sniping continued to rain on the Muslims from the windows and roofs of Talkazia School (al-Mahkama) and there was shooting from an automatic weapon while a helicopter was flying over the al-Aqsa area. Persons in civil-dress also started shooting from the al-Sharaf Quarter (Known as the Jewish Quarter) and from other places. All of this shooting caused the fall of a few martyrs.

A few minutes later, a huge number of border guards and police raided al-Aqsa Mosque from the Maghrabeh and Chain Gates, and started shooting intensely with live ammunition, as if they were in a real war. They shot in all directions, without justification, indiscriminately hitting women, youths and the elderly, and even stones and trees.

- (2) **The Inhuman and Immoral Behavior of the Israeli Occupation Forces:**
 - (a) They shot live ammunition at praying Muslims at close range without any justification.
 - (b) One 11-year old girl testified that she was shot in her hand by a soldier from a distance of approximately 10 meters (See Appendix 8).
 - (c) One injured person testified that he was trying to help a wounded person when a soldier who was a few meters away shot him with live ammunition and hit his left knee and his right foot, causing him to fall to the ground. The soldier came over and stepped on his head and hit him with his gun, and hit the other wounded person with his gun (Appendix 9).
 - (d) An 15 year old youth testified that he was hiding behind one of the columns when he was shot by four bullets in different parts of his body; he is in critical condition (Appendix 10).
 - (e) A group of Muslims praying were surrounded by a group of soldiers who shot them with live ammunition and rubber bullets. Two were killed, others were injured and some were arrested. Moreover, the soldiers stepped on the dead and the injured and beat those arrested (See Appendices 11 and 12: photograph of this event and eye-witness affidavit).
 - (f) Tear gas and live ammunition were fired at an ambulance in front of al-Aqsa Mosque, while the staff were trying to rescue people. Dr. Tareq Abu al-Hawa was hit in his leg, nurse Fatma Abu Khdoir was hit on her hand and other parts of her body, and nurse Mohammad Abu Ryaleh was hit in his kidneys (Appendix 13, 14, 15).

- (g) Soldiers delayed the evacuation of the wounded from the al-Aqsa mosque building, which contributed to the death of three persons who were inside the mosque; and they delayed ambulances on their way to the hospitals.
- (h) Wounded people were forced out of ambulances, beaten and arrested.

These are only some examples of the soldiers' actions against peaceful worshippers who closed the doors of the mosques on themselves, while others ran to hide between trees but were shot, and others were chased and shot on the Al-Aqsa plaza. During the events, soldiers entered from the Asbat and Majlis Gates and surrounded worshippers trying to flee. The soldiers closed all the outside gates to prevent worshippers from leaving and arrested tens of them, and handcuffed them with plastic handcuffs, beat them and insulted them (Appendix 16).

Live ammunition and tear gas, which is prohibited from being used in closed areas, were fired into the two mosques.

PROHIBITED WEAPONS

Soldiers fired gas and high-velocity live ammunition that exploded on impact at peaceful, unarmed worshippers, without any warning and without justification. These actions of the occupation forces violate all divine and international laws and customs, including the Fourth Geneva Convention of 22 August 1949 for the Protection of Civilians, which prohibits such attacks on persons and their physical integrity. They also violated the Hague Declaration of 29 July 1899 and the Geneva Declaration of 12 June 1925, which both prohibit the use of explosive ammunition and gases which may damage the health (Appendix 17).

THE DETERMINATION TO KILL

The border guard officers in charge and the police did not listen to the calls of the muezzin to stop the massacre and to stop shooting in order to evacuate the wounded and the dead. Rather, they continued with their brutal force against Muslims, armed only with their faith which fills their hearts, their faith that will save the oppressed and defeat their oppressors. Some of the Awqaf officials and members of the Islamic Higher Council and the Ulama' tried unsuccessfully to speak rationally to the officers and to convince them to stop the shooting. They were answered by filthy words and threats, and Zion, the police station officer, confiscated the al-Aqsa keys.

Meanwhile the police arrested Mr. Faisal Hussein, member of the Islamic Council, when he objected to the behavior of soldiers while they were forcing two wounded persons out of the ambulance and arrested the driver. When the officials of the Awqaf and the Ulama' insisted on trying to convince them to stop shooting, they were given twenty seconds to leave or they would be shot at, and they added that they were not kidding. The shooting continued for almost one and a half hours.

REFUTATION OF CLAIMS

The Israeli authorities claim that Muslims threw stones on Jewish worshippers, but what the world thought they saw on Israeli television is a lie. There is no evidence that any Jewish worshippers were seriously injured by the small stones thrown in self-defense which landed on the Wailing Wall Plaza. Muslims, according to their belief and teachings respect other religions and would never deliberately assault them. If it were true that they intended to disrupt the Jewish worshippers, why were the Muslims since dawn in the Mosque and not throwing any stones during the time that over 20,000 Jewish worshippers were in the Buraq Plaza. When the events started, at about 10.40, the Plaza had been cleared of worshippers.

The only reason that Muslims were in the mosques was to defend them and to prevent the Temple Mount Faithful from entering the Holy al-Aqsa to fulfill their dream. The throwing of stones toward the soldiers was in response to the unprovoked shooting of the Israeli soldiers and was an act of self-defense.

How could Muslims throw huge stones from a distance of tens of meters to fall on the Buraq Plaza? Even many of small stones thrown at the soldiers positioned by the Maghrabeh Gate fell on the Mosque Plaza after hitting the inside wall. Perhaps a few stones fell into the Buraq area because the soldiers were positioned in the high arches of the western wall and they were shooting from there. The soldiers who fired from those positions are to blame if stones fell on the Buraq Plaza. It is completely unreasonable to assume that the large building stones were thrown from tens of meters, no matter what the strength of the thrower. Moreover, the arches are eight meters high and seven meters wide, and the soldiers were also shooting.

The authorities claim that Jews were injured, but none of them was shown on television. We know that the Buraq Plaza was empty. If there indeed had been 20,000 worshippers present and if the large building stones shown on television were indeed thrown on them, what would have happened to these worshippers? All the

claims about these stones and injured Jews are clearly refuted lies, with no basis in fact. They are merely fabrications to justify their crime against the Muslims.

THE DAY AFTER THE MASSACRE

The Israeli soldiers prohibited Muslims from entering al-Aqsa and closed all the gates. They prohibited a press conference inside the Mosque and prohibited the Awqaf employees and the members of the Islamic Council from entering the Mosque. When the Muslims insisted to pray the noon prayers, Israeli soldiers and officers threw sound bombs and tear gas in the area of the Majlis Gate. The Head of the Islamic Council, Sa'ad Eddin al-Alami, fainted and was transferred to the Intensive Care Unit at Maqassed Hospital. Other elderly people fainted as well, and Muslims were dispersed by force. They left the Majlis Gate area. Some of them entered the Awqaf offices next to the Majlis Gate and they were prevented from leaving, and people were prevented from going in to see them (Appendix 18).

On the evening of 9 October 1990, the gates were opened at 17:00, following the intervention of the international community who heeded the appeal of the Awqaf and the Islamic Council, Muslims entered the Mosque for evening prayers. Sheikh Mohammad Said al-Jamal, the Islamic Court Inspector, was arrested in the early hour of 9 October 1990 and accused of incitement, despite the fact that he had called upon the soldiers and the officers to stop shooting.

CONCLUSIONS

- (1) The tragic events on the Day of the Martyrs, Monday 8 October 1990, was not an accident, but a premeditated, well-planned operation by the command of the border guards and the police, as we have indicated in this report. These two commands would not have committed this massacre without a green light from the political echelon of the Israeli leadership. The border guards and police initiated the shooting and the entire event.
- (2) The inhuman and immoral treatment by the border guards and police against worshipers, wounded, arrested, and medical staff shames every civilized person and every democratic state which stand for equality and the preservation of human and religious rights.
- (3) The intense and indiscriminate shooting to kill, and only to kill, without any justification, was demonstrated by the extensive number of injuries and the targeting of youth, women, children, and elderly in the head and chest.
- (4) As a result of this event, 18 were killed and hundreds were injured and arrested.
- (5) The buildings of al-Aqsa and the Dome of the Rock, the walls of the Dome of the Rock, the columns, the plazas, gates and minarets were shot with hundreds of bullets and tear-gas canisters.
- (6) Muslims threw stones at the soldiers only after they were shot at with live ammunition and tear gas, and then only to defend themselves and to stop the soldiers. Muslims did not in any way assault holy places and worshipers from other religions, an act which would be against the very essence of their religion.
- (7) The use of live ammunition which shattered on impact, causing extensive internal damage, and the use of tear gas in prohibited manners against unarmed people violated international law and accepted humanitarian standards.
- (8) The brutal pattern of shooting, with no justification whatsoever, only to terrorize Muslims to appease extremist Jews, will not succeed to frighten Muslims, who fear only God Almighty.
- (9) In presenting this report, we pray to God Almighty to take the martyrs into his mercy and into their rightful place in paradise, to speed the recovery of the wounded and the release of those arrested, and to protect our Holy al-Aqsa Mosque from every evil and assault. Muslims will remain steadfast as the defenders of the Mosque, no matter what the risk, no matter what the sacrifice. Until God will determine what is to happen, may He help those who help Him, for God is Almighty.

(Signed): Ibrahim Said Sabri, Head of the Commission
 Mohammad Ahmad Yassin, Member
 Hashem Khalil Issa, Member
 Yasser Abdul Majid Abu Ghazaleh, Member



**THE HIGHER ISLAMIC COMMITTEE IN JERUSALEM,
URGENT MESSAGE ON JERUSALEM, 26 MARCH 1994**

The High Islamic Committee on Jerusalem had held a meeting on 3/26/94 to discuss the latest development in Palestine. The Committee discussed the unjust attacks on the Islamic shrines of Hebron as well as other cities and refugee camps of the Occupied Territories. Other issues include the latest Clinton's position on Jerusalem which stated clearly in the UN resolution 904. Therefore, the Committee had issued the following:

- 1) The Committee confirms its affirm position of Jerusalem being Arabic and Islamic city. It is requesting all Arabs, Muslims, and Palestinians to put Jerusalem on the top of their agenda, and they must not ignore the right of Arabs and Muslims in the holy city which is the first direction of Muslim prayer and the third Muslim sacred place and it is the city in which the prophet was ascended to heaven. The Committee strongly rejects the recent statements by the Clinton administration on Jerusalem.
- 2) The Committee requests the Palestinian negotiators and Arab countries to break off the what is so-called peace negotiations and take a steady firm position on the American biased policy.

President of High Islamic Committee/Jerusalem
Hasan Fetin Tabbob



**MUSLIM AND CHRISTIAN SPIRITUAL LEADERS, "MUSLIMS AND CHRISTIANS
TOGETHER FOR JERUSALEM'S SAKE", BEIRUT, 14-16 JUNE 1996**

THE JERUSALEM APPEAL

Driven by the suffering of Jerusalem, its people and blessed land, and in solidarity with Lebanon, rising up from its trials more strong and more firmly united, we - spiritual leaders of Arab world, both Muslim and Christian - met in Beirut from 14-16 June 1996. Grateful to the Middle East Council of Churches and the Arab Working Group on Christian-Muslim Dialogue for their invitation, we came together to speak with one voice to all the world near and far, and to all peoples and states. It is the voice of our people, Arab believers, Muslims and Christians, rising out of our common history, looking to our shared future.

THE CAUSE OF JERUSALEM IS PIVOTAL TO US. Before it we are not factions, NONE OF US CLAIMS IT EXCLUSIVELY FOR HIS FAITH. We all belong to Jerusalem, we stand near Jerusalem in affection. Our faith cannot find reassurance as long as Jerusalem is in captivity. The issue of Jerusalem should not be postponed nor delayed.

JERUSALEM IS ITS PEOPLE. ITS PEOPLE ARE PALESTINIANS who, ever since Jerusalem existed and for countless generations, have lived within it. They have never been severed from it and know no other place as their capital. Separated from its history they do not know themselves.

It is these people who today are suffering. Their livelihoods are at stake, they are expelled from their homes, humiliated, their land confiscated. Our solicitude for them invites us to voice a common position. Their cause is our cause. This position calls for a solution where Arab sovereignty, linking Jerusalem to Palestine, is restored. For Jerusalem is in the heart of Palestine and no political solution may sever Jerusalem from Palestine nor from its people, their heritage and identity. The holy places remain alive through the people of the Holy City who worship God and seek His blessing, through prayers and prostration and pilgrimage. Without the people, holy shrines would become museums rather than houses of invocation.

NO POWER IN THE WORLD HAS THE RIGHT TO JUDAIZE JERUSALEM, internationalize it, or deprive it of its Arab and Christian-Muslim character. No international, Arab, Christian or Muslim authority can dispose of Jerusalem's Christian-Muslim character. Any decision to this effect is void and illegitimate.

As we gather around Jerusalem and for it, we are deeply concerned by the impositions of Israel: stripping people of their land based on no right, systematically impeding constructions permits for the city's Palestinian inhabitants, persistently preventing their free access to the city, restraining the Palestinians from exercising their right to political expression, and continuing to modify its demographic configuration through the settlement of those who are not part of its original population, while expelling its native children. All of these actions violate moral principles and international covenants. They must cease immediately.

We are indignant by Israel's provocative actions which drive Jerusalemites, Christians and Muslims alike, to emigrate. Jerusalem is turned into a confiscated city while its vocation, in view of its sanctity, history and significance, is to be a place of encounter for all. Faced with this situation, we cannot but appeal to the whole world, as we bear trust for our people, their rights and their land:

There is a people, the Palestinian people, whose existence and future are at risk. Let them not be left alone in their tribulation. Jerusalem is a land of encounter for its people. Do not permit that it becomes an arena echoing with memories, or a museum of holy places bereft of soul and people.

PEACE IS THE FRUIT OF JUSTICE. PEACE CAN NOT REST, NOR WILL IT ENDURE, UPON INJUSTICE AND OPPRESSION. What we fear most is that the interests of states may coincide to impose a situation where the Palestinian people are deprived of establishing an independent state, with Jerusalem as its capital, and where a full withdrawal from Southern Lebanon and the Syrian Golan Heights is not secured.

On the basis of our commitment to the cause of Jerusalem, WE CALL UPON ALL CHRISTIANS AND MUSLIMS OF THE WORLD TO SUPPORT THE LEGITIMATE PALESTINIAN RIGHTS. We call upon all the churches and Islamic bodies and organizations to look with concern to the freedom of Jerusalem and not to spare any effort, in all respects, so that justice may prevail.

WE CALL UPON NATIONS OF THE WORLD, THE UNITED NATIONS and its agencies, and various Non-Governmental Organizations, to offer their assistance to Palestinian institutions in Jerusalem in order to develop their infrastructure, and to continue to provide the necessary services in the social fields, in health, education and housing.

WE CALL UPON ARAB GOVERNMENTS AND THE PALESTINIAN AUTHORITY to unify their positions concerning Jerusalem, a historical trust for the Arabs and all people of faith throughout the world, and to intensify their defense of the Arab character of Jerusalem and its religious pluralism raising it to the stature befitting this blessed city.

AS AN OCCUPYING FORCE, ISRAEL SHOULD STOP ALL ACTS WHICH CLOSE JERUSALEM IN THE FACE OF ITS PEOPLE, the Palestinians and all believers. Israel should desist from all actions that change the physical and human complexion of Jerusalem. Israel should fully recognize the rights of the Palestinian people. This is an intrinsic requirement for peace and justice.

Israeli violations of Arab human rights, and offenses against Muslim and Christian holy places, could not have occurred without the support of various international powers. These powers should refrain from aiding aggression and providing support that enables Israel to enforce its plans of settlement, Judaization, displacement and destruction.

We, as Christians and Muslims, do not recognize the legitimacy of any foreign diplomatic representation established in Jerusalem and consider any such establishment to be an act of hostility against Arabs, Christians and Muslims alike.

For our part, we will be the united voice of Jerusalem and will extend support to its people in every way possible to help consolidate their presence in their own land, restore their freedom and protect their holy places.

As Christians and Muslims, we shall join efforts so that Jerusalem may become a city of reconciliation, justice and peace for all.

JERUSALEM IS OUR ASCENT TO HEAVEN. IN SPIRIT WE WERE BORN OF IT. WE ARE BONDED TO IT WITH LOVE. WE ARE IN IT UNTIL GOD INHERITS THE EARTH AND ALL THEREIN.

Peace to Jerusalem. May peace rest upon Jerusalem. May Jerusalem's peace rest upon the world.

Approved by:

From the Christian part: H.H. Pope Shnouda of the Coptic Orthodox Church of Egypt, H.B. Patriarch Parthenios of Alexandria Greek Orthodox Church, H.B. Patriarch Ignatius IV Hazim, Greek Orthodox Church of Syria and Lebanon, H.B. Patriarch Zakka Iwas of the Syrian Orthodox Church, H.B. Michael Sabbah, Latin Patriarch of Jerusalem, H.B. Patriarch Jean Kasparian of the Armenian Catholic Church in Lebanon, H.B. Patriarch Ignatius Haik of the Syrian Catholic Church in Lebanon, H.H. Catholicos Aram Keshishian of Armenian Orthodox Church of Cilicia, Patriarchal Vicar Roland Abou Jawdeh of the Maronite Church in Lebanon, Presiding Bishop Samir Kafity, Anglican Church in Jerusalem and the Middle East, Rev.

Dr. Salim Sahiouny, President of the Evangelical Supreme Council in Syria and Lebanon, Bishop Hillarion Kaputji, Greek Catholic of Jerusalem, and many other representatives of all Churches in the Middle East.

From the Muslim part: Imam Sheikh Mohammad Mahdi Shams Eddin of the Shi'a community in Lebanon, Grand Mufti Mohammad Keftaro of Syria, Mufti Mohammad Rashid Kabai of Lebanon, Dr. Mustafa Al-Shaka' representing the Grand Imam of Al-Azhar of Egypt, Sheikh Youssef Al-Karadawi from the Gulf, Sheikh Hassan Tahboub, Minister of Awkaf in Palestine, and Dr. Hassan Selwadi, representing the Grand Mufti Ekrima Sabri of Jerusalem, as well as many other community leaders and intellectuals.



**STATEMENT BY THE ISLAMIC HIGHER COMMITTEE REGARDING THE OPENING
OF THE TUNNEL BENEATH AL-AQSA COMPOUND, 13 JAMADI AL-AWAL, 1417 HJRIYYEH
(25 SEPTEMBER 1996)**

The Israeli media has reported allegations by the so-called Jerusalem mayor, Ehud Olmert, in which he falsely said that the Islamic Waqf has approved the opening of "Al-Buraq" tunnel underneath Al-Omariyyah School.

The Higher Islamic Committee and Al-Waqf, categorically deny that any agreement has been reached with any Israeli party to open Al-Buraq tunnel. The Islamic Waqf and the Higher Islamic Council have to right to compromise or take any action regarding any Holy Islamic site, and our position has been very clear and that to strongly reject excavations there.

The statements made by Ehud Olmert are total lies aimed at covering up the facts, and to divert attention from Israeli oppressive policies against our people. It is ironic for Olmert to make such lies when his Prime Minister expresses his pleasure and pride of opening the tunnel

While aware of the rumors that Israel is spreading, we reiterate our position of our full right to defend our holy places and our Jerusalem in our land, Palestine. We pray to God, to enable us to realize our goals, because we are right and faithful.



**MUSLIM COUNCIL OF BRITAIN, LETTER TO THE UK FOREIGN SECRETARY
ON THE STATUS OF JERUSALEM, 14 SEPTEMBER 1999**

[The following is the text of the Muslim Council of Britain's letter to the Foreign Secretary (then Robin Cook), drawing attention to the concern faced by British Muslims on the future of the holy city, and calling for a British Government-led initiative in the European Union]

Dear Secretary of State,

With the onset of the US Presidential campaign, moves are once more afoot to surreptitiously alter the status of Jerusalem. The British Government is not unaware of Muslims' apprehension on Jerusalem. In February this year, the late Derek Fatchett, Minister of State at the Foreign & Commonwealth Office, provided a public assurance that the Government "...consider[s] East Jerusalem to be under illegal military occupation. We recognise no *de jure* [Israeli] sovereignty over the city".

British Muslims now look to the Government to provide resolute and pro-active international leadership on the issue, to prevent a matter of civilizational importance being decided by the cynical electoral stratagems of ambitious politicians seeking entry to Capital Hill or the White House by pandering to the Zionist vote to secure the funding tied to it. The MCB believes that the Foreign & Commonwealth Office should marshal its diplomatic strengths, and through the EU particularly, ensure that the status of Jerusalem is not altered. The British Government should further ensure that no EU country should relocate its embassy to Jerusalem. It should also dissuade the US from doing so out of unprincipled opportunism.

The MCB welcomed the Labour Government's commitment to an ethical foreign policy when this was announced and sees the status of Jerusalem as its litmus test. The Government is no doubt aware that Jerusalem is al-Quds ash-Sharif - the Holy and Noble City. It is one of three most holy cities of Islam (the others being

Makkah and Madinah). The city's best known monuments, the Aqsa Mosque and the Dome of the Rock, are of Islamic origin, and the area between these two is known as al-Haram ash-Sharif, the Noble Sanctuary.

An International Commission in 1930 confirmed the Islamic ownership of the Western (Wailing) Wall and the land in front of it - the Jews had only the customary right of access to it for devotion - in a report that was ratified by Britain and the League of Nations. By 1948 an armistice had left the old city in the Jordanian sector and the rest in the Israeli sector. The Jordanian sector was invaded by Israel in June 1967 and the Jordanian forces retired before superior force out of respect for the holiness of the city. Within days the land in front of the Western Wall, an inalienable Islamic religious bequest, was seized by Israel.

On 5 July 1967 the United Nations General Assembly passed a resolution by a majority of 99, with 20 abstentions, which declared Israel's measures in Jerusalem as invalid. When this resolution was ignored, another was passed on 12 July, viewing with great concern Israel's neglect to comply, repeating the previous call, and asking Israel to refrain from taking any measures for changing the status of Jerusalem. There were no votes against either resolution. The two resolutions by the General Assembly adopted in July 1967 were buttressed by a similar one taken by the Security Council on 21 May 1968. Following the attempted arson and burning of part of the Aqsa Mosque in August 1969, the Security Council passed a third resolution in which it condemned Israel for failure to comply with UN resolutions.

Jerusalem is a holy city to the adherents of three religions but the tradition of religious tolerance was mainly preserved under Muslim sovereignty. The Israeli rule so far has been overbearing and marred by storm-troop tactics in its treatment of worshippers. These are not exclusive Muslim concerns. The recent decision by the Jerusalem municipality to remove crucifixes from a commemoration coin is an example of the measures that are changing the religious character of the city.

The Foreign Secretary probably recalls that he was deprived of dinner with Prime Minister Benjamin Netanyahu on his last visit to the region, after he insisted on visiting Jabal Abu Ghneim where the Israeli government is building settlements on occupied territory. This is the shape of things to come if nothing is done for Jerusalem. A foreign policy that draws on principle and respect for international convention should not allow an occupying power to get away with illegally annexing Jerusalem as its 'eternal and undivided capital'.

Yours sincerely,
Iqbal Sacranie
Secretary General,
10th September 1999



FATWA ON THE WAILING WALL, 8 MAY 2004

[Fatwa explaining why Jews Have No Legitimate Claim to Al-Buraq Wall]

Wa `alaykum As-Salamu wa Rahmatullahi wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful.

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Dear questioner, we would like to express our deep thanks and overwhelming sense of gratitude to you for this great confidence you place in us and implore Almighty Allah to enable us fulfill our task towards the whole Muslim Ummah.

As regards your question, we'd like, first of all, to make it clear to you that Al-Buraq Wall is a part of the western wall of the Al-Aqsa Mosque. The wall was captured by Israel along with the rest of Arab East Jerusalem in the 1967 Middle East war. Israel then annexed that part of the city in a move not recognized internationally.

Jewish worshippers pray at the wall, which they revere as part of a biblical temple. It forms part of a raised esplanade that Jews call Temple Mount and regard as their holiest site.

The compound is known as *Al-Haram Ash-Sharif* (Sacred Sanctuary) and contains the Dome of the Rock and Al-Aqsa Mosque, Islam's third holiest site.

Moving to your question, we'd like to quote the following Fatwa issued by Dr. Nasr Farid Wasil, the former Mufti of Egypt:

“Al-Buraq Wall is part of Al-Aqsa Mosque and it is an Islamic endowment. Hence, it is not permissible in Shari`ah for any non-Islamic quarter to claim or possess it. The wall would remain part and parcel of Islamic heritage and endowment forever. Therefore, it's incumbent upon Muslims all over the world and the media to stop referring to the wall as the Wailing Wall. That term is not religiously acceptable. The wall should be called Al-Buraq Wall.

Moreover, there could be no recognition of Israeli control over the wall. The de facto ownership by Israeli authorities is an act of occupation that does not give them any legal power nor does it entitle them to make any legal claim to the wall.”

Shedding more light on the issue, we'd like to assert that the Mufti of Jerusalem, Sheikh Ekrima Sabri also rejected the idea of calling the wall “Wailing Wall”, as clear in his following fatwa:

“Al-Buraq Wall is part of Al-Aqsa's western wall and the whole walls of Al-Aqsa are Islamic endowments. Prophet Muhammad (peace and blessings be upon him) had honored and blessed the place by tying Al-Buraq (the Prophet's mount) to the wall, during his Night Journey and Ascension to the Heaven (*Al-'Isra' wal-Mi'raj*).

Hence Al-Buraq Wall belongs to Muslims alone in the four corners of the earth and will remain so till Judgment Day. We neither admit nor acknowledge that Jews possess it (Al-Buraq Wall) and, also we stress that there is no stone there dating back to Hebrew history. Israeli sovereignty over Al-Buraq Wall is due to its occupation. Hence, it is impermissible for any non-Islamic part to restore or possess it.

Calling 'Al-Buraq Wall' Wailing Wall is improper and it bears indications against belief. Hence, all Muslims and mass media should abide by the Islamic term, “Al-Buraq Wall” and drop the false calling.”

Refuting the Jewish Claim to the Wall, Sheikh Yusuf Al-Qaradawi, the prominent Muslim scholar, states the following:

“The Jews' claim to Al-Buraq Wall dates back only to recent times. The longest reign of the Jews lasted for 434 years. Their reign in Palestine dates back to the times of Kings Saul, David and Solomon. Solomon's sons split after his decease: Jude headed for Jerusalem while the state of Israel was established in Shakim, that is Naples. The Jewish state in Naples lasted for 298 years and the former for 434. This is the longest period that the Jews reigned. So those who claim that they have a long history in Israel are liars. That history lasted for only 434 years.

The Arabs, on the other hand, have been present in Palestine since the days of the Jebusites and the Canaanites, that is 30 centuries before the birth of Christ. Their history under the umbrella of Islam lasted for more than 14 centuries or even longer. Before the advent of Islam, there had been no Jews in Palestine because since 70 C.E. there had been no trace of Jews or Israelis in Palestine.

Muslims have not established their state on the debris of any Jewish monument. With the aid of their advanced scientific, technical or engineering equipment, they have been searching for anything as little as a trace of the assumed temple of Solomon for more than 30 years, yet to no avail. Where could this so-called Solomon's temple possibly be?”

Allah Almighty knows best.



**FATWA BY GRAND MUFTI EKRIMA SABRI ON THE SACREDNESS OF BUILDINGS
SURROUNDING AL-AQSA, 22 AUGUST 2004**

*Wa `alaykum As-Salamu wa Rahmatullahi wa Barakatuh.
In the Name of Allah, Most Gracious, Most Merciful.*

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

Al-Aqsa is the first *Qibla* (direction of Prayer) of Muslims, and the land of *Al-Israa'* and *Al-Mi'raj*. Our hearts bleed for all the sacrilegious acts been perpetrated against Al-Aqsa.

The status of Al-Aqsa is clearly explained in the Hadith that reads: “*People are not to travel except to three mosques: The Sacred Mosque (in Makkah), Al-Aqsa Mosque (in Jerusalem), and my Mosque (in Madinah).*”

As regards the question in point, Sheikh Ekrima Sabri, the Mufti of Al-Quds and Khatib of Al-Aqsa Mosque, issued the following fatwa:

In response to what has been said concerning establishing a Jewish synagogue in the vicinity of the holy Al-Aqsa Mosque I say:

The buildings surrounding the holy Al-Aqsa Mosque are all considered an Islamic *waqf* (endowment) and have outlets that directly overlook Al-Aqsa Mosque such as doors and windows. Therefore, these buildings have the same legal status of Al-Aqsa in terms of holiness and sacredness. These buildings were built by our ancestors since the Ummayyd era passing through the Ottoman, Ayyubid, Mamluke and Turkish eras, with a view to protecting the mosque from avid invaders and the occupiers, so they actually act as a shield. Moreover, these buildings are mainly schools and centers for scholars and students.

Therefore, it is unlawful to seize any of these buildings and make them a Jewish synagogue; and we warn against taking such an aggressive step, for it is considered an imprudent sedition and a blind deviation from what is right.

Moreover, these buildings have already been built on the corridors of Al-Aqsa Mosque from the northern and western sides. It is also unlawful to build in the vicinity of Al-Aqsa Mosque because they are all considered an Islamic *waqf*. I call on all citizens to be careful and be on their alert.

May Allah save you, Aqsa, from the conspiracies of the avid and from any aggression. It is Allah Who speaks the truth and guides to the right path.

Allah Almighty knows best.



FATWA ON AL-AQSA MOSQUE BY MUHAMMAD SALEH AL-MUNAJJID, 22 AUGUST 2004

Wa `alaykum As-Salamu wa Rahmatullahi wa Barakatuh.

In the Name of Allah, Most Gracious, Most Merciful.

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

There is a difference between the Dome of Rock and Al-Aqsa Mosque. The Zionists are now trying to deceive Muslims by claiming that there is no difference between the two mosques (i.e. they are all the same) with the aim of dissuading Muslims' attention from the real fact and silencing them from claiming any right to Al-Aqsa Mosque.

Elaborating on this, we'd like to cite the following fatwa issued by Sheikh M. S. Al-Munajjid, a prominent Saudi Muslim lecturer and author, in which he states the following:

“Al-Aqsa Mosque (in Jerusalem) was the first of the two *qiblahs* (prayer direction), and is one of the three mosques to which people may travel for the purpose of worship. It is said that it was built by Sulayman (Solomon, peace be upon him), as stated in *Sunan an-Nasa'i* and classed as authentic by al-Albani. And it is also said that it existed before Sulayman (peace be upon him) and that Sulayman rebuilt it; this is based on the hadith reported by Al-Bukhari and Muslim on the authority of Abu Dharr (may Allah be pleased with him) who said: “I said, ‘O Messenger of Allah, which mosque was built on earth first?’ He said, ‘Al-Masjid Al-Haram [in Makkah].’ I said, ‘Then which?’ He said, ‘Al-Masjid Al-Aqsa.’ I said, ‘How much time was there between them?’ He said, ‘Forty years. So wherever you are when the time for prayer comes, pray, for that is the best thing to do.’”

“The Prophet (peace and blessings be upon him) was taken on the Night Journey (*isra'*) to *Bayt Al-Maqdis* (Jerusalem), where he led the Prophets in prayer in this blessed mosque. Allah says: “Glory

to (Allah) Who did take His servant for a Journey by night from the Sacred Mosque (Al-Masjid al-Haram) to the farthest Mosque (Al-Masjid al-Aqsa), whose precincts We did bless, in order that We might show him some of Our Signs: for He is the One Who heareth and seeth (all things).” (al-Isra’: 1)

The Dome of the Rock was built by the caliph `Abd Al-Malik ibn Marwan in 72 AH. It is mentioned in *Al-Mawsu`ah al-Filastiniyyah* (4/203): “The name Al-Masjid Al-Aqsa was historically applied to the entire sanctuary (*Al-Haram Al-Sharif*) and the buildings in it, the most important of which is the Dome of the Rock which was built by `Abd Al-Malik ibn Marwan in 72 AH/691 CE, which is regarded as one of the greatest Islamic historical buildings. But today the name is applied to the great mosque which is situated in the southern part of the sanctuary plateau.”

It also says in *al-Mawsu`ah* (3/23): “The Dome of the Rock is situated in the middle of the plateau of Al-Masjid Al-Aqsa, which is in the southeastern part of the city of Al-Quds (Jerusalem). It is a spacious rectangular plateau which measures 480 meters from north to south, and 300 meters from east to west. This plateau occupies approximately one-fifth of the area of the Old City of Jerusalem.

The mosque which is the place of prayer is not the Dome of the Rock, but because pictures of the Dome are so widespread, many Muslims think when they see it that this is the mosque. This is not in fact the case. The Mosque is situated in the southern portion of the plateau, and the Dome is built on the raised rock that is situated in the middle of the plateau.”

We have already seen above that the name of the mosque was historically applied to the whole plateau. The Muslims’ fondness for the picture of the Dome may be because of the beauty of this building, but this does not excuse them from the resulting mistake of not distinguishing between the Mosque and the buildings that surround it.

This may be one of the plots and tricks of the Jews in order to give importance to the Rock so that they can fulfill their desire to build the so-called Temple of Solomon on the ruins of Al-Masjid Al-Aqsa. This is by making the Muslims think that Al-Masjid Al-Aqsa is the Dome of the Rock, so that if the Jews start to destroy Al-Masjid Al-Aqsa and the Muslims denounce them for that, they will tell them, “Al-Masjid al-Aqsa is fine,” and will show them a picture of the Dome of the Rock. Thus they will achieve their aims and be safe from the Muslims’ criticism.

Allah Almighty knows best.



**FATWA BY SHEIKH YUSUF AL-QARADAWI ON THE SACRED DUTY
OF DEFENDING JERUSALEM, 23 AUGUST 2005**

*Wa `alaykum As-Salamu wa Rahmatullahi wa Barakatuh.
In the Name of Allah, Most Gracious, Most Merciful.*

All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.

It is very important to note that the land of Islam is not for sale; it is not to be relinquished, and no damages can possibly make up for its loss. Therefore, it is incumbent on Muslims, wherever they may be, to shoulder their responsibility of defending Jerusalem and Al-Aqsa Mosque.

Elaborating more on this issue, the prominent Muslim scholar Sheikh Yusuf Al-Qaradawi states the following:

No Muslim, be he in authority or not, is allowed to abandon any of the lands of Muslims. The land of the Islamic world is not the property of any president, prince, minister or group of people. It is not up to anyone therefore to relinquish it under any circumstances.

Conversely, it is the duty of individuals and groups to strive hard to liberate occupied territories and retrieve usurped land. The entire nation is jointly responsible for that and it is not up to the ruler or his subjects to choose to give up the land. If a particular generation lapses in idleness or is incapable of shouldering the responsibility, it has no right to force its idleness or incapacity on all the coming generations up till Judgement Day, by giving up what it has no right to.

Therefore, I have issued a Fatwa indicating that it is unlawful for all homeless Palestinian refugees to accept damages in return for their lost land, even if they amount to billions. The land of Islam is not for sale; it is not to be relinquished, and no damages can possibly make up for its loss.

If this is the ruling concerning any ordinary piece of land in an Islamic state, what will be the case with the holy land of Jerusalem, the land of the first of the two qiblahs and Al-Aqsa Mosque and the third most venerable city in Islam, after Makkah and Madinah?

This land was the destination of Al-Israa' and the land from where Al-Mi'raj was launched. Nothing better explains its revered status than Allah's words, *Glory to (Allah) Who did take His servant for a journey by night from the sacred Mosque to the farthest Mosque, whose precincts We did bless, in order that We might show him some of Our Signs: for He is the One Who Heareth and Seeth (all things).* (Al-Israa' 17:1).

Therefore, Jerusalem has come to enjoy a special place in the heart of every Muslim in the entire Arab world. The occupation of Jerusalem moves his heart and pains him, out of love, keenness and jealousy over it as well as his concern about it. It is mainly on account of Jerusalem that the Palestinian cause comes first on Muslims' list of priorities. It is Jerusalem that Muslims fear for and are keen to preserve, defend and fight for. It is for the sake of Jerusalem that they willingly give their lives and all they hold dear. Jerusalem is the symbol of the cause of Palestine. It is the backbone and the very core of the problem. True are the words of the poet who once said,

Palestine is meaningless with no Aqsa or Jerusalem.
Without Jerusalem, it is like a body with no head.

Jerusalem is not for the Palestinians only, but for all Muslims, be they Arabs or not. It is a city for all Arabs, be they Muslims or Christians. Therefore it is incumbent on Muslims, wherever they may be, to shoulder their responsibility of defending Jerusalem and Al-Aqsa Mosque. This is an obligation for them all.

They are to jointly defend it, offering in the process their lives, their money and all they possess, or else they will be subject to Allah's punishment, for Allah says: *O ye who believe what is the matter with you, that when ye are asked to go forth in the cause of Allah, ye cling heavily to the earth? Do ye prefer the life of this world to the Hereafter? But little is the comfort of this life, as compared with the Hereafter.* (At-Tawbah 9:38).

During my tours across the Arab world, many a time have I been asked by Muslim youth who would hide their heads in their hands and fervently crying, would ask, "How do we clear our conscience and shoulder the responsibility of defending Jerusalem?"

We have seen how the Arab world in its entirety was turned upside down when a Jewish fanatic attempted to burn Al-Aqsa Mosque in 1969. Muslims called on each other across the world. The first Islamic Summit was held, which in turn gave rise to the Islamic Conference Organization.

When the crusaders formerly occupied Jerusalem, it was liberated by non-Arab Muslims, like Turkish Emad Ed-Din Zinky and his son Nour Ed-Din Mahmoud Eshahid as well as his disciple, Kurdish Saladin Al-Ayoubi, who was able to regain Jerusalem from Christians.

Muslims everywhere are still, as they have always been, ready to do all what they can in defense of Jerusalem. This is the case with all the nations I have visited, starting with the Philippines and Indonesia in the very East through Morocco in the Muslim West, though unfortunately this was not the temperament of Muslim rulers.

Jerusalem is an invaluable part of the homeland of Islam. For more than 14 centuries, Muslims have lived there. They have not usurped it from the Jews who had already ceased to live there hundreds of years before that. The Jews' longest reign in Palestine lasted for only several hundred years, while Arabs and others have been there for thousands of years. The Christian patriarch of Jerusalem handed it to `Umar Ibn Al-Khattab. Among the patriarch's conditions was that no Jew should live there.

The sovereignty over Jerusalem, particularly East Jerusalem, must be Islamic, Arab, and Palestinian. This will not prevent any Jew or Christian from observing his religious rituals with the perfect freedom and tolerance which Islam has been famous for throughout the eras. The international legitimacy embodied in the Security Council resolutions assert that Jerusalem is part of the Arab lands occupied since 1967.

Documents on Jerusalem – Documents with a Religious Background

Hence, evidence based on history, religion and international law all jointly prove that Jerusalem belongs to the Palestinians. The crisis of Jerusalem should be the number one item on the agenda of the Islamic World.

Allah Almighty knows best.



PART II:

POLITICAL
DOCUMENTS

4. EUROPEAN DOCUMENTS

OFFICIAL PROCLAMATION OF MARTIAL LAW BY SIR EDMUND ALLENBY FOLLOWING THE FALL OF JERUSALEM, 9 DECEMBER 1917

To the Inhabitants of Jerusalem the Blessed and the People Dwelling in Its Vicinity:

The defeat inflicted upon the Turks by the troops under my command has resulted in the occupation of your city by my forces. I, therefore, here now proclaim it to be under martial law, under which form of administration it will remain so long as military considerations make necessary.

However, lest any of you be alarmed by reason of your experience at the hands of the enemy who has retired, I hereby inform you that it is my desire that every person pursue his lawful business without fear of interruption.

Furthermore, since your city is regarded with affection by the adherents of three of the great religions of mankind and its soil has been consecrated by the prayers and pilgrimages of multitudes of devout people of these three religions for many centuries, therefore, do I make it known to you that every sacred building, monument, holy spot, shrine, traditional site, endowment, pious bequest, or customary place of prayer of whatsoever form of the three religions will be maintained and protected according to the existing customs and beliefs of those to whose faith they are sacred.

Guardians have been established at Bethlehem and on Rachel's Tomb. The tomb at Hebron has been placed under exclusive Moslem control.

The hereditary custodians at the gates of the Holy Sepulchre have been requested to take up their accustomed duties in remembrance of the magnanimous act of the Caliph Omar, who protected that church.



THE PALESTINE (HOLY PLACES) ORDER IN COUNCIL, LONDON, 25 JULY 1924

[Order determining the constitution of a Commission charged with jurisdiction over Holy Places]

AT THE COURT AT BUCKINGHAM PALACE;

The 25th day of July, 1924.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by the Palestine Order in Council, 1922, it is (among other things) provided that the Civil Courts in Palestine shall exercise jurisdiction in all matters and over all persons in Palestine:

And whereas it is expedient that certain matters shall not be cognizable by the said Courts:

And whereas by treaty, capitulation, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction within Palestine:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise, in His Majesty vested, is pleased, by and with the advise of His Privy Council, to order, and it is hereby ordered, as follows:

1. This order may be cited as "The Palestine (Holy Places) Order in Council, 1924."
2. Notwithstanding anything to the contrary in the Palestine Order-in-Council 1922, or in any Ordinance or Law in Palestine, no cause or matter in connection with the Holy Places or religious buildings or sites or the rights or claims relating to the different religious communities in Palestine shall be heard or determined by any Court in Palestine.

3. Provided that nothing herein contained shall affect or limit the exercise by the Religious Courts of the jurisdiction conferred upon them by, or pursuant to, the said Palestine Order in Council.
4. If any question arises whether any cause or matter comes within the terms of the preceding Article hereof, such question shall, pending the constitution of a Commission charged with jurisdiction over the matters set out in the said Article, be referred to the High Commissioner, who shall decide the question after making due enquiry into the matter in accordance with such instructions as he may receive from one of His Majesty's Principal Secretaries of State.
5. The decision of the High Commissioner shall be final and binding on all parties.
6. His Majesty, His Heirs and Successors in Council, may at any time revoke, alter or amend this Order.
7. And the Right Honourable James Henry Thomas, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.



BRITISH GOVERNMENT WHITE PAPER, NOVEMBER 1928 [EXCERPTS]

The Western or Wailing Wall formed part of the western exterior of the ancient Jewish Temple; as such it is holy to the Jewish community and their custom of praying there extends back to the Middle Ages and possibly further. The Wall is also part of the Haram al-Sharif; as such it is holy to Moslems. Moreover, it is legally the absolute property of the Moslem community and the strip of pavement facing it is Waqf property as is shown by documents preserved by the Guardian of the Waqf. The Jewish Community have established an undoubted right of access to the pavement for the purposes of their devotions but, whenever protests were made by the Moslem authorities, the Turkish authorities repeatedly ruled that they would not permit such departures from the existing practice as the bringing of chairs and benches to the pavement. It is understood that a ruling prohibiting the bringing of screens to the pavements was given in 1912.

The Palestine Government and His Majesty's Government, having in mind the terms of Article 13 of the Mandate for Palestine, have taken the view that the matter is one in which they are bound to maintain status quo, which they have regarded as being, in general terms, that the Jewish community have a right of access to the pavement for the purposes of their devotions, but may bring to the Wall only those appurtenances of worship which were permitted under the Turkish regime. Whenever the Moslem authorities have preferred complaints that innovations have been made in the established practice, and the Palestine Government on enquiry have satisfied themselves that the complaints were well-founded, they have felt it their duty to insist that the departures from practice which gave rise to the complaints should be discontinued.



THE STATUS QUO IN THE HOLY PLACES, PAPER PREPARED BY FORMER DISTRICT OFFICER OF JERUSALEM, L.G.A. CUST, SEPTEMBER 1929 [EXCERPTS]

[Review of the history of Holy Places in Jerusalem before and after the establishment of the Status Quo]

INTRODUCTORY NOTE.

It is probably true to say that no question more constantly exercised the Moslem rulers of Palestine and took up more of their time than the ever recurring difficulties and disputes arising out of the circumstance that the Christian Holy Places in Jerusalem and Bethlehem were not in one ownership but were shared and served by several communities. In this respect the experience of the British Mandatory Government has not differed greatly from that of their Ottoman predecessor. As the several ecclesiastical communities represented in the Holy Places waxed or waned in influence or even (as in the case of the Georgians) lost all representation in the Holy Land, so their shares in the sanctuaries fluctuated and their boundaries within the shrines tended to depend upon the numbers, wealth, and even strong right arm, of the parties concerned and upon the favour of the Sultan. And that the latter was sometimes a precarious asset is shown by the circumstance that between the years 1630 to 1637 - a particularly important period in the history of the Holy Places - the right of pre-eminence (*praedominium*) in the Church of the Holy Sepulchre, the Church of the Virgin near Gethsemane, and the Basilica of the Nativity at Bethlehem, alternated no fewer than six times, at the caprice of Sultan Murad IV, between the two principal shareholders, the Orthodox and the Roman Catholics.

Article LXII of the Treaty of Berlin proclaims the inviolability of the *status quo* of the Holy Places, and the phrase *status quo* has thus assumed a wide significance in this connexion, since it is to it that appeal is made

in all questions which arise within these sacred and much contested walls. Not only Orthodox and Latins, but Armenians, Copts, Jacobites and Abyssinians have still their shares in the Holy Places; and, owing to the complexity of the shares, to the frequent absence of authoritative rulings, and to contradictory decisions given in the past, the *status quo* is often difficult to define.

On this account the Paper prepared by Mr. L.G.A. Cust, who has had several years of experience in the Jerusalem District Administration, supplemented by a detailed description of the complicated practice at Bethlehem by Abdullah Effendi Kardus, M.B.E., District Officer of the Bethlehem Sub-District, will be of practical value to the officers of the Government of Palestine who have to administer and give decisions upon the interpretation of the *status quo*. While it does not attempt the vast task of examining and sifting all the rulings of the Mamluk and early Ottoman rulers of Palestine, it gives a succinct account of modern practice; and it is the only collection extant of the rulings and decisions taken since 1918. As such it cannot fail to be a valuable *vade mecum* to those charged with the delicate duty of applying one of the most fluid and imprecise codes in the world.

H. C. LUKE, Chief Secretary to the Government of Palestine.
JERUSALEM, September, 1929.

INTRODUCTION

Article 13 of the Mandate for Palestine lays on the Mandatory Power the responsibility of preserving existing rights in the Holy Places.

Article 14 provides for the constitution of a special Commission to study, define and determine the rights and claims in connexion with the Holy Places. This Commission has never yet been formed, and in consequence, the Government of Palestine is still under the obligation to maintain the Status Quo in every respect.

Although the arguments of the various claimants in the question of the Holy Places have been set out at length, there has hitherto been no attempt made to discover and codify as far as is possible what *is* the practice at the present time, and, irrespective of what is claimed, what *are* the existing rights that thus the Palestine Government is bound to preserve.

The experience of nearly five years as an administrative officer in Jerusalem is embodied in the following pages. But the Status Quo is not a growth of recent date; it is an evolution that traces its beginning to the early centuries of the history of the Church. Consequently, to obtain a proper perspective and so be able to appreciate what is the true meaning and import of occurrences that appear at first sight to be trivial, it is essential to comprehend how the position arose. A description is therefore given of the origin and history of the conflicts and rivalries in the Holy Places that culminated in the declaration of the Status Quo by the Sultan in the middle of the last century. The prejudice, it should however be realised, of the various authorities, as well as the valuelessness of firmans and other documents which often are directly contradictory, makes the study of this problem very difficult except when guided by actual experience.

It cannot be denied that the moment is opportune for an attempt to arrive at a solution of the question of the Holy Places. The most important external influences have disappeared for ever, and largely on this account, despite occasional setbacks, a new spirit of accommodation is increasingly evident among the representatives of the various rites that live together in these sacred surroundings. It is most sincerely hoped that the information collected in these pages may be of assistance to this end.

Reports drawn up by Bishara Effendi Habib, who was for over thirty years in the political office of the Mutesarrif of Jerusalem, and has always shown himself ready to put his wide experience at the disposal of the Government, have been of the greatest service. A very complete and painstaking memorandum written by Abdullah Effendi Kardus, M.B.E., who was for many years District Officer, Bethlehem Sub-District, is given as well in full.

Certain appendices are added, including a detailed description of the Ceremony of the Holy Fire, which was drawn up originally for the guidance of the District Governor's office.

L. G. A. C. JERUSALEM, July, 1929.

THE STATUS QUO. ITS ORIGIN AND HISTORY TILL THE PRESENT TIME.

To form a just appreciation of what is signified by the Status Quo in the Holy Places and thus arrive at a clear understanding of the various rights and privileges that arise from it, it is necessary to trace the development of the Church from its earliest days. For in all its salient features the Status Quo is the logical outcome of some

occurrence in history, until gradually the present complicated network of rights and privileges is produced.

It is natural that the actual scenes connected with the Life on earth of Our Lord must from earliest times have been of surpassing interest to His followers, and there has been no important event connected with the history of the Church that has not had its repercussion in the Holy Places.¹

A fundamental reason for the present state of affairs is the fact that, except for limited periods, the Holy Places were for 13 centuries under the dominion of a non-Christian power from whom concessions were obtainable by diplomatic pressure or other influences. A remarkable feature, however, of the Moslem domination is the tolerance displayed on all but very rare occasions towards the Christians. The barbarian invaders of Syria and Palestine, such as the Persians² and the Charismians spread widespread destruction, and the mad Caliph al Hakem destroyed with scientific thoroughness the second Church of the Holy Sepulchre, but the original Arab invaders and the Saracens later acted in the spirit of protectors rather than conquerors. This magnanimous attitude was doubtless encouraged in some degree by the fact that the Holy Places and the contentions of the different Christian sects on their account were profitable sources of income, but in Moslem eyes the Christians (like the Jews) are Kitabis, *i.e.* People of the Book, worshippers of the true God, but not in the right way, and whom the Prophet ordained should not be persecuted.³

In strong contrast is the rivalry of the Christian Churches and Powers. The history of the Holy Places is one long story of bitter animosities and contentions, in which outside influences take part in an increasing degree, until the scenes of Our Lord's life on earth become a political shuttlecock, and eventually the cause of international conflict. If the Holy Places and the rights pertaining thereto are an "expression of men's feelings about Him whose story hallowed those sites,"⁴ they are also an index of the corruptions and intrigues of despots and chancelleries during eight hundred years. The logical results have been the spirit of distrust and suspicion, and the attitude of intractability in all matters, even if only of the most trivial importance, concerning the Holy Places.

A. Early Period.

In the earliest days the Church was one and undivided. Administratively it was split up into three great Patriarchates: Rome, Antioch, and Alexandria. Jerusalem, under its Roman name of Aelia Capitolina, was a bishopric in the Patriarchate of Antioch depending on the Metropolis of Caesarea, at that time the administrative centre as well. Such was the position when Constantine founded the great Churches of the Anastasis and the Nativity.

By the Edict of Milan in A.D. 313, Christianity had become the official religion of the Roman Empire, and the body politic of the Church set about organising itself. Seven great Councils were held, all of which were fraught with matters of great import for the future history of the Church.⁵

At the Council of Nicaea we find the Bishop of the Holy City, who had already obtained a form of honorary primacy, being accorded "the succession of honour". At the First Council of Constantinople, the newly elevated Capital of the Empire was created a fourth Patriarchate. At the Council of Ephesus, Bishop Juvenal of Jerusalem attempted to obtain like privileges; he failed then, but succeeded a little later at Chalcedon, and so Jerusalem became the fifth Patriarchate. The venerable antiquity of the Jerusalem Patriarchate is therefore apparent.

These Councils, however, produced the heresies to which the lesser Eastern Churches trace their origin. After the Council of Ephesus the heresy of Nestorius broke off a large portion of the Patriarchate of Antioch, and the Council of Chalcedon saw the rise of Mono-physism, and the separatist Churches of this communion, the Armenian, Coptic,⁶ Syrian Jacobite,⁷ and Abyssinian.

¹ Except perhaps the Reformation, which concerned Western Christianity alone.

² The story is told that the hordes of Chosroes in A.D. 614 spared the Basilica of the Nativity because over the doorway there was a large mosaic depicting the visit of the Magi in a Persian setting.

³ See *Fortescue*, *The Orthodox Eastern Church*, pp. 234-7.

⁴ Waddy.

⁵ Nicaea (325), Constantinople I (381), Ephesus (431), Chalcedon (451), Constantinople II (553), Constantinople III (681), Nicaea II (787).

⁶ The Copts were originally the nonconformist Christians of Egypt. The words Copt and Egypt are of the same derivation.

⁷ The Syrian Jacobites like to attribute their origin to the Apostle St. James. The name "Jacobites" is actually derived from a monk, Jacob Baradai, who, under the protection of the Empress Theodora, wife of Justinian I, who had Mono-physite sympathies, was in some sort the founder of this Church. Their official designation is "The Syrian Orthodox Church.").

So by the time of the Moslem invasion we find the Church in the East already sub-divided into various sects, all of whom doubtless shared in the common worship at the Holy Places, arranging among themselves the order of their services. But there was only one Patriarch, the Orthodox, and it was the Orthodox Patriarch Sophronius who arranged the terms of capitulation with the Khalif Omar, and again the Orthodox Patriarch Nikephorus who obtained leave from the tyrant El Hakem for the Christians of all rites to resume their services amid the ruins of the Holy Sepulchre he had destroyed. Nor do we hear of any rivalry in these times between Eastern and Western Christianity. On the contrary, Haroun-al-Rashid appealed to Charlemagne for succour for the poor Christians in Jerusalem, sending him at the same time the keys of the Holy Sepulchre.⁸ It is clear that the divisions and schisms in the Church elsewhere were not felt as yet in the Holy City.

That during the earliest centuries there was thus harmony and not discord in the Holy Places is generally accepted by authorities on this period. In the official exposes of the Roman Catholic point of view, one of which was submitted to the Peace Conference in 1919, and another published by the Franciscans in 1922,⁹ no mention is made of any claim in regard to the Holy Places prior to the era of the Crusades. This is duly noted in a memorandum in reply drawn up by the Reverend Archbishop Timotheos Themeles, formerly Chief Secretary of the Orthodox Patriarchate of Jerusalem.¹⁰ Similarly that the Khalif Omar entrusted the custody of the Holy Places to the Greek element as distinct from the other Christian sects is an historical impossibility.¹¹

B. The Crusades.

With the arrival of the Crusaders, however, a far-reaching change took place in the history of the Holy Places. Although in the first years after the capture of Jerusalem in 1099 the Frankish strangers and the indigenous Christians worked hand in hand in restoring the ruined shrines, the cleavage between the two elements became more and more pronounced. During the existence of the Latin Kingdom the Latin element enjoyed the paramountcy (*praedo-minium*) in all the Holy Places, and the Orthodox Patriarch retired to Constantinople. At the same time we read in the account of the monk Theodoric, writing about 1172, that there were still at that time representatives of the other churches ministering under the roof of the Holy Sepulchre, though "differing in language and in their manner of conducting divine service."¹² Two events now occurred which had an important and far-reaching influence on the question of the Holy Places. The reunion Councils that were held subsequent to the schism of Cerularius in 1054 proved abortive, and after the last one held at Florence in 1438, the estrangement between Eastern and Western Christendom became final and complete, and in the histories and records from that time onwards Latin and Orthodox are to each other dissidents, schismatics, and heretics.

The second event constitutes one of the blackest chapters in the history of European civilization. In 1187 the Crusaders lost Jerusalem to Saladin. Preached by Pope Innocent III, the Fourth Crusade set out in 1204 from Venice for Palestine. Instead of proceeding to recover the Holy Places from the hands of the Infidel, the Crusaders found it easier to fight Christians than Saracens and plundered and sacked the centre of Eastern Christianity with all conceivable cruelty and horror.¹³ The Pope, indeed, no sooner heard how the forces and money raised for a Holy War were being used by these "Soldiers of the Cross," when he excommunicated the whole force. But these abominable and unpardonable acts were never forgotten, and from, thenceforth the Eastern Church looked for its revenge on the West.¹⁴ From every point of view, therefore, political, racial and theological, the issue is now denned, and on all these grounds the Holy Places are from that time to this the battle-field of the contesting parties. For a century or so, even after the fall of Jerusalem, Latin supremacy was maintained; the treaties made by the Crusaders with the Moslems were to secure the position of the Latins alone, and the presence of the other rites was at times barely tolerated. But the end of undisputed Latin supremacy soon came. In 1291 Acre fell, and the other rites began to return, so that Ludolf of Sudheim, writing an account of his travels in 1348, enumerates seven sects as again being in occupation. Latin paramountcy, however, lasted for some time, largely on account of the support given by the Dukes of Burgundy.

It is to be noted that about this time, in A.D. 1230, the Franciscan Order was established in Jerusalem and became the official representatives of Roman Catholicism in the Holy Places, with their headquarters in the Cenacle on Mount Zion, obtained from the Egyptian Sultan, Melek-el-Nasr, in 1332, for 30,000 ducats.

⁸ Charlemagne also built a hostel in the Holy City for pilgrims. Bernard the Wise stayed here in A.D. 867

⁹ *Les Lieux Saints de la Palestine* (pro manuscripto).

¹⁰ "Greeks and Franciscans in the Holy Places, 1919."

¹¹ The famous "Akhname" or Firmans of Omar (636) in the possession of the Orthodox Patriarchate is in some quarters held to be a forgery of the 17th century (see Franciscan Memorandum of 1922, p. 25).

¹² See *Luke, Prophets, Priests and Patriarchs*, p. 40.

¹³ A quarter of Constantinople was burned down, and for days the massacre continued. What was not destroyed was looted. The four great bronze horses outside St. Mark's at Venice were carried off on this occasion. For the story of this Crusade see the *Chronicles of Villehardouin*.

¹⁴ Fortescue has an interesting note that in a Greek school primer there occurs a lurid account of the horrors done by the Franks in 1204, out of hatred of the Orthodox Faith.

C. The Turkish Conquest.

In 1453, after Western Christianity, with a few honourable exceptions, had refused to come to its aid, Constantinople fell to the victorious army of Sultan Mohammed II. The Byzantine Christians soon, however, found that the Turkish Conqueror, as the Arab centuries before, was prepared to treat his subject peoples with tolerance, under certain clear and unarguable conditions. Not unmindful of their sufferings during the last three hundred years, it is no wonder that they found the Sultan's turban preferable to the Pope's tiara. Accordingly, in the 16th century, a definite change in the balance of power in the Holy Places is discernable: Orthodox influence is renascent at the expense of Latin, a process facilitated by the conquest of Palestine by Sultan Selim I in 1517 from the Egyptian Mamelukes. The Latin clergy were subjects of the Powers with whom the Ottoman Empire was constantly engaged in war, and it is natural that the Sultan's Orthodox subjects should be treated with favour at the expense of the "Frangi." The result was that in 1552 by Imperial decree the Franciscans were ejected from the Cenacle, which passed into Moslem hands.¹⁵

The Confraternity of the Holy Sepulchre also comes into existence at this time, founded by the Patriarch Dositheos in 1662, and assumes the direction of Orthodox interests in the Holy Land. From the second half of the 16th till the 19th century the possession of the Holy Places is in the forefront of international politics. The difficulties with which the Latins were beset aroused the interest of the Latin Powers, especially France, whose Ambassador became their spokesman at the Porte. On the other side, the Orthodox cause is always championed by the Ecumenical Patriarch, and moreover another Power now appears on the scene. Western European influence in the Ottoman Empire in any form was an obstacle to the ambitions of Russia, and as a counter move to the French capitulations Russia assumed at the Treaty of Kiichiik Kainarji in 1774, the protection of the Sultan's Orthodox subjects; consequently we find from now onwards the Russian Ambassador the protagonist of the Orthodox.

Time and again in these centuries the *praedominium* alternates. Opportunity was taken of the Peace Treaties imposed on the Turk during these centuries to assert Latin supremacy, but as the Turk recovered from his defeats the pendulum soon swung round again. The Capitulations of 1604, 1673, and 1740, confirmed the Latins in the possession of the Holy Sepulchre and Calvary, the Church of the Nativity, and the Church of the Virgin. On the other hand, in 1637 the Patriarch of Jerusalem, Theophanes III, obtained a firman in favour of the Orthodox and finally in 1757, while the European Powers were engaged in continual strife among themselves, this element definitely regained the supremacy. The Orthodox and Franciscan archives contain many firmans and *hujjets* (*i.e.*, decisions of the Sharia Court at Jerusalem) and other documents of this period which are quoted in support of their claims; they cannot, however, be considered of much value except as an indication of the nature of the struggle and of the profit that must have flowed into the coffers of the Turk.

It is to be noted that during this period of international contention the smaller rites decline, if they do not drop out altogether, being unable to bear the exactions of the Turkish Government which was intent on making the utmost out of the dissensions of the Christians.¹⁶

The close of the 18th century therefore saw the Orthodox Church paramount, and their position consolidated, a process facilitated by events elsewhere. The French Revolution, which prescribed all religion and later the Napoleonic Wars occupied the attention of Europe for two decades and a-half. So when in 1808 the Rotunda was burnt down, the Orthodox Church seized this opportunity and powerfully supported by Russia rebuilt the Church,¹⁷ effacing what remained of the work of the Crusaders, notably the Tombs of the Latin Kings and

¹⁵ According to some authorities this drastic action of the Sultan was on account of the alarm caused by a rumour, started originally at the end of the 12th century by Rabbi Benjamin of Tudela, that some Christian workmen had discovered on Mount Zion the Tombs of David and Solomon and the other Kings of Judah. The homeless Franciscans were given shelter by the Armenians, until they acquired the Convent of St. Saviour from the Orthodox, who had in their turn obtained it from the Georgians. In memory of this, for some time the Franciscans used to hold a service once annually in the Armenian Cathedral, but the custom has now fallen into desuetude.

The Cenacle is not a subject of concern to this study, being absolutely under the authority of the Moslem Waqf of Nebi Daud, who however arrange to open it to the many that are anxious to visit a site of such sacred traditions. The delicate nature of this question was pointed out in District Governor's letter, 4470/A.G. of 30 August, 1921.

Its retrocession is one of the most insistent claims of the Franciscans, in which they receive powerful political support from Italy. This was illustrated on the occasion of the visit of H.R.H. the Prince of Piedmont in 1928, when an incident occurred due to the Moslems objecting to the removal of the carpets— see Deputy District Commissioner's confidential letter of 10 April, 1928, and Despatch to Secretary of State, No. Conf.A. 14846/28 of 20 September, 1928.

¹⁶ Vincent and Abel (*Jerusalem*, p. 319) quote an authority of this period who says in connexion with the Church of the Virgin that "Les musulmans sont feroces sur le status quo. On n'oserait pas deblayer le grotte sans la permission des Tures, et ils n'accordent ces sortes de permission qu'avec de grandes difficulties et force's par de grosses sommes d'argent, auxquelles seules il se laissent vaincre."

¹⁷ It is said to have cost two and a half million roubles to get leave to repair the Church and one and a half million to do the repairing.

erected over the Tomb the present modern and featureless shrine. Yet even at this time, a declaration was obtained by the Latin Powers from the Sultan to the effect that this restoration by the Orthodox was not to be considered as having any influence on the rights and privileges of the various communities in the Holy Places.

D. The Declaration of the Status Quo.

The third and fourth decades of the 19th century saw a revival of the struggle over the Holy Places and renewed attempts by the Roman Catholic Powers to reverse the position. The political circumstances of the time were favourable; Turkey was embarrassed as the results of the war with the Egyptians and, for the first time perhaps, the Orthodox cause was weakened at the Porte by reason of the Greek War of Independence. Further, the French "Drang nach Osten" had begun to make itself felt. In 1847 the Latin Patriarchate, that had been dormant since the fall of the Latin Kingdom of the Middle Ages, was revived under the aegis of France, the official protector of all the Roman Catholics in the Ottoman Empire, and assumed direction of all Roman Catholic interests in the Holy Land. In 1850 the French representative at Constantinople, General Aupick, on behalf of his Government and the Catholic Kingdoms of Sardinia, Belgium, Spain, and Austria, submitted to the Sublime Porte a demand for the restoration to the Franciscans of the Holy Places they possessed prior to 1757, that is to say, the Rotunda and the Edicule, the Stone of Unction, the Seven Arches of the Virgin and the Prison of Christ, the Courtyard of the Holy Sepulchre, the Church of the Virgin, and the Church of the Nativity. These claims were received with no less powerful opposition on the part of Russia, the Czar threatening to withdraw his representative at the Porte if they were entertained, and the dispute was one of the causes that led to the Crimean War.¹⁸

An important firman issued in 1852 by Sultan Abdul Mejid, after making reference to a careful examination that had been conducted by a Committee appointed by the Porte, rejected the claim put forward by the Latins to the absolute possession of the major shrines, as detailed by General Aupick, and directed that the Status Quo be maintained in all these places. This firman constitutes the official Declaration of the Status Quo in the Holy Places. Shortly afterwards the Crimean War broke out. The Treaty of Paris at its close in 1855 left the position as it was, the Signatory Powers, including Russia, undertaking to uphold the Status Quo ante bellum in the Holy Places in every respect. Satisfaction was given to the French by the grant of the ruined Crusader Church of St. Anne, built over the traditional site of the House of the Virgin, then a disused mosque.¹⁹ Later, in 1868 and 1869, when the question was raised again, the Sultan Abdul Mejid by firman confirmed the Status quo.²⁰ Again in 1878 in the Treaty of Vienna that terminated the Russo-Turkish War it was specified that no alteration was to be made in the Status Quo, without the general consent of the Signatory Powers.

As the result of these negative solutions the jealousies of the rival Powers, reproduced among the different rites officiating in the Sanctuaries, were in no way diminished. Russian "peaceful penetration" in the Holy Land was intensified and great churches and hospices were built in Jerusalem, on the Mount of Olives, at Gethsemane, at Nazareth, Hebron and Jericho. On the other hand, the Latin Patriarchate and the French Consulate-General combined their resources. Even in those instances where under the Status Quo matters were clearly defined, under such conditions agreement or co-operation was impossible.

E. The Great War.

Such was the position at the outbreak of the Great War. The Peace found the Holy Places once more under the control of a Christian Power, not, as in the days of the Crusaders, under the shadow of a perpetual menace, but sheltered in the world-wide dominion of Great Britain, the Turk pushed back far beyond reach, and, most important perhaps of all, Russian influence extinguished. A little later also (in 1924) the French Protectorate over Roman Catholics terminated.

The peacemakers saw an exceptional opportunity to find a solution for the question of the Holy Places which had been shelved on so many previous occasions. Following on a provision to that effect in the Peace Treaty with Turkey, a clause was inserted in the Mandate for Palestine providing for the constitution of a Holy Places Commission.²¹ The composition of the Commission has, however, been a stumbling block that has up to date proved insurmountable. In 1922 the British Government formulated certain proposals in this regard, but, owing to the difficulties raised by the Roman Catholic Powers, withdrew them shortly afterwards and

¹⁸ For an account of these times, see Consul Finn's "Stirring Times." f Khatt-i-Sherif of Jemad-al-Awal, 1268 (A. H.) quoted *in extenso* by Archbishop Themeles.

¹⁹ It had previously been offered to the Anglican Church.

²⁰ This Sultan had realised that these involved questions could not be left to the jurisdiction of local officials, and had in 1853 decreed that all matters relating to the Holy Places were to be referred to the Sublime Porte itself (Khatt-i-Sherif of 17 Shaaban, 1269 A.H.).

²¹ See Appendix A.

adopted the attitude of taking no further action until these Powers had reached agreement among themselves, when it would re-examine the question and attempt to find a solution satisfactory to all parties.

In 1923 a proposal was put forward by the Secretary of State that, pending the constitution of the Holy Places Commission, a special Commission of Inquiry composed of one or more British judges not residing in Palestine should be appointed *ad hoc* to deal with any disputes arising with regard to the Holy Places that would come under the jurisdiction of the Holy Places Commission, were it in existence. The Foreign Office expressed their concurrence and the Government of Palestine accepted the proposal.²² The matter has not, however, been proceeded with, and any dispute that now arises is submitted to Government. If the Government's decision is not accepted, a formal protest is made and the fact is recorded that no change in the Status Quo is held to have occurred.²³

The present position therefore is that the arrangements existing in 1852 which corresponded to the Status Quo of 1757 as to the rights and privileges of the Christian communities officiating in the Holy Places have to be most meticulously observed, and what each rite practised at that time in the way of public worship, decorations of altars and shrines, use of lamps, candelabra, tapestry and pictures, and in the exercise of the most minute acts of ownership and usage has to remain unaltered. Moreover, the Status Quo applies also to the nature of the officiants. Thus, the Franciscans alone of the Roman Catholic Orders are allowed to celebrate Mass independently in the Holy Places, although the clergy of any Roman Catholic Order can attend. The Patriarch himself, of course, has the right to pontificate. Similarly, of the autocephalous Orthodox Churches none other than the Orthodox Patriarchate of Jerusalem has any standing in the Holy Places. The Russian Church during the last quarter of the 19th century made strenuous efforts to obtain independent privileges and to maintain altars of their own, for the saying of the Liturgy in the Russian language, but this was successfully opposed by the Hellenic elements.²⁴ Russian clergy are, however, able to take part in the services.

Roman Catholicism now claims the return to the arrangement of 1740, which was in effect the position in the 14th century at the close of the Crusading era, when the majority of the shrines were in the hands of the Latins.²⁵ This the Orthodox world opposes on the ground that there is no justice in selecting the rare periods when, as the result of outside political influences, the Latins were for the moment predominant.

THE HOLY PLACES AFFECTED BY THE STATUS QUO AND ITS GENERAL PRINCIPLES

1. The Holy Sepulchre with all its dependencies.
2. The Deir al Sultan.
3. The Sanctuary of the Ascension.
4. The Tomb of the Virgin (near Gethsemane).
5. The Church of the Nativity.

The Grotto of the Milk and the Shepherd's Field near Bethlehem are also in general subject to the Status Quo, but in this connexion there is nothing on record concerning these two sites. The Wailing Wall and Rachel's Tomb, of which the ownership is in dispute between the Moslems and the Jews, are similarly subject to the Status Quo.

In all matters of principle relating to the Status Quo in the Christian Holy Places, only the Orthodox, Latin, and Armenian Orthodox rites are considered. This follows the arrangement under the Turkish Government, corresponding to the Administrative Organization of the "Rayahs," i.e., the non-Moslem Ottomans, into "millets" or "nations" of these denominations, the other Orthodox Eastern rites being grouped with the Armenians.

By the Latin rite is invariably meant the Roman Catholic Church of the Latin rite as distinct from the Uniates, and moreover as regards the Holy Places, the Franciscan Fraternity of the Custodia di Terra Santa. Certain fixed principles are followed in the administration of the Status Quo. Thus, authority to repair a roof or floor implies the right to an exclusive possession on the part of the restorers. Again, the right to hang a lamp

²² See Secretary of State's Despatch, No. 332, of 15 March, 1923, and High Commissioner's reply. Despatch No. 314, of 5 April, 1928.

²³ The Palestine (Holy Places) Order-in-Council, 1924, ousts all matters connected with the Holy Places and religious buildings and sites or with the rights and claims of the different religious communities from the jurisdiction of the Civil Courts, and provides furthermore that the High Commissioner is to decide finally if a question arises whether any cause or matter comes within this prescription. See Appendix B.

²⁴ For the part taken by Russia in the dispute between the Convent and the arabophone Orthodox, see Bertram and Young Report, Chapter III. In 1914, on the declaration of war between Russia and Turkey, the Russian Monastery at Ain Farah was burnt by their rivals.

²⁵ See *Les Lieux Saints*. Schedules on pp. 9-13.

or picture or to change a lamp or picture is a recognition of exclusive possession of a pillar or wall. The right of other communities to cense at a chapel implies that the proprietorship is not absolute.

For the purpose of defining the Status Quo, the Holy Places and their component parts may be divided into certain categories:

- (1) The parts that are accepted to be the common property of the three rites in equal shares;
- (2) The parts claimed by one rite as under its exclusive jurisdiction, but in which the other rites claim joint proprietorship;
- (3) The parts of which the ownership is disputed between two rites;
- (4) The parts of which one rite has the exclusive use, but qualified by the right of the others to cense and visit it during their offices;
- (5) The parts which are in the exclusive jurisdiction of one rite, but are comprised within the ensemble of the Holy Place.

In all these cases the application of the Status Quo varies in strictness. In the parts in dispute nothing is allowed to be done in the way of innovation or repair by any party. In the case of an urgent matter the work has to be carried out by the Government or the local authority, and the question of payment is left in suspense. The Government in this respect are equally bound by the Status Quo. It may be possible, however, to make an arrangement whereby the Community that desires to carry out work in a locality in dispute may be permitted to do so, provided the other rites are allowed to carry out equivalent work in places where they maintain a similar claim. In other instances it is usually sufficient for the rite in occupation to give formal notice of intended work, but any fundamental innovation would have to be the subject of special arrangement.

THE CHURCH OF THE HOLY SEPULCHRE.

The whole ensemble of the Church of the Holy Sepulchre, that is to say the Parvis and Entrance, The Rotunda, the Katholikon, the main fabric of the Church, and the commemorative shrines and chapels are subject to the regulation of the Status Quo in a greater or less degree.

The present Church is in outline the Church of the Crusaders erected following the partial reconstruction by the Emperor Monomachus after its destruction by the fanatical Caliph al Hakem and dedicated on 15 July, 1149. The indifferent style of much of the architecture and the unsightly decoration are the result of the tasteless restoration after the fire of 1808,²⁶ and the fetters of the Status Quo account for the state of dirt and dilapidation which is characteristic of many parts of the building.

As in the other Holy Places, the three Patriarchates of Jerusalem alone are considered as having possessory rights in the Church with the exception of the small Chapel in the possession of the Copts. They alone have the right to require the entrance door to be opened on their behalf, to enter in religious procession and to officiate regularly at their will. As is again the case elsewhere, of the Latin Orders, only the Franciscans of the Custodia di Terra Santa have the right to officiate independently. The Copts after a long period of penetration succeeded in establishing an independent foothold in the 16th century, but have no formal residence. They do not hold daily services, but have the right of censing at the shrines: similarly, the Syrian Jacobites have no formal residence and officiate only on Holy Days. Neither the Copts nor the Syrian Jacobites may hold processions unless in company with the Armenians, with the exception that on Good Friday afternoon they each hold a procession independently, after giving prior notification to the Orthodox and the Latins. The Abyssinians have no residence or accommodation of any sort and hold no offices within the precincts of the Holy Sepulchre, excepting their Easter services on the roof of St. Helena's Chapel, around which they reside.²⁷

In the various component parts of the Church the position at the present moment can be summarized as follows:

- (1) The Entrance Doorway and the Facade, the Stone of Unction, the Parvis of the Rotunda, the great Dome and the Edicule are common property. The three rites consent to the partition of the costs of any work of repair between them in equal proportion. The Entrance Courtyard is in common use, but the Orthodox alone have the right to clean it.

²⁶ The fire is said to have started in the Armenian Gallery and to have been caused by a drunken monk, who endeavoured to put it out by pouring aqua vitae over it, which he mistook for water. The danger of fire in the galleries and storerooms is always present.

²⁷ History relates, however, that all these rites as well as others, such as the Georgians, Nestorians, and Maronites, had possessions at one time or another in the Church, which they lost in the course of time, principally from their inability to pay the heavy dues imposed on them by their Turkish masters. See p. 8.

- (2) The Dome of the Katholikon is claimed by the Orthodox as being under their exclusive jurisdiction. The other Communities do not recognize this, maintaining that it is part of the general fabric of the Church, and demand a share in any costs of repair. The Orthodox, however, refuse to share payment with any other Community. The same conditions apply *mutatis mutandis* to the Helena Chapel, claimed by the Armenians, and the Chapel of the Invention of the Cross claimed by the Latins.
- (3) The ownership of the Seven Arches of the Virgin is in dispute between the Latins and the Orthodox, of the Chapel of St. Nicodemus between the Armenians and the Syrian Jacobites, and of the Deir al Sultan between the Copts and Abyssinians. In these cases neither party will agree to the other doing any work of repair or to divide the costs.
- (4) The Chapel of the Apparition, the Calvary Chapels, and the Commemorative shrines are in the sole possession of one or other of the rites, but the others enjoy certain rights of office therein. Any projected innovation or work of repair is to be notified to the other rites.
- (5) The Katholikon, the Galleries and the Chapels in the Courtyard (other than the Orthodox Chapels on the West) are in the exclusive jurisdiction of one or other of the rites, but subject to the main principles of the Status Quo as being within the ensemble of the Holy Sepulchre.

The three Patriarchates of Jerusalem are each represented by a Superior and clergy permanently resident within the precincts of the Church, and no other rite is entitled to be thus represented.

The hours of the services of the various Communities are normally agreed on between the Superiors concerned, and only on rare occasions where festivals coincide is any difficulty caused.²⁸ Each rite holds its fixed offices daily, but it is unnecessary to specify these in detail. The Orthodox, however, have the right to say the Liturgy at night before the Latins and Armenians officiate.

As a general rule, when minor difficulties arise over the hours of the service agreement is arrived at between the Superiors, who readily co-operate to ensure good order and avoid misunderstanding.

The Parvis.

The Courtyard or Parvis is entered from the Muristan on the east, and down a flight of steps from the Christian Street on the west. The remains of the 12th century arcade, which stood along the north front of the Hospital of the Knights of St. John, are still visible facing the Church. The Courtyard is surrounded by Chapels and Monasteries belonging to the different rites. On the south side is the Orthodox Convent of Gethsemane and the Courtyard of the Omariyeh Mosque.²⁹ On the west, the Orthodox Chapels of St. James, St. Mary Magdalene, and of the Forty Martyrs.³⁰ On the north, the Orthodox Chapel of St. Mary of Egypt, beneath the Latin Chapel of St. Mary's Agony. On the east, the Chapel of St. Michael, below the Chapel of the Four Persons, both at present under Coptic control, the Armenian Chapel of St. James and the Orthodox Convent of Abraham.³¹ The whole of the Parvis, including the entrance, and all the Chapels on the north and east sides and the exterior of the Orthodox Chapels on the west are subject to the regulations of the Status Quo.

In 1927, at the time of the Orthodox Ceremony of the Washing of the Feet, the Abyssinians protested against the Copts lighting a Lamp in the Chapel of St. Michael, but it was decided that this was the usual practice. The pavement and the two external doors are the common property of the three Patriarchates. The Orthodox sweep the Courtyard and keep it clean and hold the keys of the external doors, but all repairs are to be conducted at the joint expense of the three Patriarchates concerned, or failing that, by the local authorities. In 1921 the Orthodox Patriarchate repaired the latch of the eastern entrance door, claiming that this was their sole right. The Latin Patriarch objected, and after investigation which showed that similar work had been done previously by the Municipality in 1879 and 1906,³² the above ruling was given.

The steps leading up to the Chapel of St. Mary's Agony are Latin property. The question as to who was to clean the lowest step, which is barely above the level of the Courtyard, was in 1901 the cause of a sanguinary

²⁸ Naturally, complications would be more frequent were the Orthodox Patriarchate of Jerusalem to adopt the Gregorian Calendar, as has been the case elsewhere.

²⁹ The true Mosque of Omar, built on the traditional site where Omar prayed before the Holy Sepulchre.

³⁰ Actually the lower storey of the belfry. For a long time the belfry was disused, as the use of bells was forbidden by the Moslems.

³¹ In 1885, the Patriarch Nicodemus assigned to the Church of England the Chapel of Abraham on the upper terrace of the Orthodox Convent of this name for the celebration of Anglican services. This act conveyed a privilege but no right of any description.

³² On this last occasion, the Municipality put in iron locks, but this was objected to as an innovation and the wooden ones were replaced.

encounter between the Latin and Orthodox monks.³³ The position now is that the Latins brush it daily at dawn, and the Orthodox at times together with the rest of the Parvis.

In front of the entrance to the Church is the Tombstone of the English Crusader, Philip d'Aubigny, tutor of Henry III, Governor of Guernsey, and one of the signatories of the Magna Charta, who died in Jerusalem in A.D. 1236. Thanks to the fact that for a long period it was protected by a stone divan built over it for the use of the Moslem guards, the Tombstone is in a tolerably good state of preservation. To protect it from further damage the Pro-Jerusalem Society in 1925 arranged for it to be sunk below the level of the Parvis and covered with an iron grill.³⁴ The necessary funds were provided by the Daubney family, the lineal descendants of the Crusader, and by the Island of Guernsey.³⁵

Instrumental bands are not allowed to enter the Parvis. When this ruling was given in 1925 the Latin authorities objected, citing instances before the war when bands had been admitted. It was established, however, that on these occasions the Turkish Government had protested and held the practice to be irregular.

National flags, if unfurled, are similarly forbidden, and neither flags nor bands are allowed within the precincts of the Church.

The Entrance.

The Church of the Holy Sepulchre is entered from the Parvis³⁶ by a single portal, closed by a massive wooden door in two leaves. Originally it was a double entrance, but the eastern portal was walled up by Saladin.³⁷ Above the portals are sculptured tympana of 12th century work³⁸. The left-hand panel is in a badly damaged condition.³⁹

In May, 1927, it was noticed that a further fragment had recently disappeared. Whether this was due to willful damage or to the effects of the heavy snowfall that was experienced that year was uncertain. Protective work was carried out by the Government at the joint expense of the three Patriarchates.

Above the doorway runs a classical cornice, a relic of the Byzantine buildings. This is reached from the windows of the Armenian Chapel of St. John, and this Community has the use thereof on the occasion of the festival ceremonies that take place in the Courtyard. The upper cornice is used in the same manner by the Orthodox. These two cornices are in a damaged condition and the whole facade is badly weather-beaten and requires expert attention.

The keys of the entrance doors are in the custody of Moslem janitors, who occupy a divan just within. According to tradition, the origin of the appointment of Moslem guardians dates from the time of the Khalif Omar. It is a recorded fact that the Arab Conqueror refrained from entering the Anastasis and entrusted it to the Patriarch Sophronius, placing it at the same time under the protection of Moslem guards. After the Saracens had finally recovered control of the Holy City from the Crusaders in 1289, the custody of the keys was given to the family of El Insaibi to prevent disputes between the various Christian Communities over their possession. Suleiman the Magnificent and other Turkish Sultans confirmed this practice. Ibrahim Pasha divided the guardianship with the Judeh Family, and this is the position at the present time, the Judeh Family holding the keys and the Insaibi having charge of the actual opening of the door.

The right of requiring the door to be opened is confined to the three Patriarchs of Jerusalem. For each time one leaf of the door is opened a payment of 80 mils is made to the janitors, and for each time both leaves, 180

³³ In this affray several Spanish and Italian monks were injured, and their respective Consuls took measures to obtain satisfaction on their behalf. This was objected to by the French representatives, who maintained that this was their prerogative in view of the protectorate exercised by France over all Roman Catholics in the Ottoman Empire. They were not, however, successful in their pretensions.

³⁴ During the operation, the bones and some of the accoutrements of the Crusader were discovered and the stone was replaced exactly above them.

³⁵ Reference District Commissioner's letter. No. 4025, of 11 June, 1925.

³⁶ This is the only entrance to the floor of the Church. Another entrance existed previously from the west and the arches may still be seen near the Christian Quarter Police Station.

³⁷ The hope is held in Latin (and some Anglican) circles that one day this other portal may be reopened; the Orthodox on the other hand would oppose this, as thereby the sites of the Tombs of the Latin Kings which were covered over at their instigation at the beginning of the last century would be opened up.

³⁸ The frieze is of French marble and was probably worked in France. The left-hand panel depicts scenes from the life of Our Lord, the Raising of Lazarus, the Triumphant Entry, and the Last Supper, and the right-hand one is composed of a mythological subject. Formerly there were mosaics over both lintels.

³⁹ A portion was acquired by the French archaeologist Clermont-Ganneau some years ago and is now in the Louvre. It has been suggested to the French Government that this missing fragment should be returned and replaced, but only a cast was offered.

mils. They receive as well some gratuities from the Copts and the Jacobites. Two-thirds of the payments made are assigned to the Insaibi Family and one-third to the Judeh. The door is opened by the different rites in turn; thus in Easter week, on Maundy Thursday, the door is opened by the Orthodox, on Good Friday by the Latins, and on Easter Eve (the day of the Holy Fire Ceremony) by the Armenians. The Community which desires the doors to be opened knocks on the small "guichet" in the door, the key of which is kept by the Orthodox. The Orthodox servant notifies the Moslem custodians who come and open the door, a ladder, which is common property, being passed out for this purpose through the small "guichet." No dispute has been brought to notice regarding the opening and closing of the doors. Apart from his other functions, the Moslem janitor has always been treated as the neutral and disinterested authority on matters concerning the rights of the various Communities in the Holy Sepulchre.⁴⁰

The three Patriarchs of Jerusalem alone have the right of entering the Church of the Holy Sepulchre in sacerdotal procession. Visiting Ecclesiastics and pilgrimages of these rights are permitted to enter in procession, but provided no sacerdotal vestments are worn; in the other event, the Patriarch must accompany the procession himself. Thus, on several occasions Cardinals have visited the Church.

In 1927 the Rumanian Patriarch and Co-Regent Miron Cristea, who was making an official visit to Jerusalem, entered the Church in procession, and after vesting within, was received at the entrance to the Tomb by the Patriarch Damianos. The Latin Patriarch protested that the entrance of the Rumanian Patriarch and his act in giving an address in Rumanian by the Tomb constituted breaches of the Status Quo, in that the Rumanian Orthodox Church had no connexion with the Greek Orthodox Church, and that a comparison with the visits of the Cardinals who are all of the same Church as himself was not relevant. The Government decided that the Status Quo had not been violated by the Patriarch's entrance, nor by the use of the Rumanian language, as there is no one universal tongue in the Eastern Orthodox Church.⁴¹

If a visiting ecclesiastic of note of the Coptic, Jacobite, or Abyssinian rites desires to visit the Holy Sepulchre, notification is made to the Armenian authorities, who arrange for the opening of the door, after informing the Orthodox and Latins, and receive him at the entrance, placing a carpet for him before the Stone of Unction. Two Armenian clergy also accompany the visitor to the Tomb.⁴²

The Stone of Unction.

Just within the entrance lies the Stone of Unction, commemorating the spot where Our Lord's Body was anointed before entombment. The Stone is of native red limestone, nine feet long by four feet six inches wide and one foot high, and has, it is asserted, been placed there to protect the real stone underneath.

The first mention of the Stone of Unction as a feature of the Church of the Holy Sepulchre is in the narrative of Saewulf, who made the pilgrimage to Jerusalem in the 12th century. It was at that time in the Chapel of the Virgin, which existed on the site of the present belfry; at another time it was in the Chapel of St. Mary, somewhere on the site of the present Courtyard. The Stone with the floor surmounting it is common property, and before it all genuflect on entering the Church. The Lamps suspended above it belong to the various rites as follows:

- 4 to the Orthodox Community;
- 1 to the Latin Community;
- 2 to the Armenian Community;
- 1 to the Coptic Community.

The great candlesticks belong two to each of the three principal communities.

Turning to the left the door on the left leads up to a room with a curious window, which is used by the Copts. The room opposite is Orthodox.⁴³

⁴⁰ Hence the sealing by him of the door of the Tomb during the Ceremony of the Holy Fire.

⁴¹ See Deputy District Commissioner's letter. No. 10/60, of 24 June, 1927, to the Chief Secretary. The possibility that the Patriarch of Jerusalem might endeavour to make a departure in favour of the Patriarch of Roumania so as to influence the Roumanian Government in the matter of the confiscated properties of the Jerusalem Patriarchate in Bessarabia was not overlooked; on the other hand, the Jerusalem Patriarchate are intensely jealous of their privileges and rights in the Holy Places, *vis-à-vis* the other Orthodox Churches and could be entrusted to preserve them with the utmost vigilance.

⁴² A breach of these provisions was reported in April, 1927, when a Coptic procession entered the Church wearing vestments and censing.

⁴³ This room is used as a First Aid Post during the great festivals.

The Station of the Holy Women.

Between the Stone and the Rotunda is a circular slab in the floor covered by a metal cage. This is said to mark the spot where the women waited and beheld the Crucifixion, and where the Virgin Mary stood while the Body of Our Lord was being anointed for Burial. The Armenians have charge of this part of the Church, their Priory is here and a steep staircase leads up to their portion of the Gallery and to their Chapel of St. John the Almoner.⁴⁴ As mentioned previously, the windows of this Chapel lead out to the cornice overlooking the Courtyard.

The Rotunda.

Eighteen columns support the iron Dome and Galleries that enclose the Edicule covering the Tomb. The Dome is the common property of the three rites and was reconstructed in 1866 after fifteen years of diplomatic negotiations at the joint expense of the Turkish (as representing the Armenians), French and Russian Governments.⁴⁵

The floor of the Rotunda within the circle of pillars is common property. No fixed furniture is permitted in it, and it must be kept free for circulation at all times. The three principal rites clean and sweep it in turns by weeks.

The portion of the Rotunda between the Edicule and the Orthodox Katholikon is known as the Latin Choir. Within this space the Latins hold regular services and the benches, lectern and other pieces of furniture and the hangings on the pillars, as well as the small room in the northern pillar, are their property. In February, 1928, the Orthodox objected to the Latins repairing alone one of the benches, but it was shown that these benches bear their distinctive marks and are their absolute property. This space is subject to the principles of the freedom of passage in the Rotunda and the two other principal rites have the right to hold religious offices here. When an office is being held it is accepted that the rites that are not worshipping and the general public refrain from passing in front of the Tomb. The large candlesticks in front of the Edicule are the property of the three communities, two to each.

In 1573 the Copts, despite the protests of the other rites, were able to build the small Chapel they own against the west end of the Edicule. This Chapel is their exclusive possession except that its exterior is subject to regulation under the Status Quo. The Register of the Armenian Priory of the Holy Sepulchre contains an entry dated 4 August, 1901, to the effect that the Copts, in return for the construction of a drain under the area in their occupation, were granted "as a favour" the right to sweep and wash the roof and exterior of this Chapel, which privilege would be withdrawn "in the event of their creating disorders or trying to acquire new rights." For a long time, i.e., between 1920 and 1924, the right of passage by the entrance of this Chapel was the subject of a prolonged and bitter dispute between the Copts and the Latins. When the Copts are celebrating their Mass the passage way, which is very narrow, becomes blocked by the worshippers. The servants of the Franciscan Convent of the Holy Sepulchre bearing food-stuffs, etc., are accustomed to cross by this way to avoid passing in front of the Edicule. When this occurred at the time the Coptic service was being held, the Copts refused to allow the servants to pass. The Latins accordingly refused to allow the Coptic Deacon to exercise his right of censuring in the Latin Chapel of the Apparition. The Copts for their part attempted to pass through the Latin service in their Choir in front of the Edicule, and on another occasion assaulted the Friday procession at the IXth Station near the entrance to the Coptic Convent.⁴⁶ After many efforts on the part of the Government to effect a compromise had failed, it was decided that the right of passage must be upheld and the obstruction was forbidden.⁴⁷ The Latins also have the right to pass benches by this way for use during their services on Palm Sunday and Good Friday. The benches have to be removed immediately after the conclusion of the services.

In 1920 the Orthodox placed tables with images thereon round the Edicule. It was complained that this was an innovation and the practice was forbidden. All round the Rotunda are small rooms in the occupation of various rites and opening into it. These are constructed in the ambulatory that originally encircled this part of the Church. The columns also, together with the intervals between them, belong to different rites. With the

⁴⁴ He was Patriarch of Alexandria at the time the Church was destroyed by the Persians and despatched money, tools and workmen to assist in its rebuilding. He was the Patron Saint of the merchants of Amalfi, who founded the hostelry in Jerusalem, which gave rise to the Order of Hospitallers of St. John.

⁴⁵ The wooden Dome that previously covered the Rotunda was consumed in the 1808 fire. In the reconstruction, however, the dimensions were accurately reproduced.

⁴⁶ On another occasion a dispute occurred between these two Communities over the position of the Chair of the Coptic Convent Kavass, which it was complained impeded the worshippers at this station. Instructions were given that the Chair was to be placed on the doorstep of the Convent when the procession was in progress.

⁴⁷ See Despatch No. Pol. 171 of 11 March, 1924, in file No. 4773.

exception mentioned below, the proprietorship of each column is indicated by the picture or ikon hanging on it. Beginning from the east, columns 18 to 15 are Armenian; then until column 12 Orthodox. The Copts have the use of the next two rooms, but columns 11 and 10 are Armenian, as also Nos. 9 and 8 in front of the Chapel of St. Nicodemus. The big pictures on columns 10 and 11 are however Coptic.⁴⁸

From column 8 to column 5 is Orthodox property. Between columns 5 and 4 a common passageway used for the storage of furniture leads past a walled-in Byzantine column to the closed-up entrance of St. Mary.⁴⁹ Columns 5 to 1 are Latin. A dispute arose in 1924 about the right of the Copts to dust the doors leading into the room they occupy between columns 11 and 10. The Armenians claimed the exclusive right, as the Copts only have the use of the room by their permission, and by virtue of their situation as their subordinates (*cf.* the Jacobites).⁵⁰ The Armenians produced documentary evidence in support of their claim⁵¹ and the Government decided that the exclusive right to dust the doors was enjoyed by them.⁵²

The Edicule.

The Edicule which encloses the Chapel of the Angel and the Tomb was erected in the place of the Crusaders shrine after the fire of 1808; the architect was a certain Commenus of Mitylene, whose name is inscribed just inside the inner doorway.

The Edicule is the common property of the three rites. In 1926, the Government, after much preliminary negotiation, undertook with the consent of the Patriarchates and at their joint expense an investigation into its structural condition. The report showed that, whereas the construction was very indifferent, there was no immediate danger of collapse, and it was not found necessary to do any repair work.⁵³

The lamps and fixtures that hang on the exterior are the property of the three principal communities in specific proportion.

On certain of their Feast Days, the three communities decorate the Edicule with heavy cornices and other ornamentations, in carefully regulated quantities. In 1920, at the instance of the Inspector of Antiquities, they were requested to desist from the practice, owing to the insecure state of the building, but it has now been resumed.

The interior of the Sanctuary is open at all times to pilgrims and visitors. In the centre of the Chapel of the Angel is a pedestal supporting a portion of the Stone on which, according to tradition, the Angel sat. From this Chapel two staircases lead up to the roof of the Edicule. The one on the right of the entrance is used exclusively by the Latins, and that on the left by the Orthodox and Armenians.

The Tomb chamber itself is entered by a low doorway. The Tomb⁵⁴ is covered by a marble slab, and over it hang forty-three lamps that are always kept burning.⁵⁵ Of these the Orthodox, Latin, and Armenians have 13 each, and the Copts 4.

The ledge above the slab is divided between the three rites; the centre portion is Orthodox; the left angle is Latin and the right angle Armenian, while the two projecting ends are Orthodox. The votive candles of each Community are supposed to be kept on the portion of the ledge allotted to it. The pictures and candlesticks all belong to the three principal rites and they alone have the right to officiate regularly within the Sanctuary.

The Chapel of St. Nicodemus.

At the west end of the Rotunda is the Chapel of St. Nicodemus. The Chapel, which is really the western apse of the Church, is entered by a doorway between Pillars 8 and 9 opposite the Coptic Chapel and consists of an antechamber, the Chapel with an altar and beyond a cave containing some old Jewish Tombs. Two of these are venerated as the Tombs of Nicodemus and Joseph of Arimathea, following the tradition that the last named made arrangements that when he and his friend died, their bodies were not to be laid in the Tomb in which Our Lord's had lain, but in this tomb near by. The presence of these tombs is considered a powerful argument for the historicity of the site of the Holy Sepulchre, as the Jews always buried their dead outside the City Walls.⁵⁶

⁴⁸ This is a departure from the general rule of proprietorship - see p. 12.

⁴⁹ See footnote on p. 17.

⁵⁰ See p. 12 and p. 26.

⁵¹ Letter of Mutesarrif to Armenian Patriarch, dated Mad. 29, 1315 (1901).

⁵² District Governor's letter, No. 4025/2, of 17 September, 1924.

⁵³ See District Commissioner's letter. No. 5745/D.C., of 18 June, 1926.

⁵⁴ Of the original Tomb little can have survived the restoration of Constantine or the destruction of El Hakem.

⁵⁵ Except for the Ceremony of the Holy Fire.

⁵⁶ Curzon holds this view: see "*Monasteries in the Levant*," Chap. XIII.

The possession of this Chapel, which is open to visitors at all times, has been for some time in dispute between the Armenians and the Syrian-Jacobites, and much bad feeling has been thereby caused between these Communities.⁵⁷ § The Armenians say the Chapel is their property, and the Syrian-Jacobites enjoy the right of officiating there on Sundays and on certain other fixed days with their permission and by virtue of the fact that they are there "sub-ordinate adepts"⁵⁸ in all matters relating to the Holy Places. The Syrian-Jacobites, however, do not accept this position and claim that the Chapel is theirs, and any rights the Armenians have in it have been obtained by force.

There is little historical evidence that can be brought to bear on the question. Travellers in the latter half of the 15th century tell of a Chapel belonging to the Jacobites adjoining or behind the Tomb. On the other hand, the Dutch traveller, Rauwolf, who visited Jerusalem in 1575, states that the Jacobites owned (as they do now) the Convent of St. Mark, but does not assign them any special locality in the Holy Sepulchre. Cornelius de Bruyn, the Dutch painter, visiting Jerusalem in 1691, says the Syrians like the Abyssinians have ceased to be resident in the Church.

The map of the Holy Sepulchre and its surroundings drawn up by Dr. Shick in 1885 denotes this Chapel as belonging to the Jacobites. Serious quarrels broke out on two or three occasions between the contending parties under the Turkish Government, in 1874, on account of the repair of one of the doors by the Armenians, in 1881, over one of the clothes-presses, and again in 1889, when the Armenians white-washed the ceiling; on this last occasion, the Armenian picture over the Altar was torn to pieces. In every case, according to the Armenians, the enquiries instituted by the Government resulted in their favour,⁵⁹ and in 1890, the Mejiiss Idara submitted to Constantinople a full report on the whole subject, with the conclusion that the Altar, the lamps and the upper chamber belong to the Armenians, while the Syrian Jacobites "as the 'Yamaks' of the Armenians" say Mass in the Chapel on appointed days, and have the use of the upper room in Easter Week.

Once again, to continue the Armenian version of this story, in 1900, when the "Armenian question" had encouraged the Syrians to renew their pretensions, the Turkish Government ordered the matter to be looked into afresh,⁶⁰ and the local Mejiiss Idara in a second report⁶¹, confirmed the substance of the report made ten years before. No satisfactory solution to the dispute was found by the Turkish Government, and the matter was left in the position that no repairs were to be conducted by either party except with the consent of the other, and after notification to the Government, and in the case of their disagreement any essential work was to be carried out by the Government at public expense. This the Turkish Government naturally avoided as much as possible, and the consequence has been the dilapidated state of the Chapel at the present time.

Since the British Occupation disputes have continued to occur. In 1926, the Armenians repaired the floor after giving notification to the Orthodox and the Latins. The Jacobites immediately protested and asked for the floor to be restored to its former state, as they feared that, to further their claims of proprietorship, some of the new stones had been inscribed on the underneath by the Armenians. It was ruled that the Armenians had acted incorrectly in carrying out the work without the authority from the Government.⁶² At the same time what had been done undoubtedly constituted an improvement and was therefore allowed to remain.⁶³

There was in 1926 a recrudescence of trouble in this as in other matters of dispute between these two Communities.⁶⁴ The Armenians claimed that the Jacobites were causing wilful damage to the upper room during their use of it, and were deliberately tearing the Armenian picture on the Altar and defacing its inscription (in Armenian): the Jacobites said the picture was theirs and the rent was made by the Armenians as in this corner there was an inscription in Syriac.

The Armenian arguments are set out at great length in a memorandum dated 4 July, 1927, in which they quote the official documents mentioned above. They adduce in proof of their rights of possession the facts that:

⁵⁷ As an instance, a fracas occurred between these Communities at the conclusion of the Holy Fire Ceremony, in 1927, when the Syrian-Jacobite Patriarch placed his chair in such a way as to prevent the exit of the Armenian procession: see Appendix C and Deputy District Commissioner's letter, No. 1900 10/22, of 25 June, 1927, to the Chief Secretary.

⁵⁸ In Turkish "Yamaklak," meaning "client" or more literally "hem (of a garment)."

⁵⁹ Letter of Mutesarrif to Minister of Justice, dated 18th Teshrin Seni, 1298 (1882), letter of Minister of Justice to Jacobite Vicar in Constantinople, 22nd Teshrin Awal, 1305 (1888), and report of Mutesarrif of 13th Teshrin Sani, 1306 (1889).

⁶⁰ Letter of Grand Vizier, of 26th Hegira, 1317 (1900).

⁶¹ Dated 18 August, 1900.

⁶² See p. 13, para. 2.

⁶³ Acting District Commissioner's letter. No. 4025, of 12 October, 1926, to Armenian Patriarch.

⁶⁴ The question of the ownership of this Chapel came into special prominence in 1926 during the time that the Syrian Jacobite Patriarch of Antioch, Ignatius Elias III, was on a visit to Jerusalem.

- (1) They own the doors and keep the keys and do all the cleaning in the Chapel;
- (2) They are at liberty to officiate in the Chapel whenever they desire;
- (3) The Altar and the picture on it belongs to them;
- (4) The 12 lamps all belong to the Armenians, two of them are always kept alight by them, and they light three others during the celebration of the Syrian-Jacobite Mass on Sundays, and the remainder on festival days;
- (5) The pictures on the outer wall of the Chapel and between the Pillars are all Armenian.

On the other hand, the Syrian-Jacobites have, according to them, been granted the right of;

- (1) Hanging three mobile pictures on the walls of the Chapel;
- (2) Keeping their vestments in two clothes-presses allotted them by the Armenians;
- (3) Officiating in the Chapel every Sunday;
- (4) During Holy Week using the room of the Armenians above the Chapel, the key of which has to be returned on Easter Monday.

The Syrian-Jacobites' point of view is detailed in a memorandum dated 5 March, 1927. They claim that the fact that they have the right to officiate on Sundays and other Holy Days is sufficient proof of their rights of possession, of which they have been deprived by force. They argue in the same way as regards the upper chamber, which they state they have improved and repaired on several occasions and quote documents they hold which show that a monk of their Community, by name of Yacub, lived there in the 15th century.⁶⁵

The Syrian-Jacobites have never been able to produce convincing evidence in support of their claim to the proprietorship of this Chapel. Moreover, the picture over the Altar clearly bears an Armenian inscription. In the Holy Sepulchre their position *vis-à-vis* the Armenians is the same as in the Church of the Nativity and the Church of the Virgin. At the same time the Armenian assertion that the Syrian-Jacobites are their Yamaklak or subordinates, and should only deal with the local authorities in any matter concerning the Holy Places through them, is now a dead letter, though once it may have been a fact, in the same way that the Armenian member on the Mejiiss Idara was considered as the representative in administrative matters of the lesser Orthodox Churches.⁶⁶

The Status Quo therefore as regards this Chapel is such at the present time as it was under the Turkish Government, as described above.

The Katholikon.

The great Katholikon or Chorus Dominorum, in the middle of which is the stone marking the Centre of the World, is, as it has been since the 14th century at least. Orthodox property; at the same time, being within the ensemble of the Church, any important or structural innovation should properly be notified to the other two rites.⁶⁷ Thus, when in 1922 the Orthodox regilded the gates leading into the Rotunda considering they had exclusive authority over this part of the Church, the Latins objected and the Government ruled that this principle of the Status Quo should be held to apply.⁶⁸

The Orthodox also claim that the 12th century central lantern and Dome over the Katholikon are included within their exclusive jurisdiction, especially as the only access to its exterior, and to the top gallery within it, is from their Patriarchate. In the time of the Patriarch Nicodemus, however, the right to carry out work on the Cross surmounting it was strongly contested by the Latins. When the question of its urgent repair arose after the earthquake in 1927, the Orthodox notified the Government of their intention to restore it. It was decided, however, that as the Dome was part of the main fabric of the Church and the right of the Orthodox to repair it at their sole expense was disputed, the work of reparation should be undertaken by Government. It was subsequently decided that the costs should be defrayed by the Orthodox Patriarchate in view of the authority granted to the Armenians and the Latins to carry out certain works of repair.⁶⁹

⁶⁵ See Deputy District Commissioner's letter, No. 1400/10/22, of 25 June, 1927, to the Chief Secretary. The pictures have now been glazed.

⁶⁶ See p. 12.

⁶⁷ See p. 13.

⁶⁸ See District Governor's letter. No. 4025/G., of 14 November, 1922.

⁶⁹ See Deputy District Commissioner's letter. No. 2541/10/1, of 12 July, 1927, to the Chief Secretary, and Chief Secretary's letter. No. 1938/27 of 23 November, 1927; also pp. 28, 29 below.

The Commemorative Shrines.

Since very early days shrines commemorating the various incidents of the Passion have been a feature of the Church of the Holy Sepulchre, and no pilgrim can have felt the lack of devotional suggestiveness. They are mentioned by Saewulf, and are frequently referred to in documents of later date.

To the North of the Rotunda, between the Rotunda and the Khankah Mosque lies the Franciscan Convent and the Chapel of the Apparition of the Virgin, approached by a vestibule dedicated to St. Mary Magdalene. In the Chapel is preserved a portion of the Pillar of the Flagellation, and in the vestibule two stones mark the traditional spots where the risen Lord and Mary respectively stood when He appeared to the latter and she mistook Him for the gardener. All this area is Latin property, but the provisions of the Status Quo apply.

Thus in 1922, when, as mentioned previously, the Orthodox regilded the gates of the Katholikon, the Latins were permitted on their part to carry out some new work of decoration in this Chapel,⁷⁰ Further, the Orthodox, Armenians, and Copts have the right to cense before the right-hand Altar in the Chapel of the Apparition, provided there is no Latin service in progress.⁷¹

The part lying north of the Katholikon is known as the Seven Arches of the Virgin, consisting of vestiges of the structural alterations carried out at different times.⁷² The ownership of this part of the Church is in dispute between the Orthodox and the Latins. Ladders are kept here, but absolutely no alteration by either party is permitted. The pictures are Orthodox. The Latins hold firmans and *hojjets*, principally of the 17th and 18th centuries, which refer to the Arches as in their possession, but at this period the possession of the Holy Places alternated several times between the contending parties. Shick's map assigns it to the Orthodox. No recent incidents regarding this area are recorded, but the Status Quo is rigorously adhered to.

The Galleries above are exclusively in Latin use as store-rooms. An entrance leads from the North Transept to the great latrines, which are common property. Just to the east lies the Prison of Christ, a low Chapel, originally a Tomb or cistern. It is in Orthodox possession but claimed by the Latins. At the entrance two round holes in a marble slab, "The Stocks," are shown.⁷³

Entered from the great eastern ambulatory are, beginning from the north, the Chapels of St. Longinus, Orthodox; of the Parting of the Raiment, Armenian; and of the Derision or Mock Coronation, Orthodox.⁷⁴ These Commemorative Chapels are first mentioned in connexion with the reconstruction of the Emperor Constantine Monomachus in the 11th century.

Between the Chapels of the Parting of the Raiment and of the Derision is the stairway leading down to the Chapels of St. Helena and of the Invention of the Cross. The stairway and the Chapel of St. Helena belong to the Armenians.⁷⁵ The walls of the Chapel are of solid rock, though the roof is of construction, originally Crusader. The floor is some 16 feet below that of the Rotunda. There are two altars in this Chapel, that to the north being dedicated to the Penitent Thief, and that to the south to St. Helena. Near the latter is shown the stone seat on which the Empress is said to have rested while she was watching the excavations in search of the True Cross in the Cave below. The Armenians were given authority to carry out the restoration of this Chapel in 1929.⁷⁶

The Grotto of the Invention of the Cross, which is a cavern reached by a rough rock-hewn staircase, much worn by the feet of pilgrims and worshippers, leading from the Helena Chapel, is in two parts, the shrine with a marble slab the spot where the Crosses lay, and an altar adjacent commemorating the visit to Jerusalem, in 1850, of the ill-fated Archduke Maximilian, afterwards Emperor of Mexico. The Latins claim exclusive possession of the Grotto of the Invention and of the stairway approaching it, and in 1929 they were authorized to place an iron grill staircase over the old stairs.⁷⁷ The Orthodox, however, claim certain rights over the actual

⁷⁰ See letters of Latin Patriarch Prot. 522/22, of 25 September, 1922, of Orthodox Patriarch No. 1487, of 6 October, 1922, and Governor No. 4025/G., of 9 October, 1922

⁷¹ During their dispute with the Copts about the right of passage by the Coptic Chapel, the Latins for a time prevented the Copts from censing at this Altar. See p. 21.

⁷² It may be that the Byzantine Pillars mark the northern boundary of Constantine's great court. Some Greek inscriptions are clearly visible. See Vincent and Abel "*Jerusalem*."

⁷³ A similar "holy site" is to be found in the Convent of the Prison of Christ in the Via Dolorosa.

⁷⁴ Formerly Abyssinian. See p. 30.

⁷⁵ Though formerly to the Abyssinians - see p. 30. Casola A.D. 1494, however, found the Armenians in possession of a Chapel" which goes down by many steps under Mount Calvary." Ten years previously it is said to have belonged to the Georgians. See Luke, op. cit. pp. 42 and 43.

⁷⁶ See Chief Secretary's letter. No. 1938/27, of 23 November 1927.

⁷⁷ *Ibid.* Some years previously the Latins had attempted to place an iron staircase over the steps by night.

Place of the Invention, and some disagreement has occurred about the placing of candles thereon. The Orthodox, however, now refrain from the practice. The Armenians and Syrian Jacobites hold services here on the Feast of the Invention of the Cross.

The shrines mentioned above are all visited by the various Communities so entitled and censed during the litanies and other offices.

Calvary.

The Calvary Chapels lie to the right of the main entrance, and are reached by two steep staircases, the northern belonging to the Orthodox and the southern to the Latins.⁷⁸ Below are the Orthodox Chapel of Adam, where the rent in the rock may be seen, and the Orthodox vestry; also the sites of the Tombs of Godfrey de Bouillon and Baldwin I, which were destroyed in the reconstruction after the fire of 1808.⁷⁹

From the time of Constantine the traditional scene of the Crucifixion has been the object of veneration, and chapels have at various times been built on the site. Originally the Church of Calvary, called the Martyrion, was separate from the Church of the Anastasis.⁸⁰ The Crusaders enclosed Golgotha as part of their great cathedral on the flank of the southern transept; the shrine was two-storied, and of much the same appearance as at the present time.⁸¹ The Orthodox have possession of the northern portion, known as the Chapel of the Plantation or Exaltation of the Cross, where the hole in which the Cross was fixed is shown, and the Latins of the southern, that of the Crucifixion. The altar between the two, that of the "Stabat," is Latin. A grill looks out on to the Latin Chapel of the Agony. The Mosaic pavement belongs to the XIIth Century, and was repaired by the Latins in 1929.⁸² At one time during the Middle Ages, the Calvary Chapel belonged to the Armenians and at another to the Georgians. The Latins claim that, in 1740, they had part possession of the northern Chapel as well.

The Chapels are visited and censed during their offices by the rites so entitled in the same manner as the other commemorative shrines. On Good Friday, the Latins hold a ceremony on the Orthodox altar. In 1920, a disagreement arose with the Orthodox about the removal of the Orthodox altar-cloth before the Latin altar-cloth is placed in position, the Orthodox attitude being that this act implied a form of possessory right to which the Latins were not entitled, and it was decided that, until the matter had been cleared up, the Orthodox altar-cloth should not be removed for this ceremony.⁸³ All the living and store-rooms and passages behind the Calvary Chapel, and the two doors leading to them, are exclusively Orthodox.

The Upper Portions of the Holy Sepulchre.

The Gallery on the south side above the Rotunda is Armenian property as far as the southern divided Column. It is said that they acquired this portion in the 15th century, after the Georgians took their place in the Calvary Chapel. The rest of the Gallery is Latin and contains several portraits of Roman Catholic Sovereigns and Princes. An Armenian and a Latin picture are hung on the divided column. The topmost Gallery under the Dome is Orthodox, and can only be reached from the Orthodox Convent.

The terrace above the Gallery of the Rotunda is under Orthodox control on the south, while the northern section is comprised within the precincts of the Khankah Mosque. The rest of the roof and the belfry is in general under Orthodox control, but as being part of the main fabric of the Church the provisions of the Status Quo apply as regards any important structural alterations.

The Convent of Deir al Sultan.

The Convent of Deir al Sultan is adjacent to the Church of the Holy Sepulchre on the east side. It consists of a Courtyard with a Dome in the middle, and a cluster of hovels occupied by Abyssinian monks, under a Coptic guardian. The Dome is the lantern of the Chapel of St. Helena. The Convent occupies the site of the cloisters of the Augustinian Canons of the Latin Kingdom, ruined in the sack of the City by the Charismians in 1245, traces of whose buildings are still visible. The Chapel of St. Michael, which opens on to the Parvis of the Holy Sepulchre, and of the Four Martyrs are attached to the Convent. The big Coptic Convent lies to the north.

⁷⁸ The semi-circular seat between the two staircases has a line marked on it to indicate the dividing line between the area of the two Communities.

⁷⁹ See Curzon: "*Monasteries in the Levant*," Chap. VIII.

⁸⁰ The two Constantinian Churches are depicted in mosaic in the Church of St. Pudenziana in Rome.

⁸¹ See old illustration reproduced by Hanauer, p. 70.

⁸² Chief Secretary's letter, No. 1938/27, of 23 November, 1927.

⁸³ For similar occurrences in the middle of last century, see Consul Finn's "*Stirring Times*," Vol. I.

The Copts and Abyssinians both claim possession of the Deir al Sultan, the Copts maintaining that the Abyssinians living there do so as their guests and on their sufferance. The story of this dispute is long and complicated, and it is especially regrettable in that the Coptic and Abyssinian churches are of one communion, for the Abyssinian church is a daughter church of the Coptic Patriarchate of Alexandria by whom its Primate or Abuna, who is always a Coptic Ecclesiastic, is appointed.

Several mediaeval writers bear witness to the presence of Coptic and Abyssinian (or Nubian) monks in the Holy Sepulchre, and undoubtedly the Abyssinians at one time had important rights in the Holy Places. In the 14th century the Abyssinians owned the small Chapel of St. Mary of Egypt, and in the 15th the Chapel of the Derision in the Ambulatory. At another period, they owned the Chapel of St. Helena.⁸⁴ In the 17th century, however, together with the other smaller Christian Communities who could not afford to pay the exactions of the Turkish Governor, they lost their holdings in the Church itself, when, as they claim, they obtained possession of the Deir al Sultan which they have occupied till the present time.

The Copts assert that the Deir al Sultan has always been their property, and that out of charity they took in their co-religionists when they were expelled from their possessions, and their pilgrims needed a place of rest. In the same way they were permitted to officiate in the Chapel of the Four Martyrs.⁸⁵

The dispute over this Convent is first heard of early in the last century. It is not clear how the established order that had been the rule hitherto became upset or why these sister churches, whom it might have been thought would have been close allies in all matters that concerned the Holy Places, quarrelled. The Copts hold a document dated 17 October, 1820, consisting of an inventory made by the Cadi of the furniture of the Abyssinians "when expelled from the Sultan Monastery." They can produce four or five other documents relating to repairs carried out by them at this period, with official approval. They also possess one document of earlier date which makes reference to their occupation of this Convent.

In 1838, there was a calamitous plague in Jerusalem and the Abyssinians, it is related, all died out. This was during the occupation of the City by Ibrahim Pasha, and the Copts appear to have profited by the occasion in obtaining the Pasha's assent to the burning of the Abyssinian documents and library, including their title deeds, on the ground that they were infected with plague. They also secured the keys of the churches and the Convent. The wrangling between these two Communities continued throughout the 19th century. In 1863, the Abyssinians had apparently recovered possession of the keys. An enquiry was ordered by the Turkish Government and the verdict was favourable to the Copts. The Abyssinians refused to give up the keys and accordingly new locks were provided, the keys of which were entrusted to the Copts. This incident occurred just at the time when King Theodore was involved in war with Great Britain and the Abyssinians were consequently at a disadvantage.

The next incident occurred in 1889, when the Copts received permission from the Municipality to enlarge the northern gate. They had desired to pull down the whole north wall, but this was not allowed by the Turkish Government in view of the Status Quo. The Abyssinians violently opposed the right of the Copts to carry out any alterations, and insulted the Coptic Archbishop. The Copts thereupon refused the Abyssinians their *ab antique* right of officiating in the Chapel of the Four Martyrs.⁸⁶

The matter came before the Turkish Government who refrained from compelling the Copts to reopen the Chapel to the Abyssinians, but allowed the latter to open a door for their exclusive use in the east wall of the Convent: and at the same time despite the objections of the Copts, the Abyssinians obtained permission to erect a tent on the terrace of the Convent for the celebration of their Easter services.⁸⁷ The Abyssinians redoubled their efforts after this adverse decision, but to no purpose, and it is evident that the Turkish Government in this troublesome matter was predisposed towards the Copts.⁸⁸ At the same time, the Abyssinians could never produce any documentary evidence in support of their claims.

Mention has been made of the destruction of the Abyssinian documents in 1838. The legend, however, grew up that the title deeds were still in existence in Abyssinia. The uncertainty arising from the reputed existence of these title deeds provided an acceptable occasion for foreign intervention. Russia saw in the matter an op-

⁸⁴ See p. 28.

⁸⁵ A pamphlet in support of their claims has been published for the information of the Holy Places Commission by the Coptic Patriarchate, and the Abyssinian's point of view has been set out in a brochure entitled: "Abyssinians and the Holy Places," by A. Devine (1926).

⁸⁶ The Abyssinians never had the right to officiate in the (lower) Chapel of St. Michael.

⁸⁷ For a description of this Ceremony, see Luke, *op. cit.*, pp. 27-29. f This may have been due in part to the fact that the Abyssinians were not "Rayahs," and had always resisted Turco-Egyptian pretensions of suzerainty over them.

⁸⁸ See District Governor's letter. No. 4408/A/I, of 9 February, 1921, to the Mayor of Jerusalem, with copies to the Coptic and Abyssinian Superiors.

portunity to further her designs on the Holy Places and sponsored the Abyssinian claims, on the understanding that a portion of what Abyssinia expected to recover would be handed over to her ally. Accordingly in 1893, at the request of the Russian Ambassador acting on behalf of the Abyssinians, the Porte ordered a fresh enquiry into the case of the Deir al Sultan. The Jerusalem local authorities replied that the matter had already been thrashed out and prayed that it be not re-opened. Again in 1902, the Italian Consul in Jerusalem made representations to the local authorities at the request of the Emperor Menelik. Once again in 1907, the Turkish Government informally raised the matter, but the British Occupation found the position the same as after the 1889 dispute, i.e., neither party will permit the other to do any act which may convey an implication of proprietorship, and neither agrees to pay any share of the cost of work done for fear of weakening its position.

In 1919, and again in 1927, it has been necessary for repairs to be carried out to the Convent, which on account of the disputed ownership is in a very bad condition. These were done by the Municipality while, in 1923, the pruning of the trees was effected by the Department of Agriculture. On the occasions when the Government has had to intervene, the Abyssinians have made reference to the existence of their title deeds in Abyssinia, and requested leave to produce them. Accordingly, in 1920, His British Majesty's Consul-General in Addis Abeba was asked to institute enquiries.

The information obtained was that the alleged title deeds were said to have been formerly in the possession of a certain Baron Nicholas Chef d'oeuvre, a Russian domiciled in Abyssinia, who had endeavoured to part with them for a very high price to the Emperor Menelik. Some such documents were produced in 1925 at H.B.M.'s Consulate-General at Constantinople for certification. On the other hand, there is a local version that they were sold to the Copts by the agency of a member of the Orthodox Synod of Jerusalem. At all events, it is clear that the Regent Ras Taffari gave little credence to the fable of the deeds, and correspondingly small encouragement to the intrigues on their account.⁸⁹

The situation of the Abyssinians in Jerusalem is now much improved in that, in addition to a Convent in the Old City, they possess a Convent with a handsome Cathedral outside the Walls, besides other urban property of considerable value.

It has here to be mentioned that His Highness Ras Taffari, at the time of his visit to Jerusalem in 1924, obtained from the Orthodox Patriarch the cession of a cellar under the Convent of St. Abraham, adjoining the Holy Sepulchre, in exchange for an amount of gold and certain properties in Abyssinia. The matter roused strong protest in lay Orthodox circles and in the Holy Synod. The real importance of the transaction lay in the fact that the cellar was partly situated under the Deir al Sultan, and, as it was intended to close the existing staircase leading from the Orthodox Convent, the only means of communicating with the cellar would have been to construct a staircase leading down to it from the Deir al Sultan. The Government viewed the matter in the light of an infringement of the Status Quo and intimated to His Beatitude that the transaction could not take place, requesting that His Highness be so informed, and in February, 1925, His Beatitude informed the Government that he had taken the action required through the medium of His Highness' Greek physician.

THE SANCTUARY OF THE ASCENSION.

The traditional site of the Ascension in El Tor Village, on the Mount of Olives, is venerated by all the Communities that hold rights in the Holy Places. The situation as regards this Sanctuary is peculiar in that it is, and has for many centuries been, in Moslem hands, being attached to the Assadiéh Takya;⁹⁰ it is not, however, in use as a Mosque, and the Christian Communities conduct services there on the festivals of the Ascension. It is open at all times, and is regularly visited by tourists and pilgrims, partly because a superb view of the Holy City is obtained therefrom.

The Sanctuary consists of a circular yard enclosed by a high wall, in the centre of which is a round domed building, covering the rock which is shown as the spot of the Ascension and bearing the imprint of the foot of Our Lord. Remains of a mediaeval building are visible, and the dome rests on carved capitals of great beauty.

Early travellers, such as Arculf (A.D. 700), Willibald (A.D. 783), and Bernard the Wise (A.D. 867) relate having seen a round church on the site of the Ascension with its roof open to the skies, "to admit of the passage of Our Lord's Body" and having three porticos. The Orthodox have a stone altar behind the shrine to the right, and the Armenians, Copts, and Syrians have one each built up against the enclosure wall. Services are held on these altars by the various rites on the Eastern Churches' Ascension Day; awnings are hung from

⁸⁹ A Russian Mission under the leadership of the Grand Duke Alexander has been one of the principal parties. The title-deeds have also been brought into negotiations regarding the Lake Tsana and Alcohol Concessions. See Secretary of State's Despatches, Confidential A, of 14 and 28 September, 1925.

⁹⁰ The Mosque buildings were seriously damaged by the earthquake in 1927.

hooks let into the wall, and the Orthodox place a table (for candles, etc.) midway between the shrine and the entrance to the yard, and the Armenians one nearer the shrine but leaving a passageway between it and the wall of the shrine. The Latins hold their service on their Ascension Day inside the shrine.⁹¹ In 1922 they placed an altar outside in the yard, to which the Orthodox Patriarch protested. The Latin Patriarch, however, maintained that the Latins had the right of worship outside or inside the shrine as they chose, and the matter closed.

In 1926 the Orthodox carried out some repairs to the exterior of the enclosure wall, but this gave rise to a protest from the Latin Patriarch, on the ground that the shrine and enclosure were common property, and the work was stopped. Before the War some repairs were carried out by the Jerusalem Municipality, at the joint expense of the three rites, and any repairs are to be carried out at the cost of the three Patriarchates.

THE TOMB OF THE VIRGIN AT GETHSEMANE.

This Church (Sitna Miriam) is situated in the Valley of the Kidron, near the Garden of Gethsemane. It is a mediaeval building of the Crusading era, having been founded by Queen Melisande, and is constructed in great part underground. A long flight of steps leads down to the floor of the Church, which has two semi-circular side apses. St. John Damascene refers to a church on this site in the 4th century.

Bishop Arculf (*circa* A.D. 700) saw here a round Church of two stories, enclosing the place of the Agony, and Bernard the Wise in the 9th century describes a round church "on which rain never falls, although there is no roof on it."

The Church of the Virgin is under the joint control of the Orthodox and the Armenians, and the keys are kept, and all cleaning done, by these two Communities. The Copts and Syrian Jacobites have the right to hold services there on the Armenian altars, the Copts twice and the Syrian Jacobites once a week. The Latins have no standing in this Church at the present time, and do not hold any services there.⁹² One of the claims, however, that the Latins press with the greatest insistence is to the possession of this Church, of which, they maintain, they were despoiled by the Orthodox. The general principles of the Status Quo therefore apply.

There is no doubt that the Latins at one time had exclusive possession of this shrine, and various documents they hold make reference to this fact. In the Middle Ages there was a Benedictine Abbey here of St. Mary of Jehosophat, and the architecture of the present structure is purely Gothic. By the beginning of the 18th century, however, the Orthodox and Armenians each possessed an altar in the Church, and the Latins were finally dispossessed in 1757, at the same time that they lost control of the other sanctuaries. Attempts of the Orthodox or Armenians to do any work of repair are, therefore, protested against. In 1924 the Orthodox, in agreement with the Armenians, and after notifying the Government, repointed the roof and the facade; the Latins protested that this was a breach of the Status Quo, but it was ruled that the correct procedure had been followed and the work was allowed to proceed.⁹³

In the Church the first Chapel on the right is Orthodox, and dedicated to SS. Joachim and Anne; the next a little lower down on the left of the stairs, of St. Joseph, is Armenian. Next on the right comes the Orthodox altar of St. Nicholas.

In the right-hand apse is the Tomb of the Virgin. The hangings and lamps in the right section are Orthodox, and in the left Armenian. The Chapel behind the Tomb, beginning from the step at the entrance is Orthodox property. Near by is the Armenian altar of St. Bartholomew, on which the Syrian Jacobites officiate. The adjacent altar of St. Stephen and all the end part of the Church is Orthodox. The Chapel in the left apse, that of the Presentation, is Armenian and used by the Copts when they hold their services.

The Syrian Jacobites claim that the altar on which they officiate is their property. A dispute occurred between them and the Armenians in 1923 with regard to the changing of two old and dilapidated icons by the Armenians on this altar. The Syrian Jacobites protested, claiming that the icons as well as the altar were their property. The Armenians proved that the icons had Armenian inscriptions, and the change was therefore permitted.⁹⁴

Adjacent to the Church is the Grotto of the Agony, which is exclusively in Latin possession, and in front of the Church is a Moslem wely.

⁹¹ The Orthodox were permitted by the firman of 1852 the right to hold their service within the shrine, but they have never exercised it.

⁹² The Firman of 1852 referred to on the previous page accorded them the right to hold services here like the Orthodox and the Armenians, but it was never exercised.

⁹³ See District Governor's 4025/Gof 7 December, 1924, and Latin Patriarch's letter in reply.

⁹⁴ The dispute is of a similar nature to that regarding the Church of St. Nicodemus. See District Governor's 4025/AG of 8 August, 1923. Also Armenian Patriarch's 1593/22 of 17 October, 1923.

The three Gardens of Gethsemane are not affected by the Status Quo. When, however, in 1925 the Latins were building the new Basilica, a serious dispute arose with the Orthodox, on account of the demolition of the wall near the Pater Noster Column which marks the spot of the Betrayal. The Orthodox Patriarch had made some concessions here to the Latins⁹⁵ who in their turn had abandoned the right they had of holding a service in the Orthodox Church of the Viri Galilaei on the Mount of Olives. But the right of access to the pillar had to be maintained. The Column was eventually replaced opposite to the entrance to the Russian Garden, on the public way.⁹⁶[...]

THE WAILING WALL.

The Wailing or Western Wall, so termed from the custom of the Jews to pray there especially on Sabbaths and other Holy Days, is situated at the southwest corner of the Temple Area. In Arabic it is known as "Al Burak," and in Hebrew as "Hakotel Hama' Aravi."

The Wall is undoubtedly one of the oldest antiquities remaining above ground in the Holy City, and (as regards its lowest strata) is generally accepted to be part of the western temenos wall of the Third Temple built by Herod the Great. Of the extent of the Wall that is visible a short length lies within the enclosures of private houses to the north and the south of the Wailing Wall proper. From within the Temple Area, the arches of a great gateway can be seen on the interior face of the Wall, some way below the present ground level.⁹⁷

The Herodian strata are of massive construction, and comprise six courses of drafted stones. Above these are three courses of undrafted masonry. The exact age of these intermediate courses is not certain, but they are probably of Roman work of, or subsequent to, the time of the rebuilding of the City as a Roman Colony by the Emperor Hadrian. The upper strata are clearly of later date, and belong to the Saracenic period, about A.D. 1500. The immediate neighbourhood of the Wailing Wall is inhabited by a number of Moroccan families, who are the beneficiaries of the ancient Waqf dating from the thirteenth century of Abu Midian. Some of the dwellings are entered from the space in front of the Wall. The wall separating the garden to the north from the Wailing Wall was rebuilt without incident in 1929. The wall overlooking the Wailing Wall by the Bab-al-Mughrabi was also rebuilt at the same time. The Moslems wanted to erect a low wall, but it was ruled, to preserve the Status Quo, that the wall must be rebuilt to its former height.

The Wailing Wall, as being one of the few relics of the Temple of Herod of undisputed authenticity, is held in very great veneration by the Jews. Jewish writers refer to it as "the Holiest possession of the fifteen millions of Jews throughout the world which they have not forgotten for one moment since the Dispersion." On Sabbaths and other Holy Days the Wall is thronged with worshippers, the American and European Jew mixing with the Orthodox Jew in his caftan and the Bokharan in his gorgeous silks. The Jewish custom of praying here is of considerable antiquity, being mentioned by Rabbi Benjamin of Tudela and has now become an established right.

This right to pray has, however, become linked with the claim to the actual ownership of the Wall. The Moslems resist this on the ground that the Wall is an integral part of the enclosure wall of the Haram al Sharif, and that the space in front of it is a public way, and part of the premises of the Abu Midian Waqf. For this reason the Moslems have always protested against the placing of benches or chairs in front of the Wall by the Jews as causing an obstruction in this public way and implying possessory rights. Though benches have certainly from time to time been introduced, there is extant a resolution taken by the Administrative Council and confirmed by the Mutasarrif in 1912 that chairs or tents or curtains (to divide the women from the men) 'are not to be allowed. This is still enforced, but portable camp-stools or boxes or tins with cushions are permitted for the convenience of worshippers. This ruling was notified to the Jewish religious authorities and the Police by the District Governor in 1922, and confirmed in 1926 after a rather serious dispute had arisen on account of the introduction of some benches on the previous Day of Atonement (Yom Kippur).⁹⁸

These conflicting claims have caused difficulties in regard to the carrying out of repairs to the Wall, such as repointing or the removal of weeds. The question arose in 1920, during the last weeks of the Military Administration, when the Waqf Department commenced to repair the upper strata and the Jews objected. The Moslems instanced previous occasions when they had repaired the Wall, and it was ruled, not however without protest from both sides, that in the first place the upper Saracenic courses were to be repaired by the

⁹⁵ Not however, without opposition from the members of the Confraternity. See Governor's 4025/AG, of 18 October, 1920.

⁹⁶ The belfry was destroyed by an earthquake in 1575. The lower story that survived is now part of the Orthodox Convent. Its massive proportions give an indication of the magnificence of the belfry before its destruction.

⁹⁷ They were discovered in 1807. Excavations have shown that this gateway of the Temple was nearly thirty feet high. According to some authorities, these are the remains of the Gate of Mercy mentioned by Benjamin of Tudela (A.D. 1160).

⁹⁸ See District Commissioner's letter 2271/3 of 5 October, 1922, to Rabbi Kook and 227 I/DC, of 6 April, 1926, to the District Superintendent of Police.

Waqf authorities, but under the supervision of the Department of Antiquities, as the Wall was a registered Antiquity; special care was to be taken to avoid inconvenience or danger to the worshippers below, and no work was to be carried out on Fridays or Saturdays. Secondly, as regards the middle and lower courses, work thereon was, in case of necessity, to be undertaken by the Government.

In 1927 the question arose as to whether this ruling applied to the portions of the Wall outside the limits of the Wailing Wall proper. The Moroccan occupants of the garden just north of the Wailing Wall started clearing away some weeds from the interstices of the stones and the Jews objected. As it was considered illogical, and was, moreover, irritable to Jewish sentiment that the sections of the stones which are within the boundaries of the Wailing Wall should be under Government care for archaeological and religious reasons and the remainder not, although held in equal veneration, it was ruled that the old Wall, i.e., the lower and middle strata, throughout its entire length was to be treated as an antiquity site, and therefore under Government charge.

In recent years on more than one occasion, allegations have been made that stones have been thrown from the neighbouring houses with the intention of causing annoyance to the worshippers. Police investigations established that on one occasion a stone was actually thrown by a child from within one of the Moroccan houses; in another instance the occurrence was attributed to the fact that fragments of stone or mortar had been dislodged by pigeons nesting

in the crevices of the middle courses.⁹⁹ A further incident occurred in July, 1929, when the Mughrabis started the practice of singing and drumming in the Garden to the north of the Wall at the time of the Jewish prayer hours. It was clearly an innovation, and the practice was forbidden.¹⁰⁰

It may be mentioned here that early in the British Occupation the Zionist Commission made certain official demarches with the object of securing the formal transfer of the Wailing Wall to Jewish ownership. The Military Governor, on his opinion being sought, discouraged the pursuit of the matter in view of the sensitive state of Arab opinion, and urged that in any event the matter should not be raised officially. Informal negotiations were, however, continued for a while until it transpired that a Jew of prominence had approached certain of the Moslems interested with a pecuniary offer. Moslem opinion thereupon became seriously agitated, and instructions were received from the Foreign Office that the matter should not be pursued for the time being.¹⁰¹

The matter again became acute in connexion with incidents which occurred at the Wall on the Day of Atonement in September, 1928, and the question was raised not only locally, but in the House of Commons. The Secretary of State for the Colonies issued a White Paper on the subject in November, 1928, printed as Cmd. 3229.

RACHEL'S TOMB.

Rachel died giving birth to Benjamin, "on the way to Ephrath, which is Bethlehem," when Jacob was travelling from Bethel to Hebron.¹⁰² A pillar was set up over her grave, and we read that the spot was a familiar landmark in the time of Samuel.¹⁰³ The present Tomb is situated on the outskirts of Bethlehem, on the Jerusalem-Hebron road. Various mediaeval writers, both Jewish and Arab, make reference to it as a Jewish Holy Place. It is mentioned by Maimonides¹⁰⁴ and Benjamin of Tudela and the Arab writer Mugeir-al-Din, who describes it as "constructed of eleven stones and covered with a Cupola which rests on four pillars, and every Jew passing writes his name on the monument." It is also mentioned by St. Paula, 380 A.D.

The present Tomb consists of an open ante-chamber and a two-roomed shrine under a cupola containing a sarcophagus. The building lies within a Moslem cemetery, for which it serves as a place of prayer. The keys of the actual shrine are in the possession of the Jews, one for the Sephardic Community, and another for the Ashkenazic. The Tomb is a favourite place of Jewish pilgrimage, especially during the month of Elul and the Tishri festivals when large crowds visit it.

The Jews claim possession of the Tomb as they hold the keys and by virtue of the fact that the building which had fallen into complete decay was entirely rebuilt in 1845 by Sir M. Montefiore.¹⁰⁵ It is also asserted that in

⁹⁹ See District Officer of Jerusalem's letter No. 2271 of 17 November, 1926.

¹⁰⁰ See Acting Deputy District Commissioner's letter. No. 10/24, of 9 July, 1929.

¹⁰¹ See Despatch Pol. No. 168 of 31 October, 1925, forwarding a memorandum of the District Commissioner giving the whole history of the case.

¹⁰² Gen. XXXV, 20.

¹⁰³ 1 Samuel V, 2.

¹⁰⁴ He was Saladin's Jewish physician.

¹⁰⁵ A fact commemorated by two tablets let into the wall of the building. The funds were provided by the late Marcus Adier, brother of the Chief Rabbi of England, and the work was carried out by Jewish labour under the supervision of Mr. David Yellin.

1615 Muhammad, Pasha of Jerusalem, rebuilt the Tomb on their behalf, and by firman granted them the exclusive use of it.

The Moslems, on the other hand, claim the ownership of the building as being a place of prayer for Moslems of the neighbourhood, and an integral part of the Moslem cemetery within whose precincts it lies. They state that the Turkish Government recognised it as such, and sent an embroidered covering with Arabic inscriptions for the sarcophagus; again, that it is included among the Tombs of the Prophets for which identity sign-boards were provided by the Ministry of Waqfs in 1328. A.H. In consequence, objection is made to any repair of the building by the Jews, though free access is allowed to it at all times.

From local evidence it appears that the keys were obtained by the Jews from the last Moslem guardian, by name Osman Ibrahim al Atayat, some 80 years ago. This would be at the time of the restoration by Sir Moses Montefiore. It is also stated that the antechamber was specially built, at the time of the restoration, as a place of prayer for the Moslems.

In 1912 the Jews were given official permission to repair the shrine itself, but not the ante-chamber. Again, three months after the Occupation, the whole place was cleaned and whitewashed by them without protest.

In the autumn of 1921 the Chief Rabbinate applied to the Municipality of Bethlehem for a Permit to repair the shrine. The matter came to the notice of the Waqf Department and objection was raised, and the right of the Moslems to do any repairs claimed on the grounds stated above. It was then ruled by the High Commissioner that, in view of the conflicting claims of the Moslems and the Jews, until the matter was regulated by the Holy Places Commission, any repairs should be undertaken by the Government.¹⁰⁶ Much indignation was caused in Jewish circles by this policy of the Administration-land as the repairs were not considered urgent, the matter was dropped at this time.

In 1925 the Sephardic Community again requested permission to repair the Tomb, stating that its structural condition was very bad and a member of their Community on a visit to Jerusalem had offered to provide the necessary funds. The policy the Government was following was verbally communicated to the President of the Sephardic Community by the District Commissioner, and at the same time instructions were sent to the Public Works Department to carry out any repairs that might be necessary for the safety of the building. The cementing of the exterior of the Dome and repainting of the walls were carried out by the Department of Public Works, and the building thereby made structurally sound and watertight. When application was made to the Jewish authorities for the keys of the shrine to enable the interior repairs to be effected, they refused admission stating that they recognised no one excepting themselves as having any right to repair the Tomb.¹⁰⁷ The interior repairs were unimportant, and to avoid controversy were not proceeded with.¹⁰⁸ [...]



**REPORT BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND TO THE COUNCIL OF THE LEAGUE
OF NATIONS ON THE ADMINISTRATION OF PALESTINE AND TRANS-JORDAN FOR
THE YEAR 1929, 31 DECEMBER 1929 [EXCERPTS]**

SECTION I: PALESTINE
I. INTRODUCTORY.

1. The events in Palestine and the activities of the Administration in the year 1929 are overshadowed by the disturbances that occurred during the week from the 23rd to the 29th August.
2. The events of that week have been investigated by a Commission of Enquiry appointed by His Majesty's Secretary of State for the Colonies, which was composed of Sir Walter Shaw, formerly Chief Justice of the Straits Settlements, as Chairman, and Sir Henry Betterton, M.P., Mr. R. Hopkin Morris, M.P., and Mr. Henry Snell, M.P., as Members. Their Report has been published as Command Paper No. 3530 and submitted to the Council of the League of Nations.

¹⁰⁶ See Chief Secretary's letter. No. 2214/Pol. of 29 September, 1921.

¹⁰⁷ An article in the Press described it as "showing a desire to rob the poor-man of his one little 'ewe lamb' the grave of our great mother Rachel."

¹⁰⁸ District Officer of Jerusalem's letter, No. 4822, of 4 November, 1926, to District Engineer, Jerusalem.

Consequences of the disturbances, August, 1929.--It is unnecessary, therefore, to make further observations in this Report on the disturbances or their causes. It is proposed, however, to deal with the more important consequences of the disturbances.

Generally, the concluding months of the year were characterised by political unrest, the strengthening of the forces of public security and restriction of economic activity.

3. *The Wailing Wall Dispute.* The conflict of claims, Jewish and Arab, as to the rights at the Wailing Wall continued to afford opportunity for disorder. On the Arab side there is suspicion of any Jewish act in the vicinity of the Wall, coupled with resentment of the provisional regulations (see Appendix I) issued by the High Commissioner, which are interpreted by certain Moslems as giving authority for Jewish devotions of congregational character which, in the Moslem view, have no sanction.

On the Jewish side resentment is caused by acts of Moslems which are not within the ambit of the provisional regulations of the High Commissioner and which tend to make devotions, either private or public, impossible to fulfil.

The Administration therefore has been and still is obliged to maintain elaborate precautions to prevent disorder.

4. The provisional regulations to which reference has been made were issued as a guide to officers in the discharge of their responsibilities at the Wall and were made known to the public so that there might be no misunderstanding as to the acts which might or might not be done. They were issued in order that the Palestine Administration might discharge its primary obligation of maintaining order in the Wailing Wall area. The Regulations are provisional in the sense that they do not purport to decide as between the claims of the interested communities. No incidents of note have taken place at the Wall since these instructions were issued.

5. His Majesty's Government, recognising the importance of obtaining an early and final settlement of the rights and claims of Moslems and Jews at the Wall, and recognising that there was no prospect of a mutual agreement between the claimants, submitted proposals to the Council of the League of Nations for the appointment of a Commission to study, define and determine the rights and claims connected with the Wailing Wall.

The Council, having considered those proposals, decided that steps should be taken to assist the Mandatory in his task of maintaining order and, in January, 1930, adopted the following resolution :-

"The Council "Being anxious to place the mandatory Power, in accordance with its request, in a position to carry out the responsibilities laid upon it by Article 13 of the Mandate for Palestine under the most favourable conditions for safeguarding the material and moral interests of the population placed under its mandate;

"Wishing not to prejudice, in any way, the solution of the problems relating to the question of the holy places of Palestine, which may have to be settled in the future;

"Considering, however, that the question of the rights and claims of the Jews and Moslems with regard to the Wailing Wall urgently calls for final settlement;

"Decides that,

"(1) A Commission shall be entrusted with this settlement;

"(2) This Commission shall consist of three members who shall not be of British nationality and at least one of whom shall be a person eminently qualified for the purpose by the judicial functions he has performed;

"(3) The names of the persons whom the mandatory Power intends to appoint as members of the Commission shall be submitted for approval to the Council whose members shall be consulted by the President if the Council is no longer in session;

"(4) The duties of the Commission shall cease as soon as it has pronounced on the rights and claims mentioned above."

[...]

16. *The Boycott.*

Jewish indignation in Palestine at the disturbances led for a short time to a sporadic boycott of Arab produce. Subsequently, the revival of Arab nationalist and anti-Jewish feeling led to an organised boycott of Jewish products. This boycott was accompanied by acts of intimidation. [...] At Jerusalem, many Jewish merchants are setting up business in a new commercial centre, abandoning the Old City; the Jewish shopkeepers at Jaffa are moving to Tel-Aviv. [...]



REPORT OF THE COMMISSION APPOINTED BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, WITH THE APPROVAL OF THE COUNCIL OF THE LEAGUE OF NATIONS, TO DETERMINE THE RIGHTS AND CLAIMS OF MUSLIMS AND JEWS IN CONNECTION WITH THE WESTERN OR WAILING WALL AT JERUSALEM, DECEMBER 1930

[Report of the commission appointed to enquire on sovereignty of Holy Places in Jerusalem following clashes between Arabs and Jews over claims on the Wall in 1929. The Commission was appointed in order to make an authoritative statement on the religious status quo of the Wailing Wall. Religious authorities and others were interviewed and written evidence was produced by the two parties]

The RIGHT HONOURABLE ARTHUR HENDERSON, M.P., HIS BRITANNIC MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR FOREIGN AFFAIRS, Etc., Etc., Etc.

The International Commission for the Wailing Wall has the honour to submit the following report to His Britannic Majesty's Government.

The Commission understands that a copy of the report will be forwarded to the Council of the League of Nations.

I. INTRODUCTION.

After the disturbances which occurred in Palestine in August, 1929, His Britannic Majesty's Secretary of State for the Colonies appointed a Commission on the 13th of September to enquire into the immediate causes that had led to that outbreak and to make recommendations as to the steps necessary to avoid a recurrence.

The said Commission of Enquiry communicated to the Secretary of State for the Colonies amongst other desiderata, in December, 1929, a recommendation that His Majesty's Government should take such steps as lay within their power to secure the early appointment, under Article 14 of the Mandate for Palestine, of an *ad hoc* Commission to determine the rights and claims in connection with the Wailing Wall in Jerusalem. It was the view of the Commission of Enquiry that an early determination of rights and claims connected with the Wailing Wall was a measure essential in the interests of peace and good government in Palestine. The Commission considered, therefore, that the constitution of a Commission for the said purpose and its departure for the country should be expedited by every possible means.

At the ensuing meeting of the Council of the League of Nations the British Delegation made certain proposals in accordance with the said recommendations of the Commission of Enquiry. The Council of the League, having heard the views of the Permanent Mandates Commission, adopted the following resolution on the 14th of January, 1930:

"The Council,

"*Being anxious* to place the Mandatory Power, in accordance with its request, in a position to carry out the responsibilities laid upon it by Article 18 of the Mandate for Palestine under the most favourable conditions for safeguarding the material and moral interests of the population placed under its mandate;

"*Wishing not to prejudge*, in any way, the solution of the problems relating to the question of the holy places of Palestine, which may have to be settled in the future;

"*Considering*, however, that the question of the rights and claims of the Jews and Muslims with regard to the Wailing Wall urgently calls for final settlement:

"*Decides* that,

"(1) A Commission shall be entrusted with this settlement;

"(2) This Commission shall consist of three members who shall not be of British nationality and at least one of whom shall be a person eminently qualified for the purpose by the judicial functions he has performed;

"(3) The names of the persons whom the mandatory Power intends to appoint as members of the Commission shall be submitted for approval to the Council whose members shall be consulted by the President if the Council is no longer in session;

"(4) The duties of the Commission shall cease as soon as it has pronounced on the rights and claims mentioned above."

For further details relative to the circumstances under which the Commission was nominated we beg to refer to the report of the Shaw Commission (*Cmd. 3530*), which we will have to quote at several occasions in the following.

The British Government in a letter to the Secretary-General of the League of Nations dated 12th May, 1930, notified the names of the persons whom they had selected to be members of the Commission, viz., the undersigned.

ELIEL LÖFGREN, formerly Swedish Minister for Foreign Affairs, Member of the Upper Chamber of the Swedish Riksdag (to act as Chairman),

CHARLES BARDE, Vice-President of the Court of Justice at Geneva, President of the Austro-Roumanian Mixed Arbitration Tribunal, and

J. VAN KEMPEN, formerly Governor of the East Coast of Sumatra, Member of the States-General of the Netherlands.

The composition of the Commission as proposed by the British Government was approved by the Council of the League on the 15th of May, 1930. The Commissioners were officially informed of their nomination by letters from the British Foreign Office dated the 26th of May. MR. STIG SAHLIN, of the Swedish diplomatic service, has acted as Secretary to the Commission.

The members of the Commission assembled for the first time at Genoa on the 12th of June and sailed for Palestine on the following day, having been furnished before their departure with the various documents relative to matters connected with the Wailing Wall that had up to then been published by the League of Nations and by the British Government (e.g., reports, despatches, memoranda, minutes of proceedings, etc.).

The Commission arrived at Jerusalem on the 19th of June and stayed in Palestine for one month, leaving Jerusalem on the 19th of July. The first meeting of the Commission was held on Monday, the 23rd of June, the 20th and 21st being blank days as Friday and Saturday are kept as holy days by one or other of the Parties concerned. During their stay in Jerusalem the Commission held one or two meetings on practically every weekday, Fridays and Saturdays excepted. In all there were held 23 meetings, of which the first was occupied with introductory speeches and with a discussion as to the procedure to be followed, while the last four meetings were occupied with the closing speeches. At the other 18 meetings the Commission was engaged in the hearing of evidence. All the meetings were held in the Government Offices Building near the Damascus Gate. A complete record of the proceedings is attached hereto (Appendix I).¹⁰⁹

At the opening meeting the Chairman stated that the aim in view of the Commission, in carrying out the task entrusted to it, was to make an impartial and, if possible, complete inquiry into the questions connected with the Wailing Wall and, as a result of the said inquiry, to pronounce a verdict which would be based wholly and solely on the Commissioners' candid convictions upon the bearing of law and equity to the case in dispute. This being what the Commission had in view, the Chairman appealed to the Parties concerned to give them all the necessary assistance in the carrying out of their work.

At the same meeting it was agreed that during the proceedings there was to be one set of authorized and recognized representatives to act as Counsel for each of the two disputing Parties. Pursuant to that agreement the Counsel for the Jewish Side - DR. M. ELIASH, MR. DAVID YELLIN, and RABBI M. BLAU - presented credentials from the Rabbinate of Palestine, the World Association of Rabbis, the Jewish Agency for Palestine, the Vaad Leumi and the Agudath Israel. The Counsel for the Muslim Side had been authorized to act as such by the Supreme Muslim Council. The following persons represented the Muslim Side:- AOUNI BEY ABDULHADI, AMIN BEY EL TAMINI, AMIN BEY ABDULHADI, SHEIK SULEIMAN, EFFENDI JOUKHADAR, AHMED ZAKI PASHA, FAKHRI BEY EL HUSSEINI, FAKHRI BEY EL BAROUDI, FAIZ BEY EL KOURY, SHEIK HASAN EFFENDI ABU SOUD, JAMAL EFFENDI EL HUSSEINI, IZZAT EFFENDI DARWAZA, MOHAMED ALI PASHA, SHEIKH RAGHEB EFFENDI DAJANI, ABDULLAHAI FAZALALLY, ABDULLALY JEWABHAI and SHEIKH HASSAN AI-ANSARI. Including the members of the various delegations who appeared before the Commission, the above-named persons may be said to have represented Muslims from practically every country in the world with a Muslim population, including Morocco, Algeria, Tripolis, Egypt, and other African countries, Palestine, Syria, Trans-Jordan, Iraq, Persia, British India, the Dutch East Indies, and other countries in the Near and Far East.

It was arranged with the due consent of the Parties that the Jewish Side should be considered as the plaintiff and thus have, to open the case, while the Muslim Side were to be considered as the defendant.

¹⁰⁹ Not printed. A copy can be seen in the Colonial Office Library.

As to the procedure to be adopted, it was decided with the consent of the Parties that as far as possible the ordinary judicial methods of the English courts should be observed. Thus, the Counsel for the Parties were to call and examine witnesses, to procure and lay before the Commission relevant expert and documentary evidence, to cross-examine the witnesses called by the other Party and to plead in the case whenever they should deem it expedient. The Commissioners on the other hand would, as a rule, confine themselves to listening to what the witnesses called by the Parties had to say and to any other evidence adduced, reserving to themselves, however, the right to examine additional witnesses *ex officio* or if requested to do so by the Palestine Government. The Commission as such was not empowered to swear witnesses, but witnesses could be sworn or caused to give a corresponding solemn affirmation before the appropriate Magistrate at Jerusalem in conformance with Palestine Law.

During the meetings 52 witnesses were examined, 21 of them being called by the Jewish Counsel, 30 by the Muslim Counsel, and 1, a British official, by the Commission. A list of the meetings and of the witnesses whose evidence was given before the Commission is annexed to this Report (Appendix II). During the meetings 61 documents or collections of documents were produced. Of those 35 were presented by the Jewish Side and 26 by the Muslim. A synopsis of them is given in Appendix III.

The Commissioners also adopted various measures, apart from the regular meetings, to obtain as complete a body of information as possible concerning questions relating to the matter at issue. Thus, upon their arrival at Jerusalem, they paid visits, accompanied by British officials, to the Harem-esh-Sherif and its Mosques, to the Wailing Wall and its environs, and also visited the principal Synagogues of the Ashkenazi and the Sephardi Communities of the Jewish population. By that means the Commissioners had the opportunity of studying on the spot the situation, surroundings, and special character of the various buildings, and also a number of other circumstances bearing on the dispute as well as the practices and the rites of the respective confessions. Moreover, the Commissioners went several times privately and unattended to the Wailing Wall and to the Harem-esh-Sherif. Furthermore, the Commissioners delegated one of their Members to the Muslim Shari'a Court in Jerusalem in order that, in conjunction with the Counsel of the two Parties and the appropriate officials of the Court, he might there inspect the title-deeds relating to the Wailing Wall and its surroundings.

In view of the particular interest attaching to the *status quo* of the Christian Holy Places, the Commissioners paid prolonged visits especially to the Church of the Holy Sepulchre at Jerusalem and the Church of the Nativity at Bethlehem at which well-qualified British officials and the officiating functionaries or the different Christian churches explained to the Commissioners the particular conditions of the *status quo*.

During the whole course of the proceedings the representatives of the two Parties afforded every assistance to the Commission in its inquiry both very willingly and very efficiently.

Very valuable services were rendered to the Commission by the Palestine Government and their various officials. The Commissioners desire especially to express here their appreciation of the spirit of trustfulness in which this assistance was given them. Previous to their departure from Palestine, they expressed their thanks in a letter, printed at the close of this Report (Appendix IV).

Finally, it ought to be mentioned that the Commissioners - although the mandate entrusted to them did not explicitly refer to conciliation - thought it a duty incumbent upon them to try to bring about a friendly settlement between the Parties. In order if possible to achieve that object, numerous meetings were held with the representatives of the two Parties both separately and jointly *in camera*. At the closing meeting the Chairman again emphasized the point to the Parties that an agreed solution would be very much preferable to a verdict and promised that the Commission would hold the door open, until the 1st of September, for proposals and agreements from the Parties directed towards that end. After the Commission had left Palestine, the negotiations between the Parties were continued in the presence of representatives of the Palestine Government. In response to the requests addressed to the Commission, the delay accorded to the Parties was extended, on the first occasion until the 15th of September and, later, until the 8th of October. It is with great regret that the Commission has had to ascertain the failure, up to the present time, of the said negotiations.

Thereupon the Commission met at Stockholm, 27th October to 1st November. The concluding meeting was held in Paris, 28th November to 1st December.

II. DESCRIPTION OF THE WAILING WALL AND ITS ENVIRONS.

With respect to the position of the Western or Wailing Wall (in Arabic, Al-Buraq; in Hebrew, Kothel Maaravi) and the lie of the surrounding area, see the official plan drawn by the Palestine Government, annexed hereto (Appendix: V).

The Wailing Wall forms an integral part of the western exterior shell of the Harem-esh-Sherif which itself is the site of the ancient Jewish temples, at the present day supplanted by Muslim Mosques. The Harem-esh-Sherif in actual fact is a vast rectangular platform, several hundred metres in length and width. One of the said Mosques, the Mosque of Aqsa, is contiguous to the southern exterior wall of the Harem and extends up to the Wailing Wall at its southern end. The other Mosque, the Dome of the Rock (in Arabic, Qubet Al-Sakhra), or, as it is usually called, the Mosque of Omar, is situated in the middle of the Harem area.

The Western Wall of the Harem-esh-Sherif as a whole is a structure of more than 100 metres in length and about 20 metres in height. The very large blocks of stone at the base of the Wall, more especially the six courses of drafted stones, are dated by most archaeologists to the times of the Temple of Herod (i.e., the second, reconstructed Temple). Many of the stones bear inscriptions in Hebrew on their faces, some of them painted, others engraved. Above these stones there are three courses of undrafted masonry; these are probably Roman work (dating from the rebuilding of the city as a Roman colony by the Emperor Hadrian). The upper strata again are of much later date, belonging probably to the period about 1500 A.D. Recent researches go to show that the boundaries of the Wall coincide with those of the platform of the Temple of Solomon, of which courses of stones are supposed to still remain beneath the surface.

The part of the Wall about which dispute has arisen between the Jews and the Muslims comprises about 30 metres of the exterior wall mentioned. In front of that part of the wall there is a stretch of pavement to which the only access, on the northern side, is by a narrow lane proceeding from King David's street. To the south this pavement extends to another wall, which shuts the pavement off at right angles to the Wailing Wall from a few private houses and from the Mosque of Buraq site to the south. In the year 1929 a door was made at the southern end of the wall last mentioned, and it gives access to the private houses and the Mosque. At the northern end of the pavement a third wall, with a door in it, shuts off the area from the courtyard in front of the Grand Mufti's offices.

The pavement in front of the Wall has a width of about 4 metres. Its boundaries on three sides have already been indicated; on the fourth side, i.e., the one opposite to the Wailing Wall, the pavement is bounded by the exterior wall and houses of the so-called Moghrabi Quarter. On that side there are two doors which lead to the Moghrabi houses.

It is this Pavement running at the base of the part of the Wall just referred to that the Jews are in the habit of resorting to for purposes of devotion.

At a short distance from it, in the southern direction and within the Wall itself, there is a chamber or niche in which according to tradition Mohammed's steed, Buraq, was tethered when the Prophet during the course of his celestial journey (as to which see below) visited the Harem-esh-Sherif. It is for this reason that the Wall is known to Muslims as Al-Buraq.

Before proceeding further we desire to state that at the date of our sojourn in Jerusalem, the Wall and its environs were not exactly in the same state as before the War, for as already stated by the Shaw Commission certain innovations had been introduced, viz.:

- (1) The erection of a new structure above the northern end of the Wall.
- (2) The conversion of a house at the southern end of the Pavement into a "Zawiyah" (literally to be translated, Muslim "sacred corner").
- (3) The construction of the above-mentioned door giving access from the "Zawiyah" to the Pavement in front of the Wall, and constituting a through connection from the Harem area (through the Moghrabi Gate) to the Pavement in front of the Wall.

III. HISTORY.

For the purpose the Commission has in view it will not be necessary to recite in full the details of the history of Palestine. The matter the Commission has to deal with, however, has such an intimate connection with the history of the country that it may be considered desirable to mention the principal events.

In early times Palestine was inhabited by a number of peoples, mostly of the Semitic race. The earliest of these of which we possess certain knowledge is the Canaanites (Canaanites) who were dependents of the Egyptians.

According to the tradition preserved by the two peoples, the Jews and the Arabs, Abraham, their common ancestor, made his way, in the Canaanite era, from Ur in Chaldea to Canaan, and the latter became the cradle

of the people of Israel.¹¹⁰ This theory of a community of origin of the Jews and the Arabs, fortified as it has been through the ages by the attribution to it by tradition of numerous important happenings, has played no small part in the mutual relationship of the two peoples.

After the captivity in Egypt was over and their return to Palestine had been accomplished, the tribes of Israel were united into one Kingdom by King David at about the date 1000 B.C. This Kingdom attained its most exalted position during the reign of David's son, the great Solomon. It was Solomon who built the first Temple of Jerusalem, the grandeur and beauty of which have become widely renowned, thanks to the holy books and the historians. The Temple was situated on Mount Moriah on the platform, now known as the Harem-esh-Sherif area.

Subsequent to the death of Solomon, the history of the people of Israel, or rather that of the two Kingdoms of Israel and Judah - Jerusalem being the capital of the latter - resolves itself for the most part into a record of civil wars and struggles with alien tribes.

About 720 B.C., the Assyrians destroyed the Kingdom of Israel and carried the inhabitants away as captives. About 600 B.C., Nebuchadnesar, King of Babylon, attacked the Kingdom of Judah. He destroyed the city of Jerusalem and the Temple of Solomon in the year 587 B.C. Most of the inhabitants were conveyed into captivity and were unable to return to their country until about 50 years later, after Cyrus, King of Persia, had conquered Babylon.

According to the Prophet Jeremiah the Jews who remained in the Holy Land during that period of expatriation had already developed the habit of going to worship on the ruins of the Temple. After the Jews returned to Palestine, the Temple was rebuilt on its ancient site, about the years 520-515 B.C. During the ensuing century a set form of ritual was established by Ezra and Nehemiah.

In 332 B.C. the Jews came under the domination of the Macedonians. King Antiochus IV treated the Jews severely and, after the revolt they set on foot about 170 B.C. had been quelled, the second Jewish Temple was destroyed. Then there followed a period of independence, to a certain extent, which lasted until the country was conquered by the Romans, Pompey entering Jerusalem in the year 63 B.C. According to tradition - *Bavli, Makkoth 24* - the Jews also during this period, i.e., after the destruction of the second Temple, were accustomed to go to the ruins of their holy site.

In the year 40 B.C., with the support of the Romans, Herod, surnamed the Great, became King of Judea and during his reign the Judean Kingdom regained some of its ancient splendour. Herod reconstructed the Temple for the second time.

This last Temple was not destined to attain the same length of life even as its predecessors, for in the year 70 A.D., Titus, who afterwards became Roman Emperor, conquered Jerusalem and, like Nebuchadnesar six and a half centuries earlier, destroyed the whole city of Jerusalem and also the Temple, a part of the Western Wall being the only remnant left of the building.

In the book edited by the Dominican Fathers, Vincent and Abel, *Jérusalem nouvelle*, Paris 1922-26, we are told that, during the first period after the destruction of the Temple of Herod, the Jews continued to go and weep at the ruins of it. According to tradition, the Jews' wailing-place at that time seems to have been the stone on Mount Moriah where the Mosque of Omar now stands.

The Emperor Hadrian (117-138 A.D.) made Jerusalem a Roman Colony, called Aelia Capitolina. He prohibited the Jews from entering Jerusalem and from that period dates the dispersion of the Jews throughout the world. It may be said that there has been no Jewish nation in possession in Palestine since then, though, some Jews have, nevertheless, always been living in the country, their number being larger or smaller in proportion to the degree of toleration extended to them by the successive rulers of the country.

The Dominican Fathers just quoted also say that even after Hadrian's prohibition the Jews succeeded in getting into Jerusalem at least once a year. At that period the place of lamentation seems to have been on the Mount of Olives, from where the worshippers could see the ruins in the distance. From and after the year 333 A.D., when the Pilgrim of Bordeaux visited the Holy Land and learnt that "all Jews come once a year to this place, weeping and lamenting near a stone which remained of the Holy Temple," there is a more or less continuous tradition about the Jews' devotions at the ruins of the Temple or in its environs.

¹¹⁰ Abraham was buried at Hebron, where the Arabs erected a Mosque in his honour. The Jews are not allowed to enter the Mosque but until 1929 were wont to make their devotions at the lower part of the exterior wall of the Mosque.

After the partition of the Roman Empire, Palestine came under the Emperors of Byzantium, who governed the country from about 400 A.D.

About the year 637 the victorious Arabs entered Palestine and conquered Jerusalem. The Caliph Omar (639-644) made Jerusalem the capital of the Arab realm of Palestine. The Arabs began to construct Muslim Holy Buildings on the deserted Mount Moriah, which still commanded the city. In the course of the seventh century there was built in the southwestern part of the area the Mosque of Aqsa, a place of special sanctity of the Muslims, being reckoned next to the Mosques of Mecca and of Medina as an object of veneration and, therefore, also a renowned place of pilgrimage. In the centre of Mount Moriah there was erected the Dome of the Rock. The Temple area or the Harem-esh-Sherif, as it was called by the Arabs, thus became a place of great sanctity for Muslims all over the world and it is to be specially noticed that this tradition, save for a short interruption during the Crusader period, now goes back about 13 centuries.

There are several Jewish authors of the 10th and 11th centuries, e.g., Ben Meir, Rabbi Samuel ben Paltiel, Solomon ben Judah, and others, who write about the Jews repairing to the Wailing Wall for devotional purposes, also under the Arab domination. A nameless Christian Pilgrim of the 11th century testifies to a continuance of the practice of the Jews coming to Jerusalem annually.

The Arab domination was interrupted by the arrival of the Crusaders who conquered Jerusalem in 1099. The Crusaders at first treated the Jews badly, but afterwards became more tolerant. Benjamin of Tudela says (1167) that during the later Crusader Period the Wailing Wall was a place of constant prayer. The Arabs reconquered the country at the end of the 12th century and Saladin, their great ruler, invited, in 1190, the Jews to return to Palestine.

For the ensuing two centuries Palestine practically disappears from history. It shall, however, be mentioned, already in this connection, that in the year 1193 an area in front of the Wailing Wall was constituted Waqf by King Afdal, son of Saladin, that is to say that the property was detached for "religious or charitable" purposes according to the Muslim Shari'a Law. The bearing of this conception will be discussed in the following. About 1320 the houses which are now called the Moghrabi Quarter (see above) were constituted Waqf, by a certain Abu Madian. This Quarter was donated for the benefit of Moroccan pilgrims and derives its name from that.

In 1517 the country was conquered by the Turks and from that date, save for a short interruption of nine years from the year 1831 when the country was invaded by the Egyptians, the Turkish domination lasted on until the period of the Great War. With respect to the Wailing Wall and how it was regarded during the Turkish régime it may be stated that there are many statements - too numerous to be quoted here - in the writings of various travellers in the Holy Land, more especially in the 18th and 19th centuries, which go to show that the Wailing Wall and its environs continued to be places of devotion for the Jews. In 1625 "arranged prayers" at the Wall are mentioned for the first time by a scholar whose name has not been preserved.

During the period now referred to, several decisions of special interest in connection with the Wailing Wall were arrived at by various authorities who had to do with the matter. While the Commissioners were conducting their proceedings at Jerusalem the Counsel for the Muslims produced a decree issued by Ibrahim Pasha in May, 1840, which forbade the Jews to pave the passage in front of the Wall, it being only permissible for them to visit it "as of old." The Counsel for the Muslims further referred to a decision of the Administrative Council of the Liwa in the year 1911 prohibiting the Jews from certain appurtenances at the Wall. The Counsel for the Jews, on the other hand, referred the Commission in especial to a certain firman issued by Sultan Abdul Hamid in the year 1889, which says that there shall be no interference with the Jews' places of devotional visits and of pilgrimage, that are situated in the localities which are dependent on the Chief Rabbinate, nor with the practice of their ritual. In the same connection the Counsel for the Jews also referred the Commission to a firman of 1841, stated to be of the same bearing and likewise to two others of 1893 and 1909 that confirm the first mentioned one of 1889. Translations of the decrees of 1840 and 1911 as well as of the firman of 1889 are annexed to this Report (Appendices VI-VIII). The firman of 1841 was not actually produced.

In October, 1914, Turkey joined the Central Powers in the Great War and, in the course of the autumn of 1917, an Allied army with General Allenby as its Commander-in-Chief entered Palestine and captured Jerusalem at the beginning of December. At the time of his official entry into Jerusalem, on the 11th of December, 1917, General Allenby caused the following proclamation to be read:

"...since your City is regarded with affection by the adherents of three of the great religions of mankind, and its soil has been consecrated by the prayers and pilgrimages of multitudes of devout people of these three religions for many centuries, therefore do I make known to you that every sacred building, monument, holy spot, shrine, traditional site, endowment, pious bequest, or customary

place of prayer, of whatsoever form of the three religions, will be maintained and protected according to the existing customs and beliefs of those to whose faiths they are sacred."

During the advance of the Allied forces into Palestine, Mr. Balfour, the British Secretary of Foreign Affairs, had made the following declaration on behalf of His Majesty's Government on the 2nd November, 1917:

"... His Majesty's Government view with favour the establishment in Palestine of a National Home for the Jewish People, and will use their best endeavours to facilitate the achievement of that object, it being understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by the Jews in any other country."

The British Military Administration of Palestine lasted until the 1st of July, 1920, when a Civil Administration was set up with His Majesty's High Commissioner for Palestine at its head.

By an order of the 20th December, 1921, the High Commissioner established a Supreme Muslim Shari'a Council, to have authority over all the Muslim Waqfs and Shari'a Courts in Palestine. The members of the said Council are elected by an electoral college.

The Mandate for Palestine, foreshadowed already in the Treaty of Sèvres of 1920, a treaty, however, which never came into force, was entrusted on the 24th of July, 1922, by the Council of the League of Nations to the British Government. The Mandate came officially into force on the 29th of September, 1923, after Turkey had signed the Lausanne Peace Treaty. The articles of the Mandate with special bearing on the matter in dispute are the following:

Article 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Muslim sacred shrines, the immunities of which are guaranteed.

Article 14.

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15.

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

Article 16.

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

The Zionist Organisation, which was "the appropriate Jewish agency" recognised by Article 4 of the Mandate, was represented in Palestine until August, 1929, by the Palestine Zionist Executive, the members of which were elected by the Zionist Congress. The Jewish Agency for Palestine has now replaced the Zionist Executive. The Jewish Agency was constituted at a joint conference of Zionists and non-Zionists held in Zurich in August, 1929.

Article 21 of the Mandate provides for the enactment of a Law of Antiquities. This Law is known as the Antiquities Ordinance, 1929, and the Wailing Wall is an antiquity in the sense of the law and therefore under the protection of the Department of Antiquities.

The disputes arising out of the Wailing Wall problem caused the British Secretary of State for the Colonies to publish in November, 1928, a White Paper (*Cmd. 3229*), defining the policy of His Majesty's Government in the matter. A copy of the said paper is enclosed herewith (Appendix IX).¹¹¹ After the disturbances last year the High Commissioner, at the end of September, 1929, issued provisional instructions in regard to the use of the Wailing Wall. A copy of those instructions is enclosed herewith (Appendix X).

IV. THE RESPECTIVE CLAIMS OF THE TWO PARTIES

We pass now to a discussion of the respective claims of the two Parties and the circumstances which have led to the raising of those claims.

The contention of the Jewish Side was orally elaborated before the Commission by DR. M. ELIASH, MB. DAVID YELLIN and RABBI M. BLAU, who also submitted to the Commission a written Memorandum drawn up on behalf of various Jewish organizations by DR. CYRUS ADLER and certain Jewish parsonages in Jerusalem. The Arab contention was orally elaborated by AOUNI BEY ABDUL HADI, AHMED ZAKI PASHA and MOHAMED ALI PASHA, who also put in numerous documents.

The contentions of the two Parties as laid before the Commission in the course of the proceedings at Jerusalem may be summarized as follows.

THE JEWISH CLAIMS.

(a) The Jew's Custom of resorting to the Wall for lamentation

The custom in question is based on the central idea of the Jewish religion as recorded in the *First Book of Kings*, Chap. VIII, Verse 11, viz., that God's presence is intimately bound up with the actual Temple of Solomon. This passage says "the glory of the Lord filled the House of the Lord." On that basis the Jews have always regarded the Temple as a Holy Place above all others. Hence the destruction of the Temple has been for many centuries and still continues to be a subject of lamentation for them and this explains the origin of their custom of repairing to the relic that remains of what was the House of the word, in order to give vent there, in front of the Wall, to their wailing and lamentation.

The Jewish Side contend, that this custom goes back to the most ancient times, i.e., those that followed upon the destruction of the Temple.

A proof of this the Jews claim to find in the *Book of Jeremiah*, Chap. XLI, Verse 5, where mention is made of four score of men who came from various parts of the country with offerings and incense in their hand to bring them to the House of the Lord. As the Temple at that time was no longer in existence, it must have been on the site formerly occupied by the Temple that those offerings were laid. According to the testimony of Jewish writers of the first centuries of the Christian era, Jews made pilgrimages to the Wall even when Jerusalem has been almost wholly abandoned by their compatriots. The Jews hold that the Kothel Maaravi could never be destroyed, because of the "divine presence" (Shekinah) that had never departed from it. A Chief Rabbi of the period of the Babylonian Talmud and of the Jerusalem Talmud speaks of the divine presence which exalts the belief of the Faithful. In *Jérusalem nouvelle*, the work of the two Dominican Fathers, Vincent and Abel, that has been already mentioned, we are told that in early days the Roman Emperors permitted the Jews to come to Jerusalem and even to worship within the Temple Area, or at other times to ascend the Mount of Olives where they could see the Holy Site from a distance, recite their prayers and carry out their lamentations. In support of the contention that the Jews' devotions at the Wall have been persistently continuous, the Jewish Side refers to those writers whose names have been already adduced in the historical part above and to others, such as the Church Father Gregory of Nazianzus. Most of the narratives of travellers in Palestine in the 17th and 18th centuries speak of lamentations being conducted at the Wall. Baedeker's guide to Palestine (*Palestine et Syrie*, Leipzig et Paris, 1912, page 62), in its historical section, contains a description from the pen of ALBERT SOCCIN, the orientalist, of the customs of the Jews at the Wall and of the prayers pronounced there by the cantors and of the answers given by the assembly. The Jewish writers are, of course, the more numerous and their narratives the more detailed.

¹¹¹ Not reprinted here.

(b) *Frequency and Character of the Worship in Front of the Wall.*

1. During the first centuries after the destruction of the Temple, the Jews generally went to the Wall once a year, probably on the anniversary of the destruction (the 9th of Ab). Later on (with an interruption during the Crusader period) the Jews went there more often, not only as pilgrims but also at the times of the various religious feasts and on the Sabbaths. After the conquest of Jerusalem by the Arabs, the latter did not hinder the Jews from resorting to the Wall. Since the close of the 18th century the frequency of the holding of the devotions has very much increased in proportion to the growth of the Jewish population in Palestine and especially in Jerusalem.
2. To judge from the memorandum presented by the Jewish Side the Jews' devotions at the Wall were limited during the course of several centuries to wailing and lamenting. The Faithful approached the Wall and, bringing their foreheads into contact with it, wet it with their tears; they would often also slip into the crevices between the stones of the Wall strips or sheets of paper containing petitions and other pious wishes. Later on, the Jews began the practice of reading or reciting at the Wall certain psalms, fragments of the Law of Moses, or prayers. Ever since the 18th century at least printed books have been used containing the order of the service and the various prayers to be recited at the Wall. Later on again, the devotions have also taken the form of a read religious service requiring some of the appurtenances used at the service in a synagogue.

The Jews contend accordingly that the using of such appurtenances as benches, a screen for separating men and women, an Ark with Scrolls of the Law, ritual lamps, a wash-basin, etc., was common and was also allowed by the authorities on the spot long before the Great War. According to the Jewish contention this state of things should be held to constitute the *status quo* and the existing rights to which Art. 13 of the Mandate refers. For this purpose the Jews also refer to the firmans of 1891, 1889 and 1893, already quoted. Furthermore, the Jews maintain that on certain occasions during the Turkish régime they have contributed to the cost of paving the passage and allege that that should be held to prove that it was an understood thing that the Jews had certain rights and obligations in that respect.

Further the Jewish Side claim that, according to Article 15 of the Mandate, the Mandatory Power shall guarantee the Jews free exercise of worship at the Wall in the form prescribed by the ritual of their religion without any interference whatever from the Arabs or the adherents of any other religion. Still more, the Arabs should be prohibited from disturbing the Jewish services by leading donkeys through the passage or by installing a muezzin in the neighbourhood of the Wall or by conducting the Zikhr ritual in the courtyard at the southern end of the Pavement, to which the Jews object because of the concomitant disagreeable noise. The Counsel on the Jewish Side are of opinion that the present Commission has the same powers as the Holy Places Commission. The Jewish Side do not claim any proprietary right to the Wall. The Jewish Counsel are of opinion that the Wall does not constitute a property in the ordinary sense of that word, the Wall falling under the category of *res divinum* or *res extra commercium*. On the basis of that point of view the Jewish Side protest against any and every form of innovation in the structure of the Wall and its immediate surroundings carried out by the Muslims. The Jewish Side have submitted to the Commission a detailed "Note on recent Muslim innovations at the Wailing Wall," which is annexed to this document (Appendix XI). The plaintiffs refer to a pronouncement made by Sheikh Hafez, when he was examined as a witness before the Commission, with reference to the properties dedicated as Waqfs (pages 711-712), to the effect that some learned lawyers and some jurists would say that such property is the property of God while some say that it is the property of nobody. In this connection the Jewish Counsel ask the Commission to accept the above definition which would have the advantage of solving entirely the problem.

(c) *Is the Wall a holy place from the Muslim point of view?*

The question of Buraq.

The question of Waqf.

1. The Jews deny that the Wall, the Pavement in front of it and the Moghrabi Quarter can be considered as Muslim Holy Places. According to the Jews, the Muslims themselves do not regard them so, because otherwise they would not have besmeared the Wall with filth as the Jews state that the Muslims have done on certain occasions, nor permitted the construction of a water closet close to the wall that is a direct continuation of the Wailing Wall to the south and also forms part of the exterior of the Harem.
2. Without disputing the fact that certain writers mention the Buraq, the Jews assert that the legend in question only dates from a period several centuries subsequent to Mohammed's lifetime and that the Buraq is not mentioned in the *Qoran*. In consequence there is no reason, they say, for attributing a sacred character to the Pavement in front of the Wall because of the Prophet having passed there on his celestial journey, as the Muslim holy books do not say anything about that. Furthermore, the route that Mohammed took before entering the Temple area was never, they allege, exactly defined, and it is only quite recently that the Mus-

lms have begun to make out that the Prophet passed by there and that his winged steed was tethered to an iron ring in the wall which is now part of the Mosque of Buraq. Moreover, the Muslims did not, until recent years, call the Wailing Wall Al-Buraq. The official guide to the Harem that was published in 1914 by the Muslim authorities does not mention any special sanctity as inherent in the Wall.

3. As to the Waqf character of the Wall, of the Pavement in front of it, and of the Moghrabi Quarter, the Jewish Side declare that the extension of the areas donated for Waqf purposes is not clearly indicated in the registers of the Shari'a Court, and particularly that the boundaries are not clear. Furthermore, the fact that a certain area has been constituted Waqf cannot, in their view, affect the exercise of Jewish worship at the Wall, so much the less as the devotions have always been held both before and after the creation of the Waqfs and also because the free exercise of worship is guaranteed by the Mandate.

In pursuance of the said contentions the Jewish side have requested the Commission to take the following action:-

- (1) to give recognition to the immemorial claim that the Wailing Wall is a Holy Place for the Jews, not only for the Jews in Palestine, but also for the Jews of the whole world;
- (2) to decree that the Jews shall have the right of access to the Wall for devotions and for prayers in accordant with their ritual without interference or interruption;
- (3) to decree that it shall be permissible to continue the Jewish services under the conditions of decency and decorum characteristic of a sacred custom that has been carried on for many centuries without infringement upon the religious rights of others;
- (4) to decree that the drawing up of any regulations, that may be necessary as to such devotions and prayers, shall be entrusted to the Rabbinate of Palestine, who shall thus re-assume full responsibility in that matter, in discharge of which responsibility they may consult the Rabbinate of the world;
- (5) to suggest, if the Commissioners approve of the plan, to the Mandatory Power that it should make the necessary arrangements by which the properties now occupied by the Moghrabi Waqf might be vacated, the Waqf authorities accepting in lieu of them certain new buildings to be erected upon some eligible site in Jerusalem, so that the charitable purpose, for which this Waqf was given, may still be fulfilled.

THE MUSLIM CONTENTIONS.

Before giving an account of the point of view of the Muslim Side, we may refer to the declarations on matters of principle that were made by AHMED ZAKI PASHA on behalf of the Muslims, and which were repeated later by MOHAMED ALI PASHA:

" With great respect to the Commission I feel it my duty before beginning my statement to make the following reservations:

First: The Palestine Arab nation have rejected continually and in every opportunity the British Mandate over Palestine, and therefore they cannot be bound by any arrangement or regulation derived from that. Mandate; nor *can they be bound by* anything pertaining to what is known as the national home policy. My statement in this direction should *not be taken as* indicating any departure from that attitude which was adopted by this nation in exercise of its right *to determine its own* future.

Second: Muslims state that all contentions relative to Muslim sacred places should be dealt with only by competent bodies as prescribed by the Shari'a Law. Other bodies can have no jurisdiction whatever by the Shari'a Law. Other bodies can have no jurisdiction whatever on these places.

Subject to the above-mentioned two reservations, I have the honour to submit the following..."

The following contentions of the Muslim Side have been formulated with the explicit reservations aforesaid.

(a) *Historical.*

History shows that after having acquired Palestine by the right of conquest, the Jews were definitely driven out of the country by the Romans after the destruction of Jerusalem by Titus. The Christians then ruled the country until the Arab conquest under Omar. With the exception of 90 years during the epoch of the Crusades the effective possession of the country has been in the hands of the Arabs from generation to generation. The Jews who came to Palestine were not interfered with by the Arabs and were fairly well treated by the Muslim rulers of the country. During this long period there were no incidents at the Buraq. The Jews never claimed any rights to the Wall and were content to go now and then to lament at that place, contented in the assurance

that the tolerant Arabs would not interfere with them. It is the Balfour Declaration, reiterated in the Terms of the Mandate, that has been the cause of the discussion which finally brought bloodshed over Palestine and incited the Jews to urge claims which they had never thought of before. The creation of a Jewish national home in Palestine, an Arab country, lost for ever by the Jews hundreds and hundreds of years ago, can only give rise to perpetual troubles and dissensions. The country which the Jews had taken over by right of conquest was again lost, and the Arabs in their turn conquered it, not from the Jews, who had been driven out of Palestine several centuries before, but from the Byzantines. It was not a Jewish kingdom that the Arabs occupied in the 7th century, but a country to which the Jews had no right whatever.

(b) *The Jews' rights to the Wall, the Pavement, the surrounding area, and the character of their devotions.*

It is here a question about property which has belonged to the Muslims for many centuries. The Buraq forms an integral part of the Haram-esh-Sherif, not a single stone of which dates back to the days of Solomon. The passage in front of the Wall is not a public passage, but has only been constructed for the use of the inhabitants of the Moghrabi Quarter and of other Muslims who want to go to the Mosque of Buraq and from it to the Haram. The surrounding area is inhabited by Moroccan Muslims who come as pilgrims to the Holy City or who desire to end their days there. This quarter is in consequence entirely Muslim and the Arabs will never consent to its expropriation on behalf of the Jews, whose ulterior aim it is to erect a synagogue on the spot. As the Jews have no rights in the matter, their presence at the Wall on certain days can only be explained as being due to the toleration shown towards them by the Muslims and which has been much greater than the toleration of the Christians. The Jews cannot build upon this toleration to put forward claims to positive rights as they are trying to do. The fact that they were permitted to resort to the Wall on sufferance merely is clearly shown by the document issued by Ibrahim Pasha in the year 1840, already referred to.

From numerous statements in the works of travellers, historians, geographers, etc., it is clearly evident that when the Jews were allowed to approach the Wall, which was not always the case, they restricted themselves to lamentations and made no attempt to hold actual religious services. Moreover, at certain periods, the Jews did not lament even at the Wall but outside the city instead.

The Jews had not, the Muslims say, produced any official document or resolutions to adduce in support of their contention that they have the right of holding religious services at the Wall. The firman of 1889 and others, to which they refer, have not the bearing they allege.

(c) *Status quo.*

The Muslim Side declare that what is laid down about the application of *status quo* in the Holy Places does not bear reference to the Buraq. As to the Holy Places, the rules given have in view a distribution among several communities of their respective rights to a certain Holy Place. This cannot be the case with regard to the Buraq, as the right to it, both as property and for enjoyment or use belongs to the Muslims. As regards the Buraq, the only question that can be raised is the amount of toleration that its proprietors are prepared to extend and which cannot be increased beyond the limits fixed by the proprietors.

This was moreover recognized by COLONEL SYMES, when he spoke on behalf of the Mandatory Power before the Permanent Mandates Commission at its 9th Session in 1926 (Minutes, page 174):

"M. YAMANAKA asked for details of the incident with regard to the lamentations at the western temple wall.

"COLONEL SYMES said that the Jews were accustomed to go to the western Temple wall to bewail the fallen grandeur of Israel. The site, however, which they occupied for the purpose belonged to a Muslim Waqf, and, while the Jews were allowed to go there, they were not legally allowed to do anything which would give the impression that the site in question was their own property. All religious communities did their utmost to prevent each other from acquiring any legal right in the matter of property which they considered to belong to themselves. This being so, the Muslims who owned the site in question had raised objections to the bringing of stools by the Jews to tile site, for (they said) after stools would come benches, the benches would then be fixed, and before long the Jews would have established a legal claim to the site. However much sympathy the Administration might feel for the Jews in questions, its mandatory duty was to respect the *status quo* and therefore when stools were brought by the Jews on to the site in question the police had to remove them, for the Jews were not legally within their rights. If the police had not taken away the stools a regrettable incident would have occurred similar to past incidents.

"The question could only be settled by an agreement between the Muslims and the Jews and the Government would do its utmost to promote such an agreement."

In consequence, the Jews cannot rely upon the principle of *status quo* in support of any claim whatever and the tears they have shed during the centuries do not give them any right of property to the Wall, nor of enjoyment of it as a place of resort.

(d) *The Pavement in front of the Wall and the surrounding area have a sacred character of their own.*

The sacredness of the Wall, which forms a part of the Haram, cannot be disputed. In the seventeenth Sura of the *Qoran* reference is made to the Prophet's celestial journey, during which he visited Jerusalem, as follows:

"Glory be to Him Who made His servant go on a night from the sacred Mosque of which we have blessed the precincts ..."

It ought to be observed that when Mohammed came to Jerusalem, the site of the ancient Temple, which was already an object of veneration for the Muslims, was called Masdjed Al-Aqsa (i.e., remote oratory) in contrast to the Mosque of Mecca or Masdjed Al-Haram (i.e., oratory, sanctuary). At that time Mecca was hostile to Mohammed. Owing to that, Jerusalem and especially the Temple area, for a certain period, became the first Kibla (direction) for the Muslims, i.e., during that period they turned their faces in the direction of Jerusalem when praying and it was not till later on that Mecca became definitely the Kibla.

These facts explain the special sanctity to Muslims all over the world of the Haram-esh-Sherif and its dependent buildings. The sanctity of the Wall and of the passage in front of it is due to the fact that on the Prophet's above mentioned journey his winged steed (Al Buraq) came there and was tethered to the Western Wall of the Haram. It is in accord with this that the surrounding area has been consecrated Waqf by its proprietors and that schools, "Zawiyahs" and houses for the Moroccan Pilgrims have been erected on it.

(e) *The conception of Waqf and its legal bearing.*

A Waqf is an object that either itself or the whole of its revenue has been definitely dedicated to serve some religious or charitable purpose. A person who makes a donation of the income of an object for Waqf purposes also loses the property rights to it. The first class of Waqfs, buildings or land consecrated for religious or charitable purposes, is divided into three categories:

- (a) Mosques and places of worship, i.e., places reserved for the exercise of religion;
- (b) "Zawiyahs" and alike places consecrated to the reading of the *Qoran*, the study of the Shari'a Law and to the ceremony of the Zikr;
- (c) places dedicated to serve as hospitals, hospices or to minister to some other charitable purposes of that kind. The second class comprises institutions or objects which, though they have not themselves been so dedicated, have had the income arising from them dedicated for all time to religious or charitable purposes. Thus, buildings, storehouses or land under cultivation may be constituted Waqfs; and when that has been done the revenue accruing from the said institution or object will be set aside to serve some such purpose as mentioned regarding the first class.

Moreover, by a decree of the Shari'a Law, institutions and objects that have been constituted Waqfs cannot be disposed of by sale or alienated in any other way.

As forming a part of the Haram the Buraq belongs to a Waqf of the first category of the first class. The pavement in front of the Wall and the Moghrabi Quarter are Waqfs of the third category of the same class, because they have been dedicated by their proprietors to the use of Muslim pilgrims. The Shari'a Law lays it down that Jews cannot claim any rights whatsoever with regard to those objects.

A Waqf property cannot be acquired by usucaption unless the usucaptor has enjoyed a peaceful and uninterrupted possession *ab antiquo*, i.e., for at least 33 years. The fact that the Muslims in the course of time have come to tolerate Jews going to weep at the Wall under the same conditions as they have permitted the other inhabitants of Jerusalem and foreigners to go there, does not confer upon them any right whatsoever, either proprietary or that of enjoyment of the privilege in the future.

As regards the claim of the Jews to be allowed to bring appurtenances to the Wall, such as benches, chairs, a screen, etc., that is not based on any established custom still less on a habit *ab antiquo*, for the Arabs, they say, and before them the Turks, have always protested against such innovations as appears from the above-mentioned documents of the years 1840 and 1911, and the voluminous correspondence in the matter between the Supreme Muslim Council and the Government of Palestine (Muslim Exhibits Nos. 9 and 10). The provi-

sional regulations issued by the Government of Palestine cannot be regarded as constituting any right. Moreover, in the White Paper of November, 1928, the Mandatory Power recorded their recognition of the fact that the Wall and the surrounding area are exclusively Muslim property.

The Jews are not entitled to lay claim to a right of servitude. The legal nature of a servitude is not compatible with the pretensions of the Jews. A servitude cannot exist to the advantage of indeterminate persons. In any case, the Commission cannot allow the Jews more than the privilege of paying simple visits to the Wall.

The Muslims state that all that they have said about Waqf is based upon the Shari'a Law and commentaries thereto.

(f) *The real intentions of the Jews.*

The aim of the Jewish agitation is not merely to obtain seats for the aged and invalids to rest on. In reality, what we have to deal with here is a Zionistic movement that has in view the securing of advantages for the Jews to which they have no right. In spite of all their statements to the contrary, the real aim of the Zionists is to obtain possession of the Haram-esh-Sherif.

The Shaw Commission itself admitted that the fears of the Arabs in this respect were reasonable (Straw Report, page 73).

It is the Balfour Declaration that has incited the Jews to claim certain rights which in reality do not exist, merely because, although they cannot produce any proof that their claims are well-founded, they feel that they can count upon support from outside. They even endeavour to make good their pretensions by force, as was the case during the disturbances of 1929.

Even if they allege, before the Commission, that they do not claim the property right to the Wall, they do in reality aim at this. The fundamental aspiration of Zionism is to take possession of the Mosque of Omar and of the whole Temple area, and to drive the Arabs out of Palestine, where they would then instal themselves in their place. The Muslim Counsel desires here to adduce what the *Encyclopedia Britannica* says about Zionism, as follows:

"One of the most interesting results of the antisemitic agitation has been a strong revival of the national spirit among the Jews in a political form. To this movement the name Zionism has been given. ... They contemplated the redemption of Israel, the gathering of the people in Palestine, the restoration of the Jewish state, the rebuilding of the Temple, and the re-establishment of the Davidic throne in Jerusalem with a prince of the House of David "volume 27 of ID26, pages 986-987). (Muslim Exhibit No. 21.)

The *Jewish Encyclopedia* is still more characteristically explicit.

LORD MELCHETT (then SIR ALFRED MOND) has declared in public (1922) that the day of the reconstruction of the Temple was very near. JABOTINSKY, ZANGWILL, PROFESSOR KLAUSNER of the Hebrew University of Jerusalem, and other prominent Jews have expressed themselves to the same effect. Pictures to be found in sundry Jewish papers also show it to be the intention of the Zionists to rebuild the Temple at the spot that is now occupied by the Haram-esh-Sherif.

The situation thus created by the Jews in the Holy Land and especially at Jerusalem does accordingly constitute a permanent danger and a menace to peace. Of the Jewish demands, the one asking for the expropriation of the Moghrabi Quarter shows that the real intentions of the Jews are to lay hands by degrees on all the Holy Places of the Muslims and to become the masters of the country. As the Jewish claims are not based on any legal argument they ought not to be admitted. The best solution of the whole question would be to forbid the Jews from approaching the Wall.

V. THE EVIDENCE.

The evidence that the Parties have brought before the Commission deals in the first place with:

- (1) The character of the Jews' devotions in front of the Wall.
- (2) The appurtenances used there by the Jewish worshippers.

(1) Their devotions, the Jews assert, partake of the nature of prayers. A distinction is drawn by them between prayers offered individually and prayers offered collectively (i.e., by a congregation of adult males, numbering at least 10 - what is termed a Minyan). According to the Jewish contention, the usual form of devotion at the Wall is that of collective prayers of the same type as those in the Synagogues.

The Counsel for the Jewish Side have produced various species of evidence to prove this contention. The German Jewish traveller L. A. FRANKL says in the middle of the 19th century (Jewish Exhibit No. 20): "When I came to the Wailing Wall I at once recognised the familiar words of the Minha (i.e., afternoon) service. MAHAZEH EREZ HA-KEDOSHAN says in 1891 (Jewish Exhibit No. 1, page 43): "During the summer the number of people gathered in that place on Friday is from 1,000 to 1,800. The prayer ushering in the Sabbath is finished with the appearance of the stars, and evening prayers are held after the appearance of the stars." RABBI MESHIL writes that about 1860 another Rabbi used to hire a quorum to pray every day morning, afternoon, and evening, at the Wall (Jewish Exhibit No. 1, page 39). About 1671, RABBI MOSES HAGIZ describes the particular prayers which he held before the Wailing Wall, and says he would add to the regular prayer certain other prayers (Jewish Exhibit No. 1, page 34). Of the witnesses heard before the Commission, CHIEF RABBI UZIEL of Jaffa declared (Minutes, pages 196-197) that there is no difference whatsoever in ritual, either of the form or of the order of prayer, between the prayers of any congregation praying in the synagogue and those of a congregation praying at the Wall, and that the Friday evening service before the Wall is contained in the ordinary prayer book. Another Jewish witness, RABBI SCHORR, also declared (Minutes, page 165) that the prayers at the Wall and those in every synagogue are identical. This statement was confirmed by the evidence of the witness GOLDBERG (page 336) and others. The beadle MEHUYAS, also examined as a witness, deposed (page 262) that at the congregational services before the Wall people were in the habit of using the prayers that are in the prayer book and the same that are employed in the synagogue. MR. RICHARD HUGHES, a British witness, called by the Jewish side, who stated that he had lived in Jerusalem for about 38 years and had been in the habit of resorting to the Wall at frequent intervals in the years preceding the Great War, deposed (page 154) that his impression of the prayer at the Wall was that of congregational service. MISS HUSSEY, also a British witness, deposed (page 309) that she had seen on one occasion several years previous to the Great War a large crowd at the Wall and a man who kept saying something to which a number of the others responded; it looked to her like the responses in a congregational service.

On the other hand, the Muslims brought forward numerous witnesses, more especially "fathers" or "brothers" of various Christian churches, who deposed that what they were used to seeing at the Wall did not seem to them to be congregational services. However, FATHER DRAISSAIRE deposed (page 604) that during the period 1899-1905, when he often resorted to the Wall, he saw on Friday afternoons the worshippers ordinarily conduct their prayers under the leadership of one person presiding over the congregation.

The evidence adduced by the two Parties as to the extent to which the various items of the Jewish ritual have been ordinarily employed was by no means complete or adequate. In what follows, special note should be taken of what CHIEF RABBI UZIEL of Jaffa, one of the principal witnesses on the Jewish Side, says about the Jewish ritual in general and what it demands of its professors and adherents. The witness gives a summarized delineation of the ritual as applied in practice in a specially drawn out written Note (Jewish Exhibit No. 11), but it should be observed that the witness was not able from his own personal experience to make the assertion that the whole of this ritual had been in use at the Wall before the Great War.

According to CHIEF RABBI UZIEL, the set services on ordinary days are three in number: the morning, the afternoon, and the evening service. On Sabbath Days, on the dates of the New Moon, and on Festival Days there is an additional morning service (the Musaph) and on the Day of Atonement there is also an additional concluding service (Neilah). In addition there is a midnight service every day from the 17th of Tamuz to the 9th of Ab.

All the prayers offered should properly speaking be prayed in congregation, but in special circumstances and when no congregation has assembled they are allowed to be prayed individually. There are certain portions of the service which are never gone through except in congregation. This is the case with regard to the reading of the Law, which takes place at the morning service on Monday; Thursday, and on the Sabbath, at the festivals of the New Moon, the Passover, Pentecost, the Tabernacles, on the two days kept at the Jewish New Year, the Day of Atonement, at Chanukkah and Purim, on the Ninth of Ab, and on certain fast-days. On the Sabbath, the Day of Atonement, and certain fasts the Scrolls of the Law are read at the afternoon service too. On most of the same occasions the Scrolls of the Prophets are also read. One of the "five scrolls" is read on each of the five prescribed festival days.

During certain parts of the year propitiatory prayers are said. Special services for public or private intercession are arranged by the Rabbis on the occurrence of public calamities such as pestilence, lack of rain, etc.

Individuals also offer private prayers at times of personal troubles. In such cases it is usual to recite chapters from the Bible.

The set order service at the Wall is the same as in a synagogue. At the Wall there are also special services held and special prayers are offered by congregations of 10 worshippers on behalf of those who are in special need of the Divine Mercy. It is also the custom of the regular worshippers of established synagogues to go to the Wall from time to time on Friday evenings or on Sabbaths Days or at festivals and to conduct prayers there with a special leader of the prayers for each group.

The prayers employed for ushering in the eve of a Sabbath are the usual afternoon service, the inauguration of the Sabbath, and the evening service.

The worshippers at the Wall come there as a rule without any special call or injunction, but entirely of their own wish. On occasions of public need or calamity, however, the Rabbis give notice of the holding of public prayer at the Wall. That is the only instance of a notification of the holding of a religious service at the Wall having been made, that has been proved before the Commission (witness, Zuckerman, page 392, after the Great War).

(2) We pass now to the appurtenances used or alleged to have been used at the Wall by the Jewish worshippers.

CHIEF RABBI UZIEL of Jaffa gave evidence concerning the appurtenances required. According to him there are used at the individual prayers the following appurtenances, viz., the fringed shawl, the prayerbook, the pentateuch, the book of psalms, the Mishnah, phylacteries, a palm branch and a citron at the time of Tabernacles, some boughs of myrtle for the seventh day of Tabernacles. At the congregational services there are used from the ritual point of view the following appurtenances, viz., ritual lamps, a wash-basin with a water-container, a box for the givers of charity, a goblet, and a smelling-box. At such occasions when reading of the Law is obligatory (see above) are needed also the Scrolls of the Law, an Ark in which to carry the Scroll, and a reading desk. On special occasions the Shofar is blown. The following appurtenances are used for the convenience of the worshippers: in the first place benches for the aged and the feeble, and mats on the Day of Atonement when the worshippers kneel. There would also be required a partition to separate women and men, as members of the two sexes are not allowed to pray together. Finally on the surface of the Wall of the Moghrabi Quarter there would require to be fixed up some rows of pegs or nails on which the worshippers might hang their coats and hats.

We pass now to the evidence brought before the Commission as to the actual introduction and use of those appurtenances at the Wall before the Great War.

Scrolls of the Law, the Ark and tables for using same: the stand with prayer books.

A number of witnesses have given evidence to the effect that a complete" congregational service used to be held at the Wall before the War too. However, it appears from the information gathered about the Jewish ritual that the reading of the Torah (i.e., the Law) from the Scrolls of the Law is essential for making certain services complete, i.e., on Monday, Thursday, and Saturday and at special fasts and High Festivals. On the other hand the evidence as to the bringing to the Wall of the Scrolls and certain objects in connection therewith is not very conclusive. The Jewish witness ISSACHAROFF, who had been in the habit of visiting the Wall for 43 years, deposed (pages 104 ff.) that the congregation he belonged to used to arrange for a complete service, including, that is to say, the reading of the Torah, to be held on Monday, Thursday, and Saturday morning as well, and that, for this purpose, the Jews used to take with them a small Scroll of the Law, which was placed on a small square table.

The witness FEDERMANN (page 446) deposed that he too had seen the Scroll of the Law with the Ark and the Table several years before the War, and not only on High Festivals but also at the ordinary morning services on Saturday.

Further the Jewish witness Mosseri deposed (page 435) that on a visit that he paid to Jerusalem in 1897 he assisted one Friday afternoon at a congregational service at the Wall and that there was no difference between that service and the ordinary one in the synagogue. He saw amongst other things a cupboard apparently containing the Scroll of the Law, which probably was to be read from on the following Saturday morning.

On the other hand RABBI SCHORR stated (page 187) that, as far as he knew, the practice of carrying the Scrolls of the Law from the synagogue to the Wailing Wall did not originate until about eight or 10 years ago.

MEYUHAS, the beadle, deposed (pages 261-263) that as far as he knew the practice of bringing the Scrolls of the Law had prevailed for at least the past 30 years as regards the Day of Atonement and New Year's Day, and also for special services such as those arranged on the occasion of drought or other calamities. He added, however (page 283), that on Sabbaths, on which days in pre-war times he could not remember to have seen the Scroll of the Law at the Wall, the worshippers used to carry through the service at the Wall and then go away to read the Scroll in the synagogue. Another Jewish witness, GOLDBERG (pages 333 ff.), who had been in the habit of resorting to the Wall for about 45 years, gave evidence much to the same effect. The fact that from olden times the Scrolls of the Law were brought to the Wall on occasions of public distress and calamity is testified to in a narrative written by RABBI GEDALIAH of Semitizi, who went to Jerusalem in the year 1699 (Jewish Exhibit No. 1, page 35); it is also mentioned in books dating from the 19th century from which quotations were made by the Jewish Side, e.g., Bartlett, *Walks about the City and Environs of Jerusalem* (1841), and Durbin, *Observations in the East* (1845).

As to the transport of the Scroll of the Law from the synagogue, CHIEF RABBI UZIEL, in his oral evidence, stated (pages 207 and 214) that due veneration for the Law required that it should not be taken away from the synagogue except under special circumstances, such as for instance when some prominent person was prevented from going to the synagogue owing to illness or because of his being in prison or when the Scroll was brought to a congregation of 10 assembled in a place worthy for the purpose. RABBI SCHORR gave voice (pages 162 ff.) to objections of a ritual nature against the transport of the Scroll of the Law from the synagogue to other places, admitting, however (page 180-181), that under special conditions when dignity and reverence to the Scroll were observed, it might be removed from the synagogue.

The question of the stand containing prayer books was much less fully dealt with during the proceedings than was the question of the Scrolls of the Law, but evidence was given that at any rate the prayer books had been brought to the Wall by the worshippers long before the War.

Ritual Lamps.

The Jewish witnesses ISSACHAROFF (page 119), MEYUHAS (page 303) and MOSSERI (page 436) deposed that even before the War they had seen a table with ritual lamps at the Wall. This statement was, moreover, confirmed by other witnesses.

Wash-basin with water-container.

The witnesses ISSACHAROFF (page 108), MEYUHAS (page 266) and others testified to the fact that before the Great War there used to be a wash-basin and a water-container near to the Wall.

The Shofar.

Some of the witnesses called by the Jewish Side deposed that on special occasions before the Great War the Shofar was heard at the Wall on the New Years Day and the Day of Atonement.

Benches and Chairs.

Numerous witnesses for the Jewish Side gave evidence that during the 25 years previous to 1911, the period over which the witnesses' recollections extended, benches for the aged and the feeble were brought to the Wall, at any rate on certain occasions apparently by arrangement with the inhabitants of the Moghrabi Quarter. The Jewish Counsel also put in several photographs and a film to prove that that was the case. The Arab Side, on the other hand, brought forward a number of witnesses who deposed that, though they had regularly resorted to the Wall during the period named, they had never seen any benches there. In 1911, however, the appropriate Turkish authority, viz., the Administrative Council of the Liwa, as already mentioned, passed a resolution stating, *inter alia*,

"... His Eminence the Mufti, the Awkaf Department and the Shari'a Court stated ... that it is inadmissible by Law in all respects that there should be placed chairs, screen and similar articles, or ally innovation be made which may indicate ownership;

"that nobody owns the right to place such articles, or to make innovations as to occupy the site of the wall of the Noble Aqsa Mosque; and that steps should be taken for their prevention.

"After deliberation by the Council it has been decided that in the circumstances, whether in the said Waqf, or at the Wall of the Haram Al-Sharif it is not permissible that there should be articles considered as indications of ownership; that nobody should be given a chance to place such articles; and that it is found necessary to preserve the old practice...."

It has been admitted by witnesses called by the Jewish Side that for a certain period after the passing of that resolution no benches were brought to the Wall. The Jewish Counsel then called attention to copies of the newspapers *Hacheroth* and *l'Aurore* of Constantinople that came out in February, 1912 (Jewish Exhibits Nos. 15 and 16, Minutes, pages 313-315), in which there appears a passage to the effect, that in response to the appeal of CHIEF RABBI HAIM NAHOUM, the Turkish Minister of Justice and Culture ordered the Governor of Jerusalem to abolish this prohibition. The said Chief Rabbi also sent the Commission an affidavit concerning the steps taken by him on that occasion (Jewish Exhibit No. 31). In it he refers to a telegram that the Turkish Minister is alleged to have sent the Governor of Jerusalem in January, 1912. No such telegram, however, has been produced. The accuracy of the above affidavit has been contested by the Muslim Side. The Muslim Side also state that it is not true that between 1911 and the date of the British occupation there were any benches, and in support of that statement they put in sundry evidence.

Mats.

CHRISTIE says in his affidavit, already referred to, that in 1894 mats were in use at the Wall.

The Screen.

MENDLE HACO VAN PAKOVER gave evidence before the Commission (pages 398-401) to the effect that in 1900 he ordered a partition to be erected to separate men and women at the Wailing Wall and that on behalf of the three Jewish courts he was in charge of that screen, and for about 10 years used to place it before the Wall on Sabbaths and Festivals. Other witnesses for the Jewish Side testified that they saw the screen before the Wall on certain occasions. On the other hand, the Muslim Counsel called witnesses who deposed that they had resorted regularly to the Wall but that they never saw any partition.

The Muslim Counsel referred principally to the decisions of 1840 and 1911, to the documents regarding the legal status of the area in dispute, and to the Shari'a Law.

As already mentioned, the Muslim Counsel produced numerous witnesses--regular visitors to the Wall during many years previous to the Great War--and they testified that they had not seen anything there, on the part of the Jews, like ritual service, nor religious appurtenances, but only individual lamentations. The Muslim Side further produced the above-mentioned decrees of 1840 and 1911.

The Muslim Counsel refer to the decree of 1840 especially as a proof that the principles which, according to the Muslims, had always governed the Jews' visits to the Wall in pre-war days, had been already laid down 74 years before the outbreak of the Great War. The said decision is to this effect:

"the Jews must not be enabled to carry out the paving (i.e. of the passage) and they must be cautioned against raising their voices and displaying their books and that all that may be permitted them is to pay visits to it as of old. . ."

The Jewish Side contest the authenticity of this document, saying that the title of Khedive which had been attributed in it to Mohamed Ali was not bestowed on that ruler until a much later date. On the other hand, the Muslim Side has produced the diary of Mohamed Ali, from which it appears that he called himself by the said title as early as 1838.

The decree of 1911, produced by the Muslim Counsel, has been quoted above. The Muslim Side are of the opinion that this decision contains a confirmation of the principles laid down in 'the previous decision of 1840.

As to the legal status of the Western Wall, of the Pavement in front of it, and of the Moghrabi Quarter, the Muslim Counsel refer to the registers of the Shari'a Court of Jerusalem, especially to the Waqf documents of the years 1193 and 1320.

In order to show that it is prohibited by Shari'a Law to permit the erection of a synagogue on the pavement, the Muslim Side quoted the following text from *Al-Iqna* by SHEIK AL-ISLAM AL-BAHUTI, referring to Waqf property:

"No house shall be leased for the purpose of transforming it into a synagogue or a church or a monastery or a place of fire for the worship of Magians or for the sale of wine, or for gambling or other purposes whether this condition has been inserted in the lease contract or implicit as it is unlawful and lease is therefore invalid."

The paving of the passage.

In this connection it ought to be mentioned that the Jewish Counsel produced evidence to the effect that the paving of the passage in front of the Wall, when it was last done. about 35-40 years ago, was carried out at the expense of the Jewish community. On the other hand, the Muslim Side produced rebutting evidence to the effect that the said work was carried out by the Municipality.

In response to a request made by the Commission MR. E. KEITH-ROACH, the Deputy District Commissioner of Jerusalem, a British official, gave a short statement as to what he knew concerning the conditions prevailing at the Wall and as to the various matters that had been in dispute between the Jews and the Muslims. In this connection, Mr. KEITH-ROACH begged to call the attention of the Commission to the following points which had not been touched upon by the ruling given by the High Commissioner: the Zikr, the Muezzin, the manner in which Jewish worshippers are entitled to pray as to the raising of the voice, etc., the placing of slips of paper containing Hebrew prayers in the crevices of the Wall, the authority for removing such prayers, the question of Jews carrying candles in their hands on certain occasions, the question as to whether the Jews may drink wine there, the hanging of coats, etc., on the Moghrabi walls, beggars, and Minyan; disagreeable smells from latrines, photographing, the writing on the Wall in Hebrew or in Arabic, the right of the Government to seal the appurtenances approved, the penalty for the removal of seals, the appointment of beadles.

VI. THE OPINIONS AND CONCLUSIONS ARRIVED AT BY THE COMMISSION.

After due deliberation upon the facts stated above and upon the evidence available in the case, the Commission has arrived at the opinions and conclusions that are set forth below.

(1) The Task entrusted to the Commission.

The aim and object of the work of the Commission have been to inquire into and to pronounce a verdict upon the disputes that have arisen between Arabs and Jews in connection with the practice of the Jews to resort to the Western or Wailing Wall (by the Arabs called Al-Buraq) for the purpose of devotion. The relations of the two Parties to each other in this respect are at present regulated by certain administrative prescriptions issued in accordance with the terms of the Mandate for Palestine which has been vested by the League of Nations in the British Government as Mandatory Power. The provisions of the Mandate with reference to the subject-matter in question are contained in Articles 13, 14, 15, and 16. Article 14 stipulates for the appointment of a special commission of a more permanent nature for studying, defining and determining "the rights and claims in connection with the Holy Places, and the rights and claims relating to the different religious communities of Palestine." No such commission, however, has come into being, and, hence, the Mandatory Power alone bears responsibility for the Holy Places as well as for other religious buildings and sites in Palestine. This duty devolving upon the Mandatory Power is laid down in Article 13, and, according to the terms of the same Article, the Mandatory Power has to enter into such arrangements with the Administration as it may deem requisite for carrying the provisions of the said Article into effect. Article 13 imposes it as a special duty on the Mandatory Power to preserve "existing rights" and to secure free access "not only to the Holy Places of Christianity but also to other "religious buildings and sites," and otherwise to guarantee free exercise of worship."

The execution of the said stipulations in the interest of different races and confessions is to be subject, according to the same Article, to two restrictions. One of those restrictions is that the regulations necessary for the preservation of public order and decorum must always be ensured, and the other is that the Mandatory Power shall have no authority to interfere with the management of any of the purely Muslim sacred shrines, the immunity of which is definitely guaranteed by the Mandate.

In a letter to the President of the League of Nations dated the 17th February, 1930, the Supreme Muslim Council protested against the appointing of an international commission for the final settlement of the rights and claims of Muslims and Jews with respect to the Western Wall on account of the fact, among other reasons, that any allusion to rights and claims of Jews in that site constituted in itself a serious infringement of the rights of Muslims, to wit their title to and their right of possession of the Wall. Notwithstanding the fact that the Mandate had been repudiated by the Arabs of Palestine, the Supreme Muslim Council referred in the above-mentioned letter to Article 13 of the Mandate document, on the strength of which the immunity of purely Muslim sacred shrines was to be guaranteed, and all interference with the fabric or management of such shrines was to be prohibited.

The "reservations" quoted above [...] as constituting the basis of the arguments brought forward by the Counsel for the Muslims are to all intents and purposes of the same purport as the above-mentioned letter.

Paying due heed to these reservations the Commission herewith declares that it has no intention of interfering in the respective Parties' political relations to the Mandatory Power or to the League of Nations. As a means of carrying out the provisions of Article 13, however, the British Government as the Mandatory Power, with the due consent of the Council of the League of Nations, has appointed the present Commission to investigate into and give verdict upon the matters at issue. Consequently, in order to fulfil its task, the Commission has to inquire into and decide on all the facts which, in its opinion, can be considered to serve as a basis for a just verdict. In so doing the Commission is naturally anxious to act in full conformity with the terms of the Mandate as regards the immunity it guarantees to Muslim sacred shrines as well, and has no wish to interfere with the fabric or with the management of the said shrines.

On the other hand the Commission desires to point out that its mandate must not be identified with the functions of the Holy Places Commission, as defined in Article 14 of the Palestine Mandate.

In this connection a few words need to be said in order to make the distinction clear between Article 13 and Article 14 in the Mandate, both of which deal with the means available for protecting the religious rights attached to certain places in Palestine.

In several respects the rights in the Christian Holy Places have been for centuries a matter in dispute amongst various Churches that have claimed the ownership or the possession of them, and they remain so to this day. Those perpetual disputes have frequently caused repercussions on the mutual relations between the Great Powers of Europe. From the latter part of the 16th century onwards questions as to the possession of the Holy Places in Palestine have moreover been in the forefront of international politics. Controversy on points relative to these matters was actually one of the causes of the Crimean War. At the conclusion of peace (in 1855), the matters in dispute being still left undecided were submitted to the Signatory Powers, who undertook to guarantee in every respect the *status quo ante bellum*. The question of the protection of the Holy Places was again discussed during the peace negotiations at the conclusion of the Russo-Turkish War (1878). At that time it was laid down in the Peace Treaty itself that no alterations were to be made in the *status quo* without the consent of all the Signatory Powers. In 1878 as well as in 1850 indications as to the administration of the *status quo* were based upon the same rules as those that had been proclaimed in the decree (firman) issued by the Sultan of Turkey in 1852, which were in conformity in the main with a preceding firman of 1757.

Such buildings and sites as were objects of worship or veneration to the Jews were not included in the above-mentioned arrangement. A number of official decrees (firmans) are known extant, however, which deal with such Jewish sacred places and sites,¹¹² and in 1878 religious liberty was guaranteed also to the Jews.

Mention has been made above of decrees of that kind which are more or less relevant to the problem of deciding the status of the Jews; they will be examined and dealt with in the following pages.

That was the position of affairs at the outbreak of the Great War, remaining so until the British occupation of Palestine in the year 1917. Under the rule of a Christian Power the Holy Places of Christianity were naturally made special objects of protection. But what position would the new rulers take up to the two other religions of the country? This question was soon answered, first by the declaration of LORD BALFOUR on behalf of the British Government on 2nd November, and shortly afterwards by a pronouncement made by GENERAL ALLENBY on the occasion of his entrance into Jerusalem on 9th December, 1917. The former document viewed with favour the establishment in Palestine of a Jewish National Home, though at the same time an assurance was given that nothing should be done that might prejudice the civil and religious rights of existing non-Jewish communities in Palestine. And the same programme for the treatment to be meted out to the three great religious communities was revealed in GENERAL ALLENBY's pronouncement [...].

The principles thus declared have later been confirmed by the Civil Administration in Palestine and finally by the Mandate terms, issued in conformity with the Covenant of the League of Nations. The leading principle in all these successive declarations is, that a free exercise of worship shall be guaranteed to the adherents of the three confessions.

Notwithstanding the fact that the expression "the Holy Places" in Article 14 of the Mandate might be understood in its restricted historical sense, the immunity of religious buildings and sites in general is also guaranteed in favour of others besides Christians. Thus in Article 14 it is stated that the special Holy Places Com-

¹¹² The tomb of Rachel near Bethlehem in which Jacob's wife is believed to have been interred has been a subject of dispute between Arabs and Jews. The Jews possess the keys and claim their right on the ground of an alleged Firman of 1815. As no agreement between the two Parties has been reached, necessary repairs to the exterior of the monument have been carried out by the Palestine Administration.

mission was to have as an additional function the task of studying and determining the rights and claims appertaining to the various religious "communities" in Palestine. Even if there is the underlying intention here to make a certain restriction in the authority of the Holy Places Commission as far as non-Christian religions are concerned, it is quite clear that the general authority as regards the duty of protection which Article 13 vests in the Mandatory Power, definitely includes *all* the religious buildings or sites and also the "existing rights" in them, and the guarantee of free access to them for *all* adherents of the various confessions. By the terms of Article 13 this protection is to include the various religions all over the world and not be restricted to the religious "communities" in Palestine. Hence it is natural that representatives of the various factions within both Jewry and Muslim from the most distant parts of the world should have appeared before the Commission in order to explain their views and define their claims in this matter.

The question as to whether the Western Wall and the area in front of it are to be regarded as a "religious site" and consequently fall under the protection of the Mandatory Power as laid down in Article 13, has become a matter of international importance, and so it is only natural that it should be treated by the methods of international justice, all the more so as, in Palestine Law, pursuant to an Order in Council of the 25th of July, 1924, disputes of this order are expressly excluded from the jurisdiction of the local courts. (Palestine Holy Places Order, 1924.)

(2) The application of the principles of Status Quo.

The way in which the Palestine Administration has gone to work in fulfilment of the Mandate for protecting what it has deemed to be "existing rights" in the Holy Places and in other religious buildings and sites, has been by seeking to maintain the *status quo*, of which the principles and machinery will be briefly explained below.

As regards the Holy Places, in the restricted sense of this expression, the Administration both before and after the setting up of the Mandate have applied the same rules of *status quo* as were in force before the War, i.e., the rules based on the firman of 1852, which in its turn is for the most part a mere confirmation of the *status quo* of 1757. As apportioned between the three principal Christian Rites, viz., the Orthodox Greek Rite, the Latin (or Roman Catholic) Rite, and the Armenian Orthodox Rite, the Holy Places and their component parts may be classified into the following categories:

- (1) Certain parts which are recognized as property common to the three rites in equal shares.
- (2) Other parts as to which one rite claims exclusive *jurisdiction*, while other rites claim joint *proprietorship*.
- (3) Parts as to which the ownership is in dispute between two of the rites.
- (4) Finally, parts the use or ownership of which belongs exclusively to one rite, but within which other rites are entitled to cense or to carry out ritual services up to a limited extent in other ways.

The Commissioners had special opportunities afforded them of ascertaining the manner in which the privileges of the different Rites in the Church of the Holy Sepulchre in Jerusalem and in the Church of the Nativity at Bethlehem were actually regulated in detail. The use of each part of the altars and of the chapels as well as the ordering of the processions, etc., have been minutely fixed and settled with a view to the avoidance of any sort of dispute between the various Rites. Certain strict principles are adhered to in the administration of the *status quo*. Thus, authority accorded to repair a roof or a floor carries with it the right to the exclusive possession of the roof or floor on the part of the restorers. Again, a right granted to hang up a lamp or a picture or to change the position of any such object when hung is regarded as a recognition of exclusive possession of the pillar or the wall in question. On the other hand a community may enjoy, for instance, the right to cense in a chapel without claiming even a divided proprietorship.

It is easy to understand that the application of "rights" of this nature must lead to great difficulties and often to litigation, especially as each alteration *de facto* in the prevailing practice might serve as a proof that the legal position has been altered. Therefore, the Administration has had a difficult task both in ascertaining and in maintaining the *status quo*. In controverted cases the objects in dispute have been sometimes allowed to fall into decay rather than risk the possibility that any alteration in the balance of power between the contestant Rites should be permitted to ensue. Hence, if the carrying out of repairs becomes urgent, it devolves upon the Administration to have them attended to, supposing it proves not to be possible in the individual case for the parties concerned to come to an amicable agreement.

The same principles for conserving the *status quo* have been applied by the Palestine Administration with regard to the Western Wall. Here too the Administration has had in view the maintenance of the *status quo ante bellum*, as far as it has been possible to ascertain what that consists in.

In the White Paper of November, 1928, the British Government stated to Parliament with great clearness what principles they consider to be the leading ones to be followed in treating the points in dispute between Arabs and Jews. From the said document the following paragraphs especially must be quoted in this connection:

The Western or Wailing Wall formed part of the western exterior of the ancient Jewish Temple; as such it is holy to the Jewish community and their custom of praying there extends back to the Middle Ages and possibly further. The Wall is also part of the Haram-al-Sharif; as such it is holy to Muslims. Moreover, it is legally the absolute property of the Muslim community and the strip of pavement facing it is Waqf property, as is shown by documents preserved by the Guardian of the Waqf. The Jewish community have established an undoubted right of access to the pavement for the purposes of their devotions but, whenever protests were made by the Muslim authorities, the Turkish authorities repeatedly ruled that they would not permit such departures from the existing practice as the bringing of chairs and benches to the pavement. It is understood that a ruling prohibiting the bringing of screens to the pavement was given in 1912.

"The Palestine Government and His Majesty's Government, having in mind the terms of Article 13 of the Mandate for Palestine, have taken the view that the matter is one in which they are bound to maintain the *status quo*, which they have regarded as being, in general terms, that the Jewish community have a right of access to the pavement for the purposes of their devotions, but may bring to the Wall only those appurtenances of worship which were permitted under the Turkish regime. Whenever the Muslim authorities have preferred complaints that innovations have been made in the established practice, and the Palestine Government on enquiry have satisfied themselves that the complaints were well-founded, they have felt it their duty to insist that the departures from practice which gave rise to the complaints should be discontinued."

Accordingly the British Government has held that the Western or Wailing Wall is sacred to both Parties, and than even though one of them has the exclusive legal ownership of the Wall, yet the other during the Turkish regime and in previous years before the Great War enjoyed the right of free access to the place as to a religious site.

The British Government and the Palestine Administration have apparently, when acting on the said principles, been anxious to maintain the *status quo ante bellum* in the relations between the two Rites which both have a religious interest in the same spot. From this point of view the supervision exercised by the Palestine Administration in their task of guarding the *status quo* has been carried out in two directions: on the one hand they have sought to check the Jews from bringing to the Wall appurtenances that are contrary to accepted usage, and on the other they have tried to exclude innovations on the part of the Muslims that may result in a hindrance to or cause disturbances in the carrying on of the customary devotions of the Jews at the Wall.

The Palestine Administration had to take action for the said purpose on special occasions in 1925, in 1928, and in 1929, which occasions are detailed in the Shaw Commission Report.

As stated in the above-mentioned White Paper of 1928 action of that nature has had to be taken *immediately* in order not to give rise to any infraction of the *status quo*. In respect to the Jews the prohibition has been enforced against the bringing to the Wall of any benches, chairs, or stools, carpets or mattings, or any screens or curtains for the purpose of separating men and women. On the other hand, in the Rules promulgated in 1929, the Jews are given permission temporarily to bring to the Wall certain appurtenances of worship, duly specified in detail.

In respect to the Muslims the order has been given that the previously mentioned door at the southern end of the Wall shall be kept locked at certain hours, and that the driving of animals along the Pavement at certain fixed times shall be prohibited. In so ordering the Palestine Administration has acted on the principle that Muslims ought not to be allowed to make such innovations or alterations in or at the Wall itself as might cause greater interference with the Jewish devotions than have been prevalent in the past. Certain building operations that were begun within the Haram area in 1929 were voluntarily discontinued by the Muslims pending the result of an official investigation as to their effect on the existing conditions for the Jews at their prayers. However, later on the resumption of this work was sanctioned, though at the same time it was decided that a length of wall skirting on the north the lane that leads to the Moghrabi Gate and the Haram area should be restored to its original height, in order to prevent the Pavement being overlooked from that lane, which had been a consequence of the lowering of the said wall.

As will be seen from the description of the place (see above) the "Zawiyah" which was constructed at the southern part of the Pavement has not been removed, nor have the recently opened door on the same side and the staircase leading from it to the Haram area.

(3) The Ownership of the Wall and of its Surroundings.

The Commission has to pronounce a verdict on the Jewish claims, and the Jews do not claim any proprietorship to the Wall or to the Pavement in front of it (concluding speech of Jewish Counsel, Minutes, page 908). None the less the Commission has considered it to be its duty to inquire into the question of legal ownership as a necessary basis for determining the legal position in the matter. Thus the Commission cannot see its way to agree to the idea enunciated by the Arabs to the effect that no opinion of the Commission on this point is called for, seeing that their ownership has not been contested and is moreover incontestable. This objection of the Arabs originates in fact in the general reservations dealt with above.

Subsequent to the investigation it has made, the Commission herewith declares that the ownership of the Wall, as well as the possession of it and of those parts of its surroundings that are here in question, accrues to the Muslims. The Wall itself as being an integral part of the Haram-esh-Sherif area is Muslim property. From the inquiries conducted by the Commission, partly in the Shari'a Court and partly through the hearing of witnesses' evidence, it has emerged that the Pavement in front of the Wall, where the Jews perform their devotions, is also Muslim property.

The Commission has likewise ascertained that the area that is coincident with the said Pavement was constituted a Muslim Waqf by Afdal, the son of Saladin, in about the year 1193 A.D. In all probability this place, which then formed a part of a large open area, was made Waqf at the same time as, and as part of the adjacent area. At a later date, about 1320, when the private buildings that are now occupied by the Moghrabis were originally put up to serve as lodgings for Moroccan pilgrims, those buildings were also made Waqf by a certain Abu Madian. The original title-deeds have been lost, but that character of Waif attached to the buildings was confirmed by a verdict of the Qadi, pronounced in the year 1630 after the hearing of witnesses in the usual form prescribed by the pertinent Shari'a Law.

In the Shari'a Court in the presence of representatives of the Parties the approximate boundaries of those Waqf properties were ascertained by a member of the Commission who marked them in on a map, handed to the Commission by the Palestine Administration. That map has served as a guide at the proceedings of the Commission and has not been called in question by either of the Parties.

With reference to the legal nature of a Waqf, and the effect it carries with it, the Commission relies chiefly on the elucidation afforded by the Muslim Side. Waqf properties may be of various kinds, but the characteristic common to them all is, that they are definitely and irrevocably reserved for some religious or charitable purpose which is particularized in the respective title-deed. Although a Waqf property is described as the property of God and of no man, it is not a *sine qua non* that it shall be consecrated to religious purposes. Furthermore, it may be the case that it is not the property itself but only its revenues that have been made Waqf. Only a Waqf consecrated to a religious purpose can rightly be defined as sacred or holy in the proper sense of those words. A Mosque as such is a Waqf of the highest order. On the other hand places can be made Waqf in order to serve as hospices or lodgings for the poor or for other charitable purposes. A "Zawiyah," which is defined as being a "sacred corner" or a place set apart for religious study and contemplation, appears to be a Waqf of a class intermediate between the two just mentioned.

As regards the different parts of the property we have now to deal with, the Wall itself, as being an integral part of the Haram-esh-Sherif, is manifestly Waqf. Judging from the information given by the Arab Side and which seems to be supported by the wording of the Shari'a Law regarding Waqf property, the Pavement in front of the Wall is of the same category as the Moghrabi, i.e., the Moroccan lodging-quarters elected originally for the purpose of serving the needs of the Moroccan pilgrims. The evidence that was forthcoming in the matter goes to prove moreover that from the Muslim point of view the Pavement is chiefly looked upon as a passage existing for the benefit of the inhabitants of the said private dwellings.

(4) The Sacredness of the Wall and of the Pavement.

From what has been said above it follows that Waqf property as such is not all regarded as sacred from the Muslim religious standpoint. The mere fact that the Wall forms an exterior part of this large area cannot in itself carry with it that the Wall should be considered as "a Muslim sacred shrine," like the Mosques and other specially sacred places within the Haram-esh-Sherif.

Nor have the Muslim Side made any statement to that effect. What they have maintained is that the Wall is sacred to them for a special reason which will be dealt with later. Still less can any claim of sanctity be founded on the Waqf character of the Pavement in front of the Wall, in view of the fact that the said Pavement serves as a thoroughfare to the Moroccan Quarters, and nowadays also, since the gate or door at the southern end was constructed, to the Haram area from the Moroccan quarters.

It remains then to examine whether the Wall and the Pavement in front of it are sacred to the Muslims for any special reason. The Muslim Party contend that there does exist a reason for the sacredness of the place, which is, that the interior part of the Wall encloses a small Mosque set up on the precise spot where Mohammed, the great Prophet, is believed to have tethered his steed Al-Buraq at the time of his visit to Jerusalem on his celestial journey. The Commission understands that it is the belief of the majority of Muslims that the Prophet's steed was actually tethered at that precise spot. It is, however, to be observed that the said place is not situated within the part of the Wall which skirts along the Pavement of the Wailing Place of the Jews, but in its extension to the south, and that the access to the small Buraq-Mosque is from the Haram area proper and not from the outside.

Under these circumstances the Commission does not consider that the Pavement in front of the Wall can be regarded as a sacred place from a Muslim point of view. At the time of the Prophet it formed part of an open site (see below), and nothing in the evidence heard before the Commission goes to show that any special part of that area was of old marked out as sacred to the Muslims. It may be that the "Zawiyah," which since 1929 has been located close to the Pavement, was used for its present pious purpose previous to a long period of decay, but as regards the pavement itself it has been used by the Muslims from ancient times for entirely mundane purposes and is so also at the present time. So far as is known, it has never been a place for Muslim prayers. Notwithstanding its use as a place of prayer by the Jews, it has always been a thoroughfare for Moghrabis either on foot or when driving camels or donkeys.

With reference to the Wall itself matters are different. The Commission is prepared to accept the statement of the Muslim Side, i.e., that the Wall as a whole, by reason of Mohammed's visit with his steed called Al-Buraq, is sacred to the Muslims. But in the opinion of the Commission this fact does not exclude the maintenance of the sanctity of the Wall to the Jews as well. If the venerated memory of the Prophet's visit--notwithstanding the fact that his steed Al-Buraq was tethered at a certain distance from the Wailing-Place of the Jews--has made the Western Wall sacred in its whole extent to the Muslims, why should not respect be attached likewise to the veneration that has for many centuries past been shown by the Jews towards the same Wall which, according to their belief, represents the last remains of the old Temple and which they believe to be filled with the Divine presence? In consequence of their common origin Christian Churches have in many cases the same sites or buildings as the objects of their worship, giving rise occasionally to disputes as to the appropriate exercise of that worship. In some instances this is also the case as between the two racially differentiated descendants of Abraham, the Arabs and the Jews. Naturally in such cases it is difficult to effect an agreement, the object of veneration being the same and the carrying out of the worship being centred at the same spot. (Examples: the Tomb of Rachel and the Wall of the Tombs of the Patriarchs at Hebron.) Similar conflicts should not necessarily arise in the case of the Western Wall. The object of veneration is the same for both Parties, but the claim of sanctity is based by the respective Parties on widely different motives, and each Party can perform its devotions in separate places, the Temple area being open to the one while the other only makes claim to access to the place in front of the Wall.

What the Commission has just pointed out has been said in order to make clear the possibility of making an arrangement which might be acceptable to both Parties. The question as to what right the Jews can claim in a place that does not legally belong to them is a separate matter to which reference will be made below.

(5) The Access to the Place in Front of the Wall.

It is proved by the evidence above referred to that the Western Wall of the Temple area, for many centuries past, has been an object of religious veneration to the Jews. When there was nothing else left of the Temple itself the regular pilgrimages of Jews to the ruins of the old Temple gave place to visits of the devotees to the only remains, i.e., the Wall, from which the Divine Presence was believed by them never to have departed. Evidence to that effect can be traced back to the 4th century, so that long before the Wailing place became a Muslim Waqf the lamentations and prayers of the Jews were heard from precisely the same spot in front of the Wall as at the present day. As before mentioned the Pavement was evidently in ancient times part of an open place. In corroboration there may be cited, for instance, the statement of Benjamin of Tudela about 1167 A.D.: "In front of this place (the present Haram-esh-Sherif is the Western Wall, which is one of the walls of the Holy of Holiest. This is called the Gate of Mercy, and hither come all the Jews to pray before the Wall *in the open court.*" (*The Itinerary of Benjamin of Tudela.* N. M. Adler, pages 222-223, London, 1927.)

Later the place between the Wall and the Moroccan private dwellings was enclosed, so that at the time, when those buildings were erected, the only entrance from the public road was at the northern end of the Wall. Nothing was done, however, on the part of the Muslims, who were then in power, to prevent the Jews from obtaining free access to the place, for they were allowed to pay their visits and their devotions in front of the Wall just as before. The said practice was only interrupted by temporary cases of *force majeure* and by political events which expelled the Jews from Jerusalem from time to time, but the custom was always resumed as soon as it was feasible and to such extent as was possible.

The Commission is, therefore, decidedly of the opinion that the place in question must be regarded as being a "religious site" which is used *as such* exclusively by the adherents of the Mosaic creed. Consequently free access to the place for devotional purposes is explicitly guaranteed to the Jews by Article 13 in the Mandate terms which, *inter alia*, states:

"All responsibility in connection with ... *religious buildings or sites* in Palestine, including that of ... *securing free access* to the ... religious buildings and sites ... is assumed by the Mandatory..." [*Italics by the Commission.*]

Irrespective of this guarantee given in the Mandate, the Commission holds that, in support of the claim of the Jews to free access to the place, there does exist a practice constituting a right *ab antiquo*.

On the Arab Side it has been vigorously contended that the Jews have only had such access accorded them out of tolerance. That contention on the part of the Arabs would at any rate seem to justify the conclusion that the mere access of the Jews to the Wall has not been held by the Arabs as an infringement of the Muslim Law (Shari'a Law) for if it had, the visits would long ago have been prohibited. It should be observed that it is an acknowledged principle of both the Shari'a Law and the Ottoman Law as at present in force, that everything which is not in itself illegal and which has been practiced from immemorial times, shall be respected as a right (Article 6 of Section II, *Code de Droit Ottoman*, par George Young, Oxford, 1906, page 178). The Commission is of opinion, as a result of its study of the evidence at hand, that, according to Statute law, no sort of servitude can actually be claimed as a basis for any right of passage in the place. The Commission considers, however, that in this instance there exists a right *sui generis*, the basis of which is an ancient custom that has arisen under the protection of one of those "tolerances" that are wont to serve as origins for what comes to be legally valid customs. Even if no special statute can be adduced in support of the fact, yet it can hardly be denied that in Palestine established right and prevalent usage, more especially with regard to religious matters, have come very generally to recognise the principle that one party may have a limited right in the property of another. In the whole system of *status quo*, "tolerance" plays an important role for deciding what, at any given time, may be considered to have grown into an "existing right." Why should there be this scrupulous application of a fixed *status quo*, and why should there be this fear of the prejudice that is assumed to follow as an inevitable consequence of any act or omission that alters the actual existing state of things, if "tolerance" was not regarded as a possible basis for an altered legal position? As regards the right to pay visits, and to perform certain religious acts there, without any sort of claim to ownership, precedents are known to exist in respect to the Christian Holy Places (see above), and the origin of those rights is certainly based on old practice and not on any agreement traceable in documentary form.

In this connection the Commission draws special attention to the fact that during the previous regimes in the past such prohibitions as were sometimes proclaimed never touched upon the right of visiting *as such*, but were directed solely against such steps on the part of the Jews as were held by the Muslims to prejudice their proprietary right or as were considered as an extension of sanctions arising from previous practice in the neighbourhood of the Wall.

The recognition of the long-standing usage of the Jews to visit the Wall for devotional purposes could not be more clearly expressed than by the evidence produced before the Commission on the Arab Side. The bearing on the case of the firman of the 24th Ramadan in 1256 (i.e., 1840 A.D.), to which the seal of Mohamed Sherif is attached (Appendix VI), has been called in question by the Jews, but the Commission has no sufficient reason for doubting its authenticity. As far as it goes this document proves that at the time the Jews were cautioned against what were considered as innovations in their devotions at the Wall. However, this firman is of the greatest interest as throwing light on the then prevailing conception of the Jews' devotional visits. The reason why the authorities dealt with the case at all was that the Jews had applied for the right to pave the ground in front of the Wall. This application was rejected because there was "no precedent for the Jews carrying out any such repairs in that area in the past," and also because "it would be inadmissible under the Shari'a Law for them to do so." Apparently it was feared that by carrying out that paving work the Jews would secure a legal claim to real possession of a Waqf property. But of no less interest is it that in the same decision the permission was confirmed "to pay visits to it (the Wall) as of old." Since it has been emphasized

from the Arab Side that those visits were tolerated just as the visits of foreigners or others without any devotional purposes, it should be noted that during a very long period in the past Muslims prohibited Christians from coming near the Wall or its surroundings, but that this was allowed to the Jews as a special favour.

Still more indicative of the motives of the Muslims' objections is the decision of the Administrative Council of Jerusalem in 1911, which has often been cited by the Muslim Side in this case. The guardian of the Abu Madian Waqf (the Moghrabi Quarter) had complained that the Jews, contrary to usage, had placed chairs on the pavement, and he requested that "in order to avoid a future claim of ownership" the present state of affairs should be stopped.

Upon the petition being transmitted to the Mufti and to the Shari'a Court, they supported it, on the grounds that it was inadmissible by law to place chairs, screens, and similar articles there or to make any innovations "which might indicate ownership" or occupation of "the site of the Wall of the Noble Aqsa Mosque." The Administrative Council thereupon decided that it was not permissible to place there any articles that could be "considered as indications of ownership."

To this decree was added a clause, by which the Council decided "if found necessary" to "*preserve the old practice.*"

In the opinion of the Commission the evident motive for the petition--and also for the decision of the Administrative Council--was to prevent any future claim to ownership or possession. At the same time, however, the long-standing practice in itself was expressly recognized.

After considering the said evidence, produced by the Arab Side, the Commission comes to the conclusion that the free access of the Jews to the place for devotional purposes has been recognized by the Muslims themselves as a right *ab antiquo*. The questions that have given rise to dispute in earlier times have been the character and the extension of the Jewish practice of carrying on devotions at the Wall.

On the Jewish Side much stress was laid on the firman of 1889 (Appendix VII), the above-mentioned firman of 1841, stated to be of the same bearing, and to firmans of the same contents of 1893 and 1909, by which decrees - communicated to the Chief Rabbinate in the Ottoman Empire or in Jerusalem - the Jews were guaranteed a certain degree of protection in the exercise of their religion. The Turkish text of those documents, of which that of 1889 was produced and read in translation before the Commission, has been somewhat differently translated by expert witnesses heard on the respective sides. DR. LIBANON, when examined by the Jewish Party, translated the text to the effect that the Jews were promised that there should be "no interference with their synagogues and with their places of devotional visits and pilgrimages and with the practice of their ritual."

On the Muslim side RIZA TEWFIK PASHA was heard - a witness whose eminent qualifications were generally acknowledged - and he declared that upon the whole he could accept the wording of DR. LIBANON'S interpretation, but that a verbatim translation should run: "In the places which depend on the Grand Rabbinate such as synagogues and the *ritual visiting places.*" A discussion arose between the Counsel of the Parties whether the words "which depend on the Grand Rabbinate" implied a geographical or administrative distinction. In the former case it would follow that, *if* the place in question was a Jewish "ritual visiting place," it was included under the protection which the firman was intended to grant. In the latter case it might be requisite that a place, in order to be protected as a religious site, should be dependent on the Rabbinate in an administrative or ecclesiastical sense. However, the Commission thinks that whichever interpretation may be the more correct, the said firmans must be regarded policy favourable towards the Jews and as an expression of a to their liberty of religion. In the view of the Commission there is no reason to believe that those who prayed at the Western Wall were excepted from that tolerance. The official manifestations of said policy seem to be all the more important as at least the firman of 1889, to judge from certificate signed on that document, has been entered in the official register of the Shari'a Court and has thus been brought to the cognizance of that venerable Court.

(6) The form and extent of Jewish devotions.

On the strength of the above-stated considerations the Commission finds that the place in question is a religious site, sacred to the Jews, and that they have a right to access to it for certain devotional purposes. However, the Jews also claim a right to decide, without any interference' from others, in what form and to what extent their devotions at the Wall are to be held. Their argument is, in the first place, that, by the explicit terms of the Mandate, they are guaranteed "free exercise of worship," from which should follow the right to arrange their prayers according to their own rites and to bring to the Wall all the appurtenances they deem fit.

They hold that, even if in ancient times their worship had the character of individual prayers and lamentations, the development in later times of their prayers into a congregational and organized service has as a rule been allowed to continue without interruption. Any interference on the part of the Muslims with the ritual of the Jews was also in principle forbidden by the firmans cited above.

On the Jewish Side it is also contended that the real *status quo ante bellum* had for a considerable time been in conformity with the present claims and that in such respects as the actual administrative prescriptions did not agree with the said claims, those regulations diverged from the existing rights of the Jews.

After having duly considered those points of view the Commission declares its opinion to be as follows:

As regards the terms of the Mandate it is true that in Articles 13, 15 and 16 the principle of religious liberty is proclaimed and that Article 13 especially provides for "free exercise of worship" for all concerned. But from this general rule the conclusion cannot reasonably be drawn that the partisans of any special confession should have the right to exercise their worship in all places without any consideration to the rights of others. If that were so then the whole structure of the *status quo* in the Holy Places and other religious sites would break down. In the present case the difficulties are aggravated by the fact that the religious site is itself a Muslim Waqf enclosed in and surrounded by other Muslim Waqfs, of which one contains a shrine of the greatest sacredness to all Muslims.

If the Western Wall and the Pavement in front of it ought to be protected in the religious interest of the Jews, due consideration ought also to be paid by the Jews to their hosts, the Muslims, whose sacred shrines have been guaranteed immunity by the terms of the Mandate.

Hence the Commission concludes that the established custom should be a proper basis for deciding the existing rights of the Jews at the Wall. From this it does not follow that the Commission must go back to the primitive forms which characterized the prayers and the conditions at the Wall at the earliest stages. On the other hand the Commission thinks that usage, in order to serve as a basis for a real right, must be of fairly long standing.

It is not possible to state with any certainty under what forms the devotions of the first pilgrims to the Wall were performed. It appears, however, from the evidence at hand that even centuries ago collective or "arranged" prayers were held at the Wall. The transformation from one form to another has been favoured by the Jewish ritual, which from ancient times required the presence of as many as ten persons (Minyan) for holding a complete service, and allowed a Minyan to exercise the same sort of worship in any place, just as in a synagogue. As a matter of course one or more groups of such Minyans were formed at the Wall too. These groups performed a more or less complete service and at all events they often prayed collectively and not only individually. As men and women could not on account of the local conditions be separated from each other as in the synagogue, the women kept apart in a separate corner. The Jews brought with them, too, certain of the attributes that are usually employed at their service, and they appeared dressed in garments appropriate to their ritual.

The Scroll of the Law (Torah) with the Ark needed for the carrying of it and with the table required for its support when being read from, was at first only brought to the Wall on extraordinary occasions, when the Rabbinate had ordered fasts and prayers to be held (for instance, in times of drought and in case of other calamities), but successively the Scroll of the Law was brought there more often, especially at great religious festivals and, in later times, also on the ordinary Sabbath.

It seems that this development of practice was not objected to as long as the Jews did not take any steps of a nature that might possibly give rise to a claim of ownership, such as efforts to obtain the right of paving the place, or bringing benches, or separating men and women by a screen, thus introducing a substitute for the women's gallery in the synagogue, or by attaching a tent to the Wall for protection against the sun and other measures tending to indicate a claim to possession of the place.

The objection against the screen was particularly mentioned in the 1911 decision of the Administrative Council, in which placing of "chairs, screens and similar articles" was defined as an "innovation which might indicate ownership."

From the Jewish Side certain proofs have been produced to the effect that the last-mentioned decision was altered by the then existing Government. This question has, however, not been sufficiently cleared up. Nor has the statement of the Jews that at different times they have paid the cost of maintaining the Pavement in repair been substantiated in such a way as to prove that they have thereby acquired any possessory right to the

place. It may be assumed that at certain times no objection was made to the Jews bringing benches, chairs, screens, and similar appurtenances to the Wall, and that they have occasionally seen to the cleaning or repairing of the Pavement. But by these facts it has not been proved that such an uncontested practice of long standing has existed in these respects, or that any legal claims can be based thereon.

As regard the appurtenances *of worship*, as dealt with in the temporary instructions 1929, (b) and (c), it is of interest to note that, to judge from the evidence, the Muslims did not make any explicit complaints against the bringing of such appurtenances to the place until a late stage in the controversy between Arabs and Jews.

The above-mentioned White Paper of November, 1928, proclaiming the Mandatory Power's policy of *status quo*, was preceded by an extensive correspondence between the Administration in Palestine and the Grand Mufti, President of the Supreme Muslim Council. On 19th February, 1922, the acting Governor of Jerusalem received a letter from the Supreme Muslim Council, asking for the removal, according to the Palestine Government's previous instructions, of seats and benches from the Wall. As the Jews had again begun to place the seats there, the Council wrote again to the Governor on 16th April, 1922, asking him to restrain the Jews from bringing benches or seats to the place. Then the Council, at the request of the inhabitants of the private dwellings near the Pavement, in a letter dated 8th January, 1923, complained of a repeated trespass on the part of the Jews in the same respect. A reply was given by the acting Governor on the 3rd February, 1923, informing the Council that orders had been given for due observance of the earlier instructions.

After a certain time had elapsed the guardian of the Waqf of the Moghrabis protested again against the Jews for precisely the same reason and on that account in a letter dated 28th September, 1925, the Council lodged a complaint with the Governor, referring to the promise contained in his letter of 3rd February, 1923. As the Council did not receive any written answer for some time, they wrote again to the Governor on the 7th June, 1926, asking for a reply and entreating him to prevent the Jews "from repeating this act of theirs so as to abide by the *status quo*." Along with the said letter, however, there was enclosed a copy of a petition from the guardian of the Moghrabi Waqf, in which complaints were made "that Jews place benches, *mats*, *tables*, chairs, and *lamps* when they have not been previously allowed to do so." The guardian of the Waqf goes on to say that "this has caused a nuisance to passers by, as the road leads to the houses of the Waqf. They have therefore trespassed on part of the Waqf land, because the width of the passage does not exceed 2 ½ metres. We are in continual quarrels with them as they insist on placing these things."

Upon an answer being received from the Governor's Office dated the 28th of June, 1926, to the effect that "the matter was under investigation," the Council through their President wrote again on 20th July, 1926 repeating its request of 7th June, but without mentioning any particular appurtenances. As the result of the promised investigation was not forthcoming, the President of the Council sent a letter to the Deputy District Commissioner on the 4th of August, 1926, informing him that the Jews were again endeavouring to put out seats at the Wall. This information, he stated, had reached the Council from the guardian of the Moghrabi Waqf and his repeated request for action on behalf of the Council was dictated by those complaints. This time, however, the Council concluded their letter by saying: "The aim of the letter dated 20th July, 1926, was that the necessary steps be taken to prevent the Jews from putting anything in the Buraq, especially on Saturdays and Jewish feast days." On 25th August, 1926, the District Officer wrote to the President of the Council in reply to the above letter as follows: "That the measures referred to in the last paragraph of your quoted letter have been taken, and that no change in the *status quo* will take place."

After that nothing of any special interest happened up to the beginning of November, 1926, at which date the inhabitants of the Moroccan Quarter complained to the Supreme Muslim Council about the Jews bringing "small portable chairs" to the Wall, under the promise that they had been promised leave to use such chairs by the District Police Officer. Quarrels had arisen between the Moroccans and the Jews on account of that, and the guardian of the Waqf asked that the Jews might be prevented from placing anything there that was not sanctioned by old practice. The said petition caused the Council to write to the Deputy District Commissioner on 7th December, 1926, informing him about the quarrels that had just arisen about the small chairs which were "contrary to the ancient usage and practice," and he concluded his letter in the following way: "We do not believe that the Government desires to alter the *ab antiquo state which has been enforced on to the present*." (Italics inserted by the Commission.)

At the end of 1927 the Deputy District Commissioner advised the President of the Supreme Muslim Council that, in his opinion, it was desirable in the interests of public security that during certain hours of the day when Jews were wont to congregate at the Wall for praying purposes, tourists should not be permitted to go there. He, therefore, proposed to give orders to the policemen stationed near the Wailing Wall to refuse admission to tourists during those particular hours of the day.

This letter was written on the 2nd of December, 1927, and was answered very fully by the President of the Council, on the 15th of January, 1928. The Council objected to prohibiting tourists from approaching the Pavement, because any such prohibition amounted to "granting the Jews new rights in the same place, and, moreover, would arouse the feelings of the Muslims." In this letter the view was consequently advanced which came to light later in the proceedings before the Commission, viz., that "several incidents and many problems caused by the Jews around the question of the Buraq plainly indicate that they have laid down a plan of gradually obtaining this place.

Thereafter, the Deputy District Commissioner by letter of 30th March, 1928, informed the President of the Council that he would post a notice in the area of the Western Wall for the information of the tourists stating the special hours of prayer and "requesting the public to respect the privacy of those engaged in prayers at such times." In his answer to that letter on the 3rd of April the President of the Council stated that he could not agree to that notice being put up and repeated his assurance that every attempt by the Jews to extend their claims in the Buraq would be received with the utmost anxiety by the Muslims and would be flatly refused.

Not until the 24th of September, 1928, i.e., on the same day as the disturbances described in the Shaw Commission Report (page 29) took place, did the President of the Muslim Council himself make a direct and detailed protest against the Jews' habit of bringing appurtenances of *worship* to the Wall. He then specified "a wooden room covered with cloth, screens, mats, a large table in the middle and also the Ten Commandments placed on a chair which should not be there." The attention of the Council had been drawn to the matter by a report from the Inspector of Religious Institutions, and, as this had aroused the displeasure of the Muslims, the District Commissioner was asked to take the necessary steps for removing those things " which were prohibited and could not be accepted." The complaints were repeated and further details given in letters from the President of the Council written on the 2nd, 4th, and 6th of October, 1928. In those letters stress was laid not only on the infringement of the *status quo* caused by the Jews bringing small chairs but also by their using "a cupboard and lamps" and other appurtenances of worship, which meant their introducing new things in order ultimately to expropriate the holy place from the Muslims.

Meanwhile, as stated in the British Government's White Paper the guardian of the Abu Madian Waqf (the Moroccan Quarter) on the evening of 23rd September had made a complaint to the Deputy District Commissioner about a dividing screen and about other innovations in the established practice, such as the introduction of *additional* petrol lamps, a number of mats, and a Tabernacle or Ark *much larger* than was customary.

The Deputy District Commissioner ordered the removal of the screen, but reserved his decision *in the matter of the lamps, the mats, and the Ark*. The use of the latter appurtenances, had apparently been actually allowed until the High Commissioner issued his temporary instructions at the end of September, 1929, which embraced certain injunctions that were to be obeyed with regard to the Jewish prayers.

In view of the above-detailed circumstances the Commission has come to the conclusion that, although there have been different opinions as to what was allowable under the *status quo*, both parties in the disputes that led up to the White Paper of November, 1928, based their arguments on the acceptance of the *principle of status quo* as relevant for their existing rights. The conditions at the Wall have always been dependent to a considerable extent on the more or less friendly relations between the Jews and the inhabitants of the Moroccan Quarter. When the latter took exception to the bringing by the Jews of certain appurtenances as being innovations of practice, the Supreme Muslim Council endorsed their views and forwarded their complaints to the Palestine Administration requesting intervention on their part in the matter. For a long time however, the complaints had chiefly been directed against such objects as benches, chairs and screens and not until at the last stage was explicit protest made against lamps, mats, and the Tabernacle or Ark; it ought also to be observed that the complaints of the guardian of the Waqf were in respect to *additional* lamps and to the fact that the Tabernacle or Ark was *larger* than usual.

The Commission finds that the White Paper of November, 1928, stating that the British policy as regards the Western Wall consists of an intention to maintain the *status quo* as existing under the Turkish regime in respect also to the appurtenances of *worship* which the Jews are to be permitted to bring to the Wall, was based on the same principle as has been more or less completely accepted by the Parties themselves.

Moreover, as is stated in the Shaw Commission Report (page 33), the proclamation made in the said White Paper was received with great satisfaction by the Muslim Communities and on the 27th of December, 1928, the Grand Mufti of Jerusalem as President of the Muslim Supreme Council addressed the Deputy District Commissioner of the Jerusalem Division in the following terms (page 34)

"The Supreme Muslim Council has seen the White Paper issued by the Secretary of State for the Colonies in November, 1928, and which was published in the Official Gazette, concerning the question of the Burak (the Western Wall of the Mosque of Al-Aqsa) and finds in it that care and insight and justice without partiality which has clearly and plainly dispelled any doubts under which the widespread and false propaganda has attempted to hide and conceal the *status quo* and its clear position. The Council therefore offers (? thanks for the) impartial attitude which the British Government has taken in this respect. It also thanks you and the Government of Palestine as you were the direct cause in explaining the facts which have elicited this just decision.

"The Supreme Muslim Council hopes that the Government will actually and as early as possible apply the terms of the White Paper that the status quo in force during the Turkish rule should be observed."

As regards the way in which the White Paper of 1928 was thereupon administered the Commission considers that great importance ought to be attached to the temporary rules for the application of the *status quo ante bellum*, which were issued subsequently by the Palestine Administration. Those administrative rules of 1929 were apparently drawn up after close examination of the facts from every point of view. Hence, the regulations should only be subjected to modifications to such degree as may be a necessary consequence of the inquiry made by the Commission.

In drawing out those regulations the Palestine Administration appears to have taken into consideration the leading thought in the Muslims' defence, viz., that innovations tending to support a claim of possessory right on the part of the Jews should be prohibited. In recent years, however, as well as during the proceedings before the Commission, the Muslims have put forward another point of view, viz., that they objected to any sort of appurtenances of worship, as indicating the intention of the Jews "to make a synagogue of the place." In this connection the Muslim Party has even urged that any concession on their part in that respect would be contrary to the Shari'a Law from which they have cited the passage, mentioned on page 32 above.

Paying due regard to this point of view, the Commission is of opinion that these apprehensions on the part of the Muslims make it the more important that no sanction should be accorded the bringing of any other objects to the place than those that were not objected to in the period prior to the War but were tolerated as being established by time-honoured custom.

Referring to what has been stated above in respect to this matter, and more especially with due consideration paid to the firmans of 1840 and 1911, which were produced in evidence by the Muslim Side, the Commission passes verdict that it shall be prohibited to place on the Pavement in front of the Wall,

any benches, chairs, or tents for the convenience of the worshippers or otherwise;
or, any screens or curtains either for separating men from women or for any other purpose;
or, any carpets or mattings, with the exception of such as are explicitly made note of below.

As regards such objects as may be defined as appurtenances of worship in the strict sense of the word, it should be borne in mind here, too, that the reading of the Law (Torah) from the Scroll or Scrolls of the Law on certain occasions forms an important part of the Jewish divine service. Veneration for the sanctity of the Law prescribes that those scrolls of parchment on which the Law is written, when removed from the Synagogue, should be conveyed in an Ark enclosing them, and, when being read, should be placed to rest on a table. The present temporary regulations, with a view to enabling the Jews to carry out a complete service in the vicinity of the Wall on Saturdays (Sabbaths) and on Jewish "holy days," grant permission to them to place near the Wall both the Ark in which the Scrolls of the Law are kept, and two tables, one as a stand for the Ark and the other for resting the Scrolls on when the Law is being read. As mentioned before, these objects have been regularly brought to the Wall from very ancient times upon particular occasions when prayers and fasts were to be held as for instance at a juncture of national misfortune or calamity or owing to some other event of an extraordinary character. Furthermore it was proved by witnesses heard before the Commission that the said appurtenances were customarily brought to the Wall long before the War, on New Year's Day and on the Day of Atonement. No proofs of a similar validity were brought forward at the hearings conducted by the Commission as to the bringing to the Wall of the appurtenances connected with the reading of the Law on other High Festivals than those just mentioned. However, since in the temporary regulations permission has been accorded to the Jews to utilize the objects in question on particular "Jewish Holy Days (High Festivals)" in general the Commission - basing its opinion also upon certain evidence produced at the inquiry held by it - has every reason to believe that the administrative regulations in this respect are based on time-honoured practice, all the more so, as it seems to be in conformity with the significance of the place as a site of great

sanctity to the Jews, that they should have celebrated their High Festivals by pilgrimages to, and gatherings in front of, the Wall, on which occasions complete services were held including the reading of the Torah.

Under the circumstances as they exist the Commission finds that it is right and in accordance with what may be deemed fitting that the Jews should be allowed to bring to the Wall a Cabinet or Ark containing the Scrolls of the Law with the stands or tables needed for using the same on such occasions as the following:

- (a) at the time of holding special fasts or prayers that have been proclaimed by the Chief Rabbis of Jerusalem, by reason of the happening of some extraordinary event, always provided that the Chief Rabbis give due notice to the Palestine Administration of the intended holding of such fasts or prayers;
- (b) on New Year's Day and on the Day of Atonement;
- (c) on other special holy days recognized by the Administration as such days on which the said objects have been usually brought to the Wall.

It shall also be stipulated that the Ark containing the Scroll or Scrolls of the Law shall only be brought to the Wall, if and when that is otherwise permissible, provided that the said objects are of a size to permit of their being carried by hand, and that they shall not be affixed to the Wall, and that they shall be removed from the place near the Wall at the close of each of the said holy days.

The reading of the Law from the Scrolls is requisite also for a complete service at certain times, e.g., in a Synagogue on Mondays, Thursdays, and Saturdays. The bringing of the Scrolls of the Law and its appurtenances, however, is only permissible according to the present temporary regulations on the ordinary Sabbaths (extending from Friday evening until sunset on Saturday). The practice on which the regulations in this respect have been based is in all probability, as has already been stated, of a somewhat recent date, and it has not been shown to the satisfaction of the Commission that any continuous usage with respect to it existed before the War. It is true that some witnesses, whose trustworthiness was in no way open to suspicion, gave positive evidence to the effect that the objects in question were in use near the Wall during a certain period previous to the War. Other witnesses however who were so far as could be judged just as trustworthy as the former group deposed that, although they were frequent resorters to the Wall, they had not any conscious remembrance of having seen the Ark and the Scrolls near the Wall, on any ordinary week-days or even on Saturdays, until the period subsequent to the War. In this respect the same reasoning holds good, as has been adduced by the Commission before, relative to benches, chairs, etc., viz., that it is conceivable that such objects may at times have been used by the Jews without any objection being raised on the part of the Muslims, but that no unprotected-against practice of long standing can be said to have been thereby established. That the Muslims have not made any formal or definite objection against the Ark and the Tables until lately may very well be explained by the objects in question not having been in use before the War with any degree of regularity. It has not been possible for the Commission to ascertain whether the "Tabernacle or Ark" which the Moghrabis in 1928 regarded as being "much larger than was customary" (page 51) was compared by them with the Ark that had been used in the period immediately preceding or with one that had been used at a still earlier date. Nevertheless it should be noted that the witness ISSACHAROFF, who gave most emphatic evidence about the bringing of an Ark with a "small" Scroll of the Law and a "small table" in pre-war days, also stated that the same practice prevailed on Mondays and Thursdays. That custom, however, has not been recognized in the temporary regulations as being in conformity with the *status quo*. At all events the evidence heard before the Commission on this point has been contradictory and does not authorize a confirmation of a Jewish right to place the Ark with the Scroll at the Wall on ordinary Sabbaths.

In limiting the present right to the bringing of the Ark containing the Scrolls in the manner aforesaid, the desire and aim of the Commission has not been to interfere in any way with the ritual of the Jewish devotions, but only to ensure that in connection with the Jewish worship no objects that might possibly be taken to indicate some sort of possessory right for the Jews should be brought near the Wall, unless the doing so was justified by reason of long-continued practice. To the Commission this has appeared to be of very especial importance at this particular juncture. Any innovation that occurred might be made use of in support of the plea that the Jews were left free to transform the place into a synagogue--and that eventuality must be obviated in the interests of formal justice and for the insuring of a maintenance of peace and order. It is presumably impossible, however, to contest the fact that a *regular* bringing to the Wall of objects, such as the Ark containing the Scrolls of the Law, might give rise to a miscomprehension of that nature. Nor would that either seem to be called for, when due consideration is paid to the primary and traditional character and purpose of the place.

As regards the other special objects of worship, from the point of view above set forth, they are of lesser importance.

The bringing to the Wall day by day of a stand containing ritual lamps and of a zinc case in which such lamps are to be lighted, and also of a portable wash-basin and a water-container on a stand, is proved to be in accordance with accepted usage and should consequently be permitted for the future too, provided only that none of those objects shall be affixed to the Wall itself or to any Wall of the adjoining Waqf buildings. Nor shall it be prohibited for the Jews from sunset on Friday evening to sunset on Saturday and from sunset on the Eve of any Jewish holy day until sunset on the following day to place near the Wall as they have done hitherto a stand-containing prayer books to be used in the ritual of worship.

The stand last mentioned shall also be removed at the close of the Sabbath day or of the other holy days referred to.

Furthermore, in conformity with practice, each Jewish worshipper shall be entitled to bring a prayer-mat with him or her on the two holy days of the New Year festival and on the Day of Atonement.

It forms a part of the Jewish service in the Synagogue to blow the Shofar (ram's horn) on New Year's Day and on the Day of Atonement and the Jews have claimed the right on the said occasions to carry out this ceremony of theirs in front of the Wall too.

That is a claim that has not been recognised in the present administrative regulations or otherwise in actual practice, and the Commission has not found any sufficient reason for assenting to it.

Save as above provided, it shall not be permissible to bring any appurtenances of worship to the Wall.

As regards the *Haram area* and the *adjacent Waqf property* in their relation to, the Jewish devotions at the Western Wall, the Commission passes verdict that the present *status quo* of the Wall and of its immediate surroundings shall, as far as possible, be preserved, with a view to not causing any more serious disturbance in the Jews' manner and practice of worship than has occurred in the past, or than may be inevitable by reason of changes in the prevailing conditions at the Wall. Consequently the Muslims shall be entitled in the Waqf properties adjacent to the Wall to construct or build any desired erection and to demolish or repair any existing building, provided only that such work shall not encroach on the Pavement area or impair the right of the Jews to access to the Wall, or involve any disturbance to the Jews that is avoidable during their devotional visits to the place near the Wall.

If the recently constructed door at the southern end of the Pavement is not to be closed for good, measures shall be taken of the same kind as at present in force to ensure its being kept locked from 5 p.m. on the Eve of the Sabbath and on Jewish holy days that are recognised as such by the Palestine Administration, and throughout such days until sunset.

The Commission also confirms the prohibition in the temporary rules against the driving of animals along the Pavement at certain hours.

For avoiding annoyance to the Jewish worshippers the Zikr ceremony shall not, during the usual hours of worship, be carried out so close to the Pavement as to cause annoyance.

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

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

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

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

On the other hand the Muslims shall be under the obligation not to construct or build any edifice or to demolish or repair any building within the Waqf property (Haram area and Moghrabi Quarter) adjacent to the

Wall, in such a manner that the said work would encroach on the Pavement or impair the access of the Jews to the Wall or involve any disturbance to, or interference with, the Jews during the times of their devotional visits to the Wall, if it can in any way be avoided.

B.] The Jews shall have free access to the Western Wall for the purpose of devotions at all times subject to the explicit stipulations hereinafter to be mentioned, viz.,

- (1) The temporary instructions issued by the Palestine Administration at the end of September, 1929, relative to "appurtenances of worship" (see Section 2, a, b, c), are to be made permanent, subject however to the one modification that it shall be permissible to place near the Wall the Cabinet or Ark containing the Scroll or Scrolls of the Law and the Table on which the Ark stands and the Table on which the Scroll is laid when being read from, but only on the following occasions, viz.,
 - (a) at any special fast and assembly for public prayer that the Chief Rabbis of Jerusalem may order to be held in the consequence of some public distress or calamity, provided due notice shall have been given by them to the Administration;
 - (b) on New Year's Day and on the Day of Atonement, and also on any other special "holy days" that are recognised by the Government as such days on which it has been customary for the Ark containing the Scrolls of the Law to be brought to the Wall.

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

- (2) No objection or obstacle shall be raised to the Jews, in their individual capacity, carrying with them to the Wall hand-books or other articles customarily used at their devotions either as a general thing or upon special occasions, nor to their wearing such garments as were of old used at their devotions.
- (3) The temporarily enacted prohibitions against the bringing to the Wall of benches, carpets or mattings, chairs, curtains and screens, etc., and against the driving of animals at certain hours along the Pavement are to be made absolute, as is also the injunction as to keeping the door at the southern end of the Wall locked during certain hours. The right, however, for Muslims to go to and fro in an ordinary way along the Pavement shall be respected and remain inviolable as hitherto.
- (4) It shall be prohibited to bring to the Wall any tent or a curtain or any similar object with a view to placing it there even though for a limited space of time.
- (5) The Jews shall not be permitted to blow the ram's horn (Shofar) near the Wall nor cause any other disturbance to the Muslims that is avoidable; the Muslims on the other hand shall not be permitted to carry out the Zikr ceremony close to the Pavement during the progress of the Jewish devotions or to cause annoyance to the Jews in any other way.
- (6) It is to be understood that the Administration shall be entitled to give such instructions as they may think fit respecting the dimensions of each of the objects that it is permissible for the Jews to bring to the Wall, respecting the particular days and hours above referred to, and also respecting other details that may be necessary for the adequate and complete carrying out of this present Verdict of the Commission.
- (7) It shall be prohibited for any person or persons to make use of the place in front of the Wall or its surroundings for all political speeches or utterances or demonstrations of any kind whatever.
- (8) It shall be held to be a matter of common interest to Muslims and Jews alike that the Western Wall should not be disfigured by having any engravings or inscriptions placed upon it or by having nails or similar objects driven into it and also that the Pavement in front of the Wall should be kept clean and be properly respected by Muslims and Jews alike; it is herewith declared to be the Muslims' right and duty to have the Pavement cleaned and repaired, if and when that is necessary, upon due notice being given to the Administration.
- (9) Owing to the Wall's character as an historical monument its fitting maintenance shall be entrusted to the Palestine Administration, so that any repairs to it that may be necessary shall be carried out by them and under their supervision though only after consultation with the Supreme Muslim Council and the Rabbinical Council for Palestine.
- (10) If any repairs to the Pavement that are necessary are not attended to by the Muslims in due time, the Palestine Administration shall take the necessary steps to have the work done.

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

The contentious problem that the Commission has had to deal with does not owe its existence to two different conceptions regarding a standard of law that both the contending Parties recognize and accept. On the contrary it has arisen out of an existing incompatibility in actual principles of right and religious faith, and is all the more far-reaching in character from each of the Parties being of the firm conviction that the issue of the contention will affect interests that are, for them, of ideal moment and which they cannot forgo. In carrying out its task the Commission has furthermore had to take into consideration the circumstance that the contentious question has not been referred to it for settlement by the Parties themselves that are most nearly concerned in it.

That being so, the Commission recognizes, as has been already pointed out in the introduction to this pronouncement, that the ready willingness displayed by both Parties to assist the Commission in its inquiries on the spot has been of inestimable advantage to the Commissioners. That kindly attitude has indeed prompted the hope in the minds of the Commissioners that on the basis of this investigation the Parties might be able to arrive at an amicable agreement for settling their mutual differences, an outcome which in this instance would be far preferable to any settlement which is more or less forced upon them. It has not, however, up to the present, proved possible for any such agreement to be arrived at and consequently the Commission has had no other course open to it than to pronounce its Verdict. The contents of the Verdict have been drawn up exclusively on the basis of the opinion that the Commission has formed regarding the merits of the case, judged in the main from the same point of view as is reflected both in 'the present Mandate and in the administration of the earlier regime with regard to the relations to one another of differing creeds in Palestine.

In addition to what has been said earlier with regard thereto, it is fitting here to recall the fact that, in the Treaty between the European Great Powers and Turkey for the settlement of the affairs of the East, signed on 13th July, 1878, the Sublime Porte made a spontaneous declaration, in which there was expressed the intention to maintain the principle of religious liberty and to give it the widest scope (Article LXII).

In regard to the particular case that the Commission has been appointed to inquire into, this lofty principle cannot be put into practice, unless the adherents of the differing creeds are prepared, in observance of the rules set forth above, to show each other due consideration as regards the one Party in the exercise of their incontestable rights of ownership and possession, and as regards the other in the performance of their religious services on a ground which does not belong to them by right of possession.

The Commission ventures to entertain the hope that, having regard to the actual position of affairs and of what is dependent thereupon, both Muslims and Jews will accept and respect the Commission's Verdict with that earnest desire to attain mutual understanding that is so important a pre-requisite both for the furtherance of the common interest of the Parties in Palestine and for ensuring a peaceable development in the World at large.

In its pronouncements and decisions the Commission is unanimous.

December, 1930.

ELIEL LÖFGREN

CHARLES BARDE

C. J. VAN KEMPEN

STIG SAHLIN

APPENDIX II: MEETINGS AND WITNESSES.

(C) = Witness called by the Commission.

(J) = Witness called by the Jewish side.

(M) = Witness called by the Muslim side.

<i>Meeting No.</i>	<i>Date.</i>	<i>Witness No.</i>
1.	23rd June, 1930	Opening Meeting.
2.	25th June 1930	Opening Speech of Jewish Counsel.
3.	26th June, 1930, a.m.	1. Joseph Giva Goldsmith (J).
4.	28th June, 1930, p.m.	1. Joseph Giva Goldsmith (J).
5.	30th June, 1930, a.m.	2. Zion Issacharoff (J).
6.	30th June, 1930, p.m.	3. Haim Solomon (J).
		4. Richard Hughes (J).
7.	1st July, 1930, a.m.	5. Rabbi Abraham Schorr (J).

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| 8. | 1st July, 1930, p.m. | 6. Chief Rabbi Ben Zion Uziel (J). |
| 9. | 2nd July, 1930 | 6. Chief Rabbi Ben Zion Uziel (J). |
| | | 7. Eliahu Mordecai Eisenstein (J). |
| | | 8. Boris Schatz (J). |
| 10. | 3rd July, 1930 | 9. Raphael Ben Rahamin Meyuhas (J). |
| | | 9. Raphael Ben Rahamin Meyuhas (J). |
| | | 10. Charlotte Hussay (J). |
| | | 11. Mohamed Nasib Effendi Beiter (M). |
| 11. | 7th July, 1930 | 12. Mordecai Goldberg (J). |
| | | 13. Muzahim Amin Bey Bajaji (M). |
| | | 14. Salah Al-Din Bey Osman Beyham (M). |
| | | 12. Mordecai Goldberg (J) (resumed). |
| 12. | 8th July, 1930 | 15. Haim Zuckerman (J). |
| | | 16. Mendle Hacoheh Pakover (J). |
| | | 17. David Yellin (J). |
| | | 18. Zudok Bassan (J). |
| | | 19. Albert Abraham Mosseri (J). |
| 13. | 9th July, 1930 | 20. Asher Sofer Federman (J). |
| | | 21. Abraham Jacob Brawer (J). |
| | | 22. Shawki Bey Saad (J). |
| | | 23. Meir David Shotland (J). |
| 14. | 10th July, 1930 | 24. Sheikh Mohamed Al-Ghuneim El Taftazani (M). |
| | | 25. Mirza Bey Rafi Mahdi Rafia Mushki (M). |
| | | 26. John Daoud Yasmini (M). |
| | | 27. Salim Salamah Iskafi (M). |
| | | 28. Hassan Ghuneim (M). |
| | | 29. Jirgis Daud Al-Daou (M). |
| | | 30. Ibrahim Afany Homzy (M). |
| 15. | 14th July, 1930 | 31. Mohamed Kamel Aintabi (M). |
| | | 32. Léopold Draissaire (M). |
| | | 33. Louis Heidet (M). |
| | | 34. Nicola de Simini (M). |
| | | 35. Mordecai Lebanon (J). |
| | | 36. Antoine Joseph Lolas (M). |
| 16. | 15th July, 1930, a.m. | 37. Abdul Kahayar Mozzakir (M). |
| | | 38. Ihlarion Nacuzi (M). |
| | | 39. Emile Dubois (M). |
| | | 40. Mikhail Hieronimos (M). |
| | | 41. Prosper Viaud (M). |
| | | 42. Ermes Kohoul (M). |
| | | 43. Fulgentius Minotte (M). |
| 17. | 15th July, 1930, p.m. | 44. Sheikh Ismail Effendi Hafaz (M). |
| | | 45. Jamal Effendi Husseini (M). |
| | | 44. Sheikh Ismail Effendi Hafaz (M). (resumed). |
| | | 46. Hallala Ben Mohamed Ben Amrinom (M). |
| 18. | 16th July, 1930, a.m. | 47. Yusef Khalil Lahla (M). |
| | | 48. E. Keith-Roach (C). |
| | | 47. Yusef Khalil Lahla (M). (resumed). |
| | | 49. Sheikh Twefik et Tiby (M). |
| 19. | 16th July, 1930, p.m. | 50. Ezzat Darwazeh (M). |
| | | 51. Hussein Tarawny (M). |
| 20. | 17th July, 1930, a.m. | 52. Riza Tewfik Pasha (M). |
| | | Closing speeches for the Jewish Side: |
| | | Dr. M. Eliash. |
| | | Rabbi Blau. |
| | | Mr. David Yellin. |
| 21. | 17th July, 1930, p.m. | Closing speech of Ahmed Zaki Pasha. |
| 22. | 18th July, 1930 | Closing speech of Mohamed Ali Pasha. |
| 23. | 19th July, 1930 | Closing speech of Aouni Bey Abdul Hadi. |
| | | Dr. Eliash. |
| | | Closing speech of Chairman. |

APPENDIX III: LIST OF EXHIBITS PRESENTED BY JEWISH COUNSEL.

1. *Memorandum on the Western Wall submitted to the Special Commission of the League of Nations*, Jerusalem, June 1930.
2. A collection of photographs of the Wailing Wall.
3. Three maps of the Warren Excavations.
4. A collection of Jewish Community Entry, etc., Books.
5. A declaration by Misa A. Landau, Headmistress of the leveling de Rothschild School, dated 19th May, 1930, about what she has seen at the Wall since 1899.
6. A letter from Major Badcock of Occupied Enemy Territory Administration, dated 22nd May, 1920, addressed to Rabbi Kook, concerning observance of Die rights of the worshippers at the Wall and transmitting copy of letter addressed to Military Governor of Jerusalem and a copy of report from the Inspector of Antiquities.
7. Letter from Mr. Cust of the Jerusalem Governorate to Rabbi Abraham Schorr, dated 9th Tamuz, 5681, about the Jews putting up benches for the aged.
8. References to books to which the Jewish Memorandum refers, pages 62, 63.
9. Photographs of extracts from Jewish Community Entry Books.
10. Letter from Mr. Nurock, Assistant Private Secretary to the High Commissioner, to Rabbi Schorr, dated 11th August, 1920, concerning the provision of separate accommodation at the Wall for men and women.
11. Notes of Chief Rabbi Uziel of Jaffa on Jewish Ritual.
12. Letter from the Chief Rabbi Moshe Franko to the Rabbis of the Ashkenazi Community in Jerusalem, dated 12th Iyar, 5672, calling them to negotiate on the subject of the Wailing Wall.
13. Letter from Mr. Rosenberg to Professor Schatz, dated 30th November, 1911, about the date of the film from the Wall.
14. Letter from Major Wainwright to Mr. Glasstein, dated 12th October, 1926, regarding District Commissioner's order of 6th April, 1926.
15. Translation from *Hacheruth* 11th February, 1912, concerning the abolishment of the prohibition regarding the Wall.
16. Reproduction from *L'Aurore* of the 2nd February, 1912, about the same subject as exhibit No. 15.
17. Copy of extract from the book *Nach Jerusalem* by Ludw. Aug. Frankl. Zweiter Teil, Leipzig, 1858.
18. Evidence given by the Rev. William M. Christie before the British Magistrate at Haifa, 3rd July, 1930, about what he has seen at the Wall since 1889.
19. Certificate of Dr. Churcher, 3rd July, 1930, saying that the Rev. Christie could not come to Jerusalem because of illness.
20. The book mentioned in No. 17.
21. Declaration by the Rev. Slotki, 19th June, 1930, about what he saw at the Wall.
22. Advertisements referring to evidence given by Mr. Zuckerman at the 11th Meeting. Hebrew, with translation into English.
23. Extract, translated into English, from the German yearbook Jerusalem, printed in Jerusalem, 1913.
24. Declaration by Isaac Snowman, Marseilles, 30th June, 1930, about what he saw at the Wall in 1899.
25. Original Karaite Prayer Book.
26. Photographic copy of Firman issued by Sultan Abdul Hamid in 1889 concerning rights of Chief Rabbis of Palestine.
27. Translation of certain points of the said Firman.
28. Photographic copy of the Firman issued by Sultan Abdul Hamid in 1893.
29. Notes on recent Muslim innovations at the Wailing Wall.
30. Copies of documents concerning an incident of 1912.
31. Declaration by Chief Rabbi Haim Nahoum, dated Cairo, 15th July, 1930, concerning his activities as Chief Rabbi of the Turkish Empire.
32. Translation of the Firman of 1889.
33. Translation of extract from the records of the Shari'a Court about the Afdal Waqf.
34. Map of the Wailing Wall area.
35. *Almanacco di Terra Santa*, 1930, Gerusalemme, 1930.

LIST OF EXHIBITS PRESENTED BY MUSLIM COUNSEL.

1. Translation of extract from the records of the Shari'a Court about the Afdal Waqf.
2. Translation of extract from the records of the Shari'a Court about the Abu Madian Waqf.
3. Translation of a register number of the Shari'a Court about a certain person's right to live in the Moghrabi quarter.
4. Translation of a document about the Abu Madian Waqf.
5. Extract from the minutes of the Shaw Commission; evidence given by Yusef Kives.

6. Translation of a letter from Mohamed Sharif to the Governor of Jerusalem about a decree issued to Ibrahim Pasha concerning the Wailing Wall, dated 1840.
7. Translation of the decision by the Administrative Council of the Liwa of the year 1911 prohibiting the Jews to place chairs, etc., at the Wall.
8. Photographic reproduction of the Turkish original of No. 7.
9. Copies of correspondence between the Supreme Muslim Council and the Government of Palestine *before* the publication of the White Paper of November, 1928.
10. Copies of correspondence between the Supreme Muslim Council and the Government of Palestine *after* the White Paper.
11. Copies of correspondence between the Supreme Muslim Council and the League of Nations.
12. Copies of letters from the Supreme Muslim Council to the Government of Palestine after the regulations of 1st October, 1929.
13. Copy of extract from the book *Egypte et Palestine* by Emile Delmas. Paris, 1896.
14. Copy of extract from the book *Le premier pèlerinage de vacances à Jérusalem* by l'Abbé Miller, Metz, 1889.
15. Copy of extract from the book *Journal d'un pèlerin de Terre-Sainte* by l'Abbé Verrier, Bayeux, 1871.
16. Copy of extract from the book *Voyage en Orient* by Patrice Chauvierre, Tornai, 1883.
17. Copy of extract from the book *A Palestine Notebook, 1918-1923*, by C. R. Ashbee, London, 1923.
18. Copy of extract from the book *Jerusalem*, translated from the German by Sophia Taylor, London, 1893.
19. A collection of photographs of the Wall.
20. Photographic reproductions of certain propaganda pictures.
21. Copy of extract from the *Encyclopedia Britannica*, about Zionism.
22. Copy of extract from the *Jewish Encyclopedia*, about Zionism.
23. *The Palestine Weekly*, Vol. XVII, No. 483, 9th August, 1929, containing several articles about the Wailing Wall.
24. Copy of extract from despatch of Sir L. Bols to Occupied Enemy Territory Administration, dated 7th June, 1930.
25. Photographic reproductions of certain propaganda pictures.
26. Copy of extract from Dallos' *Répertoire pratique*, about servitudes (22nd meeting).

APPENDIX IV

Jerusalem, 17th July, 1930.

Sir,

I am directed by the Chairman of the Wailing Wall Commission to request you to inform His Excellency the Officer Administering the Government, that it is anticipated that the sittings of the Commission in this country will be completed on Friday, the 18th of July. The Commissioners are therefore arranging to leave Jerusalem on Saturday, the 19th of July, en route for Port Said, where they will embark on the s.s. *Orvieto*.

Before leaving Palestine the Commissioners would like to bring to notice the excellent services rendered by the staff which has been attached to them during their enquiry.

The interpretation of the evidence of witnesses under close examination or cross-examination, a task which prevented considerable difficulty especially in view of the conditions under which the Commission has been working, has been discharged with great efficiency and admirable expediency by the two official interpreters of the Government, Mr. I. A. Abbady and Mr. W. Shaftari.

The Commission would also like to mention the good services rendered by the stenographers who were placed at their disposal by the Palestine Government, Mr. A. Antippa and Mr. V. Eassilian. On these gentlemen has fallen the burden of talking down and transcribing the voluminous evidence brought before the Commission, a task that they have discharged with great energy, working for long hours.

The organisation of the office and the registration and despatch of the Commission's correspondence has been undertaken by Mr. Marroum, who was placed at the disposal of the Commission by the Deputy District Commissioner's office. He has discharged his duties with intelligence, energy and efficiency.

Corporal Christie of the British Police has been attached to the Commission throughout their stay in this country. He has acted as lasher in the Enquiry Room and has accompanied the Commission on their tours. He has discharged his duties to the entire satisfaction of the Commission.

The Commissioners would be obliged if notes of their remarks could be in the records of services of the above-mentioned officials.

istering orders and inspections) no oppression to, and no imposition of fines upon, the synagogues and schools destined *ab antiquo* to the said Community; these shall remain (lit.: be) in their possession and under their control. And no outsider shall interfere and meddle with their repairs and structural improvements made with the permission of the Shari authority. And there shall be no meddling by whomsoever with the chattels (or: things) of their synagogues and their schools for the debt of another, and they (i.e., these things) shall not be suffered to be taken and seized as a pledge, and if by some means or other they have been taken they shall be caused to be returned by the Shari authority and handed over to whom they belong (lit.: to their places). And when the above-mentioned Chief Rabbi or his substitutes whom he may (lit.: will) appoint on his behalf make peace in accordance with their rites between two disputing Jews with the consent of both parties in matters of contracting a marriage or dissolving a marriage as well as in other matters in accordance with their rites, and when they administer in their synagogues an oath in accordance with their rites, as may be necessary, (or: as occasion requires) for the purpose of investigating a matter, also with regard to their papers for the removal and banishment, as required by the rites, of certain accused, there shall be no interference or oppression contrary to old custom, on the part of the judges ("Kadis") and judges-substitutes ("Naibs") of the Shari Law or any other person, and they shall not be made subject to any imposition and fine whatsoever. And without the knowledge and permission of the aforesaid Chief Rabbi or (lit.: and) his substitutes, the Rabbis who are under his jurisdiction (or: protection) shall not perform the ceremony of marriages which are not allowed according to their rites, and if a member (lit.: somebody) of the Jewish Community intends to marry a woman or divorce a woman or to take a woman more (lit.: a woman upon a woman) and to go to other places and have it performed there, they shall not carry out and perform the ceremony of marriage as long as there is no permission of the aforesaid Chief Rabbi, and men of influence (lit.: power, fortune) shall not constrain their Rabbis in contravention of their rites by saying "make the marriage ceremony of this woman to this Jew". And as their rites require their Rabbis not to bury (lit.: lift up) the Jews who died while acting in contravention of their rites, the "Kadis", "Naibs", officers or other influential (or: powerful) persons shall not make constraint and injustice by saying to the Rabbis "You shall lift up". And with regard to the eatables and beverages of the said Religious Community in connection with "Kasher" and "Taref" there shall be no imposition by any person who is unauthorized (or: who meddles in affairs which do not regard him) such as "You shall say this is 'Taref' and that is 'Kasher'." And if it happens that the afore-said Chief Rabbi comes for a certain affair to Constantinople (lit.: to my Sublime Port) there shall in no way be any interference with his substitute whom he may appoint on his place. And the agent and men whom the aforesaid Chief Rabbi will send for the collection of fiscal (or: Government) taxes shall be given a guide, and when they will change their garment and dress in order to pass in the best manner through the places where they travel, and when they will carry weapons (lit.: instruments of war) in order to repel mischief and to save themselves (lit.: their souls) from bandits, there shall be no interference and opposition on the part of officials and officers, and they shall not be molested contrary to the Sacred Shari Law by the demand of anything whatsoever under the denomination of a present or (lit.: and) revenue. And if there arises any claim whatsoever of the aforesaid Chief Rabbi and the other Rabbis and their substitutes and men in connection with the Sacred Shari Law, it shall be referred to Constantinople. And when a Rabbi has to be detained with the permission of the Shari authority, he shall be so detained through the means of the aforesaid Chief Rabbi. And they shall not convert (lit.: make) by force a Jew into a Muslim without his consent. And the Jewish Community shall not be suffered to refuse (lit.: to be obstinate) or (lit.: and) to hesitate to pay (lit.: give) the fiscal (or: Government) taxes the payment of which is yearly incumbent upon them and the charity moneys and the taxes and expenditures of the cash which is called "Gabella" and the revenue of the Chief Rabbinate. And when the aforesaid Chief Rabbi or his substitutes which he may appoint on his behalf will take and seize for the Government the chattels and moneys or the horses and any other thing which the Rabbis dying without heirs may be possessed of, there shall be no interference on the part of the Treasury or (lit.: and) the "Kassam (Shari Muslim official charged with the distribution of the estate of a deceased person to its heirs) or (lit.: and) the "mutavallis" (Administrators, Trustees) and other people saying: "It has been inscribed in the general and special 'Defter Hakani' (Imperial Register) as revenue for us". And it shall not be suffered that possession be taken of (lit.: a hand be put on) the moneys or other property and thing of those who have heirs, And whatever deceased Rabbis may have bequeathed in pursuance of their own rites for their synagogues, their poor, or (lit.: and) their Chief Rabbis shall be valid (lit.: accepted) and shall be heard by the Shari authority from (lit.: with) Jewish witnesses of their own Religious Community in conformity with their rites and rules. And when some people of the aforesaid (community are punished (or: reprimanded) in accordance with their rites upon the occurrence of a fault in contravention of their rites, nobody else shall meddle. And there shall be no interference on the part of the couriers or soldiery with the horses or mules which he or his men ride. And the aforesaid Chief Rabbi and the heads of their Congregations shall not be suffered to be molested by soldiery or others by imposing lodging on the houses in which they dwell. And there shall be in no way any interference with their synagogues and with their places of devotional visits and pilgrimage situated in the places (or: localities) within the jurisdiction of (lit.: appertaining to, or: dependent on) his Chief Rabbinate and with their ceremonies of the practice of their ritual by pretexts saying "You must lift up (bury) your dead this way, you must pray (or: read) that way" and in no other manner whatever. He shall take possession of and hold the said post of Chief Rabbi (lit.:

the said Chief Rabbinate) according to the requirements of the conditions of this My Sublime Brevet, and nobody shall in any way whatsoever and for any reason whatsoever interfere and make injustice in contradiction with its conditions and obligations.

Written on the fifth day of the month of Muharram Alharam of the year 1311 (lit.: eleven and three hundred and thousand) A.H.

In the Residence of Constantinople the safeguarded, the protected.

On the reverse:

The High Brevet of the Chief Rabbinate of Jerusalem.

Registered textually in the Archives Office of Jerusalem 5th August, 1309 (Financial year).

Inscribed in the Register of the Shari Court of Jerusalem 16th August, 1309 (Financial year).

(SEAL) MUSSA SHAFIK.
Representative Council.

The legendary steed which is believed to have borne the Prophet on his miraculous ascension, and which was, according to Muslim legend, tethered by the Angel Gabriel at a spot adjoining the Wailing Wall.

APPENDIX VIII.

MUSLIM EXHIBIT No. 7.

Copy of the decision passed by the Majles Idarah [Administrative Council] of the Liwa, Under No. 1680 of the 12th of November, 1327. [1911, A.D.]

The Mutawalli [Trustee or guardian] of the Awakaf of Abu Median Al-Ghoth Shuaib, may God sanctify his memory, has filed a petition stating that the members of the Jewish Community whose practice was to visit, while standing up on their feet, the place called "Buraq" which place is situated outside the Western side of the Haram Al-Sharif§ of Jerusalem, having contrary to usage, started lately to bring chairs to sit on during their Visit, and the said "Buraq" being a property belonging to the above-mentioned Awkaf and constituting a private blind alley (cul-de-sac), and requested that in order to avoid a future claim of ownership, the present state of affairs be stopped as from now.

Upon transmission of the petition, His Eminence the Mufti, the Awkaf Department and the Shar'ia Court [Muslim Religious Court] stated in their annotations thereon that the said Waqf being situated within the Musaqqafat adjoining the wall of the illuminated Aqsa Mosque on its West side and constituting a blind alley (cul-de-sac), is one of the lanes belonging to the said Waqf, that it is inadmissible by Law in all respects that there should be placed chairs, screen, and similar articles, or any innovation be made which may indicate ownership; that nobody owns the right to place such articles, or to make innovations as to occupy the site of the wall of the Noble Aqsa Mosque; and that steps should be taken for their prevention.

After deliberation by the Council it has been decided that in the circumstances, whether in the raid Waqf, or at the Wall of the Haram Al-Sharif [Holy Sanctuary Building] it is not permissible that there should be articles considered as indications of ownership; that nobody should be given a chance to place such articles; and that it is found necessary to preserve the old practice. The above mentioned petition together with its enclosures is remitted to H.E. The Governor, for necessary action.

(True copy of the original registered in the Awkaf Book).

(SEAL) Directorate of the Awakaf of Jerusalem.
AAREF HIKMAT.

APPENDIX X: INSTRUCTIONS IN REGARD TO THE USE OF THE WESTERN (WAILING) WALL OF THE HARAM-AL-SHARIF, JERUSALEM.

1. *Access to the Wall.* The Jews shall have access to the Western (Wailing) Wall (hereinafter called "The Wall"), for purposes of prayer and devotion at all times.

2. *Appurtenances of Worship.*

(a) The Jews may bring daily to the pavement before the Wall a stand containing ritual lamps, and may place on the stand a zinc case with glass doors in which such lamps are lighted. They may bring also a portable wash-basin and a water container on a stand. None of the objects above mentioned shall be affixed to the Wall or to any wall of the adjoining wakf buildings.

- (b) From sunset on Friday evening to Sunset on Saturday, and from sunset on the eve of any Jewish holy-day recognized by Government, to sunset of that holy day the Jews may place at the Northern end of the Wall a stand containing prayer books, and at the Southern end of the Wall a table on which to stand a cabinet or ark containing Scrolls of the Law and another table on which the Scrolls are laid for reading. The tables and cabinet or ark and the stand shall be removed at the end of the Sabbath or Holy-day as the case may be.
- (c) On the two holy days of the New Year Festival and on the Day of Atonement each Jewish worshipper may bring a prayer mat which may be placed on the pavement before the Wall but so as not to obstruct the right of passage along the pavement.
- (d) The dimensions of each of the objects specified in this instruction shall not exceed those set out in the Schedule thereto.
- (e) Save as provided in this instruction no appurtenances of worship shall be brought to the Wall, and no carpet or matting shall be placed on the pavement before the Wall.
3. *Prohibition of Benches, Screens, etc.* No benches, chairs or stools shall be brought to or placed on the pavement before the Wailing Wall. No screen or curtain shall be placed on the Wall or on the pavement, for the purpose of separating men and women or for any other purpose.
4. *Prohibition of driving animals at certain hours along pavement.* Between the hours of 8 a.m. and 1 p.m. on Sabbath days and Jewish holy-days recognized by the Government, and between the hours of 5 and 8 p.m. on the eve of such days, and throughout the eve and Day of Atonement, save between the hours of dawn and 7 a.m., no animal shall be driven along the pavement before the Wall.
5. *Door at Southern end of Wall to be locked at certain hours.* The wooden door giving access from the pavement to the Zawieh at the Southern end of the Wall shall remain locked on the eve of the Sabbath and Jewish holy-days recognized by the Government from 5 p.m. and throughout such days until after sunset.

Schedule.

DIMENSIONS OF OBJECTS IN CENTIMETRES.

	<i>Height.</i>	<i>Width.</i>	<i>Depth.</i>
Stand for ritual lamps	83	120	70
Zinc case (Two chimneys thereto 12 cm. high)	53	98	32
Portable Wash-stand	86	40	33
Semi-circular water container ¹¹³	29	20 ¹¹⁴	20
Stand containing books	86	50	26
Table for Ark	82	53	45
Ark	102	50	30
Table for scrolls	94	97	74
Prayer mat - Length 125 cm, breadth 50 cm			

APPENDIX XI.

JEWISH EXHIBIT No. 29.

Note on recent Muslim innovations at the Wailing Wall.

Submitted to the Special Wailing Wall Commission by Counsel for the Jewish Side.

1. The innovations to which further reference will be made in succeeding paragraphs are the following:
- (a) A new structure erected above the northern end of the Wall.
- (b) The conversion of a house at the southern end of the pavement into a Zawiyah.
- (c) The calling of the Muezzin.
- (d) The Zikr.
- (e) The establishment of a through connection from the Mughrabi Gate of the Haram to the pavement via the Zawiyah.
2. We do not propose to call evidence as to these being innovations, unless we are invited by your Honourable Commission to do so. The facts are patent, they have been established by the Shaw Report,* and are supported by sworn evidence heard by the Shaw Commission.

Thus, on page 33 of the Report, after describing the new structure above the Wall (item (a) in paragraph 1) the Commission speaks of "further innovations," thereby characterizing the new structure as an innovation.

¹¹³ The total height of the stand and container shall not exceed 160 cm.

¹¹⁴ At back.

These "further innovations," referred to as such in the Shaw Report, are - in the order there mentioned - the conversion of a house in the vicinity of the Wall first into a hospice and then into a Zawiyah (item (b) above); the calling of the Muezzin (item (c) above); and as to the Zikr - euphemistically referred to as the "playing of music" - this is described on page 39 of the Shaw Report as "an innovation even more recent than was the calling of the Muezzin to prayer."

That the establishment of a thoroughfare from the Mughrabi Gate of the Haram to the pavement (as a result of the construction of the new door) was an innovation, is also established by the 'geographical description of the locality on page 28 of the Shaw Commission Report, which states "at the time to which the early part of the narrative in this chapter relates, there was no direct access from the Mughrabi Gate to the pavement in front of the Wall," (item (e) above).

In the following paragraphs the various items referred to in paragraph 1 will be considered separately.

3. *The New Structure above the Northern End of the Wall.* This structure was first observed on 15th October, 1928, when it was immediately brought to the attention of the Deputy District Commissioner by the Jewish Authorities, who expressed the hope that the work would not be allowed to proceed. On 18th October this request was officially submitted in writing to the Officer Administering the Government.

On the basis of an opinion from the Law Officers of the Crown it was subsequently decided that the Muslims were within their rights in completing this structure. This opinion is quoted in a letter from the Chief Secretary of 13th June, 1929, addressed to the Zionist Executive which reads as follows:

"His Excellency has now received from the Secretary of State a despatch communicating the opinion of the Law Officers upon certain questions that were raised.
"With regard to the heightening by the authorities of a portion of the Haram Wall to the north of the Wailing Wall, the Law Officer of the Crown have given their opinion that it is not an infringement of Jewish rights, as safeguarded by Article 13 of the Mandate, for the Muslim authorities to construct a building which altered the appearances of the Western Wall, but did not intrude upon the traditional rights of the Jews to pray at the Wall, unless the building was of such a character as to be offensive to Jewish religious sentiments."

This is a purely legalistic conception, that a historical religious monument of such sacred associations can be altered in appearance, to long as the alteration "is not offensive to Jewish religious sentiment." It holds out possibilities for further structural alterations in the Wall itself, and we submit that it should be set aside by your Honourable Commission.

4. *The Zawiyah.* With regard to the Zawiyah, the Chief Secretary's letter of 11th June to the Mufti of Jerusalem, quoted on page 37 of the Shaw Commission Report, stated the following on the basis of the opinion of the Law Officers of the Crown.

"In the Law Officers' opinion the Jews are entitled to conduct their worship without any greater disturbance than has occurred in the past, or may be inevitable by reasons of changes in the habits of the population of Jerusalem or otherwise. If the erection of the proposed Zawiyah results in the observance of Muslim rites in the presence of Jewish worshippers, or in an incursion by Muslims into the places where the Jews pray during the customary times of Jewish worship so as to cause some genuine annoyance or disturbance, this would be regarded as an interference with existing rights."

It should be noted that while the Palestine Government thus dealt with the matters of structural changes and of direct interference with Jewish worship, no attempt was made to grapple with the problem caused by the deliberate measures initiated by the Muslim Authorities (and fully described in the Shaw Report) to establish what was clearly intended to become a Muslim place of worship on the western side of the Wall adjoining the Jewish place of prayer. This indeed constituted the essential character of the innovations, and it was from this point of view that the innovations were viewed with grave concern by the Jewish Authorities as creating a potential source of inter-religious conflict. Whilst the Buraq tradition is undoubtedly an old one, the sanctification by Muslims of the Western face of the Wall in the region of the Zawiyah is entirely new, and until quite recently the house which has become the Zawiyah had been treated as an ordinary dwelling house, with a stable for a donkey and lavatory quite close to the Wall itself.

5. *The Muezzin.* The calling of the Muezzin was first observed late in November, 1928, before the establishment of the Zawiyah. In the same month presentations were made to the Government, urging that this involved a fundamental departure from the *status quo*.

The Government never disputed the Jewish contention that the calling of the Muezzin at this side was a complete innovation, but the practice was allowed to continue to the great annoyance and disturbance of Jewish worshippers praying during the Muezzin calls which, as stated by the Shaw Commission, took place five times a day. On page 74, and again on page 75 of the Shaw Report, there is a definite finding that the calling by the Muezzin was "primarily designed to annoy the Jews."

6. *The Zikr.* The performance of the Zikr in the vicinity of the Wall was an innovation begun in May, 1929, as stated on page 39 of the Report of the Shaw Commission, and the Jewish authorities at once complained about it to the Government. The extent of the annoyance varied apparently in relation to the extent to which the Muslim Authorities felt that they could defy the wishes which the Government had expressed that this most objectionable practice should be discontinued. It nevertheless continued and still continues. It is a practice without precedent in the recorded history of the Wall. The practice constitutes so gross an interference with Jewish worship at the Wall that it does not appear necessary to argue as to its legality. Mention may however be made of the opinion of the Law Officers of the Crown already quoted, to the effect that the Jews are entitled to conduct their worship without any greater disturbance than has occurred in the past.

The Shaw Commission find (vide pages 74 and 75) of the Zikr as of the Muezzin, that it was an innovation "primarily designed to annoy the Jews."

7. *The New Door and the Resultant Thoroughfare from the Haram to the Western Wall area.* The structural works herein referred to are sufficiently described in the Shaw Commission Report, which also deals with the provisional suspension of this work as a result of the High Commissioner's intervention, and the subsequent completion of the work with the permission of the Authorities, who based their decision on the opinion of the Law Officers of the Crown already referred to in connection with the new structure erected above the Wall and within the Haram area, but in no way affecting the Jewish place of prayer, except as regards the appearance of the Wall above it. It is clear that if the opinion of the Law Officers of the Crown is relevant to the structural alterations from the new door to the Jewish place of worship, the decisive clauses are those which declare that "the Jews are entitled to conduct their worship at the Wall without any greater disturbance than has occurred in the past," and that an incursion by Muslims during the customary times of Jewish worship so as to cause genuine annoyance or disturbance would amount to an interference with existing rights.

Whilst the Shaw Commission justified the action of the Local Government by its observation (Page 40) that "the decision to grant permission for the resumption of the building operations was based on the highest legal advice available to His Majesty's Government," it is submitted that this constantly hovering possibility of incursion is in itself an innovation which causes genuine annoyance, and the preclusion of through traffic by locking the bottom door during certain hours is not in itself a solution of the difficulty. The creating of a new thoroughfare between the Haram and the Jewish place of prayer, not only involved a formal change in the *status quo*, but a change of a most serious character in that it created a state of affairs likely to give rise to a breach of the peace. This danger is by no means eliminated by the mere locking of the entrance into the Zawiyah from the Jewish place of prayer during the hours of regular Saturday and holiday services in view of the fact that Jews visit the Wailing Wall at all times of the day, and some times of the night for private devotions.

We submit to your Honourable Commission that all these innovations, even if they were dictated by a genuine desire to underline and emphasise the Muslim rights of ownership in the area of the vicinity of the Wall, and even if they were prompted by a genuine fear that without them the Jews may establish a right of ownership to the Wall, now that it was clearly stated that the Jews claim no right of ownership, these innovations should not be allowed to continue. Still less have they any claim for continuation if their sole purpose was to annoy the Jews. That similar acts of innovation should not be considered necessary by the Muslim Authorities is our earnest hope, and we would pray that this Honourable Commission should rule against the possibility of their occurrence in future.

This note would be incomplete without mention of a negative innovation, viz., that of restriction of lighting at the pavement in front of the Wall.

In October, 1928, among other demands aimed at limiting the facilities of Jewish worship at the Wall, the Muslim Authorities demanded the removal of all lights which were usually suspended to the walls adjacent to the pavement (but of course not to the Western Wall). At the time this particular demand was not admitted by the Government, but at a later date it was ruled that the suspension of lamps on the walls should not in future be allowed, but that two municipal standard lux lamps would be nosed to provide the nosed illumination for Jewish worshippers during evening prayers. The selection of the positions for these two lamps is known to

have been a matter of prolonged discussion between the Government and the Muslim Authorities, who refused to allow the lamps to be placed in the positions proposed as obviously suitable for the purpose. As a result, one of the lamps was moved to such a distance from the Wall that elderly worshippers with poor eyesight suffer great inconvenience owing to lack of sufficient light by which to read their books of prayer, and are obliged to huddle up into the southern corner of the pavement in order to obtain what light they can from the lamp erected in the lane above the Zawiyah.

Sufficient Municipal lighting facilities is, therefore, one of the requests of the Jewish side.



**REPORT BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND TO THE COUNCIL OF THE LEAGUE OF NATIONS ON
THE ADMINISTRATION OF PALESTINE AND TRANSJORDAN FOR THE YEAR 1931,
31 DECEMBER 1931 [EXCERPTS]**

APPENDIX I.
Palestine (Western or Wailing Wall) Order in Council, 1931.

AT THE COURT AT BUCKINGHAM PALACE,
The 19th day of May, 1931.

Present,
THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by treaty capitulation grant usage sufferance and other lawful means His Majesty has power and jurisdiction within Palestine:

And Whereas the Council of the League of Nations on the 14th day of January, 1930, passed a resolution in the following terms:-

- "The Council,
"Being anxious to place the mandatory Power, in accordance with its request, in a position to carry out the responsibilities laid upon it by Article 13 of the Mandate for Palestine under the most favourable conditions for safeguarding the material and moral interests of the population placed under its mandate;
"Wishing not to prejudge, in any way, the solution of the problems relating to the question of the holy places of Palestine, which may have to be settled in the future;
"Considering, however, that the question of the rights and claims of the Jews and Moslems with regard to the Wailing Wall urgently calls for final settlement;
"Decides that,
- "(1) A Commission shall be entrusted with this settlement;
 - "(2) This Commission shall consist of three members who shall not be of British nationality and at least one of whom shall be a person eminently qualified for the purpose by the judicial functions he has performed;
 - "(3) The names of the persons whom the mandatory Power intends to appoint as members of the Commission shall be submitted for approval to the Council whose members shall be consulted by the President if the Council is no longer in session;
 - "(4) The duties of the Commission shall cease as soon as it has pronounced on the rights and claims mentioned above."

And whereas the said Commission was duly appointed and after having held an inquiry in Palestine submitted a report to His Majesty's Principal Secretary of State for Foreign Affairs;

And whereas the conclusions contained in the said Report are set out in Schedule I to this Order and the temporary instructions referred to in Part B, paragraphs 1 and 3 of the said conclusions are contained in Schedule II to this Order;

And whereas in order that His Majesty may be in a position to discharge the responsibilities in regard to the Western or Wailing Wall created by Article 13 of the Mandate for Palestine it is necessary that all persons in Palestine should be required to observe and abide by the provisions contained in Schedule I and in Schedule II to this Order (so far as the latter provisions are not amended by the provisions contained in Schedule I) and that the High Commissioner for Palestine should be vested with all powers necessary to give effect to the said provisions;

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested is pleased by and with the advice of His Privy Council to order and it is hereby ordered as follows:-

1. All persons in Palestine shall observe and abide by the provisions regarding the Western or Wailing Wall which are contained (a) in Schedule I and in Schedule II to this Order (so far as the latter provisions are not amended by the provisions contained in Schedule I) and (b) in any regulations made by the High Commissioner for Palestine under Article 2 of this Order.
2. The High Commissioner for Palestine with the approval of a Secretary of State shall have power to make such regulations as may be necessary to give effect to the provisions contained in Schedules I and II to this Order.
3. Any person who fails to comply with any of the provisions contained in Schedules I or II to this Order or acts contrary thereto or fails to comply with any regulations made by the High Commissioner for Palestine under Article 2 of this Order or acts contrary thereto shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding six months or to fine not exceeding P.50 or to both such imprisonment and fine.
4. Notwithstanding anything in the Palestine (Holy Places) Order in Council 1924:--
 - (1) Offences under Article 3 of this Order shall not be triable by a Magistrate but shall be within the jurisdiction of a District Court. Such offences shall be tried summarily in accordance with the procedure applicable in Magistrates' Courts and the provisions of the Trial upon Information Ordinances 1924-1929 shall not be applicable thereto.
 - (2) The Supreme Court sitting as a High Court of Justice shall have exclusive jurisdiction to make such mandatory orders or orders by way of injunction or otherwise as may be necessary to secure the observance of the provisions contained in Schedules I and II of this Order and in any regulations made under Article 2 provided that no such order shall be made except upon the application of the Attorney-General on behalf of the Government of Palestine.
5. His Majesty His Heirs and Successors in Council may at any time revoke alter or amend this Order.
6. This Order shall come into operation on a day to be fixed by the High Commissioner by Proclamation in the Gazette.
7. This Order may be cited as "The Palestine (Western or Wailing Wall) Order in Council, 1931.

M. P. A. HANKEY.

SCHEDULE I

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

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

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

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

- B. The Jews shall have free access to the Western Wall for the purpose of devotions at all times - subject to the explicit stipulations hereinafter to be mentioned, viz.:-
- (1) The temporary instructions issued by the Palestine Administration at the end of September, 1929, relative to "appurtenances of worship" (See section 2, a, b, c) are to be made permanent, subject however to the one modification that it shall be permissible to place near the Wall the Cabinet or Ark containing the Scroll or Scrolls of the Law and the Table on which the Ark stands and the table on which the Scroll is laid when being read from, but only on the following occasions, viz.:-

- (a) At any special fast and assembly for public prayer that the Chief Rabbis of Jerusalem may order to be held in the consequence of some public distress or calamity, provided due notice shall have been given by them to the Administration;
- (b) on New Year's Day and on the Day of Atonement, and also on any other special "holy days" that are recognised by the Government as such days on which it has been customary for the Ark containing the Scrolls of the Law to be brought to the Wall.

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

- (2) No objection or obstacle shall be raised to the Jews, in their individual capacity, carrying with them to the Wall hand-books or other articles customarily used at their devotions either as a general thing or upon special occasions, nor to their wearing such garments as were of old used at their devotions.
- (3) The temporarily enacted prohibitions against the bringing to the Wall of benches, carpets or mattings, chairs, curtains and screens, etc., and against the driving of animals at certain hours along the Pavement are to be made absolute, as is also the injunction as to keeping the door at the southern end of the Wall locked during certain hours. The right, however, for Moslems to go to and fro in an ordinary way along the Pavement shall be respected and remain inviolable as hitherto.
- (4) It shall be prohibited to bring to the Wall any tent or a curtain or any similar object with a view to placing it there - even though for a limited space of time.
- (5) The Jews shall not be permitted to blow the ram's horn (Shofar) near the Wall nor cause any other disturbance to the Moslems that is avoidable; the Moslems on the other hand shall not be permitted to carry out the Zikr ceremony close to the Pavement during the progress of the Jewish devotions or to cause annoyance to the Jews in any other way.
- (6) It is to be understood that the Administration shall be entitled to give such instructions as they may think fit respecting the dimensions of each of the objects that it is permissible for the Jews to bring to the Wall, respecting the particular days and hours above referred to, and also respecting other details that may be necessary for the adequate and complete carrying out of this present Verdict of the Commission.
- (7) It shall be prohibited for any person or persons to make use of the place in front of the Wall or its surroundings for all political speeches or utterances or demonstrations of any kind whatever.
- (8) It shall be held to be a matter of common interest to Moslems and Jews alike that the Western Wall should not be disfigured by having any engravings or inscriptions placed upon it or by having nails or similar objects driven into it, and also that the Pavement in front of the Wall should be kept clean and be properly respected by Moslems and Jews alike; it is herewith declared to be the Moslems' right and duty to have the Pavement cleaned and repaired, if and when that is necessary, upon due notice being given to the Administration.
- (9) Owing to the Wall's character as an historical monument its fitting maintenance shall be entrusted to the Palestine Administration, so that any repairs to it that may be necessary shall be carried out by them and under their supervision though only after consultation with the Supreme Moslem Council and the Rabbinical Council for Palestine.
- (10) If any repairs to the Pavement that are necessary are not attended to by the Moslems in due time, the Palestine Administration shall take the necessary steps to have the work done.
- (11) The Chief Rabbis of Jerusalem shall be required to nominate one or more officials to be their authorised representative or representatives for receiving the instructions and other communications that will be issued from time to time by the Palestine Administration regarding the Western Wall, the Pavement in front of it and the formalities to be observed with regard to the Jewish devotions near the Wall.

SCHEDULE II.

- 2. (a) The Jews may bring daily to the Pavement before the Wall a stand containing ritual lamps, and may place on the stand a zinc case with glass doors in which such lamps are lighted. They may bring also a portable wash-basin and a water container on a stand. None of the objects above mentioned shall be affixed to the Wall or to any wall of the adjoining Waqf buildings.
- (b) From sunset on Friday evening to sunset on Saturday, and from sunset on the eve of any Jewish holy day recognised by the Government to sunset of that holy day the Jews may place at the Northern end

- of the Wall a stand containing prayer books, and at the Southern end of the Wall a table on which to stand a cabinet or ark containing Scrolls of the Law and another table on which the Scrolls are laid for reading. The tables and cabinet or ark and the stand shall be removed at the end of the Sabbath or holy day as the case may be.
- (c) On the two holy days of the New Year Festival and on the Day of Atonement each Jewish worshipper may bring a prayer-mat which may be placed on the Pavement before the Wall but so as not to obstruct the right of passage along the Pavement.
3. No benches, chairs or stools shall be brought to or placed on the Pavement before the Wailing Wall. No screen or curtain shall be placed on the Wall or on the Pavement, for the purpose of separating men and women or for any other purpose.
4. Between the hours of 8 a.m. and 1 p.m. on Sabbath days and Jewish holy days recognised by the Government, and between the hours of 5 and 8 p.m. on the eve of such days, and throughout the eve and Day of Atonement, save between the hours of dawn and 7 a.m., no animal shall be driven along the Pavement before the Wall.
5. The wooden door giving access from the Pavement to the Zawieh at the Southern end of the Wall shall remain locked on the eve of the Sabbath and Jewish holy days recognised by the Government from 5 p.m. and throughout such days until after sunset.



REPORT OF THE PALESTINE ROYAL COMMISSION ('PEEL COMMISSION'), JULY 1937

[A Commission of Inquiry, headed by Lord Robert Peel, came to Palestine from London to investigate the roots of the Arab-Jewish conflict and to propose solutions. After hearing testimonies, the Commission issued its recommendations in July 1937, calling for an end to the Mandate and a partition of the country, the latter of which was rejected by the British Government.]

Presented by the Secretary of State for the Colonies to the United Kingdom Parliament by Command of His
Britannic Majesty (July 1937)
Distributed at the request of the United Kingdom Government.

OFFICIAL COMMUNIQUE IN 9/37 PALESTINE Royal Commission

SUMMARY OF REPORT

[...]

1. A TREATY SYSTEM

The Mandate for Palestine should terminate and be replaced by a Treaty System in accordance with the precedent set in Iraq and Syria.

A new Mandate for the Holy Places should be instituted to fulfill the purposes defined in Section 2 below.

Treaties of alliance should be negotiated by the Mandatory with the Government of Trans-Jordan and representatives of the Arabs of Palestine on the one hand and with the Zionist Organisation on the other. These Treaties would declare that, within as short a period as may be convenient, two sovereign independent States would be established--the one an Arab State consisting of Trans-Jordan united with that part of Palestine which lies to the east and south of a frontier such as we suggest in Section 3 below; the other a Jewish State consisting of that part of Palestine which lies to the north and west of that frontier.

The Mandatory would undertake to support any requests for admission to the League of Nations which the Governments of the Arab and the Jewish States might make.

The Treaties would include strict guarantees for the protection of minorities in each State, and the financial and other provisions to which reference will be made in subsequent Sections.

Military conventions would be attached to the Treaties, dealing with the maintenance of naval, military and air forces, the upkeep and use of ports, roads and railways, the security of the oil pipe line and so forth.

2. THE HOLY PLACES

The Partition of Palestine is subject to the overriding necessity of keeping the sanctity of Jerusalem and Bethlehem inviolate and of ensuring free and safe access to them for all the world. That, in the fullest sense of the mandatory phrase, is "a sacred trust of civilization" - a trust on behalf not merely of the peoples of Palestine but of multitudes in other lands to whom those places, one or both, are Holy Places.

A new Mandate, therefore, should be framed with the execution of this trust as its primary purpose. An enclave should be demarcated extending from a point north of Jerusalem to a point south of Bethlehem, and access to the sea should be provided by a corridor extending to the north of the main road and to the south of the railway, including the towns Lydda and Ramle, and terminating at Jaffa.

The protection of the Holy Places is a permanent trust, unique in its character and purpose, and not contemplated by Article 22 of the Covenant of the League of Nations. In order to avoid misunderstanding, it might frankly be stated that this trust will only terminate if and when the League of Nations and the United States desire it to do so, and that, while it would be the trustee's duty to promote the well-being and development of the local population concerned, it is not intended that in course of time they should stand by themselves as a wholly self-governing community.

Guarantees as to the rights of the Holy Places and free access thereto (as provided in Article 13 of the existing Mandate), as to transit across the mandated area, and as to non-discrimination in fiscal, economic and other matters should be maintained in accordance with the principles of the Mandate System. But the policy of the Balfour Declaration would not apply; and no question would arise of balancing Arab against Jewish claims or *vice versa*. All the inhabitants of the territory would stand on an equal footing. The only official language" would be that of the Mandatory Administration. Good and just government without regard for sectional interests would be its basic principle. [...]



LETTER BY THE CHAIRMAN OF THE JERUSALEM MUNICIPAL COMMISSION, R.M. GRAVES, TO THE CHIEF SECRETARY SIR HENRY GURNEY, JERUSALEM, 9 MARCH 1948

[Part of the communications between R.M. Graves and Arab and Jewish representatives to arrange a truce]

S E C R E T

Sir:

I have the honour to inform you that I have handed copies of my Peace Project for Jerusalem as amended by you, and with a few minor additions, to Dr. Khalidi and Mr. Ben Gurion.

2. Dr. Khalidi was very polite and thanked me for my initiative, promising to submit the Project to his Executive. He has now sent me a letter, or which I enclose a copy, stating that he and the Higher Executive consider that the arrangements contemplated are premature at the present stage.
3. I saw Mr. Ben Gurion yesterday and discussed the Project which had been in his hands for a few days.
4. He disagreed with the number and the variety of the clauses, and would not accept the proposal that the Jews of the Old City should be guaranteed by the Arabs after the withdrawal of the Hagana which he said was insulting to Jewry, and considered that the proposed restriction of Jews to Jewish areas and Arabs to Arab areas was undesirable and offensive to both Communities.
5. However, he said that he and the Yishuv were very anxious for the peace of Jerusalem and were prepared to undertake that not a shot would be fired by any Jews in the City for a specified agreed period - a week, a month or a year - if the Arabs would make and observe a similar undertaking. When I mentioned that he might have some difficulty in making Jewish dissidents comply with such an undertaking, he said that he would be able to do so.
6. I promised to convey his views to the Arab Higher Executive.

I have the honour to be, Sir, Your obedient servant,

(Signed) R. M. GRAVES
CHAIRMAN MUNICIPAL COMMISSION

Copy to District Commissioner RMG/CJG.



**LETTER BY THE CHAIRMAN OF THE MUNICIPAL COMMISSION, R.M. GRAVES,
REGARDING THE MUNICIPAL CORPORATION OF JERUSALEM, 13 MARCH 1948**

*[The letter was part of the communications between R.M. Graves, Chairman of the Municipal Commission,
and Arab and Jewish representatives to arrange a truce]*

Dear Dr. Azcarate:

I enclose herewith copies of my Peace Project for Jerusalem and correspondence on the subject between representatives of the Arab and Jewish Communities and myself.

You will of course treat them as confidential for the time being though the time may come when it will be good policy to publish them.

I also send for your information a copy of a letter which I have just addressed to the District Commissioner. In it I give further explanations regarding the present and future financial needs of the Municipality.

I know you will want the Municipality kept alive until the new order is installed, when, presumably, we shall be under the care of the international regime. I can assure you that any influence you can exert to help us will be greatly appreciated.

Yours sincerely,

(Signed) R. M. GRAVES



**COMMUNICATION FROM THE UNITED KINGDOM DELEGATION TO THE UN
TO THE UN COMMISSION ON PALESTINE CONCERNING A POLICE FORCE IN
JERUSALEM, 18 MARCH 1948**

Dr. Ralph J. Bunche,
United Nations, Lake Success

My dear Bunche,

You will remember that on the 30th of January Sir Alexander Cadogan wrote to Monsieur Lisicky and informed him, *inter alia*, that on the termination of the Mandate there would be established in Jerusalem a Municipal Police Force of 300 Arabs and 300 Jews. It was also stated that in addition to this Arab-Jewish Municipal Police Force, the Government of Palestine considered that a force of one thousand non-Palestinian personnel would be the minimum required for the preservation of law and order in Jerusalem.

On the 11th February, you wrote an official letter on the behalf of the Commission to Sir Alexander Cadogan stating that as regards volunteers from the British section of the Palestine Police Force, the Commission was prepared to offer employment to any such volunteers on the present terms and conditions.

The Commission also enquired whether His Majesty's Government were prepared to make any suggestions as regards suitable persons to be considered for the command of the Jerusalem Police Force. This matter was reported to His Majesty's Government but I am not yet in a position to inform you whether they are prepared to make any such suggestions.

In conveying this point to His Majesty's Government, it was suggested that whether or not they were prepared to put forward the names of the individuals for the command of this Force, it might be helpful to the Commission if suitable terms for this post could be indicated. As you will appreciate, the Commission's statement of policy to continue employment on the same terms as exist at present would hardly serve as a basis for the terms to be offered to the be Chief of the Jerusalem Police, inasmuch as this will mean the creation of a new post.

In considering whether they could make any useful suggestions as to the terms of service and status of the Chief of the Jerusalem Police, His Majesty's Government have enquired as to the size of the Force that is contemplated by the Commission for the maintenance of security in Jerusalem.

As stated in paragraph 1 of this letter, it is the Government of Palestine's intention to leave behind on the termination of the Mandate 300 Arab and 300 Jewish Municipal Police and in their view a further 1000 non-Palestinian personnel is the minimum necessary for the maintenance of security in Jerusalem.

I observe from the Trusteeship Council document No. T/142 of the 5th March, 1948 that there is a reference in paragraph 3 to a Police Force with a strength of 500 to be established as of the 1st July, 1948. It is presumed that this proposed Force of 500 is in addition to the 300 Arab and 300 Jewish Municipal Police who will be left in Jerusalem on 15th May, but it is, of course, only one half of the minimum figure suggested by the Government of Palestine.

In order to enable me to answer the enquiry as to the total strength of the Police Force which the Commission contemplates it will be necessary to have in Jerusalem after 15th May, I should be grateful for an early expression of the Commission's views in this matter.

Yours sincerely

(Signed) J. Fletcher-Cooke



**PEACE PROJECT FOR JERUSALEM PROPOSED BY THE CHAIRMAN OF THE
JERUSALEM MUNICIPAL COMMISSION, R.M. GRAVES, MARCH 1948**

During the past three months hundreds of people have been killed or injured in Jerusalem in a species of warfare devoid of rules and humanity. Many more have lost property or their livelihood. Nobody has gained anything and no good can possibly come to either side from the continuance of strife and bloodshed in the City.

The vast majority of the inhabitants desire to live in peace and to be freed from the increasing dangers of communal disorders. They recognize that while there must be political disagreements these can never be solved by violence, and that if the life of the City is to survive some *modus vivendi* must be found to enable the two Communities to live together until their political relationship can be permanently settled.

For this purpose I ask that both Communities should henceforth conscientiously observe a truce of God and the following rules of conduct.

- (a) Each Community should for the time being restrict the movement of its members to its own areas which will be policed by its own members of the Municipal Police Force.
- (b) Each Community should solemnly undertake not to attack the other by sending armed men into that Community's area or by firing from one area into another.
- (c) Each Community should bind itself to exercise the utmost self-restraint and control the violent elements in its midst.
- (d) Each Community should refrain from retaliation and reprisals which can only make it more difficult for the leaders of either Community to prevent further attacks and counter-reprisals. This recommendation is the most difficult of fulfilment, but it is the most important of all.
- (e) Each Community should fully respect all vehicles carrying the Red Cross, Red Crescent or Red Shield, and should undertake that any such vehicle would not be used for any purpose not authorized by these signs.
- (f) Passage by members of one Community through the territory of the other would be permitted in the case of funeral parties or revictualling under a flag of truce. A minimum number of omnibuses should be permitted to operate.
- (g) No armed men should be permitted to live within any area reserved for the other Community.
- (h) All armed men should leave the portion of the Old City occupied by Orthodox Jews, whose safety would be guaranteed by the Arabs if this were done, and the Old Montefiore quarter should be similarly evacuated by all armed men and placed under the protection of British forces and the Municipality.

This appeal has the support and goodwill of all the people of Jerusalem except those who are determined to submerge this sacred City in chaos and bloodshed for political ends.

If these rules of conduct are observed peace, if not at first goodwill, will be restored, and the life of this city, no often destroyed in the past, will be able to continue.



**LETTER BY THE CHAIRMAN OF THE MUNICIPAL COMMISSION, R.M. GRAVES,
TO THE SECRETARY OF THE ARAB HIGHER EXECUTIVE, DR. H. KHALIDI,
MARCH 1948**

[The letter was part of the communications between R.M. Grave, and Arab and Jewish representatives to arrange a truce]

Dear Dr. Khalidi,

Further to my letter of 9th March No.A/13/94 I send you here with a copy of the Jewish Agency's reply to my Peace Project for Jerusalem.

2. I cannot help thinking that in view of the misery and destruction now being caused to the citizens of Jerusalem without any serious military damage being done to either side, it would be prudent as well as humane to call a halt to hostilities in the City of Jerusalem.
3. Why not follow the suggestion made by the Jewish Agency for a "ceasefire" for an experimental period of, any, fourteen days, which would be long enough to show that the parties were serious, and could be renewed by mutual consent?

Yours sincerely,

(Signed) E. M. Graves
Chairman, Municipal Commission



**LETTER BY THE CHAIRMAN OF THE MUNICIPAL COMMISSION, R.M. GRAVES, TO THE
JERUSALEM DISTRICT COMMISSIONER, MARCH 1948**

[The letter was part of the communications between R.M. Graves and Arab and Jewish representatives to arrange a truce]

Sir:

I have the honour to refer to my letter No. A/2/3"47/48" addressed to you on 1st March, 1948, describing the serious financial situation of the Jerusalem Municipality.

2. Since writing to you I have appealed to the public at a press-conference held on March 3rd to resume payment of Municipal rates and taxes together with the rapidly accumulating arrears, but I am unable to report that the press has supported my appeal in a serious manner and am not aware that any leading articles on our Municipal finance have been published in the newspaper of either Community some publicity was of course given to my appeal in the press and the P.B.S. broad cast must have been listened to by a great many persons.
3. Revenues in February was slightly better than in January and amounted to about LP.13,000 as compared with LP.10,500 in the previous month. This increase is almost negligible, if compared with the average of over LP.40,000 which we expect to collect monthly.

Since the beginning of March the collection of water-rates have been approaching the normal but, though we have collected an appreciable sum in liquor license, the revenue for the month is unlikely to be much more than half of the normal and I expect the collection for the months of February and March to fall short by several thousand pounds of the amount estimated by the Treasurer viz. LP.46,000 (see para 5 of my latter of March 1st). in addition we have incurred an expenditure of LP.2,000 for clearing debris and similar operations in Ben Yehuda Street during the week following the outrage. This expenditure would have been much greater, if a large number of unpaid volunteer had not assisted in the operation.

When I reported my impressions of the scene of destruction to Mr. Stewart, then Acting Chief Secretary, and told him that the cost of restoring the roadway to normal would fall on the Municipality - this being one of our regular duties he asked me to address him on the subject with a view to obtaining assistance from Government, in the shape of a contribution to the cost of the work.

4. At the last meeting of the Municipal Commission on 10th March the financial situation was again discussed, and the Commission decided that the extremely grave situation in which the Municipality finds it-

self, should again be brought to the notice of Government, to whom it should be explained in unmistakable terms that in addition to requiring a sum of probably not less than LP 30,000 to meet our obligations at the end of the current month, we should certainly require important financial assistance to enable us to carry on in the new financial year.

5. It was felt by the Commission, and I personally hold this view very strongly, that the financial misfortune of the Municipality are not in any way due to extravagance, maladministration, miscalculation or other forms of financial error. The situation which has arisen is the direct consequence of the policy of His Majesty's Government and of the United Nations Organization. In the circumstances the Commission are of opinion that they have the right to count upon the aid of the Palestine Government. The latter cannot contemplate with indifference the prospect that the Municipality, for which under the Ordinance they have a direct responsibility and whose administration they have placed under the direction of a Commission of Government Officers, should be forced to declare itself bankrupt and withdraw services from the citizens.
6. Most of the reasons for the non-payment of rates and taxes enumerated in my letter of 1st March still hold good, but I feel that even more importance should now be given to the fact that the Commission is out of touch with the citizens of both Communities and that they cannot count on enlisting the sympathy and cooperation of the public through the District Officers, whose own situation vis-à-vis the politicians of their Communities must be extremely difficult.
7. I am of opinion that in view of the general unwillingness of the ratepayers to fulfil their financial obligations to a Municipality governed by a body non-representative of the citizens, and in view of the fact that the Commission is in the natural course of events on the verge of dissolution, the High Commissioner should be advised to dissolve the Commission at the end of the current month and set up two independent Emergency Committees representative of the Arab and Jewish Communities to administer the Municipal affairs of their respective Communities. It would doubtless be necessary to duplicate the financial organization of the Municipality, but I should not expect to have to add to the Staff. In any case the details of a new, if temporary organization, would have to be worked out with the Communities, without whose cooperation we shall be unable to carry on. For the present I would invite you to impress upon Government the need for creating conditions in which we shall be able to count on the aid of the Communities. But I should add that however desirable such aid may be, it should be folly to expect that it would restore the Municipality to solvency in a short time. I, therefore, recommend that Government should at once envisage the necessity for contributing sufficient funds to the Municipality whether by way of a loan or a grant in aid to enable normal services to be rendered, including a minimum amount of maintenance of streets and pavements. Such contributions should continue, I submit, until the Successor Government of Jerusalem is in a position to make funds available for the continuance of the work of the Municipality.
8. I fully understand what difficulties are involved in taking wise decisions to meet this emergency, considering the extreme obscurity of the political situation, but I am convinced that Government will realize that they are in honour bound not to let the Municipality collapse for lack of funds, at any rate for the period during which they continue to administer the country. I also trust that the necessity will be realised, if the Government of Jerusalem devolves upon the United Nations Organization in future, to make arrangements with that Organization to keep the Municipality afloat until normal conditions, including security and a stable administration, are restored.
9. The City Treasurer has prepared under my instructions a summary estimate of revenue and expenditure for the coming financial year based upon the prospect that revenue, with the exception of water-rates, will be very difficult to collect. Apart from the water-rate which, it is hoped, may be collected nearly in full, the Treasurer anticipates a falling off in collection of about 73%. He has reckoned upon a decrease of expenditure of LP.117,000 as compared with the final estimate for the current year, most of the reduction being in expenditure on works. The upshot of the Treasurer's calculations is that a deficit of LP. 289,000 on the whole year might be anticipated. I forward you a copy of the Treasurer's rough estimate of a "Starvation" budget for the year 1948-1949.
10. Before closing I wish to draw your attention to the views expressed by the Commission on the suggestion that money specifically reserved for certain purposes such as Provident Fund and Water Department Renewals should be raided and used for the time being to make up the deficit. It has also been suggested that the LP.60,000 promised by Government as a loan to the Municipality for the purpose of erecting dwellings for Ex-Servicemen should be used for paying salaries and meeting other expenditure, and eventually recovered and utilised for its original purpose. You are aware that no applications for the dwellings in question have been received from qualified members of the Arab Community and that this Scheme will consequently only benefit Jewish Ex-Servicemen. I am convinced that the amount in question should be received

by the Municipality and, after deduction of whatever is at present due to the architect for fees, the residue should be deposited in the bank until such time as it may be possible to proceed with the Scheme and on the strict understanding that it would not be used for any other purpose. Any other method of disposing of this money after it passes into the hands of the Municipality would, to put it mildly, cause the most unfavourable comment among the Jewish Community and I trust that the Commission will not be asked to make what I consider an improper use of these monies or the funds referred to at the beginning of this paragraph.

11. I shall be grateful if you will be good enough to convey the contents of this letter to Government at the earliest possible moment and to request that no time should be lost in taking decisions on the various urgent and vital matters with which I have dealt.

I have the honour to be, Sir,
Your obedient servant,

(Signed) R.M. GRAVES
CHAIRMAN, MUNICIPAL COMMISSION



**COMMUNICATION FROM THE UNITED KINGDOM DELEGATION TO THE UN
TO THE UN COMMISSION ON PALESTINE CONCERNING A POLICE FORCE IN
JERUSALEM, 2 APRIL 1948**

Dr. Ralph J. Bunche
Principal Secretary to the United Nations Commission on Palestine
United Nations, Lake Success

CONFIDENTIAL

My dear Bunche,

May I refer you to your letter of the 25th March in which you acknowledged receipt of my confidential letter of the 18th March on the subject of a Police Force for Jerusalem.

2. You will remember that in paragraph 4 of your official letter of the 11th February to Sir Alexander Cadogan, you stated that the Commission would welcome any suggestions from His Majesty's Government as to suitable persons who might be considered for the command of the proposed Jerusalem Police Force. His Majesty's Government have given this request very careful consideration but regret that they cannot see their way to suggesting a British candidate for the post of Chief of the Jerusalem City Police.
3. If, however, the Commission proceed with their efforts to recruit a special Police Force for Jerusalem and advertise this appointment on the terms indicated in Part II of the "Report to the Trusteeship Council by the Committee on the Budgetary Implications of the Draft Statute" (Trusteeship Council document T/141 of the 5th March), His Majesty's Government would be prepared to advise the Commission as to the record of any volunteers forthcoming from the Palestine Police Force. His Majesty's Government are not, however, prepared to put forward any names themselves nor to recommend any officer for the appointment.

Yours sincerely

(Signed) John Fletcher-Cooke



**DRAFT RESOLUTION TABLED BY SWEDEN IN THE UN GENERAL ASSEMBLY
CONCERNING THE FUTURE STATUS OF JERUSALEM, 5 DECEMBER 1950**

The General Assembly

Recognizing the unique spiritual and religious interests of the world community in the Holy Land,

Desiring to preserve the peace of Jerusalem,

Considering its resolutions 181(II) of 24 November 1947, 194(III) of 11 December 1948 and 303(IV) of 9 December 1949,

Having regard to the special report of the Trusteeship Council regarding the question of an international regime for the Jerusalem area and protection of the Holy Places (document A/1286),

Considering that it has so far not been possible to carry into effect the resolutions of the General Assembly with regard to Jerusalem and the Holy Places,

Considering that any further delay in ensuring international protection of the spiritual and religious interests of the world community in the Holy Land is undesirable and that therefore, awaiting the taking of final measures, it is appropriate to take such measures as will henceforward ensure the respect of those interests;

Determining that for the purpose of this resolution:

"Holy Land" means the former mandated Territory of Palestine;

"Holy Places" means those Holy Places and religious buildings or sites which were regarded in Palestine on 14 May 1948 as Holy Places;

"Free Access" means those rights of access and visit to which individuals and religious denominations were entitled on 14 May 1948, together with facilities of transit to and from Holy Places, whether these Holy Places are situated within or outside the territory of the State granting facilities, subject always to the requirements of public health, public security and decorum;

"Existing rights, immunities and privileges" means such rights, immunities and privileges as existed on 14 May 1948;

"Jerusalem area" means the city of Jerusalem as defined in section B of part III of the plan set out in resolution 181(II) of the General Assembly adopted on 29 November 1947;

"Commissioner" means the United Nations Commissioner appointed under article VI of Section B of the present resolution;

Resolves

A. *To invite* the governments of the States in the Holy Land to pledge themselves before the United Nations to:

1. Observe human rights and fundamental freedoms and in particular freedom of thought, conscience and religion as set forth in article 18 of the Universal Declaration of Human Rights;
2. Refrain from any act that would endanger the Holy Places in their territories;
3. Guarantee to nationals of their States, as well as aliens, without distinction as to nationality, free access to Holy Places in their territories;
4. Observe and maintain all the existing rights, immunities and privileges as provided in article II of section B of this resolution;
5. levy no tax in respect of any Holy Places which were exempt from such taxation on 14 May 1948, and make no change in the incidence of any form of taxation which would either discriminate between the owners and occupiers of different Holy Places or would place such owners and occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 14 May 1948;
6. Maintain and respect the property rights of religious bodies;
7. Reduce their armed forces in the Jerusalem area in progressive stages with a view to their limitation to normal peacetime requirements as provide in article VIII of section B of this resolution;
8. Carry out in good faith the obligations and provisions laid down in section B of this resolution, and co-operate fully with the Commissioner in the task imposed on him by this resolution.

B. Lay down in order to ensure the protection of and free access to the Holy Places and the maintenance of existing rights, immunities and privileges of religious demonstrations, the following articles:

Article I

The Holy Places throughout the Holy Land shall be preserved and no act shall be permitted which may in any way impair their sacred character.

Article II

Rights, immunities and privileges of religious denominations with respect to Holy Places, as well as the rights, immunities and privileges of religious bodies with respect to monasteries and missionary, educational and welfare establishments now maintained by them, shall be preserved as they existed on 14 May 1948.

Article III

- 1.) The supervision of the protection of and free access to the Holy Places and the maintenance of the rights, immunities and privileges referred to in article II, shall be the responsibility of the United Nations.
- 2.) The Commissioner appointed pursuant to article VI shall exercise this supervision on behalf of the United Nations and shall make arrangements with the governments concerned regarding the implementation of the provisions of this resolution.
- 3.) For the Jerusalem area such arrangements shall be subject in particular to the provisions of articles VIII, IX, X, XI and XII. The Commissioner shall negotiate and conclude agreements with the governments concerned in order to ensure that the appropriate provisions of this resolution are carried

into effect also in the Holy Land outside the Jerusalem area. He shall report the results of his negotiations to the Secretary-General of the United Nations.

Article IV

- 1.) The Commissioner shall draw up an authoritative list of Holy Places which were regarded as such on 14 May 1948. If any question arises as to whether any place, building or site was regarded as a Holy Place on 14 May 1948, the Commissioner shall decide;
- 2.) If any question arises between any religious denominations in connexion with any Holy Place, the Commissioner shall decide on the basis of existing rights;
- 3.) Before taking any decision under paragraphs 1 and 2 of this article the Commissioner shall consult with members of the panel of advisers as provided in article XIV. His decision shall be final.
- 4.) If a place, building or site not regarded as a Holy Places on 14 May 1948 is claimed by a religious denomination to be a Holy Place of such character that it is entitled to enjoy the protection of this status, the Commissioner may propose to the government concerned that such place, buildings or site be brought under the provisions of this resolution. In the event of the Commissioner and the government concerned failing to reach agreement, the matter shall be referred to the arbitral tribunal as provided in article XV.

Article V

Should a visitor or pilgrim or a group of visitors and pilgrims be denied free access to any Holy Place, the government denying access shall inform the Commissioner of the reasons therefore.

Article VI

- 1.) There shall be a United Nations Commissioner to be appointed for a period of three years on the nomination of the Secretary-General by a Committee of the General Assembly consisting of the eleven members of the Security Council. This Committee shall decide by a majority of the members present and voting. The Commissioner shall be responsible to the General Assembly and may be dismissed by it. He shall report annually to the General Assembly and may also make special reports to the appropriate United Nations organs whenever he deems necessary. His headquarters shall be the former Government House in Jerusalem.
- 2.) There shall be appointed in the same manner a Deputy Commissioner who shall be subject to the same terms of office, and shall be responsible to the Commissioner. The Deputy Commissioner shall assist the Commissioner and shall replace him in the event of his absence or disability.
- 3.) The Commissioner and the Deputy Commissioner shall not be selected from among nationals of the State of Israel or of an Arab State or from among residents of the Jerusalem area.
- 4.) The Commissioner shall be authorized to appoint and employ under temporary contracts the auxiliary administrative personnel necessary for the carrying out of his functions.

Article VII

The functions of the Commissioner shall be to exercise the powers conferred upon him by this resolution and to ensure its implementation.

Article VIII

- 1.) The governments of the States administering the Jerusalem area shall gradually reduce their armed forces in that area in conformity with article VII of the General Armistice Agreement between the Hashemite Kingdom of the Jordan and Israel of 3 April 1949 and shall limit them, not later than three months after the coming into effect of a peace settlement between the States administering the Jerusalem area, to normal peacetime requirements;
- 2.) Should the Commissioner be of the opinion that the forces maintained by either party under paragraph 1 are above normal peacetime requirements, he shall make representations accordingly to the government concerned;
- 3.) In the event of the Commissioner and the governments concerned failing to reach agreement in the matter, it shall be referred to the Security Council.

Article IX

The jurisdiction and control of each part of the Jerusalem area shall be exercised by the States concerned, subject to the powers of the Commissioner with respect to this area and without prejudice to the rights and claims of either party in the ultimate peaceful settlement for the area.

Article X

- 1.) The Commissioner shall be empowered:
 - a) To request the governments in the Jerusalem area to modify, defer or suspend such laws, ordinances, regulations and administrative acts pertaining to the area, which in his opinion impair the protection of and free access to Holy Places or the rights, immunities and privileges referred to in article II;

- b) To request the governments to take such action or to make such orders or regulations for the maintenance of public security and safety as he deems necessary to ensure the protection of and free access to Holy Places or the safeguarding of the rights, immunities and privileges concerned.
- 2.) The governments shall carry into effect without delay any such action which the Commissioner, in accordance with the provisions of paragraph 1 of this article, deems necessary, for the protection of and free access to Holy Places and the safeguarding of the rights, immunities and privileges concerned.
- 3.) If a government objects to a request made by the Commissioner under this article, the matter shall be referred for a final decision to the arbitral tribunal provided in article XV. The tribunal shall decide not later than one month from the submission of a dispute. Without prejudice to the final decision of the tribunal, provisional effect shall be given by the government concerned to the action requested by the Commissioner.
- 4.) The Commissioner shall immediately inform the Secretary-General of the United Nations of any objection of a government to a request made by him under this article.

Article XI

The Commissioner shall be empowered to employ under temporary contracts a limited number of guards for the performance of his functions in the Jerusalem area as well as to assure his own security and that of his staff. These guards shall not be selected from among nationals of the State of Israel or of an Arab State. The salaries, allowances and administrative expenses of the Commissioner, Deputy Commissioner, and the staff of the Commissioner, including guards and administrative personnel, shall be included in the annual budget of the United Nations. These salaries and allowances shall be exempt from local taxation.

Article XII

The governments in the Jerusalem area shall upon the Commissioner's request direct their respective police forces to assist the Commissioner in the performance of his duty.

Article XIII

If at any time it appears to the Commissioner that any Holy Place is in need of urgent repair, he may call upon the religious denominations or bodies concerned to carry out such repair. If in the opinion of the Commissioner the repair is not carried out or is not completed within a reasonable time, he may arrange for repairs to be carried out or completed. The expenses incurred shall be borne by the religious denominations or bodies concerned. The Commissioner shall decide, after due investigation on the basis of existing rights, which denominations or bodies are responsible for the repair.

Article XIV

The Commissioner shall appoint a panel of advisers consisting of representatives of the religious denominations and of the governments in the Holy Land. These advisers shall be nominated by the religious denominations and governments concerned. If a disagreement arises in connexion with the provisions of this resolution, the Commissioner shall consult advisers from the panel representing such religious denominations or religious bodies and governments as are concerned with the dispute. No representative of any religious denomination shall be consulted on questions relating to a Holy Place belonging wholly to another religious faith.

Article XV

- 1.) Any dispute between the Commissioner and one of the governments of the States in the Holy Land concerning the interpretation or implementation of this resolution or of any supplementary agreements or arrangements, which is not settled by negotiation, shall be referred for final decision to an ad hoc tribunal or arbitrators, one to be nominated, as the case may be, either by the Hashemite Kingdom of the Jordan or by the State of Israel, and one to be nominated by the Secretary-General of the United Nations. In the event of two arbitrators being unable within seven days to agree on the choice of an umpire, the latter shall be nominated by the President of the International Court of Justice.
- 2.) In case of a dispute between the Commissioner and other governments concerned two arbitrators will be nominated by the respective governments concerned and two by the Secretary-General. In the event of their inability within seven days to agree on the choice of the fifth arbitrator, the latter shall be nominated by the President of the International Court of Justice.
- 3.) The decisions of the arbitral tribunal shall be binding on the governments concerned.

Article XVI

Nothing in this resolution shall apply to purely Moslem Holy Places, religious buildings or sites and Moslem religious interests within territory controlled by the Hashemite Kingdom of the Jordan, or to purely Jewish Holy Places, religious buildings or sites and Jewish religious interests within territory controlled by the State of Israel.

Article XVII

The terms of this resolution can be reviewed only by the General Assembly.



**LETTER FROM ARCHIE ROSS OF THE FOREIGN OFFICE IN LONDON TO
JEFFREY FURLONGE, BRITISH AMBASSADOR IN AMMAN, 12 JANUARY 1953**

[*Note: Great Britain opposed the idea of an internationalization of Jerusalem and did not want any steps to be taken in this direction.*]

1. I was pleased to receive your letter of December 9, 1952, which included a memorandum from Glubb [Pasha] on the dangers to the security of Jordan in the full internationalization of Jerusalem.
2. You have doubtless drawn his attention to our resolute opposition to any plan that does not enjoy the support of Israel and Jordan, and informed him that we voted against that paragraph of the Philippines amendment concerning the internationalization of Jerusalem at the 7th session of the General Assembly.
3. I wonder if it would not be possible to use the strong military argument raised by Glubb in such a way as to convince the other Arab countries that full internationalization would result in a loss of the Arab part of the city. It appears that these countries have, to some extent, surmounted their jealousy of Jordan's gains in the Palestine war and their objectives in insisting on full internationalization are: (a) to weaken Israel, of possible, and (b) to exploit to the full the nuisance value of the UN resolutions on Jerusalem to embarrass Israel and the West.
4. From our point of view, it would be very advantageous to see the Arab countries and the countries that support them renouncing their call for full internationalization, for that would, to some extent, eliminate a troublesome factor in the Palestine conflict and permit attention to be concentrated in a practical manner on some form of international control of the holy places. It will also set aside a number of useless resolutions adopted by the UN, and put an end to the repeated attempts by the Arabs to gain the sympathy of Latin America by appealing to their religious sentiments. We should also be in a much less difficult situation as regards the anticipated transfer of the Israeli Foreign Ministry to Jerusalem.
5. It is, of course, possible that the other Arab countries will not be convinced by the arguments adduced in Glubb's memorandum or that, even if they see the force of those arguments, they will feel so confident that no resolution proposing the full internationalization of Jerusalem will be adopted at the UN, that they will continue their old tactics. In any case, if they were convinced of the risks to Jordan, they would find it very difficult to recognize the *fait accompli* of Israel's occupation of their sector [of Jerusalem], because this could be regarded as the first step towards recognition of Israel's present frontiers.
6. It is essential that any military appraisal of this kind communicated to the Arab countries should not be attributed to British sources. You are best able to judge whether the Arab Legion or the Jordanian authorities would be more appropriate channels. As you mention, it appears that the Jordanian Prime Minister shares Glubb's view.
7. I shall be glad to know if you and Cecil [Rapp, director of the British Middle East Office in Cairo] (to whom I shall send a copy of this letter) think that there is any practical advantage in pursuing this proposal.



**LETTER FROM CECIL RAPP, DIRECTOR OF THE BRITISH MIDDLE EAST OFFICE IN
CAIRO, REPLYING TO ARCHIE ROSS (see above), 21 JANUARY 1953 (Letter No. 10752)**

Dear Archie,

1. you asked me to comment on your letter AR 1701/2G of December 12 to Jeffrey Furlonge on your proposals relative to the possibility of using Glubb's military arguments against internationalization to persuade the Arab countries and the countries that support them to refrain from demanding full internationalization. If they did so, it would certainly be to their advantage. It is clear to me that the loss of Jerusalem would be injurious to the West Bank of Jordan not only from the military but also from the social and economic points of view.

2. However, I think that it would be better for us not to take any initiative at present. The Jordanians, for their part, understand the need to keep Jerusalem, and they are in a better position to put the facts to their Arab colleagues. The moment we start on further criticism of the UN resolutions, our motives will once again be misinterpreted and that will lead to a new storm. Until we have a comprehensive policy on the Arab-Israeli conflict, it is better for us to avoid this subject. This is particularly important at present when, at any moment, the role of the Arab countries in the West's defense plans may be raised, especially in Egypt.
3. Moreover, in addition to the considerations you mentioned, the internationalization of Jerusalem is really a question that is of interest to the Arabs alone inasmuch as it is linked to the implementation of the rest of the UN resolutions, and no Arab now believes that these resolutions will be fully implemented. But since the Arabs want to take all they can from the Jews, they will not relinquish any claim unilaterally. If things ever get as far as negotiations or the imposition of a settlement, the Arabs will see the internationalization of Jerusalem in a different light and it may prove that this is a point on which they could offer concessions.
4. In short, however injurious internationalization would be to Jordan, or to Arab interests as a whole, I do not think that there is much hope at present of persuading the Arabs to relinquish any of their demands based on previous UN resolutions. Moreover, if we try to do that our efforts are likely to give rise to suspicions that are inopportune at the present juncture.



**LETTER FROM JEFFREY FURLONGE, BRITISH AMBASSADOR IN AMMAN,
REPLYING TO ARCHIE ROSS (see above),
24 JANUARY 1953 (Letter No. 1077).**

Rapp has sent me a copy of his letter No. 10752 of January 12 on the status of Jerusalem.

2. I fully agree with his view as regards the idea of any British initiative on this question. However, what I think you meant is that Glubb could be encouraged to win over the Jordanian Prime Minister to the idea of making his views known to the other Arab countries. But I do not think that Tawfiq Abu al-Huda wants to become involved in a dispute with the Arab governments over a question that he obviously regards as academic.
3. I am sending a copy of this letter to Rapp.



**LETTER FROM CECIL RAPP, DIRECTOR OF THE BRITISH MIDDLE EAST OFFICE
IN CAIRO, TO JAMES BOWKER OF THE FOREIGN OFFICE IN LONDON,
12 MARCH 1953 [EXCERPTS] (Letter No. 1075)**

[Rapp writes about his talk with Ahmad al-Shuqeiri, at this time Assistant Sec.-Gen. of the Arab League.]

Dear Jim,

1. While the Secretary General of the Arab League, when I met him, refused to commit himself to anything specific on the present problems, his Assistant, al-Shuqeiri, had no such reservations about expressing his views, especially on Palestine. [...]
2. Al-Shuqeiri went on to talk of the Arab's conditions for a settlement with Israel. He said that these conditions could be summed up in three points. First, negotiations on a territorial settlement must be based on the 1947 Partition Plan. He said that there could be no negotiations on the basis of the [1948] armistice lines. Secondly, the status of Jerusalem, as regards which internationalization was the only acceptable solution. When I told him that Jordan might have serious objections to this proposal, which could give him a lot of trouble, not to mention the question of prestige, al-Shuqeiri replied that it was quite unacceptable to the Arabs that there should be any territorial link between occupied Jerusalem and occupied Palestine. However, he did not rule out the possibility of there being two municipalities, one Arab and one Israeli, in an international Jerusalem. [...]



VENICE DECLARATION ON THE MIDDLE EAST, JUNE 1980 [EXCERPTS]

The nine member states of the European Community consider that the traditional ties and common interests which link Europe to the Middle East oblige them to play a special role and now require them to work in a more concrete way towards peace.

In this regard, the nine countries of the Community base themselves on Security Council Resolution 242 and 338 and the positions which they have expressed on several occasions [...].

On the bases thus set out, the time has come to promote the recognition and implementation of the two principles universally accepted by the international community: the right to existence and to security of all the states in the region out, including Israel; and justice for all the peoples, which implies the recognition of the legitimate rights of the Palestinian people. [...]

A just solution must finally be found to the Palestinian problem, which is not a simple one of refugees. The Palestinian people, which is conscious of existing as such, must be placed in a position, by an appropriate process defined within the framework of the comprehensive peace settlement, to exercise fully its right to self-determination. [...]

The nine recognise the special importance of the role played by the question of Jerusalem for all the parties concerned. The nine stress that they will not accept any unilateral initiative designed to change the status of Jerusalem and that any agreement on the city's status should guarantee freedom of access for everyone to the holy places.

The nine [...] are deeply convinced that the Israeli settlements constitute a serious obstacle to the peace process in the Middle East. The nine consider that these settlements, as well as modifications in population and property in the occupied Arab territories, are illegal under international law.

**STATEMENT BY THE NETHERLANDS GOVERNMENT ON TRANSFERRING ITS EMBASSY IN ISRAEL FROM WEST JERUSALEM TO TEL AVIV, THE HAGUE, 26 AUGUST 1980**

Jerusalem has a special meaning for Jews and Muslims, and of course also for Christians. Once again this city is the subject of contention in the Middle East conflict. Great wisdom will thus be required to reach a solution which satisfactorily meets the views of all parties concerned.

For this reason The Netherlands Government immediately after the Israeli Parliament, the Knesset had approved on 30 July last a "Basic Law" declaring the whole of Jerusalem to be the indivisible capital of Israel issued an official statement strongly deploring this Israeli decision. The Netherlands Government feels that this decision unilaterally altering the status of the city is an obstacle to the resolution of the Arab-Israeli conflict which is so desirable and necessary.

The decision of the Knesset had evoked many reactions in Islamic countries. The Government, however, deplores the pressure, partly ultimative in character, which has been exerted in particular on The Netherlands because of its Embassy in West Jerusalem. The Government has pointed out that it does not share the view that the presence of an Embassy there implies recognition of the Israeli decision on East Jerusalem. Furthermore, it takes the view, which it has made clear in its diplomatic contacts, that ultimatums in relations between friendly states are unacceptable. The Government notes with regret, however, that the pressure has been maintained. On 20 August last the United Nations Security Council adopted a resolution censuring the Israeli enactment of the said "basic law" concerning Jerusalem and calling on members of the UN with diplomatic missions in Jerusalem to withdraw them. Particularly with a view to a consistent policy on implementing the recommendations of the Security Council and taking into account all relevant political factors. The Netherlands Government has decided after intensive consultations to transfer Her Majesty's Embassy from Jerusalem to Tel Aviv.

The Netherlands Government realize that because of the special relations between The Netherlands and Israel this decision will arouse an emotional response amongst many people in The Netherlands as well as in Israel. Therefore, the Government wishes to state that it continues to attach the same great importance to maintaining the strong ties of friendship with Israel such as they have existed since the state of Israel was founded. Israel's right to live and work within secure and recognized borders remains an integral part of Netherlands foreign policy which is aimed at lasting peace in the Middle East.



**LETTER FROM THE PERMANENT REPRESENTATIVE OF THE NETHERLANDS TO THE UN
ADDRESSED TO THE UN SECRETARY-GENERAL REGARDING THE TRANSFER OF THE
DUTCH EMBASSY FROM JERUSALEM TO TEL AVIV 29 AUGUST 1980**

With reference to Security Council resolution 478 (1980) I have the honour to inform you that the Netherlands Government has decided to transfer the Royal Netherlands Embassy in Israel from West-Jerusalem to Tel Aviv.

I should be grateful if you would have this communication circulated as a document of the Security Council.

(Signed) H. SCHELTEMA
Ambassador, Permanent Representative of the Kingdom of the Netherlands



BREZHNEV PLAN FOR THE MIDDLE EAST, 15 SEPTEMBER 1982 [EXCERPTS]

As we are profoundly convinced, a just and lasting peace in the Middle East can and must be based on the following principles according both to the general norms of international law and specific decisions of the UN Security Council and the General Assembly pertaining to that problem.

In the first place, the principle of inadmissibility of seizure of foreign lands through aggression should be strictly observed. And this means that all territories occupied by Israel since 1967 - the Golan Heights, the West Bank of the Jordan and Gaza sector, the Lebanese lands - must be returned to the Arabs. The borders between Israel and its Arab neighbor must be declared inviolable.

Second, the inalienable right of the Arab people of Palestine to self-determination, to the creation of their own independent state on the Palestinian lands, which will be freed from the Israeli occupation, must be ensured in practice. The Palestinian refugees must be granted the possibility envisaged by the UN decisions to return to their homes or get appropriate compensation for the property left by them.

Third, the eastern part of Jerusalem, which was occupied by Israel in 1967 and where one of the main Muslim holy shrines is situated, must be returned to the Arabs and become an inseparable part of the Palestinian state. Free access of believers to the holy shrines of the three religions must be ensured in the whole of Jerusalem.



EUROPEAN PARLIAMENT RESOLUTION, 18 JANUARY 1990 [EXCERPTS]

[This resolution, passed by a large majority of the 518-member parliament, received attention for its recommendation to suspend scientific cooperation between EC countries and Israel pending the reopening of the universities in the Occupied Territories].

The European Parliament,

- A. *Having regard* to the "1990: Time for Peace" initiative of the European peace movements which, in cooperation with their Israeli and Palestinian counterparts, assembled 30,000 people in a demonstration around the old city of Jerusalem at the end of December, in which numerous European elected representatives, including Members of the European Parliament, took part, and whereas this legal demonstration was brutally repressed by the Israeli police;
- B. *Having regard* to the dramatic situation of the Palestinians who have been living under Israeli occupation for 22 years and who are subject to arbitrary judicial and political measures and to an increasing repression which, as well as adults, also affects children, in disregard of the 4th Geneva Convention;
- C. *Recalling* the stands it has already taken on the situation in the Middle East and the occupied territories, in particular that of 14 December 1989 on the continued ban on teaching for the Palestinian population of the West Bank;
- D. *Having regard* to the damning report just published by Amnesty International on Israeli repression in the occupied territories [...]
- E. *Having regard* to the sentences which have already been or are about to be handed down to Israeli citizens; whereas such legislation forces citizens to break the law in order to follow their conscience

and whereas direct dialogue between the Israeli authorities and the PLO is the key to a political solution to the Palestinian question;

- F. *Whereas*, in the wake of the Intifada and the declaration adopted in Algiers by the Palestine National Council on 15 November 1988, the Palestinian people is looking to the international community, and in particular the EEC, to play a more active role in the search for peace in the Middle East;
- G. *Whereas* the twelve Member States of the EEC remain committed to the status of Jerusalem as defined in United Nations Resolution 181 of 29 November 1947; [...]
1. *Condemns* the brutal intervention of the Israeli police during the two legal demonstrations on 29 and 30 December 1989, there being no justification either for the use of force and tear gas or for the humiliation and internment of the participants;
 2. *Calls on* the Presidency of the Council to lodge an official protest with the Israeli government concerning the events of 30 December 1989, in particular the maltreatment of Community citizens and MEPs, in which Mrs. Dacia Valent was beaten and detained by the police, despite the fact that she had clearly stated that she was a Member of the European Parliament; Marisa Manno, an Italian citizen, lost an eye as a result of the injuries caused by the Israeli police; and some 60 Israeli and Palestinian citizens reported injuries of various kinds;
 3. *Calls for* a specialized European commission of inquiry to determine the exact nature of the toxic gases used, which can cause death in a confined space;
 4. *Recalls* its decision of 14 December 1989 and, in view of the fact that all Palestinian universities have remained closed since January 1988, calls on the Commission to freeze immediately budget heading 7394 allocated to scientific cooperation with Israel;
 5. *Calls on* the Commission to examine closely whether the existing treaties between the EC and Israel are really being observed, in particular with respect to produce from the occupied territories, and to report to the EP;
 6. *Calls on* the Israeli government finally to recognize and implement the many resolutions adopted by the UN Security Council with respect to Israel and Palestine;
 7. *Appeals* to the Israeli authorities to repeal the law banning meetings between Israeli citizens and Palestinians from the PLO;
 8. *Calls on* these authorities to free the citizens detained under the law and to halt all proceedings which are now under way or are liable to be initiated on the same grounds;
 9. *Calls on* the Foreign Ministers meeting in EPC to implement all the necessary measure to open a process of negotiation, in particular through the organization of an international conference on peace in the Middle East under the auspices of the UN, with the participation of all the parties concerned, including the State of Israel and the PLO;
 10. *Instructs* its President to forward this resolution to the Council, the Commission, the Foreign Ministers meeting in EPC, the Israeli government, the PLO and the United Nations.



EUROPEAN PARLIAMENT, RESOLUTION ON JERUSALEM, MAY 1990

Jerusalem: [the Parliament] deplors the occupation of the Greek Orthodox Patriarchate in Jerusalem, which it sees as undermining efforts to find a peaceful settlement of the Middle East conflict: calls on the Israeli government

- (I) to condemn these illegal actions,
- (II) to remove the settlers
- (III) to guarantee respect for the Greek Orthodox and other Churches
- (IV) to prevent a repetition of similar incidents
- (V) to repair the damage and compensate the victims: calls on foreign ministers of the twelve to take steps to ensure the survival of Christian communities in the Holy Land.



**STATEMENT CONDEMNING THE AL-AQSA MASSACRE ISSUED BY THE MINISTRY OF
FOREIGN AFFAIRS OF GREECE, ATHENS, 9 OCTOBER 1990**

The Greek Government strongly deplores and condemns the bloody incidents that occurred in Jerusalem. These incidents are particularly grave and dangerous since, according to first reports, armed Israelis burst into the Holy Shrine of Al-Aqsa and opened fire on unarmed Muslims, killing a large number of them.

Anyone interested in the cause of peace and justice in the region cannot but feel painful surprise and revulsion at the outburst of violence, not only because it involved innocent human victims, but also because it charges an already dangerously tense situation in the Middle East, particularly at this critical juncture.

The Greek Government is concerned over the fact that a responsible Government allowed for such incidents to occur, which offend one's sense of justice and humanness, as well as of religious tolerance, which is necessarily interwoven with the place in which three religions - Christianity, Islam and Judaism - have coexisted for centuries.



**LETTER FROM BARONESS LINDA CHALKER, MINISTER FOR OVERSEAS DEVELOPMENT,
ON THE BRITISH GOVERNMENT'S POSITION CONCERNING JERUSALEM,
NOVEMBER 1992 [EXCERPTS]**

Thank you for your letters of 15 November to the Foreign Secretary, on behalf of London Friends of Palestine and the Conservative Friends of Palestine, about your complaint to the Advertising Standards Authority. I am replying in Douglas Hogg's absence overseas.

In common with the rest of the international community we do not recognise Israeli sovereignty over any part of Jerusalem. Nor do we recognise Jerusalem as the capital of the State of Israel. As you point out in your letter, East Jerusalem is regarded by the United Kingdom and the international community as occupied territory.

We believe that the current peace process offers perhaps unique opportunity to end the Arab/Israeli dispute once and for all. The status of Jerusalem is perhaps the most difficult of all to resolve, and we believe it is best left to the final stages of the negotiation. Both sides will need to show flexibility and imagination to reach a mutually satisfactory solution.

The specific question of the Israeli Government Tourist Office advertisement does not, as you will appreciate, fall within the responsibilities of the Foreign and Commonwealth Office. It is up to the Advertising Standards Authority to adjudicate on your complaint on the basis of its own guidelines. I can assure you that its eventual decision will not have any implications for the policy of Her Majesty's Government.



**STATEMENT BY THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM
TO THE UN ON LAND EXPROPRIATION IN EAST JERUSALEM, 12 MAY 1995**

My Government's views will be reflected in the statement to be made later in this debate by you yourself on behalf of the Members of the European Union. I would like to make a few additional and complementary remarks. The British government regrets that the problems caused by Israel's settlement policy have arisen again, less than three months since the last time the Council discussed this subject.

On that occasion we reiterated our position that settlements in the Occupied Territories, including East Jerusalem, are illegal, contravene the Fourth Geneva Convention and are an obstacle to peace. That remains our view.

Our concerns about the latest decision to expropriate 131 acres of land in East Jerusalem have been raised with the Israeli authorities by EU representatives in Tel Aviv. We consider that the decision is contrary to Security Council resolutions, in particular resolution 267, which was adopted unanimously on 3 July 1969 and which confirmed that all legislative and administrative measures taken by Israel which purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid, and called upon Israel to refrain from taking any further such measures in the future.

But we also consider that the decision is contrary to the spirit of the Declaration of Principles, agreed by Israel and the PLO in 1993, which reserves the issues of settlements and Jerusalem for the final status negotiations. This decision in a sense pre-judges the outcome of those negotiations. If it pursues this course of action, the Government of Israel would, we believe, undermine the Peace Process, and play into the hands of those who oppose it. We therefore strongly urge Israel to reconsider its decision.

We also encourage both parties to press on with the negotiations on an Interim Agreement in a flexible and constructive manner, leaving to one side, for the time-being, highly sensitive final status issues. The further we get into the implementation of the Declaration of Principles, the more crucial it is to carry that process to a successful conclusion, and the greater the need to avoid any action which could prejudice or undermine it. It is in that spirit that we are speaking today and in that spirit we will continue to address this item on our agenda.



**DECLARATION BY THE PRESIDENCY ON BEHALF OF THE EUROPEAN UNION
ON THE EXPROPRIATION OF LAND IN EAST JERUSALEM, 15 MAY 1995**

The European Union recalls the commitment of Israel and the Palestine Liberation Organisation to respect the Declaration of Principles of 13 September 1993 and to pursue negotiations.

The European Union expresses its deep anxiety at the decision of the Israeli authorities to authorise the expropriation of 53 hectares of land in East Jerusalem which would be used for the construction of new housing for the benefit of the settlements of Ramot and Gilo.

The European Union believes that this measure, contrary to the spirit of the Declaration of Principles and the maintenance of the status quo in the city of Jerusalem, could put the Peace Process at risk.

Believing that a total halt to work linked to the settlements is indispensable to progress in the Peace Process, the European Union calls on the Israeli authorities to renounce their intention of authorising the expropriation of these 53 hectares of land in East Jerusalem.



**STATEMENT BY THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM
TO THE UN ON LAND EXPROPRIATION IN EAST JERUSALEM, 17 MAY 1995**

[Text of the statement made in explanation of the UK's vote in the UN Security Council on 17 May 1995].

My government's position on the substance of the question of the Israeli expropriation of land in East Jerusalem was made clear in the statement I made on 12 May, which complemented the statement you made later that day on behalf of the members of the European Union. I would like to explain briefly why the United Kingdom has just voted in favour of the draft resolution before us.

In our view the draft resolution represents a calm but clear statement of the legal position. The co-sponsors of the resolution have accepted all the amendments proposed by the European Union members of the Council, and, as a result, the draft avoids any references to wider issues, apart from a clear declaration of support for the peace process.

We very much understand and sympathise with the attachment to Jerusalem of the Israeli people expressed by the Permanent Representative of Israel during the debate. But we believe that the Government of Israel should recognize that others feel equally strongly about the city, and should refrain from taking actions which seek to change the status quo on this most sensitive of all issues before the conclusion of the final status negotiations.

We very much regret that this issue has caused divisions in the Council. We do not believe this will be helpful to the Peace Process. That is why we worked hard to avoid this outcome. We welcome the fact that during the debate earlier this week all members of the Council expressed concern about the Israeli expropriation orders. We believe this is an important message for the Israeli government, and we hope they will consider their future actions carefully in the light of it. We note the intention of the Israeli cabinet, expressed at its meeting on 14 May, not to carry out additional expropriations of land in Jerusalem for housing purposes. Throughout the consultations which have taken place over the past few days, my delegation has had as its overriding objec-

tive the protection and furtherance of the Peace Process. That is the priority. We look all parties to continue, and to redouble, their efforts to make progress. The peoples of the region deserve no less.



**SPEECH BY BRITISH FOREIGN SECRETARY MALCOLM RIFKIND,
MEDICAL AID FOR PALESTINIANS DINNER, LONDON, 23 MAY 1996 [EXCERPTS]**

BRITAIN AND THE MIDDLE EAST

[...] Britain has no blueprint for how a durable peace should be established. We are fighting no one's corner. We are proud to call ourselves friends of all the people of the region. We are proud of the new friendship, growing again from the roots of the old, with the Palestinians, and of our good relationships with Syria and our Lebanese friends and more widely in the Arab world. Other major powers have influence in the region and major contributions to make. But perhaps only Britain has deep historical links with the region and strong ties with all its countries. Our ties make us anxious to see a lasting peace, not a quick fix or a diktat. Britain has always said that a durable peace, accepted by all, will only be found if principles of international law are respected. Those principles, after all, like law everywhere, are designed to ensure an equitable balance between freedoms, rights and duties. Of course, they are not easy to put into effect. But they are worth recalling. Britain drafted UN Security Council Resolution 242, at the end of the Six Day War in 1967. 242 emphasised the inadmissibility of the acquisition of territory by war, and respect for the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognised boundaries free from threats or acts of force. [...]

FINAL STATUS ISSUES

The final status talks which opened three weeks ago in Taba will seek to find a permanent settlement of Israeli and Palestinian interests. For long many have thought that impossible. Today it seems almost within reach. Inevitably not every interest will be accommodated, not every aspiration fulfilled. But in order for a durable peace to be found, both sides will have to compromise to some degree. If the settlement is to last, it must be freely entered into by the Palestinians, not imposed on them. To try to impose it would be short-sighted. To last, the settlement will need to respect basic Palestinian rights, not least the right to self-determination. To close off the option of a state would in my view be a mistake of the first magnitude. But if the negotiations are to produce a land for the Palestinians to govern as their own, and not a Bantustan or string of cantons, the Palestinians will have to convince the Israelis that they accept the responsibilities that that would entail. President Arafat has shown, by his efforts to curb terrorism, his willingness to accept responsibility. [...]

A distinguished predecessor of mine, Sir Alec Douglas-Home, predicted in 1970 that the problem of Jerusalem might be almost the last problem to be tackled. I hope that Jerusalem will not prove to be the final obstacle to peace. To ensure that it is not, flexibility and imagination will be needed on both sides. I hope nothing will be done in the interim to prejudice the successful outcome of the talks. Until the talks are over Britain's position, like that of the international community generally, remains that Israel is in military occupation of East Jerusalem and has only *de facto* authority over West Jerusalem. A permanent solution which the international community can endorse must respect the legitimate aspirations of the parties, and the special character of the Holy Places, which are of interest to many in the wider world.



**COUNCIL OF MINISTERS OF THE EUROPEAN UNION, DECLARATION ON THE
MIDDLE EAST PEACE PROCESS, LUXEMBOURG, 1 OCTOBER 1996 [EXCERPTS]**

[The declaration was made with reference to Israel's controversial tunnel opening in Jerusalem's Old City and the related clashes that erupted between Palestinians and the army; remarkable was the strong statement declining sole Israeli sovereignty over the city].

The Council of Ministers of the European Union is appalled by the recent violence and the resulting casualties in Jerusalem and throughout the West Bank and the Gaza Strip. It offers its sincere condolence to the families of those Palestinians and Israelis who have lost their lives and its sympathy to the injured.

The European Union strongly calls upon both parties to abide by UN Security Council Resolution 1073 of 28 September 1996. The European Union calls upon both the Israeli authorities and the Palestinians to exercise the utmost restraint and to refrain from any actions or words which might lead to further violence. It urges

both sides to avoid resorting to disproportionate force, in particular the use of firearms, tanks, and helicopter gunships. It calls on the Government of Israel to prevent its forces from reentering autonomous areas in zone A, contrary to the spirit and the letter of the interim agreement. It further calls on the Palestinian Authority to exert full control over Palestinian forces and to maintain calm in the autonomous areas.

The Troika has discussed the Union's concerns at meetings in New York with Israeli Foreign Minister Levy and in Luxembourg with President Arafat. The European Union recognizes that the recent incidents were precipitated by frustration and exasperation at the absence of any real progress in the peace process and firmly believes that the absence of such progress is the root of the unrest. It calls on Israel to match its stated commitment to the peace process with concrete actions to fulfill its obligations, as well as to refrain from any action likely to create mistrust about its intentions.

The Union notes that the particular events which triggered the current crisis concerned the fear of Palestinians that their position in Jerusalem was being further eroded. The Union recalls that parties have agreed, under the terms of the Declaration of Principles, not to take any action which would prejudice the outcome of the permanent status negotiations. It will work to ensure that this commitment is implemented by both sides. Following Security Council Resolution 1073 of 28 September 1996, the Union believes that it would help greatly to restore calm and confidence if the Hasmonean tunnel in Jerusalem were restored to its original state. It furthermore calls for the cessation and reversal of all acts that may affect the status of the holy places in Jerusalem.

The European Union reaffirms its policy on the status of Jerusalem. East Jerusalem is subject to the principles set out in UN Security Council Resolution 242, notably the inadmissibility of the acquisition of territory by force and is therefore not under Israeli sovereignty. The Union asserts that the Fourth Geneva Convention is fully applicable to East Jerusalem, as it is to other territories under occupation.



**STATEMENT BY THE PRESIDENCY ON BEHALF OF THE EUROPEAN UNION
ON THE ISRAELI DECISION TO APPROVE CONSTRUCTION PLANS FOR
HAR HOMA/ JABAL ABU GHNEIM, 27 FEBRUARY 1997**

1.3.12. The following presidency statement on behalf of the European Union, on the decision by the Israeli Government to approve construction plans for Har Homa/Jabal Abu Ghneim, was published in Brussels and The Hague on 27 February.

“The EU deeply deplores the decision of the Israeli Government to approve construction plans for Har Homa/Jabal Abu Ghneim located on the West Bank in the Jerusalem area. The EU has repeatedly stated that settlements in the occupied territories contravene international law and are a major obstacle to peace.

The EU once again reaffirms its policy on the status of Jerusalem. East Jerusalem is subject to the principles set out in UN Security Council Resolution 242, notably the inadmissibility of the acquisition of territory by force, and is therefore not under Israeli sovereignty. The Union considers that the fourth Geneva Convention is fully applicable to East Jerusalem, as it is to other territories under occupation.

The EU calls on Israel to respect its obligations under international law and to refrain from measures that have an eroding effect on the confidence necessary for the further implementation of the agreements and prejudice the outcome of the permanent status negotiations. The decision is especially regrettable since the signing of the Protocol on Hebron was a positive development which created a new momentum in the peace process and raised the hope for further constructive steps in this process.”



**UK MINISTER OF STATE AT THE FOREIGN OFFICE, LETTER ON THE UNITED KINGDOM'S
POSITION ON THE STATUS OF JERUSALEM, LONDON, 12 MARCH 1997**

[Letter, addressed to the Chairman of the CAABU (Council for the Advancement of Arab-British Understanding) clarifying the issue of goods produced in Jerusalem]

The Hon. Sir Mark Lennox-Boyd MP
House of Commons -
London SW1A 0AA

Dear Mark,

Thank you for your letter of 24 February about the applicability of the EU/Israel Association Agreement to goods produced in Jerusalem and certified as the produce of Israel.

The British government's position on Jerusalem is well known and is shared by all our EU partners. Pending the outcome of the final status talks, we do not recognize Israeli (*de jure*) sovereignty over any part of Jerusalem. It follows that goods produced in Jerusalem are not the produce of Israel.

Article 83 of the Association Agreement states that it will apply "to the territory of the State of Israel" Whether the certification of goods made in Jerusalem as Israeli would breach the agreement is a matter for the European Community to decide, since trade in goods involves exclusive Community competence. Our view is that it would.

A similar logic would apply to goods produced in Israeli settlements in the Occupied Territories, as I made clear when responding to your question during the House of Commons debate on 19 February. It would also apply to goods from Palestinian areas if they were certified as the produce of Israel.

Yours ever,

The Rt. Hon. Jeremy Hanley



EUROPEAN PARLIAMENT RESOLUTION ON ISRAEL'S POLICY OF NEW SETTLEMENT CONSTRUCTION AND THE PEACE PROCESS IN THE MIDDLE EAST, 13 MARCH 1997

The European Parliament,

- *having regard* to its previous resolutions on the situation in the Middle East and in particular its resolution of 14 November 1996(1),
- *having regard* to the Council Declarations of 1 October 1996 and 27 February 1997,
- *having regard* to UN Security Council Resolutions 242 and 338,

A. *concerned* by the decision of the Israeli government to build a new Jewish neighbourhood in Jabal Abu Ghneim in Arab East Jerusalem and by the announcement of the Israeli Housing Ministry of its plan to sell plots of land in 1997 for new Jewish settlements on the West Bank and in the Gaza Strip,

B. *whereas* that decision constitutes a violation of UN Resolution 242,

C. *whereas* that decision forms part of the resumption of the Israeli policy of colonizing the Occupied Territories of Gaza and the West Bank,

D. *recalling* that the ultimate status of Jerusalem will have to be discussed during the third phase of negotiations between the Israelis and the Palestinians, and that all parties must therefore refrain from any act designed to modify their positions in East Jerusalem,

1. Deplores the decision by the Israeli Government to approve construction plans for the Har Homa/ Ghneim area, because such action is bound to have a negative impact on the peace negotiations, and calls for the immediate stop of the Har Homa project;
2. Calls upon Israel and the Palestinian Authority to adhere strictly to the principles and agreements which both agreed to, with a view to reaching the permanent status negotiations, and to refrain from actions, declarations and practices that may have a negative impact on these negotiations;
3. Espouses the declaration made by the Council Presidency [on 27 February, the Ed.] and consequently urges the Council to act accordingly and to cooperate with all the signatories to the Oslo Agreements in order to guarantee the effective resumption of the peace process;
4. Instructs its President to forward this resolution to the Council, the Commission, the Israeli Government, the Palestinian Authority, the UN Secretary-General and to the Governments of the United States and Russia.



**BRITISH FOREIGN OFFICE, STATEMENT ON SETTLEMENTS IN EAST JERUSALEM,
17 SEPTEMBER 1997**

We are concerned at the illegal settlement activities at Ras al-Amoud in East Jerusalem.

We welcome Prime Minister Netanyahu's comments that they are not good for Jerusalem.

We now look to the Israeli authorities to prevent them continuing.

We call on both sides to refrain from unilateral actions and the creation of facts on the ground which risk provoking further violence and pre-empting the final status talks.



**EUROPEAN COMMISSION COMMUNICATION TO THE COUNCIL AND PARLIAMENT ON
THE IMPLEMENTATION OF THE INTERIM AGREEMENT ON TRADE AND TRADE-
RELATED MATTERS BETWEEN THE EUROPEAN COMMUNITY AND ISRAEL, 13 MAY 1998**

[Enquiry on the origin of products exported to the EU]

This communication was presented jointly with another on Euro-Mediterranean cumulation of origin, in which the Commission proposed extending diagonal cumulation of origin to its partners in the Mashreq. The Commission stressed that full compliance with existing agreements was a pre-condition of any such cumulation. There were indications that the Protocol on Rules of Origin to the EC-Israel interim agreement, concluded pending ratification of the Euro-Mediterranean agreement with Israel, was not being properly applied.

The Commission suspected in particular that products originating in the West Bank and Gaza Strip, or in Israeli settlements in East Jerusalem, the Golan Heights, the West Bank, and the Gaza Strip were being exported to the European Union as if they originated in Israel. Pointing out that, in line with international law, the EU considered none of these territories to be part of the State of Israel, that the interim agreement applied to the territory of Israel within its pre-1967 borders, and that products originating in the Palestinian Territories were covered by the EC-PLO interim association agreement, the Commission stated that the European Union would take steps to verify the allegations according to the procedures agreed with Israel as a follow-up to the Cooperation Committee, and emphasised that, should violations of the Protocol on Rules of Origin be confirmed, they should be brought to an end.



**BRITISH FOREIGN OFFICE, STATEMENT ABOUT CONSTRUCTION IN
RAS EL-AMOUD, 28 AUGUST 1998**

The British Foreign Office issued the following statement today about the decision by the Jerusalem Municipality to go ahead with plans to build 132 new apartments in the Palestinian district of Ras el-Amoud in East Jerusalem:

"We are concerned by these reports. This is the latest in a series of recent decisions to expand settlements in the Occupied Territories, including the announcement of plans to build new housing units in the Golan, approval by the Knesset Finance Committee of further funding for settlements construction, and the issue of tenders for the construction of housing units in Gaza settlements.

Our position on these settlements is well known: settlements in the Occupied Territories are illegal under international law.

We urge the Israeli Government not to proceed with existing plans to expand settlements and to prevent illegal activities by settlers".



**LETTER BY BRITISH JUNIOR FOREIGN MINISTER, DEREK FATCHETT, TO FRIENDS OF
AL-AQSA, REGARDING THE UK'S POSITION ON JERUSALEM, LONDON, 4 FEBRUARY 1999**

Mr Patel and Mr Nagdi
Friends of Al-Aqsa
PO Box 5127 Leicester LE2 OWU

It was a pleasure to meet you and to hear your concerns about Jerusalem and the sanctity of the holy sites, in particular of the Al Aqsa Mosque. I promised to write to you detailing our positions of principle on Jerusalem and the holy sites.

Our position is that we recognise de facto Israeli authority in West Jerusalem, but consider East Jerusalem to be under illegal military occupation. We recognise no *de jure* sovereignty over the city. In accordance with the Declaration of Principles of 13 September 1993 and the Interim Agreement of 28 September 1995, signed by Israel and the PLO, we regard the status of Jerusalem as still to be determined in the "permanent status negotiations" between the two parties.

We made it clear in the 1980 Venice Declaration and in many subsequent statements, both by ourselves and with EU partners, that no unilateral attempts to change the status of Jerusalem are valid. Pending agreement in final status talks, we wish to preserve the Palestinian character of East Jerusalem. We have condemned and will continue to condemn Israeli policies aimed at altering the demographic balance of East Jerusalem, including settlement building, confiscation of Palestinian ID cards and house demolitions.

We expect the sanctity of holy sites in East Jerusalem for all religions to be respected, regardless of the outcome of any permanent settlement. Any arrangements, both present and future, should guarantee freedom of worship at the holy sites of all religions and also freedom of access to these sites.

I hope you will find the above information helpful. As promised, I have also written to the Israeli Ambassador to report your concerns.



**EUROPEAN PARLIAMENT RESOLUTION ON THE EUROPEAN COMMISSION
COMMUNICATION: 'THE ROLE OF THE EUROPEAN UNION IN THE PEACE PROCESS AND
ITS FUTURE ASSISTANCE TO THE MIDDLE EAST', 11 MARCH 1999 [EXCERPTS]**

[Resolution concerning Palestinian institutions and religious authorities in Jerusalem]

The European Parliament,
[...]

29. Reiterates its intention to promote initiatives aimed at Israeli and Palestinian mayors and local administrations; considers that projects concerning the Palestinian institutions in East Jerusalem should be given priority; [...]
31. Considers the repeated violations of the 'status quo' of the City of Jerusalem to be unacceptable and calls for respect to be shown for the individual, religious and national identities of the communities living there; hopes that the religious authorities will take a full part in the search for an internationally recognised permanent status for the City of Jerusalem which enables the Holy Places to be managed multilaterally; [...]



**WRITTEN QUESTION BY ALAIN LIPIETZ (VERTS/ALE) TO THE EUROPEAN UNION
COUNCIL ON IRREGULAR APPLICATION OF THE EC-ISRAEL AGREEMENT,
1 SEPTEMBER 2000**

In its May 1998 (1) Communication to the Council and the European Parliament the European Commission stated: Preferential access to Community markets for exports originating in Israeli settlements in the West Bank and Gaza Strip and those from East Jerusalem and the Golan Heights contravene agreed rules of origin since these territories do not form part of the State of Israel under public international law.

There are indications that these exports are taking place. The European Community will take steps to verify the accuracy of this information. Should it be confirmed, such violations of rules should be brought to an end.

Shortly thereafter, Israeli officials confirmed to the European Commission that, as a matter of official policy, Israeli Customs has been routinely certifying products wholly produced or substantially processed in Israeli settlements located in the territories occupied by Israel since 1967 as originating in the State of Israel. In January of this year the Commission informed us that over the last two years, the Commission has taken a

number of steps to find a viable solution to this problem, with meetings at official level in both 1998 and 1999. These extensive efforts to find a solution to this issue have not yet yielded a satisfactory result.

Prior to taking the decision to put the new Association Agreement with Israel into effect, has the Council or the Commission obtained assurances from Israel that its customs services will cooperate with the Member States customs services in ensuring the proper application of that Agreement's Origin Rules Protocol as governed by its territorial clause? If the Israeli authorities are not prepared to cooperate with the EC in ensuring the proper application of the aforementioned, is the Council prepared to mandate measures that do not rely on Israel's cooperation in order to ensure that such violations of rules are brought to an end.



STATEMENT BY THE PRESIDENCY OF THE EUROPEAN UNION ON BEHALF OF THE EU ON THE SITUATION IN JERUSALEM AND THE TERRITORIES, 2 OCTOBER 2000

The European Union is very concerned at the continued bloody clashes in Jerusalem and in the Territories and is appalled by the number of victims.

These events show to what extent provocative action in a tense situation can have tragic consequences.

The European Union calls on the leaders of both parties to take all necessary measures to ensure that the violence ceases and that new provocative action is avoided.

It warns against the unjustified use of force.

It invites the parties involved to concentrate afresh on the negotiated search for peace, which is more necessary than ever.



DECLARATION BY THE PRESIDENCY OF THE EUROPEAN UNION ON BEHALF OF THE EU ON THE EVENTS ON THE ESPLANADE OF THE MOSQUES IN JERUSALEM, 2 OCTOBER 2000

The European Union is deeply concerned at the serious events of yesterday and today on the Esplanade of the Mosques in Jerusalem. It roundly condemns the acts of provocation and violence committed as well as those perpetrated over the last few days in the Gaza Strip and on the West Bank.

In these tragic circumstances the Union expresses its heartfelt sympathy to the victims and their families.

The Union calls on all sides to refrain from any form of provocation or action which might give rise to further confrontation.



EUROPEAN UNION NON-PAPER ON THE TABA TALKS, PREPARED BY EU SPECIAL REPRESENTATIVE TO THE MIDDLE EAST PROCESS, AMBASSADOR MORATINOS, JANUARY 2001 [EXCERPTS]

Introduction

This EU non-paper has been prepared by the EU Special Representative to the Middle East Process, Ambassador Moratinos, and his team after consultations with the Israeli and Palestinian sides, present at Taba in January 2001. Although the paper has no official status, it has been acknowledged by the parties as being a relatively fair description of the outcome of the negotiations on the permanent status issues at Taba. It draws attention to the extensive work which has been undertaken on all permanent status issues like territory, Jerusalem, refugees and security in order to find ways to come to joint positions. At the same time it shows that there are serious gaps and differences between the two sides, which will have to be overcome in future negotiations. From that point of view, the paper reveals the challenging task ahead in terms of policy determination and legal work, but it also shows that both sides have traveled a long way to accommodate the views of the other side and that solutions are possible. [...]

2. Jerusalem

2.1 Sovereignty

Both sides accepted in principle the Clinton suggestion of having a Palestinian sovereignty over Arab neighborhoods and an Israeli sovereignty over Jewish neighborhoods. The Palestinian side affirmed that it was ready to discuss Israeli request to have sovereignty over those Jewish settlements in East Jerusalem that were constructed after 1967, but not Jebel Abu Ghneim and Ras al-Amud. The Palestinian side rejected Israeli sovereignty over settlements in the Jerusalem Metropolitan Area, namely of Ma'ale Adumim and Givat Ze'ev.

The Palestinian side understood that Israel was ready to accept Palestinian sovereignty over the Arab neighborhoods of East Jerusalem, including part of Jerusalem's Old City. The Israeli side understood that the Palestinians were ready to accept Israeli sovereignty over the Jewish Quarter of the Old City and part of the American Quarter.

The Palestinian side understood that the Israeli side accepted to discuss Palestinian property claims in West Jerusalem.

2.2 Open City

Both sides favored the idea of an Open City. The Israeli side suggested the establishment of an open city whose geographical scope encompasses the Old City of Jerusalem plus an area defined as the Holy Basin or Historical Basin.

The Palestinian side was in favor of an open city provided that continuity and contiguity were preserved. The Palestinians rejected the Israeli proposal regarding the geographic scope of an open city and asserted that the open city is only acceptable if its geographical scope encompasses the full municipal borders of both East and West Jerusalem.

The Israeli side raised the idea of establishing a mechanism of daily coordination and different models were suggested for municipal coordination and cooperation (dealing with infrastructure, roads, electricity, sewage, waste removal etc). Such arrangements could be formulated in a future detailed agreement. It proposed a "soft border regime" within Jerusalem between Al-Quds and Yerushalaim that affords them "soft border" privileges. Furthermore the Israeli side proposed a number of special arrangements for Palestinian and Israeli residents of the Open City to guarantee that the Open City arrangement neither adversely affect their daily lives nor compromise each party sovereignty over its section of the Open City.

2.3 Capital for two states

The Israeli side accepted that the City of Jerusalem would be the capital of the two states: Yerushalaim, capital of Israel and Al-Quds, capital of the state of Palestine. The Palestinian side expressed its only concern, namely that East Jerusalem is the capital of the state of Palestine.

2.4 Holy/Historical Basin and the Old City

There was an attempt to develop an alternative concept that would relate to the Old City and its surroundings, and the Israeli side put forward several alternative models for discussion, for example, setting up a mechanism for close coordination and cooperation in the Old City. The idea of a special police force regime was discussed but not agreed upon.

The Israeli side expressed its interest and raised its concern regarding the area conceptualized as the Holy Basin (which includes the Jewish Cemetery on the Mount of Olives, the City of David and Kivron Valley). The Palestinian side confirmed that it was willing to take into account Israeli interests and concerns provided that these places remain under Palestinian sovereignty. Another option for the Holy Basin, suggested informally by the Israeli side, was to create a special regime or to suggest some form of internationalization for the entire area or a joint regime with special cooperation and coordination. The Palestinian side did not agree to pursue any of these ideas, although the discussion could continue.

2.5 Holy Sites: Western Wall and the Wailing Wall

Both parties have accepted the principle of respective control over each side's respective holy sites (religious control and management). According to this principle, Israel's sovereignty over the Western Wall would be recognized although there remained a dispute regarding the delineation of the area covered by the Western Wall and especially the link to what is referred to in Clinton's ideas as the space sacred to Judaism of which it is part.

The Palestinian side acknowledged that Israel has requested to establish an affiliation to the holy parts of the Western Wall, but maintained that the question of the Wailing Wall and/or Western Wall has not been re-

solved. It maintained the importance of distinguishing between the Western Wall and the Wailing Wall segment thereof, recognized in the Islamic faith as the Buraq Wall.

2.6 Haram al-Sharif/Temple Mount

Both sides agreed that the question of Haram al-Sharif/Temple Mount has not been resolved. However, both sides were close to accepting Clinton's ideas regarding Palestinian sovereignty over Haram al-Sharif notwithstanding Palestinian and Israeli reservations.

Both sides noted progress on practical arrangements regarding evacuations, building and public order in the area of the compound. An informal suggestion was raised that for an agreed period such as three years, Haram al-Sharif/Temple Mount would be under international sovereignty of the P5 plus Morocco (or other Islamic presence), whereby the Palestinians would be the "Guardian/Custodians" during this period. At the end of this period, either the parties would agree on a new solution or agree to extend the existing arrangement. In the absence of an agreement, the parties would return to implement the Clinton formulation. Neither party accepted or rejected the suggestion. [...]



PRESIDENCY STATEMENT ON BEHALF OF THE EUROPEAN UNION ON ISRAELI SETTLEMENT ACTIVITIES, 4 APRIL 2001

The Presidency of the European Union expresses great concern at the continuing Israeli settlement activities, including the plans for establishment of new settlements and the expansion of existing ones. Recently, plans to expand the settlement Har Homa/Jabal Abu Ghneim with an additional 2 800 housing units and a new settlement to be called Giva'ot with 6 000 housing units have been announced.

The European Union calls on the Israeli Government to prevent the implementation of these proposals. Settlements change the physical character and demographic composition of the Occupied Territories. All settlement activities are illegal and constitute a major obstacle to peace.

The European Union strongly urges the Israeli Government to reverse its settlement policy as regards the Occupied Territories, including East Jerusalem.



PRESIDENCY STATEMENT ON BEHALF OF THE EUROPEAN UNION ON THE DEMOLITION OF PALESTINIAN HOUSES IN JERUSALEM, BRUSSELS, 10 JULY 2001

The European Union is extremely concerned by the demolition of Palestinian houses by the Jerusalem municipal authority in the Shu'fat sector of Jerusalem on 9 July.

It calls on the Israeli authorities to put an immediate end to this sort of activity, which can only complicate further the efforts of the international community and the parties themselves to seek a solution to end the crisis through the full implementation of the recommendations set out in the Fact Finding Committee's report (the Mitchell report).

It urges all the parties to act responsibly and to refrain from any comments or unilateral acts which might be interpreted as a provocation, but instead to work resolutely for calm.



DECLARATION BY THE PRESIDENCY ON BEHALF OF THE EUROPEAN UNION FOLLOWING THE ATTACK IN HAIFA ON 12 AUGUST AND THE CLOSURE OF ORIENT HOUSE IN EAST JERUSALEM, BRUSSELS, 13 AUGUST 2001 [EXCERPTS]

The European Union condemns in the strongest terms the recent suicide-bomb attacks.

These acts, in particular those targeted at Israeli civilians, are hateful and repugnant in the extreme. [...]

The closure of Orient House and other institutions in Jerusalem does not serve the interests of peace and can only weaken the Palestinian leadership at a time when it is called upon to show firm resolve in the fight against extremism. It runs counter to the declared objective, which must remain the restoration of security for all. The European Union would like to see the closure reversed at the earliest possible date, and the archives returned. Unilateral acts can do nothing to alter the international community's long-standing position on the status of the Occupied Territories, including East Jerusalem. [...]



**EUROPEAN UNION COMMISSION NOTICE TO IMPORTERS ABOUT IMPORTS
FROM ISRAEL INTO THE COMMUNITY, 16 NOVEMBER 2001**

Confirming its doubts about the validity of the certificates of origin issued by the Israeli authorities for goods produced in the Occupied Territories of the West Bank, Gaza Strip, the Golan Heights and East Jerusalem, the Commission recommended European importers and the customs authorities of the Member States to take precautionary measures such as the lodging of guarantees.



**EUROPEAN UNION DECLARATION ON MIDDLE EAST (“SEVILLE DECLARATION”),
SEVILLE EUROPEAN COUNCIL, 22 JUNE 2002 [EXCERPTS]**

[Declaration discussing possibilities of solutions to the conflict with the following remark on Jerusalem]

A settlement can be achieved through negotiation, and only through negotiation. The objective is an end to the occupation and the early establishment of a democratic, viable, peaceful and sovereign State of Palestine, on the basis of the 1967 borders, if necessary with minor adjustments agreed by the parties. The end result should be two States living side by side within secure and recognised borders enjoying normal relations with their neighbours. In this context, a fair solution should be found to the complex issue of Jerusalem, and a just, viable and agreed solution to the problem of the Palestinian refugees. [...]



**ASSOCIATION COUNCIL BETWEEN THE EUROPEAN UNION AND ISRAEL,
THIRD MEETING - DECLARATION OF THE EUROPEAN UNION, LUXEMBOURG,
22 OCTOBER 2002 [EXCERPTS]**

[Declaration recalling status of East Jerusalem]

1. We welcome the holding of the third meeting of the Association Council between the EU and Israel. It comes only two weeks after the last meeting of the Association Committee in Jerusalem which provided an excellent opportunity to review the whole of our relationship and to take note of progress on many points in our common interest, be it cooperation in educational and cultural matters, transport and telecommunication or scientific and technological co-operation. [...]
4. [...] Israel's security concerns are legitimate, but they must be addressed with full respect for human rights and within the framework of the rule of law. The EU urges Israel to put an immediate end to activities that are inconsistent with international humanitarian law and human rights, such as extra-judicial killings, to abstain from all acts of collective punishment such as demolition of Palestinian homes, to lift closures and curfews and to abstain from deportations of family members. The EU firmly believes that there can be no justification for military actions directed indiscriminately against civilian neighbourhoods. Such actions fuel mistrust and hatred and further hamper efforts to seek a political solution. They damage Israel's reputation as a democracy based on the rule of law. All settlement activities, including those in and around East Jerusalem, must stop immediately. There is no connection between settlement activities and Israel's security needs. [...]

The EU reaffirms its conviction that the creation of a viable, democratic and peaceful sovereign Palestinian state would be the best guarantee of Israel's security and its acceptance as an equal partner in the region.

It is recalled that the 4th Geneva Convention is applicable to the occupied territories including East Jerusalem where the status quo must be respected until a permanent status is agreed by the parties. [...]



EUROMED SYNOPSIS, 16 DECEMBER 2004 [EXCERPTS]

[Account on the place of origin of Israeli products not entitled to Association Agreement benefits]

Initiatives

[...]

The EU-Israel Customs Co-operation Committee has given the green light to a technical arrangement for identifying goods exported to the Union from settlements in the occupied territories, which the EU regards as not covered by the Association Agreement, and therefore not eligible for preferential tariff treatment. As a result of the arrangement, proposed earlier this year by Israel's Deputy Prime Minister Ehud Olmert, Israel will now specify the place of production, thus allowing EU customs officials to identify which goods come from Israel proper (within its 1967 borders), and which come from the illegal settlements in the West Bank, Golan, East Jerusalem and Gaza. Products from the latter are liable to pay full customs duties. The new arrangement comes into effect on 1 February 2005. EU representatives, in agreeing this system, underlined that this was purely a customs measure to allow EU customs authorities to impose duties in accordance with the EU-Israel Association Agreement, and was not a solution to the disagreement with Israel over the geographical applicability of the Agreement.



**EUROPEAN UNION ELECTION OBSERVATION MISSION WEST BANK AND GAZA 2005,
FINAL REPORT ON THE PRESIDENTIAL ELECTIONS, 9 JANUARY 2005 [EXCERPTS]**

2 Executive Summary

[...]

5. There is also concern at the lack of proper electoral procedures for voters and candidates in East Jerusalem, and it was noted that on election day people faced a lack of clear information and administrative obstacles in exercising their voting right. The Protocol on Elections does not provide proper or reasonable electoral conditions, such as by limiting the process to just five post offices, and the position taken by the Israeli Authorities with regard to refusing to allow Palestinian election officials to be involved in the post offices, refusing to allow adequate preparation by the DEC, together with their closing down of the registration of voters in September, had a profoundly negative impact on the electoral process in Jerusalem. It is clear that for the coming elections the present Israeli-Palestinian agreement concerning elections in East Jerusalem requires reconsideration in order to avoid further tension and problems. [...]

3 Recommendations

[...]

Provide Reasonable Electoral Conditions for Candidates and Voters in East Jerusalem

It is imperative that the electoral process in East Jerusalem is conducted in an equal manner as far as possible in comparison to the other electoral constituencies.

Whilst it is understood that Annex II of the Declaration of Principles may still be relevant, it is hoped that good will and common sense will prevail in this respect to prevent a recurrence of the problems which characterised the process in Jerusalem in both 1996 and 2005.

- There must be a full and inclusive registration of Palestinian voters in Jerusalem, with clear information provided as to where they will vote on election day.
- Voters must receive assurances that their participation in the electoral process will not in any way jeopardise their rights and status as Jerusalem ID card holders.
- The arrangements for election campaigning, including the establishment of campaign offices for candidates and the free movement of candidates throughout the constituency must be articulated in good time before the start of the campaign.
- Candidates eligible to stand for election in Jerusalem, but currently residing elsewhere, must be afforded proper access to the constituency.

- Proper, reasonable and adequate provision must be made for voting by all registered voters in the vicinity in which they live, in accordance with basic international electoral standards of equal treatment, secrecy of the vote and convenient provision of adequate polling places.
- If the postal services should remain the provider of infrastructural support to the voting process, then this should not necessarily in itself mean there is a limitation on the number of premises that can be provided, as based on examples elsewhere in the world when there is an increased “seasonal” demand for postal services, temporary postal facilities can be utilised.
- Regular electoral officials should be permitted to oversee the proper conduct of the election, possibly in a supervisory role so that problems can be properly addressed. [...]

6 Election Administration

[...]

6.2 Jerusalem

The voting process in Jerusalem was conducted under very different conditions compared to other districts. In accordance with the arrangements agreed upon by Israel and the PLO for the 1996 elections the voting process in Jerusalem was organised by the relevant DEC but in coordination with the Israeli postal authority as the “Implementing Agency” and the process was only to be conducted in post offices. Further, the process was limited, initially, to only the five post offices (which provided for a total of just 11 polling places) listed in the 1995 Protocol Concerning Elections.

Crucially the protocol states: “A number of Palestinians (emphasis added) of Jerusalem will vote in the elections through services rendered in post offices in Jerusalem, in accordance with the capacity of such post offices.

The relevant post offices for the purposes of these arrangements shall be:

- (1) Salah-a-din post office
- (2) Jaffa Gate post office
- (3) Shuafat post office
- (4) Beit Hanina post office; and
- (5) Mount of Olives post office.”

As a consequence, in 1996 the “number of Palestinians” allowed to participate in these places was just 5,367. The other estimated 95,000 potentially eligible voters had to vote elsewhere, in neighbourhoods outside of the city of Jerusalem.

For this election, the same formula was adopted, but the Israeli authorities agreed to the addition of one extra post office (Subaher) very late in the process, increasing the capacity to 6,000 voters.

However, no Palestinian election officials were allowed to administer the process, rather postal officials were responsible. Further, voting booths were not permitted, instead voters marked their ballots at normal post office windows and put the ballot in an envelope, which was then put into a special post box by the postal official.

Pressure by Israeli authorities against Palestinian election officials in East Jerusalem also meant that virtually no advance preparation could be undertaken until after 26 December when the Israeli government finally issued a statement acknowledging the poll. Further, the EUEOM was informed that certain election officials in East Jerusalem were “invited” for questioning by Israeli police, who stressed that no electoral activities should be undertaken prior to the official Israeli government statement, which was only forthcoming on 26 December.

The late agreement of procedures meant that, for example:

- The procedures for the election campaign activities in East Jerusalem were inadequate and were only agreed half-way through the two-week campaign period. For example the Jerusalem Municipality only published the notification of the list of official billboards for campaign posters on 4 January – 11 days after the campaign started and 3 days before it finished;
- Candidates repeatedly faced problems in entering Jerusalem to campaign, resulting in the detention of two of the candidates for a few hours each;
- The final voter lists for Jerusalem were only completed on the day before the election, and were incorrectly delivered to the polling places;
- Voters were not properly informed of the modalities for election day in East Jerusalem, causing a high degree of chaos, anxiety and tension.

The position taken by the Israeli Authorities with regard to refusing to allow Palestinian election officials to be involved in the post offices, refusing to allow adequate preparation by the DEC, together with the closing down of the registration of voters on 13 September, had a profoundly negative impact on the electoral process in Jerusalem and was responsible for most of the noted shortcomings. However it was also clear that the issue of the election in Jerusalem was a highly sensitive matter for both the Israeli and Palestinian authorities, and that both of them to varying degrees played politics with it. It appeared to the EUEOM that the PA was intent on keeping the various electoral arrangements out of the public domain as much as possible, in order to ensure that as much blame as possible for the problems could be attributed to the Israeli authorities and also to ensure that the various arrangements to which they had agreed in both 1996 and 2005 would not become known, as they feared the public would blame them for agreeing to such bad terms for Palestinian voters in Jerusalem. [...]

7 Voter Registration

7.1 The Voter Registration Process

[...]

However, registration of Palestinians in East Jerusalem was curtailed by 13 September after registration centres were subjected to frequent raids by Israeli authorities. As a consequence, and even though the CEC established some centres outside of the boundaries of municipal Jerusalem, tens of thousands of Palestinians in East Jerusalem were not registered at this time. Following an agreement between the PA and the Israeli government on 26 December, the CEC initiated a door-to-door registration or canvassing of voters on 29 December, which continued up to the week prior to the election.

The inadequate and late registration of voters in East Jerusalem had serious consequences for the orderly administration of the process in the city during the later stages.

However, despite these problems, and acknowledging East Jerusalem as a separate problem, most observers of the process concluded that the registration process had been conducted “at a high level of technical proficiency”. Further, the capturing of some 71% of the estimated eligible electorate under these circumstances was a highly credible exercise, and the resultant preliminary Final Voter List was proven to be reliable. [...]

9 Election Campaign

[...]

9.3 Jerusalem

The establishment of rules for campaigning in East Jerusalem only by the middle of the campaign (which itself was only two weeks long) clearly caused confusion and represented an obstacle for candidates and voters alike.

According to Article IV of the Israel-PLO Protocol Concerning Elections, the modalities for providing permission for campaign activities, campaign locations etc. is to be determined in advance by the CEC, presumably in agreement with the relevant Israeli authorities, and handled on a case-by-case basis by the relevant District Co-ordination Office (DCO). However, for this election the joint Israeli-Palestinian Co-ordination offices were not established as for the 1996 election. Also the CEC confirmed to the EUEOM that it was not in a position to liaise directly with the Israeli government, that this was a task for the PLO and PA, which created a further level of decision-making and involvement.

Therefore the mechanism by which candidates should inform the DEC of their intended activities and the DEC should inform the DCO in order to attain the proper permission never functioned as per the agreement. For this election, it was eventually agreed, a few days before the day of the election, how candidates should submit a request for a permit through the DEC, however by this time it was effectively too late and a series of incidents had already occurred (see above).

Further, the Israeli authorities were adamant at a meeting with Palestinian negotiators attended by the EUEOM that candidates were not permitted to have any campaign offices whatsoever in Jerusalem. In reality candidates therefore had to use surrogate offices of their related party or supporters in order to be able to conduct any campaign activity. [...]

11 Voting, Counting and Tabulation

[...]

11.3 Jerusalem

The electoral process in Jerusalem was far more problematic than elsewhere, reflecting all the shortcomings in the build up to the poll mentioned earlier in the report. The problems represent a catalogue of shortcomings:

- Shortly after 07.00, the time of opening of the post offices (see above), it became apparent that some of the post offices had the wrong or incorrect voter lists and that voters turning up at the post offices were unsure of where to go;
- During the first hours of voting very few votes were cast as voters were unable to find their right place, as it appeared that post office voter lists did not correspond with the registration of voters in the local neighbourhoods;
- By 09.00 the election co-ordination unit was aware of the problem and considered various solutions;
- In the meantime Fatah activists were transporting voters from post office to post office or to special voting stations in J2 to ensure they could cast their ballot;
- By mid-afternoon the CEC issued a new instruction that voters could vote at any post office and be added to a special voters list to be completed with the assistance of observers from NDI/Carter Centre, after an agreement “brokered” by former US President Jimmy Carter;
- On-the-ground understanding of this information was patchy and the inability of post office workers, voters and Fatah activists to make distinctions between various categories of observers increased tension;
- By 17.00 post office workers received a written instruction from the CEC allowing voters with a registration slip but not on a list to register at the polling place and vote;
- By 18.00 crowds and tension in front of post offices had increased as word of the new procedure spread. [...]



**EUROPEAN PARLIAMENT RESOLUTION ON THE SITUATION IN THE MIDDLE EAST,
27 JANUARY 2005**

[Resolution briefly recalling Palestinian rights in Jerusalem]

Parliament welcomed the success of the first presidential election since 1996, which resulted in the appointment of Mr Mahmoud Abbas as President of the Palestinian Authority. It urged Israel, in view of the coming Palestinian legislative elections, to fully respect the internationally recognised right of all Jerusalem residents to vote and to facilitate the process in such a way that the obstacles observed in the presidential election were lifted by the time of the legislative elections.

Parliament invited the new Israeli government and the Palestinian Authority to seize the opportunity offered by the results of the elections and relaunch negotiations. It also invited the EU to take an urgent initiative, in the framework of the Quartet, and especially vis-à-vis the US, in accordance with their complementary roles in the peace process, in order to open a new phase of strong mutual cooperation. Finally it confirmed the EU's support for the peace process and put forward a proposal for an economic development plan to be monitored by the Union, in order to give the region a solid basis for prosperity and stability.



**ANNOUNCEMENT BY THE GREEK FOREIGN MINISTRY SPOKESMAN REGARDING
GREEK PATRIARCHATE PROPERTIES IN THE OLD CITY, 30 MARCH 2005**

By decision of the Foreign Minister, a team of Experts visited Jerusalem from March 21 to March 26 to investigate the case of long-term leasing out of Patriarchate properties in Jerusalem's old city, as well as issues regarding the economic administration of the Jerusalem Patriarchate. The contacts/meetings of the team of Experts started on the morning of March 22 and were completed late in the evening of March 24.

Despite the sincere efforts made by the team of Experts to form a complete and precise picture concerning the issue of the concluding of legal transactions for the long-term leasing of Patriarch properties in Jerusalem's old city, they were unable to do so due to the failure of the Patriarchate to produce specific data, as this data is not in the Patriarchate's files.

The sole concern of the Greek government is the protection of the institutions of the Patriarchate in accordance with the status quo in effect in perpetuity, as well as the guaranteeing of its moral standing as an element of vital importance for the fulfillment of its mission, which is above and beyond individuals and personal ambitions.

These are the only criteria and point of reference for further action on the part of the Greek State, which will fulfill the obligations stemming from its historical duty.

It is apparent that the image of the Patriarchate today is neither suitable nor strengthens its prestige.

We call on the Patriarch, Mr. Eirinaios, to reflect on the seriousness of the situation and, rising to the occasion, assume his historical responsibility.



**COUNCIL OF THE EUROPEAN UNION, CONCLUSIONS OF THE 2679TH COUNCIL MEETING,
GENERAL AFFAIRS AND EXTERNAL RELATIONS, LUXEMBOURG, 3 OCTOBER 2005**
[EXCERPTS]

[Conclusions deploring the construction of separation wall in Jerusalem]

President Mr Jack STRAW
Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom
[...]

ITEMS DEBATED

MIDDLE EAST PEACE PROCESS - Council conclusions

The Council adopted the following conclusions: [...]

5. The Council expressed its grave concern about the ongoing expansion of Israeli settlements in the West Bank and the continuing construction of the separation barrier in occupied Palestinian territory. These activities form an obstacle to peace and threaten to make any solution based on the coexistence of two states physically impossible. The Council urged Israel to stop settlement expansion and to remove unauthorised outposts. The Council reiterated that, while recognising Israel's right to protect its citizens, the construction of the separation barrier in the occupied Palestinian territory is contrary to international law. The Council remained particularly concerned by the settlement building and the construction of the separation barrier in and around East Jerusalem, which is having a detrimental effect on the lives of Palestinians and jeopardises a final status agreement on Jerusalem. [...]



**COMMUNICATION FROM THE COMMISSION OF THE EUROPEAN COMMUNITIES TO THE
COUNCIL AND THE EUROPEAN PARLIAMENT, 'EUROPEAN UNION-PALESTINIAN
COOPERATION BEYOND DISENGAGEMENT - TOWARDS A TWO-STATE SOLUTION,'**
BRUSSELS, 5 OCTOBER 2005 [EXCERPTS]

[EU measures to support Palestinian institutions in Jerusalem]

3. PRIORITIES FOR EU SUPPORT

[...]

- Support Palestinian public administration reform efforts, including twinning Jerusalem
- Develop a strategy of assistance for East Jerusalem

[...]

There are two other important dimensions to legitimacy and to the political viability of a future Palestinian State: the issues of Jerusalem and refugees.

- Jerusalem:

The EU has been active in providing support to the Arab population of East Jerusalem. A number of measures have already been undertaken by the European Commission since 2002 including support for the private sector, social services, and cultural and educational activities. Despite the efforts of the international community and the Roadmap commitments, Palestinian institutions in East Jerusalem, such as the Chambers of Commerce, remain closed. An integrated development plan for East Jerusalem should be further supported. These efforts should be worked into a strategy of assistance to East Jerusalem without pre-empting the Final Status negotiations.

At the same time, the EU must increase the effectiveness of its messages rejecting the recent upsurge in settlement activity and efforts to establish new ‘facts on the ground’. The situation of Jerusalem as a Final Status issue is becoming more intractable with the construction of the separation barrier through the city.



CONFIDENTIAL EUROPEAN UNION REPORT ON EAST JERUSALEM, 24 NOVEMBER 2005

[EU diplomats slammed Israel’s policies in occupied Arab East Jerusalem, saying that they are hurting the prospects of a final peace deal with the Palestinians, according to the following classified EU report. After leaking to the press, European Foreign Ministers put a veto on the publication of the report. It is considered a detailed and critical account of Israel’s policy in East Jerusalem and the first of its kind being produced by a Western International institution.]

JERUSALEM AND RAMALLAH HEADS OF MISSION REPORT ON EAST JERUSALEM - SUMMARY

1. East Jerusalem is of central importance to the Palestinians in political, economic, social and religious terms. Several inter-linked Israeli policies are reducing the possibility of reaching a final status agreement on Jerusalem, and demonstrate a clear Israeli intention to turn the annexation of East Jerusalem into a concrete fact:
 - the near-completion of the barrier around east Jerusalem, far from the Green Line;
 - the construction and expansion of illegal settlements, by private entities and the Israeli government, in and around East Jerusalem;
 - the demolition of Palestinian homes built without permits (which are all but unobtainable);
 - stricter enforcement of rules separating Palestinians resident in East Jerusalem from those resident in the West Bank, including a reduction of working permits;
 - and discriminatory taxation, expenditure and building permit policy by the Jerusalem municipality.
2. The plan to expand the settlement of Ma’aleh Adumim into the so-called “E1” area, east of Jerusalem, threatens to complete the encircling of the city by Jewish settlements, dividing the West Bank into two separate geographical areas. The proposed extension of the barrier from East Jerusalem to form a bubble around the settlement of Ma’aleh Adumim would have the same effect. 2004 saw a near tripling of the number of Palestinian buildings demolished in East Jerusalem. We expect a similar number of demolitions in 2005. 88 homes in the Silwan neighbourhood with demolition orders outstanding against them attracted much attention in June.
3. When the *barrier* has been completed, Israel will control access to and from East Jerusalem, cutting off its Palestinian satellite cities of Bethlehem and Ramallah, and the rest of the West Bank beyond. This will have serious economic, social and humanitarian consequences for the Palestinians. By vigorously applying policies on residency and ID status, Israel will be able finally to complete the isolation of East Jerusalem – the political, social, commercial and infrastructural centre of Palestinian life.
4. Israel’s activities in Jerusalem are in violation of both its Roadmap obligations and international law. We and others in the international community have made our concerns clear on numerous occasions, to varying effect.

Palestinians are, without exception, deeply alarmed about East Jerusalem. They fear that Israel will “get away with it”, under the cover of disengagement. Israeli actions also risk radicalising the hitherto relatively quiescent Palestinian population in East Jerusalem. Clear statements by the European Union and the Quartet that Jerusalem remains an issue for negotiation by the two sides, and that Israel should desist from all measures designed to pre-empt such negotiations, would be timely. We should also support Palestinian cultural, political and economic activities in East Jerusalem.

RECOMMENDATIONS

On the political level

- Clear statements by the European Union and the Quartet that Jerusalem remains an issue for negotiation by the two sides, and that Israel should desist from all measures designed to pre-empt such negotiations.
- We might consider issuing a statement focused on the issue of Jerusalem at the GAERC in November. We could also press for a similar statement to issue from the Quartet.

- Phase One of the Roadmap calls for the re-opening of Palestinian institutions in East Jerusalem, and in particular the Chamber of Commerce. The re-opening of these institutions would send a signal to the Palestinians that the international community takes their concerns seriously, and is taking action. We might include a call for their re-opening in the statements referred to above, and explore with the two parties how and when their re-opening might be accomplished.
- Request the Israeli Government to halt discriminatory treatment of Palestinians in East Jerusalem, especially concerning working permits, building permits, house demolitions, taxation and expenditure.
- The EU might consider and assess the implications and feasibility of excluding East Jerusalem from certain EU/Israel co-operation activities.

On an operational level

- Organise political meetings with the PA in East Jerusalem, including meetings at ministerial level.
- Initiatives (statement letters, contacts, meetings etc.) focused on issues like access, building permits, the consequences of the barrier etc.
- In view of the Palestinian legislative elections scheduled for 25 January 2006, encourage the parties to agree on the terms and substance of their co-ordination to allow for satisfactory elections to take place in East Jerusalem, referring to the parties' obligations under the interim agreements and the Roadmap (PA to hold elections and Israel to facilitate them) and taking into account the recommendations formulated in the Rocard EUEOM report. Offer 3rd party technical assistance and monitoring capacity if required and adequate.
- The Jerusalem Masterplan that is currently in the approval process should undergo a technical assessment followed by a decision as to how to evaluate the plan in terms of legal implications, public awareness etc. The plan currently exists only in Hebrew (the plan should be translated into Arabic and English).
- All MS and EC to increase project activity in East Jerusalem with a balance between service provision, relief, development and political projects (taking into consideration the Multi Sector Review). Support for civil society is important. An inventory of current EC and MS activity in East Jerusalem would be a useful first step.
- Regarding house demolitions for lack of building permits in East Jerusalem, the EU could pursue various options:
 - support legal projects designed to support Palestinians threatened by house demolitions and those who have been victims thereof
 - promote initiatives to legalise "illegal" houses (e.g. through introducing retroactively alternative town planning schemes)
 - facilitate a solution for obtaining building permits
 - EU projects with a Palestinian NGO on legal counselling concerning building permits and house demolitions
 - EU project on the development of a master plan for urban planning and legal housing for Palestinian neighbourhoods in East Jerusalem.
- Facilitate a solution of the access issue. This would comprise a range of political and operational measures, both short and long term
- Support local and international organisations in their information efforts on East Jerusalem.
- Enhance EU assistance to Palestinian institutions in East Jerusalem, including cultural activities and community empowerment.

JERUSALEM AND RAMALLAH HEADS OF MISSION

REPORT ON EAST JERUSALEM

DETAIL

1. Jerusalem is already one of the trickiest issues on the road to reaching a final status agreement between Israel and the Palestinians. But several inter-linked Israeli policies are reducing the possibility of reaching a final status agreement on Jerusalem that any Palestinian could accept. We judge that this is a deliberate Israeli policy – the completion of the annexation of East Jerusalem. Israeli measures also risk radicalising the hitherto relatively quiescent Palestinian population of East Jerusalem.

EU POLICY ON EAST JERUSALEM

2. The EU policy on Jerusalem is based on the principles set out in UN Security Council Resolution 242, notably the impossibility of acquisition of territory by force. In consequence the EU has never recognised the annexation of East Jerusalem under the Israeli 1980 Basic Law (Basic Law Jerusalem Capital of Israel) which made Jerusalem the "complete and united" capital of Israel. EU Member States have therefore placed their accredited missions in Tel Aviv. The EU opposes measures that would prejudice the outcome

of Permanent Status Negotiations, consigned to the third phase of the Road Map, such as actions aimed at changing the status of East Jerusalem.

3. In conferences held in 1999 and 2001, the High Contracting Parties reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem, and reiterated the need for full respect for the provisions of the said Convention in that territory.
4. In July 2004 the EU acknowledged the Advisory Opinion of the International Court of Justice on the “legal consequences of the construction of a Wall in the occupied Palestinian territories including in and around East Jerusalem” and voted in favour of the General Assembly Resolution that recognised it. While the EU recognises Israel’s security concerns and its right to act in self-defence, the EU position on the legality of the separation barrier largely coincides with the ICJ Advisory Opinion.

SETTLEMENTS

5. Israel is increasing *settlement* activity in three east-facing horseshoe shaped bands in and around East Jerusalem, linked by new roads:
 - first through new settlements in the old city itself and in the Palestinian neighbourhoods immediately surrounding the old city (Silwan, Ras al Amud, At Tur, Wadi al Joz, Sheikh Jarrah);
 - then in the existing major East Jerusalem settlement blocs (running clockwise from Ramot, Rekhes Shu’afat, French Hill, through the new settlements in the first band, above, to East Talpiot, Har Homa and Gilo);
 - and finally in “Greater Jerusalem” – linking the city of Jerusalem to the settlement blocs of Givat Ze’ev to the north, Ma’aleh Adumim to the east (including the E1 area, see below), and the Etzion bloc to the south.

Settlement activity and construction is *ongoing* in each of these three bands, contrary to Israel’s obligations under international law and the Roadmap.

“E1” and Ma’aleh Adumim

6. E1 (derived from ‘East 1’) is the term applied by the Israeli Ministry of Housing to a planned new neighbourhood within the municipal borders of the large Israeli settlement of Ma’aleh Adumim (30,000+ residents), linking it to the municipal boundary of Jerusalem (a unilateral Israeli line well east of the Green Line). E1, along with a maximalist barrier around Ma’ale Adumim, would complete the encircling of East Jerusalem and cut the West Bank into two parts, and further restrict access into and out of Jerusalem. The economic prospects of the West Bank (where GDP is under \$1000 a year) are highly dependent on access to East Jerusalem (where GDP is around \$3500 a year). Estimates of the contribution made by East Jerusalem to the Palestinian economy as a whole vary between a quarter and a third. From an economic perspective, the viability of a Palestinian state depends to a great extent on the preservation of organic links between East Jerusalem, Ramallah and Bethlehem.
7. E1 is an old plan which was drawn up by Rabin’s government in 1994 but never implemented. The plan was revived by the housing Ministry in 2003, and preliminary construction in the E1 area began in 2004. Since his resignation from the Cabinet Netanyahu has tried to make E1 a campaign issue.

The development plans for E1 include:

- the erection of at least 3,500 housing units (for approx. 15,000 residents);
 - an economic development zone;
 - construction of the police headquarters for the West Bank that shall be relocated from Raz el-Amud;
 - commercial areas, hotels and “special housing”, universities and “special projects”, a cemetery and a waste disposal site.
 - About 75% of the plan’s total area is earmarked for a park that will surround all these components.
 - So far only the plans for the economic development zone have received the necessary authorisations for building to commence. The plans related to residential areas and the building of the Police Headquarters have been approved by the Ma’aleh Adumim Municipality but not yet by the Civil Administration’s Planning Council.
8. The *current* built-up area of Ma’aleh Adumim covers only 15% of the *planned* area. The overall plan for Ma’aleh Adumim, including E1, covers an area of at least 53 square kilometres (larger than Tel Aviv) stretching from Jerusalem to Jericho (comment: Israel’s defence of settlement expansion “within existing settlement boundaries” therefore covers a potentially huge area). In August 2005 Israel published land requisition

orders for construction of the barrier around the southern edge of the Adumim bloc, following the route approved by the Israeli cabinet on 20 February 2005 (including most of the municipal area of Ma'aleh Adumim).

9. The E1 project would cut across the main central traffic route for Palestinians travelling from Bethlehem to Ramallah. This route is actually an alternative to route 60, which until 2001 was the main north-south highway connecting the major Palestinian cities (Jenin, Nablus, Ramallah, Jerusalem, Bethlehem and Hebron) on the ridge of mountains in the West Bank. And Palestinians currently have only restricted access to route 60 (either permits are required for certain segments or roads are blocked), especially from/to the Jerusalem area.
10. Since 2003, some preparatory work has taken place. In the northern sector of E-1, where residential housing is planned, the top of a hill has been levelled in order to allow construction. In the southern section, where a police station and hotels are planned, an unpaved road has been constructed. But no further work has been carried out for over a year. On 25 August 2005 Israel announced plans to build the new police headquarters for the West Bank in E1, transferring it from its present location in East Jerusalem. Many previous settlements have started with a police station, and we are aware from Israeli NGOs that Israel has plans to convert the existing West Bank police headquarters, in Ras Al-Amud, into further settlement housing.

Settlement building inside East Jerusalem

11. Settlement building inside East Jerusalem continues at a rapid pace. There are currently around 190,000 Israeli settlers in East Jerusalem, the majority in large settlement blocks such as Pisgat Ze'ev. The mainstream Israeli view is that the so-called Israeli "neighbourhoods" of East Jerusalem are not settlements because they are within the borders of the Jerusalem Municipality. The EU, along with the most of the rest of the international community, does not recognise Israel's unilateral annexation of East Jerusalem and regards the East Jerusalem "neighbourhoods" as illegal settlements like any others – but this does not deter Israel from expanding them. Some of these settlements are now expanding beyond even the Israeli-defined municipal boundary of Jerusalem, further into the West Bank. The Jerusalem municipality has also been active around Rachel's Tomb, outside the municipal boundaries.
12. Smaller in number but of equal concern are settlements being implanted in the heart of existing Palestinian neighbourhoods, with covert and overt government assistance. Extremist Jewish settler groups, often with foreign funding, use a variety of means to take over Palestinian properties and land. They either prey on Palestinians suffering financial hardship or simply occupy properties by force and rely on the occasional tardiness and/or connivance of the Israeli courts. Such groups have told us that they also press the Israeli authorities to demolish Palestinian homes built without permits. Israel has previously used the "Absentee Property Law"¹¹⁵ (generally applied only inside Green Line Israel) to seize property and land. The Attorney General declared that this was "legally indefensible" in the Bethlehem area earlier this year and the practise has stopped, but the law remains applicable to East Jerusalem and can be resurrected any time the Israeli Government sees fit.
13. Some of the Jewish settlements lack building permits, but not one has been demolished – in marked contrast to the situation for Palestinians. There are also plans to build a large new Jewish settlement within the Muslim Quarter of the Old City, a step that would be particularly inflammatory and could lead to the further "Hebronisation" of Jerusalem. The aim of these settlers, and settlements, is to extent the Jewish Israeli presence into new areas. As a result, President Clinton's formula for Jerusalem ("what's Jewish becomes Israel and what's Palestinian becomes Palestine") either cannot be applied – or Israel gets more.

SEPARATION BARRIER/WALL

14. Israel has largely ignored the Advisory Opinion of 9 July 2004 of the International Court of Justice regarding the barrier. On 20 February 2005, the Israeli Government approved the revised route of the separation barrier¹¹⁶. This route seals off most of East Jerusalem, with its 230,000 Palestinian residents, from the West Bank (i.e. it divides Palestinians from Palestinians, rather than Palestinians from Israelis). The Barrier is not only motivated by security considerations. On 21 June 2005, the Israeli High Court ruled that it was legal to take into account political considerations, in addition to security considerations,

¹¹⁵ Israel passed the Absentee Property Law in 1950. It states that any landowner who left her/his permanent residence at any time following November 29, 1947 to any Arab State, or to any area of the Land of Israel, which is not part of the State of Israel (i.e. West Bank & Gaza) automatically forfeited any property within the State of Israel to the Absentee Property Custodian - a public body, which subsequently transferred title to these properties to the State. Most of these lands - primarily in the Negev and the Galilee - were used to build kibbutzim, moshavim and development towns for the Jewish population.

¹¹⁶ Map available at: http://www.btselem.org/Downloads/Jerusalem_Separation_Barrier_Eng.PDF

for the routing of the barrier in East Jerusalem because East Jerusalem had been Israeli territory since its annexation in 1967 (i.e. political considerations are not legal in the West Bank, which has not been annexed to Israel). On 10 July the Israeli Cabinet decided to route the Jerusalem barrier so as to keep around 55,000 East Jerusalemite Palestinians, mainly in the Shu'afat refugee camp, outside the barrier. The fact that the Cabinet decision not only included short-term but also long-term measures designed to accommodate the new situation created by the Barrier - e.g. constructing new educational institutions and encouraging hospitals to open branches "beyond the fence" - appears to contradict the notion of the Barrier being a temporary rather than a permanent structure. And if Israel were to provide adequate municipal services to the areas excluded (as it is promising to do) this would be in contrast to hitherto poor service provision in the rest of East Jerusalem. Israeli NGOs working on the Jerusalem issue have looked at Israeli proposals to ensure that the people affected are not "cut off" from the city, and judged them deficient.

15. The barrier extends like a cloverleaf to the northwest, southwest and east, beyond even the (Israeli defined) municipal boundary of Jerusalem, leaving 164 square kilometres of West Bank land on the "Israeli" (western) side. Combined with settlement activity in these areas this de-facto annexation of Palestinian land will be irreversible without very large scale forced evacuations of settlers and the re-routing of the barrier – which reportedly cost 800,000 euros per kilometre. It will also block the alternative Bethlehem-Ramallah route for Palestinians, forcing them to travel via tunnels or Jericho.
16. We should ensure that any support we provide to East Jerusalem is not simply an attempt to reduce the negative consequences of the construction of the separation barrier. The ICJ ruling on the barrier, accepted by the EU with limited reservations, states: "all States are under an obligation not to recognise the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction".

RESTRICTIONS ON/DEMOLITIONS OF PALESTINIAN HOUSING

17. The Israeli authorities place severe restrictions on the building of Palestinian housing in East Jerusalem. The Israeli authorities will only issue building permits for areas that have zoned "master plans". The municipality produces such plans for areas marked for settlement development, but not for Palestinian areas – only Palestinians are expected to draw up their own plans, at great (generally unaffordable) expense. So each year Palestinians receive less than 100 building permits, and even these require a wait of several years. At the same time, rules requiring Palestinians with Jerusalem residency status either to reside in the city or risk forfeiting that status have forced thousands of Palestinians in this situation to move from other areas of the West Bank back to Jerusalem, adding to the severe pressure on housing. As a result, most new Palestinian housing is built without permits and is therefore considered "illegal" by the Israeli authorities (although under the 4th Geneva Convention occupying powers may not extend their jurisdiction to occupied territory). The restrictions and demolitions also leave undeveloped (but Palestinian-owned) land available for new settlements or the expansion of existing settlements.
18. In 2004, at least 152 buildings (most of them residential) were demolished in East Jerusalem, a sharp increase over previous years (66 in 2003, 36 in 2002, 32 in 2001 and 9 in 2000). In May 2005 the Jerusalem municipality's intention to destroy 88 houses in the Silwan neighbourhood became public. Following media scrutiny and international pressure, they have put these demolitions on hold, but the future of Silwan remains uncertain, with demolition orders remaining in place. In the meantime, elsewhere in Palestinian neighbourhoods, homes continue to be demolished on a regular basis. According to the Israeli Committee Against House Demolitions 52 buildings (including a seven-storey building and eight petrol stations) have been demolished in East Jerusalem so far this year. The municipality's budget for house demolitions (approved late, in March) stands at NIS 4m (approximately 800k euros), a figure slightly higher than last year. Our contacts estimate that this will allow the municipality to demolish 150-170 buildings. In cases where the municipality is deemed not to be carrying out its duty to demolish illegal buildings (whether through lack of will or budget constraints), the Ministry of Interior can and does demolish buildings (fourteen in 2004, six so far in 2005). House demolitions are illegal under international law (see above), serve no obvious security purpose (but rather relate to settlement expansion), have a catastrophic humanitarian effect, and fuel bitterness and extremism. Palestinians continue to build illegally because they have no alternative, and because the municipality and Interior Ministry together can only demolish a fraction of the approximately 12,000 "illegal" homes in existence. Palestinians describe it to us as "a lottery".

ID CARDS AND RESIDENCY STATUS

19. Some Palestinians have blue Israeli ID cards, that give them the “right” to live in Israel (in practice, in East Jerusalem), but not to vote in Israeli national elections or take an Israeli passport. The renewal of these Blue ID cards is a lengthy, cumbersome and at times humiliating process to be carried out every year at the East Jerusalem office of the Israeli Ministry of Interior. The remainder have green West Bank ID cards or orange Gaza ID cards, and must apply for a permit to enter East Jerusalem. Even for those West Bankers and Gazans regularly employed in East Jerusalem, these entry permits have to be renewed every three months. Between 1996-1999 Israel implemented a “centre of life” policy meaning that those with blue ID found living or working outside East Jerusalem, for example in Ramallah, would lose their ID. A wave of blue ID cardholders therefore quickly moved back to East Jerusalem. The residency of hundreds of Palestinians that lived for a prolonged period outside of Israel and the OTs was revoked, a policy that continues. Renewed application of this rule and the construction of the barrier around Jerusalem has led to a second wave of “immigration” of blue ID card-holders to the city. Israel has also announced that it plans to introduce biometric, machine-readable ID cards. This is of great concern to Palestinians because it would enable Israel to check if blue ID cardholders really do live and work in the city, and if not, to expel more of them.
20. Israel’s main motivation is almost certainly demographic - to reduce the Palestinian population of Jerusalem, while exerting efforts to boost the number of Jewish Israelis living in the city - East and West. The Jerusalem master plan has an explicit goal to keep the proportion of Palestinian Jerusalemites at no more than 30% of the total. But the policy has severe humanitarian consequences - couples in which one spouse has a Blue ID and the other a Green ID will be forced to leave Jerusalem (Israel permits the transfer of blue ID status to spouses and children in theory but very rarely in practice). Palestinians with Israeli IDs already live in something of an identity limbo - neither Israeli Arabs, nor linked to the Palestinian Authority – and these measures can only worsen their situation. The separation of East Jerusalem from the rest of the West Bank is crippling both areas economically, and the influx of returning blue ID cardholders is exacerbating the housing crisis - property prices and rents are soaring.

MUNICIPALITY POLICIES

21. The Jerusalem municipality is responsible for the majority of the house demolitions carried out in East Jerusalem (see above). It also contributes to the economic and social stagnation of East Jerusalem through other policies. The Israeli Committee Against House Demolitions claims that while Palestinians contribute 33% of the municipality’s taxes, in return it spends only 8% of its budget in Palestinian areas. The exact figures are hard to assess, but discrimination in expenditure is obvious. Palestinian areas of the city are characterised by poor roads, little or no street cleaning, and an absence of well-maintained public spaces, in sharp contrast to areas where Israelis live (in both West Jerusalem and East Jerusalem settlements). Even Jewish ultra-orthodox neighbourhoods (which contribute very little in taxes, for various reasons) are far better provided for by the municipality. The provision of services in what is, according to Israeli definitions, a single municipality, is therefore subject to discriminatory practices. Palestinians regard municipal taxes as a tax on their residency rights, rather than a quid pro quo for municipal services. The high level of taxation (given that Palestinian incomes are typically much lower) and discriminatory law enforcement that appears to target Palestinians for fines for a variety of offences (traffic violations, parking offences, no TV licence etc) further worsen the economic situation of Palestinians. This makes it harder for them to maintain their residency in the city, and more vulnerable to settler groups or Palestinian collaborators offering them good money for their property or land.

HUMANITARIAN AND POLITICAL CONSEQUENCES

22. Cutting the link between East Jerusalem and the West Bank: Palestinian East Jerusalem has traditionally been the centre of political, commercial, religious and cultural activities for the West Bank, with Palestinians operating as one cohesive social and economic unit. Separation from the rest of the West Bank is affecting the economy and weakening the social fabric. Since Israel’s occupation of the eastern part of Jerusalem in 1967, Palestinian access to Jerusalem from the West Bank has been increasingly restricted. During the Oslo Process, in 1993, the Israeli government banned entry for all Palestinians from the West Bank and Gaza without a permit. Settlements together with by-pass roads have further restricted access in Jerusalem. And the Barrier has further aggravated the situation.
23. Threats to Residency Status: Palestinian Blue ID holders outside the barrier are increasingly unable to access East Jerusalem, forcing them to access educational, medical and religious services in the rest of the West Bank. This jeopardises their Jerusalem residency rights, according to the Israeli “centre of life” policy.

24. Impact on the Education and Health Care Sector: West Bankers also face increasing difficulties in accessing the major Palestinian centres of health care and education in East Jerusalem. Schools in East Jerusalem that depend on West Bank staff are at urgent risk of closure. The same applies to hospitals: in addition to the dwindling numbers of patients from the West Bank due to access problems, some Israeli insurance companies are demanding that staff must have Israeli professional qualifications and registration. According to the PA Ministry for Jerusalem Affairs, approximately 68% of medical staff working at hospitals in East Jerusalem reside outside its municipal boundaries. The lack of patients and staff will cause a decline of the number and range of services, which often are not available in the West Bank.
25. Restriction of religious freedom: Christians and Muslims living east of the Barrier already have restricted access to their holy sites. West Bankers are finding it increasingly difficult to get to the Haram al Sharif/ Temple Mount compound - because of the wider system of permits to enter Jerusalem, and the barrier. No males under 45 are allowed onto the compound. The Director of the Awqaf, which controls the mosques, has complained particularly about increasing Israeli measures to dominate and control the compound. Police have been regularly patrolling the compound for a year. The Israelis say this is to ensure good settler behaviour, but the effect is that it intimidates worshippers. The Israelis have also introduced new measures over the past few weeks - cameras have been placed at every gate, outside the Haram but pointing in. Thus every entrance is tightly controlled. The Israelis have also begun erecting fences on the buildings surrounding the Haram. Muslim concerns regarding access to (and threats to) the Haram al-Sharif mosques have both security and political implications. Perceived “threats” to the mosques by Jewish groups and the denial of access to Muslims regularly spark confrontations, and motivate Palestinian extremists.
26. The wider political consequences of the above measures are of even greater concern. As outlined above, prospects for a two-state solution with east Jerusalem as the capital of Palestine are receding. The greater the level of settlement activity in and around East Jerusalem the harder it will be to say what is Palestinian, and to link this up with the rest of the West Bank. Israeli activity in E1 and the fencing off of a broad area around Ma’ale Adumim are of particular concern in this regard. Israeli policies in East Jerusalem are making proposals for a resolution of the conflict along the one developed by the Geneva Initiative in 2003, a civil society initiative which was welcomed by the EU, harder to achieve.
27. Arrangements to facilitate the PA Presidential Election in East Jerusalem in January 2005 were unsatisfactory - Israel closed down voter registration centres, candidates could not campaign freely in the city, and restrictions on the number of polling stations led to chaos on election day. The report of former Prime Minister Rocard’s Elections Observation Mission sets out the problems clearly, along with recommendations for improvements ahead of the PLC elections, scheduled for 25 January 2006.



EUROPEAN COUNCIL, PRESIDENCY CONCLUSIONS, BRUSSELS, 15/16 DECEMBER 2005

[EXCERPTS]

ANNEX III: DECLARATION OF THE EUROPEAN COUNCIL

1. The European Council renews its commitment to a secure, prosperous and peaceful Middle East and Mediterranean, based on respect for the rule of law, democracy and human rights. [...]

Middle East Peace Process

[...]

12. The European Council emphasises the importance of the elections for the Palestinian Legislative Council foreseen for January 2006. It urges Israel to co-operate fully with the Palestinian Authority on the preparation and conduct of the elections, especially concerning freedom of movement for all candidates, election workers and voters, in particular in East Jerusalem, and welcomes the launch of the EU's Electoral Observation Mission.
13. The European Council urges the Israeli government to cease all activities in the Palestinian Territories that are contrary to international law, including settlement building, the demolition of Palestinian homes and the construction of the separation barrier on occupied land. These threaten to make any solution based on the co-existence of two viable states physically impossible. Israeli activities in and around East Jerusalem cause particular concern, especially with regard to reaching a final settlement agreement on Jerusalem. [...]



**EUROPEAN PARLIAMENT RESOLUTION ON THE PALESTINIAN ELECTIONS
AND EAST JERUSALEM, 30 JANUARY 2006 [EXCERPTS]**

[Resolution reaffirming EU principles on East Jerusalem]

The European Parliament,

- having regard to its previous resolutions on the Middle East conflict,
 - having regard to UN Security Council Resolutions 242 and 338,
 - having regard to the results of the recent Palestinian Legislative Council elections,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. *whereas*, following the results of the Palestinian elections held on 25 January 2006, the 'Change and Reform' (Hamas) list obtained an absolute majority of the seats,
- B. *whereas* Hamas is an organisation listed as a terrorist group by the European Union, has advocated the use of military actions against Israel and so far refuses to recognise the State of Israel as such,
- C. *whereas* the Council decided not to publish the report on Israeli policy in East Jerusalem sent to it by the Commission representative,
- D. *whereas* the European Union has stated that the only basis for lasting peace is the reaffirmation and full recognition of Israel's inalienable right to live in peace and security within internationally recognised borders and the establishment of a viable, independent and democratic Palestinian state and an end to the occupation of Palestinian territories,
- E. *whereas* Jerusalem is a target of Palestinian terrorist actions against civilians [...]

On East Jerusalem:

6. Reaffirms the principle of the two-state solution set out in the roadmap and stresses that no lasting peace is possible without a fair and negotiated settlement on the final status of Jerusalem, which should take into consideration the political and religious concerns of all parties;
7. Strongly condemns all forms of terrorism, which has caused hundreds of casualties among the civilian population in Jerusalem and neighbouring areas, as well as in the rest of Israel, and renews its appeal to the Palestinian Authority to do everything within its power to prevent acts of terrorism;
8. Stresses the principle of transparency and openness in the EU institutions and deplors the fact that a Commission report on Israeli policy in East Jerusalem was stopped by the Council; urges the Council, therefore, to publish the report and take due account of its recommendations;
9. Considers that effective action against terrorism by the Palestinian Authority is essential in reaching a just and final settlement on Jerusalem, and calls on the new Palestinian Legislative Council to take appropriate measures to stop all terrorist violence against Israel;
10. Calls on the Israeli Government to halt the completion of the security wall around East Jerusalem, to halt the construction and expansion of settlements, in particular the Ma'aleh Adumim settlement which threatens to complete the encircling of the city by Israeli settlements, dividing the West Bank into two separate geographical areas, and to stop the demolition of Palestinian homes built without permits, given the restrictive building permit policy imposed on Palestinians by the Jerusalem municipality;
11. Considers that residents of East Jerusalem, who are submitted to local taxation, should be provided with the same standards of service as in the rest of the city;
12. Welcomes the proposal, included in the Commission report to the Council, to organise more international and diplomatic meetings in East Jerusalem;
13. Reiterates its call for the reopening of Palestinian institutions in East Jerusalem, in accordance with the roadmap, in particular the Orient House and the Chamber of Commerce;
14. Calls on the Commission to reinforce its projects supporting people-to-people activities in order to increase opportunities for dialogue and the sharing of experiences by the two communities of Jerusalem;

Documents on Jerusalem – Political Documents

15. Supports the Commission's policy of providing assistance to community and public institutions in East Jerusalem, including fostering cooperation in the health sector, networking East Jerusalem hospitals and preserving the heritage of East Jerusalem;
16. Instructs its President to forward this resolution to the Commission, the Council, the Governments of Israel and the Palestinian Authority, and the Municipality of Jerusalem



5. UNITED STATES DOCUMENTS

**TELEGRAM SENT BY US AMBASSADOR TO THE UN WARREN R.AUSTIN,
TO THE UN SECRETARY OF STATE CONCERNING THE INTERNATIONALIZATION
OF JERUSALEM, NEW YORK, 11 NOVEMBER 1947**

501.BB Palestine/11-1147: Telegram

The United States Representative at the United Nations (Austin) to the Secretary of State.

Secret. November 11, 1947 - 12:30 a.m.

1198. Delegation this morning took following decisions re partition plan for Palestine: [...]

B. City of Jerusalem.

It was explained that there was considerable sentiment in the working group for a proposal that the international regime for the city of Jerusalem be limited to the ancient walled city of Jerusalem, with the new Jewish city being made a part of the Jewish state while the Arab city was incorporated in the Arab state. The international authority would exercise supervision over other holy places throughout Palestine. It was agreed that the American representatives in the working group should go along with the majority on this question, provided that adequate safeguards for the holy places were retained.



**LETTER FROM MRS. FREDA KIRCHWEY, PRESIDENT OF THE NATION ASSOCIATES TO
THE PRESIDENT OF THE UN TRUSTEESHIP COUNCIL, 16 JANUARY 1950**

[Plan offering a solution for the Jerusalem question submitted by a group of Americans.

Note: Nation Associates was a non-profit organization founded by F. Kirchwey and associated with the leftist *The Nation magazine*

At the request of the President of the Trusteeship Council, the following letter is transmitted to the members of the Council.

"On the eve of the meeting of the Trusteeship Council, I am taking the liberty of bringing to your attention and, through you, to the members of the Trusteeship Council a plan offering a solution for the Jerusalem question entitled, 'A Proposal for an International Curatorship for Holy Places.'

This proposal was submitted by the signatories, a group of distinguished Americans, to the General Assembly recently concluded. This proposal, like many others, failed to receive detailed study for reasons with which you are familiar and which need no recounting at this time.

I invite your attention to the plan at this moment in view of a disposition on your part and seemingly of other members of the Trusteeship Council to look for solutions of the Jerusalem question on a basis different from the resolution of December 9.

This plan calls for the establishment of a United Nations' Commission composed of representatives of the principal faiths for the purpose of:

1. Authenticating the Holy Sites in Palestine.
2. Assuming responsibility for their preservation.
3. Insuring freedom of access at all times.
4. Supervising the restoration of such Holy Sites, if any, as may have been damaged in the Palestine War.

The Commission to be established would be responsible to the Security Council and be authorized to employ guards.

In the judgment of the signatories, this plan is in accord with the general purposes of the United Nations respecting the Jerusalem question. It does, in fact, protect the Holy Places, since any violation of their sanctity would immediately become subject to the action of the Security Council. It is in accord with the basic principles of the Charter. It would, we believe, find acceptance on the part of Jordan and Israel.

It would be possible under the plan proposed to fly the UN flag over each Holy Site so designated and to proclaim the area occupied by each a demilitarized zone.

The principle underlying this proposal is precisely the same under which you, as we understand it, have proposed that the Church of the Nativity in Bethlehem should be internationalized and demilitarized. In the case of Bethlehem and the Church of the Nativity, you have not suggested either the internationalization of the city as a whole or the internationalization of its population. We see no reason why the same principle is not equally applicable to all other Holy Sites.

On behalf of the signatories, may I ask that consideration be given to this plan as fulfilling the basic purposes of the United Nations regarding this question.

(Signed) Freda Kirchwey."



**UNITED STATES AIDE MEMOIRE TO THE GOVERNMENT OF ISRAEL CONCERNING THE
PROPOSED MOVE OF THE ISRAELI FOREIGN MINISTRY TO JERUSALEM, 9 JULY 1952**
[EXCERPTS]

The Government of the United States has noted with concern the decision and announcement of the Israel Government on May 4, 1952, to move the Foreign Office to Jerusalem.

The Government of the United States has adhered and continues to adhere to the policy that there should be a special international regime for Jerusalem which will not only provide protection for the holy places but which will be acceptable to Israel and Jordan as well as the world community.

Since the question of Jerusalem is still of international importance the United States Government believes that the United Nations should have an opportunity to reconsider the matter with a view to devising a status for Jerusalem which would satisfactorily preserve the interests of the world community and the states directly concerned. Consequently, the United States Government would not view favorably the transfer of the Foreign Office of Israel to Jerusalem.

The Government of the United States also wishes to convey that in view of its attitude on the Jerusalem question, it has no present intention of transferring the Ambassador of the United States and his staff to Jerusalem.



**UNITED STATES REGRET OVER THE REMOVAL OF THE ISRAELI FOREIGN MINISTRY
TO JERUSALEM: STATEMENT BY THE SECRETARY OF STATE, 28 JULY 1953**

The United States regrets that the Israeli Government has seen fit to move its Foreign Office from Tel Aviv to Jerusalem.

We have made known our feelings on that subject to the Government of Israel on two prior occasions. It was done in July 1952 and again in March 1953, when our Ambassador, hearing rumors that this was in contemplation, called upon the Israeli Government and requested them not to transfer their Foreign Ministry to Jerusalem.

We feel that way because we believe that it would embarrass the United Nations, which has a primary responsibility for determining the future status of Jerusalem. You may recall that the presently standing UN resolution about Jerusalem contemplates that it should be to a large extent at least an international city. Also, we feel that this particular action by the Government of Israel at this particular time is inopportune in relation to the tensions which exist in the Near East, tensions which are rather extreme, and that this will add to rather than to relax any of these tensions.

The views that I express here are, we know, shared by a considerable number of other governments who have concern with the development of an atmosphere of peace and good will in that part of the world. We have notified the Government of Israel that we do not intend to move our own Embassy to Jerusalem.



**US DEPARTMENT OF STATE, STATEMENT ON THE RETENTION OF THE AMERICAN
EMBASSY AT TEL AVIV, 3 NOVEMBER 1954¹**

[Statement ensuring that no change of location will be implemented to the American Embassy in Israel]

The ranking diplomatic representatives of Jordan, Lebanon, Iraq, Yemen, Saudi Arabia, Libya, Syria, and Egypt called on the Secretary of State on November 3 to make known the views of their Governments with respect to the plans for presentation of credentials in Jerusalem by the appointed American Ambassador to Israel, Edward B. Lawson.

In the course of the conversation the Secretary recalled the policy of the US Government to look to the United Nations as primarily responsible for determining the future status of Jerusalem. Following normal practice, the presentation of credentials would be effected by Ambassador Lawson at the place where the Chief of State actually is. The fact that this means that the presentation will take place in Jerusalem implies no change in our attitude regarding Jerusalem nor does it imply any change in the location of the American Embassy in Israel, which is at Tel Aviv.



UNITED STATES AIDE MEMOIRE TO THE GOVERNMENT OF JORDAN, 5 APRIL 1960

[EXCERPTS]

The Government of the United States of America has noted recent reports to the effect that the Government of Jordan plans to treat the city of Jerusalem as its second capital and to construct certain offices there for agencies of the Central Government.

The Government of the United States of America has adhered and continues to adhere to a policy which respects the interests of the United Nations in the status of Jerusalem. The United States Government therefore cannot recognize or associate itself in any way with actions which confer upon Jerusalem the attributes of a seat of government of a sovereign state, and are thus inconsistent with the United Nations interests in the status of the city.



**MEMORANDUM FROM THE US DEPARTMENT OF STATE EXECUTIVE SECRETARY
(BATTLE) TO THE PRESIDENT'S SPECIAL ASSISTANT FOR NATIONAL SECURITY AFFAIRS
(BUNDY), ASSERTING THE US POSITION AND DISCOURAGING NATIONS FROM
RECOGNIZING JERUSALEM AS CAPITAL OF ISRAEL, 31 MAY 1962**

SUBJECT: United States Position on Jerusalem

By telephone call to Assistant Secretary Talbot May 21, Mr. Feldman asked why, when other Governments contemplate the establishment of a diplomatic mission in Jerusalem, we review with them the United States position on non-recognition of Jerusalem as the capital of Israel.

A resolution of the United Nations General Assembly adopted November 29, 1947, provided for the partition of Palestine into an Arab and a Jewish state and the creation of a corpus separatum, under direct international administration, of the City of Jerusalem and its environs. This resolution could not be carried out since hostilities broke out in May 1948 between Arab states and Israel. The hostilities were terminated by a series of armistice agreements in 1949. The armistice agreement between Israel and Jordan of April 3, 1949, established armistice demarcation lines which divided Jerusalem into sectors under Israel and Jordan control with a no-man's-land between the two sectors. The United Nations General Assembly on December 9, 1949, reaffirmed its recommendation that a corpus separatum be established, and requested the Trusteeship Council to

¹ Department of State Bulletin, Nov. 22, 1954, p. 776.

proceed with formulating a Statute for a Corpus Separatum for Jerusalem. The United States and certain other interested powers did not support this resolution, which was, nevertheless, passed by the Assembly. It was the belief of this Government that events had made efforts at carrying out the terms of such a resolution unrealistic, inasmuch as the two countries in actual occupation of Jerusalem were strongly opposed to the creation of a corpus separatum. The Trusteeship Council failed to produce an acceptable draft statute as did the United Nations General Assembly that same year (1950). The United States undertook, however, to give due recognition to the formal acts of the General Assembly and the Trusteeship Council relating to Jerusalem and has since maintained its position that the Holy Places in the Jerusalem area are of international interest to a degree which transcends ordinary considerations of sovereignty.

Despite the passage of the 1949 United Nations General Assembly resolution, the Israel Government officially transferred the Israel capital to Jerusalem. Israel Ministers began moving to the city, but the Foreign Ministry remained in Tel Aviv for a period. On May 4, 1952, the Israel Government announced that it was transferring the Foreign Office to Jerusalem. The actual transfer took place as of July 12, 1953. On July 9, 1952, the Embassy at Tel Aviv handed an aide-mémoire to the Israel Government (enclosed)/2/ stating that the United States Government did not view favorably the transfer of the Israel Foreign Office to Jerusalem, and that there was no intention of transferring the United States Embassy from Tel Aviv to Jerusalem.

Our position, as frequently stated, is: "the status of Jerusalem is a matter of United Nations concern and no member of the United Nations should take any action to prejudice the United Nations interest in this question. Our objective has been to keep the Jerusalem question an open one and to prevent its being settled solely through the processes of attrition and fait accompli to the exclusion of international interest and an eventual final expression thereof presumably through the United Nations."

As a consequence of this policy, when the Department learns that a government for the first time is contemplating the establishment of a diplomatic mission in Israel, we inform that government of the historical background of United Nations attitudes toward Jerusalem and express the hope that, in deference to United Nations attitudes, its mission will be established in Tel Aviv, where most other missions are located. (This approach is almost invariable, although we would not undertake it in the case of a government hostile to the United States because our effort might be self-defeating.) We are at pains to inform the government that the decision is one for it to make. If, despite our friendly counsels, the government desires to establish its mission in Jerusalem the United States Government makes no further effort to dissuade it. The view of our major allies on the Jerusalem problem is generally similar to our own. They also have on occasion made representations to other states regarding the establishment of diplomatic missions in Jerusalem.

The Department's files show that since Israel's transfer of its capital to Jerusalem we have made approaches along the foregoing lines to the following countries:

<u>Country</u>	<u>Year</u>	<u>Present Location of Mission</u>
Japan	1955	mission in Tel Aviv
Guatemala	1955	mission in Jerusalem
Cuba	1957	mission in Tel Aviv
Liberia	1958	mission in Tel Aviv
Haiti	1958	no resident diplomatic representation
Venezuela	1959	mission in Jerusalem
Ecuador	1960	mission not yet established
Ivory Coast	1961	mission in Jerusalem
Ethiopia	1961	mission not yet established
Philippines	1962	mission not yet established
Costa Rica	1962	mission not yet established (but announced as Jerusalem)
Gabon	1962	mission in Jerusalem

As of March 1962, of the 41 nations maintaining diplomatic missions in Israel, eleven were located in Jerusalem, four of these, however, sharing one resident Ambassador./3/ This group includes six African and three Latin American states. The two others are Greece and the Netherlands, both of which are regarded as respecting the status of Jerusalem since these governments designated their consular representatives to mandated Jerusalem as diplomatic representatives to the newly created State of Israel, leaving their consular residences in the original location.

The United States practice (of informing states which may be considering the establishment of a diplomatic mission in Israel of the background of United Nations interest) is known to Israel. The latter has occasionally

taken issue with the practice, most recently in January of this year./4/ We have invariably replied that the United States feels it has a moral obligation in this issue; that the United Nations interest is a legitimate one; on this premise we make our views known to interested governments; however, each government must decide its position for itself.



**US DEPARTMENT OF STATE, CIRCULAR TELEGRAM TO THE AMERICAN EMBASSY
IN ISRAEL, WASHINGTON, 22 AUGUST 1966**

[Telegram consenting to US ambassador to attend Knesset inauguration but reassuring US policy on Jerusalem remains unchanged]

1. Dept authorizes Ambassador Barbour to accept anticipated formal Israeli Government invitation to attend inauguration ceremonies new Knesset building Jerusalem August 29-31.
2. We consider this inauguration one-time affair that is not to be regarded as precedent or pattern for future nor as representing any change in USG policy on status of Jerusalem. USG continues to support 1948 UN General Assembly resolution that provided for international status Jerusalem under UN administration, and does not recognize Jerusalem as *de jure* capital of Israel. We trust attendance of official Americans at Knesset opening will not be spotlighted. These points being made to Israeli Embassy here and should be reiterated by Embassy to GOI at appropriate time.
3. Department is informing British, Canadian, German, Belgian and Italian Embassies here since they previously queried us on US position. Embassy Paris may draw on above at its discretion in speaking to GOF.

(This telegram permits the US Ambassador to Israel to accept an invitation to the opening of the new Knesset building in the western-section Jerusalem. The US Government requests that this invitation not be spotlighted and reiterates its policy that Jerusalem is not the capital of Israel and it should be an internationalized city.)



**STATEMENT BY THE WHITE HOUSE CONCERNING ISRAEL'S APPLICATION OF LAW AND
ADMINISTRATION WITHIN THE EXPANDED BOUNDARIES OF EAST JERUSALEM,
28 JUNE 1967 [EXCERPTS]**

The President [Lyndon B. Johnson] said on June 19 that in our view 'there... must be adequate recognition of the special interest of three great religions in the holy places of Jerusalem.' On this principle he assumes that before any unilateral action is taken on the status of Jerusalem there will be appropriate consultation with religious leaders and others who are deeply concerned.... The world must find an answer that is fair and recognized to be fair. That could not be achieved by hasty unilateral action, and the President is confident that the wisdom and good judgment of those now in control of Jerusalem will prevent any such action.



**STATEMENT BY THE US DEPARTMENT OF STATE CONCERNING ISRAEL'S APPLICATION
OF LAW AND ADMINISTRATION WITHIN THE EXPANDED BOUNDARIES OF EAST
JERUSALEM, 28 JUNE 1967 [EXCERPTS]**

The hasty administrative action taken today cannot be regarded as determining the future of the holy places or the status of Jerusalem in relation to them. The United States has never recognized such unilateral actions by any of the states in the area as governing the international status of Jerusalem.

The policy of the United States will be governed by the President's statement of June 19 and the White House statement this morning. The views of the United States have been made clear repeatedly to representatives of all governments concerned.



**STATEMENT BY THE UNITED STATES MISSION TO THE UNITED NATIONS REGARDING
THE US ABSTENTION ON THE JERUSALEM RESOLUTION, 4 JULY 1967**

The United States abstained on the six-power resolution dealing with the city of Jerusalem contained in document A/L.527/Rev. 1. Insofar as the six-power resolution expresses the sense of the General Assembly that no unilateral action should be taken that might prejudice the future of Jerusalem, the United States is in agreement. We were prepared to support a resolution to this effect. Some, if not all, of the sponsors were aware that the United States made a serious effort to get such a change incorporated in the resolution in the hope that we would be able to vote affirmatively. Regrettably, our suggested change was not accepted. The views of the United States on the situation involving Jerusalem are contained in three recent statements. On June 28, in a statement issued by the White House on behalf of the President, the United States expressed the view that there "must be adequate recognition of the special interest of three great religions in the holy places of Jerusalem." On the same day the Department of State said the following: "The United States has never recognized... unilateral actions by any of the states in the area as governing the international status of Jerusalem." I re-iterated in the General Assembly yesterday: that the "safeguarding of the holy places and freedom of access to them for all should be internationally guaranteed; and the status of Jerusalem in relation to them should be decided not unilaterally but in consultation with all concerned."

These statements reflect the considered views and serious concern of the United States Government about the situation in Jerusalem.



**STATEMENT BY US AMBASSADOR TO THE UN, ARTHUR GOLDBERG,
BEFORE THE UN GENERAL ASSEMBLY, 5TH EMERGENCY SPECIAL SESSION,
14 JULY 1967 [EXCERPTS]**

With regard to the specific measures taken by the Government of Israel on 28 June, I wish to make it clear that the United States does not accept or recognize these measures as altering the status of Jerusalem. My Government does not recognize that the administrative measures taken by the Government of Israel on 28 June can be regarded as the last word on the matter, and we regret that they were taken. We insist that the measures taken cannot be considered as other than interim and provisional, and not as prejudging the final and permanent status of Jerusalem. [...]

We believe that the most fruitful approach to a discussion of the future of Jerusalem lies in dealing with the entire problem as one aspect of the broader arrangements that must be made to restore a just and durable peace in the area.



**STATEMENT BY US AMBASSADOR TO THE UN, ARTHUR GOLDBERG,
BEFORE THE UN SECURITY COUNCIL, 9 MAY 1968 [EXCERPTS]**

The position of the United States regarding Jerusalem is well known. The United States does not accept or recognize unilateral actions by any of the states in the area as altering the status of Jerusalem. My Government has publicly stated that such unilateral measures, including expropriation of land and legislated administrative action taken by the government of Israel, cannot be considered other than interim and provisional and cannot affect the present international status or prejudice the final and permanent status of Jerusalem.



**STATEMENT BY US AMBASSADOR TO THE UN, AMBASSADOR CHARLES W. YOST,
BEFORE THE UN SECURITY COUNCIL ON THE SITUATION IN JERUSALEM, 1 JULY 1969**

Once again the Council has been summoned to deal with certain actions taken by the Government of Israel in Jerusalem. We have listened carefully to the statements of the Permanent Representative of Jordan and other Arab Ambassadors, as well as the reply of the Representative of Israel.

The discussion thus far has made amply clear that the status of Jerusalem is not an isolated problem, but, rather, an integral part of a whole complex of issues in the current Middle Eastern conflict which must be resolved. This is not a novel conclusion. The Council clearly recognized that fact in Resolution 242, which

treats the entire Middle Eastern situation as a package. This resolution remains the basis of our approach to a just and lasting peace in the area. You are all well aware of the strenuous efforts my own Government is making to help Ambassador Jarring promote a peaceful settlement. Progress in these efforts has, admittedly, been slow. This is perhaps not surprising when one reflects on how deep the roots of the conflict go.

But the important thing is that some progress is being made. The fact that it has not been crowned with dramatic success should not give grounds for despair. Nor should it be exploited as justification for actions, which will make greater progress even more difficult. This applies to actions in Jerusalem as elsewhere in the area. Indeed, Jerusalem occupies a very special place in all our minds and all our hearts as one of the holiest cities in the entire world. For Jerusalem is a sacred shrine to three of the world's largest and oldest religious faiths: Islam, Christianity and Judaism. By virtue of the fact the United States has always considered that Jerusalem enjoys a unique international standing and that no action should be taken there without full regard to Jerusalem's special history and special place in the world community. Unfortunately there have been acts of many kinds which have broken the peace in Jerusalem and which are of deep concern to my Government and to the international community. Mr. President, we understand the deep motioned concerns which move all parties to the Arab-Israeli dispute on the subject of Jerusalem. We do not believe, however, that any of these concerns are served by what is now taking place in East Jerusalem, whether it be actions by those now exercising authority there or by individuals considering themselves aggrieved and therefore justified in resorting to violence. The expropriation or confiscation of land, the construction of housing on such land, the demolition or confiscation of buildings, including those having historic or religious significance, and the application of Israeli law to occupied portions of the city are detrimental to our common interests in the city. The United States considers that the part of Jerusalem that came under the control of Israel in the June War, like other areas occupied by Israel, is occupied territory and hence subject to the provisions of international law governing the rights and obligations of an occupying power. Among the provisions of international law which bind Israel, as they would bind any occupier, are the provisions that the occupier has no right to make changes in laws or in administration other than those which are temporarily necessitated by his security interest, and that an occupier may not confiscate or destroy private property. The pattern of behavior authorized under the Geneva Convention and international law is clear: the occupier must maintain the occupied area as intact and unaltered as possible, without interfering with the customary life of the area, and any changes must be necessitated by immediate needs of the occupation. I regret to say that the actions of Israel in the occupied portion of Jerusalem present a different picture, one which gives rise to understandable concerns that the eventual disposition of East Jerusalem may be prejudiced and the rights and activities of the population are already being affected and altered.

My Government regrets and deplores this pattern of activity, and it has so informed the Government of Israel on numerous occasions since June 1967. We have consistently refused to recognize these measures as having anything but a provisional character and do not accept them as affecting the ultimate status of Jerusalem. I have explained in some detail the opposition of the United States to certain measures taken by the Government of Israel in Jerusalem, since this is the precise object of the complaint brought before us by the Government of Jordan. But, as I suggested earlier, we cannot logically and intelligently consider the problem of Jerusalem without putting it in its proper perspective - the Middle East situation as a whole. In this connection, I would recall that one of the first major policy decisions taken by President Nixon after assuming office this year was that the United States Government should take new initiative in helping to try to bring peace in the Middle East. For the past several months we have been devoting our best efforts to this task. We shall continue to do so but for these efforts to succeed we will require the goodwill and cooperation of the parties themselves. A just and lasting peace in the Middle East is long and tragically overdue. It will not be found through terror bombings, which inevitably harm innocent civilians, any more than through unilateral attempts to alter the status of Jerusalem. It will be found only through the instruments and process of negotiation, accommodation and agreement. It will come only through the exercise by the parties of the utmost restraint - not just along the cease-fire lines or in public statements, but also on the ground in Jerusalem itself.

In treating the problem of Jerusalem, since we deal with it in the context of the total situation in the Middle East, my Delegation will subject any proposal for Council action, first of all, to the test of whether that proposal is likely to help or hinder the peaceful settlement process. I hope all members will do likewise. For example, one constructive move the Council might make would be to request the parties to lay aside their recriminations, to desist from any action - in Jerusalem or elsewhere - that might be construed as prejudicing or prejudging a final, comprehensive settlement a just and lasting peace. Thus, our consideration of the situation in Jerusalem could provide a fitting occasion on which to insist once more that the parties to a dispute which keeps the world's Holiest City in turmoil act responsibly to resolve the whole dispute and, until it is resolved, that they take no action anywhere which could further jeopardize its resolution.



**US SECRETARY OF STATE WILLIAM ROGERS, STATEMENT ON JERUSALEM,
WASHINGTON, DC, 9 DECEMBER 1969 [EXCERPTS]**

[This statement was part of an address to the 1969 Galaxy Conference on Adult Education in Washington]

Following the third Arab-Israeli war in twenty years, there was an upsurge of hope that a lasting peace could be achieved. That hope has unfortunately not been realized. There is no area of the world today that is more important, because it could easily again be the source of another serious conflagration.

When this Administration took office, one of our first actions in foreign affairs was to examine carefully the entire situation in the Middle East. It was obvious that a continuation of the unresolved conflict there would be extremely dangerous; that the parties to the conflict alone would not be able to overcome their legacy of suspicion to achieve a political settlement; and that international efforts to help needed support. [...]

The question of the future status of Jerusalem, because it touches deep emotional, historical and religious well-springs, is particularly complicated. We have made clear repeatedly in the past two and a half years that we cannot accept unilateral actions by any party to decide the final status of the city. We believe its status can be determined only through the agreement of the parties concerned, which in practical terms means primarily the Governments of Israel and Jordan, taking into account the interests of other countries in the area and the international community. We do, however, support certain principles which we believe would provide an equitable framework for a Jerusalem settlement.

Specifically, we believe Jerusalem should be a unified city within which there would no longer be restrictions on the movement of persons and goods. There should be open access to the unified city for persons of all faiths and nationalities. Arrangements for the administration of the unified city should take into account the interests of all its inhabitants and of the Jewish, Islamic and Christian communities. And there should be roles for both Israel and Jordan in the civic, economic and religious life of the City.

It is our hope that agreement on the key issues of peace, security, withdrawal and territory will create a climate in which these questions of refugees and of Jerusalem, as well as other aspects of the conflict, can be resolved as part of the overall settlement. [...]



STATEMENT BY THE US DEPARTMENT OF STATE, PRESS CONFERENCE, 9 JUNE 1971

As a matter of policy, we do not provide assistance to the Israeli Government for projects in the occupied territories.

On the general question of constructing housing and other permanent civilian facilities in the occupied zone, including Jerusalem, our policy is to call for strict observance of the Fourth Geneva Convention of 1949, to which Israel is a party. This convention prohibits an occupying power from transferring parts of its own population into occupied territory. We interpret this to include undertaking construction of permanent facilities which have the intent of facilitating the transfer of Israeli population into the occupied territories.



**STATEMENT BY US AMBASSADOR TO THE UN, GEORGE BUSH,
BEFORE THE UN SECURITY COUNCIL, 25 SEPTEMBER 1971 [EXCERPTS]**

In our view, the ultimate status of Jerusalem should be determined through negotiations and agreement between the governments of Israel and Jordan in the context of an overall peace settlement, taking into account the interests of its inhabitants, of the international religious communities who hold it sacred and of other countries in the area.

[...] Principles which in our view would provide an equitable framework for a final Jerusalem settlement:

1. Jerusalem should be a unified city,
2. there should be open access to the unified city for persons of all faiths and nationalities,

3. administrative arrangements for the unified city should take into account the interests of all its inhabitants and of the Christian, Jewish, and Muslim, communities, and
4. there should be roles for both Israel and Jordan in the civic, economic and religious life of the city.

[In 1969, Ambassador Yost] noted as well that the United States considers that part of Jerusalem which came under Israeli control like other areas occupied by Israel in the June 1967 war, as occupied territory and thereby subject to the provisions of international law governing the rights and obligations of an occupying power. We regret Israel's failure to acknowledge its obligations under the Fourth Geneva Convention as well as its actions which are contrary to the letter and spirit of this Convention.



BROOKINGS REPORT ON THE MIDDLE EAST, DECEMBER 1975 [EXCERPTS]

[Extracts are from the Brookings Institution's Report on the situation and peace prospects in the Middle East. Several of those who published the final report later hold top-positions in the Carter administration.]

The study group reached five main conclusions:
[...]

4. Settlement. ...

- (d) *Boundaries.* Israel undertakes to withdraw by agreed stages to the June 5, 1967 lines with only such modifications as are mutually accepted. Boundaries will probably need to be safeguarded by UN forces.
- (e) *Palestine.* There should be provision for Palestinian self-determination, subject to Palestinian acceptance of the sovereignty and integrity of Israel within agreed boundaries. This might take the form either of an independent Palestinian state accepting the obligations and commitments of the peace agreements or of a Palestinian entity voluntarily federated with Jordan but exercising extensive political autonomy.
- (f) *Jerusalem.* The report suggests no specific solution for the particularly difficult problem of Jerusalem but recommends that, whatever the solution may be, it meet as a minimum the following criteria [as mentioned beneath (a)-(c)]:

III. The Main Components of a Settlement

[...] *Jerusalem*

The issue of Jerusalem is especially hard to resolve because it involves intense emotions on the part of both Israelis and Arabs. It embraces sites that are among the most holy for Muslims, Jews and Christians. It has been the focus of Jewish messianic yearning and has had special significance in Muslim history. The city was bitterly contested in the wars of 1948 and 1967, and its division in the interwar years left a heritage of deep mutual recrimination. Finally, it is the capital of Israel and might also be sought as the capital of a Palestinian state.

For all those reasons the issue is highly symbolic for both sides. Consequently, it may prove wise to leave its resolution to a late stage of the negotiation. Whatever that resolution may be, it should meet as a minimum the following criteria:

- (a) There should be unimpeded access to all of the holy places and each should be under the custodianship of its own faith.
- (b) There should be no barriers dividing the city which would prevent free circulation throughout it.
- (c) Each national group within the city should, if it so desires, have substantial political autonomy within the area where it predominates.

All these criteria could be met within a city (1) under Israeli sovereign jurisdiction with free access to the holy places. (2) under divided sovereign jurisdiction between Israel and an Arab state with assured free circulation, or (3) under either of these arrangements with an international authority in an agreed area, such as the old walled city, with free access to it from both Israel and the Arab state. These or any other possible solutions should incorporate all three of the criteria set forth above.



**STATEMENT BY US AMBASSADOR TO THE UN, WILLIAM SCRANTON,
BEFORE THE UN SECURITY COUNCIL, 23 MARCH 1976 [EXCERPTS]**

That part of Jerusalem that came under the control of Israel in the June War like other areas occupied by Israel, is occupied territory and, hence, subject to the provisions of international law governing the rights and obligations of an occupying power. Ambassador Goldberg said in 1968 to this Council: 'The United States does not accept or recognize unilateral actions by any states in the area, as altering the status of Jerusalem.'

I emphasize, as did Mr. Goldberg, that as far as the United States is concerned such unilateral measures, including expropriation of land or other administrative action taken by the Government of Israel, cannot be considered other than interim and provisional and cannot affect the present international status nor prejudice the final and permanent status of Jerusalem. The United Nations position could not be clearer. [...]

Since 1967, we have restated here, in other forums, and to the Government of Israel, that the future of Jerusalem will be determined only through the instruments and processes of negotiation, agreement and accommodation. Unilateral attempts to predetermine that future have no standing. [...]

The Fourth Geneva Convention speaks directly to the issue of population transfer in Article 49: 'The Occupying shall not deport or transfer parts of its own civilian population into the territory it occupies.' Clearly, then, substantial resettlement of the Israeli civilian population in occupied territories, including East Jerusalem, is illegal under the [Geneva] Convention and cannot be considered to have prejudged the outcome of future negotiations between the parties on the location of the borders of States in the Middle East. Indeed, the presence of these settlements is seen by my Government as an obstacle to the success of the negotiations for a just and final peace between Israel and its neighbors. [...]



**US PRESIDENT JIMMY CARTER, REPLY TO ANWAR SADAT, PRESIDENT OF EGYPT,
CONCERNING THE STATUS OF JERUSALEM, SEPTEMBER 1978**

I have received your letter of September 17, 1978, setting forth the Egyptian position on Jerusalem. I am transmitting a copy of that letter to Prime Minister for his information.

The position of the United States on Jerusalem remains as stated by Ambassador Goldberg in the United Nations General Assembly on July 14, 1967, and subsequently by Ambassador Yost of the United Nations Security Council on July 1, 1969.



**US PRESIDENT CARTER, STATEMENT ON ISRAELI SETTLEMENTS AND THE STATUS OF
JERUSALEM, 3 MARCH 1980**

[Statement regarding the US vote in the UN Security Council]

I want to make it clear that the vote of the United States in the Security Council of the United Nations does not represent a change in our position regarding the Israeli settlements in the occupied areas nor regarding the status of Jerusalem.

While our opposition to the establishment of the Israeli settlements is longstanding and well-known, we made strenuous efforts to eliminate the language with reference to the dismantling of settlements in the resolution. This call for dismantling was neither proper nor practical. We believe that the future disposition of existing settlements must be determined during the current Autonomy Negotiations.

As to Jerusalem, we strongly believe that Jerusalem should be undivided, with free access to the holy places for all faiths, and that its status should be determined in the negotiations for a comprehensive peace settlement.

The United States vote in the United Nations was approved with the understanding that all references to Jerusalem would be deleted. The failure to communicate this clearly resulted in a vote in favor of the resolution rather than abstention.

I want to reiterate in the most unequivocal of terms that in the Autonomy Negotiations and in other fora, the United States will neither support nor accept any position that might jeopardize Israel's vital security interests. Our commitment to Israel's security and well-being remains unqualified and unshakable.



**STATEMENT BY US AMBASSADOR TO THE UN, DONALD MCHENRY, REGARDING
UN SECURITY COUNCIL RESOLUTION 476 (1980) ON JERUSALEM, 1 JULY 1980**

[Note: On 30 June 1980 the UN Security Council voted 14:0, with the US abstaining, to deplore the legislative steps taken by Israel, i.e., the adoption of the new 'Basic Law: Jerusalem the capital of Israel'. Israel rejected the UN resolution.]

Mr. President, the United States is deeply committed to making practical progress toward a just and lasting peace in the Middle East which would permit peoples of all faiths to live at peace in an undivided Jerusalem.

We strongly believe that Jerusalem must become a city of peace - undivided with free access to people of all faiths. We also believe that its status should be determined in the negotiations for a comprehensive peace.

The process of achieving a durable peace requires negotiations among the parties. Only in the give-and-take of negotiations can solutions be worked out with which all parties to an agreement can live in dignity and peace with each other.

In recent weeks and months we have faced in this Council a series of debates on issues related to the Middle East. These debates and the unilateral acts of the parties have the effect if not the intention of undercutting the one active negotiation currently in progress. Progress in any negotiation will be more difficult so long as we are expending our energy in the tread-mill of actions and reactions in the Security Council rather than devoting those energies to a realistic process of negotiation.

The United States, Israel and Egypt are currently engaged in a process of negotiations designed to provide full autonomy to the inhabitants of the West Bank and Gaza. These negotiations, under the Camp David Accords, are designed to resolve the Palestinian problem in all of its aspects, while fully protecting the security of Israel. This is the first effort in 30 years aimed at resolving some of the most intractable problems that stand in the way of a just and lasting peace. We do not believe resolutions which undermine the negotiating process are consistent with the search for a peaceful settlement to which this Council and its members are committed.

The resolution before us contains a number of deficiencies in its formulations. It does not, for instance, root considerations of the Jerusalem issue in the context of the negotiated peace envisioned in Resolution 242 but rather quotes selectively from that resolution. It contains a provision which affirms the need for Israeli withdrawal from territories occupied in 1967 without any reference to the other central provision of Resolution 242 - Israel's right to secure and recognized boundaries in a just and lasting peace. Resolution 242 in all its parts remains the basis for a comprehensive peace.

What is really needed in a resolution on Jerusalem is a practical method for bringing peace to the people of that city. We must establish the basis for a negotiation to resolve the final status of Jerusalem in the context, of peace. We must find a way to assure in clear and unequivocal terms that the city is not again divided and that people of all faiths have free access to the holy places.

The real challenge to those who seek peace in this holy city is to develop the basis for such a negotiation. In such a negotiation, the issues must be addressed in a more realistic manner than the present resolution's impractical call for rescinding past actions.

At the same time I must note that this resolution contains much which is consistent with the policy of my government because it deplores unilateral acts which have sought to change the character of the city outside a negotiated settlement. The significance of those acts is they are inconsistent not only with international law but, indeed, with the very nature of negotiation, which is essential to peace.

The position of the United States on Jerusalem has been stated consistently by successive American administrations and remains as stated in this Council by Ambassador Goldberg on July 14, 1967, and by Ambassador Yost on July 1, 1969. Beyond that, the policy of the United States is reflected in "A Framework for Peace

in the Middle East Agreed at Camp David." It remains the view of the United States that the comprehensive peace envisioned there can only come about when an agreement has been negotiated on the final status of Jerusalem.

We do not intend to be diverted from our course of negotiation by a series of actions and reactions resulting in resolutions in this Council which do not contribute to a negotiated peace. The clearest way for us to indicate that determination is for us to abstain in the vote on the resolution before the Council.



**STATEMENT BY US SECRETARY OF STATE EDMUND MUSKIE BEFORE THE
UN SECURITY COUNCIL, 20 AUGUST 1980 [EXCERPTS]**

[Secretary Muskie described the US position on Resolution 478, which later passed the Council.]

We must share a common vision of this ancient city's future - an undivided Jerusalem, with free access to the holy places for people of all faiths. But how can that vision be realized? Certainly, it cannot be realized by unilateral actions nor by narrow resolutions in this forum. [...] The status of Jerusalem cannot simply be declared; it must be agreed by the parties.



**NORTH AMERICAN CONFERENCE OF THE JERUSALEM COMMITTEE,
NOTRE DAME STATEMENT, 28-29 JANUARY 1981 [EXCERPTS]**

[The Conference of North American members of the Committee is a continuation of a long sequence of gatherings of this international advisory body concerned with restoration and preservation of ancient sites and the aesthetic, cultural and human needs of Jerusalem. This conference met to review progress in the implementation of the various development plans for the city of Jerusalem.]

[...]

Recommendations

The North American members of the Jerusalem Committee reassert their fundamental view that Jerusalem is an indivisible city which is, under its present administration functioning remarkably well.

The group recommends that:

1. There be prepared for wide distribution, under the aegis of the Jerusalem Committee a thorough documentation of what has been accomplished in Jerusalem in the area of municipal administration to support and improve the living experience of the various groups in the city.
2. We recommend the continued enhancement of universal access inherent to all faiths in view of the success in ensuring the independence of the holy places and the vesting of administrative authority over each of the holy places in the religious bodies responsible therefore.
3. We further recommend that the principle of local self-government be further extended by the increased delegation of municipal functions to the various local communities in areas such as education and municipal services, and that these administrative practices be formalized by appropriate legal measures and adequate financing. We also stress the importance of community participation at each stage of this development.
4. The group further recommends that the current legislation governing municipal planning and land development, which is based on the 1934 British Colonial Code, which failed to grant appropriate municipal powers, be revised in the light of experiences gained and of current needs and requirements.
5. Moreover, recognizing that Jerusalem is a mosaic of homogenous neighbourhoods and that the interaction between the city's peoples has traditionally been in the commercial, business and recreational centers, the meeting recommends the study and implementation of policies that will locate such developments in a manner designed to facilitate such contacts. [...]



**US PRESIDENT RONALD REAGAN, TALKING POINTS SENT TO
ISRAELI PRIME MINISTER BEGIN, 1 SEPTEMBER 1982 [EXCERPTS]**

*[The Talking Points accompanied a letter Reagan had sent to Begin outlining the US proposal
for a continuation of the Camp David peace process].*

[...] Final Status Issues

A. UN Security Council Resolution 242

It is our position that Resolution 242 applies to the West Bank and Gaza and requires Israeli withdrawal in return for peace. Negotiations must determine the borders. The US position in these negotiations on the extent of the withdrawal will be significantly influenced by the extent and nature of the peace and security arrangements offered in return.

B. Israeli Sovereignty

It is our belief that the Palestinian problem cannot be resolved (through) Israeli sovereignty or control over the West Bank and Gaza. Accordingly, we will not support such a solution. [...]

D. Self-Determination

In the Middle East context the term self-determination has been identified exclusively with the formation of a Palestinian state. We will not support this definition of self-determination. We believe that the Palestinians must take the leading role in determining their own future and fully support the provisions in Camp David providing for the elected representatives of the inhabitants of the West Bank and Gaza to decide how they shall govern themselves according to consistent with the provision of their agreement in the final status negotiations.

E. Jerusalem

We will fully support the position that the status of Jerusalem must be determined through negotiations.

F. Settlements

The Status of Israeli settlements must be determined in the course of the final status negotiations. We will not support their continuation as extraterritorial outposts. [...]



**STATEMENT BY LAWRENCE S. EAGLEBURGER, UNDER-SECRETARY FOR POLITICAL
AFFAIRS, US DEPARTMENT OF STATE, WASHINGTON, 23 FEBRUARY 1984**

Before the Senate Foreign Relations Committee, US Senate

Mr. Chairman,

I appreciate the opportunity to discuss with the Committee the Administration's position on S. 2031. As you know, this bill provides for the United States Embassy and Ambassador's residence in Israel to be moved to the city of Jerusalem. This Committee has already received Secretary Shultz's letter expressing the strong opposition of the Administration to this bill. Before I outline the reasons for our opposition, let me take a few moments to provide the context in which this proposal arises.

The United States has been and remains Israel's staunchest supporter. In 1948 when Israel proclaimed its independence, the United States was the first country to extend it recognition. We quickly established diplomatic relations and established our embassy at Israel's seat of government, Tel Aviv. There our embassy has remained, during the Administrations of eight Presidents. Dating from well before the establishment of the state of Israel, we have maintained a Consulate General in Jerusalem which reports directly to the Department. This is in accord with arrangements in special circumstances elsewhere, such as Hong Kong.

Why has it been consistent US policy, during Democratic and Republican administrations, to retain our embassy in Tel Aviv? In short, because the location of our embassy is intimately related to the efforts of the United States to secure a just and lasting peace in the Middle East. In this regard, US efforts have stressed peace through negotiations. Our willingness to resist attempts to settle the Arab-Israeli conflict through force or through unilateral actions has preserved our ability to play a constructive role in settling the conflict. Moving our embassy to Jerusalem would inevitably convey a message that the United States accepted the position

of one party to the issue, when in fact, a resolution of that issue - that is, a resolution of the issue that can stand the test of time - can only be found in the framework of a final settlement reached through negotiations.

The status of Jerusalem is an integral part of the Arab-Israeli conflict. While we fully understand the depth of attachment of Israelis to the city of Jerusalem, we have a responsibility to bear in mind the special significance which the city holds as well for Jews, Muslims and Christians throughout the world. That is a compelling fact that cannot be lightly put aside. We would not, Mr. Chairman, have achieved the Camp David Accords if the US had adopted the position of either party on the question of Jerusalem. This explains President Carter's separate letter attached to the Camp David. Accords which reaffirmed the US position that the status of Jerusalem must be resolved through negotiations. That position continues to be US policy today. Our policy on this issue has been resolute for more than three decades. In 1949, when the Israelis began moving their government to Jerusalem, we informed them that we could not accept a unilateral claim to the city. Again, in 1960 we informed Jordan of our opposition to its intention to make the eastern part of the city Jordan's second capital. And, in 1967, when Israel occupied the eastern sector, we opposed Israeli actions to place all of Jerusalem under Israeli law, jurisdiction and administration. Most recently, President Reagan stated in his September 1, 1982, Middle East Peace initiative that "...we remain convinced that Jerusalem must remain undivided, but its final status should be decided through negotiations."

Mr. Chairman, a change in the US position on the status of Jerusalem would seriously undermine our ability to play an effective role in the Middle East peace process. Indeed, moving our embassy to Jerusalem would widely be perceived as an effort by the United States to preempt negotiations altogether by prejudging a crucial issue. In short, to move our embassy to Jerusalem now would almost certainly gravely damage the prospects for a negotiated settlement; at a minimum, it would seriously compromise the ability of the United States to continue to play a constructive role in bringing the parties to the negotiating table.

In addition, Mr. Chairman, the proposed legislation would be a direct interference in the President's constitutional authority to conduct foreign affairs. As stated in Secretary Shultz's letter, we are concerned that, regardless of its merits, the bill raises serious constitutional questions of a separation of powers nature. The President historically has been responsible for conducting diplomatic relations on behalf of the United States, including the determination of where and through what means to conduct such relations. Legislation directing him to relocate any embassy would be in direct conflict with this principle. By further seeking to compel him to recognize all of Jerusalem as part of Israel, it would impair his ability to determine the recognition policy of the United States. In seeking to force the President's hand, the proposed legislation, in our view, would exceed the proper scope of legislative action. I am told, although I find it hard to credit, that some have argued that in retaining our embassy in Tel Aviv we raise doubts concerning American recognition of Israel as a sovereign state. That argues in the face of too many years of history to be taken seriously. The United States and Israel have, since 1948, shared a special friendship, special closeness - a special relationship, if you will - that is known as such throughout the world. There cannot be any doubt about our commitment to Israel.

Some proponents of this legislation apparently also argue that United States policy is not in accord with reality - that Jerusalem is Israel's capital, and that by failing to locate our embassy there we are denying Israel a sovereign prerogative. But this begs the fundamental question, at least from the perspective of the United States. It is the essence of the Jerusalem issue - or at least America's decades-old position thereon - that it should not be resolved by the unilateral actions of any party. It has also been suggested that conducting diplomatic relations through our embassy in Tel Aviv imposes practical impediments, since many Israeli government offices are now located in Jerusalem. That is, no doubt, true. But we have been able to manage, and will continue to be able to do so. In any event, I doubt that even the strongest of S. 2031's proponents would argue that their principal purpose for putting the legislation forward is to improve the efficiency of our diplomatic establishment in Israel.

Mr. Chairman, I have spoken here on behalf of the Administration of which I am a part. But were I speaking simply on my own behalf I would take no different a line. It is because I care about my country's relationship with Israel, and my country's ability to continue to play a crucial role in the search for that which the people of Israel so richly deserve - peace - that I opposed this legislation. I cannot deny the frustration many Americans and most Israelis must feel because of our position. Nor do I, or this Administration, take this frustration lightly. We regret it. But, in the last analysis, it is a just and lasting peace for Israel that will bring with it a solution to this vexing problem of the status of Jerusalem. It is the calling, and the commitment, of the United States to bring about that just and lasting peace. Indeed, I believe we are indispensable to the achievement of such a result. And therefore, Mr. Chairman, I must oppose passage of S. 2031.



**POLICY STATEMENT BY AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE (AIPAC),
WASHINGTON, DC, 21 APRIL 1985 [EXCERPTS]**

The bonds that link the United States and Israel are secured by a shared commitment to moral and democratic values. These values have been the bedrock of a special relationship that has spanned almost four decades. The American Israel Public Affairs Committee (AIPAC) is committed to promoting strong and consistently close relations between our country and Israel. To enhance this relationship, AIPAC'S 1985 issue priorities include:

- Maintaining US economic and military assistance on a grant basis; [...]
- Transferring the American embassy to Jerusalem, Israel's capital. [...]

Jerusalem: Jerusalem is, and always will be, Israel's capital, the heart and soul of the Jewish people. For more than thirty years it has been the seat of government. Since 1967, the once-divided city has been united under Israeli control with freedom of access guaranteed to all religious groups. For more than thirty-five years, the US government has refused to recognize this reality and has maintained the American embassy outside the administrative capital. In addition, only in Israel does a consular office (located in Jerusalem) report directly to the State Department in Washington, bypassing the embassy. This is unfair policy. AIPAC continues to support legislative efforts to move the US embassy to Israel's capital, Jerusalem.



**STATEMENT BY THE US DEPARTMENT OF STATE REAFFIRMING
THE US POSITION ON JERUSALEM, 12 MAY 1989**

Our position on Jerusalem has not changed.

In our view, Jerusalem should remain undivided, its final status should be resolved through peaceful negotiations, and the outcome of such negotiations should not be prejudged by any actions of any party.



**STATEMENT BY THE US DEPARTMENT OF STATE CONCERNING THE PARTICIPATION
OF EAST JERUSALEM PALESTINIANS IN THE FUTURE ELECTIONS FORESEEN
BY THE ISRAELI PEACE INITIATIVE, 12 JULY 1989 [EXCERPTS]**

II. The Peace Process

[...]

Questions:

- How crucial, in your view, is the participation of the Palestinians in East Jerusalem to the success of an elections proposal?
- Are elections possible without their participation?
- In your view, could the PLO accept an elections proposal which did not allow for some means of voting by Palestinians in East Jerusalem?
- Is it possible to have East Jerusalem Palestinians vote without affecting the issue of sovereignty of East Jerusalem?
- Does the United States share Mayor Kollek's view that the Palestinians in East Jerusalem should be allowed to vote ?

Answer: We believe the broadest possible Palestinian participation will result in an electoral process that has greater legitimacy and broader support. It is our judgment that Palestinians will insist on the participation of East Jerusalem Palestinians in elections. We have taken the position with the PLO that the details of the Israeli initiative should be worked out in dialogue between Israel and West Bank and Gaza Palestinians. Among these details is the question of arrangements for the elections including the question of East Jerusalem.

In our view, the answer is yes. It has been the long-standing position of the United States that the status of Jerusalem must be resolved by negotiations. We believe that this issue should be taken up at a later stage. Our policy remains that Jerusalem should be an undivided city open to all religions and with respect for the rights of all. The question of sovereignty should be resolved within that framework. We believe that the broadest possible Palestinian participation would confer greater legitimacy and support to the electoral process. More-

over, we believe that voting by East Jerusalem Palestinians in the elections proposed by the Government of Israel does not affect the issue of the final status of Jerusalem, which must be resolved through negotiations.



**STATEMENT BY US PRESS SECRETARY MARLIN FITZWATER ON PRESIDENT BUSH'S
TELEPHONE CONVERSATION WITH THE PRESIDENT OF THE CONFERENCE OF MAJOR
AMERICAN JEWISH ORGANIZATIONS, 5 MARCH 1990 [EXCERPTS]**

The President also reiterated that US policy toward Jerusalem is unchanged. The United States supports a united Jerusalem whose final status is determined by negotiations.

The President also made clear US support for Jews as well as others to live there in the context of a negotiated settlement.

The President also reiterated long-standing US policy that all parties avoid unilateral actions, including settlement activity.



**US PRESIDENT BUSH, REPLY TO MAYOR TEDDY KOLLEK'S LETTER ON JERUSALEM
(OF 9 MARCH 1990), WASHINGTON, DC, 13 MARCH 1990**

Dear Mr. Mayor,

Thank you for your thoughtful and gracious letter. I will always treasure the memory of my visit of Jerusalem, an experience made even more enjoyable because of your personal involvement. But I am simply one of many who are in debt to you. Thanks to your fair and farsighted leadership, and to Israel's exemplary respect for the holy places, Jerusalem remains an inspiration and a source of hope to Jews, Christians, and Muslims alike.

I would like to thank you as well for sharing your insights with me. There is much that we hold in common. As you note, the basis of our position remains that Jerusalem must never again be a divided city. We did not approve of the status quo before 1967; in no way do we advocate a return to it now. This was and is the policy of the United States, and it is my policy. Our efforts in the peace process are in no way designed to promote the division of Jerusalem. We would oppose any such effort. It is also our view that the final status of this most special of cities should be decided by negotiation, and that this negotiation would be facilitated if we were well along the path toward peace. There is thus no intention on our part to focus now on the final status of Jerusalem. It is also our view, just as it has been the view of the United States since 1967, that all sides should be taking steps to get to negotiations and avoiding steps that could prejudice the prospects for these negotiations. It is the pursuit of peace that ought to take priority, for only with peace can Jerusalem truly be open and whole.

Thank you again for taking the time to write to me. Barbara joins me in sending our best wishes to you and your family.



**US SENATE AND HOUSE OF REPRESENTATIVES, CONCURRENT RESOLUTION 106
CONCERNING JERUSALEM AND THE PEACE PROCESS, 22 MARCH 1990**

[The resolution was adopted by a voice voting of house members with 83 to 34, and 22 not voting.]

Expressing the sense of the congress concerning Jerusalem and the peace process.

Whereas the State of Israel has declared Jerusalem to be its capital;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths were not permitted access to holy sites in the area controlled by Jordan;

Whereas since 1967, Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas the President and the Secretary of State have demonstrated their strong desire to achieve a just and lasting peace in the Middle East and have worked diligently toward that end;

Whereas ambiguous statements by the Government of the United States concerning the right of Jews to live in all parts of Jerusalem raise concerns in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israel citizens;

Whereas such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),
That the Congress

- 1) acknowledges that Jerusalem is and should remain the capital of the State of Israel;
- 2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic religious group are protected; and
- 3) calls upon all parties involved in the search for peace to maintain their strong efforts to bring about negotiations between Israel and Palestinian representatives.



**US HOUSE OF REPRESENTATIVES, RESOLUTION EXPRESSING SUPPORT FOR
JERUSALEM AS ISRAEL'S CAPITAL, 24 APRIL 1990**

[Change in US policy and support of Israel's declaration of Jerusalem as capital]

Whereas the State of Israel has declared Jerusalem to be its capital;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths were not permitted access to holy sites in the area controlled by Jordan;

Whereas since 1967 Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas the President and the Secretary of State have demonstrated their strong desire to achieve a just and lasting peace in the Middle East and have worked diligently toward that end;

Whereas ambiguous statements by the Government of the United States concerning the right of Jews to live in all parts of Jerusalem raise concerns in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens; and the search for a lasting peace in the region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),
That the Congress

- (1) acknowledges that Jerusalem is and should remain the capital of the State of Israel;
- (2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic religious group are protected; and
- (3) calls upon all parties involved in the search for peace to maintain their strong efforts to bring about negotiations between Israel and Palestinian representatives.



**US LETTER OF ASSURANCES TO THE PALESTINIANS ON THE TERMS
OF THE MADRID PEACE CONFERENCE, 24 OCTOBER 1991 [EXCERPTS]**

Palestinians and Israel must respect each other's security, identity and political rights [...]

We believe that Palestinians should gain control over political, economic and other decisions that effect them and their fate [...]

- The US understands how much importance Palestinians attach to the question of East Jerusalem. Thus we want to assure you that nothing Palestinians do in choosing their delegation members in this phase of the process will affect their claim to East Jerusalem or be prejudicial or precedential to the outcome of the negotiations.
- The US is opposed to the Israeli annexation of East Jerusalem and extension of Israeli law on it and the extension of Jerusalem's municipal boundaries. We encourage all sides to avoid unilateral acts that would exasperate local tensions or make negotiations more difficult or pre-empt their final outcome.

- The US believes that Palestinians of East Jerusalem should be able to participate by voting in elections of an interim governing authority. The US further believes that Palestinians from East Jerusalem and Palestinians outside the Occupied Territories who meet the three criteria should be able to participate in the negotiations on final status. The US supports the right of Palestinians to bring any issue including East Jerusalem to the table [...].
- The US believes that no party should take unilateral actions that seek to predetermine issues that can only be reached through negotiations. In this regard the US has opposed and will continue to oppose settlement activity in territories occupied in 1967 which remain an obstacle to peace.



**STATEMENT BY US AMBASSADOR TO THE UN, THOMAS PICKERING,
BEFORE THE UN SECURITY COUNCIL, 6 JANUARY 1992 [EXCERPTS]**

[Pickering explained the US vote in favor of UN Security Council Res. 726, which "Reaffirms the applicability of the Fourth Geneva Convention of August 1949 to all the Palestinian territories occupied by Israel since 1967, including Jerusalem"].

As we have stated in the past, the United States regards the phrase 'all the Palestinian territories occupied by Israel since 1967, including Jerusalem' which appears in this resolution, as being merely demographically and geographically descriptive and not indicative of sovereignty.



**US DRAFT ISRAELI-PALESTINIAN DECLARATION OF PRINCIPLES,
WASHINGTON, DC, 30 JUNE 1993 [EXCERPTS]**

[The draft was presented to both sides on the eve of adjournment of the 10th round of negotiations]

The Goal of the Negotiations

[...]

The two sides agree that the negotiating process is one and that its two phases are interlocked. They further agree that neither the negotiations nor the agreements reached for the interim period will be deemed to preempt or prejudice the outcome of permanent status negotiations. Furthermore, both sides will make their best efforts to avoid actions during the interim period that undermine the environment for the negotiations. The two sides agree that all options for permanent status within the framework of the agreed basis of the negotiations - United Nations Security Council resolutions 242 [(1967)] and 338 [(1973)] - will remain open. Once negotiations on permanent status begin, each side can raise whatever issue it wants, including the question of Jerusalem.

The Nature of the Palestinian Elected Authority

The two sides agree that a Palestinian elected interim self-government authority (whose name will be agreed) will be established through fair, free, general and direct elections. These elections will be held under agreed supervision and with international observers and monitors. Negotiations will take place concerning the modalities and timetable for elections. Once elections modalities are agreed upon by the two sides, East Jerusalem Palestinians will vote in the elections.



STATEMENT BY US PRESIDENT BILL CLINTON, 16 MARCH 1994 [EXCERPTS]

[Clinton's answer when asked at a joint press conference with PM Rabin about settlements and Jerusalem].

Well, in terms of the resolution of Jerusalem, the position of the United States has not changed. But that is a matter for the parties to decide in accord with the declaration. It is something to be ultimately decided at a later point. That's what we think should be done.



**STATEMENT BY US AMBASSADOR TO THE UN, MADELEINE ALBRIGHT,
BEFORE THE UN SECURITY COUNCIL,
NEW YORK, 18 MARCH 1994 [EXCERPTS]**

[Albright explained the US abstention on 2 Paragraphs of UN Security Council Res. 904 (Condemning the Hebron Massacre) which referred to the occupied territories including Jerusalem.]

[...] We simply do not support the description of the territories occupied by Israel in the 1967 war as occupied Palestinian territory. In the view of my government, this language could be taken to indicate sovereignty - a matter which both Israel and the PLO have agreed must be decided in negotiations on the final status of the territories. As agreed between them, those negotiations will begin not later than two years after the implementation of the Declaration of Principles.

Similarly, while my government reaffirms our view that the Fourth Geneva Convention, of 12 August 1949, applies to territories occupied by Israel since 1967, we oppose the specific reference to Jerusalem in this resolution and will continue to oppose its insertion in future resolutions. As I noted already, had this language been in the operative paragraphs, we would have vetoed this resolution. [...]

Jerusalem is one of the most sensitive issues to be addressed in the negotiations. As President Clinton stated on March 16th, and I quote, "In terms of the resolution of Jerusalem, the position of the United States has not changed. That is a matter for the parties to decide, and in accord with the declaration, it is something to be ultimately decided at a later point. That's what we think should be done," close quote.

Under the Declaration of Principles, it is an issue which Israel and the PLO have agreed will be dealt with in the final status negotiations. My government does not believe that it is helpful to the negotiations to include the kind of reference that is made to Jerusalem in this resolution. It could prejudice or prejudge the outcome of the negotiations. The Security Council should respect the parties' agreement in this regard.



**US SECRETARY OF STATE WARREN CHRISTOPHER, STATEMENT ON
THE US POSITION ON JERUSALEM, 18 MARCH 1994**

[Christopher made the following remark during a hearing regarding the US Vote on UN Security Council Res. 904 (Condemning the Hebron Massacre)]

The United States believes that the issue of Jerusalem, an extremely sensitive issue, will be decided in the final status negotiations, just as is set forth to that effect in the Declaration of Principles itself. The United States has not changed its position on the underlying issue, but we believe that the parties themselves, in the final status negotiations, should resolve that issue.



**US PRESIDENT BILL CLINTON, PRESS STATEMENT ON JERUSALEM,
24 MARCH 1994**

I told them what I've always told you in public. I'll tell you the exact words I used: I said, my position has not changed on that issue. But my position is also that the United States and other countries should refrain from intervening in these peace talks between the parties themselves. And part of the Declaration of Principles between Israel and the PLO was that the disposition of that issue would be a so-called final status issue to be resolved at the end of the talks.

And I have respected that process. So I have made it clear that the United States has not changed its position. The way we handled the resolution on the Hebron massacre in the United Nations gave us the opportunity to make that clear again. But we are trying to get these peace talks going, and we are going to let the parties make their decisions for the future of the Middle East on their own, and we are going to do everything we can to facilitate it.



US ASSISTANT SECRETARY OF STATE ROBERT PELLETREAU, REMARKS ON JERUSALEM AND THE OCCUPIED TERRITORIES, WASHINGTON, 14 JUNE 1994 [EXCERPTS]

[Testimony before the Europe and Middle East Subcommittees of the House Foreign Affairs Committee]

Rep. Peter Deutsch: ...According to the Cairo Agreement, Gaza and Jericho are the only areas where the Palestinians have legitimate authority or legislative authority. Given that the agreement only covers Gaza and Jericho areas, I believe that it would be inappropriate for US officials to meet with Palestinian officials in an area not covered by the agreement. This would imply that the US has taken a position on the final outcome of these areas when the parties themselves have not yet arrived at a final agreement. Does the administration have any plans to meet with Palestinians in East Jerusalem for business meeting or diplomatic negotiations, and, assuming that they do not, where does the administration plan to hold meetings?

Mr. Pelletreau: We have been meeting with Palestinian officials in Tunis, in Cairo, in the territories, in East Jerusalem, in Amman, even here in Washington, in wherever we thought that such meetings would advance the peace process. The official seat of the Palestinian authority, as agreed between Israel and the Palestinians, will be in Jericho, and we expect that official meetings will also take place in Jericho [...].

Rep. Deutsch: Is the administration committed to a policy of recognizing Jerusalem as the undivided capital of Israel?

Mr. Pelletreau: I hesitate here because Jerusalem is a very sensitive issue and Secretary Christopher has said one that will only be decided between Israel and the Palestinians in the final status talks. The latest statement on that was, I believe, in the March 16th press conference with Prime Minister Rabin. President Clinton said: "In terms of the resolution of Jerusalem, the position of the United States has not changed, that that is a matter for the parties to decide and in accord with the declaration. It is something to be ultimately decided at a later point, and that is what we think should be done."

Rep. Deutsch: [...] Chairman Arafat recently drafted a Palestinian constitution which specifically has in it, and I quote: "Jerusalem as the capital of Palestine." Clearly, that statement undermines the terms of the agreement. And is there anything specific that the State Department, the Secretary have responded regarding that particular issue in terms of the statement within the constitution that Chairman Arafat has drafted?

Mr. Pelletreau: As I mentioned to Congressman Gillman, we took up a statement of that nature [...] and made very clear that we expect that any arrangements that they make for their self-governing authority will be in accordance with the agreement that was signed on May 4th [...].

Rep. Hamilton: Okay, now I want to go back to Jerusalem a moment. The Israelis announced last week that they'll not permit any Palestinian self-government institutions to operate in Jerusalem and is that consistent with your understanding with the Declaration of Principles?

Mr. Pelletreau: Well, there's been quite a recent furor in Israel over a letter that the foreign minister had written with respect to existing Palestinian activities and institutions before the Declaration of Principles and before the May 4th agreement. There's new legislation being considered in Israel right now.

Rep. Hamilton: Well, that letter you referred to is the letter that Foreign Minister Peres wrote to the Norwegian Foreign Minister indicating that Israel would not interfere with Palestinian institutions in Jerusalem, correct?

Mr. Pelletreau: That's right, that we are carrying out activities prior.

Rep. Hamilton: Is there any contradiction between that letter and the Israeli government's position that I referred to a moment ago where they said they would not permit Palestinian self-government institutions to operate in Jerusalem.

Mr. Pelletreau: I think we have to wait and see how the different statements are actually carried out.

Rep. Hamilton: Let me ask you this: Is there a difference between pre-existing Palestinian institutions in East Jerusalem and those that might be established in connection with a self-governing authority?

Mr. Pelletreau: My understanding is yes, there is a difference, and there are, there is a Palestinian population and there have been activities and institutions that have been concerned with the population there...

Rep. Hamilton: Well, is it your understanding that Israel will not interfere with Palestinian institutions in Jerusalem?

Mr. Pelletreau: That is my current reading of the Paris letter, but I can't say what -

Rep. Hamilton: Is it also your current reading of Israeli policy?

Mr. Pelletreau: I am not aware that we have had a specific discussion of the Israelis with it, and to this point I don't think we have seen any Israeli actions that have been inconsistent with it.

Rep. Hamilton: Now, in March when the United States allowed the UN Security Council resolution condemning the Hebron massacre to pass, Ambassador Albright expressed the reservations with regard to the phrase "occupied territories, including Jerusalem." Tell me what was the problem, from the administration's point of view, with that formulation.

Mr. Pelletreau: From the administration's point of view, now that Israel and the Palestinians have agreed that Jerusalem is an issue to be decided between them and in their final status talks, that reference to Jerusalem outside of - that could affect the final status - outside of those final status talks are neither necessary nor appropriate.

Rep. Hamilton: It is my understanding that our policy has in the past approved without any reservation UN resolutions which refer to Jerusalem as occupied territory. That's been true in the past, has it not?

Mr. Pelletreau: Before the Declaration of Principles between the two parties.

Rep. Hamilton: Okay. Now, along comes the Declaration of Principles, and what is our position now with regard - any reference to Jerusalem as an occupied territory is now not American policy?

Mr. Pelletreau: American policy is that in accordance with the Declaration of Principles, Israel and the Palestinians have agreed that the status of Jerusalem will be decided in their final status talks.

Rep. Hamilton: Okay. So we would not approve any reference to Jerusalem as an occupied territory at this point.

Mr. Pelletreau: We would not want to see really any references to Jerusalem -

Rep. Hamilton: To characterize it.

Mr. Pelletreau: - in other documents or other instances that would have characterizations.

Rep. Hamilton: Okay. So you don't want to characterize Jerusalem, then - that's the point - after the Declaration of Principles? Is that right?

Mr. Pelletreau: That's right.

Rep. Hamilton: Now with regard to the Israeli settlements, you referred to Israeli building on the West Bank and the government's policy in settlements when you testified here in March as a complicating factor in the peace process. Of course, the United States has often used the phrase "an obstacle to peace" in years past. Now, is your formulation there representing a change with respect, or-

Mr. Pelletreau: No, but it hasn't come up in the-

Rep. Hamilton: If you were describing it today, would you say complicating factor or an obstacle to peace?

Mr. Pelletreau: I would say that it is a complicating factor.

Rep. Hamilton: Okay, and - but does that reflect any change in policy?

Mr. Pelletreau: No.

Rep. Hamilton: All right. Well, why the change in words?

Mr. Pelletreau: Those are the words that this administration is using.

Rep. Hamilton: All right. But you don't mean to convey by that change in word any change in policy?

Mr. Pelletreau: We do not mean to convey a change in policy.

Rep. Hamilton: And do you take a position on the question of the legality of the settlements?

Mr. Pelletreau: Not at this time.



HEARING BEFORE THE MIDDLE EAST SUBCOMMITTEE OF THE US HOUSE FOREIGN AFFAIRS COMMITTEE, 4 OCTOBER 1994 [EXCERPTS]

[The Middle East Subcommittee, chaired by Lee Hamilton, heard the testimony from Assistant Secretary of State for Near East and South Asian Affairs, Robert Pelletreau].

Rep. Hamilton: About last year only \$6 million of the \$437 million deducted from Israeli loan guarantees reflected Israeli government spending in East Jerusalem, according to the information we have. Now, that means that we calculated that the Israeli government spent only \$6 million in non-security expenditures in Jerusalem in the previous year. Is that correct?

Mr. Pelletreau: I'm not sure I have that specific calculation here.

Rep. Hamilton: What portion of this year's deduction of the \$311 million reflects Israel government spending in Jerusalem? Do you know that? Maybe you can furnish that for us.

Mr. Pelletreau: I would have to look further for that.

Rep. Hamilton: Now, when you testified before us last time, you said that US policy toward Jerusalem is that Jerusalem is a final status issue pursuant to the Declaration of Principles and we do not want to characterize Jerusalem in any other statement or form. That was your position, as I understood it.

Mr. Pelletreau: That's correct.

Rep. Hamilton: It's my understanding that under previous administrations, US policy was that we oppose unilateral actions taken by any party regarding the ultimate disposition of Jerusalem prior to negotiations to determine Jerusalem's final status. Is that your view also?

Mr. Pelletreau: I would - my view would continue to be the way I stated it to you in the previous testimony.



**US SECRETARY OF STATE CHRISTOPHER ABOUT THE US POSITION ON JERUSALEM,
PRESS CONFERENCE, CASABLANCA, 31 OCTOBER 1994**

Q: Mr. Minister, do you mind if we interrupt you and ask a question. We've come all the way, this far. Mr. Secretary, Chairman Arafat is still making noises about Jerusalem. Is it still the US position the city is basically up for grabs at some future date? Or might it not be a good idea to fulfill President Clinton's (inaudible) to recognize Jerusalem (inaudible) as Israel's capital?

Sec. Christopher: The position of the United States has not changed on that subject. We think this question is a very sensitive issue but we are guided by the fact that both of the parties - in the Declaration of Principles - have identified a final status issue (inaudible) resolve. Clearly, it's a very important issue and all the discussions emphasize that. But we have not changed our position on the subject and (inaudible) views and information the parties treat it as a final status issue.

Q: But, sir, the Israelis and Jordanians seem to be dealing with it now - deferring special rights to King Hussein over the religious Moslem holy places in Jerusalem. (inaudible) city is being dealt with, doesn't the US think that it should state its position (inaudible)?

Sec. Christopher: I think Foreign Minister Peres is here and he could characterize the agreement. But we reviewed that and we make a distinction between religious aspects and political aspects - as has been pointed out by Prime Minister Rabin - and we felt that the treaty was directed at the religious aspects of the various sights. No, we don't think the United States should change its position that it's presently in. Foreign Minister Peres can, perhaps, describe... [see corresponding entry in **Vol. II: Israeli Documents**].



**STATEMENT OF MARTIN INDYK ON THE US ADMINISTRATION'S
JERUSALEM POLICY, 2 FEBRUARY 1995**

[Indyk made the following comments during a hearing before the Senate Foreign Relations Committee on his nomination as US Ambassador to Israel].

Thank you, Mr. Chairman. Jerusalem is a very sensitive issue, sensitive because Jerusalem is a symbol, a very important symbol for Israel, for the Jewish people, but also a very important symbol for Christians, for Muslims, for Palestinians, and for Arabs.

The parties themselves-Israel and the PLO-in the Declaration of Principles that they signed, have agreed that the issue and status of Jerusalem should be negotiated, beginning in the final-as part of the final status negotiations that will begin as early as May of next year.

In those circumstances, it is the president's feeling-the administration's feeling-that we should do nothing to undermine or preempt those negotiations, that we should wait and let the parties sort out this very sensitive issue before doing anything. And any move now - I believe very strongly that to make a move now would explode the peace process.

It is, as Senator Lieberman suggested, at a very fragile stage and to take action now that would in one way or another force the administration, I think would be very explosive to the negotiations, and frankly, it would put us out of business as a facilitator of those negotiations. If the parties themselves have agreed to deal with this issue in May of next year, I think we should not take any action until we've seen the results of those negotiations.

Let me say, just on a personal note, Jerusalem is important to me, too, Mr. Chairman, but I do not feel at all conflicted, in view of the answer that I've given, because I really, honestly believe that it would be very counterproductive to take action on that issue now.



**US SENATORS, DRAFT LETTER TO US SECRETARY WARREN CHRISTOPHER,
3 FEBRUARY 1995**

Dear Mr. Secretary:

We believe that Jerusalem is and shall remain the undivided capital of the State of Israel. It is now over eleven years since 50 United States Senators and 227 members of the House of Representatives joined in endorsing the transfer of the United States embassy in Israel from Tel Aviv to Jerusalem. In the subsequent decade both Houses of Congress have passed, by near-unanimous margins, a total of four resolutions calling on the United States government to acknowledge united Jerusalem as the capital of the States of Israel. A fifth resolution adopted last year called on the administration to veto language in United Nations Security Council Resolutions that states or implies that Jerusalem is occupied territory. This administration has been open, direct and specific with regard to its position concerning an undivided Jerusalem. In this light, we are particularly pleased to note that the most recent edition of "Key Officers of Foreign Service Posts: Guide for Business Representatives," published by the Department of State lists Jerusalem under Israel for the first time in 46 years, albeit with a disclaimer. This is not enough.

There can be little doubt that Jerusalem is a sensitive issue in the current peace process. While the Declaration of Principles stipulates that Jerusalem is a "final status" issue to be negotiated between the parties, we share Prime Minister Rabin's view which he expressed to the Knesset that:

On Jerusalem, we said: 'This Government, like all of its predecessors believes there is no disagreement in this House concerning Jerusalem as the eternal capital of Israel. United Jerusalem will not be open to negotiation. It has been and will forever be the capital of the Jewish people, under Israeli sovereignty, a focus of the dreams and longings of every Jew.'

United States policy should be equally clear and unequivocal. The search for peace can only be hindered by raising utterly unrealistic hopes about the future status of Jerusalem among the Palestinians and understandable fears among the Israeli population that their capital city may once again be divided by cinder block and barbed wire.

The United States enjoys diplomatic relations with 184 countries. Of these, Israel is the only nation in which our embassy is not located in the functioning capital. This is an inappropriate message to our friends in Israel and, more importantly, a dangerous message to Israel's enemies. We believe that the United States Embassy belongs in Jerusalem. It would be most appropriate for planning to begin now to ensure such a move no later than the agreements on "permanent status" take effect and the transition period has ended, which according to the Declaration of Principles is scheduled for May 1999. We would appreciate hearing from you as to what steps are being taken to make such a relocation possible.

Sincerely,

(Signed) Daniel Patrick Moynihan, Alfonse M. D'Amato



**MEMBERS OF THE US HOUSE OF REPRESENTATIVES, DRAFT LETTER TO
US SECRETARY WARREN CHRISTOPHER, 10 FEBRUARY 1995**

Dear Mr. Secretary:

As Members of Congress committed to peace in the Middle East, we are unwavering in our belief that Jerusalem is the capital of Israel and shall eternally remain Israel's capital.

This year marks the 28th anniversary of the reunification of Jerusalem. Under the government of Israel, Jerusalem is an undivided city in which the rights of every ethnic and religious groups are protected. Next year,

world Jewry will celebrate the 3000th anniversary of King David's establishment of Jerusalem as the capital of the Jewish kingdom. We can think of no better time than now to begin the process of transferring the United States embassy from Tel-Aviv to Jerusalem. This move is long overdue.

The United States enjoys diplomatic relations with 184 countries. Of these, Israel is the only nation in which our embassy is not located in the functioning capital. This is an inappropriate message to our friends in Israel and, more importantly, a dangerous message to Israel's enemies.

Congress has spoken on this matter many times. Eleven years ago both Houses supported a move of the United States embassy to Jerusalem. Since, then, Congress has adopted four resolutions expressing its commitment to a unified Jerusalem as the capital of the state of Israel.

Prime Minister Yitzhak Rabin recently reiterated the government's long-standing position that Jerusalem is and will remain Israel's capital forever. Particularly during this phase of the peace process, it is imperative that the United States' position on Jerusalem be clear. If misleading messages are sent to either the Israelis or the Palestinians, the results could raise false expectations and undermine the peace process.

It is our understanding that a location has already been chosen for an embassy in Jerusalem. We therefore believe the move should take place no later than the end of the transition period in 1999. We realize it will take several years to build and establish an embassy. Accordingly, planning should begin now. We would appreciate hearing from you about steps that can be taken to further this goal.

(Signed) Charles E. Schumer, Benjamin A. Gilman, John Lewis, Bill Paxon.



**STATEMENT ENTITLED "JERUSALEM: BARRIER OR GATEWAY TO PEACE"
BY THE AMERICAN FRIENDS SERVICE COMMITTEE AND THE FRIENDS
COMMITTEE ON NATIONAL LEGISLATION,
HILADELPHIA AND WASHINGTON, DC, 23 FEBRUARY 1995**

[The joint statement set out five "broad principles of fairness and equity" that the two Quaker organizations said should guide a settlement on Jerusalem, and which they hoped would help encourage a wide-ranging public discussion on it.]

The five principles are:

1. A settlement on Jerusalem must be reached by negotiation between the Israeli and Palestinian leaderships and approved democratically by the Israeli and Palestinian peoples.
2. A settlement must leave Jerusalem physically undivided and open to the entry and free movement of peoples throughout.
3. A settlement must accord equal political and national status to Israelis and Palestinians in Jerusalem.
4. A settlement must permit the equitable growth and development of Jerusalem to meet the needs of both Israelis and Palestinians and must allow the political, economic and cultural institutions of both peoples to flourish in Jerusalem.
5. A settlement should give formal expression to the special significance of Jerusalem in Judaism, Christianity and Islam.



**UNITED STATES CHURCH LEADERS, STATEMENT ON JERUSALEM: CITY OF PEACE,
MARCH 1995 [EXCERPTS]**

see Christian Statements & Positions in this Volume



**STATEMENT BY THE ANTI-DEFAMATION LEAGUE (ADL) REGARDING THE
CHRISTIAN STAND ON JERUSALEM, NEW YORK, 7 MARCH 1995**

[On March 6, 1995, US Christian leaders urged the Clinton Administration to persuade Israel to stop increasing its presence in Jerusalem. The following day, ADL national Chairman David H. Strassler and ADL national Director Abraham H. Foxman issued the following statement in response]:

We are deeply disappointed and saddened that after so many years of Christian-Jewish dialogue, Church leaders failed to reach out to the Jewish community on the sensitive issue of Jerusalem and chose instead to issue a public statement condemning Israeli policies in the Holy City. The lack of prior consultation is painful and counterproductive to the interfaith dialogue process.

Their statement is one-sided and inaccurate in its unilateral condemnation of Israeli policies in Jerusalem. First, Jerusalem is the capital of Israel, and Israel has the same rights over its capital city as any other sovereign state. Second, only under Israeli sovereignty have Palestinian Christians enjoyed real freedom of religion and worship in the Holy City.

Through their public statement, Christian leaders have intruded in the Arab-Israeli peace process in an unhelpful and potentially harmful manner. Israelis and Palestinians agreed to defer the future status of Jerusalem until the final status talks, and Christian leaders in the United States should let the parties themselves negotiate this sensitive and delicate issue.

Finally, it is ironic that Christian leaders would censure Israel for the plight of Christians in Jerusalem when the greatest threat to Christians today is Islamic radicalism which continues to harass and intimidate Palestinian Christians in the Holy City.



**US SENATE MAJORITY LEADER ROBERT DOLE, ADDRESS TO THE
ANNUAL AIPAC CONVENTION, WASHINGTON, 8 MAY 1995 [EXCERPTS]**

[During this address Senator Dole announced that he would introduce legislation in the Senate requiring the transfer by May 1999 of the US embassy from Tel Aviv to Jerusalem, which he did the following day.]

[...]Today Israel remains our most important ally in the fight against radical Islamic forces and against the spread of weapons of mass destruction in the region. And working together, the United States and Israel are developing defenses against ballistic missiles. Anyone who saw Iraqi Scuds raining on Tel Aviv knows how important having a defense against them can be. And because of American insistence that the former Soviet Union open up its borders, 500,000 Jews have emigrated to Israel-more than any other period in Israel's history. *(Applause)*

The United States also provided loan guarantees, which I and my colleagues-everyone here tonight as far as I know-supported to help Israel absorb the refugees, and the program is working, the program is working just as they said it would. *(Applause)*

I was also honored to be the chairman of the Finance Committee when we passed the US-Israel Free Trade Agreement through the Senate, the first and most far-reaching agreement of its kind, and as a result, Israel enjoys lower US tariff rates than any country in the world, and the US is the single largest export market for Israeli exports, with two-way trade approaching \$8 billion. That's a lot of money. *(Applause)* And I could go on and on about the neutral acts of friendship between the United States and Israel, but the bottom line is this. The bottom line is this. America is better and safer because of our partnership, and the world is better and safer because of our partnership - and that's the way it is, that's the bottom line. *(Applause)* And as we look around the world today, I believe that our partnership is needed more now than ever, for Israel is entering a critical time in its long struggle for a just secure and permanent peace [...].

I met with Prime Minister Rabin earlier today, and I agree with his assessment that Iran is the number one security threat faced by Israel. Iran is a terrorist state, and it must never be allowed to obtain nuclear weapons, period - *(applause)* - never be allowed to obtain nuclear weapons, period.

When President Clinton is in Russia, as I'm certain he will and I trust that he will, he'll make it very clear to Boris Yeltsin that providing Iran the wherewithal to continue its nuclear drive and a close friendship with the United States are mutually exclusive goals. *(Applause)* You can't have them both. You can have one. And

there should also be a clear message to Syria: There will be no improvements in the bilateral relationship with the United States until your policies change on a wide range of issues. No more support for terrorism, no more drug trafficking, and no more occupation of Lebanon - (*applause, cheers*) - these are very important. And we all hope and pray that the peace process will succeed and that the remarkable accomplishments of the past few years were just the beginning. But no one should ever doubt that if the peace process fails, America will stand by Israel. (*Applause*) Make no mistake about it; it'll be bipartisan. Make no mistake about it. And there are some who say that even with all the challenges remaining to achieve peace, enough progress has been made; it is time to reduce the aid that the United States provides to Israel. My response to those urging this course is to tell them to compare our \$3 billion of aid to Israel to the hundreds and hundreds of billions it has cost the US and continuing to cost us to defend Europe and Korea, but the cost of our forward presence puts our aid to Israel in a different perspective[...].

Let me turn now to Jerusalem. It is a remarkable and unique city that perhaps more than any other has helped mold the spiritual life of Western civilization. Think about it. No other city on earth besides Jerusalem is the capital of the same country, inhabited by the same people, speaking the same language, and worshipping the same God as it was 3,000 years ago. That's Jerusalem. (*Applause*) Jerusalem today, as it has been for three millennia, is the heart and soul of the Jewish people. It is also and should remain forever the eternal and undivided capital of the state of Israel. Make no mistake about that (*cheers, applause*).

Years ago - years ago I questioned the wisdom of moving the American embassy from Tel Aviv to Jerusalem. I felt at that time that doing so could undermine our efforts and ability to act as a peacemaker. But today, much, much has changed. There is no Soviet Union. A multinational coalition, led by the United States, defeated Iraq. Israel is at peace with Egypt and Jordan. The peace process had made great strides, and our commitment to that process is unchallengeable. And it seems to me that delaying the process of moving the embassy now only sends a message of false hopes. So what are we waiting for? What are we waiting for? And let me tell you what - (*applause*). I was proud to join with 92 of my Senate colleagues in signing a letter last March urging the administration to move our embassy no later than May, 1990. As so often has been the case with Jerusalem, Senators D'Amato and Moynihan led that effort. And I want to congratulate Senator Moynihan in particular, and also Senator D'Amato, for their efforts over the years. (*Applause*)

I think the time has come, however, to move beyond letters, expressions of support, and Sense of the Congress resolution. The time has come to enact legislation that will get the job done. So tomorrow, along with Senator Inouye of Hawaii and Senator John Kyl of Arizona, and many others who are in this audience tonight, I will introduce the Jerusalem Embassy Relocation Implementation Act of 1995 (*cheers, applause*). It mandates (*continued applause*). Thank you. It mandates that the United States open a new embassy in Jerusalem no later than May 31, 1999. The legislation also requires groundbreaking for construction next year, in 1996, the 3000th anniversary of King David's establishment of Jerusalem as the capital of Israel. (*Applause*) Let me say I've kept the administration apprised of this. It's not a surprise party. I don't engage in surprise parties. I've also spoken with Speaker Gingrich, and I'm pleased to inform you that he will introduce identical legislation tomorrow in the House of Representatives. (*Applause*) And again let me make it clear, this will be bipartisan.

This is not a partisan issue, not a partisan effort, or it wouldn't make it. We've had strong, bipartisan, effective efforts in the past, and in my view, it's in the best interest of the United States and Israel to keep it bipartisan. We don't need partisanship. Bipartisanship will work better every time - (*applause*) - and so we hope we'll continue to have that (effort?).



**US HOUSE OF REPRESENTATIVES, 104TH CONGRESS, 1ST SESSION, CONCURRENT
RESOLUTION 36 CONCERNING THE 3000TH ANNIVERSARY OF KING DAVID'S
ESTABLISHMENT OF JERUSALEM AS THE CAPITAL OF THE JEWISH KINGDOM
(INTRODUCED IN HOUSE), 9 MARCH 1995**

[Democrat representative Charles Schumer submitted the following resolution asking US Congress to recognize Jerusalem as the capital of a Jewish kingdom; it was referred to the Committee on International Relations]

Concerning the 3000th anniversary of King David's establishment of Jerusalem as the capital of the Jewish kingdom.

Whereas 1996 is the tri-millennial anniversary of King David's conquest of the city of Jerusalem and establishment of the city as the capital of the Jewish kingdom;

Whereas since this time Jerusalem has been the spiritual, cultural, and historic focal point of Jewish devotion;

Whereas during this anniversary world Jewry will celebrate, commemorate, and sponsor educational activities about the holy city in Jerusalem;

Whereas Jerusalem has been the capital of the State of Israel since Israel's independence was declared in 1948;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in their historical and religious capital;

Whereas in 1967 Jerusalem was reunited during the conflict known as the Six Day War;

Whereas in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capital of Israel, 'must remain an undivided city';

Whereas in 1996 the Jerusalem 3000 celebrations begin as negotiations on the future status of Jerusalem, as called for in the Declaration of Principles signed by the Palestinians and Israelis on September 13, 1993, also begin; and

Whereas Jerusalem is and will remain the eternal capital of the State of Israel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

That the Congress -

- (1) congratulates the residents of Jerusalem and the people of Israel on the 3000th anniversary of King David's conquest of Jerusalem and its subsequent establishment as the capital of the Jewish kingdom;
- (2) strongly believes that Jerusalem must remain an undivided city and the eternal capital of the State of Israel; and
- (3) calls upon the President and the Secretary of State to issue an unequivocal statement in support of paragraphs (1) and (2).



**US CONGRESSIONAL RECORD ON THE JERUSALEM EMBASSY RELOCATION
IMPLEMENTATION ACT, SENATE SECTION, 9 MAY 1995 [EXCERPTS]**

Mr. DOLE:

Mr. President, today I am introducing legislation, along with the Senator from Arizona, Senator Kyl, the Senator from Hawaii, Senator Inouye, the Senator from New York, Senator D'Amato, and others, to move the United States Embassy in Israel to the capital of Jerusalem. I am pleased to be joined by a number of my colleagues, and I ask unanimous consent at this time that when I send the bill to the desk, it be held at the desk until noon tomorrow for additional cosponsors.

Mr. President, I know the interest in this legislation is considerable, and that is why I have asked it be held at the desk. The issue of Jerusalem has many elements – emotional, religious, cultural, spiritual, historical, and political. Jerusalem may be the most remarkable city in the world. Three of the world's great religions have roots in Jerusalem. No other city has been the capital of the same country, inhabited by the same people speaking the same language worshipping the same God today as it was 3,000 years ago. And yet the United States does not maintain its Embassy in Jerusalem.

This issue of where to place the American Embassy in Israel has a long history in the United States Congress. Successive Congresses and successive administration have been on opposite sides. At the outset, I want to commend the leadership of some of my colleagues on this issue, in particular Senator Moynihan and Senator D'Amato. They have led congressional efforts to relocate the US Embassy for many years.

Years ago, I was one of those who expressed concerns about the timing of proposals to move the American Embassy from Tel Aviv to Jerusalem. I felt that doing so could have undermined our efforts and ability to act as a peacemaker. However, much has changed since those earlier efforts. The Soviet Union is gone. We successfully waged war - with Arab allies - to liberate Kuwait. Jordan and the PLO have joined Egypt is beginning a formal peace process with Israel. The peace process has made great strides and our commitment to that process is unchallengeable. Delaying the process of moving the Embassy now only sends a signal of false hopes.

I was proud to join with 92 of my colleagues - Republican and Democratic - in signing the D'Amato-Moynihan letter last March urging the administration to move our Embassy no later than May 1999. As the letter pointed out to Secretary Christopher, the United States enjoys diplomatic relations with 184 countries - but Israel is the only country in which our Embassy is not located in the functioning capital. Yesterday, I met with Prime Minister Rabin, and we discussed this legislation. As Prime Minister Rabin said after our meeting,

the people of Israel “would welcome recognition of the fact that Jerusalem is the capital” of Israel, and “we will welcome embassies that will come.”

The time has come to move beyond letters, expressions of support and sense of the Congress resolutions. The time has come to enact legislation that will get the job done-to move the United States Embassy in Israel to Jerusalem by May 1999. The Jerusalem Embassy Relocation Act of 1995 is that legislation.

This is not a partisan effort, and this is not an effort to undermine the peace process. Democrats have historically supported efforts to move the Embassy. In fact, as the Democratic leader Tom Dashle pointed out in a speech last night, support for moving the Embassy to Jerusalem has been in the Democratic Party’s platform since 1963. It has been in the Republican platform for many years as well. Placing the American Embassy in Jerusalem is an idea whose time has come. Construction will take time, but we should begin soon. The fact is that Jerusalem has been and should remain the undivided capital of Israel. Let me close by quoting from a speech I gave 18 years ago in Jerusalem: In the speech for a solution to the dilemma which Israel’s first President called “a conflict of right with right”, whatever else may be negotiable, the capital of Israel clearly is not.

Let me also thank my colleague from Arizona, Senator Kyl, who has actually been in the forefront of this legislation, who had the Intifada idea. We have been working with him and now put together, I believe, legislation that can be sponsored or cosponsored by nearly all of my colleagues on both sides of the a/s/e. We certainly welcome cosponsors. The legislation will be held at the desk under the previous consent agreement until noon tomorrow. So anybody wishing to cosponsor the legislation just notify the clerk.

Mr. KYL:

Mr. President, as a member of the committee to commemorate - in 1996 - the 3,000th anniversary of Jerusalem as the capital of the Jewish people, I am pleased to join Senator Dole and introduce the Jerusalem Embassy Relocation Implementation Act of 1995, to begin immediate construction on a United States Embassy in Jerusalem.

It is historic and important that the majority leader and the Speaker of the House are the primary sponsors of this legislation in the Senate and House. For three millennia - since King David established Jerusalem as the capital of the Jewish people - Jerusalem has been the center of Jewish liturgy. Twice a year, for the last 2,000 years, Jews from around the world have offered a simple prayer: “Next Year in Jerusalem.” And throughout the Jewish people’s long exile from the land of Israel, through the Holocaust, pogroms, and countless expulsions the “City Upon a Hill” served as the focal point of their aspiration to rebuild Israel.

In addition to Israel’s indisputable historical and biblical claim to Jerusalem, upon regaining control over East Jerusalem in 1967, Israel has restored the holy city as a place open to all for worship. Memories may be short, but it is important to remember that while Jordan occupied East Jerusalem - 1948-1967 - Jews were expelled and many Christians, feeling persecuted, emigrated. During this period, proper respect was not given to the spiritual importance of the city. A highway was even built on ancient burial grounds and religious sites desecrated.

Yet, successive United States administrations since 1948 - for fear of interfering with the ability of the United States to serve as an honest broker for Arab and Israeli claims-have refused to recognize Israeli sovereignty over Jerusalem, and have refused to locate the United States Embassy in the capital of Israel. While there is superficial logic to that concern, I believe it bases United States policy on a disingenuous position - that if Arab leaders hold out long enough, the United States might abandon our ally and force it to do the one thing Israel has made clear it will never do-abandon its claim to Jerusalem as its eternal and undivided capital.

The fact is the United States will not do that. Better that all parties understand that at the outset, rather than learning it at the unsuccessful conclusions of negotiations. United States Middle East diplomacy should be based on honesty and on the power and loyalty to our friends and our principles. Moving the Embassy to Jerusalem should aid in any peace between Israel and her neighbors by sending a clear, unambiguous message that the status of Jerusalem is not and never will be negotiable. Israel cannot under any circumstances negotiate this issue any more than Americans would negotiate over Washington being our Capital.

Moving the United States Embassy to Jerusalem does no injustice to the Arab people, nor is it intended, in any way, to be disrespectful to them. During the hundreds of years in which Jerusalem was under Arab or Moslem rule, Jerusalem never served as a capital city for the rulers. And while East Jerusalem was under Jordanian control, Jordan’s capital remained in Amman and was never moved to Jerusalem. Islam’s holiest text, the Koran, does not mention Jerusalem a single time.

Even Moslems who pray at the Al-Aksa Mosque in Jerusalem face Mecca when they pray. No one can dispute, however, the historical and spiritual vitality of Jerusalem to Israel.

It is time for the United States to locate its embassy in the capital city of Israel, as is the case for every other country that the United States recognize, whether it be ally or enemy. Those who have expressed support for United States recognition of Jerusalem as the capital of Israel now have a way to convert words to action, by supporting the Dole-Kyl-Inouye resolution, so that construction of the United States Embassy in Jerusalem will commence in time for the city's 3,000 year anniversary as the capital of the people of Israel. "Next Year in Jerusalem."

Mr. D'AMATO:

Mr. President, I rise today to join the distinguished majority leader, Senator Dole, as an original co-sponsor of the Jerusalem Embassy Relocation Implementation Act of 1995. It is outrageous that the United States has diplomatic relations with 184 countries throughout the world and in every one, but Israel, our Embassy is in the functioning capital. In Israel, our Embassy is in Tel Aviv. I see no reason why this should be the case. It is wrong and it must end now. Jerusalem should not be thrown around like a bone to Yasir Arafat.

Israel has endured much throughout her history and for her to have to suffer the Indignity of her main ally refusing to place its Embassy in her functioning capital is an Insult. With the exception of the Sinai given back under the treaty with Egypt, she has had to fight again and again for the same pieces of land. Jerusalem, however, is a different case, Jerusalem, the holy city and ancient capital of Israel, must never again become divided. It was for this reason that Senator Moynihan, myself, and 91 other Members of the Senate sent a joint letter to the Secretary of State urging him to begin planning now for the relocation of the Embassy to Jerusalem by no later than May 1999. This letter was sent in March of this year. To date, there has been no reply. This is unfortunate.

The matter is simple. Jerusalem is and will remain the permanent and undivided capital of a sovereign Israel. I'm not going to let the State Department bureaucrats forget that. I call on the President to recognize this and to begin the process toward moving the US Embassy to Jerusalem. It is shameful that the United States continues to bend to pressure to place the American Embassy in Tel Aviv and not in Jerusalem.

Mr. President, while I understand that the present negotiations are delicate, I do not want this administration to be under the impression that Jerusalem is some prize to be claimed by the Palestinians or anyone else. Let the message be clear: A united Jerusalem is off limits for negotiation. Jerusalem belongs to Israel and our Embassy belongs to Jerusalem. I urge my colleagues to support this important bill and I urge its swift passage to that our Embassy in Israel can finally be rightfully located in Jerusalem. Mr. President, I ask unanimous consent that my remarks appear in the Record along with those of Senator Dole and the other cosponsors of this legislation.

Mr. HELMS:

Mr. President, the distinguished majority leader, Mr. Dole, is right on target with his legislation to move the United States Embassy from Tel Aviv to Jerusalem. Action by Congress is long overdue, and I'm delighted to be a principal cosponsor of Senator Dole's legislation.

There has been some murmuring during the past few days by those who oppose moving the United States Embassy from Tel Aviv to Jerusalem. Their contention is that this is a sensitive time in the peace process. Fair enough, but I need to be informed as to when no sensitive time in the peace process exists. I remember well a time in 1988 when I offered legislation to move the United States Embassy to Jerusalem. After extensive negotiations with the Department of State - that also was a sensitive time in the peace process - we ended with what I understood to be an agreement to acquire land for an Embassy in Jerusalem. I am sorry to hear that my efforts of 1988 are being used today as an argument against passage of the legislation before us today.

Mr. President, the mere acquisition of land in Jerusalem is not enough. My purpose then, as now, was to get the United States Embassy to Jerusalem not to begin real estate negotiations. The point, Mr. President, is this: There is only one nation in this world where the United States mission is not in the capital city, and that is Israel. Jerusalem, the Holy City, was divided by barbed wire for almost two decades. Worshipers were denied access to the Holy places under Jordanian rule in East Jerusalem. In the 28 years during which Israel has presided over a united city of Jerusalem, the rights of Christians, Jews and Moslems have been fully respected. Time and again, the Senate has voted overwhelmingly in favor of recognizing United Jerusalem as the Capital of Israel. I commend Senator Dole for his leadership in this and other matters.



US SENATE, 104TH CONGRESS, 1ST SESSION, “JERUSALEM EMBASSY RELOCATION IMPLEMENTATION ACT OF 1995”, WASHINGTON, 9 MAY 1995

[The following bill, submitted by Sen. Dole to the Senate, calls for the relocation of the US embassy from Tel Aviv to Jerusalem by 31 May 1999 and the ground-breaking at the Jerusalem site to begin by 31 Dec. 1996 - just months after final status negotiations on Jerusalem were to begin. Rep. Gingrich submitted an identical bill to the House the same day. Pres. Clinton's Administration responded by asking Congress members not to support such legislation, as it would jeopardize the peace process and the US mediating role. As of 1 June, 41 senators and 31 representatives had signed on to the bills].

IN THE SENATE OF THE UNITED STATES

Mr. Dole (for himself, Mr. Kyle, Mr. Inouye, Mr. D'Amato, Mr. Helms, Mr. Brown, Mr. Mack, Mr. Spector, Mr. Bond, Mr. Thurmond, and Mr. Pressler) introduced the following bill; which was read twice and referred to the Committee on May 10, 1995.

A BILL

To provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION I. SHORT TITLE

This Act may be cited as the “Jerusalem Embassy Relocation Implementation Act of 1995.”

SECTION 2. FINDINGS.

The Congress makes the following findings:

1. Each sovereign nation, under international law and custom, may designate its own capital.
2. Since 1950, the city of Jerusalem has been the capital of the State of Israel.
3. The city of Jerusalem is the seat of Israel's President, Parliament, and Supreme Court, and the site of numerous government ministries and social and cultural institutions.
4. The city of Jerusalem is the spiritual center of Judaism, and is also considered a holy city by the members of other religious faiths.
5. From 1948-1967, Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan.
6. In 1967, the city of Jerusalem was reunited during the conflict known as the Six Day War.
7. Since 1967, Jerusalem has been a united city administered by Israel, and persons of all religious faiths have been guaranteed full access to holy sites within the city.
8. This year marks the 28th consecutive year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected.
9. In 1992, the United States Senate and House of Representatives unanimously adopted Senate Concurrent Resolution 113 of the One Hundred Second Congress to commemorate the 25th anniversary of the reunification of Jerusalem, and reaffirming congressional sentiment that Jerusalem must remain an undivided city.
10. The September 13, 1993, Declaration of Principles on Interim Self-Government Arrangements lays out a timetable for the resolution of “final status” issues, including Jerusalem.
11. The Agreement on the Gaza Strip and the Jericho Area was signed May 4, 1994, beginning the five-year transitional period laid out in the Declaration of Principles.
12. In March of 1995, 93 members of the United States Senate Warren Christopher encouraging “planning to begin now” for relocation of the United States Embassy to the city of Jerusalem.
13. The United States maintains its embassy in the functioning capital of every country except in the case of our democratic friend and strategically, the State of Israel.
14. The United States conducts official meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel.
15. In 1996, the State of Israel will celebrate the 3,000th anniversary of the Jewish presence in Jerusalem since King David's entry.

SECTION 3. TIMETABLE

(a) STATEMENT OF POLICY - It is the policy of the United States that -

1. Jerusalem should be recognized as the capital of the State of Israel;
2. groundbreaking for construction of the United States Embassy in Jerusalem should begin no later than December 31, 1996; and
3. the United States Embassy should be officially open in Jerusalem no later than May 31, 1999.

- (b) CONSTRUCTION DETERMINATION - Not more than 50 percent of the funds appropriated to the Department of State for fiscal year 1997 for "Acquisition and Maintenance of Buildings Abroad" may be obligated until the Secretary of State determines and reports to Congress that construction has begun on the site of the United States Embassy in Jerusalem.
- (c) OPENING DETERMINATION - Not more than 50 percent of the funds appropriated to the Department of State for fiscal year 1999 for "Acquisition and Maintenance of Buildings Abroad" may be obligated until the Secretary of State determines and reports to Congress that the United States Embassy in Jerusalem has officially opened.

SECTION 4. FISCAL YEAR 1995 FUNDING

Of the funds appropriated for fiscal year 1995 for the Department of State and related agencies, not less than \$5,000,000 shall be made available until expended for costs associated with relocating the United States Embassy in Israel to Jerusalem, including but not limited to site identification, surveys, and land acquisition. Such funds shall be made available in accordance with the procedures contained in section 34 of the State Department Basic Authorities Act (22 US C. 2706).

SECTION 5. FISCAL YEARS 1996 AND 1997 FUNDING

1. FISCAL YEAR 1996 - Of the funds authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" for the Department of State in fiscal year 1996, not less than \$25,000,000 shall be made available until expended only for construction and other costs associated with the relocation of the capital of Jerusalem.
2. FISCAL YEAR 1997. - Of the funds authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad" for the Department of State in fiscal year 1997, not less than \$7,000,000 shall be made available until expended only for construction and other costs associated with the relocation of the United States Embassy in Israel to the capital of Jerusalem.

SECTION 6. REPORT ON IMPLEMENTATION

Not later than 30 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate detailing the Department of State's plan to implement this Act. Such report shall include -

1. estimated dates of completion for each phase of the relocation of the United States Embassy, including site identification, land acquisition, architectural, engineering and construction surveys, site preparation, and construction; and
2. an estimate of the funding necessary to implement this Act, including all costs associated with relocating the United States Embassy of Jerusalem.

SECTION 7. SEMIANNUAL REPORTS

Beginning January 1, 1996, and every six months thereafter, the Secretary of State shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made toward opening the United States Embassy in Jerusalem.

SECTION 8: DEFINITION:

As used in this Act, the term "United States Embassy" means the offices of the United States diplomatic mission and the residence of the United States chief of mission.



US HOUSE MAJORITY LEADER NEWT GINGRICH, ADDRESS TO THE ANNUAL AIPAC CONVENTION, WASHINGTON, 9 MAY 1995 [EXCERPTS]

Now let me talk just very briefly about Jerusalem. It is true I'm a history teacher by background. [...] I just want to report to all of you what I have a very simple position, which I understand Senator Dole talked about last night. [...] It is one of the grotesque ironies of the State Department that the State Department manages only to single out our allies to punish. (*Laughter, applause*) Now I am told if we were to set the embassy up there tomorrow that this would cause enormous unrest among those of the neighbors who would like to destroy Israel. (*Laughter*) Well, I mean, I'm frankly not very sympathetic with them, and part of my reaction is they ought to grow up. Israel is a sovereign nation. It has earned the right to choose its own capital. (*Ap-*

plause) It is up to the Israeli government and the people of Israel to negotiate the terms of peace with those near them [...].

Now let me apply that lesson to the Middle East. We need to send unequivocally a simple signal to the Middle East. The dominant power on the planet, the leader of the world, is committed unequivocally to the survival of Israel and we will take those steps that are necessary, working with the free people of Israel to insure their survival. (*Applause*)

Now those regimes in the region who have not yet accommodated themselves to the fact of Israel's survival - the fact of Israel's survival need to grow up, because it isn't going to change. It's going to be there. And we're going to work with any government willing to work with us and willing to work with Israel, willing to establish free trade zones, willing to establish tourism, willing to establish the rights to travel. But we should have no hesitation, whether it is to Syria or to Iran or, frankly, to some of the peninsular states, to say to them we regard behaviors which suggest that Israel does not exist and does not have the right to exist to be unacceptable (*applause*) - and we are prepared to take steps to communicate that.



**US SECRETARY OF STATE WARREN CHRISTOPHER, STATEMENT REGARDING
THE US EMBASSY RELOCATION PROPOSALS, 9 MAY 1995**

There is no issue related to the Arab-Israeli negotiations that is more sensitive than Jerusalem. It is precisely for this reason that we think an effort to bring the Jerusalem issue to the forefront at this time is ill-advised and damaging to the success of the peace negotiations. The parties themselves recognized this when they agreed that Jerusalem and certain other issues should be covered in permanent status negotiations.

Efforts to legislate the issue of Jerusalem now, when the parties have agreed to defer it until the permanent status negotiations, risks doing very serious damage to these negotiations at a very delicate time. Given the prerogatives of the President to conduct diplomacy and foreign policy, the legislation that is being introduced also raises clear constitutional questions.



**STATEMENT BY US AMBASSADOR TO THE UN, MADELEINE ALBRIGHT,
EXPLAINING THE US VETO OF THE UN SECURITY COUNCIL RESOLUTION
ON ISRAELI EXPROPRIATION OF LAND IN JERUSALEM, NEW YORK, 17 MAY 1995**

Mr. President,

It has been more than five years since my government has felt compelled to vote against a resolution under consideration by this Council. I have cast this veto today - reluctantly, but without hesitation - on an issue of principle for the United States. The principle is this: the only path to achieve a just, lasting and comprehensive peace in the Middle East is direct talks between the parties. My government was compelled to oppose this resolution because the Council sought to declare itself on a permanent status issue - Jerusalem - and thus violated this principle. These issues must be resolved by the parties, with the support of the international community, but without its interference.

The United States has consulted at length with other Council members on the issues raised by this resolution. But a consensus was, unfortunately, not possible because others were not prepared to adhere to the negotiating process which we believe is central to continued progress towards peace in the Middle East. This Council is not able - and should not seek - to try to resolve sensitive issues in the Middle East peace process. That is for the parties, who must live with the outcome of those negotiations. Let us be clear. At this point, progress towards peace in the Middle East depends not on what the UN does, but on what the parties agree to. The heartening progress that has been made during the past two years is the result of decisions made by the parties, in recognition of the urgent desire of their own peoples to begin a new chapter in the history of their troubled region. That progress has occurred despite the resistance of terrorists and rejectionists, and notwithstanding still deep sensitivities about issues upon which final agreement has not yet been reached.

The Declaration of Principles, signed on September 13, 1993, by the Palestinian Liberation Organization and the government of Israel, lists several issues, including Jerusalem, as permanent status issues to be covered by the parties at a later time specified in the Declaration. That agreement reflects the pragmatic view of the parties that there is a logical sequence for dealing with the issues, which would involve covering the most sensi-

tive ones at a later stage of the negotiations. This council, the General Assembly and member states separately have expressed strong support for the Middle East peace process and for the Declaration of Principles. It is necessary and appropriate that we continue to do so. However, passage of this resolution would have had the Council intrude upon the agreed political process set out in the Declaration of Principles. That could yield to positive result.

The commitment of Israel and the Palestinian Liberation Organization to achieve peace and reconciliation has changed dramatically the face of the Middle East. Palestinians and Israelis now meet on a regular basis. Practical problems are being addressed. Fears and suspicions are being confronted. The parties are actively engaged in negotiations to implement the second stage of the Declaration of Principles. Progress toward a wider regional peace agreement has been made. There is much at stake for all of us in the successful outcome of this process. But for the parties, the stakes include issues that no one but the parties can resolve. Undoubtedly events will occur that appear to represent setbacks in the path towards full agreement and reconciliation. Given the history and complexity of the issues, that is inevitable. But we must have the discipline to maintain our support for this process, despite the setbacks, and despite differences of perspective on particular actions or events.

The United States has expressed the view that the Israeli notice to expropriate land in Jerusalem is unhelpful. Clearly, this Israeli decision does not move the peace process in the right direction. But by injecting the Council into this issue, this resolution would merely compound the problem. Instead, this council should be encouraging the parties and not acting in a way that is detrimental to the process. The international community has an important role to play in supporting the efforts of the parties to the Middle East peace process in their quest for reconciliation and what President Clinton has referred to as "the quiet miracle of a normal life." The events of recent years indicate that the parties derive confidence from the willingness of governments around the world to encourage them in their efforts, and to stand by them when incidents of destructive and violent resistance to those efforts have occurred. But to be effective, the support of the international community must also be discreet - maintaining a certain distance from the details of the negotiations. We may pull out the chairs for those at the bargaining table, but we do not belong at the table also.

My government's decision to vote against this resolution may have disappointed some, but it should not have surprised anyone. We have not voted against this decision because we support Israel's decision on land expropriation. We do not. This vote is a result of our long-held and long-stated position regarding what we can, and cannot support in this Council. As I made clear in my statement on March 18, 1994, with respect to Council Resolution 904, my government will not agree to a resolution that prejudges or prejudices the outcome of negotiations over such a sensitive issue as Jerusalem. Nor will we agree to any Council action that over-steps the Council's appropriate role as supporter of the negotiations aimed at achieving a lasting settlement to the conflicts that have for so long plagued the Middle East.

Mr. President,

My government is aware of the importance of Jerusalem to many governments, as was evident during this week's debate. Jerusalem is a special city. I urge other governments that care deeply about Jerusalem to encourage the parties to move forward in the peace process so that they begin discussion of final status issues, including Jerusalem, next year. In closing, let me appeal to each government here, to states in the Middle East and to other interested governments, not to let this issue distract us from our shared commitment to assist the parties in their perilous, but still promising, journey towards peace.



**US ASSISTANT SECRETARY OF STATE ROBERT PELLETREAU, STATEMENT ON
JERUSALEM AND THE MULTILATERAL TALKS, MONTREUX, 18 MAY 1995 [EXCERPTS]**

[Remarks at a press conference held after a session of the Steering Group of the Multilateral Talks which urged both Israelis and Palestinians to observe the spirit and the terms of the Declaration of Principles on the question of Jerusalem and to continue their negotiations on implementation of the second phase of it.]

[...] This morning we had an extend discussion of the question of Jerusalem, introduced by Dr. Hussein. We had, I should add, been receiving comments on the situation in Jerusalem at various points during our discussions, and Dr. Hussein proposed the establishment of a Jerusalem working group on the multilateral track. All the delegations had a chance to express their full views on this subject, and many expressed concern over the recent Israeli decision with respect to expropriation of land in Jerusalem, and called for its reversal. The Israeli delegate drew our attention to the decision of the Israeli government with respect to future actions in this area. All in all, although there was a very full discussion of this issue, there was no agreement at this time on establishing such a group within the multilateral track. Recognizing that Jerusalem is among the subjects

identified by the parties in Article 5 of the Declaration of Principles as a permanent-status issue, and that negotiations between them on such issues are to begin as soon as possible, but no later than May of 1996, the Steering Group urged the parties to observe the spirit and the terms of the Declaration of Principles, and its implementing agreements, and to continue their negotiations on implementation of the second phase of the Declaration of Principles, in accordance with the target dates that they have established.

Question: Could you give us some guidance on the significance of speeding up these (permanent-status) negotiations. How much difference would it make if they could start sooner than May of 96?

Pelletreau: Well, that's decision for the parties to take. It's within the terms of reference of the Declaration of Principles that the negotiation on the permanent status issues would be as soon as possible but no later than - and the date is next May. The actual decision on that would be a decision that the parties themselves would take, so I don't think the co-sponsors would have any particular view on it.

Question: (inaudible)

Pelletreau: I'm speaking here and now as the co-sponsor of the Steering Group, and I have given you the determination of the Steering Group that, at this time, there was not a consensus within the Steering Group on the establishment of such a working group. And I think that's as far as co-sponsors should go. We're not describing the positions of the individual participants on that.

Question: Does the veto at the Security Council affect the United States' position as a co-sponsor?

Pelletreau: Of course our work is in a very different context than what happens in New York. Our work in the multilateral process is part of the total peace process, and Russia and the United States will continue to do the best job they can - I think both countries, out of our sincere concern - to try to help the parties in the region reach a comprehensive peace.



**US SECRETARY OF STATE WARREN CHRISTOPHER, LETTER TO SENATE
MAJORITY LEADER ROBERT DOLE ON THE US EMBASSY MOVE LEGISLATION,
WASHINGTON, 20 JUNE 1995**

[Coincidentally, also on 20 June, 256 Congress members sent a letter to Christopher urging the embassy move. The congressmen's letter was virtually identical to the letter signed by 93 senators in March].

Dear Mr. Leader:

I am writing to express my opposition to S. 770, which would compel the Administration to move its Embassy to Jerusalem. Given the sensitivity of the subject, it is important that there be no misunderstanding on where we stand. There is no issue related to the Arab-Israeli negotiations that is more sensitive than Jerusalem. It is precisely for this reason that any effort by Congress to bring it to the forefront is ill-advised and potentially very damaging to the success of the peace process.

I do not say this lightly. Nor do I say it without recognizing the depth of feeling that exists in the Congress about moving the US Embassy to Jerusalem. Both the President and I are very much aware of this sentiment and the reasons for it. The President expressed himself on this issue during the 1992 campaign and he stands by the position. But he also said at that time, and on a number of occasions since then, that he would not take any step that would disrupt the negotiating process and the promotion of Middle East peace. And S. 770 would unmistakably have that consequence.

The President's commitment to promoting peace in Middle East has been one of his key priorities in foreign policy. It is a commitment all of his predecessors have had since the time of Israel's founding. The President and I know how important the achievement of peace with security is to Israel and to our national interests. We have worked very closely with Israel's leaders to pursue our common interests. The US Israeli bilateral relationship has never been stronger and the President and I are particularly proud of that fact. Our support for Israel will remain strong and steadfast, and we will work actively to help Israel achieve peace with her neighbors. Given the extraordinary progress of the last two years, that objective appears, for perhaps the first time in history, to be within reach. Having just returned from the Middle East, I am even more persuaded of the opportunities for progress which can ultimately produce a real peace. We must not take steps that make it more difficult to achieve that historic end.

Yet, there are few other issues that are more likely to undermine negotiations and complicate the chances for peace than premature focus on Jerusalem. The issues on the table are complex enough without pushing to the fore perhaps the most sensitive and emotional issue of Arabs and Israelis. Muslims and Christians alike. The enemies of peace would use the Jerusalem issue to inflame passions further and attack those who want to see the negotiations succeed. Jerusalem is a powerful symbol of the hopes and aspirations of all sides. As such it has the potential to divide, to polarize, and to divert attention from the critical issues now being negotiated.

Palestinians and Israelis both understood this reality when they agreed in the Declaration of Principles that Jerusalem would be covered in the permanent status negotiations. They recognized that deferring this highly sensitive issue was essential if progress were to be made. The negotiations on permanent status are slated to begin as early as May 1996. Safeguarding the negotiations is more vital than ever. This process is now entering an especially delicate period. Israelis and Palestinians have set a July 1 date for an agreement on the second phase of the Oslo accords, including an agreement on elections for a Palestinian Council. Israeli and Syrian Chiefs of Staff are scheduled to be discussing security issues on June 27. Few actions would be more explosive and harmful to these efforts than for the United States - as the key sponsor of this process - to be pushing the Jerusalem issue forward. In fact, we recently vetoed a Resolution in the United Nations Security Council which pushed Jerusalem to the fore precisely for this reason. Israeli Prime Minister Rabin recently suspended land expropriations in Jerusalem, effectively reducing the focus on the Jerusalem issue. The last thing we should want is for the US at this very moment to put the focus back on Jerusalem.

My opposition to this legislation is also strongly rooted on constitutional grounds. The Justice Department's Office of Legal Counsel has issued an opinion to the White House Counsel concluding that the bill would unconstitutionally invade exclusive Presidential authorities in the field of foreign affairs. Because the bill would seek to compel the President to build and open an embassy at a particular site for foreign policy reasons, it is incompatible with the separation of powers under the Constitution. This is the same position taken by this and previous Administrations on comparable legislative efforts to dictate the location of diplomatic and consular facilities. Accordingly, I would be remiss if I did not counsel the President to protect against the unconstitutional infringement on the prerogatives of his office. In light of this, unless the policy and constitutional concerns noted above are satisfactorily addressed, I will recommend that the President veto S. 770 if it is presented to him. I wish it were otherwise, but for the sake of Middle East peace and the President's constitutional responsibility in foreign policy, I will have no choice but to do so.



JERUSALEM EMBASSY RELOCATION ACT, WASHINGTON, 23 OCTOBER 1995

[The US Administration had rejected the initial draft legislation of May 1995 due to its negative implications on the peace process. The following final version is almost identical with the May-draft but includes a waiver enabling the President to delay the relocation for reasons of "national security" (which has been used to date). The bill passed by 95:5 in the Senate and by 374: 37 in the House.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jerusalem Embassy Act of 1995."

SEC 2. FINDINGS.

The Congress makes the following findings:

- (1) Each sovereign nation, under international law and custom, may designate its own capital.
- (2) Since 1950, the city of Jerusalem has been the capital of the State of Israel.
- (3) The city of Jerusalem is the seat of Israel's President, Parliament, and Supreme Court, and the site of numerous government ministries and social and cultural institutions.
- (4) The city of Jerusalem is the spiritual center of Judaism, and is also considered a holy city by the members of other religious faiths.
- (5) From 1948-1967, Jerusalem was a divided city and the Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan.
- (6) In 1967, the city of Jerusalem was reunited during the conflict known as the Six Day War.
- (7) Since 1967, Jerusalem has been a united city administrated by Israel, and persons of all religious faiths have been guaranteed full access to holy sites within the city.

Documents on Jerusalem – Political Documents

- (8) This year marks the 28th consecutive year that Jerusalem has been administrated as a unified city in which the rights of all faiths have be respected and protected.
- (9) In 1990, the Congress unanimously adopted Senate Concurrent Resolution 106, which declares that the Congress “strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected.”
- (10) In 1992, the United States Senate and House of Representatives unanimously adopted Senate Concurrent Resolution 113 of the 102nd Congress to commemorate the 25th anniversary of the reunification of Jerusalem, and reaffirming congressional sentiment that Jerusalem must remain an undivided city.
- (11) The September 13, 1993, Declaration of Principles on Interim Self-Government Arrangements lays out a timetable for the resolution of “ final status” issues, including Jerusalem.
- (12) The Agreement on the Gaza Strip and the Jericho Area was signed May 4, 1994 beginning the five - year transitional period laid out in the Declaration of Principles.
- (13) In March of 1995, 93 members of the United States Senate signed a letter to Secretary of States House of Representatives signed a letter to the Secretary of State Warren Christopher encouraging “Planning to begin now” for relocation of the United States Embassy to the city of Jerusalem.
- (14) In June of 1993, 257 members of the United States House of Representatives signed a letter to the Secretary of State Warren Christopher stating that the relocation of the United States Embassy to Jerusalem “ should take place no later than ... 1999,”
- (15) The United States maintains as its embassy in the functioning capital of every country except in the case of our democratic friend and strategic ally, the State of Israel.
- (16) The United States conducts official meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel.
- (17) In 1996, the State of Israel will elaborate the 3,000 the anniversary of the Jewish presence in Jerusalem since King David’s entry.

SEC. 3. TIMETABLE.

(a) Statement of the Policy of the United States.-

- (1) Jerusalem remain an undivided city in which the rights of every ethnic and religious group are protected;
 - (2) Jerusalem should be recognized as the capital of the State of Israel; and
 - (3) the United States Embassy in Israel should be established in Jerusalem no later than May 31, 1999.
- (b) Opening Determination. - Not more than 50 percent of the funds appropriated to the Department of State for fiscal year 1999 for “Acquisition and Maintenance of Building Abroad” may be obligated until the Secretary of State determines and reports to Congress that the United States Embassy in Jerusalem has officially opened.

SEC. 4. FISCAL YEARS 1996 AND 1997 FUNDING.

- (1) Fiscal year 1996. - of the funds authorized to be appropriated for “ Acquisition and Maintenance of Buildings Abroad” for the Department of State in fiscal year 1996, not less than \$25,000,000 should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.
- (2) Fiscal year 1997. - of the funds authorized to be appropriated for “Acquisition and Maintenance of Buildings Abroad” for the Department of State in fiscal year 1997, not less than \$75,000,000 should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

SEC. 5. REPORT ON IMPLEMENTATION.

Not later that 30 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate detailing the Department of State’s plan to implement this Act. Such report shall include:

- (1) estimated dated of completion for each phase of the establishment of the United States Embassy, including site identification, land acquisition, architectural, engineering and construction surveys, site preparation, and construction; and
- (2) an estimate of the funding necessary to implement this Act, including all costs associated with establishing the United States Embassy in Israel in the capital of Jerusalem.

SEC. 6. SEMI-ANNUAL REPORTS.

At the time of the submission of the President's fiscal year 1997 budget request, and every six months thereafter, the Secretary of State shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made toward opening the United States Embassy in Jerusalem.

SEC. 7. PRESIDENTIAL WAIVER.

(a) *Waiver Authority.* -

- (1) Beginning on October 1, 1998, the President may suspend the limitation set forth in section 3(b) for a period of six months if he determines and reports to Congress in advance that such suspension is necessary to protect the national security interests of the United States.
- (2) The President may suspend such limitation for an additional six month period at the end of any period during which the suspension is in effect under this subsection if the President determines and reports to Congress in advance of the additional suspension that the additional suspension is necessary to protect the national security interests of the United States.
- (3) A report under paragraph (1) or (2) shall include:
 1. a statement of the interests affected by the limitation that the President seeks to suspend; and
 2. a discussion of the manner in which the limitation affects the interests.

(b) *Applicability of Waiver to availability of funds.*

If the President exercises the authority set forth in subsection (a) in a fiscal year, the limitation set forth in section 3 (b) shall apply to funds appropriated in the following fiscal year for the purpose set forth in section 3 (b) except to the extent that the limitation is suspended in such following fiscal year by reason of the exercise of the authority in subsection (a).

SEC. 8. DEFINITION.

As used in this Act, the term "United States Embassy" means the offices of the United States diplomatic mission and the residence of the United States chief of mission.



**STATEMENT BY THE WHITE HOUSE PRESS SECRETARY ON THE
US EMBASSY RELOCATION TO JERUSALEM BILL, 24 OCTOBER 1995**

Both houses of Congress passed today by overwhelming margins bills that require the relocation of our Embassy in Israeli to Jerusalem by 1999. The President opposed this legislation. He is convinced its passage at this sensitive time in the Israeli-Palestinian negotiations is a mistake.

The President said, "We have made more progress in less time on the Middle East peace process over the last two years than at any time in the history of the Arab - Israeli conflict. A step such as this could hinder the peace process. I will not let this happen, and will use the legislation's waiver authority to avoid damage to the peace process." The President's personal views on Jerusalem are a matter of public record and have not changed. His record of friendship and support for Israel is clear and of long standing. But he remains convinced that it is unwise for the United States to take actions that could be interpreted as prejudicing sensitive matters, such as Jerusalem, that the parties themselves have agreed should be decided in final status talks.

The legislation passed this week contradicts that principle. As such, the President would not have hesitated under different circumstances to veto it. But given the virtually unanimous votes by which these bills were adopted, exercising that option in this case would not alter the outcome; it would only prolong a divisive debate and risk further damage to the peace process. The President will not, however, sign this legislation. To do so would be inconsistent with his pledge to take no action which would undermine a peace process that shows so much promise of creating a better future for Israel and its neighbors. Therefore, when the bills passed this week become law, the President will use their waiver provisions to prevent the legislation from adversely affecting the Middle East peace process.

The Clinton Administration will continue to be a strong and fair - minded partner in support of all those who take risks for peace. President Clinton will not allow the legislation passed this week to interfere with that role.



**STATEMENT BY US CONGRESSMAN LEE H. HAMILTON
OPPOSING THE JERUSALEM EMBASSY ACT, 24 OCTOBER 1995**

Mr. Speaker,

I rise to oppose S. 1322, the Jerusalem Embassy Act of 1995. I do so reluctantly because I share the goal of the legislation eventually moving our Embassy in Israel from Tel Aviv to Jerusalem, which has been Israel's Capital since the founding of the state in 1948.

I do so reluctantly also because the bill before us improves significantly the bill introduced by the Speaker and the Senate Majority Leader a few months ago. It now contains a Presidential waiver, which allows the President to delay relocating the embassy if he decides it is in the national security interest of the United States to do so.

I. Problems with Process

I am deeply disturbed about the manner in which the bill comes to the floor today. The House cannot be proud of the process we are following:

- No hearings were held;
- No committee consideration occurred;
- The administration was not given a chance to state its case before the Members;
- Few Members will be allowed to speak today;
- No amendments are in order;
- The bill was placed on the suspension calendar without consulting the minority;
- No opportunity has been given to assess the impact of this bill on the fragile peace process.

In the past, decisions about whether bills would be considered under suspension of the rules were a matter of comity. The majority's conference rules specifically require that the minority agree before bills are placed on the suspension calendar. Those rules were violated here. We demean the role of the House in the making of US foreign policy by the quick and cursory handling of this sensitive and difficult issue.

The politics of this bill: This bill is being rushed through the House today. We should understand why. The President has not requested it. The Government of Israel has not requested it. This bill is being rushed through the Congress today for reasons of domestic politics, not foreign policy. The chief sponsors of this bill simply want to present this bill to the Prime Minister of Israel and the Mayor of Jerusalem when they arrive for a ceremony in the Capitol Rotunda tomorrow.

This bill is a classic Congressional foreign policy maneuver. We pass this bill to win political and financial support. Yet we in Congress are unwilling to act decisively. This bill sets a date for the transfer of the embassy. Then, a few sentences later, it steps back and hands the problem to the President by giving him a waiver. We have it both ways. We pretend that we are acting, but we are really tossing the problem into the President's lap with a waiver. We get the domestic political advantage, but the President must take the responsibility.

II. Problems with Substance

The final status of Jerusalem is not an isolated problem. It is part of the entire web of issues in the Middle East conflict. Those issues must be resolved in the context of a just and lasting settlement of the conflict. It must be resolved by the parties themselves. I quote from Secretary Christopher: "There is no issue related to the Arab-Israeli negotiations that is more sensitive than Jerusalem. It is precisely for this reason that any effort by Congress to bring it to the forefront is ill-advised and potentially very damaging to the success of the peace process."

The issue of Jerusalem has been left for the final status negotiations, which start in May 1996. The Congress should not jeopardize negotiations on this key issue, which we attempt to do by this bill. At this critical juncture, when progress is being made, all sides should seek to avoid provocative acts.

The peace process represents the best chance for a comprehensive peace in the Middle East. I want it to go forward. I do not want to put obstacles in the way, or to make the tasks of the negotiators more difficult. I am sometimes frustrated by the slow pace of the peace process. But I believe there is no substitute for the fragile - and so far successful - process we now are trying to promote.

The daily interaction of Jews and Arabs in Jerusalem - and the acknowledged religious rights of Jews, Muslims and Christians in the heart of the city - require a solution based on mutual trust. Confidence between Israelis and Palestinians is building slowly. Let's not risk tearing it apart with ill-timed action on this bill.

Mr. Speaker, Jerusalem is the proper location for the United States Embassy. It is not a question of whether: it is a question of when. We should declare our intention, which has been the clear policy of eight successive Presidents, to move the embassy to Jerusalem as soon as its status as Israel's capital is confirmed by a peace agreement - and to reserve our right to recognize that status if the peace process collapses.

For now, our policy should remain unchanged. Our policy has made an extraordinary contribution to the peace process. The labors of many Presidents are now bearing fruit. Our policy should continue to be based on strong support for Israel's security, coupled with our role as a credible mediator.

Let's not make a difficult peace process even more difficult. I urge a no vote on S.1322.



US SECRETARY OF STATE WARREN CHRISTOPHER, STATEMENT ON THE TUNNEL ISSUE AND JERUSALEM, PRESS CONFERENCE, 29 SEPTEMBER 1996

Q: Yasser Arafat had said, Mr. Secretary, that he would not meet with Mr. Netanyahu until that now famous archeological tunnel was closed. Today we saw pictures from Israel, the tunnel has reopened. Why is Mr. Arafat meeting, even though the tunnel is open?

A: There's obviously a strong difference between the parties on that issue, but they'll have an opportunity to discuss that here. I think Chairman Arafat told me last night that if the President invited him, he couldn't fail to come because he has a responsibility, too.

Q: Should that tunnel have been opened in the first place?

A: Tim, you know, my business is not the blame business. My business is trying to get in the fix-it business. I don't think it serves any particular purpose for the United States in advance of the meetings to indicate its view on any one of the issues. We'll be trying to move the parties back into negotiations, back into direct contact.

Q: Do you think that Israel has sovereignty over Jerusalem?

A: Jerusalem is a final status matter. The parties have committed Jerusalem to being one of the things they will discuss in the final status, meaning it's one of the most difficult issues. That will have to be resolved there. It's such a sensitive matter that no one would casually make a comment on that subject. The parties will resolve that between themselves.



STATEMENT BY US AMBASSADOR TO THE UN, BILL RICHARDSON, BEFORE THE UN SECURITY COUNCIL, ON ISRAELI SETTLEMENTS, 5 MARCH 1997 [EXCERPTS]

[The remarks were part of a two-day debate on Israel's decision to build a new settlement in East Jerusalem].

Mr. President, we meet today at a moment of great promise and great challenge in the Middle East peace process. There can be no doubt of the extraordinary progress made by the parties in their talks to date.

In January, after intense negotiations, the government of Israel and the Palestinian Authority reached an agreement on Israeli withdrawal in Hebron [...] and a roadmap for future progress on such issues as further redeployment, the Gaza airport, safe passage, and economic matters has been agreed to. In February, the Government of Israel made good on its pledge to release dozens of Palestinian women prisoners in a further measure to respect prior agreements and build confidence. [...]

Unfortunately, Mr. President, the announced decision of the Government of Israel on the proposed Har Homa settlement construction in East Jerusalem does not accord with the progress the parties have achieved to date. The United States is concerned by the decision announced by the Israeli government. We do not believe such activity is helpful to the peace process. As President Clinton said on Monday, the United States would prefer

that the Har Homa decision had not been made. We believe that this decision undermines the trust and confidence that is so badly needed if a lasting peace is to be achieved. We know the sensitivity of the issue of Jerusalem, and it is precisely because mutual confidence is needed to deal with the permanent status questions that we would have preferred this decision not be taken.

The international community has a responsibility too. We must respect the will and the commitment of the parties to move forward together along their chosen path of negotiations. We must offer our support and encouragement at every turn, just as the General Assembly has each year in its annual resolution in support of the Middle East peace process. All parties share the goal of finding ways to advance peace. We must do everything possible to foster a supportive environment for permanent status negotiations, which will begin later this month. We must be especially sensitive to any actual or implied interference in these negotiations. Such interference can only provoke mistrust and harden the positions of both sides, which will make further progress much more difficult. The Security Council has a special responsibility in this regard.

Mr. President, I believe all of us in this chamber want the same things. We want to see continued progress in the Middle East peace process. We want to encourage the parties to resolve their differences directly, among themselves, without resort to force or the threat of violence. Our goal is a just, comprehensive and lasting settlement to the conflict in the Middle East. Let me reiterate our view that it is critically important that the parties and this council remain focused on the need to sustain and enhance progress toward this goal. At a time when permanent status negotiations are scheduled to resume, we should not take any action that would detract from this objective and which could make the tasks of the parties that much more difficult.



TELEPHONE PRESS STATEMENT BY ARON MILLER, DEPUTY SPECIAL MIDDLE EAST COORDINATOR FOR THE US STATE DEPARTMENT, 6 MARCH 1997 [EXCERPTS]

Q: Moncef Mahroug, "Jeune Afrique" (Question in French): What do you make of the Palestinian threat to declare a state as a retaliation for the Jewish settlement in East Jerusalem?

A: The issue is not one of threats. The issue is how to focus in a practical way on moving the negotiations forward, and it is only through negotiation, not through unilateral action, and not through threats, that we're going to be able to produce for Israelis, for Palestinians, and for Arabs the just and equitable solution to this conflict that we need. The issue at the moment is how to rebuild and enhance trust and confidence between Israelis and Palestinians, because - make no mistake - the Israeli-Palestinian problem is the core of this conflict, and we must find a way to help Israelis and Palestinians resolve the problems that divide them, and the best way to do that is to create an environment for negotiations that work.

Q: Mohamed Ben Salah, Agency Tunis Afrique Press (TAP) (Question in French): President Clinton has declared regarding the decision of the Israeli government to build a new Jewish settlement in East Jerusalem, "I wish this decision had not been taken." Is this a disavowal of that decision, is it simply a fact of the United States government lack of action in this regard, or is this a bad omen for a reaction conforming to what we expect from the friends of peace?

A: I'm not sure I understand the question, and it would be inappropriate for me to try to re-interpret what the President has said. But let me say this, when the President said that he would have preferred that the decision not have been taken, he meant what he said. We are interested in actions and gestures that create the kind of environment so critical for resolving the kinds of issues that now divide Israelis and Palestinians, and as you know, there are issues with respect to this conflict that are going to be addressed in the permanent status negotiations between Israelis and Palestinians which are to get underway this month. So the issue and the focus of action should be on ways to enhance this kind of environment which is both conducive to negotiations and that will result in a successful agreement. Now we saw the current government of Israel and the Palestinian Authority over the last several months participate in a process in which the United States is very much involved as a sponsor of the process, to produce a rather extraordinary agreement with respect to Hebron and a road map for the future. And that reaffirmation of Oslo and the logic of the Oslo accord would indicate that we have a foundation on which we can construct a viable negotiation between Israelis and Palestinians. The challenge at the moment is for each part to take actions which are consistent with steps taken to reach that agreement. Now, clearly, the government of Israel decision to build is the one that the President was addressing, and he made it very clear that decision undermines the (inaudible) of the conflict, precisely because Jerusalem is such an extraordinarily volatile and sensitive issue. And I will leave the answer where I began it: we would have preferred that the decision not have been taken.

Q: Moncef Bedda, "Le Hemps" (Question in French): After President Clinton's reservations concerning the Israeli government's decision to build a new Jewish settlement in East Jerusalem, should we expect another US initiative to resolve the crisis?

A: The issue at the moment, again, is how to move the process that we have been so very much involved in over the past several months forward. And the primary pathway to do that is the pathway of negotiation. I mentioned before, that as a consequence of American mediation between October and January of this year, an agreement was produced entitled "The Hebron Protocol" and that agreement was accompanied by two letters of assurance from the United States to the government of Israel, and to the Palestinian Authority, as well as the US broker's note for the record, which outlines this undertaking, that the Israelis committed themselves to, that the Palestinians, committed themselves to. This process was only the first step, and it's absolutely essential, as I mentioned before, that the Israeli-Palestinian negotiating process move forward, as the process of further redeployment that the government of Israel has undertaken moves forward, that the issues that Israelis and Palestinians pledged to negotiate between them - that is to say, the issues of airports, the issue of safe passage, the issues pertaining to the economic relationships between Israelis and Palestinians - there is plenty of work to do for Israelis and Palestinians to concentrate on now. And I would argue to you that despite the decision and the present set of consequences generated by the Israeli decision on Har Homa or Jebel Abu Ghneim, the focus must continue to be on that process of negotiation between Israelis and Palestinians. There is an agreement to be implemented, there are permanent status negotiations which deal with core issues of this conflict - refugees, Jerusalem, borders, settlements - those are to begin this month. The only way to deal with symptoms of difficulties caused by the unnatural relationship that still exists between Israelis and Palestinians is through that negotiating process. And I would argue that if in fact there is a crisis, that the way to defuse that crisis is through the implementation of the agreements already reached at the beginnings of negotiations on agreements yet to be reached.

Q: Hourriya Bey, "Ash-Shourouq" (Question in Arabic): In the past few days, observers in Washington, DC, have declared that the US government will exert some pressure on the Security Council in order for it not to condemn Israel for the building of the Jewish settlement in East Jerusalem. Do you think that this settlement is legal, and is the US, indeed, going to exert this pressure?

A: First of all, I'm not going to get into the issue of legality. As for the Security Council, the Council opened formal debate on this issue, that is, the issue of Har Homa, Jebel Abou Ghneim, yesterday afternoon, March 5. That debate is scheduled to resume this morning and there are many speakers, member states, who are scheduled to speak. There has been, to our knowledge, no resolution formally tabled for consideration. And we will continue to consult with our friends in New York about an appropriate course of action. There is no point in speculating at the moment on hypothetical courses of action. I will only say this, and I've said it several times now, and I'm sorry to keep repeating it, but I think it's an elemental point: changes in the situation on the ground for the better will only come about as a consequence of meaningful negotiations, process of negotiations between Israelis and Palestinians, which attempts to resolve the basic and root causes of this conflict. That is the logic, and always has been the logic, of the Oslo agreement, and frankly, whatever their imperfections, those agreements between Israelis and Palestinians have, in fact, produced extraordinary developments over the last several years. And while there have been some occasions, through extreme rhetoric, through terrorist violence, the fact is, that Israelis and Palestinians have chosen for the first time in history to try to find a way to end the conflict between them, and the pathway they have chosen to accomplish that end is through negotiations. This government, this administration, the United States of America, will continue to be involved, working closely with Israel, and with the Palestinians, because we see how important it is to find a just and equitable solution to their problems. We have established a degree of confidence and trust with Israel, with Chairman Arafat, with the Palestinian Authority, that makes our role a unique and special one. And I assure you that we will continue to play that role and to make it a top priority in this administration's foreign policy. [...]

Q: Slaheddine Jourchi, "R'alit's" (Question in Arabic): Jerusalem may be considered the main problem, not only for Palestinians, but also for the Muslims, the Jews, and the Christians. What is the position of the US government regarding Jerusalem? Does it intend to keep the integrity of the city, or does it have a solution to divide it up?

A: Before I answer your question, Mr. Jourchi, I'm afraid it's going to have to be the last question of the morning. Before I answer it, I want to just say that I really am very happy that I had this opportunity to participate with all of you. I think this dialogue is extremely important, and at some point in the future, I would hope to be able to participate again. With respect to Jerusalem, Mr. Jourchi, let me say the following: it is very clear that there are core issues in the Arab-Israeli conflict that will take time to resolve and sort through. Jerusalem is clearly one of them. Israelis and Palestinians have recognized this. Under their agreement they have both decided that the issue of Jerusalem that can and should be addressed only in permanent status of

negotiations. Now the logic of that position was very clear. They argued simply that in order to deal with these core issues, these extraordinarily sensitive issues, it was essential to have acquired some measure of trust and confidence on the assumption that only after the parties trust one another, only after they see that they can solve problems of a lesser difficulty, could they begin to tackle those problems. And I believe that course is a wise one. Now, as far as the United States is concerned, let me be very clear: we have an ongoing negotiation between Israelis and Palestinians. It is not appropriate for a mediator in those negotiations, a central mediator, to be adopting positions publicly and articulating them publicly at a time when the parties themselves are preparing and getting ready to deal with those issues at the negotiating table. That is really an illogical position for any mediator to take. And on this particular issue it is absolutely essential that Israelis and Palestinians, directly and primarily, find a way through it. In part because it is such a sensitive policy, and in part only as a direct consequence of negotiations between them in permanent status negotiations will we have a chance, any chance, to deal with what is probably the most sensitive issue of all. And it's precisely because of that, because of our view of how sensitive Jerusalem is, to Israel, to the Arab states, Muslims, Palestinians, the Islamic world. That is the logic on which I react to the question.



**STATEMENT BY US AMBASSADOR TO THE UN, BILL RICHARDSON,
REGARDING THE UNSC RESOLUTION ON EAST JERUSALEM, 10 MARCH 1997**

[On March 7, after two days of debate, Ambassador Richardson blocked a resolution calling on Israel to stop settlement plans in East Jerusalem. The other 14 members of the Security Council voted for the resolution, which was drafted by the European Security Council members France, Portugal, Sweden and the UK].

Mr. President, in this chamber earlier this week, we heard the views of many distinguished delegations on the Har Homa/Jebel Abu Ghneim controversy. We heard the deep concern with which many members of this council greeted news of the Israeli government's decision to commence construction. We listened as delegation after delegation expressed this concern.

Mr. President, the United States shares this concern as well. Let me restate our views. As I said during the debate on March 5, the decision of the government of Israel runs counter to the progress and achievements of the parties to date. We do not believe such activity is helpful to the peace process, and, as President Clinton said earlier, we wish that this decision had not been made. It undermines the trust and confidence so badly needed in creating the appropriate environment for successful negotiations, especially on the difficult issues involved in the permanent status talks.

Let me emphasize this latter point, Mr. President, because it is absolutely critical. To achieve a just, lasting and comprehensive peace in the Middle East requires an honest negotiating process, one in which the parties do nothing to preempt, prejudge or predetermine talks over any of the issues the parties themselves have decided will be addressed in permanent status negotiations. This is the logic of the process the United States has co-sponsored since Madrid, and it is the only process that is credible and can produce results. For its part, the United States will do everything it can to ensure that the process retains its credibility and that issues reserved for permanent status negotiations can be addressed fairly and honestly in those negotiations. Building this kind of environment also requires that the parties themselves take special care to avoid preemptive actions that prejudge outcomes, while also nurturing an atmosphere of trust and confidence. The decision on Har Homa/Jebel Abu Ghneim does just the opposite. We regret that it was taken.

Member states of the United Nations, and in particular the members of this body, are understandably moved by a desire to react to this situation in a constructive manner. But we must take great care to respond to developments in a way that will bolster, not batter, the negotiating process and that will encourage the partners in peace, not discourage them from walking the path they have agreed to travel together, that of settling their differences in face-to-face talks. That is the process we supported at Madrid, and that is the process that has proven time and again that it can achieve results that promise a historical transformation of the political landscape of the Arab-Israeli arena. Unfortunately, this draft resolution would not have helped that process.

Mr. President, you have heard our views on the inappropriateness of outside interference in the direct negotiations between the parties. We have never believed, despite the useful role the council can and has played in working for Middle East peace, that it is an appropriate forum for debating the issues now under negotiation between the parties. It is not. Furthermore, this resolution makes sweeping statements concerning the legal status of Israeli settlements, which the parties themselves have agreed are to be treated as a permanent status issue in the talks that are about to resume.

I do not suggest that the international community should not make its views clear on important issues such as the Middle East peace process. Indeed, in this spirit we made a good faith effort to work with other delegations to reach consensus on a Presidential statement. As friends and supporters of the parties involved, we owe it ourselves and to them to express our views frankly. But we should not be under the illusion that council action to lay blame on one party or the other, or to interject ourselves into permanent status issues, is the right way to go about this.

The record of the last few months proves that the parties themselves, working together, can resolve the many outstanding issues now before them. Against long odds and despite considerable political controversy, they succeeded in reaching agreement on Hebron. Yesterday, Israel announced its first phase of further redeployments. This step represents a serious expansion of Palestinian authority. It is the first of three phases, and we hope Israel will do more in the second and third phases. At the same time, Palestinians and Israelis have agreed to immediate and parallel negotiations on the Gaza airport, safe passage, and other issues. These should be accelerated. Mr. President, these are the instruments the parties use to resolve their differences, and we must help to create the best possible environment for these negotiations to succeed.

What we ought to be doing is clear. We should reiterate our support for the achievements of the partners to date and respect their commitment to work together toward their common goal, a peaceful and prosperous Middle East, without the interference of outside parties. I am sorry to say that this resolution would not help move us forward toward our common goal. Accordingly, the United States was obliged to vote against it.

Thank you, Mr. President.



**SPEECH BY US AMBASSADOR TO THE UN, BILL RICHARDSON,
ON ISRAEL'S SETTLEMENT PLANS IN JERUSALEM, UN GENERAL ASSEMBLY,
13 MARCH 1997 [EXCERPTS]**

Mr. President,

The United States shares the concerns expressed by many countries during the debate in this chamber on the issue of construction by the government of Israel in the Har Homa/Jebel Abu Ghneim area of Jerusalem. I believe the views of the United States are well known in this matter. Let me take this opportunity to restate them.

We believe the decision of the government of Israel to commence construction at Har Homa/Jebel Abu Ghneim runs counter to the progress and achievements of the parties to date. We do not believe such activity is helpful to the peace process. As President Clinton said earlier, we would have preferred that this decision had not been made. It undermines the trust and confidence so badly needed in creating the appropriate environment for successful negotiations, especially on the difficult issues involved in the permanent status talks, such as Jerusalem and settlements.

Let me emphasize this latter point, because it is absolutely critical. To achieve a just, lasting and comprehensive peace in the Middle East requires an honest negotiating process, one in which the parties do nothing to pre-empt, pre-judge or pre-determine talks over any of the issues the parties themselves have decided will be addressed in permanent status negotiations. The decision on Har Homa/Jebel Abu Ghneim does just the opposite. We regret that it was taken.

Member states of the United Nations are understandably moved by a desire to express their views on this situation. But we must take great care to respond to developments in a constructive way that will bolster the negotiating process, not limit prospects for the successful conclusion of permanent status talks.

We have never believed, despite the useful role the UN can and has played in working for Middle East peace, that it is an appropriate forum for addressing the issues now under negotiation between the parties. The record of the last few months proves that the parties themselves, working together, can resolve the many outstanding issues now before them. For example, against long odds and despite considerable political controversy, they succeeded in reaching agreement on Hebron. Israel has announced its first phase of further redeployment from areas of the West Bank. This decision on the first phase represents a serious expansion of Palestinian authority. It is only the first step in a three-phase process, and we hope the government of Israel will do more in the second and third phases. At the same time, Palestinians and Israelis have agreed to immediate and parallel negotiations on the Gaza airport, safe passage, and other issues.

The General Assembly ought not to interject itself into this process, which can only build mistrust and harden the positions of both sides, while interfering with the progress the parties are making on their own. Instead, we believe the international community should reiterate our support for the achievements of the partners to date and respect their commitment to work together toward their common goal, a peaceful and prosperous Middle East, without the interference of outside parties.

This is what the General Assembly has done in its annual resolution expressing support for the Middle East peace process, an example of the kind of strong, positive contribution the UN can make to peace in the region. The resolution today, however, contradicts this spirit of support and encouragement, inappropriately involves the General Assembly in permanent status issues, and makes the work of the negotiating partners that much harder. Consequently, Mr. President, the United States votes "no" on this resolution.



**STATEMENT BY US AMBASSADOR TO THE UN, BILL RICHARDSON, ON THE US
VETO OF A UN RESOLUTION CALLING ON ISRAEL TO STOP SETTLEMENT
CONSTRUCTION IN EAST JERUSALEM, 21 MARCH 1997 [EXCERPTS]**

[The draft resolution, proposed by Arab states, was voted with 13:1 (US) with one abstention (Costa Rica). After the veto, Arab states took the issue to the UN General Assembly where no country has a veto and the resolution was adopted by a vote of 13:2 with 2 abstentions].

[...] During this council's earlier debate on the controversy over Har Homa/Jabal Abu Ghneim, and throughout the subsequent debate in the General Assembly, we have all listened to the views of member states at length and in detail. The position of the United States should be clear to all, so I will be brief. While my government shares the concerns expressed here and in the assembly about the decision of the Israeli government to begin construction at this site, we disagree on the best method of addressing this situation and moving beyond the present controversy in a way that will support the Middle East peace process. That is why, Mr. President, the United States must vote "no" on the resolution before us.

Simply stated, the United States does not believe that the Security Council or the General Assembly should be in the business of inserting themselves into issues that the negotiating partners have decided will be addressed in their permanent status talks. Such interference can only harden the positions of both sides, and make their work even more difficult. In doing so, the Security Council will add to existing tensions in the region, complicate the efforts of all parties to get the negotiations back on a productive track, and distract attention from the main objective: making progress toward a peaceful, prosperous Middle East.

Mr. President,

No one should interpret the opposition of my government to this resolution as an expression of support for the construction now going on at Har Homa/Jabal Abu Ghneim. It is not. We have repeatedly stated our belief that construction at this site is not helpful to the peace process. As President Clinton said earlier, we would have preferred that this decision had not been made. It undermines the trust and confidence so badly needed in creating the appropriate environment for successful negotiations, especially on the difficult issues involved in the permanent status talks.

As I noted during our earlier debate on this subject, the achievement of a just, lasting and comprehensive peace in the Middle East requires an honest negotiating process. The parties must take special care to avoid pre-emptive actions that can be seen to prejudice the outcome of negotiations, while working hard to nurture an atmosphere of trust and confidence that will make productive negotiations possible.

The decision on Har Homa/Jabal Abu Ghneim does just the opposite. We regret that it was taken.

But this controversy will not be resolved by interference from this council, the General Assembly, or any other outside party. It can only be resolved by the parties themselves. They have demonstrated time and again in the nearly six years since the Madrid Conference, at times of high hope and optimism as well as moments of dark despair, that they can overcome the problems and differences that divide them and move forward. They have done this by relying on their own reserves of strength and determination, and on the active support and encouragement of the international community. Today's council action lacks this spirit of support and encouragement.

Frankly, rather than addressing this issue in a forum that is inappropriate for the real work at hand, let us concentrate instead on finding a way to support Israelis and Palestinians as they try to cope with a difficult situation and to restore the confidence, trust, hope and dialogue essential to resolving differences, reaching and implementing agreements, and forging a just and lasting peace.

Thank you, Mr. President.



**SPEECH BY US AMBASSADOR TO THE UN, BILL RICHARDSON, BEFORE THE UN
GENERAL ASSEMBLY, 25 APRIL 1997**

[The speech focused on the issue of Israeli settlements, particularly the case of Har Homa/Jabal Abu Ghneim]

Mr. President,

Twice in the Security Council and once in this Assembly, I have made clear my Government's view of Israel's decision to begin construction at Har Homa/Jebel Abu Ghneim: it is unhelpful to the peace process. On those occasions, I voted against the resolutions tabled because the United States did not believe that they would have advanced the peace process. Today, as a co-sponsor of that process, the United States urges members of this Assembly to vote against the resolution before us, which we believe will actually make harder the difficult task before us: rebuilding confidence between the parties and reactivating a productive negotiation process.

Let me repeat at the outset that my government shares the concerns expressed here and in the Security Council about the decision of the Israeli Government to begin construction at this site. As President Clinton said last month, we would have preferred that this decision had not been made. It undermines the trust and confidence so badly needed in creating the appropriate environment for successful negotiations, especially on the difficult issues involved in the permanent status talks.

The achievement of a just, lasting and comprehensive peace in the Middle East requires an honest negotiating process. The parties must take special care to avoid preemptive actions that can be seen to prejudice the outcome of negotiations, while working hard to nurture an atmosphere of trust and confidence that will make productive negotiations possible.

The decision on Har Homa/Jebel Abu Ghneim did just the opposite. We regret that it was taken.

However, our responsibility as a co-sponsor of the peace process requires us to tell our friends in the United Nations frankly: the Security Council and the General Assembly should not insert themselves into issues that the negotiating partners have decided will be addressed in their permanent status talks. This can only harden the positions of both sides, and make their work even more difficult. It will add to existing tensions in the region, complicate the efforts of all parties to get the negotiations back on a productive track, and distract attention from the main objective: making progress toward a peaceful, prosperous Middle East. Such progress is the shared goal of most of us in this chamber. However, the resolution now before the General Assembly will fail to help achieve that goal. It is harmful to the prospects for revitalizing the Middle East peace process. The call made by some speakers yesterday for collective action against a member state is inconsistent with the responsibilities of this Assembly and dangerous for the credibility of the United Nations.

In addition, the resolution contains language that tends to prejudice certain permanent status issues, such as Jerusalem. We believe such phrases are inappropriate, argumentative, and unhelpful to the peace process. We will continue to oppose inclusion of such language in resolutions of the General Assembly and the Security Council.

Finally, we believe this resolution presents a problem that goes beyond the threat it poses to the Middle East peace process, and that is the threat it poses to the orderly conduct of the business of the United Nations. We believe that this resolution clearly infringes on the authority of the Security Council. By moving in the direction of endorsement of collective action directed against one of its member states, it sets a dangerous precedent, which could in the future be turned against any member state.

Mr. President,

The United Nations can and has played an important part in supporting the Middle East peace process. This is the right and proper role for the UN to play. It requires creative thinking about what we can all do to move the process forward, especially at times of crisis. Certainly, it requires at the very least that we do nothing to place new obstacles in the path to peace; this means, in particular, that we must make every effort

to avoid falling back on the punitive, accusatory, backward-looking formulations of resolutions past. Regrettably, the resolution now before us fails to do this, at great cost not only to the parties involved in the talks, but to the credibility of the United Nations itself as a supporter of peace in the Middle East.

It is clear to us that this resolution would have the opposite effect of its advertised intent. Threats of economic boycott, condemnation and harsh rhetoric will only serve to erode the vital trust, confidence and quiet diplomatic efforts that are needed if the peace process is to begin moving forward again. That is why the United States will vote against this resolution. Each vote in favor of this resolution adds to the difficulty of reaching a just, lasting and comprehensive peace in the Middle East.

Thank you, Mr. President.



**US HOUSE OF REPRESENTATIVES, 105TH CONGRESS, 1ST SESSION,
S. CONCURRENT RESOLUTION 21, 21 MAY 1997**

[The resolution was proposed by Senators Moynihan and Daniel Patrick on the occasion of the 30th anniversary of Jerusalem's "reunification"; it was then referred to the Committee on International Relations]

CONCURRENT RESOLUTION

Congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

Whereas for 3,000 years Jerusalem has been Judaism's holiest city and the focal point of Jewish religious devotion;

Whereas Jerusalem is also considered a holy city by members of other religious faiths;

Whereas there has been a continuous Jewish presence in Jerusalem for three millennia and a Jewish majority in the city since the 1840s;

Whereas the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas in 1967 Jerusalem was reunited by Israel during the conflict known as the Six Day War;

Whereas since 1967 Jerusalem has been a united city, and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the thirtieth year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected;

Whereas in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capital of Israel, 'must remain an undivided city' and calling on Israel and the Palestinians to undertake negotiations to resolve their differences;

Whereas Prime Minister Yitzhak Rabin of Israel later cited Senate Concurrent Resolution 106 as having 'helped our neighbors reach the negotiating table' to produce the historic Declaration of Principles on Interim Self-Government Arrangements, signed in Washington on September 13, 1993; and

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104-45) which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

That the Congress-

- (1) congratulates the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city;
- (2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years;
- (3) calls upon the President and Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the state of Israel; and
- (4) urges United States officials to refrain from any actions that contradict United States law on this subject.

Passed the Senate May 20, 1997.

Attest: GARY SISCO, Secretary.



**US HOUSE OF REPRESENTATIVES, CONCURRENT RESOLUTION RELATING
TO THE 30TH ANNIVERSARY OF THE REUNIFICATION OF THE CITY OF JERUSALEM
(H. CON. RES. 60), WASHINGTON, 10 JUNE 1997**

[The resolution had 185 cosponsors and was passed by a vote of 406:17, which sparked riots in the Occupied Territories and was deplored across the Middle East. It was published in the Congressional Record of 10 June.]

Whereas for 5,000 years Jerusalem has been the focal point of Jewish religious devotion;
Whereas Jerusalem today is also considered a holy city by members of the Christian and Muslim faiths;
Whereas there has been a continuous Jewish presence in Jerusalem for three millennia and a Jewish majority in the city since the 1840s;
Whereas the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;
Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;
Whereas in 1967 Jerusalem was reunited by Israel during the conflict known as the Six Day War;
Whereas since 1967 Jerusalem has been a united city, and persons of all religious faiths have been guaranteed full access to holy sites within the city;
Whereas this year marks the 30th year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected;
Whereas in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capital of Israel, must remain an undivided city and calling on Israel and the Palestinians to undertake negotiations to resolve their differences;

Whereas Prime Minister Yitzhak Rabin of Israel later cited Senate Concurrent Resolution 106 as having helped our neighbors reach the negotiating table to produce the historic Declaration of Principles on Interim Self-Government Arrangements, signed in Washington D.C. on September 13, 1993; and

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104-45), which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring).

That the Congress -

- (1) congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city;
- (2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years;
- (3) calls upon the President and the Secretary of State to affirm publicly as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel; and
- (4) urges United States officials to refrain from any actions that contradict this policy.



**US HOUSE OF REPRESENTATIVES, JERUSALEM AMENDMENT (SEC. 1709)
TO THE FOREIGN RELATIONS AUTHORIZATION ACT (H.R. 1757),
WASHINGTON, 11 JUNE 1997**

SEC. 1709. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL

(A) LIMITATION.

Of the amounts authorized to be appropriated by section 1101(4) for "Acquisition and Maintenance of Buildings Abroad" \$25,000,000 for the fiscal year 1998 and \$75,000,000 for the fiscal year 1999 is authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(B) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.

None of the funds authorized to be appropriated by this division may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(C) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.

None of the funds authorized to be appropriated by this division may be available for the publication of any official document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(D) RECORD OF PLACE OF BIRTH.

For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, upon request, the Secretary of State shall permit the place of birth to be recorded as Jerusalem, Israel.



**US HOUSE OF REPRESENTATIVES, AMENDMENTS TO THE FOREIGN OPERATIONS
FY98 APPROPRIATIONS BILL (H.R. 2159) RESTRICTING FUNDS FOR THE
PALESTINIAN AUTHORITY IN JERUSALEM (SEC. 557), WASHINGTON, 15 JULY 1997**

[The 1998 Appropriations Bill included over \$3 billion in aid to Israel. A special provision mandated that the economic aid portion (\$1.2 billion) be provided "as a cash grant within thirty days of the signing of this act" rather than - as in all other cases of US aid - held by the US until formal proposals in specific dollar amounts are submitted by the recipient country. This new provision enabled Israel to collect interest on the cash grant until use and released it from the normal accounting procedures vis-à-vis USAID and the General Accounting Office. The Bill also provided \$75 million for the PA. Two amendments containing restrictions are reproduced below. Section 557 relates to the expenditure of funds to the PA in Jerusalem.]

Restrictions Concerning the Palestinian Authority

Sec. 557. None of the funds appropriated by this act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, that this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, that meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.[...]



**US HOUSE OF REPRESENTATIVES, 105TH CONGRESS, 2ND SESSION, H. R. 4181,
JERUSALEM AND BERLIN EMBASSY RELOCATION ACT OF 1998
(INTRODUCED IN HOUSE), WASHINGTON, 25 JUNE 1998 [EXCERPTS]**

A BILL

To require the expenditure of funds for the construction of United States chancery facilities in Berlin and Jerusalem in such a manner as to ensure comparable rates of construction and occupation of the 2 facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Jerusalem and Berlin Embassy Relocation Act of 1998'.

SEC. 2. FINDINGS.

Congress makes the following findings:

[...]

- (9) On May 14, 1948, in the aftermath of World War II, the state of Israel was created to serve as a homeland and refuge for the Jewish people.

- (10) For 3,000 years Jerusalem has been Judaism's holiest city and a focal point of religious Jewish devotion and is also considered a holy city by members of other religious faiths.
- (11) There has been an uninterrupted Jewish presence in the city of Jerusalem for 3,000 years and a Jewish majority since 1840. Since 1950, the city of Jerusalem has been the capital of the State of Israel, serving as the seat of the Israeli President, Parliament, and Supreme Court, and the site of numerous government ministries and social and cultural institutions.
- (12) From 1948 through 1967, Jerusalem was a divided city and Israeli citizens of all faiths were not entitled to visit the holy sites and Jews from other nations were restricted in their access to holy sites in the area controlled by Jordan.
- (13) In 1967, the city of Jerusalem was reunited during the conflict known as the Six Day War and since 1967, Jerusalem has been a unified city administered by Israel, and persons of all faiths have been guaranteed full access to holy sites within the city.
- (14) In 1990, Congress unanimously adopted Senate Concurrent Resolution 106, which declares that Congress 'strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic religious group are protected.'
- (15) In 1995, Congress overwhelmingly approved the Jerusalem Embassy Relocation Act (Public Law 104-45) which requires the establishment of the United States Embassy in Jerusalem no later than May 31, 1999.
- (16) The United States maintains its embassy in the functioning capital of every country except in the case of our democratic friend and ally, the State of Israel.
- (17) The United States conducts official meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel.
- (18) Israel and the modern democratic Germany were born out of the ashes of World War II and have emerged as staunch allies of the United States. Both nations are vitally important as partners in United States economic, security, and cultural exchanges.
- (19) Berlin and Jerusalem are cities with rich histories, emblematic of the great nations which they represent. Both cities have been divided by war and ideological differences; today, both cities have been reunited and proudly serve as their nation's capital.

SEC. 3. STATEMENT OF THE POLICY.

It is the sense of Congress that the United States should proceed simultaneously with the design, construction, and occupancy of an embassy in Berlin, the capital of Germany, and in Jerusalem, the capital of Israel.

SEC. 4. EXPENDITURE OF FUNDS.

Notwithstanding any other provision of law, funds available to the Department of State for fiscal years 1999 and 2000 under the appropriations account entitled, 'SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS' may not be obligated or expended for any purpose relating to the construction of chancery facilities in Berlin, Germany, unless construction of chancery facilities in Jerusalem, Israel, has either commenced or commences simultaneously in a manner as to ensure comparable rates of construction and completion of the 2 facilities and that no chancery facilities in Berlin, Germany, shall be occupied or used (and no funds shall be used to occupy employ, or carry out activities in chancery facilities in Berlin, Germany) unless prior to or simultaneous with such occupancy and use, the United States shall have opened permanent or temporary chancery facilities in Jerusalem, Israel.

SEC. 5. DEFINITION.

As used in this Act, the term 'chancery facilities' means the principal offices of the United States embassy and diplomatic mission.



**US PRESIDENT BILL CLINTON, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 99-29),
17 JUNE 1999**

Presidential Determination No. 99-29

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby deter-

mine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitation set forth in section 3(b) of the Act.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) William J. Clinton



US HOUSE OF REPRESENTATIVES, 106TH CONGRESS, 1ST SESSION, H. R. 2529, TO TAKE CERTAIN STEPS TOWARD RECOGNITION BY THE UNITED STATES OF JERUSALEM AS THE CAPITAL OF ISRAEL (INTRODUCED IN HOUSE), WASHINGTON, 15 JULY 1999

A BILL

To take certain steps toward recognition by the United States of Jerusalem as the capital of Israel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES POLICY REGARDING JERUSALEM AS THE CAPITAL OF ISRAEL.

- (a) *Construction of United States Embassy in Jerusalem-* There are authorized to be appropriated \$50,000,000 for the fiscal year 2000 for the construction of a United States embassy in Jerusalem, Israel.
- (b) *Limitation on operation of Consulate in Jerusalem-* Notwithstanding any other provision of law, the United States shall not operate a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.
- (c) *Identification of Jerusalem as the capital of Israel in official government documents-* Notwithstanding any other provision of law, any official document of the United States Government which lists countries and their capital cities shall identify Jerusalem as the capital of Israel.
- (d) *Record of place of birth as Israel for passport purposes-* For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.



US HOUSE OF REPRESENTATIVES, 106TH CONGRESS, 1ST SESSION, H. R. 2584, JERUSALEM EMBASSY ACT OF 1999 (INTRODUCED IN HOUSE), WASHINGTON, 21 JULY 1999

A BILL

To amend the Jerusalem Embassy Act of 1995.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘Jerusalem Embassy Act of 1999’.

SEC. 2. TIMETABLE FOR CONSTRUCTION IN THE CAPITAL CITY OF JERUSALEM OF UNITED STATES EMBASSY IN ISRAEL.

- (a) CONSTRUCTION COMMENCEMENT TIMETABLE- Section 3 of the Jerusalem Embassy Act of 1995 (Public Law 104-45) is amended--
 - (1) in subsection (a)(3) to read as follows: (3) construction of a facility in the capital city of Jerusalem to be designated as the United States Embassy in Israel should begin not later than December 31, 1999; and
 - (2) in subsection (b) to read as follows:
- (b) CONSTRUCTION COMMENCEMENT DETERMINATION- Not more than 50 percent of the funds appropriated to the Department of State for fiscal year 2000 for ‘Acquisition and Maintenance of Buildings Abroad’ may be obligated until the Secretary of State determines and reports to Congress that the construc-

tion of a facility in the capital city of Jerusalem to be designated as the United States Embassy in Israel has commenced.

SEC. 3. FISCAL YEARS 2000 AND 2001 FUNDING FOR CONSTRUCTION.

Section 4 of the Jerusalem Embassy Act of 1995 (Public Law 104-45) is amended to read as follows:

SEC. 4. FISCAL YEARS 2000 AND 2001 FUNDING LIMITATIONS.

- (a) Fiscal Year 2000- Of the funds authorized to be appropriated for 'Acquisition and Maintenance of Buildings Abroad' for the Department of State for fiscal year 2000, not less than \$25,000,000 shall be available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.
- (b) Fiscal Year 2001- Of the funds authorized to be appropriated for 'Acquisition and Maintenance of Buildings Abroad' for the Department of State for fiscal year 2001, not less than \$25,000,000 shall be available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

SEC. 3. REPEAL OF PRESIDENTIAL WAIVER AUTHORITY.

The Jerusalem Embassy Act of 1995 (Public Law 105-45) is amended by striking section 7.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect October 1, 1999.



**US HOUSE OF REPRESENTATIVES, 106TH CONGRESS, 1ST SESSION, H. R. 2785,
TO TAKE CERTAIN STEPS TOWARD RECOGNITION BY THE US OF JERUSALEM
AS THE CAPITAL OF ISRAEL, WASHINGTON, 5 AUGUST 1999 [EXCERPTS]**

[Note: The Israeli Capital Recognition Act passed as an amendment to the State Department authorization on 1 Oct. 2002]

SUMMARY AS OF: 8/5/1999--Introduced.

Prohibits the United States from operating a US consulate in Jerusalem unless it is under the supervision of the US Ambassador to Israel. Requires any official US Government document which lists countries and their capital cities to identify Jerusalem as the capital of Israel.

Declares that, for purposes of registration of birth, certification of nationality, or issuance of a passport of a US citizen born in the city of Jerusalem, the Secretary of State shall, upon the citizen's request, record the place of birth as Israel.

To take certain steps toward recognition by the United States of Jerusalem as the capital of Israel. (Introduced in House)

[...]

A BILL

To take certain steps toward recognition by the United States of Jerusalem as the capital of Israel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES POLICY REGARDING JERUSALEM AS THE CAPITAL OF ISRAEL.

- (a) LIMITATION ON OPERATION OF CONSULATE IN JERUSALEM - Notwithstanding any other provision of law, the United States shall not operate a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.
- (b) IDENTIFICATION OF JERUSALEM AS THE CAPITAL OF ISRAEL IN OFFICIAL GOVERNMENT DOCUMENTS - Notwithstanding any other provision of law, any official document of the United States Government which lists countries and their capital cities shall identify Jerusalem as the capital of Israel.

- (c) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES - For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.



US PRESIDENT WILLIAM CLINTON, MEMORANDUM ON SUSPENSION OF LIMITATION UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 00-08), 17 DECEMBER 1999

Presidential Determination No. 00-08

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in section 3(b) and 7(b) of the Act.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) William J. Clinton



AMERICAN "NONPAPER" ON THE ISRAEL-PALESTINIAN NEGOTIATIONS IN STOCKHOLM, JUNE 2000 [EXCERPTS]

[This briefing paper was reportedly prepared by the Clinton Administration to reflect the Israeli and Palestinian positions arrived at during the 'secret' talks in Stockholm. It was published in Yedioth Aharonot on 23 June 2000. The US declared that it was unofficial and contained inaccuracies.]

4. *Jerusalem.*

The prime minister [Barak] is still torn between the "interim agreement" approach of [Haim] Ramon and the alternative approach proposed by [Shlomo] Ben-Ami and [Oded] Eran. There has, however, been progress in convincing the prime minister that an interim solution of the eastern Jerusalem issue by classifying it as a kind of area B will not suffice. Barak is beginning to understand that the people of Israel are ripe for a permanent agreement within which there is the transfer of Arab neighborhoods to Palestinian sovereignty with the annexation of Jewish areas by Israel. This will improve the demographic balance. It should also be understood that it is impossible to call an agreement that leaves the problem of Jerusalem unresolved as "an agreement ending the conflict" Everyone, even (Minister) Yitzhak Levy [NRP], understands that in the end it will be necessary to draw new borders-so why not deal with this reality now? In any case, this matter requires a Knesset vote in accordance with the law ("Kahalani Law" {Golan Law}), which sets that the transfer of territory subject to Israeli law, jurisprudence, and sovereignty requires a sixty-one MK majority and a national referendum.



US PRESIDENT BILL CLINTON, PRESS CONFERENCE ON THE CAMP DAVID TALKS, WASHINGTON, 25 JULY 2000 [EXCERPTS]

[Besides praising PM Barak's "vision" and "courage," Pres. Clinton explicitly repudiated for the first time long-standing US policy that East Jerusalem is occupied territory by endorsing the Israeli "compromise," i.e., Israeli recognition of limited Arab sovereignty over areas inside the expanded municipal boundaries in exchange for recognition of Israeli sovereignty over West Jerusalem, the vast majority of East Jerusalem, and annexation of the settlement blocs of Greater and Metropolitan Jerusalem]

[...] *Question*: Was Jerusalem - Mr. President, was Jerusalem the main stumbling block? And where do you go from here?

The President: It was the most difficult problem. And I must tell you that we tried a lot of different approaches to it, and we have not yet found a solution. But the good news is that there is not a great deal of disagreement - and I want to emphasize this - it seemed to me, anyway, there was not a great deal of disagreement in many of these areas about what the facts on the ground would be after an agreement were made - that is, how people would live.

For example, everyone conceded that Jerusalem is a place that required everyone to have access to the holy sites and the kinds of things you've heard, and lot of other things in terms of how, operationally, the Israelis and the Palestinians have worked together; there was actually more agreement than I had thought there would be.

But obviously, the questions around Jerusalem go to the core identity of both the Palestinians and the Israelis. There were some very, as I said - it has been reported Prime Minister Barak took some very bold decisions, but we were in the end unable to bridge the gaps. I think there will be a bridge, because I think the alternative is unthinkable.

Question: There is a striking contrast between the way you described Prime Minister Barak's courageous and visionary approach to this, and Mr. Arafat seemed to be still committed to the path of peace. It sounds like that at the end of the day, Prime Minister Barak was ready to really step up to something that President Arafat wasn't yet ready to step up to.

The President: Let me be more explicit. I will say again: We made progress on all of the core issues. We made really significant progress on many of them. The Palestinian teams worked hard on a lot of these areas. But I think it is fair to say that at this moment in time, maybe because they had been preparing for it longer, maybe because they had thought through it more, that the Prime Minister moved forward more from his initial position than Chairman Arafat, on - particularly surrounding the questions of Jerusalem. [...]

Question: What is your assessment of whether Arafat's going to go through with the threat to declare statehood unilaterally? Did you get any sort of sense on whether he's going to go through with that? Did you have any -

The President: Well, let me say this. One of the reasons that I wanted to have this summit is that they're both under - will be under conflicting pressures as we go forward. One of the things that often happens in a very difficult peace process is that people, if they're not careful, will gravitate to the intense position rather than the position that will make peace. And it's very often that people know that a superficially safe position is to say no, that you won't get in trouble with whoever is dominating the debate back home wherever your home is, as long as you say no.

One of the reasons I called this summit is so that we could set in motion a process that would give the Palestinians the confidence that all of us - and most of all, the Israelis - really didn't want to make peace, so that it would offset the pressure that will be increasingly on Chairman Arafat as we approach the September 13th deadline.

Question: Are you implying that he should give up his claim to East Jerusalem - the Palestinians should?

The President: No, I didn't say that.

Question: Or any kind of a foothold?

The President: I didn't say that. I didn't say that. I didn't say that. And let me say, I presume, I am bound - I'm going to honor my promise not to leak about what they talked about, but I presume it will come out. No, I didn't say that. I said only this: I said - I will say again - the Palestinians changed their position; they moved forward. The Israelis moved more from the position they had. I said what I said; I will say again: I was not condemning Arafat, I was praising Barak. But I would be making a mistake not to praise Barak because I think he took a big risk. And I think it sparked, already, in Israel a real debate, which is moving Israeli public opinion toward the conditions that will make peace. So I thought that was important, and I think it deserves to be acknowledged.

But the overriding thing you need to know is that progress was made on all fronts, that significant progress was made on some of the core issues, that Jerusalem, as you all knew it would be, remains the biggest problem for the reasons you know.

But what we have to find here, if there is going to be an agreement - by definition, an agreement is one in which everybody is a little disappointed and nobody is defeated, in which neither side requires the other to say they have lost everything and they find a way to - a shared result.

And there's no place in the world like Jerusalem. There is no other place in the world like Jerusalem, which is basically at the core of the identity of all three monotheistic religions in the world, at the core of

the identity of what it means to be a Palestinian, at the core of the identity of what it means to be an Israeli. There is no other place like this in the world. So they have to find a way to work through this.

And it shouldn't surprise you that when they first come to grips with this in an official, disciplined way where somebody has to actually say something instead of sort of be off in a corner having a conversation over a cup of coffee that no one ever - that has no - it just vanishes into air, that it's hard for them to do. [...]

Question: Mr. President, couldn't you have gotten a partial agreement and left Jerusalem for later? Was that a possibility at all?

The President: That possibility was explored and rejected.

Question: Why?

The President: I can't talk about it. If they want to talk about it, that's their business; but I can't. [...]



**US PRESIDENT BILL CLINTON, REMARKS TO ISRAELI TELEVISION ON THE
MOVING OF THE US EMBASSY TO JERUSALEM AND THE CAMP DAVID SUMMIT,
WASHINGTON, 28 JULY 2000 [EXCERPTS]**

[Interview of Pres. Clinton with a focus on Jerusalem and the news that Clinton was considering moving the US embassy from Tel Aviv to Jerusalem; that announcement dropped Clinton's long-standing insistence that the embassy move be linked to the successful outcome of the Israeli-Palestinian talks.]

[...] *Question:* You mentioned the relocation of the Israeli - of the American Embassy and put it in Jerusalem. Would you consider it in any circumstances, even if there is no agreement?

The President: Well, I think I should stand on the words I said. I have always wanted to do it. I've always thought it was the right thing to do. But I didn't want to do anything to undermine the peace process our ability to be an honest broker, which requires that we be accepted by both sides.

But it's something that I have taken under review now because of the recent events. And I think that's all I should say about it now. [...]

Question: You know, the discussion about Jerusalem during the summit opened Pandora's Box in Israel. Can you assure the Israeli people that Barak isn't going to divide Jerusalem?

The President: Let me say this. First of all, all the discussions that were held were private and I have to honor that. What the Israelis and Palestinians decide to say about it is their affair. But I can't be in the position of violating the trust of either side.

What I believe is that Prime Minister Barak in no way ever compromised the vital interests of the security of the State of Israel. One thing I think that I can say without violating either side is that the most progress in the talks was made in the area of security, where there was a surprising amount of consensus and an understanding that neither side would be secure after a peace agreement unless both were secure and unless both worked together - and there was no interest, fundamentally, in the Palestinians in having a weak Israel, a vulnerable Israel, an Israel unable to defend itself; and that the Palestinians would be stronger if they were working together.

I think if there is one thing that should be encouraging to the people of Israel, of all political parties and persuasions, it would be that. There was a clear willingness to try to come to grips with what were very different positions on this issue when they met, and come together. And I was quite encouraged by that.

You know, Jerusalem is a difficult issue. But I believe that the Prime Minister did everything he could to reach an agreement while preserving the vital interests of Israel.

Question: Israel is afraid that if Barak already made some concessions right now, and that the Palestinians didn't make any concession - in Jerusalem - so many people are afraid that if the negotiations will resume, Israel will be asked to do, to make some more concessions. Can you tell the Israeli people that you wouldn't ask Barak to give much more than what he already was ready to give?

The President: Well, first of all, I don't think that he will ever do anything that he believes undermines the vital interest of the people of Israel and Jerusalem. And it is true that while the Palestinians, themselves, didn't make some moves on Jerusalem, that Israel did more. But nothing that I think undermined the vital interests of the people of Israel.

And I think that is an issue where - and, frankly, most of the discussion involved ideas embraced not formally by either side. And they are not bound by it. So I believe that - everybody pretty well knows right now that there won't necessarily be a lot more movement of the same kind. And we may have to have a resolution in some ways that no one has quite thought of yet.

But I kept telling the Palestinians, and I will say again to the world, that you cannot make an agreement over something as important as a city that is the holiest place in the world - to the Jews, to the Christians and to the - one of the holiest places in the world to the Muslims - if it is required of one side to say I completely defeated the interest of the other side. If either side gets to say that at the end, there won't be an agreement. There can't be.

There has to be a way to identify the legitimate interests - and there are legitimate interests in both sides, in Jerusalem, in such a way that they are met and honored and that the sanctity of the Holy City is uplifted. There has to be a way to do that. But, you know, it's not for me to design a plan, they have to come to it. And I think they will come to it if the people of Israel, and if the Palestinians will give their leaders a clear message that they trust them not to compromise their vital interest or their security; but beyond that, to be as flexible as possible, to try to honorably accommodate each other's true interests. [...]

Question: You are known as the tireless master of negotiating. What happened there? How can both leaders resist the Clinton charm?

The President: I'm afraid my charm and my reasoning abilities, at least for just 15 days, cannot compare with the thousands of years of history that go to the core of the identity of Israelis and Palestinians, as regards Jerusalem. But that's okay; we made a lot of progress - we got people to talk about it, to deal with it, to think about it.

And I hope I prompted a lot of thinking about all the various options available to them. There is more than one way to resolve this in a way that's honorable for everyone.

But I must tell you, when we started these negotiations, I didn't think we had a one in ten chance to succeed. And we actually got more done than I thought we would.

I called this summit because I was afraid that the lack of progress was spinning out of control. The parties, after all, promised each other they would reach an agreement by the middle of September. And they'd never even met to formally, frankly, openly discuss these issues - ever.

So I think when you look at it in that context, it's - you know, if I were just sitting on the outside, and I didn't know any more about it, I would be profoundly disappointed. I'd say, they've had seven years, what have they been doing all this time? Well, you know what they've - we've had a lot of progress in the last 7 years, an enormous amount. But these final status issues were put off until the end because both sides knew they were potentially explosive and agonizingly difficult.

So it wasn't really a matter of charm. Believe me, if I could have prevailed by charming, cajoling, arguing, or just depriving them of sleep, we would have a deal. The last 2 nights I went to bed at 5:00 a.m., in the morning both nights. I did my best so I would be the last person standing on both sides, you know. Of all the sides there.

But we just couldn't get there. And we won't get there until each side decides. And this is the decision I think Prime Minister Barak made. That he would go as far as he could without making any specific commitments, because we had it organized so that neither side would be exposed.

So for people to say that he's bound by all these commitments, I don't think that's an accurate reflection of the way I conducted the negotiations. I went out of my way, especially as regards Jerusalem, to set it up so that if either side were willing to float some ideas or entertain some ideas, they wouldn't be exposed, and they could always take them back if there was no agreement.

But both sides - and this applies to the Palestinians, they're going to have to think about this - they have to decide that there is a solution which meets their vital interests, that does not permit them, after it is over, to say, I won and they lost. You have to be able to be able to say, when this is over, We won; peace won; our children won; the future won. We may - yes, if we can get 100 percent of everything we wanted, no. Is it an honorable compromise that preserves our vital interests and enhances our security - not just maintains it - enhances it, yes. That has to be the test. The test has to be that our vital interests are preserved, our security is enhanced, our future is brighter, and neither side suffered a cataclysmic defeat. That's not what a negotiation is. [...]



FORMER US PRESIDENT JIMMY CARTER, "A JERUSALEM SETTLEMENT EVERYONE CAN LIVE WITH," ATLANTA, GEORGIA, 6 AUGUST 2000

For anyone who has been involved in the Middle East peace process, it is obvious how difficult are the issues of permanent territorial boundaries, the return of Palestinians to their former homeland, and the status of Jerusalem. In addition, crucial questions will have to be answered involving the Golan Heights, water rights, freedom of movement, Israeli settlements in the West Bank and Gaza, the characteristics of a Palestinian state, and the joint maintenance of security.

I have found that there are often specific negotiating points on which neither disputing side can possibly yield, and these have to be finessed. In 1978 at Camp David, Anwar Sadat, Menachem Begin, and I addressed the status of Jerusalem in some of our early sessions, and we agreed immediately that the issue of sovereignty was too sensitive to confront. We knew that Israel had declared sovereignty over the entire city but that the international community considered East Jerusalem to be legally part of the occupied West Bank. We realized that no Israeli leader could renounce Israel's assertion and that it would be politically suicidal for Sadat or any other Arab leader to surrender any of their people's claims regarding the Islamic and Christian holy places.

Accepting these premises, we worked out a mutually agreeable paragraph, acknowledging the city to be holy to Islam, Judaism, and Christianity; guaranteeing free access to all parts of it; permitting the holy places to be under control of their own religious representatives; and approving a municipal council with balanced representation of the inhabitants to supervise all community functions and to guarantee the integrity of the various cultural and educational institutions.

Although there were never any subsequent differences about the wording, we decided at the last minute not to include the paragraph in our final declaration, for fear that it might make the already controversial text unacceptable to the Israeli Knesset.

This is still the only basic approach that can succeed concerning Jerusalem: to negotiate practical agreements on unlimited access to and control of the holy places and a joint administration of the city's more mundane affairs. It would be impossible in the foreseeable future for either Yasir Arafat or Ehud Barak to yield on any issue concerning legal sovereignty.

An important principle in negotiation is for the mediator to maintain at least the semblance of neutrality. Accolades for one side and condemnation of the other is always a political temptation after an unsuccessful effort, but this makes it very difficult to orchestrate future negotiation sessions where mutual confidence in the mediator is required. Such statements made since the recent Camp David discussions have aroused concern in the Arab community, and the possible movement of the American embassy from Tel Aviv to Jerusalem would create an even greater impediment to further progress.

My impression is that a strong majority of both Israelis and Palestinians would welcome continuing attempts to achieve a peaceful resolution of the remaining issues. The courageous and determined efforts by President Clinton, Prime Minister Barak, and Chairman Arafat have brought encouraging progress, at least in frankly exploring eventual solutions to the most important and contentious problems.

If hope for a peaceful resolution of these issues is to be preserved, it is crucial to remember that this is a long-term process that is likely to engage the next generation of American, Israeli, and Palestinian leaders. No action should be taken by any of the parties that will make future efforts even more difficult.



US PRESIDENT BILL CLINTON, MEMORANDUM ON SUSPENSION OF LIMITATION UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2001-06), 15 DECEMBER 2000

Presidential Determination No. 2001-06

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby deter-

mine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) William J. Clinton



**PRESIDENT BILL CLINTON, PROPOSALS FOR A FINAL SETTLEMENT,
WASHINGTON, 23 DECEMBER 2000 [EXCERPTS]**

[During the final weeks of his term - following the failed Camp David summit and the beginning of the Al-Aqsa Intifada - Pres. Clinton intensified efforts to promote a framework agreement for permanent status issues between Israelis and Palestinians. After a negotiating round held at Bolling Air Force Base on 19-23 Dec., Clinton presented the participants, as well as Secretary of State Albright and National Security Advisor Sandy Berger, his "bridging proposals" for a peace plan. The proposals were made orally, with members of each delegation taking notes, but no official version has been released. Below is one of the versions that have been published.]

[...] Jerusalem

- General: *"The general principle is that Arab areas are Palestinian and that Jewish areas are Israeli. This would apply to the Old City as well. I urge the two sides to work on maps to create maximum contiguity on both sides."*
- Haram/Temple Mount: *"I believe that the gaps are not related to practical administration but to symbolic issues of sovereignty and to the need to find way to accord respect to the religious beliefs of both sides." I know that you have been working on a number of formulae, I add two granting Palestinian effective control over the Haram while respecting [wishes?] of the Jewish people. Either formula will require international monitoring to provide mutual confidence:*
 - A. *"Palestinian sovereignty over the Haram and Israeli sovereignty over the Western Wall and the space sacred to Judaism of which it is a part. There will be a firm commitment not to excavate beneath the Haram or behind the Wall."*
 - B. *"Palestinian sovereignty over the Haram and Israeli sovereignty over the Western Wall, and shared functional sovereignty over the issue of excavation under the Haram and behind the Wall, such that mutual consent would be required for any such activities."*

[...] End of Conflict

I propose that the *agreement* clearly mark the end of conflict and that its *implementation* put an end to all claims. This [end of conflict] could be implemented (a) through the UNSC that would note that UNSCR 242 and 338 have been implemented, and (b) through the release of all Palestinian prisoners in Israeli jails.

I believe that this is the outline of a fair and lasting agreement. It gives the Palestinian people the ability to determine their own future on their own land, a sovereign and viable state accepted and recognized by the international community, Al-Quds as its capital, sovereignty over the Haram and a new life for the refugees.

It gives the people of Israel a genuine end to the conflict, real security, the preservation of sacred religious ties, the incorporation of 80% of the settlers into Israel, and the largest Jewish Jerusalem in history recognized by all as its capital.

I hope the discussions will be based on these ideas. If not, then I have taken things as far as I can. If they are not accepted, they are off the table, and they go with me when I leave office.



**US PRESIDENT BILL CLINTON, REMARKS AT AN ISRAEL POLICY FORUM DINNER,
NEW YORK CITY, 7 JANUARY 2001 [EXCERPTS]**

*[In the first part of his address, Clinton presented his viewpoints regarding
Middle East negotiations in general and the 2000 Camp David talks in particular]*

[...] So where do we go from here? Given the impasse and the tragic deterioration on the ground a couple of weeks ago, both sides asked me to present my ideas. So I put forward parameters that I wanted to be guide toward a comprehensive agreement; parameters based on 8 years of listening carefully to both sides and hearing them describe with increasing clarity their respective grievances and needs. [...]

The parameters I put forward contemplate a settlement in response to each side's essential needs, if not to their utmost desires. A settlement based on sovereign homelands, security, peace and dignity for both Israelis and Palestinians. These parameters don't begin to answer every question; they just narrow the questions that have to be answered. Here they are.

First, I think there can be no genuine resolution to the conflict without a sovereign, viable, Palestinian state that accommodates Israeli's security requirements and the demographic realities. That suggests Palestinian sovereignty over Gaza, the vast majority of the West Bank, the incorporation into Israel of settlement blocks, with the goal of maximizing the number of settlers in Israel while minimizing the land annex for Palestine to be viable must be a geographically contiguous state. [...]

Second, a solution will have to be found for the Palestinian refugees who have suffered a great deal - particularly some of them - a solution that allows them to return to a Palestinian state that will provide all Palestinians with a place they can safely and proudly call home. All Palestinian refugees who wish to live in this homeland should have the right to do so. All others who want to find new homes, whether in their current locations or in third countries, should be able to do so, consistent with those countries' sovereign decisions, and that includes Israel. [...]

Third, there will be no peace and no peace agreement unless the Israeli people have lasting security guarantees. These need not and should not come at the expense of Palestinian sovereignty, or interfere with Palestinian territorial integrity. So my parameters rely on an international presence in Palestine to provide border security along the Jordan Valley and to monitor implementation of the final agreement. They rely on a non-militarized Palestine, a phased Israeli withdrawal to address Israeli security needs in the Jordan Valley, and other essential arrangements to ensure Israel's ability to defend itself.

Fourth, I come to the issue of Jerusalem, perhaps the most emotional and sensitive of all. It is a historic, cultural, and political center for both Israelis and Palestinians, a unique city sacred to all three monotheistic religions. And I believe the parameters I have established flow from four fair and logical propositions.

First, Jerusalem should be an open and undivided city with assured freedom of access and worship for all. It should encompass the internationally recognized capitals of two states, Israel and Palestine. Second, what is Arab should be Palestinian, for why would Israel want to govern in perpetuity the lives of hundreds of thousands of Palestinians? Third, what is Jewish should be Israeli. That would give rise to a Jewish Jerusalem, larger and more vibrant than any in history. Fourth, what is holy to both requires a special care to meet the needs of all. I was glad to hear what the Speaker said about that. No peace agreement will last if not premised on mutual respect for the religious beliefs and holy shrines of Jews, Muslims, and Christians.

I have offered formulations on the Haram al-Sharif, and the area holy to the Jewish people, an area which for 2,000 years, as I said at Camp David, has been the focus of Jewish yearning, that I believed fairly addressed the concerns of both sides.

Fifth and, finally, any agreement will have to mark the decision to end the conflict, for neither side can afford to make these painful compromises, only to be subjected to further demands. [...]

Now, I still think the benefits of the agreement, based on these parameters, far outweigh the burdens. For the people of Israel, they are an end to conflict, secure and defensible borders, the incorporation of most of the settlers into Israel, and the Jewish capital of Yerushalayim, recognized by all, not just the United States, by everybody in the world. It's a big deal, and it needs to be done.

For the Palestinian people, it means the freedom to determine their own future on their own land, a new life for the refugees, an independent and sovereign state with Al-Quds as its capital, recognized by all. And for America, it means that we could have new flags flying over new Embassies in both these capitals. [...]



US HOUSE OF REPRESENTATIVES, H.R. 1646 - FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003, 8 MAY 2001 [EXCERPTS]

[Fiscal provisions related to Jerusalem and the US embassy]

The Administration strongly opposes H.R. 1646 as reported by the House International Relations Committee. This bill authorizes appropriations for FYs 2002 and 2003 primarily for the Department of State and the Broadcasting Board of Governors (BBG), and contains other foreign relations provisions. If the bill were presented to the President in its current form, he would veto it principally because it overturns the Administration's family planning policy (commonly known as the "Mexico City" policy) and would allow taxpayer funds to go to international organizations which perform abortions and engage in abortion advocacy. The bill also includes a substantial number of provisions that interfere with the President's constitutional authorities and responsibilities with respect to foreign affairs. [...]

Provisions Inconsistent with the Constitution

Objectable provisions that conflict with the constitutional authority granted to the President include:

- Section 235, which seeks to direct US policy toward Jerusalem, including directing the President to place the US Ambassador in Israel in charge of the US consulate in Jerusalem and eliminates funding for all State Department operations in Israel if the President fails to do so. In addition, the provision is not conducive to a constructive diplomatic outcome in a particularly sensitive and difficult negotiating environment. [...]



US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2001-19), 11 JUNE 2001

Presidential Determination No. 2001-19

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of six months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect on June 15, 2001.

(Signed) George W. Bush



FORMER US SPECIAL MIDDLE EAST COORDINATOR DENNIS ROSS, REMARKS ON CAMP DAVID AND THE CLINTON PROPOSALS, WASHINGTON, 19 JULY 2001 [EXCERPTS]

[The following transcript stems from Ross's talk at Georgetown University's Law Center]

Camp David was very important. I think historically it will be a milestone. Not because of what was put on the table, but because it broke the taboos on being able to discuss issues like Jerusalem. [...]

But the real key is not what was put on the table at Camp David, it is what President Clinton put on the table on 23 December 2000.* There, we put on the table ideas which represented our best judgment after thousands of hours of discussion, debate, examination, dissection, and argument. We put on the table our best judgment of what it is that meets each side's needs, not their desires. When we did it, it didn't surprise either side, precisely because we had those thousands of hours of discussion. The whole point at that juncture - because there were less than three weeks left of the Clinton administration - was not to begin a negotiation, but to conclude it.

We put on the table for the Palestinians the following: They would have gotten an independent state in all of Gaza, in fact Gaza would have been increased in size by about one third because there would have been a swap of territories. They would have gotten almost all of the West Bank. They would have gotten Arab East Jerusalem as the capital of that state. They would have gotten an international presence in the Jordan Valley as part of security arrangements. And they would have had unlimited right of return of Palestinian refugees to their own state, not to Israel. This is a two-state solution. The right of return of Palestinians to their state makes perfect sense, the right of return to Israel made no sense, if you're going to have a two-state solution. This was our best judgment of what met Palestinian needs and was consistent with Israeli needs. Because there would have been settlement blocs on the borders, but the borders were going to be modified. And there was going to be for Israel the largest Jewish Jerusalem in history. East and West Jewish Jerusalem would have been united; the Arab part of Jerusalem would have been Palestinian. There would have been early warning stations for Israelis in the West Bank. [...]

On Jerusalem: The principle in the Clinton ideas was what is Jewish will be Israeli, and what is Arab will be Palestinian. That was the principle they were going to apply to Jerusalem. [...]

The difference between Camp David and the Clinton ideas - at Camp David, Barak told us what he could do. And basically that's what was presented. Although on Jerusalem, it's not quite right, because in fact we went beyond what he said he could do. These ideas were not Barak's ideas. These ideas absolutely were not Barak's ideas. Absolutely; I'm telling you that categorically. And the fact is, if you go and you talk to the Palestinians who we negotiated with, they know they weren't Barak's ideas. Now I'm not saying they were Palestinian ideas; they were our ideas. And you know what, they were the culmination, as I've said, of thousands of hours of discussion, arguments, debates, and trying to figure out what each side could live with and not live with. I will tell you one other thing, and then there's two other questions that I haven't addressed yet. [...]



**US SENATE, 107TH CONGRESS, 1ST SESSION S. 1215 – DEPARTMENTS OF COMMERCE,
JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS
BILL, FY 2002, 10 SEPTEMBER 2001 [EXCERPTS]**

[Fiscal provisions related to Jerusalem and US embassy]

This Statement of Administration Policy provides the Administration's views on the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 2002, as reported by the Committee. We look forward to working with Congress to ensure that the Nation's priorities are met while encouraging the economic growth that is the essential guarantee of continued fiscal strength. While we appreciate the Committee's efforts, we note that the bill does not support many Presidential priorities or recommended spending reductions and would like to share some specific concerns with the allocation of those funds. [...]

Foreign Policy Concerns and Infringements on Executive Authority

The Administration strongly opposes provisions in the Committee bill concerning Jerusalem on both foreign policy and constitutional grounds. As the President has stated, the status of Jerusalem will be ultimately determined by the interested parties. These provisions are counter-productive to efforts to bring an end to the cycle of violence and to create a just and lasting peace in the Middle East. Other provisions in the Committee bill regarding the conduct of foreign affairs raise constitutional concerns, including the unconstitutional conditions in section 610 on the President's authority to command the armed forces and section 611 regarding Vietnam that would unconstitutionally constrain the President's authority with respect to the conduct of diplomacy. [...]



**US SECRETARY OF STATE COLIN POWELL, SPEECH AT THE UNIVERSITY OF
LOUISVILLE, 20 NOVEMBER 2001 [EXCERPTS]**

[In his speech Powell reaffirmed US commitment to the quest of a viable solution for the Palestinian-Israeli question; the following are remarks made with regard to Jerusalem]

[...] Ultimately, both sides will have to address the very, very difficult permanent status issues. The future of Jerusalem is a challenge which the two parties can only resolve together through negotiations, taking into account the religious and political concerns that both will bring to the table. Any solution will also have to protect the religious interests of Jews, Christians and Muslims the world over. [...]

Today is the 24th anniversary of Egyptian President Anwar Sadat's historic visit of peace and reconciliation to Jerusalem. As we work to make our vision a reality, we should recall the vision and courage of President Sadat, and of the region's other great peacemakers: Israel Prime Minister Yitzhak Rabin, and Jordan's King Hussein. They are no longer with us, but their legacy lives on and inspires us. [...]



**US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2002-05),
14 DECEMBER 2001**

Presidential Determination No. 2002-05

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) George W. Bush



**US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2002-23),
14 JUNE 2002**

Presidential Determination No. 2002-23

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) George W. Bush



**HOUSE OF REPRESENTATIVES, 107TH CONGRESS, 2ND SESSION, H.R. 1646 [107]:
FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2003,
WASHINGTON, 30 SEPTEMBER 2002 [EXCERPTS]**

[The bill was introduced on 27 April 2001 and signed by Pres. Bush on 30 Sept 2002, making it Public Law No: 107-228; prior to that it was passed in the House of Representatives on 16 May 2001 with 352:73, in the Senate on 1 May 2002 by unanimous consent]

SEC. 214. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

- (a) CONGRESSIONAL STATEMENT OF POLICY. - The Congress maintains its commitment to relocating the United States Embassy in Israel to Jerusalem and urges the President, pursuant to the Jerusalem Embassy Act of 1995 (Public Law 10445; 109 Stat. 398), to immediately begin the process of relocating the United States Embassy in Israel to Jerusalem.
- (b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM. - None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.
- (c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS. - None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.
- (d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES. - For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen's legal guardian, record the place of birth as Israel.



**OFFICE OF THE PRESS SECRETARY, STATEMENT BY US PRESIDENT
GEORGE W. BUSH, 30 SEPTEMBER 2002 [EXCERPTS]**

[Statement on the Foreign Relations Authorization Act and provisions on Jerusalem]

I have today signed into law H.R. 1646, the "Foreign Relations Authorization Act, Fiscal Year 2003." This Act authorizes appropriations, and provides important new authorities, for diplomatic and related activities of the US Government. Many provisions in the Act will strengthen our ability to advance American interests around the globe, including nonproliferation of weapons of mass destruction, and to meet our international commitments, including those to the United Nations. Regrettably, the Act contains a number of provisions that impermissibly interfere with the constitutional functions of the presidency in foreign affairs, including provisions that purport to establish foreign policy that are of significant concern. [...]

Section 214, concerning Jerusalem, impermissibly interferes with the President's constitutional authority to conduct the Nation's foreign affairs and to supervise the unitary executive branch. Moreover, the purported direction in section 214 would, if construed as mandatory rather than advisory, impermissibly interfere with the President's constitutional authority to formulate the position of the United States, speak for the Nation in international affairs, and determine the terms on which recognition is given to foreign states. US policy regarding Jerusalem has not changed. [...]



**US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2003-26),
13 JUNE 2003**

Presidential Determination No. 2003-26

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby deter-

mine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) George W. Bush



US SENATE AND HOUSE OF REPRESENTATIVES, 108TH CONGRESS, 1ST SESSION, S. J. RES. 24, JERUSALEM RESOLUTION (INTRODUCED IN SENATE), PROVIDING FOR THE RECOGNITION OF JERUSALEM AS THE UNDIVIDED CAPITAL OF ISRAEL BEFORE THE US RECOGNIZES A PALESTINIAN STATE, AND FOR OTHER PURPOSES, 14 NOVEMBER 2003

JOINT RESOLUTION

Providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the 'Jerusalem Resolution'.

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Jerusalem has been the capital of the Jewish people for 3,000 years.
- (2) Jerusalem has never been the capital for any other state other than for the Jewish people.
- (3) Jerusalem is central to Judaism and is cited in the Tanach, the Hebrew Bible, 766 times.
- (4) Jerusalem is not mentioned by name in the Koran.
- (5) Every sovereign nation has the right to designate its own capital.
- (6) Jerusalem is the seat of the Government of Israel, including the President, the parliament, and the Supreme Court.
- (7) United States law states as a matter of United States policy that Jerusalem should be the undivided capital of Israel.
- (8) Israel is the only country in which the United States neither maintains an embassy in the city designated as the capital by the host country nor recognizes such city as the capital.
- (9) The citizens of Israel should be allowed to worship freely and according to their traditions.
- (10) Israel supports religious freedom for all faiths.
- (11) Relocating the United States Embassy in Israel from Tel Aviv to Jerusalem would express the continued support of the United States for Israel and for an undivided Jerusalem.

SEC. 3. LOCATION OF UNITED STATES EMBASSY IN ISRAEL.

Not later than 180 days before recognizing a Palestinian state, the United States shall move the United States Embassy in Israel from Tel Aviv to Jerusalem.

SEC. 4. RECOGNITION OF ISRAEL AS UNDIVIDED CAPITAL OF ISRAEL.

The United States shall not recognize a Palestinian state until the international community resolves the status of Jerusalem by recognizing the city as the undivided capital of Israel.

SEC. 5. SENSE OF CONGRESS REGARDING FREEDOM OF WORSHIP.

It is the sense of Congress that the citizens of Israel should be allowed, as a fundamental human right recognized by the United States and United Nations General Assembly resolution 181 of November 29, 1947, to worship freely and according to their traditions.



**US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2004-12),
9 DECEMBER 2003**

Presidential Determination No. 2004-12

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Consistent with the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) George W. Bush



**US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2004-36),
15 JUNE 2004**

Presidential Determination No. 2004-36

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) George W. Bush



**US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2005-14),
15 DECEMBER 2004**

Presidential Determination No. 2005-14

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) George W. Bush



**LETTER FROM US AMBASSADOR TO ISRAEL, DANIEL KURTZER,
TO CHURCHES FOR MIDDLE EAST PEACE, 28 JANUARY 2005**

[Letter conveying concern of US administration with regard to land seizures in East Jerusalem]

Embassy of the United States of America

Tel Aviv, Israel
January 28, 2005

Corinne Whitlatch, J. Daryl Byler
Churches for Middle East Peace
110 Maryland Avenue NE, #311
Washington, D.C. 20002

Dear Ms. Whitlatch and Mr. Byler,

Thank you for your thoughtful letter of January 25. The US Government shares your concern over the reported land seizures in E. Jerusalem. At this point we are working very hard to understand precisely the elements of the Absentee Property Law of 1950 and how the Israeli government intends to implement it, if at all. We also continue to urge Israel to refrain from any unilateral step that changes the status quo in Jerusalem. Mutual agreement and direct negotiations between the parties are required for final status issues, including the status of Jerusalem.

Similarly, our position on the route of the barrier construction has not changed. We remain deeply committed to a just two-state solution, and a durable Israeli-Palestinian peace. I assure you the United States Government and I will do all we can to seize the opportunities afforded by current circumstances to bring that about.

Best regards.
Sincerely,

Daniel C. Kurtzer
Ambassador



**US HOUSE OF REPRESENTATIVES, 109TH CONGRESS, 1ST SESSION, H. R. 588
TO TAKE CERTAIN STEPS TOWARD RECOGNITION BY THE UNITED STATES OF
JERUSALEM AS THE CAPITAL OF ISRAEL, 2 FEBRUARY 2005**

A BILL

To take certain steps toward recognition by the United States of Jerusalem as the capital of Israel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES POLICY REGARDING JERUSALEM AS THE CAPITAL OF ISRAEL.

- (a) Limitation on Operation of Consulate in Jerusalem- Notwithstanding any other provision of law, the United States shall not operate a United States consulate or diplomatic facility in Jerusalem, Israel, unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.
- (b) Identification of Jerusalem as the Capital of Israel in Official Government Documents- Notwithstanding any other provision of law, any official document of the United States Government which lists countries and their capital cities shall identify Jerusalem as the capital of Israel.

- (c) Record of Place of Birth as Israel for Passport Purposes- For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen or the citizen's legal guardian, record the place of birth as Israel.



**US SENATE AND HOUSE OF REPRESENTATIVES, 109TH CONGRESS, 1ST SESSION,
SENATE JOINT RESOLUTION 14: JERUSALEM RESOLUTION,
19 APRIL 2005**

[Note: This bill is the first step in the legislative process. Introduced Senate bills go first to Senate committees that consider whether the bill should be presented to the Senate as a whole. The majority of bills never make it out of committee]

JOINT RESOLUTION

Providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Jerusalem Resolution”.

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Jerusalem has been the capital of the Jewish people for 3,000 years.
- (2) Jerusalem has never been the capital for any other state other than for the Jewish people
- (3) Jerusalem is central to Judaism and is cited in the Tanach, the Hebrew Bible, 766 times.
- (4) Jerusalem is not mentioned by name in the Koran.
- (5) Every sovereign nation has the right to designate its own capital.
- (6) Jerusalem is the seat of the Government of Israel, including the President, the parliament, and the Supreme Court.
- (7) United States law states as a matter of United States policy that Jerusalem should be the undivided capital of Israel.
- (8) Israel is the only country in which the United States neither maintains an embassy in the city designated as the capital by the host country nor recognizes such city as the capital.
- (9) The citizens of Israel should be allowed to worship freely and according to their traditions.
- (10) Israel supports religious freedom for all faiths.
- (11) Relocating the United States Embassy in Israel from Tel Aviv to Jerusalem would express the continued support of the United States for Israel and for an undivided Jerusalem.

SEC. 3. LOCATION OF UNITED STATES EMBASSY IN ISRAEL.

Not later than 180 days before recognizing a Palestinian state, the United States shall move the United States Embassy in Israel from Tel Aviv to Jerusalem.

SEC. 4. RECOGNITION OF ISRAEL AS UNDIVIDED CAPITAL OF ISRAEL.

The United States shall not recognize a Palestinian state until the international community resolves the status of Jerusalem by recognizing the city as the undivided capital of Israel.

SEC. 5. SENSE OF CONGRESS REGARDING FREEDOM OF WORSHIP.

It is the sense of Congress that the citizens of Israel should be allowed, as a fundamental human right recognized by the United States and United Nations General Assembly resolution 181 of November 29, 1947, to worship freely and according to their traditions.



**US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2005-24),
15 JUNE 2005**

Presidential Determination No. 2005-24

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our Embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) George W. Bush



**US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2006-05),
14 DECEMBER 2005**

Presidential Determination No. 2006-05

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our Embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) George W. Bush



**US PRESIDENT GEORGE W. BUSH, MEMORANDUM ON SUSPENSION OF LIMITATION
UNDER THE JERUSALEM EMBASSY ACT (PRESIDENTIAL DETERMINATION NO. 2006-15),
15 JUNE 2006**

Presidential Determination No. 2006-15

Memorandum for the Secretary of State

Subject: Suspension of Limitation Under the Jerusalem Embassy Act

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104-45) (the "Act"), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our Embassy to Jerusalem.

Documents on Jerusalem – Political Documents

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

(Signed) George W. Bush



6. INTERNATIONAL, BILATERAL & OTHER DOCUMENTS

REPORT OF THE KING-CRANE COMMISSION, 30 AUGUST 1919 [EXCERPTS]

[The King-Crane Commission (Henry King and Charles Crane) was appointed in 1919 by the Supreme Council of the Allied Powers at the Paris Peace Conference on the insistence of US Pres. Wilson to elucidate the state of opinion in Palestine. The subsequent findings, which were suppressed and kept secret for three years and not published until 1947, prophetically warned of the danger to Christian and Muslim Holy Places were they to fall into Jewish hands. The following are excerpts concerning the Holy Places.]

There is a further consideration that cannot be justly ignored, if the world is to look forward to Palestine becoming a definitely Jewish state, however gradually that may take place. That consideration grows out of the fact that Palestine is 'the Holy Land' for Jews, Christians and Moslems alike. Millions of Christians and Moslems all over the world are quite as much concerned as the Jews with conditions in Palestine, especially with those conditions which touch upon religious feeling and rights. The relations in these matters in Palestine are most delicate and difficult. With the best possible intentions, it may be doubted whether the Jews could possibly seem to either Christians or Moslems proper guardians of the holy places, or custodians of the Holy Land as a whole. The reason is this: the places which are most sacred to Christians - those having to do with Jesus - and which are also sacred to Moslems are not only not sacred to Jews, but abhorrent to them. It is simply impossible, under those circumstances, for Moslems and Christians to feel satisfied to have these places in Jewish hands, or under the custody of Jews. [...]

It must be believed that the precise meaning, in this respect, of the complete Jewish occupation of Palestine has not been fully sensed by those who urge the extreme Zionist program. For it would intensify, with a certainty like fate, the anti-Jewish feeling both in Palestine and in all other portions of the world which look to Palestine as the 'Holy Land'.



TERMS OF THE BRITISH MANDATE FOR PALESTINE, PROVISIONS CONCERNING THE HOLY PLACES, CONFIRMED BY THE COUNCIL OF THE LEAGUE OF NATIONS, 24 JULY 1922

BRITISH MANDATE FOR PALESTINE

Article 13

All responsibility in connection with the Holy Places and religious building or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.



**COUNCIL OF THE LEAGUE OF NATIONS, RESOLUTION REGARDING
THE APPOINTMENT OF A COMMISSION TO DETERMINE THE RIGHTS AND CLAIMS
CONNECTED WITH THE WAILING WALL, 14 JANUARY 1930**

The Council,

Being anxious to place the mandatory Power, in accordance with its request, in a position to carry out the responsibilities laid upon it by Article 13 of the Mandate for Palestine under the most favourable conditions for safeguarding the material and moral interests of the population placed under its mandate;

Wishing not to prejudge, in any way, the solution of the problems relating to the question of the holy places of Palestine, which may have to be settled in the future;

Considering, however, that the question of the rights and claims of the Jews and Moslems with regard to the Wailing Wall urgently calls for final settlement;

Decides that,

- (1) A Commission shall be entrusted with this settlement;
- (2) This Commission shall consist of three members who shall not be of British nationality and at least one of whom shall be a person eminently qualified for the purpose by the judicial functions he has performed;
- (3) The names of the persons whom the mandatory Power intends to appoint as members of the Commission shall be submitted for approval to the Council whose members shall be consulted by the President if the Council is no longer in session;
- (4) The duties of the Commission shall cease as soon as it has pronounced on the rights and claims mentioned above.



**REPORT BY JACQUES DE REYNIER, CHIEF REPRESENTATIVE OF THE INTERNATIONAL
COMMITTEE OF THE RED CROSS (ICRC) IN JERUSALEM, ON THE DEIR YASSIN
MASSACRE, 9 APRIL 1948 [EXCERPTS]**

[On the night of 9 April 1948, the Irgun Zvei Leumi surrounded the village of Deir Yassin, located on the outskirts of Jerusalem. After giving the sleeping residents a 15 minute warning to evacuate, Menachem Begin's terrorists attacked the village of 700 people, killing 254 mostly old men, women and children and wounding 300 others. Begin's terrorists tossed many of the bodies in the village well, and paraded 150 captured women and children through the Jewish sectors of Jerusalem. Haganah and the Jewish Agency, which publicly denounced the atrocity after the details had become public several days later, did all they could to prevent the Red Cross from investigating the attack. It wasn't until three days after the attack that the Zionist armies permitted Jacques de Reynier, ICRC chief representative in Jerusalem, to visit the village by the surrounding Zionist armies. Ironically, the Deir Yassin villagers had signed a non-aggression pact with the leaders of the adjacent Jewish Quarter, Giv'at Shaul and had even refused military personnel from the Arab Liberation Army from using the village as a base. Deir Yassin is described as one of Begin's finest moments.

The following excerpts - translated from French - are from the report de Reynier filed with his office, published in de Reynier's book 'A Jerusalem Un Drapeau Flottait Sur La Ligne de Feu' 1950, Geneva]

De Reynier's Account:

"On Saturday, April 10, in the afternoon, I received a telephone call from the Arabs begging me to go at once to Deir Yasin where the civilian population of the whole village has just been massacred. I learned that the Irgun extremists hold this sector, situated near Jerusalem. The Jewish Agency and the Haganah's General Headquarters say that they know nothing about this matter and furthermore it is impossible for anyone

to penetrate an Irgun area. They advise me that I not become involved in this matter as my mission will run the risk of being permanently cut short if I go there. Not only can they not help me but they also refuse all responsibility for what will certainly happen to me. I answer that I intend to go there at once, that the notorious Jewish Agency exercises its authority over the territory in Jewish hands and that the agency is responsible for my freedom of action within the bounds of my mission. In fact, I do not know at all how to do it. Without Jewish support it is impossible to reach that village. After thinking I suddenly remember that a Jewish nurse from a hospital here had made me take her telephone number, saying with a strange look that if I ever were in a difficult situation I could call her. On a chance I call her late in the evening and tell her the situation. She tells me to be in a predetermined location the following day at 7 o'clock and to take in my car the person who will be there.

The next day on the hour and in the location upon which we agreed, an individual in civilian clothes, but with pistols stuffed in his pockets, jumps into my car and tells me to drive without stopping. At my request, he agrees to show me the road to Deir Yasin, but he admits not being able to do so much more for me. We drive out of Jerusalem, leave the main road and the last regular army post and we turn in on a cross road. Very soon two soldiers stop us. They look alarming with machine guns in full view and larger cutlasses at the belt. I recognize the uniform of those I am looking for. I must leave the car and lend myself to bodily search. Then I understand that I am a prisoner. All seems lost when a very big fellow ... jostles his friends, takes my hand ... He understands neither English nor French, but in German we arrive at a perfect understanding. He tells me his joy at seeing an ICRC delegate, for having been a prisoner in a camp for Jews in Germany he owes his life to nothing else but our intervention and three reprieves. He says that I am more than a brother for him and that he will do any-thing I ask. ... We go to Deir Yasin.

Having reached a ridge 500 meters from the village which we see below, we must wait a long time for permission to go ahead. The shooting from the Arab side starts every time somebody tries to cross the road and the Commander of the Irgun detachment does not seem willing to relieve me. Finally he arrives, young, distinguished, perfectly correct, but his eyes have a strange, cruel, cold look. I explain my mission to him which has nothing in common with that of a judge or arbiter. I want to help the wounded and bring back the dead.

Moreover, the Jews have signed a pledge to respect the Geneva Convention and my mission is therefore an official one. This last statement provokes the anger of this officer who asks me to consider once and for all that here it is the Irgun who are in command and nobody else, not even the Jewish Agency with which they have nothing in common.

My (guide) hearing the raised voices intervenes ... Suddenly the officer tells me I can act as I see fit but on my own responsibility. He tells me the story of this village populated by about 400 Arabs, disarmed since always and living on good terms with the Jews who encircled them. According to him, the Irgun arrived 24 hours previously and ordered by loudspeaker the whole population to evacuate all the buildings and surrender. There is a 15 minute delay in the execution of the command. Some of the unhappy people came forward and would have been taken prisoners and then turned loose shortly afterwards toward the Arab lines. The rest did not obey the order and suffered the fate they deserved. But one must not exaggerate for there are only a few dead who would be buried as soon as the 'clean up' of the village is over. If I find a bodies, I can take them with me, but there are certainly no wounded. This tale gives me cold chills.

I return to Jerusalem to find an ambulance and a truck that I had alerted through the Red Shield ... I arrive with my convoy in the village and the Arab fire ceases. The (Jewish) troops are in campaign uniforms with helmets. All the young people and even the adolescents, men and women, are armed to their teeth: pistols, machine guns, grenades, and also big cutlasses, most of them still bloody, that they hold in their hands. A young girl with the eyes of a criminal, shows me hers still dripping. She carries it around like a trophy. This is the 'clean-up' team which certainly has accomplished its job very conscientiously. I try to enter a building. About 10 soldiers surround me with machine guns aimed at me. An officer forbids me to move from the spot. They are going to bring the dead that are there, he says. I then get as furious as ever before in my life and tell these criminals what I think about the way they act, menacing them with the thunder I can muster, then I roughly push aside those who surround me and enter the building. The first room is dark, completely in disorder, and empty. In the second, I find among smashed furniture covers and all sorts of debris, some cold bodies. There they have been cleaned up by machine guns then by grenades. They have been finished by knives. It is the same thing in the next room, but just as I am leaving, I hear something like a sigh. I search everywhere, move some bodies and finally find a small foot which is still warm. It is a little 10 year old girl, very injured by grenade, but still alive. I want to take her with me but the officer forbids it and blocks the door. I push him aside and leave with my precious cargo protected by the brave (guide).

The loaded ambulances leaves with orders to return as soon as possible. And because these troops have not dared to attack me directly, it is possible to continue. I give orders to load the bodies from this house on the truck. Then I go on to the neighboring house and go on. Everywhere I encounter the same terrible sight. I only find two persons still alive, two women, one of whom is an old grand-mother, hidden behind the fire-wood where she kept immobile for at least 24 hours. There were 400 persons in the village. About 50 had fled, three are still alive, but the rest have been massacred on orders, for as I have noticed, this troop is admirably disciplined and acts only on command.”

[De Reynier continues that he returns to Jerusalem where he confronts the Jewish Agency and scolds them for not exercising control over the 150 armed men and women responsible for the massacre.]

"I then go to see the Arabs. I say nothing about what I have seen, but only that after a first quick visit to the spot there seems to be several dead and I ask what I shall do or where to bring them ... they ask me to see that a suitable burial be given them in a place which will be recognizable later on. I pledge to do so and on my return to Deir Yasin, I find the Irgun people in a very bad mood. They try to stop me from approaching the village and I understand when I see the number and above all the state of the bodies which have been lined up on the main street. I demand firmly that they proceed with the burial and insist on helping them. After some discussion, they begin actually to scoop out a big grave in a small garden. It is impossible to verify the identity of the dead, for they have no papers, but I wrote accurately their descriptions with approximate age.

Two days later, the Irgun had disappeared from the spot and the Haganah had taken possession. We have discovered different places where the bodies have been piled up without either decency or respect in the open air. Back in my office I received two gentlemen in civilian clothes, very well dressed who had waited for more than one hour. It is the commander of the Irgun detachment and his aide. They have prepared a text they ask me to sign. It is a statement according to which I have been received courteously by them, that I have obtained all the help needed to accomplish my mission and I thank them for the aide they gave me. As I hesitate, I begin to discuss the statement, and they tell me that if I care for my life I should sign immediately." [...]

[Calling the statement contrary to fact, de Reynier refuses to sign. Several days later in Tel Aviv, de Reynier says he was approached by the same two men who ask the ICRC to assist some of their Irgun soldiers.]



**INTERNATIONAL COMMITTEE OF THE RED CROSS, APPEAL TO GOVERNMENTS
CONCERNING SECURITY ZONES IN JERUSALEM, 21 MAY 1948**

[Text of a cable from then ICRC President Paul Ruegger to UN Secretary-General Trygve Lie on the situation in Jerusalem and activities of ICRC]

I have the honour to communicate to you, for your information, the text of an appeal addressed today by the International Committee of the Red Cross to the Governments of Saudi Arabia, Egypt, Iraq, Israel, Lebanon, Syria and Transjordan.

The International Committee of the Red Cross at Geneva, gravely disturbed by the serious events in Palestine and inspired solely by the wish to protect the greatest numbers of human lives, addresses to the Governments the following urgent appeal which is based on the principles of the Red Cross and the Red Crescent.

Since April the International Committee, with the agreement of the civil and military authorities both of the Arabs and of the Jews, and with the approval of the Government of Palestine, was on the point of instituting in Jerusalem security zones intended to take in the non-combattant population to shelter them from military operations. At the beginning of May a further project was envisaged of making the whole of Jerusalem neutral, dependent on the agreement of all the authorities. Negotiations on this subject not having succeeded in the required time and since fighting is taking place at present in Jerusalem, the International Committee of the Red Cross at Geneva addresses itself to your Government to ask it instantly to take the necessary measures to the end that the security zones which the delegation of the International Committee is attempting to institute inside the town itself, as the Committee had originally foreseen, shall be respected in all cases, together with the security zones which the delegation will seek to establish in other towns in Palestine.

The aim of these security zones is to gather under the control of the International Committee of the Red Cross all non-combatants and particularly Arabs and Jews and to save in this way the greatest possible number of human lives. The International committee of the Red Cross takes the opportunity of recalling here to your Government the first results of its intervention in Palestine, firstly, the adherence of the Arab and Jewish authorities to the essential principles of the Geneva conventions; secondly the placing under the protection of the International Committee of the Red Cross various hospital establishments; thirdly the despatch of medical supplies and other aid destined for the two parties; fourthly continuous individual interventions of its delegates who have in this way been able to save both Arab and Jewish wounded during the previous fighting. The International Committee remains convinced that in the spirit of the present appeal all Governments to which it is addressed will make every effort with it to limit suffering which the Palestinian conflict is now causing.

(Signed) Paul Ruegger
President of the International Committee of the Red Cross



ISRAEL-JORDAN ARMISTICE AGREEMENT, 3 APRIL 1949 [EXCERPTS]

[In early March 1949, Israeli-Jordanian armistice talks began on the island of Rhodes. Israel's main concerns were free access to Jewish Holy Places in Jerusalem, border rectification, and the presence of Iraqi forces in the West Bank, while Jordan sought to raise the refugee question and the question of passage from the Old City of Jerusalem to Bethlehem. On 3 April, the agreement was signed, fixing the armistice line of the West Bank, transferring to Israel a number of Arab villages in the central part of the country and providing for a mixed committee to work out arrangements in Jerusalem (Article VIII).]

Text of the agreement: [...]

Article V

1. The Armistice Demarcation Lines for all sectors other than the sector now held by Iraqi forces shall be as delineated on the maps in annex I to this Agreement, and shall be defined as follows:
 - (a) In the sector Kh Deir Arab (MR 1510-1574) to the northern terminus of the lines defined in the 30 November 1948 Cease-Fire Agreement for the Jerusalem area, the Armistice Demarcation Lines shall follow the truce lines as certified by the United Nations Truce Supervision Organisation;
 - (b) In the Jerusalem sector, the Armistice Demarcation Lines shall correspond to the lines defined in the 30 November 1948 Cease-Fire Agreement for the Jerusalem area; [...]

Article VIII

1. A Special Committee, composed of two representatives of each Party designated by the respective Governments, shall be established for the purpose of formulating agreed plans and arrangements designed to enlarge the scope of this Agreement and to effect improvements in its application.
2. The Special Committee shall be organized immediately following the coming into effect of this Agreement and shall direct its attention to the formulation of agreed plans and arrangements for such matters as either Party may submit to it, which, in any case, shall include the following, on which agreement in principle already exists: free movement of traffic on vital roads, including the Bethlehem and Latrun-Jerusalem roads; resumption of the normal functioning of the cultural and humanitarian institutions on Mount Scopus and free access thereto; free access to the Holy Places and cultural institutions and use of the cemetery on the Mount of Olives; resumption of operation of the Latrun pumping station; provision of electricity for the Old City; and resumption of operation of the railroad to Jerusalem.
3. The Special Committee shall have exclusive competence over such matters as may be referred to it. Agreed plans and arrangements formulated by it may provide for the exercise of supervisory functions by the Mixed Armistice Commission established in article XI. [...]

Article XI

1. The execution of the provisions of this Agreement, with the exception of such matters as fall within the exclusive competence of the Special Committee established in article VIII, shall be supervised by a Mixed Armistice Commission composed of five members, of whom each Party to this Agreement shall designate two, and whose Chairman shall be the United Nations Chief of Staff of the Truce Supervision Organisation or a senior officer from the observer personnel of that organisation designated by him following consultation with both Parties to this Agreement.

2. The Mixed Armistice Commission shall maintain its headquarters at Jerusalem and shall hold its meetings at such places and at such times as it may deem necessary for the effective conduct of its work. [...]

Done at Rhodes, Island of Rhodes, Greece, on the third of April one thousand nine hundred and forty-nine in the presence of the United Nations Acting Mediator on Palestine and the United Nations Chief of Staff of the Truce Supervision Organisation.

For and on behalf of the Government of the Hashemite Jordan Kingdom

Signed: Colonel Ahmed Sudki El-Jundi, Lieutenant-Colonel Mohamed Maayte

For and on behalf of the Government of Israel

Signed: Reuven Shiloah, Lieutenant-Colonel Moshe Dayan



**RESOLUTION OF THE WORLD CONFERENCE ON PALESTINE HELD IN LISBON,
2-6 NOVEMBER 1979 [EXCERPTS]**

This world conference held its meetings in Lisbon, Portugal, from November 2-6, 1979, and it was attended by about 750 delegates representing 325 popular groups, organizations and parties from more than one hundred countries.

The conference declared that it condemns all imperialist and Zionist schemes, and in particular the Camp David agreements and the Israeli-Egyptian treaty, declaring that these agreements are invalid because they infringe the inalienable national rights of the Arab people and seek to perpetuate Israel's continued occupation of Palestinian and Arab territories.

The conference reaffirms its support for the struggle of the Arab people, and in particular the Palestinian Arab people, under the leadership of the PLO, which has achieved important political gains in national and international circles. The conference places on record its appreciation of the heroic struggle of the Palestinian Arab people in the occupied territories against Israeli occupation and so-called self-rule, that denies their right to sovereignty and independence. The conference calls for the following:

1. Israel's total, immediate and unconditional withdrawal from all the occupied Arab and Palestinian territories, including Jerusalem.
2. The restoration to the Palestinian Arab people of their legitimate and inalienable rights, including their right to return to their homeland and their right to self-determination and to establish their independent national state, as affirmed by UN General Assembly resolutions, particularly resolution 3236.
3. The reaffirmation of the right of the Palestinian Arab people to engage in all kinds of struggle, including armed struggle, to recover their inalienable national rights, as stipulated by the resolutions of the UN General Assembly and by international law, which are applicable to all national liberation movements.
4. Full support for the resolutions of the UN and other organizations condemning Israel for:
 - a) Usurping Arab territories and natural resources in the occupied territory and establishing settlements there.
 - b) The arbitrary imprisonment of fighters for freedom, their torture in Israeli prisons and the imposition of collective penalties and arrests.
 - c) Changing the political, demographic and cultural character of the occupied territories, including Jerusalem.
5. Full support for the UN General Assembly resolution 3379 which declares that Zionism is a form of racism and racial discrimination, as also full support for the dissemination of information on this matter.
6. Recognition by governments of the PLO.



LETTER FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF EL SALVADOR TO THE UN ADDRESSED TO THE SECRETARY-GENERAL, 22 AUGUST 1980

[On withdrawal of El Salvador's diplomatic mission from Jerusalem following UNSC Resolution 478]

On instructions from my Government I have the honour to inform you that, in accordance with Security Council resolution 478, of 20 August 1980, El Salvador has decided to withdraw its diplomatic Mission from the Holy City.

The Government of El Salvador would like this decision to be brought to the attention of all the States Members of the United Nations. I should therefore be grateful if this communication could be circulated as a document of the Security Council.

(Signed) Adalberto Gonzales
Charge d'Affaires a.i.



LETTER FROM THE PERMANENT REPRESENTATIVE OF PANAMA TO THE UN TO THE PRESIDENT OF THE UN SECURITY COUNCIL, 26 AUGUST 1980

[On withdrawal of Panama's diplomatic mission from Jerusalem]

I have the honour to inform the Security Council that the Government of Panama, in accordance with Security Council resolution 478 (1980), has communicated to the Government of Israel its decision to withdraw the diplomatic Mission of Panama from the Holy City of Jerusalem.

(Signed) Jorge E. Illueca
Ambassador, Permanent Representative



LETTER FROM THE PERMANENT REPRESENTATIVE OF COSTA RICA TO THE UN ADDRESSED TO THE UN SECRETARY-GENERAL, 26 AUGUST 1980

[On withdrawal of the Costa Rican diplomatic mission from Jerusalem]

I have the honour to inform you that my Government, in keeping with its tradition of respect for the principles of the United Nations, and in accordance with Security Council resolution 478, of 20 August 1980, has decided to withdraw from the Holy City of Jerusalem its diplomatic Mission to the State of Israel.

The Minister for Foreign Affairs of Costa Rica is today communicating this decision to His Excellency the Ambassador of Israel at San Jose'.

I request you to regard this communication as a document of the Security Council.

(Signed) Rodolfo E. Piza Escalante
Ambassador, Permanent Representative



LETTER FROM THE PERMANENT REPRESENTATIVE OF COLOMBIA TO THE UN ADDRESSED TO THE UN SECRETARY-GENERAL, 28 AUGUST 1980

[On withdrawal of the Colombian diplomatic mission from Jerusalem]

On instructions from my Government, I have the honour to inform you that, in accordance with Security Council resolution 478, of 20 August 1980, Colombia has decided to withdraw its diplomatic Mission to the Government of Israel from the Holy City of Jerusalem and to transfer it to Tel Aviv.

The Minister for Foreign Affairs of Colombia is today communicating this decision to His Excellency the Ambassador of Israel at Bogota.

I should be grateful if you would have this communication circulated as document of the Security Council.

(Signed) Indalecio Lievamo
Ambassador, Permanent Representative



**LETTER FROM THE PERMANENT REPRESENTATIVE OF BOLIVIA
TO THE UN ADDRESSED TO THE UN SECRETARY-GENERAL,
29 AUGUST 1980**

[On the transfer of the Bolivian Embassy from Jerusalem to Tel Aviv]

I have the honour to convey to you the text of an official communiqué issued by the Government of Bolivia:

Communiqué from the Ministry of Foreign Affairs of Bolivia

"Bolivia has supported since 1948 the existence of the State of Israel, with which it maintains extremely cordial relations of friendship and co-operation.

"The Government of National Reconstruction has been informed that the Government of Israel has declared Jerusalem the capital of Israel. Since Jerusalem is the site of places holy to three religions - Christianity, Islam and Judaism - Bolivia considers that the city should be the subject of an agreement under which such places are safeguarded and access to them is guaranteed for all who wish to worship according to their own faith. An acceptable agreement would be a positive contribution to the efforts being made towards a just and durable peace in the Middle East.

"In view of the above considerations, the Government of Bolivia has decided to transfer its Embassy accredited to the Government of Israel from its Present location in the city of Jerusalem to the city of Tel Aviv."

I request you to arrange for this note to be circulated as a document of the Security Council.

(Signed) Fernando Ortiz Sanz
Ambassador



**LETTER FROM THE PERMANENT REPRESENTATIVE OF HAITI TO THE UN ADDRESSED
TO THE UN SECRETARY-GENERAL, 29 AUGUST 1980**

[On withdrawal of the Haitian diplomatic mission from Jerusalem]

I have the honour to inform you that the Government of Haiti, in keeping with its tradition of respect for the principles deriving from the United Nations Charter, has decided, in pursuance of Security Council resolution 478, of 20 August 1980, to transfer its diplomatic Mission to the State of Israel from Jerusalem to Tel Aviv.

I request you to arrange for this letter to be circulated as a document of the Security Council.

(Signed) Jean Coradin
Ambassador, Permanent Representative



**LETTER FROM THE PERMANENT REPRESENTATIVE OF GUATEMALA TO THE UN
ADDRESSED TO THE UN SECRETARY-GENERAL, 5 SEPTEMBER 1980**

[On transfer of the Guatemalan Embassy from Jerusalem to Tel Aviv]

On the instructions of my Government, I have the honour to inform you that, upon careful consideration of the matter, it has decided to transfer its embassy accredited to the Government of Israel to the city of Tel Aviv and I request that this letter be circulated as a document of the Security Council.

(Signed) Eduardo Castillo Arriola
Ambassador, Permanent Representative



**NOTE VERBALE FROM THE PERMANENT MISSION OF THE DOMINICAN REPUBLIC TO
THE UN ADDRESSED TO THE UN SECRETARY-GENERAL, 9 SEPTEMBER 1980**

[On transfer of the Dominican Embassy from Jerusalem to Tel Aviv]

The Permanent Mission of the Dominican Republic to the United Nations presents its compliments to the Secretary-General of the United Nations and informs him of the decision of the Government of the Dominican Republic to transfer its Embassy accredited to Israel from West Jerusalem to Tel Aviv, in accordance with the provisions of Security Council resolution 470 (1930).

The Permanent Mission of the Dominican Republic requests that this communication be circulated as a document of the Security Council.



**NOTE VERBALE FROM THE PERMANENT MISSION OF URUGUAY TO THE UN ADDRESSED
TO THE UN SECRETARY-GENERAL, 9 SEPTEMBER 1980**

[On transfer of the Uruguayan Embassy from Jerusalem to Tel Aviv]

The Permanent Mission of Uruguay to the United Nations presents its compliments to the Secretary-General of the United Nations and informs him that, in pursuance of the provisions of Security Council resolution 473 (1980) and of the recommendation made by the irrational Security Council at its meeting on 7 August 1980, the Executive of the Eastern Republic of Uruguay has decided to transfer the Embassy of Uruguay accredited to Israel to the city of Tel Aviv.

I request you to have this communication circulated as a document of the Security Council.



**COMMUNIQUÉ OF THE INTERNATIONAL CONFERENCE ON LEGAL ASPECTS
OF THE PALESTINE PROBLEM WITH SPECIAL REGARD TO THE QUESTION
OF JERUSALEM, VIENNA, 5-7 NOVEMBER 1980**

The International Progress Organizations has held an International Conference on the legal aspects of the Palestine and Jerusalem problem at the Hilton Hotel, Vienna, on 5-7 November 1980. Approximately 120 academicians, social scientists, lawyers and public affairs specialists from 31 countries have participated in the conference. The Federal Chancellor of Austria, H.E. Bruno Kreisky, has given an official reception for the participants at the government's building in Vienna.

Separate panels of experts presented papers on the following subjects:

- I. The Palestinian people and the right of self-determination;
- II. The status of Jerusalem under international law;
- III. Political and administrative measures of the Israeli authorities in the occupied territories seen from the viewpoint of humanitarian law;
- IV. Israeli law in the light of general principles of human rights.

Special guests who also made presentations included: Mr. Willibald Pahr, Federal Minister of Foreign Affairs of the Republic of Austria; Mr. Ramsey Clark, Ret. Attorney-General of the United States; Mr. Mohammed Ibn Slama, Deputy Secretary-General, League of Arab States; Mr. Falilou Kane, Chairman, Committee for the Exercise of the Inalienable Rights of the Palestinian people of the United Nations; Mr. Rouhi El-Khatib, Mayor of East Jerusalem; Mr. Joseph Algazy-Galili, Secretary, The Israel League for Human and Civil Rights.

The conference dealt with:

1. The Palestinian's right to self-determination:

The conference agreed that the Palestinians, as people, have a right to self-determination and that all efforts had to be made, to allow them uncompromisingly to exercise this right freely and without any constraint within the framework of the rules of international law.

2. The problem of Jerusalem as inseparable from the Palestine question:

The conference agreed that the status of Jerusalem must conform with the relevant United Nations resolutions and must ultimately be permanently resolved in the total context of the Palestine settlement. Any unilateral change of this status, any unilateral annexation is and shall remain unacceptable from the viewpoint of international law. Consequently the annexation by Israel must be considered null and void.

3. Administrative measures in the occupied territories:

1. Israel's policy in its capacity of being in power, has not been in conformity with the provisions of the law pertaining to armed conflict in general since 1967, and with the Geneva Convention (IV) in particular. Therefore this policy in itself represents a severe breach of humanitarian law and its consequences are: the responsibility of the state of Israel in the light of international law should be assessed as well as the penal responsibility of any individual having committed such infringement in actual case and practicing the Israel policy in the occupied regions.
2. All possible means to make the international public aware of this policy and the infringements of humanitarian rights should be explored; this action must be developed by information and mass media as well as by other appropriate means to arouse public awareness; at the same time the actions should operate legally in order that international law may be applied;
3. In this context, the role of the non-governmental organisations is very important and all possibilities must be explored, by which they could act; in particular by organising proper and impartial investigation on the occupied territory as such.
4. The possibilities of sanctions against Israel will have to be explored in order to force them to cease the infringement of international law.

The participants expressed sincere appreciation of the contributions of the Israeli delegates whose attitude gave definite hope for the possibility of a peaceful living together.

The participants urged the new Reagan government of the USA to pursue an impartial and international legally accepted attitude to the Palestinian problem.



**PRESIDENT OF THE USSR, L. I. BREZHNEV, SPEECH GIVEN AT A DINNER
IN HONOR OF A. N. MOHAMMED, PRIME MINISTER OF YEMEN ("BREZHNEV PLAN"),
MOSCOW, 15 SEPTEMBER 1982 [EXCERPTS]**

[The following six points outlined the principles on which a just and lasting peace in the Middle East can and should be based; the third point refers to the question of Jerusalem]

First, the principle of the inadmissibility of the acquisition of foreign territories by aggression must be strictly observed. This means that all the territories occupied by Israel since 1967 - the Golan Heights, the West Bank of the Jordan, the Gaza Strip and the Lebanese territories - must be returned to the Arabs. The borders between Israel and its Arab neighbours must be declared inviolable.

Secondly, the inalienable right of the Arab people of Palestine to self-determination and to the establishment of their own independent State in the Palestinian territories which will be freed from Israeli occupation - the West Bank of the Jordan and the Gaza Strip - must be guaranteed in practice. Palestinian refugees must be granted the opportunity, provided for in United Nations decisions, to return to their homes or receive compensation for properties which they left.

Thirdly, the Eastern part of Jerusalem, which was occupied by Israel in 1967 and where one of the main Moslem Holy Places is situated, must be returned to the Arabs and become an integral part of the Palestinian State. The freedom of access of the faithful to the Holy Places of the three religions must be guaranteed throughout Jerusalem.

Fourthly, the right of all States in the region to security, independent existence and development must, of course, be guaranteed on a basis of complete reciprocity, because one cannot guarantee the security of some while disregarding that of others.

Fifthly, the state of war must be ended and peace must be established between the Arab States and Israel. This means that all parties to the conflict, including Israel and the Palestinian State, must undertake to respect

each others sovereignty, independence and territorial integrity and to settle any disputes which may arise by peaceful means, through negotiations.

Sixthly, international guarantees for the settlement must be worked out and adopted, for example, the permanent members of the Security Council or the Council as a whole could assume the role of guarantors.



**COMMUNIQUÉ OF THE MEETING OF THE COORDINATING BUREAU OF THE
MOVEMENT OF NON-ALIGNED COUNTRIES ON THE SITUATION IN THE OCCUPIED
PALESTINIAN TERRITORY, NEW YORK, 9 OCTOBER 1990**

[The communiqué was transmitted by the Permanent Representative of Yugoslavia to the UN, Darko Silovic, to the UN Sec.-Gen. on 9 Oct. 1990, with the request to circulate it as an official document of the UNGA and UNSC]

The Coordinating Bureau of the Movement of Non-Aligned Countries met urgently on 9 October 1990 under the chairmanship of His Excellency Mr. Budimir Loncar, Federal Secretary for Foreign Affairs of Yugoslavia, to consider the dangerous situation in the occupied Palestinian territory, especially Jerusalem.

The Bureau learned with revolt and indignation of the use of firearms by members of Israeli armed forces and other Israeli nationals against unarmed Palestinian civilians in the precinct of Al-Haram Al-Shareef, at Jerusalem, on 8 October 1990, which resulted in the loss of 23 Palestinian lives and over 200 wounded. It strongly condemned this massacre, which is yet another criminal act committed against the suffering Palestinian people.

The Bureau called upon the Security Council to take immediate and resolute action in order to implement its own resolutions regarding the situation in the occupied Palestinian territory, as well as the provisions of the Fourth Geneva Convention, and to establish urgently an effective United Nations presence with a legal mandate to protect the Palestinian people under Israeli occupation. Further on, the Bureau called upon non-aligned countries to take an active part in the deliberation of this issue in the Security Council.

The Bureau was of the view that this Israeli brutal act generates additional tension in the occupied Palestinian territory and puts obstacles to the creation of the necessary conditions for the opening of the peace process. This tragic event brings forth the urgent need for the implementation of Security Council resolutions 242 (1967) and 338 (1973) and the attainment of the national rights of the Palestinian people in accordance with the relevant United Nations resolutions.

The Bureau emphasized that the Security Council should proceed, as a matter of urgency, to take the necessary measures towards the convening of the International Peace Conference on the Middle East under the auspices of the United Nations, with the participation, on an equal footing, of all the parties directly concerned, including the PLO, as well as the five permanent members.

Bearing in mind the recent experience in the Security Council, which indicates that, given the necessary political will, the Council is able to achieve consensus on an important matter of concern to the international community, the Bureau encourages and supports every effort by the permanent and other members of the Security Council to bring the positions of the parties to the Arab-Israeli conflict closer to each other, to create a climate of confidence between them, and to facilitate in this way the convening and successful outcome of the International Peace Conference.



**STATEMENT BY THE JAPANESE MINISTRY OF FOREIGN AFFAIRS ON THE
DISTURBANCES IN ISRAELI-OCCUPIED EAST JERUSALEM, 9 OCTOBER 1990**

[The statement was transmitted by the Permanent Representative of Japan to the UN, Yoshio Hatano, to the UN Sec.-Gen. on 9 Oct. 1990, with the request to circulate it as an official document of the UNGA and UNSC]

The Government of Japan deeply deplores the killing of many Palestinians in the disturbances which occurred in Israeli-occupied East Jerusalem on the morning of 8 October, and strongly condemns the excessive use of force by the Israeli authorities.

Japan urges the Israeli authorities to exercise the utmost self-restraint and to accord the Palestinians in the occupied territories humane treatment as prescribed by international law. The Government of Japan hopes that this incident will not lead to a vicious circle of violence.

Japan reaffirms its basic position that the problem of peace in the Middle East should be solved through

- (1) Israel's withdrawal from all the territories it has occupied since 1967,
- (2) recognition of the right to self-determination of the Palestinian people, including the right to establish an independent State, and
- (3) recognition of Israel's right to exist; such a solution should be sought through negotiations among all the parties concerned, including the Palestine Liberation Organization, and, ultimately, through the holding of an international conference.



**DECLARATION OF THE COMMITTEE ON PALESTINE OF THE
NON-ALIGNED MOVEMENT, BALI, INDONESIA, 12 MAY 1993 [EXCERPTS]**

[Declaration deploring Israeli activities in Jerusalem]

1. The Committee on Palestine of the Non-Aligned Movement (NAM) met at ministerial level on 12 May 1993 in Bali, Indonesia, under the chairmanship of His Excellency the Foreign Minister of Indonesia, Mr. Ali Alatas. It was attended by H.E. Mr. A. S. M. Mustafizur Rahman, Minister for Foreign Affairs, Bangladesh; H.E. Mr. R. L. Bhatia, Minister of State for External Affairs, India; H.E. Mr. Farouq Qaddoumi, Minister for Foreign Affairs, Palestine; H.E. Dr. Nathan M. Shamuyarira, Minister for Foreign Affairs, Zimbabwe; H.E. Mr. Hocine Djoudi, Secretary-General, Ministry of Foreign Affairs, Algeria; H.E. Mr. Raul Taladrid, Vice-President of the State Committee for Economic Cooperation, Cuba; H.E. Hon. Dr. D. W. C. Matutu, Deputy Minister for Commerce, Trade and Industry, Zambia; and H.E. Mr. Alia Diene Drame, Economic Adviser to the Prime Minister, Senegal.
2. H.E. Mr. Farouq Qaddoumi briefed the meeting on the current situation in the occupied Palestinian territory, including Jerusalem (Al-Quds), and also on the latest developments in the ongoing peace process in the Middle East.
3. As a result of the persistence of Israel, the occupying Power, in its policies and practices in the occupied Palestinian territory, including Jerusalem (Al-Quds), the situation continues to be of grave concern.
- [...]
6. Of particular concern is the declared position of the Government of Israel and its persistence in implementing its policies and practices in Jerusalem (Al-Quds) by continuing to establish more settlements and imposing high taxation on Palestinian inhabitants of Jerusalem. The members of the Committee consider such acts as flagrant violations of United Nations Security Council resolutions 252 (1968), 465 (1980) and 478 (1980) and other relevant resolutions of the United Nations General Assembly. They affirmed the commitment of NAM to the above resolutions and consider that all Israeli practices aiming at changing the status and demographic composition of Jerusalem (Al-Quds) and the illegal establishment of settlements in Jerusalem and in all the occupied Palestinian and other Arab territories are null and void.
- [...]
8. On the question of the ongoing peace process, the members highly appreciated the flexibility and wisdom of the Palestinian leadership, namely the PLO, to contribute towards the achievement of a just and comprehensive peace. They were of the opinion that the procrastinating method of negotiation by Israel, and its failure to adhere to the basis of the ongoing process, namely, the implementation of United Nations Security Council resolutions 242 (1967) and 338 (1973), land for peace, and the guaranteeing of the national and legitimate political rights of the Palestinian people, constitute an obstacle and not a contribution to the ongoing process. The members were of the opinion that such a process could lead to peace only when it is based on Israel's withdrawal from all the occupied Palestinian territory, including Jerusalem and all other occupied Arab territories, and which will guarantee the exercise by the Palestinian people of its inalienable rights. [...]



UNITED NATIONS AFRICAN SEMINAR AND NGO SYMPOSIUM ON THE QUESTION OF PALESTINE, DAKAR, SENEGAL, 30 AUGUST-3 SEPTEMBER 1993 [EXCERPTS]

[Report relating proceedings and conclusion of the African Seminar and NGO symposium held in Dakar on the Question of Palestine with a focus on the issue of Jerusalem]

[...]

INTRODUCTION

1. The United Nations African Seminar and NGO Symposium on the Question of Palestine with the theme "Africa, the Middle East and the Question of Palestine" was held at Dakar, Senegal, from 30 August to 3 September 1993, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and in accordance with the provisions of General Assembly resolution 46/74 A of 11 December 1991.
2. The Committee on the Exercise of the Inalienable Rights of the Palestinian People was represented by a delegation comprising H.E. Mr. Kéba Birane Cissé (Senegal), Chairman of the Committee, Chairman of the Seminar; H.E. Mr. Joseph Cassar (Malta), Rapporteur of the Committee, Vice-Chairman and Rapporteur of the Seminar; H.E. Mr. Nouhoum Samassekou (Mali), Vice-Chairman of the Seminar; H.E. Mr. Utoyo Yamtomo, Ambassador of Indonesia to Senegal; and Mr. M. Nasser Al-Kidwa, Permanent Observer for Palestine to the United Nations.
3. The Seminar and NGO Symposium met in four panels on the following topics: "Panel I: Towards a just solution of the question of Palestine; Panel II: Building peace in Jerusalem - the Holy City of three religions; Panel III: Towards self-determination and statehood; Panel IV: The need to revive the economy in the occupied Palestinian territory, including Jerusalem". Presentations were made by 19 experts nominated by African governments, as well as NGO and media representatives, and Palestinian and Israeli personalities. Each panel was followed by a discussion open to all participants. Representatives of 23 Governments, 6 United Nations specialized agencies and intergovernmental organizations, as well as 18 non-governmental organizations and representatives of the media attended the Seminar and NGO Symposium. Two workshops specifically for NGOs were also held, on the following topics: "I. Actions by African NGOs to promote efforts to put an end to Israel's violations of human rights of the Palestinian people; II. Mobilization and networking by NGOs to promote a joint, comprehensive and lasting solution of the question of Palestine".[...]

A. OPENING STATEMENTS

Statement by the Minister of State and Minister for Presidential Affairs and Services of Senegal

8. The opening ceremony of the Seminar and NGO Symposium was addressed by H.E. Mr. Ousmane Tanor Dieng, Minister of State and Minister for Presidential Affairs and Services of Senegal. He stressed that the holding of the meeting at Dakar illustrated the exemplary solidarity Senegal had always shown in regard to the Palestinian people. For any peace and justice-loving person, support for the legitimate struggle of the Palestinian people was a duty from the standpoint of universal morality and international law. [...] He urged the participants to consider the positive response that the Palestine Liberation Organization had just given to the Israeli proposal to place the Gaza Strip and Jericho under autonomous Palestinian administration pending a settlement of the question of East Jerusalem and the final status of the occupied territories. He welcomed the resolute and courageous manner in which the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, had embarked on the current peace process, thereby expressing its determination to contribute to the quest for a successful settlement of the Middle East conflict.

More than ever before, the international community should support and consolidate this process until its culmination. For its part, Senegal, being firmly committed to its principles, would continue to support any initiative aimed at finding a just and lasting solution to the question of Palestine in such a way as to enable all the peoples of the Middle East to live in peace and security within safe and internationally recognized borders. [...]

Message from the Chairman of the Executive Committee of the Palestine Liberation Organization

11. A message from Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization (PLO), was read out by Mr. Said Abassi, Representative of Palestine in Senegal. In the message it was recalled that the meeting coincided with the holding of the eleventh round of peace negotiations and the hope was expressed that tangible progress would be achieved in furthering the peace

process. The aim of those negotiations was not to make cosmetic improvements to the image of the Israeli occupation but to establish a just and lasting peace in the region. The draft declaration of principles had been submitted by the Palestinian delegation with a view to achieving a breakthrough by arranging a disengagement that would ensure Israeli withdrawal from Gaza and Jericho, linked to an agreement concerning an interim solution for the other occupied territories.

The message pointed out that the situation in the occupied Palestinian territories was still constantly deteriorating due to the intensification of the "iron fist" policy pursued by the Israeli occupation authorities, their persistent violations of the most fundamental human rights of the Palestinian people, their desecration of Islamic and Christian holy places and their commission of daily crimes against the Palestinian people, such as acts of murder, detention, confiscation of land and water resources, establishment of settlements on that land, including Jerusalem, closure of the occupied territories in order to isolate them from each other, and the imposition of a blockade on Holy Jerusalem in order to isolate it from the rest of the territories. These policies had resulted in a serious deterioration in the economic situation, bringing Gaza to the verge of famine and causing a further worsening of the economic circumstances in the West Bank, including Jerusalem, in addition to Israel's ongoing acts of aggression against Palestinian camps in Lebanon, particularly in the southern part of that country where Lebanese villages and towns had also been affected.

The message stressed the determination of the Palestinian people to continue the *Intifada* in order to resist the Israeli occupation. It expressed confidence that all the freedom-loving African States and peoples would stand beside the Palestinian people in their just struggle and resistance to the Israeli occupation with a view to putting an end to that occupation as the only way to ensure the establishment of a just and lasting peace in the region.

[...]

B. PANEL PRESENTATIONS

16. Four panels were held. The panels and their experts were as follows:

Panel I: Towards a just solution of the question of Palestine

- (A) The current situation in the occupied Palestinian territory, including Jerusalem
Dr. Ahmad Yaziji (Palestinian), Medical Doctor, Gaza
Eitan Felner (Israel), Researcher, B'Tselem (The Israeli Information Centre for Human Rights in the Occupied Territories)
- (B) The role of Africa in promoting a just, comprehensive and lasting solution of the question of Palestine
Hedi Ben Nasr (Tunisia), Director, Department of Arab Countries, Ministry of Foreign Affairs
Chitsaka Chipaziwa (Zimbabwe), Director, Africa and Middle East Department, Ministry of Foreign Affairs
Dianguina dit Yaya Doucoure (Mali), Counsellor, Ministry of Foreign Affairs
Latyr Kamara (Senegal), Honorary Ambassador
K.B.S. Simpson (Ghana), Director, Middle East and Asia Bureau, Ministry of Foreign Affairs
- (C) Regional organizations and the political, economic and human rights dimension of the question of Palestine
Khaled Mohammed Khaled
Deputy Director, Department of Palestine Affairs, League of Arab States

Panel II: Building peace in Jerusalem - the Holy City of three religions

Rev. Father Bishara Al-Lahham, Patriarchate of Jerusalem
Sheikh Ekrema Sabri, Al-Aqsa Mosque, Jerusalem
Rabbi David Forman, Jerusalem

Panel III: Towards self-determination and statehood

- (A) Palestine - Dynamics of State-building
Latif Dori (Israel), Secretary of Committee for Israeli-Palestinian Dialogue
Essa Moosa (South Africa), Member of the Constitutional Committee of the African National Congress of South Africa
O.R. Kaakunga (Namibia), Faculty of Law, University of Windhoek
- (B) The role of the media and public opinion in nation-building
Bara Diouf (Senegal), Former Member of Parliament and Director of "Le Soleil"
Mohamed Larbi Messari (Morocco), Secretary-General, Writers Union

Panel IV: The need to revive the economy in the occupied Palestinian territory, including Jerusalem

- (A) Mobilization of international assistance to promote self-reliance and sustainable development
 Ibrahim Dakkak (Palestinian), Development Consultant
 Kathy Bergen (Canada), Executive Secretary, International Coordinating Committee for NGOs on the Question of Palestine

17. The panel presentations are summarized below in the order in which they were made.

PANEL I: Towards a just solution of the question of Palestine

[...] (B) The role of Africa in promoting a just, comprehensive and lasting solution of the question of Palestine

20. Mr. Hedi Ben Nasr (Tunisia), Director of the Department of Arab Countries in the Ministry of Foreign Affairs, stressed at the outset that with regard to the Middle East conflict the international community had always had a responsibility to take action and seek a solution conducive to the establishment of peace and security in that strategic region of the world. The United Nations system had constituted the fundamental and primary framework for the mobilization and guidance of the international community's endeavours in this field.

Over the years, the United Nations debates on this question had focused on the formulation of the terms of reference on the basis of which the question of Palestine and the conflict in the Middle East in general should be dealt with. This included: the principle of the partition of the historical territory of Palestine between two entities, one being Palestinian and the other Israeli; the principle of the return of the refugees and the granting of special status to Jerusalem; definition of the principles and requirements for a just and lasting peace in the Middle East.

He emphasized that the core of the conflict in the Middle East had always been the quest for a settlement of the problem of the Palestinian people and a guarantee of their rights. Since the early 1970s, the United Nations had adopted a comprehensive approach to the question of Palestine, viewing it in a broader political context.

He continued by saying that the African Group had treated the question of Palestine and the problem of the Middle East conflict as matters of principle, regarding them as questions of liberation and struggle for the right to self-determination and the right to resist colonialism and domination, and as matters of primary concern. It had adopted positions based on the same principles and rules as those underlying the relevant resolutions of the United Nations, which in fact had been based on resolutions of the Organization of African Unity. The African Group had always undertaken concerted and consistent endeavours, as an active and effective party, to mobilize and further the efforts made by the international community in this regard.

Referring to recent developments, he said that the question of the establishment of stability, security and peace in the Middle East had become a matter of primary concern to the major Powers, and particularly the United States, since they regarded it as a vital requirement for the preservation of their strategic interests.

Shortcomings in the terms of reference of the Madrid peace process included a blinkered approach to the dimensions of the Palestinian problem: the exclusion of a priori recognition of the right of the Palestinian people to form their independent State; the exclusion of any discussion of the question of the refugees and the future status of the Israeli settlements and the city of Jerusalem; the imposition of restrictions on the nature and composition of the Palestinian negotiating team.

In conclusion, he pointed out that notwithstanding the modest results that had so far emerged from the peace process, it was encouraging to note that the parties were in unanimous agreement concerning the need to proceed with the negotiations and seek new ways to break the deadlock in the peace process. [...]

PANEL II: Building peace in Jerusalem - the Holy City of three religions

26. Rev. Father Bishara Al-Lahham, Director-General of the Latin Patriarchate Schools in Jerusalem, emphasized that Jerusalem was a city with a divine dimension, the city of God. It was necessary for all those who lived in it or talked about it to rise to that level. To accept Jerusalem as a Holy City for the three monotheistic religions, meant to accept all that it symbolized for the three religions and the two peoples who lived there. Jerusalem was the heart and the capital for two peoples, the Palestinians and the Israelis. The actual inhabitants of Jerusalem had, besides their religious convictions, concrete political and na-

tional aspirations. Any solution to the problem must take into consideration that reality. He pointed out that the city was a common heritage for all believers; it could not belong in any exclusive way to anyone. The temptation to monopolize the Holy City had always led to wars.

All believers had a right to the city and each had the right to be what each had chosen to be. Jerusalem was the only city in history and in the world with such a role, and it must be given the opportunity to fulfil it. The only possible solution was one which took into consideration the existing conflicts, the legitimate aspirations of the peoples present there, and the unique transcendent vocation of the Holy City. It was therefore obvious that no political power could alone guarantee the religious liberty required by the very nature of Jerusalem.

He continued by saying that the Church, local as well as universal, had something to say in regard to the final status of Jerusalem, due to its presence there for the past two millennia, and due to its religious right to be present there. The Church, while respecting the other two monotheistic religions, Islam and Judaism, differed from them in that they both held a faith in which a political dimension was inherent. The Church had no political ambitions. The Church as an institution had the right to be present and a right to liberty. Due to its universal and international dimension, its rights which were recognized by every local political authority, must be upheld by international guarantees. The Church asked for these guarantees for the sake of free access to the Holy Places and religious liberty for individuals. It also asked that the inhabitants of Jerusalem - regardless of their small number - had a status which would define and respect their presence and role in the life and government of the city. And what it asked for itself, the Church also asked for the two other monotheistic religions which were present in the Holy Land.

27. Sheikh Ekrema Sabri (Palestinian), Preacher at the Al-Aqsa Mosque, Jerusalem, pointed out that there were a number of factors linking Muslims with the city of Jerusalem. There was the doctrinal link, since the city occupied a place in the Islamic faith; the devotional link; the cultural link; the political link and the historical link. The imminent dangers facing Jerusalem included the expropriation of land, the building of settlements and the population density of the Jews. Some 27,500 dunums [approximately 2,750 hectares] of land had been confiscated in Jerusalem. A number of settlements had been built in Jerusalem (the Old City) and around it. The demographic situation was that in Arab East Jerusalem there were 152,800 Jews and 150,600 Arabs. The population of Jerusalem as a whole (East and West) was 564,300, of whom 413,700 were Jews, forming 73.2 per cent of the population, while Arabs accounted for 26.7 per cent. Plans were currently being made to step up settlement activity in order to raise the proportion of Jews to 75 per cent and reduce the proportion of Arabs to 25 per cent.

He stressed that the situation in the Old City of Jerusalem was deteriorating and becoming more critical as a result of Judaization measures: the Islamic Magharibah Quarter lying along the western wall of the Al-Aqsa Mosque, had been completely demolished and its inhabitants evicted; the Fakhriyah Zawiya adjoining the south-western wall of the Al-Aqsa Mosque, had also been razed; and 116 dunums [approximately 11.6 hectares] of land within the walls had been confiscated in order to reduce the population density of Muslims and to settle Jews there. The character of Islamic archaeological and cultural monuments had been altered and numerous excavations had been carried out in search of the putative Temple. However, the archaeological officials had found nothing pertaining to the history or religion of the Jews. There had been a number of forays against the Al-Aqsa Mosque, including excavations beneath and around Al-Aqsa, attempts by Jews to hold prayer services on the Al-Aqsa plaza, attempts on the life of Muslim worshippers and the destruction by fire of the Minbar of Salah al-Din.

He characterized the objectives of the settlements in the city of Jerusalem as follows: to ensure the presence of an absolute majority of Jews in Jerusalem as a trump card in any future peace agreement; to create a *fait accompli* which would prevent a new partitioning of the city; to achieve a strategic encirclement of the Arab section (East Jerusalem) as a preliminary step towards Judaization; to isolate East Jerusalem from the other regions of Palestine; to induce the Arab inhabitants to build dwellings outside the boundaries of the municipality; and to weaken the Arab Islamic presence in the Old City by refusing to grant building permits to Arabs.

From 1967 to the present, Israeli officials of successive Governments, Labour and Likud alike, had made it clear in their statements on settlement activity and on Jerusalem that they were making and implementing plans to encourage settlement there. They all agreed that Jerusalem was the eternal capital of Israel and would never be a capital for Palestinians, and they refused to negotiate its status.

He outlined a number of proposals for remedying the situation: the Arab population should remain in the country and refrain from emigration; agricultural land should be put to use rather than abandoned and neglected, and agricultural projects should be developed; urban housing developments should be established; production units should be established aimed at achieving self-sufficiency; there should be support

for Arab institutions; mosques and educational establishments should be rehabilitated; and a special fund should be established for the protection of land and property in order to prevent their alienation.

28. Rabbi David Forman (Israel), Director of Israel Educational Programs of the Union of American Hebrew Congregations and spokesperson of Israeli Rabbis for Human Rights, stressed that Jerusalem was a Holy City of the three monotheistic religions, which had shaped the history, geography, demography and theological bent of the city. But it was also a city of ethnic, political, social and ideological conflicts. Three religions coexisted within two nations locked in a bitter conflict. The religious faiths, however, taught that genuine dialogue among people of differing views was both possible and could bear positive results.

He pointed out that all religions taught tolerance and a collective spirit. Aggressive nationalism had tried to bend religion to endow certain people with a divine mission. Religion had been used as yet another weapon in the arsenal of nationalism. Judaism, Christianity and Islam were based on principles which transcended national and political identity. Religious leaders ought to counteract the tendency to adopt a partisan stance without any compassion for the sufferings and rights of the other side. The praxis and discipline of faith in any one of the three monotheistic religious traditions ought to be presented as a practical path toward justice, righteousness, and peace. Religious contribution to the peace of Jerusalem ought to focus on translating prophetic ideals into everyday imperatives.

If Jerusalem was to serve as the paradigm for peaceful coexistence among Jews, Muslims and Christians, then all resistance to peace had to be broken down. Describing the Jewish historical understanding of Jerusalem's centrality for the Jewish people, he stated that he would never deny the historical claims or spiritual attachments of his co-religionists to that same Holy City. He respected the claims of others. He called for an effort by religious leaders to move to a common reading of history.

He said that Israel would never submit to a divided Jerusalem. At the same time, Christians and Muslims would never relinquish their religious claims. He suggested that they opt for a multiple religious sovereignty within a national sovereignty. He described the dangers of propaganda and called upon the three religions to make a common cause to oppose injustice and oppression, by whomever it was perpetrated, and to defend the victims, no matter to which religious community they belonged. Second-class citizenship was no longer acceptable. The three religions must see justice for all people, which meant the right to be treated as equal citizens; the rights of assembly, free movement, free speech and press, the right to protection from attacks and harassment, the right to participate in government, the right to an open education, the right of economic viability.

In conclusion, he called for a positive religious intervention - Judaism, Islam and Christianity must actively help each person of that faith-tradition to transcend narrow applications of his or her religion in the search for peace. A commitment to historical objectivity, a methodology that incorporated the art of compromise, an adherence to truth, an end to violence, and the equal application of full human, civil, political and national rights for both Israeli Jews and Arabs and Palestinian Muslims and Christians, must serve as the religious ingredients in the quest for the tranquility and peace of Jerusalem. [...]

D. CONCLUSIONS AND RECOMMENDATIONS OF THE SEMINAR AND NGO SYMPOSIUM

39. Participants reviewed the current situation in the occupied Palestinian territory, including Jerusalem. They expressed grave concern at the continuing human rights abuses, in violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. They called on Israel, the occupying Power, to recognize the *de jure* applicability of the Convention to the occupied territory and to implement it immediately and fully. They considered that this was a fundamental obligation under international law and the relevant Security Council resolutions. They called upon the international community, and the High Contracting Parties in particular, to assume their obligations under the Convention to ensure respect for its provisions in all circumstances, and to provide international protection for the Palestinians until the end of the occupation. [...]
41. Grave concern was expressed at the continued closure of the occupied territory and the separation of East Jerusalem from the West Bank, which had resulted in dividing the occupied territory into four separate areas. Furthermore, this had caused loss of employment and hardships for large numbers of Palestinian workers, and had drastically limited access by Palestinians to places of worship, schools, health care facilities, and utility services. Participants were especially alarmed at reports of the dramatic situation in Gaza, in particular the grave aggravation in the health condition of the population, the environmental deterioration and lack of water. The participants called for closer cooperation between NGOs and the Palestine Health Council to identify needs and assistance programmes. Israel was urgently called upon to end the blockade of the occupied territory and to restore full access to Jerusalem. [...]

46. Participants examined the problem of how to build peace in Jerusalem, Holy City of three religions and of great spiritual value, without monopoly by any quarter. The Israeli policy of annexation and Judaization of Jerusalem, its encirclement with Jewish settlements and its separation from the rest of the occupied territories in recent months, caused the most serious concern. Participants stressed that a just solution regarding Jerusalem was indispensable for a settlement of the question of Palestine and called for an end to the policy of settlement, the reopening of the city, freedom of access to the holy places and respect for religious liberties, pending negotiations on a final settlement. Support was expressed in this regard for the work of the Al-Quds Committee of the Organization of the Islamic Conference. Calls were also made for an effective involvement by leaders from the three religions in promoting a peaceful solution of the problem of Jerusalem. [...]



**DECLARATION OF PRINCIPLES ON INTERIM SELF-GOVERNMENT ARRANGEMENTS,
WASHINGTON, DC, 13 SEPTEMBER 1993 [EXCERPTS]**

The Government of the State of Israel and the PLO team to the Middle East Peace Conference (the "Palestinian Delegation"), representing the Palestinian people, agree that it is time to put an end to decades of confrontation and conflict, recognise their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process. Accordingly, the two sides agree to the following principles:

Article I: Aim of the Negotiations

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council, ("the Council") for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338. (...)

Article V: Transitional period and permanent status negotiations

1. The five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area.
2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the government of Israel and the Palestinian people's representatives.
3. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.
4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by arrangements reached for the interim period. (...)

ANNEX I

Protocol on the mode and conditions of elections

1. Palestinians of Jerusalem who live there will have the right to participate in the election process, according to an agreement between the two sides. (...)
3. The future status of displaced Palestinians who were registered on 4th June 1967 will not be prejudiced because they are unable to participate in the election process due to practical reasons. (...)

Agreed minutes to the declaration of principles on interim self-government arrangements

(...) **B. Specific understandings and agreements**

Article IV

It is understood that:

1. Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, military locations, and Israelis. (...)

For the Government of Israel
Shimon Peres (*signed*)

For the Palestine Liberation Organization
Mahmoud Abbas (*signed*)

Witnessed by:

(Warren Christopher) (Andrei Kozyrev)
United States of America The Russian Federation



**VATICAN-ISRAEL FUNDAMENTAL AGREEMENT,
JERUSALEM, 30 DECEMBER 1993**

[The Vatican and Israel began negotiations on establishing diplomatic ties with the appointment of a bilateral commission in July 1992. After eighteen months of talks, the two sides reached the following "fundamental agreement" to establish diplomatic relations, promote inter-religious dialogue, and regularize the status of Catholic church property in Israel and the occupied territories. The accord was signed by Vatican Assistant Secretary of State Monsignor Claudio Celli and Israeli Deputy Foreign Minister Yossi Beilin].

PREAMBLE

The Holy See and the state of Israel,

Mindful of the singular character and universal significance of the Holy Land;

Aware of the unique nature of the relationship between the Catholic Church and the Jewish people, and of the historic process of reconciliation and growth in mutual understanding and friendship between Catholics and Jews;

Having decided on July 29, 1992, to establish a bilateral permanent working commission in order to study and define together issues of common interest, and in view of normalizing their relations;

Recognizing that the work of the aforementioned commission has produced sufficient material for a first and fundamental agreement;

Realizing that such agreement will provide a sound and lasting basis for the continued development of their present and future relations and for the furtherance of the commission's task,

Agree upon the following articles:

ARTICLE 1

1. The state of Israel, recalling its Declaration of Independence, affirms its continuing commitment to uphold and observe the human rights to freedom of religion and conscience, as set forth in the Universal Declaration of Human Rights and in other international instruments to which it is a party.
2. The Holy See, recalling the Declaration on Religious Freedom of the Second Vatican Council, *Dignitatis Humanae*, affirms the Catholic Church's commitment to uphold the human right to freedom of religion and conscience, as set forth in the Universal Declaration of Human Rights and in other international instruments to which it is a party. The Holy See wishes to affirm as well the Catholic Church's respect for other religions and their followers as solemnly stated by the Second Vatican Council in its Declaration on the Relation of the Church to Non-Christian Religions, *Nostra Aetate*.

ARTICLE 2

1. The Holy See and the state of Israel are committed to appropriate cooperation in combating all forms of anti-Semitism and all kinds of racism and of religious intolerance, and in promoting mutual understanding among nations, tolerance among communities and respect for human life and dignity.
2. The Holy See talks this occasion to reiterate its condemnation of hatred, persecution and all other manifestations of anti-Semitism directed against the Jewish people and individual Jews anywhere, at any time and by anyone. In particular, the Holy See deplors attacks on Jews and desecration of Jewish synagogues and cemeteries, acts which offend the memory of the victims of the Holocaust, especially when they occur in the same places which witnessed it.

ARTICLE 3

1. The Holy See and the state of Israel recognize that both are free in the exercise of their respective rights and powers, and commit themselves to respect this principle in their mutual relations and in their cooperation for the good of the people.
2. The state of Israel recognizes the right of the Catholic Church to carry out its religious, moral, educational and charitable functions, and to have its own institutions, and to train, appoint and deploy its own personnel in the said institutions or for the said functions to these ends. The church recognizes the right of the state to carry out its functions, such as promoting and protecting the welfare and the safety of the people. Both the state and the church recognize the need for dialogue and cooperation in such matters as by their nature call for it.
3. Concerning Catholic legal personality at canon law, the Holy See and the state of Israel will negotiate on giving it full effect in Israeli law, following a report from a joint subcommission of experts.

ARTICLE 4

1. The state of Israel affirms its continuing commitment to maintain and respect the status quo in the Christian holy places to which it applies and the respective rights of the Christian communities thereunder. The Holy See affirms the Catholic Church's continuing commitment to respect the aforementioned status quo and the said rights.
2. The above shall apply notwithstanding an interpretation to the contrary of any article in this fundamental agreement.
3. The state of Israel agrees with the Holy See on the obligation of continuing respect for and protection of the character proper to Catholic sacred places, such as churches, monasteries, convents, cemeteries and their like.
4. The state of Israel agrees with the Holy See on the continuing guarantee of the freedom of Catholic worship.

ARTICLE 5

1. The Holy See and the state of Israel recognize that both have an interest in favouring Christian pilgrimages to the Holy Land. Whenever the need for coordination arises, the proper agencies of the church and of the state will consult and cooperate as required.
2. The state of Israel and the Holy See express the hope that such pilgrimages will provide an occasion for better understanding between the pilgrims and the people and regions of Israel.

ARTICLE 6

The Holy See and the state of Israel jointly reaffirm the right of the Catholic Church to establish, maintain and direct schools and institutes of study at all levels, this right being exercised in harmony with the rights of the state in the field of education.

ARTICLE 7

The Holy See and the state of Israel recognize a common interest in promoting and encouraging cultural exchanges between Catholic institutions worldwide and educational, cultural and research institutions in Israel, and in facilitating access to manuscripts, historical documents and similar source materials, in conformity with applicable laws and regulations.

ARTICLE 8

The state of Israel recognizes that the right of the Catholic Church to freedom of expression in the carrying out of its functions is exercised also through the church's own communications media, this right being exercised in harmony with the rights of the state in the field of communications media.

ARTICLE 9

The Holy See and the state of Israel jointly reaffirm the right of the Catholic Church to carry out its charitable functions through its health care and social welfare institutions, this right being exercised in harmony with the rights of the state in this field.

ARTICLE 10

1. The Holy See and the state of Israel jointly reaffirm the right of the Catholic Church to property.
2. Without prejudice to rights relied upon by the parties;
 - a. The Holy See and the state of Israel will negotiate in good faith a comprehensive agreement, containing solutions acceptable to both parties, on unclear, unsettled and disputed issues, concerning property, economic and fiscal matters relating to the Catholic Church generally or to specific Catholic communities or institutions.
 - b. For the purpose of the said negotiations, the permanent bilateral working commission will appoint one or more bilateral subcommissions of experts to study the issues and make proposals.
 - c. The parties intend to commence the aforementioned negotiations within three months of entry into force of the present agreement and aim to reach agreement within two years from the beginning of the negotiations.
 - d. During the period of these negotiations, actions incompatible with these commitments shall be avoided.

ARTICLE 11

1. The Holy See and the state of Israel declare their respective commitment to the promotion of the peaceful resolution of conflicts among states and nations, excluding violence and terror from international life.

2. The Holy See, while maintaining in every case the right to exercise its moral and spiritual teaching office, deems it opportune to recall that, owing to its own character, it is solemnly committed to remaining a stranger to all merely temporal conflicts, which principle applies specifically to disputed territories and unsettled borders.

ARTICLE 12

The Holy See and the state of Israel will continue to negotiate in good faith in pursuance of the agenda agreed upon in Jerusalem on July 15, 1992, and confirmed at the Vatican on July 29, 1992; likewise on issues arising from articles of this present agreement, as well as so other issues bilaterally agreed upon as objects of negotiation.

ARTICLE 13

1. In this agreement the parties use these terms in the following sense:
 - a. The Catholic Church and the church-including, *inter alia*, its communities and institutions.
 - b. *Communities* of the Catholic Church - meaning the Catholic religious entities considered by the Holy See as churches *sui juris* and by the state of Israel as recognized religious *communities*.
 - c. *The state of Israel and the state* - including, *inter alia*, its authorities established by law.
2. Notwithstanding the validity of this agreements as between the parties, and without detracting from the generality of any applicable rule of law with reference to treaties, the parties agree that this agreement does not prejudice rights and obligations arising from existing treaties between either party and state or states, which are known and in fact available to both parties at the time of the signature of this agreement.

ARTICLE 14

1. Upon signing of the present fundamental agreement and in preparation for the establishment of full diplomatic relations, the Holy See and the state of Israel exchange special representatives, whose rank and privileges are specifies in an additional protocol.
2. Following the entry into force and immediately upon the beginning of the implementation of the present fundamental agreements, the Holy See and the state of Israel will establish full diplomatic relations at the level of apostolic nunciature on the part of the Holy See, and embassy on the part of the state of Israel.

ARTICLE 15

This agreement shall enter into force on the date of the latter notification of ratification by a party.

Done in two original copies in the English and Hebrew languages, both texts being equally authentic. In case of divergence, the English text shall prevail.

Signed in Jerusalem, this 30th day of the month of December, in the year 1993, which corresponds to the 16th day of the month of Tevet, in the year 5754.



**WRITTEN STATEMENT SUBMITTED BY THE HABITAT INTERNATIONAL COALITION ON
THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 15 JULY 1994**

*[Statement on the status of and Israeli policies in East Jerusalem;
Note: Habitat International is an NGO on the UN Roster]*

The Palestinians' right to adequate housing in East Jerusalem

1. Habitat International Coalition (HIC) and the Palestine Human Rights Information Center (PHRIC) are concerned about the housing crisis currently faced by Palestinians in East Jerusalem. While Israel may have a good record in providing adequate housing for Jewish Israelis, the same cannot be said of their record for Palestinians. We believe that when dealing with Palestinians, the policies and actions of the Jerusalem Municipal Government as well as the Israeli Government as a whole, contravene article 11.1 of the International Covenant on Economic, Social and Cultural Rights which Israel ratified. We submit this brief overview of the existing housing conditions for Palestinians in East Jerusalem as an initial step to draw international attention to this urgent issue.

The status of Jerusalem: background

2. Israel occupied East Jerusalem in 1967 and since has been exercising de facto sovereignty over both parts of the city, claiming *de jure* sovereignty over Jerusalem "whole and united". It is now accepted by law that East Jerusalem is occupied territory and that Israel's annexation of Jerusalem is illegal. United Nations Security Council resolutions dating from 1968 to 1990 unambiguously declare Jerusalem to be occupied territory. Any attempt by Israel to unilaterally alter life in the city, whether through land expropriation, population transfer or archaeological changes, affects its legal status and is therefore invalid.
3. Israel's policies and actions aimed at changing the ethnic composition, physical character, boundaries and legal status of Jerusalem are clearly in contravention of articles 47 and 49 of the Fourth Geneva Convention. Concurrently, these same policies and actions and their effect on the lives of Palestinians, as detailed below, must be seen as contravening the right to adequate housing as articulated in article 11.1 of the International Covenant on Economic, Social and Cultural Rights and numerous other international instruments that Israel has ratified.

Demographics of East Jerusalem

4. The 1967 census conducted by the Israeli authorities indicated that 66,000 Palestinians resided in East Jerusalem, 44,000 of whom resided in the area known before the June war as East Jerusalem and 22,000 in the West Bank area annexed after the war. At the time there were a few hundred Jews living in East Jerusalem. In June 1993, the Israeli Government was able to proudly announce that a Jewish majority had been achieved in East Jerusalem; at the same time, 155,000 Jews were officially-registered residents, as compared to 150,000 Palestinians. The Jewish population in East Jerusalem is housed in 17 settlements.
5. Since 1967, government policy has been to limit the number of Palestinians residing in Jerusalem to no more than 24 per cent of the city's population and to simultaneously increase the numbers of Jews in Jerusalem. It has, in general, succeeded in this goal through intricate bureaucratic restrictions for Palestinian East Jerusalem residents. Israeli housing policies concerning the Palestinians play an important role in decreasing the Palestinian population in East Jerusalem while simultaneously increasing the Israeli population in this same area.

Policies and actions

1. House demolitions and land confiscation

6. Demolitions of Palestinian homes in East Jerusalem are carried out by municipal officials on the premise that the house was built or renovated without an Israeli issued permit. Permits are exceedingly difficult for Palestinians to obtain. Palestinians are often informed that their property on which they want to build has been classified as either a "green area" or State land. This means the land is to remain an agricultural or park zone and therefore will be confiscated from the Palestinians for Israeli use.
7. PHRIC has documented over 210 Palestinian homes demolished by the Israeli authorities in East Jerusalem since mid-1986 for licensing reasons. Demolitions of Palestinian homes in East Jerusalem are currently carried out at a rate of approximately 50 per year.

2. Settlements

8. The Jerusalem area Master Plan sets aside over half of the extended area of East Jerusalem for Jewish settlements and Israeli institutions.
9. Of the 73,000 dunums in East Jerusalem, 29,000 dunums have been expropriated, or will soon be expropriated for the building of Jewish settlements. In turn, only 10,000 dunums remain on which Palestinians can build and much of this land has already been built upon.
10. An enormous amount of settlement and road construction in the occupied territories, including East Jerusalem, is being pushed towards completion within three to five years, simultaneously with the transitional period outlined in the Israel-PLO Declaration of Principles. Israeli policy-makers have put forth pretexts of future "security" needs in rationalizing Jewish settlements in and around Jerusalem.
11. The establishment and development of settlements and new roads by Israeli authorities effectively separates Palestinian villages while unifying the Jewish settlements, leads to the confiscation of Palestinian land and results in the demolition of their homes.
12. For example, in early November 1993, an Israeli Government-appointed committee approved the establishment of a large settlement block called "Gush Adumim" extending north, south and east of Jerusalem to the outskirts of Jericho. The block mainly entails linking settlements stretching from the south-east to the north-east of Jerusalem and extending east. Five thousand dunums of land belonging to the Jerusalem area Arab villages will be confiscated to implement the proposed plan.

3. Disparate treatment of Jerusalemites

13. The Jerusalem Municipal Government employs several policies and regulations that are de facto discriminatory or have discriminatory effects against Palestinians in the area of housing. For example:
- (a) Building height in Palestinian neighbourhoods may not exceed two stories whereas buildings in the Jewish neighbourhoods of East Jerusalem of as many as eight stories are permitted;
 - (b) The Israeli Government has provided subsidized housing for 70,000 Jewish families in East Jerusalem settlements alone, in contrast to subsidized housing for only 555 Palestinian families;
 - (c) Jerusalem's Palestinian population pays 26 per cent of the total cost of municipal services but receives just 5 per cent of these services.

Effects

14. A significant repercussion of these Israeli housing policies is Palestinian emigration from East Jerusalem. A sample study conducted in 1993 by Dr. Bernard Sabella, a political scientist at Bethlehem University, estimated that the following numbers of Palestinians have emigrated with their families since 1967:
- (a) 16,917 Palestinians in East Jerusalem have emigrated abroad;
 - (b) 12,080 Palestinian Jerusalemites were forced to move outside the borders of illegally annexed areas because of the lack of housing in East Jerusalem;
 - (c) 12,500 currently live in the North Jerusalem area inside the boundaries of the pre-1967 Jerusalem but are now excluded by the Israeli authorities;
 - (d) 7,630 Palestinian Jerusalemites were outside the country in 1967 and, were never issued Jerusalem identity cards and therefore do not have the right to return. Others lost identity cards by living outside of East Jerusalem for six years or more and cannot return. For these people, any owned or inherited land in East Jerusalem comes under the custody of the Israeli "absentee" department, rendering it State land.
15. For those Palestinian Jerusalemites who remain in the municipality, the policies implemented by the Israeli municipal and central governments, as detailed above, have a profound and negative effect on housing conditions for Palestinians. This is reflected in the following statistics on housing density:
- (a) While Israelis in Jerusalem enjoy a housing density of one person per room, non-Jews experience a density of 2.2 persons per room;
 - (b) In a survey conducted by PHRIC in June 1994, of 20 families interviewed whose homes had been demolished, it was discovered that the average density in houses that had been demolished was 1.56 persons per room. After demolition, forced to return to their old (smaller) houses, or live in tents or with relatives, this average increased to 2.94 persons per room.
16. The consequences of Israeli housing policies on Palestinians does not solely result in punishment by way of house demolition, forced evictions and emigration; the punishment includes far-reaching social pains as the following statistics indicate: 10 per cent of the sample currently live in tents; 25 per cent of the sample complained of psychological problems and nervousness since the demolition; 10 per cent of the sample said their children's schooling was stopped after the demolition or the children were forced to change schools. In one case, a family reported that their daughter had been exposed to rape after the demolition. The family was living in a tent and thus was not afforded the physical security of a house.

Conclusion

17. This overview of some of the housing conditions faced by Palestinians in East Jerusalem demonstrates that Palestinians are being denied the right to adequate housing as a result of Israeli policies and actions. It is our understanding that the right to adequate housing includes principles such as non-discrimination, the right to information, equality in land relations, and democratic participation. Policies such as house demolition, land confiscation, the creation and development of settlements and clearly discriminatory treatment of Palestinians in matters relating to housing all constitute gross violations of these principles.
18. According to the Israel-PLO Declaration of Principle, the issue of Jerusalem is not to be discussed for two years. Given the rapid expansion of the Jewish settlements in East Jerusalem and the resulting increase in the confiscation of Palestinian land and the demolition of Palestinian homes, we fear that if the housing situation of Palestinians is not addressed immediately, in two years' time, there will be nothing left to negotiate.
19. Habitat International Coalition and PHRIC draw the attention of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to the continuously worsening situation of the Palestinians of East Jerusalem. We urge the Special Rapporteur on the right to adequate housing, Justice Rajjindar Sachar, to mention the numerous violations, including forced evictions, of the Palestinian right to housing in his reports and to undertake steps to bring notice in all ways possible to the dire situation faced by 150,000 Palestinians in East Jerusalem as they struggle for a place to live.



ISRAEL-JORDAN WASHINGTON DECLARATION, 25 JULY 1994 [EXCERPTS]

[Declaration stating that Israel and Jordan would end the official state of enmity and would start negotiations in order to achieve a just and lasting peace.]

[...] B.

In their meeting, His Majesty King Hussein and Prime Minister Yitzhak Rabin have jointly re-affirmed the five underlying principles of their understanding on an Agreed Common Agenda designed to reach the goal of a just, lasting and comprehensive peace between the Arab states and the Palestinians, with Israel.

2. The two countries will vigorously continue their negotiations to arrive at a state of peace, based on Security Council Resolutions 242 and 338 in all their aspects and founded on freedom, equality and justice.
3. Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines. In addition, the two sides have agreed to act together to promote interfaith relations among the three monotheistic religions. [...]

His Majesty
King Hussein

Prime Minister
Yitzhak Rabin

President
William J. Clinton



**MINISTERIAL DECLARATION OF THE GROUP OF 77, ADOPTED AT THE
18TH ANNUAL MEETING OF THE MINISTERS OF FOREIGN AFFAIRS,
NEW YORK, 30 SEPTEMBER 1994 [EXCERPTS]**

The Ministers noted the initiation of Palestinian self-government arrangements in the Gaza Strip and Jericho area and called for the speedy extension of Palestinian self-government arrangements to encompass the entire occupied territories in implementation of the Declarations of Principles on Interim Self-Government Arrangements.

In that regard, they reaffirmed their support of the Palestinian people as they strive to attain their inalienable rights, including the right to establish an independent state on their national soil, including Jerusalem.

They also reaffirmed the permanent responsibility of the United Nations towards the question of Palestine. They emphasized the need for international assistance to support Palestinian development efforts in the economic and social fields.

The Ministers also reaffirmed their support for the peace process initiated at the Peace Conference on the Middle East held at Madrid, which aimed at achieving a comprehensive, just and lasting peace in the Middle East based on Security Council Resolutions 242 (1967), 338 (1973) and 425 (1978) and the principle of land for peace.



**TREATY OF PEACE BETWEEN THE STATE OF ISRAEL AND THE
HASHEMITE KINGDOM OF JORDAN, 26 OCTOBER 1994 [EXCERPTS]**

Preamble

The government of the Hashemite Kingdom of Jordan and the government of the State of Israel:

Bearing in mind the Washington Declaration, signed by them on 25 July 1994 and which they are both committed to honor;

Aiming at the achievement of a just, lasting, and comprehensive peace in the Middle East based on Security Council resolution 242 and 318 in all their aspects;

Bearing in mind the importance of maintaining and strengthening peace based on freedom, equality, justice, and respect for fundamental and human rights; thereby overcoming psychological barriers and promoting human dignity;

Reaffirming their faith in the purposes and the principles of the Charter of the United Nations and recognizing their right and obligation to live in peace with each other as well as with all states, within secure and recognized boundaries;

Desiring to develop friendly relations and cooperation between them in accordance with the principles of international law governing international relations in times of peace;

Desiring as well to ensure lasting security for both their states and, in particular, to avoid threats and the use of force between them;

Bearing in mind that in their Washington Declaration of 25 July 1994, they declared the termination of the state of belligerency between them;

Deciding to establish peace between them in accordance with this treaty of peace;

Have agreed as follows:

Article 1 - Establishment of Peace

Peace is hereby established between the Hashemite Kingdom of Jordan and the State of Israel (the parties) effective from the exchange of the instruments of ratification of this treaty.

Article 2 - General Principles

The parties will apply between them the provisions of the Charter of the United Nations and the principles of international law governing relations among states in times of peace. [...]

Article 9 - Places of Historical and Religious Significance

1. Each party will provide freedom of access to places of religious and historical significance.
2. In this regard, in accordance with the Washington Declaration, Israel respects the present special role of the Hashemite Kingdom of Jordan in Moslem holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.
3. The parties will act together to promote interfaith relations among the three monotheistic religions, with the aim of working towards religious understanding, moral commitment, freedom of religious worship, and tolerance and peace.

This treaty shall be transmitted to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.

His Majesty *King Hussein*

Prime Minister *Yitzhak Rabin*



FINAL DOCUMENT, 11TH CONFERENCE OF HEADS OF STATE OR GOVERNMENT OF THE NON-ALIGNED COUNTRIES, CARTAGENA DE INDIAS, 14-15 OCTOBER 1995 [EXCERPTS]

[Excerpts expressing support for Jerusalem and deploring Israeli activities in the city]

[...]

Chapter II - Analysis of the International Situation - Middle East: *Palestine*

131. They reaffirmed their unflinching support for the legitimate struggle of the Palestinian people to secure their inalienable rights to self-determination and independence and reiterated their demand for the withdrawal of Israel from all occupied Palestinian and other Arab lands including Jerusalem.
132. They pointed out that the responsibility of the United Nations in this matter should continue until the Palestinian people exercise their inalienable right to self-determination, until an independent and sovereign State is established within its national territory, and until the problem of refugees is settled in conformity with human rights instruments and the relevant resolutions of the United Nations. They therefore insisted on the need for the General Assembly to reaffirm, at its fiftieth regular session, its position on the major aspects of a definitive peace settlement, including the status of Jerusalem, the illegal settlements and refugees. They regretted the decision by Israel to confiscate Palestinian land and property in Jerusalem as well as its attempts to alter the religious and historic character of the Holy City. In this respect, they reaffirmed all Security Council and General Assembly resolutions related to Jerusalem and considered the Israeli actions contrary to these resolutions as null and void. They voiced serious concern at the obstacles faced to implement the Agreement. They called for the full and scrupulous implementation of the Agreements, and in particular the provisions of Security Council resolutions 242, 338, 465 and 478. They underlined the need for the mechanism dealing with the issue of Palestine set up by the General Assembly to continue operating in an effective way. The Heads of State or Government expressed their support to the call made by the Jerusalem Committee, held in Ifrane, Morocco, 16-17 January 1995, to the UN Security Council, in particular the two co-sponsors of the Peace Conference to take the necessary

measures to compel Israel to desist from carrying out any settlements and Judaisation of the Holy City of Jerusalem and any geographic or demographic changes therein, and to comply with the agreement and conventions providing for the preservation of the Palestinian institutions and the Islamic and Christian holy sites in the Holy City of Jerusalem in implementation of relevant Security Council resolutions. [...]



THE BEILIN-ABU MAZEN DOCUMENT: FRAMEWORK FOR THE CONCLUSION OF A FINAL STATUS AGREEMENT BETWEEN ISRAEL AND THE PALESTINE LIBERATION ORGANIZATION, 31 OCTOBER 1995 [EXCERPTS]

[In Oct. 1995 Mahmoud Abbas and Yossi Beilin finalized a document, drafted secretly over a period of a year and half in various capitals, which tried to provide a framework for final status negotiations but was never formally adopted by either Israel or the Palestinians. With regard to Jerusalem, it was suggested to establish the capital of a future Palestinian state in the suburb of Abu Dis. The existence of the document was denied by both parties for five years before being published in Sept.2000.]

The attainment of peace between the Israeli and the Palestinian peoples,
resolves the core problem at the heart of the Israeli-Arab conflict and commences
an era of comprehensive peace contributing thereby to the stability, security,
and prosperity of the entire Middle East.

The Government of the State of Israel and the Palestine Liberation Organization (hereafter "the P.L.O."), the representative of the Palestinian people;

Within the framework of the Middle East peace process initiated at Madrid in October 1991;
Aiming at the achievement of a just, lasting and comprehensive peace in the Middle East based on the implementation of UN Security Council Resolutions 242 and 338 in all their aspects;
Reaffirming their adherence to the commitments expressed in the Declaration of Principles (hereinafter "the DOP") signed in Washington D.C. on September 13th 1993, the Cairo Agreement of May 4th 1994, and the Interim-Agreement of September 28th, 1995;
Reaffirming their determination to live in peaceful coexistence, mutual dignity and security;
Declaring as null and void any agreement, declaration, document or statement which contradicts this Framework Agreement;
Desirous of reaching a full agreement on all outstanding final status issues as soon as possible, not later than May 5th 1999, as stipulated in the DOP;
Hereby Agree on the following Framework for a Final Status Agreement;
[...]

ARTICLE VI: JERUSALEM

1. Jerusalem shall remain an open and undivided city with free and unimpeded access for people of all faiths and nationalities.
2. The Parties further agree that a reform of the current Jerusalem Municipal System and its boundaries shall be introduced not later than May 5th 1999, and shall not be subject to further change by law or otherwise, unless by mutual consent, prior to the fulfillment of the provisions of paragraph 9 below. This reform shall expand the present municipal boundaries of Jerusalem and shall define the city limits of the "City of Jerusalem", to include: Abu Dis, Eyzariya, ar-Ram, Az-Zaim, Ma'ale Adumim, Givat Ze'ev, Givon, and adjacent areas in the attached maps.
3. Within the "City of Jerusalem", neighborhoods inhabited by Palestinians will be defined as "Palestinian boroughs" The exact borders of the "City of Jerusalem" and of the Israeli and Palestinian boroughs are delineated and described in Annex Three to the Final Status Agreement and attached Map/s. The number of Israeli boroughs and of Palestinian boroughs will reflect the present demographic balance of 2:1. This proportion will be updated in accordance with the modalities, criteria and schedule as described in Annex Three to this Final Status Agreement.
4. The Parties agree to maintain one Municipality for the "City of Jerusalem" in the form of a Joint Higher Municipal Council, formed by representatives of the boroughs. These representatives will elect the Mayor of the "City of Jerusalem" In all matters related to the areas of the "City of Jerusalem" under Palestinian sovereignty, the Joint Higher Municipal Council shall seek the consent of the Government of Palestine. In all matters related to the areas of the "City of Jerusalem" under Israeli sovereignty, the Joint Higher Municipal Council shall seek the consent of the Government of Israel.

5. The "City of Jerusalem" shall consist of the Joint Higher Municipal Council, two sub-municipalities - an Israeli sub-municipality, elected by the inhabitants of the Israeli boroughs, and a Palestinian sub-municipality, elected by the inhabitants of the Palestinian boroughs - as well as a Joint Parity Committee for the Old City Area as described in paragraph 12 below.
6. The Parties further agree that the municipality of the "City of Jerusalem" shall:
 - a. Delegate strong local powers to the sub-municipalities including the right to local taxation, local services, an independent education system, separate religious authorities, and housing planning and zoning, as detailed in Annex Three to the Final Status Agreement;
 - b. Develop a twenty-five year Master Plan for the "City of Jerusalem" with agreed modalities for its balanced implementation, including safeguards for the interests of both communities.
 - c. Provide for Israeli and Palestinian citizens resident within the jurisdiction of the City of Jerusalem Municipality and sub-municipalities to vote and seek election for all elected posts as shall be specified in the Jerusalem Municipal bylaws.
7. Within the "City of Jerusalem" both parties recognize the Western part of the city, to be "Yerushalayim" and the Arab Eastern part of the city, under Palestinian sovereignty, to be "al-Quds" (see attached Map/s).
8. Upon the exchange of the instruments of ratification of the peace treaty between them:
 - a. The Government of the State of Palestine shall recognize Yerushalayim, as defined under Article VI, paragraph 7 and Annex Three to the Final Status Agreement, as the sovereign Capital of the State of Israel.
 - b. The Government of the State of Israel shall recognize al-Quds, as defined under Article VI, paragraph 7 and Annex Three to the Final Status Agreement, as the sovereign Capital of the State of Palestine.
9. The ultimate sovereignty of the area outside Yerushalayim and al-Quds, but inside the present municipal boundaries of Jerusalem, shall be determined by the parties as soon as possible. Each party maintains its position regarding the sovereign status of this area. A joint Israeli-Palestinian committee for determining the final status of this area shall be established not later than May 5th, 1999 and shall commence its deliberations immediately thereafter. Without prejudice to the determination of the final status of this area:
 - a. Palestinian citizenship shall be extended to Palestinian residence of this area.
 - b. In certain matters Palestinian citizens residing in this area shall resort to Palestinian law (as detailed in Annex Three to the Final Status Agreement).
 - c. The Parties will enjoy free access to and use of the Qalandia Airport in this area. A new designated Palestinian terminal shall be constructed, to commence operation concurrent with the signing of the Treaty of Peace (for the modalities of operation, see Annex Three to the Final Status Agreement).
10. The Parties acknowledge Jerusalem's unique spiritual and religious role for all three great monotheistic religions. Wishing to promote interfaith relations and harmony among the three great religions, the Parties accordingly agree to guarantee freedom of worship and access to all Holy Sites for members of all faiths and religions without impediment or restriction.
11. In recognition of the special status and significance of the Old City Area (see map/s) for members of the Christian, Jewish, and Muslim faiths, the parties agree to grant this area a special status.
12. The Parties further agree that:
 - a. The Palestinian sub-municipality shall be responsible for the municipal concerns of the Palestinian citizens residing in the Old City Area and their local property.
 - b. The Israeli sub-municipalities shall be responsible for the municipal concerns of the Israeli citizens residing in the Old City Area and their local property.
 - c. The two sub-municipalities shall appoint a Joint Parity Committee to manage all matters related to the preservation of the unique character of the Old City Area (its structure and modalities are detailed in Annex Three to the Final Status Agreement).
 - d. In case of a dispute between the two sub-municipalities on matters related to the Old City Area, the issue shall be referred for a decision to the Joint Parity Committee.
13. The State of Palestine shall be granted extra-territorial sovereignty over the Haram ash-Sharif under the administration of the al-Quds Awqaf. The present status quo regarding the right of access and prayer for all, will be secured.
14. The Church of the Holy Sepulchre shall be managed by the Palestinian sub-Municipality. The Joint Parity Committee, shall examine the possibility of assigning extra-territorial status to the Church of the Holy Sepulchre.
15. Supervision of persons and goods transiting through the "City of Jerusalem" shall take place at the exit points. Other security matters related to persons, vehicles and goods suspected of involvement in hostile activity are dealt with in Annex Two to the Final Status Agreement.

[...]

ARTICLE X: TIME FRAME AND IMPLEMENTATION

[...] The Preparatory Period shall end not later than May 4th 1999.

2. During this period it is agreed that the following shall be implemented: [...]

f. The agreed upon reformed Jerusalem Municipal System shall be inaugurated not later than May 5th 1999.

g. Both sides shall prepare and agree on a Jerusalem Master Plan as described in Article VI.

[...]

B. The Implementation Period: May 5th 1999 to May 4th 2000

[...]

6. Within the "City of Jerusalem" elections for the two sub-municipalities will be held. The two sub-municipalities shall appoint a Joint Parity Committee for the Old City Area (as outlined in Article VI paragraph 12 to this agreement), and a proportional (2:1) Joint Higher Municipal Council which will elect the Mayor of the "City of Jerusalem." [...]



**STATEMENT BY THE COORDINATING COMMITTEE OF INTERNATIONAL NGOs (CCINGO)
ON THE US CONGRESS EMBASSY LEGISLATION, 21 NOVEMBER 1995**

US Congress Embassy Legislation: An Act Against Peace

On October 25, 1995 the United States Congress voted to move the US embassy from Tel Aviv to Jerusalem. CCINGO Jerusalem opposes such a move at this time and seeks to clarify the misguided reasoning behind the legislation and the ramifications for the region. The assassination of Prime Minister Rabin highlights the fragility of internal Israeli politics regarding the peace process and makes it clear that foreign governments should do nothing to undermine the progress Israel is making towards peace. Given the current climate of uncertainty in Israel, it seems especially important for US legislators to avoid allowing special interest groups to influence them in voting on key issues impacting Israelis and Palestinians.

Legislation Threatens Final Status Negotiations and Undermines International Law

The question of who will exercise sovereignty over Jerusalem is one of the gravest issues facing Israelis and Palestinians in the final status negotiations, which are not due to begin until mid-1996. Because of the importance of Jerusalem of Muslims and Christians, the decision on Jerusalem will resonate throughout the Arab world. At present, Israel denies Palestinian Muslims and Christians from the West Bank and Gaza access to Jerusalem's holy sites, and Arabs everywhere are waiting to see what the final status negotiations will do to change that situation. Until now the US - along with nearly every other nation in the world - has refused on principle to move its embassy from Tel Aviv until the dispute over the status of Jerusalem is resolved.

Debate over the embassy move raises a sensitive legal problem with additional moral implications. East Jerusalem has been occupied since 1967 when the Israeli government illegally annexed the Arab sector and re-drew the city boundaries to include large tracts of Arab-owned land, much of which was promptly confiscated as "state land." The international community has never recognized the annexation (see United Nations Security Council resolutions 242 and 296). Since 1967 Israel has settled approximately 150,000 civilians in East Jerusalem, violating the Fourth Geneva Convention which prohibits the transfer of civilians into areas occupied by military force.

Today Israel continues constructing housing in East Jerusalem, from which Arabs are excluded, while demolishing Palestinian homes built without permits - extremely difficult for Palestinians to obtain - and confiscating land without compensation. As a result, there is now a majority Jewish population within the gerrymandered borders of East Jerusalem. The decision to move the American embassy legitimizes the illegal taking of land, undermines the principles of fairness and contradicts international law.

Credibility in Peace Process Jeopardized

A mishandling of the Jerusalem question could obviate all previous peace agreements; yet the decision to move the embassy sends the message that American legislators view the matter of sovereignty over Jerusalem as settled. With this message the Congress compromises America's crucial role as impartial mediator in the peace process. It has always been difficult for Palestinians and other Arabs to accept US credibility in this role since they have observed that the US is heavily invested in Israeli interests to the detriment of the Palestinian cause. The passage of the bill moving the embassy reinforces that perception.

The numbers of legislators who backed the bill and the rhetoric that accompanied its passage make it clear than on Capital Hill there is a high level of ignorance, international or otherwise, regarding the realities on the ground in this region. CCINGO members are amazed at such comments as Senator Dole's. "This legislation is not about the peace process - it is about recognizing Israel's capital." Such a statement shows either egregious lack of knowledge, or else it is a deliberate disregard for the exigencies of the situation. Israel currently denies the Palestinian Authority the right to function in any official way in East Jerusalem and has threatened severe sanctions if the PA appears to be using East Jerusalem as a diplomatic or governmental base. No American congressperson who voted for this legislation has once raised the question of Palestinian claims to the city, revealing an ignorance of the issues which effectively dismisses the Palestinians as non-players in the negotiations.

Newt Gingrich, in an earlier comment on the move to Jerusalem, admonished the Arabs to "just grow up" and accept the realities. This offensive statement relegates Palestinian concerns to those of spoiled children and shows a patronizing insensitivity to the plight of Palestinians under occupation.

Legislation Legitimizes Closure of Jerusalem

Who loses at the hands of this legislation? As INGO's we are concerned that the passage of the bill to move the embassy will have a destabilizing effect on the peace process, distracting peace negotiators away from the authentic issues of peace. With this legislation, all parties could lose. The desire of the US to move the embassy legitimizes the illegal closure of Jerusalem to Palestinians and makes it easier for Israel to demand that official Palestinian organizations operate outside Jerusalem, all of which makes our work more difficult. It begs the question of sovereignty over Jerusalem and may eventually challenge our own ability to operate in East Jerusalem.

CCINGO calls on all recipients of this statement to:

- Lodge complaints with American congress people. The celebratory atmosphere with which the passage of this legislation was greeted should be tempered with our concerns.
- Confront American congress people with their seeming ignorance of developments in this region and admonish them to refrain from voting on issues until they have full understanding.
- Include the issue of Jerusalem in all country briefings and brochures, and continue to assert that the status of the city is undecided.
- Encourage European NGO's to make clear to their own governments that we deplore the American move and that we support them in resisting any pressure to follow suit.
- Resist any inclinations towards moving INGO offices out of East Jerusalem.



**JOINT PALESTINIAN-ISRAELI COMMUNIQUE FOLLOWING THE 1ST SESSION
OF ISRAEL-PLO PERMANENT STATUS NEGOTIATIONS, TABA, 5-6 MAY 1996**

Delegations of Israel and the PLO met in Taba, Egypt on May 5-6, 1996 for the first session of the permanent status negotiations. The two sides conveyed their gratitude to President Mubarak and the Egyptian Government for their hospitality in hosting the first session of the permanent status negotiations.

The two sides reaffirmed their determination to put an end to decades of confrontation and to live in peaceful coexistence, mutual dignity and security, and their desire to achieve a just, durable and comprehensive peace settlement and historic reconciliation through the agreed political process.

The two sides reiterated their recognition of their mutual legitimate and political rights, and their adherence to the mutual recognition and commitments in the letters exchanged between the PLO and the Government of Israel on September 9th and 10th 1993.

The two sides agreed that their negotiations on permanent status would be based on the Declaration of Principles of 1993 and the Interim Agreement of 1995.

The two sides reconfirmed their understanding that the negotiations on the permanent status will lead to the implementation of Security Council Resolutions 242 and 338 in accordance with the Declaration of Principles.

The two sides reiterated their commitment to pursue their aim of achieving a permanent, just, comprehensive peace settlement and to continue to combat terror in order to pave the way for a Palestinian-Israeli future devoid of terror and violence, a future of peace, security and stability.

The two sides further agreed to form a steering negotiation group comprised of 4-5 persons from each side that would develop the concept of the permanent status agreement, define the framework and modalities of the negotiations, and then establish working groups as required.

The steering negotiation group will meet periodically, both formally and informally, at such times and places as agreed by the two sides with the aim of advancing the negotiations in the most effective manner.

Israel and the PLO agreed that the negotiations on permanent status between them will be conducted on the basis of Article V of the Declaration of Principles, which reads as follows:

Article V: TRANSITIONAL PERIOD AND PERMANENT STATUS NEGOTIATIONS

1. The five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area.
2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people representatives.
3. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.
4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim period.

Both sides agreed to expedite their common work in the People to People program, as initiated by the Government of Norway. Both sides decided to expedite the work of their various committees in order to ensure in coordination the full implementation of the Interim Agreement.



JOINT PALESTINIAN-ISRAELI STATEMENT (IPCRI), 30 SEPTEMBER 1996

To: President Bill Clinton; President Hosni Mubarak; King Hussein ibn Talal; Prime Minister Binyamin Netanyahu, and Ra'ees Yasser Arafat:

In these days of tragedy for both our peoples, we Israelis and Palestinians, reaffirm our faith in our common future. We call upon our leaders, the Government of Israel and the Palestine Liberation Organization, who have already signed peace agreements, to:

1. Refrain from all provocation which could lead to further bloodshed and to issue orders to the armed forces of both sides to refrain to the utmost from opening fire. We especially caution against the dispatching of Israeli forces into areas of the Palestinian Authority which would lead to a bloodbath for both sides.
2. Implement all aspects of the agreements already signed including:
 - Israeli redeployment in Hebron and in areas "b" and "c";
 - the opening of the safe passage routes between Gaza and the West Bank.
 - the release of political prisoners by Israel.
 - honoring all other aspects of the agreements including the commitment not to engage in acts which will change the status of Jerusalem, the West Bank and the Gaza Strip.
 - honoring all obligations undertaken by the Palestinian side in the agreement.
3. We call for the restoration of the status quo ante in Jerusalem including the closing of the tunnel until agreement can be reached between the sides;
4. We call on both sides to enter without delay and in good faith into serious, non-stop final status negotiations based upon the terms of reference of the Oslo process - mutual recognition, land for peace and a

commitment to resolve all disputes through negotiations, mutual respect in order to achieve the historic reconciliation between the Israeli and Palestinian peoples.

The great majority of the Israeli and Palestinian peoples are striving to achieve real peace based on compromise. The only alternative is mutual catastrophe.



STATEMENT BY THE SPOKESMAN OF THE JAPANESE FOREIGN MINISTRY ON THE DECISION OF ISRAEL TO CONSTRUCT HOUSING IN EAST JERUSALEM, 27 FEBRUARY 1997

1. The decision made by the Government of Israel on construction of housing at Har Homa in eastern Jerusalem is regrettable.
2. The Government of Japan has repeatedly expressed its position on the need for both parties to the peace process to refrain from any action, such as expansion of settlements, which would prejudice the outcome of the final status negotiations, so as to create a better environment for progress in the Palestinian track based on the Hebron agreement.
3. The Government of Japan hopes that the parties concerned will make their utmost efforts not to allow this decision to become an obstacle to the peace process, but instead, to do their utmost to push that process further forward.
4. Japan will continue to take part in international efforts to underpin the peace process by taking every opportunity to talk with the parties concerned, and by extending assistance to the Palestinians in the West Bank and Gaza Strip.



STATEMENT BY SERGEY LAVROV, REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UN, TO THE UN SECURITY COUNCIL DEBATE ON THE SITUATION IN THE OCCUPIED ARAB TERRITORIES, 52ND SESSION, 5 MARCH 1997

Moscow has learned with concern of the decision of the Government of Israel to proceed with the construction of a new residential settlement in East Jerusalem.

We share the negative response of the Palestinians, Arab and Islamic States, and the entire international community to this ill-considered and untimely step taken by Israel. Given the seriousness of the situation, Russia supported the request of a group of Arab countries for an urgent consideration of this issue at a formal meeting of the Security Council. This meeting assumes special significance since Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian National Authority, is currently in New York.

Israel's decision clouds the negotiating environment in the Middle East in general, especially on the threshold of the start in mid-March of the final-status talks. Unfortunately, all this is occurring after the agreements on Hebron opened a road to progress on the Palestinian-Israeli track based on the fulfilment of commitments undertaken by both sides.

The steps taken by Israel run counter to the Palestinian-Israeli agreements reached, since they are, factually speaking, designed to predetermine solutions to issues that require discussion during the final-status talks, the agenda for which includes the status of Jerusalem and the future of settlements. Such unilateral actions, designed to change the demographic composition of East Jerusalem in favour of the Israeli population, perpetuate the policy of *fait accompli* with respect to the Holy City and actually obviate a negotiated search for compromise on the problem of Jerusalem. All of this is at variance with the direction of the peace process begun at the Madrid Conference.

Believers, especially Muslims, are extremely sensitive to any change in the status quo of East Jerusalem. Such changes contradict relevant Security Council resolutions and raise additional barriers to peace in the Middle East.

The efforts of the Russian co-sponsor are currently focused on energetically promoting a Palestinian-Israeli dialogue and on the resumption in a constructive spirit of the final-status talks. According to the Madrid formula, and in compliance with the letter of the Palestinian-Israeli accords, these talks must be based on Security Council resolutions 242 (1967) and 338 (1973). Accordingly, the principles set forth in these resolutions,

including the inadmissibility of acquiring foreign territories by force, are applicable not only to the current situation but also to any future solution of the East Jerusalem problem. Moreover, the Palestinians' right to self-determination and statehood - and we stress this in particular - can be realized only on a basis of mutual acceptability and within the framework of the peace process.

The issue of Israeli settlements in the Palestinian territories will be stressed during the forthcoming contacts with the Israeli leaders in Moscow. We hope that the Israeli Government will find it possible to ponder all the consequences of its decision and to reconsider it.

As a co-sponsor of the peace process, Russia is convinced that the situation requires resolute action so as to avoid a relapse into tension in Palestinian-Israeli relations, as occurred last September. This, in our view, is the major motive behind today's Security Council meeting. A speedy resolution of the situation in East Jerusalem would ensure progress in the peace process and meet the interests of the Palestinians and Israelis alike, as well as the desires of the international community as a whole. We are sure that the Security Council will again declare itself in favour of this.



**GOVERNMENT OF GUYANA, STATEMENT DEPLORING THE CONSTRUCTION OF HAR
HOMA SETTLEMENT IN JERUSALEM, 7 MARCH 1997**

The Government of Guyana is concerned by the disquiet in the Middle East owing to the decision by the Government of Israel on 26 February 1997 to establish another housing settlement in East Jerusalem. Such inflammatory acts, which violate resolutions of the United Nations General Assembly and Security Council and repudiate the inalienable rights of the Palestinian people, cannot be condoned.

The imminent talks on the final status of Jerusalem should not be undermined by an atmosphere of distrust. These talks offer another opportunity to advance the peace process, which has been started with the cooperation of the parties. All issues should be resolved through dialogue and full commitment to the peace accords that were signed after painstaking negotiations.

We reiterate our call for peace in the Middle East and we urge the Government of Israel and the Palestinian Authority to work together for its early achievement.



**STATEMENT BY SERGEY LAVROV, REPRESENTATIVE OF THE RUSSIAN FEDERATION TO
THE UN, TO THE UN GENERAL ASSEMBLY DEBATE ON THE SITUATION IN THE MIDDLE
EAST - QUESTION OF PALESTINE, 92ND PLENARY MEETING, 12 MARCH 1997**

Just a few days ago the Russian delegation had a chance to set forth in the Security Council its views on the situation that has been created by the Israeli Government's decision to proceed with construction of a new neighbourhood in East Jerusalem. Discussions of this matter, in which an unprecedentedly large number of delegations have wished to participate, have shown virtually unanimous opposition on the part of the international community to this step taken by Israel, on the grounds that it contradicts the spirit and the letter of the Middle East peace process launched in Madrid.

From the General Assembly rostrum today we would like to reiterate our disagreement with the inconsiderate and untimely action taken by Israel. That unilateral step violates the norms of international law and runs counter to the Palestinian-Israeli agreements that have been reached, since it is intended to change the demographic composition of East Jerusalem in favour of the Israeli population and thereby consolidate the policy of fait accompli in the Holy City. In the context of such actions, we disagree in principle with arguments that these problems should be addressed on a bilateral Israeli-Palestinian basis. Such arguments could be warranted if Israel followed this principle itself. Its unilateral actions, however, are taken outside the framework of bilateral talks with the Palestinians. In fact, these actions predetermine any negotiated solutions to these issues at the final status talks, the agenda for which includes the status of Jerusalem and the fate of settlements. The Israeli actions are at variance with the course set for the peace process by the Madrid Conference, since they effectively rule out a negotiated search for compromise on the issue of Jerusalem.

Israel's decision has been condemned by the Palestinians, by the Arab and Islamic worlds, and by the international community as a whole. Regrettably, this decision was adopted against the backdrop of the recently reached agreement on Hebron, which had cleared a road to progress on the Palestinian-Israeli track.

A co-sponsor of the peace process, Russia is willing to make every effort to avoid a reversal in the Middle East settlement process and to contribute to the resumption of talks in a constructive spirit. According to the letter of the Madrid formula, these talks must be based on Security Council resolutions 242 (1967) and 338 (1973), as well as on the Palestinian-Israeli agreements already reached. Therefore, the principles set down in these, including the inadmissibility of the acquisition of foreign territory by force, are applicable not only to the current situation but also to a further solution of the East Jerusalem problem. In that connection, the right of the Palestinians to self-determination and statehood - something we would like to stress particularly - can be realized only on a basis of mutual acceptability and within the framework of the current peace process.

The topic of Israeli settlements was discussed in Moscow during a recent visit by Prime Minister Benjamin Netanyahu of Israel. We call upon the Israeli Government to reconsider its decisions in order to ensure progress in the peace process in the interests of both Israel and its Arab neighbours.

Both parties should avoid old habits of confrontation in Palestinian-Israeli relations.

Breaking the deadlock in the problem of new Israeli neighbourhoods in East Jerusalem would contribute to the early launching and the constructive holding, in compliance with an agreed time-frame, of substantive talks on the issues of the second stage of the Palestinian-Israeli settlement, and would also stimulate an intensification of work on all the negotiating tracks.

The Russian delegation regrets to note that, owing to the position of one of the members of the Security Council, the Council failed to adopt a draft resolution on the issue of East Jerusalem which, in our view, reflected in an objective manner the views of virtually every participant in the open formal discussion in the Council.

We viewed with understanding a request by the Group of Arab States to continue the discussion of this issue in the General Assembly. We hope that the Assembly's decision will encourage a settlement of the situation in East Jerusalem and a continuation of the peace process in the Middle East.



**STATE DUMA OF RUSSIA, STATEMENT ON ISRAEL'S DECISION TO
CONSTRUCT HAR HOMA, MOSCOW, 14 MARCH 1997**

The Russian Federation Federal Assembly State Duma has received with great alarm the-Israeli government's decision to begin construction of a new housing settlement in southern East Jerusalem - the Mount Abu Ghunaym district. This step has been perceived by the world community as a violation of the international legal instruments and the Palestine-Israel accords on Jerusalem. The attempts to annex East Jerusalem and the proclamation of a united Jerusalem as the capital of the State of Israel run counter to the UN Security Council's decisions. The future of this ancient city - a shrine of three religions - must be determined by means of talks. Unilateral actions with regard to East Jerusalem are contrary to the world community's position.

The State Duma believes that Israel's policy of creating settlements on the occupied Arab territories, including the decision to build a new housing settlement in East Jerusalem, could seriously harm the Near East peace process. The Israeli leadership's actions toward Jerusalem call into question Israel's stated desire to achieve a lasting peace in this region. The State Duma regards the Israeli government's intention to begin construction of a housing settlement in the Mount Abu Ghunaym district as contrary to the spirit of the Near East peace process, in which Russia is an organizer, and urges the Israeli government to review its decision.



**FINAL DOCUMENT, 12TH MINISTERIAL CONFERENCE OF THE MOVEMENT OF
NON-ALIGNED COUNTRIES, NEW DELHI, 7-8 APRIL 1997 [EXCERPTS]**

[Excerpts expressing support to Palestinians and deploring construction of the Har Homa settlement]

CHAPTER 2: ANALYSIS OF THE INTERNATIONAL SITUATION

A. Middle East

Palestine

98. Recalling the Cartagena Declaration, the Ministers reaffirmed their full support for the legitimate struggle of the Palestinian people to secure their inalienable rights, including the right to return to their homes and property and to self-determination and the establishment of their independent State on their national soil.

They reiterated their demand for the withdrawal of Israel from all Palestinian and other Arab lands, including Jerusalem, occupied since 1967. The Ministers reaffirmed all Security Council and General Assembly resolutions relating to Jerusalem as an integral part of the occupied Palestinian territories and demanded their implementation, especially Security Council resolutions No 252 (1968), 465 (1980), 478 (1980), 1073 (1996) and General Assembly resolution 223/51, and considered the Israeli measures aimed at altering the legal, geographic and demographic character of Jerusalem and other actions, contrary to these resolutions, as null and void.

99. The Ministers welcomed the elections, last year, in the West Bank and Gaza and the ensuing constitution of the Palestine Legislative Council in January 1996 and President Arafat's assumption of the office of President the Palestinian National Authority. The Ministers called upon States to support the efforts of the Palestinian people and the P.N.A. to rebuild their economy and national institutions.
100. They considered the persistence of the Government of Israel in its policies of establishing and enlarging existing Jewish settlements in the occupied Palestinian territory, particularly in and around Jerusalem, such as the recent decision to confiscate Palestinian land and establish a Jewish settlement in Jabal Abu Ghnaim, as illegal and constituting a violation of the relevant international resolutions and a breach of contractual binding agreements, commitments and guarantees between the parties concerned. They, furthermore, considered that such violations by Israel constitute a threat to peace and to the ongoing peace process in the Middle East. They recalled that the current peace process is based on the principles and terms of reference of the Madrid Conference of 1991, namely; the implementation of UN Security Council resolutions 242 and 338 and the principle of "land for peace". While they supported the ongoing peace process, they expressed their grave concern that the Government of Israel has failed to abide by its obligations and its commitments to implement the terms of the agreements on the agreed scheduled time, and that Israel has failed to respect and carry out the relevant decisions of the Security Council.
101. The Ministers recalled that the UN Security Council, because of the lack of unanimity of the permanent members, has failed to exercise its responsibility for the maintenance of international peace and security. They recalled that the purpose of the United Nations is, *inter alia*, to take effective collective measures for the prevention and removal of threats to peace. They decided to call for an emergency special session of the UN General Assembly to consider the situation in the occupied Palestinian territory including Jerusalem, with a view to making appropriate recommendation to members for collective measures as prescribed in UN General Assembly resolution 377 (V) of 3 November 1950.
102. They requested the UN Secretary-General to take the necessary steps to convene such an Emergency Special Session. They decided to communicate to the UN Secretary-General their concurrence to convene such an Emergency Special Session.
103. The Ministers reaffirmed their commitment to respect and ensure respect for international humanitarian law in all circumstances. In this context they affirmed their obligation to ensure respect by Israel, the occupying Power, for the Fourth Geneva Convention of 1949 relative to the Palestinian territory, including Jerusalem, occupied by Israel since 1967.



**JOINT COMMUNIQUÉ OF THE 30TH ASEAN MINISTERIAL MEETING (AMM),
SUBANG JAYA, MALAYSIA, 24-25 JULY 1997 [EXCERPTS]**

[Excerpts deploring construction of Har Homa settlement on Jabal Abu Ghneim]

IMPLEMENTATION OF DECISIONS OF THE FIRST ASEAN INFORMAL SUMMIT

[...]

20. The Foreign Ministers viewed with deep concern the current deadlock in the peace process in the Middle East. *Emphasizing* the importance of maintaining the momentum of the peace process, they reaffirmed their support for the implementation of all agreements signed and all pledges and commitments made by parties following the Madrid Conference and, in particular the principle of land for peace, in due compliance with relevant United Nations Resolutions. These, they stressed, represented the only basis for a comprehensive settlement of the situation in Middle East which would ensure the full restoration of the rights of the Palestinians, the final settlement of the status of Jerusalem and the return of Arab territories occupied by Israel since 1967. The Foreign Ministers demanded that Israel take steps for the immediate and full cessation of the construction of a new settlement at Jabal Abu Ghneim, to the South of occupied East Jerusalem, and of all other Israel settlement activities, as well as of all illegal measures and actions in Jerusalem. [...]



**STATEMENT BY THE PRESS SECRETARY OF THE JAPANESE FOREIGN MINISTRY ON THE
DECISION OF THE ISRAELI CABINET TO APPROVE A PLAN THAT WOULD EXPAND
JERUSALEM'S MUNICIPAL AUTHORITY, 23 JUNE 1998**

The Government of Japan has heard with a sense of regret the decision by the Israeli Cabinet on the approval of a plan that would expand Jerusalem's municipal authority.

Having urged both of the Israelis and the Palestinians to make sincere efforts to advance the negotiations, the Government of Japan believes that the approval of the plan by the Israeli Cabinet is undesirable since it negatively affects the peace process at a very critical stage.

Japan will continue to watch closely how the Government of Israel intends to deal with this matter.



**JOINT COMMUNIQUÉ OF THE 31ST ASEAN MINISTERIAL MEETING, MANILA,
PHILIPPINES, 24-25 JULY 1998 [EXCERPTS]**

[Excerpts condemning Israel's decision to expand Jerusalem's borders]

1. The thirty-first ASEAN Ministerial Meeting was held in Manila, Philippines from 24-25 July 1998.

IMPLEMENTATION OF DECISIONS OF THE 2nd ASEAN INFORMAL SUMMIT

[...]

REGIONAL AND INTERNATIONAL ISSUES

[...]

18. In recalling other relevant UN Security Council and General Assembly Resolutions on Jerusalem, including those of the Tenth Emergency Special Session, the Foreign Ministers condemned the decision of 21 June 1998 by Israel to expand the border of Jerusalem and extend municipal authority over a number of Israeli settlements and called for the revocation of the decision. [...]



**BASIC DOCUMENTS, 12TH SUMMIT OF HEADS OF STATE OR GOVERNMENT OF THE NON-
ALIGNED COUNTRIES, DURBAN, SOUTH AFRICA, 2-3 SEPTEMBER 1998 [EXCERPTS]**

*[Document calling for the recognition of Jerusalem as the capital of the Palestinian state and deploring
Israeli activities altering the status of the city]*

[...]

CHAPTER II - ANALYSIS OF THE INTERNATIONAL SITUATION

[...]

A: Palestine and the Middle East

Palestine

184. The Heads of State or Government reiterated their traditional long-standing solidarity with the Palestinian people, and noted that these days mark the 50th Anniversary of the dispossession of the Palestinian people and the uprooting of hundreds of thousands Palestinians from their land, homes and properties. They called for the implementation of all United Nations resolutions on the question of Palestine including those related to Palestinian refugees. They reiterated their support for the inalienable rights of the Palestinian people, including their right to return to their homeland and to have their own independent State with Jerusalem as its capital, and they reiterated their demand for the withdrawal of Israel, the occupying Power, from all the Occupied Palestinian Territory, including Jerusalem, and the other Arab territories occupied since 1967.

185. The Heads of State or Government reaffirmed their position on occupied east Jerusalem, the illegal Israeli settlements, and the applicability of the fourth Geneva Convention of 1949 to all the Occupied Palestinian Territory, including Jerusalem. They demanded that Israel, the Occupying Power, implement relevant Security Council Resolutions in this regard and abide by its legal obligations. They reiterated their support for the recommendations contained in the resolutions adopted during the Tenth Emergency Special Session (ES-10/2, ES-10/3, ES-10/4 and ES-10/5) including, *inter alia*, the recommendation to convene a conference of the High Contracting Parties to the Fourth Geneva Convention on measures to enforce the

- Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in fulfilment of their collective responsibility as stipulated in common article 1 of the Fourth Geneva Convention.
186. The Heads of State or Government welcomed the adoption by the United Nations General Assembly resolution 52/250 on the participation of Palestine in the work of the United Nations and expressed confidence that Palestine will enjoy full membership in the United Nations in the near future, preferably during the 53rd session of the General Assembly. They also reiterated that Israeli representation in the work of the General Assembly must be in conformity with international law, thus ensuring that Israeli credentials do not cover the occupied territories since 1967, including Jerusalem.
187. The Heads of State or Government strongly condemned the decision of the Government of Israel on 21st June 1998 to take further steps to expand the jurisdiction and planned boundaries of Jerusalem. In this regard, they highly appreciated the efforts deployed by His Majesty Hassan II, King of Morocco, Chairperson of Al-Quds Committee for the safeguard of Jerusalem. They fully supported the content of the Final Communiqué, and recommendations adopted by the Committee at its XVII Session held in Casablanca on 29-30 July 1998. [...]



**WRITTEN STATEMENT SUBMITTED BY THE INTERNATIONAL
COMMISSION OF JURISTS, 8 JANUARY 1999 [EXCERPTS]**

[The statement - submitted jointly by the International Commission of Jurists - an NGO in special consultative status - and its Palestinian affiliate LAW - the Society for the Protection of Human Rights and the Environment, reviewed Israeli measures in Jerusalem with regard to Palestinian residency rights]

[...]

2. Jerusalem

6. Israel continues to employ arbitrary measures, incompatible with international law, in order to expel Palestinians from Jerusalem and to replace them with Jewish settlers with the purpose of cementing control over the city. The policy applied includes confiscation of identity cards, removal of residency rights, an unjust tax and benefit system, denial of building permits and house demolitions.
7. In a significant increase from past years, about 1,466 Jerusalem identity cards were confiscated between 1996 and 31 July 1997. Between January and August 1998, 346 Jerusalem identity cards were confiscated.
8. The denial of building permits to East Jerusalem Palestinians causes immense overcrowding and, with it, potential health and social problems. Mechanisms to challenge these measures are lengthy and costly, which places them beyond the means of the majority.
9. While income levels decline among Palestinians due to closure and discrimination, they continue to be forced to pay the same level of taxes and are often discriminated against in the receipt of rebates, benefits and government services. The CESCR therefore rightly criticised Israel's Permanent Residency Law and the withdrawal of residency rights from Palestinians living in Jerusalem. [...]



**STATEMENT BY THE PRESS SECRETARY OF THE JAPANESE FOREIGN MINISTRY ON
ISRAEL'S DECISION TO ENLARGE MA'ALE ADUMIM SETTLEMENT, 2 JUNE 1999**

1. The Government of Japan has heard with deep regret the approval by the Israeli Government on May 26 of a plan that would enlarge Ma'ale Adumim to the eastern limit of the city of Jerusalem.
2. The issues regarding settlements and Jerusalem should be addressed through the permanent status negotiations, and it was understood in the agreements between the Israelis and the Palestinians that neither side shall take any actions that will prejudice the outcome of the permanent status negotiations. The approval of the plan is undesirable since it will adversely affect the Middle East peace process which we hope will make progress under the coming Barak administration.
3. Japan will continue to watch closely how the Government of Israel intends to handle this matter.



DECISION ON THE REPORT OF THE SECRETARY-GENERAL ON THE QUESTION OF PALESTINE ADOPTED BY THE COUNCIL OF MINISTERS OF THE ORGANIZATION OF AFRICAN UNITY AT ITS 70TH ORDINARY SESSION AND 5TH ORDINARY SESSION OF THE AFRICAN ECONOMIC COMMUNITY, ALGIERS, 12-14 JULY 1999 [EXCERPTS]

[Excerpts calling for the recognition of Palestinian rights in Jerusalem]

The Council:

1. *Takes note* of the report;
2. *Reaffirms* the right of the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise their inalienable national rights, including their right to return to their country, recover their property, self-determination and the establishment of an independent state on their national soil, with East Jerusalem as its capital, in accordance with the principles and resolutions of international legitimacy and reaffirm on their support to the struggle of the Palestinian people to achieve those rights;
3. *Expresses its grave concern* at the deadlock in the peace process during the past three years and especially after the decision taken by the former Government of Israel to freeze its obligations contained in the Wye River Memorandum;
4. *Calls upon* the Government of Israel to immediately halt all its settlement activities and provocative measures in Jerusalem and all the Palestinian territory occupied since 1967 in compliance with UNSC resolution 465 and in conformity with the terms of agreements concluded between the PLO, the representative of the Palestinian people and the Government of Israel;
5. *Affirms* the right of the Palestinian people to declare their State on their land with East Jerusalem as its capital, as this is the central goal underlying the struggle of the Palestinian people and *affirms* their natural, political and moral right to self-determination on their national soil, particularly as the five years of the transitional period came to an end on 4 May 1999, according to the Palestinian-Israeli Accords;
6. *Calls on* Israel to immediately halt its confiscation of Palestinian territories and especially in Jerusalem and its suburbs and its expansion of settlements, which constitute violations of resolutions 242, 338, 465 and 478, adopted by the Security Council and threaten the peace process with collapse. It also affirms that Jerusalem, which was occupied in 1967, is an indivisible part of the Palestinian territories that were occupied in 1967 and all that applies to the occupied territories applies to it, in accordance with United Nations General Assembly and Security Council resolutions.
7. *Calls upon* States Parties to participate in the conference to implement the Fourth Geneva Convention on the occupied Palestinian territory, including Jerusalem, to be held on 15 July 1999, in accordance with UNGA resolution ES-10/6 of 9 February 1999; [...]



FINAL DOCUMENT, 13TH MINISTERIAL CONFERENCE OF THE NON-ALIGNED MOVEMENT, CARTAGENA, 8-9 APRIL 2000

[Document reaffirming the NAM's position on Jerusalem and deploring Israeli activities in the city]

CHAPTER II: ANALYSIS OF THE INTERNATIONAL SITUATION

Palestine and the Middle East

Palestine

109. We reaffirm the positions taken by the XII Summit in Durban on the Question of Palestine and the Situation in the Middle East. We unequivocally support the inalienable rights of the Palestinian people, including the right to return to their homeland and to have their own independent State with Jerusalem as its capital, and we reiterate our demand for the withdrawal of Israel, the occupying Power, from all of the Occupied Palestinian Territory, including Jerusalem, and the other Arab territories occupied since 1967. We call for the implementation of all United Nations resolutions on the question of Palestine, and reaffirm the permanent responsibility of the United Nations towards the question of Palestine until it is effectively solved in all its aspects.
110. We reaffirm the Movement's position on Occupied East Jerusalem, including on illegal Israeli actions aimed at changing the legal status and demographic composition of the city, the illegal Israeli settlements and the applicability of the Fourth Geneva Convention of 1949 to all the Occupied Palestinian Territory, including Jerusalem. We demand that Israel, the occupying Power, implement Security Council

resolutions in this regard and abide by its legal obligations. We welcome the convening of the conference of the High Contracting Parties to the Fourth Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, including Jerusalem on 15 July 1999, as recommended by the resolutions of the 10th Emergency Special Session of the General Assembly. We further welcome the important statement by the Conference, which reaffirms the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including Jerusalem, and we reiterate support for the reconvening of the Conference should the need arise. We reiterate that Israeli representation in the work of the General Assembly must be in conformity with international law, thus ensuring that Israeli credentials do not cover the territories occupied since 1967, including Jerusalem. We urge that meetings of international organisations shall not be convened in occupied Jerusalem. We reaffirm our support for the Bethlehem 2000 Project in the Palestinian city of Bethlehem and express confidence that the increased assistance and engagement of the international community will ensure the successful commemoration of the event.



**DECLARATION OF THE GROUP OF 77 IN SUPPORT OF THE ESTABLISHMENT OF
JERUSALEM AS CAPITAL OF THE PALESTINIAN STATE, SOUTH SUMMIT,
HAVANA, 10-14 APRIL 2000 [EXCERPTS]**

[Note: The Group of 77 - in the meantime some 130 developing countries - of which Palestine is a full member, concentrates on trying to develop common negotiation positions on trade and development].

1. We, the Heads of State and Government of the member countries of the Group of 77 and China, fully convinced of the imperative need to act in close unity for the primary purpose of working for a peaceful and prosperous world, have gathered here in Havana, for the first-ever South Summit, from 12 to 14 April 2000.

[...]

51. We affirm that bringing an end to the Israeli occupation and establishing a comprehensive, just and lasting peace in the Middle East is a prerequisite for economic and social development in the region. We reaffirm our support for the Middle East peace process on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and the principle of land for peace. Peace demands complete Israeli withdrawal from the occupied Palestinian territory, including Jerusalem, and the achievement of a final settlement by the agreed-upon deadline of September 2000, as well as the establishment of the State of Palestine with Jerusalem as its capital. It also demands complete Israeli withdrawal from the occupied Syrian Golan and the demarcation of the 4 June 1967 line, as well as the unconditional withdrawal from South Lebanon and Western Bekaa to the internationally recognized boundaries. We affirm that measures taken by Israel aimed at changing the legal status and the demographic composition of Jerusalem are null and void. [...]



**STATEMENT BY THE NON-ALIGNED MOVEMENT TO THE UN SECURITY COUNCIL
ON THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN
QUESTION, 3 OCTOBER 2000**

[The statement - made by Ambassador Dumisani S. Kumalo, Permanent Representative of South Africa to the UN, on behalf of the NAM - was released following Ariel Sharon's visit to the Haram Ash-Sharif and the subsequent clashes that erupted in Jerusalem and the territories]

Mr President,

Unfortunately, this is not the first time that we have met on this issue. Ten years ago, on 12 October 1990, this Council expressed alarm at the violence which took place at Haram-al-Sharif and other Holy Places of Jerusalem.

At that time, the Security Council in Resolution 672 condemned the acts of violence committed by the Israeli security forces which had resulted in injuries and loss of human life. Furthermore, the Council called upon Israel to abide meticulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention of 1949), which is applicable to all the territories occupied by Israel since 1967.

It is thus with bitter regret that we meet again today in an emergency session to once again condemn acts of violence related to this Holy Place. Especially alarming is the use of live ammunition against civilians by the Israeli security forces.

Mr President,

Last Thursday, Mr Ariel Sharon, leader of the Likud Party, led a defiant and provocative visit to Al-Haram Al-Sharif in Occupied East Jerusalem. This was done in total disregard of the advice of some in the Israeli Government and other international role-players. Mr Sharon acted as a catalyst to this latest occurrence of violence. It cannot be denied that such provocative actions serve to provoke the anger and resentment of Palestinians in what is already a volatile situation.

The invasion of the sanctity of the Holy Places has a very harmful effect on the Middle East Peace Process. In this regard, the NAM views all attempts to undermine the terms of reference of the Middle East peace process as a serious obstacle to the realization of peace.

Mr President,

At the September meeting of the Ministers of the Non-Aligned Movement held in New York, the Ministers reaffirmed their determination to actively strive towards the achievement of a just and comprehensive peace in the Middle East, on the basis of Security Council resolutions 242 (1967) and 338 (1973), and the principle of land for peace. In this context, they stressed the need for the Israeli withdrawal from the Palestinian territory, including Jerusalem.

Furthermore, the Ministers reaffirmed that a just and comprehensive peace can only be achieved by upholding international legitimacy and relevant United Nations resolutions.

The NAM believes that it is incumbent on all Member States to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant United Nations General Assembly and Security Council resolutions.

The NAM therefore calls on the Israeli Government to exercise restraint and to act in accordance with its stated desire to achieve peace. It further urges Israel to cease its measures of collective punishment against Palestinians, to restore the sanctity of the Haram al-Sharif, and to allow free access to it by Muslim worshippers.

Mr President,

Speaking as a representative of South Africa, my government is convinced that the leadership in Palestine and Israel are committed to seeking a peaceful settlement of the conflict. We still look forward to a breakthrough in the negotiations despite the violence - and the Paris and Cairo Summits are to be welcomed as opportunities in this regard. We believe that it is only the speedy resolution of the Final Status issues that will assure lasting peace in the Middle East.



**LETTER FROM THE PERMANENT REPRESENTATIVE OF GUYANA TO THE UN
ADDRESSED TO THE PRESIDENT OF THE UN GENERAL ASSEMBLY, 20 OCTOBER 2000**

[Letter deploring Israeli provocations on the Haram Ash-Sharif and the subsequent clashes]

Situation in the Middle East

The situation in the Middle East, particularly in terms of Israeli-Palestinian relations, has deteriorated to such a point where, with increasing tension and violence, not only is the peace process seriously threatened but there is also now the serious risk of an escalation in the conflict.

In support of recent Security Council resolution 1322 (2000) of 7 October 2000, the Government of Guyana deplores the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September and subsequent violence there and throughout the territories occupied by Israel since 1967, which resulted in more than 80 Palestinian deaths. These tragic incidents should be fully investigated in order to avoid a recurrence. In this context, we wish to encourage all concerned parties, both within and outside the region, including the Secretary-General of the United Nations, to do their utmost to secure reconciliation between the Israeli and Palestinian sides.

The Government of Guyana believes that the various resolutions which have been adopted by both the General Assembly and the Security Council in relation to the Palestinian question as well as the accords which have been reached directly between Israel and Palestine provide an ample framework for pursuing the search for agreement. We therefore call upon the parties involved to avoid further confrontation and return to the negotiating table with a view to finding a peaceful solution to the problems which separate them.

As a member of the United Nations and of its Committee on the Exercise of the Inalienable Rights of the Palestinian People, Guyana will not fail to work for the cause of peace and justice in the Middle East so that all peoples in the region may live within secure borders and thus be allowed to enjoy fully the fruits of peace and development.



**DECISIONS ADOPTED BY THE 74TH ORDINARY SESSION OF THE COUNCIL OF
MINISTERS, AFRICAN UNION, LUSAKA, ZAMBIA, 5-8 JULY 2001 [EXCERPTS]**

[Excerpts expressing support for the question of Palestine and Jerusalem and deploring Israeli activities]

DECISION ON THE QUESTION OF PALESTINE

Council:

1. *Takes note* of the Report;
2. *Recalls* resolutions 181, 194, 303 and 54/27 on Palestine, of the UN General Assembly and Security Council Resolutions 242, 252, 338, 465, 476 and 478 and *CALLS* for the respect of these resolutions;
3. *Reaffirms* the right of the Palestinian people, under the leadership of the Palestine Liberation Organization to exercise their inalienable national rights, including their right to return to their homes, recover their property, self-determination and the establishment of an independent state on their national soil, with East Jerusalem as its capital, in accordance with the principles of international law and other pertinent resolutions of the UN;
4. *Recognizes* the binding character of UN Security Council Resolution 237, which calls for the return of Palestinians displaced in 1967 as well as other relevant instruments, in particular UN General Assembly Resolution 194 (1948) which provides for the return of Palestinian refugees to their homes and property;
5. *Calls upon* the UN to establish a Commission to ensure the fulfillment of the process of return, in view of the fact that the right of return is one of the fundamental principles of a just and comprehensive peace in the region;
6. *Condemns* Israel for using internationally prohibited weapons and excessive force against unarmed Palestinian civilians, its brutal practices against the innocent populations of the occupied Palestinian territories, the desecration of holy places; the imposition of a state of economic siege and closures; the destruction of agricultural lands and property; and the repeated incursions into areas under the control of the Palestinian National Authority;
7. *Supports* the right of the Palestinian people to receive immediate international protection against the ongoing killings and Israeli aggression, the desecration of Christian and Muslim holy places and *emphasizes* the urgent need for Israel to respect all international humanitarian laws in the Palestinian lands occupied since 1967, including Jerusalem, as provided for, by the Fourth Geneva Convention of 1949;
8. *Recognizes* the need for the convening of a meeting of the High Contracting Parties to the Fourth Geneva Convention of 1949, in order to enforce the Convention in the occupied Palestinian territories, including Jerusalem, in consonance with the statement issued by the meeting of the High Signatories held in Geneva on 15 July, 1999;
9. *Condemns* the Jewish settlement policy in the occupied Palestinian territories including Jerusalem and *calls upon* Israel to put an immediate halt to its policy of confiscation of Palestinian Lands, especially in Jerusalem and its suburbs and the building of new Jewish Settlements and the expansion of existing settlements, which constitutes violations of UN Security Council Resolutions 242, 338, 465 and 478;
10. *Calls upon* Member States and non-governmental organizations to boycott settlement products and trade relations with the producers and suppliers of such products from the Israeli settlements in the occupied territories;
11. *Recalls* that the guarantee of respect for agreements signed and other tenets of international law are indispensable for the maintenance of international peace and security, *calls* for the full implementation of

all peace agreements and urges the sponsors of the peace process, the parties concerned and the entire international community to deploy all efforts in order to revive the peace process and ensure its success;

12. *Pays tribute* to the popular Palestinian Al-Aqsa uprising "Intifada" and expresses its full solidarity with the Palestinian people in their just and legitimate struggle, against Israeli occupation and aggression, to restore their national inalienable rights, including the right to return to their country, and to self-determination, and to establish their independent state, with the Holy city of Jerusalem as its capital;
13. *Strongly condemns* Israel's policies and practices in the occupied Palestinian territory, including Jerusalem. *Calls upon* Israel, the occupying power, to immediately desist from using excessive and disproportionate fire power against Palestinian civilians, extra-judicial murder, imposition of draconian laws and orders strangling Palestinian economic development through closures and curfews, uprooting of trees, destruction of houses, confiscation of Palestinian land, establishment of illegal Jewish settlements. *Calls upon* Israel, the occupying power, to carry out its obligations and withdraw from the Palestinian territory, including Jerusalem, in compliance with Security Council Resolution 242, and dismantle Jewish settlements in compliance with Security Council Resolution 465. *Considers* Israel's policies and practices constitute violations of the Principles of the Charter of the United Nations and relevant resolutions and a breach of bilateral agreements with the Palestine Liberation Organization; [...]



**'ALEXANDRIA DECLARATION' BY JEWISH, MUSLIM AND CHRISTIAN LEADERS
ON THE HOLY LAND, ALEXANDRIA, 21 JANUARY 2002**

In the name of God who is Almighty, Merciful and Compassionate, we, who have gathered as religious leaders from the Muslim, Christian and Jewish communities, pray for true peace in Jerusalem and the Holy Land, and declare our commitment to ending the violence and bloodshed that denies the right of life and dignity. [...]

1. The Holy Land is holy to all three of our faiths. Therefore, followers of the divine religions must respect its sanctity, and bloodshed must not be allowed to pollute it. The sanctity and integrity of the holy places must be preserved, and freedom of religious worship must be ensured for all. [...]
6. As religious leaders, we pledge ourselves to continue a joint quest for a just peace that leads to reconciliation in Jerusalem and the Holy Land, for the common good of all our peoples. [...]

Signatories included:

His Grace the Archbishop of Canterbury Dr. George Carey;

Sephardi Chief Rabbi Eliahu Bakshi-Doron;

Deputy Foreign Minister Rabbi Michael Melchior;

President of the World Conference on Religion and Peace Rabbi David Rosen;

Minister of State for the Palestinian Authority Sheikh Tal El Sidr, signed on behalf of the Palestinian delegation;

Representative of the Greek Patriarch Archbishop Aristichos;

Melkite Archbishop, Archbishop Boutrous Mu'alem



**STATEMENT BY THE NON-ALIGNED MOVEMENT MINISTERIAL DELEGATION,
RAMALLAH, 2 JUNE 2002 [EXCERPTS]**

[Statement reporting on NAM delegation's visit to Pres. Yasser Arafat, expressing support for the question of Jerusalem, and deploring Israeli violations]

1. President Yasser Arafat today, Sunday 2 June 2002, warmly received a delegation of the Non Aligned Movement Ministers led by its chairperson South Africa's Foreign Minister N Dlamini Zuma in Ramallah [...].
5. The NAM delegation reiterated the movement's outrage at the intensification of the illegal Israeli occupation, the killing, vast destruction, the economic strangulation and other atrocities committed against Palestine and its people; including the continuation of settlement activities especially in and around East Jerusalem.
6. The NAM delegation reiterated the movement's support for the principle of the right of the Palestinian people to self determination and the establishment of their independent state with East Jerusalem as its capital. They reaffirmed the need for Israel to withdraw to the 1967 borders. [...]



THE AYALON-NUSSEIBEH PLAN, THE “PEOPLE’S CHOICE”, 27 JULY 2002 [EXCERPTS]

[Israeli-Palestinian civil initiative - headed by former Shin Bet head Ami Ayalon and Al-Quds University President Sari Nusseibeh – that intended to launch a public process with the aim to influence the leaders on both sides, including a mass signing of a joint Statement of Intentions based on the “two states for two peoples” formula.]

1. *Two states for two peoples:* Both sides will declare that Palestine is the only state of the Palestinian people and Israel is the only state of the Jewish people. [...]
3. *Jerusalem:* Jerusalem will be an open city, the capital of two states. Freedom of religion and full access to holy sites will be guaranteed to all.
 - a. Arab neighborhoods in Jerusalem will come under Palestinian sovereignty, Jewish neighborhoods under Israeli sovereignty.
 - b. Neither side will exercise sovereignty over the holy places. The State of Palestine will be designated Guardian of al-Haram al-Sharif for the benefit of Muslims. Israel will be the Guardian of the Western Wall for the benefit of the Jewish people. The status quo on Christian holy site will be maintained. No excavation will take place in or underneath the holy sites without mutual consent. [...]



ISRAEL/PALESTINE CENTER FOR RESEARCH AND INFORMATION (IPCRI), WORKING GROUP ON JERUSALEM IN THE PERFORMANCE-BASED ROAD MAP TO A PERMANENT TWO-STATE SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT, 24-27 APRIL 2003

[On 24-27 April 2003 a workshop of Israelis and Palestinians participants produced a “Road Map for Jerusalem” directed to the Israeli Government, the PLO and the Quartet. The authors believed that it was essential to include the issue of Jerusalem in the Road Map in order to ensure a greater possibility of success for peace.]

The issues concerning the future of Jerusalem, its political status, its territory, its institution and its peoples, must be an integral part of the Road Map presented by the Quartet to the Government of Israel and the PLO. Including Jerusalem in the Road Map process is critical to the success of the entire process. Therefore, the main principles embodied within the Road Map must all apply to the issue of Jerusalem as well¹, mainly that this is a performance based process with clearly determined benchmarks for implementation, that there will be international monitoring, verification, dispute resolution, and involvement in all phases of the process. It is our firm belief that although not articulated by the Road Map, the final status of Jerusalem as the capital of the State of Israel and the State of Palestine is imperative and should correlate to the implementation of all stages of the Road Map from the outset. Jerusalem is one urban domain with historic, religious and spiritual significance to all peoples of the world and especially to the Peoples of Israel and Palestine and Jerusalem should become a model of Israeli-Palestinian coexistence and a Holy City reflecting a culture of peace between the three monotheistic religions.

As an essential part of the Road Map, the elements relating to Jerusalem will be implemented in three phases:

- (1) Ending terror and violence; normalizing Palestinian life, building Palestinian institutions, and a freeze on all new settlement activity Jerusalem;
- (2) Transition focused on the option of creating an independent Palestinian state with provisional borders; and
- (3) Permanent status agreements and end of the Israeli-Palestinian conflict. The time frame for the Jerusalem Road Map will be correlated to the time frame of implementation of the entire Road Map.

The following is a set of guidelines for implementing the Road Map in Jerusalem delineated by the three phases.

PHASE I: ENDING TERROR AND VIOLENCE; NORMALIZING PALESTINIAN LIFE, AND BUILDING PALESTINIAN INSTITUTIONS

The aim of this phase is to establish a coherent political process relating to Jerusalem in the framework of the Road Map; to de-escalate the situation in Jerusalem to the status quo ante of prior to September 28, 2000; to facilitate the reopening of closed Palestinian institutions in Jerusalem; to begin a process of Palestinian empowerment on specified municipal functions taking over services and receiving associated budgets required to provide those services. During Phase I the following processes will take place:

¹ It is our belief that in order to ensure the success of the Road Map, similar Road Maps must be devised for the other main permanent status issues mainly the issues of refugees, borders and settlements.

- Both sides will refrain from provocative unilateral actions.
- Allowing access to Jerusalem from the West Bank and Gaza as existed prior to September 28, 2000.
- Ceasing unilateral actions that prejudice the permanent status of Jerusalem including:
 - A freeze on Israeli settlement building inside of Palestinian neighborhoods pending a resolution of property disputes and claims between Israelis and Palestinians.
 - A freeze on house demolitions in East Jerusalem and a freeze on such illegal construction that predisposes that outcome of the permanent status of Jerusalem.
 - Freezing the advancement of the new Jerusalem Master Plan.
 - Security stabilization to be accompanied by freezing the construction of the fence/security wall.
 - Restoration of Jerusalem Identity Cards to Jerusalemites who have had them confiscated by the Ministry of Interior.
 - Freezing unilateral archeological activities in areas of high sensitivity in the City.
- Creating means for Israeli-Palestinian security cooperation in Jerusalem.
- Immediate steps to be taken to improve and provide the services to the Palestinians in East Jerusalem by Israeli governmental bodies (especially by) the Ministry of Interior, National Insurance Institute, etc.
- Reopening all those Palestinian institutions that have been closed and ensuring their unfettered operation in accordance with the international undertakings of the parties.
- Encouraging and not impeding the development of private sector and civil society activities aimed at devolving political responsibilities from the Jerusalem municipality to collective Palestinian organs.
- Taking steps to integrate East Jerusalem and Palestinian residents of East Jerusalem into Palestinian national elections including the mechanisms for improved international monitoring.
- The two parties will include within their unequivocal statements regarding mutual recognition and the two-state vision a commitment that Jerusalem will be the capitals of the States of Israel and Palestine.
- Providing for universal free access to Haram al Sharif/Temple Mount as it was prior to September 28, 2000.
- Guaranteeing the right of association of collective political Palestinian associations in East Jerusalem.
- Restoring emergency services in East Jerusalem as they were prior to 28 September 2000.
- Involvement of Palestinian communities in the restoration of law and order.
- Encouraging mutual confidence building measures by both sides aimed at enhancing peaceful coexistence.

PHASE II: TRANSITION

The aim of this phase is to further the process of Palestinian empowerment in East Jerusalem; to advance capacity building for Palestinians in public administration of municipal governance; the assumption of additional municipal responsibilities and budgets by the Palestinians in East Jerusalem; and to conduct national elections for the Palestinian political national body that includes East Jerusalem.

During Phase II the following processes will take place:

- Clarification by the parties whereby the establishment of an independent Palestinian state with provisional borders anticipates the inclusion of Jerusalem.
- Furthering efforts to normalize Palestinian lives and institutions.
- Conducting Palestinian national elections based on the 1996 model, subject to the proper enforcement of the rules ensuring free access.
- Palestinian elected representatives being allowed to function within East Jerusalem including the establishment of offices in East Jerusalem.
- Continuation from Phase I of the assumption of municipal authorities and associated budgets including planning and construction of present and future building to allow the Palestinians to run their affairs in East Jerusalem.
- Attracting, mobilizing, and encouraging investment and donor support of international community funding for infrastructure projects and capital investment in East Jerusalem.

PHASE III: PERMANENT STATUS AGREEMENT AND END OF THE ISRAELI-PALESTINIAN CONFLICT

The aim of this stage is to bring Jerusalem to its permanent status as two capitals for two States through negotiations with the assistance of the Quartet; to bring about a resolution to the permanent status of the Holy Places; to inaugurate the Palestinian Jerusalem municipality, to conduct elections for the Palestinian municipality; to create policing and security regimes for the City of Jerusalem; to satisfy and end all claims including property claims and disputes and to bring about an end to the Israeli-Palestinian conflict.

Quartet assisted negotiations will be held on the permanent status of Jerusalem based on the following principles:

- United Nations Security Council Resolution 242 applies to Jerusalem.
- Jerusalem is the shared capital for two States – Israel and Palestine.
- Sovereignty in Jerusalem will be divided into specific territorial areas while maintaining a principle of an “open city” in Jerusalem.
- Palestinian residents of East Jerusalem are entitled to full citizenship of the State of Palestine.

During Phase III the following processes will take place:

- Convening an international conference of experts on the future of Jerusalem.
- Further assumption and consolidation of municipal responsibilities and authorities to Palestinian bodies leading to the inauguration of a full Palestinian Jerusalem municipality.
- Creation of a liaison mechanism between the two Jerusalem municipalities.
- Creating a coordinated and mutually agreed policing regime in Jerusalem incorporating a Palestinian police force in Palestinian areas and possibilities for joint policing with the assistance of the international community in sensitive areas.
- Joint technical groups assisted by the International Community will be established to ensure the sustainability of the principles enumerated above.

The centrality of Jerusalem is key to ensuring the successful implementation of the Road Map and permanent status agreements.



A PERFORMANCE-BASED ROAD MAP TO A PERMANENT TWO-STATE SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT BY THE QUARTET (EU, US, RUSSIA AND UN), 30 APRIL 2003 [EXCERPTS]

The following is a performance-based and goal-driven roadmap, with clear phases, timelines, target dates, and benchmarks aiming at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian, and institution-building fields, under the auspices of the Quartet. The destination is a final and comprehensive settlement of the Israel-Palestinian conflict by 2005, as presented in President Bush’s speech of 24 June, and welcomed by the EU, Russia and the UN in the 16 July and 17 September Quartet Ministerial statements. [...]

PHASE I:

ENDING TERROR AND VIOLENCE, NORMALISING PALESTINIAN LIFE, AND BUILDING PALESTINIAN INSTITUTIONS PRESENT TO MAY 2003

[...]

PALESTINIAN INSTITUTION-BUILDING

[...]

GOI reopens Palestinian Chamber of Commerce and other closed Palestinian institutions in East Jerusalem based on a commitment that these institutions operate strictly in accordance with prior agreements between the parties. [...]

PHASE III:PERMANENT STATUS AGREEMENT AND END OF THE ISRAELI-PALESTINIAN CONFLICT 2004-2005

Progress into Phase III, based on consensus judgement of Quartet, and taking into account actions of both parties and Quartet monitoring. Phase III objectives are consolidation of reform and stabilisation of Palestinian institutions, sustained, effective Palestinian security performance, and Israeli-Palestinian negotiations aimed at a permanent status agreement in 2005.

SECOND INTERNATIONAL CONFERENCE:

Convened by Quartet, in consultation with the parties, at beginning of 2004 to endorse agreement reached on an independent Palestinian state with provisional borders and formally to launch a process with the active, sustained, and operational support of the Quartet, leading to a final, permanent status resolution in 2005, including on borders, Jerusalem, refugees, settlements; and, to support progress toward a comprehensive Middle East settlement between Israel and Lebanon and Israel and Syria, to be achieved as soon as possible. [...]

Parties reach final and comprehensive permanent status agreement that ends the Israel-Palestinian conflict in 2005, through a settlement negotiated between the parties based on UNSCR 242, 338, and 1397, that ends the occupation that began in 1967, and includes an agreed, just, fair, and realistic solution to the refugee issue, and a negotiated resolution on the status of Jerusalem that takes into account the political and religious concerns of both sides, and protects the religious interests of Jews, Christians, and Muslims world-wide, and fulfils the vision of two states, Israel and sovereign, independent, democratic and viable Palestine, living side-by-side in peace and security.

Arab state acceptance of full normal relations with Israel and security for all the states of the region in the context of a comprehensive Arab-Israeli peace.

**THE GENEVA INITIATIVE, 12 OCTOBER 2003 [EXCERPTS]**

[The Geneva Initiative (GI) was an unofficial peace initiative drafted by Israeli and Palestinian politicians and activists, led by Yossi Beilin and Yasser Abed Rabbo, sponsored by Switzerland, and signed in Aqaba on 12 October 2003, in an effort to formulate a complete final status agreement in contrast to the approach of long-term interim agreements. It was officially launched at a ceremony in Geneva on 1 Dec. 2003.]

Preamble

The State of Israel (hereinafter "Israel") and the Palestine Liberation Organization (hereinafter "PLO"), the representative of the Palestinian people (hereinafter the "Parties"): [...]

Have agreed on the following [...]

Article 6 - Jerusalem*1. Religious and Cultural Significance:*

- i. The Parties recognize the universal historic, religious, spiritual, and cultural significance of Jerusalem and its holiness enshrined in Judaism, Christianity, and Islam. In recognition of this status, the Parties reaffirm their commitment to safeguard the character, holiness, and freedom of worship in the city and to respect the existing division of administrative functions and traditional practices between different denominations.
- ii. The Parties shall establish an inter-faith body consisting of representatives of the three monotheistic faiths, to act as a consultative body to the Parties on matters related to the city's religious significance and to promote inter-religious understanding and dialogue. The composition, procedures, and modalities for this body are set forth in Annex X.

2. Capital of Two States

The Parties shall have their mutually recognized capitals in the areas of Jerusalem under their respective sovereignty.

3. *Sovereignty*

Sovereignty in Jerusalem shall be in accordance with attached Map 2. This shall not prejudice nor be prejudiced by the arrangements set forth below.

4. *Border Regime*

The border regime shall be designed according to the provisions of Article 11, and taking into account the specific needs of Jerusalem (e.g., movement of tourists and intensity of border crossing use including provisions for Jerusalemites) and the provisions of this Article

5. *Al-Haram al-Sharif/ Temple Mount (Compound)*

i. International Group

- a. An International Group, composed of the Implementation and Verification Group (IVG) and other parties to be agreed upon by the Parties, including members of the Organization of the Islamic Conference (OIC), shall hereby be established to monitor, verify, and assist in the implementation of this clause.
- b. For this purpose, the International Group shall establish a Multinational Presence on the Compound, the composition, structure, mandate and functions of which are set forth in Annex X.
- c. The Multinational Presence shall have specialized detachments dealing with security and conservation. The Multinational Presence shall make periodic conservation and security reports to the International Group. These reports shall be made public.
- d. The Multinational Presence shall strive to immediately resolve any problems arising and may refer any unresolved disputes to the International Group that will function in accordance with Article 16.
- e. The Parties may at any time request clarifications or submit complaints to the International Group which shall be promptly investigated and acted upon.
- f. The International Group shall draw up rules and regulations to maintain security on and conservation of the Compound. These shall include lists of the weapons and equipment permitted on the site.

ii. Regulations Regarding the Compound

- a. In view of the sanctity of the Compound, and in light of the unique religious and cultural significance of the site to the Jewish people, there shall be no digging, excavation, or construction on the Compound, unless approved by the two Parties. Procedures for regular maintenance and emergency repairs on the Compound shall be established by the IG after consultation with the Parties.
- b. The state of Palestine shall be responsible for maintaining the security of the Compound and for ensuring that it will not be used for any hostile acts against Israelis or Israeli areas. The only arms permitted on the Compound shall be those carried by the Palestinian security personnel and the security detachment of the Multinational Presence.
- c. In light of the universal significance of the Compound, and subject to security considerations and to the need not to disrupt religious worship or decorum on the site as determined by the Waqf, visitors shall be allowed access to the site. This shall be without any discrimination and generally be in accordance with past practice.

iii. Transfer of Authority

- a. At the end of the withdrawal period stipulated in Article 5/7, the state of Palestine shall assert sovereignty over the Compound.
- b. The International Group and its subsidiary organs shall continue to exist and fulfill all the functions stipulated in this Article unless otherwise agreed by the two Parties.

6. *The Wailing Wall*

The Wailing Wall shall be under Israeli sovereignty.

7. *The Old City:*

i. Significance of the Old City

- a. The Parties view the Old City as one whole enjoying a unique character. The Parties agree that the preservation of this unique character together with safeguarding and promoting the welfare of the inhabitants should guide the administration of the Old City.
- b. The Parties shall act in accordance with the UNESCO World Cultural Heritage List regulations, in which the Old City is a registered site.

ii. IVG Role in the Old City

a. Cultural Heritage

1. The IVG shall monitor and verify the preservation of cultural heritage in the Old City in accordance with the UNESCO World Cultural Heritage List rules. For this purpose, the IVG shall have free and unimpeded access to sites, documents, and information related to the performance of this function.

2. The IVG shall work in close coordination with the Old City Committee of the Jerusalem Coordination and Development Committee (JCDC), including in devising a restoration and preservation plan for the Old City.
 - b. Policing
 1. The IVG shall establish an Old City Policing Unit (PU) to liaise with, coordinate between, and assist the Palestinian and Israeli police forces in the Old City, to defuse localized tensions and help resolve disputes, and to perform policing duties in locations specified in and according to operational procedures detailed in Annex X.
 2. The PU shall periodically report to the IVG.
 - c. Either Party may submit complaints in relation to this clause to the IVG, which shall promptly act upon them in accordance with Article 16.
- iii. Free Movement within the Old City
- Movement within the Old City shall be free and unimpeded subject to the provisions of this article and rules and regulations pertaining to the various holy sites.
- iv. Entry into and Exit from the Old City
- a. Entry and exit points into and from the Old City will be staffed by the authorities of the state under whose sovereignty the point falls, with the presence of PU members, unless otherwise specified.
 - b. With a view to facilitating movement into the Old City, each Party shall take such measures at the entry points in its territory as to ensure the preservation of security in the Old City. The PU shall monitor the operation of the entry points.
 - c. Citizens of either Party may not exit the Old City into the territory of the other Party unless they are in possession of the relevant documentation that entitles them to. Tourists may only exit the Old City into the territory of the Party which they possess valid authorization to enter.
- v. Suspension, Termination, and Expansion
- a. Either Party may suspend the arrangements set forth in Article 6.7.iii in cases of emergency for one week. The extension of such suspension for longer than a week shall be pursuant to consultation with the other Party and the IVG at the Trilateral Committee established in Article 3/3.
 - b. This clause shall not apply to the arrangements set forth in Article 6/7/vi.
 - c. Three years after the transfer of authority over the Old City, the Parties shall review these arrangements. These arrangements may only be terminated by agreement of the Parties.
 - d. The Parties shall examine the possibility of expanding these arrangements beyond the Old City and may agree to such an expansion.
- vi. Special Arrangements
- a. Along the way outlined in Map X (from the Jaffa Gate to the Zion Gate) there will be permanent and guaranteed arrangements for Israelis regarding access, freedom of movement, and security, as set forth in Annex X.
 1. The IVG shall be responsible for the implementation of these arrangements.
 - b. Without prejudice to Palestinian sovereignty, Israeli administration of the Citadel will be as outlined in Annex X.
- vii. Color-Coding of the Old City
- A visible color-coding scheme shall be used in the Old City to denote the sovereign areas of the respective Parties.
- viii. Policing
- a. An agreed number of Israeli police shall constitute the Israeli Old City police detachment and shall exercise responsibility for maintaining order and day-to-day policing functions in the area under Israeli sovereignty.
 - b. An agreed number of Palestinian police shall constitute the Palestinian Old City police detachment and shall exercise responsibility for maintaining order and day-to-day policing functions in the area under Palestinian sovereignty.
 - c. All members of the respective Israeli and Palestinian Old City police detachments shall undergo special training, including joint training exercises, to be administered by the PU.
 - d. A special Joint Situation Room, under the direction of the PU and incorporating members of the Israeli and Palestinian Old City police detachments, shall facilitate liaison on all relevant matters of policing and security in the Old City.
- ix. Arms
- No person shall be allowed to carry or possess arms in the Old City, with the exception of the Police Forces provided for in this agreement. In addition, each Party may grant special written permission to carry or possess arms in areas under its sovereignty.

x. Intelligence and Security

- a. The Parties shall establish intensive intelligence cooperation regarding the Old City, including the immediate sharing of threat information.
- b. A trilateral committee composed of the two Parties and representatives of the United States shall be established to facilitate this cooperation.

8. *Mount of Olives Cemetery:*

- i. The area outlined in Map X (the Jewish Cemetery on the Mount of Olives) shall be under Israeli administration; Israeli law shall apply to persons using and procedures appertaining to this area in accordance with Annex X.
 - a. There shall be a designated road to provide free, unlimited, and unimpeded access to the Cemetery.
 - b. The IVG shall monitor the implementation of this clause.
 - c. This arrangement may only be terminated by the agreement of both Parties.

9. *Special Cemetery Arrangements*

Arrangements shall be established in the two cemeteries designated in Map X (Mount Zion Cemetery and the German Colony Cemetery), to facilitate and ensure the continuation of the current burial and visitation practices, including the facilitation of access.

10. *The Western Wall Tunnel*

- i. The Western Wall Tunnel designated in Map X shall be under Israeli administration, including:
 - a. Unrestricted Israeli access and right to worship and conduct religious practices.
 - b. Responsibility for the preservation and maintenance of the site in accordance with this Agreement and without damaging structures above, under IVG supervision.
 - c. Israeli policing.
 - d. IVG monitoring.
 - e. The Northern Exit of the Tunnel shall only be used for exit and may only be closed in case of emergency as stipulated in Article 6/7.
- ii. This arrangement may only be terminated by the agreement of both Parties.

11. *Municipal Coordination*

- i. The two Jerusalem municipalities shall form a Jerusalem Co-ordination and Development Committee (“JCDC”) to oversee the cooperation and coordination between the Palestinian Jerusalem municipality and the Israeli Jerusalem municipality. The JCDC and its sub-committees shall be composed of an equal number of representatives from Palestine and Israel. Each side will appoint members of the JCDC and its subcommittees in accordance with its own modalities.
- ii. The JCDC shall ensure that the coordination of infrastructure and services best serves the residents of Jerusalem, and shall promote the economic development of the city to the benefit of all. The JCDC will act to encourage cross-community dialogue and reconciliation.
- iii. The JCDC shall have the following subcommittees:
 - a. A Planning and Zoning Committee: to ensure agreed planning and zoning regulations in areas designated in Annex X.
 - b. A Hydro Infrastructure Committee: to handle matters relating to drinking water delivery, drainage, and wastewater collection and treatment.
 - c. A Transport Committee: to coordinate relevant connectedness and compatibility of the two road systems and other issues pertaining to transport.
 - d. An Environmental Committee: to deal with environmental issues affecting the quality of life in the city, including solid waste management.
 - e. An Economic and Development Committee: to formulate plans for economic development in areas of joint interest, including in the areas of transportation, seam line commercial cooperation, and tourism,
 - f. A Police and Emergency Services Committee: to coordinate measures for the maintenance of public order and crime prevention and the provision of emergency services;
 - g. An Old City Committee: to plan and closely coordinate the joint provision of the relevant municipal services, and other functions stipulated in Article 6/7.
 - h. Other Committees as agreed in the JCDC.

12. Israeli Residency of Palestinian Jerusalemites

Palestinian Jerusalemites who currently are permanent residents of Israel shall lose this status upon the transfer of authority to Palestine of those areas in which they reside.

13. Transfer of authority

The Parties will apply in certain socio-economic spheres interim measures to ensure the agreed, expeditious, and orderly transfer of powers and obligations from Israel to Palestine. This shall be done in a manner that preserves the accumulated socio-economic rights of the residents of East Jerusalem. [...]



**INTERNATIONAL COURT OF JUSTICE, LEGAL CONSEQUENCES OF THE CONSTRUCTION
OF A WALL IN THE OCCUPIED PALESTINIAN TERRITORY, 9 JULY 2004 [EXCERPTS]**

ADVISORY OPINION

[...]

On the legal consequences of the construction of a wall in the Occupied Palestinian Territory,

THE COURT, Composed as above,

Gives the following Advisory Opinion:

[...]

66. The Court will now address the question put to it by the General Assembly in resolution ES-10/14. The Court recalls that the question is as follows: “What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?”

67. As explained in paragraph 82 below, the “wall” in question is a complex construction, so that that term cannot be understood in a limited physical sense. However, the other terms used, either by Israel (“fence”) or by the Secretary-General (“barrier”), are no more accurate if understood in the physical sense. In this Opinion, the Court has therefore chosen to use the terminology employed by the General Assembly.

The Court notes furthermore that the request of the General Assembly concerns the legal consequences of the wall being built “in the Occupied Palestinian Territory, including in and around East Jerusalem”. As also explained below (see paragraphs 79-84 below), some parts of the complex are being built, or are planned to be built, on the territory of Israel itself; the Court does not consider that it is called upon to examine the legal consequences arising from the construction of those parts of the wall.

[...]

71. In 1947 the United Kingdom announced its intention to complete evacuation of the mandated territory by 1 August 1948, subsequently advancing that date to 15 May 1948. In the meantime, the General Assembly had on 29 November 1947 adopted resolution 181 (II) on the future government of Palestine, which “*Recommends* to the United Kingdom ... and to all other Members of the United Nations the adoption and implementation ... of the Plan of Partition” of the territory, as set forth in the resolution, between two independent States, one Arab, the other Jewish, as well as the creation of a special international régime for the City of Jerusalem. The Arab population of Palestine and the Arab States rejected this plan, contending that it was unbalanced; on 14 May 1948, Israel proclaimed its independence on the strength of the General Assembly resolution; armed conflict then broke out between Israel and a number of Arab States and the Plan of Partition was not implemented.

[...]

75. From 1967 onwards, Israel took a number of measures in these territories aimed at changing the status of the City of Jerusalem. The Security Council, after recalling on a number of occasions “the principle that acquisition of territory by military conquest is inadmissible”, condemned those measures and, by resolution 298 (1971) of 25 September 1971, confirmed 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”.

Later, following the adoption by Israel on 30 July 1980 of the Basic Law making Jerusalem the “complete and united” capital of Israel, the Security Council, by resolution 478 (1980) of 20 August 1980, stated that the enactment of that Law constituted a violation of international law and that “all legislative

and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem ... are null and void". It further decided "not to recognize the 'basic law' and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem".

[...]

80. The report of the Secretary-General states that "The Government of Israel has since 1996 considered plans to halt infiltration into Israel from the central and northern West Bank ..." (Para. 4.) According to that report, a plan of this type was approved for the first time by the Israeli Cabinet in July 2001. Then, on 14 April 2002, the Cabinet adopted a decision for the construction of works, forming what Israel describes as a "security fence", 80 kilometres in length, in three areas of the West Bank.

The project was taken a stage further when, on 23 June 2002, the Israeli Cabinet approved the first phase of the construction of a "continuous fence" in the West Bank (including East Jerusalem). On 14 August 2002, it adopted the line of that "fence" for the work in Phase A, with a view to the construction of a complex 123 kilometres long in the northern West Bank. [...] According to the particulars provided on that map, a continuous section (Phase C) encompassing a number of large settlements will link the north-western end of the "security fence" built around Jerusalem with the southern point of Phase A construction at Elkana. According to the same map, the "security fence" will run for 115 kilometres from the Har Gilo settlement near Jerusalem to the Carmel settlement south-east of Hebron (Phase D). According to Ministry of Defence documents, work in this sector is due for completion in 2005. Lastly, there are references in the case file to Israel's planned construction of a "security fence" following the Jordan Valley along the mountain range to the west.

81. According to the Written Statement of the Secretary-General, the first part of these works (Phase A), which ultimately extends for a distance of 150 kilometres, was declared completed on 31 July 2003. It is reported that approximately 56,000 Palestinians would be encompassed in enclaves. During this phase, two sections totalling 19.5 kilometres were built around Jerusalem. In November 2003 construction of a new section was begun along the Green Line to the west of the Nazlat Issa-Baqa al-Sharqiya enclave, which in January 2004 was close to completion at the time when the Secretary-General submitted his Written Statement. [...]

Further construction also started in late November 2003 along the south-eastern part of the municipal boundary of Jerusalem, following a route that, according to the Written Statement of the Secretary-General, cuts off the suburban village of El-Ezariya from Jerusalem and splits the neighbouring Abu Dis in two.

As at 25 January 2004, according to the Written Statement of the Secretary-General, some 190 kilometres of construction had been completed, covering Phase A and the greater part of Phase B. Further construction in Phase C had begun in certain areas of the central West Bank and in Jerusalem. Phase D, planned for the southern part of the West Bank, had not yet begun. [...]

The approximately 180 kilometres of the complex completed or under construction as of the time when the Secretary-General submitted his report included some 8.5 kilometres of concrete wall. These are generally found where Palestinian population centres are close to or abut Israel (such as near Qalqiliya and Tulkarm or in parts of Jerusalem).

[...]

83. [...] In the case of Jerusalem, the existing works and the planned route lie well beyond the Green Line and even in some cases beyond the eastern municipal boundary of Jerusalem as fixed by Israel.

84. On the basis of that route, approximately 975 square kilometres (or 16.6 per cent of the West Bank) would, according to the report of the Secretary-General, lie between the Green Line and the wall. This area is stated to be home to 237,000 Palestinians. If the full wall were completed as planned, another 160,000 Palestinians would live in almost completely encircled communities, described as enclaves in the report. As a result of the planned route, nearly 320,000 Israeli settlers (of whom 178,000 in East Jerusalem) would be living in the area between the Green Line and the wall.

[...]

96. The Court would moreover note that the States parties to the Fourth Geneva Convention approved that interpretation at their Conference on 15 July 1999. They issued a statement in which they "reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem". Subsequently, on 5 December 2001, the High Contracting Parties, referring in particular to Article 1 of the Fourth Geneva Convention of 1949, once again reaffirmed the "applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem". They further reminded the Contracting Parties participating in the Conference, the parties to the conflict, and the State of Israel as occupying Power, of their respective obligations.

97. Moreover, the Court would observe that the ICRC, whose special position with respect to execution of the Fourth Geneva Convention must be "recognized and respected at all times" by the parties pursuant to Article 142 of the Convention, has also expressed its opinion on the interpretation to be given to the Con-

vention. In a declaration of 5 December 2001, it recalled that “the ICRC has always affirmed the *de jure* applicability of the Fourth Geneva Convention to the territories occupied since 1967 by the State of Israel, including East Jerusalem”.

98. The Court notes that the General Assembly has, in many of its resolutions, taken a position to the same effect. Thus on 10 December 2001 and 9 December 2003, in resolutions 56/60 and 58/97, it reaffirmed “that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967”. [...]

Ten years later, the Security Council examined “the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967”. In resolution 446 (1979) of 22 March 1979, the Security Council considered that those settlements had “no legal validity” and affirmed “*once more* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem”. It called “*once more upon* Israel, as the occupying Power, to abide scrupulously” by that Convention.

[...]

115. In this regard, Annex II to the report of the Secretary-General, entitled “Summary Legal Position of the Palestine Liberation Organization”, states that “The construction of the Barrier is an attempt to annex the territory contrary to international law” and that “The *de facto* annexation of land interferes with the territorial sovereignty and consequently with the right of the Palestinians to self-determination.” This view was echoed in certain of the written statements submitted to the Court and in the views expressed at the hearings. *Inter alia*, it was contended that: “The wall severs the territorial sphere over which the Palestinian people are entitled to exercise their right of self-determination and constitutes a violation of the legal principle prohibiting the acquisition of territory by the use of force.” In this connection, it was in particular emphasized that “The route of the wall is designed to change the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, by reinforcing the Israeli settlements” illegally established on the Occupied Palestinian Territory. It was further contended that the wall aimed at “reducing and parcelling out the territorial sphere over which the Palestinian people are entitled to exercise their right of self-determination”.

[...]

117. The Court would recall that both the General Assembly and the Security Council have referred, with regard to Palestine, to the customary rule of “the inadmissibility of the acquisition of territory by war” (see paragraphs 74 and 87 above). Thus in resolution 242 (1967) of 22 November 1967, the Security Council, after recalling this rule, affirmed that: “the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

- (i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;
- (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force”.

It is on this same basis that the Council has several times condemned the measures taken by Israel to change the status of Jerusalem (see paragraph 75 above).

[...]

119. The Court notes that the route of the wall as fixed by the Israeli Government includes within the “Closed Area” (see paragraph 85 above) some 80 per cent of the settlers living in the Occupied Palestinian Territory. Moreover, it is apparent from an examination of the map mentioned in paragraph 80 above that the wall’s sinuous route has been traced in such a way as to include within that area the great majority of the Israeli settlements in the occupied Palestinian Territory (including East Jerusalem).

120. As regards these settlements, the Court notes that Article 49, paragraph 6, of the Fourth Geneva Convention provides: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” [...] In this respect, the information provided to the Court shows that, since 1977, Israel has conducted a policy and developed practices involving the establishment of settlements in the Occupied Palestinian Territory, contrary to the terms of Article 49, paragraph 6, just cited.

The Security Council has thus taken the view that such policy and practices “have no legal validity”. It has also called upon “Israel, as the occupying Power, to abide scrupulously” by the Fourth Geneva Convention and: “to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories” (resolution 446 (1979) of 22 March 1979).

The Council reaffirmed its position in resolutions 452 (1979) of 20 July 1979 and 465 (1980) of 1 March 1980. Indeed, in the latter case it described “Israel’s policy and practices of settling parts of its population

and new immigrants in [the occupied] territories” as a “flagrant violation” of the Fourth Geneva Convention.

The Court concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law.

[...]

122. The Court recalls moreover that, according to the report of the Secretary-General, the planned route would incorporate in the area between the Green Line and the wall more than 16 per cent of the territory of the West Bank. Around 80 per cent of the settlers living in the Occupied Palestinian Territory, that is 320,000 individuals, would reside in that area, as well as 237,000 Palestinians. Moreover, as a result of the construction of the wall, around 160,000 other Palestinians would reside in almost completely encircled communities (see paragraphs 84, 85 and 119 above).

In other terms, the route chosen for the wall gives expression *in loco* to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council (see paragraphs 75 and 120 above). There is also a risk of further alterations to the demographic composition of the Occupied Palestinian Territory resulting from the construction of the wall inasmuch as it is contributing, as will be further explained in paragraph 133 below, to the departure of Palestinian populations from certain areas. That construction, along with measures taken previously, thus severely impedes the exercise by the Palestinian people of its right to self-determination, and is therefore a breach of Israel’s obligation to respect that right.

[...]

129. In addition to the general guarantees of freedom of movement under Article 12 of the International Covenant on Civil and Political Rights, account must also be taken of specific guarantees of access to the Christian, Jewish and Islamic Holy Places. The status of the Christian Holy Places in the Ottoman Empire dates far back in time, the latest provisions relating thereto having been incorporated into Article 62 of the Treaty of Berlin of 13 July 1878. The Mandate for Palestine given to the British Government on 24 July 1922 included an Article 13, under which: “All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory ...”

Article 13 further stated: “nothing in this mandate shall be construed as conferring... authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed”.

In the aftermath of the Second World War, the General Assembly, in adopting resolution 181 (II) on the future government of Palestine, devoted an entire chapter of the Plan of Partition to the Holy Places, religious buildings and sites. Article 2 of this Chapter provided, in so far as the Holy Places were concerned: “the liberty of access, visit and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens [of the Arab State, of the Jewish State] and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order and decorum”.

Subsequently, in the aftermath of the armed conflict of 1948, the 1949 General Armistice Agreement between Jordan and Israel provided in Article VIII for the establishment of a special committee for “the formulation of agreed plans and arrangements for such matters as either Party may submit to it” for the purpose of enlarging the scope of the Agreement and of effecting improvement in its application. Such matters, on which an agreement of principle had already been concluded, included “free access to the Holy Places”.

This commitment concerned mainly the Holy Places located to the east of the Green Line. However, some Holy Places were located west of that Line. This was the case of the Room of the Last Supper and the Tomb of David, on Mount Zion. In signing the General Armistice Agreement, Israel thus undertook, as did Jordan, to guarantee freedom of access to the Holy Places. The Court considers that this undertaking by Israel has remained valid for the Holy Places which came under its control in 1967. This undertaking has further been confirmed by Article 9, paragraph 1, of the 1994 Peace Treaty between Israel and Jordan, by virtue of which, in more general terms, “Each party will provide freedom of access to places of religious and historical significance.”

[...]

143. The Court having concluded that, by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and by adopting its associated régime, Israel has violated various international obligations incumbent upon it (see paragraphs 114-137 above), it must now, in order to reply to the question posed by the General Assembly, examine the consequences of those violations.

[...]

147. Since the Court has concluded that the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to various of Israel's international obligations, it follows that the responsibility of that State is engaged under international law.

[...]

151. Israel accordingly has the obligation to cease forthwith the works of construction of the wall being built by it in the Occupied Palestinian Territory, including in and around East Jerusalem. Moreover, in view of the Court's finding (see paragraph 143 above) that Israel's violations of its international obligations stem from the construction of the wall and from its associated régime, cessation of those violations entails the dismantling forthwith of those parts of that structure situated within the Occupied Palestinian Territory, including in and around East Jerusalem. All legislative and regulatory acts adopted with a view to its construction, and to the establishment of its associated régime, must forthwith be repealed or rendered ineffective, except in so far as such acts, by providing for compensation or other forms of reparation for the Palestinian population, may continue to be relevant for compliance by Israel with the obligations referred to in paragraph 153 below.

[...]

159. Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction. It is also for all States, while respecting the United Nations Charter and international law, to see to it that any impediment, resulting from the construction of the wall, to the exercise by the Palestinian people of its right to self-determination is brought to an end. In addition, all the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 are under an obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.

[...]

163. For these reasons,

THE COURT,

- (1) Unanimously, *Finds* that it has jurisdiction to give the advisory opinion requested;
- (2) By fourteen votes to one, *Decides* to comply with the request for an advisory opinion; [...]
- (3) *Replies* in the following manner to the question put by the General Assembly:
 - A. By fourteen votes to one,
The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law; [...]
 - B. By fourteen votes to one,
Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion; [...]
 - C. By fourteen votes to one,
Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem; [...]



**DECISIONS OF THE AFRICAN UNION EXECUTIVE COUNCIL,
7TH ORDINARY SESSION, SIRTE, LIBYA, 28 JUNE-2 JULY 2005 [EXCERPTS]**

[Decision condemning Israeli violations in Jerusalem]

[...] DECISION ON THE MIDDLE EAST AND PALESTINE

The Executive Council:

1. *Recalls* all relevant resolutions and decisions adopted by the OAU/AU on the situation in the Middle East and Palestine;
2. *Reiterates* its continued full support and solidarity to the Palestinian people in their just and legitimate struggle, under the leadership of PLO, their sole and legitimate representative in the exercise of their inalienable national rights, including their right to self-determination, to return and the establishment of

- an independent state on their national soil, with East Jerusalem as its capital, in accordance with the principles of international law and other pertinent resolutions of the OAU/AU and UN;
3. *Reaffirms* its firm support for an internationally promoted solution to the Israeli-Palestinian conflict based on the relevant United Nations Security Council Resolutions, the Arab Peace initiative and the Road Map which remains the only viable plan for lasting, just, and comprehensive peace in the region to bring an end to the occupation that began in 1967 with the achievement of the vision of two States, Israel and an independent, sovereign and territorially contiguous Palestine, living side by side, in peace and security;
 4. *Welcomes* the understanding between the Palestinian and Israeli sides in Sharm al-Sheik (Egypt), aimed at the cessation of violence between both sides as a first important step towards the implementation of the Road Map and *Urges* the concerned parties to implement their commitments in order to create the necessary conditions to resume negotiations, including the withdrawal of Israeli forces to September 2000 positions and the release of prisoners;
 5. *Further welcomes* the practical and courageous steps that have been taken by the Palestinian leadership, especially the holding of democratic municipal elections, the reform and streamlining of Palestinian security forces, and the conduct of a national dialogue with Palestinian factions;
 6. *Calls upon* both sides to stop the vicious cycle of violence against the Palestinian and Israeli civilians, in accordance with all commitments and peace initiatives, especially the Roadmap for Palestine Sovereign Independence and the recent Sharm Al-Sheikh understandings;
 7. *Strongly condemns* the Israeli repressive measures perpetrated against defenseless Palestinian civilians, including arrests and detentions, the widespread and arbitrary destruction of property and infrastructure, and official and public institutions, as well as the severe restrictions which has had a devastating impact on the Palestinian society and economy;
 8. *Urges* the government of Israel to cease these excessive and indiscriminate retaliatory actions;
 9. *Calls upon* the Government of Israel to put an end to the construction of the Wall in the Occupied Palestinian Territory including East Jerusalem, which constitutes a breach by Israel of legal obligations under international law, including International Humanitarian Law, and *urges* compliance with the 9 July 2004 Advisory Opinion of the International Court of Justice and General Assembly resolution ES-10/15 of 20 July 2004;
 10. *Urges* Israel to drop its policy of imposing dictates and creating facts on the ground by immediately putting an end to the establishment and expansion of settlements in the occupied Palestinian territory, including East Jerusalem;
 11. *Strongly condemns* all Israeli modifications and illegal measures aimed at altering the status of the Occupied East Jerusalem, including Israeli destruction of Jerusalemite houses, the threats of Israeli extremists to storm Al-Aqsa Mosque and Israel's continuous construction of the Wall and expansion of settlements in and around East Jerusalem, including the illegal West Bank settlement of 'Ma'ale Adumim' that will severely undermine the efforts for the establishment of the future State of Palestine, with East Jerusalem as its capital; [...]



**JEWISH AND PALESTINIAN ORGANISATIONS, STATEMENT DEFYING
EU SECRECY OVER THEIR JERUSALEM REPORT, DECEMBER 2005**

Dismayed by the refusal of EU to publish their own Ramallah and East Jerusalem Heads of Mission findings regarding Israeli state actions towards non Jewish residents of East Jerusalem, Jewish and other peace groups and Palestinian solidarity campaigns around Europe have decided they must take matters into their own hands.

Every organisation listed below will publish the Report on their websites. A copy of the report is also on this website (see News, actions by EJJP).

The day after the report was shelved by EU foreign ministers at their GAERC meeting in Brussels on December 12th - for fear of alienating Israel and reducing the EU's influence - Israel announced, in violation of its Road Map obligations, the building of 300 new homes in the Maale Adumim settlement, the largest in the occupied territories.

Pierre Galand, Senator in the Belgian Parliament and Chairman of the European Co-ordinating Committee of NGOs on the question of Palestine (ECCP) said: "European diplomats in East Jerusalem and Ramallah had the courage to stress the alarming situation in East Jerusalem. Their report corroborates the ICJ advisory opinion ruling on the Wall and the illegal settlements, which led the ECCP to initiate the "European

Campaign for Sanctions against the Israeli Occupation". In order to force the EU member states to respect their own commitment to International Law and Human Rights, we will publish the report on East Jerusalem on our websites, despite the EU refusal to do so."

Dan Judelson, Secretary of European Jews for a Just Peace said "The EU are burying their heads in the sand and are thus co-responsible while East Jerusalem residents face repeated violations of international law and of simple standards of humanity, all at the hands of the Israeli state. This is not a time for thumb twiddling or inaction; if the EU sits on this report, we see it as our duty to make it as widely available as we can."

Betty Hunter, General Secretary of the UK Palestinian Solidarity Campaign said: "It is 17 months since the International Court of Justice declared the apartheid Wall to be an illegal act by an occupying force and that settlement building should end. While Israel defies this decision, Palestinians are losing their homes, land and livelihood in the West Bank and East Jerusalem. If European countries continue to collude with this, they are also guilty of oppressing the Palestinian people."

Pierre Galand, Chairman, European Co-ordinating Committee of NGOs on the Question of Palestine

Dan Judelson, Secretary, European Jews for a Just Peace

Alternative Information Centre, Bethlehem & Jerusalem

Arab Centre for Agricultural Development

Arab Media Watch, UK

Association Belgo-Palestinienne

AIPPP Strasbourg

BADIL Resource Center for Palestinian Residency and Refugee Rights, Bethlehem

Civimed Initiatives, Strasbourg

Collectif judéo-arabe et citoyen pour la paix, Strasbourg

Committee for a Just Peace in the Middle East, Luxembourg

Coordination de l'Appel de Strasbourg

Council for the Advancement of Arab British Understanding, UK

Een Ander Joods Geluid, Netherlands

Farrah France

Friends of Sabeel-UK

Foundation TALLIQ

Humanistic Peace Council, Netherlands

ISM London

Israeli Committee Against House Demolitions-UK

Jews for Israeli Palestinian Peace, Sweden

Jews for Justice for Palestinians, UK

Joint Action for Israeli Palestinian Peace, UK

Judische Stimme für gerechten Frieden in Nahost, Berlin

Just Peace UK

Netherlands Palestine Committee

Network of Jews against the Occupation, Italy

NUS Black Students' Campaign, UK

Palestine Forum in Britain

Palestine Solidarity Campaign, UK

Society for Austrian Arab Relations, Austria

Stop the Occupation, Netherlands

Union Juive Francaise pour la Paix

Union des Progresssite Juifs de Belgiques

War on Want, UK

Women in Black, The Netherlands



HUMAN RIGHTS WATCH, LETTER TO US PRESIDENT GEORGE W. BUSH ON EXPANDING ISRAELI COLONIES IN THE OCCUPIED PALESTINIAN TERRITORIES, 28 DECEMBER 2005

Dear President Bush,

I am writing to you with respect to multiple Israeli announcements of its plans to continue expanding settlements in the Occupied Palestinian Territories (OPT). This directly contravenes international law and Israeli commitments under the Road Map.

You recently reiterated Israel's obligations to stop expanding settlements when you said, on October 20, 2005, following your meeting with Palestinian President Abbas: "Israel should not undertake any activity that contravenes its road map obligations, or prejudices the final status negotiations with regard to Gaza, the West Bank, and Jerusalem. This means that Israel must remove unauthorized outposts and stop settlement expansion."

sion." Israel has acted contrary to these obligations, escalating the building of settlements in 2005. According to the Israeli Central Bureau of Statistics, in the first half of 2005, there was a 28% increase in settlement housing starts compared to the same period in 2004. Israel now proposes to further expand West Bank settlements in the coming year.

We urge you to use US diplomatic and financial influence to stop this trend in 2006.

On December 26, the Ministry of Housing released tenders for the construction of 228 housing units in the West Bank settlements of Beitar Illit and Efrat; on December 19, , the Ministry of Housing published tenders for constructing 137 new housing units in the West Bank settlements of Ariel and Karnei Shomron; and on December 14, Israeli Defense Minister Shaul Mofaz's approved the construction of approximately 300 new homes in the West Bank settlements of Ma'ale Adumim, Bracha and Nokdim. M'aale Adumim is one of the largest and fastest growing settlements in the West Bank, with some 30,000 inhabitants. The settlement is located east of Jerusalem and adjacent to the much-publicized area of "E-1," the last remaining site for potential Palestinian development around settlement-encircled East Jerusalem. The Israeli government also has made clear that, despite US opposition, it plans to build 3,500 housing units in E-1 and to include Ma'ale Adumim and E-1 on the western side (the "Israeli side") of the metal and concrete barrier that Israel is building, mostly inside the OPT (hereinafter, the "wall"). Such actions would effectively sever the West Bank in two by cutting the already limited Palestinian north-south access routes through the West Bank. In addition, a wall encircling E-1 and Ma'ale Adumim would make access to East Jerusalem, the center of Palestinian economic and religious life, virtually impossible from the rest of the West Bank, except through limited checkpoint crossings in the wall, most of which Israel has not yet funded or built.

Israel's continuing settlement activity is a violation of international humanitarian law (IHL), United Nations Security Council resolutions, and Israel's own commitments under the US-sponsored Road Map of April 2003. The Israeli government's policy of encouraging, financing, establishing, and expanding Jewish-only settlements in the OPT violates two main principles of IHL: the prohibition on the transfer of civilians from an occupying power's territory to the occupied territory, and the prohibition of creating permanent changes in the occupied territory that are not for the benefit of the occupied population. In particular, Article 49(6) of the Fourth Geneva Convention states that "[t]he Occupying Power shall not ...transfer parts of its own civilian population into the territory it occupies." Under the road map, Israel agreed to freeze all settlement activity, including "natural growth," and to dismantle all settlement outposts created since March 2001.

No one but Israel disputes the fact that its settlement policy violates IHL. Yet the international community, including the United States, has failed to hold Israel accountable to its obligations under the Fourth Geneva Convention to, at the very least, immediately cease current Israeli settlement activity. The wrongfulness of the settlement expansion is compounded by evidence stemming from the construction of the wall within the OPT that suggests an Israeli intention eventually to annex the territory in question. Israel claims that the wall is being built for security reasons, but the deep intrusion of the wall into West Bank territory, and the capture of major settlements on the "Israeli side" of the wall, suggest otherwise. The International Court of Justice, in a view shared by many international legal commentators and every major human rights organization in the world, concluded in its June 2004 advisory opinion that Israel's construction of the wall within the boundaries of the OPT contravenes IHL and is tantamount to an illegal annexation of the settlements on the Israeli side of the wall.

Peace Now has published a list of seven settlements where large-scale construction (hundreds of units) is occurring. All but one of them are located on the Israeli side of the wall. In a similar list of seventeen settlements where medium-scale construction (tens of units) is occurring, all but three are on the Israeli side of the wall. In addition, two Israeli human rights organizations, B'Tselem and Bimkom, recently published a report that documents the fact that 55 settlements, including 12 in East Jerusalem, housing approximately 75% of all settlers, would fall on the Israeli side of the wall. The report shows that Israeli officials established the wall's route hundreds to thousands of meters east of the existing boundaries of these settlements to allow for maximum future expansion. The organizations conclude that "contrary to the picture portrayed by the state, the settlement-expansion plans played a substantial role in the planning of the Barrier's route."

The Israeli government has recently sought to justify its construction of the wall inside Palestinian territory, and beyond the Green Line, as based on its sovereign duty to protect Israeli citizens, notwithstanding their presence in settlements. But Israel can well protect these citizens by dismantling the settlements and bringing its settler citizens back within the legitimate borders of its state. Such a measure would satisfy Israel's duty to protect its citizens without undermining its duty to respect and uphold international law and would end the severe humanitarian and economic harm inflicted on the Palestinian population by virtue of the wall's construction.

Even the Israeli government has now stated that the wall is not being built just for security purposes but also to establish its territorial claims on OPT land. On December 1, news reports quoted Tzipi Livni, the Israeli Minister of Justice, as saying that the future borders of Israel will roughly follow the route of the wall. This statement by an Israeli public official was the first to explicitly link the route of the wall with Israel's political, not security, aims.

We urge you to take immediate action to end US support of Israel's unlawful policies. According to an investigative report by the Israeli newspaper *Ha'aretz*, based on government ministry budgets, Israel spends about NIS 2.5 billion a year (\$550 million) for the non-military aspects of settlement maintenance and expansion. Furthermore, the Knesset has projected that Israel will spend about \$3.4 billion in total on construction of the wall, 80% of which is inside the occupied West Bank. (Israel has not made public a breakdown of the portions of the costs attributable to construction of the wall inside the West Bank, on the Green Line, or inside Israel). Recent experience with the Rafah border-crossing deal confirms that when the United States is determined to change problematic Israeli conduct, Israel will comply. To avoid US financial complicity in policies that the US Government opposes and that international law prohibits, we therefore call on you and other key government officials, first, to state in unequivocal terms that the United States will not tolerate any further settlement expansion and, second, to announce that the administration will deduct from US financial aid to Israel - about \$2.58 billion in fiscal year 2005 - an amount equal to Israel's expenditures on the settlements and on the construction and maintenance of such portion of the wall that is inside the West Bank.

Yours sincerely,

Sarah Leah Whitson
Executive Director, Middle East North Africa Division, Human Rights Watch



**DECISIONS OF THE AFRICAN UNION EXECUTIVE COUNCIL, 8TH ORDINARY SESSION,
KHARTOUM, SUDAN, 16-21 JANUARY 2006 [EXCERPTS]**

[Decision expressing support for the cause of Jerusalem and deploring Israeli settlement activities]

DECISION ON PALESTINE AND THE MIDDLE EAST

The Executive Council:

1. *Recalls* all relevant Resolutions and Decisions adopted by the OAU/AU on the situation in the Middle East and Palestine;
2. *Reiterates* its continued full support to and solidarity with the Palestinian people in their just and legitimate struggle, under the leadership of PLO, their sole and legitimate representative in the exercise of their inalienable national rights, including their right to self-determination, return of their properties and the establishment of an independent state on their national soil, with Jerusalem as its capital, in accordance with the principles of international law, the UN Resolutions 149 and other pertinent resolutions of the OAU/AU and all UN Resolutions;
3. *Reaffirms* its firm support for a just and lasting solution to the Palestinian-Israeli conflict based on the relevant International Resolutions, the Arab Peace initiative and the Road Map, and *urges* the Palestinian and Israeli sides to implement their commitments in order to create the environment conducive to the resumption of the final status negotiations aimed at reaching a lasting, just, and comprehensive peace in the region, to bring an end to Israeli occupation of the Palestinian Territories since 1967, with two states solution, Israel and Palestine, living side by side in peace and security;
4. *Welcomes* the practical and courageous steps taken by the Palestinian leadership, especially the holding of municipal elections based on democracy and transparency, and *expresses* the hope that the forthcoming Palestinian Legislative Elections will take place without any outside interference and in a free and transparent manner, thereby paving the way for the establishment of Palestinian Democracy;
5. *Further welcomes* the Israeli withdrawal from Gaza Strip which it considers a first step towards a full withdrawal from all Palestinian Territories occupied in 1967 including East Jerusalem and *calls upon* the Israeli Government not to use this withdrawal as a pretext to extend its control over the West Bank and Al-Quds Al-Sharif, and *condemns* the Israeli continued attacks on Gaza Strip;
6. *Strongly condemns* the Israeli repressive measures and aggressions perpetrated against defenseless Palestinian civilians, including the policy of criminal and targeted assassinations that could lead to a new cycle of violence, and *URGES* the Israeli Government to cease all indiscriminate measures and retaliation.

tory actions, arrests, widespread and arbitrary destruction of property and infrastructure, of official and public institutions, as well as the severe restrictions on the free movement of goods and persons;

7. *Calls upon* the Government of Israel to put an end to the construction of the Apartheid Wall in the Occupied Palestinian Territories and around and inside the Jerusalem town, and Israeli breach of its legal obligations under International Law, International Humanitarian Law, in particular the Fourth Geneva Convention of 1949, and *urges* Israel to comply with the 9 July 2004 advisory opinion of the International Court of Justice, and General Assembly Resolution ES-10/15 of 20 July 2004;
8. *Further calls upon* Israel to halt all its unilateral measures designed to create a new fact on the ground, which is at variance with United Nations Security Council Resolutions and could jeopardize the peace process and dash any hope towards achieving a just and comprehensive peaceful solution;
9. *Strongly condemns* all Israeli modifications and illegal measures aimed at altering the status of the Occupied Jerusalem, including Israeli destruction of Jerusalemite houses, the threats of Israeli extremists to storm Al-Aqsa Mosque and Israel's continued construction of the Apartheid Wall and expansion of settlements in and around East Jerusalem and in the West Bank that will severely undermine the efforts towards the establishment of the State of Palestine, with Jerusalem as its capital; [...]



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