

DOCUMENTS ON JERUSALEM

Volume II:

7. Palestinian Documents

8. Israeli Documents

PASSIA

Palestinian Academic Society for the Study of International Affairs

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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 II presented here contains documents of Palestinian and Israeli origin as well as a set of related maps.

The Palestinian Position on Jerusalem

Jerusalem has historically been part of Palestine and the Palestinian heritage is deeply rooted there. The city is directly related to the history, land, and people of Palestine, to their Moslem and Christian beliefs, and to their holy places. Both Muslim and Christian Palestinians attach great importance to Jerusalem, not only as a holy city, but also as the political, geographical, economic, and cultural center of Palestine. As far as the Palestinians are concerned, Jerusalem is theirs. It is the capital of the Palestinian people and thousands have sacrificed their lives in its defense. As well as being the symbol of the Palestinian nationality and identity, it is also the symbol of the inalienable rights of the Palestinian people.

British policy during the Mandate period, which undertook to establish a ‘national home’ for the Jews, represented the first steps leading to the denial of equal rights for the Palestinians. Jerusalem thus became and remained the center of the national struggle of the Palestinian people, who made every effort to defend their city against the Zionist and British invasion.

Palestinians have always rejected proposals that deny them their rights *vis-à-vis* Jerusalem. As a result of the UN Partition Plan of 1947 and the events that followed the War of 1948, when Jewish forces occupied and rampaged through Palestinian villages and urban neighborhoods located in what is today known as West Jerusalem (such as Lifta, Khallat At-Tarha, Deir Yassin, Ein Kerem, Al-Malha, Talbiya, Qatamon Al-Baq'ah, the Mamilla Quarter, Abu Tor, and the Musrara Quarter), the State of Israel was established and West Jerusalem was illegally and unilaterally declared Israel's ‘eternal capital.’

At no time in history - including during the War of 1967 when East Jerusalem was occupied by Israeli forces and when many of its Arab inhabitants were evicted and their property seized or demolished, and including when East Jerusalem was annexed and subjected to Israeli Law - did the Palestinians accept Israeli-claimed sovereignty over the city. Instead, they resisted, by means such

as stressing its illegitimacy, not joining the West Jerusalem Municipality, and preserving the Arab character of the eastern part of the city. The dynamics of Palestinian resistance against Israeli policies and practices in the eastern part of Jerusalem, including the attempts to 'Judaize' its nature, have been continuous ever since.

The chapters of Palestinian resistance in Jerusalem can be traced back to the very beginning of its occupation in June 1967. Sheikh Abdel Hamid As-Sayeh, the head of the Shari'a Court of Appeal, issued an Islamic *fatwa* that stated a clear position of refusing to be governed by Jewish/Israeli Law. The Islamic Higher Council formed the first National Guidance Committee, which included notables and activists such as Anwar Khatib, Anwar Nusseibeh, Fuad Abdul Hadi, Aref Al-Aref, Ibrahim Tlil, and many others, all of whom contributed to the attempts to keep the Islamic holy places, the Waqf as well as Islamic courts and institutions free of Israeli interference. Moreover, although the Arab Municipality in Arab East Jerusalem was dissolved and abolished by Israeli forces, while its infrastructure was annexed to the Israeli Municipality in West Jerusalem following the War of 1967, key Palestinian institutions remained and continued to function, including medical centers and hospitals, societies, tourist offices, intra-city transportation networks, land registration offices, as well as centers and forums providing scientific, cultural, and educational research, information, and services.

In 1988, the Palestinian National Council (PNC) declared the Independent Palestinian State and proclaimed Jerusalem – Al-Quds Ash-Sharif – its capital. Jerusalem is the capital of the Palestinian people and their future state. It is the center of Palestinian Arab sovereignty and the heart of the Palestinian struggle. Since Jerusalem lies in the north-south crescent of the West Bank, the integrity of the Occupied Territories cannot be maintained without Jerusalem. Israel's settlement and expansion policies and the ongoing construction of the 'separation barrier' in the West Bank and around Jerusalem are thus considered fatal not only in terms of the future of Palestinian Jerusalem's development but also with regard to the two-state solution and the various attempts to bring the Israeli-Palestinian conflict to a peaceful conclusion.

Israeli Claims

The historical justification on which Israel builds its claim to the land of Palestine and Jerusalem goes back to the so-called 'Jewish exodus' some 4,000 years ago, when the Jews came to Palestine and settled there temporarily. In addition, Israel argues that in around 1000 BC, Jerusalem was the ancient capital of the Kingdom of Judah and the site of the Jewish Temple.

Following the end of the British Mandate and the War of 1948, Israel controlled the western part of the city while Jordan exercised sovereignty over the eastern part, including the Old City. On 14 May 1948, Israel declared the State of Israel and the next day, following the withdrawal of the British mandatory forces, it began to seize Arab-owned land in West Jerusalem, an area that was designated by the UN as part of the *corpus separatum*. That was the first Israeli move towards violating UN resolutions and subsequent recommendations on UN intentions to internationalize the city. Israel's reaction to these plans was to go ahead with transferring its governmental departments from Tel Aviv to Jerusalem. On 23 January 1950, the Knesset moved to the city and the Israeli Government proclaimed that Jerusalem was "once again" the capital of Israel. When, in the winter of 1949/50, the Trusteeship Council approved the final status foreseen for Jerusalem, the Israelis informed the Council's chairman that they were not pleased with the proposed status but would agree to some form of functional internationalization of the Holy Places (almost all of which were in the then Jordanian sector anyway).

When Israel, in the course of the War of 1967, occupied Arab East Jerusalem and subsequently announced the "unification" of the city, a modern myth was born. Ever since then, Israel has tried to forcibly turn Jerusalem into a Jewish city through the illegal annexation of the eastern part of the city and the application of Israeli Law and jurisdiction over the entire city, while leaving the eastern part to become a marginalized area. Since 1967, more than one third of the land in East

Jerusalem has been illegally expropriated by the Israeli Government while neighboring Arab vil-lages have been divided or encircled by Israeli settlements.

In 1980, the Knesset passed the so-called 'Basic Law' or 'Jerusalem Law' proclaiming Jerusalem as "indivisible" and the "eternal capital city of Israel." Until today, Israel attempts to secure its sovereignty with numerical superiority through continued settlement activity and encouraging Jews to settle in the Arab part of the city, all the while ignoring the fact that all physical, demo-graphic, and other alterations in occupied Jerusalem are illegal according to International Law and UN decisions.

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

7. PALESTINIAN DOCUMENTS

**LETTER OF THE SECRETARY OF THE ARAB HIGHER COMMITTEE, H.F. KHALIDI,
TO THE CHAIRMAN OF THE JERUSALEM MUNICIPAL COMMISSION, R.M. GRAVES,
JERUSALEM, 6 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 Mr. Graves,

I have read with great interest your peace project for Jerusalem and fully appreciated the motives underlying your good endeavours.

I have discussed the matter with members of the Executive and other responsible persons who are of the opinion that such a move is premature until such time at least as the whole political situation in Palestine is renewed and becomes more settled.

Yours very truly,
(Signed) H. F. KHALIDI



**STATEMENT OF THE COMMITTEE FOR ARAB PROPERTY OWNERS
IN JERUSALEM, 14 FEBRUARY 1950**

Note by the Secretariat:

The following statement of the "Committee for the Arab Property Owners in Jerusalem" dated 14 February 1950 was received by the President of the Trusteeship Council and is hereby circulated to the members of the Council.

"Should the internationalization scheme of the United Nations be implemented in Jerusalem, the Arab population would be ready to co-operate with the authorities and with other sectors of the population of Jerusalem - including the Jews who would be ready to abide by the international rule - for the welfare and progress of the International City of Jerusalem."

- | | | |
|----|-------------------------------|--|
| 1. | ORGANIZATION: | <u>"COMMITTEE FOR THE ARAB PROPERTY OWNERS IN JERUSALEM"</u> |
| 2. | ESTABLISHED: | On 14 November 1949, at a general and representative meeting held at the headquarters of the Arab Chamber of Commerce in Jerusalem (Old City). |
| 3. | BACKGROUND AND REPRESENTATION | The Arab owners of movable and immovable properties in the Jewish-held area of Jerusalem had refrained from taking any organized action before because of the proposed internationalization scheme for Jerusalem. However, when it became apparent that there was a strong tendency to bisect the City with the corresponding danger of property loss for Arab owners, a considerable number of these decided to organize this Committee to claim for their rights and defend their interests. A general meeting was therefore convoked and was attended by over 300 first class owners of Arab properties, which formerly accommodated some 70,000 Arabs, in the Jewish-held zone of Jerusalem. |

4. ELECTED REPRESENTATIVES: The Committee was formed by the following nine Members:
- ANWAR NASHASHIBI
(President)
MOHAMMAD TAHER DAOUDI
GEORGE J. SAID
HAJ TAHER BARAKET
ANTON ALBINA
TWEFIC HABASH
NICOLA ZEPHIRIADES
ANISTAS HANANIA
HAJ MOHAMMAD SHAHIN
- In addition was appointed an Administrative Secretary, whose name and address are given below:
- ALI' DAJANI
C/o Arab Chamber of Commerce
Jaffa Gate
Jerusalem (Old City)
5. AIMS AND PURPOSES:
- (i) To demand restitution of the Arab properties and allow their rightful owners to take possession of them;
 - (ii) To demand compensation for the loss of movable property that was left in their homes by the Arab owners, and for the proceeds of rents accumulated on account of the Jewish unlawful use of these properties;
 - (iii) To authorize the elected Committee to Press forward the above demands and to co-opt any capable personalities who might be helpful in realizing the aims of the Committee;
 - (iv) To collect financial contributions to satisfy the necessary expenses of the Committee operations.
6. MESSAGES AND DOCUMENTS:
- Annex A - Act of Constitution of the Committee,
Signed by the attendants of the general meeting (English version of Arabic text by the Admin. Secr. Ali' Dajani).
- Annex B - Telegram to H.M. King Abdullah, Amman.
- Annex C - Telegram to Secretary-General of United Nations. Mr. Trygve Lie.
7. EARINGS BEFORE INTERNATIONAL BODIES: None, so far.
8. RECENT ACTIVITIES: On the basis of a questionnaire now being circulated among the members, factual data and statistics on properties and their estimated value will soon be produced.

"JERUSALEM, 14 November 1949

ACT OF CONSTITUTION OF THE COMMITTEE FOR THE
ARAB PROPERTY OWNERS IN JERUSALEM

We, the undersigned, owners of Arab property in Jewish possession in Jerusalem, at our meeting held at the offices of the Arab Chamber of Commerce in Jerusalem, hereby resolve to demand restitution of the Arab properties and the return of same to their rightful owners, and also compensation for the loss of movable property that has been left by Arabs, as well as compensation for the unlawful use of these properties by Jews.

Therefore, we hereby elect a Committee of nine persons, namely Anwar Nashashibi, Mohammad Taher Daoudi, George Said, Haj Taher Baraket, Anton Albina, Tewfic Habash, Nicola Zephiriades, Anistas Hanania

and Haj Mohammad Shahin, to undertake the execution of the decision of the meeting on our behalf. We furthermore empower the said persons to co-opt any capable personalities who might be helpful in realizing the aims of the Committee.

(Secretary: Ali Dajani)
(Some 300 signatures follow)"

English version of the Arabic text, by the Admin. Sec. Ali Dajani.

"Jerusalem, 14 November 1949

Telegram sent to H.M. King Abdullah

To the Court Chamberlain
AMMAN

The congress of owners of Arab properties at present in Jewish possession in Jerusalem beg to express their loyalty to His Majesty the King and appeal for His Majesty's help to rescue the Arab properties and have them returned to their owners.

Whole Arab quarters are in Jewish hands and the properties of Jews in mixed quarters are less than the Arab properties.

We have great faith in His Majesty to restore our properties.

Chairman: Anwar Nashashibi
Secretary: Ali' Dajani."

Mr. Trygve Lie,
Secretary-General
United Nations, New York

"JERUSALEM, 14 November 1949

Owners of Arab properties formerly accommodating more than 70,000 Arabs in Jewish occupied area of Jerusalem strongly demand the return of same to their owners STOP Complete Arab quarters including Qatamon, Talbieh, Mamillah, Upper and Lower Baka's, Musrara, Deir Abu Tor and Nikiphoria and many other quarters embracing Holy Places such as Nebi Daoud continue to be under Jewish control without lawful ground STOP We strongly object to any settlement of the Jerusalem case which will not include the return of these Arab quarters to their owners STOP Kindly circulate our demand to all member states of UN pointing out that forceful control and occupation of these properties by the Jews is contrary to justice and equity.

Administrative Committee for the Arab Property Owners in Jerusalem.
Chairman: Anwar Nashashibi Secretary: Ali' Dajani."



**LETTER TO ISRAEL AUTHORITIES FROM THE MEMBERS OF THE FORMER
MUNICIPAL COUNCIL OF EAST JERUSALEM, 22 JULY 1967**

NOTE FROM THE MUNICIPAL COUNCIL OF ARAB JERUSALEM

With reference to your written invitation to us dated 20 July 1967, signed by Anton Safiyah, to meet with you individually on the morning of 23 July, to our telephone conversation with Safiyah inquiring about the subject of discussion at the proposed meeting, and to Safiyah's statement that "it is proposed to ask our views individually on the question of joining the Jerusalem Municipal Council after the merger of the two parts of the city", we would like to inform you of the following:

Having discussed this matter among ourselves in our capacity as the legally elected members of the Municipal Council and in the presence of the Mayor of Jerusalem the Council came to the following conclusion:

In view of the fact that, from our Arab viewpoint, the mere discussion of the question of joining the Jerusalem Municipal Council under the Israel rule proclaimed by the Israeli authorities constitutes an official recognition by us of the principle of the annexation of Arab Jerusalem to the Israeli-occupied part, an annexation

which we refuse to accept as a *fait accompli* since it is contrary to International Law, to the United Nations charter and violates the resolutions adopted at the recent session of the General Assembly.

Since the annexation is an illegal act, we demand the restoration of the situation to that existing prior to 5 June 1967. Consequently, we regret to inform you that we are unable to accept the invitation to meet you and to hold talks with you on this subject.

Signatories: Rawhi al Khatib (*Mayor*), Nihad Abu-Gharbiyah, Dr. Ibrahim Itlil, Faiyq Barakat, Ali at-Tazziz, Dr. Rashid an-Nashashibi, Musa al-Bitar, and Abd al-Ghani an-Natshah (*members*).



**MESSAGE BY ANWAR EL-KHATIB AND 23 OTHER PERSONALITIES
TO THE MILITARY GOVERNOR FOR THE WEST BANK, JERUSALEM, 24 JULY 1967**

H.E. The Military Governor for the West Bank,

Whereas it is in the nature of an occupation by any country or any territory belonging to any other country that this occupation does not endow the occupying country with proprietor's rights over the occupied territory, nor does it endow it with sovereignty over such territory, but enjoins it to foster the interest of the occupied territory and to respect its laws and to protect the lives of the citizens as well as their rights and property, ensuring at the same time the freedom of conscience and worship, we therefore hereby declare that the orders issued by the legislative and executive authorities in Israel annexing Arab Jerusalem and its environs are null and void for the following reasons:

- (a) Because Arab Jerusalem is an integral part of Jordan and because Israel is precluded by virtue of section 4 of clause 2 of the United Nations Charter from taking any action against the physical safety and political independence of Jordan territory and has therefore no right to annex any part of Jordan territory to Israel.
- (b) Because the Assembly of the United Nations has resolved that the annexation is unlawful, such resolutions having been taken by the said Assembly in the course of its Emergency Session on 17.6.1967 and 21.7.1967 respectively.
- (c) Because the Israeli Knesset has no authority that can enable it to annex territory belonging to another State.
- (d) That while we declare that the inhabitants of Arab Jerusalem and its environs had already exercised their right of self-determination together with the inhabitants of the West Bank in full freedom when they had opted for Union with the East Bank thus constituting the Hashemite Kingdom of Jordan, in accordance with the unanimous resolution of the Jordan Parliament dated 24.4.1950.

And that in placing on record that the annexation of Arab Jerusalem is illegal and unilaterally imposed by the occupying power contrary to the wishes of the inhabitants of the city who oppose the annexation and who uphold the integrity of Jordanian territory.

We, at the same time, place on record that the Israeli occupying authorities had interfered illegally and in a manner which is contrary to Islamic Law in Muslim religious matters of which the following are some examples:

- (a) The supervision by the Ministry for Religions in Israel over the Friday Sermon which is usually delivered in the Aksa Mosque in Jerusalem and the deletion from the sermon of much of its contents including chapters from the Holy Quran.
- (b) Allowing Israeli visitors, men and women, to enter the Aksa Mosque while unsuitably dressed and in a manner which is inconsistent with religious belief and Arab and Islamic traditions.
- (c) The destruction of two Muslim Mosques in the Maghrabi Quarter in Jerusalem in addition to the destruction of the whole quarter which is entirely owned by charitable Muslim *Waqf* property.
- (d) Violation of the sanctity of the Ibrahimi Mosque in Hebron and its closure thus preventing Muslims from visiting it throughout the week, with the exception of a few hours on Friday, while at the same time allowing Israelis to visit it throughout the week and perform within it certain ceremonies which are not allowed by Muslim Religious Law.
- (e) The interference by the Ministry for Religious Affairs in Israel in matters pertaining to Muslim *Waqfs*.
- (f) The appropriation of *Waqf* Land known as Al-Nather and situated on the Tour Road in Jerusalem without the knowledge of the *Waqf* Department and against the interests of the *Waqf* administration.
- (g) The attempt by the Israeli Ministry for religious affairs to interfere in the Muslim Religious Courts including the Supreme Religious Court in Jerusalem.

In view of all the above we request the following:

1. To refrain from infringing upon the safety and political independence of territory belonging to the State of Jordan and to respect the Charter of the United Nations and the principles of Public International Law and the two resolutions of the United Nations Assembly which were adopted during its recent session and which declared as illegal the act of annexation and which called upon Israel to annul the annexation of Arab Jerusalem and its environs to Israel.
2. To desist from interfering with Muslim religious matters including matters of personal status and the system of Muslim Religious Justice and matter pertaining to religious guidance, and to respect the sanctity of the religious ceremonies and Holy Places and not to interfere with Muslim Waqf
3. To respect Arab Judicial religious or administrative and municipal institutions in Arab Jerusalem and to allow the same to undertake all their responsibilities which they have performed before the occupation.

And whereas the principles of Islamic Jurisdiction are clear and enjoin Muslims to undertake all their religious responsibilities in Person in circumstances such as those existing now, and whereas the principle of Muslim Jurisprudence precludes non-Muslims from taking charge of Muslim religious matters, and whereas we, the representative Muslim citizens in the West Bank including Jerusalem have met on this day in the Hall of the Muslim Court of Appeal in Jerusalem, and after discussing the problems relating to Muslim matters in every way in the light of Muslim jurisprudence, we have resolved as follows:

1. The signatories hereunder have constituted themselves as the Muslim Body in charge of Muslim affairs on the West Bank including Jerusalem. Until such time as the occupation lapses.
2. The said body has decided as follows:
 - (a) Empowering His Eminence Sheikh Abd Al-Hamid Sayeh with the authority enabling him to undertake responsibilities of Chief Justice in the West Bank as defined in the Laws of Jordan.
 - (b) Empowering the Muslim Court of Appeal in Jerusalem to undertake all the responsibilities of the Council of Islamic *Waqfs*, the Council empowered to repair Al-Aksa Mosque and the Holy Dome of the Rock as defined in the Laws of Jordan, as well as all the responsibilities and powers vested in the Director-General of Muslim *Waqfs*.
 - (c) Empowering Sheikh Hilmi El-Muhtaseb to assume the responsibilities of Director of Muslim Law in addition to his present office as member of Islamic Court of Appeal.
 - (d) The appointment of H.E. the Mufti of Jerusalem, Sheikh Sa'ad El-Din El-Alami as an additional member of the Muslim Court of Appeal in addition to the present office.
 - (e) The appointment of H.E. The Muslim Religious Judge of Jerusalem, Sheikh Sa'd Sabri to the membership of the *Waqf* and Islamic Affairs Council aforesaid and to the Council for the repair of the Mosques as aforesaid.
 - (f) The above persons shall exercise their jurisdiction and responsibilities in accordance with the Jordan Law applicable on the West Bank including Arab Jerusalem until the occupation lapses.

Signed by:

Anwar El-Khatib, Governor of Jerusalem
 Rauhi El-Khatib, Mayor of Jerusalem
 Abd El-Hamid Sayeh, President, Supreme Religious Court
 Sa'd Sabri, Religious Judge in Jerusalem
 Sa'd Ed-Deen El-Alami, Mufti of Jerusalem
 Hilmi Al Muhtaseb, Member, Supreme Religious Court
 Aref El-Aref, Director of the Jerusalem Muslim
 Foud Abd Hadi, Lawyer and Senator
 Abd Rahim El-Sharif, Lawyer and Senator
 Lawyer Kamal Dajani
 Lawyer Ibrajim Baker
 Lawyer Hafez Tablob

Lawyer Sa'd Ala' Eddin
 Lawyer Omar Wa'ri
 Lawyer Abd El-Muhsen Abu Mizer
 Ishaq Darwish
 Ishaq Duzdar
 Hasan Tahtub, Director of Jerusalem *Waqf*
 Dr. Daoud Husseini
 Dr. Subhi Ghosheh
 Lawyer Anwar Zaki Nusseibeh
 Ali Tazziz, President, Chamber of Commerce
 Faek Barakat
 Nihad Abu Gharbieh



**MEMORANDUM BY A GROUP OF NATIONAL AND ISLAMIC LEADERS IN ARAB
JERUSALEM SENT TO THE ISRAEL OCCUPYING AUTHORITIES, 3 AUGUST 1967**

[The signatories declared their rejection of the annexation of Arab Jerusalem, and their adherence to the Jordanian unity. Furthermore, they expressed their protest against the interference by Israel authorities in Muslim religious affairs. The memorandum was passed by the Permanent Representative of Jordan to the UN, Muhammed H. El-Farra, to the UN Secretary-General on 3 August 1967, with the request to have it circulated as an official document of the General Assembly and Security Council]

TEXT OF THE MEMORANDUM

Since it is in the nature of any occupation of the territory of one State by another that it does not confer on the occupying State ownership of the occupied territory or any rights of sovereignty over it,

And since the effects of an occupation are confined to the protection of the interests of the occupied territory, respect for legislation in force therein, and due regard for the life, rights and property of the citizens as well as the obligation to ensure for them freedom of belief and worship,

REJECTION OF ANNEXATION

We declare that the decisions taken by the Israel legislative and executive authorities to annex Arab Jerusalem and its environs to Israel are null and void for the following reasons:

- (a) Arab Jerusalem is an integral part of Jordan and, under paragraph 4 of Article 2 of the United Nations Charter, Israel is prohibited from encroaching upon the territorial integrity and political independence of Jordan; consequently, Israel is prohibited from annexing to itself any part of Jordanian territory;
- (b) By the two resolutions adopted at the special emergency session (of the General Assembly) held between 17 June 1967 and 21 July 1967, the United Nations has declared the illegality of annexing Arab Jerusalem to Israel;
- (c) It is not within the competence of the Israel Knesset to annex the territory of another State;
- (d) While we declare that the inhabitants of Arab Jerusalem and its environs have already exercised their right of self-determination in full freedom together with the rest of the inhabitants of the West Bank area of Jordan, thus forming the Hashemite Kingdom of Jordan in accordance with the unanimous decision taken by the Jordanian Parliament on 24 April 1950;

And while we put on record here that the annexation of Arab Jerusalem is an invalid measure imposed unilaterally by the occupation authorities against the will of the inhabitants of the city, who reject this annexation and adhere to the unity of the Jordanian territory;

We, at the same time, note that the Israel occupation forces have proceeded to interfere illegally and in a manner inconsistent with the precepts of the Islamic religion in the religious affairs of Muslims. Here are some instances of this interference:

- (a) Censorship by the Israel Ministry of Religious Affairs of the Friday Prayer Sermon in the Aqsa Mosque in Jerusalem, and deletion of many passages of the said sermon, including verses of the Holy Koran;
- (b) Admission of Israel visitors, both men and women, into the Aqsa Mosque in an indecorous state that is inconsistent with religious principles and Arab-Islamic traditions;
- (c) Demolition, among other buildings, of two Islamic mosques in the Magharba Quarter in Jerusalem, which has been destroyed by the Israel authorities. It must be noted that this quarter is in its entirety part of the Islamic public Waqfs (religious endowments);
- (d) Encroachment upon the Ibrahim Sanctuary in Khalil and closing it in the face of Muslims all the days of the week, apart from a few hours on Friday, while opening it for Israelis all week long, where they perform rites that are inconsistent with the precepts of Islam;
- (e) Intervention by the Israel Ministry of Religious Affairs in matters connected with Islamic Waqf (religious endowments);
- (f) Encroachment upon the Waqf Land known as "Nazir" Land, lying on the Tur Road, and disposing of it without the knowledge of the Waqf Administration and contrary to the Waqf interests;
- (g) Attempt by the Israel Ministry of Religious Affairs to interfere in the affairs of the Shari'a (Religious Law) Courts, including the Shari'a Court of Appeal in Jerusalem.

CITIZENS' DEMANDS

In view of all the above, we demand the following:

1. Non-encroachment upon the territorial integrity and political independence of the Jordanian State; respect for the United Nations Charter, the rules of international law and the provisions of the two United Nations resolutions adopted at its recent session (sic) and declaring the illegality of the annexation of Jerusalem; and, consequently, rescinding the decision to annex Arab Jerusalem and its environs to Israel.
2. Cessation of interference in the religious affairs of Muslims, including personal status, Shari'a Law and matters connected with sermons and religious guidance; and respect for religious observances and the sanctity of the holy places, non-encroachment upon them and non-interference in Islamic Waqf.
3. Respect for Arab institutions, including judiciary, canonical, administrative, municipal and other institutions in Arab Jerusalem, and enabling them to exercise all the powers they had before the occupation.

DECISIONS

Bearing in mind that Islamic Jurisprudence explicitly lays down that Muslims should immediately assume control of all their religious affairs under such as the prevailing circumstances;

Bearing in mind also that Islamic Jurisprudence prohibits non-Muslims from assuming control of Muslim religious affairs;

We, the representatives of the Muslim citizens in the West Bank area, including Jerusalem, have met today in the hall of the Sharia Court of Appeal in Jerusalem, and,

Having discussed Islamic conditions and affairs and exchanged views on all matters connected with religious observances, sacrosanct things and Islamic affairs in the light of the precepts of Islamic Jurisprudence,

Have reached the following decisions:

- I. That the undersigned should constitute themselves as the Islamic Organ to take charge of Islamic affairs in the West Bank area, including Jerusalem, until the termination of the occupation.
- II. That the said Organ should decide the following:
 1. To authorize the Reverend Sheikh Abdul Hamid As-Sa'ih to exercise the powers of Chief Judge in the West Bank area as prescribed in Jordanian legislation.
 2. To authorize the Shari'a Court of Appeal in Jerusalem to exercise all the powers of the Waqf and Islamic Affairs Council and the Committee for the reconstruction of the Aqsa Mosque and the Holy Rock in the West Bank area prescribed in Jordanian legislation as well as to exercise all powers granted to the Director General of Waqf.
 3. To authorize the Reverend Sheikh Hilmi al-Muhtasib to exercise the powers of Director of Shari'a Affairs in addition to his office as member of the Shari'a Court of Appeal.
 4. To attach the Reverend Sheikh Sa'd ad-Din al-Alami, in addition to his office as Mufti of Jerusalem, to the membership of the Shari'a Court of Appeal as alternate judge.
 5. To attach the Reverend Sheikh Sa'eed Sabri, the Shari'a Judge of Jerusalem, to the membership of the above-mentioned Waqf and Islamic Affairs Council and Reconstruction Committee.
 6. The above-mentioned authorities shall exercise their jurisdiction and powers in accordance with Jordanian legislation in the West Bank area, including Arab Jerusalem, until the termination of the occupation.

Signatures:

Anwar al-Khatib, Governor of Jerusalem
 Rouhi al-Khatib, Mayor of Jerusalem
 Abdul Hamid as-Sa'ih, President, Shari'a Court of Appeal
 Hilmi al-Muhtasib, Member, Shari'a Court of Appeal
 Sa'eed Sabri, Shari'a Judge of Jerusalem
 Sa'ad Ad-Din al-Alami, Mufti of Jerusalem
 Kamal ad-Dajani, Lawyer
 Ibrahim Bakr, Lawyer
 Arif al-Arif, Director of the Jerusalem Museum
 Fuad Abdul Hadi, Lawyer Senator

Abdurrahim as-Sharif, Lawyer Senator
 Hafiz Tuhboob, Lawyer
 Sa'eed Ala'uddin, Lawyer
 Omar al-Ar'ari, Lawyer
 Abdul Muhsin Abu Mizer Meezer, Lawyer
 Ishaq Darwish
 Ishaq ad-Dazdar
 Hassan Tuhbbob, Director of Jerusalem Waqf
 Administration
 Dr. Daoud al-Huseini
 Dr. Subhi Ghousha



**RESOLUTIONS 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-Baraq 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 Jews' 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 of 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 right *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 *rasif* 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 to the 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 Muslims' right of passage on the *rasif* 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 its 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 *rasif*, the Administration in Palestine should then take the necessary steps to reconstruct it.
 - (g) The wooden door leading from the *rasif* to the corner in the northern end of the Wall should remain closed on Saturdays and on Jewish Feast days ... etc.

Reference: Palestine Laws 1933, Volume 4, Page 3397 and following - Arab Edition.

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-Baraq 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 Torin, 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, though, point out that the actions referred to in the *Jerusalem Post*, if accurate, imply the destruction of the honorary corner adjoining the Blessed Aksa 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 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 Muslim and international communities, and the damage which such actions cause to the Aksa 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.

Signed:

Said Sabri, Member of the *Waqf* Council and Judge of the Muslim Religious Court 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



**DOCUMENT SUBMITTED BY SHEIKH ABD AL-HAMID AL-SAYEH AND 28 OTHER
 PERSONALITIES, RECEIVED BY THE PERSONAL REPRESENTATIVE OF THE
 UN SECRETARY-GENERAL, 22 AUGUST 1967**

In the Name of God the Merciful the Compassionate
 Ruling by the Muslim Jurists

In view of the publication of an article in the *Jerusalem Post* on 8 August 1967 under the heading: "The need to clear 82 meters adjoining the (Baraq Wall)" which stated that the Ministry for Religious Affairs in Israel had drawn up a plan to clear that area, and that the Committee for Education in the Knesset has toured the Holy Places and was informed by Chief Rabbi Torin, an official in the Ministry for Religion, that the area concerned was hidden by the buildings adjoining the Wall, and that the southern end of the Wall had existed before but was covered by buildings erected over time etc....

And in view of the prayer conducted by the Chief Rabbi of the Israeli Army, Brigadier Goren with some followers in the area of the Al-Aksa Mosque on 15 August 1967, and his statement that he intends to conduct other prayers in the area, and to build a synagogue there, on the pretext that it is some distance from the Al-Aksa Mosque, and Holy Dome of the Rock, and further his statement that the aforementioned area is part of Mount Mora, as alleged in *Haaretz* in its publication on 16 August 1967.

And in view of the statement by the Minister for Religion in a conference held by Jewish Rabbis for Jewish communities outside Israel in support of Jerusalem, which was held in the Hall of "The Suleiman Temple" in Jerusalem, and which was attended by the world Mizrahi party, representing Jewish communities in Britain, Canada, France and America, and in which the speakers included Dr. Samwel Yorsky, the Chief Rabbi of New York, and its Zionist leader, the Minister for Religion, and Dr. Mitchin, the Chief Rabbi in Britain.

And in view that the aforesaid statement of the Minister contained the following:

"The Liberation of Jerusalem has placed all the Christian Holy Places' and an important part of the Muslim Holy Places, under the province of Israel, and has returned to the Jewish their Holy Places. But Israel has other Holy Places in East Jordan, and the Holy Mosque in Jerusalem, though Holy to other religions (referring to Islam) is a Jewish shrine, but we are not thinking at the present of building our temple there, though we will do all we can about it, and we will build all the Jewish Synagogues in the Old City and enlarge the area of Al-Baraw Wall as soon as possible.

"As to the Holy Ibrahim Mosque, the Cave is a Jewish shrine which we have bought, in the same way we have bought the Holy Rock in the days of David and the Yabusins, and our rights in the Cave and the Rock are rights of Conquest and acquisition."

And in view of what was reported in a talk with the Minister for Religion in the 18 August 1967 edition of *Haaretz* that the Cave of Makfila and the Beraq Wall are Jewish by right of conquest and acquisition.

And in view of the far-reaching consequences of the above statements and actions for Jerusalem and the Holiest Muslim Shrines.

We, the Muslim Jurists, Ulama, and Mufties in Jerusalem and the rest of the West Bank in the Hashemite Kingdom of Jordan announce and declare the following rulings:

1. That the Al-Aksa Mosque and the blessed Ibrahim Mosque are Muslim Mosques which are Holy to Islam.
2. That the Aksa Mosque is the first place towards which the Muslims turn their faces in prayer, and the third Holiest Mosque in Islam the pilgrimage to which is imperative on all Muslims according to the Hadith of the prophet, may God's blessings and peace be upon him as reported by the Imam Bakhari and others. (The pilgrimage of Muslims should be directed to three Mosques only, this my Mosque (the Prophet's Mosque) and Al-Aksa and Al-Haram Mosques.)

And that the blessed Al-Aksa Mosque was the terminal point of the Prophet's Holy journey, may God's blessing and peace be upon him, and the starting point Of his Holy passage, and that it is imperative on all Muslims throughout the world to safeguard the sanctity of Jerusalem and the blessed Mosque with the same care they safeguard the sanctity of Mecca and its Mosque and protect it from aggression, so that the two terminal points of the Prophet's Holy passage are cared for and cherished, and seem to that easy access to those Mosques is guaranteed to all Muslims throughout the world.

God the most high has ordained; (Mighty is He who transported His Servant at night from El-Haram Mosque to El-Aksa Mosque which We have blessed, as We have blessed the area surrounding it) - from Surat Al-Isra.

3. That the Aksa Mosque referred to includes all the Mosque, which is the Mosque, the surrounding walls, and the doors, which today includes Al-Aksa Mosque, the Holy Dome of the Rock, and the adjoining area.

And that any violation of the sanctity of the area contained within the walls of the Holy Mosque is a violation of the sanctity of the Holy Mosque itself.

And that the jurists and historians have ruled that this area concerned extends 700 pies in length and 455 pies in breadth, whilst others maintained that the area was larger, because of the controversy over the principle of measurement used and the exact measure of a pie.

And that during the Mandatory period it was established after detailed study that the aforesaid area was 140 dunums and 900 metres.

References: Ibn Al-Fakih in 903 AD, Ibn Abd Rabboh Al-Andalusi in his book: Al-Ukd Al-Farid 913 AD, Al-Makdasi in 985 AD, and the Map of the Holy Mosque published in 1944 by the Survey Department, the British Mandate Government.

4. That the Jews have rights in the Wailing Wall established by the *status quo* and tradition, both during Muslim-Turkish rule and Christian Mandate Government, and that they had fully and freely utilized these rights until the Arab-Jewish war in 1948.

And that the Jews wished to expand these rights in 1929, causing bitter conflict with the Muslims and Arabs, leading to violence and revolution in 1929, and that, as a result of that bloody incident an official paper "The Western or Wailing Wall" was published in Palestine in 1931 by Britain following the resolution adopted by the League of Nations on 14 January 1930, and that this paper announced the appointment of an International Commission to consist of three non-British jurists, and that the Commission after the hearings from leading Muslim and Jewish lawyers, concluded the following ruling:

- (a) That the Western Wall is exclusively Muslim property on which Muslims exercise right *in rem*, since it is contained within the area of the Holy Mosque which is Muslim *Waqf*, and that Muslims have rights of property over Al-Rasif, which stands before the Wall and before the area known as Moghrabi Quarter adjoining the Wall, since it is, according to Muslim jurisdiction, a *Waqf* property dedicated to charity.
- (b) That the Jews have right of access to the Western Wall to conduct prayers and supplications subject to the following rules.
- (c) To keep the door on the tip of the Southern Wall closed on certain hours but to respect the right of access and passage to Muslims on Al-Rasif as customary.
- (d) To refrain from using the area before the Wall or its surroundings for speeches or political demonstrations of any kind.

Reference: Palestine Laws 1933, Fourth Volume, page 3397 and following in the Arabic translation editions.

And that this ruling has settled that Arab-Jewish dispute concerning this Holy Place, and has become an international document which has universal application, and under no circumstances should this dispute be allowed to arise again, in the same way that judicial ruling should settle any other dispute.

Thus the expansion in the area of the Wailing Wall is a violation of the right of Muslims in the Moghrabi quarter which is a Muslim Charity *Waqf*, and the intended expansion, reported in the *Jerusalem Post*, will imply the destruction of the adjoining corner to the Holy Mosque, and includes a Mosque amongst other houses and buildings, and the destruction of the Tankizi School, on the site of the old Muslim Jurisdiction Court, on which a Mosque, the Institute of Muslim Studies, and the office of the Muslim Conference stand, all of which belong to Muslim Charity *Waqfs*, and are historical sites which should not be tampered with or touched, and that the aforesaid intention violates Muslim rights and is in ~ contravention to international laws.

5. That the rights of property over the Holy Rock and the Makfila Cave in the Holy Ibrahimi Mosque, established by old traditions and rulings after the passage of fourteen centuries during which the Muslims exercised these rights, are undisputed and that to dispute them is not permissible by any religious convention or rule, or any local or international law, and that to dispute these rights will subject personal and international rights to grave dangers, especially since the Muslims, on entry into this country after the Roman rule, have never Violated the sanctity of the Temple or its relics but acted as custodians for Jews and offered them refuge from the aggression which they suffered throughout to non-Muslim world and that, finally, the site of the Temple has not been established categorically in any religious text, and is controversial issue amongst historians and archaeologists

In view of all this, and following the juridical rulings and historical facts, we declare the following:

- 1.) Any violation of any part of the area of the Holy Mosque is a violation of the sanctity and holiness of the Mosque itself.
- 2.) That the Ibrahimi Mosque in Hebron, is a Muslim Mosque in its entirety, and that any violation of any part of the shrine is a violation of its sanctity.
- 3.) That the area surrounding the Status of the Wailing Wall, which is the Western Wall to the Holy Mosque, has been settled in the International Ruling mentioned above, and published by the International Commission in 1931, as Muslim property, and this ruling is categoric and binding.
- 4.) That to change the *status quo* in the Holy Mosque and the Ibrahimi Mosque, or to expand the area of the Wailing Wall is a blatant violation of the sanctity of the Muslim shrines, and constitutes a naked aggression which will have far-reaching consequences not only within the Muslim community in Jerusalem, but throughout the Muslim world and the international community.
- 5.) That the Muslims offer free access to Jews and non-Jews to the Muslim holy places, subject to the condition that this access is treated with the behaviour and decency imperative in respecting the sanctity of these Holy shrines.

Signed by:

1. Abd Al-Hamid Al Sayeh, Chief Jurist in the Western Bank and President of the Court of Appeal
2. Said Abd Allah Sabri, Chief Judge of Jerusalem and Member of the Muslim Institute
3. Suleiman Al Ja'bari, Religious Instructor in the Ministry of Education
4. Mustafa Tahbub, Chief Judge of Hebron
5. Wasef Abdo, Chief Judge of Jennin
6. Sufian Al-Khalidi, Chief Judge of Tulkarem
7. Abd Al-Hai Arafah, Mufti of Hebron
8. Rashad Al-Hilwani Tamimi, Member of Muslim Institute and Teacher at the Ibrahimi Mosque
9. Yasin Sadeq Al-Bakri, Imam and Teacher at the Al-Aksa Mosque
10. Abd El-Kader Abdeen, Teacher at the Aksa Mosque
11. Ahmad El-Khatib, Roving Preacher for the Ramallah area
12. Yunis Abu Rab, Preacher for Jennin
13. Fath Allah Salmudi, Preacher and Imam of Silwad Mosque
14. Saleh El-Silwad, From the Ulama
15. Rateb Al Duwick, Chief Clerk, Court of Bethlehem
16. Hilmi Muhtaseb, Member, Court of Appeal
17. Said Eddin Alami, Mufti of Jerusalem
18. Mohd. As'ad Imam Husseini, Chief Judge in Ramallah
19. Jum'ma Al-Silwadi, Chief Judge in Nablus
20. Rajab Bayood Tammimi, Chief Judge in Bethlehem
21. Mohd. Said Al-Jamal, Assistant Chief Judge in Jericho
22. Tawfiq Jarrar, Mufti of Jennin
23. Jamil El-Khatib, Preacher and Imam of the Aksa Mosque
24. Mohd. Khalil El-Takruri, Imam and Teacher at the Aksa Mosque
25. Akramah Sabri, Teacher at the Muslim Institute
26. Yousef El-Silwadi, Chief Preacher in Ramallah Area
27. Mohd. Khalawi Jolani, Chief Preacher in Bethlehem
28. Abd El-Sam'eh Hasan Rifa'ei, Imam and Preacher in Mosque of Bethlehem
29. Mahmoud Al-Habeeh, From the Ulama



**LETTER FROM SHEIKH ABD AL-HAMID AL-SAYEH AND 13 OTHER PERSONALITIES
RECEIVED BY THE PERSONAL REPRESENTATIVE OF THE UN SECRETARY-GENERAL,
26 AUGUST 1967**

Sir,

On the occasion of your arrival in Jerusalem in the capacity of a personal representative for Mr. U Thant, the Secretary-General of the United Nations, to investigate and inform yourself on the steps the Israeli authorities have taken to implement the two resolutions adopted on the 4th and 17th of June 1967, in the course of the Emergency Session of the General Assembly of the United Nations, calling upon the Israeli authorities to rescind the measures it took to merge and annex Arab Jerusalem, we, the undersigned, both Muslims and Christians, have the honour to direct your attention to the following:

1. The Israeli authorities so far have not taken the slightest steps to indicate that they intend to comply with the resolutions of the General Assembly concerning Jerusalem. On the contrary, they have positively announced that they will not implement the aforesaid resolutions, and have taken more measures to demonstrate clearly their determination to annex Arab Jerusalem, revealing, in their actions, a complete disregard for the resolutions of the United Nations and the wishes of the inhabitants of Arab Jerusalem and their rights to self determination.
2. In support of the above statement, the following measures, though not Comprehensive, may nevertheless demonstrate the trend of their policy:
 - (1) The occupying power dissolved the duly elected Arab Municipality Council in Jerusalem and dismissed the Mayor and other officials.
 - (2) It placed Arab Jerusalem under the administration of the Municipality Council of Israeli Jerusalem which, in turn, confiscated the movable and immovable property of the Arab Council.
 - (3) It subjected Arab Jerusalem to Israeli laws and regulations, and thus abrogated all the Jordanian laws previously applied in the City.
 - (4) It imposed upon the inhabitants of Arab Jerusalem the heavier taxes and municipal rates applicable in Israel, thus causing undue hardship and additional heavy financial burdens.
 - (5) It constructed physical barriers between Jerusalem and the rest of the West Bank, and restricted passage between the two sectors to special permits to be issued by the authorities.
 - (6) It dissolved the Jordanian civil administration in the City, and dismissed most of its officials.

- (7) It dissolved the Jordanian Courts of Justice in Jerusalem, and subjected the City and its inhabitants to the province and jurisdiction of the Israeli Courts.
- (8) It replaced the Jordanian currency by Israeli currency as the only legal tender in the City, and compelled the inhabitants to change their currency into Israeli tender at rates which were far lower than the official rates and rates prevalent in world markets, thus causing many of the Arab inhabitants to suffer substantial losses.
- (9) It subjected the inhabitants of Arab Jerusalem to heavier rates of income taxation, and thus burdened them to further material losses to those already sustained in consequence of the war and the occupation.
- (10) It erected customs barriers around Arab Jerusalem and imposed and collected excise duties on all the goods imported from the West Bank, while allowing free entry of Israeli imports.
- (11) It imposed customs and duties based on Israeli laws on Arab Jerusalem, and collected such duties even on the goods already in stock which were imported before 5.6.67 and already paid for under Jordanian laws.
- (12) It refused to recognize Jordanian license permits for vehicles and other trades or professions, thus compelling people to obtain Israeli permits under threat of punishment, and further exerted great economic pressure, especially on travel offices and their agents.
- (13) It integrated the government schools in Arab Jerusalem into the Israeli Municipality Council's educational system, and replaced the Jordanian curriculum by an Israeli one, and further closed the office of the Director of Education in Arab Jerusalem.
- (14) It neglected the usage of the Arabic language in most of its measures and dealings, although it is the language of the inhabitants.
- (15) It placed the property of Arab absentee landlords under custodianship, as a preliminary step to confiscating it, as previously done with Arab property in Israel.
- (16) It attempted to place the religious courts and Muslim Waqf (property) under the jurisdiction of the Ministry for Religious Affairs in Israel, and apply the laws relating to personal status in Israel to Muslims.
- (17) It interfered with the personal freedom of citizens in that it exiled and committed to prison a number of Arab citizens who have expressed their views relating to the unacceptability to the Arabs of the annexation of Jerusalem.

Furthermore, the Israeli authorities have taken many arbitrary and provocative measures of which the following list, though not comprehensive, may give an idea:

1. The razing to the ground of the entire Mughrabi Quarter in the Old City comprising 153 houses and involving 650 persons, who were unable even to retrieve furniture because they were not given sufficient warning, and the destruction of two small mosques in that quarter.
2. The expulsion and rendering homeless of the 3,000 inhabitants of Sharif Quarter, on the pretext that Jews had lived in the Quarter in the past, although most of the houses in the area had been inhabited by Arabs throughout and owned by Muslim *Waqf*.
3. The destruction of many Arab houses and properties outside the walls of the Old City.
4. The occupying Israeli authority has also applied strong economic pressure against the inhabitants of Arab Jerusalem, with a view to reducing their resistance and forcing them to leave.
5. It confiscated a large number of private and public cars, Pullman buses, and occupied a number of hotels.
6. It introduced Israeli bus companies into Arab territory to compete with or replace Arab companies.
7. It did not respect the sanctity of Muslim and Christian religious shrines, and thus forced the custodian of the holy places to close some of the churches. Moreover, the Chief Rabbi of the Israeli Army' Brigadier Goren, conducted a prayer together with some followers in the Haram Al-Sharif (Holy Mosque), thus blatantly offending the Muslim's susceptibilities and infringing upon their established rights, while the Minister for Religion in Israel announced that the Muslim Mosque is Jewish property, and that sooner or later they will rebuild their temple there. Finally, the Ministry for Religion announced its intention of expanding the Wailing Wall again thus destroying some of the Muslim buildings surrounding it, and constructing a synagogue there, in contravention of the *status quo*, and an outright violation of the rights of Muslims and Muslim *Waqf*.

It is quite clear that all these measures contradict basic principles of international law and international conventions governing the state of war and the treatment of civilians in occupied territories, which preclude the annexation by the occupying power of any territory or its division into administrative units to serve political

purposes as long as the state of war still stands, and moreover do not give the occupying power the right to change or modify existing laws and administrations in occupied territories. On the contrary, international law and conventions call upon the occupying power to apply existing laws and administrative structures, and to protect private property, religious beliefs, and personal liberties, and to refrain from imposing new taxes and fees on the inhabitants under occupation.

The Israeli authorities, instead, have replaced the structure of Jordanian Arab administration in the city by a direct Israel administration in all aspects, and caused an exorbitant rise in the standard of living creating difficulties for Arab inhabitants.

Although some of these measures were taken before the two resolutions of the General Assembly of the United Nations in its emergency session, the majority were taken after the resolutions. Thus, the Israeli authorities did not only mean to challenge the United Nations and the Muslim and Christian world, but also to violate the rights of the Arab inhabitants of the city, particularly their right to self-determination, contravening in this the Charter of the United Nations, the Declaration of Human Rights, and the principles of justice and equity.

Naturally, the inhabitants of Arab Jerusalem will not accept this situation or recognize its status, and strongly protest against the annexation of their city by Israel.

In the light of this, we pray that Your Excellency will take the earliest convenient opportunity to meet with the undersigned and others in Arab circles in the city to discover their views regarding the annexation of their city, and we, in turn, are perfectly willing to forward any information or other details that you may wish to obtain.

Please accept our deepest regards.

Signed:

1. Sheikh Abdal-Hamid al-Sayeh, Chief of the Muslim Supreme Court and Kadi-al-Kudah (Chief Justice)
2. Ruhi al-Khahib, Mayor of Jerusalem
3. Bishop Nagib Aub'em, Arab Anglican Bishop in Jordan
4. Sheikh Sa'd al-Din al-Alami, Mufti of Jerusalem
5. Auton Atallah, Senator and ex-Foreign Minister for Jordan
6. Muhamed Is'ak Darwish, Member of the Higher Arab Committee
7. Yusef Khouri, for the Union of Engineers
8. Anwar Nusseih, ex-Jordanian Ambassador in London, Member of Parliament for Jerusalem, and ex-Minister of Defence for Jordan
9. Dr. Nabih Mu'mer, for the Union of Dockers
10. Sheikh Ali al-Taziz, President of the Chamber of Commerce for Arab Jerusalem
11. Taysiv Kan'an, President of the Court of First Instance in Jerusalem
12. Na'im al-Ashaf, Representative for Trade Unions
13. Fouad Abd al-Had, Senator
14. Sa'ed Ala al-Deiu, ex-Jordanian Minister for Economic Affairs



**MEMORANDUM CONCERNING THE MEASURES TAKEN BY ISRAEL WITH RESPECT
TO THE CITY OF JERUSALEM, SUBMITTED TO UN AMBASSADOR THALMANN BY
RUHI AL-KHATIB, MAYOR OF ARAB JERUSALEM, 26 AUGUST 1967 [EXCERPTS]**

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

(a) Basic measures.

1. They have torn down the barriers separating the two sectors of the city, and they have tacitly authorized their army and their people to harass the civilian population by pillaging houses, shops and vehicles, by seizing hotels, and by restricting the freedom of the population for a long period of time.
2. They have tacitly authorized the desecration of Christian and Muslim Holy Places and have permitted access to them during hours of prayer. We must also protest the complete lack of decorum shown by both

men and women in dress and behavior. This complete lack of respect has grossly offended the religious sensibilities of the faithful of both religions.

3. One hundred and thirty-five houses in the Mughrabi Quarter adjoining the Wailing Wall and adjacent to the two Mosques of Omar and Aksa which are Muslim Holy Places, have been dynamited and razed by bulldozers. Because of this, 650 Muslims, all of them poor and pious persons living near the Muslim Holy Place, were removed from their homes and driven away after having been allowed no more than three hours to evacuate their homes, which they had to do while the curfew was in effect. One can easily imagine the consternation of these families, who had to see to the removal of their property and take care of their children and their aged. One part of these buildings, comprising some houses and two small mosques, belongs to the Muslim *Waqf*. The other part was private property over which the Jews had no rights. They razed these buildings in order to make room for a Jewish religious institution.
4. The occupation authorities also took over some houses in the area known as the Jewish Quarter inside the boundaries of the Old City. They forced the evacuation of 3,000 residents after a one to three day period of grace and during non-curfew hours. Many therefore had to abandon their property when they fled and thus swelled the number of the refugees, many of whom are still completely destitute. We should bear in mind that most of these houses were Arab property.
5. They applied several oppressive measures to the remaining inhabitants of the city, depriving them of their means of subsistence and preventing the arrival of relief supplies from abroad. All this was done to force them to leave the city and thus reduce their number.
6. They proceeded to take a general census of the city and its environs lying within an arbitrary demarcation line which they established to limit the population of the City of Jerusalem. Closed shops and houses were marked with a distinctive sign. Absentee owners were, as a result, liable to summary requisitions.

(b) Measures taken against the Municipality of Jerusalem

1. The Israel Parliament adopted a decision authorizing the occupation authorities to annex to the State of Israel whatever they deemed necessary without regard to international law or to the will of the inhabitants. Accordingly, their Minister of the Interior ordered the annexation of Arab Jerusalem and several neighboring villages to the Jewish sector of the city and the placing of the entire area under the administration of the Jewish Municipal Council.
2. Consequently, their authorities dissolved the Arab Municipal Council and dismissed the Mayor and the members of the Council after having seized their files and their movable and immovable property.
3. The Jewish municipal authorities later dismissed some officials of the Arab Municipality and transfer-red others to the Office of the Mayor of the Jewish sector.
4. The unified Jewish Municipality continues to carry out Israel administrative measures, which are wholly at variance with the Jordanian administrative policies which the residents are supposed to continue to follow under the most recent resolutions of the United Nations and under international law.
5. The Jewish Municipality demolished many Arab buildings both inside and outside the walls of the Old City and it is continually taking similar measures in order to erase the last trace of the demarcation lines between the two sectors and to create a fait accompli while at the same time weakening the Office of the Arab Mayor as a separate authority in order ultimately to do away with it entirely.

(c) Measures taken against the Arab administration.

1. All the Jordanian laws in force in the Arab sector of the city have been repealed and replaced by Israel measures and laws, in violation of international law, which stipulates that the laws in forces in occupied territories must be respected.
2. The occupation authorities have erected barriers between Jerusalem and the other Arab villages on the West Bank and have obstructed the free movement of its inhabitants by instituting a system of passes issued by the occupying forces.
3. They have set up customs posts on the boundaries of the City of Jerusalem for the purpose of taxing merchandise originating in the occupied Arab areas, while merchandise of Israel origin is left tax-free, in order to compel the Arabs to buy Israel products.
4. The occupation authorities have erected barriers between Jerusalem and the other Arab villages on the West Bank and have obstructed the free movement of its inhabitants by instituting a system of passes issued by the occupying forces.
5. They have set up customs posts on the boundaries of the City of Jerusalem for the purpose of taxing merchandise originating in the occupied Arab areas, while merchandise of Israel origin is left tax free, in order to compel the Arab to buy Israel products. [...]

d) Matters relating to the Holy Places.

1. Following repeated desecration of the Christian Holy Places, the Custodian of the Holy Places ordered the closing of some churches under his authority in the Arab sector and refused to open them to visitors. These Holy Places include the Church of Gethsemane, or Church of the Nations, the Church of Bethany, and the Church of the Prison of Christ on the Via Dolorosa.
2. The failure of the occupation authorities to prevent desecrations of the Holy Places has led to the burglary of one of the largest and holiest churches in the world. The priceless, diamond-studded crown of the Statue of the Virgin, Our Lady of Sorrows, on Calvary itself was stolen some ten days ago.
3. Armenian and Latin priests have been victims of aggression or offenses committed by Jews, including, in some cases, Jewish religious officials, as well as by Israel soldiers or police.
4. The Chief Rabbi of the Israel Army, Brigadier Goren, with his escort and other Jews, on 15 August 1967 mounted to the Dome of the Rock with liturgical vestments and prayer-books. They conducted a prayer lasting two hours within the confines of the Mosque of Omar, thus infringing the inviolability of a Holy Place venerated by all Islam. Far from stopping at this provocation, they made known their intention of repeating such religious acts. At an official meeting held in Jerusalem on 12 August 1967, the Israel Minister for Religion stated that the occupation authorities considered the Mosque of Omar and its outlying buildings as their property either by past acquisition or by recent conquest. He also expressly proclaimed that those authorities were determined sooner or later to rebuild their temple on the Dome of the Rock itself. That statement shows how far their aggressive intentions against the Muslim Holy Places in Jerusalem extend, and no Muslim, or any honest man, could ever accept that statement.
5. The occupation authorities are constantly drawing up plans for the expansion and erection of religious buildings near "Buraq"; one of the most recent statements, reported in the Jerusalem Post of 8 August 1967, tells us that the occupying forces will continue to demolish other buildings belonging either to the *Muslim Waqf* or to Arab owners.
6. They have occupied a government school for girls which was built on Waqf land in the Mughrabi Quarter near the Aksa Mosque with a view to transforming it into a supreme religious tribunal without having asked the permission of, or even informed, the *Muslim Waqf*. They have even planted Jewish and religious emblems on them.
7. They have claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aksa Mosque; those claims were rejected by the Muslim judiciary of the City of Jerusalem as contrary to the precepts of Qur'anic Law and the commands of Muslim theology. The situation is still very tense between the occupation authorities and the Muslim Committee concerning this very important religious issue.

e) Economic matters.

1. The local banks were closed, their assets confiscated and their work suspended.
2. On the other hand, five of the main stores in the Arab sector were confiscated and turned into branches of Israeli banks.
3. The Israel authorities abolished transactions in Jordanian currency and forced the inhabitants of the Arab sector to change their money into Israel currency at a rate much below that recognized in the free world markets and even further below the official rate, thus causing the Arab inhabitants and other residents heavy losses.
4. The occupying forces destroyed a large plastics factory inside the Walls, where 200 manual and clerical workers were employed. The goods produced there were marketed in Jerusalem, in other towns on the West Bank and in some neighboring Arab countries. The buildings were demolished and the machinery was pillaged before the owners had time to remove it. By this action, the occupation authorities deprived the inhabitants of one of the major projects on the West Bank.
5. The tax authorities began to notify the inhabitants officially that motor vehicles and telephones would be subject to taxation in accordance with Israel law. They would also collect income tax. Practical measures were taken to impose customs duties on all merchandise in Arab shops and warehouses, although the owners had already paid Jordanian duties. [...]

f) Social Affairs

1. The annexation of Jerusalem to Israel separate those Arabs who remained inside the city limits from their brethren living on the West Bank and from those in the other Arab countries. [...]
4. The Jews are beginning to unveil their projects for the construction of great buildings in the town and its surroundings to increase the number of the Jewish inhabitants to 500,000. The Arabs are afraid that these

projects may be carried out at the expense of their properties and of their possessions by confiscation or under pressure. Likewise they fear that Jews may become the majority of inhabitants of Jerusalem, thus appropriating the city, of which the Arabs would retain only memories.

5. The occupation authorities have infringed the individual liberty of the Arabs of the city by arresting certain members of the national committees who proclaimed their opposition to the annexation of the Arab sector of Jerusalem to the Jewish sector. They have also imprisoned other members of these committees for the same reason. [...]

The inhabitants of the Arab sector of Jerusalem and those of the West Bank resolutely proclaim their opposition to all the measures which the Israel occupation authorities have taken and which those authorities regard as constituting a *fait accompli* not subject to appeal or reversal, namely, the unification of the two sectors of the City of Jerusalem. They proclaim to the whole world that this annexation, even camouflaged under the cloak of administrative measures, was carried out against their will and against their wishes.

In no event shall we submit to it accept it.

Signatories: Abdel Mughni el-Natsheh, Faez Barakat, Nihad Abu Gharbieh, Khader Abu Swai, Ali el-Taziz, Dr. Rashi el-Nashashibi (*Members of the Municipal Council*), Rawhi el-Khatib (*Mayor*), Dr. Ibrahim Tleel (*Deputy Mayor*).



**MEMORANDUM SENT BY DIGNITARIES AND INHABITANTS OF JERUSALEM
TO THE ISRAELI AUTHORITIES, PROTESTING THEIR MEASURES TO EXPROPRIATE
ARAB LANDS IN JERUSALEM, 14 JANUARY 1968**

[The memorandum was passed by the Permanent Representative of Jordan to the UN, Muhammed H. El-Farra, to the UN Secretary-General on 28 February 1968, with the request to have it circulated as General Assembly and Security Council documents]

His Excellency the Prime Minister
c/o His Excellency the Military Governor General to the West Bank
JERUSALEM

Sir,

The expropriation of large areas of land for building dwelling houses to settle large numbers of Jews in Arab Jerusalem, has been reported in some of the Israeli newspapers and duly confirmed by Israeli Authorities.

We are shocked and dismayed because we were under the impression that the Israeli Authorities would not embark on taking such a drastic step which affronts world public opinion. We have therefore hastened to present this memorandum with a view to safeguarding the character of Arab Jerusalem and to show the magnitude of our concern for the success of the attempts made in many quarters to secure peace. We wish to assure the Israeli Authorities of our grave misgivings concerning the scheme. The following are but some of our objections:

1. This move justifies our worst fears that a policy of expansion and aggression is being pursued by the Israeli leaders, and the talk about peace which is expressed now and again is a mere cover to hide their true aim of expansion.
2. This move will destroy all those possibilities of peace now being sought by various bodies.
3. This move will also obstruct the mission of the United Nations envoy in his efforts at finding equitable solutions to the problems of our region. It will be undoubtedly clear that Israel seeks to sabotage all basic solutions regardless of whatever declarations may be made by the Israeli Government that it is co-operating with the United Nations envoy in making his mission a success.
4. There is no need to reiterate what has been said before; that such a course of action is an affront and violation of United Nations resolutions; an infringement of the rights of another sovereign State and a member of the community of nations.
5. The gravity of the situation is by no means lessened on account of the avowed declarations that these dwellings will be available to the entire population regardless of race or religion. This is no more than a mask to cover the real aims of the authorities.

We wish to put on record our protest in the strongest possible terms in respect of these measures which are contrary to justice and in violation of international law. We raise our voice from Jerusalem, the cradle of humanitarian values and in the name of our legal rights. We hope that the ruling administration will abide by these values.

We still entertain a lingering hope that all is not lost; not reason and prudence; goodwill and the call for peace may yet prevail. This is to be achieved by forsaking this policy which is bound to obliterate or disfigure the true face and character of Arab Jerusalem and thus spare the world from another *fait accompli*.

Signed by:

1. Bishop Najeeb Qubein, Anglican Arab Community
2. Bishop Elaryon Kabboshi, Arab Catholic Community
3. Sheikh Hilmi Muhtaseb, President Muslim Community
4. Sheikh Sa'ddin Alami, Mufti of Jerusalem
5. Sheikh Said Sabri, Sharia Qadi Jerusalem
6. Anwar Khatib, Ex-Governor of Jerusalem
7. Anwar Nuseibeh, Ex-Jordan Ambassador at UK
8. Said Alaeddin, Ex-Minister of Economy
9. Abdul Hahim Shareef, Senator
10. Kamal Dajani, Ex-Minister of Interior
11. Rouhi el Khatib, Mayor of Jerusalem
12. Dr. Ibrahim Tleel, Deputy Mayor of Jerusalem
13. Anton Safieh, Assistant Mayor of Jerusalem
14. Nihad Abugharbieh, Municipal Councillor of Jerusalem
15. Abdul Mughni Natshah, Municipal Councillor of Jerusalem
16. Mousa el Bitar, Municipal Councillor of Jerusalem
17. Khader Abu Sway, Municipal Councillor of Jerusalem
18. Ali Taziz, Municipal Councillor and President of Chamber of Commerce
19. Fayek Barakat, Municipal Councillor and Director of Chamber of Commerce
20. Anton Albina, Member of Chamber of Commerce, Jerusalem
21. George Khader, Member of Chamber of Commerce, Jerusalem
22. Fayez Abdul Nor, Member of Chamber of Commerce, Jerusalem
23. George Akra, Member of Chamber of Commerce, Jerusalem
24. Abdul Hamid Asali, Member of Chamber of Commerce, Jerusalem
25. Khairi Nasereddin, Member of Chamber of Commerce, Jerusalem
26. Matia Marroum, Ex-member of Parliament
27. Emile Safieh, Ex-member of Parliament
28. Tayseer Kan'an, President, District Court of Jerusalem
29. Mohammad Ishaq Darwish, Member of Higher Arab Committee
30. Dr. Asad Bishara, Physician
31. Hafez Tahboub, Advocate
32. Jameel Naser, Advocate
33. Haj Omar Wa'ari, Advocate and Ex-Mayor
34. Dr. Saleem Ma'touq, Physician
35. Rashad el Sheikh, Mukhtar Sheikh Jarrah Quarter
36. Yousef Hanna, Editor
37. Dr. Daoud Huseini, Landlord and Ex-member of Parliament
38. Jawad Huseini, Landlord
39. Azeez Shhadeh, Advocate and Landlord
40. Mahmoud Osman, Landlord
41. Haj Tewfiq Abu Zahra, Landlord and Member of Chamber of Commerce
42. Yousef Khoury, Architect and Contractor
43. Michal Sindaha, Representative of Labour Unions
44. Rida Kaddoumi, Member of Chamber of Commerce Jerusalem
45. Bader Sharaf, Landlord
46. Faisal Siam, Pharmacist, Landlord



**REPORT PREPARED BY THE INSTITUTE FOR PALESTINE STUDIES, BEIRUT,
CONCERNING CHRISTIAN PROPERTIES IN THE ISRAELI SECTOR OF JERUSALEM,
SUBMITTED TO THE UNITED NATIONS, 19 APRIL 1968**

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

These Christian properties are on the summit of Mount Zion, just outside the city walls to the south. From 1948 until 1967 they were technically in Israel, but the general public was forbidden access to them, and they were under the direct control of the Israeli army. Amongst the buildings is the Armenian Church of St. Saviour, by tradition built on the house of Caiaphas; it is a fifteenth-century structure, on approximately the same site as a much earlier Byzantine Church. It belongs to the Armenian Patriarchate in Jerusalem, which is also located on Mount Zion, but within the walls of Jerusalem. Since 1948 the prelates of the Armenian Church have been unable to visit St. Saviour's either from Jordan or Israel. Some years ago a UN truce supervisor was

asked about the church, but was unable to get inside it, the Israelis telling him it was mined. At the time, he expressed the private opinion that it was being used as an advanced Israeli machine-gun post.

The evidence of recent photographs and reports has proved this conjecture to be correct. The monastery buildings around the church were fortified by the Israelis, and the walls between individual cells demolished to make a continuous passage; the windows were filled with sand-bags and wooden gun emplacements. It is clear that they attached considerable importance to the site, as it commanded the south-west angle of the Old City. Less comprehensible was the behavior of the Israeli soldiers during twenty years occupation of the buildings. The courtyard of the church of St. Saviour is the traditional burying-place of the Patriarchs of the Armenian Church in Jerusalem, and at least fourteen of the venerable tombs were smashed open, and their contents desecrated. Two were demolished and excavated to a depth of six feet below the ground. The interior of the church of St. Saviour is a scene of total devastation. The carved and gilded altar has been wrecked, and an altar painting lies destroyed on the floor below. The oil paintings that decorated the upper part of the north and south walls have been torn out of their frames, leaving only tattered shreds of canvas. Many of the Kutahya tiles, brought specially from Turkey by Armenian pilgrims in the early eighteenth century, have been ripped from the walls; those that have not been stolen lie smashed on the ground, along with a tangled mass of broken church furniture. The valuable collection of old church vestments has completely disappeared.

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

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

The state of the third cemetery on Mount Zion, belonging to the Latin Church, has been described in a recent issue of the Catholic journal, *La Terre Sainte*, by the Very Reverend Father Andres. Procureur General in the Holy Land since 1962, he speaks with authority as he has had the task of supervising the repairs to the damaged cemetery. He begins by deploring the overthrowing of Jewish tombstones by the Arabs of the Mount of Olives - the subject of a recent Israeli White Paper - but observes that they did not, as far as is known, actually drag the corpses out of the tombs, as happened with so many Christian graves. He published several macabre photographs, showing smashed tombs in the Catholic cemetery, with the remains of coffins and the deceased strewn all around. In conclusion he rightly asks why these acts of profanation by the Israelis were not also mentioned in the White Paper.

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



PETITION BY INHABITANTS OF ARAB JERUSALEM TO THE ISRAELI MILITARY GOVERNOR, PROTESTING AGAINST THE ENFORCEMENT OF ISRAELI TAX LAWS, 22 MAY 1968

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

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

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

Signatories: Sa'd al-Din al-Alami (*Mufti of Jerusalem*); Dr. Ibrahim Khalil (*Deputy Mayor of Jerusalem*); Sheikh Hilmi al-Muhtaseb and 32 others.



**MEMORANDUM SENT BY ARAB LAWYERS IN ISRAELI-OCCUPIED TERRITORY
TO THE PRIME MINISTER OF ISRAEL REJECTING THE SO-CALLED
"ADMINISTRATIVE PROVISIONS BILL, 1968", JERUSALEM, 15 AUGUST 1968**

[The request of the Arab lawyers was not heeded by the Israeli authorities. The bill was passed in the Knesset on 27 June 1968, and became the "Administrative Regulation Law, 1968", published in the Israeli Gazette No. 542 of 23 August 1968, aiming at completing Israel's unilateral annexation of Jerusalem and its environs. The memorandum was passed by the Permanent Representative of Jordan to the UN, Muhammed El-Farra, to the UN Sec.-Gen. on 8 Feb. 1969, with the request to have it circulated as an official document of the General Assembly and Security Council]

TO H.E. THE PRIME MINISTER OF ISRAEL
THROUGH THE MILITARY GOVERNOR GENERAL, JERUSALEM

Subject: Administrative Provisions Bill, 1968

On 27 June 1967, the Israeli Parliament enacted an amendment to the Judicial and Administrative Provisions Law No. 11/67 which provided, *inter alia*, that Israeli administration and judgements apply to all Israeli territory. On 28 June 1967, the Minister of Interior promulgated an order entailing the extension of the Jerusalem municipal boundaries, whereby the Arab sector of Jerusalem as well as all its suburbs were ceded to Israel in contravention of the rules of international law, the provisions of the United Nations Charter, the Geneva Conventions of 1949, the recommendations of the General Assembly and the resolution of the Security Council passed after June 1967. The Israeli authorities further unlawfully closed down Arab courts in Jerusalem, confiscated Arab property, drove away Arab nationals from their homes and settled Israeli nationals in Arab habitations, thereby violating international law, decisions and practice.

A few days ago, it was brought to the attention of the Arab inhabitants of Jerusalem that the Israeli Justice Minister had placed before the Parliament a draft law (Administrative Provision Bill, 1968). The said Bill confirms the previous territorial cession and has as its object the incorporation of the Arab population of Jerusalem as well as all its institutions into their Israeli counterparts, by imposing the same on Arab nationals of Jerusalem who are under military occupation, against their free will and in violation of the Geneva Conventions, United Nations Charter and United Nations resolutions relating to Jerusalem.

The Arab population of Jerusalem as well as members of the judiciary and the legal profession object to the enactment of the said law for the following reasons:

- (a) Because the act of ceding Arab Jerusalem is unlawful, lacks support in international law and contravenes the provisions of the United Nations Charter which prohibit the use of force in international relations, the threat to employ force and the resort to conquest as a means of ceding territories.
- (b) It is a fundamental rule of international law that the will of the people in an occupied region should be respected. It is recalled here that our people had previously proclaimed that Jerusalem is a part of Jordan and the Arab homeland. Naturally the cession of Arab Jerusalem to Israel was not accompanied by the consent of its Arab population, contrariwise, it was against their legal free choice.

- (c) The Bill in question has no binding force inasmuch as it is based on an enactment which is null and void.
- (d) The said Bill envisages the disintegration of the Arab population of Jerusalem by forcing the said population as well as all their professional associations (lawyers, engineers, physicians, etc.) firms and institutions to amalgamate, against their free will, with their Israeli counterparts.
- (e) Because the enactment of such a law entails a flagrant breach of General Assembly recommendations and Security Council resolutions invalidating Israeli measures taken in respect of Jerusalem, as well as crying encroachment upon the territory of a United Nations Member State.

In view of the above, members of the Bar and the Bench in the West Bank as well as the law graduates of Jerusalem request the following:

- (1) The withdrawal of the above-mentioned Bill from the Israeli Parliament, and refraining from its enactment or the enactment of any similar legislation likely to molest the rights of the Arab population of Jerusalem.
- (2) Reopening of Arab courts in Jerusalem to enable Arab members of the Bar and the Bench to exercise their functions under the legal system in force before the occupation. Also reopening all other Arab State departments which the Israeli authorities had closed down in violation of the Geneva Conventions and international legal provisions.
- (3) Observation of international law and morality as well as United Nations resolutions in relation to the rights and privileges of the Arab population in the occupied territories.

Signed:

Husni Jayyousi Rashed Jayyousi, Attorney-General, President of Court of First Instance, West Bank Nablus

Istawri Da'doush, Judge of Law Settlement Court, West Bank

Walid Toukan, Judge

Kazem Abu Ghazaleh, Judge

Said Abu Swai, Judge

Zuhair Murad, District Attorney, Jerusalem

Lawyers: Jeries Khouri; Falah Al-Madi; Hussain Al-Jaghoub; Mustafa Audi; Abdulrahmann Hammad; Zuhdi Al-Hashwi; Hafiz Tahboub; Joudeh Shahwan; Jamil Habibi; Abdulmuhsin Abu Maizar; Yousif Takrouri; Isam Anani; Abdullah Abu Ied; Hashim Khalil Isa; Zahi Marmash; Hisham Shahin; Adnan Bakri Al-Khairi; Walid Asali; Shaith Khairi; Sharif Ali; Tariq Faidi; Said Al-Housaini; Moharmmed Ayyobi; Isa Al-Hawa; Zakariya Abdin; Basim Al-Ghadban; Bahij Tamimi; Mitry Abu Aita; Zidan Al-Jilani; Mahmoud Shaikh Yasin; Taisir Nabulsi.



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 opened to elements that have violated the sanctity of this, the first of the two *qiblas* and the third most holy places 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 and their inhabitants dispersed against their will.

Statements of the 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 judgment 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 judgment 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 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.



**PLO CHAIRMAN YASSER ARAFAT, SPEECH AT THE UNITED NATIONS,
13 NOVEMBER 1974 [EXCERPTS]**

[...] It pains our people greatly to witness the propagation of the myth that its homeland was a desert until it was made to bloom by the toil of foreign settlers, that it was a land without a people, and that the settler entity caused no harm to any human being. No, such lies must be exposed from this rostrum, for the world must know that Palestine was the cradle of the most ancient cultures and civilizations. Its Arab people were engaged in farming and building, spreading culture throughout the land for thousands of years, setting an example in the practice of religious tolerance and freedom of worship, acting as faithful guardians of the holy places of all religions. As a son of Jerusalem, I treasure for myself and my people beautiful memories and vivid images of the religious brotherhood that was the hallmark of our Holy City before it succumbed to catastrophe. Our people continued to pursue this enlightened policy until the establishment of the State of Israel and their dispersion. This did not deter our people from pursuing their humanitarian role on Palestinian soil. Nor will they permit their land to become a launching pad for aggression or a racist camp for the destruction of civilization, culture, progress and peace. Our people cannot but maintain the heritage of their ancestors in resisting the invaders, in assuming the privileged task of defending their native land, their Arab nationhood, their culture and civilization, and in safeguarding the cradle of the monotheistic religions. [...]

I need not dwell on the burning of the al-Aqsa Mosque, the theft of the treasures of the Church of the Holy Sepulchre and the disfiguring of so many aspects of its culture and civilization. Jerusalem, with its beauty, and atmosphere redolent of history, bears witness to successive generations of our people who have lived in it, leaving in every corner of its proof of our internal presence, of our love for it, of our civilization, of our human values. It is therefore not surprising that under its skies the three religions were born and that under that sky these three religions have shone to enlighten mankind so that it might express the tribulations and hopes of humanity, and that it might mark out the road of the future with its hopes. [...]

Need one remind this Assembly of the numerous resolutions adopted by it condemning Israeli aggressions committed against Arab countries, Israeli violations of human rights and the articles of the Geneva Conventions, as well as the resolutions pertaining to the annexation of the city of Jerusalem and its restoration to its former status? [...]

In my capacity as Chairman of the Palestine Liberation Organization and commander of the Palestinian revolution I appeal to you to accompany our people in its struggle to attain its right to self-determination. This right is consecrated in the United Nations Charter and has been repeatedly confirmed in resolutions adopted by this august body since the drafting of the Charter. I appeal to you, further, to aid our people's return to its homeland from an involuntary exile imposed upon it by force of arms, by tyranny, by oppression, so that we may regain our property, our land, and thereafter live in our national homeland, free and sovereign, enjoying all the privileges of nationhood. [...]

Only then will our people be able to contribute all their energies and resources to the field of civilization and human creativity. Only then will they be able to protect their beloved Jerusalem and make it, as they have done for so many centuries, the shrine of all religions, free from all terrorism and coercion.

Today I have come bearing an olive branch and a freedom-fighter's gun. Do not let the olive branch fall from my hand. Do not let the olive branch fall from my hand. Do not let the olive branch fall from my hand. War flares up in Palestine, and yet it is in Palestine that peace will be born.



**PLO EXECUTIVE COMMITTEE STATEMENT ON PRESIDENT SADAT'S
VISIT TO ISRAEL, 18 NOVEMBER 1977 [EXCERPTS]**

President Sadat's decision is a betrayal of the dearest and most sacred goal of our nation and our people, an act of contempt for the blood shed by the hundreds of thousands of martyrs who have laid down their lives for Palestine and the Arab territories. President Sadat's step jettisons all the principles of Arab solidarity, the resolutions of the Arab Summits and the gains achieved in the Ramadan War [October 1973] by the heroism and sacrifices of Arab fighters, headed by the mighty Egyptian army.

The Arab nation can never forgive any Arab ruler for such a step that is a grave deviation from its historical struggle which has always centered on the cause of Palestine and the liberation of Jerusalem.

While rejecting Sadat's move, the Palestinian leadership affirm their adherence to the resolutions of the Palestine National Council, adopted at its successive sessions and incorporated in its political programs, and calls on the masses of the Arab nation to condemn this dangerous move which imperils the existence of the Arab nation, its future and its honor. It also calls on all Arab countries and their governments to declare their attitudes to this situation. While saluting the endurance and the sacrifices of our steadfast people in the occupied territory, we call on them to express their anger at this visit, to call a strike and to take action on a wide front, and to boycott all activities on the part of the Zionists and their agents aimed at making this visit the first step towards striking at the Palestinian cause and all the achievements of the revolution of our people for the last sixty years and at destroying everything that the Arab liberation movement has achieved at all levels and in all fields throughout all stages of its struggle. The Aqsa Mosque, which has been the symbol of the columns of liberation and the army of martyrs, must not be made the temple of surrender.



**STATEMENT BY THE WEST BANK NATIONAL CONFERENCE, BEIT HANINA,
JERUSALEM, 1 OCTOBER 1978 [EXCERPTS]**

On this day Sunday, 1 October 1978, in the professional unions' centre in Jerusalem, Muslim and Christian religious leaders, mayors and city council members, representatives of the unions, clubs and national institutions, and leading personalities in Jerusalem and the rest of the occupied territories held a national conference and studied the results of the Camp David conference, its agreements, explanations, letters and the declarations of those who signed it. All those present have unanimously decided the following:

1. To totally reject and oppose these agreements, and all the documents, explanations and annexes related to them.
2. No peace is possible in the area without the complete and genuine withdrawal of Israeli forces from all the occupied territories, nor without securing for the Palestinian people the right of return, self-determination and the creation of their own independent state on their land, with Jerusalem as its capital.
3. From our beloved Jerusalem, the throbbing heart of Palestine, we appeal to our Arab people everywhere to retain their national unity, confirm their allegiance to their legitimate leadership, the Palestine Liberation Organization, and stand united in the face of all efforts to implement the proposed self-government plan and other capitulationist solutions.

On this occasion we salute our Palestinian people inside and outside [Palestine], the memory of our martyrs who sacrificed their lives for their country and the resisters in the Israeli prisons. We salute the Steadfastness and Confrontation Front and the resolutions of its summits in Tripoli and Damascus. These are an extension of the Arab people through their struggles. And we salute all friendly nations for their clear position in support of our national rights.

(96 signatories).



STATEMENT ISSUED BY RUHI AL-KHATIB, MAYOR OF ARAB JERUSALEM, REPORTING VIOLATIONS BY ISRAELI AUTHORITIES IN THE JERUSALEM AREA, MARCH 1980

[The statement was passed by the Permanent Representative of Jordan to the UN, Hazem Nusseibeh, to the UN Sec.-Gen. on 27 March 1980, with the request to have it circulated as an official document of the General Assembly and Security Council]

1. The office of the Israeli military governor for the occupied territories, summoned on 16 March 1980, His Eminence Sheikh Sa'ddudeen al-Alami, the Mufti of Jerusalem and head of its religious courts - in his capacity as Chairman of the civic community - supervising the Science College in Abu Dees, and Dr. Ahmad Sa'eedan, Dean of the College, and informed them of the Israeli military Governor's decision to close down this College within two weeks. He further informed them that they should transfer the student body amongst other Arab colleges, on the spurious grounds that there were three universities and twelve Arab institutions of higher learning with a student body of 6,000 boys and girls, in the occupied Palestinian territories. These colleges, the Israeli military dictator claimed, were sufficient to absorb the Jerusalem students as well.
2. The said college, the newest victim of Israeli plans to make Jerusalem a wholly Jewish city, is an offshoot of an Arab Philanthropic and Cultural Society, established in sisterly Kuwait in 1957, by a group of Kuwaiti philanthropists and some other Arab brethren living there. The objective of the Society has been, since its inception, to establish a number of academic institutions in the fields of science, industry and agriculture in the Arab world wherever the need is greater. The Society had chosen to found its first college in Jerusalem in view of the dire need of Arab Jerusalem for such a centre.
3. The people of the village of Abu Dees had donated a spacious piece of land for this purpose. Subsequently, the Society bought additional land and other Abu Dees inhabitants donated other lands, to make it possible to found an academic institute, with the possibility of expanding into a college which would be the nucleus of an Arab University in Jerusalem. The site of Abu Dees was originally chosen because it overlooks the City of Jerusalem from the southeast.
4. The Society was able by virtue of donations from the late ruler of Kuwait, Sheikh Sabah al-Salem al-Sabah and other contributors, to lay corner-stone for the projected college on 7 March 1965 under the name "The Arab Institute". The ceremony was held under the auspices of His Majesty King Hussein Ibn Talal and His Highness the late Emir Sabah al-Saalem al-Sabaah.
5. The Society had selected a committee in Jerusalem, representing most of the cities and towns in the occupied territories and empowered it to supervise and develop the institute as a nucleus of an Arab university.
6. In the aftermath of the Israeli occupation on 7 June 1967, construction was temporarily halted but was resumed in 1969. A high school was inaugurated in 1970 which expanded into a full-fledged secondary college in both the arts and sciences. The college followed the Jordanian curricula and the student body comprised 455 boarding and 87 non-boarding students. Education at the college is free for all the students.
7. The Society's third phase was started in 1978 for a science college. When the necessary construction was completed for this embryo college, contacts were made with the University of Jordan which loaned to it its former Dean of Sciences and another professor. An additional former professor at the Jordan University was also recruited as were other lecturers from Jerusalem and its environs. The staff thus assembled was deemed sufficient for the first year at the new college. Permits for those professors to enter the occupied territories were requested and approved. Simultaneously, a request was approved by the occupation authorities for the college to upgrade its status to a full-fledged college of sciences and the assistant military governor informed the Society that the expansion could proceed forthwith while administrative formalities were being completed. On the basis of the aforementioned understanding the first year of the college commenced on 11 November 1979 and the enrollment reached 49 students.
8. Over the past four months, the college conducted its work normally until the Chairman and the Dean were wantonly informed on 16 March 1980 of the Israeli occupation authorities' decision to abolish the college on the totally false grounds that there were other sufficient colleges in the occupied territories. This misleading excuse is contradicted by a meticulous study, carried out by the executive committee of the Palestinian Council for Higher Education in the occupied territories, fully endorsed by a foreign expert who had conducted a similar study recently and which concluded that the institutions of higher learning in the three Arab universities of Nablus, Bethlehem and Bir Zeit could only absorb 30 per cent of the Jerusalem students and that the remaining 70 per cent had no other place to go to, except abroad, or give up higher education altogether. This was the reason why the Abu Dees College was launched in the first place to ameliorate the situation.

9. This arbitrary action against the people of Jerusalem by closing down their first college, must be viewed in light of the fact that the Israeli occupation authorities have in Jerusalem itself a university comprising 20,000 students and six other universities in other occupied Palestinian towns which comprise additional 40,000 students.
10. Needless to state that such wanton and arbitrary action to stifle the right and freedom to education in the occupied territories, in violation of the most elemental provisions of the Geneva Convention of 1949 and basic human rights, has caused the deepest concern and protest throughout the occupied territories and amongst the academic community. Urgent requests have been made for rescinding the occupation authorities' reprehensible decision.
11. In the name of the Municipal Council of Jerusalem, I appeal to all Governments and peoples, particularly UNESCO, the Security Council, the General Assembly and the Commission on Human Rights to stand in complete solidarity with the college of sciences at Abu Dees and to demand that the occupation authorities rescind their order for closure of the college, to enable it to continue its educational mission to the students of Jerusalem and its environs and to spare them the inhumane fate which is being imposed upon them.

(Signed) Rouhi AL-KHATIB
Mayor of Jerusalem"



**PLO EXECUTIVE COMMITTEE STATEMENT AFTER AN EMERGENCY MEETING TO
DISCUSS ISRAEL'S ANNEXATION OF JERUSALEM, DAMASCUS, 1 AUGUST 1980**

1. The Israeli measures relating to Jerusalem constitute a flagrant violation of UN resolutions concerning Jerusalem, and represent another link in the long chain of Israeli aggressions against the Palestinian people and their national soil. The move also constitutes an aggression against the Islamic and Christian religious.
2. The issuing of this law in the wake of the resolutions taken by the UN concerning the Palestine question and Jerusalem, the latest of which [was taken] only days before the Israeli law was passed, once more reveals the phenomenon of Zionist settler colonialism as being in absolute contradiction with international law.
3. The responsibility for this Israeli aggression against Jerusalem lies first and foremost on the shoulders of the US, which continues to provide colossal and unconditional material, military and political backing to Israel, thus enabling it to perpetuate its occupation of the Palestinian and Arab territories and to continue to defy international resolutions.
4. Jerusalem has been the capital of our homeland, Arab Palestine, since the time it was built by our ancestors the Canaanites. Thus the liberation of Jerusalem from its Zionist occupiers is an issue of destiny for our people, besides being the only means to secure freedom of worship in it for all believers.
5. The PLO Executive Committee, while appreciating the stands of the states which denounced this aggression against Jerusalem, calls on the UN to shoulder its responsibilities and to implement the sanctions mentioned in its Charter.

The PLO Executive Committee finally pledged to continue struggle by all means to liberate the national soil of Palestine, at the heart of which lies the holy city of Jerusalem.



**PALESTINIAN NATIONAL COUNCIL, POLITICAL STATEMENT,
DAMASCUS, 21 APRIL 1981 [EXCERPTS]**

The Council affirmed that the occupied city of Jerusalem is the capital of Palestine and that the council regards the Zionist occupation of Jerusalem as a violation of the Palestinian people's rights and a defiance of international laws as well as a provocation of all the believers in the world. The council called on all the world countries and organizations to refuse to carry out anything that will entail an implicit recognition of the Zionist aggression against Jerusalem or its actions therein.

In its debates and resolutions the council expressed its deep admiration for the standard of struggle which has been attained by our people's uprising in the occupied homeland, as well as their solid unity and their complete

cohesion with the PLO. The council saluted the heroic struggle of our people in the Galilee, the triangle and the Negev as well as in Jerusalem, the West Bank and the Gaza Strip against the Zionist designs that aim at expanding the settlements, Judaization and the destruction of the national economy and education and the holy places.



**LETTER SENT BY THE MAYOR OF JERUSALEM, RUHI AL-KHATIB, TO THE
AMBASSADOR OF JORDAN TO THE UN, REGARDING ISRAELI EXCAVATIONS
NEAR AL-AQSA MOSQUE, AUGUST 1981**

His Excellency,

**ISRAELI EXCAVATIONS THREATEN THE AQSA MOSQUE
AND THE DOME OF THE ROCK IN JERUSALEM**

1. Newspapers, broadcasts and reports from Jerusalem indicated that the Israeli excavations around the Holy Al-Aqsa Mosque and the Dome of the Rock were continuing and that they threaten to cause cracks and bring down both temples.
2. The *Jerusalem Post*, in its 4406th edition of 22 August 1981, reported that archaeological teams belonging to the Israeli military occupation authorities were carrying out excavations under the southern walls of the sacred shrine, allegedly aimed at discovering the tombs of the King of Israel (a picture is enclosed annex 1).
3. The Israeli military occupation radio reported on the morning of Thursday, 27 August 1981, that the two Chief Rabbis in occupied Palestine had visited a *tunnel* discovered recently under the Wailing Wall - i.e. the Holy Bozak - leading to a sensitive area - i.e. the Sacred Shrine. The next morning, on 28 August 1981, the enemy radio announced that the Islamic Organization in Jerusalem had asked the occupation authorities to allow its engineers to explore the site of the tunnel, and to undertake the necessary measures in the light of their discovery. The broadcast further said that the tunnel was no more than an old well and that it had been discovered well over a month earlier.
4. The Israeli newspaper, the *Jerusalem Post*, reported in its edition of 28 August 1981 details of the tunnel excavations, carried out a month earlier by a task force belonging to the Israeli Ministry of Religions. The report added that the excavations had begun a century ago, and that a room had been built there for a synagogue. The report further said that the excavations extended for some distance under the Sacred Shrine, and that they are meant to reach the Dome of the Rock. In view of the importance of this report, I enclose a photograph thereon as annex 2.
5. The construction engineer of the Holy Al-Aqsa Mosque, Essam Awaad, released a report concerning the digging of the tunnel. The report revealed that the excavations started down below the western wall of the Sacred shrine in the place known as Matthara, between Selselah and Kattanin gates, and extended 25 metres east at a depth of six metres, reaching a place in front of Kaitbai fountain facing the Western part of the Dome of the Rock. I enclose herewith a copy of the report (annex 3).
6. These excavations, it has been noted, surround the sacred shrine and the Aqsa Mosque from the south and the Dome of the Rock from the west. These excavations are an extension of their counterparts and of the incessant encroachment on Islamic cultural buildings adjacent to the western and southern walls of the sacred shrine, as well as the Holy Aqsa Mosque and the Dome of the Rock, as shown by the enclosed map (annex 4).
7. Regardless of the dispute between the religious communities and the Israeli military governors on the site of the first excavations, and their allegations that they are the burial places of the ancient kings of Israel, and regardless of their claim that the tunnel they had discovered in the second place was no more than an old well, the Israeli excavations in the said area constitute a flagrant violation of the sanctity of the holy Islamic sites, and persistently threaten to bring them down, thus paving the way for their demolition and the setting up of a shrine for Judaism in their stead and in the courtyards of the sacred shrine thereof.
8. These excavations constitute a challenge to the Arab and Islamic worlds, and constitute constant violations of the Hague and Geneva conventions as well as the resolutions of UNESCO, the Security Council and the entire United Nations, and hence deserve attention and action on all levels.

Please accept my highest respects.

Ruhi Al-Khattib
Mayor of Jerusalem



**LETTER FROM THE PERMANENT OBSERVER OF THE PLO TO THE
DIRECTOR-GENERAL OF THE UNESCO CONCERNING THE
NABI DAUD MOSQUE IN JERUSALEM, PARIS, 23 SEPTEMBER 1986**

[The text of this letter was transmitted by the Director-General to the Permanent Delegate of Israel to UNESCO on 7 October 1986 with a request for his Government's comments]

Sir,

The Israeli occupation authorities recently requisitioned and desecrated the Nabi-Daoud Mosque in occupied Jerusalem, turning it into a synagogue.

They removed the carpets, the mihrab, the verses of the Koran and the green curtain covering the tomb of Nabi-Daoud and replaced them with a navy-blue curtain stamped with stars of David.

They also requisitioned the houses around the Mosque, and prevented Muslims from burying their dead in the nearby cemetery, which has been turned into a rubbish dump.

This further violation of the Hague Convention is part of Israel's policy aimed at the "Israelization" of the occupied Holy City of Jerusalem.

I rely on you to take immediate action, and ask you to accept, Sir, the assurances of my highest consideration.

(Signed) Omar Massalha
Permanent Observer - Palestine Liberation Organization'



**COMMUNICATION FROM THE PERMANENT OBSERVER OF THE PLO TO THE
DIRECTOR-GENERAL OF THE UNESCO CONCERNING WORK BEING CARRIED
OUT IN MUSLIM CEMETERIES IN JERUSALEM, PARIS, 5 NOVEMBER 1986**

[The communication was transmitted by the UNESCO Secretariat to the Permanent Delegate of Israel to UNESCO on 5 December 1986.]

Sir,

Contrary to what is asserted by Professor Lemaire in his report of 28 July 1986 -("It should also be noted that a project involving the laying of a drainage pipe across the cemetery was abandoned by the municipality at the request of the Waqf. With regard to the future of the cemetery, it was confirmed to me that no projects exists for the deconsecration of the site and that, on the contrary, the site and its tombs are to be safeguarded. The site is due to be improved in the near future. The municipality wishes to carry out the conservation and restoration of the tombs and the mausoleum in full agreement with the Waqf authorities" (125 EX/15 Add. 1)) - the Israeli authorities are again desecrating the Mamulla cemetery in Jerusalem and that of A1 Aissawlya, located in the occupied Holy City.

For the past few days, bulldozers belonging to the municipality of Jerusalem have been undertaking systematic drilling work in the Mamulla cemetery and a delegation of the Islamic Waqf has seen this serious act of desecration for itself - bones and skeletons thrown into the alleys around the cemeteries with a complete lack of respect for the dead.

I vigorously condemn this atrocious crime committed by the Israeli authorities and ask you to take immediate action to put an end to these heinous acts of desecration.

With my thanks in advance, please accept, Sir, the assurances of my highest consideration.

(Signed) Omar Massalha
Permanent Observer, Palestine Liberation Organization'



THE PALESTINIAN FOURTEEN (14) POINTS, 14 JANUARY 1988 [EXCERPTS]

[At a press conference in Jerusalem, a broad spectrum of West Bank and Gazan Palestinian leaders and representatives of nationalist institutions presented demands for dealing with the current conflict as follows:]

During the past few weeks the Occupied Territories have witnessed a popular uprising against Israel's occupation and its oppressive measures. This uprising has so far resulted in the martyrdom of tens of our people, the wounding of hundreds more and the imprisonment of thousands of unarmed civilians. This uprising has come to further affirm our people's unbreakable commitment to its national aspirations. These aspirations include our people's firm national rights of self-determination and of the establishment of an independent state on our national soil under the leadership of the PLO as our sole legitimate representative. The uprising also comes as further proof of our indefatigable spirit and our rejection of the sense of despair which has begun to creep to the minds of some Arab leaders who claim that the uprising is the result of despair.

The conclusion to be drawn from this uprising is that the present state of affairs in the Palestinian Occupied Territories is unnatural and that Israeli occupation cannot continue forever. Real peace cannot be achieved except through the recognition of Palestinian national rights, including the right of self-determination and the establishment of an independent Palestinian State on Palestinian national soil. Should these rights not be recognized, then the continuation of Israeli occupation will lead to further violence and bloodshed, and the further deepening of hatred. The opportunity for peace will also move farther away.

The only way to extricate ourselves from this scenario is through the convening of an international conference with the participation of all concerned parties including the PLO, the sole legitimate representative of the Palestinian people, as an equal partner, as well as the five permanent members of the Security Council, under the supervision of the two superpowers. On this basis we call upon the Israeli authorities to comply with the following list of demands as a means to prepare the atmosphere for the convening of the suggested international peace conference, which conference will ensure a just and lasting settlement of the Palestinian problem in all its aspects, bringing about the realization of the inalienable national rights of the Palestinian people, peace and stability for the peoples of the region, and an end to violence and bloodshed: [...]

7. A cessation of all settlement activity and land confiscation and the release of lands already confiscated, especially in the Gaza Strip, and an end to the harassments and provocations of the Arab population by settlers in the West Bank and Gaza as well as in the Old City of Jerusalem. In particular, the curtailment of the provocative activities in the old city of Jerusalem by Sharon and the ultra-religious settlers of Shuvu Banim and Ateret Cohanim;
8. Refraining from any act which might impinge on the Muslim and Christian holy sites or which might introduce change to the status quo in the city of Jerusalem;
9. The cancellation of the VAT and all other Israeli taxes which are imposed on Palestinian residents in Jerusalem, the rest of the West Bank, and in Gaza; and the putting to an end of the harassments caused to Palestinian business and tradesmen; [...]
14. The removal of the restrictions on political contacts between inhabitants of the Occupied Territories and the PLO, in such a way as to allow for the participation of Palestinians from the Occupied Territories in the proceedings of the Palestinian National Council, in order to ensure a direct input into the decision-making processes of the Palestinian Nation by the Palestinians under occupation.



COMMUNIQUÉ NO. 20 (THE JERUSALEM APPEAL), ISSUED BY THE UNIFIED NATIONAL LEADERSHIP OF THE UPRISING/THE PLO, 22 JUNE 1988 [EXCERPTS]

*No Voice Rises Above the Voice of the Uprising –
No Voice Rises Above the Voice of the People of Palestine the People of the PLO*

Communiqué No. 20 - The Jerusalem Appeal

To the Masses of the Uprising, the Popular and National Committees, the Striking Forces:

Our Uprising is intensifying and escalating, shattering the delusions of the occupier that its flames could be extinguished. The already considerable achievements of the uprising only serve to elevate the morale of the masses and to provide the impetus for the continuation of the struggle. [...]

To Our Heroic People:

The occupiers deluded themselves into thinking that they could impose a *fait accompli* upon the Palestinian people by annexing Jerusalem on June 28, 1967. They believed that they could convince world opinion that Jerusalem was unified under their rule. However, the active struggle of our people in Jerusalem gave the lies to these claims and strengthened the identification of our people with the capital of our future state and with its religious and cultural heritage.

The Unified National Leadership wishes to affirm the following:

(...) As we complete the seventh month of our uprising, we call upon you to observe the following measures for the sake of Jerusalem and as a reflection of our Arab identity:

1. To declare June 24 a day of solidarity with our merchants, and a day of condemnation of raids on their premises, and the confiscation of their property and identity cards. Strikes against offices and employees of tax departments will be launched on this day. [...]
3. To celebrate the authority of the people on June 26 by striking at those remaining outside the will of the people and at headquarters of appointed municipalities.
4. To mark the annexation of Jerusalem on June 28 by a general strike in affirmation of the Arab identity of the city.
5. To consider June 27 and 28 days for the escalation of the struggle and to stage marches in all areas and particularly in Jerusalem under the slogan of Jerusalem, the capital of the Palestinian state.
6. To declare June 30 a day of national reconstruction, and to show solidarity with the owners of demolished and sealed homes by extending assistance towards the rebuilding of demolished houses. [...]

Glory to our innocent martyrs! We shall be victorious!



COMMUNIQUÉ NO. 21 (THE AQSA APPEAL) BY THE UNIFIED NATIONAL LEADERSHIP OF THE UPRISING/THE PLO, 6 JULY 1988 [EXCERPTS]

*No Voice Rises Above the Voice of the Uprising –
No Voice Rises Above the Voice of the People of Palestine, the People of the PLO*

Communiqué No. 21 - The Aqsa Appeal

To Our Great People:

[...]The Unified National Leadership of the Uprising (UNLU) salutes revolutionary masses everywhere, particularly the heroic people of Jerusalem who thwarted Israeli attempts to desecrate our Muslim and Christian holy places. Our people are invited to escalate and amplify the uprising, thus bringing us closer to total civil disobedience. [...]

The UNLU condemns the massacre committed by the army and settlers in the Aqsa Mosque compound on the 3rd of July, and salutes the heroic resistance of the people of Jerusalem in Defence of their holy places. We urge our people to be more vigilant and to prevent settlers and Zionist politicians from desecrating and destroying our holy places. We call upon the Organization of Islamic States, the Vatican, the United Nations, and all friendly forces to stop the desecration of our Islamic and Christian holy places.

The UNLU invites our students, workers, merchants, peasants, and striking forces to observe the following program: [...]

2. To observe Holy Aqsa Day on July 8 by staging activities in defense of the Aqsa, and by striking painful blows at the occupation forces and the settlers. [...]

May the unity of our people in their struggle for freedom and national independence be strengthened!



**POLITICAL COMMUNIQUÉ OF THE PALESTINIAN NATIONAL COUNCIL,
15 NOVEMBER 1988 [EXCERPTS]**

[The communiqué was passed, together with the Palestinian Declaration of Independence of 15 Nov. 1988 by the Deputy Permanent Observer of the PLO to the UN, Riad Mansour, to the UN Sec.-Gen. on 16 Nov. 1988]

[...] 2. IN THE POLITICAL FIELD:

[...] the Palestine National Council insists on the following:

- (a) The need to convene an effective international conference on the subject of the Middle East problem and its essence, the question of Palestine, under the auspices of the United Nations and with the participation of the permanent members of the Security Council and all parties to the conflict in the region, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, with the provision that the said international conference shall be convened on the basis of Security Council resolutions 242 (1967) and 338 (1973) and shall guarantee the legitimate national rights of the Palestinian people, first and foremost among which is the right to self-determination, in accordance with the principles and provisions of the Charter of the United Nations concerning the right to self-determination of peoples, the inadmissibility of seizure of land belonging to others by means of force or military invasion, and in accordance with United Nations resolutions concerning the question of Palestine;
- (b) Israel's withdrawal from all the Palestinian and Arab territories which it has occupied since 1967, including Arab Jerusalem;
- (c) Cancellation of all measures of attachment and annexation and removal of the settlements established by Israel in the Palestinian and Arab territories since the year 1967;
- (d) An endeavour to place the occupied Palestinian territories, including Arab Jerusalem, under United Nations supervision for a limited period, in order to protect our people and to provide an atmosphere conducive to a successful outcome for the international conference, the attainment of a comprehensive political settlement and the establishment of security and peace for all through mutual acceptance and satisfaction, and in order to enable the Palestinian State to exercise its effective authority over those territories; [...]
- (f) Assurance of freedom of worship and the practice of religious rites at the holy places in Palestine for adherents of all religions.



**DECLARATION OF PALESTINIAN INDEPENDENCE, ADOPTED BY THE PALESTINIAN
NATIONAL COUNCIL, ALGIERS, 15 NOVEMBER 1988 [EXCERPTS]**

In the name of God, the Compassionate, the Merciful

Palestine, the Land of the three monotheistic faiths, is where the Palestinian Arab people was born, on which it grew, developed and excelled. The Palestinian people was never separated from or diminished in its integral bonds with Palestine. Thus the Palestinian Arab people ensured for itself an everlasting union between itself, its land and its history.

Resolute throughout that history, the Palestinian Arab people forged its national identity, rising even to unimaginable levels in its defence, as invasion, the design of others, and the appeal special to Palestine's ancient and luminous place on that eminence where powers and civilizations are joined... All this intervened thereby to deprive the people of its political independence. Yet the undying connection between Palestine and its people, secured for the Land its character, and for the people its national genius.

Nourished by an unfolding series of civilizations and cultures, inspired by a heritage rich in variety and kind, the Palestinian Arab people added to its stature by consolidating a union between itself and its patrimonial Land. The call went out from Temple, Church and Mosque that to praise the Creator, to celebrate compassion and peace was indeed the message of Palestine. And in generation after generation, the Palestinian Arab people gave of itself unsparingly in the valiant battle for liberation and homeland. For what has been the unbroken chain of our people's rebellions but the heroic embodiment of our will for national independence? And so the people was sustained in the struggle to stay and to prevail.

[...]Whereas the Palestinian people reaffirm most definitively its inalienable rights in the Land of its patrimony:

Now by virtue of natural, historical and legal rights, and the sacrifices of successive generations who gave of themselves in defence of the freedom and independence of their homeland; In pursuance of Resolutions adopted by Arab Summit Conferences and relying on the authority bestowed by international legitimacy as embodied in the resolutions of the United Nations Organization since 1947; And in exercise by the Palestinian Arab people of its rights to self-determination, political independence, and sovereignty over its territory; The Palestine National Council, in the name of God, and in the name of the Palestinian Arab people; hereby proclaims the establishment of the State of Palestine on our Palestinian territory with its capital Holy Jerusalem (Al-Quds Ash-Sharif).

The State of Palestine is the state of Palestinians wherever they may be. The state is for them to enjoy in it their collective national and cultural identity, theirs to pursue in it a complete equality of rights. In it will be safeguarded their political and religious convictions and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. The rights of minorities will duly be respected by the majority, as minorities must abide by decisions of the majority. Governance will be based on principles of social justice, equality and non-discrimination in public rights of men or women, on grounds of race, religion, color or sex under the aegis of a constitution which ensures the rule of law and an independent judiciary. Thus shall these principles allow no departure from Palestine's age-old spiritual and civilizational heritage of tolerance and religious coexistence.

The State of Palestine is an Arab state, an integral and indivisible part of the Arab nation, at one with that nation in heritage and civilization, with it also in its aspiration for liberation, progress, democracy and unity. The State of Palestine affirms its obligation to abide by the Charter of the League of Arab States, whereby the coordination of the Arab states with each other shall be strengthened. It calls upon Arab compatriots to consolidate and enhance the emergence in reality of our state, to mobilize potential, and to intensify efforts whose goal is to end Israeli occupation.



**PALESTINIAN MEMORANDUM TO FORMER
US PRESIDENT JIMMY CARTER, 19 MARCH 1990**

[During his visit to the region, Carter met with Palestinians in Jerusalem, who gave him the memorandum]

Our Political Position

Mr. President,

Our Intifada has all along raised two main slogans. These are freedom and independence. "Freedom" addresses the unnatural state of occupation of one people by another. Nothing will solve this problem except the end of this occupation. "Independence" addresses the question of our nationhood. We are one people, here and in exile, and we have one shared aspiration, which is self-determination. There is no way to solve this problem except through the establishment of our independent state, where we can exercise our sovereignty. We have a leadership, which is the PLO. We also have a vision for peace which was announced by our Palestine National Council in Algiers on November 15th [1988]. In that session of the PNC we declared our independence, and we offered a method by which negotiations between ourselves and Israel can proceed, in an international conference. Our leadership could not have been more clear or forthcoming. Our vision for the future is humanitarian and based on the principle of equality. Our Independence Declaration is a declaration of human rights among individuals as well as among states. Indeed, our vision for peace is a historic landmark. It presents a historic opportunity. It is a bridge between the present state of war to a peaceful future state of peace.

On its part, Israel has in sum come up with nothing. Its political plan of 14th May 1989 is based on negative principles. It rejects a Palestinian state. It rejects the PLO as a negotiating partner. It rejects any change in the present status of the occupied territories. After a transitional period it offers to make peace with Jordan. But although he himself was behind this plan Mr. Shamir, always known for saying "No" to any initiative, proved himself to be true to his own record by saying "No" even to his own plan. The position of the Labour Party is not reliable, either. Especially in recent days we have been hearing Labour Party leaders speak in the language of the Likud: "No" to concession in Jerusalem, "no" to the PLO, and "no" to the Palestinian in exile.

Mr. President,

Without Jerusalem as the capital of our Palestinian state, without the full participation of our people in exile and the fulfillment of their rights, and without the PLO, there can be no peace. Jerusalem is our capital, we are one people, and the PLO is our representatives. On the basis of these principles, we call for the convening of an international conference. In spite of the repression and our suffering, we remain committed to our vision of peace. We remain committed to our challenge. We remain convinced that we shall one day achieve our rights.



**LETTER FROM ZUHDI TERZI, PERMANENT OBSERVER OF PALESTINE TO THE UN,
TO THE UN SECRETARY-GENERAL REGARDING ISRAELI VIOLATIONS
IN THE OLD CITY OF JERUSALEM, 23 APRIL 1990**

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your attention:

Israel, the occupying Power, persists in committing violations of its international legal obligations, particularly those contained in the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which, *inter alia*, prohibits an occupying Power from deporting or transferring parts of its own civilian population into the territory it occupies. Israel, furthermore, persists in disregarding the obligations that it should accept and carry out decisions of the Security Council, particularly the Council's resolutions 465(1980) of 1 March 1980 and 478(1980) of 20 August 1980.

The declared position of the current Government of Israel was made clear when Prime Minister Shamir affirmed the right of Jews to settle wherever they wished; Member of the Israeli Cabinet Ariel Sharon went beyond that and joined in committing such violations. Moreover, the Speaker of the Knesset, Dov Shilansky, congratulated the perpetrators of the latest of these violations and visited them in the illegally occupied premises in the Christian Quarter of Jerusalem, between the Greek Convent of St. John and the Church of the Holy Sepulchre.

In addition to committing a violation of its international legal obligations, Israel committed a violation of the *status quo* on church property in Jerusalem. It is, further, reported that the funds used in the latest act of aggression were provided by a member of the Israeli Cabinet, Mr. Levy, who reached into the funds of the Keren Kayemet. Members of the international community, particularly members of the Security Council and more precisely the permanent members of the Council, are legally bound to ensure respect for the provisions of the Fourth Geneva Convention and use all the powers vested in the Council to guarantee such respect and oblige Israel, the occupying Power, to abide by its international legal obligations.

On Wednesday, 11 April 1990, a group of Israelis moved into the building in the Christian Quarter of Jerusalem. The building is the church property of the Greek Orthodox Patriarchate. As expected, and in carrying out their duties and exercising their right, Palestinians demonstrated in protest against this aggression. His Beatitude Greek Orthodox Patriarch Diodoros I led a procession from the church to the building and one of the monks in the procession removed a sign bearing the Star of David that was placed by the perpetrators of the aggression to cover the cross on the building. Radio Israel reported that the Israeli police stepped in and used force to disperse the procession and used gas. His Beatitude was assaulted and, as reported by radio Israel, "fell down and later mildly suffered from tear-gas inhalation; one of the crosses on his chest was broken".

In this context it is worth recalling the statement by His Beatitude Michael Sabah, the Latin Patriarch of Jerusalem, in which he said: "If this process of appropriation of buildings continues, it would signify emptying the city of Christians. If I look at this affair from the point of view of the Palestinians, from their fate, I have to say there will be very strong, very violent reactions."

In pursuing its annexationist policies and practices and to divert attention from the facts and international legal obligations, Israel has decided to convert the situation to a procedural issue relative to the powers of magistrate courts and high courts.

I am instructed to request you to take immediate action and, if need be, concrete measures, to ensure respect for the provisions of the Fourth Geneva Convention, to reaffirm the illegality of such measures by Israel and to ensure the immediate evacuation of the said building, a church property. I am also instructed to warn against permitting the Security Council and the Secretary-General to become embroiled in procedural issues, ignoring the basic premise namely, that Israel is responsible for such violations and aggression and is obliged to respect its international legal obligations, and to respect and carry out the decisions of the Security Council.

I should be grateful if you would arrange to have the text of the present letter circulated as an official document of the General Assembly, under agenda items 23, 35 and 78, and of the Security Council.

(Signed) Zuhdi Labib TERZI
Permanent Observer of Palestine to the United Nations



**STATEMENT BY YASSER ARAFAT, CHAIRMAN OF THE PLO EXECUTIVE COMMITTEE
BEFORE THE UN SECURITY COUNCIL, GENEVA, 29 MAY 1990 [EXCERPTS]**

[Speech denouncing Israeli activities in the Palestinian territories and Jerusalem and requesting a special envoy and resolution to stop Israeli expansion]

The Israeli Government, not content with these crimes and this official organized terrorism against our people, has followed them up by bringing in new waves of Jewish immigrants from all parts of the world and by starting to settle them in the occupied Palestinian territories, including Holy Jerusalem, and other Arab territories in place of the Palestinian and Arab owners of those occupied lands, against whom Israel practices organized official terrorism and brutal oppression in order to drive them from their homeland and the homeland of their ancestors.

In addition, Israel has displaced Palestinian families. Within this very short period of the *intifadah*, more than 256 families have thus far been expelled from their homeland. Settling new immigrants in the quarters belonging to the Greek Orthodox Church and the assault on the Patriarch of Jerusalem and other priests are part and parcel of the policies practiced by the Israeli Government, policies which were preceded and followed by aggression against Islamic and Christian Holy Places in Jerusalem and the rest of the Holy Land, places viewed as symbols of sanctity, love, peace and tolerance by Muslims and Christians throughout the world.

I have photographic and other evidence of the aggression against the Patriarch of Jerusalem; of the children, many of them nine years of age or younger, killed by Israel; of miscarriages caused by the use of poison gas, which is prohibited internationally. I shall leave these documents for the use of members of the Security Council. [...]

As for the city of Jerusalem and the Israeli decision to annex it and change its status, proclaiming it the capital of the State of Israel - which was unfortunately followed by a decision on Jerusalem by the United States Congress, encouraging Israel and its occupation, terrorism and crimes - Israel still refuses to carry out any international resolutions on the Holy City, including Security Council resolution 252 (1968) of 21 May 1968, General Assembly resolution 2253 (ES-V- of 4 July 1967, which affirmed the inadmissibility of changing the status of the city of Jerusalem, Security Council resolution 476 (1980) of 30 June 1980, which declared null and void the measures taken by Israel to change the status of the city of Jerusalem, and Security Council resolution 478 (1980) of 20 August 1980 on the non-recognition of Israel's "basic law" on Jerusalem. [...]

The Palestine Liberation Organization, which affirms its strategic commitment to peace, submits to the Security Council the following practical steps which will realize the international community's consensus, transforming its resolutions into practice and inspiring confidence and hope with respect to the Council's role and effectiveness in achieving world peace, security and justice.

Before outlining those steps, I should like to bring to the attention of the Council a document concerning "Greater Israel" as depicted on the 10-aga 0 in. The document was published in the *Jewish Journal* in the United States on 19 February 1989. That document speaks of "Greater Israel", which is depicted on Israeli currency, and the map comprises all of Israel, all of Lebanon, all of Jordan, half of Syria, two thirds of Iraq, one third of Saudi Arabia up to the holy city of Al-Madinah and half of Sinai. The document contains a detailed map, with "Greater Israel" marked in blue.

The first step would be the designation by the Secretary-General of a permanent special envoy to work full-time on the peace process and engage in the contacts necessary to secure a peaceful, just and lasting solution to the Arab-Israeli conflict. Alternatively, the Secretary-General might himself undertake the duties of that mission.

The second step would be adoption by the Council of a resolution providing international protection to the Palestinian people to safeguard their lives, property and holy places in the occupied territories, under the flag of the United Nations and by means of international emergency forces, to supplement the United Nations observer force now stationed in Jerusalem, with the purpose of ending completely the Israeli occupation of our Palestinian land.

The third step is the adoption by the Council of a clear resolution - and the Council's assurance of its supervision and implementation - to stop settler immigration to the occupied Palestinian territories, a decision that will prevent completely the construction and expansion of Israeli settlements, military or civilian, in the occupied Palestinian lands, particularly in Arab Jerusalem, in implementation of the relevant international resolutions. [...]



**LETTER FROM ZUHDI TERZI, PERMANENT OBSERVER OF PALESTINE TO THE UN,
TO THE UN SECRETARY-GENERAL, 8 OCTOBER 1990**

[Letter reporting on the events that led to Al-Aqsa massacre]

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

Today, 8 October 1990, Israel committed another crime of genocide, resulting, until 0800 hours New York time, in the martyrdom of 22 unarmed civilian Palestinians and the wounding of almost 200 others. Israeli occupation troops are preventing the Palestinians from reaching hospitals to donate blood to the wounded.

Early in the morning it was learned that a group of Israelis had planned to enter the precinct of the Haram al-Sharif (the al-Aqsa Mosque) in Jerusalem and to lay therein the "Foundation Stone" for the erection of the "Third Temple". As these Israelis approached the gates from the southern side, the people of Jerusalem were already in the area to prevent the aggression against one of the holiest of Muslim Shrines. Members of the Israeli army, in uniform, opened fire with live ammunition and gas canisters. Israeli troops opened fire from helicopters circling over the area.

The Security Council is called upon immediately to invoke the powers vested in it by the Charter, to put an end to such criminal acts by the occupying Power, Israel, and to ensure respect by Israel for the legal obligations arising from the Charter and from the Fourth Geneva Convention.

The aggression committed today and the persistent policy and practice of the occupying Power against the Palestinian people under occupation do constitute a threat to international peace and security.

I should be grateful if you would arrange to have the text of the present letter circulated as an official document of the General Assembly, under agenda items 23, 35 and 75, and of the Security Council.

(Signed) Zuhdi Labib TERZI
Permanent Observer of Palestine to the United Nations



**REPORT BY THE PALESTINIAN HUMAN RIGHTS ORGANIZATION AL-HAQ
TO THE UN SECRETARY-GENERAL IN ACCORDANCE WITH RESOLUTION 672 (1990),
ON THE EVENTS LEADING TO AL-AQSA MASSACRE, 28 OCTOBER 1990**

RECONSTRUCTION OF EVENTS (REVISED), AL-HARAM AL-SHARIF, JERUSALEM
MONDAY, 8 OCTOBER 1990

Introductory Comments

On Friday, 12 October 1990, al-Haq issued a reconstruction of the events which occurred on 8 October at *al-Haram al-Sharif* (hereafter al-Haram), Jerusalem. Since then, al-Haq has collected more information concerning the circumstances and events of that day. Presented below is a revised version of the original reconstruction; there are few amendments as the information collected by al-Haq since Issuing the first report has confirmed and supported the original findings.

This chronology of the events of 8 October at *al-Haram*, is based on over 50 thorough interviews conducted between 8 and 11 October 1990, by a team of 13 al-Haq staff members; since 12 October, al-Haq fieldworkers have conducted further interviews. In addition, many of the facts presented below were also corroborated by reports from other witnesses.

The information presented is as exact a reconstruction of the events as al-Haq has been able to achieve. Every effort has been made to obtain reliable and corroborated evidence; in several instances, al-Haq has excluded details that it was not able to confirm or corroborate to its satisfaction.

Those interviewed included women and men worshipers, some of whom were later arrested; officials of *al-Awqaf* (Muslim Religious Trust); and non-worshipers who were present in *al-Haram* including journalists, residents situated within the precincts of *al-Haram* residents of the area adjoining *al-Haram*, doctors and

nurses who came to the scene, ambulance drivers, *al-Haram* guards, and wounded men, women, and children. Al-Haq staff also saw several video recordings of the events.

These interviews were conducted at the site of the Incident; in houses adjacent to the site; Maqassed Hospital, Augusta Victoria Hospital, St. Joseph's Hospital, and the offices of *al-Awqaf*.

The area in question, which is almost 141 dunums in size (one dunum one thousand square meters), is known as *al-Haram*. *Al-Haram* is a Muslim holy place which includes al-Aqsa Mosque (where men usually pray), and the Dome of the Rock (where women usually pray). In addition, there is a museum, schools, a clinic, a police station, a library with archives, offices, and areas cultivated with pine and olive trees. (SEE MAP 1). *Al-Haram* has, since 1967, been under the spiritual supervision of the *al-Awqaf* although ultimate responsibility for security has been in the hands of Israeli police. In addition to having a police station within the grounds of *al-Haram*, the police have acquired, since 1967, possession of strategic sites on the west side between *al-Haram* and the Western (Wailing) Wall. These include the building known as the "*mahkama*" (the "Court"), and the rooftops overlooking both *al-Haram* grounds and, the Western Wall plaza. (SEE MAPS 2 & 3). The entire area is walled. It is accessible through eight doors that are normally open. The Israeli police have effective control of all the gates, the keys of which (with the exception of *al-Magharbeh* - ["Morocco"] - Gate) are with *al-Awqaf*.

Usually there is one Palestinian guard from *al-Awqaf* and two Israeli policemen guarding each gate. Israeli Border Guards (a special army unit attached to the police force and under the command of the Ministry of Police) are stationed in the "*mahkameh*", which is between *al-Silsileh* (Chain Gate) and *al-Magharbeh* Gates. [...] Border Guards enter *al-Haram* area at will and routinely patrol inside *al-Haram*, usually in groups of three (however, this number is augmented when the situation requires), without requiring permission to do so by *al-Awqaf*.

Normally, *al-Haram* is open to tourists and non-worshippers. Palestinians entering through the Old City gates may have their identity cards checked by Border Guards, especially on Fridays and other days when large crowds are expected.

The Western Wall, a Jewish holy site, lies between *al-Magharbeh* and *al-Silsileh* Gates. Above the Western Wall, and overlooking *al-Haram*, is a wall some ten meters high and several meters wide, on which Border Guards can, and sometimes do, patrol. [...]

Vehicle access all the way to the front yard of al-Aqsa from *al-Asbat* Gate (Lion's Gate), in the north-eastern part of *al-Haram* is possible.

Background to the Events of 8 October, 1990:

The "Temple Mount Faithful," a group of Jewish extremists, was established in 1967. Their primary objective is to build a Third Temple on the site of *al-Haram*. The group has been permitted to enter the of *al-Haram* in the past for special religious holidays. On previous occasions, after agreement with the police, the Temple Mount Faithful had been allowed to enter *al-Haram* between the hours of 8:00 a.m. and 3:00 p.m., in groups of two, three or four, accompanied by Israeli police. This year they sought permission to lay a cornerstone of the Third Temple and set up a *Succa* (tabernacle), on 8 October 1990, in *al-Haram*. The Israeli police refused this request, but gave the Temple Mount Faithful permission to enter between the hours of 8:00 and 11:00 a.m. The Temple Mount Faithful appealed to the High Court of Justice seeking a reversal of this decision. They subsequently dropped their appeal, but publicly announced that they intended to enter *al-Haram* on 8 October in any case. The belief prevailed amongst the crowd gathered at *al-Haram* that the Temple Mount Faithful would try to enter *al-Haram*, accompanied by Border Guards.

Calls from mosques in Friday sermons, and in schools, were made for Muslims to come to *al-Haram* on 8 October to defend it and to prevent it from being taken over by the Temple Mount Faithful. Many people heeded the call.

Monday, 8 October 1990: Dawn - 8 a.m.:

There were no checkpoints on the Ramallah-Jerusalem road until after 8 a.m. There were no checkpoints on the road from Bethlehem.

By 5 a.m., there were already approximately 500 people in *al-Haram*. Half an hour later, at the time of the early-morning prayer, there were approximately 1000 worshippers in *al-Haram*.

At around 7:30 a.m., a Border Guard patrol, comprising some 15 men, entered al-Haram through *al-Magharbeh* Gate and inspected the area around the Gate and the main stations there. This patrol remained stationed in the area of *al-Magharbeh* Gate.

From around 8.00 a.m., non-Palestinians, particularly tourists, were prevented from entering *al-Haram* by Border Guards and police guarding the entrances.

8.00 a.m. - 10.00 a.m.:

More worshippers arrived at *al-Haram* during this time. They were allowed to enter without being searched.

Sheikhs, who were giving talks to groups assembled throughout *al-Haram*, repeatedly stressed the importance of restraint and affirmed the duty of Muslims to protect the holy places. They were also walking among the people urging calm.

Al-Awqaf officials, concerned at the possibility of confrontation at a time when tension was high due to the swelling crowds and what they felt to be the provocative posture of armed Border Guards in *al-Magharbah* Gate area, attempted to reduce the tension and ensure discipline and calm by instituting a number of measures. These measures included:

- 1) ushering all the women to the area around the Dome of the Rock, and all the men to the front yard of al-Aqsa Mosque (SEE MAP 1);
- 2) recruiting young men to form a human chain to prevent any confrontation from developing in the area of *al-Magharbeh* Gate (SEE MAP 1);
- 3) meeting at various times with Israeli Security Officers, including a Yemenite officer of the Border Guards, Shlomo Qatavi ("Abu Taj"), in order to try to ensure that the behavior of the Border Guards present did not provoke the crowd. Shlomo Qatavi responded on different occasions:
-"Today we are not playing, not joking";^a
-"If stones are thrown today, we will soak the place in blood."^b

The last sermon was given by Sheikh Hamed al-Beitawi at approximately 10-00 a.m. After this sermon, a 12-year-old boy recited a poem for about five minutes. At this time, witnesses estimate that between 3,000-5,000 people were present. This number of worshippers generally gather for Friday prayers at al-Haram; thus the size of the crowd alone was not remarkable. However, the high level of tension among worshippers was unusual as they anticipated a confrontation with members of the Temple Mount Faithful, against whom they had come to protect the Muslim holy shrine, This belief prevailed despite official restrictions on the Temple Mount Faithful.

10.00 – 10.50 a.m.:

The crowd was not aware that the Temple Mount Faithful had attempted to enter and been diverted away to Silwan "Pool of Shiloah," nor did the police attempt to communicate this information to the crowd or *al-Awqaf* officials, The crowd remained in a state of acute anticipation. Tension was rising with every minute. However, according to witnesses interviewed, no violent incidents were reported before 10:30 a.m.

Between 10:30 and 10.50 a.m. (most probably at 10:45 a.m.), the women who were around the Dome of the Rock were tear-gassed. Al-Haq interviewed many women and men regarding the precise chronology of events and got different versions as to where exactly the tear gas came from and what preceded its shooting. However, the fact that a tear gas canister was shot or thrown into the crowd, and exploded, is established beyond doubt. Thus, whoever was responsible for this action completely failed to take into consideration the prevailing tension of the crowd or the impact which this act would have, under the circumstances. Moreover, the Israeli authorities made no attempt to cool tempers and prevent the violence that ensued. It has been established that this marked the beginning of the ensuing events.

The men at al-Aqsa front yard reported hearing shouts of "*The army has come, Allahu Akbar,*" coming from the group of women. Some of the men ran to the north, towards the women, but a large number moved to the west towards *al-Magharbeh* Gate, where an estimated 15-20 Border Guards were stationed. The Border Guards began shooting at the approaching crowd, some of whom were throwing stones towards the Border Guards. The Border Guards did not issue verbal warnings or fire warning shots in the air, or use any other

^a Al-Haq interview with *al-Awqaf* officials, 10 October 1990.

^b *Ibid.*

means of crowd control to avoid inflicting severe injuries. Instead, they fired at the crowds, wounding at least twenty people. Thus far, it has not been established what type of ammunition caused these injuries.

Despite the number of injured, the crowd proceeded forward and the Border Guards eventually retreated behind *al-Magharbeh* Gate.

As the firing continued, *al-Awqaf* sheikhs could be heard shouting over a megaphone to the crowd:

Move inside the mosques. *Al-Haram* is a place for worship not for fighting. There are dead and wounded. Call the police to speak to us because a massacre is taking place in al-Aqsa Mosque. Do not stand before the soldiers. Do not confront the soldiers. Do not make your bodies subject to death in order to preserve your lives and the Holy Aqsa. Stay away from the walls of al-Aqsa and al-Mahkameh area and the Western Wall where the soldiers are stationed. All men should proceed to the Aqsa. All women should proceed to the Dome of the Rock.^c

He also addressed the Border Guards, saying: "It is enough. Enough shooting. Stop the shooting."^d

10:50 - 11:20 a.m.:

The young men ran to *al-Magharbeh* Gate and closed it. At this point, the crowds were shot at from the windows of the building known as the "*mahkameh*" Guns protruded through holes cut out of the wire grill covering those windows. The crowd threw stones in the direction of soldiers stationed at the "*mahkameh*" who were shooting down at them. Some of these stones fell onto the Western Wall plaza, located on the other side of the dividing wall [...]. At the same time, the Border Guards who were behind *al-Magharbeh* Gate were firing tear gas in large quantities. They were also firing through a hole already existing in the gate. The crowds pelted them with stones, some of which fell on the Western Wall plaza. It is evident that many of the wounded and killed were hit during the ensuing 20 minutes; i.e., from approximately 11:00 - 11:20 a.m [...]. At least one of the Border Guards shooting into *al-Haram* area had set his gun at automatic.

It is important to note that separating the crowd at *al-Haram* from worshippers at the Western Wall is an arcade. [This arcade consists of an arched wall connects to the "*Mahkameh*" building.] This structure is at least six meters wide and 12 meters high.

It is also important to note that there is a local police post, consisting of two rooms, located some 200 meters to the north-west of the Dome of the Rock. It forms part of a low-roofed series of rooms in which two Arab policemen are permanently stationed. Despite police knowledge of the probability of tension on 8 October, no attempt was made either to remove the two policemen or to give them any other support. They remained there throughout the better part of the morning. During this period of time, the two local Palestinian policemen were excited by the crowds who then set on fire the furniture inside these rooms.

The first ambulance arrived at around 11:00. a.m. It drove through *al-Asbat* Gate and stopped at the front yard of al-Aqsa. The doctor, wearing a white medical coat, got out of the ambulance to give first-aid to an injured person and was immediately shot in the leg. The Border Guards opened fire at the ambulance, which was clearly marked, causing damage to the ambulance. At the same time, a nurse, Fatima Abd el-Salam Abu Khdeir, 35, was severely injured. Another nurse was arrested.

Muhammad Hasan Abu Rayyala, 25, a nurse from Maqassed Hospital, was shot while trying to help an injured person and was prevented from providing urgently needed medical treatment. The individual he was trying to help later died.

11:20 - 11:30 a.m.:

At around 11:20 a.m., *al-Magharbeh* Gate was stormed by between 40 - 50 reinforcements who came in and pursued the crowd towards al-Aqsa and the surrounding areas, shooting heavily for the next 15 minutes. Many young men were now attending the wounded. They tried to drag the wounded and the dead to the clinic, which IS situated in the north of the compound, as well as to the two main mosques: al-Aqsa and the Dome of the Rock. Many of those involved in evacuating the wounded have reported orders by the Border Guards to drop the wounded; others were also shot at while trying to save the wounded. There were also reports of soldiers beating the wounded. Many men and women were seeking shelter in the mosques while others were trying to escape by going to the east where the olive groves are. At this time, more contingents of

^c This announcement was recorded on tape at the time it was made. Al-Haq excerpted this quote from the simultaneous recording, which is available at al-Haq.

^d Ibid.

Border Guards had driven through *al-Asbat* Gate in two jeeps which parked in the southern section of *al-Haram*. They shot and killed at least two in that region [...]. Those who were trying to escape through the gates of *al-Haram* were prevented from doing so. At this point, the ICRC and UNRWA delegates were present.

At around 11:30 a.m., a yellow helicopter was seen flying above *al-Haram*. At this time, both al-Aqsa Mosque and the Dome of the Rock were crowded with dead and wounded as well as people escaping from the shooting and tear gas. Negotiations were conducted between the Border Guards and *al-Awqaf* officials, ICRC delegates, and UNRWA officials regarding evacuation of the crowds from al-Aqsa Mosque and the Dome of the Rock. Soldiers were pursuing young men who were trying to escape. Those who were outside these mosques were attempting to leave to escape arrest and the Border Guards were pursuing them. Many incidents of severe beatings were reported. There were also incidents of shooting as well as large number of arrests. Witnesses estimated the number of soldiers present at this point to be no less than 100.

11:30 – 12:30 p.m.:

Exit was restricted as soldiers at the gates were arresting those trying to leave al-Haram. Some managed to leave. There is evidence that people from outside were trying to get in from at least one gate. Soldiers tried to prevent them, but failed. Evacuation of the wounded continued with disruptions. Sporadic shooting continued in surrounding areas, but no deaths were reported. The witnesses reported that severe beatings and large scale arrests were continuing. The police and Border Guards had assumed full control of the situation.

The Final Count:

The number of dead was 17, one of whom was a woman. Over 150 were injured, amongst whom 5-7 are in serious but stable condition. 150 were arrested from inside *al-Haram*, and another 120 from outside. Every-one was evacuated from *al-Haram* by 5:00 p.m.

SUMMARY OF FINDINGS

1. During the week preceding 8 October, the group called "The Temple Mount Faithful" announced their intention to enter *al-Haram al-Sharif* on 8 October, and publicly invited Jews to accompany them. Public calls were issued by muezzins during Friday prayers on 5 October for Muslims to gather on 8 October, in order to defend *al-Haram*.
2. On 8 October, tensions were high at *al-Haram*, where 3,000 to 5,000 Muslim worshippers were gathered. There were no calls for the stoning of Jews praying at the Western Wall, and those worshiping there were not deliberately attacked. On the contrary, *al-Awqaf* officials specifically and repeatedly called on worshippers to remain calm and act with restraint. Stones were thrown, directed at Border Guards standing on top of the roof of the structure separating the Muslim area from the Western Wall. Some of these stones fell on the area of the Western Wall.
3. The incident began when tear-gas canisters exploded in the midst of the crowd gathered at *al-Haram*. This was followed by stone-throwing by the crowd gathered there, and by shooting by the police and Border Guards present.
4. Contrary to official open-fire regulations, the Border Guards issued no verbal warnings to the crowd at *al-Haram*, and failed to fire warning shots into the air.
5. Once Border Guards started firing, they did so without restraint and, at times, used automatic gun-fire. Several of the wounded were shot more than once.
6. Efforts to save lives and aid the wounded were seriously obstructed. Ambulances, medical personnel, and other individuals were shot at. Several were injured in the act of attempting to aid the injured.
7. No attempt was made by law enforcement personnel to coordinate with the *al-Awqaf* officials present in order to avoid confrontation, restore calm, and diffuse the situation. In fact, attempts by the *al-Haram* officials to find ways of reducing tension were rebuffed by Captain Shlomo Qatavi and others in command of the Border Guards and police on the scene.
8. Water cannons and plastic riot shields, which have been used by the Jerusalem police for crowd-control purposes in, the past, were not made available to the law enforcement personnel present during the events of Monday, 8 October.
9. The Border Guards and police were not, at any time, in a life-endangering situation requiring a lethal response. They were thus wholly unjustified in resorting to the use of excessive and lethal force. Furthermore, it is inconceivable that the use of such force for at least two hours could have been justified.

10. International observers, such as the International Committee of the Red Cross, had no effective role in restraining the actions of the Border Guards and police.
11. Seventeen persons were killed and over 150 were injured in the incident. Only around 20 of the injured were hurt during the first period before the Border Police retreated through Magharbeh Gate.

CONCLUSIONS

1. The number and severity of the casualties inflicted on unarmed civilians must provoke widespread concern at the extensive use of unjustified lethal force. The Israeli police authorities had advance information of possibility of an outbreak of disturbances. Nonetheless, no attempt was made to use readily available, non-lethal, and effective means of crowd-control when Border Guards and police officers intervened.
 - 1.1 The chronology assembled by al-Haq indicates that the tactical deployment and conduct of key Border Guard forces, both before and during the massacre, were substantially of an offensive nature, thus, raising serious questions regarding the actual intentions and objectives of those In command of the forces.
 - 1.2 *Prima facie* evidence indicates that the following grave breaches of the Fourth Geneva Convention were committed by individual Border Guards and others on 8 October 1990 at *al-Haram al-Sharif*:
 - *willful killing* (i.e., killing, with intention to kill, in the absence of a legal defense such as self-defense).
 - *willfully causing great suffering* or serious injury to body or health
 To date, there is no indication that the Government of Israel intends to deter the commission of further grave breaches through the prosecution and sentencing of the individuals responsible.
 - 1.3 Over the course of the three-year-long Palestinian uprising, the Israeli authorities have consistently failed to adopt conventional means of non-lethal crowd-control, This fact indicates, at the very least, a lack of concern to minimize casualties inflicted on civilians by Israel's occupying forces, which in turn represents a serious violation of Israel's fundamental obligations as an occupying power.
2. The background to the massacre, and the manner in which it occurred, exemplify a pattern of causation which has been common to a number of serious incidents, documented by al-Haq, of unlawful violence against Palestinian civilians, in the recent past. This pattern includes:
 - The persistent failure to ensure that orders issued at the senior, middle or local command level conform to the minimum requirements of international humanitarian law, specifically the Fourth Geneva Convention and the Hague Regulations. Addendum to the Fourth Hague Convention of 1907. The actions of Israeli Border Guards and police on 8 October, most notably opening fire on civilians from point-blank range without justification, shooting at ambulances and medical personnel, and inflicting numerous beatings, are direct consequences of this failure.
 - The widespread arming of Israeli civilians and the failure to restrain their illegal acts of violence. Al-Haq has documented several crimes committed by settlers during the events last Monday, including throwing rocks covered in burning glue into houses and shooting at Palestinian passers-by. Complaints to the police by residents were ignored. Similar incidents of settler violence have been fully documented in the past, as has the continuing failure of the authorities to stop such incidents.
 - The public advocacy by members of the Israeli Government of specific illegal programs and policies which would subject Palestinian residents and institutions in the Occupied Territories to; (a) further acts of expropriation, (b) changes in their legal and demographic status, and (c) further expansion of the scope of State-sanctioned coercion, undetected by local or international bodies. This is of particular concern in occupied East Jerusalem, where such advocacy has been translated into policies and actions prejudicial to the future status of the city, and contrary to the wishes of the occupied population. Such actions blatantly violate international law and continue despite world-wide opposition and condemnation.
 - The tolerance of, and failure to restrain or officially denounce, public incitement to illegal actions by such groups as "The Temple Mount Faithful" who continue to call for laying the Foundation Stone of the Third Temple.
 - Lastly, Israel's refusal to apply the Fourth Geneva Convention as a matter of law in the Occupied Territories. This has deprived Palestinians of recourse to enforceable local mechanisms of protection provided for in the Convention, and frustrated the appointment of a Protecting Power.
3. Al-Haq notes the inability of humanitarian agencies and consular officials to protect the population from such violations. During part of the massacre, representatives of the ICRC and UNRWA were on the scene; moreover, the events continued for about two hours within hearing of resident consular officials. There was no effective intervention, and the role of such groups is reduced to documentation after the fact.

4. By rejecting the international community's jurisdiction over its actions in Occupied East Jerusalem, the Government of Israel has unilaterally and illegitimately denied the Palestinian residents of East Jerusalem the status of protected persons under the Fourth Geneva Convention and excluded them from the protection of customary International law.
5. Al-Haq has regularly expressed concerns that continued failure by the International community to compel Israel to abide by international law undermines the safety and security of Palestinians in the, Occupied Territories. This year alone, there have been several clear instances of the excessive use of force; on 26 April, for example, three Palestinians were killed and 184 Palestinians Injured in Jaballya Refugee Camp in Gaza; in the week following the killing of seven Palestinian workmen by an Israeli gunman at Rishon Letzion on 20 May, a further 15 were killed by soldiers and settlers and approximately 2000 injured. Following each of these Incidents, al-Haq has pointed out to the International community the danger of giving the Israeli government *carte blanche* to proceed unchecked. On 7 June 1990, al-Haq issued a comprehensive appeal to all States Signatory to the Fourth Geneva Convention outlining specific measures of protection and reminding states of their obligation and the scope of their mandate to intervene to implement such measures jointly or severally.
6. In light of Israel's refusal to abide by its fundamental obligations as a belligerent occupant, and the deterioration of respect for humanitarian law which this has occasioned throughout the region, al-Haq repeats its urgent call to: (a) the Member States of the United Nations, (b) the Secretariat-General and (c) the Permanent Members of the Security Council to take effective measures to provide immediate international protection for Palestinian civilians living under Israeli military occupation.

[...]

Al-Aqsa Holy Mosque

Definition: Al-Aqsa Holy Mosque is the area surrounded by the Haram Wall. This area is about 140 Dununs and 900 square meters. It includes the sealed section which is:

The Aqsa Mosque
The Dome of the Rock
The attached buildings

The Haram has ten main gates in both the northern and western directions that are:

| | | | |
|------------------------------|-----------------|-------------------|-----------------|
| Bab Al-Asbate (Lion's, Gate) | Bab Al-Hadid | Bab Hutta | |
| Bab Al-Qattanin | Bab Faisal | Bab Al-Mutawadda' | |
| Bab Al-Ghawanma | Bab Al-Silsilia | Bab Al-Majles | Bab Al-Magharba |

There are four other gates in both the southern and eastern directions that are closed.

The attached buildings are:

| | |
|---|---------------------------------|
| Al-Aqsa reconstructing offices | The Meeting Hall |
| The Islamic Museum | The Haram Al-Sharif School |
| The Holy Koran House | The Islamic Cultural Department |
| The Islamic Secondary Girls' School | The Al-Aqsa Secondary School |
| The al-Aqsa Mosque Library | The Imams' Section |
| The Islamic Archeological Department | The Local Guards' Section |
| The offices of the Al-Waqf Administration | The Police Section |



**STATEMENT BY THE OFFICIAL SPOKESMAN OF THE PLO CONCERNING
THE DANGEROUS SITUATION IN OCCUPIED JERUSALEM, WITH PARTICULAR
REGARD TO THE HARAM ASH-SHARIF, 14 DECEMBER 1990**

[The statement was passed by the Acting Permanent Observer for Palestine to the UN, Nasser Al-Qudwa, on behalf of the PLO to the UN Sec. Gen. on 14 Dec. 1990, with the request to have it circulated as an official document of the General Assembly and Security Council]

For the past two days Israeli and international news services and media have been reporting Israeli preparations to desecrate the Holy Al-Aqsa Mosque and to perpetrate a further massacre among our Palestinian population in the Holy City of Jerusalem. They state that the so-called "Temple Mount Faithful" intend to

visit the Haram al-Sharif on 17 December 1990 and to hold a ceremony there and that the Israeli Government has given its approval to their proposal.

The Palestine Liberation Organization reminds the international community and the Arab and Islamic worlds of the repugnant massacre carried out by the Israeli occupation forces against our people in Jerusalem, as a result of which 31 people were martyred and hundreds injured, on the same pretext as that now being advanced by the Israeli occupiers. On that occasion the Zionist group known as the "Temple Mount Faithful" was endeavouring to lay the foundation-stone of the temple in the Haram al-Sharif. The Palestine Liberation Organization holds the Israeli Government fully responsible for this fresh act of provocation and aggression, for which preparations are this time being made overtly and in public, and calls upon the world as a whole to assume its responsibility vis-à-vis this organized official escalation of Israeli terrorism against our Palestinian people.

The Palestine Liberation Organization affirms that the Israeli Government would not be embarking on preparations for this latest bloodthirsty plan if it had encountered official international deterrence, in the context of the Security Council, at the time of the first Jerusalem massacre. The fact that it was not so deterred was a result of the American Administration's defence of the Zionist occupation and of Israeli crimes and acts of aggression against our Holy Places and our Palestinian people in the occupied Palestinian territory.

The Palestine Liberation Organization calls upon the Security Council, and particularly its five permanent members, as well as the Secretary-General of the United Nations and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to take a firm stand against this latest bloodthirsty plan.

The Palestine Liberation Organization affirms that the Palestinian people will resist this further brutal act of aggression in order to prevent the criminals from desecrating the Haram al-Sharif, which is the first of the two kiblas and the third of the Holy Places.



**MEMORANDUM HANDED BY A PALESTINIAN DELEGATION TO
US SECRETARY OF STATE JAMES BAKER III, 12 MARCH 1991 [EXCERPTS]**

We, the Palestinians of the Intifada, the portion of the Palestinian nation who bear the yoke of occupation rather than exile and dispersion, on the strength of our commitment to this new vision affirm the following:

1. The PLO is our sole legitimate leadership and interlocutors, embodying the national identity and expressing the will of the Palestinian people everywhere [...]
2. We confirm our commitment to the Palestinian peace initiative and political program as articulated in the 19th PNC of November 1988, and maintain our resolve to pursue a just political settlement of the Palestinian-Israeli conflict on that basis. Our objective remains to establish the independent Palestinian state on the national soil of Palestine, next to the state of Israel and within the framework of the two-state solution.
3. Our adherence to international legitimacy remains unwavering, and we uphold the rule of international law in accepting and supporting all UN resolutions pertaining to the question of Palestine, and thus call for their immediate and full implementation.
4. The national rights of the Palestinian people must be recognised, safeguarded and upheld - foremost among which is our right to self-determination, freedom and statehood.
5. No state must be singled out for preferential treatment by the international community or considered above the norms and laws that govern the behavior of or relations among nations. Thus, Israel must not be allowed to continue pre-empting, rejecting or violating UN resolution vis-à-vis the Palestinians, especially in the annexation of East Jerusalem, the establishment of settlements and the confiscation of land and resources. Of particular relevance and urgency is the imperative necessity of applying the 4th Geneva Conventions of 1949 to protect the defenseless and civilian Palestinian population from the brutality of occupation, particularly in its persistent violation of our most basic human rights and all forms of collective punishments such as house demolitions, closure of universities and schools, curfews, military sieges and economic strangulations.



**COMMUNIQUÉ NO. 72 (APPEAL OF JERUSALEM), ISSUED BY THE
UNIFIED NATIONAL LEADERSHIP OF THE UPRISING, 1 JULY 1991 [EXCERPTS]**

*In the Name of God, the Merciful and the Compassionate
No Voice Shall Rise Above the Voice of the Intifada - The Voice of the PLO*

Leaflet No. 72 - Appeal of Jerusalem

Masses of our Heroic People:

As part of the occupier's expansionist policy, demonstrated in the creeping annexation of segments of our state, the occupation is working to impose a fait accompli on Jerusalem, the national capital of our independent state, and is prohibiting the majority of our people from entering Jerusalem, using security as a weak pretext. As a result, tens of thousands of the sons of our people have been deprived from performing religious ceremonies at holy sites. Also, prohibiting entry into Jerusalem city has deprived a large segment of our people of their right to movement, to employment and to family visits between the northern and southern parts of our state.

Given the need to break this unjust order against us as a people, the UNL [Unified National Leadership] is specifying a week of national activity specifically for Jerusalem. The UNL calls upon the masses and all committees to implement these crucial activities:

1. July 10, 1991: Palestinian flags are to be hoisted in all parts of the country, especially in Jerusalem. Graffiti reaffirming the Arabization of Jerusalem is to be written.
2. July 12, 1991: A day to organize massive marches from the West Bank to Jerusalem with the participation of all national and religious institutions and organizations to reaffirm the Arabization of Jerusalem and reject the order to isolate it from other parts of our state.
3. July 13, 1991: A day for sit-ins at the ICRC all over the Palestinian Bank. This day is for all the workers from amongst the sons of our people who worked in Jerusalem but are banned from entering it.
4. July 15, 1991: A day of general strike in Jerusalem to protest Israeli policy regarding this city and its Arab residents.

Let Jerusalem week reinforce solidarity in the struggle and the field, let it be a week to reinforce national unity, a week to unite the country and the people. (...)

Long Live the PLO, the Sole Legitimate Representative of the Palestinian People.

Long Live the Valiant Intifada, on the Path to Independence and Freedom.

The Unified National Leadership of the Intifada

State of Palestine July 1st, 1991.



**LETTER FROM A PALESTINIAN DELEGATION LED BY RADWAN ABU AYYASH,
HEAD OF THE ARAB JOURNALISTS' ASSOCIATION, TO WESTERN CONSULS IN
JERUSALEM, JERUSALEM, 11 JULY 1991 [EXCERPTS]**

[...] If Israel succeeds in its blatant effort to Israelize Jerusalem beyond the possibility of reestablishing Palestinian sovereignty over East Jerusalem as the political capital of a Palestinian State, then not even the most optimistic of peacemakers can dream that peace can be brought to the Middle East.

Jerusalem, Palestine's historic religious and cultural capital, Christianity's most treasured earthly sanctum, Islam's mystical gateway to divine knowledge and union with the Creator, is the key either to peace through compromise between Jews and Arabs, or to an extential confrontation and calamity in the region. As each day goes by, Israel forcefully and unilaterally pursues a path that can only lead to the abolition of the peace process. [...]



**FIVE-POINT PALESTINIAN DOCUMENT SUBMITTED TO US SECRETARY
OF STATE JAMES BAKER, JERUSALEM, 2 AUGUST 1991**

[The document, summarizing the main Palestinian demands for US guarantees relating to the proposed peace conference, was presented to Baker in Jerusalem by Faisal Husseini, Hanan Ashrawi, and Zakaria Al-Agha.]

- Assurance that the aim of the conference is to implement Resolutions 242 and 338 aimed at ending the occupation and Israel's withdrawing from all the Arab lands occupied in 1967, including Arab Jerusalem.
- Recognition of the Palestinians' political-national rights.
- Palestinian participation on the basis of a PLO decision without outside intervention.
- Discussion of the status of East Jerusalem at each stage of the negotiations with the residents of East Jerusalem taking part in the negotiations at each stage.
- Immediate cessation to settlement on all occupied lands, especially in Jerusalem.



**POLITICAL STATEMENT OF THE 20TH PALESTINIAN NATIONAL COUNCIL (PNC),
SEPTEMBER 1991 [EXCERPTS]**

Premises:

The PLO has welcomed current peace efforts and responded to them positively, including the call by President Bush and Gorbachev for a peace conference to resolve the conflict in the Middle East.

It believes that the success of efforts to convene the peace conference requires continued work with the other parties to achieve the following premises:

1. That the peace conference be based on international legitimacy and resolutions, including UN Security Council Resolutions 242 and 338, and on a commitment to their implementation, in a manner securing complete Israeli withdrawal from the occupied Arab and Palestinian territories - including Jerusalem - and fulfillment of the principle of land for peace and the national and political rights of the Palestinian people.
2. A reaffirmation that Jerusalem is an integral part of the occupied territory, to which all that applies to the rest of the occupied territories under UN resolutions is also applicable.
3. That a cessation of settlement in the occupied territories, including Jerusalem, is indispensable to start the peace process. International guarantees should be provided in this respect. (...)

Aims:

On the basis of these aforementioned peacemaking premises, the PLO aims to achieve the following:

1. To secure the Palestinian people's right to self-determination which would also ensure its right to freedom and national independence.
2. Total Israeli withdrawal from the Palestinian and Arab territories occupied in 1967, including Jerusalem.
3. A solution to the problem of Palestinian refugees who were uprooted from their land by force and coercion, in accordance with UN resolutions, particularly General Assembly Resolution 194.



**MEMORANDUM FROM THE PEOPLE OF SILWAN TO US SECRETARY OF STATE JAMES
BAKER AND THE AMERICAN CONSULATE GENERAL, JERUSALEM, 18 OCTOBER 1991**

Since you started your intensive efforts to achieve a political solution to the Palestinian-Israeli conflict based upon US policy as expressed by President George Bush on 6 March 1991 in his speech before the US Congress: "To bring all parties in the region to negotiations based on the formula of land for peace," Israeli land expropriation and settlement has intensified. This memorandum is intended to bring to your attention again some of the Israeli policies and practices as they affect the Palestinian society under military occupation. It is

not only a question of expanding or building a new colony on each occasion you arrive in the region but also of intensifying their practice of colonizing and Judaizing the Arab City of Jerusalem and its suburbs.

We appeal to your human conscience and principles and stated positions to freeze Israeli practices including the suffocation of our people by land confiscation and exploding settlement in the Occupied Territories including Arab East Jerusalem. As you know, our cry for freedom and independence and the message of the Intifada to co-exist with our neighbors in a two-state solution of Palestine and Israel has been assaulted by the Israeli escalation of intimidation in all aspects of our lives: land, people and rights, particularly in the Old City of Jerusalem and its Palestinian suburbs. Our village, Silwan, has suffered attempted Judaization, not only by fanatics and extremists outside the governmental control, but also by the Israeli governing authorities, personnel, funds and tools.

We would like to confirm here that the Arab City of Jerusalem, with its Palestinian suburbs, is an integral part of the Occupied Territories. International Law has disallowed its annexation, the expulsion of its inhabitants and any attempt to change its status. All relevant UN General Assembly and Security Council resolutions have considered Jerusalem as part of the Occupied Territories and that, therefore, the Fourth Geneva Convention, specifically the article, applies to it.

We appeal for a clear and open position on the part of the US insisting on a freeze to the daily Israeli practices which threaten our existence and ability to survive in our Homeland. We urge you to bring the Israelis to reason and to lift their hands off Silwan.

The People and Inhabitants of Arab Silwan, Jerusalem



**LETTER FROM THE CHAIRMAN OF THE COMMITTEE ON THE EXERCISE
OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE ADDRESSED
TO THE UN SECRETARY-GENERAL, 16 DECEMBER 1991**

[Letter reporting attacks on Palestinian Jerusalem neighbourhoods]

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to draw your attention, as a matter of urgency, to further attacks carried out by the Israeli Government and settlers against the Holy Places and Palestinian property in East Jerusalem and adjoining neighbourhoods.

According to a report by the Reuters news agency dated 12 December 1991, approximately 30 Jewish settlers, protected by large numbers of police, forced an entry into six houses belonging to Palestinians in Silwan, an Arab neighbourhood situated in East Jerusalem, and expelled the occupants. The settlers moved into the neighbourhood following a decision by the Israeli Cabinet which authorized them to remain in Silwan after they had attempted for two months to dispossess Palestinian owners of their homes. According to *The New York Times* of 13 December, this act of usurpation was encouraged and financed by Housing Minister Ariel Sharon. As reported by the same newspaper, in the last few years, Jewish nationalist movements with Government backing have taken over houses in the Old City's Muslim and Christian quarters.

On 7 December, the Supreme Islamic Committee of Jerusalem published a statement in which it pointed out that the Israeli authorities, under the supervision of high-ranking police officials, had closed the portal of the mosque of the Ottoman School, a famous Islamic site situated in the precinct of the Al-Aqsa Mosque. According to the Supreme Islamic Committee, Israel was thereby attempting to conceal work carried out by the Israeli authorities in a gallery situated in the western part of the Haram al-Sharif wall, inside the precinct of the Al-Aqsa Mosque, and was also trying to prevent the Islamic Waqf from closing the passage leading to the gallery.

On 19 November, the Information Centre on Human Rights in Palestine, which is based in Jerusalem, reported that on the previous day, Israeli information officers and elements from the special forces and frontier guards had broken into the Islamic Court and other premises situated in Salah el-Din Street in East Jerusalem and that they had seized archives dating back 500 years and connected with the history of Jerusalem, some of which related to the ownership of land and buildings.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to express the gravest concern at these acts by the Israeli authorities and settlers, which constitute on the part of Israel a violation of its obligations as the occupying Power under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. These acts are also contrary to the provisions of numerous Security Council resolutions, particularly resolutions 271 (1969), 298 (1971) and 476

(1980), concerning the Holy Places and religious buildings in Jerusalem, and resolutions 446 (1979), 452 (1979) and 465 (1980), concerning settlement activities by Israel, and they represent a serious obstruction to the establishment of a comprehensive, just and lasting peace in the Middle East.

The Committee therefore addresses an urgent appeal to you as well as all the parties concerned to see that all the necessary measures are taken in order to induce Israel, the occupying Power, to put an end to all its illegal settlement activities, ensure respect for the Holy Places and guarantee protection of the Palestinians and their property in the occupied Palestinian territory, including Jerusalem.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) Absa Claude DIALLO
Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People



**PLO EXECUTIVE COMMITTEE, MEMORANDUM DENOUNCING
ISRAELI VIOLATIONS ON HOLY PLACES IN JERUSALEM, 25 JULY 1992**

On 23 July 1992, Israeli bulldozers demolished a Greek Orthodox Church on the Mount of Olives in the occupied city of Jerusalem by virtue of an order signed by Teddy Kollek, Mayor of Jerusalem, on the grounds that the church had been built without prior permission being obtained.

In this context, Kollek's Municipality is planning to demolish two mosques in the occupied city of Jerusalem, one on the Mount of Olives and the other on Jabal Mukabber, on the same pretext.

These assaults are being made on Christian and Islamic Holy Places in Jerusalem at a time when the Municipality of Jerusalem and the Israeli Government are continuing to build settlements, highways and other installations at the expense of expropriated Palestinian land and property in the City of Jerusalem, evicting Palestinian citizens from their homes and giving a free hand to armed settlers to acquire and occupy the homes of Palestinian citizens.

These incursions and the Israeli practices being put into effect by Teddy Kollek's Municipality on a multitude of pretexts are a continuation of the policies of successive Israeli Governments which constitute flagrant violations of the relevant United Nations resolutions and of international legitimacy and international law. They reveal, at the same time, the insincerity of the promises made by the Rabin Government concerning the establishment of a just peace in the region, demonstrate its persistence in violating and defying international legitimacy and destroying the foundations on which the current peace process is built, and they do the greatest damage to the efforts being made to build the confidence required to advance the ongoing negotiations.

On the basis of our constant concern for the success of the peace process, we urge the co-sponsors of the Peace Conference in the Middle East, the international community and all those forces that cherish freedom, peace and justice to make efforts and exert pressure in order to dissuade Israel from these practices, bring them to an immediate halt, submit to the will of the international community and to its resolutions and respect the rights of the Palestinian people in its homeland.



**"TEN POINTS" PRESENTED TO THE US BY THE PALESTINIAN DELEGATION AFTER THE
9TH ROUND OF BILATERAL NEGOTIATIONS, WASHINGTON, DC, JUNE 1993 [EXCERPTS]**

[The following is the text as reported in Al-Dustur on 13 June 1993:]

[...]

1. Since you have repeatedly asserted that the overall peace process is based on [(Security Council)] resolutions 242 [(1967)] and 338 [(1973)] and the land-for-peace principle, is there a need to ask if this is applied to the negotiations and their results? Is the implementation of these resolutions not the aim of this process as a means of realizing a just, durable, and comprehensive peace?
2. Since the allusion in [Security Council] resolution [the Security Council] 242 [(1967)] is to the territories Israel occupied in 1967, is there any need to ask if these territories are really occupied and, consequently, governed by the principle of withdrawal and the Fourth Geneva Convention?

3. Since the term 'occupied territories', as used by the United States, means the West Bank, including Jerusalem and the Gaza Strip, is there any reason to dismember and violate the unity of these territories?
4. Since the United States does not recognize Israel's annexation of Jerusalem, the expansion of the city's municipal area, or any other unilateral measures to change the status of the city, is it not essential that the United States should prevent Israel from implementing such measures, especially the settlements inside and around Jerusalem, imposing a siege on and isolating the city as a means of imposing annexation by *fait accompli*?
5. The United States believes that the Palestinian side has the right to raise any issue, particularly the issue of Jerusalem, at the negotiating table. It also regards Jerusalem as part of the occupied territories. Does the United States still support incorporating the issue of Jerusalem into the transitional phase negotiations, taking into account that the fate of all Jerusalem will be determined in the final phase negotiations? Should East Jerusalem not be part of the transitional self-rule arrangements? [...]



**STATEMENT OF THE POPULAR GATHERING IN AL-AQSA MOSQUE,
JERUSALEM, 21 JUNE 1993**

In the Name of God, the Compassionate, the Merciful

The conferees who gathered on the grounds of the Al-Aqsa Mosque, representing Palestinian agencies, organizations and unions, declare rejection and condemnation of the siege imposed by the Israeli authorities on the City of Jerusalem. This Arab, Islamic city is falling prey to an Israeli attempt to isolate it from the rest of the occupied Palestinian lands and reinforce the Israeli argument that Jerusalem is the eternal capital of Israel.

The conferees meeting on these holy grounds unequivocally affirm that Jerusalem has been an Islamic-Arab city ever since the Arabs established the city of Yabus (Jerusalem) 5000 years ago. This is a fact that is not up for argument or compromise. Its Islamic-Arab character was reinforced by the ascension of the Prophet Muhammad from Al-Aqsa to the heaven. It was further bolstered by the historic covenant of Muslim Caliph Omar Ibn Al-Khattab (636 A.D.) and the continuous Islamic-Arab presence in the Holy City.

The conferees maintain that adherence to Jerusalem is part of Islamic doctrine, and that our glorious Islamic culture, that Arab history in it cannot be muffled by the hand of destruction, and that thousands of martyrs have fallen on this holy land due to the wars waged and the massacres committed on its soil. The just rule of Islam and the tolerance of Muslims toward those of other creeds allow all open-minded people to come out with the correct conclusions, if they read history without any prejudgments. The message of Islam is the last heavenly message, so we must spread justice and security and invite people to God's way using wisdom and good words. God Almighty has asked us to be steadfast in Jerusalem, in Palestine and in the land of Greater Syria (Ash-Sham) till the Day of Judgment.

It is to be registered in the annals the reaffirmation of the fact that Jerusalem is Muslim-Arab. We call upon all Arabs and Muslims to take up their full responsibilities in preserving its Islamic-Arab character, because it is a responsibility of every one of them - leaders and followers.

The conferees also ask the population to work on ruining the Israeli schemes against our Holy City.

"God will fulfill his Will, so carry glad tidings, to the patients" - Holy Qur'an.

May the peace and mercy of God be upon you.

The conferees at Al-Aqsa Mosque, Jerusalem, 1 Muharram 1414 Hijra / June 21, 1993 A.D.



STATEMENT FROM THE ARNONA TAX COMMITTEE, JERUSALEM, 30 JUNE 1993

To the Palestinian People

To all human conscience in our world

To all International Organizations, Humanitarian Institutions and Diplomatic corps

Today, four months have passed since closure of the Palestinian Territories after a decision taken by the Israeli authorities. During the latest three months, the closure became an economical, social and humanitarian siege of Jerusalem, after it was separated from the rest Palestinian Territories. This siege contributed to financial crisis

and merchants suffered hardly, to the extent that some of them are reaching the point of bankruptcy. These practices accompanied with other Israeli measures are aimed at determining the future of Jerusalem irrelevant to the current Peace Talks. Building settlements is continuous, demolishing Palestinian houses that were allegedly built permit, and all the other practices taken by the government to implement the policy of transfer.

We, the Arnona Tax Committee warn of the risks of postponing negotiating on the issue of Jerusalem. We have sent a letter to USA Secretary of State Baker in which we requested that Jerusalem be at the top of the agenda of the Peace Talks. The American position of refusing to place the issue of Jerusalem on the negotiations agenda contradicts with all the international laws and the UN Security Council Resolutions which opposed the annexation of Jerusalem and considered it as part of the Palestinian Occupied Territories occupied by Israel in 1967.

We are witnessing the application by certain powers of double standards in their dealing with human rights and international laws. The failure to implement the UN Resolution 799 which called for the return of Palestinian expellees, failure to stop massacres and ethnic cleansing in Bosnia and the use of UN Resolution to justify continuous attacks on Iraq are examples of double standards.

We urge the world to help in ending the siege of our holy land and to put an end to all policies of discrimination against our people. We appeal to our peace delegation to insist on including Jerusalem in the Peace Talks as part of any interim solution.



**MEMORANDUM FROM FAISAL HUSSEINI, HEAD OF THE PALESTINIAN TEAM
TO THE MIDDLE EAST PEACE PROCESS, TO DENNIS ROSS, US DEPARTMENT
OF STATE, 1 JULY 1993 [EXCERPTS]**

Re: The US Draft of 30 June 1993.

We have read carefully the draft you gave us on 30 June 1993 as a set of "principles and/or areas of emerging agreement." While we reaffirm our commitment to the peace process, and precisely because we are concerned for the future of this process, we find it impossible to consider the draft as a suitable basis for future negotiations over a Declaration of Principles. We would like to convey to you the main reasons underlying our positions by focusing here solely on the two issues that, you must know, are of utmost concern to us: the territorial jurisdiction of the Palestinian authority during the interim period, and the question of Jerusalem, without prejudice to our concerns regarding other points included in or related to the draft, and in particular issues of international law, early empowerment, and timetable.

On territorial jurisdiction:

[...]

4. The draft allows the exclusion of geographic areas from the jurisdiction of the Palestinian authority, which contradicts the assertion (put surprisingly under the "land" paragraph) of the territories as "a single territorial unit."
5. The issue of jurisdiction and, specifically, of territorial jurisdiction, cannot be postponed until we reach the final status negotiations. The Palestinian authority will need to exercise its powers and responsibilities over a defined territorial base. This has nothing to do with sovereignty. Since 1967 the Israeli Military Government has exercised territorial jurisdiction over the occupied Palestinian territories without enjoying sovereignty.
6. Instead of considering Israeli annexation of Jerusalem and Israeli settlement policy as prejudicial to the implementation of Resolution 242, and instead of considering Palestinian empowerment during the interim period, whether territorially, functionally or personally, a step towards the implementation of the resolution, the draft implies that this empowerment could be reversed by an Israeli claim to sovereignty in the final status.

On Jerusalem:

In our extensive deliberations with you over the past three weeks, we have unambiguously voiced our position on Jerusalem, a position to which we understood you were sensitive. It is unfortunate that this is not reflected in the draft.

1. In your letter of assurances you stated that you do not recognize Israel's annexation of East Jerusalem and you acknowledged how much importance we attach to the question of Jerusalem and our right to bring the issue to the table. The draft invites us to agree to much less than that and to wait until the permanent status negotiations before raising the question of Jerusalem. You will understand that this is totally unacceptable to us. It is all the more so in view of Israeli acts on the ground which are predetermining both the interim arrangements and the final status, and in view of the repeated declarations by Israeli leaders about Jerusalem which run contrary to long-standing US policy, to the consensus of the international community and to UN resolutions for which the US has voted.
2. The second reference to Jerusalem in the draft concerns elections. The draft refers only to East Jerusalem Palestinians and thus denies any territorial dimension for the occupied city. It even reduces the issues of participation in elections to that of voting.
3. Under the paragraph on land there is a reference to the occupied territories as a single territorial unit and to their territorial integrity. The way East Jerusalem is referred to in the draft implies unmistakably that East Jerusalem is not considered as part of this integral whole and that it is excluded from the territorial jurisdiction of the Palestinian authority during the interim period. This is totally contrary to our draft Declaration of Principles which has tried, as you acknowledged in our deliberations with you, to put the question of territoriality convincingly which protecting our interests.

Rather than bridging gaps or providing constructive alternative options, we regret that the formulations in your draft, for the reasons stated above, widen differences and create additional difficulties. The draft further indicates alarming changes in and the role of the co-sponsor. Thus, the draft cannot serve as a basis, a focal point, or even a starting point for discussion.



**PLO/PALESTINIAN DELEGATION, DRAFT ISRAELI-PALESTINIAN STATEMENT
OF PRINCIPLES, JERUSALEM, 5 AUGUST 1993 [EXCERPTS]**

[...] The two sides agree that all options for the final status - based on the provisions and principles on which the negotiations were launched, that is [Security Council] resolutions 242 [(1967)] and 338 [(1973)] - will remain open. During the negotiations, each party can raise any issue it likes and the agenda for the negotiations on the final status must include the final status of Jerusalem.

The Nature of the Elected Palestinian Self-Rule Authority

The two sides agree that the elected Palestinian self-rule government will be formed through free, fair and direct general elections to be held under agreed international supervision in the presence of international supervisors and observers. Negotiations will be held to set the terms and schedule for the elections. Once the two sides reach an agreement on the terms for the elections, the East Jerusalem Palestinians will participate in the elections, as will the Palestinians and their children and grandchildren in the West Bank - including Jerusalem - and the Gaza Strip, which were not under Israeli occupation prior to 4 June 1967.

[...] Both sets of negotiations have the objective of implementing [Security Council] resolutions 242 [(1967)] and 338 [(1973)], as does the self-rule period. The Palestinian interim self-rule authority will have local control over the occupied Palestinian territories that were not under Israeli occupation before 4 June 1967, including Jerusalem. The two sides agree that these territories constitute an integral whole that will retain their unity and integrity during the self-rule under a single legal system. [...]



**STATEMENT OF THE POPULAR PROTEST AGAINST ISRAEL'S CLOSURE
OF JERUSALEM, 7 AUGUST 1993**

On March 31, 1993, Israel closed off Jerusalem from the rest of the occupied Palestinian West Bank. It thereby cut off the city from its suburbs and its hinterland, and separated the occupied Palestinian territories from their political, religious, commercial and intellectual center. Hundreds of thousands of Palestinians have been prevented from going to pray, to work, to school or from passing through Jerusalem. Thousands of others have had to suffer the humiliation and inconvenience of obtaining permits to travel to Jerusalem, and a large proportion of the Palestinian population of the West Bank has had to put up with lengthy delays at Israeli military checkpoints ringing the city.

This action is the latest in a series of measures whereby Israel has inexorably been imposing its control over all aspects of life in Arab East Jerusalem, as part of a process which began with its annexation of the Eastern part of the Eastern part of the city immediately after the 1967 war. This annexation and all the measure which have flowed from it, is illegal according to international law, has been condemned repeatedly and severely by the UN Security Council, and runs counter to the policy of the United States and every other major country in the world, none of which have recognized Israel's annexation.

Nonetheless, so far nothing has been done by any Arab, Islamic or international body, to oppose this latest step to make concrete an illegal occupation and an illegal annexation. In protest, Palestinians from all over the occupied territories will protest this outrageous Israeli action on Saturday, August 7, 1993, from 11 AM to 1 PM. In so doing they will be raising their voices against an action which is yet another step in cutting the heart out of Arab Palestine, by trying to separate from it its capital, and the focus of the religious and political aspirations of all Palestinians everywhere.

Palestinian Institutions in OPT
Jerusalem - Al Quds Al Sharif - August 7, 1993.



**PLO EXECUTIVE COMMITTEE, STATEMENT ON THE OSLO ACCORD,
TUNIS, 12 SEPTEMBER 1993 [EXCERPTS]**

[The Palestine National Council had not convened to debate an endorsement of the accord or to amend the PLO Charter. The PLO body to approve the accord was the Executive Committee; the accord won a majority among only that portion of the Committee that chose to participate in the vote while one-third of its 18 members resigned in protest].

[...] The PLO has arrived at the first agreement in our contemporary history with Israel that ensures the recognition of the legitimate rights of our Palestinian people and the Palestinian Liberation Organization as its sole representative.

The significance of this agreement is represented by the fact that it stipulates the realization of a comprehensive solution on the basis of the implementation of the UN Security Council Resolutions 242 and 338 and the withdrawal of the Israeli forces within a number of months from parts of our occupied homeland in the Gaza Strip and Jericho area; the redeployment of all Israeli forces in the other areas outside the populated areas in the cities, villages and camps; the departure of military rule; and the dismantling of the Israeli civil administration to be replaced by the Palestinian authority and the elected Palestinians council, which will assume its duties over all of the Bank and Gaza after free and democratic elections under inter-national supervision. [...]

These positive elements which have been realized despite the fact that they do not solve all the issues which constitute the basis of the Palestinian-Israeli conflict, have been associated quite correctly with all our rights and demands and, above all, the issues of Holy Jerusalem, the refugees, the settlements and the borders. It has been agreed to discuss them two years after the beginning of the interim stage. [...]

The PLO stresses that stopping all activities of settlement, particularly in Holy Jerusalem, constitutes a main element for ensuring the success of the transitional arrangements in addition to all the measures and steps liable to achieve for our people and all their sons their legitimate rights, including the release of prisoners, the return of deportees, the cessation of the isolation of Jerusalem, and the lifting of the siege on the remaining occupied territories. [...]



**STATEMENT OF NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, BEFORE THE UN SECURITY COUNCIL, 18 MARCH 1994 [EXCERPTS]**

[Statement on wording regarding the status of East Jerusalem and US position on the issue]

Mr. President,

[...]

The second issue, Mr. President, which we raise as a result of some discussions, which have taken place around this Council and have been tainted by disinformation, regards the reference to Jerusalem as part of the occupied territories since 1967 in the text of this Security Council resolution, and the relationship between

this reference and the Israeli-Palestinian Declaration of Principles. You know, of course, that reference to Jerusalem as part of the occupied territories has been a consistent practice of the Council for a long time. In fact, every single resolution relating to the Palestinian issue, which has been adopted by the Council in the past, has contained this language formulation. Thus, adoption by the Council of the same language today only reflects continuation of this policy. On the contrary, any attempt to change the language carries the danger of a change in this policy. Here we wish to express our disappointment and concern over the abstention today of the delegation of the United States of America in the vote on the last preambular paragraph in the resolution, which included the above-mentioned language. We hope that in the future the United States delegation will again conform with the long-held position of the U.S. on this sensitive issue.

I must now refer to the question of the impact, or potential impact, of the Declaration of Principles on the issue of Jerusalem and other important issues such as settlements and refugees, which have been postponed until the second stage of negotiations between the two sides. Here we would like to affirm in absolute terms that the legal and political status of those issues is determined by international law and international legitimacy. Further, postponement of negotiations on them definitely has no bearing on their existing legal and political status. The settlements, for example, according to international humanitarian law, specifically the Fourth Geneva Convention of 1949, and according to several Security Council resolutions, are illegal and obstacles to peace and they remain so, whether there has been no negotiation on them at all or there shall be negotiations tomorrow or after two years. The same applies to Jerusalem.

Mr. President,

Arab East Jerusalem is an integral part of the occupied Palestinian territory since 1967, and according to several relevant Security Council resolutions and the principles of international law, all measures taken by Israel, the occupying Power, aimed at changing the status of Jerusalem are null and void. If the Declaration of Principles has any bearing on this, it should be understood in favor of the position of the international community and not the opposite, since Israel accepted in principle that the final status of Jerusalem will be subject to negotiation. We hope, Mr. President, that no party would contemplate distortion of the facts or would attempt to change the realities related to these important issues, because such attempts would certainly lead to dangerous results, which must be avoided.

Mr. President,

The resolution adopted today by your august Council is undoubtedly an essential and important step forward. It demonstrates that the Council has upheld its own responsibilities towards the situation in the occupied Palestinian territory, including Jerusalem. [...]



PERMANENT OBSERVER MISSION OF PALESTINE TO THE UN, PRESS RELEASE ON THE ISSUE OF JERUSALEM WITH REGARD TO UN RESOLUTION 904, 25 MARCH 1994

Over the past few days, several Jordanian officials have been making confusing comments on the issue of Jerusalem in connection with the action taken by the Security Council on 18 March 1994, when it adopted without a vote Resolution 904 (1994). Until now, the Palestinian side has avoided responding to those puzzling statements because of the centrality and sensitivity of the issue of Jerusalem for all Arabs, and in an effort to avoid any hint of possible disagreement on this crucial issue.

Today, however, the Arab daily newspaper Al-Hayat reported that the Permanent Representative of Jordan to the United Nations, in a similar statement, suggested that the issue of Jerusalem might have been better served if the Palestinian side had accepted removal of the reference to Jerusalem from Resolution 904 (1994). While the Permanent Observer Mission of Palestine to the United Nations expresses its astonishment over such a statement, it emphasizes the fact that the removal of the reference would have been the first time not to refer to Jerusalem as part of the occupied territories in any Security Council resolution. Having done that would have amounted to total submission to illegitimate requests from the United States administration on this important issue.

The Permanent Observer Mission of Palestine to the United Nations wishes to state that the Palestinian side remains proud of its position of principle, and calls for a united Arab front to confront the indications of a change in the American position on this important issue and the possibility of further deterioration of that position. At the same time, the Permanent Observer Mission of Palestine expresses its satisfaction with the joint position adopted by the Arab Group in its meeting on 24 March 1994, taking a series of actions in this regard.



**PLO CHAIRMAN YASSER ARAFAT, SPEECH OF ON JERUSALEM TO
SOUTH AFRICAN MUSLIMS, JOHANNESBURG, 10 MAY 1994**

[While visiting South Africa for the inauguration of Pres. Nelson Mandela, Arafat spoke to Muslims in a Johannesburg mosque. Although the event was closed for the media, a tape of the speech reached Israel where Arafat's reference to a "Jihad" for Jerusalem produced an outcry. Moreover, in this speech an Israeli letter of assurances concerning Jerusalem was mentioned for the first time].

In the name of Allah the merciful and compassionate. My brothers, I must thank you for allowing me to come here to pray together. Allah willing, we will soon pray in Jerusalem, the first site of Islam. My brothers, it must be understood that after the Gulf War the main conspiracy was to completely eliminate the Palestinian problem from the international agenda. It was not easy, because our men paid the price for the Gulf War, as you know.

Our community in Kuwait, which was one of the largest and richest, was kicked out of Kuwait. Not only that, but later we were presented with the Bush initiative on the Madrid conference. And it was not easy to agree to go to the Madrid conference, because of its very difficult conditions. Why? So as not to give them a reason and an excuse to ignore the question of Jerusalem and the question of Palestine. This must be understood. Now, after this agreement, which is the first step and nothing more than that, believe me, a lot remains to be done.

The Jihad will continue. Jerusalem is not only of the Palestinian people, but of the entire Islamic nation. You are responsible for Palestine and Jerusalem. *The land that was promised to God's fearful* [quotation of a Koran verse in which Allah addresses Abraham on this issue].

After this agreement you must understand that our main battle is not to get the maximum out of them here and there. The main battle is over Jerusalem, the third most sacred site of the Muslims. Everybody must understand it. Therefore, I insisted before signing [the agreement with Israel] to get a letter from the Israelis that Jerusalem is one of the items for discussion in the negotiations. We are not talking about [a discussion of] Israel's permanent status. No. We are talking about the permanent status of Palestine. It is very important that everybody understands it.

In this letter, which they wrote and I have in my possession although I have not divulged it so far, I insisted that they mention that we are responsible for all the holy sites, Christian and Muslim. I insisted that the name of the Christian holy sites be mentioned before the name of the Muslim holy sites, because I must be faithful to the agreement between Caliph Omar Ibn al-Khattab and Patriarch Sophranus. Therefore, I insisted that they mention in the letter the Christian holy places next to the Muslim holy places.

Here we are, and I must speak candidly. I cannot do it on my own, without the help of the Islamic nation. And I cannot say like the Jews: You and your God fight alone. No. You must come to fight, to begin the Jihad to liberate Jerusalem, your first shrine. It is very important. Therefore, me and my colleagues insisted on mentioning in the agreement that the negotiations about Jerusalem will start no later than the beginning of the third year, and that immediately after the signing of the agreement we will start the negotiations about Jerusalem. About the future of Jerusalem.

You saw me when I hesitated [in the signing ceremony in Cairo, May 4th, 1994]. I did it because I insisted on mentioning Jerusalem. I did not want this promise from Rabin, but from the two co-sponsors of the process, Christopher and Kozlyev, and the witness, President Mubarak. And this was done. Everybody must understand that there is a constant conspiracy against Jerusalem. As mentioned, in the next three years [negotiations] will start no later than the beginning of the third year. They [the Israelis] will try to wipe out and change demography of Jerusalem. This is very important. We must be very careful and give it priority, because there is no higher priority than Jerusalem. We must give it top priority, not just as Palestinians and not just as Arabs, but also as Muslims and Christians. I mentioned it before to the Archbishop of Canterbury. I told them that if they want the Holy Sepulchre and the Christian holy sites they must not only talk to the Israelis but also to the Jews.

We are not against the Jews. We must remember what the Qur'an says: "Within the people of Moses there is a nation that believes in justice and lives by it." For your information, there are two Jewish sects in Palestine: The Samaritans in Nablus and the Neturey Karta in Jerusalem. They refuse to recognize the State of Israel and regard themselves as Palestinians. I am saying this to prove that their statements that Jerusalem is their capital are wrong. It is not their capital.

It is our capital and yours. It is the first most sacred site of Islam. But we need your support. This is the message of the people in Palestine and our population in Jerusalem. They are calling on you and on everybody everywhere. I am sure that sooner or later we will pray in Jerusalem, together. I regard this agreement as no more than the agreement signed between our prophet Muhammad and the Quraysh (tribe) in Mecca [reference to the treaty of Hudaibiyya in the year 628 in which Muhammad promised peace for 10 years, but violated it two years later when he conquered Mecca which had been ruled by the Quraysh]. We must remember that Caliph Omar refused to accept this agreement and considered it "an inferior peace agreement". However, the prophet Muhammad accepted it, and we now accept the peace agreement, but [this] in order to continue on the way to Jerusalem. Together and not alone.

We must say clearly that circumstances are very, very critical. I will give you one example. Do you remember what happened after the massacre in Hebron? For 22 days the UN Security Council hesitated to pass a resolution condemning this massacre. Do you remember? Twenty-two days because of one word I insisted on including in this resolution: [adding to the term] "occupied territories" [the words] "including Jerusalem". They tried to argue with me to omit Jerusalem, but I refused and got my way. (...)



**STATEMENT OF PALESTINIAN REPRESENTATIVES ON JERUSALEM,
ORIENT HOUSE, 6 JUNE 1994**

In the Name of Allah, the Compassionate, the Merciful

Participants of an assembly held today in Jerusalem, who are representative of institutions, unions associations and professional bodies, national figures, groups and Muslim and Christian personalities, have closely observed recent official Israeli statements regarding Palestinian institutions and functionaries in the City of Jerusalem.

Also noted have been press reports of both governmental and municipal Israeli plans and projects regarding settlement activity, and indeed, all policy which threatens the very real, deep rooted and continuous Arab presence in the Holy City of Jerusalem.

The participants, therefore, reconfirm the following:

- 1) The right to live, to be able to work in the City, the right to freedom of expression and of movement from, to and within the City of Jerusalem are basic and legitimate liberties for every Palestinian. Jerusalem is an inseparable part of the Palestinian Territories occupied in 1967.
- 2) Opposition and refusal to accept the continuous Israeli (political) siege surrounding the City which isolates it from the rest of the Occupied Palestinian Territories, cannot be declared strongly enough. Palestinians reiterate their demand for the immediate lifting of this siege and for the geographic and demographic integrity of Jerusalem as an inseparable part of the Occupied Palestinian Territories, to be reinstated.
- 3) The consensus among the international and Arab communities based on resolutions of the United Nations and international institutions, rejects and opposes Israeli policy and practices in Jerusalem, and has done so since 1967. Israeli changes to the legal and political status of the City of Jerusalem are illegitimate and all Israeli changes considered a violation of international legitimacy should be annulled.
- 4) No agreement or political settlement of either the Palestinian-Israeli conflict or the Arab-Israeli conflict can be workable and successful if it disregards the question of Jerusalem and does nothing to safeguard Arab rights in the City.
- 5) Israeli settlement policies which aim to change the demographic status of the City are a direct threat to peace and to any formula which could bring peace, stability and security to the City and the region.
- 6) The siege on Jerusalem and threats against Palestinian institutions from the Israeli authorities, come at a time when the Palestinian leadership is focusing on the implementation of the first phase of the Declaration of Principles, most notably the building of Palestinian National Authority in Gaza and Jericho. Such threats can only serve to weaken, undermine and ultimately, to cripple the effectiveness of the Palestinian leadership at this delicate stage.
- 7) This assembly authorizes Mr. Faisal Husseini to continue working on the formation of a central body for Jerusalem affairs. This body is to be responsible for determining positions on current affairs in the Arab

City and shall attempt to address most issues of relevance to the City, including the question of Jerusalem in any present or future political negotiation process.



RECOMMENDATIONS OF LOCAL NGOs TO BE PRESENTED TO THE UN INTERNATIONAL NGO MEETING AND EUROPEAN REGIONAL NGO SYMPOSIUM ON THE QUESTION OF PALESTINE, TO BE HELD AT GENEVA ON AUGUST 29-SEPTEMBER 1, JERUSALEM, 17 JUNE 1994 [EXCERPTS]

[The following excerpts of recommendations concerning Jerusalem were presented at the plenary meeting at the end of the 3-day conference entitled "The Role of the NGOs in the Transition to Palestinian Statehood, organized by the Geneva Conference Working Group, held at the National Palace Hotel in East Jerusalem, 15-17 June 1994].

Section II: Occupied Jerusalem:

1. The participants emphasized the risk of postponing the issues of Occupied Jerusalem and Israeli settlements and recommended that these issues continue to be at the top of the Palestinian priority list - this is even more important since Occupied Jerusalem is considered the capital of the independent Palestinian State. Participants suggested two points:
 - (a) Sending a telegram to the Palestinian leadership, or the future PNA, stressing that the postponement of the issue of Occupied Jerusalem is a historical mistake and emphasizing the importance of placing this issue at the top of the national priority agenda;
 - (b) Requesting that the Palestinian leadership reveal all the documents related to Occupied Jerusalem and to make public the correspondence concerning the future of Occupied Jerusalem.
2. It is recommended that all NGOs (local and international) use the term "Occupied Jerusalem" instead of "Jerusalem".
3. Foreign organizations working in the OPTs [Occupied Palestinian Territories] should be asked to present a statement concerning their position and view on Occupied Jerusalem.
4. A centre to follow up on legal and technical issues should be established to carry out the following:
 - (a) To acquire building and renovation permits for structures in Occupied Jerusalem;
 - (b) To protect Palestinian areas that are threatened or are at the risk of being "Judaized";
 - (c) To protect the real estate of the absentees;
 - (d) To reveal all the forged transactions relating to real estate and to follow up on this issue legally;
 - (e) To demand the return of all real estate and structures confiscated by the Israeli authorities;
 - (f) To investigate the feasibility of making legal cases in front of international bodies against Israeli measures taken against Occupied Jerusalem (based on United Nations resolutions which state the illegitimacy of Israeli "legal" structures in Jerusalem);
5. Participants called for the cooperation of LNGOs and INGOs in establishing a lobby to focus on issues related to Occupied Jerusalem, which would include the following activities:
 - (a) To highlight the issue of Occupied Jerusalem at the official Palestinian and international levels, as well as with international and Israeli peace and justice activists;
 - (b) Intensifying the information and consciousness-raising campaigns among people in the Palestinian diaspora, the Arab community particularly, and amongst friends in foreign countries in order to recruit material resources and moral forces in support of the Arab character of Occupied Jerusalem.
6. Participants call upon Palestinian institutions to focus more attention - programmatically and physically - on Occupied Jerusalem; of special note is the needed presence of NGOs in the Old City.
7. Participants urge donors to direct more resources for supporting Palestinian activities in Occupied Jerusalem - especially those that aim at improving the living conditions - including those in the economic, social, and housing sectors.
8. Participants recognize the important role that religious institutions - Islamic and Christian - can play in supporting the Palestinian presence in Occupied Jerusalem through contributions to the improvement of living conditions.

9. Participants call for the renovations of religious and historic sites and the preservation of the historic character of the city and the development of a special fund for these purposes.
10. Participants support the educational institutions in Occupied Jerusalem and ask these institutions to organize special cultural activities in order to foster the commitment in future generations towards preserving the Arab nature of the Occupied Jerusalem.
11. Participants stress the necessity of local NGOs' improving the quality of their services on Occupied Jerusalem.
12. Participants request the transfer of the venue of the annual United Nations conference for NGOs on the Question of Palestine to Occupied Jerusalem to support the position of Occupied Jerusalem as the capital of the Palestinian State.
13. Work should be initiated on creating a centre for research, documentation and information about Occupied Jerusalem which would undertake the following:
 - (1) Collection of information, documents and maps of Occupied Jerusalem;
 - (2) Provide NGOs with information and statistics;
 - (3) Conduct a survey on the conditions of various human and developmental sectors in the city (especially in the health, demographic, social, economic and educational sectors);
 - (4) Publicly expose the illegal activities of the Israelis and their authorities in the city.
14. Participants call for increased activities in opposition to the closure of the Holy City - with emphasis on an international-level demonstration against the closure.



**STATEMENT ON JERUSALEM BY NATIONAL AND RELIGIOUS INSTITUTIONS
IN THE PALESTINIAN OCCUPIED TERRITORIES, 22 JULY 1994**

It takes no effort to realize that the new Israeli measures against Arab Jerusalem and its legitimate and deep rooted institutions have imposed a dangerous situation that threatens the current status of the city and its Arab-Palestinian presence. The Israeli draft law proposal aims to diminish and limit the role of the Palestinian institutions in Jerusalem. Let alone other measures previously taken that included the closure of Jerusalem, the expansion of the settlement activities, and the illegal confiscation of land. All of this is an attempt to impose unilaterally new facts on the city and is also taking advantage of the time issue in the negotiations in order to resolve the matter on the ground.

Realizing the danger of the above measures and the flow of the alarming pronouncements of the Israeli officials we would like to reassert the following:

1. We renounce all Israeli measures and decisions vis-à-vis Jerusalem and its institutions including the new draft law proposal. We consider these measures a violation to the international community and the UN resolutions that assured the illegality of any legal and political change to the city.
2. The continuation of the closure of Jerusalem, its isolation from the Palestinian Occupied Territories and the deprivation of the Palestinians from their holy right to move freely in the holy city, constitutes a direct threat to the Peace Process in which Jerusalem is the essence of the process; there will be no success to any peace without the return of Arab Jerusalem to its Palestinian sovereignty.
3. We reaffirm that the issue of Jerusalem is a national and political one that is directly related to the land, people and holy sites. Bypassing, minimizing or ignoring the historic and legitimate right of the Palestinian people to full jurisdiction over the holy city shall not be permitted.
4. As we understood the sensitivity of Jerusalem, we accepted the postponement of the discussion of its fate till the final status negotiations. Nonetheless, this by any means does not mean that we have given up our right to Jerusalem as a capital to the Palestinian state. This postponement equally requires the Israeli side to cease all measures that are aimed to distort the reality of Jerusalem and undermine the Muslim and Christian characteristics of the city. Israel did not maintain its pledge but rather engaged in new and ominous campaign against the city and its institutions. This comes in blatant contravention of the spirit of the agreement; thus driving us to call for the immediate start of negotiations on the future of the holy city.

5. We call upon the Islamic, Arab, International community and the co-sponsors of the Peace Conference to immediately intervene and put an end to the policies of fait accompli in the city. We also call upon the international and Muslim communities to bare their financial and moral responsibilities towards the holy city of Jerusalem.



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER FOR PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL, 29 JULY 1994**

[Letter commenting on the Israel-Jordan peace treaty and the special role given to the Hashemite Kingdom with regard to holy shrines in Jerusalem]

I am instructed by the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the provisional Government of Palestine, to bring the following to your attention.

In the light of section B, paragraph 3 of the Washington Declaration of 25 July 1994, which reads, "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 inter-faith relations among the three monotheistic religions.", and also in the light of recent attempts in the Israeli Parliament to adopt a new law which would greatly harm the Palestinian presence and activities in East Jerusalem, it is imperative for us to formally confirm the Palestinian position with regard to Al-Quds al-Sharif.

1. Jerusalem remains an integral part of the Palestinian Territory occupied since 1967. Such a position has been repeatedly confirmed by the General Assembly, and by the Security Council in its resolutions such as resolutions 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992, 799 (1992) of 18 December 1992 and 904 (1994) of 18 March 1994.
2. The international community has never accepted or approved any foreign sovereignty or jurisdiction over East Jerusalem. The Security Council, in its resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969, 298 (1971) of 25 September 1971, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980, considered, *inter alia*, Israeli measures and actions which aimed to alter the status of the city as invalid, null and void, and called upon Israeli to rescind all such measures and to refrain from taking any further steps in the future.
3. Jerusalem remains a central issue for the Palestinian people and for the Arab world and Islamic Ummah. Its holy places are of great value for Muslims, Christians and Jews all over the world.
4. In the Declaration of Principles on Interim Self-Government Arrangements, signed at Washington on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization, and witnessed by the United States of America and the Russian Federation, the co-sponsors of the peace process, the two parties, in article V, agreed that permanent status negotiations would 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, and that the negotiations would cover remaining issues, including Jerusalem. Accordingly, no party has the right to take any action which would hamper the negotiations or prejudice their outcome.
5. The Israeli Government made a clear commitment that the Palestinian institutions of East Jerusalem were of great importance and would be preserved. Any legislation or action aimed at undermining those institutions or impeding their activities constitutes a clear violation of that commitment and of the letter and spirit of the Declaration of Principles, and would seriously harm the smooth proceeding of the peace process.

The Palestine Liberation Organization, affirming its commitment to the peace process, welcomes the progress made on the Jordanian-Israeli track, including the signing of the Washington Declaration, and expresses its hope that similar progress will soon take place with regard to the Syrian-Israeli track and the Lebanese-Israeli track towards the achievement of a comprehensive peace in the Middle East. At the same time, it affirms the importance of the issue of Jerusalem, calls for the respect of international legitimacy in this regard, and also calls upon Israel to abide by its contractual obligations emanating from the Declaration of Principles with regard to this issue.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the General Assembly, under items 38, 40, 78 and 79 of the provisional agenda, and of the Security Council.

(Signed) Nasser AL-QUDWA
Permanent Observer of Palestine to the United Nations



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER FOR PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL, 19 OCTOBER 1994**

[Letter providing further comments on the Israel-Jordan peace treaty and the special role given to the Hashemite Kingdom with regard to holy shrines in Jerusalem]

I have been instructed to bring the following to your attention.

On 17 October 1994, Jordan and Israel initialled a draft peace treaty between the two countries, which is expected to be formally signed within a week. We welcome this as a step towards the establishment of a comprehensive and lasting peace in the Middle East.

Statements that have been made in this regard by some officials, including the Foreign Minister of Israel, have indicated that the draft treaty includes language on a Jordanian role with regard to the holy sites of Jerusalem, similar to the language used in the Washington Declaration of 25 July 1994, to which we have objected. This possible inclusion has serious implications, and any attempts to detach religious issues from the overall political situation of East Jerusalem could only serve the illegal status quo created by the Israeli Government. We reiterate the fact that Jerusalem remains an integral part of the Occupied Palestinian Territory since 1967, as confirmed by several Security Council resolutions, and that the international community has never accepted or approved any foreign sovereignty or jurisdiction over East Jerusalem.

Moreover, such an inclusion represents a clear violation of the contractual obligations of Israel emanating from the Declaration of Principles on Interim Self-Government Arrangements, signed in Washington, D.C., on 13 September 1993, by the Government of Israel and the Palestine Liberation Organization and witnessed by the United States of America and the Russian Federation, the co-sponsors of the peace process. In addition, the Israeli Government gave assurances to the Palestinian side with regard to the religious sites and the preservation of economic and social institutions of East Jerusalem.

It should be recalled that the Government of the United States of America, in its capacity as a co-sponsor of the peace process, also gave assurances to the Palestinian side on Jerusalem. In this regard, the United States letter of assurances to the Palestinians, dated 24 October 1991, stated the following:

"The United States 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."

We call for immediate redress of the situation and for compliance with the agreement reached between the Government of Israel and the Palestine Liberation Organization. We also call upon the co-sponsors of the peace process, at the highest level, to fulfil their duties in this regard and to ensure such compliance. Failure to do that would cause great harm to the credibility and validity of the agreements reached as well as the proceedings of the peace process. The issue of Jerusalem remains a central issue and should not be taken lightly.

I should be grateful if you would arrange to have the text of this letter distributed as an official document of the General Assembly, under agenda items 10, 38, 40 and 78, and of the Security Council.

(Signed) Nasser AL-QUDWA
Permanent Observer of Palestine to the United Nations



**PLO CHAIRMAN YASSER ARAFAT, SPEECH AT THE 6TH ANNIVERSARY OF THE
PNC'S DECLARATION OF INDEPENDENCE, 15 NOVEMBER 1994 [EXCERPTS]**

Brothers, loved ones, partners in the Cause.

This day several years ago we celebrated in Algeria the declaration of the independence of Palestine. Before that, in 1974, the Palestinian National Council in Cairo decided to form the Palestinian National Authority as soon as the first inch of land was freed from Israeli rule. In 1988, we declared the independence of the state of Palestine. This, brothers, did not come about by chance. When we accepted the peace of the brave and the founding of the Palestinian National Authority, it was an implementation of the 1974 National Council decision. And now, when we celebrate Palestinian independence, it is a fulfillment of the 1988 National Council decision. Yes brothers, yes loved ones, yes partners in the Cause, when our case was launched in 1965, it confirmed the independent Palestinian national decision to reject any foreign mandate or subordination. (...)

Brothers, loved ones,

On this day let us renew the pledge we took to our innocent martyrs, our prisoners, our Palestinian and Arab nation, and tell them that our cause has not been abandoned. It will continue until a Palestinian child raises the Palestinian flag over the walls of Jerusalem, over the minarets of Jerusalem, the churches of Jerusalem, the capital of the state of Palestine. Yes, brothers, they think our victory is far off, but we know it is close. God said 'Let them enter the [Al-Aqsa] Mosque as they first entered it', and God does not break His promises. God said that He will raise those who have been subjugated and make them masters and inheritors of the earth. Yes, brothers, the Cause will continue until the Palestinian flag is planted on the walls and mosques and churches of Jerusalem. Our Cause is our Revolution, our State, and Holy Jerusalem.



**LETTER FROM THE JAHALIN BEDOUINS TO ISRAELI PRIME MINISTER
YITZHAK RABIN, 31 MARCH 1995**

[This letter was sent by the Arab Al-Jahalin Salamat Committee, through the Chief of Civil Administration in the West Bank; Bethlehem Administrative Governor; Civil Administration Officer, Abu Dis].

Subject: Consideration of Arab Al-Jahalin issue and returning rights to their owners through returning them to Arad in Negev.

We, the head and members of the Arab Al-Jahalin Salamat Committee and on behalf of the Arab Al-Jahalin Salamat forward this letter to let you know what is our situation now.

Your Excellency knows that the Arab Al-Jahalin were evicted from their land in Arab in the Negev area by the Israeli Defence Forces in 1950, i.e. two years after the cease-fire agreement between Israel and the Arabs. They were compelled to move and reside east of Jerusalem on land owned by citizens of Abu Dis and Bethany (al-Izzariya). They continued living on that area for 45 years. After the establishment of Ma'ale Adumim town in the area they live in, and at the expense of their grazing land, their situation started to get worse and worse. The result is that they are now besieged among the buildings and their sheep are confined to their pens. Their children cannot move now while the children of residents of Ma'ale Adumim play freely. Aren't our children entitled to what the Ma'ale Adumim children are entitled to?

They suggested that we move to a small unhealthy area near the Jerusalem Municipality incinerator (and garbage dump) which is not fit for animals to live in it. Therefore, how can it be suitable for a tribe whose members exceed 300 families and have thousands of sheep. Is it not time for this tribe to live peacefully, after 45 years of suffering! Isn't this tribe entitled to live on their lands in Negev like the other tribes in Negev, as it is the only Negev tribe that has been evicted with all its members from their lands without committing an offense!

We are requesting your Excellency to study our situation and to allow us to return to our land in Arad, Negev to live there like the other tribes who live in Negev. Our lands are still vacant and are registered as absentees' property. Therefore, we have to utilize it as long as it is still vacant. We are now besieged in Ma'ale Adumim town and they want to send us to the area where Jerusalem Municipality dumps and burns the garbage.



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE
UN SECURITY COUNCIL, 28 APRIL 1995**

[Letter reporting on Israeli activities and land confiscation in Jerusalem]

I have been instructed to bring the following to your immediate attention.

The Israeli government has taken a dangerous and destructive step as part of its overall illegal practices and policies in the Occupied Palestinian Territory, including Jerusalem. Yesterday, the government declared confiscation orders of fifty-three (53) hectares of Palestinian land within the area of illegally annexed East Jerusalem. Thirty-three (33) hectares are near Beit Hanina and the other twenty (20) hectares are located near Beit Safafa. The government also declared that the land would be appropriated to further build Israeli illegal settlements.

Such an action flagrantly violates international humanitarian law and relevant Security Council resolutions, as well as the Declaration of Principles of 13 September 1993, signed by the Government of Israel and the Palestine Liberation Organization.

The General Assembly and the Security Council have repeatedly confirmed the applicability of the Fourth Geneva Convention of 1949 to the Palestinian territory occupied by Israel since 1967, including Jerusalem. Both bodies also repeatedly affirmed that Israeli measures and actions which aim to alter the status of Jerusalem are null and void and called upon Israel to rescind all such measures and to refrain from taking any such steps in the future.

In the Declaration of Principles, the two parties agreed that permanent status negotiations on remaining issues, including Jerusalem, would commence as soon as possible, but not later than the beginning of the third year of the interim period. This recent action taken by the Israeli government greatly endangers negotiations and represents a clear attempt to prejudge their outcome. This seriously undermines the peace process as a whole and shatters confidence in the commitment made by the Israeli government.

Your Excellency, I must also refer to other equally illegal actions by the Israeli authorities in and around Jerusalem, including the continuing seizure and closure of the city in the face of the Palestinian people. Israeli digging in the vicinity of Al-Haram Al-Sharif has almost reached Al-Aqsa mosque and threatens its integrity and foundations, as do the repeated attacks and attempts by illegal settlers and religious fanatics to impose their presence on, and overtake, Al-Haram Al-Sharif.

We formally call upon the Security Council to take urgent measures to redress this grave situation and bring an end to the above-mentioned Israeli violations. We believe that the Council has the duty to order the Israeli authorities to desist from taking any further illegal measures and, specifically, to rescind the declared confiscation orders.



**STATEMENT BY RESIDENTS OF BEIT SAFAFA ON THE
CONFISCATION OF BEIT SAFAFA LANDS, 1 MAY 1995**

Beit Safafa is an Arab Palestinian village extending along four hills southwest of Jerusalem. About 4,500 people live in it. Since 1948, its lands have been subjected to confiscation and its houses to takeover by the military authorities, the West Jerusalem Municipality and settlers. The Israeli government's recent announcement of the confiscation of 200 dunams of Beit Safafa land for the construction of new Israeli settlements is a new violation of the human rights of Palestinians on their soil. It is also a blatant violation of international law.

About 350 dunams of Beit Safafa land have been used for the industrial park of West Jerusalem. On its land the settlements of Talpiot and Pat were built, and 200 additional dunams were confiscated. The Gilo-Pat road cost the village 75 dunams. And other 140 dunams were lost for Highway 4, which splits the village in half, causes much sound pollution, poses a threat to crossing children, and tears the village up into a group of dispersed homes. Today, Beit Safafa has lost its village character and is surrounded by settlements from all sides, choking the village and turning the hillsides into castles of cement. The villagers of Beit Safafa suffer from the measures taken to prevent use of or building on their land. Obtaining construction permits is next to impossible, and more than \$30,000 are taken by the West Jerusalem Municipality in fees before construction may begin.

We, the residents of Beit Safafa, regard the Israeli government's step as a very dangerous one aiming to tighten the siege on us and force us to leave our village, so that we can be replaced by strangers and settlers. We address international public opinion, human rights and legal groups, the United Nations, the cosponsors of the peace process (the United States of America and Russia), and the countries of the European Union to pressure the Israeli government to cancel this measure, stop and confiscation, and allow the people of Beit Safafa to regain their rights to control their land.

We also demand that housing units be built for our village on our land. The dispossession decisions and take-over of homes in our village must end.



**STATEMENT BY NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, BEFORE THE UN SECURITY COUNCIL, 12 MAY 1995**

[Statement reporting on Israeli land confiscation in East Jerusalem]

Mr. President,

The Security Council is meeting today to address a dangerous Israeli action concerning the recent ordering by the Israeli authorities of the confiscation of 53 hectares of land located in the area of occupied East Jerusalem, an action which constitutes a flagrant violation of relevant Security Council resolutions and of the Fourth Geneva Convention of 1949, as well as the Declaration of Principles of 13 September 1993. Moreover, this action has been taken in the city of Al Quds Al Sharif which is of central importance to the Arab and Islamic worlds, is at the heart of the Palestinian cause, which is the crux of the Arab-Israeli conflict.

Arab and Islamic anger in response to the action took shape clearly in the reaction by the general public and in the official Arab position taken in the emergency meeting of the Arab Foreign Ministers in Cairo on 6 May 1995, and in the common Arab stance here within the United Nations, as well as the action taken by the Organization of the Islamic Conference (OIC) and the Al Quds Committee. We are pressing forth at the United Nations because this international organization has dealt with issue of Jerusalem from the very beginning and gave it special attention at the same time when it began dealing with the Question of Palestine.

Allow me now, Mr. President, to quickly review the stages through which this central issue has gone both within the United Nations and outside.

On 29 November 1947, the General Assembly, in exercise of its authority towards Palestine as one of the areas under the mandate system of the League of Nations, adopted resolution 181 (II), commonly referred to as the "partition resolution". This resolution partitioned mandated Palestine into two states, one Arab and one Jewish, and a demilitarized Jerusalem as a *corpus separatum* under the aegis of the Trusteeship Council of the United Nations. The following year the General Assembly reaffirmed this principle with regard to Jerusalem in its well-known resolution 194 (III) of 11 December 1948.

As a result of the 1948 war, the city, as is known, was subject to a de facto division. Nevertheless, by 1950 the General Assembly reaffirmed the principle of a *corpus separatum*, a principle which was repeated in its later resolutions despite the de facto division. In implementation of resolution 181 (II), the Trusteeship Council effectively adopted the statute of Jerusalem on 4 April 1950, which unfortunately was not implemented.

At the time during which Israel applied for membership in the United Nations, and during the tense discussions which occurred regarding this request, Israel gave assurances with regard to its commitment to implementing General Assembly resolutions 181 (II) and 194 (III). These assurances were actually referred to in General Assembly resolution 273 (III) of 11 May 1949, which granted membership to Israel. However, despite the commitment made, Israel almost immediately violated these assurances when the Israeli Parliament (Knesset) declared Jerusalem the capital of Israel on 23 January 1950, and by 1951, the Israeli ministries moved to the city. The reaction of member states to this illegal and unfortunate action was correctly in line with international law and relevant United Nations resolutions. No nation recognized Israeli sovereignty over the part of Jerusalem under its control at the time, which is known as Western Jerusalem. Further, no countries established or transferred their embassies to Western Jerusalem.

With the outbreak of the 1967 war, Israel occupied the other part of Jerusalem, including the walled city with its religious sites, along with its occupation of the rest of the West Bank, the Gaza Strip, the Syrian Golan and the Egyptian Sinai. The Israeli Government immediately annexed East Jerusalem and, with the authorization

of the Knesset, it expanded the municipal border of the city to approximately 7005 hectares, which is equivalent to almost ten times the original area of the city, and imposed Israeli law, jurisdiction and administration upon it.

The Israeli government then began fervently implementing a comprehensive and integrated policy aimed at achieving the highest degree of settler colonialism in the occupied city through the confiscation of lands and the intensification of construction for settlers on those confiscated lands and, in turn, at decreasing the existence of the Palestinians of the city by making life harsher for them by all means and in all areas. In summary, it was a policy which aimed at the Judaization of the city and the achievement of a Jewish majority in it.

Through the years, up until the present, the area of land confiscated by Israel in the expanded East Jerusalem has totaled 2,400 hectares, which represents 33% of the area of East Jerusalem, upon which 35,000 units for settlements have been built. These units have all been allotted to Jewish settlers. Also, Israel has confiscated other lands, totaling 3,100 hectares and referred to as "green area", upon which there has been no construction. The net result of such measures is that the Palestinians have been left with a minimal area of land, which is equal to only about 14% of East Jerusalem in its expanded municipal boundaries.

On 30 July 1980, the Israeli Knesset adopted the basic law of Jerusalem, reaffirming the de facto annexation of 1967 and declaring "the complete and united Jerusalem" as the capital of Israel. It is also worth mentioning that all this colonial expansion differs from what some Israeli circles refer to as "Greater Jerusalem"; a goal for which far more annexation and confiscation are projected.

With regard to the illegal settlers, the first settlers to inhabit occupied East Jerusalem arrived in 1969, and their numbers continued to grow over the years, reaching 50,000 by the year 1979 and totaling approximately 150,000 in 1993, a figure almost equivalent to the total Arab population of the city.

In addition to all of the above, Israel, the occupying Power, alongside the armed settlers, has many times attacked the sanctity of Islamic holy places. The most dangerous of those actions was the attempt to burn Al Masjid Al Aqsa Al Mubarak in 1969.

All of this has been done in spite of the clear positions taken by the international community, in total defiance of the United Nations and in violation of a series of Security Council resolutions regarding the situation in Jerusalem, such as resolutions 250 (1968), 252 (1968), 267 (1969), 271 (1969), 298 (1971), 476 (1980), 478 (1980) and 672 (1990).

These resolutions declared, *inter alia*, that all of the measures and arrangements taken by Israel, including the legislative and administrative ones, aimed at changing the legal status of the city are null and void and without any legal validity. These resolutions also condemned Israel's attempts to change the character of the city and its demographic composition and pronounced that the basic law of Jerusalem constituted a violation of international law and should be rescinded. They further called upon member states to abide by that position; all of this in addition to a large number of Security Council resolutions which repeatedly affirm the applicability of the Fourth Geneva Convention to all the occupied territories, including Jerusalem, as well as those demanding that Israel, the occupying Power, cease its settlement activities and comply with the provisions of the Convention.

Once again the position of the member states of the United Nations was clear and in line with international law and the Council's resolutions. Not one single country recognized the annexation or the sovereignty of Israel over East Jerusalem and, with the unfortunate exception of two countries, no country moved its embassy to Jerusalem.

Nevertheless, and in spite of what has been previously mentioned, Israel persists with such plans, policies and practices, imposing their power in a show of force above and beyond the law, totally ignoring Security Council resolutions.

Mr. President,

Recently, we became convinced that a new era had dawned in the Middle East and in the history of the Israeli-Palestinian relationship as a result of the important and fundamental development with the signing of the Declaration of Principles between the Palestine Liberation Organization (PLO) and the Government of Israel. In the Declaration, the two parties agreed on a transitional period and they also agreed to postpone the negotiations on several difficult and complex issues, including Jerusalem, until the second phase, which is to commence as soon as possible but not later than the beginning of the third year. As such, the two parties agreed to negotiate the issue of Jerusalem and they agreed on a specific time frame within which to conduct these negotiations. Also, the Israeli side also made a commitment with regard to the Palestinian institutions in

East Jerusalem, recognizing their great importance and stating that they would be preserved during the transitional period.

The minimum level of compliance with the contractual obligations of the parties, and negotiation in good faith, requires that the parties do not make changes on the ground that prejudge the results of the negotiations or influence it. Neither one of the parties should undertake hostile actions which cause extreme damage to the other side and which is considered one of the basic symptoms of occupation. Such acts violate the Hague Regulations of 1907 and its Annexed Regulations and the Fourth Geneva Convention of 1949. This is exactly what Israel has recently done with its announcement of new confiscation orders of 53 hectares of East Jerusalem land and the announcement of plans for the construction of residential units for settlers and another unit for police use. In addition, many Israeli officials reiterated the intention of the government to confiscate more lands for the establishment of more new settlements.

We cannot speak about Israeli policies and practices in Jerusalem without speaking about their horrible practices with regard to the closure of the city in the face of the Palestinian people, preventing them from entering it despite the importance of Jerusalem as a religious, cultural, economic center for the whole population. So the whole thing did not stop at the expansion of the municipal boundaries of Jerusalem and the confiscation of its land as now the city is also closed in the face of its people and its real owners, with all the consequential harm to them.

Then there are the illegal excavations in the vicinity of Al Haram Al Sharif, which recently reached to areas very close to Al Masjid Al Aqsa Al Mubarak, threatening the integrity and foundation of the mosque, something which could cause a real upheaval in the Arab and Islamic worlds.

Mr. President,

All of the above-mentioned issues concern only Israeli policies and practices in Jerusalem. We can add to that list many other practices, some of which relate to it as an occupying Power, such as the continuation of its plans of colonial settlement in other areas of the occupied territory, and others which relate to it as a partner in the peace process, such as delaying the implementation of the second phase of the Declaration of Principles, which calls for the redeployment of the Israeli forces in the rest of the West Bank and the holding of the general Palestinian election, and also the breaching of the economic agreement and taking specific steps which have led to the choking of the Palestinian economy and increasing the suffering of our people in the occupied territory and in the territory of the Palestinian National Authority.

If we look at the whole picture, we can see the dangers of the situation before us and the destructive impact of the Israeli practices on the peace process, particularly those related to Jerusalem, including and foremost the confiscation orders. Israel must understand that it cannot continue to go on with its occupation mentality and it must understand that the Declaration of Principles was reached between two parties representing two equal peoples and therefore both of their rights and aspirations should be respected, not only those of one side at the expense of the other.

Israel must also understand that it cannot achieve peace while continuing to hold the land at the same time and that it is not possible to continue seizing Jerusalem while it demands normal relations with its neighbors and their friends. Finally, Israel must choose: either there is agreement with the Palestinian side or there is no agreement because the status of half-agreement is not acceptable and is absolutely untenable. From our side, we are committed to the agreement and the peace process and we are ready to go forward on the basis of implementing what was agreed upon, with complete respect for international law.

Mr. President,

What about the cosponsors of the peace process and their respective roles in this regard? We believe that the cosponsors have to intensify their efforts to rescue the process and to guarantee its progress by persuading Israel not to continue pursuing these policies and practices and by pushing towards the implementation by the parties of their contractual obligations. The American cosponsors carry a larger responsibility in this regard because of their special relationship with Israel and because of the assurance letters they provided to the parties participating in the process, including the assurance letter to the Palestinian side, which represented an integral component of the basis for Palestinian participation in the whole process.

The letter of assurances, dated 24 October 1991, states the following in specific about the issue of Jerusalem: "The United States is opposed to the Israeli annexation of East Jerusalem and the 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 preempt their outcome". We are now

witnessing exactly such actions, and we hope that the United States will take a clear position in line with its assurances in this regard.

Mr. President,

We would like to say a word regarding recent attempts currently underway in the U.S. Congress to move the American Embassy in Israel to Jerusalem, which means an attempt to cancel U.S. policy which has prevailed over forty years in this regard. Under normal circumstances, we would not be dealing with the proceedings in the parliaments of member states, but this specific case has exceeded the mere hypothetical on the one hand and it touches upon the vital interests of our people and it represents a violation of international law and relevant Security Council resolutions on the other hand. We appreciate the position of the current administration with regard to these new attempts, as well as the positions of previous administrations. But, at the same time, we want to warn of the catastrophic consequences which these attempts might cause if they are successful.

In this regard, if such attempts actually materialize, we will work to build an Arab-Islamic position on it and we will be obliged to fight it despite our slight capabilities. In part, our response will be within the framework of the United Nations system, including the Security Council, within the meaning of Article 27, paragraph 3 of the Charter of the United Nations, and including the International Court of Justice, requesting its advisory opinion or some other form of involvement.

Mr. President,

Now what is required from your august Council? What is required with regard to this specific issue is for the Council to assume its duties to guarantee the rescinding of the Israeli confiscation orders through the adoption of a clear resolution by the Council. What is also required is for the Council to make the Israelis understand the importance of not repeating such acts in the future. This, of course, falls within the framework of what is required in general from the Council, namely to guarantee the respect of international law and to provide the necessary support for the peace process.

It is truly our hope that the Council will succeed this time in assuming its responsibilities, as opposed to what recently happened on 29 February 1995, when the Council did not resume its task after the general debate. Probably, had we succeeded then, we would not have had to come before the Council today. We hope that we will succeed this time so that we will not have to come before the Council again in the future.

Mr. President,

Jerusalem, the Holy City for the three monotheistic religions, was and will remain the key to war and peace. It is the first *qiblah* for Muslims and the third of Islam's sacred mosques and it is the destination of the Prophet's divine journey. It is the burial place of Jesus Christ. Throughout history it has been a theater for both conflict and peace. It is not like any other city and it has always maintained an Islamic and Arab identity, and it will remain so. All Israeli attempts to change its character, falsify its history and denying the rights of the Palestinians in it is extremely dangerous and touches upon the dignity and the convictions of the Islamic and Arab worlds.

The Palestinian people, under the leadership of the Palestine Liberation Organization, will continue their struggle to achieve their legitimate rights, including the right to establish their independent state, with Jerusalem as its capital.



**STATEMENT BY NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, BEFORE THE UN SECURITY COUNCIL, 17 MAY 1995**

[Statement on the US veto cast on a draft resolution concerning Jerusalem]

Mr. President,

At the outset, I would like to express our thanks and appreciation to all the members of the Council who voted in favor of the draft resolution, which was just voted upon. The overwhelming support for the draft resolution, expressed in the voting of 14 members of the Council in favor of the draft, is a genuine demonstration of the clear and decisive position of the international community against the illegal Israeli action to confiscate lands in occupied East Jerusalem.

I would like also to express our deep appreciation to the members of Non-Aligned Movement (NAM) who are members of the Council, which include Botswana, Honduras, Nigeria, Indonesia, Oman and Rwanda, for their co-sponsorship of the draft resolution, as well as their introduction of it before the Council, and their decisive insistence to uphold the principled positions of the Non-Aligned Movement. We are proud of the position taken by these countries and of the unity of the NAM caucus with regard to this very important and fundamental issue, the issue of Jerusalem.

We are also proud of the solid stance and unity of the Arab and Islamic positions towards this central issue to both the Arab and Islamic worlds.

With all that being said, I would like to further state that the clear positions of a large number of countries vocalized before your august Council should be viewed as a real achievement in favor of justice, international law and the Charter of the United Nations. It should be understood as a clear message to the concerned parties. To the Palestinian and Arab party it is a message of support and solidarity from the international community for the essence of the Palestinian position with regard to Jerusalem. To the Israeli side it is a message of decisive rejection by the international community of the Israeli confiscation orders and all illegal Israeli measures in the Holy City, including the expansion of the municipal boundaries of Jerusalem, the annexation of Jerusalem and the pronouncement of the city as the capital of Israel and the excavations under Al-Aqsa Mosque.

Mr. President,

Unfortunately, despite the clear stand taken by the international community, the Security Council was intentionally prevented from expressing itself and from assuming its duties and implementing its responsibilities by the casting of a veto by the United States of America. This American position, while it cannot conceal the real position of the international community, which has just been mentioned above, without a doubt will cause harm to the Security Council itself and to the pattern of prevailing international relations. In addition, it will cause harm to the United States itself and to its commitment to international law and to its role as a cosponsor of the peace process. Lastly, it will cause harm to the peace process itself in a most severe manner.

As is known, this veto today is the first political veto since the end of the Cold War and comes at a time when the world had begun to think that the prevailing pattern of international relations was beyond such a practice, at least in this form, while there exists international consensus on a position different from the position of the concerned permanent member.

With regard to the United States itself, it is very hard to understand how a superpower, party to the Fourth Geneva Convention and all relevant Security Council resolutions, could vote against the provisions of the Convention and those of the Council's resolutions. In reality, this vote contravenes the supreme law of the land. Then comes the general political meaning of the American position with regard to the Arab and Islamic countries, in particular those who enjoy a friendly relation with the United States. This position totally ignores the strong positions expressed by these countries and did not take their positions into consideration, nor did it take into consideration the centrality and sensitivity of Jerusalem to those countries, which consider Jerusalem to be a red line. Tampering with it will surely produce dire consequences sooner or later.

We believe that the use by the United States of the right of veto will complicate the peace process in the region and will not help its parties in the negotiation process. We also believe that this veto runs contrary to foundation of the peace process and to the Palestinian participation in it. By this we refer to the American letter of assurances to the Palestinian side. We believe it is the duty of the American side, and would be favorable for the continuation of the peace process, for the American side to reaffirm to the Palestinian side their commitment to the full contents of this letter. We also believe that a more neutral and balanced U.S. position towards the parties to the conflict in the Middle East would definitely contribute to the success of the peace process. Any attempt to deviate from that, as we are witnessing today, will complicate the process and will lead to the loss of credibility on its part.

Mr. President,

It is unfortunate that Jerusalem, the key to peace, has become the issue upon which the American side has chosen to exercise its veto power. This is a step considered by many as clear backing for the Israeli action and an attempt to legalize it, preventing the international community from sending a decisive message to the Israeli Government about the dangers of its action and the negative consequences on the peace process.



**THE JERUSALEM DECLARATION: DRAFT CHARTER OF THE
PALESTINE HOUSING RIGHTS MOVEMENT, 29 MAY 1995**

The Palestine Housing Rights Movement is a coalition of non-governmental organizations, community-based groups and activists who are committed to promoting the housing rights of all Palestinians. We understand this to mean the right of every woman, man and child to a place to live in security and dignity.

We affirm that housing is a fundamental human right and that adequate housing is essential to the freedom, dignity, equality and security of persons, families and communities.

We emphasize the inseparable relationship between the right to adequate housing and the right to life, the right to livelihood and the right to an adequate standard of living.

We affirm that Palestinians, like all people, have the right to adequate housing, including the right to active participation in all decisions in the process toward achieving that right for all Palestinians.

Recognizing that the national liberation movement of the Palestinian people is informed by the longing and struggle for the homeland as a place of security, peace and dignity for the Palestinian family, *we call upon* the Palestinian people to join us in ensuring that our housing policy serves as the cornerstone of our nation-building effort.

We affirm that priority must be given to all Palestinians who have lost their homes, first of all to all Palestinian refugees returning to their homeland, to those who have lost their homes through demolitions, evictions and other dispossession as a result of Israeli occupation policies, and to all Palestinians who suffer from inadequate housing and conditions of homelessness.

We commit ourselves to ensuring that housing resources and community services are managed equitably and efficiently so as to protect and promote the progressive and daily realization of our right to self-determination.

We commit ourselves to the special efforts and cooperation required to plan, build, preserve and restore our housing resources to ensure adequate housing and sustainable development of our communities for all Palestinians.

We consider Jerusalem to be our capital city, the centre of our political, social, economic, cultural and religious life. We are committed to ensuring that all Palestinians have free and open access to Jerusalem, and we are further committed to promoting the housing rights of Palestinians in Jerusalem, in accordance with the principles of this Charter. Toward this end, and recognizing the particular threats to our capital city and to the rights of Palestinians to a place to live in security and dignity in Jerusalem, we have launched a Jerusalem Housing Rights Campaign.

We consider that the principles and responsibilities of this Charter concern all Palestinians, men and women, in all parts of the country and in exile, in all sectors of our society, and at all levels from the individual and the local community to the nation. The Housing Rights Movement seeks to link with and unite its activities with similar groups committed to the principles of this Charter in exile, especially in Lebanon, where Palestinians are threatened with yet another displacement, as the plans for rebuilding Beirut infringe on existing camps.

We consider these principle and responsibilities binding on the Palestinian Authority, on the Israeli government as the occupying power, and on our international partners who are fulfilling their international obligations to support and assist us in realizing our national goals.

We draw the attention of all these governments to their binding obligations to respect, protect and fulfill the right to adequate housing and to the continuous improvement of living conditions as enshrined in Article II(I) of the International Covenant on Economic, Social and Cultural Rights.

We see ourselves as part of a global movement of grassroots efforts by women, men and children struggling for a place to live in security and dignity. We draw inspiration from these efforts and act in solidarity with them.

We are committed to the realization, protection and promotion of all human rights - civil and political rights as well as economic, social and cultural rights - inalienable, interdependent and indivisible - for all human beings, free and equal in dignity, without exclusion or discrimination. We respect and promote these principles in all our actions and programs.

PLAN OF ACTION

The Palestinian Housing Rights Movement's Plan of Action is organized around four principles:

1. *Ensuring* access to adequate housing for all Palestinians without discrimination and in full equality.

2. *Empowering* all Palestinians by promoting democratic processes that enable all people, especially women, to participate fully and actively in decisions affecting their housing and community.
3. *Building* toward a sustainable development in which adequate housing is considered an essential right around which is design community services and integrated development programs, utilizing local human and material resources.
4. *Enabling* all Palestinians to take effective control of housing and community projects through education and training and through provision of adequate financial support and other resources needed to realize their housing rights.

1- *Ensuring access to adequate housing for all Palestinians* requires sustained solidarity and concerted attention, including corrective and restorative actions where necessary, to ensure that all Palestinians, without discrimination and in full equality, enjoy these seven internationally recognized entitlements:

- *Secure tenure* for everyone, tenants and owners, including legal protection against eviction, harassments or other threats to the security, peace and dignity of the household.
- *Sustainable access to the services, materials, and infrastructure* essential for health, security, comfort and nutrition.
- *Affordable housing* with provision for Housing subsidies and protection to ensure that the financial costs of housing do not threaten or compromise the attainment and satisfaction of other basic needs.
- *Habitable housing*, with adequate space and protection from the elements and other threats to health and safety.
- *Full and sustainable access to adequate housing and housing resources*, including entitlement to land, for everyone, with priority to those who have lost their homes through demolition, eviction, land expropriation or other means, and those with special housing needs, particularly children, the elderly, and the disabled.
- *Housing located in a safe and healthy place*, with respect for the environment and close to community services, places of worship, work and income-producing opportunities, health care facilities, schools and child care centres, recreation centres and parks.
- *Housing and communities designed, built and managed in conformity with Palestinian culture and values* to maintain our cultural identity and skills, to preserve our national heritage and to promote our sense of being and belonging to a place, so crucial to our survival as a people.

The Palestinian people, living under occupation, as refugees, and in exile, have been denied these basic entitlements through the Israeli occupation policies of land confiscation, house demolitions, property destruction, forced eviction, denial of residency and citizenship, separation of families, discriminatory zoning and planning, and other policies of dispossession and disenfranchisement.

An essential first step in ensuring access to adequate housing, therefore, is to address the legacy of occupation by developing strategies aiming toward the restoration of land rights, compensation for property destruction and confiscation, reversal of discriminatory planning, reunification of families, and rebuilding of homes and communities, with particular attention to refugee housing.

Secondly and of equal importance, the Palestinian people working with and through the Palestinian National Authority must ensure that planning and building of homes and communities are conducted through transparent mechanisms and procedures based on housing rights principles.

2 - *Empowerment* requires that all actions with regard to housing, services and infrastructure include all the population, especially women, in orientation and key decisions. This means:

- *Guaranteeing* the exercise of fundamental civil and political rights, including the right to information, and to freedom of movement, expression, assembly and association.
- *Ensuring* that no important decision regarding housing policy, planning, implementation and management is taken without the participation, through consultative bodies, of the people concerned, and especially women who are the first ones responsible for the management of the household, the care of the home, and the use of community services for the family.
- *Reinforcing* the power of the basic community, and the participation of women, in their capacity to contribute to the design and implementation of housing projects and their management.
- *Structuring* the partnership between international donors and technical support to that the true initiators of housing design and community development are the Palestinian communities themselves.

3 - *Sustainable development* requires that housing be integrated into a global approach to political, social, economic, and cultural development. This means:

- *Considering* adequate housing an essential right around which to design integrated development programs of health, sanitation, waste management, preservation of the environment, education, economic activities, community and recreational facilities.
- *Planning* actions to preserve, renovate, and restore existing housing - taking particular care to preserve and revitalize architecture expressive of our heritage and culture - while creating new housing that is equitable and accessible and fulfills all other housing entitlements.
- *Emphasizing* in all housing and community development projects the use of existing local resources in terms of expertise, employment, equipment and technology, in order to simultaneously contribute to the full employment of the Palestinian people and the economic development of the country.
- *Promoting* regional cooperation within Palestine and throughout the Arab world to reinforce and enhance our social and cultural identity as a people.

4 - *Enabling Palestinians to take effective control* of housing and community projects requires education, training, financial support and other resources.

Housing projects that aim simply to provide technical and physical solutions cannot in and of themselves create and sustain homes and living communities. Therefore, all housing projects and programs must incorporate measures to enable men and women equality to take effective control of all aspects of housing and community projects, utilizing participatory approaches and relying on local skill and resources. In this regard, certain programs should be given high priority:

- Training in home maintenance and renovation, with full and equal access to necessary resources.
- Community management programs facilitating full and representative participation through democratic structures and procedures.
- Comprehensive community-based environmental training on public health and hygiene, utilities and waste management, community services, and environmental protection.
- Legal literacy training, particularly on tenants rights, land and property ownership.
- Financial support for self-help projects, with provision for fair and equal access to credit.
- International cooperation and support, responsive to community determined priorities and supportive of participatory approaches.

Note on Sources: The principles of this Charter are based upon the recognition of the rights to adequate housing enshrined in the Universal Declaration of the Human Rights (25.1), the International Covenant on Economic, Social and Cultural Rights (II.1) and ten other international conventions and declarations. The Charter also draws upon the articulation of entitlements and state obligations regarding the right to adequate housing by the Committee on Economic, Social and Cultural Rights in its General Comment No 4 (1991), and from the resolutions adopted and other specific steps taken toward the implementation of economic, social and cultural rights by the UN Human Rights Commission on the Prevention of Discrimination and Protection of Minorities. In particular, we acknowledge the reports of the Special Rapporteur on the Right to Adequate Housing, who visited here at our invitation in June 1994. In addition to these international developments, we draw inspiration from the work of grassroots movements advocating for the right to adequate housing, most notably the Draft Bill of Housing Rights of the National Campaign for Housing Rights in India, and the work of Habitat International Coalition and its member NGOs. For further background on the legal sources and implications of the human rights to adequate housing, see Human Rights Fact Sheet No. 21, published by the Centre for Human Rights in Geneva (1994).



ISRAELI-PALESTINIAN INTERIM AGREEMENT ON THE WEST BANK AND THE GAZA STRIP, ANNEX II: PROTOCOL CONCERNING ELECTIONS, 28 SEPTEMBER 1995 [EXCERPTS]

[Annex to the Interim Agreement, defining the protocol for elections in Jerusalem]

ARTICLE VI - ELECTION ARRANGEMENTS CONCERNING JERUSALEM

1. Election Campaigning

A subcommittee of the CEC shall be established comprising representatives of the CEC and Israel, to coordinate issues relating to election campaigning in Jerusalem. Candidates conducting campaign activities in Jerusalem shall apply for the necessary permits through the CEC. The CEC shall obtain the necessary permits from

the Israeli side in the CAC subcommittee. In addition, the CEC may disqualify candidates whose election campaigning in Jerusalem fails to comply with the provisions of the Palestinian Election Law and this Agreement.

2. Polling Arrangements

a. Location:

A number of Palestinians 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.

b. International Observation:

International observers will be present in the above post offices on the day of the elections.

c. Procedure for Voting:

- (1) Those Palestinians of Jerusalem who will vote in the elections through post offices in Jerusalem shall be notified of the relevant post office by Electoral Registration card provided by the CEC (hereinafter "the electors").
- (2) On arrival at the post office, electors shall identify themselves to the relevant postal personnel (hereinafter "the personnel") and present their Electoral Registration card.
- (3) The personnel shall provide the electors with the following:
 - (a) two ballot papers, one for the election of the Ra'ees, and one for the election to the Council; and
 - (b) two envelopes addressed to the DCO.
- (4) The electors shall mark the ballot papers at the post office counter, then place them in the envelopes to be inserted in receptacles, the size and shape of which shall be agreed between the two sides.
- (5) At the end of the day, the receptacles shall be promptly delivered to the office of the relevant DEO. Such delivery shall be open to international observers. These receptacles shall be sealed prior to delivery.
- (6) The DEO shall be responsible for the counting and totaling of votes cast through the arrangements set out above as part of the total election count. [...]



LETTER BY PALESTINIAN HOSPITAL DIRECTORS IN JERUSALEM TO PRIME MINISTER SHIMON PERES, 27 MARCH 1996

Dear Mr. Peres,

We deeply sympathize with the grief, sorrow, and distress that your people have had to bear, as a result of recent events. We would like to bring to your attention the suffering that patients from the West Bank and Gaza are enduring as a result of the closure.

Approximately, two thirds of all our patients and staff come from the West Bank and Gaza. As a consequence of the closure they have been unable to get to the hospitals in East Jerusalem. The East Jerusalem hospitals provide most of the highly specialized medical care available for this population. Without doctors and health care staff it is not possible to provide optimal patient care. Those staff that can get to work are experiencing great pressure from having to work for prolonged period without relief. Statistically, hospital activity has been reduced by 75% both for out-patient and in-patient services. Inevitably, the closure means that there are many patients in need of urgent care which is not accessible to them. The consequence of this may well be prolonged illness, misery, and may be permanent disability, even death.

In addition to this all, the hospitals are suffering grave financial hardship. They have a commitment to staff who cannot get to work. Their income has dramatically fallen due to the huge reduction in patient activity. Many are charitable organizations and were in grave financial crisis prior to the present situation. From March 4th to March 20th, no permits were issued to hospital staff, doctors, nurses, and support workers. On

March 20th a very limited number were issued and then not to all hospitals. On March 28th, a promise of more permits has been made but not sufficient for effective running of a hospital.

We request that all hospital staff employees be issued with permits immediately and that all patients seeking out-patient or in-patient care be given free access to health care.

Signatories: Makassed Islamic Charitable Hospital; St. Joseph Hospital; Red Crescent Maternity Hospital; St. John Ophthalmic Hospital; Augusta Victoria Hospital

CC.: Dr. A. Sneh, Israeli Minister of Health; Dr.R. Zanon, Palestinian Minister of Health; Foreign Consuls, Jerusalem



STATEMENT BY PALESTINIAN INSTITUTIONS IN JERUSALEM, 28 MARCH 1996

Following recent events, the Israeli authorities imposed blanket military siege on the West Bank and Gaza Strip. The siege included preventing them from moving freely outside their nearly 450 cities and villages. Sever punishments were taken against the violators. A series of strict measures were also declared by the Israeli premier against the Palestinian population in the West Bank and Gaza Strip. The following were among the measures taken:

1. Deployment of large military forces in occupied Jerusalem and hundreds of military barriers among villages, towns and refugee camps of the West Bank.
2. Closure and demolition of houses.
3. Closure of institutions allegedly for belonging to Hamas.
4. Forcing workers from the West Bank and Gaza Strip out of the green line and occupied Jerusalem.
5. Administrative detention.
6. Threats of deportation.
7. New means of punishing innocent people in the areas where suiciders come from. These include forcing Gaza students in West Bank universities and colleges back to Gaza Strip.

Institutions in Arab Jerusalem hold the Israeli occupation authorities fully responsible for the dire consequences resulting from the continuation of the military siege imposed on the West Bank and Gaza Strip since February 25. The institutions also warn against the prevailing health, psychological, and social situation, and the destruction of the national economy, resulting from the suppressive and random measures practiced by these authorities against a whole population. These measures are a flagrant violation against all norms, covenants of the human law and the basic principles of human rights.

The educational, health, social, economic and religious institutions of Jerusalem, are closely tied to the rest of Palestinian institutions in the West Bank. Making the city inaccessible to Palestinians from the rest of the West Bank and Gaza Strip, will lead to a real destruction of these institutions. This is quite apparent in educational and health institutions, as they depend mainly on workers and expertise of the West Bank.

We can not understand any of the security justifications given by the Israeli government as excuses to protect its people, through suppressing our people, making them hungry, killing embryos, children and sick people at military barriers, by preventing them from reaching hospitals for delivery and treatment, and depriving approximately three quarters of a million of Palestinians from their right to education. We consider this policy of closure and siege as well as the rest of measures taken by the occupation as a policy that aims at separating Jerusalem from the rest of the West Bank and Gaza Strip, a thing which contradicts resolutions of the Security Council, the UN, and the international legitimacy all of which consider Jerusalem as part of the Arab territories occupied in 1967.

The Palestinian institutions demand the Israeli authorities to stop the collective punishments against the Palestinians, and to allow citizens of the West Bank and Gaza Strip to enter Jerusalem.

The Palestinian institutions appeal to the international community and all governments, parliaments, the United Nations, and all international governmental and non-governmental organizations to exert pressure by various means to force Israel lift its siege from Arab Jerusalem and the rest of the Palestinian territories.

According to Article 19 of the transitional Israeli-Palestinian agreement on the West Bank and Gaza Strip, both parties are committed when executing their duties, to abide by international norms, principles of human rights and sovereignty of law. Israel is also a contracting party in the international covenant of 1949. It is a basic human right principle that human rights should not be restricted unless for a legitimate reason. The restriction however should be absolutely necessary and limited to the need. Most of the measures being implemented are in violation of basic human rights and of what is permitted to be taken for "security" reasons.



STATEMENT BY PALESTINIAN NGOS WORKING IN JERUSALEM, 2 APRIL 1996

It has been three years today that Israeli imposed the closure on Arab Jerusalem, isolating the city from the rest of the Palestinian territories and denying Palestinians access to Jerusalem and free movement between the southern and northern part of the West Bank. The closure is a grave violation of the rights of the Palestinian people and constitutes the collective punishment of some 2 million people. This policy contravenes Israel's obligation under international law, especially Section 43 of the Hague Regulations which requires Israel to provide for the welfare and orderly life of the residents of the Palestinian territories.

This inglorious anniversary is accompanied by excessive Israeli measures, disrupting Palestinian life and separating the Palestinian people. The closure deprives thousands of people from reaching their work places, thus depriving them of their income, medical, educational and economic services as well as from reaching religious sites, denying their right to freedom of worship.

The most recent wave of harsh Israeli procedures, including curfews, arrests, and house demolitions in Jerusalem and other Palestinian cities, towns and villages, has led to the suffering of the Palestinian people in all areas of life.

The total closure brought medical emergencies, a severe food shortage, total economic stagnation and an alarming increase in unemployment. The terrifying results of the Israeli measures have led to the death of Palestinian people: medical supplies are withheld, doctors and hospital staff are prevented from reaching their working places, ambulances are held up at checkpoints, and patients are denied treatment in Israeli hospitals.

The closure has also paralyzed education as students and teachers are prevented from reaching their schools and universities. Additionally, Israel has ordered several educational centers to close.

The economic impact of the closure is staggering. Essential food supplies are non-existent in many Palestinian towns. The agricultural sector is suffering as produce is sealed in the territories and cannot be marketed outside which has caused grave losses and the bankruptcy of some farmers and producers. Daily losses and unemployment have reached alarming figures.

These Israeli measures contradict the resolutions of the Sharm el-Sheikh summit. The collective punishment of the entire Palestinian nation does not help uprooting the causes of extremism, aggression and violence but deepens it by oppressing people and denying their basic human rights. Instead of national dignity and sovereignty, their peace dividend is ongoing threats and humiliation.

Israel behaves as if it has got a mandate from the summit to combat terrorism by means of harassing and starving the Palestinian people. Looking at the impending elections, Israel oppresses the Palestinian people under the pretext of security requirements. It is very painful to realize that at the same time, these measures are taken at the expense of the Palestinian people, denouncing their security needs and the sustenance of their children.

The Palestinian institutions and individuals gathering today in Jerusalem, while expressing their resentment and condemnation of the Israeli measures, demand the following:

1. Immediate lift of the closure and an end to the siege of Arab Jerusalem.
2. Immediate end to the repressive Israeli measures and the collective punishment and humiliation of the Palestinian people.
3. Immediate release of all Palestinian detainees and prisoners.
4. Calling on the governments of the US, Russia and the European Union to exert pressure on Israel to halt its oppressive measures immediately and to comply with international law and the signed agreement.

5. Calling on the international community to guarantee Palestinians self-determination, secure borders and human rights.
6. Calling on humanitarian and human rights organizations to record, publicize and publish information about the Israeli measures and the damages caused.
7. Calling on the international media to report about and denounce Israeli practices which flagrantly violate basic human rights principles.
8. Calling on the Palestinian Authority to confront, resist and challenge Israeli measures, to stand by the Palestinian people and suspend the peace process unless Israel refrains from its unjust practices.
9. Calling on social and charitable institutions and the donor countries to provide emergency funds for restoring the destructed Palestinian economy, to secure Palestinian economic development and to help reducing Palestinian dependence from the Israeli economy.
10. Calling on all Palestinian people to confront and oppose the Israeli measures, to stand up for their basic human rights, to safeguard their institutions, to maintain their steadfastness and to struggle for their right to exist in Jerusalem, the very heart of the Palestinian nation.



STATEMENT BY MU'IN SHREIM, COUNSELLOR, PERMANENT OBSERVER MISSION OF PALESTINE TO THE UN, BEFORE THE 1996 SUBSTANTIVE SESSION OF THE ECONOMIC AND SOCIAL COUNCIL, ITEM 8: PERMANENT SOVEREIGNTY OVER NATIONAL RESOURCES IN THE OCCUPIED PALESTINIAN TERRITORY AND OTHER ARAB TERRITORIES, 15 JULY 1996 [EXCERPTS]

[Statement condemning settlement activity around Jerusalem]

Mr. Chairman,
[...]

One of the dangerous aspects of Israeli settlement is that which is connected to Jerusalem. Over the years Israel has intensified its settlement activities in and around Jerusalem by confiscating Palestinian land and encircling Arab East Jerusalem with Jewish settlements aiming at changing the nature of occupied East Jerusalem and creating a de facto situation which will be impossible to reverse. This policy of Judaization of the city is very threatening and should be strongly condemned for Jerusalem is the key to arriving at a just peace in the Middle East. [...]



LETTER FROM MARWAN JILANI, CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT OBSERVER MISSION OF PALESTINE TO THE UN, TO THE UN SECRETARY-GENERAL, 27 AUGUST 1996

[Letter reporting the Israeli demolition of structures belonging to the Burj Al-Laqa Laqa Society in the Old City of Jerusalem]

I have been instructed to bring the following to your immediate attention. Early this morning, 27 August 1996, Israeli forces, including police and army personnel, closed the quarters of the Old City of Jerusalem, transported cranes and bulldozers within the walls of the Old City and demolished a building belonging to the Burj al-Laqlaq Society near the quarter of Bab Hatta.

The Burj al-Laqlaq Society, which provides services to Palestinian children, including the physically handicapped, has been registered since 1994 with the Union of Charitable Societies and has also fulfilled obligatory registration with the Israeli authorities. The building structure, which was 120 square metres, was situated on approximately 9,000 square meters of land, including a playground for children.

This destructive measure taken by the Israeli authorities against the Palestinian people in Jerusalem is a blatant violation of the Fourth Geneva Convention of 1949, which is applicable to all the territories occupied by Israel since 1967, including Jerusalem. It is also a violation of various relevant resolutions of the Security Council and the General Assembly and other organs of the United Nations, which prohibit any attempts to alter the character, demographic composition and status of the Holy City of Jerusalem. In addition, the measure taken clearly violates the agreements reached between the Government of Israel and the Palestine Liberation Organization and seriously threatens the peace process as a whole.

Such an illegal and dangerous act stems from the Government of Israel's policies, which aim at forcibly uprooting the Palestinian people and their institutions from Jerusalem. Clearly, this most recent measure represents a revival of old, malicious plans to confiscate the land and build units for Israeli settlers within the walls of the Old City. It is worth mentioning that this act comes only weeks after the decision of the Government of Israel to lift restrictions on settlement activities.

We expect the international community to take a clear and firm position, based on international law and in accordance with United Nations resolutions, against all such Israeli violations and illegal practices. In particular, the Security Council is expected to guarantee that the Israeli authorities compensate the Burj al-Laqlaq Society and allow for the reconstruction of the building. The international community should also demonstrate a serious willingness to prevent the destruction of the peace process and to safeguard that process towards the achievement of a just, comprehensive and lasting peace in the Middle East.

I would be grateful if you would arrange to have the text of the present letter distributed as an official document of the General Assembly, under items 33, 35 and 85 of the provisional agenda, and of the Security Council.

(Signed) Marwan JILANI
Chargé d'affaires a.i.



**ORIENT HOUSE, PRESS STATEMENT ON THE OPENING OF THE TUNNEL
UNDER AL-AQSA MOSQUE, JERUSALEM, 24 SEPTEMBER 1996**

Today's opening of a 400 meter long tunnel under the western court of Al-Aqsa Mosque reveals Israel's wicked plans regarding Muslim shrines in Jerusalem. The fact that the so-called mayor of West Jerusalem was present, along with scores of right wing radical settlers, points out to a larger scheme to Judaize the Arab and Islamic sectors of the Old City.

Besides being a blatant violation of international laws and agreements signed with the Palestinians, Israel's escalation of its campaign against Palestinians in East Jerusalem is threatening to bring down the whole peace process. For the first time ever, Israel is crossing the red lines in the City by practically changing the status of holy sites here. This unilateral action, which is the culmination of three months of fervent activities by the new Likud government, aims at changing the status quo and at imposing new facts on the ground.

The Orient House strongly condemns the recent Israeli attack against Palestinians in Jerusalem, and considers it a dangerous violation of large proportions that will have serious consequences. The Orient House urges the Islamic and Arab worlds to act immediately to face this Israeli campaign and to put an end for it. Israel must be told that policies by stealth, and acts under the cover of the night will not be tolerated.

The Orient House appeals to the international community particularly the United States and Russia, the sponsors of the peace process, and to Europe, Japan, Canada and China to quickly interfere with Israel to stop its provocation and violations of religious and national rights of the Palestinian people.

The Israeli action will definitely create a reaction that Israel alone will bear its responsibility. The patience of the Palestinians is running thin, and underestimating our people's resolve to protect Arab and Islamic Jerusalem will be a grave mistake by Israel. We have said many times before that if we were given the choice between peace and Jerusalem, we will pick Jerusalem. And we are dead serious about it. [...]



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL, 24 SEPTEMBER 1996**

[Letter reporting on the construction of a tunnel in the vicinity of Al-Haram Ash-Sharif]

I have been instructed to bring the following to your immediate attention.

Israel, the occupying Power, has committed yet another dangerous violation of its obligations under international law, international humanitarian law and relevant Security Council resolutions. On the evening of Monday, 23 September 1996, the Israeli occupying authorities, under the protection of army units, opened an entrance to a tunnel in the vicinity of Al-Haram Al-Sharif in occupied East Jerusalem. The tunnel extends for approximately 500 yards, parallel to the Western Wall of Al-Aqsa Mosque. It runs from the south-west corner

of Al-Aqsa wall until Bab Al-Gawanimeh at the north-west corner, continuing eastward and north to Al-Aqsa Mosque. The ground broken for the opening of the tunnel is located at the stairs leading to Al-Rawda School, which is owned by the Islamic Waqf and is situated north of Al-Aqsa Mosque. As such, the opening of this entrance and any use of the tunnel endanger the security and integrity of Al-Aqsa Mosque and the foundations of the Islamic structures existing above the tunnel.

The Security Council has repeatedly affirmed the applicability of the fourth Geneva Convention of 1949 to all the territories occupied by Israel since 1967, including Jerusalem, and has called upon Israel to abide by the provisions of the Convention. In several of its resolutions, the Council declared all Israeli measures and actions which aim at changing the status of Jerusalem as invalid, and it called upon Israel to rescind all such measures and to desist from further action changing the status of Jerusalem. The above-mentioned Israeli action is obviously another measure aimed at the Judaization of the city, creating yet additional facts with regard to the Holy City's status.

In this regard, and given the extremely important religious and spiritual nature of the issue, we call upon the Security Council to take the necessary steps to address this issue and to have the Israeli action reversed.

I would be grateful if you would arrange to have the text of the present letter circulated as a document of the General Assembly, under agenda items 33, 35, 54 and 85, and of the Security Council.

(Signed) Nasser AL-QUDWA
Permanent Observer of Palestine to the United Nations



**STATEMENT BY FAROUK QADDOUMI, FOREIGN MINISTER OF PALESTINE
AND HEAD OF THE POLITICAL DEPARTMENT OF THE PLO,
BEFORE THE UN SECURITY COUNCIL, 27 SEPTEMBER 1996 [EXCERPTS]**

[Statement reporting on Israeli activities in Jerusalem]

Mr. President,

[...] Using bulldozers, the Israeli authorities destroyed the Burj al-Laqlaq community center for retarded persons in East Jerusalem. It closed down a number of educational and cultural institutions, including Jerusalem University. It isolated the city of Jerusalem from the other Palestinian territories and restricted the housing developments in Arab neighborhoods. This has occurred despite Israel's pledges not to touch the Palestinian institutions, as indicated in Mr. Peres' letter to Mr. Holst, the Minister for Foreign Affairs of Norway. [...]

Israel has also withdrawn the identity cards of Palestinian citizens in Jerusalem and prevented the citizens of Gaza from attending Palestinian universities in the cities of Jerusalem and Hebron. This Council has received several letters that underscored these facts and practices.

The current Israeli Government announced its political program to strengthen settlement activity and to develop and expand settlements in order to receive more new immigrants. It also endorsed the use of force and repressive power by the army and security apparatus to secure, as it claims, the security of Israel. The political program of the Israeli Government has emphasized the preservation of a united Jerusalem as the eternal capital of Israel under total Israeli sovereignty. This contravenes the rules of international law and resolutions adopted under international legality, which reject the annexation of Jerusalem and any change to its status.

Moreover, the political program of the Israeli Government is based on a number of negative positions, including no return to the 4 June 1967 borders; no withdrawal from the Syrian Golan; no discussion of Jerusalem, which is a foregone conclusion and not open to debate; and no establishment of an independent Palestinian State. That political program has indicated that the Israeli Government will define zones for security and settlement, along with self-rule zones, in which it will build more and more settlements for the protection and safety of Israel. Israel has made such threats more than once. As this political program was followed by acts of provocation, ominous clouds have started to gather over the region. As soon as Israel announced the opening of the tunnel in Jerusalem, the spark of conflagration was set off. [...]



**JOINT PRESS RELEASE BY PALESTINIAN ORGANIZATIONS ON ISRAEL'S
TOTAL MILITARY SIEGE OF THE OCCUPIED PALESTINIAN TERRITORIES,
1 OCTOBER 1996 [EXCERPTS]**

The undersigned Palestinian human rights and non-governmental organizations are gravely concerned by the deteriorating human rights situation in the Occupied Territories of the West Bank and the Gaza Strip. In addition to the Israeli military authorities' use of excessive force in the last few days, resulting in the deaths of 60 Palestinians, including 10 children, and at least 1,600 injured persons, the Israeli authorities have imposed a military siege on the towns and villages of the West Bank. The Israeli authorities have isolated Palestinian towns and villages in the West Bank by declaring Area C to be a closed military area. Area C is about 70 per cent of the total area of the West Bank and its closure consequently isolates all Palestinian population centers, whether they are located in Areas A, B, or C.

This action places Palestinian residents in a situation similar to town arrest. Restrictions on movement have also been imposed within the Gaza Strip. Some areas are completely isolated as a result of the siege. In addition, the complete closure of East Jerusalem, imposed in January 1991 and intensified in March 1993, continues to prohibit Palestinians from the Gaza Strip and the rest of the West Bank from entering Israel and Jerusalem. On 30 September 1996, the Israel Defense Forces stated that Israeli journalists were prohibited from entering Area A, which is under the control of the Palestinian National Authority. The Israeli authorities announced yesterday that they have introduced a permit system for internal travel within the West Bank.

[...] The undersigned organizations call on the international community of states and on international and local non-governmental organizations to intervene with the Israeli authorities immediately demanding:

- the immediate lifting of measures restricting movement imposed in the West Bank and the Gaza Strip, including the lifting of the current siege and general closure;
- a refraining from any unilateral measures such as house demolition, settlement expansion, land confiscation, detention and torture, which are illegal and attempt to change the status and character of the West Bank, particularly Jerusalem, and the Gaza Strip. In particular it should be demanded that Israel should close the Western Wall Tunnel in Jerusalem immediately;
- full respect by Israel for its obligations under the Israeli-Palestinian agreements;
- the immediate cancellation of all Israeli policies and measures designed to create facts on the ground which prejudice and pre-empt the outcome of the Israeli-Palestinian final status negotiations.

The international community is also responsible for ensuring the full protection and security of Palestinian civilians in the current situation.

Signed: *Al-Haq; Law - The Palestinian Society for the Protection of Human Rights and the Environment; The Palestinian Human Rights Information Center; The Mandela Institute for Political Prisoners; The Palestinian Center for Human Rights; Defense for Children International/Palestine Section; Palestinian General Federation of Trade Unions; Palestinian Medical Relief Committees*



**ORIENT HOUSE, PRESS RELEASE BY FAISAL HUSSEINI,
JERUSALEM, 9 DECEMBER 1996**

Israel's plan to establish a Jewish neighborhood in Ras Al-Amud in the heart of Arab Jerusalem comes in the frame of two schemes:

The first scheme is Judaizing Jerusalem which consists of three phases - *isolation* of East Jerusalem from the rest of the Palestinian territories by means of siege and the closure, *expelling* Palestinian residents of Jerusalem by confiscating their land, demolishing their houses and withdrawing their identification cards, and then *replacing* Arab Jerusalemites by Israeli settlers. After imposing a belt of settlements around Jerusalem, the Israeli government began replacing the Palestinians by Jewish settlers by means of planting settlements inside the Arab neighborhoods which were transformed into islands and isolated cantons.

The second scheme this plan comes in the frame of is destroying the peace process. The new measure is another clear violation of the Palestinian Israeli transitional agreement which states that neither the Palestinians nor the Israelis should take unilateral action aimed at altering the final solution. Moreover, Israel aims at cre-

ating a situation similar to that in Hebron as it increases complications which will make it impossible to reach an agreement and pull Israeli forces from Jerusalem in the future.

Introducing settlements in East Jerusalem will complicate the peace process. The Israeli government must realize that while Palestinians thrive for peace, they make it clear that there will no peace without Jerusalem returning to Arab Palestinian sovereignty as the capital of the independent Palestinian state.”



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL, 13 DECEMBER 1996**

[Letter relating on settlement activities in East Jerusalem]

I have been instructed to bring the following to your immediate attention. This week the Israeli authorities approved a plan of construction of 132 housing units for Jewish settlers in the heart of occupied East Jerusalem on an area of land measuring 14 ½ dunums. If implemented, the settler colony would be within the original and recognized municipal border of East Jerusalem and it would be in the middle of the crowded Arab neighbourhood of Ras Al-Amud, which is inhabited by 11,000 Palestinians. It would also be overlooking Al-Haram Al-Sharif and Al-Aqsa Mosque.

The Israeli plan for the settlement violates the Fourth Geneva Convention of 1949, article 49 of which prohibits the occupying Power from transferring its civilian populations into the occupied territory. Many Security Council resolutions have affirmed the applicability of the Fourth Geneva Convention to all the occupied territory, including Jerusalem. Further, the Israeli plan violates specific Security Council resolutions related to Jerusalem, including resolutions 250 (1968), 252 (1968), 267 (1969), 271 (1969), 298 (1971), 446 (1979), 476 (1980), 478 (1980) and 672 (1990). In those resolutions the Council, inter alia, declared that all of the measures and arrangements taken by Israel, including the legislative and administrative ones, aimed at changing the legal status of the city are null and void and without any legal validity. In those resolutions the Council also called upon Israel to desist from changing the character of the city and its demographic composition.

The General Assembly only recently, on 4 December 1996, reaffirmed once again a clear position in this regard in its adoption of the resolution on Jerusalem (resolution 51/27) by an overwhelming majority, which was adopted as part of a series of General Assembly resolutions critical of Israel's policies and behaviour. Today the General Assembly overwhelmingly adopted a resolution on the Israeli settlements (resolution 51/133), reaffirming that Israeli settlements in the occupied Palestinian territory, including Jerusalem, are illegal and demanding complete cessation of all settlement activities.

The Israeli plan in Ras Al-Amud also represents a gross violation of the Declaration of Principles signed by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, in which the parties agreed to negotiate, among other things, the status of Jerusalem as part of the negotiations on the final settlement, which should have already commenced in May of this year. Needless to say, this obliges the parties not to create new facts on the ground which would pre-empt the expected negotiations and render them useless. In addition, it is certain that such a new settler colony would generate practical and dangerous ramifications. The prevailing situation created by the illegal settler colony in Hebron is a clear example in this regard.

The Israeli Government obviously has not ceased attempting to further change the situation in Jerusalem and create a new demographic composition in the city. A case of such was raised in our letter to Your Excellency of 27 August 1996 (A/51/310-S/1996/699) regarding the Israeli destruction of the building belonging to the Burj Al-Laqlaq Society within the walled Old City of Jerusalem. Another case was the opening by the Israeli authorities of a tunnel in the vicinity of Al-Haram Al-Sharif and their refusal to comply with Security Council resolution 1073 (1996) in this regard. Also, the Israeli Government has repeatedly imposed illegal measures aimed at depriving Palestinian Jerusalemites of their inherent right to live, like their ancestors did, in their city. The Israeli authorities have been considering Palestinian Jerusalemites as "foreigners" and applying all kinds of illegal tricks and manoeuvres to take away the so-called "residence rights" from them, including, for instance, attempts to do so to those who have American citizenship.

Sources also indicate that the current Israeli Government plans to build two more settler colonies within occupied East Jerusalem, in Wadi Al-Joz and Jabal Al-Mukabber, in addition to the plan for building another settler colony in Jabal Abu-Ghneim. All of the above-mentioned come as part of the intensification of settle-

ment building by the Israeli Government in pursuit of its campaign of settler colonialism in the occupied Palestinian territory, including Jerusalem.

The Israeli Government, then, is following an illegal and dangerous path. Its plan in Ras Al-Amud is tampering with the sensitive and precarious issue of Jerusalem. It is completely illegal under international law and the relevant Security Council resolutions. It threatens to shatter the Middle East peace process and thus threaten international peace and security.

The Security Council has the responsibility to act on behalf of the international community to prevent such developments, to protect the peace process and to guarantee respect for the Council's resolutions and for international law. Accordingly, we request that the Council formally consider the matter and urgently take the necessary measures in this regard. [...]

(Signed) Nasser AL-QUDWA
Permanent Observer of Palestine to the United Nations



**ORIENT HOUSE, PRESS STATEMENT ON JERUSALEM,
JERUSALEM, 19 FEBRUARY 1997**

Palestinians opted for peace as their strategic choice to solve the Palestinian-Israeli conflict. Their compliance with the agreements and testimonies of sponsors of the peace process emphasize that the Palestinian side is truly committed to peace.

Jerusalem's holiness and dearness to the heart of every Palestinian can not be contested. Palestinians accepted to postpone discussion of the issue of Jerusalem until the permanent status negotiations, on the condition that their institutions and the interests and well-being of the Palestinians of East Jerusalem will be preserved. Peres-Holst Correspondence on October 11, 1993 states: "Palestinian institutions are performing an essential task for the Palestinian population. We (the Israeli government) will not hamper their activity; on the contrary, the fulfillment of this important mission is to be encouraged." Furthermore, Israel and the Palestinians agreed that neither side should take unilateral measures aimed at predetermining the outcome of the permanent status negotiations.

The Israeli government did not honor its commitments. It claimed that Palestinian institutions in Jerusalem are PNA institutions and made every possible effort to hinder their activity. Moreover, the Israeli government is making every possible effort to predetermine the outcome of the negotiations by enforcing and settlements in the Palestinian territories, and changing the geographic and demographic balance in the city. In addition to violating the Palestinian-Israeli agreements, Israel's policies contradict with the international laws and charters and UN resolutions on Jerusalem.

Palestinians were unable to build in Jerusalem because more than 84% of their land was confiscated since the occupation in 1967. The Israeli authorities also barred issuance of building permits on the land which was not confiscated. Some Palestinians took a gamble by building without obtaining permits after they lost hope in the Israeli authorities, but the result was paying a heavy price represented by demolition of their houses and forcing some them to live in tents on their land.

Land confiscation and house demolition, coupled with the economic closure imposed on Jerusalem, compelled some Palestinians to move to the outskirts of Jerusalem, which are outside the municipal borders. Israeli authorities now revoke Jerusalemites' right of permanent residency in the city and confiscate their identification cards under the pretext of changing the center of their life and violating the Law of Entry into Israeli (1952), and Entry into Israel regulations (1974). More than 1,500 Palestinians reported revocation of their and their families' identification cards, while Israeli officials claim to have confiscated only 632. Moreover, Israel threatens to confiscate at least half the number of Palestinian Jerusalem ID cards.

The Israeli government is now in the final stages of giving the go-ahead to construction of a settlement neighborhood in Jabal Abu Ghneim and the Palestinian neighborhood of Ras Al-Amud.

Accumulating people's frustration as a result of these measures will undoubtedly lead to uncontrollable consequences. These are not threats, but rather calls to avoid the days which followed opening the tunnel beneath Al-Aqsa Mosque in Jerusalem in September 1996. The situation is very tense and any miscalculated step will

be dangerous. It takes two to make peace but it takes only one to declare war. The Palestinians are very committed to peace and resolving their conflict with Israel.

While Israel's statements supposedly reflect commitment to peace, its actions reflect the opposite. We call on the Israeli government to be wise enough not to take any foolish steps that could jeopardize the peace process and the future of the region. This is a sincere appeal to protect peace in the region!



**ORIENT HOUSE, PRESS RELEASE ON FRANCE'S UNEQUIVOCAL POSITION
REGARDING JERUSALEM, JERUSALEM, 4 MARCH 1997**

The visit of the French foreign minister to East Jerusalem is a strong indication that France will maintain its long-standing position regarding the Palestinian people, and their central issue: Jerusalem. France is asserting that illegal actions in Jerusalem are not acceptable, and that Israeli unilateral actions will only make things worse. The French are very much interested in making it clear to everyone that their Middle East policy is firm, unequivocal and unambiguous.

We have always said that France and Europe can play a very active role in convincing Israel and its stubborn leadership of the dangers of their policies against the Palestinians and the peace process. Europe remains the largest trading partner of Israel, and therefore Israel must all ears when the Europeans speak out. Also, Europe is the largest contributor of financial assistance to the Palestinian people and the region.

The French decision to meet in East Jerusalem must be followed by similar decisions by the rest of the EU countries. The EU has for long maintained that East Jerusalem is part of the occupied territories and therefore visits and meetings in East Jerusalem should not be subjected to Israeli pressure and intimidation.



**STATEMENT BY NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, BEFORE THE UN SECURITY COUNCIL, 5 MARCH 1997**

[Statement on Israeli violations in Jerusalem]

Mr. President,

The Government of Israel, the occupying Power, decided on 26 February 1997 to build a new colonial settlement in the area of Jabal Abu-Ghneim in the Occupied Palestinian Territory. This area is situated within the territory which Israel annexed and considered to be a part of the extended municipal boundaries of the city of Jerusalem. This has been done in an illegal manner and in blatant violation of International Humanitarian Law and relevant Security Council resolutions. The Israeli decision provides for the building of 6500 housing units on an area of 1850 dunums which were confiscated during 1991 and 1992, and which will bring around Twenty Five thousand new Israeli settlers. This colonial settlement will isolate the Arab quarters of Jerusalem from the southern part of the West Bank, completing an old Israeli plan of building several settlements around those quarters to completely isolate the quarters from the rest of the West Bank, thus creating new fact on the ground. The Israeli government took this decision despite the efforts of the Palestinian side in this regard and despite the positions and advice of a number of its friends as well in flagrant defiance of the position of your august Council, which tried to prevent the taking of such a decision and to avoid the ensuing great dangers.

This Israeli measure follows a series of Israeli measures and actions regarding Jerusalem, which constitute a clear policy aiming at the continuation of the Judaization of the city of Jerusalem, changing its legal status and its demographic composition. These measures have included the destruction of a building belonging to Burj Al-Laqlaq Society inside the walled old city in an attempt to revive a settlement plan in this holy place. We have raised this matter in our letter addressed to the president of the Security Council on 27 August 1996 contained in document (A/51/310.s/1496/699). The Israeli authorities also opened on 23 of September 1996 the entrance to the tunnel in the vicinity of Al-Haram Al-Sharif, creating further changes in the nature of the city. In this instance, Israel refused, as usual, to abide by the Council's resolution 1073 (1996), which in its first operative paragraph called for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation, and which have negative implications for the Middle East peace process. The Israeli authorities also declared in the second week of December its intentions to implement a plan for the building of a colonial settlement composed of 132 housing units for Jewish settlers in the heart of East Jeru-

salem. If implemented, this plan would place the new colonial settlement inside the original and recognized boundaries of East Jerusalem in the Arab populated quarter of Ras Al-Amud, which would also overlook Al-Haram Al-Sharif and Al-Aqsa Mosque.

The Israeli authorities are continuing also their attempts to deprive the Palestinians of Jerusalem of their natural and inherited right to live in their city as did their ancestors, Israel has considered them foreigners and pursued all kinds of illegal maneuvers and measures to deprive them of what it calls "residents rights". This includes, for example, its attempts to enforce this measure on all those who live temporarily outside Jerusalem or those who have acquired a second citizenship.

Further, Israel has for a long time been enforcing the isolation of East Jerusalem from the rest of the Occupied Palestinian Territory, as well as shutting the Palestinian people out of the City, despite the fact that it is the economic, cultural and religious center of the Palestinian people. This constitutes another Israeli attempt to impose a de facto situation with regard to Jerusalem and constitute a blatant violation of the rights of the Palestinian people and in defiance of the will of the international community.

Mr. President,

All the above mentioned constitute a flagrant violation of several Security Council resolutions on the question of Jerusalem, which is an issue of central importance to the Palestinian people, the Arab world and Islamic Ummah. Since Jerusalem is the First Qiblah and Third of the Two Holy Sanctuaries, and it is of great importance to the followers of the three religions and to the whole international community. The Security Council resolutions, including resolutions 252 (1968), 271 (1960), 298 (1971), 478 (1980) and 672 (1990), have stated clearly that all actions and measures taken by Israel to alter the legal status and the demographic composition are null and void and have no legal validity, and have called upon Israel to cease all such actions and measures. The international community has declared its absolute rejection of the Israeli positions regarding Jerusalem, and has always affirmed that East Jerusalem is part of the territories occupied since 1967. In addition, it has never recognized Israeli sovereignty over West Jerusalem. We call upon the international community to protect and uphold its will and to restrain Israel from continuing to ignore this will and from its persistent violation of International Law.

Mr. President,

The Israeli violations which are being conducted in Jerusalem come against the background of the resumption by this Israeli government of its colonial settlement campaign in the Occupied Palestinian Territory. The government has taken a number of decisions and actions resulting in actual building in many places. We have drawn your attention to this matter and to the extreme danger emanating from it in several letters addressed to your august Council. Once again, the Israeli policy that has been affirmed by the guidelines of the present Israeli government clearly and grossly violates the Fourth Geneva convention of 1949, which your august Council has repeatedly affirmed, in many of its resolutions, specifically in 24 resolutions, reaffirming its applicability to all the territories occupied since 1967, including Jerusalem. The policy also violates several Security Council resolutions specifically dealing with settlements, which include resolutions 446 and 452 of 1979 and 465 of 1980. We once again reaffirm the illegality of the colonial settlements and reject any attempt of the government of Israel to distinguish between old and new, and we also reject all the repercussions of new buildings, including Israel's confiscation of more land, the establishment of bypassing roads and the theft of water and confiscation of our natural resources.

Mr. President,

The historical change that followed the signing of the Declaration of Principles in 1993, and the Interim Agreement on the West Bank and Gaza Strip in 1995 between the Government of Israel and the Palestine Liberation Organization, have resulted in positive changes in the Middle East area. The fruits of peace began to appear on the horizon for the peoples of the Middle East in particular and for the whole world in general. Unfortunately, this Israeli government started to pursue policies that counter the spirit and logic of the peace process, and started to take decisions and actions that are in gross violation to the agreements reached. Such policies aim at continuing to alter the situation of the City of Jerusalem, as well as continuing with the colonial settlement campaign in the occupied territories. It was agreed in the Declaration of Principles that the issue of Jerusalem and the settlements, *inter alia*, will be negotiated in the final stage. It goes without saying that this implies that all parties should not create any new facts on the ground, which would preempt the negotiations and render them useless. The Israeli policies and actions cannot continue if the peace process is to continue and succeed, since such policies and actions would guarantee the destruction of the process.

The government of Israel has to understand that it is not possible to return to the practices and behavior of the occupier without creating dangerous repercussions. It must also understand that it is not possible to continue the occupation and the confiscation of land while continuing the peace process at the same time, and it is not

possible to occupy the City of Jerusalem and acclaim its sole ownership while establishing and maintaining peaceful and natural relations with its neighbors and the whole world. The city of Jerusalem does not accept Israel's pure ownership, and there will be no peace in the region without the attainment of Palestinian and Arab rights in the holy City.

Mr. President,

The General Assembly has ended the deliberations of its 51st session with a clear position regarding all issues related to the question of Palestine and the Situation in the Middle East, including Jerusalem and the issue of settlements. The General Assembly has adopted 19 Palestinian resolutions with an overwhelming majority, which honestly reflects the position of the international community represented in the General Assembly resolutions. We believe also that the Security Council must take this into consideration.

Israel, the occupying Power, has to cease from building the colonial settlement in Jabal Abu Ghneim and to promptly cease all settlement activities and the confiscation of land, as well as any actions that would result in changing the facts on the ground especially in occupied East Jerusalem. Further, we believe that the Security Council has to intervene and take necessary actions to guarantee the respect of its relevant resolutions and of international law and to save the peace process. All such goals fall within the responsibilities of the Council in order to preserve international peace and security, in accordance with the provisions of the Charter of the United Nations. The Security Council has since the start of the peace process, and in accordance with its duties and responsibilities, intervened in several occasions to save and support the process, and we appreciate this and hope that the Council will pursue this role once again. I thank you Mr. President.



**STATEMENT BY NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, BEFORE THE UN GENERAL ASSEMBLY IN ITS RESUMED 51ST SESSION,
ITEM 33: THE SITUATION IN THE MIDDLE EAST, ITEM 35: QUESTION OF PALESTINE,
12 MARCH 1997**

[Statement reporting Israeli activities in Jerusalem and calling for UN and international action]

Mr. President,

We come before you today to draw your attention to the grave developments unraveling in the Middle East as a result of the persistence of Israel, the occupying Power, to continue its policies and measures, which aim at the Judaization of occupied East Jerusalem and at changing its legal status and its demographic composition, as well as Israel's continuing colonial settlement campaign in the Palestinian territory occupied since 1967 through its resumption of the building of colonial settlement. All of these measures represent a flagrant violation of international humanitarian law and relevant United Nations resolutions and a breach of the agreements concluded within the framework of the Middle East peace process.

We come before you today following the failure of the Security Council to carry out its duties, as called for by the Charter of the United Nations, due to the decision of one of the Council's permanent members, the U.S.A., to use its veto power, on 7 March 1997, with regard to a draft resolution sponsored by France, Portugal, Sweden and the United Kingdom concerning East Jerusalem and settlements. The draft resolution did, however, receive 14 votes in favor from the members of the Council. It is our hope that the General Assembly will adopt the necessary position based on international law and justice and concern for the peace process in the Middle East. Such a position would be one calling on Israel to refrain from its illegal policies and measures, including the building of settlements, particularly in occupied East Jerusalem.

We affirm the permanent responsibility of the United Nations towards the question of Palestine until a comprehensive solution of the question in all its aspects is attained. Further, we affirm that the duties of the Security Council in maintaining international peace and security include, naturally, the Middle East. The existence of the peace process and agreements between the parties do not diminish this responsibility but rather consolidate it to include the provision of support for the process and the prevention of damage to it, as well as confirmation of compliance by the parties with their contractual obligations.

Israel's violation of its contractual obligations cause great damage to the peace process and threaten the possibilities for achieving a just, comprehensive and lasting peace in the region. This is particularly evident when such violations include violations of international humanitarian law and relevant United Nations resolutions; a matter which makes it necessary for the General Assembly and the Security Council to fulfill their duties to preserve the peace process and uphold international law and relevant United Nations resolutions. This be-

comes imperative as Israel takes measures unilaterally to impose new facts on the ground thus causing the breakdown of the forthcoming negotiations between the parties and exploiting its possession of power.

To preserve international law, principles of justice and ethical values it is necessary for the international community, represented by the United Nations, to reaffirm its firm position with regard to the consequences of such illegal Israeli policies and measures. This includes reaffirming that all legislative and administrative measures taken by Israel which aim at changing the legal status of Jerusalem and its demographic composition are null and void and have no legal validity; that Israeli settlements are illegal and represent a great obstacle on the road to peace; that the plight of the refugees of Palestine must be resolved through their right to return or compensation; and reaffirming the inadmissibility of the acquisition of territory by war. What has been established illegally will remain illegal and will not change with the passage of time or the change of circumstances.

Mr. President,

The Government of Israel decided, on 26 February 1997, to build a new colonial settlement in the area of Jabal Abu Ghneim in the occupied Palestinian territory. The area is situated within the territory that Israel annexed and considers to be a part of the extended municipal boundaries of the city of Jerusalem. This has been done in an illegal manner and in blatant violation of international humanitarian law and relevant Security Council resolutions. The Israeli decision provides for the building of 6,500 housing units on an area of 1850 dunums, which were confiscated during 1991 and 1992 and which will bring around 25,000 new Israeli settlers. This colonial settlement will isolate Arab East Jerusalem from the southern part of the West Bank and isolate Jerusalem as a whole from the city of Bethlehem.

This Israeli measure follows a series of Israeli measures and actions regarding Jerusalem as earlier Israel demolished a building belonging to Burj Al-Laqlaq Society inside the walled Old City in an attempt to revive a settlement plan in this holy place. The Israeli authorities also opened, on 23 September 1996, the tunnel in the vicinity of Al-Haram Al-Sharif, creating further changes in the nature of the city. In that instance, Israel refused as usual to abide by Security Council resolution 1073 (1996), which in its first operative paragraph called for the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation, and which have negative implications for the Middle East peace process. Further, the Israeli authorities declared in the second week of December 1996 the government's intentions to implement a plan for the building of a colonial settlement composed of 132 housing units for Jewish settlers in the heart of occupied East Jerusalem in Ras Al-Amud near Al-Haram Al-Sharif.

The Israeli authorities continue their attempts to deprive Palestinians of Jerusalem from their natural and inherited right to live in their city as their ancestors did before them. Israel considers them to be "foreigners" and has pursued various illegal maneuvers and measures to deprive them of what it calls "resident's rights". This includes, for example, its attempts to enforce such a measure on all those who live temporarily outside of Jerusalem or those who have acquired a second citizenship.

Further, for a long time, Israel has been enforcing the isolation of East Jerusalem from the rest of the occupied Palestinian territory, as well as shutting the Palestinian people out of the city, despite the fact that it is the economic, cultural and religious center of the Palestinian people. This constitutes another Israeli attempt to impose a de facto situation with regard to Jerusalem and constitutes a blatant violation of the rights of the Palestinian people and a defiance of the will of the international community.

Mr. President,

In addition to all of the above, the Israeli government has resumed its settlement activities in all the occupied Palestinian territory, which includes the building of new housing units, the transfer of new settlers, the confiscation of more lands, the building of bypass roads and further exploitation of our natural resources. All of the above-mentioned constitute a flagrant violation of The Hague Regulations of 1907 and the Fourth Geneva Convention of 1949. The Security Council, in 24 resolutions, reaffirmed the applicability of the Convention to all the territories occupied in 1967, including Jerusalem. These measures also constitute a violation of several General Assembly and Security Council resolutions regarding Jerusalem and settlements in particular.

Such Israeli measures and practices also violate the agreements already reached between the Palestinian and Israeli sides and the logic of the entire peace process. The two parties agreed in those agreements to postpone negotiations with regard to specific issues, including Jerusalem and the settlements, to the second stage, which by necessity means that the parties should refrain from any unilateral actions creating more facts on the ground and causing the upcoming negotiations to fail.

The acceptance by Israel that the status of Jerusalem is an issue to be negotiated; its acceptance to classify Jerusalem as an electoral district among the general Palestinian districts, with seven representatives in the Palestinian Legislative Council; and the commitment made in a letter by its former Foreign Minister to preserve the Palestinian institutions in the city clearly prove that all of these Israeli measures currently being taken are illegal even from the perspective of the agreements reached between the Palestinian and Israeli sides.

In any event, Jerusalem is an issue of central importance to the Palestinian people, the Arab world and the Islamic *ummah*, since Jerusalem is the first *qiblah* and third of the two holy sanctuaries and is of great importance as well to the followers of the three monotheistic religions and to the entire international community. Accordingly, Jerusalem will not accept the imposition of monopoly or sole ownership by any of the parties.

We will not accept the annulment of Palestinian and Arab rights in Holy Jerusalem, and we believe that the international community should affirm its rejection of the illegal Israeli positions which affect the interests of all the other parties. We affirm that there can be no peace in the Middle East without the restoration of our legal rights in Holy Jerusalem.

Mr. President,

From the onset of the current Israeli government there has been great tension and retreat from all of the progress and achievements of the peace process. The government adopted broad political guidelines, which represent a violation of the basic foundations upon which the peace process was established and a violation of all the agreements reached between the Palestinian and Israeli sides. This was followed by the practices and measures which I have enumerated regarding the Israeli settlement system in the occupied territory, the situation in Holy Jerusalem, the continuation of the closure and the siege of the Palestinian territory. All of these do represent an actual threat to the peace process and its continuity. Despite all the hopes raised after the conclusion of the Protocol on Redeployment in Hebron and Note for the Record, which was to be considered the beginning of a new era, the regression of this government to adopting the same policies and measures, including the decision to build the settlement in Jabal Abu Ghneim and the decision to close independent Palestinian institutions in occupied East Jerusalem, has served only to dash these hopes.

In addition, Israel's negotiating positions have completely prevented progress in the implementation of the agreements reached, particularly with regard to overdue issues such as the safe passage, the seaport, the airport and finally its announcement of redeployment from 2% of the West Bank, which actually maintains about 70% of the total area of the West Bank under complete Israeli control while attempting to pass this as the first step of the three steps of the second stage of the redeployment. This latest Israeli action was taken unilaterally, without negotiations with the Palestinian side, and cannot be considered an honest implementation of the agreement, which provides for the completion of the second stage of redeployment by March 1998, but not later than mid-1998, and which would keep the Israeli forces only at agreed-upon military locations.

The most important matter in all of this should not be the details of Israel's practices and behavior, which are indeed very complex, but what they constitute, which are policies seeming to aim at the retention a large portion of the occupied territory, including East Jerusalem, and also aiming at the prevention of the achievement of the inalienable rights of the Palestinian people. Such designs totally contradict the mutual recognition between Israel and the Palestine Liberation Organization and the text and spirit of the agreements reached, which specified the aim of the process, namely the implementation of Security Council resolutions 242 (1967) and 338 (1973).

Mr. President,

This is the problem. We should not attempt to hide it and the resolution should be focused on it. The solution is to guarantee the real and actual compliance of the Israeli government with the agreements reached and complete implementation in good faith and in accordance with the agreed-upon timetables. Furthermore, this government should refrain from any measures or actions which violate international humanitarian law and relevant Security Council resolutions. This is the road to a just, permanent and comprehensive peace in the region, which we are working towards and which the whole international community should strive for. Otherwise, all of this will lead to other less desirable results and it is the Israeli side that will bear sole and complete responsibility for it. We have confidence that you will carry out your natural and positive role in this regard.

I thank you, Mr. President.



**PRESIDENT YASSER ARAFAT, ADDRESS TO THE EMERGENCY CONFERENCE
IN GAZA, 15 MARCH 1997 [EXCERPTS]**

[Pres. Arafat had called for the conference to push the implementation of the Oslo Accords and to pressure Israel to abandon the Har Homa project. Representatives from the US, EU, Japan, Egypt and Jordan attended.]

The signing of the Hebron Protocol was an important event which could not have been so important if it hadn't been for the tremendous efforts made personally by US President Bill Clinton and his decision to send a senior delegation to attend the negotiations. Besides, the great efforts made by President Hosni Mubarak, King Hussein, the European Community, Russia, Norway and the United Nations.

We believed the peace process was back on track and as we started to gain hope we were surprised by the decisions of the Israeli government to Judaize the city of Jerusalem, to build new settlements and to enlarge the existing ones in an attempt to pre-empt the final status talks that are due to start in two days. Later followed the decision of the further re-deployment which was a shock for us. This decision came as a shock since the redeployment in Area B had been done by 28 December 1995 and as such the Israeli government had declared that it would re-deploy its troops in less than 2 percent of Area C. In this respect, I would like to state that 34 articles of the agreement are still pending and the Israeli government has not fulfilled them. Those infringements are related to dozens of outstanding issues that are yet to be implemented.

When we agreed to postpone issues of Jerusalem, borders, settlements and refugees until the final status negotiations, we also agreed that neither party should carry out unilateral steps that would affect those talks. The Agreements have stated that our Palestinian People in the West Bank, Jerusalem and Gaza Strip would elect their leader and their representatives in the Palestinian Council. Then it was Israel that came and claimed that the measures it is taking in Jerusalem are part of its sovereign rights in Jerusalem. How can this be accepted?

The US letter of assurances, dated 18 October 1991, stressed that the issue of Jerusalem would be discussed in the final status talks and that Israel has no right to unilaterally take measures that would change the demographic status of the city and in the occupied Palestinian territories. The world has confronted Israel's annexation of Jerusalem as was stated in UN Resolutions 252 of 1986, 267 of 1969, 271 of 1969, 298 of 1971, 446 and 452 of 1979, 465, 471, 476 and 478 of 1980, 672 of 1990 and many other resolutions that were adopted by the UN General Assembly, including the resolution of two days ago.

The decision to build the new settlement in Jabal Abu Ghneim is an old decision that was frozen by the government of Mr. Yitzhak Rabin and its successor, the government of Shimon Peres, because both of them realized how serious the implementation of such a decision would be to the peace process. Now Mr. Netanyahu comes to implement a plan to isolate Jerusalem from the West Bank and to sever the northern parts of the West Bank from the southern parts. We have plans and maps that indicates hotels are to be built in this area in preparations for Bethlehem 2000 events. Such a plan aims at replacing the town of Bethlehem with the new settlements.

The situation is very serious and all the settlement projects in Jerusalem and the surrounding areas as well as in the rest of the Palestinian lands are not but a plan very detrimental to the peace process. In this respect I would like to present to you what the government of Yitzhak Rabin had committed itself to with regard to the settlements. Those commitments have become an official decision of the Israeli cabinet which was rescinded by the Netanyahu government once he came to power:

- No to new settlements.
- No works to enlarge existing Jewish settlements.
- No government money will be funneled for settlement activities.
- Fences are to be setup at a distance of 50 meters way from the last house of every settlement (borders of the existing Jewish settlements).

Settlements and confiscation of lands have continued in an unprecedented pace not only in Jerusalem but also in Hebron, Bethlehem, Ramallah, Nablus, Qalqilya, Tulkarem, Jenin, Jericho, Tubas, Salfit and even in the Gaza Strip.

We endeavor to save the peace process, to protect it and to put it back on track. To achieve this, terms of reference of the peace process and the signed agreements should be honored. Israel has tried to transfer negotiations into dictation in order to dedicate accomplished facts on the ground by means of settlement activities, land expropriation, by-pass roads, house demolition, transfer of population, confiscation of identity cards of our people in Jerusalem in a serious ethnic cleansing campaign.

The Israeli government has forgotten or pretended to forget, its commitment to safeguard the holy shrines in Christianity and Islam as well as the Palestinian Institutions operating in Jerusalem, according to the letter of Mr. Shimon Peres to late Norwegian Foreign Minister Johan Holst. The Israeli Government has also ignored its commitments vis-à-vis the agreement on refugees. The differences on this issue have continued and there has not been any progress in the four-way committee talks of Egypt, Jordan, Israel and the Palestinian Authority.

I have called for this meeting to save the peace process. Responsibility in this respect is collective. We need to find a mechanism efficient to face Israel's refusal to fulfill what has been agreed upon. We seek your support and aid to find the mechanism which can guarantee the accurate implementation of the signed agreements, and a mechanism that would guarantee that neither party carries out unilateral steps that might affect or harm the final status agenda.

I would like to reiterate our commitment to peace. And in the same time I call upon the government of Israel to express equal commitment and to stop those unilateral measures that are liable to destroy the whole peace process.



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE
UN SECURITY COUNCIL, 17 MARCH 1997**

[Letter informing of restart of construction of the Har Homa settlement in the Jebel Abu Ghneim area]

Following my letters of 21, 25 and 27 February 1997, I regret that I must bring the following to your immediate attention:

Less than twenty-four hours after the General Assembly's overwhelming adoption of resolution 51/223, which called upon the Israeli authorities to refrain from all actions or measures, including settlement activities, which alter the facts on the ground; the Israeli government reaffirmed its decision to proceed with the construction of a new settlement in Jabal Abu Ghneim south of East Jerusalem, and declared that work on the settlement will begin this week.

This Israeli decision serves as yet further proof of Israel's contempt of the will of the international community and its persistence in violating international law, United Nations resolutions and the agreements reached between the parties in the framework of the Middle East peace process. Some Israeli officials have made the situation even worse by making dangerous and rude statements, threatening the foundations of the peace process and even the mutual recognition between the Palestinian and Israeli sides.

Obviously such an Israeli attitude is reinforced by the recurring impediment to the exercise of the appropriate mechanisms provided for in the Charter of the United Nations in similar situations. No other member state has violated international law, relevant Security Council resolutions and other relevant United Nations resolutions as persistently as Israel has done.

The present serious situation created by Israel's intransigence, as well as its flagrant challenges to the international community, necessitate action by the Security Council. We do hope that this time, under the current circumstances, the Council will be enabled to exercise its responsibilities under the Charter of the United Nations. We call upon the Security Council to do so and to specifically demand immediate and full cessation of all Israeli settlement activities in the occupied Palestinian territory, including Jerusalem, especially the settlement in Jabal Abu Ghneim.



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE
UN SECURITY COUNCIL, 18 MARCH 1997**

[Letter calling for UN action demanding cessation of activities in Har Homa- Jabal Abu Ghneim]

Following my letter to you of 17 March 1997, I wish to inform you that Israel, the occupying Power, has today, the 18th of March, begun the actual work for construction of a new settlement in the Jabal Abu Ghneim area to the south of occupied East Jerusalem. The Israeli occupying authorities closed off the area, declaring it a military zone, and sent in bulldozers to start the work.

We call upon the Security Council to convene an immediate, official meeting to consider this serious situation, and to adopt a resolution in this regard, clearly demanding the immediate and full cessation of all settlement activities in Jabal Abu Ghneim, East Jerusalem and throughout the occupied Palestinian territory.

We believe that it is the duty of the Council to act and to act rapidly in response to such grave developments.



**STATEMENT BY NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE TO THE
UN, BEFORE THE UN SECURITY COUNCIL, 21 MARCH 1997**

[Statement on the veto cast by the US on a draft resolution concerning Jerusalem]

Mr. President,

I would like to convey my gratitude and appreciation to all members of the Council who supported the draft resolution, particularly to the members who sponsored the draft resolution and supported the Arab initiative to call for the convening of the Council.

Mr. President,

Today, the United States exercised the right of veto for the second time in less than two weeks, and for the third time in less than two years, with regard to the same issue, the situation in the occupied Palestinian territory, in particular in occupied East Jerusalem. Consequently, for the second time, the Security Council failed to carry out its responsibilities and duties for the preservation of international peace and security in accordance with the Charter of the United Nations.

This has come at a time when Israel, the occupying Power, persists in its violation of international law and relevant Security Council resolutions and persists, at the end of the 20th Century, in continuation of its settlement system, which is a combination of classic colonialism and horrid apartheid-like arrangements. It persists in its unrelenting pursuit of changing the legal and demographic status of Jerusalem, ignoring the natural and historical rights of the Palestinian people there and scorning the feelings and interests of Arabs, Muslims and Christians all over the world. This is also happening at a time when Israel is violating the agreements reached with the Palestinian side within the framework of the Middle East peace process and is violating the very foundation of this process, seriously threatening its accomplishments thus far and the possibility for its continuation and success.

It is extremely regrettable that this veto has been cast today in the aftermath of Israel's actual commencement, on 18 March 1997, of the building of the new settlement in Jabal Abu Ghneim to the south of occupied East Jerusalem; and in the aftermath of the General Assembly resolution (51/223), which reflected a decisive and near-unanimous position of the members of the international community; and in the aftermath of the escalating tension in the region and the increasing sense of outrage and anger among the Palestinian and Arab sides as a result of Israel's conduct and policies as well as the statements made by Israeli officials.

Mr. President,

It is difficult to accept that this veto has been cast "to protect the peace process" and it is also difficult to accept that the bilateral negotiations are the only solution at a time when one of the two parties is imposing new facts on the ground, which is the opposite of negotiations. The bitter reality is that this veto has been cast to shield Israel from the will of the international community and to exempt Israel from the provisions of international law and the Charter of the United Nations. Using the veto, as a matter of "principle", regardless of the text of the draft resolution submitted, seems to elevate to an official position the suspension of the functions and powers of the Security Council when it comes to Israel and with regard to the situation in the Middle East. We believe that this seriously violates the provisions of the Charter and is definitely not in the interest of the Security Council and its credibility and not in the interest of the peace process and its continuity.

The existence of bilateral agreements between the parties on the nature of the transitional stage, as well as the postponement of negotiations on important second stage issues, do not and should not negate the provisions of international law and Security Council resolutions. It is the duty of the international community to reject any attempt to exploit the peace process to neutralize the law and to leave the Palestinian side subject to the occupier and the existing imbalance of power on the ground. International legitimacy is our sole weapon, in addition to our faith in God, the will of our people and our confidence and trust in our brothers and friends. We will resist any attempt to set international legitimacy aside and we affirm that any such attempt is illegal, illegitimate and even immoral and will not succeed.

Mr. President,

We believe that members of the Council must try to solve this serious problem, which has been highlighted today, in accordance with the provisions of the Charter and on the basis of its respect. From our behalf, we will remain persistent with regard to the necessity for the Security Council to exercise its responsibilities. It is our hope that this will be realized, because we will not vanish and we will indeed return to you in the future whenever the situation requires. At the same time, we will resort to other United Nations organs, particularly the General Assembly since, we must not forget, it was the General Assembly that partitioned Palestine and bears special responsibility within the framework of the permanent responsibility of the United Nations towards the question of Palestine until it is solved in all its aspects.

Mr. President,

A final word to the Israeli government, our assumed partner in the peace process: Do not misunderstand what has happened today as they might have in the past. The fourteen votes cast for the second time bear great importance and deep significance. It reflects the honest position of the Council. Also, the international position has been expressed and it will also be expressed in the General Assembly in a democratic and decisive manner.

The Palestinian and Arab position will not yield. Despite everything, we are still committed to the peace process and to the agreements reached and the necessity to work for their implementation. At the same time, however, we are more determined to protect our historic and legal rights, particularly in Holy Jerusalem, the first of the two *Qiblahs* and third of the Holy Sanctuaries, and every inch of our land, in accordance with the historical reconciliation between the two sides. If you are committed to this, we are as well. I thank you, Mr. President.



**ORIENT HOUSE, PRESS RELEASE ON US SPECIAL ENVOY DENNIS ROSS' VISIT
TO THE REGION, JERUSALEM, 27 MARCH 1997**

The visit of Mr. Dennis Ross, the US Middle East Special Peace Coordinator, to the region and his meetings with President Arafat and Israeli PM Netanyahu must be a chance for the US to repair the damage to its credibility and reputation in the area. Two vetoes at the UNSC have put the US in the camp of an intransigent Israel, condemned by the whole world for its policies against the peace process. The US efforts to contain the deterioration of the situation should not in any way mean equating between the side that violates understanding and agreements, and the side that calls for an honest implementation of the agreements. Palestinians did not create the tension nor did they break international laws and UN resolutions. The building of a new settlement, opposed by the US, on Jabal Abu Ghneim led to the current impasse in the peace process. Attempts to divert attention from this very simple fact will be misleading and unhelpful.

When the Palestinians accepted the US as the broker and the intermediary, they realized that the US will not abandon its blind support for Israel. This support is judged, determined and executed in accordance to US domestic factors attributed to internal politics, Jewish votes and influence, an anti-Arab and anti-Muslim sentiments there. But, US support for Israeli policies, albeit wrong, does not necessarily mean that facts on the ground here must be altered according to Israel's schemes and plans. The US performance over the last few weeks raises many questions about the integrity of the US, its credibility and long-term commitment to the cause of world justice, democracy and freedom.

Recent statements made by American spokesmen at the State Department and at the White House indicate that the US is trying to put equal blame on the Palestinians and Israelis. References to "violence and terrorism" and "the need to exert 100% effort" have increased. Netanyahu's campaign of slander and lies against the Palestinians is finally finding listening ears in Washington DC. There should be no comparison between two sides working opposite in the peace process. Israel's settlement activities, disregard of agreements and understandings, and failure to implement outstanding issues have definitely led to the current explosive situation. US inability to pressure the Israelis, by opposing the whole world at the United Nations, is also a contributing factor to the crisis.

Mr. Ross should be told by Palestinian officials that unless the US stood firm and fair, there will be no peace and stability in the Middle East. Pro-Israel influence in the US Administration reached its peak in recent years, and we expect it to be even stronger with the posting of Ambassador Martin Indyk to Washington from Tel Aviv... But, the strategic importance of the region, thanks to oil and markets here, will make the Palestinian-Arab-Israeli conflict a priority on the agenda of the US until a just and comprehensive peace is achieved.

Mr. Ross should deal with substance and not format... The purpose here is not to give the impression that Palestinians and Israelis are talking again, but rather to give the Palestinian people the hope that this peace process is working. Making statements about the desire and sincerity of this side and that side will not produce results at all. It must be made clear that only the full and honest implementation of agreements, the immediate cessation of settlement activities and other occupation policies, and the respect of Palestinians as equal peace partners will bring about a breakthrough in the situation. Other than that, we think that Mr. Ross will only reinforce Palestinian perception that the US is only concerned about protecting the interests of Israel and not those of the entire region.

Israel needs to change its war and occupation mentality, and need not to expect Palestinians to surrender their sacred right of resistance. Palestinian resolve to fight terrorism and violence, by Israeli or Palestinian, is strong. But, Israel cannot expect Palestinians to be another Lahad army serving the occupation when the Palestinian people are denied their basic human and political rights.

Netanyahu's lies and fabrications will serve him temporarily. It is a dignified peace with the Palestinians that will provide Israel with the security it needs and the stability it aspires. In the same token, peace that is not based on Palestinian independence and statehood will only be an illusion which will be stained by the blood of innocent people from both sides.



**PALESTINIAN LEGISLATIVE COUNCIL, STATEMENT ON THE ISSUE OF
JERUSALEM, 27 MARCH 1997**

In light of the Israeli government's intransigence and its insistence on using the powers of occupation, i.e., aggression and imposition of its policies of settlement expansion and the Judaization of Jerusalem;

In light of the apparent Israeli denial of the will of the international community to halt all settlement activities and actions to Judaize Jerusalem, as expressed in statements made by Israel's prime minister;

And, in light of the supportive stance of the United States toward this Israeli policy through the recent exercise of its veto twice in the United Nations Security Council;

The Palestinian Legislative Council has examined the situation in all its aspects and has decided the following:

First: The LC reiterates previous LC resolutions, adopted during its emergency session convened in Bethlehem on March 13, 1997 and calls upon the Palestinian Authority to suspend negotiations until the Israeli government adheres to the signed [Israel-PLO] agreements ... the LC reiterates that the issue of halting settlements will remain one of the top priorities of our work and our negotiation strategy, since peace cannot be achieved with settlements, settlement expansion and actions Judaizing Jerusalem.

Second: The LC demands that the PA refuse to deal with any of the proposals presented by Israel's prime minister which are aimed to change the frame of reference for negotiations; to change its concept and to dishonor the obligations stipulated in the signed agreements with the PLO.

Third: The LC firmly rejects all the false Israeli accusations directed at the PA and its president. We hold the Israeli government alone responsible for the rapid deterioration and dangerous consequences appearing on all sides.

Fourth: The LC condemns the US position for the second time and considers this position as providing support and protection for Israel's blatant aggression, and demands that the US government abide by its obligations as co-sponsor for the peace process and act as an honest broker, particularly at this critical juncture.

Fifth: The LC highly values the proactive political moves of brother President Yasser Arafat within regional and international arenas that ensure the continuation of support for the Palestinian position in confronting Israeli government policies aimed at destroying the peace process.

Sixth: The LC calls upon the Palestinian people everywhere to revitalize Land Day. We call upon the people to participate in the scheduled activities for this great day. The LC salutes Palestinian people everywhere for their heroic confrontation of Israeli policies and their resistance to settlement activities. We salute the Palestinian martyrs, the wounded and political prisoners, who have sacrificed for this effort.



**ORIENT HOUSE, PRESS STATEMENT ON FAISAL HUSSEINI'S MESSAGE TO CEAD,
JERUSALEM, 2 APRIL 1997**

[Note: CEAD is the Canadian Centre d'études arabes pour le développement]

We Palestinians have embarked on the peace process in order to end decades of wars and conflict with Israel. The Oslo agreements we signed with Israel did not in any way reflect our national ambitions and dreams, but provided the basis on which both Israelis and Palestinians could build trust and confidence. The Palestinian side agreed to defer the sensitive issue of Jerusalem to the final status talks, not to enable Israel to continue its unilateral actions in the City, but rather to allow for the resolution of less complicated issues. By continuing de facto policies, Israel aims at changing the status quo of Jerusalem, and therefore pre-judge and prejudice the outcome of the final status talks.

East Jerusalem is an integral part of the occupied territories of 1967, and UN resolutions 242 and 338, which form the basis of the peace process, do apply to the City. Israeli illegal actions such as confiscating land, building settlements, withdrawing the identity cards of the Palestinian residents of Jerusalem, and other unilateral actions, are a blatant breach of international law, the Fourth Geneva Convention of 1949, and pertinent UN resolutions.

The Israeli decision to build a new settlement on Jabal Abu Ghneim (Har Homa) is yet another attempt by Israel to change the demographic balance of Jerusalem in favor of Israelis, and to preempt the final status talks on Jerusalem. This new settlement will practically cut off Jerusalem from Bethlehem, completing the settlement ring around Jerusalem, and severing ties between the Palestinians of Jerusalem and their brethren in the West Bank.

We call upon all the forces of peace in the world to voice their opposition to the dangerous policies of the Likud led government of Benjamin Netanyahu. We urge all the forces of peace to join hands in condemning Israeli policies which threaten the very foundation of peace in the Middle East. The progress that was made over the last four years, between Israel and the Palestinians is about to collapse due to the intransigent policies of Israel.

Peace can only be achieved if Palestinian are allowed to live in peace and dignity in their own state. Occupation, domination, aggression and humiliation will only fuel extremism and violence. Israel must realize that it is only the Palestinians who can guarantee and provide security to Israelis. But, in order to achieve this, Israel must immediately stop all its unilateral actions in Jerusalem and must fully and honestly respect and implement all signed agreements without delay if the peace process was to be salvaged.

I wish you all the best in your efforts to support peace in our region and wish success in your very much appreciated endeavor. God bless you all. Thank You.



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE
UN SECURITY COUNCIL, 8 APRIL 1997 [EXCERPTS]**

[Letter in reply to Prime Minister Netanyahu's statements on Jerusalem]

Exacerbating the already extremely dangerous situation, the Prime Minister [Bibi Netanyahu], at a press conference in Washington, D.C., on 7 April 1997, released a barrage of wild statements, reiterating the Israeli intention to proceed with a new illegal settlement in Jabal Abu Ghneim to the south of Occupied East Jerusalem. Moreover, the Prime Minister asserted that Jerusalem is an "Israeli city", in full defiance of international law and relevant Security Council resolutions, as well as in contempt of every State Member of the United Nations, none of which has recognized Israel's proclaimed sovereignty over Occupied East Jerusalem. Such statements also make a mockery of the agreements reached between the parties to negotiate the future of Jerusalem. Furthermore, when the Prime Minister states that the occupied territory is "our land", he is on the verge of negating the mutual recognition between the Palestinian and Israeli sides and the crux of the whole peace process. [...]



STATEMENT BY NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE TO THE UN, BEFORE THE 10TH EMERGENCY SPECIAL SESSION OF THE UN GENERAL ASSEMBLY, "ILLEGAL ISRAELI ACTIONS IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED PALESTINIAN TERRITORY", 24 APRIL 1997 [EXCERPTS]

[Statement presenting excursus of the Israeli activities and policies in Jerusalem]

Mr. President,

[...] The Middle East peace process heralded an end to a long era of conflict and became the harbinger of a promising future for the region and its peoples. The famous handshake on the lawn of the White House in 1993 became a symbol of new hope and of the ability to achieve the peace of the brave. This peace was pursued on the basis of the mutual recognition of legitimate rights of both peoples and the desire 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. These are the words of the Declaration of Principles, which also stated that the permanent settlement must be based on Security Council resolutions 242 (1967) and 338 (1973). It was upon this basis, and within this context, that the two sides agreed on a transitional period of five years for interim self-government arrangements and also agreed to postpone negotiations on a number of important issues, including the future of Jerusalem and the settlements, until a time not later than the beginning of the third year of negotiations.

This is the agreement that led to the significant changes we have witnessed in our region and in the world. Israel has gained great benefits as a result, and the Palestinian side began to accomplish some goals, most important of which was the holding of a democratic general election for the Palestinian National Authority and its President. The process continued and endured numerous difficulties and problems, some of which were expected but which were overcome through the general commitment of both parties to fulfill their contractual obligations under the Declaration of Principles of 1993 and the Interim Agreement of 1995.

Then the current Israeli government came to power, adopting basic political guidelines which contradicted the agreements signed, and regression to the mentality of the occupier overwhelmed the dealings between both parties. The government has fervently pursued the continuation of settlement activities and the Judaization of Occupied East Jerusalem. The situation has thus deteriorated dramatically. The only exception to this trend of reversal from the peace process was the conclusion of the agreement on, and the redeployment in, Hebron on 15 January 1997. This agreement was the result of an intense and long American effort. It was, however, followed by a series of dangerous Israeli actions, constituting a direct threat to the whole peace process and to its actual continuation. The most dangerous of such actions has been the commencement of construction of a new colonial settlement in Jabal Abu Ghneim to the south of Occupied East Jerusalem, intended to absorb approximately 25,000 new colonial settlers. Prior to, and following this, there have been many other dangerous steps taken, such as the opening of the tunnel adjacent to Al-Haram Al-Sharif and the attempt to redeploy from only an additional 2% of the West Bank.

Three years since the peace process began, the Palestinian people look and see, along with the Arab people, that the promised benefits of peace have not been realized and that the commitments of the interim period have not been fulfilled and, worse, that the basis of the peace process itself is being destroyed. [...]

Our people look and see flagrant violations of the basis of the peace process and its essence. They see the continued confiscation of their land and the exploitation of their natural resources and the continuing transfer of more colonial settlers. They see daily actions, taken unilaterally and imposed by force, aimed at creating new facts on the ground, preempting future negotiations and predetermining the outcome. Above all, they have been subject to the humiliation of their religious beliefs and the disdain of their deep national convictions by the incessant and vicious Israeli campaign to overtake Jerusalem. The bulldozers of Israel, the occupying Power, began to destroy Jabal Abu Ghneim to build those ugly colonial buildings, isolating the Arab quarters of Jerusalem and suffocating the eternal city of Bethlehem as well as undermining its commemoration of the 2nd Millennium. [...]

Mr. President,

Since its occupation in 1967 of Palestinian territory, including Jerusalem, Israel has, over the years and in a systematic and planned manner, worked to change the legal status and demographic composition of Jerusalem and the demographic composition of the Occupied Palestinian Territory as a whole through the colonial settlement of the land. This has been done in flagrant violation of the Fourth Geneva Convention of 1949 and The Hague Regulations of 1907 and in blatant defiance to relevant Security Council resolutions. In 24 of those resolutions, the Security Council affirmed the applicability of the Geneva Conventions to all occupied territories, including Jerusalem, which was reaffirmed in many resolutions of the General Assembly and other United Nations organs. This has also been done in spite of the position taken by every one of your countries against such measures.

In Jerusalem, immediately after its occupation, Israel demolished Al-Magharba quarter in the Old City and built a Jewish quarter in its place. It arbitrarily expanded the boundaries of the municipality of East Jerusalem to more than ten times the original area to include lands totaling approximately 7000 hectares. It declared the applicability of Israeli law on these lands. Later, it declared the annexation of this land in 1980. Throughout the years, Israel has confiscated about 74% of the annexed lands, practically leaving only 14% for the Palestinians. It has built 9 colonial settlements and brought in 180,000 Jewish colonial settlers.

From the very start, Israel considered Palestinian Jerusalemites as foreigners and it issued them "permanent residence" permits. Those Palestinians, now numbering approximately 180,000, were compelled to pay all Israeli taxes and received no services in return. They were systematically subjected to a slow eviction campaign, which recently intensified, to force them to leave the city of their ancestors. In the last few years, Israel has isolated East Jerusalem from the rest of the West Bank despite the fact that the city is the religious, economic and cultural center of the Palestinian people. The Security Council rejected each of these Israeli actions, as did the General Assembly, which adopted very clear resolutions in this regard. Yet, all of this has continued to take place despite the fact that there is not one single nation that has recognized Israeli sovereignty over West Jerusalem, not to mention over East Jerusalem.

All of this has taken place in the Holy City of the three monotheistic religions, the first qiblah and third of the Holy Sanctuaries where Prophet Mohammed ascended on his night journey and the burial place of Jesus. Jerusalem is the crux of the question of Palestine. It is the key to peace and to war in the region.

Israel has also imposed its colonial settlement system throughout all of the occupied territories, which is a distinct system combining colonialism and apartheid-like arrangements. It is a system involving many dimensions, including the transfer of citizens of the occupying Power to the occupied territories, the illegal acquisition of lands and the theft of available natural resources, as well as the establishment of a separate structure of life than that of the indigenous population.

Throughout the years, the Israelis have built 166 colonial settlements, aside from the ones built in Jerusalem, and brought in 150,000 colonial settlers. All of this was done despite many Security Council and General Assembly resolutions opposing such acts.[...]



**STATEMENT OF NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, BEFORE THE RESUMED 10TH EMERGENCY SPECIAL SESSION
OF THE UN GENERAL ASSEMBLY, 15 JULY 1997 [EXCERPTS]**

[Speech on international agreements and settlement activity with regard to Jerusalem]

Isn't it time that the United Nations take one step forward? Only one step forward to warn the aggressor and to give hope to our people. We hope so. And this is what we are asking of you today.

There are two clear legal frameworks with regard to the question of Palestine. The first framework, and the most basic, is comprised of the relevant provisions of international law and resolutions of international legitimacy, particularly Security Council resolutions, which all affirm the illegality of the Israeli occupation of Arab territories since 1967 and the illegality of Israeli settlements and measures aiming to change the legal status of Jerusalem and its character and demographic composition.

The second framework, which came later, is comprised of the agreements reached between the Government of Israel and the Palestine Liberation Organization, which include the Declaration of Principles of 1993 and the Interim Agreement on the West Bank and Gaza Strip of 1995. Needless to say, these agreements do not substitute the basic framework. They could not and should not negate or diminish the validity of international law and international legitimacy.

The agreements reached supplement international legitimacy, and any matter that was not consensually agreed upon clearly between the parties will remain governed by international law and relevant United Nations resolutions. Hence, the Israeli settlements and all Israeli measures in Jerusalem that are in violation of international law are illegal and have no legal validity whatsoever, and will remain so. Any action based on illegal foundations shall remain illegal and no recognition can be granted to it or its results, irrespective of the passage of time or the change of conditions.

In addition to their being determined illegal under the first framework, the resumption of the campaign of settler colonialism being carried out by the Israeli government and its attempts to continue the Judaization of Jerusalem and to change its status also grossly violate the letter and spirit of the agreements reached between the two parties. These actions represent a resumption of the conflict and the preemption of the upcoming negotiations.

The building of the settlement at Jabal Abu Ghneim must be stopped. Colonial settlement, in all its aspects, must be stopped. The attempts to judaize and seize Jerusalem must be stopped. They must be stopped because they grossly violate international law and legitimacy, as well as the agreements reached between the parties. They must be stopped to salvage the peace process, and because refraining from the violation of international law and Security Council resolutions should be the norm.

It is regrettable here that some try to exempt Israel, in a manner unprecedented in contemporary history, from its responsibilities in accordance with the first framework, i.e. international law and resolutions of the United Nations, attempting to impose a *de facto* situation on the Palestinian side, leaving it under the mercy of the imbalance of power on the ground. Worse still is that some do not do what should be done to protect the second framework, which is the agreements reached. When there are binding agreements, it must not be said that "it is up to the parties". What must be said is that the parties should fulfill their contractual obligations in accordance with the agreements reached.

Why is the Government of Israel doing all this? This government is aware of what it is doing. It officially planned the resumption of colonial settlement activities to forcibly acquire more Palestinian land and to seize Jerusalem and it attempted to change the foundations of the peace process and to impose different agreements and frameworks on the Palestinian side. In order to achieve this, the Israeli government attempts to exert as much pressure as possible, including through economic suffocation and through a vicious defamation campaign against the Palestinian Authority.

The Israeli government is attempting to destroy the basis of the historical reconciliation and mutual recognition of the existence and rights of the two parties. It attempts to retain what it gained from this historic reconciliation, while at the same time denying that gain for the other party. It attempts to retain recognition, peace and security for itself, while transferring the conflict onto the occupied territories with the aim of annexing the largest portion of it and assuring the seizure of Jerusalem. This is a distasteful, reactionary, colonial mentality, which is in no way related to the peace process, and it is totally rejected and will in no way ever be acceptable. Israel must choose whether there is peace or not, whether there is mutual recognition or not.

Our Palestinian people made many concessions with regard to their historic rights in their homeland in order to achieve peace. They offered more than one vision to solve this historic conflict; visions which were progressive and democratic in nature. Recently, they accepted what the whole world said, in spite of the injustice inflicted upon them. They accepted a solution based on Security Council resolutions 242 and 338. A solution based on the principle of returning the territories occupied since 1967 for peace. The area of the West Bank, including East Jerusalem, and the Gaza Strip constitutes only about 22% of the area of Mandated Palestine. The compromise, which received world consensus, although it was unjust for us, is one on Mandated Palestine. It is never one on the Occupied Palestinian Territory since 1967, which must be returned in its entirety. [...]



**PALESTINIAN STATEMENT DENOUNCING THE US HOUSE OF REPRESENTATIVES'
RECOGNITION OF JERUSALEM AS CAPITAL OF ISRAEL, SEPTEMBER 1997**

[This statement was signed by a dozens of Palestinian personalities complaining about the US House of Representatives' vote in favor of the recognition of Jerusalem as the unified capital of Israel]

In the Name of God, the Merciful and Compassionate

The signatories of this appeal, representing Palestinian national and religious institutions and personalities, declare their strongest possible rejection and condemnation of the US House of Representatives vote in favor (406 to 17) of the recognition of Jerusalem as the "unified capital of the State of Israel" and of the decision to allocate millions of US\$ for the transfer of the American Embassy from Tel Aviv to Jerusalem.

The preemptive US vote not only gives legitimacy to unilateral Israeli Judaization policies in occupied East Jerusalem, but also derides the hope for a just and lasting peace in the region. The US decision displays blatant disregard not only for UN resolutions, international law and conventions but also for the principles set forth in the US letter of assurances to the Palestinians of 18 October 1991 stating that the US understands the importance Palestinians attach to the question of Jerusalem, that it does not recognize Israel's annexation of

East Jerusalem and that no party should take unilateral actions that would predetermine issues and preempt the final outcome of future negotiations.

The US vote is furthermore a clear violation of the Oslo Accords, in which the Palestinian side, recognizing the sensitivity of the Jerusalem question, accepted to postpone discussions on its fate for the final status talks. This in no way means that we have given up our right to Jerusalem as the capital of the future Palestinian state. The biased US vote, in support of the interests and unjust practices of the Israeli occupiers, comes in blatant contravention of the spirit of the interim agreements and nullifies the US' credibility as a co-sponsor of the peace process.

In view of all this, we confirm here that Jerusalem is an indivisible part and the center of the Palestinian Territories and that no power in the world has the right to deprive Jerusalem of its Arab Christian-Muslim character, nor deny it, and that any decision to this effect is void and illegitimate.

We strongly condemn all attempts to portray Jerusalem as the capital of Israel and appeal to the international community and all governments, the United Nations, and all international organizations to take a clear, just position regarding the rights of the Palestinian people and the status of Jerusalem, as stipulated in UN Security Council resolutions 476 and 478 (1980).

We call upon the Islamic and international community as well as the Vatican to intervene and exert pressure to the US to immediately and permanently rescind its decision which is a flagrant aggression against the religious significance and sensitivity all Muslim and Christians attach to the holy city of Jerusalem.

We urge the Islamic, Arab and international community to reaffirm that justice and peace in the Middle East can only be established on the basis of the safeguarding of Palestinian rights in the city of Jerusalem.

We urge all Arab states to take immediate action in compliance with the resolution of the Fourth Islamic Summit Conference on Jerusalem (Casablanca, 16-19 January 1984) that stressed the "need for all capitals, major and historical cities of Islamic states to announce their twinning with the city of Al-Quds ash-Sharif, the capital of Palestine, as a symbol of solidarity with the people of Palestine, particularly the Palestinian citizens living in the city of Al-Quds ash-Sharif, as a tribute to their steadfastness, firmness and resistance to the abhorrent Zionist occupation."

We appeal to His Majesty King Hassan of Morocco, in his capacity as the Chairman of the Jerusalem Committee, and to His Excellency Esmat Abed Al-Majid, in his capacity as the General Secretary of the Arab League, to take immediate measures and to call on all Arab and Muslim parliaments, governments, and heads of state urging them to declare and formally recognize Jerusalem as the capital of the Palestinian people and their state, to which they have an eternal right.

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|--------------------------|-----------------------|-------------------------|-------------------------|
| Ahmad Qrei'a | Faisal Hussein | Patriarch Michel Sabbah | Jallal Nasreddin |
| Sheikh Abdul Azim Salhab | Sheikh Hassan Tahboub | Sheikh Adnan Hussein | Ismail Kaddurah |
| Bishop Samir Kaftey | Dr. Hanan Ashrawi | Sheikh Muhammad Hussein | Mustafa Al-Kurd |
| Dr. Abdallah Sabri | Dr. Nabil Ja'abari | Dr. Sari Nusseibeh | Hassib Nashashibi |
| Dr. Mahdi Abdul Hadi | Sheikh Jamil Hamami | Na'im Ateek | Jamal Ghosheh |
| Sheikh Ibrahim Sabri | Dr. Emil Jarjou'i | Dr. Adnan Arafeh | Albert Nursi |
| Dr. Rustum Namari | Dr. Abdullah Khouri | Dr. Amin Khatib | Abdel Rahim Barbar |
| Ibrahim Dakkak | Mustafa Abu Zahra | Muhammad Nusseibeh | Fa'eq Barakat |
| Ziad Abu Zayyad | Ahmad al-Zughayar | Ahmad Batsh | Fahmi Nashashibi |
| Hatem Abdul-Qader | Dr. Anis Qaq | Nahla Assali | Rana Nashashibi |
| Giries Houry | Ibrahim Muzaffar | Hani Abu Dayyeh | Dr. Ishaq al Qutub |
| Abdel Latif Geith | Adnan Halak | Abed Abu Diab | Sama Aweidah |
| Hanna Siniora | Ghassan Khatib | Dr. Riad Malki | Suha Hundiyah-Mani |
| Dr. Muhammad Jadallah | Walid Assali | Diana Safieh | Mahmoud Abu Zuluf |
| Doris Salah | Zahira Kamal | Lamis Alami | Hanan Bakri-Rian |
| Samia Khouri | Dr. Tareq Barakat | Ibrahim Sha'ban | Ali Ghuzlan |
| Maha Abu-Dayyeh Shamas | Dr. Allam Jarrar | Naim Ashhab | Ibrahim Qareen |
| Dr. Bernard Sabella | Salwa Hudaieb | Ibrahim Matar | Hayel Sandouqah |
| Issam Awad | Tamir Esawi | Dr. Rateb Abu Rmeileh | Mazen Qubti |
| Dr. Nazmi Ju'beh | Ali Taziz | Zuhair Amad | Dr. Salim Abu Rumeileh |
| Dr. Hani Abdeen | Dr. Zakaria Al-Qaq | Dr. Gabi Baramki | Harry Hagopian |
| Jonoathan Kuttab | Issa Abu Hawa | Dr. Muhammad Dajani | Joudeh Majaj |
| Abdel Razaq Kaloti | Khalil Toufakji | Jamal Abu Toumeh | Abdel Rahman Abu Arafeh |
| Elias Khoury | Usama Halabi | Ishaq Budeiri | |



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL, 13 MARCH 1998**

[Letter on the occasion of the UN Sec.-Gen.'s Middle East trip, calling for attention on the issue of Jerusalem]

I am writing to you prior to your trip to the Middle East to wish you the best and to welcome you in advance. We are certain that your trip will have a positive impact on the dangerous and continuously deteriorating situation in the region, especially in the Occupied Palestinian Territory, including Jerusalem.

The current situation is being exacerbated even further by the existence of Israeli plans for additional steps which violate international law and numerous relevant Security Council and General Assembly resolutions. Such plans include attempts by the so-called "Jerusalem Municipality" to organize events and meetings in Jerusalem, with the aim of bestowing any kind of legitimacy upon the illegal situation created in the City by the occupying Power. Jerusalem, of course, remains the heart of the Palestinian-Israeli conflict in specific and the Arab-Israeli conflict as a whole.

We are confident that your visit will be a very good opportunity to reiterate the established positions of the United Nations, particularly the Security Council, with regard to the critical and sensitive issue of Jerusalem. The Palestinian people place a great amount of hope upon the United Nations and, indeed, the international community has reaffirmed the permanent responsibility of the United Nations towards the question of Palestine until it is solved in all its aspects.



**LETTER FROM MARWAN JILANI, CHARGE D'AFFAIRES, A.L., PERMANENT OBSERVER
MISSION OF PALESTINE TO THE UN, TO THE UN SECRETARY-GENERAL AND
THE PRESIDENT OF THE UN SECURITY COUNCIL, 29 MAY 1998**

[Letter reporting Israeli actions and violations in Jerusalem on the occasion of "Jerusalem Day"]

Israel, the occupying Power, has committed yet another illegal and provocative action in occupied Jerusalem, in flagrant violation of international law and relevant United Nations resolutions, and in blatant defiance of the international community.

On Sunday 24 May 1998, Israel, the occupying Power, staged a military parade in Jerusalem to mark the 31st anniversary of the occupation of East Jerusalem. This action by the Israeli government blatantly violates the Fourth Geneva Convention of 1949, the Hague Regulations of 1907, and various relevant resolutions of the General Assembly and the Security Council.

The Security Council has affirmed, in twenty four resolutions, the applicability of the Fourth Geneva Convention to all the territories occupied by Israel in 1967, including Jerusalem, and has repeatedly declared that all measures and arrangements taken by Israel, including the legislative and administrative ones, aimed at changing the legal status of the city are null and void and without any legal validity whatsoever. Furthermore, the Security Council specifically called upon Israel, in its resolutions 162 (1961) of 11 April 1961 and 250 (1968) of 27 April 1968, to refrain from holding military parades in Jerusalem and it unanimously deplored such an action in resolution 251 (1968) of 2 May 1968.

In the past several weeks, moreover, Israel has committed a series of dangerous actions that threaten to plunge the region into an even more dire and unstable situation. These provocations, which include the indiscriminate use of fire during the Palestinian commemoration of the 50th anniversary of al-Nakba, the burning of one of the gates of Al-Haram Al-Sharif (Bab Al-Ghawanima), the attempt on 25 May 1998 by Jewish extremists to establish a new settlement in the Old City, and the military parade in Jerusalem, have all been undertaken while last attempts are being exhausted by the United States and the international community to save the peace process.

We condemn the above-mentioned Israeli actions and we call upon the international community to exert the necessary pressure on Israel to cease all illegal and provocative measures directed against the Palestinian people and against the peace process. The Security Council should resume its responsibilities with regard to the maintenance of international peace and security in this region and must firmly respond to Israel's continuing violations of international law and Security Council resolutions.



**LETTER FROM NABIL RAMLAWI, PERMANENT OBSERVER FOR PALESTINE
TO THE UN OFFICE AT GENEVA, TO THE UN HIGH COMMISSIONER
FOR HUMAN RIGHTS, 3 JUNE 1998**

[Letter regarding the demolition of Palestinian houses in Jerusalem]

The Israeli occupation authorities demolished yesterday six Palestinian owned houses in the occupied City of Jerusalem and in the villages nearby, thus bringing the number of Palestinian homes demolished by the Israeli occupation forces in the Palestinian Territory since the accession of Mr. Benjamin Netanyahu to power in Israel to 270 homes.

Furthermore, groups of settlers have recently expropriated, under the protection of the Israeli occupation soldiers, a number of Palestinian homes in the occupied City of East Jerusalem.

While these practices are persisting in violation of article 53 of the Fourth Geneva Convention and of the principles of international law, the Israeli occupation authorities continue establishing and expanding settlements in the Holy City in grave violation of article 49 of the Fourth Geneva Convention. They also continue preventing the Palestinian inhabitants of Jerusalem from remaining in their city by revoking their identity cards, and by not allowing them to continue living there.

All these practices are taking place in the framework of a dangerous and serious plan of Judaizing the occupied City of East Jerusalem, committing in this way a crime of war which has been defined in article 85 of Additional Protocol I to the Geneva Conventions of 1949.

I would be grateful to you if you could work in view of putting an end to these grave violations to the principles of international humanitarian law and to human rights, and also to have this letter distributed as an official document of the fifty-fifth session of the Commission on Human Rights, under agenda item 8.

(Signed) Nabil RAMLAWI
Ambassador, Permanent Observer for Palestine to the United Nations Office in Geneva



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE
UN SECURITY COUNCIL, 8 JUNE 1998**

*[Letter reporting the beginning of archeological excavations in Jerusalem's Old City
and other Israeli activities breaching international law]*

Following our previous two letters to you of 29 May 1998 and 14 May 1998, I wish to inform you that Israel, the occupying Power, began archeological excavations in the area of Burj al-Laqlaq inside the Old City of occupied East Jerusalem. These excavations by the Israeli Antiquities Authority are taking place as part of preliminary activities to build an illegal new Jewish settlement in the heart of occupied Arab East Jerusalem.

The state-sponsored excavation work is being carried out following a failed attempt by the extremist Jewish settler group of Ateret Cohanim on 25 May 1998 to establish a nucleus of the new settlement in that area. At a later stage, the Israeli government decided to allow for the excavations to take place as a preliminary step towards building the settlement. Moreover, in tandem with these excavations, the illegal Israeli municipality of Jerusalem began deliberations today on a construction plan for that settlement. Such activities represent continuing attempts by the Israeli municipal and state authorities to Judaize Jerusalem and to illegally change the status, demographic composition, and character of the city.

It is worth noting that these above-mentioned excavations are being undertaken in the vicinity of the destroyed Palestinian structure of the Burj al-Laqlaq Society, which was demolished by Israeli forces on 27 August 1996. In this regard, I would like to also refer to a letter we sent to Your Excellency on 27 August 1996, following the illegal destruction of the building of this charitable organization. I would also like to call your attention to the press statement issued by the President of the Security Council, in response to this demolition, calling upon Israel to refrain from actions that would threaten the peace process.

In addition to the above, another extremist Jewish settler group, Elad, today took over four housing units in the Silwan neighborhood of Arab East Jerusalem. In overnight activity, the settler group took over those units, as well as a plot of land, instigating clashes with Palestinians in which one Palestinian official was injured.

The activities undertaken by the extremist settler gangs, the excavations, and the attempts to build a new settlement in Burj al-Laqlaq, as well as the take-over of housing units in Silwan all represent an escalation in hostile and provocative Israeli settlement activity in occupied Arab East Jerusalem. They constitute serious and blatant violations of the Fourth Geneva Convention of 1949, which is applicable to all the territories occupied by Israel since 1967, including Jerusalem. They also violate various relevant resolutions of the Security Council and the General Assembly and other organs of the United Nations which prohibit any attempts to alter the character, demographic composition and status of the Holy City of Jerusalem. In addition, the illegal actions clearly violate the agreements reached between the Government of Israel and the Palestine Liberation Organization and seriously threaten recent attempts to reactivate the peace process, which was derailed by illegal settlement activity at Jabal Abu Ghneim, to the south of occupied East Jerusalem.

We expect the international community to take a clear and firm position based on international law and in accordance with United Nations resolutions, against all such Israeli violations and illegal practices. The Security Council, as the body responsible for the maintenance of international peace and security, should take the necessary actions in this regard.



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE
UN SECURITY COUNCIL, 9 JUNE 1998**

[Letter reporting on the Israeli Interior Ministry's approval of constructing settlement units on the Mt. of Olives]

In follow up to my letter to you yesterday, 8 June 1998, regarding the ongoing illegal Israeli actions in Jerusalem, I wish to further inform you that the Interior Ministry of Israel, the occupying Power, today approved the construction of 58 housing units for Jewish settlers in the area of the Mount of Olives in occupied East Jerusalem. The decision is yet another example of the pursuit, by the Government of Israel, of an intensified expansionist policy for the colonization and Judaization of Arab Jerusalem, with the support of lunatic Jewish settler groups and the illegal municipality of Jerusalem.

Such actions demonstrate clearly the intransigence of the Israeli government and its persistence in defying the will of the international community and in violating international law and United Nations resolutions. In this context, it is imperative for the international community to take measures in order to confront these Israeli policies and actions, to ensure respect for international law and to prevent further escalation of the situation in the whole region.

The Security Council, as the body responsible for the maintenance of international peace and security, should formally consider the situation with a view of taking the necessary actions in this regard.



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE
UN SECURITY COUNCIL, 18 JUNE 1998**

[Letter reporting Israeli PM's decision to strengthen administrative control of the city of Jerusalem]

Today, Israeli Prime Minister Benjamin Netanyahu announced a program to strengthen Israel's illegal hold on Jerusalem. This program includes the creation of an "umbrella municipality" with administrative powers over nearby towns in Israel, as well as over some Jewish settlements in the West Bank. It includes accelerated construction of roads for those settlements, a multi-year housing investment plan, and new infrastructure. The plan would be funded under the 1999 budget and will be presented to the Israeli government on Sunday. On this matter, Mr. Netanyahu specifically stated "We said we would work to strengthen, fortify and base our hold on Jerusalem." He also stated that "I think this is a basic change in Jerusalem's status which will be remembered as a turning point." The Prime Minister also said that "the first thing we are doing is to link 'Greater Jerusalem' and the second thing is strengthening the Jewish majority in Jerusalem." Regarding the Israeli

attempt to build a new illegal settlement at Jabal Abu Ghneim to the south of occupied East Jerusalem, he made the following statement: "Write it down. You will see houses at 'Har Homa', many houses, by the year 2000."

This program and the outrageous statements by the Prime Minister not only gravely violate international law, the Fourth Geneva Convention, many Security Council resolutions, and the resolutions of the Tenth Emergency Special Session of the General Assembly, but they also indicate obvious contempt for the values that these instruments represent and for the will of the international community. The Prime Minister is also killing the Middle East peace process with such additional blatant violations of the existing agreements between the two sides.

It is obvious that signals sent recently by the Security Council in the form of presidential press statements on Israeli violations in Jerusalem and the other violations have not been sufficient enough to prevent such Israeli behavior. We believe that the Security Council, as the body responsible for the maintenance of international peace and security, is under obligation to take specific concrete measures to prevent the above-mentioned program and any other Israeli violations of international law and the Council's own resolutions.



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE
UN SECURITY COUNCIL, 22 JUNE 1998**

[Letter reporting the Israeli government's approval of an administrative plan for Jerusalem]

In follow up of my letter of 18 June 1998, I would like to inform you that yesterday, 21 June 1998, the Israeli Government approved the program announced by the Prime Minister, which aims at strengthening Israel's illegal hold on Jerusalem. As we indicated in our prior letter, the plan would expand the border of Jerusalem and would extend the municipal authority over some Jewish settlements in the West Bank, establishing a so-called "umbrella authority". This is a concrete step towards the illegal annexation of more occupied Palestinian land to the already illegally expanded Jerusalem municipality. It also aims at maintaining or creating a specific demographic composition.

The Israeli plan is not only a provocation for the Palestinian people; it is a gross violation of international law and it is definitely detrimental to the current peace process. The demagogic and outrageous statements made by the Israeli Prime Minister in this regard only underline this fact.

The United Nations Security Council has adopted 16 resolutions regarding the city of Jerusalem, and has repeatedly declared that all measures and arrangements taken by Israel, the occupying Power, including the legislative and administrative ones, which aim at changing the legal status, demographic composition and character of the city, are null and void and without any legal validity whatsoever. Further the Security Council has repeatedly reaffirmed the applicability of the Fourth Geneva Convention of 1949 to all the territories occupied by Israel in 1967, including Jerusalem.

We reiterate our belief that the Security Council, as the body responsible for the maintenance of international peace and security, is under obligation to take specific concrete measures to prevent the above-mentioned plan and any other Israeli violations of international law and the Council's own resolutions. We specifically request that the Security Council consider the situation in a formal meeting and take the necessary measures in this regard.



**STATEMENT BY NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, BEFORE THE UN SECURITY COUNCIL, 30 JUNE 1998**

Mr. President,

The Security Council meets today to consider an issue of great importance to us, in Palestine and in the Arab and Muslim worlds and to the international community as a whole, namely the issue of Jerusalem, the city holy to the three monotheistic religions. Since its inception, the United Nations dealt with the issue of Jerusalem in a manner commensurate with its importance and reflective of its special status. The United Nations adopted a special international regime (*corpus separatum*) for the city, and at a later stage refrained from recognizing the de facto situation resulting from the war of 1948. It then effectively dealt with the occupation resulting from the war of 1967, with the aim of preventing Israel, the occupying Power, from carrying

out any measures aimed at changing the legal status or demographic composition of East Jerusalem, as an integral part of the territories occupied since 1967, and to which the Fourth Geneva Convention of 1949 is applicable. The Security Council has adopted sixteen resolutions with regard to Jerusalem, ten of which were adopted after the occupation of 1967. The Council reaffirmed in these resolutions its rejection of all the Israeli measures and considered them null and void and called upon Member States not to recognize them and not to move their embassies there.

Therefore, Mr. President, there exists what can be considered a clear international consensus concerning the issue of Jerusalem. This position is based upon a deep understanding of the important religious, historical and political factors of this issue. Israel, in return, has taken a position in direct opposition to the international position, persistent in ignoring the international will and in violating international law and Security Council resolutions. It is a position that refuses to recognize Palestinian and Arab rights and persists in monopolizing Jerusalem and considering it solely Jewish or Israeli. Such a position negates the possibility of achieving peace and guarantees the continuation of war and hatred in the region.

Throughout the years, Israel has undertaken a number of policies and carried out many measures to impose its position and to create certain facts on the ground. These are illegal, appalling and immoral policies and measures, such as the attempts to annex occupied territories, the confiscation of lands and the expansion of the municipal boundaries and isolation of East Jerusalem from the rest of the West Bank; and such as bringing in 150,000 settlers, attempting to create a specific demographic composition, and the legal and practical discrimination between the Jew and non-Jew; and such as the direct oppression of Palestinian Jerusalemites and the confiscation of their identity cards, preventing them from living in the city of their ancestors and the demolition of their homes.

All of these actions have been repeatedly condemned by the international community, which has refused to recognize their results. All of these actions have been confronted by our people, who have succeeded in derailing part of the goals of these actions, including the fact that Palestinian Jerusalemites still constitute the dominant majority of the population of East Jerusalem within the legal boundaries of the municipality of the city. However, their suffering is immense and their feelings of injustice and pain are immeasurable. These Israeli measures have created and are still creating a situation that might lead to the explosion of the whole region at any moment.

Mr. President,

A few years ago came the peace process in the Middle East and the Palestinian-Israeli agreements within its framework, according to which the two sides agreed to negotiate the status of Jerusalem in the negotiations on the final settlement. Palestinian Jerusalemites have exercised their rights in participating in the elections for the Palestinian Legislative Council within the Jerusalem electoral district. Furthermore, additional guarantees were given to the Palestinian side with regard to preservation of the Palestinian institutions in the city. All of this constituted a significant change, and it was expected that this would lead to a comprehensive change in Israeli policies and measures with regard to Jerusalem, based upon compliance with the goals of the peace process and the necessity that all the parties refrain from creating new facts on the ground that would preempt the forthcoming negotiations. This was not completely adhered to during the period of the former Israeli Government, but at least that government did not violate the above-mentioned in a comprehensive manner and did not undertake what might have destroyed the peace process in its entirety.

Then came the current Israeli Government, which reversed the situation to the period before the peace process and adopted and carried out the above-mentioned policies and practices, and even began intensifying these policies and practices. It opened the tunnel in the vicinity of Al-Haram Al-Sharif, following which the Security Council adopted resolution 1073 (1996). Then began the construction of a new settlement in Jabal Abu Ghneim to the south of occupied Jerusalem, which was the focus of the resolutions of the tenth emergency special session of the General Assembly, which was convened after the Security Council failed twice to adopt a resolution in this regard because of the vetoes exercised by one of its permanent members. This was followed by a series of other illegal Israeli actions, particularly the escalation of the settler colonialism inside the Old City in Burj al-Laqlaq and outside it in Ras Al-Amud, Silwan and Mount of Olives, which we referred to in several letters addressed to your esteemed Council.

Lastly, came the decision of the Israeli Government on 21 June 1998 to approve a plan aimed at strengthening the illegal hold of Israel on Jerusalem. This is the direct reason for the meeting of the Council today. The plan would expand the municipal boundaries of the city and would establish an 'umbrella authority' to include a number of illegal settlements in the West Bank. This represents a concrete step towards the illegal annexation of more occupied Palestinian lands to the already illegally expanded Jerusalem municipality and towards maintaining a specific demographic composition with the aim of furthering the process of the Judaization of the city.

The Israeli Prime Minister said, on 18 June 1998, when he was announcing the plan, "I think this is a basic change in Jerusalem's status which will be remembered as a turning point." The Prime Minister also said, "The first thing we are doing is to link 'Greater Jerusalem' and the second thing is strengthening the Jewish majority in Jerusalem." With regard to the illegal settlement in Jabal Abu Ghneim, he stated, "Write it down. You will see houses at 'Har Homa', many houses, by the year 2000." Is there anything more blatant than these outrageous statements to reveal the nature of the plan and its dangerous and malicious goals. This plan constitutes a flagrant violation of international law and the Fourth Geneva Convention of 1949 and several Security Council resolutions and those of the tenth emergency special session of the General Assembly. It represents contempt for the values which these laws and resolutions represent and for the will of the international community and its collective position.

What will the Security Council do in the face of all this? We hope that the Council will have the sufficient will to finally undertake the necessary measures to guarantee the rescinding of this plan and to prevent Israel, the occupying Power, from undertaking any further illegal actions in Jerusalem and the rest of the occupied territories, beginning with the adoption of the draft resolution which was sponsored by the Arab Group in this regard. We believe that the Council is under obligation to do this in accordance with the Charter of the United Nations and international law.

Mr. President,

Here I will also have to recall that the Israeli plan and the other Israeli policies and practices in Jerusalem mentioned above also gravely violate the agreements reached between the two sides within the framework of the peace process in the Middle East. I say I will have to recall because there is not much left of this peace process anyway thanks to Mr. Netanyahu and his government. The policies and practices of the Israeli Government not only violate the agreements, but also clearly aim at the systematic destruction of these agreements and discarding the entire peace process. Suffice it to refer to the Israeli rejection, for a long period of time, to the American proposals, aimed at revitalizing this process, which were accepted by the Palestinian side despite our understanding that these proposals are incomparably closer to the Israeli position than the Palestinian position. The Prime Minister and the Israeli Government do not hesitate to use old and new gimmicks in an attempt to cover-up the reality of this Israeli position. So we witness them immersed in coordinated propaganda campaigns to direct accusations against the Palestinian side, and we witness them invent, for example, the idea of the illegal 'popular referendum' with regard to the recent American proposals, and finally the idea of a new peace conference, as if the Israeli side complied with the results of the first Madrid Conference in order to discuss another conference. All of this is no longer useful in covering up the reality, and the Israeli plan related to Jerusalem is a stark reminder of this reality. This plan constitutes another basic step towards the final divorce of the Israeli Government from the peace process.

It is not possible to imagine the revitalization of the peace process and its continuation with the existence of such a plan. It is unacceptable for the Israeli violations in Jerusalem to continue, even if somehow there is a sudden Israeli change with regard to the American proposals. For our Palestinian people, Jerusalem is a red line – we cannot give it up. This is a firm reality that all the parties need to understand.

Mr. President,

Israel says that our coming forth and complaining to the Security Council violates the agreements. This is, of course, a ridiculous claim that does not even deserve to be addressed. But there is another party that says that this action is counterproductive and that consideration by the Council of these Israeli violations will harm the peace process. This is really very unfortunate. How can anyone legally, politically or morally say something like this? How can it be said that, despite the responsibilities of the Council in accordance with the Charter, the Council should not intervene in Middle East affairs? How can it be said that, not only in the face of Israel's violations of international law and the agreements reached, but also its persistence with these violations, the Council handling this will be counterproductive? How can it be said that the Palestinian complaint against these violations, the mere complaint and seeking to stop these violations, which were not stopped by the continuous efforts of the sponsors of the peace process, would harm this process? How can anyone make a comparison between illegal actions against international law and the reactions to those actions, which are totally based upon international law? It is unreasonable and unacceptable, and it is our hope that this position will soon be changed, if not for the sake of fairness and credibility, at least for the sake of the Charter and the United Nations.

Mr. President,

In spite of everything, the Palestinian people have high hopes that this time all members of the Council will enable the Council to exercise its responsibilities, at least on the basis of an understanding of the great importance of the issue of Jerusalem and the wish to contribute in salvaging the peace process and to preserve the United Nations Charter, international law and Security Council resolutions. Thank you, Mr. President.



**PRESIDENT YASSER ARAFAT, ADDRESS TO THE SWEDISH PARLIAMENT,
STOCKHOLM, 5 DECEMBER 1998 [EXCERPTS]**

[Arafat addressed the parliament on the occasion of the 10th anniversary of his 1988 landmark Stockholm visit that led, ten days later, to the opening of the US-PLO dialogue. The event was attended by representatives of Egypt, Norway, Russia, Israel, the US, and the EU.]

[...] Third, the city of Jerusalem should be open to all its inhabitants without exception or discrimination, and should remain undivided by physical barriers, trenches, or fortifications. We believe that the vital interests of both sides in the Holy City should be mutually recognized and that both parties should acknowledge that there can be no resolution of the issue of Jerusalem without taking these interests into account. We must emphasize here the need to end attempts to change the character of Arab Jerusalem. We also believe that any settlement should respect the legitimate religious rights of all communities and religions equally and should ensure the safety and security of all their holy places wherever they may be. [...]



**LETTER FROM MARWAN JILANI, CHARGE D'AFFAIRES, A.I. OF THE PERMANENT
OBSERVER MISSION OF PALESTINE TO THE UN, TO THE UN SECRETARY-GENERAL
AND THE PRESIDENT OF THE UN SECURITY COUNCIL, 23 APRIL 1999**

[Letter on the closure of Orient House and other illegal Israeli actions in Jerusalem]

I would like to bring to your attention the recent decision by the Government of Israel, the occupying Power, on Thursday, 22 April 1999, to issue closure orders against offices at the Orient House in East Jerusalem.

This dangerous and provocative decision is not only a provocation against the Palestinian people; it is also a gross violation of international law and United Nations Security Council and General Assembly resolutions, as well as of the agreements reached between the two parties. In this context, I would like to refer to the letter sent by Mr. Peres, then the Israeli Foreign Minister, to Mr. Holst, the Foreign Minister of Norway, which confirmed that, as part of the agreements, "the Palestinian institutions of East Jerusalem and the interests and well-being of the Palestinians of East Jerusalem are of great importance and will be preserved. Therefore, all the Palestinian institutions in East Jerusalem, including social, economic, educational and cultural, and the holy Christian and Muslim places, are performing an essential task for the Palestinian population. Needless to say, we will not hamper their activities."

The United Nations Security Council has adopted numerous resolutions reaffirming the applicability of the Fourth Geneva Convention of 1949 to all the territories occupied by Israel in 1967, including Jerusalem. In specific, the Security Council has adopted sixteen resolutions regarding Jerusalem and has repeatedly declared that all measures and arrangements taken by Israel, the occupying Power, aimed at changing the legal status, demographic composition, and character of the city are null and void and without any legal validity whatsoever.

Such continuing provocative actions and measures are illegal under international law and undermine and violate the principles of the Middle East peace process. The Security Council, as the body responsible for the maintenance of international peace and security, is under obligation to take appropriate measures in this regard to protect the already frail peace process.



**PLO CENTRAL COUNCIL, POLITICAL STATEMENT AND DECISIONS, EXTRAORDINARY
SESSION, PRESIDENTIAL HEADQUARTERS, GAZA, 27-29 APRIL 1999 [EXCERPTS]**

[Excerpts expressing the Council's concern on the issue of Jerusalem]

In the name of God, Most Gracious, Most Merciful

The Palestinian Central Council (PCC) has convened a series of meetings within the framework of its Extraordinary Session, which began on 27 April 1999. President Yasser Arafat delivered, before the PCC, a comprehensive report in which he reviewed the political situation, in all its aspects, and the main tasks to be fulfilled in the Palestinian arena, foremost of which is completion of the establishment of the independent State of Palestine, with Holy Jerusalem as its capital. [...]

Having heard the reports of the political leadership on the political situation, and in an atmosphere permeated by the spirit of democracy and responsibility, the members of the PCC discussed all options available under the important circumstances. They expressed total unanimity that the State of Palestine, with Holy Jerusalem as its capital, is an existing fact on the basis of the natural right of the Palestinian people to establish their own state and on the basis of United Nations General Assembly resolution 181 of 1947 as well as the Declaration of Independence of 1998. This total unanimity demonstrates as well that the Palestinian people, with all their sacrifices, ongoing steadfastness and struggle, are the primary builders of this State. They are its decision-makers, and the Palestine Liberation Organization (PLO), with its national and democratic institutions, is the supreme authority of this non-negotiable and irrefutable national decision. [...]

The PCC highly appreciated the positions of the fraternal Arab, Islamic and African States, the countries of the Non-Aligned Movement, Russia, China and many other European and Latin American States, who have been at the forefront of fully recognizing the independent State of Palestine with Holy Jerusalem as its capital.

The PCC appreciated as well the positions of the European Union, Norway, Japan and Canada, who have all supported the peace process and declared their recognition of the right of the Palestinian people to self-determination, including the establishment of their State as a legitimate, unconditional right that cannot be vetoed. Their positions were also accompanied by significant positions on the issue of Jerusalem and sovereignty thereupon. [...]

At the end of the meetings held by the PCC over a three-day period, it decided the following: [...]

Fourth: The Council reiterates the central importance of the City of Jerusalem. It reiterates that all measures and arrangements taken and still being taken by Israel, the occupying Power, in Jerusalem and elsewhere, are null and void and illegitimate and must be ceased and their results must be retracted. In this regard, the Council reaffirms the relevant United Nations resolutions. It highly appreciates the recent position of the European Union on Jerusalem. The Council further appreciates the firm positions taken by the Arab, Islamic and Non-Aligned States on Jerusalem.

Fifth: The Council calls upon all the forces of our people to confront, with all national energies, the policy of settlement, the usurpation of land, the destruction of homes, the building of bypass roads and the racist Judaization actions being carried out in Jerusalem and throughout the Palestinian Territory. On the basis of international law and the resolutions of the United Nations General Assembly and Security Council, the PCC reaffirms that these hostile policies and practices are null and void. The Council requests the Executive Committee to adopt the necessary measures to confront this danger. Further in this regard, the Council welcomes the convening of the Conference of the High Contracting Parties to the Fourth Geneva Convention on 15 July 1999. It calls upon this conference to adopt the measures established in the Convention to bring about Israeli compliance in the Occupied Palestinian Territory. [...]



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE
UN SECURITY COUNCIL, 11 MAY 1999**

[Letter reporting on Israeli actions in East Jerusalem]

Israel, the occupying Power, continues unabated with its illegal actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. These illegal actions aim at the Judaization of the city and at the expansion of Israeli colonization of the Palestinian territory. Yesterday, on 10 May 1999, the Israeli Government issued a "closure order" for three offices in the Orient House in East Jerusalem. The implementation of this order was delayed, however, only as a result of a petition by an Israeli group to the Israeli High Court, which, under international law, has no jurisdiction over occupied Jerusalem.

This attempted closure was coupled with further steps by the Israeli Government, also yesterday, to funnel in additional financial resources for settlement activity in Jerusalem. As part of this scheme, the goal of which is to transfer even more Israeli citizens to occupied Jerusalem, the Israeli Government pledged to provide each settler who moved into a new neighbourhood in occupied East Jerusalem with US\$ 5,000. Such illegal actions are not limited to Jerusalem alone; settlement activities continue in several locations throughout the occupied Palestinian territory, with the expansion of already existing settlements and the creation of new ones.

All of the above-mentioned actions and policies, on the part of the Israeli Government, represent serious breeches of the fourth Geneva Convention of 1949, as well as flagrant violations of numerous Security Council and other United Nations resolutions. They also undermine the fragile peace process and aim to prevent the reaching of a just and comprehensive peace.

The Security Council dealt with illegal Israeli actions related to Jerusalem only last July, when it issued a presidential statement. It is clear, however, that Israel, the occupying Power, holds only contempt and disregard for that and for many other positions of the Council. We believe that it is highly incumbent on the Security Council to reconsider the situation and ensure that illegal Israeli actions in Jerusalem and the rest of the occupied Palestinian territory be ceased and reversed.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the General Assembly, under agenda items 39, 40 and 84, and of the Security Council.

(Signed) Nasser AL-QUDWA,
Ambassador, Permanent Observer of Palestine to the United Nations



**LETTER FROM NASSER AL-QUDWA, PERMANENT OBSERVER OF PALESTINE
TO THE UN, TO THE UN SECRETARY-GENERAL AND PRESIDENT OF THE
UN SECURITY COUNCIL, 20 MAY 1999**

[Letter on Israel's resumption of illegal settlement activities in and around East Jerusalem]

Reverting to illegal policies and practices, this week Israel, the occupying Power, resumed colonial settlement activities in and around Occupied East Jerusalem in violation of international law, the Fourth Geneva Convention of 1949 and United Nations Security Council and General Assembly resolutions. In specific, the Israeli side began actual construction at Jabal Abu Ghneim, to the south of East Jerusalem, on Sunday (16 May 1999) and at Ras Al-Amud, an Arab neighborhood within the original boundaries of the municipality of East Jerusalem, on Tuesday (18 May 1998).

For more than three decades, Israel, the occupying Power, has pursued such illegal measures and activities with the clear intention of increasing Jewish settlement in the city and thereby illegally altering the demographic composition, geographical nature and character of the city. Recent actions in this regard have been overtly designed to alter the facts on the ground and impose *a fait accompli* with regard to the status of Jerusalem prior to the negotiation of a final settlement in the peace process. Taking advantage of intentional delays and the stalemate in the peace process, the current Israeli government has decided to proceed with the construction of the two above-mentioned settlements in total contempt of international law and the unequivocal position of the international community in this regard.

The crisis regarding the illegal settlement at Jabal Abu Ghneim was first brought before the United Nations Security Council in a letter on 28 April 1995 concerning the Israeli government's decision to confiscate fifty-three hectares of Palestinian land within the area of illegally expanded and annexed East Jerusalem. The Security Council convened in May of 1995 to consider this critical situation. That meeting resulted in the veto of a draft resolution by a permanent member. At a later stage, in July 1995, the Israeli government decided not to proceed with construction. However, construction attempts were revived again in 1997 under Mr. Netanyahu's administration.

The Chairman of the Arab Group brought the issue to the attention of the Security Council in a letter on 25 February 1997. On 5 March 1997, the Security Council convened to address this serious matter, which was followed by the resumption of the 51st session of the General Assembly on 12 and 13 March 1997 and the convening of another Security Council meeting on 21 March 1997. Although the Assembly overwhelmingly adopted a resolution (51/223) condemning Israel's illegal actions, the Security Council failed to carry out its responsibilities in response to this crisis due to two consecutive vetoes of a permanent member. In the interim between the two Council meetings, Palestine submitted two letters, on 17 March 1997 and on 18 March 1997, calling upon the Council to undertake measures to bring about the full and immediate cessation of illegal Israeli settlement activities in the Occupied Palestinian Territory, including Jerusalem.

Moreover, the crisis at Jabal Abu Ghneim led to the convening by the General Assembly, for the first time in fifteen years, of an emergency special session ("Uniting for Peace"). The tenth emergency special session was convened on 24 April 1997 to consider "Illegal Israeli actions in Occupied East Jerusalem and the rest of the

Occupied Palestinian Territory". The session, which was resumed four times following that initial meeting, overwhelmingly adopted five strong resolutions (ES-10/2 of 25 April 1997; ES-10/3 of 15 July 1997; ES-10/4 of 13 November 1997; ES-10/5 of 17 March 1998; and ES-10/6 of 9 February 1999) condemning Israel's construction at Jabal Abu Ghneim and all other illegal Israeli actions in the occupied territories and reaffirming the applicability of the Fourth Geneva Convention of 1949 to the Occupied Palestinian Territory, including Jerusalem. Further, the resolutions reaffirmed that all legislative and administrative measures and actions taken by Israel, which have altered or purported to alter the character, legal status and demographic composition of Jerusalem are null and void and have no validity whatsoever. As it has done with regard to countless Security Council and General Assembly resolutions over the decades, Israel has ignored those resolutions of the emergency session and has actually completed work on the infrastructure of the illegal settlement at Jabal Abu Ghneim.

The illegal construction at Ras Al-Amud, a crowded Arab neighborhood of Occupied East Jerusalem, was also brought to the attention of the Security Council via two letters on 19 September 1997 and 27 August 1998. The construction at Ras Al-Amud represents yet another step in Israel's colonial settlement campaign in the Occupied Palestinian Territory and another specific attempt aimed at Judaizing Jerusalem and illegally changing its demographic composition and character. In both letters, it was emphasized that the Security Council needed to take immediate action with the aim of reversing the Israeli decision concerning Ras Al-Amud and bringing an end to the repeated violations of international law and resolutions of the Council in this regard.

Today, as mentioned above, we are once again confronted with illegal Israeli actions at Jabal Abu Ghneim and Ras Al-Amud. This serious situation must be responded to and addressed appropriately and in a timely manner. As indicated above, it is probable that a lack of decisive action by the Council was construed by the Israeli side as encouragement to proceed with such illegal measures. The United Nations Security Council, as the body responsible for the maintenance of international peace and security, has the duty to take immediate action in order to reverse the Israeli decisions, bring an end to these violations and ensure respect for the Council's resolutions as well as for international law.



**LETTER FROM NASSER AL-QUDWA, AMBASSADOR, PERMANENT OBSERVER OF
PALESTINE TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT
OF THE SECURITY COUNCIL, 3 JUNE 1999**

[Letter conveying information on settlement expansion in Ma'ale Adumim]

Last week, the Israeli government took a decision to enlarge an illegal settlement called 'Ma'ale Adumim' by approximately 12,000 dunums (3250 acres). This expansion involves the effective annexation of land, the construction of additional housing units and the illegal transfer of more Israelis to the Occupied Palestinian Territory, including Jerusalem. The settlement is located approximately 6 km. east of Jerusalem and the plan would, if implemented, link the settlement with the illegally enlarged municipal boundaries of Jerusalem. Furthermore, the expansion would separate the northern half of the West Bank from its southern half, making it all the more difficult to apply international law and legitimacy with respect to Jerusalem.

This decision by Israel, the occupying Power, represents another grave breach of the Hague Regulations of 1907, the 4th Geneva Convention of 1949 relative to the protection of civilian persons in time of war and Additional Protocol I of 1977. The decision also represents a gross violation of relevant Security Council and General Assembly resolutions and represents another attempt to derail prospects to resuscitate the peace process. In this regard, I would also like to refer to my previous letters dated 11 May 1999 and 20 May 1999 on illegal Israeli actions related to the Orient House and to Jabal Abu Ghneim and Ras Al-Amud. It is difficult to believe that all of these actions are being taken without the tacit approval of the newly elected Prime Minister of Israel, being that there were no comments on his part regarding these actions.

The position of the international community in this regard is very clear, as most recently demonstrated through the 10th Emergency Special Session of the General Assembly and the convening of the upcoming 15 July 1999 Conference of the High Contracting Parties to the 4th Geneva Convention on measures to enforce the convention in the Occupied Palestinian Territory, including Jerusalem. It is inconceivable that the Security Council remains idle and not take the necessary actions to ensure the cessation and reversal of all of the above-mentioned illegal Israeli actions. We call upon the Security Council to do just that.



**‘JERUSALEM DOCUMENT’ BY NATIONAL AND ISLAMIC INSTITUTIONS
AND FACTIONS, ORIENT HOUSE, JERUSALEM, JUNE 1999**

In the name of Allah the Most Compassionate and Merciful

We, representatives of national and religious organizations and popular movements and public figures in the city of Jerusalem hereby affirm our historical belonging to Jerusalem and our united stand vis-à-vis the city. Reiterating our utter determination to defend and protect the existence and the future of our people and institutions in the Holy City, we declare the following:

1. Jerusalem is an integral and central component of the Palestinian-Israeli conflict and we demand that all involved parties, both local and international, fulfill their obligations in ensuring that our rights in the city be respected.
2. We will continue to reject, both in principle and in practice, any attempt to deal with the future of Jerusalem that does not recognize our rights in the city in their entirety and upon which there is not a national consensus. Any attempt by any political party, circle or individual to deal with the issue of Jerusalem independently shall be considered null and void and regarded as having a detrimental effect on the Palestinian national cause.
3. Jerusalem is the key to war or peace in the Arab-Israeli conflict. Israeli measures and practices to Judaize the city, confiscate its land, construct illegal settlements, isolate the city from the rest of the Palestinian homeland, forcibly evict our people, and threaten our institutions are blatant and unacceptable acts of aggression against our rights and clear violations of international conventions and resolutions, including the Fourth Geneva Convention of 1949. Were such acts to take place against any other background or in any other part of the world, they would result in an international outcry.
4. We therefore demand that the international community stop its policy of double standards, fulfill its obligations by intervening immediately and putting pressure on the Israeli Government in order to bring an end to the occupation of Jerusalem and the rest of the Arab occupied territories. In addition, we demand that the representatives of the international community in the Holy City clarify their rejection of any effort to settle the question of Jerusalem, which does not take into account our rights, and that they do not allow themselves to fall prey to Israeli attempts to intimidate them into considering Israeli demands, which are based on nothing but a desire to empty Jerusalem of its Arab citizens and to strengthen the illegal Israeli occupation.
5. We call upon the Arab and Islamic Worlds to assume their responsibilities towards Jerusalem and to take a firm stand in defending and protecting our legitimate historical, civil, political and religious rights in the city. We call on their governments to stop any attempts to normalization with Israel until our rights are recognized and our flag flies over Jerusalem as the capital of the sovereign Palestinian state.
6. The city of Jerusalem, including the walled city, is an indivisible cause. Israeli troops took control of the western part of the city in 1948 and no government or official party in the world has recognized the Israeli domination over it. When Israeli troops occupied the eastern part of the city in 1967, the entire international community agreed that Israel must withdraw from the occupied areas. In conformity with this international consensus we demand that UN Resolution 242 be enforced in Jerusalem respectively.
7. The issue of Jerusalem encompasses a host of different aspects - religious freedom, freedom of movement, the protection of our right to exercise sovereignty in the city and live in it as Palestinian citizens. These components cannot be isolated from any discussions on the future of the Palestinian territories, of which Jerusalem is an indispensable part. Any attempts to isolate the question of Jerusalem or to take unilateral measures in relation to our land, people and institutions in order to strengthen the Israeli hold on the city should be rejected, resisted, and condemned in the strongest possible terms.



**PLO CHAIRMAN YASSER ARAFAT, REMARKS ON THE SHARM AL-SHEIKH
MEMORANDUM TO THE ARAB FOREIGN MINISTERS COUNCIL, CAIRO,
12 SEPTEMBER 1999 [EXCERPTS]**

Mr. Chairman, Ladies and Gentlemen,

Holy Jerusalem, the capital of the coming state of Palestine, is being subjected to a conspiracy to Judaize it completely, obliterate its history, and erase its historical heritage and its international, religious, and pan-Arab character... The settlement onslaught also intruded into the heart of the Old City of Jerusalem; its houses were stolen and confiscated, and its Arab character was obliterated by force and coercion.

I place the issue of Jerusalem before my brothers, the Arab leaders and officials, affirming to them that we cling to all our rights in holy Jerusalem, on the basis of implementing the pertinent UN resolutions, particularly Security Council Resolution 242, which applies to holy Jerusalem as much as it applies to the other occupied Palestinian and Arab territories. We have rejected and continue to reject the Israeli government's decision to annex holy Jerusalem. We reject the city's Judaization, and, with the cooperation of our people and masses, we are working day and night to preserve our firm rights in holy Jerusalem.

From this podium, I call on our nation and our Arab countries to attach to Jerusalem the importance it deserves and to formulate policies capable of protecting our holy Jerusalem from Judaization and settlement. I declare it openly: There can be no peace without a free holy Jerusalem as the capital of the Palestinian state. Real peace is the peace that restores Jerusalem to its people and nation and to its global humanitarian and religious role. [...]

We have implemented the provisions required of us to promote the peace process. We will continue this firm policy, which proceeds from our wish to safeguard the inalienable Palestinian rights for the sake of a just and lasting peace in the Middle East that would ensure security for all sides and guarantee our national rights in our independent Palestinian state with Jerusalem as its capital.



**PRESIDENT YASSER ARAFAT, ADDRESS BY BEFORE THE 54TH SESSION
OF THE UN GENERAL ASSEMBLY, NEW YORK, 23 SEPTEMBER 1999 [EXCERPTS]**

[Speech referring to the need of establishing Jerusalem as the capital of the independent state of Palestine]

Mr. President, [...]

Hence, we look forward to experiencing new, real and tangible changes in the positions and actions of the Israeli side that will open the door, word and deed, for the achievement of a just and comprehensive peace - a peace of the braves that will lead to the realization of the right of the Palestinian people to self-determination and the establishment of its independent state with Al-Quds Al-Sharif (Jerusalem) as its capital and the realization of the right of the Palestine refugees to return to their homeland in accordance with resolution 194, which affirmed the right of the refugees to return to their homes and to compensation for those who do not wish to return.

Mr. President, Ladies and Gentlemen,

The realization of the right of the Palestinian people to establish their independent state, with Al-Quds Al-Sharif (Jerusalem) as its capital, will provide the definitive guarantee for the establishment of a permanent peace in the Middle East and will also be a validation of the Charter of the United Nations and its numerous resolutions for over fifty years, beginning with resolution 181, which called for the establishment of two States in Palestine, one Jewish, which is Israel, and one Arab, which is Palestine. The rights of peoples do not diminish with the passage of the years or with oppression, and our people have proven throughout the long years that they deserve life and freedom and deserve an independent state. The time has come for the international community, represented by the General Assembly, to reaffirm this right and work for its realization. The goal of the current peace process is the implementation of Security Council resolutions 242, 338, 425 and the principle of land for peace - that is the total Israeli withdrawal from all the Palestinian and other territories occupied in 1967, including Al-Quds Al-Sharif, the Holy City of Jerusalem, the first of the two qiblahs and the third holy sanctuary of Islam, the place from which the Prophet Mohammed (PBUH) ascended to heaven, and the cradle of Jesus Christ (PBUH). [...]



**FAISAL HUSSEINI, SPEECH ON THE PALESTINIAN FUTURE VISION FOR JERUSALEM,
ARAB LEAGUE EDUCATIONAL CULTURAL AND SCIENTIFIC ORGANIZATION (ALECSO)
CONFERENCE, LONDON, 15 DECEMBER 1999 [EXCERPTS]**

Dear Ladies and Gentlemen,

The Middle East conflict between Arabs and Israelis is a dispute with many dimensions and variables, all of which affect the search for a just, lasting and comprehensive solution. There are political, national, religious, emotional, social, and economic considerations that severely complicate the realization of a peaceful settlement to this century old conflict and no where is this more important than in Jerusalem. Jerusalem is the most important issue to be resolved in order to achieve a lasting peace between Arabs and Israelis. Without an acceptable solution to the Jerusalem issue there will be no peace in the region.

In my presentation I will focus on the Palestinian future vision for Jerusalem. This vision draws its strength from international resolutions on Jerusalem and from the conventions of international law. This vision takes into consideration the many challenges that face Palestinians in Jerusalem. It has also developed strategies to counter those illegal Israeli policies which have and continue to change the demographic and geographical character of the city in order to prejudice final status negotiations and consolidate Israeli sovereignty. These Israeli actions are not acceptable and must be challenged.

While many may be skeptical as to ability of the Palestinians to effectively negotiate with the Israelis on the issue of Jerusalem, it must be remembered that many other issues were also once thought of as taboo. Just a few years ago Israel would never even consider speaking with the PLO and, likewise, the PLO would never consider acknowledging Israel. Now we meet frequently and even cooperate on several issues. Israel's numerous red lines concerning Palestinian statehood and rights have begun to soften and soon, Jerusalem, one of the last untouchables for the Israelis will also be put on the negotiation table.

Israel is undisputedly the most powerful country in the Middle East and, as such, has the difficult task of choosing between the logic of power or the power of logic. The first choice, the logic of power, may one day consolidate Israel's control over Jerusalem and the Palestinian people but it is only in choosing the power of logic that will provide Israel and its people with security, stability and prosperity. I truly hope that wisdom will prevail in Israel and that the forces of peace on both sides will triumph in their struggle for a better future for both Palestinians and Israelis. I personally hate to think of the dreadful alternative to the current peace process and sincerely wish that our efforts will culminate in attaining the desired formula for a genuine peace in our region.

Here, before embarking on the Palestinian future vision of Jerusalem, it is necessary to shed light on some of the Israeli actions that have transpired in occupied Jerusalem since 1967. Israel has and continues to create facts on the ground that intend to prejudice any future arrangements for comprehensive peace. Israel desperately wants to annex Jerusalem and its holy sites but not its Palestinian inhabitants. Palestinian Jerusalemites are not part of the Israeli vision for Jerusalem and the Israelis have created conditions on the ground that force us to leave Jerusalem and change our identity as Palestinians.

But we have resisted these measures. By fighting to preserve our identity as a people and our right to live in the City, we have preserved the Jerusalem as our capital and our cultural and economic center. This fight has not been restricted to the inhabitants of Jerusalem but was joined by all the Palestinians. By the strength of our solidarity, we have managed to control our religious sites and institutions, our churches and our mosques. We have also succeeded in preventing Israel from imposing its educational curriculum on Palestinian schools in Jerusalem. After years of stiff resistance, we managed to keep Palestinian control over the majority of educational, cultural, health and social institutions in East Jerusalem, thus preserving the Arab Palestinian character of the City.

By the same token, however, it must be said that the Israelis have also relentlessly continued their policies of settlement expansion and land confiscation in occupied Jerusalem. With the construction of the illegal settlement of Har Homa near Bethlehem, the outer ring of Israeli settlements has now completely encircled Jerusalem and new Jewish settlers continue to be brought in from all over the world to fill them. From 1967 until the present, the Israeli population in occupied East Jerusalem has grown from zero to over 180,000. Israel has also confiscated over 34% of Palestinian lands in East Jerusalem and left Palestinians with no more than 13% of the land in East Jerusalem for residential construction.

These Israeli policies change the landscape of Jerusalem and contribute to the intransigence of the conflict. Israeli housing units in the dozens of illegal settlements continue to grow by the tens of thousands while Palestinians only build in the hundreds. The reasons for this discrepancy and the current housing shortage in Palestinian sectors of Jerusalem, lie in the fact that Israel systemically restricts Palestinian building through zoning plans and restrictions on Palestinian building. This has made the building process for Palestinians both difficult and expensive. Today, Palestinians are in exceptional need of more housing in to absorb its natural population growth. Although the development of Palestinian areas in Jerusalem is restricted by Israeli policies, the use of current Palestinian areas has not yet been optimized and there is room for development. By working to ensure adequate housing for the growing Palestinian population in Jerusalem, Palestinian national interests will be served by raising the population of Palestinians residing in Jerusalem and by protecting Arab character of the City.

In the aftermath of the Oslo Accords, Israel has intensified its illegal actions to consolidate its control over occupied Jerusalem. These actions continue in defiance of countless UN Security Council and General Assembly Resolutions regarding Jerusalem as well as numerous international statutes including the Fourth Geneva Convention. The strangle hold around occupied Jerusalem is now being tightened through a series of new Israeli policies intended to marginalize those Palestinians who continue to live in occupied Jerusalem.

The first policy, the military closure around Jerusalem, was established in March 1993 and intends to isolate Jerusalem from the Palestinian Territories. The military checkpoints prohibit Palestinians from freely entering the City even for prayer and visiting the holy sites and has greatly inhibited trade and commerce between Jerusalem and the other Palestinian Territories. The closure also sabotages final status negotiations as it creates a de facto border around Jerusalem. It must be noted that these borders were established unilaterally and by force and are a deliberate attempt to prejudice the negotiations on the borders and status of Jerusalem.

The second Israeli policy intends to estrange Palestinians from their own institutions in eastern Jerusalem. Again in violation of the D.O.P, new Israeli laws were introduced banning many Palestinian institutions in Jerusalem and making their organizational tasks more difficult. The Orient House has not been spared of this Israeli aggression. In April of last year, Minister of Internal Security, issued a closure order on several key offices in the Orient House. However, despite the limited success of the Israeli policy in reducing the role of Palestinian institutions in East Jerusalem, the Orient House as well as the bulk of Palestinian institutions remain active and have even managed to diversify their activities to cope with the changing reality.

The third strategy used by the Israelis intends to isolate Jerusalem from the international community. This goal is relentlessly pursued by the Israelis who continually prevent meetings set up between Palestinian officials and international representatives in East Jerusalem, particularly at the Orient House. The purpose of these actions is to censure the issue of Jerusalem from political discussions between foreign dignitaries and officials and inhibit international recognition of Palestinian rights to Jerusalem.

However, even while the Israelis try to implement these three circles of isolation around us, we continue the struggle to resist the occupation and work hard to minimize their negative impact on us. In order to counter the military closure around Jerusalem, the Orient House and other Palestinian institutions have proposed to begin a building campaign in those areas around Jerusalem which are under the status of Area B. Building and developing Palestinian lands around Jerusalem will help to contain the expansion of the Israeli settlements and force Israel to absorb the maximum amount of Palestinians if they ever attempt to re-expand the municipal boundaries of Jerusalem.

This building and development program should be implemented in conjunction with other building projects in the City of Jerusalem. Combined these projects aim to alleviate the acute housing shortage in Palestinian Jerusalem and develop Palestinian communities and raise the standard of living. The housing program also includes renovations and restoration of existing Palestinian homes. These renovation programs will be focused especially on the Old City Jerusalem and its environs which have been the target of Jewish settler groups. These renovations will greatly help to thwart the attempts of these organizations to illegally seize Palestinian properties.

The protection and development of Palestinian organization in Jerusalem is also vital to creating a viable Palestinian Jerusalem. These organizations supply Palestinian people with vital services in education, health, social programs and protection of their human rights. In order to counter the Israeli attempts to close Palestinian institutions, the Orient House has begun initiatives to support and develop the performance and security of these institutions. By raising funds to cover the running costs of Palestinian organizations, the Orient House hopes to become a source of strength for Palestinian civil society in Jerusalem.

In order to raise the necessary funds, the Orient House aspires to raise over \$200 million in order to support Palestinian institutions in the areas of health, culture, education, and social services. Sandouk Beit Almal (the Jerusalem Fund), a committee established to facilitate development programs in Jerusalem, will be the leading organization in this initiative. A new fund raising program called "Buy Time in Jerusalem" will also be established in order to solicit funds from both Arab countries and private donors. As every minute spent in historic Jerusalem is priceless, we believe this program will be successful and supply our initiative to develop Jerusalem with the funds and the resources necessary to realize our vision for Jerusalem.

The diplomatic and international isolation caused by the Israelis will also be countered through the support of Palestinian institutions. The Orient House remains committed to being the center for Palestinian foreign relations in Jerusalem and, besides maintaining diplomatic contacts with the foreign consulates, the Orient House is developing ideas to harness the potential of the commercial and tourist industry. We want to encourage religious institutions, including Christian pilgrimage tours to Jerusalem, to use Palestinian tourist agencies, stay in Palestinian run hotels, and use Palestinian guides as they walk the streets of the Old City and see the many holy sites.

As for the difficult task of final status negotiations concerning Jerusalem, the Palestinian position is very clear. As stated in the Oslo agreements, the borders for final status are those that existed on the 4th June 1967 as defined in UN Resolution 242 and 338. Moreover, any durable solution on Jerusalem will include negotia-

tions on all aspects of the whole of Jerusalem east and west. The negotiations must also undertake the task of detailing the relations between the two separate municipalities.

Issues to be Negotiated During Final Status Negotiations

The Palestinian voice must and will be heard clearly as we embark on the final status talks to achieve a just political solution. As we focus on future Israeli/Palestinians agreements on Jerusalem there are four key issues that have been identified as the most prominent sources of contention for arranging a comprehensive peace. These are: (1) Aspirations, (2) Security, (3) Actions on the ground, (4) Fears.

Regarding the aspirations of Palestinians and Israelis, it must be acknowledged that both people regard Jerusalem as vital to their spiritual and historic identity. For the Israelis, however, this attachment to Jerusalem is expressed by achieving physical and demographic dominance over both the city and its inhabitants. This expression of Israeli aspirations is not only provocative but unreasonable and illogical, especially when considering that Israelis could maintain their historical links by acquiring a guarantee on freedom of access to all parts of the City.

In the discussion of security, we must define the term broadly, as this definition must include provisions for personal, national and economic security. Ideally, security arrangement could be achieved through procedures and arrangements that are worked out cooperatively between the two sides. However, as is the case with the military closure of Jerusalem, the security issue has and continues to be used by the Israelis as an excuse to legitimize their control over the City and as a pretext to annex or confiscate additional Palestinian lands. We Palestinians, are ready to address the security concerns of Israelis as long as our security is also respected. I am confident that a suitable solution can be worked out by the both sides but the Israelis must acknowledge that security is a universal right. There can be no peace as long as illegal Israeli settlements continue to expand, Palestinian land continues to be confiscated and Palestinian homes continue to be demolished. If the Israelis want us to address their security concerns, ours must also be met.

The third issue refers to Israeli actions on the ground that aim to consolidate Israeli sovereignty on the City. These actions involve two main strategies. One is to raise the Jewish population primarily through the construction of Israeli settlements on Palestinian land while the second is to restrict Palestinian population growth. Here, we should remember that Palestinians are facing a serious housing crisis due to Israeli restrictions on Palestinian building. This crisis is likely to continue and even become more acute as there is a high natural population growth among the Palestinian population and a large anticipated growth due to the return of Palestinian refugees. We estimate that Palestinian Jerusalemites need, immediately, between 40,000 and 50,000 new housing units.

The last issue concerns the Israeli fears that the right of return for Palestinians will affect the very existence of the State of Israel by altering its demographic and cultural make-up. This fear is rooted in the belief that Israel is an exclusively Jewish State and any influx of non-Jews is seen as a threat to its existence. While the concern of the Israelis should be taken into consideration, the inalienable right of Palestinians to return to their properties and to their land must be acknowledged. Moreover, it must be recognized that failure to arrive at a just solution on the issue of refugees will be a constant source of instability to the whole region. Large numbers of Palestinian refugees continue to live without a citizenship, without security, and remain marginalized from the Peace Process in general. The need of Palestinian refugees to realize historic and legal claims to their property and homeland is not fading and, if the rights of Palestinian refugees is not handled appropriately, it can act as a time bomb. We believe that Israel must accept the principle of the Palestinian right of return before any discussion on the matter is considered. This is the preliminary step that must be taken if this issue is ever to be approached.

In the past two days, the issues of the borders around Jerusalem was raised. For Palestinians, the western boundary of eastern Jerusalem was established after the 1948 war. The northern, eastern and southern boundaries, however, will be delineated on the basis of Palestinian interests and needs. These boundaries will be influenced by our agreement with Israel on whether Jerusalem will become divided again or not. If Jerusalem is to be divided, then it is up to us Palestinians, alone, to decide the extent of our Jerusalem. However, if Jerusalem is to be undivided then its borders should be mutually agreed upon to ensure that the political borders of East Jerusalem are delineated in accordance with UN Resolution 242 and 338.

If we are to create an open Jerusalem, however, we must find a just solution for Palestinian land claims in West Jerusalem. The cumulative documentation of Palestinians property owners indicate that some 70% of the land and property in western Jerusalem is owned by Palestinians. However, while Israeli laws allow any Jewish citizen to re-possess former Jewish property in East Jerusalem and encourages Jews to take up resi-

gency East Jerusalem, Palestinians are denied any right to their properties in West Jerusalem. It is thus inconceivable that Israel could allow Jews to repossess property in East Jerusalem while prohibiting Palestinians, who own the majority of property in West Jerusalem, to do the same. This is especially true considering that Jewish organizations have undertaken great efforts to struggle for their right to either return or receive restitution from European countries for properties lost during the Holocaust. What is right for one people must also be right for another.

Here we come to the complexities of the negotiations as we are now working within two frameworks. The first one is defined by UN Resolution 242 which calls for the withdrawal of Israeli forces from the lands occupied in 1967, meaning that Israel must fully withdraw from occupied East Jerusalem. The second framework is that, not only the international community, but the Palestinians in general would not like to see a new Berlin Wall that divides the city built in Jerusalem. Therefore, by these two frameworks we would like to see an open Jerusalem with two capitals: a Palestinian capital in the eastern side, and an Israeli capital on the western side. From our point of view the negotiations will work on the details concerning relations between the western and eastern side, including the establishment of a coordination committee between the two municipalities, after the political borders have been agreed upon.

We believe that the only way to solve the problem of Jerusalem is to give equal rights to all. Neither the Palestinians nor the Israelis should deny the other the right to call Jerusalem their capital. Moreover, safeguards for preserving equality must be established to provide safeguards for the three monotheistic religions including Islam, Christianity, and Judaism. By the same right, this must also extend to the national claims of both the Palestinians and Israelis so that Jerusalem will become the capital of their respective states. These can be considered as the five pillars for building a durable peace in Jerusalem, one weak pillar may cause the whole to collapse. Together, we must make certain that each is built on principals of justice and are acceptable to each of the concerned parties.

Finally, if we can find the formula that preserves the rights of Muslims, Christians and Jews as well as the aspirations of Palestinians and Israelis in Jerusalem, then we can solve all the problems in the region and begin to take real steps towards regional cooperation and peace. In this scenario, Jerusalem would once again become the warm sun of the Middle East.

On the other hand if we fail, then Jerusalem will forever remain a black hole in the Middle East, swallowing everything, including the hope for peace that was created in the past few years. The new Israeli government now has the opportunity to choose the power of logic over the logic of power and work to build the foundation for a genuine peace. I hope they find the courage to choose wisely and I hope that the international community will stand behind us both as we take the next steps forward.



**FAISAL HUSSEINI, OPENING STATEMENT OF THE PALESTINIAN DELEGATION,
STEERING COMMITTEE FOR THE MULTILATERAL MIDDLE EAST PEACE TALKS,
MOSCOW, 31 JANUARY-1 FEBRUARY 2000 [EXCERPTS]**

[Speech on peace talks and need for discussion of the issue of Jerusalem]

I would like to start by thanking the Government of Russia for hosting this meeting of the Steering Committee of the Multilateral Middle East Peace Talks. The Palestinian delegation comes to this round of Peace Talks hoping for real progress in the final status negotiations in accordance with those principles defined in the Madrid Peace Conference, Oslo and Interim Agreements as well as the compliance of involved parties with international law, namely UN Resolutions 242 and 338.

Although an atmosphere of hope accompanied the election of Prime Minister Barak, Palestinians have not witnessed the expected progress. The Israeli Government has again proven that it is reticent to implement the steps outlined in the negotiated agreements.

1. The implementation of the second redeployment was slow and implemented without consulting the Palestinian leadership. There is also deep concern that Israeli by-pass roads and Israeli settlements deprives Palestinians of their land and prevents contiguity in the emerging Palestinian State.
2. Strict Israeli limitations on the release of Palestinian prisoners, especially those from Jerusalem, has also caused a great deal of dissent within the Palestinian public and has made the release a source of unneeded tension instead of reconciliation.

3. The opening of one of the first safe passage was also late and in real terms has not given free access between Gaza and the West Bank.

Moreover, despite the agreement of both Israel and the PLO to desist from taking unilateral actions that either preempt or prejudge the outcome of the Permanent status negotiations, Israel has continued to create facts on the ground to consolidate its control of the occupied territory. These actions shake the confidence and progress of the Peace Process and undermine the environment necessary for productive negotiations.

Most disturbingly, the current Israeli government has approved the construction of 5,400 new living units in illegal Israeli settlements. This pace of settlement activity even surpasses that of the previous Likud led Israeli government. Moreover, the construction of the illegal 'Har Homa' settlement on Jabal Abu Ghneim has closed the ring of settlement around Jerusalem and the illegal settlements inside Palestinian neighborhoods such as Ras al-Amud, Hebron and the Old City Jerusalem continue to provoke hostility on a daily basis.

Israel has also continued to isolate and change the topography of Jerusalem in defiance of its agreements and the Fourth Geneva Convention. By denying Palestinians secure residency rights, demolishing Palestinian homes, and restricting Palestinian residential building in Jerusalem, and continuing the military closure around Jerusalem, Israel sabotages Palestinian national rights to its future capital. The Israeli military closure has also severely inhibited Palestinians freedom of movement and decimated the Palestinian economy.

In an effort to build confidence and progress quickly in the Peace Process, Israel must immediately stop settlement construction and the confiscation of more Palestinian lands. They must also now carry out the third redeployment without any delay in addition to the release of all Palestinian political prisoners including the Jerusalemites and other Arab prisoners.

It is equally important that the international community not endorse Israel's unilateral actions and recognize Jerusalem as the capital of Israel before arriving at a final solution. Any diplomatic move to do recognize Jerusalem as the capital of Israel will violate the international resolutions and endanger the whole Peace Process.

If Israeli policies of settlement expansion continue to erode the spirit of the Peace Process, the path toward achieving a durable peace will be put in jeopardy. How is it possible to talk in good faith on the future arrangements and relations between the Palestinian Independent State within the borders of 4 June 1967 and the Israeli State while the latter is proceeding in changing the geographic and demographic face of Palestine. [...]

Historic conciliation requires a sense of historic responsibility. If we want a durable peace and regional cooperation, we cannot continue to defer and evade. We must seriously address the central issues, particularly the issue of Jerusalem and its future as two capitals within an open city. For this reason the Palestinian delegation requests that the Steering Committee officially sanction the establishment of a new working group to address the issue of Jerusalem. We believe that the involvement of the international community is an essential catalyst to fostering a suitable environment between the two parties for negotiating peace on the issue of Jerusalem. With a view to regional stability and economic cooperation, we see Jerusalem as the future capital of the entire region.

Again, the envisioned future cooperation in the region depends on Israel's compliance with UN Resolutions, including a full withdrawal of Israeli troops from the Golan Heights and South Lebanon. As we enter the 21st century, let us hope that we will find the courage to build the foundation of durable regional peace with Jerusalem as the warm sun of a new Middle East.



BASIC AGREEMENT BETWEEN THE HOLY SEE AND THE PLO, 15 FEBRUARY 2000

See Vol. I: Christian Positions and Statements



THE JERUSALEM SABEEL DOCUMENT - PRINCIPLES FOR A JUST PEACE IN PALESTINE-ISRAEL, 15 MAY 2000 [EXCERPTS]

See Vol. I: Christian Positions and Statements



**PRESIDENT YASSER ARAFAT, SPEECH AT THE SUMMIT OF THE MILLENNIUM
ASSEMBLY OF THE UNITED NATIONS, 6 SEPTEMBER 2000**

[Speech making references to the cause of Jerusalem and its importance for the Palestinian people]

Messrs. Chairpersons,

I am pleased and honored to participate today, as the representative of Palestine and of the Palestinian people, in this great occasion, which is of special importance for us. The beginning of the third millennium, which we celebrate today, is marked by the birth of Jesus Christ two thousand years ago, in Bethlehem, Palestine.

We meet today in the vast space of the United Nations, to work for the enhancing of its importance. The UN has been a contemporary of the question of Palestine since its inception, and still remains responsible for shaping and achieving a just solution to this issue. In addition, the international community, which your Majesties and Excellencies, leaders of the world, represent, is still tenaciously holding onto its global vision for the future, which we shall elaborate together through this summit. This vision relies on the just principle asserting the right of peoples under foreign occupation to self-determination. This summit allows us to participate with you, contributing our modest share and learning to improve this participation, through consistent hard work in order to build a better world, with more prosperity and more justice in economic conditions, and a more promising future for our planet in general.

On this basis, Palestinian people everywhere look up to you from their homeland, from the refugee camps, and from the Diaspora, sending out a collective cry, from the depths of pain and lengthy suffering that has lasted for 52 years, and goes on

This takes place while we confront the Israeli attempts to Judaize Jerusalem, as well as land confiscation, the building of illegal Israeli settlements, the siege imposed upon Bethlehem, and the lack of honest and accurate implementation of the agreements signed by Israel. Let this summit be the beginning of the end of the greatest and most difficult refugee tragedy in the world. May it be the beginning of the end of the historical oppression that befell the Palestinian people, and signal a new chance for life for the Palestinian people. May this summit prove to be a new beginning for all the peoples of the Middle East, so that a just and comprehensive peace may reign there. May it be a beacon of hope for the region, and especially for its children and coming generations.

Messrs. Chairmen,

The Palestinian people and their leadership have worked in earnest towards the fulfillment of the promise to achieve the Peace of the Brave. We have made a strategic decision committing ourselves to the peace process, offering significant and painful concessions in order to arrive at a reasonable compromise acceptable to both sides. We have accepted a Palestinian state on less than a quarter of the historical territory of Palestine, as well as numerous other ideas and suggestions pertaining to other issues related to our rights. As for Holy Jerusalem, the cradle of Christianity, and the site of Prophet Mohammed's ascension to Heaven, we have agreed to share the city, in contrast to the attempts at monopolizing it, as a response to exclusivity and rejection of our rights. At the same time we remain committed to our national rights over East Jerusalem, capital of our state and shelter of our sacred sites, as well as our rights on the Christian and Islamic holy sites, maintaining that the city should be accessible to all, and open onto its western side.

We shall continue to do our utmost during the coming short period of time, in order to arrive at a final settlement between Palestine and Israel, and we invite the Israeli government to do likewise. We shall cooperate fully with the two sponsors of the peace process, the United States and the Russian Federation, as well as the Arab and European countries, the Islamic nations, China, Japan, countries of the non-aligned movement, and our other friends. We thank them all for the efforts they have exerted on all levels, and in the Camp David summit. We thank President Clinton for his good offices, and we are grateful for what is happening now in cooperation with President Mubarak, President Chirac, and with Arab and international leaders.

Messrs. Chairpersons,

Your Majesties, Your Excellencies,

The sides participating in the peace process have agreed to reach a final settlement by September 13th of the current year. The five-year interim period already expired on May 4th, 1999. World leaders then requested that we postpone any decision relating to a declaration of statehood till after the Israeli elections. These facts oblige us to take certain steps to safeguard the rights of our people, acting in accordance with the decisions taken by our leadership and our legal institutions, concerning the need to materialize the existence of the state of Palestine by that September date. At the same time, some of our friends consider that reaching

a final settlement requires allowing an additional chance for these efforts to succeed, though this may prove the ultimate chance for the present peace process. The Palestinian Central Council will determine this matter within the next few days, taking into account UN resolutions and our people right to self-determination through the establishment of its independent state. We shall be cooperating with the UN and the other parties involved at present in the 55th session of the General Assembly. We are hopeful that we can obtain the collective positive support of the members of the Council and of the General Assembly for our cause.

Messrs. Chairpersons,
Your Majesties and Excellencies,

I would like sincerely to express my heartfelt thanks to you all and to the Secretary-General, on behalf of the Palestinian and Arab people, for your support and solidarity with us, a crucial factor for us as we are approaching the moment of freedom, justice and peace.

May peace be upon you all.



**MAHMOUD ABBAS, REPORT ON THE CAMP DAVID SUMMIT TO THE
PLO CENTRAL COUNCIL, GAZA, 9 SEPTEMBER 2000 [EXCERPTS]**

[The report on the Israeli and Palestinian positions presented at the Camp David summit intended to help examine whether or not the PA should defer its decision to declare a state on 13 September. It was released on the website of the PLO's Negotiation Affairs Department]

We went to Camp David carrying our well known positions, positions that were adopted by several of our legislative bodies. The positions we adopted are, in our point of view, the minimum that we can accept. They are positions that are based on United Nations Resolutions 242, 338, and 194. They are based on agreements signed between the Israelis and us, they are based on Israeli documents concerning the 1948 Nakba [catastrophe] and the forced expulsion of Palestinians from their homes, and they are based on UN Security Council resolutions dealing with Jerusalem and Jewish settlements. [...]

Through the Americans, the Israelis presented their vision on Jerusalem. They envisioned a Jerusalem where some villages around the city would come under Palestinian sovereignty. Neighborhoods outside the walled Old City would remain under Israeli sovereignty with the Palestinians having some type of self-rule. The quarters inside the Old City would be divided. The Jewish and Armenian quarters would be sliced away from the Muslim and Christian quarters, which would be ruled under a special system. In their attempt to sell this to the Palestinians, they threw in sovereign headquarters for the Palestinian president inside the Old City. [...]

Jerusalem. Jerusalem, occupied in 1967, is the city within the walls that includes the Haram al-Sharif, the Holy Sepulcher, and the Muslim, Christian, and Armenian quarters. It is also the city outside the walls, with neighborhoods like Shaykh Jarrah, Musrara, Damascus Gate, Salah Eddin Street, and others. The Israeli position divides Jerusalem into several sections and gives each section a different legal status.

1. *The walled city.* The Haram alSharif: Israel to have sovereignty and the Palestinians to be given guardianship. The Muslim, Christian, and Armenian quarters: to remain under Israeli sovereignty. A Palestinian presidential complex inside the Muslim quarter that will be given sovereign power.
2. *Outside the walled city.* Sovereignty remains with Israel with municipal functions over these neighborhoods to be carried out by the municipality of Abu Dis. With the exception of two villages, villages surrounding Jerusalem, most of which are area B, will come under Palestinian sovereignty. Israel will have a road that runs through the villages linking them to areas under their sovereignty. The Palestinians will only have one road linking them to the Haram.

The Palestinian position: All of East Jerusalem should be returned to Palestinian sovereignty. The Jewish quarter and Western Wall should be placed under Israeli authority, not Israeli sovereignty. An open city and cooperation on municipal services [sic].

This is our summary of the results of the Camp David negotiations. But the Israelis had a different understanding that was revealed in subsequent local meetings [...] Jerusalem: The same position as in Camp David.

This is the Israeli position as told to us ten days ago. It shows that there are fundamental differences in the positions and that the gaps between the two sides remain very wide. . . .



**STATEMENT BY NASSER AL-QUDWA, AMBASSADOR AND PERMANENT OBSERVER
OF PALESTINE TO THE UN, UNDER ITEM 9: GENERAL DEBATE, 55TH SESSION OF
THE UN GENERAL ASSEMBLY, NEW YORK, 19 SEPTEMBER 2000 [EXCERPTS]**

[Statement conveying Palestinian positions with regard to the Camp David negotiations]

Mr. President,

[...] With regard to Jerusalem, the first qiblah and the third of the holy sanctuaries and the cradle of Jesus Christ, the other side claims that it made real concessions while the Palestinian side has not. It also claims that we have not shown enough sensitivity towards sites holy to the Jewish religion. All of this is incorrect. The signed agreements state that Jerusalem will be an issue for negotiation, which means the whole of Jerusalem, i.e. Occupied East Jerusalem and West Jerusalem, which is under de facto Israeli control. From our side, we have accepted that West Jerusalem be under Israeli sovereignty and the capital of Israel. We have demanded the end of the occupation of East Jerusalem for it to be under Palestinian sovereignty and the capital of Palestine. We have accepted that the city be open and have accepted all kinds of guarantees for the freedom of conscience, worship and access to all holy places under Palestinian sovereignty. In return for this flexibility, Israel is not satisfied with recognized sovereignty over West Jerusalem, but seeks also to usurp parts of Occupied East Jerusalem.

With regard to the Jewish holy places, we fully respect their sacredness and the Islamic religion recognizes the three monotheistic religions, Judaism and Christianity in addition to Islam, and recognizes their Prophets. Thus, we have shown every flexibility, even with regard to those places on lands in Occupied East Jerusalem, to which resolution 242 is applicable. We have accepted that the Western Wall of Al-Haram Al-Sharif, which is known to the Arabs and Muslims as Al-Buraq Wall and is known to the Israelis and Jews as the Wailing Wall, be placed under Israeli control, in light of its sacredness to Judaism and consistent with the situation since the British Mandate on Palestine. In return for this flexibility, Israel seeks not only sovereignty over the Western Wall, but further challenges our sovereignty over Al-Haram Al-Sharif and seeks to maintain some form of sovereignty over it, something which will not be accepted by any Palestinian, Arab or Muslim leader, not now, not in the future. We have recently taken a major additional step in this regard by indicating our readiness to accept a certain mechanism for ensuring that no excavations will be conducted under Al-Haram Al-Sharif or even our readiness to accept Muslim sovereignty over Al-Haram Al-Sharif through the Al-Quds Committee of the Organization of Islamic Conference (OIC). This represents the utmost that can be done in terms of dealing with an Arab and Muslim trust on Palestinian land. [...]



**LETTER FROM NASSER AL-QUDWA, AMBASSADOR AND PERMANENT OBSERVER
OF PALESTINE TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT
OF THE UN SECURITY COUNCIL, 29 SEPTEMBER 2000**

[Letter reporting clashes at Al-Haram Ash-Sharif following the visit of Ariel Sharon]

Yesterday, 28 September 2000, a member of the Israeli parliament and the leader of the Likud party, Mr. Ariel Sharon, led a group in a dangerous and provocative visit to Al-Haram Al-Sharif in Occupied East Jerusalem. The purpose of this visit, according to Mr. Sharon, was to emphasize illegal Israeli sovereignty over the place. Hundreds of members of the Israeli security forces accompanied Mr. Sharon, which further aggravated tensions, leading to clashes between Palestinian civilians and Israeli security forces, both in Al-Haram Al-Sharif and the rest of East Jerusalem.

Today, 29 September 2000, and following Friday worship, Israeli security forces stormed Al-Haram Al-Sharif using rubber bullets and live ammunition against the worshippers, killing five Palestinian civilians and injuring about 200 others. An Israeli police chief admitted that snipers were also deployed and that they fired live rounds, making the death of civilians the result of willful killing. Clashes and further Israeli repression against Palestinian civilians later spread to other places including the rest of East Jerusalem, Bethlehem, Ramallah, and Gaza.

The actions today of the Israeli security forces are starkly reminiscent of those committed on 8 October 1990, when those forces stormed Al-Haram Al-Sharif, killing 20 civilians and injuring more than 150. At the time, the Security Council in its resolution 672 (1990) of 12 October 1990, condemned the acts of violence by the Israeli security forces and called upon "Israel, the occupying Power, to abide scrupulously by its legal obliga-

tions and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to all the territories occupied by Israel since 1967."

The international community and particularly the Security Council must reiterate such a position and compel the occupying Power to respect its obligations. The need for the cessation of such appalling actions is even greater at this sensitive time, given their detrimental effect on the Middle East peace process and the efforts to achieve a final settlement between the two sides. At this point, ensuring the withdrawal of Israeli forces from Al-Haram Al-Sharif and the rest of East Jerusalem and from the vicinity of other Palestinian cities is a necessary first step for salvaging the situation.



STATEMENT BY NASSER AL-QUDWA, AMBASSADOR, PERMANENT OBSERVER OF PALESTINE TO THE UN, BEFORE THE RESUMED 10TH EMERGENCY SPECIAL SESSION OF THE UN GENERAL ASSEMBLY ON "ILLEGAL ISRAELI ACTIONS IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED PALESTINIAN TERRITORY", 18 OCTOBER 2000 [EXCERPTS]

[Statement expressing the Palestinians' rejection of the visit of Ariel Sharon to Al-Haram Ash-Sharif]

Mr. President, [...]

The recent tragic events, which began on the 28th of this past September, started with the mal-intentioned visit of the infamous Ariel Sharon to Al-Haram Al-Sharif, the first qiblah and the third of the holy sites of Islam, in Occupied East Jerusalem and then what followed the next day when the Israeli occupying forces stormed Al-Haram and attacked the innocent worshippers. Our people saw all of this as a flagrant aggression against their holy places and as a prelude to other steps aimed at undermining their rights and possibly establishing other illegal realities by the occupying Power in East Jerusalem. In facing this, the whole of our people have expressed their rejection of these acts and their rejection of occupation, as well as their determination to defend their Islamic and Christian holy places and the Arab nature of East Jerusalem and their determination to achieve their natural rights, including the establishment of their independent State with Jerusalem as its capital. [...]



PLO NEGOTIATING TEAM, RESERVATIONS CONCERNING US PRESIDENT BILL CLINTON'S 23 DECEMBER PROPOSALS FOR AN ISRAELI-PALESTINIAN PEACE AGREEMENT, RAMALLAH AND GAZA, 1 JANUARY 2001 [EXCERPTS]

[The reservations were forwarded to the US Admin. and circulated to foreign consuls in Jerusalem. Above and beyond the reservations outlined concerning the issues of territory, Jerusalem, refugees, and security, the negotiators reportedly objected that accepting Clinton's proposals could undermine the current terms of reference of the negotiations (UN Resolutions 242 and 338 and "other....," which the Palestinians take to be UN Resolution 194 pertaining to the refugees' right to compensation and/or return.)]

We wish to explain why the latest United States proposals, taken together and as presented without clarification, fail to satisfy the conditions required for a permanent peace. As it stands now, the United States proposal would (1) divide a Palestinian state into three separate cantons connected and divided by Jewish only and Arab only roads and jeopardize the Palestinian state's viability; (2) divide Palestinian Jerusalem into a number of unconnected islands separate from each other and from the rest of Palestine; (3) force Palestinians to surrender the right of return of Palestinian refugees. It also fails to provide workable security arrangements between Palestine and Israel and to address a number of other issues of importance to the Palestinian people. The United States proposal seems to respond to Israeli demands while neglecting the basic Palestinian need: a viable state.

The United States proposals were couched in general terms that in some instances lack clarity and detail. A permanent status agreement, in our view, is not merely a document that declares general political principles. It is, rather, a comprehensive instrument that spells out the details, modalities, and timetables of ending the Palestinian-Israeli conflict. For such an agreement to be effective, it must be backed by clear, effective international implementation guarantees. We believe that a general, vague agreement at this advanced stage of the peace process will be counterproductive. This conviction has resulted from our past experiences with vague agreements and from Israel's history of noncompliance with signed agreements. The permanent status agreement must be a truly final agreement rather than an agreement to negotiate.

The United States side presented proposals regarding four primary issues: territory, Jerusalem, refugees, and security. [...]

Jerusalem

On the issue of Jerusalem, President Clinton articulated a general principle that “Arab areas are Palestinian and Jewish areas are Israeli,” but urged the two sides to work on maps to create maximum contiguity for both. Two alternative formulations were presented addressing each state’s sovereignty over and rights to the Haram al-Sharif and the “Western Wall.” Both formulations provide for Palestinian sovereignty over the Haram and Israeli sovereignty over the Wall, restricting the parties from excavating beneath the Haram or behind the Wall.

The United States formulations on the Haram are problematic. First, the proposal appears to recognize Israeli sovereignty under the Haram by implying that it has a right, which it voluntarily relinquishes, to excavate behind the Western Wall (i.e., the area under the Haram). Moreover, the “Western Wall” extends to areas beyond the Wailing Wall, including the tunnel opened in 1996 by Israel’s former prime minister Benjamin Netanyahu, which caused widespread confrontations.

The territorial aspects of the United States proposals concerning Jerusalem also raise very serious concerns and call for further clarification. As the attached map shows, as a result of Israel’s internationally condemned settlement policy in occupied East Jerusalem, the United States formulation “that Arab areas are Palestinian and Jewish ones are Israeli” will be impossible to reconcile with the concept of “maximum contiguity for both,” presented in the proposal. Rather, the formulation will inevitably result in Palestinian islands within the city separated from one another. Israel, however, will be able to maintain contiguity. Therefore, the proposal actually calling for “maximum contiguity for both” translates in practice into “maximum contiguity for Israel.”

Israel’s continued demand for sovereignty over a number of geographically undefined “religious sites” in Jerusalem and its refusal to present maps clearly showing its territorial demands in Jerusalem only compounds the Palestinian concerns. Any formulation that will be acceptable by the Palestinian side must guarantee the contiguity of Palestinian areas within the city as well as the contiguity of Jerusalem with the rest of Palestine.

A key element of the Palestinian position on Jerusalem is its status as an open city with free access for all. This status is imperative not only to ensure access to and worship in all holy sites for all those who hold the city sacred, but also to guarantee free movement through the State of Palestine. Unfortunately, the United States proposal makes no reference to this essential concept. [...]



THE PALESTINIAN NATIONAL MOVEMENT IN JERUSALEM, STATEMENT CONVEYING PALESTINIAN REACTIONS TO THE TABA TALKS ON JERUSALEM, 1 FEBRUARY 2001

Today at 12 p.m. in the National Palace Hotel in Arab East Jerusalem, the Palestinian national movements in Jerusalem held a press conference to convey the Palestinian assessment of the recent Palestinian - Israeli talks in Taba. In a seven-point statement, the speakers described the Palestinian frustration with the suffocating environment that was produced by the current peace process and the need to forge a new process that will secure the rights of Palestinians.

A Statement by Palestinian National Movements in Jerusalem

1. After 10 years of unfruitful negotiations with the Israelis, the Intifada is the strategic option for the Palestinian people in their aim to obtain national liberation and a viable, independent state.
2. The Palestinian national factions in Jerusalem stress the importance of the continuation of the Palestinian popular uprising but have no objections to the principle of negotiations with Israel bidding that countries, other than the United States, be involved in the peace process.
3. The Palestinian national factions announce that Jerusalem is the Palestinian capital and categorically reject any formula that accepts the Israeli settlements. Moreover, we hereby reject any Israeli attempt to continue the occupation in the city under any other name including the "Holy Basin" concept. Freedom of access to the holy sites and freedom of religion for all people will be guaranteed in full by the Palestinian State.
4. The Palestinian national factions emphasize the importance of the implementation of UN Resolution 194, which outlines the right of Palestinians to return to their homeland. This right is sacred and there will be no compromise under any circumstances.

5. The Palestinian national factions in Jerusalem confirm that peace will only result from an immediate withdrawal of the Israeli occupation from the Palestinian and Arab territories occupied in 1967. This land must be returned to the Palestinian and Arab people in accordance with UN Resolutions 242 and 338.
6. The Palestinian national factions believe that any negotiation that does not include the establishment of an independent and viable Palestinian State within the borders of June the 4th 1967 will never lead to a lasting peace.
7. The resistance of the Intifada is unbreakable and will defeat every incoming Israeli Prime Minister unless they address the roots of the conflict and recognize the Palestinian national rights.

[The speakers included Salah Zuheikah, Secretary General of Fatah in Jerusalem District and Member of the Palestinian National Council; Ahmed Ghneim of the Fatah Revolutionary Council and Fatah Higher Committee; Ghassan Khatib of the Palestinian Peoples Party; Abdel Atif Gheith of the Palestinian Popular Front; Nihad Abu Ghosh of the Palestinian Democratic Front; Fadel Thaboub of the Nidal Front.]



**ORIENT HOUSE, PRESS RELEASE ON ISRAEL'S SETTLEMENT PLANS
IN SHEIKH JARRAH, JERUSALEM, 7 MAY 2001**

Last Friday the Planning Board of the Jerusalem Municipality announced the construction of 12 new housing units to strengthen efforts for Jewish settlement in the Sheikh Jerrah neighborhood in occupied East Jerusalem. On Friday, Israeli newspapers published a notice from the Planning Board urging interested Jewish settlers to review the master plan (No. 2724) for the area.

The plan to build the settlement in Sheikh Jarrah has been in the planning process for several years but was held up due to Palestinian property claims and objections. Already on April 14, 1996 the Israeli Planning Board published an announcement that the master plan for the settlements in Sheikh Jarrah would be postponed due to an injunction by Palestinian land owners who objected to the change in the status of the land which had been used as a public garden since the British Mandate.

International law, particularly the Fourth Geneva Convention, clearly states that building settlements in occupied territory is illegal. The Orient House believes that this latest Israeli initiative to build settlements in occupied East Jerusalem will further destabilize the region and is further evidence that Israel is not interested in negotiating Jerusalem but in continuing to create new facts on the ground to prejudice the political status of the city.



**ORIENT HOUSE, PRESS RELEASE ON ISRAEL'S PLAN TO USE THE RING ROAD
TO SEPARATE JERUSALEM FROM THE PALESTINIAN TERRITORIES,
JERUSALEM, 14 MAY 2001**

In the past week, the Israeli Government under Ariel Sharon has taken a series of decisions to create facts on the ground to prejudice the political status of Jerusalem. These measures include a progressive tightening of the military closure around Jerusalem, the approval to build new settlements and to continue to build the eastern ring road around Jerusalem.

Yesterday the Israeli cabinet committee on Jerusalem affairs re-affirmed a decision taken under the tenure of Ehud Barak to continue to build an eastern ring road around occupied East Jerusalem. The Israeli Government has already confiscated 648 dunums of Palestinian property and demolished nearly 10 Palestinian houses to make room for the Jerusalem ring road. According to the Israeli Municipality, some 20 to 30 additional houses will need to be demolished to complete the 15.5 km. road.

The Orient House considers the building ring road as an attempt by Israeli to sever Arab East Jerusalem from the rest of the West Bank and to connect Israeli settlements in a ring around the city. While a modified Jerusalem ring road has the potential to facilitate economic development in Arab East Jerusalem and the West Bank, Israel is currently using the ring road to physically cut off East Jerusalem and to stifle Palestinian economic development in the city.

The Orient House believes these latest Israeli measures give further evidence that Israel is no longer interested in negotiating Jerusalem but in establishing facts on the ground. These measures undermine confidence and are destabilizing the region.



**PRESIDENT YASSER ARAFAT, SPEECH TO THE MEETING OF THE FOREIGN MINISTERS
OF THE ORGANIZATION OF ISLAMIC CONFERENCE, DOHA, QATAR, 26 MAY 2001**

In the name of God, Most Gracious, Most Merciful.

Glory to (God)
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)
Sadaqa Allahu Al Azhim

Your Highness Brother Sheikh Hamad Ben Khalifa Al - Thani,
President of the Islamic Summit, Prince of the fraternal State of Qatar,
Excellencies the Ministers of Foreign Affairs of the Countries of the Organization of Islamic Conference (OIC)
Ladies and Gentlemen,

Peace, God's mercy and blessings be with you from the Holy Land whose precincts God did bless, from A-Quds Asharif, Holy Jerusalem, the place of the nocturnal journey of our Prophet Muhammad, God's prayers and peace be upon him, and the place of nativity of our lord Jesus Christ, peace be upon him.

Peace, God's mercy and blessings be with you from steadfast Palestine and from the people of Palestine, who irrigate with their blood their holy land with Al Aqsa Intifada in defense of the Al Aqsa Mosque, the Dome of the Rock, the Holy Mosque of Jerusalem (Haram Ash-Sharif), the Church of Nativity, the Church of the Holy Sepulchre and all the Christian and Islamic Holy Places. The spark that ignited this aggression against our people and holy sites was the visit made by Sharon, with agreement of Barak, to the Haram Ash-Sharif (the Holy Sanctuary). Following Sharon's visit, the Israeli army opened fire on the worshipers at the Haram Ash-Sharif, despite our calls on Barak not to permit this provocative visit.

Peace be upon you from the land blessed by God, the first of the two Qiblas and the third after the two holy Mosques. It is the land that is being exposed to the conspiracy of Judaization, and Zionist settlement with the aim of uprooting our history that goes deep in time and existence. It is the great international conspiracy that made our homeland, territory, history and holy places free to grab in contravention of any human justice or international legitimacy. The masses of our Palestinian people, who are in garrison to the Day of Judgement, as our gracious Prophet had said, are irrigating with their blood the land of Palestine, its plains, mountains, historic and holy places.

How many are the heinous massacres perpetrated by the Israeli occupiers at the Holy Al Aqsa Mosque against the worshipers as they were praying in the presence of God during the month Ramadan - in which was sent down the Quran, as a guide To mankind, also clear (Signs) For guidance and judgement (Between right and wrong) - , at the Holy Ibrahim Mosque, at the Prayer at dawn where the treacherous bullets of the settlers and the Israeli occupation army sawed the souls of innocent people as they were worshipping God to protect their land and holy places. In addition, there are the monstrous massacres against our unarmed people carried out by missiles and bombs shelled from the F-16 war planes, the Apache helicopters, tanks and artillery, their missiles and internationally prohibited bombs, including depleted uranium, poison gases and radioactive material used against our Palestinian people, their institutions and facilities, their homes, farms and factories.

Your Highness Brother Sheikh Hamad Ben Khalifa Al-Thani,
Excellencies the Ministers of Foreign Affairs,
Ladies and Gentlemen,

This is the eighth consecutive month of this unjust war of aggression waged by the Government of Israel, its army and settlers against our people, our land, our Palestinian Authority, and its apparatuses, installations and security forces. It is a destructive war of aggression that aims at uprooting our people from their land, and the extirpation of our history and holy places from this Holy Land, whose precincts God did bless. It is an aggressive war aimed at the extermination of our existence from our homeland, the only homeland that we have, and from our lands, the land of the nocturnal journey of Prophet Muhammad, God's prayers and peace be upon him, and the land of the nativity our lord Jesus Christ, peace upon him. They try by all means to obliterate and destroy our Islamic and Christian holy places, and Judaize our Holy Jerusalem.

The Government of Israel lays siege to our people for the eighth consecutive month, bombards cities, bulldozes land, demolishes factories and installations, destroys bridges and residential areas and kills children while they are in the bosoms of their mothers and fathers. Which conscience in this world can remain silent in the face of killing the child Muhammad Durra? Which conscience in this world can remain silent while the shells penetrate the body of four months old child Iman Hijjou as she was sucking the breast of her mother? Did she threaten the Israeli security with her missiles and tank bombs in order to kill her?! as they and their media with the help of some foreign medias spread lies all the time!!

Yes, indeed, this is a destructive war of aggression aimed at exterminating our people, destroying their existence, entity and holy places without giving due consideration to human rights and international legality. Our people are facing this destructive war and these crimes and massacres perpetrated by the Government of Israel over fifty years. Will the world forget the massacre of Deir Yassin or the massacre of Dawaymeh, of Lod and Ramla in 1948? Will the world forget the massacres of Sabra and Shatila refugee camps? Will the world forget the massacres at the Holy Al Aqsa Mosque, the Holy Ibrahim Mosque and the other crimes and massacres? During the last eight months we lost in the blessed Al-Aqsa Intifada 600 martyrs and more than 28 thousand injured among them huge numbers of children, women and elderly!

Our Palestinian people, who are in garrison to the Day of Judgement, in Holy Jerusalem and in its precincts, call upon you and upon all brothers, friends and the international community, to stop this destructive Israeli war of aggression which is sawing every day the lives of our children and people. These souls do not find in the international community anyone who stands up in the face of aggressiveness, I tell her: Enough killing the Palestinian people, who have the right, as all other peoples in the world, to live in freedom, dignity and independence on the territory of their homeland, in their independent state and in their Holy Jerusalem, the eternal capital of independent Palestine.

Why this absolute incapacity in the UN Security Council in the face of this war of aggression waged by the Government of Israel against our people? Who imposes this complete silence on the UN Security Council? Is it double standards and the total bias in favour of aggression and the aggressors at the cost of international norms and laws and at the cost of the victims of our people, our land and our Christian and Islamic holy places that fall under the Omari concordat, which we are fully committed to it and respect it?

Your Highness Brother Sheikh Hamad Ben Khalifa Al-Thani,
Excellencies the Ministers of Foreign Affairs,
Ladies and Gentlemen,

The history of these Islamic meetings at the level of the summit and at the level of foreign ministers is connected to this great conspiracy against our people, our homeland, Palestine, Holy Jerusalem and our Christian and Islamic holy places. Despite the important decisions adopted by the recent Islamic summit, convened in the fraternal State of Qatar, to stop the aggression and to protect our holy sites, the Israeli aggressors become more obstinate. They continued their aggression against our people, homeland and holy places because they are not afraid of punishment be imposed on them, be they political or diplomatic or economic, to force them to stop their aggression. Frankly, I say, the Israeli aggressors enjoy complete protection of and total support for their aggression from the dominating and hegemonic forces in the international community. Regrettably, the Israeli aggressors continue to receive the protection even though we have accepted the resolutions of the international legitimacy and agreed that they be the road to achieve just peace which will guarantee for us our national rights, full and complete, in our homeland and holy places and in our holy Jerusalem. The conspiracy however was unmasked and appeared in its most ugly face. The Israelis continued Judaizing Holy Jerusalem, especially what they announced recently that Sharon received the architectural designs to build a synagogue in the courtyard of the Haram Ash-Sharif as a basis for building the Temple as they claim. In addition, they continued building more settlements and expanding already existing ones in - and outside Holy Jerusalem, instead of vacating them in compliance with the resolutions of international legitimacy which call for the Israeli withdrawal from all our occupied territories, and which consider these settlements as illegal actions.

Our Palestinian people hold fast to their land, holy Jerusalem and their holy places. They will not forsake any iota of dust of their homeland. They will not give up any of the resolutions of international legitimacy. They will not surrender the right of return of the Palestinian refugees which they have in fulfillment of UNGA Resolution 194 which stipulate the right of refugees to return to their homeland and homes from which they were unjustly displaced at the point of the gun.

Your Highness, Brother Sheikh Hamad Ben Khalifa Al-Thani,
Excellencies, the Ministries of Foreign Affairs,

The issue of Palestine is your issue. The issue of Jerusalem and its holy places are your issue and your holy places. There is no way to save Holy Jerusalem from the dangers of Judaization and the cancerous settlements creeping on the Holy City except by your firm, solid and full - of faith stand, as an Arab and Islamic nation, in the face of this wicked aggression and dangerous aggressors as well as in the face of those who protect the Israeli aggressors from international legality, and the legality of human rights and the United Nations.

The danger is imminent. It is grave. Henceforth it can not be stopped by statements of denunciation, condemnation and censure. There is no way but to take a firm stand that puts aggression and the aggressors in shackles, and that ensures the right of our people to live in their homeland free from occupation, settlements, racist aggression and military escalation. The Government of Israel is pressing on in these practices because it thinks that by force and omnipotent power and by the most modern weapons of destruction, murder and annihilation it will be able to subdue our people, Judaize their Holy Jerusalem and annul their right to independence, sovereignty and a free and dignified life in their homeland. It forgets that our people are omnipotent giants who will not be disparaged or resign, and who will continue their steadfastness and sacrifices until a young boy or girl will be able to hoist the flag of Palestine, on behalf of our nation, on the walls of Jerusalem, the minarets of Jerusalem and the Churches of Jerusalem. They see it far, we see it near. We say the truth. "And to enter your Temple As they had entered it before, And to visit with destruction All that fell into their power." (Sadaqa Allahu Al Azhim).

Your Highness, Brother Sheikh Hamad Ben Khalifa Al-Thani,
Excellencies, the Ministries of Foreign Affairs,

Our steadfast, persevering and mujahid people pin great hopes on you. You are their support. You are the Arab Islamic bulwark on whom they depend in their jihad and sacrifices, in their patience and perseverance in making sacrifices. Our people await an Islamic Arab stand as well as a stand from all believing Christians, the Non-Aligned countries and from all friends the world over. They are awaiting this stand that will give them support, encouragement and solidify their steadfastness in the face of the Israeli war machine, and its ongoing escalation against our people and holy places. They are awaiting a stand that supports their steadfastness in the face of the Israeli actions of destruction caused to our people, to their towns, villages and refugee camps, as well as in the face of bulldozing our green lands, the demolition of our factories and installations and vital facilities, the demolition of our infra- and supra-structures; the economic and financial siege, the holding of our tax revenues, the siege imposed on supplies and medicine and the prohibition of our workers to work whose number exceed 360 thousand workers, and in the face of the other forms of siege and starvation.

Dear Brothers,

We are for a just, full and comprehensive peace in our region and on all Arab tracks. We are for the peace of the brave for the sake of our children and their children. In the wake of these circumstances, dangerous military escalation and the current situation, we do not find what is better than the Egyptian-Jordanian initiative and the recommendations of the Mitchell Commission, particularly its recommendation for a final and complete freeze on settlements. We have agreed to freeze settlements and stop their expansion after the Oslo agreement with our late partner Rabin, who was assassinated by these extremist Zionist forces, who do not want peace or any agreement but want military escalation, and to bring our Palestinian people and our Arab and Islamic nation to their knees, and to Judaize the Christian and Islamic holy sites, as they are doing in Jerusalem, Hebron, Bethlehem, Beit Jala and Beit Sahour.

There is an international consensus on this initiative and the report of the Mitchell Commission which was established as a result of the Sharm Esh-Sheikh meeting in which the USA, the European Union, the Secretary General of the UN, Egypt and Jordan participated. Why do we not follow upon this to put a mechanism of implementation by convening a new conference of Sharm Esh-Sheikh in which the Russian Federation, the other co-sponsor of the peace process can participate and in which representatives of the Islamic Summit, the Committee on Jerusalem and other international forces are present. Why do we not exert all international efforts so that they be accepted and implemented by Israel, which tries to rid itself from all agreements and commitments signed by the various Israeli Governments?

The government of Israel continue to evade all resolutions of the international legitimacy. In this attempt, Israel is being covered and protected by the rejection to let the UN Security Council adopt a resolution on international forces or observers to provide for international protection to our people in the face of this total Israeli aggression against our homeland, people and holy places.

Our people pin great hopes on you and on your stand. They are fully confident that Holy Jerusalem and beloved Palestine are held in trust by you, and that you will not jeopardize this trust that God, Al Mighty, has put in you til the Day of Judgement.

In the name of God, Most Gracious, Most Merciful,
 We will, without doubt,
 Help Our apostles and those
 Who believe, (both)
 In this world's life
 And on the Day
 When the witnesses
 Will stand forth,
 Sadaga Allahu Al Azhim.



**ORIENT HOUSE, PRESS RELEASE ON NEW ISRAELI SETTLEMENT CONSTRUCTION
 IN JERUSALEM, JERUSALEM, 12 JULY 2001**

In line with the Israeli West Jerusalem Municipality drive to absorb Palestinian property and land, a new plan has been issued to re-activate the Eastern Gate Plan. With the election of Sharon, the Eastern Gate Plan, originally approved during the Barak Administration, has gained new momentum with Israeli officials issuing a revised plan of the strategically important project.

The project located northeast of Jerusalem at the junction of the Ma'ale Adumim Road #9 and Route #13 near Shu'fat refugee camp, will require the demolition of a slaughter house, three houses, one building under construction and a storage facility belonging to Jerusalem Electric Company as well as the confiscation of Palestinian private property. The total size of the project is 170 dunums including 160 housing units, business offices, a light industrial area and stations for the future Light Rail project that will connect the prospective settlement with West Jerusalem.

Geo-politically, the Eastern Gate Project will physically connect the settlement of Ma'ale Adumim with the Mt. Scopus and divide Arab East Jerusalem in half. The project will also disable a key future Palestinian economic area and disable future development for Jerusalem.

The Orient House considers moves to build new settlements in Occupied East Jerusalem as provocative and contrary to current cease-fire initiatives. Such actions, including the current settlement construction on Jabal Abu Ghneim and Ras Al-Amud, demonstrate that Israel intends to prejudice the status of Jerusalem by creating facts on the ground and limiting Palestinian options for future negotiations. The Orient House demands that the international community stop Israeli settlement construction immediately before all prospects for a shared Jerusalem are eliminated.



**ORIENT HOUSE, PRESS RELEASE ON CONTINUED ISRAELI EFFORTS
 TO STRANGLE THE ORIENT HOUSE, JERUSALEM, 20 JULY 2001**

Last Wednesday night, at approximately 11 p.m., Israeli police and Special Forces approached the Orient House and arrested four staff members in the latest attempt by Israel to incapacitate the national headquarters of the Palestinians in Jerusalem.

The Israeli police commander threatened that if the four staff did not voluntarily hand themselves over to the Israeli authorities, the police would enter the Orient House compound and take them by force. The four, charged with assault on a police officer in the aftermath of the memorial service for Faisal Hussein, then voluntarily handed themselves over.

On Tuesday, the 17th of July, Israeli Minister of Internal Security Uzi Landau issued an order banning all commemoration activities for the late Faisal Hussein and surrounded the Orient House with a security cordon preventing anyone from entering. Clashes erupted when Israeli troops attacked Palestinian women during a family funeral procession to the grave of Mr. Hussein and when they prevented and beat several religious figures, such as the Mufti of Jerusalem and Christian leaders. The police also forbade several diplomats from entering the Orient House despite their immunity.

The Orient House calls for the immediate release of the four staff members who are currently being held in administrative detention in the Russian Compound. Orient House considers this latest Israeli act to be another attempt to debilitate Palestinian presence in Occupied East Jerusalem and strengthen the Israeli hold on Jerusalem. The Orient House calls on the international community to protect the mosaic character of the city and stand firm against the exclusivist policies of Israel.



**COMMUNIQUE BY THE PALESTINIAN LEADERSHIP ON THE
ISRAELI AGGRESSION ON THE ORIENT HOUSE, 11 AUGUST 2001**

The Israeli occupation forces broke into and occupied the Orient House in violation of all agreements signed between the two parties in which the Israeli government acknowledged the special status of the Orient House as a HQ for the PLO's delegation to the negotiations with Israel.

The letters exchanged between the PLO and the Government of Israel with Norway's late Foreign Minister, Mr. Johan Jorgen Holst, stated the Israeli government's commitment to respect the activities of the Palestinian institutions in Jerusalem specially, the Orient House as the HQ for the Palestinian delegation.

The Palestinian Leadership considers the occupation of the Orient House and the removal of the Palestinian flag as the most impudent manifestation of force. And an act of aggression and occupation that represents a blatant provocation for the Palestinian People, his dignity and his unalienable rights recognized by all international resolutions concerning the Palestinian Cause and the status of Jerusalem particularly.

This flagrant attack against the Orient House and the closure of nine Palestinian social and humanitarian institutions (Chamber of Commerce, Supreme Council of Tourism, Palestinian Research Center, Palestinian Center for the Development of Micro Projects, Department of Prisoners' Affairs, Jerusalem Relief Department for Social Work, Planning Center in the Arabic Studies Foundation and the Palestinian Prisoners' Club) and the confiscation of negotiations-related documents and all documents and maps from the library of the Study Center, reveals the Israeli plan to Judaize Holy Jerusalem, to uproot the Palestinian existence and to attack Christian and Islamic sanctuaries.

This grave attack on the Orient House and Abu Dis village comes after storming in Al-Haram Ash-Sharif and the attack on worshippers who courageously faced the so called "Temple Faithful" who brought a big stone to place it in Bab Al Maghraba as the corner stone of the so called "Third Temple".

In light of this dangerous escalation: the occupation of the Orient House and the removal of the Palestinian flag, the Palestinian leadership calls upon the international community to assume its responsibilities since Jerusalem is a red line.

The Leadership reiterates that this barbaric occupation of the Orient House will not pass and the Israeli government must realize the danger of this crime.

The Palestinian Leadership calls upon the Israeli government to withdraw its forces from the Orient House, the rest of institutions and Abu Dis without any delay; to respect the signed agreements concerning the Orient House and all social, educational, cultural, economic, and humanitarian institutions in the city.

This aggression and haughtiness will not lead to security and stability but to the loss of security and stability in Jerusalem, Palestine and the entire region.



LETTER SENT BY NASSER AL-QUDWA, AMBASSADOR AND PERMANENT OBSERVER OF PALESTINE TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENTS OF THE UN SECURITY COUNCIL AND UN GENERAL ASSEMBLY, 13 AUGUST 2001 [EXCERPTS]

[Letter reporting on Israeli closures and the raid of the Orient House]

In the late night hours of last Friday, 10 August 2001, scores of Israeli security forces raided and closed down the Orient House along with nine other buildings belonging to Palestinian institutions in and around Occupied East Jerusalem. Israeli security forces physically attacked and arrested the Orient House guards and confiscated important archives belonging to the House, including a number of maps and land ownership documents. Israeli occupying forces also forcefully changed the prevailing situation in the village of Abu Dis in the vicinity of East Jerusalem.

The decision of the Israeli government of Mr. Ariel Sharon to take such a step in regard to the closure of Palestinian institutions, which remain to be closed and occupied, represent a dangerous escalation in the Israeli bloody military campaign being waged against the Palestinian people since last September. It also represents an assault on Palestinian national dignity and Palestinian rights in Jerusalem. Furthermore, this Israeli action denotes a reversal by force of an important part of the agreements reached between the two sides and a flagrant violation of the explicit commitment made in a letter from the Foreign Minister of Israel to the Foreign Minister of Norway dated 11 October 1993, with regard to Palestinian institutions in East Jerusalem.

We recall in this regard the international consensus, including relevant Security Council resolutions, that all actions taken by Israel, the occupying Power, to alter the legal status and the demographic composition of Jerusalem are not only illegal but null and void. We call upon the Security Council to immediately take the necessary action to redress the situation in Occupied East Jerusalem and to halt the continuous deterioration of the situation on the ground. [...]



**ORIENT HOUSE, URGENT APPEAL REGARDING ITS REOPENING,
JERUSALEM, 14 AUGUST 2001**

By occupying the Orient House in East Jerusalem with military means last Friday at approximately 2 a.m., August 10 2001, the current Israeli government clearly demonstrated that it intends to evade the necessity to solve the ongoing Palestinian civilian uprising as well as the overall Israeli-Palestinian conflict by political means. In stark contrast to international legitimacy that stresses the illegality of Israeli rule over East Jerusalem, the Israeli government continues to seize any opportunity to assert its sovereignty over all of Jerusalem, preempting any Palestinian hopes to have East Jerusalem as a viable Palestinian capital in a future Palestinian state.

Under the pretext that the Orient House, the PLO headquarters in East Jerusalem, was involved in "inciting violence" among the Palestinian population, an order signed by Public Security Minister Uzi Landau was issued to occupy and close this vital and internationally recognized Palestinian institution despite its well-respected role in the peace process and steady contact with Israeli politicians and organizations. The order was also extended to other social and economic East Jerusalem institutions.

As the place where the 1991 Madrid peace initiative had been launched and as a headquarter for peace talks with Israeli counterparts on numerous occasions, Orient House has consequently taken on many responsibilities and functions, all of them related to the efforts of achieving a peaceful solution based on the belief that Israel would act as an honest and fair partner in peace negotiations. Within this context and from the beginning of the peace process, Orient House was strongly and successfully involved in second track negotiations solving crucial issues towards comprehensive peace. Different governments, mainly European governments that acted as host countries, sponsored second track negotiations.

Among the Israeli organizations and individuals that were and are engaged in continuous cooperation with the Orient House and have a shared commitment for a peaceful coexistence are the Economic Cooperation Foundation, Jerusalem Institute for Israel Studies, IPCRI, International Center for Peace in the Middle East and other Israeli peace movements. Especially Yossi Beilin, Ronni Milo, MK Chaim Ramon, current Justice Minister Meir Shatrit, Gideon Azra and several MKs of different parties from the entire Israeli political spectrum participated in second track negotiations. The director of Peres Center, Ron Pundak, has maintained throughout many years a strong relation with the Orient House.

In August 2000 current Israeli Foreign Minister Shimon Peres attended a workshop hosted by the Washington Institute for Peace where he engaged in intensive dialogue with Faisal Hussein on the state of the Oslo peace process. Even two weeks before his unexpected death on May 31st 2001, the late Faisal Hussein was joining a meeting at Harvard University to explore all options for a solution to the current Palestinian uprising and a possible reopening of peace talks with the Israeli government. Ze'ev Schiff, Ami Ayalon, Oded Iran also attended this meeting. A Palestinian delegation from the Orient House has just recently held second track negotiations with MKs from the Israeli Labor Party and other Israeli intellectuals in Italy discussing the status of Jerusalem as a continuous effort sponsored by the Italian Center for Peace in the Middle East.

Furthermore, the late Faisal Hussein played a crucial role in the multilateral talks of the five working groups that were initiated after the Madrid Conference by using the Orient House as the seat of the multilateral process.

The Jerusalem Task Force (JTF), an official body of the Palestinian Negotiations Affairs Department/PLO headed by Mr. Mahmoud Abbas, has diligently elaborated a high number of confidential and valuable information and maps concerning developmental strategic prospects for East Jerusalem to assist Palestinian negotiators. Israeli police under the pretext of "security" has confiscated all the documents, files and information that has been compiled and created by the JTF in its office spaces inside the Orient House. This Israeli action illustrates the total disrespect of the required and internationally supported integrity of the Orient House and the Palestinian leadership as a partner to the peace negotiations.

Due to its location in East Jerusalem, Orient House became increasingly important in establishing organizations and initiating several projects working on the crucial issue of preserving Palestinian presence, culture and necessary infrastructure in Arab East Jerusalem. To overcome the structural discrimination implemented by Israeli policies in terms of services offered to Palestinians in East Jerusalem, the Orient House has always functioned as an indispensable social welfare body for Palestinian citizens in need of urgent help.

It is worthwhile mentioning that on the eve of the Madrid peace process in 1991, an understanding was reached with the Israeli Government under Yitzhak Shamir with the guarantee from the US to protect the integrity of the Orient House. A letter sent by then US President George Bush sen. stressing that the Madrid peace process "could not have been initiated without the personal leadership of Faisal Hussein" bolstered this understanding. Additionally, on the condition to enter into the Oslo peace process in 1993, Shimon Peres sent a letter to late Norwegian Foreign Minister Holst confirming that Palestinian institutions in East Jerusalem have a right to maintain their functions and responsibilities and that the Israeli government encourages the development of Palestinian institutions. Moreover, in the Berlin Declaration of March 24 1999 the EU affirmed its consensus to not recognize Israeli sovereignty in East Jerusalem for being an integral part of the occupied Palestinian territory and to support the establishment of a viable Palestinian state.

By functioning as well as being acknowledged as the official address by diplomatic missions, a platform for foreign representatives and consulates in East Jerusalem, the international community has transferred legitimacy to the Orient House as the official national representative body of the PLO in Occupied East Jerusalem. The mere fact that Orient House played a crucial role in initiating and consequently participating in the peace process and acted as a permanent address for the international community to meet with Palestinian political representatives illustrates that the international community has not recognized Israeli sovereignty in East Jerusalem in accordance with UN General Assembly Resolution 181, UN Security Council Resolution 242 and public international law in general. Orient House demands from the international community to concur with international agreements and force the Israeli government to stop the unjustified occupation and closure of the Orient House and other East Jerusalem institutions, which further creates a political void in East Jerusalem, strengthening actions of extremist parties.

The Orient House calls upon the US and the EU as well as the international community in general and especially Israeli institutions, organizations and individuals that have supported and cooperated with the Orient House in the above mentioned efforts to bring about peace between the Palestinian people and Israel to uphold and comply with their commitment and use all means to force the Israeli government to immediately reopen the Orient House and all closed institutions aimed for real coexistence between Israelis and Palestinians. The Orient House urges the international community to raise awareness about the blatant and discriminatory violations committed by the current Israeli Government against the Palestinian civilian population. If the international community does not intervene at this stage, Israeli violations of Palestinian rights, such as settlement construction, confiscation of land and collective punishment, will continue with a higher intensity resulting in unprecedented deterioration of the situation in the region.



**PRESS RELEASE, PALESTINIAN INTERNATIONAL PRESS CENTER,
STATE INFORMATION SERVICE, 5 SEPTEMBER 2001**

[Press release condemning the wording used by CNN when referring to Gilo settlement in Jerusalem]

Dear CNN Representatives,

The International Press Center, State Information Service, received with grave concern the news reported by the INDEPENDENT that CNN, under constant pressure from the Jewish lobby in the United States, has instructed its journalists to stop referring to "Gilo" as a Jewish settlement and to call it a Jewish neighborhood". CNN's order states, "We refer to Gilo as a 'Jewish neighborhood' on the outskirts of Jerusalem built on land occupied by Israel in 1967, we don't refer to it as a settlement."

As you are aware, "Gilo" is a Jewish settlement built on the lands of occupied West Bank outside Jerusalem mainly on the lands of the Palestinian town of Beit Jala occupied in 1967. Israel illegally annexed the settlement, in grave violation of UN resolutions 242 and 338. The international community, including the United States never recognized that annexation.

In his article "Is Beit Jala Burning?", September 4, 2001, Israeli peace activist, Uri Avnery, wrote "The question remains: why Gilo? Why does this neighborhood, of all places, draw fire? Well, for those who do not know: exactly 31 years ago, on August 30th 1970, the Israeli government expropriated 2700 dunums of private land from Beit Jala, Beit Tsafafa and Sharafat for "public purposes". Only a small part of the land was ostensibly acquired with money, generally it was acquired by counterfeiting documents or by straw-men posing as Arabs. Some of the owners petitioned the Israeli Supreme Court, but to no avail.

We find CNN decision to modify the description of "Gilo" strikingly inaccurate and misleading. By diffusing such information, CNN leads the viewers to believe that "Gilo" is part of Israel.

We realize the amount of pressure CNN is being subjected to. Yet, we urge CNN to reconsider its decision and begin referring to Gilo for what it is. We urge CNN to adhere to its declared policy of objectivity, fairness and balance; otherwise CNN journalistic integrity will at stake.



**ORIENT HOUSE, PRESS RELEASE ON THE CONTINUATION OF ISRAELI POLICIES IN
JERUSALEM DURING THE CURRENT INTIFADA, JERUSALEM, 20 SEPTEMBER 2001**

Since the beginning of the Al-Aqsa Intifada on September 29 2000, Israel has not abstained from pursuing its demographically motivated exclusive policies toward the Palestinian civilian population in the Occupied Palestinian Territories, including East Jerusalem.

Following the massive house demolitions in Shu'fat refugee camp on 9 July 2001, where the Jerusalem Municipality destroyed 14 buildings with 25 housing units intended to provide living space for about 120 persons, more Palestinian homes are threatened with demolition. On the 3rd of September, an Israeli court decided to destroy one of seven houses outside Shu'fat refugee camp that have been threatened with demolition orders since the middle of July. Concerted legal efforts to appeal against the demolition of the house of Khader Abdul Nabi Mohammad Ali were frustrated. Just recently, on September 10, two Palestinian houses were destroyed in Beit Hanina.

On Wednesday, 5 September 2001, European foreign representatives as well as members of Rabbis for Human Rights, LAW, Jerusalem Task Force and Meretz visited the Palestinian families, whose houses are threatened with demolition. All foreign representatives present expressed disapproval of and clearly condemned the Israeli policy of Palestinian property destruction.

In addition to Palestinian property destruction, the Israeli government has intensified construction in settlements in the Occupied Territories, especially in Ras Al-Amud and Jabal Abu Ghneim (Har Homa) where 2830 housing units had been approved by the Israeli government in March 2001. In a meeting with the Yesha Council of Jewish Settlements in the settlement of Ofra on 2 May 2001, Ariel Sharon stated that he would not accept the evacuation of a single settlement. According to unofficial sources, Israeli settlement movements plan to implant individual settlers in Ras Al-Amud as well as Jabal Abu Ghneim in the following weeks.

Despite Israel's legal obligation as the occupying power under international humanitarian law to effectively implement the right to adequate housing for the civilian population under its control, the Israeli Municipality is pursuing under the pretext of "illegal construction" a policy of Palestinian property destruction. It is essential to bear in mind that the Israeli Municipality is pursuing its overriding policy imperative to increase the numbers of Israeli Jews, restrict those of Palestinian Arabs and consolidate its illegal annexation of Occupied East Jerusalem.

The reluctance of the US Administration to take a firmer stance toward Israel and given its continuous vetoing of Security Council resolutions that have the potential to provide legally required protection mechanisms guaranteeing a minimum of human rights standard for the civilian Palestinian population has left the Palestinians increasingly vulnerable to the unrestrained violence unleashed by the Israeli government. As a result of Israeli closure policies, the economic situation in the Occupied Palestinian Territories is constantly deteriorating. Furthermore, free access to Holy Places in Jerusalem is denied. Due to the illegal Israeli occupation of the Orient House and other socio-economic Palestinian institutions in East Jerusalem, Palestinian civilians have been deprived of essential social assistance required to fill the gap created by the systematic discrimination towards Palestinians by the Israeli Municipality.

It is high time that the international community realized and effectively transformed its stance against Israeli demographic and colonial policies into concrete actions. As long as Israeli colonial dwellings continue to be constructed and expanded, Palestinian property destroyed as well as internationally recognized Palestinian institutions illegally occupied, the underlying causes of the current Intifada are nourished and strengthened to an irreversible level of permanence resulting in the inevitable continuation of the conflict.



**ORIENT HOUSE, PRESS RELEASE DENOUNCING THE CLOSURE OF THE ORIENT HOUSE,
JERUSALEM, 8 OCTOBER 2001**

It is common practice of civilized nations that during the time of crisis and turmoil voices of sanity and moderation should prevail. Israeli practices of this morning have shocked all the peace loving nations and forces for tranquility.

The Israeli rude and irresponsible occupation of the Orient House, "The House of Peace, Tolerance and Coexistence" is an act of blatant disregard to the peace Process, a process that aims to save Israeli and Palestinian lives.

Israeli actions do not represent the desire of the Israeli people who deep down aspire for peace with Palestine. These actions come from an irresponsible leadership and fatal blow to the international community, the Arab world, The Moslem World and all peace loving people.

Orient House is the place where the Peace Process was conceived. Its influence on Peace and dialogue continued even when confrontations between the two sides erupted. Removing the role of Orient House would deprive all of us from a genuine voice of moderation at a time when Israelis and Palestinians need it most.

We call on Israel, the sane forces in Israel not to follow the mad policies of alienating Israel from its Arab and Moslem neighborhood by continuing to wage war against the Palestinian People and its symbols of Peace, Pride and Aspirations.

We ask all those who believe in the eventuality of Peace to continue in the legacy of the late Faisal Husseini not to weaken the camp of peace on both sides.

Orient House has taken several steps to affront the Israeli irresponsible actions and reactions, which included:

1. Early morning briefing of the Jerusalem based Consul Generals and Diplomatic Corp. to put them on top of the situation.
2. Meeting of Jerusalem institutions to decide on next steps
3. Consultation with legal counsel of Orient House to study the ramifications and remedies of the illegal actions.

Orient House reminds the world community and the Israeli government of the Shimon Peres letter to Minister Holst of Norway whereby Israel acknowledges the important role of East Jerusalem institutions and safeguards their well-being.



**ORIENT HOUSE, STATEMENT FOLLOWING A BRIEFING WITH THE DIPLOMATIC CORPS,
11 OCTOBER 2001**

[Statement calling for international support for the cause of Jerusalem]

In an effort to support and foster the existing relationship, a Palestinian delegation of Jerusalemite personalities met with representatives of all East Jerusalem Consulates and other foreign representatives on Wednesday, October 10, 2001 at the conference room of Augusta Victoria Hospital. The Palestinian delegation, which was headed by Dr. Sari Nusseibeh, included Dr. Emil Jarjou'ai, Issa Kassassieh, Dr. Manuel Hassassian, PLC Member Ahmad Hashem Zughayer and Mr. Adnan Husseini.

All European governments with consular representation in East Jerusalem as well as the American Consul General reiterated the common consensus that East Jerusalem is regarded as an integral part of the Occupied Palestinian Territories and therefore Israeli actions aimed at asserting sovereignty in East Jerusalem are deemed null and void.

Moreover, the diplomatic corps expressed its condemnation of Israeli policies in East Jerusalem, especially the continuing settlement activities in Jabal Abu Ghneim (Har Homa) and Ras Al-Amud, as well as the prolonged illegal closure of Palestinian institutions in East Jerusalem, including the Orient House. The Orient House maintains its strong conviction that continuous international support is needed in order to uphold and support legitimate Palestinian rights in East Jerusalem.



**PRESIDENT YASSER ARAFAT, ADDRESS TO THE UN GENERAL ASSEMBLY, 56TH SESSION,
46TH PLENARY MEETING, NEW YORK, 11 NOVEMBER 2001 [EXCERPTS]**

[...] Last year I had the honour of addressing the United Nations Millennium Summit. Today I am once again addressing the Assembly, bringing the pain of the Palestinian people and their just cause, which still awaits a just solution. As Members will recall, in 1947 the General Assembly adopted resolution 181 (II), which provided for the partition of Palestine into two States - one Jewish and the other Palestinian. But the Palestinian State has still not been recognized by the United Nations. The Palestinian people faced tremendous historic injustice, and the majority of them were uprooted from their homes and made refugees.

The Palestinian people continue to seek their rights to self-determination and return - rights that today form the backbone of all relevant Security Council and General Assembly resolutions, the Universal Declaration of Human Rights, international law and international humanitarian law and that should be exercised on the Palestinian national soil. Members are aware that we have accepted the solution provided for by international legality. Yes, we have accepted less than 25 per cent of historic Palestine, while the General Assembly granted us almost 50 per cent of historic Palestine, as provided for in resolution 181 (II). On this new approach, we went to the Madrid Peace Conference, which was based on the principle of "land for peace" and which had the objective of implementing all relevant international resolutions related to Palestine, particularly Security Council resolutions 242 (1967), 338 (1973), 425 (1978) and General Assembly resolution 194 (III) concerning the Palestinian refugees. Then we signed the Oslo Agreement at the White House in Washington, D.C., in the presence of and witnessed by representatives of the United States of America, the Russian Federation, the European Union, China, Japan, Egypt, Jordan and other countries, including Arab, African, Asian and Latin America States.

Later we signed a number of agreements and memorandums of understanding. After the assassination of my late partner, Mr. Yitzhak Rabin - my partner in the peace process - consecutive Israeli Governments clearly took the path of non-compliance and did not implement Israel's obligations stemming from the signed agreements. This impeded our sincere efforts to reach a comprehensive, just and lasting peace - the peace of the brave. The number of settlements and settlers has doubled since the start of the peace process. This reflects the lack of seriousness of the Israeli Government and its lack of commitment to the agreements signed between us.

Then came Sharon's visit to the holy sanctuary in Holy Jerusalem. I had personally and officially warned the Israeli Government of the grave consequences that would have on the peace process and the region. This action sparked the Palestinian Intifada, reflecting the rejection by the Palestinian people of the Israeli Government's non-compliance with the agreements signed, the settlement policies, which deepen the occupation rather than end it by withdrawing from the occupied Palestinian territory, and its policies of undermining our Christian and Muslim Holy Places. [...]

Facing this [Israeli] aggression, escalation and the bloody war of State terror being waged by the Israeli Government against our people, land, Holy Places, - Jerusalem in particular - and Bethlehem, Beit Jala, Hebron and other Palestinian towns, the incursion into our cities, villages and refugee camps with tanks and the brutal massacres committed in various locations in the West Bank and the Gaza Strip, we call on the international community, as represented by all present, and on the peace-, freedom- and justice-loving people who defend human rights and dignity throughout the world to work sincerely and resolutely and to exert all possible efforts to stop this war of aggression and to send international observers to protect our people from the occupation, terror and ethnic cleansing practised by Israel and to supervise the implementation and the consolidation of the ceasefire, by which we are abiding and which has been consistently violated by the Israeli Government. [...]

Allow me to extend my deepest appreciation and to salute sincerely all the brotherly, friendly nations and to the Great Powers that have realized today, more than ever before, that the establishment of an independent Palestinian State, with Holy Jerusalem as its capital, is the only guarantee for peace, security and stability in the region and the world. This constitutes a basic cornerstone in establishing and sustaining that peace.

We call upon these nations, particularly the United States, the United Kingdom, the Russian Federation, France, China, Japan, the members of the European Union and the non-aligned countries, the international community, individually and collectively, to exert every possible effort to translate this vision into action and political reality in order to enable the Palestinian people to live in peace, dignity, freedom, independence and sovereignty within their independent State on their national soil, with Holy Jerusalem as its capital. This can be achieved by bringing Israel, the occupying Power, to withdraw fully from all of the occupied Palestinian and Arab territories, including Holy Jerusalem, to the boundaries of 4 June 1967, in accordance with the principles of the Madrid Peace Conference, to end settlement activities and evacuate settlers from our land, and to guarantee the right of return to the Palestinian refugees, in accordance with General Assembly resolution 194 (III), which provided for this right and called for compensation to those not wishing to return. [...]

Needless to say, we need an expeditious effort that brooks no further delay, especially at the current international situation. We are ready to carry out our share of responsibility. We trust you are also ready to shoulder your share of responsibility. I realize that the international community, after the assassination of my partner, Yitzhak Rabin, is looking forward to the peace process. From here I convey to the Israeli people my full commitment to the peace process, which I began with my late partner Yitzhak Rabin, and my partner Shimon Peres, a peace that guarantees freedom, stability and security for the Israelis and the Palestinians and all the peoples in the Middle East region - the peace of the brave; the just and comprehensive and lasting peace that will end the Israeli occupation of all the Palestinian and Arab territories and will lead to the establishment of the independent Palestinian State with Holy Jerusalem as its capital.

This is what we should be working for, for the sake of our children and their children. From here I call upon the Israeli Government to resume the final status negotiations in order to implement the resolutions of international legality and the agreements signed.

I salute all of you and hope that this session will produce the required solutions and recommendations which will enable our peoples and our nations and the whole of humanity to live in peace, stability, progress and prosperity.

May peace and God's blessing be with you.



**STATEMENT BY THE PALESTINIAN LEADERSHIP, "SECURITY CAN ONLY BE
ATTAINED THROUGH PEACE", 31 JANUARY 2002**

*[Statement denouncing the construction of the wall in Jerusalem and calling for an
Israeli withdrawal from the occupied territories, including Jerusalem]*

Sharon's decision to erect the Berlin wall in Holy Jerusalem will not bring security to Israel. Turning Jerusalem into a ghetto and into a communal prison, which involves erecting around 11 kilometers of walls along Jerusalem's municipal boundaries, including the illegal settlements of "Gilo", "Ma'ale Adumim", and "Givat

Ze'ev", not to mention including the Arab villages of Abu Dis, Al-'Izzariyah, Bidya, Anata, and Bir Nabala. In addition, the Israeli decision has approved setting more fences, roadblocks and video surveillance equipment, as well as extra police, to control access to the city from the West Bank.

In light of such a dangerous step taken by the Sharon government and labeled "a security plan", the Palestinian leadership warns against this illegal measure, which involves expanding illegal settlements established on land occupied by Israel in 1967.

The leadership further warns of the tottering consequences of such a decision on the lives, work, and property of over a quarter of a million Palestinian civilians inside this big prison. This dangerous step constitutes isolating Holy Jerusalem, land and people, from the rest of the West Bank and likewise preventing Palestinians from other areas to reach Holy Jerusalem and visit its holy sites.

The leadership reaffirms that security cannot be attained under occupation, settlements, and ethnic segregation, even if the Sharon government builds a new wall in Holy Jerusalem.

Security for the Israelis and the Palestinians will only be achieved through the peace process in accordance with international legitimacy and the signed agreements - namely the Tenet understandings and the Mitchell report recommendations - which entail the complete Israeli withdrawal from Arab and Palestinian Territory, beginning with Holy Jerusalem.



**PALESTINIAN NON-PAPER, VISION FOR THE OUTCOME OF PERMANENT STATUS
NEGOTIATIONS, BASED ON THE ARAB PEACE PLAN, 15 JUNE 2002 [EXCERPTS]**

At this critical time when the international community, is seeking to formulate a comprehensive policy regarding the Middle East, The PA believes that it is important to convey the Palestinian vision for ending the Palestinian-Israeli conflict. A vision based on the Arab initiative declared by the crown prince of Saudi Arabia and adopted unanimously by the Arab summit in Beirut. While many creative and constructive ideas regarding ending the current crisis are being presented, we believe that these ideas will not succeed if they are not accompanied by a clear political horizon that will rekindle hope in a permanent peace based on a negotiated solution.

The Palestinian clarifications described below had been discussed with our Arab friends, in particular Saudi Arabia, Egypt, and Jordan, all of whom share our opinion regarding the centrality of a vision of peace to the success of any efforts.

The Arab Peace Initiative of March 2002 forms our basic terms of reference. This initiative along with the vision of President Bush, Secretary of State Colin Powell's speech of November 2001, and UN Security Council Resolutions 242, 338, and 1397, are the bases of the Palestinian vision for a permanent status agreement between Palestine and Israel. According to these bases, the following are the main elements of our vision: [...]

- East Jerusalem will become the capital of the state of Palestine and West Jerusalem will become the capital of the State of Israel.
- Jerusalem, which is venerated by the three monotheistic religions, will remain open to all peoples.
- The Palestinian side will transfer sovereignty over the Jewish Quarter and the Wailing Wall section of the Western Wall in East Jerusalem to Israel, while retaining sovereignty over the remainder of the Old City. [...]



**PRESIDENT YASSER ARAFAT, ADDRESS ON THE OCCASION OF NATIONAL DAY
AND THE NEW YEAR, RAMALLAH, 31 DECEMBER 2002 [EXCERPTS]**

[...] There will be no security, no peace, and no stability except by ending the Israeli occupation and colonization of our Palestinian land and holy places and by establishing the independent State of Palestine with Holy Jerusalem as its capital, which does indeed form the firm and solid guarantee for security and peace on both the regional and international levels. I convey, as well, the greetings of esteem and gratitude to the spirits of our martyrs and to our injured persons who have fallen while defending and protecting our Christian and Islamic holy places as they are confronting this oppressive Israeli military violence and escalation against our

masses and holy places in the blessed Holy Land, the first of the two Qiblas and the third of the three holy mosques, the place of the nocturnal journey of our prophet, Muhammad, God's blessings be upon him, and the place of nativity and ascension of our lord, Jesus Christ, peace be upon him. Our people will remain in their Jihad and will remain steadfast till the Day of Judgment. [...]



LETTER FROM SOMAIA BARGHOUTI, CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT OBSERVER MISSION OF PALESTINE TO THE UN, TO THE UN SECRETARY-GENERAL AND THE PRESIDENT OF THE UN SECURITY COUNCIL, 23 MARCH 2005

[Letter denouncing Israeli violations especially with regard to settlement activities in Jerusalem]

In violation and in total contempt of international law, Israel, the occupying Power, continues to relentlessly pursue its illegal policies and practices aimed at seizing and colonizing the Palestinian land. In this connection, on Monday, 21 March 2005, the Israeli Government confirmed its approval of plans to build 3,500 more housing units in the 'Ma'ale Adumim' settlement, the largest illegal Israeli settlement located east of Jerusalem in the Occupied Palestinian Territory. At the same time, the Israeli Government has also made several announcements regarding its intention to expand other illegal settlements in the Occupied Palestinian Territory, particularly settlements in and around Occupied East Jerusalem.

Such decisions by Israel, the occupying Power, reveal its intentions to continue creating facts on the ground and colonizing the Palestinian land in an effort to further entrench its illegal seizure of that land, rather than pursuing a final peace settlement based on international law and on ending its occupation since 1967. Moreover, these ongoing unlawful actions threaten the fragile ceasefire and calm that has been recently achieved by the Palestinian side and will seriously undermine efforts to revive the peace process. It has become tragically obvious that colonization and the peace process are incompatible; there can be no peace with the continued colonization of the Occupied Palestinian Territory, including East Jerusalem.

All such Israeli settlement policies and practices are being carried out in flagrant and grave violation of international law, particularly the Fourth Geneva Convention. Article 49 of the Fourth Geneva Convention - the applicability of which has been reaffirmed by the Security Council in 27 resolutions and by the International Court of Justice in the Advisory Opinion of 9 July 2004 - clearly states that "The occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". Furthermore, article 85 (4) of Protocol I additional to the Geneva Conventions regards the transfer by the occupying Power of parts of its own civilian population into the territory that it occupies as a grave breach, and article 8 (b) (viii) of the Rome Statute of the International Criminal Court considers it to be a war crime.

Moreover, this latest Israeli decision to expand the 'Ma'ale Adumim' settlement will compound several problems already being confronted by the Palestinian civilian population in Occupied East Jerusalem. Thousands of Palestinian civilians in Occupied East Jerusalem will effectively be caged in and isolated, deprived of the prospect to grow, develop and connect with the rest of the West Bank. Such actions will also further infringe their freedom of movement and access to and from other Palestinian towns and cities, as well as infringing the access of the rest of the Palestinian population to Jerusalem. These restrictions will further exacerbate the difficult socio-economic conditions and humanitarian hardships being faced by the population. In addition, Israel's continuing illegal settlement campaign, along with its unlawful construction of the Wall in the Occupied Palestinian Territory, is gravely undermining the prospects for achieving the two-State solution in accordance with the road map. In this regard, it is imperative to recall that the road map specifically calls upon Israel to freeze all settlement activity.

In this regard, all Israeli settlement activities, including the unlawful construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem, must be condemned and firmly rejected by the international community. Moreover, the members of the Quartet should make their positions clear in opposition to such unlawful policies and practices and demand that Israel uphold its commitments under the road map and adhere to international law. The international community must call upon Israel, the occupying Power, to scrupulously abide by all of its legal obligations under international law, including international humanitarian law and human rights law. Such respect for international law is critical for the renewal of peace negotiations and for progress to be made in this regard towards a different situation on the ground that would be conducive to the ultimate success of the peace process.

The present letter is in follow-up to our previous 214 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters dated from 29 September 2000 to 22 February 2005 constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that the Israeli occupying forces continue to use excessive and lethal force against the Palestinian civilian population under occupation. Since our last letter to you, at least six more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,647. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

(Signed) Somaia Barghouti
Chargé d'affaires a.i.



**LETTER FROM SOMAIA BARGHOUTI, CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT
OBSERVER MISSION OF PALESTINE TO THE UN, TO THE UN SECRETARY-GENERAL,
17 MAY 2005**

[Letter deploring Israeli settlement activities in the Jerusalem area]

Israel, the occupying Power, continues to build its expansionist Wall in the Occupied Palestinian Territory, in grave violation of international law, including international humanitarian law and human rights law, and in flagrant disrespect for the 9 July 2004 Advisory Opinion of the International Court of Justice and the will of the international community, as expressed in General Assembly resolution ES-10/15 of 20 July 2004.

Today, the Israeli Government announcement its intention to continue with its expansionist plans to extend its Wall around the 'Ma'ale Adumim' settlement, the largest illegal Israeli settlement located east of Jerusalem in the Occupied Palestinian Territory. If implemented, the so-called 'Ma'ale Adumim loop' plan, which was approved by the Israeli Ministerial Council in February 2005, will lead to the confiscation and the de facto annexation of even more Palestinian land. This will also separate and isolate Occupied East Jerusalem from the rest of the West Bank and will gravely exacerbate the freedom of movement of Palestinian civilians to and from East Jerusalem.

Moreover, upon completion of the so-called 'Ma'ale Adumim loop', Israel, the occupying Power, plans to begin construction on another section of its expansionist Wall, this time connecting the illegal settlement of 'Gush Etzion' to Jerusalem from the south. The occupying Power intends to establish a separate apartheid-like road to allow Palestinians access to the West Bank, with a small entrance to Jerusalem only open for Israeli motorists travelling from the Jordan Valley. It should be reiterated that the continuation by Israeli of such illegal activities and practices is clearly intended not for security purposes, as claimed by the occupying Power, but to create facts on the ground with the intention of determining the future of Occupied East Jerusalem, which remains one of the most crucial issues in regards to negotiations of the final settlement, thus demarcating a new border in far departure from the pre-1967 borders.

The building of the Wall and all of Israel's illegal practices are taking us farther away from a peaceful settlement and seriously undermining the two-State solution to the Israeli-Palestinian conflict. Indeed, this expansionist Wall, if not ceased and dismantled, will make the two-State solution physically impossible to achieve. Such grave threats to the search for peace and stability must be addressed by the international community and urgent efforts must be taken to bring the parties back to negotiations aimed at the implementation of the Road Map and the achievement of the two-State solution to the Israeli-Palestinian conflict.

The international community must continue to be seized of this critical matter and must undertake measures to compel Israel, the occupying Power, to cease carrying out such measures in the Occupied Palestinian Territory, including East Jerusalem, which constitute breaches of international law and are a grave detriment to the serious efforts being exerted to revive the fragile peace process. The Security Council in particular has the duty to address this issue and to take the necessary measures to ensure that Israel upholds its responsibilities and legal obligations and that Member States also uphold their legal obligations in this regard, as mentioned in the Advisory Opinion of the International Court of Justice and as overwhelmingly called for by the General Assembly in its resolution ES-10/15 and in numerous other resolutions.

The present letter is in follow-up to our previous 217 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 15 April 2005 (A/ES-10/300-S/2005/244) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that the Israeli occupying forces continue to use excessive and lethal force against the Palestinian civilian population under occupation. Since our last letter to you, at least 11 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,664. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Somaia Barghouti
Chargé d'affaires a.i.



**ORIENT HOUSE, PRESS RELEASE ON ISRAELI POLICIES IN JERUSALEM
AND THE TWO-STATE SOLUTION, JERUSALEM, 12 JULY 2005**

[Press release condemning the construction of the separation wall in and around Jerusalem]

Following the recent decision made by the Israeli Government to accelerate the construction of the separation wall in and around Jerusalem, and noting the first anniversary of the ICJ's ruling of the illegality of the wall and its call upon the Government of Israel to dismantle it, the Orient House stresses the following:

With the attention of the regional and international community focused on Israel's unilateral plan to disengage from the Gaza Strip, the Israeli government has seized the opportunity to consolidate its interests in Israeli-Occupied East Jerusalem. It is accelerating a policy of creating facts on the ground that will irrevocably ensure exclusive Israeli control over Jerusalem by enveloping the city with colony blocks and imposing a siege of bypass roads and the separation wall on it. All come in violation of International Humanitarian Law and the Fourth Geneva Convention.

Israel continues its plan to close off East Jerusalem from the rest of the West Bank, dividing the northern and southern West Bank, and circumventing Palestinian habitation areas. It is incapacitating Palestinian urban development prospects in East Jerusalem and the surrounding neighbouring Palestinian urban centres of Ramallah and Bethlehem. It is clear that these Israeli policies come in an attempt to sever the viability of the future Palestinian capital in East Jerusalem.

This separation wall, which is built within Occupied Palestinian Territory, will effectively serve as a means by which Israel de facto annexes approximately 4.1% of the Occupied West Bank (234 km²) in and around Occupied East Jerusalem. The wall will effectively enclose and isolate 254,000 Palestinians in Occupied East Jerusalem from each other; it will also serve to physically and functionally separate Jerusalem from the remainder of the Occupied West Bank. When completed, this wall will be more than 161 kilometers long around Israeli-Occupied East Jerusalem.

The wall will further facilitate settlement expansion. This can be demonstrated by the approval of the Israeli government of building the wall around three settlement blocs around Palestinian Metropolitan Jerusalem. These settlement blocs are the Etzion Bloc in the south, the Adumim Bloc in the east, and the Givon Bloc in the North. Thus continuing with the Settlement expansion policy, and while the world is talking about the need for contiguity and viability of the Palestinian state, Israeli policies are focused on connecting these Blocs with each other, thus creating contiguous settlement Blocs in and around Jerusalem. Under this situation the Palestinians will live in a situation marred by ambiguity and fragility as they will be denied their livelihood and the freedom to reach the necessary social services like health and education.

Israel is in the final stage of imposing its control on Jerusalem and its surroundings which will increase the already mounting anger within the Palestinian, Arabic and Islamic public opinion and endanger the stability of the region.

The Orient House reiterates:

1. That Jerusalem is the capital of Palestine. The Orient House commit itself to continue resisting the Israeli policies in 'Israelising' the Holy City and ending the Palestinian dream of self determination and creation of its State with Jerusalem as its capital.
2. The importance of implementing developmental projects initiated by the Orient House following the vision of the late Faisal Husseini of having Jerusalem as a capital of two states and as a capital for the three monotheistic religions.
3. The need to work and on all levels to reopen the Palestinian institutions in Jerusalem, including the Orient House and the Chamber of Commerce which have been illegally occupied and closed for four years.
4. The need to promote peaceful civil actions to face these policies and to bring back the attention of the international community to Jerusalem and expose the dangers of the Israeli policies on the prospects of peace and the internationally supported two state solution.

The Orient House calls upon the international community, their representatives and the international donor organizations to reject and rebuff the Israeli violations in Occupied Jerusalem and not to legitimize its effects, and to support the Palestinian people in their struggle to end the occupation and its right for self determination and the establishment of a Palestinian state with Jerusalem as its capital.



**PALESTINIAN AUTHORITY, STATEMENT CONDEMNING ISRAELI VIOLATIONS
OF ELECTIONS, 18 JANUARY 2006 [EXCERPTS]**

[PM Ahmad Qrei'a condemned for the PA Israeli violations in occurrence of the Presidential elections]

[...] Jerusalem is an occupied city and its citizens are Palestinians and an inseparable part of the Palestinian people and have the same rights completely equally to the other Palestinians living outside the city of Jerusalem.

Either Israel or any side else has the right to interfere into the electoral campaigns, the nomination or the voting, because intervention here is lowering to the Palestinians' constitutional right.



**AL-HAQ, WRITTEN STATEMENT ON THE RIGHT TO SELF-DETERMINATION AND ITS
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN
OCCUPATION, 3 MARCH 2006 [EXCERPTS]**

[Statement denouncing construction of settlements and the wall and other Israeli violations in and around Jerusalem. Al-Haq is a Palestinian NGO working in the field of human rights]

EAST JERUSALEM

Following its 1967 conquest and occupation of East Jerusalem and the rest of the West Bank, Israel extended its sovereignty over the newly-expanded municipal boundaries of the city, expropriating one-third of the Palestinian land for Israeli settlement construction. These settlements currently have a population of approximately 180,000. The majority of the remaining land was re-zoned to prevent Palestinian use, effectively creating a land reserve for the expansion of settlements, leaving roughly 13 percent for use by the Palestinian population, which today is estimated at over 230,000.

In 2005, under the cover of its unilateral withdrawal ("Disengagement"), the Israel continued the expansion of its settlements in the West Bank, including East Jerusalem. By far the most extensive project was the Israeli government's E-1 plan to develop the area to the east of Jerusalem. Part of the West Bank, this area is the location of the largest Israeli settlement outside occupied East Jerusalem and is currently home to some 30,000 settlers. The development plans included building a further 3,500 housing units in the settlement, commercial structures and a police station.

The route of the Wall around Jerusalem weaves deep into the West Bank to encompass not only the settlement of Ma'ale Adumim and the E-1 area, but also large settlements to the north of the city, and the Gush Etzion settlement bloc to the south. In weaving its intricate route around East Jerusalem and the surrounding West Bank settlements the Wall effectively severs Palestinian access to Jerusalem, and between the north and the south of the West Bank.

The serpentine path of the Wall, organically linked to Israel's illegal settlement enterprise within the West Bank, including East Jerusalem, severs the vital link between territory and the exercise of the right to self-determination. It must be emphatically stated that, as acknowledged by UN Special Rapporteur on the OPT, self-determination is closely linked to the notion of territorial sovereignty, as the right can only be exercised within a territory. In amputating Palestinian land the settlements and route of the Wall interfere with the Palestinian people's right to self-determination. The ICJ in its Advisory Opinion supported this contention, noting that, "the route chosen for the wall gives expression in loco to the illegal measures taken by Israel with regard to Jerusalem and the settlements." It then proceeded to clarify,

"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."

DISENGAGEMENT TRADE-OFF AND PALESTINIAN ELECTIONS

Israel has managed to deflect much international attention from its illegal construction of the Annexation Wall in the West Bank and settlement expansion through unilaterally withdrawing its military forces and settlements from the Gaza Strip and removing four small settlements in the north of the West Bank. However, this much touted development must not be allowed to deflect from the fact that prior to and after the 'Disengagement' Israel continues its efforts to consolidate its illegal annexation of parts of the West Bank, including East Jerusalem. The overall number of settlers present in the OPT is higher now than prior to the withdrawal. Israel's intentions with regard to East Jerusalem were made explicitly clear in the recent Palestinian legislative elections where only six percent of eligible Palestinian East Jerusalemites were allowed to vote within the city's municipal boundaries. [...]



8. ISRAELI DOCUMENTS

SPEECH BY DAVID BEN-GURION AT A MEETING OF THE EXECUTIVE COMMITTEE OF THE GENERAL FEDERATION OF JEWISH LABOR IN PALESTINE, 3 DECEMBER 1947 [EXCERPTS]

We must convert Jerusalem into the central focus of the entire Jewish people. Jerusalem [under the Partition Plan] has not been designated as the capital of the Jewish state. But Jerusalem ever was and must continue to remain the heart of the Jewish nation. It must be, not only a great and expanding center of Jewish settlement, but also the center of all Jewish national and international institutions, the center of the Zionist movement, the center of Knesset Israel, which will embrace every Jew in the land of Israel, as well as those residing outside the Jewish state; the center of world Jewry, a center of learning, culture, the Jewish spirit, of Jewish art, a place of remembrance for all that is connected with the Jewish people generally and with vital sections thereof, whether of the living or the dead. All these must find their focus in Jerusalem.

And finally, ...we know there are no final settlements in history, there are no eternal boundaries and there are no final political claims and undoubtedly many changes and revisions will yet occur in of the world.



LETTER OF THE SECRETARY OF THE JEWISH AGENCY FOR PALESTINE, LEO KOHN, TO THE CHAIRMAN OF THE JERUSALEM MUNICIPAL COMMISSION, R.M. GRAVES, 8 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 Mr. Graves,

I am directed to acknowledge the receipt of your Project of Peace for Jerusalem and to reply as follows:

We are ready, and indeed, eager to secure a truce, armistice, or peace in Jerusalem, for any length of time, so that every man, woman and child in this city may be safe and there be no firing or hostilities within either the new or the old Jerusalem.

Jews object most strongly to the setting up of mutually inaccessible zones in the city. Moslems, Christians and Jews must have free access in equal measure to all parts of Jerusalem. Jews do not wish or require their "safety to be guaranteed by the Arabs." They desire the safety of all who dwell in the city to be guaranteed in equal measure by all parties concerned. They are prepared, for their part, to give an undertaking to that effect.

Yours sincerely,

(Signed) Leo Kohn.
SECRETARY.



STATEMENT BY MOSHE SHARETT, HEAD OF THE JEWISH AGENCY'S POLITICAL DEPARTMENT, TO THE UN SECURITY COUNCIL, 1 APRIL 1948 [EXCERPTS]

[In the midst of the War of 1948, Sharett appealed to the UN for help]

In conclusion, I beg leave to call the attention of the Security Council to one specific problem of a most critical urgency, a problem which has a direct bearing on the question of a truce. I refer to the situation in Jerusalem and to the responsibilities of the United Nations for the immunity, peace and welfare of that Holy City and its environs.

Under the plan adopted by the General Assembly, a Special International Regime under the United Nations Trusteeship Council was decreed for Jerusalem. The exclusion from the Jewish State of Jerusalem, with its

unique historic associations for the Jewish people and with the central place it occupies in its tradition and modern life, was a most painful sacrifice. Eloquent appeals were made to the Jewish Agency during the General Assembly session by the representatives of Powers, great and small, to realise the transcendent importance of Jerusalem to the entire civilised world and to let the City's universal associations take precedence over its predominantly Jewish character.

In deference to an overwhelming consensus of world opinion, the Jewish Agency accepted the idea of an international regime for Jerusalem. Since then, the Jewish Agency has co-operated actively with the Trusteeship Council in helping to formulate a statute for Jerusalem, as provided for in the General Assembly Resolution.

In thus subordinating Jewish claims to the fervently expressed interest of the Christian world, the Jewish Agency confidently expected that the United Nations would take all the steps necessary to secure the objectives which aroused such strong and widespread support in the General Assembly. It is tragic to record what has, in fact, happened.

The Mandatory Power has allowed the control of the Old City of Jerusalem to slip into the hands of armed Arab bands, and has taken no effective action to prevent the approaches to the city from being likewise dominated by Arab forces. Commanders appointed by the Arab Higher Committee - that is to say, the Mufti - now control access to the gates of the Holy City and to the Holy Places. The Arab Higher Committee has recently announced its determination to use force against any attempt to establish Jerusalem as an international city held by the United Nations in trust for mankind.

The cruel historic paradox which now threatens Jerusalem is not apparently realised by the civilised world. After centuries of neglect and depredation, Jerusalem was conquered in 1917 by the British and Australian forces. The conquest ushered in a period of civilised rule for Jerusalem which has now lasted for three decades. Jews formed the majority of the population of Jerusalem even before the British Mandate. Today they are 100,000 out of 160,000 inhabitants.

As the Mandate now draws to an end, instead of coming under an international regime which would maintain the civilised standards of its government, Jerusalem seems about to fall, as most of its Holy Places have already fallen, into the clutches of the most fanatical and impious elements in the country.

One of the two henchmen of the Mufti, now in command, Sheikh Yasin Bakri, has boasted in public of his prowess in sniping at Jewish funeral parties on their way to the hallowed cemetery on the Mount of Olives. He has been photographed by Cairo newspapers in the act of directing fire from the walls of the Haram enclosure, the so-called Mosque of Omar. When we see other photographs of this person, photographs which have been submitted to the Security Council, receiving courtesy visits from the British Area Commander of Jerusalem, we are forced to assume that he is considered in some quarters as a suitable custodian of the holy sites. He has proclaimed another success: for the first time since Roman days, Jewish worshippers are now forcibly prevented from having access to the Wailing Wall, the greatest sanctuary of the Jewish faith.

Another agent of the Mufti, now in a position of command, Abdul Qader Al-Husseini, has a notorious record for his murderous activities during the 1936 rebellion, and for his pro-Nazi collaboration during the war. He is now engaged in plans for cutting off the city's water supply and for reducing its Jewish population to starvation.

I said that the Jews yielded to the international verdict. They did not yield in favour of Sheikh Bakri or in favour of Abdul Kader Al-Husseini. If the international regime is not promptly instituted and effectively enforced, it will soon become a matter of elementary self-preservation for the Jews to do their utmost - maybe their desperate utmost - even alone and unaided, to save Jerusalem from a monstrous tyranny. But in such a case, the city would become a battlefield. It may, indeed, become a shambles. We consider that the United Nations is most solemnly bound to avert the catastrophe by assuming its responsibilities in Jerusalem: first and foremost, the responsibility of ensuring law and order and safeguarding access and supplies to the city.

The fate of Jerusalem disproves the assumption that Arab resistance is directed merely against the partition settlement and the Jewish State. Arab violence is the reaction to any policy which recognises any specific non-Arab interest, whether Jewish or international, in any part of the country. The Jews will do their utmost to ensure that this claim to exclusive Arab mastery is defeated in the area of the Jewish State. If the United Nations is unable to assist the Jews in that legitimate endeavour, let the United Nations at least prevent the triumph of Arab defiance of world opinion in Jerusalem and, by the provision of a proper force, inaugurate an era of peace and order in a city which is sacred to vast multitudes of civilised mankind.



DECLARATION OF THE ESTABLISHMENT OF THE STATE OF ISRAEL, 14 MAY 1948

[On 14 May 1948, on the day when the British Mandate over Palestine expired, the Jewish People's Council gathered at Tel Aviv Museum and approved the following proclamation, declaring the establishment of the State of Israel. The Declaration is included here to draw attention to the fact that it does not mention Jerusalem; it only foresees that Israel "will safeguard the Holy Places of all religions"].

ERETZ-ISRAEL [the Land of Israel] was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom. Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses.

Pioneers, ma'pilim [immigrants coming to Eretz-Israel in defiance of restrictive legislation] and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood.

In the year 5657 (1897), at the summons of the spiritual father of the Jewish State, Theodore Herzl, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country.

This right was recognized in the Balfour Declaration of the 2nd November, 1917, and re-affirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home.

The catastrophe which recently befell the Jewish people - the massacre of millions of Jews in Europe - was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the community of nations.

Survivors of the Nazi holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel, undaunted by difficulties, restrictions and dangers, and never ceased to assert their right to a life of dignity, freedom and honest toil in their national homeland. In the Second World War, the Jewish community of this country contributed its full share to the struggle of the freedom- and peace-loving nations against the forces of Nazi wickedness and, by the blood of its soldiers and its war effort, gained the right to be reckoned among the peoples who founded the United Nations.

On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel; the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable. This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.

ACCORDINGLY WE, MEMBERS OF THE PEOPLE'S COUNCIL, REPRESENTATIVES OF THE JEWISH COMMUNITY OF ERETZ-ISRAEL AND OF THE ZIONIST MOVEMENT, ARE HERE ASSEMBLED ON THE DAY OF THE TERMINATION OF THE BRITISH MANDATE OVER ERETZ-ISRAEL AND, BY VIRTUE OF OUR NATURAL AND HISTORIC RIGHT AND ON THE STRENGTH OF THE RESOLUTION OF THE UNITED NATIONS GENERAL ASSEMBLY, HEREBY DECLARE THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE OF ISRAEL.

WE DECLARE that, with effect from the moment of the termination of the Mandate being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May, 1948), until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of the Jewish State, to be called "Israel".

THE STATE OF ISRAEL will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights

to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

THE STATE OF ISRAEL is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of the 29th November, 1947, and will take steps to bring about the economic union of the whole of Eretz-Israel.

WE APPEAL to the United Nations to assist the Jewish people in the building-up of its State and to receive the State of Israel into the comity of nations.

WE APPEAL - in the very midst of the onslaught launched against us now for months - to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.

WE EXTEND our hand to all neighboring states and their peoples in an offer of peace and good neighborliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.

WE APPEAL to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and upbuilding and to stand by them in the great struggle for the realization of the age-old dream - the redemption of Israel.

PLACING OUR TRUST IN THE ALMIGHTY, WE AFFIX OUR SIGNATURES TO THIS PROCLAMATION AT THIS SESSION OF THE PROVISIONAL COUNCIL OF STATE, ON THE SOIL OF THE HOMELAND, IN THE CITY OF TEL-AVIV, ON THIS SABBATH EVE, THE 5TH DAY OF IYAR, 5708 (14TH MAY, 1948).

Signatories: David Ben-Gurion, Rabbi Kalman Kahana, Aharon Zisling, Yitzhak Ben Zvi, Sadia Kobashi, Daniel Auster, Rachel Cohen, David Zvi Pinkas, Mordekhai Bentov, Moshe Kolodny, Elyahu Berligne, Rabbi Yitzhak Meir Levin, Eliezer Kaplan, Fritz Bernstein, Abraham Katznelson, Rabbi Wolf Gold, Meir David Loewenstein, Felix Rosenblueth, Meir Grabovsky, David Remez, Yitzhak Gruenbaum, Zvi Luria, Berl Repetur, Dr. Abraham Granovsky, Golda Myerson, Mordekhai Shattner, Nachum Nir, Ben Zion Sternberg, Eliyahu Dobkin, Zvi Segal, Bekhor Shitreet, Meir Wilner-Kovner, Rabbi Yehuda Leib Hacoheh Fishman, Moshe Shapira, Zerach Wahrhaftig, Moshe Shertok, Herzl Vardi



**PRIME MINISTER AND DEFENSE MINISTER DAVID BEN-GURION,
SPEECH ON THE MILITARY AND POLITICAL SITUATION TO THE PROVISIONAL
GOVERNMENT, 17 JUNE 1948 [EXCERPTS]**

[...] The central military issue is the struggle for Jerusalem. In my opinion, the outcome will determine the fate of the Land of Israel as a whole. This is true not only because of Jerusalem's historic importance, but also because of its strategic importance. It is not only the road to Jerusalem that is at stake. The war has shown us that Jerusalem cannot survive unless it is linked geographically with the Jewish State. [...]



**LETTER BY THE FOREIGN MINISTER OF THE PROVISIONAL GOVERNMENT OF ISRAEL,
MOSHE SHERTOK, TO THE UN MEDIATOR, 5 JULY 1948 [EXCERPTS]**

[For the response, received on 6 July 1948, see Vol. IV: United Nations Documents]

On behalf of the Provisional Government of Israel, I have the honour to offer the following observations on the suggestions presented by you under cover of your letter of 27 June as a possible basis for discussion in discharge of your task to "promote a peaceful adjustment of the future situation of Palestine". [...]

6. The Provisional Government was deeply wounded by your suggestion concerning the future of the City of Jerusalem, which it regards as disastrous. The idea that the relegation of Jerusalem to Arab rule might form part of a peaceful settlement could be conceived only in utter disregard of history and of the fundamental

facts of the problem: the historic associations of Judaism with the Holy City; the unique place occupied by Jerusalem in Jewish history and present-day Jewish life; the Jewish inhabitants, two-thirds majority in the city before the commencement of Arab aggression, a majority greatly increased since then as a result of Arab evacuation the fact that the whole of Jerusalem, with only a few minor exceptions, is now in Jewish hands; and not least, the fact that after an exhaustive study of the problem and as a result of an overwhelming consensus of Christian opinion in its midst the General Assembly resolved that Jerusalem be placed under an international regime. The Provisional Government must make it clear that the Jewish people, the State of Israel and the Jews of Jerusalem will never acquiesce in the imposition of Arab domination over Jerusalem, no matter what formal municipal autonomy and right of access to the Holy Places the Jews of Jerusalem might be allowed to enjoy. They will resist any such imposition with all the force at their command. The Provisional Government regrets to have to say that your startling suggestion regarding Jerusalem, by encouraging false Arab hopes and wounding Jewish feelings, is likely to achieve the reverse of the pacifying effect which you undoubtedly had in mind. [...]



**MEMORANDUM BY DR. LEO KOHN, ISRAELI LIAISON OFFICER WITH THE UN,
MOSHE SHERTOK, FOREIGN MINISTER OF THE PROVISIONAL GOVERNMENT OF
ISRAEL, 22 JULY 1948 [EXCERPTS]**

Our position on the Jerusalem question is at the present moment very unclear. We accepted last November the international city proposal of the UNSCOP majority report as endorsed by the United Nations General Assembly as a *pis aller*. It was put to us as part of the general scheme, and our rejection of their Jerusalem proposal might have resulted in the whole partition scheme falling through. Since then, however, a lot of things have happened. [...]

Nor do I think we should continue to make ourselves the advocates - in fact practically the sole advocates - of the international city idea. It was not our suggestion: it was forced upon us, and many of us disliked it intensely. I am convinced that it will for all time exclude Jerusalem from the Jewish State. I think Jerusalem under such a regime will [be] governed by a combination of anti-Jewish and anti-Zionist forces: the Anglican Bishop, the Papal Nuncio, Rabbi Dushinsky and Dr. Magnes. It will result in Jerusalem being consciously or sub-consciously abandoned by many Jews in the Jewish State. ... Economically the regime will be untenable. The best of our people will not want to live under such a Vatican City. [...]

I propose that we renew the suggestion which we made to the Woodhead Commission in 1938 that the New City of Jerusalem be included in the Jewish State and connected with it by a tenable and defensible corridor. The Old City plus some Arab Quarters outside the Walls, but minus the Jewish Quarter in the Old City, should go to the Arab State. The corridor should be based on the new road Tel Aviv but should provide space for the establishment of a dozen new Jewish agricultural settlements to fill the gap between Kiriat Anavim and Hulda and beyond that. If we can achieve this, Jewish Jerusalem may become the capital of the Jewish State, and the State of Israel secure that historical background which it badly needs both for itself and to impress the whole Jewish people and the world at large, as historical successor of the ancient Jewish State. This may also be the economic saving of Jerusalem.



**LETTER FROM ISRAEL'S FOREIGN MINISTER MOSHE SHERTOK IN REPLY TO UN
MEDIATOR COUNT BERNADOTTE'S PROPOSAL, 25 JULY 1948 [EXCERPTS]**

[There can be] no question of the Jews ever agreeing that Jerusalem should come under Arab domination. The State of Israel has come into being to uphold and defend the most vital interests of the Jewish people in Palestine. Among these the fate of Jerusalem is second to none. [...]

The difficulty of isolating Jerusalem from the surrounding territory, which you consider to be enormous, is to our mind rather slight as compared with the enormity of the proposal that the Holy City, with its hundred thousand Jews and its imperishable Jewish associations, should be placed under Arab rule - that the free life of its institutions, public bodies, social and political organizations, and the future of Jewish culture and civilization so vitally linked up with that city's fate, should be sacrificed to Arab interests. Neither the UNSCOP nor the Assembly, which between them spent eight months in the study of the Palestine problem, could be unaware of the difficulties of 'isolation'; yet they decided that Jerusalem be internationalized. Since then significant events have taken place. An Arab army, equipped and financed by Great Britain and commanded by

British officers, made a determined attempt to regain Jerusalem for Islam. The Christian world abandoned the Holy City to its fate, and lifted not a finger to its defense. The Jews alone stood in the breach; they are now in control of practically the whole of Jerusalem, with the exception of the walled city, and of a firm land bridge between it and Israel. Henceforth, no constructive examination of the future of Jerusalem can be undertaken in disregard of these cardinal facts.



**CABLE SENT BY FOREIGN MINISTER SHERTOK TO THE ISRAELI REPRESENTATIVE IN
PARIS, 30 JULY 1948 [EXCERPTS]**

[At a meeting on 25 July 1948 the Israeli cabinet adopted various operative decisions regarding Jerusalem, incl. to reject the demilitarization proposals, to extend Israeli authority over Jerusalem, to make its laws applicable there and to appoint a military governor for the city. In the following extract of a cable sent by then Foreign Minister Shertok, the Israeli position on Jerusalem was summed up.]

Our present attitude regarding Jerusalem as follows:

1. Part[ition] Resolution [181] 29 November [1947] regarding international regime Jerusalem unimplemented for no fault of ours. We pressed Trusteeship Council approve Statute, submit it Assembly for ratification, but Council refused.
2. Entire Christian world defaulted in its responsibility for Jerusalem by not lifting finger its defense when city was continually shelled by Arab Legion under British command and its fall seemed imminent.
3. Jewish arms alone and stoicism Jerusalem Jews saved Jerusalem from relapse to rule Islam, and placed entire area New Jerusalem and corridor from it to Israel firmly in our hands.
4. In flagrant contradiction to international verdict, and despite patent dangers involved for Jewish community, Mediator acting behalf UN Assembly proposed transfer Jerusalem to Arab rule.
5. This astounding proposal evoked no protest on part any Christian power concerned, and passed over in silence by Truce Commission.
6. This week the Trusteeship Council again refused move regarding International Statute, its majority having voted for indefinite postponement, only Soviet Union voting against, Australia and Costa Rica abstaining.
7. In all these circumstances, we no longer consider ourselves morally bound by our acquiescence in Assembly's decision internationalize Jerusalem, which UN itself consistently refused implement and UN Mediator openly repudiated.
8. Our responsibility for protection lives, property, Jewish community Jerusalem, Jewish institutions of world wide importance which city contains, and supreme spiritual, cultural, association Jewish people with Holy City impels us refrain anything which might prejudice possibility our renewing claim for inclusion Jewish Jerusalem in Israel at proper stage, if we see no other way safeguard our vital interests.
9. Proclamation extending authority Provisional Government and application laws Israel to parts Jerusalem under our control intended regularize position, enable us place various vital financial transactions and administrative arrangements on proper legal basis and turn our virtual responsibility for maintenance law [and] order and enforcement internal discipline into formal one.
10. This does not in itself prejudice future Jerusalem or our ultimate attitude to question international regime. Otherhand, our approach to question demilitarisation mooted by Mediator is far-reachingly influenced by above considerations, which lead us reject anything liable prejudice issue conversely.



**GOVERNMENT PROCLAMATION DECLARING JERUSALEM AS ISRAEL-OCCUPIED CITY,
OFFICIAL GAZETTE, NO. 12, 2 AUGUST 1948**

[In June 1948, Israel managed to lift the Arab Legion's siege of Jerusalem. On 26 July, UN mediator Count Bernadotte visited the city and suggested its demilitarisation to FM Sharett. On 2 August, the Government of Israel rejected the suggestion and declared the Jerusalem area under its control as Israel-occupied territory.]

Israel Defence Forces Administration in Jerusalem Proclamation No. 1

Whereas the area of Jerusalem, including most of the city, part of its environment and western approaches, is held by the Defence Army of Israel which is under my authority; and whereas the Defence Army of Israel is duty bound to maintain in the administered area public safety and security and to preserve law and order;

Therefore I, David Ben-Gurion, Minister of Defence, hereby proclaim on behalf of the General Staff of the Israel Defence Forces to wit:

1. The term "administered area" means the area including most of the city of Jerusalem, part of its environs and western approaches and the roads linking Jerusalem with the coastal plain, all within the area marked by a red line in the map of the Land of Israel signed by me bearing today's date, 26 Tamuz 5708 (2 August 1948) or in any other map which will replace it and will be signed by me and similarly marked.
2. The law of the State of Israel prevails in the administered area.
3. The inhabitants of the administered area are hereby called upon to maintain the public peace and its economic system, and to assist the Defence Army of Israel as required. Whoever violates any of my directives will be tried before a military tribunal which will be established with my knowledge or before a civil court, as the case may require.
4. This proclamation will be made public in channels which I will deem most effective.
5. This proclamation will be valid for all intents and purposes from midnight, 6 Iyar 5708 (15 May 1948); however, regarding the territory whose parts have come under the administration of the Defence Army of Israel after that date, this proclamation will be valid only from that time.

David Ben-Gurion
Minister of Defence



**REPORTS TO THE ISRAELI STATE COUNCIL BY FOREIGN MINISTER MOSHE SHARETT
AND PRIME MINISTER DAVID BEN-GURION, 27 SEPTEMBER 1948**

[UN Mediator Count Bernadotte had submitted a plan for the settlement of the Palestine problem to the UN Sec.-Gen. on 16 Sept. 1948, calling for the revision of the 1947 Partition Plan to include the Negev in the Arab area, the Galilee in the Jewish, to have Jordan annex the Arab part of Palestine, and make Haifa harbour and Lod airport free zones. The next day, Bernadotte was assassinated in Jerusalem. Israel rejected the proposal on 26 Sept.; the next day, the State Council met to hear reports on it by the Prime Minister and Foreign Minister.]

SHARETT:

We approach the UN General Assembly holding a larger section of the Land of Israel than was allocated to us in the November 29 resolution. We appear before the Assembly backed by an army, created from scratch in a single year, actually in much less than a year - an army which is perhaps the most important military force in the Middle East. Nevertheless, we do not approach this meeting in a state of over confidence. [...]

Then comes the section on an international regime in Jerusalem. Finally, mention is made of a Conciliation Commission, which would not only arbitrate on behalf of the UN, but exercise governmental powers backed up by international authority; this would limit our sovereignty. [...]

The partition plan was not put into effect; the only provision carried out was the one calling for the establishment of the State of Israel. Experience has shown the justification, the need, and the possibility of making revisions in the November 29 plan. We now demand Jerusalem and a corridor to it, Jaffa, and all of the Galilee.

The Government decided, before the publication of the Bernadotte report, not to raise the question of the borders. If the question arose, it was decided to demand the entire area allocated to the Jewish State under the November 29 resolution plus certain additional sections of the country. We will not agree to abandon the part of the Galilee that is in our hands; and, of course, we will not give up the Negev. The Government has decided to demand inclusion of New Jerusalem within the Jewish State, as well as a corridor to Jerusalem, the corridor we now hold. There is still the question of Haifa. We oppose making Haifa a free port. As far as the refugees are concerned, we must carry out a determined information campaign to explain the need for a fundamental solution to the problem, based on the settlement of these Arabs, or at least most of them, in the

neighbouring states. This would be a blessing to their descendants, the neighbouring countries, and the Jews of Israel.

BEN-GURION:

[...]

Let me recall two instructive examples from the experience of the past year. The UN resolution of 1947 was supported by more than a two-thirds majority, including the US and the USSR; nevertheless, it was not implemented. The Arabs utterly disregarded the wishes of the UN. If they had had the military power to carry out their nefarious plans, nothing would have remained of the UN resolution. The Jews might have disappeared from the Land of Israel and there certainly would not have been a State of Israel. Yet no one at the UN would have uttered a word. Look at what happened when the Arabs defeated us in the Old City. Not a voice was raised against the desecration of the Holy City or the violation of the UN decision about Jerusalem's special status. It was not the UN decision that left New Jerusalem in our hands.[...]

We are now about to begin a new stage, perhaps a decisive one, in the political struggle. We should not forget at this time the basic premise about which I spoke when I began my remarks, namely, that this is a *combined* struggle. In view of the military situation in the country at this moment, it is unlikely that the UN will adopt a resolution that meets our requirements with respect to the Galilee, the road to Jerusalem, Jerusalem, and the Negev. There is no reason to believe that political factors alone will solve this problem or solve it to our satisfaction. Our influence in the *international arena* is simply not adequate. If we do not take measures ourselves to make territorial adjustments, or at least the most vital ones, they will not be made at all. We will not achieve what we require in the Negev, on the road to Jerusalem, and in the Galilee simply through a political struggle.

The UN Observers declared that water had to be sent to Jerusalem. This was a basic condition of the truce. Nevertheless, the Arabs blew up the pumping station at Latrun, and until this very day no water is flowing via Latrun to Jerusalem. We did not depend on the UN. Instead, we laid a new water pipeline and saved Jerusalem. A UN committee decided that we had the right to send convoys to the Negev during certain hours. The Egyptians have refused to honour this decision, and our settlements in the Negev would be dying of hunger if we had not found other ways of bringing in supplies. But these alternative routes are not safe. If the UN lacks the desire or the strength to carry out its decisions, must we sit by and accept the impotence of the UN? The conclusion of all this is clear: we cannot depend solely on political activity, or on political decisions, even if the decisions are desirable ones from our point of view. We must be ready to exploit the military factor whenever and wherever necessary.



**ADDRESS OF CHAIM WEIZMANN, PRESIDENT OF ISRAEL'S PROVISIONAL STATE
COUNCIL, TO JERUSALEM'S ADVISORY COUNCIL, 1 DECEMBER 1948**

[The speech emphasised that it was inconceivable that the 'Jewish' city could be placed under foreign rule. Later the month, on 20 Dec., the Israeli cabinet decided to transfer the government institutions to Jerusalem]

It is with a sense of humility and sorrow that I rise to speak here among you who have suffered so much and wrought so much during this great and tragic year. Jerusalem holds a unique place in the heart of every Jew. Jerusalem is to us the quintessence of the Palestine idea. Its restoration symbolises the redemption of Israel. Rome was to the Italians the emblem of their military conquests and political organisation. Athens embodies for the Greeks the noblest their genius had wrought in art and thought. To us Jerusalem has both a spiritual and a temporal significance. It is the City of God, the seat of our ancient sanctuary. But it is also the capital of David and Solomon, the City of the Great King, the metropolis of our ancient commonwealth.

To the followers of the two other great monotheistic religions, Jerusalem is a site of sacred associations and holy memories. To us it is that and more than that. It is the centre of our ancient national glory. It was our lodestar in all our wanderings. It embodies all that is noblest in our hopes for the future. Jerusalem is the eternal mother of the Jewish people, precious and beloved even in its desolation. When David made Jerusalem the capital of Judea, on that day there began the Jewish Commonwealth. When Titus destroyed it on the 9th of Ab, on that day there ended the Jewish Commonwealth. But even though our Commonwealth was destroyed, we never gave up Jerusalem.

An almost unbroken chain of Jewish settlement connects the Jerusalem of our day with the Holy City of antiquity. To countless generations of Jews in every land of their dispersion the ascent to Jerusalem was the highest that life could offer. In every generation new groups of Jews from one part or another of our far-flung Diaspora came to settle here. For over a hundred years we have formed the majority of its population. And

now that, by the will of God, a Jewish Commonwealth has been re-established, is it to be conceived that Jerusalem - Jerusalem of all places - should be out of it?

Ten years ago the question first came up in connection with the Report of the Royal Commission. And in the great debate which took place on that subject in the British House of Lords the then Archbishop of Canterbury said these memorable words:

It seems to me extremely difficult to justify fulfilling the ideals of Zionism by excluding them from any place in Zion. How is it possible for us not to sympathise in this matter with the Jews? We all remember their age long resolve, lament and longing.

*"If I forget thee, O Jerusalem, let my right hand forget her cunning.
They cannot forget Jerusalem ..."*

The Archbishop spoke the truth. We cannot forget Jerusalem. And if that was true then, it is all the more true today, for in this last year we have sealed afresh our covenant with our ancient mother-city with the blood of our sons and daughters. In addition to our historical unbroken chain of Jewish settlement in this city, the fact of our numerical preponderance among its inhabitants, a new link has been forged - your heroic defence of Jerusalem in this past year. It gives us the right to claim that Jerusalem is and should remain ours.

Where were all those who indulged in such fine phrases about the spiritual associations of Jerusalem for the whole civilised world? Did they lift a finger to protect Jerusalem, its men and women and children, its homes and houses of prayer, against the Arab shrapnel which rained death day and night on your homes for months on end? Did they make the slightest move when the Jewish Quarters of the Old City with their ancient synagogues were reduced to rubble by Arab gunfire, and were desecrated and defiled after the surrender? Did they utter one word of protest against the Jews being denied, for now over a year, access to the Wailing Wall, which is our holiest shrine? Do not worry, my friends The ancient synagogues will be rebuilt, the road to the Wailing Wall will be opened.

You have renewed the ancient covenant with your blood and your sacrifices. Jerusalem is ours by virtue of the blood that was shed by your sons in its defence. You suffered hunger and thirst in the broiling heat of the summer and defended Jerusalem against surrender and destruction. Not only the soldiers. The ordinary men and women, yea, and the little children, who went about your work while the bullets flew around you and many of you fell victims to the deadly missiles. All of you have had a share in this defence.

When I say that Jerusalem is ours, I am fully conscious of the sacred associations which Jerusalem has for others than ourselves. We respect these associations. When you defended Jerusalem against havoc and destruction, you fought not only for your own people but for civilisation.

Had it not been for your heroic defence, who knows what would have remained of its non-Jewish values. We are anxious to see these values effectively protected and we are agreeable that special arrangements be made for the Old City with its Holy Places. We would like to see this sacred zone beautified, so that worshippers coming from all parts of the world to Jerusalem will derive joy and inspiration from their pilgrimage.

There would, however, appear to be no reason why such special arrangements for the Old City should extend also to the New City outside the Walls, which has no such sacred associations. This New City has sprung up during the past hundred years essentially as a result of Jewish effort. It has become during the last thirty years the administrative and spiritual capital of the new Jewish Palestine.

It houses our central national institutions, the Jewish Agency, the Jewish National Fund, the Keren Hayesod, the Chief Rabbinate, the Hebrew University, the Hebrew National Library, the Jewish Medical Centre and numerous learned and communal bodies. It is now also the seat of the Supreme Court. It seems utterly inconceivable that this Jewish city should be placed under foreign rule. It seems inconceivable that the establishment of a Jewish State in Palestine should be accompanied by the detachment from it of its spiritual centre and historical capital.

Men and women of Jerusalem, fear not for the future of your city - of our city! The words of our national hymn Hatikvah will yet come true:

*To be a free people in our own land -
The land of Zion and Jerusalem.*



GOVERNMENT OF ISRAEL, PROCLAMATION ABOLISHING JERUSALEM'S MILITARY GOVERNMENT, OFFICIAL GAZETTE, NO. 48, 4 FEBRUARY 1949

[On 30 Jan. 1949, the Government of Israel decided to abolish the military government of the city which it had established in Aug. 1948. In its place, it was decided to institute a civilian administration similar to that existing in other parts of Israel.]

Israel Defence Forces Administration in Jerusalem

In accordance with the decision of the Provisional Government of Israel to abolish the military government in Jerusalem, and to institute there civil administration which is in force in other parts of the State of Israel, I, David Ben-Gurion, Minister of Defence, hereby proclaim, on behalf of the General Staff of the Israel Defence Forces, that as of today, 3 Shevat 5709 (2 February 1949), the military government, established by two proclamations published in the Official Gazette No. 12 of 26 Tamuz 5708 (2 August 1948), is abolished.

David Ben-Gurion
Minister of Defence



**LETTER BY THE HEAD OF THE ISRAELI DELEGATION, WALTER EYTAN,
TO THE CHAIRMAN OF THE UNCCP COMMITTEE ON JERUSALEM CONCERNING
AN INTERNATIONAL REGIME FOR THE JERUSALEM AREA, 31 MAY 1949**

[The letter came in response to a questionnaire, dated 3 May 1949, sent by the UNCCP on the internationalisation of Jerusalem]

Sir,

My delegation has now had an opportunity of considering the questionnaire submitted to it by your committee on 3rd May 1949.

In reply to the first question - about the kind of guarantees and international sanctions we consider necessary to ensure the permanence and stability of an international regime for the Jerusalem area - I wish to say that in our view it would not be possible to devise effective guarantees if by "an international regime for the Jerusalem area" is meant a system of direct international government of the Jerusalem area as a whole. We consider a scheme of this kind impracticable, and partly on account of its impracticability, undesirable.

With regard to the second question - whether we consider that the Jerusalem area should be placed under the exclusive authority of the United Nations - I would refer you to a statement made officially on 5th May 1949 by Mr. Aubrey Eban before the Ad Hoc Political Committee of the UN General Assembly: "The government of Israel advocates and supports the establishment by the United Nations of an international regime for Jerusalem concerned exclusively with the control and protection of Holy Places and sites".

Your committee's third and following questions deal with the eventuality that the area of Jerusalem might be divided into two zones, in which the authority of the neighboring States could be exercised in respect to all matters not reserved to the exclusive competence of the international regime. My delegation is of the opinion that the division of Jerusalem into two zones offers far better prospects of an acceptable solution than the establishment of an international administration for Jerusalem as a whole, which my Government is not able to countenance. The integration of the Jewish part of Jerusalem into the economic, political and administrative framework of the State of Israel has taken place as a natural process arising from the conditions of war, and has been paralleled by a similar process on the Arab side. This integration, as Mr. Eban pointed out on the occasion I have referred to above, is not incompatible with the establishment of an international regime charged with full juridical status for the effective protection of the Holy Places. My Government favors an international regime which applies to the whole area of Jerusalem, but which is restricted functionally so as to be concerned only with the protection and control of Holy Places and not with any purely secular or political aspects of life and government.

Concerning the protection of Holy Places, may I refer you to the statement of policy made on behalf of my Government by the President, Dr. Chaim Weizmann, on the 23rd April last: "The Government and people of Israel are conscious of the international interest in the safety of the Holy Places and the right of free access to them. We pledge ourselves to ensure full security for religious institutions in the exercise of their functions, to

grant the supervision of the Holy Places by those who hold them sacred and to encourage and accept the fullest international safeguards and controls for their immunity and protection.”

My Government is ready to discuss administrative arrangements (e.g. for the organization and use of common public facilities and services) in the Jerusalem area with the authority which controls the Arab part of the area.

For a full statement of my Government's view on the future of Jerusalem I should like to refer you to the detailed statement of Mr. Eban which I have mentioned above. My delegation has already made copies of this statement available to the Conciliation Commission. Members of the delegation will be glad to furnish any further information that may be desired in the course of a meeting with your committee.

Yours faithfully,

(Signed) Walter Eytan
Head of Israeli Delegation



**LETTER BY THE HEAD OF THE ISRAELI DELEGATION, WALTER EYTAN,
TO THE PRINCIPAL SECRETARY OF THE UNCCP, PABLO DE AZCÁRATE, 10 JUNE 1949**

*[The letter came following incidents at the premises of Government House,
the UN compound in the city's demilitarized area]*

Dear Mr. Azcárate,

I should be glad if you would bring to the attention of the Conciliation Commission the following facts concerning the recent incident in Jerusalem.

In April this year agreement was reached between Israeli and Transjordan representatives on the division between the two countries of the Government House area. Under this agreement the whole of the area was divided, except for Government House itself, which was left in the hands of the United Nation staff.

Following upon this agreement, and in accordance with its terms, troops of the Arab Legion occupied the greater part of the area allotted to Transjordan, while possession was established on the Israeli side by ploughing and fencing, carried out by military personnel.

It appears that this agreement, which had been concluded by officially accredited representatives, and with the full knowledge of general Riley, was subsequently disputed by Transjordan, thus creating the recent 'incident'. No movement of Israeli troops has ever taken place except as provide for under the original agreement.

In view of the ambiguous situation, Lieutenant Colonel M. Dayan commanding Israeli forces in Jerusalem, has now offered to negotiate a new agreement and has announced his readiness, as a gesture to goodwill, to withdraw his troops during the period of the negotiation, providing the Transjordan commander agrees to do likewise.

I understand that General Riley, on receipt of this offer, proceeded to Amman to convey it to the Transjordan authorities. This is the present position.

From the information in my possession, I would repeat what I told the Commission yesterday - that this "incident" appears to be one that is wholly within the province of the Mixed Armistice Commission. The Mixed Armistice Commission, of which General Riley is nominally the head, seems fortunately to be well on the way to settling it, particularly if the Transjordan authorities, who have challenged the previous agreement, can be persuaded to negotiate a new one.

I am convinced that there is no good ground for allowing this incident to interfere with the progress of the Lausanne talks.

Yours sincerely

(Signed) Walter Eytan



MEMORANDUM ON THE FUTURE OF JERUSALEM - AN ANALYSIS OF THE PALESTINIAN CONCILIATION COMMISSION (DRAFT INSTRUMENT) SUBMITTED TO THE UN GENERAL ASSEMBLY BY THE DELEGATION OF ISRAEL TO THE UN, 15 NOVEMBER 1949

1. The Background

1. The General Assembly is about to discuss the status of Jerusalem, with special reference to the responsibilities of the United Nations in that City. A Draft Instrument for a "permanent international regime" has been submitted by the Palestine Conciliation Commission (A/973). It appears certain that other proposals will also be formulated for discussion and determination by the General Assembly. Thus, for the third successive year, the United Nations will address itself to the problems of a City marked both by universal religious associations and by deep and inseparable attachments to its immediate environment.
2. World opinion may reasonably expect the discussions and recommendations of the General Assembly to be closely related to the City of Jerusalem as it is today. All plans must now be analyzed in that light. The unfulfilled intentions of previous General Assemblies can be of little help or guidance if the assumptions on which they rested no longer prevail. Two years have elapsed since the adoption of the original Resolution of November, 1947; and nearly twelve months have passed since the General Assembly charged its Conciliation Commission with the preparation of a new plan. Jerusalem has lived in no vacuum since then. On May 14, 1948, when the Mandatory Government completed the withdrawal from Jerusalem of its security forces, its government and its administrative machine, the General Assembly rejected all proposals submitted to it for the legal and effective succession of the United Nations to the authority relinquished by the United Kingdom. The Status, envisaged by the General Assembly on November 29, 1947, lay in the files of the Trusteeship Council discarded and unratified. On the critical morning of May 15, it was already apparent to the Jews of Jerusalem, as the most grievous dangers closed in upon them, that they could expect from the United Nations neither defense nor administration, neither a focus of allegiance nor the means of subsistence. Their alter-native was clear. They must either sit back, paralyzed and inert, while military conquest, anarchy and starvation engulfed their homes; or they must summon up their own unaided energies in order to fight for their lives and to organize their individual and collective future.
3. They chose the second alternative. The history of the past two years and the situation in Jerusalem today are in essence nothing but the inevitable consequences of that choice. The Jews of Jerusalem by their own exertions and will have preserved themselves and their City, established their institutions and, as citizens of Israel, have fully achieved their national freedom within the general process of Israel's liberation.
4. When the Mandate expired, the protection of the United Nations did not extend even to the limited area containing the world's greatest concentration of sanctuaries and shrines, revered by three religious faiths. The Walled City, comprising historic Jerusalem, with the most hallowed places in Christianity and Judaism and one of the most celebrated shrines of Islam, is in the military occupation of the neighboring Arab State of Jordan.
5. These are some of the physical facts of Jerusalem which any practical plan must take into account. If new political arrangements are advocated, it must be shown how they can arise out of those already existing. The issue of implementation cannot be evaded. But no less decisive than the new physical facts are the deeper truths of sentiment and allegiance. Political authority is not conferred or withdrawn by international proclamation; it springs from the desire of human groups to confide their destiny to the hands of men who in their turn express and obey the fundamental aspirations of those whom they govern. Thus, the most durable and ineradicable political institutions are those which command the total spiritual loyalty of their citizens. Such are the political institutions of Jewish Jerusalem today. For the first time in modern history, political authority in the greater part of Jerusalem rests not on military conquest but on the will and consent of the population of the City.
6. The political and spiritual attachments of modern Jerusalem are all the stronger by reason of the events which brought them about. The total integration of the Jewish area into the Israel governmental structure and the complete spiritual identification of its population with Israel are, in the first place, the result of a normal attraction between any citizen and his natural homeland. In this case, however, these ties are reinforced by the memory of a recent struggle during which the Jews of Jerusalem emerged out of the perils of imminent extermination to find their only salvation in their common cause with the rest of Israel. Every man, woman and child in Jewish Jerusalem today can ascribe the fact of his physical existence concretely and directly to the State of Israel and its Government. It is not surprising that they are willing to give their loyalty to that Government alone and that they participate fully in its affairs and decisions.
7. It is particularly essential to describe this background here, because the Palestine Conciliation Commission's Plan ignores it entirely. The Draft Instrument and the accompanying communication convey to the General Assembly not a single concrete fact about the life, the recent history, the institutions and the sen-

timent of Jerusalem today. The administrative organs of the Plan are not related to existing administrative organs. Its Courts are not related to existing Courts. "Full and permanent authority" is attributed to the United Nations with not the least shadow of legal reasoning, in a city where every form and process of government is fully exercised by "authorities" whose name the Palestine Conciliation Commission will not even bring itself to pronounce. The opinion and desires of the population are not regarded even as a relevant consideration, worthy of a paragraph or two. No reference is made to the General Armistice Agreement between Israel and Jordan, under which the security of the City is organized at this time. It is unusual for an international body to draw up a plan for the government of an area without a single mention of its existing laws, institutions and political sentiment. But realities, however discreetly avoided, remain obstinately effective. No plan which ignores them can be regarded as a serious starting point in the search for a just or practical solution.

8. The object of this Memorandum is to portray the basic factors and influences in Jerusalem today; to analyze the Palestine Conciliation Commission Plan both in principle and practice; and to point the way towards a solution whereby the universal objectives of the United Nations in Jerusalem may be harmonized with the just and cherished aspirations of the City and its inhabitants.

II. The History of Internationalization

9. The responsibilities of the United Nations in the City of Jerusalem originated in the General Assembly's Resolution of November 29, 1947, which envisaged the establishment of a special regime designed primarily "to protect and preserve the unique spiritual and religious interests located in the City." The United Nations pledged itself "to ensure that peace and order reign in Jerusalem." It undertook "to promote the security, the well-being and any constructive measures of development for the residents." According to the terms of the Resolution these objectives required the establishment of a "special police force of adequate strength, the members of which shall be recruited outside of Palestine." The Trusteeship Council was instructed to elaborate and approve the detailed Status of the City by April 30, 1948. A governor at the head of a large military and administrative staff was to assume authority on the termination of the Mandate. His primary task was "the preserving of the Holy Places and religious buildings, and maintenance of free access to the Holy Places and religious buildings or sites."
10. Not a single one of these provisions was carried out. The Plan was overthrown by Arab violence on the field of battle, accompanied by unanimous and concerted Arab opposition in the General Assembly and the Trusteeship Council. In April, 1948, the United Nations Palestine Commission, reporting its inability to carry out any part of the Plan, including the Jerusalem Statute, without large international forces, wrote:

"Powerful Arab interests, both inside and outside Palestine are defying the Resolution of the General Assembly, and are engaged in a deliberate effort to alter by force the settlement envisaged therein. Armed Arab bands from neighboring Arab States... together with local Arab forces, are defeating the purposes of the Resolution by acts of violence."

The Arab onslaught described by a United Nations Commission in these terms began in the City of the Jerusalem itself. The Arab world had taken up arms, not only against the establishment of a Jewish State, but also with equal fervor and greater success against the establishment of an international regime in Jerusalem. In the Trusteeship Council the Representative of Iraq said:

"It is my duty to show that the Plan for the City of Jerusalem is illegal... the people of Jerusalem who are not sacred should not incur political punishment because their City is holy. Neither the Iraqi Government nor other Arab States are prepared to enter into the details or to participate in the discussion of the Plan."

11. As warfare and famine spread throughout the City, the organs of the United Nations retreated rapidly from any assumption of responsibility. After prolonged discussion, with active Jewish cooperation and Arab boycott, the Trusteeship Council approached a point at which the Statute could be ratified and the Governor appointed. However, on the initiative of Belgium and the United States, ratification was postponed until April 29, pending "further instructions" from the General Assembly. The General Assembly gave no further instructions. When the Mandate expired, none of the measures whereby the General Assembly had envisaged the establishment of United Nations authority in Jerusalem had been carried out.
12. On May 14, 1948, the General Assembly was confronted with its decisive opportunity for establishing the succession of the United Nations to the authority of the Mandatory Power. The Representative of the United States pointed out that the General Assembly would have to act before the expiration of the Mandate at 6 p.m. that day, if it wished to establish United Nations authority in Jerusalem. After a discussion

under expedited procedure, the Assembly proceeded to vote on a resolution to establish "a Government of Jerusalem consisting of a United Nations Commissioner and such officers as may be appointed by him or by the Trusteeship Council." The resolution completely failed to win the approval of the General Assembly, receiving 20 votes in favor, 15 against, with 19 abstentions.

13. Following the defeat of this resolution, the Representative of Australia made a further attempt to establish a legal link between the United Nations and Jerusalem. He pointed out that "if matters are left on the basis of the present draft resolution *no specific link of any kind will have been provided between the United Nations and Jerusalem.*" Accordingly, he moved an amendment which would have required the Jerusalem Municipal Commissioner to "consult and cooperate with the United Nations Mediator in Palestine to ensure the protection of the inhabitants of Jerusalem and the preservation of the Holy Places." This amendment was rejected by 14 votes to 10, with 24 abstentions.
14. In a final challenge, the Representative of Guatemala called for ratification of the original Statute which the Trusteeship Council had left in suspense. The General Assembly refused even to consider this proposal. When it rose on May 14, 1948, its only achievement had been to appoint a Municipal Commissioner with the function of coordinating such services in the City as could be saved from the encroaching tide of war. Even this pathetic fragment of achievement had no meaning. The Commissioner, having been appointed under the authority of the Mandatory Government, never took up his duties in Jerusalem at all. The Mandate unmistakably came to an end in the absence of a "specific link of any kind between the United Nations and Jerusalem."
15. These events which took place between November 29, 1947, and the relinquishment of the British Mandate on May 14, 1948, have a decisive bearing, both on the present legal capacity of the United Nations in Jerusalem and on the validity of international claims to political jurisdiction. The mere adoption of the November 29 Resolution had conferred no legal or effective sovereignty on the United Nations over Jerusalem. That Resolution merely outlined a detailed process which, had it been carried out by May 15, 1948, was to have established the United Nations both as the titular and effective successor government in Jerusalem. The actual authority of the United Nations could arise only from the implementation of the Resolution, not from its mere adoption.
16. The situation is even more compelling in the realm of fact than in the sphere of law. At 10 a.m. on May 14, 1948, when Jerusalem was formally deprived of the last relics of disintegrating mandatory authority, the United Nations was conspicuous in the City only by its absence. The entire City, New and Old, Holy Places and modern quarters, were abandoned to their fate. The vacuum of law and authority had been created; it was plain that it must soon be filled, if not by the United Nations, then by the people of Jerusalem themselves.
17. The certainty that the United Nations was not going to fill it was reinforced by the subsequent inaction of the Security Council. Space does not permit a full enumeration of the occasions upon which Jewish representatives reiterated their appeals to the Security Council to isolate Jerusalem from the general conflict by some assertion of United Nations authority. The appeals fell on deaf ears. From time to time, the Security Council received desperate telegrams from its Truce Commission and the Jewish Mayor telling successively of the bombardment of the New City, the shelling of hospitals, synagogues and schools and eventually the complete destruction of all Jewish religious buildings and living quarters in the Old City. Meanwhile, the horrors of bombardment were increased by the deadlier perils of siege. Arab forces surrounding Jerusalem from all four roads cut off its food and water supply and brought the New City to the verge of capitulation. Nearly all normal foodstuffs were absent and a half bucket of water had to suffice for all needs. The memories of constant bombardment taking a heavy toll of life among a civilian population, whose food and water ration thus gradually receded below subsistence level, remain indelibly engraved upon the hearts of Jerusalem's population to this very day. The illusion that an international status for Jerusalem could assure its security and development lies buried amidst hundreds of Jewish graves in the war-shattered City and along the coastal road.
18. As the summer of 1948 advanced, the Jews of Jerusalem came to discern the basic fallacies of political internationalization. It was clear that separation from Israel exposed them to destruction and defeat. Under the impact of cruel experience the most enthusiastic Jewish advocates of internationalization were soon to become its most convinced opponents. It must be conceded that the attitude of consent and cooperation which the Jews of Israel and of Jerusalem originally displayed towards the international principle lends special weight to their resolute opposition today. Every chance was given for the United Nations, with superhuman patience and without result, to assume its responsibility and authority. When the opportunity had been lost by default, the void of administration left by the United Nations in Jerusalem had to be slowly and arduously filled. As Israel authority began to rally the City into stable and orderly life, the steps of the United Nations could still be heard in retreat. Thus on July 29, 1948, a proposal that the

Trusteeship Council should proceed with its work on the Statute of Jerusalem was emphatically rejected on Belgian initiative by a vote of 8 to 1, with 3 abstentions. A few days previously the United Nations Mediator, Count Bernadotte, had frankly advocated the complete abandonment of the international principle on the grounds that Jerusalem could not live separated from its environment. This realism was considerably offset in its effects by his suggestion that Jerusalem should therefore become part of an Arab State - a proposal evidently based on what appeared to be the military logic at that time. In August, when Jerusalem's water supply was blown up by Arab forces, the Security Council ordered the immediate repair of the pumping stations at Latrun. No steps whatever have been taken to this end up to this date. The permanent necessity for the Jews of Jerusalem to get their water from Israel or perish is merely a single illustration of a general truth covering every amenity and need of Jerusalem's life.

19. The life line thrown to the New City from the State of Israel reached Jerusalem when it had little breath remaining. Once bare survival was assured, there began an impressive process of rehabilitation which has sustained its quickening momentum ever since. In that process a relationship grew up between the State of Israel and Jewish Jerusalem which has now reached the stage of full and organic integration. The City was cut off from its main route of supply; the Government of Israel built an alternative road under heavy enemy fire. The City was threatened with pestilence and thirst; the Government of Israel renewed its water source. Jerusalem was falling apart in anarchy and dissidence through lack of recognized organs of government; the Government of Israel established a separate military governshp to be succeeded by a civil administration which later merged in a complete union with the rest of Israel. The economy of the City had been struck a nearly fatal blow; the Government of Israel began to pump its life-blood back. Institutions were restored, buildings repaired, damaged areas cleared, industries established, financial subsidies lavished upon the city by the hard-pressed Israel Treasury. Jerusalem was spiritually darkened by a sense of solitude, insecurity and neglect; the Government of Israel made it the scene of the most solemn and historic moments celebrating the deliverance of Israel and Jerusalem alike. Thus the swift withdrawal of the United Nations from the prospect of direct governmental responsibility and the advance of the Government of Israel towards the proud assumption of that responsibility were parallel and simultaneous processes.
20. These processes were not affected by the Resolution of the General Assembly on December 11, 1948. On that day the General Assembly was expressing its aspiration for "effective United Nations control" of an area in which it then exercised no effective authority at all. This aspiration was directly related by the Resolution to the City's "religious associations" and it made no such startling claims of "full and permanent authority" as those which the Palestine Conciliation Commission has since put forward. The recommendation for "effective United Nations control" in the future itself rules out any assumption of already existing United Nations sovereignty, and does not imply the attribution of any direct political authority to the United Nations. However, even that Resolution can be seen to have erred in its assumption of unilateral power to resolve the future of an area in which the United Nations had never been able to exert effective authority of any kind. The December, 1948, Resolution explicitly postponed any United Nations action for a further year, pending continued consideration of an "international regime." During that year, the integration of Jewish Jerusalem with Israel has proceeded so thoroughly that all separate characteristics marking it off from any other areas of Israel jurisdiction have been completely removed. Anyone attempting to define the recognized attributes of lawful government in any area of the world would be hard put to name a single one that does not apply to the relations between Israel and Jerusalem today.
21. While the Conciliation Commission was preparing a plan to place Jerusalem under the full authority of the United Nations, the Acting Mediator was presiding over the signature of agreements which recognized the entire area to be under the effective authority of Israel and Jordan. It is true that the Resolution of December 11, 1948, envisaged the appointment of a United Nations representative to "cooperate in the interim administration of the City," together with Security Council action for demilitarization. But both provisions, like all those of the November Status, have perforce remained dead letters, for neither could be proved possible or necessary. In both spheres - administration and security alike - governmental authority has been consolidated to a point where arrangements cannot be dictated from outside. The truth is that there is nothing "interim" about any of the administrative arrangements in Jerusalem; and demilitarization, put forward as a guarantee of peace, would in fact result in the collapse of the security and agreement already achieved.
22. Internationalization is thus not an abstract theory awaiting its test. It has a full and crowded history behind it, and that history is decisive in its lessons. The record shows that not for a single moment in the life of Jerusalem has the United Nations been simultaneously able and willing to exercise authority or responsibility in the City. Throughout that period, the Israel part of Jerusalem has been and remains entirely dependent upon the Government of Israel for every ounce of bread and water, for all protection and defense, for administration and law, for social services and welfare, for national and cultural expression. In each case the choice was between action, protection and authority from Israel - or none at all. The complete partnership, harmony and identity between the government and the governed make this a relationship of pure democracy.

23. The Government of Israel cannot admit that this integration of Jewish Jerusalem with the State of Israel is open to the slightest echo of justifiable reproach from international bodies. Nobody who recalls the tragedy and achievement of the past two years can be seriously impressed by the charge that Jerusalem's present situation arises from an "accomplished fact" and not from an international decision. For the "fact" which Israel helped Jerusalem to accomplish was nothing less than the rescue and rehabilitation of the City, which, had it waited humbly for international action, would be a graveyard and a shambles today.
24. The authority of Israel in Jerusalem has not arisen as an act of rebellion. It has advanced steadily along channels of consent, at no single moment conflicting with any effective authority or competing with any international body able to offer service and protection to Jerusalem. When we contemplate that process of union and integration, our only surprise must be that it was not completed earlier, before Arab aggression and international default had brought the City to such a state of havoc. Yet this cautious and deliberate assumption of authority was attributable in part to Jewish readiness to give every feasible opportunity for testing whether political internationalization had any element of advantage or practicability. Neither Israel nor the population of Jerusalem can now be shaken in their negative conclusions. They cannot revert from a process which assured their rescue and freedom to one still associated in their memory with narrowly averted disaster. Moreover, it would be misleading to think of the present political relationship between Israel and Jerusalem as a provisional connection which could still be loosened. History knows no precedent of a population, having once achieved union with its own natural and kindred government, voluntarily turning back to mere semi-autonomy under outside control. The Charter provides for no contingency whereby an area of independence can become a non-self-governing territory.

DETAILED ANALYSIS

III. The Preamble

25. All the main provisions of the Draft Instrument depend upon the theory enunciated in the Preamble, according to which the United Nations possesses "full and permanent authority" over the Jerusalem area. There is, however, no basis for this far-reaching assertion according to which the United Nations has a legal capacity in Jerusalem beyond that which it enjoys anywhere else in the world. The main elements in the legal situation are as follows:
 - (a) At no time has the United Nations acquired sovereignty or any other degree of legal authority over Jerusalem by cession or occupation or accretion or subjugation or prescription or self-determination.
 - (b) The United Nations possesses a special and widely recognized *interest* in Jerusalem; but it possesses no sovereignty or other form of legal authority therein. It has no sovereignty arising out of the mere fact of the termination of the Mandate on May 14, 1948. On the contrary, the General Assembly on May 14, 1948, rejected specific measures which might have established the United Nations as the successor authority if they had been carried out and made effective on the termination of the Mandate. As it is, Jerusalem became a political vacuum on May 15, 1948, with no process or attempted process of United Nations appropriation.
 - (c) The legal authority over Jerusalem which the United Nations would have possessed under the November 29, 1947, Resolution depended upon the implementation of the Resolution, not upon its mere adoption. Such authority, therefore, was never acquired. The legal effect of the November, 1947, Resolution is that it expresses the unfulfilled intentions of the General Assembly on that date and outlines a process whereby the United Nations then aspired to succeed the Mandatory Government as the effective and legal government of Jerusalem. It did not, however, carry out the recommended process of appropriation or any part thereof.
 - (d) The Resolution of December 11, 1948, drafted on the correct assumption that United Nations control did not yet exist at that date, has the same purely recommendatory effect with regard to Jerusalem as the General Assembly's resolutions in general can have with respect to any other territory, and less effect than if it referred to a trust territory. The adoption of a resolution does not in itself create legal authority for the United Nations to assume sovereignty in a territory.
 - (e) The United Nations has not acquired in Jerusalem such legal or administrative authority as it may acquire in certain territories under Chapter XII of the Charter. No measures were ever taken under these articles of the Charter which define the maximal degree of *partial and temporary* political authority which the United Nations can exercise over any area in the world.
 - (f) All the security matters which lie within the jurisdiction of the signatory Governments under the General Armistice Agreement (Israel-Jordan) are within the legal influence of the United Nations and its organs, only insofar as those Agreements themselves specify the functions of United Nations organs in their implementation.
 - (g) The degree of legal authority which the United Nations may exercise in Jerusalem in the future depends on the functions and powers which it is now able to derive from those in effective control of the area, by the cession or effective transfer of such functions or powers.

26. While the legal arguments outlined above refute the theory that the United Nations possesses full and permanent legal authority over Jerusalem, it is hardly necessary to prove that the United Nations lacks the attributes of *effective* authority in the City. For all governmental functions and prerogatives in the Jewish area are fully exercised by the Government of Israel with the consent of the population. No single instance has yet occurred where any executive or judicial act in Jerusalem has depended for its initiative or sanction upon the approval of the United Nations.
27. It is clear therefore that the full authority at present exercised by the Israel authorities in the Jewish area is not in their hands as the result of having been delegated or transferred to them by the United Nations; nor are any of these acts accountable to any organ set above or beside the authorities which ordain them.

IV. General Provisions (Article 1-5)

28. The delineation of the area of Jerusalem in Article 1 conforms with that which the discarded Jerusalem provisions of the Resolution of November 29, 1947, envisaged as a separate political unit. Under that Resolution, the entire area thus delineated was to be detached from the operation influence of governmental authority in the rest of Palestine. It was thus a political boundary. Once the conception of a *corpus separatum* disappeared, as it now has both in law and in fact, the "boundary" delineated in Article 1 ceased to have any factual significance.
29. *Article 2* completely evades the crucial point of citizenship rights of the people by imagining a legal entity called "a resident of the Jewish zone" (and of the Arab zone). But the "resident of the Jewish zone" are now for all practical purposes citizens of the State of Israel and completely subject to Israel's legislation. If the Plan ignores this legally decisive fact, it conflicts with the basic realities of political relationships in Jerusalem. On the other hand, if it acknowledges the fact of Israel citizenship for the "residents of the Jewish zone," the Conciliation Commission must surely renounce all those provisions of the Instrument whereby the United Nations Commissioner could interpose in the relationship between a sovereign government and its own subjects.
30. The power of the Israel Government to confer citizenship upon Jews in Jerusalem, and of the latter to acquire and accept such citizenship, is a matter strictly between the Government and the individuals concerned. Thus, the whole of Article 2 is untenable. Just as the first sub-paragraph ordains a geographical arrangement which already exists independently of the Draft Instrument, so the second paragraph wrongly supposes the competence of the Draft Instrument to define the legal capacity of people whose rights of nationality and duties of allegiance are already legally determined. This does not mean, however, that the Article is innocuous. By describing a citizen of Israel as "a resident of the Jewish zone," and then defining obligations for such "residents," the Article manufactures a conflict of duty in which a citizen of Israel in Jerusalem may be faced with obligations not approved by his own Government.
31. *Article 3* would enable the United Nations Commissioner to "delegate matters" to the "regional authorities." The theory of delegation is disproved by the refutation, in Paragraph 25, of the doctrine of "full and permanent authority" of the United Nations over Jerusalem.
32. It is clear that the United Nations Commissioner cannot delegate powers or "matters" which he does not in the first place possess himself. Moreover, the very fact that all the powers and functions of government are being exercised by certain authorities at this moment, before the very existence of the proposed Commissioner and his organs, itself the whole theory of delegation. *Article 3 contains the evident absurdity whereby a new political organ spring into existence and proceeds to "delegate" powers to those already exercising them.* The biological analogy would be that of the child giving life to the parent. Since all matters of government in the Jewish area are now possessed and exercised by the Government of Israel, it alone is in a legal or effective position to "delegate matters" to a newly established organ, and not vice-versa.
33. The term "responsible authorities of the two zones" itself calls for comment. These "authorities" are nowhere defined in the Draft Instrument. Since the Commission must be presumed to know that the Government of Israel is now the effective "responsible authority" for the Jewish area, its failure to mention that government by name must have some significance. A legal instrument can obviously have no force unless the parties involved in its operation are clearly defined. The circumlocution is not merely a matter of words. For if, in the minds of the Commission, the Government of Israel is the "responsible authority" in the area now administered by it, then it is clearly impossible for a Commissioner to control the relationship between that Government and the area which it governs, except with respect to such functions as it is agreed to share or transfer. The fact that the "responsible authority" in this area is a government has the far-reaching effect that any provision for direct United Nations activity in that area should now be expressed in an agreement with that Government and not in a unilateral resolution.

34. Article 4 defining the institutions which may or may not be maintained in Jerusalem presumably refers to the action of the Government of Israel in assisting the rehabilitation of Jerusalem by locating a proportion of central Israel institutions in the City. It should be recalled that Jerusalem has always derived a large part of its revenue and economic activity from its position as an administrative and institutional center for a larger area. Under the Mandate a large section of its population was formed by the families and dependents of official personnel employed by governmental departments. The Draft Instrument proposes not merely to obstruct the rehabilitation of Jerusalem in this way, but even to disrupt measures already taken by the Government of Israel with the full consent of the population of the area. For example, the Supreme Court of Israel and some branches of government services are already functioning in Jerusalem, thus restoring to the City at least a proportion of its wage earners and consumers. The application of *Article 4* would impose an economic decline by decree and relegate Jerusalem to the status of a languishing borough. Both as one of the important centers of Israel population and by virtue of its unique prestige in Jewish history, it would be inappropriate for Jerusalem to contain no institutions with more than a restricted municipal outlook.
35. *Article 5* would crystallize the demographic situation in Jerusalem and thus impose bans on immigration. During the general debate in the current session, the Representative of Israel commented on this Article in the following words:

"We have a proposal in Article 5 whereby Jews might be forbidden to take up residence in Jerusalem on the ground of being Jews. My Government knows this General Assembly too well to believe that there is a chance of such a proposal being adopted, and we have no real feeling of alarm. We know this Organization will not put up a notice 'no more Jews wanted' at the gates of the Holy City, which was made illustrious in history through the spiritual experience of the Jewish people, where from there branched off the great streams of Christianity and Islam. Yet the fact that such a proposal could be made shows how urgent it is to begin formulating the Jerusalem policy of the United Nations anew, in close association with the peoples and interests involved."

Article 5 is perhaps the most conspicuous illustration of the legal fallacy on which the Draft Instrument is based. Yet it stands condemned chiefly on grounds of history and conscience. Residence in Jerusalem is the culmination of Jewish religious and national sentiment. The idea of excluding residents from the Israel part of Jerusalem on racial grounds, with the resulting institution in Jerusalem of a quota system reminiscent of discriminatory practices elsewhere in the world, has provoked the profound indignation of Israel and the Jewish people. It would be impossible to expect Israel to do anything to facilitate the implementation of such an invidious proposal.

V. Organs (Article 6-14)

36. The area of Jerusalem under Israel's jurisdiction is today administered by a representative Municipal Council headed by a Mayor. A District Commissioner, appointed by the Ministry of the Interior in the Israel Government, serves as the representative of the Government and the link between the District and the organs of the central government. The laws of Israel apply automatically to Jerusalem. Concern for Jerusalem's economic welfare has led to the creation of special governmental and government-aided institutions designed to promote the economic rehabilitation and social progress of the City. The Government of Israel levies taxes, grants subsidies, maintains public services, law and order and lines of communication.
37. *Article 10* of the Draft Instrument, by setting up a General Council as the supreme administrative authority in an "area of Jerusalem" of which Jewish Jerusalem is but one of two zones, implies that the Jewish area will no longer be governed exclusively as at present by the legal and administrative enactments of the Government of Israel. It is clear that matters now regulated by the Israel Government and the Jerusalem Municipality would be governed or affected by the prescriptions of the General Council.
38. It follows that the political organization and economic links which today exist between the Municipality of Jewish Jerusalem and the Government of Israel would have to be either sundered or weakened, and that in all matters which the General Council could prescribe, the Municipality would have to regard itself as an entity linked only or primarily with the General Council provided for in *Article 10*, and the United Nations Commissioner appointed under *Article 6*. An enactment made by the Israel Ministry of the Interior as applicable to all local authorities would no longer automatically apply to the Municipal Council of Jerusalem; for it might well differ from or conflict with rules prescribed by the General Council in the very same matters. Yet there is every indication that the Municipal Council of Jerusalem would in fact recognize such Israel enactments as unconditionally binding upon it, and as superior to any conflicting prescription.
39. In theory, however, the authority of the Municipality of Jerusalem would become subordinate to the General, not to the Israel Government. *Article 11* gives the General Council - in which Jewish representatives would be a minority of five amongst fourteen - powers to prescribe rules in relation to "public services of

common interest to the whole area of Jerusalem" and to "plan and supervise the execution" of matters of area-wide municipal concern, "such as the development of transport, communications and public utilities." Thus, the Government of Israel is swept away from its jurisdiction in all these matters as they affect the Jewish area. Furthermore, under *Article 11 (d)*, the General Council may actually "allocate the contributions of each zone towards expenditures in the common interest." Under these provisions, the General Council is authorized:

- (1) to supersede the decisions of the Israel Government and the Jewish Municipality in relation to all matters which the General Council chooses to regard as being of "common interest." The General Council itself would be the sole arbiter of what is or is not be regarded as being "of common interest"
- (2) to dispose of parts of the budget of Jewish Jerusalem by allocating its contribution towards the financing of all such matters of "common interest." Since Jews would be a minority on the General Council, they would have no guarantee that the contribution allocated to them would not be disproportionate. The main point, however, is that of legal and moral competence. While the Government of Israel and the Municipality of Jerusalem furnish the entire budget for Jewish Jerusalem, they are here expected to become a minority in the disposition of their own resources.

These, however, are only two illustrations of the power of the Commissioner and General Council to disrupt the administrative links of Jerusalem with Israel. Article 9 gives the Commissioner the right to "refer any violation of the present Instrument to the International Tribunal." As the Instrument covers the entire field of Jerusalem's administration, it is evident that the Israel authorities' liberty of action in any substantial matter would be subject to the intervention, veto or challenge of the Commissioner. There is no doubt that the Draft Instrument undermines Israel's administrative jurisdiction at every turn.

40. Article II (e) has the effect of withdrawing Jewish Jerusalem from the economic orbit of the State of Israel. The sub-section envisages three distinct economic entities:
 - (1) the "zone,"
 - (2) the bi-zonal "area of Jerusalem," within which bi-zonal "economic and commercial arrangements or agreements" are to be recommended,
 - (3) a third and highly remarkable entity described as "the world outside," between which and "the area," trade is to be facilitated.
41. The State of Israel which provides all the social and economic services of Jewish Jerusalem is presumably part of "the world outside." The Jews in the Israel area of Jerusalem can have no direct economic relationships with Israel, save insofar as the "Jerusalem area" as a whole has such relationships.
42. What this means is to be deduced from the fact that today the Jewish Municipality of Jerusalem derives considerable revenue in the form of a "grant-in-aid" from the Israel Ministry of the Interior; that its water supply has in large part been financed by Israel; that the Israel Treasury has granted it large sums for public works and rehabilitation; and that its entire economy is dependent on its integration in the economy of Israel. In replacing this integration by an attempt to regard the "zone" or "the Jerusalem area as a whole" as economic entities, these provisions if seriously applied would expose Jewish Jerusalem to economic decline. As will be explained in connection with *Article 22*, it is not proposed by the Draft Instrument that the United Nations Commissioner with his "full and permanent authority" should take over any of the burdens and responsibilities of the City's sustenance and rehabilitation.
43. The growth of Jewish Jerusalem is menaced by *Article 11 (b)* which gives the General Council the power to "prescribe rules relating to town planning." No conditions govern the use of this power. It would accordingly be within the power of the General Council, in prescribing town planning rules, to prohibit development throughout the constricted area in Jewish Jerusalem still available for building. Taken together with *Article 4* (restriction of offices) and *Article 5* (respecting immigration), this provision illustrates a clear conflict between two conceptions - the growth and expansion of modern Jerusalem under active governmental stimulation from Israel, and its deliberate and artificial crystallization through *Articles 4, 5 and 11 (b)* of the Draft Instrument.
44. The minority status on the General Council of the Jews of Jerusalem, who form 70 percent of its population, would be the reflection of their subservient status in the Jerusalem area. The conciliation Commission does not discuss the prospect of Jewish representatives actually cooperating in this attempt to deprive them of the full self-government which they have already attained. Since a host of measures and projects which they are entirely free to initiate and execute in their own area could now be overruled or vetoed by the non-Jewish majority of the General Council, it is difficult to see how the representatives of Jewish Jerusalem could ever be induced to enter such an administrative framework, in preference to that which they now possess.

VI. Judicial Provisions (Article 12-14)

45. *Article 12, 13 and 14* of the Draft Instrument establish a cumbersome system of International and Mixed Courts. These three articles, especially when joined with the provisions concerning the General Council, secure the subordination of Israel's administrative and judicial authority in the City. For example, under *Article 12(a)*, the International Tribunal shall have jurisdiction "to hear and determine cases submitted to it by the Commissioner under *Article 9 to 23* of the present Instrument." This Article subjects all Israel legislation affecting Jerusalem to the will of an outside court. The references to *Articles 9 to 23* would enable the Commissioner to bring proceedings against the Government of Israel, assuming that Government is to be "the responsible authority for the so-called Jewish zone" in the following matters:
- (1) Under *Article 9* the Commissioner could refer any law enacted by the Government of Israel for its citizens in Jerusalem to the International Tribunal, insofar as he observed a conflict between such a law and any administrative or judicial measure prescribed by the General Council or the International and Mixed Courts. For example, he could intervene between the Government of Israel and any Israel citizen as the champion of the latter on the ground of *Article 23*. He could proceed against the Government with respect to any organs or services which that Government established in Jerusalem if the Commissioner did not deem such an organ or services "normally necessary for the administration of municipal affairs." He could bring proceedings under the joint operation of *Article 12(a)* and *Article 9* against the arrival of Jews to take up residence in the Jerusalem zone. Here he could rest his case on *Article 5* of the present Instrument, and instruct the Government of Israel under *Article 9 and 12* to refuse the right of immigration to such people.
 - (2) If the General Council were "to prescribe rules" for the operation of public services in Jerusalem, or for the protection of sites and town planning, or for the allocation of Israel's funds towards "expenditures in the common interest"; and if such rules were to conflict or differ from legislation on similar matters enacted by the Government of Israel, the Commissioner could submit the case to the International Tribunal, whose decision would be binding (*Article 12, Para. 5*). The unlikelihood of any Jew in Jerusalem regarding the judgments of this court as more binding than the enactments of his own government and courts does not deter the Conciliation Commission from allotting this far-reaching jurisdiction to these superimposed organs.
 - (3) Under *Article 12* the Israel and Arab authorities in Jerusalem could now begin to interfere with each other's administration by claiming before the International Tribunal that laws, ordinances, regulations, administrative acts or court decisions carried out by the other Government in its area were incompatible with the present Instrument. To complete the anarchy of litigation into which these extraordinary Articles would plunge the City, the Commissioner himself could question the valid application of any Israel law, ordinance, etc., in the Israel zone. In *Article 12(a), (b) and (c)*, the International Tribunal is given the power of binding decision on a host of matters in which the laws and courts of Israel now have complete and final jurisdiction. In support of these wide powers, the International Tribunal is endowed with the power to "issue such orders and injunctions (to the "responsible authorities") as it deems necessary for the effective exercise of its jurisdiction." Thus, the Israel Government is to become the policeman of the very courts established to destroy its own jurisdiction. The whole of *Article 12* is in an illustration both of the dictatorial attitude of the Draft Instrument and of its effective tendency to subordinate and annul the existing authority of the Government and the Courts of Israel.
46. *Article 12(d) and (e)* refer to disputes regarding Holy Places and will be discussed in Paras. 65-69 below.
47. In *Article 13* the Draft Instrument proceeds to dispose effectively of such relics of authority as may have been left to the Courts of Israel by the operation of *Article 12*. This Article establishes a Mixed Tribunal to consist of three judges, of which one would be a judge of Israel. Under this Article, the Courts of Israel would lose all jurisdiction in the following categories of cases occurring *within the Israel area*:
- (1) Cases arising in the Israel zone in which any or all of the parties were not "residents of that zone". This is clear from *Article 13(a)* of the Instrument.
 - (2) cases arising in the Israel area in which one or more of the parties was the national of an Arab State.
 - (3) Criminal cases committed in the Israel zone by or against any visitor or alien (*Article 13*). These provisions completely eliminate the Government and the Courts of Israel from any litigation, civil or criminal, affecting any visitor, tourist or foreigner in the Israel area. Thus, the Government of Israel would not retain in Jewish Jerusalem a fraction of the normal functions and authority which any ordinary government exercises in any area under its jurisdiction. It is inconceivable in the light of *Articles 12 and 13* that the plea could be seriously advanced that the Draft Instrument respects and confirms existing Israel authority in Jewish Jerusalem.
48. Finally, the Mixed Tribunal, like the International Tribunal, is able to issue imperative orders to the Government of Israel or its bodies subordinate to it, in accordance with the final paragraph of article 13 which

states that "the decisions and orders of the Mixed Tribunal shall be executed by the appropriate authorities of the zone in which the decision or order applies." Here again we have the curious prospect of the Israel police acting as the agent of a court which deliberately supersedes Israel's jurisdiction.

VII. Security - Demilitarization and Neutralization (Article 21)

49. The Draft Instrument intends to solve the security problem in Jerusalem by permanent demilitarization including the removal "of all military and para-military forces and stocks of war material." The Jewish area, having escaped annihilation by a hair's breadth through a lack of "military forces and stocks of war material" will now depend for its very life upon the services of 500 policemen, by authorization of the United Nations Commissioner. With this force it would face an exactly equal force in the Arab zone. But it would be greatly outnumbered by Arab forces surrounding the City on three sides at any strength they desire and able to converge upon it at will from Ramallah in the North, Jericho in the East and Hebron in the South. It is the most elementary fact of Jerusalem's geography that to remove armed forces from both areas is not to ensure equal security for both areas, but to place the Jewish area at the mercy of its Arab hinterland and expose it once again to the risk of destruction and strangulation from which Jewish forces saved it last year. The Draft Instrument turns its back on the grim lessons of 1948 which conclusively proved the unfortunate inability of international exhortations to arrest the slaughter of men, women and children.
50. It must be remembered that Jewish Jerusalem was virtually demilitarized when the Arab assault began in December, 1947. There were no regular Jewish forces within the City; and for months the para-military organizations called into action by the citizens themselves were left alone to fight off combined assault and siege. Jewish regular forces, which saved the City from annihilation and established its present equilibrium of security, are now stationed in the City to the exact extent required for its defense and under the limits of an agreement, endorsed by the Security Council, precisely their size and activity.
51. *Article 21* inviting Israel to restore the defenselessness and vulnerability of the City and to violate an existing security agreement, reveals no adequate comprehension of an issue where international failure has already cost hundreds of innocent lives.
52. Apart from these profound moral considerations, this Article undermines an established legal situation. The General Armistice between Israel and Jordan defines both the position and the size of armed forces which both sides have agreed to maintain in their respective areas. No single provision of this Agreement may be changed except by the operation of Article XII, involving processes of agreement between both governments. Neither the General Assembly nor the Security Council has unilateral jurisdiction to modify or affect any of the provisions of that Agreement, which indeed the Security Council has but recently endorsed.
53. In discussing demilitarization the Conciliation Commission may have had good reason, not stated in the Instrument, for assuming a task allotted by the December 11 Resolution not to it but to the Security Council - a task which the Security Council found neither necessary nor expedient to undertake. Demilitarization cannot be legally achieved by the General Assembly since the conclusion of the General Armistice agreement. Indeed, the Conciliation Commission does small service to the United Nations in advocating the disturbance of the equilibrium and agreement which the United Nations Acting Mediator helped to secure amidst international acclaim.
54. The Government of Israel, having once relied with grievous consequences on international authority to defend the Jews of Jerusalem and isolate the City from general conflict, cannot ever allow that experience to recur. To maintain its armed forces in Jerusalem in accordance with its international agreements is its permanent and unconditional duty for the defense of a population and an area falling within its jurisdiction.

VIII. Economic and Financial Provisions (Article 22)

55. The Draft Instrument makes no specific provisions for the economic life of Jerusalem except for Article 22 which empowers the responsible authorities to "make such arrangements of a financial and economic nature as may be appropriate in the circumstances." The Article at first sight seems innocuous, although it could hardly be described as helpful; most "responsible authorities," if left to themselves, would probably conceive the happy idea of "making such arrangements as may be appropriate." Article 22 is, however, open to objection for its implication that these authorities could not "make such arrangements as may be appropriate" between themselves unless and until the Draft Instrument conceded them that power. This is another instance of the basic fallacy according to which governments can suddenly be authorized by the Instrument to do what they are already entitled and able to do.
56. But the "Economic and Financial Provisions" of the Instrument are more significant for what they omit than for what they contain. The Plan which allots so many titles and privileges to the United Nations

Commissioner, including "full and permanent authority," ascribes to him no responsibilities whatever for the benefit or services of the population. It is true that the economic life of Jerusalem would be dislocated by the administrative provisions of Article 11 and that the limitations on Israel's jurisdiction (*Article 4, 9, 10, 11, 12, 13*) would weaken its capacity for financial and fiscal planning as well as for urban development. Yet apart from the creation of these obstacles, the organs established by the Instrument do not take away functions from the Israel Government in the economic field as they do in the administrative and judicial fields.

57. This restraint is prudent indeed; for while authority over Jerusalem may be deemed a historic privilege, its economic maintenance is a heavy liability. Jerusalem cannot feed itself. All supplies must be transported from the coast. Jerusalem depends on a small pipe-line through which water is pumped uphill. Its electric current depends on fuel oil brought from Tel Aviv and Haifa. Its population subsists mainly on secondary occupations which are not lucrative in taxation. The City has always been an item of expenditure and not of income in the economic balance sheet of Palestine.
58. The burden of maintaining Jerusalem has increased in recent years with the removal of the central political and judicial institutions whose officials formed a high percentage of its wage earners. The Government of Israel has done something to arrest this drastic decline by restoring some official wage-earning families; but the vigilant Draft Instrument proposes to cancel even that meager rehabilitation by the banishment of all but municipal offices (*Article 4*). Other causes of Jerusalem's economic decline originate mostly from the Arab siege of 1948 in which Jerusalem suffered at least 20 million dollars damage. The Government of Israel has grappled hard with this problem, and as a result, the Jewish population has nearly regained its pre-war level of population numbering 102,000.
59. The budget for Jerusalem for 1949-50 will amount to 2,000,000 pounds. Twenty percent of the budget is allotted to education, 17% to social welfare, and 14% to public health. Few of these services could be maintained without grants-in-aid from the responsible Government. Thus, the Israel Ministry of Education will contribute IL. 270,000 towards Jerusalem's schools - a major part of the education budget. The Government is also allocating large sums for new buildings. The Israel Ministry of Social Welfare has been approached for a grant of IL. 170,000 for Jerusalem, while a general governmental grant will reach IL. 200,000. The Israel Government has decided to make a special grant of IL. 26,000 for the Jerusalem water supply, while it has under consideration a request to guarantee a loan for IL. 300,000 to replace the installations blown up at Latrun by Arab forces in August, 1948.
60. The authors of the Draft Instrument may plausibly argue that they interfere with none of this. They leave the Government of Israel in sovereign possession of its economic burdens, while depriving it only of its administrative and judicial control. The General Assembly, however, cannot ignore the profound moral inequity whereby legal power and titular authority are to be vested in artificially contrived Commissioners, courts and organs, while all the responsibilities, benefits, and aid which a community can expect from its government, fall upon the shoulders of the Government of Israel, as before. This separation of titular authority from all obligations of service and responsibility is abhorrent to any enlightened conception of government.
61. Moreover, accepted governmental authority, with full state powers, is essential for the fulfillment of Israel's economic responsibilities in Jerusalem. Without that status and the resulting power legally to regulate and carry out trade, rationing, customs and currency policy, the Israel Government would be unable to maintain or develop Jerusalem's economic life.

IX. Human Rights and Fundamental Freedoms (Article 23)

62. In this Article the "responsible authorities" in the "zones" are exhorted to "ensure the observance of human rights and fundamental freedoms as set forth in the Universal Declaration of Human Rights." The United Nations Commissioner could seek to set aside any of the decisions or actions of the Government of Israel in Jerusalem which he considered inconsistent with that Declaration. He could do this by appeal to the International Tribunal or to the appropriate organ of the United Nations.
63. Quite apart from its questionable legal implications, the proposal is objectionable mainly for its political effects. For every Jew in Jerusalem would surely regard the appointment of a Commissioner with executive powers as a deprivation of his own fundamental freedoms. A Commissioner with such power would appear to the Jews of Jerusalem as the symbol of their national disfranchisement and the agent of their unwanted separation from the only government to which they desire to entrust their fortunes. Every action of the Commissioner or his Courts, insofar as it limited or qualified the relationship of the Government of Israel to its citizens in Jerusalem would be deeply resented by each individual Jew. In a Draft Instrument for the establishment of organs of government with no roots in the City and no duty of response to democratic processes, it is hardly sensitive to mention a Declaration of Human Rights which proclaims that "*the will of the people shall be the basis of the authority of the government; this shall be expressed in genuine elections.*" A genuinely unelected Commissioner claiming the full and permanent "authority of

government" against the will of the people he governs could never be accepted by that people as a more effective guardian of their freedoms than the government which has protected and sustained them in every ordeal and which is responsive to their suffrage and their will.

64. The implication that the Government of Israel requires special and unique measures, applied nowhere else, for supervising its observance of human rights and fundamental freedoms is emphatically rejected.

X. Holy Places, Religious Buildings and Sites (Article 15-20)

65. *Article 15 to 20* describe the responsibility of the United Nations Commissioner for the protection of Holy Places, religious buildings and sites. It is noticeable that those Articles are completely self-sufficient and are not related to any of the other provisions of the Instrument. Their implementation in no sense requires the exercise by a United Nations Commissioner of full and permanent authority, or the operation of his organs and courts in any secular field. This fact is in itself clear and convincing proof that the exercise of United Nations responsibility for the safeguarding of Holy Places can be implemented without any of the administrative or judicial intrusions envisaged by the Commission in the secular life of Jerusalem. Neither the paramount Commissioner, nor the General Council, nor the International and Mixed Tribunals, nor demilitarization, are in the slightest degree essential for the protection under international auspices of Holy Places and sites.
66. In its own submissions, the Government of Israel will develop in more detail the measures to be taken for the safeguarding of Holy Places. *Articles 15 to 20* embody in the form of an imposed settlement many conditions which could only be implemented satisfactorily if embodied in an agreement with Israel. In view of the governmental nature of Israel's authority in Jewish Jerusalem, the responsibilities of the United Nations in that area should take the legal form of an agreement; and the supervision of the agreement on behalf of the United Nations should be concern of a representative, and not of a Commissioner endowed with executive powers.
67. In any discussion of the Holy Places it should be borne in mind that all places defined as Holy Places under the *status quo* and confirmed as such by an Ordinance of the Mandatory Government lie within the area of Jerusalem under Arab control. The Holy Sepulcher, the Church of Nativity, the Garden of Gethsemane, the Mount of Olives, the Grotto, the Shepherd's Field, the Wailing Wall, Rachel's Tomb, the Haram al-Sharif, the Mosque of Al-Aqsa are all under Arab occupation. For the places of religious interest under Israeli control the Government of Israel will propose agreements bringing them under direct United Nations supervisions. The fact that the Holy Places are nearly all outside the Jewish area makes the proposed Draft Instrument, so far as it affects the Jewish area, especially untenable. The desire to assure the protection of Holy Places in that area can be honorably and simply fulfilled by appropriate agreements and declarations.
68. Indeed, if there is any area in which religious interests predominate so irresistibly over modern political and secular realities as to justify an attempt at direct United Nations control, that area would be the Old City alone. For the Old City, unlike the New, is primarily a concentration of Holy Places and religious institutions and not an area of developed modern life. The Old City offers no physical conditions of healthy prosperous development and its complete transformation into a center of devotion and pilgrimage would conform with its unique historic associations. The problem of the Holy Places of Jerusalem is almost exclusively the problem of the Old City in which they are situated and not of the New City outside the historic walls.
69. The Old City, with its Holy Places, churches, synagogues, patriarchates and monasteries, with its historic streets such as the Via Dolorosa and the sites of the Stations of the Cross, contains hardly an inch not saturated with sacred memories. The international interest arising out of the existence of Holy Places and sites cannot justify a revolution of authority in the modern city but it may well require more specific attention by the United Nations on the problems and future of the Old City itself. A glance at the religious map of Jerusalem, in terms of the Holy Places, vividly reveals the complete lack of necessity to affect the government of the New City on the grounds of universal interests.

XI. Summary of Administrative Effects

70. It has been suggested on behalf of the Palestine Conciliation Commission that the Draft Instrument is consistent on the whole with the existing pattern of authority in Jerusalem. In particular, it is claimed that the Plan does not fundamentally disrupt the administrative or judicial authority presently exercised by the Government of Israel, and that those who criticize it as involving an artificial separation between Israel and Jerusalem misinterpret the intention of the Plan. After close and conscientious study, the Israel Delegation concludes that this thesis does not accord with the text of the Plan. There is no vital aspect of Israel's essential authority in Jerusalem which would not disintegrate if the Plan were put into practice. Thus, the Government of Israel would lose its present authority in the following respects:

- (1) Its legal title in the Jewish area would be destroyed by the Preamble referring to "full and permanent authority" of the United Nations and by startling theory of retrospective delegation of powers referred to in *Article 3*.
 - (2) Its effective freedom to arrange for the administration and development of Jewish Jerusalem by its own legislation in accordance with the wishes of the population, would now be paralyzed to the point of impotence by *Articles 4, 5, 9, 11, 12 and 13* of the Plan.
 - (3) The relationship of authority and allegiance between Israel citizens and the Government of Israel would be challenged by *Article 23*.
 - (4) The freedom of the Government of Israel to organize, plan and determine the economic development of the Jewish area would be set aside through lack of governmental status as well as by the operations of *Article 11 (a), (b), (d) and (e)*. Israel would retain full economic liability while losing all economic and administrative control.
 - (5) The Courts of Israel would lose wide areas of jurisdiction by every single provision of *Article 12 and 13* and become involved in endless conflicts of jurisdiction with courts gratuitously introduced from outside. Their remaining authority is weakened by *Article 8 (b)*.
 - (6) The security responsibilities of the Government of Israel would be annulled by the demilitarization project of *Article 21*, whereby 100,000 Israel citizens would be wantonly deprived of their defense. The Government of Israel would again see a large proportion of its citizen dangerously encircled by Arab forces on three sides, and the restoration of the very conditions which nearly effected the City's destruction and strangulation last year.
 - (7) The freedom of the Government of Israel to maintain its international agreements or to change them by mutual consent is actually denied by all those measures (especially *Article 21*) which seek to set aside provisions of the General Armistice Agreement by unilateral action of the General Assembly.
71. The conclusion is that almost any action of the Government of Israel relating to Jewish Jerusalem would now have only a conditional validity, subject to the intervention or veto of the United Nations Commissioner and the General Council, while the laws of Israel, at the moment automatically binding upon Israel citizens in Jerusalem, would be set aside by the operations of the Commissioner, the International Tribunal and the Mixed Tribunal. It is difficult to see how the Conciliation Commission can convincingly prove that its Plan preserves any normal Israel authority in the Israel part of Jerusalem.

THE FUTURE

XII. The Israel Attitude

72. The Israel Delegation studied the Draft Instrument with minute and careful attention before reaching the totally negative conclusions outlined above. The Plan never escapes the consequences of an untenable starting point. The notion that the United Nations is the direct source of all authority over Jerusalem, as though the Mandate had just ended and the United Nations had effectively stepped in, is neither a legal nor a factual truth. The Commission makes its recommendations as if no established and legitimate authority existed in Jerusalem. All is still flexible; anything can be conjured up or wished away. The theory seems to merge into illusion. Where the Government of Israel is conspicuously present and active, the Plan sees "residents of the Jewish zone". These circumlocutions encourage a wrong impression of individual and collective relationships. Commissioners, Councils and Courts suddenly appear on the scene; the administration and jurisdiction of a government over its people inexplicably disintegrates; there is an abrupt transfer both of allegiance and power - and everybody pretends that whatever has been happening for months past will continue to happen - if at all - by virtue of a United Nations Commissioner's "full authority". The picture becomes confused with the theory of retrospective delegation; with new-born organs becoming the source of the authority already being exercised by existing institutions.
73. All this ambiguous formulation would matter little if it were not for its dire effect on the life and the security of the City. The Israel Delegation is seriously aware of the many grave complications which would ensue from the adoption of the Draft Instrument. The Plan, if it were implemented - and there is not the slightest shred of evidence that it can be - would convulse the City in widespread discontent and confusion. No mere amendment of the details of the Plan could render it acceptable; for the Plan as a whole disrupts the administrative authority of the Israel Government against the will of the population; it destroys the dignity and jurisdiction of Israel's Courts; it subjects every Israel law and act to the comprehensive veto of the Commissioner and the Council. The Jews of Jerusalem become a minority of five amongst 14 in their own vital matters which they already exclusively govern. Israel retains all its governmental burdens, and loses all its governmental titles and authorities. The Instrument undermines the administrative stability resting on firm national sentiment - and then cancels out the hard-won military equilibrium as well, rashly tearing up the Armistice Agreement and depriving a population naturally obsessed with the memory and fear of attack and siege of all the armed defense upon which its very life de-

pend. The Commissioner who prevents Jews from immigrating to Jerusalem, who takes away their defense forces, who subordinates them to unelected organs, who intervenes in their accepted laws and regulations, who orders them to allocate their funds where his General Council wills, who overrides their most cherished sentiment, comes forward in a final flourish of ironic unreality as the guardian of their human rights and fundamental freedoms against the possible oppressions of their own government.

74. The Israel Delegation hopes that the General Assembly will turn away completely from the vista of entangled responsibilities, popular discontent and constitutional conflict opened up by the Draft Instrument, and embark upon a more simple and effective effort to harmonize the recognized interests of the United Nations with the legitimate realities of Jerusalem today.

XIII. Principles of a Solution

75. On September 26, 1949, the Government of Israel announced to the General Assembly its willingness to conclude such agreements with the United Nations as are necessary for the implementation of safeguards for Holy Places and religious rights. The main principles for such a solution insofar as they affect the area of Jerusalem under Israel jurisdiction are as follows:
- (1) The United Nations would limit its commitment to the safeguarding of Holy Places and the obtaining of guarantees for religious rights.
 - (2) The General Assembly would initiate such formal agreements as may be necessary between the United Nations and the State of Israel for the implementation of such safeguards.
 - (3) Under such an agreement, should the United Nations wish to be represented in the area, then it should be by a representative whose functions should be exclusively defined in terms of sub-para (a) above.
 - (4) Any such agreement should be so drafted as not to conflict with existing government or municipal jurisdiction or with valid security agreements effective in Jewish Jerusalem.

CONCLUSION

76. This is the first time in history that a government in control of part of Jerusalem has offered to bind itself by international agreements accepting the principle of international supervision of Holy Places. The precedent coincides with the first moment in Jerusalem's post-Biblical history in which the City is governed by its own inhabitants and their chosen government. If Israel offers agreements and safe-guards, which previous regimes never felt called upon to give, it is solely out of reverent concern for the universal religious sentiment to which the General Assembly has given such moving expression.
77. It is sometimes stated that the preservation of Holy Places and religious rights is not the only essential function of the United Nations in Jerusalem, and that the United Nations would not be adequately meeting its responsibilities if it confined its efforts to that end. This view cannot be sustained.
78. *Ever since this problem came before the United Nations, the case for any special treatment for Jerusalem has rested exclusively on the City's religious associations, and on the presence therein of Holy Places, sites and religious buildings.*

Thus the Resolution adopted on November 29, 1947, defined its purposes in relation to Jerusalem in these terms: "to protect and preserve the Holy Places and religious buildings or sites." The political arrangements envisaged in that Resolution were merely elaborate means to achieve that end. Similarly, the Resolution adopted on December 11, 1948, called for "separate treatment" and "effective United Nations control" of Jerusalem, specifically "*with a view to its religious associations.*" In his most recent encyclical, His Holiness the Pope advocated a juridical status for Jerusalem *such as would assure the safety of the Holy Places and sites.* It cannot be seriously doubted that the City's religious associations arising out of the presence of Holy Places and sites constitute the purpose and objective of United Nations concern for Jerusalem. Any particular political and administrative schemes drawn up for Jerusalem are entirely subsidiary to that purpose. The United Nations is fully entitled to concentrate exclusively on its one central purpose of safeguarding the Holy Places and sites.

79. It is noteworthy too that the original proposals put before the United Nations by religious authorities asked nothing but effective measures for the protection of Holy Places and religious rights. Thus on July 15, 1947, Brother Bonaventura, Custos of the Holy Land, made requests of the United Nations Special Committee on Palestine which were limited to the international guarantee of religious immunities and which at no point suggested any particular political status for the City. He said: "*Should there be a non-Christian State we recommend that measures - international guarantees - be embodied in any arrangements with the new State that may possibly be set up.*"

In his original letter to the Secretary General, Msgr. McMahon also expressed Catholic aspirations exclusively in terms of religious guarantees without mentioning any particular political status for Jerusalem as indispensable to the satisfaction of those needs. He said:

"We are completely indifferent to the form of the regime which your esteemed Committee may recommend, provided that the interest of Christendom, Catholic, Protestant and Orthodox, will be weighed and safeguarded in your final recommendations. Primarily, all our sanctuaries should be respected, not only with cold juridicism but with local reverence, and they should be continuously and unconditionally accessible not only to local inhabitants but also to the Christians of the entire world."

80. Now, that the idea of a separate political existence for Jerusalem, isolated from the life and sentiment of its environment, has been clearly invalidate by experience and superseded by irrevocable processes of integration, surely it is the course of honor to reaffirm the objectives of the United Nations and the Churches in all their original simplicity. Conscious of the universal associations of Jerusalem and of the reverence in which its shrines and sanctuaries are held by devout opinion throughout the world, the Government of Israel offers to conclude agreements between itself and the United Nations for the safety and immunity of Jerusalem's Holy Places. It offers also to "embody international guarantees" in such agreements and to "ensure that sanctuaries be respected with local reverence and be continuously and unconditional accessible not only to inhabitants but also to Christians of the entire world." On the one hand the General Assembly is faced by a plan enjoying neither the prospect of consent nor the possibility of implementation, on the other hand, there is the opportunity of a harmonious and agreed solution, conducive to the dignity of the United Nations and the peace of Jerusalem.



**STATEMENT BY ISRAELI FOREIGN MINISTER MOSHE SHARETT BEFORE
THE SPECIAL POLITICAL COMMITTEE OF THE UN GENERAL ASSEMBLY,
REJECTING THE INTERNATIONALIZATION OF THE JEWISH SECTOR OF
JERUSALEM, 25 NOVEMBER 1949 [EXCERPTS]**

Here is the crux of the problem. An international regime over Jerusalem which does not derive its authority from the freely expressed will of its inhabitants, denies to those inhabitants the elementary right enjoyed by their compatriots elsewhere, namely the right to belong to an independent state as its full-fledged citizens. Do the religious associations of Jerusalem justify such a denial? Must they necessarily predominate over the elementary interests and legitimate aspirations of civilized human beings?

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

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

The Government of Israel has already had opportunities to indicate the nature of the solution of the problem which it considers both practicable and fair. It accepts the principle of international concern in the Holy Places, expressed through the United Nations. It accepts the idea of an international regime to give effect to that concern but it is its conception that the international regime should be of a functional, not a territorial, character; viz. it should be concerned with the supervision of the Holy Places and the enforcement, through the appropriate authorities, of measures necessary for their protection and accessibility. It points to the possibility of supplementing the exercise of such functional authority by the United Nations throughout the area of Jerusalem with the complete internationalization of the Old City which represents a massive concentration of all the main shrines.

The distinction between the Old City and the New City is of the essence, and its importance cannot be over-emphasized. The Old City, which contains within its walls the chief sanctuaries of the three faiths, all the Christian patriarchates, a number of monasteries and hostels, the Moslem ecclesiastical foundations and a

Jewish quarter, with ancient synagogues now in ruins, covers only 6.5 per cent of Jerusalem's municipal territory and only 2 per cent of its town planning area.

The Arab authorities in its control have refused the Jews access to their main shrine - the Wailing Wall, which is the remnant of the Temple. Outside the walls the Arabs hold 30 per cent of Jerusalem's town planning area, as delimited by the British Mandatory Administration to provide scope for the city's growth and development. If the present Arab inhabitants of the Walled City could be induced, by the offer of better housing facilities, to move of their free will out of the congested quarters and settle in the free space outside the walls, then the Walled City could be converted into a spacious and dignified compound, relieved of its present ugliness and squalor, containing only Holy Places and religious foundations and consecrated to religious worship and pilgrimage by members of all faiths under the aegis of the United Nations.

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



**ISRAEL'S DRAFT RESOLUTION ON THE SUPERVISION AND PROTECTION
OF HOLY PLACES IN JERUSALEM, SUBMITTED TO THE UN GENERAL ASSEMBLY,
25 NOVEMBER 1949**

The General Assembly,

1. *Recalling* its successive resolutions which expressed the concern of the United Nations in Jerusalem by reason of the presence therein of Holy Places, religious buildings and sites;
2. *Noting* that the Declaration of Independence of Israel of 14 May 1948, provides for the protection of the Holy Places of all religions;
3. *Desiring* to maintain the existing rights in the Holy Places, and in particular those rights and practices in force 14 May 1948, and thus to give effective and practical expression to that concern,
4. *Resolves therefore:*
 - (a) To authorize the Secretary-General to sign on behalf of the United Nations an agreement (as attached) with the State of Israel relating to the supervision and protection of the Holy Places in Jerusalem;
 - (b) To request the Secretary-General to report to the fifth regular session on progress made with respect to the signature and implementation of this agreement.

ANNEX

Text of draft agreement between the United Nations and Israel

Article I - Definitions

Section 1:

In this Agreement:

- (a) The expression "The Holy Places" means those places, buildings and sites in Jerusalem which were recognized on 14 May 1948 as Holy Places and any other places, buildings or sites which may subsequently be considered as such by agreement between the parties;
- (b) The expression "United Nations" the international organization established by the Charter of the United Nations;
- (c) The expression "Secretary-General" means the Secretary-General of the United Nations;
- (d) The expression "Jerusalem" means the part of Jerusalem now under Israeli control.

Section 2:

The parties shall establish by mutual agreement a detailed list indicating what were the Holy Places in Jerusalem on 14 May 1948 for the purposes of this Agreement, and in the same way may amend such list by additions or by deletions.

Article 2 -Maintenance of existing rights

Section 3

The free exercise in Jerusalem of all forms of worship in accordance with the rights in force on 14 May 1948, subject to the maintenance of public order and decorum, shall be guaranteed by law and effectively secured by administrative practice in conformity with the Declaration of Independence of Israel.

Article 3 - Preservation of the Holy Places

Section 4

The Holy Places in Jerusalem shall be preserved, and no act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government of Israel that any Holy Place, religious building or site is in need of urgent repairs, it may call upon the religious community or communities concerned to carry out such repairs. The Government may carry out such repairs itself at the expense of the religious community or communities concerned, if no action is taken within a reasonable time.

Section 5

The Government of Israel shall take all reasonable steps to ensure that the amenities of the Holy Places in Jerusalem and their immediate precincts are not prejudiced.

Article 4 - Access to the Holy Places

Section 6

No form of racial or religious discrimination shall be permitted with respect to the rights of visit and access to any of the Holy Places, except in so far as the performance of certain religious rites and ceremonies may require the exclusion from them of the adherents of other faiths during the performance of such religious rites and ceremonies.

Section 7

Subject only to requirements of national security, public order and decorum, health, liberty of access, visit and transit to the Holy Places in Jerusalem shall be accorded to all persons without distinction in respect of nationality in conformity with the rights in force on 14 May 1948.

Section 8

The Secretary-General and the Government of Israel shall, at the request of either of them, consult as to methods of facilitating entrance into Israel, and the use of available means of transportation, by persons coming from abroad who wish to visit the Holy Places. This shall not prevent the Government of Israel from making suitable arrangements directly or with other States for any of these purposes.

Section 9

Nothing in this Agreement shall affect in any way the application of laws and regulations from time to time in force in Israel regarding the entry of aliens, or to confer any right of entry into Israel otherwise than in accordance with such laws and regulations, or any modifications hereof, and with the terms of any international obligations assumed by Israel in this regard.

Article 5 - Protection of Holy Places

Section 10

- (a) The Government of Israel shall exercise due diligence to ensure that the sacred character of the Holy Places in Jerusalem is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances, and shall cause to be provided such police protection as is required for these purposes.
- (b) If the Secretary-General is of the opinion that additional police protection is required for any of the Holy Places in Jerusalem, or for any area of Jerusalem in which a number of Holy Places are situated within a reasonable degree of propinquity, he may request the Government of Israel to increase the number of policemen regularly stationed for the protection of such Holy Places or area.

Article 6 - Law and authority in relation to the Holy Places

Section 11

- (a) The law of Israel including regulations and by-laws made by the local authorities shall apply to and within the Holy Places in Jerusalem.
- (b) The Israel Courts shall have jurisdiction over acts done and transactions taking place within the precincts of the Holy Places.

Article 7 - Public services

Section 12

The Government of Israel will exercise the powers which it possesses to ensure, at the request of the Secretary-General, that the Holy Places shall be supplied on equitable terms with the necessary public services, including electricity, water, gas, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, etc. In case of any interruption of threatened interruption of any such services, the Government

of Israel will consider the needs of the Holy Places to the extent practicable, and subject to the requirements of security and the maintenance of essential services and supplies.

Section 13

Nothing in this Agreement shall be interpreted as restricting the rights of the Government of Israel or any local authority, or any of their agencies or sub-divisions, officials or employees, with regard to entry into any Holy Place in Jerusalem for the purpose of enabling them to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers, which may run over, through, or under such Holy Place, religious building or site.

Article 8 - Exemptions

Section 14

No form of taxation shall be levied in respect of any Holy Place in Jerusalem, which was exempt from such taxation on 14 May 1948. No change in the incidence of any form of taxation shall be made which would discriminate between the owners and occupiers of Holy Places, religious buildings or sites in Jerusalem, 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.

Article 9 - United Nations representative

Section 15

The Secretary-General and the Government of Israel shall settle by agreement the channels through which they will communicate regarding the application of the provisions of this Agreement and other questions affecting the Holy Places in Jerusalem, and may enter into such supplemental agreements as may be necessary to fulfill the purpose of this Agreement.

Section 16

Israel hereby agrees that if the Secretary-General so requests he may appoint and send a representative to Israel to exercise the rights and duties conferred upon the United Nations by this Agreement. In making such appointment the Secretary-General shall have due regard for the accepted international custom relating to the appointment of diplomatic representatives. Such representatives may establish his headquarters in Jerusalem or in some other place agreed between him and by the Government of Israel, and shall be accredited to the President of Israel. For the duration of his mission the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations on 13 February 1946, as acceded to by Israel, shall be applicable to him as well as to his staff and to the buildings he occupies, all as is more particularly laid down in the said Convention on the Privileges and Immunities of the United Nations, it being understood that nothing in this Agreement shall imply the extension of the provisions of the said Convention to any Holy Place.

Section 17

The functions of the representative of the Secretary-General shall be limited to matters pertaining to the application and implementation of this Agreement; in particular it is understood that nothing shall authorize the United Nations or the Secretary-General or his representative, to intervene in matters which are essentially within the domestic jurisdiction of the State of Israel, or shall require the Government of Israel to submit any such matter to settlement under the Charter of the United Nations or under this Agreement.

Article 10 - Settlement of disputes

Section 18

Any dispute between the United Nations and Israel concerning the interpretation or application of his Agreement, or of any supplemental agreement, including any dispute as to whether any place in Jerusalem was recognized on 14 May 1948 as a Holy Place which is not settled by negotiation, or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Minister for Foreign Affairs of Israel, and the third to be chosen by the two, or if they should fail to agree upon a third, then by the President of the International Court of Justice.

Section 19

Subject to the provisions of section 10, where any dispute concerning a Holy Place, religious building or site in Jerusalem arises between two or more religious communities, or sections of communities, such dispute shall, in the first instance, be referred to the Government of Israel which may, in reaching its decision, seek the guidance of the United Nations. If the decision of the Government of Israel does not settle the dispute, then either Israel or the Secretary-General may refer the matter to the General Assembly.

Article 11 - Final provision

Section 20

This Agreement shall be construed in the light of its primary purpose to ensure protection of the Holy Places in Jerusalem, which is desirable, in view of the special character of Jerusalem, whose soil is consecrated by the prayers and pilgrimages of the adherents of three great religions.

Section 21

This Agreement shall be brought into effect by an exchange of notes between the Secretary-General, duly authorized pursuant to a resolution of the General Assembly of the United Nations, and the appropriate executive officer of Israel, duly authorized pursuant to appropriate action of the Knesset.

In witness whereof the respective representatives have signed this Agreement and have affixed their seals hereunto.

Done in duplicate, in the English, French, Hebrew and Spanish languages, all authentic, at Lake Success, this day of in the year one thousand nine hundred and



**ISRAELI PRIME MINISTER DAVID BEN-GURION, STATEMENT TO THE KNESSET
CONCERNING JERUSALEM AND THE HOLY PLACES, 5 DECEMBER 1949**

[In the wake of the UNGA debate on the internationalization of Jerusalem, the Ben-Gurion warned of the consequences of the establishment of an international regime for Jerusalem; his address was unanimously endorsed by the Knesset]

The Speaker, Y. Sprinzak:

I have the honor to open the 93rd session. The Prime Minister has the floor.

The Prime Minister, D. Ben-Gurion:

As you know, the General Assembly of the UN is at present discussing the problem of Jerusalem and its holy places.

The State of Israel is a member of the United Nations not out of political expediency, but through a profound traditional adherence to the vision of universal peace and fraternity of nations, bequeathed to us by the prophets of Israel, and which the UN has inscribed on its banner.

Our membership of the UN obliges us to declare from here, the rostrum of the First Knesset of Israel, before all nations gathered at the General Assembly of the UN and before all lovers of peace and justice in the world the feelings of the people of Israel, since it became a united nation under the rule of King David some three thousand years ago, regarding Jerusalem its holy city and regarding its attitude to the holy sites of all religions.

In our Declaration of the renewed State of Israel on the 14th May, 1948, we declared and undertook before the bar of history and before the world that "the State of Israel will ensure freedom of religion, conscience, language, education and culture; will guard the holy places of all religions and will be faithful to the principles of the United Nations Charter." In accordance therewith, our delegation at the UN has stated that the State of Israel undertakes to respect all existing rights regarding the holy places and religious sites in Jerusalem, ensures freedom of worship and freedom of movement for clergy, and also agrees to effective UN supervision over the holy places and over existing rights, to be settled between the UN and the State of Israel.

At the same time, we regard it as incumbent to declare that Jewish Jerusalem is an organic and inseparable part of the State of Israel - just as it is an integral part of the history of Israel, of its faith and of the spirit of our people. Jerusalem is the very heart of the State of Israel. We are proud that Jerusalem has also become holy from the point of view of members of other religions, and we shall willingly ensure all necessary arrangements and facilities so as to supply the religious needs of the adherents of other faiths in Jerusalem, and we shall lend all assistance to the UN so as to ensure such arrangements.

However, it is inconceivable that the UN should attempt to sever Jerusalem from the State of Israel or to infringe the sovereignty of Israel over its eternal capital.

Twice in the history of our people we were cut off from Jerusalem only after being defeated in cruel and bloody wars by forces that were superior in numbers and strength - those of Babylon and Rome. Our links with Jerusalem at the present day are no less intense than they were in the days of Nebuchadnezzar and Titus Flavius; and when Jerusalem was attacked after the 14th May, 1948, our heroic youth were capable of laying down their lives for our holy capital city, no less than our forefathers did in the days of the First and Second Temples.

We do not for one moment suppose that the UN will attempt to wrench Jerusalem by force from Israel, and we declare that Israel will never abandon Jerusalem of its own volition, in the same way as we have not for thousands of years given up our faith, our national character and our hope to return to Jerusalem and Zion - despite persecutions unparalleled in history.

A people which for two thousand five hundred years has steadfastly observed the oath which the first exiles swore on the revivers of Babylon not to forget Jerusalem will never acquiesce in separation from Jerusalem. And Jewish Jerusalem will never accept foreign rule, after thousands of its sons and daughters have for the third time liberated their historic homeland and redeemed Jerusalem from destruction and ruin.

We are not setting ourselves up as judges over the UN for not having lifted a finger at the time that several states, members of the UN openly declared war in violation of the UN resolutions of the 29th November, 1947, and attempted by force to prevent the establishment of the State of Israel, to annihilate the Jewish settlement in the Holy Land and destroy the Holy City of Jerusalem with its Jewish population.

If we had not succeeded by our own efforts in withstanding the aggressors who defied the UN, Jewish Jerusalem would have been wiped off the face of the earth, the Jewish population would have been destroyed and the State of Israel would never have been set up. Thus we can no longer regard the UN resolution of 29th November as having any moral force. After the UN failed to implement its own resolutions, we regard the resolution of the 29th November concerning Jerusalem to be null and void.

The attempt to sever Jewish Jerusalem from the State of Israel is not calculated to promote peace in the Middle East, and least of all in Jerusalem itself. Israelis will sacrifice their lives for Jerusalem, no less than Englishmen will do so for London, Russians for Moscow or Americans for Washington.

This is the first time in the history of this country that the State in control of Jerusalem has freely accepted the principle of international supervision over the holy places in that city. It may not be merely fortuitous that this was done by the people who rendered Jerusalem a universal center of holiness, and by the first government elected by inhabitants of Jerusalem.

It is our hope that those religions that respect the sanctity of Jerusalem and the peoples who, like us, uphold the principles of peace and justice, will respect the rights of Israel over Jerusalem, just as Israel respects the rights of all religions in its holy capital and within its sovereign state.



**ISRAELI PRIME MINISTER DAVID BEN-GURION, STATEMENT TO THE KNESSET
CONCERNING THE TRANSFER OF THE KNESSET AND THE GOVERNMENT TO
JERUSALEM, 13 DECEMBER 1949**

[Following the adoption of UN Resolution 303 (IV), the Prime Minister proposed, and the Knesset concurred, that the Knesset and all Government offices, except the Ministries of Defence and Foreign Affairs, be moved from Tel Aviv to Jerusalem. On 27 Dec., the Knesset held its first session in Jerusalem, Government offices began to move shortly afterwards.]

The Speaker, Y. Sprinzak:

I have the honor to open the 93rd session. I apologize to Knesset members for the lack of order in our meetings during the present session. We all understand the causes thereof. This disorder was brought about in order to introduce order into a number of matters. In general it is our function to be precise, for the sake of the content and the form, but there are exceptional cases. The Prime Minister has the floor.

The Prime Minister, D. Ben-Gurion:

Mr. Speaker, honorable Knesset. A week ago I delivered to the Knesset in the name of the Government a statement concerning Jerusalem. Our statement continues in force and there has been no change, nor can there be, in our position. As you know, the General Assembly of the UN has in the meantime decided by a large

majority to put Jerusalem under an international regime as a separate body. This decision cannot by any means be implemented, if only because of the fierce opposition of the residents of Jerusalem. It is to be hoped that the UN General Assembly will in the course of time amend the error committed by the majority, and will not attempt to impose a regime by force on the Holy City.

We have always respected the wishes of all states concerned with freedom of worship and free access to the holy places and desiring to safeguard existing rights relating to the holy places and religious sites in Jerusalem and shall continue to do so. Our pledge to safeguard these rights remains valid, and we shall willingly fulfill it but we cannot assist in the forcible separation of Jerusalem, which would unnecessarily and unjustifiably violate the historical and natural rights of the Jewish people.

Ever since the establishment of the Provisional Government, we have placed the concern for the welfare, security, and fortification of Jerusalem at the center of our interests. At the height of the war, when Jerusalem was under siege, we were compelled temporarily to fix the seat of Government in the Kirya, next to Tel Aviv. However, the State of Israel has had, and will always have, only one capital - Eternal Jerusalem. This was so three thousand years ago and so it will be, we believe, to the end of time.

As soon as the fighting was over, we began to transfer Government departments to Jerusalem, and create proper conditions for a capital city, namely suitable transport facilities and economic and technical arrangements. We are continuing the process of transferring the Government to Jerusalem, which we hope will be completed as soon as possible.

When the First Knesset was opened in Jerusalem on the 14th February, 1949 (25th Shvat 5709), there were not as yet adequate facilities for its normal functioning in the capital, so that we have to transfer the Knesset sessions temporarily to Tel Aviv. The requisite arrangements in Jerusalem are being completed, so that there is no further impediment to the return of the Knesset to Jerusalem, and we therefore propose that you decide thereon. It is self-understood that these arrangements will in no way affect the existing rights over the holy places, which will be fully respected by the Government of Israel, nor will they affect the consent of the Government of Israel to effective supervision by the UN over those places, as declared by our delegation at the UN General Assembly.



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

[Telegram on the internationalization of Jerusalem]

We beg Your Excellency to take into consideration the wishes of the Jewish Orthodox population Neturei Karta in Jerusalem STOP They have expressed in many ways their wish to live under the international protection of the United Nations and not under the sovereignty of the State of Israel STOP This has been clearly stated in their memorandum of 18 July 1949 to the United Nations signed by Rabbis Aron Katzenelenbogen and Amram Blau, in accordance with the note to the United Nations of Rabbi Joseph Dushinski the late Orthodox Chief Rabbi of Jerusalem STOP The same view was expressed by the present Chief Rabbi Ruben Bengis, when giving evidence before the Anglo-American Commission of Enquiry in Jerusalem STOP We therefore beg Your Excellency to use your utmost influence that the area of Mea Shearim, where the Orthodox population is mostly concentrated be included in the international zone of administration or in any international scheme of supervision which may be created STOP This is a life question for them STOP They feel strongly that only under international protection their rights will be safeguarded STOP We would also beg Your Excellency to request the authorities of the State of Israel not to enroll forcibly the Orthodox youth of Jerusalem for army services STOP With the resolution of the United Nations Assembly Jerusalem is at present non-Israeli territory and it would be against the Charter of Human Rights to decide against their will STOP Please be sure that this is the real Orthodox Jewish view although not openly expressed at the present moment because of various factors and above all the domination of Zionist propaganda who possess all the media to intimidate and belittle all those who are not prepared to share their ideals STOP In the name of defenseless and at the moment helpless Orthodox Jews, and in the name of humanity and eternal justice, we appeal to the UN to embody these points in their final decision with regard to Jerusalem STOP May God bless your work STOP Tomchei, Neturei Karta 123 Manor Road London-N-16 Rabbi Israel Domb, Secretary.



**ISRAELI AMBASSADOR ABBA EBAN, STATEMENT TO THE UN TRUSTEESHIP
COUNCIL IN RESPONSE TO RESOLUTION 303, 20 FEBRUARY 1950**

A devotion to the Holy City has been a constant theme in the history of our people for three thousand years. In our own generation we have seen the ancient link between Israel and Jerusalem fully restored. Assaulted by the violence which threatened their total destruction two years ago, the State of Israel and the New City of Jerusalem have emerged together from mortal danger to deliverance. They now speak with one voice. The views which I shall express on Israel's behalf are upheld with special fervour by 100,000 Israel citizens in Jerusalem of whose security, welfare and freedom my Government is the responsible guardian.

It is urgent that the views of my Government should enter the substance and atmosphere of this debate. In the last resort, any international arrangements for the protection of the Holy Places must depend for their implementation on the consent of Jerusalem's population, and of the Government in which that population reposes its trust. The idea that any regime for the satisfaction of religious interests can endure amidst an aggrieved, disaffected and turbulent population will be instantly rejected by any serious mind.

Unless Jerusalem is politically contented, it cannot be religiously serene.

The issue of implementation is so powerfully influenced by considerations of consent that I feel a special duty to convey a frank impression of the state of opinion in Jerusalem, and throughout the rest of Israel, towards the Statute which now forms the basis of the Council's discussion. This attitude rests primarily on considerations of moral principle and political rights. But it owes its special vehemence to the dark memories which the Statute evokes in the mind of everyone in Jerusalem who recalls its history.

The General Assembly, on 29 November 1947, "recommended to the United Kingdom and member-States" the adoption and implementation of proposals for Jerusalem which were later specified in the Statute. The objective of that recommendation was "to protect and preserve the unique spiritual and religious interests located in the city." The United Nations pledged itself "to ensure that peace and order reign in Jerusalem". It undertook "to promote the security, well-being and any constructive measures of development for the residents". The Trusteeship Council was instructed to elaborate and approve the detailed Statute of the City by 30 April 1948. A Governor at the head of a large military and administrative staff was to assume authority in time to secure legal succession immediately on the termination of the Mandate.

Not a single one of these provisions was ever carried out. Within a few days and throughout the ensuing months, the Holy City, theoretically protected by an international status, was plunged into brutal violence which shook the foundations of its life and cast the shadow of death over every family and home. As the danger to Jerusalem became increasingly acute, the retreat of the United Nations from the responsibility which it had incurred became swifter and more decisive. In the Trusteeship Council, the representative of Iraq sounded the note of unconditional resistance. He declared that the proposal for the Statute "was illegal and contrary to the Charter and, being in the form of recommendation, was not binding". He went on to say that the Arab Governments were in no way bound and would reserve complete freedom of action. He stated:

"the prestige of the United Nations could not be served by the enforcement of an unjust plan which could only provoke disorder and bloodshed ... Jerusalem deserves independence in the same degree as do the people of Palestine. It can be separated neither geographically nor economically from the rest of the country. The fact that it is a city sacred to three religions provides no legal basis for separation."

The statement made by the representative of Iraq on 18 February 1948 is a notable and eloquent utterance containing many observations on the juridical weakness of the Statute. No one would seriously doubt the accuracy of his comments on the recommendatory effect of the General Assembly's resolutions. The weakness of the Arab position lay not in the exercise of a legitimate right of non-compliance, but in the use of armed force to overthrow the recommendation of the General Assembly. It was at this point alone that the violation of the Charter occurred. Thus, in April 1948, the United Nations Palestine Commission, reporting its inability to implement any part of the General Assembly's recommendation, including the Jerusalem Statute, wrote:

"Powerful Arab interests both inside and outside Palestine are defying the Resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein. Armed Arab bands from neighbouring Arab States, together with local Arab forces, are defeating the purposes of the Resolution by acts of violence".

The Arab world had taken up arms not only against the establishment of a Jewish State, but also, with equal fervour and with greater success, against the establishment of an international regime in Jerusalem.

A new phase in the agony of the Holy City was soon to begin as the armies of the Arab States stood poised for invasion to commence at the precise moment when the Mandate would end. By the end of May the Jewish quarter of the Old City had fallen amidst the destruction of its ancient synagogues, and the banishment of its people. At any moment it appeared that the New City must also succumb. Surrounded on four sides by superior forces, its food supplies dwindling towards the point of famine, with artillery directed toward residential areas taking a hideous toll of life, Jerusalem endured the perils of warfare augmented by the horrors of siege. The supreme torment was the forcible denial of the water supply from the coast. Bombardment, starvation, pestilence and thirst haunted the life of the city at the lowest point of its fortunes since the destruction of the ancient Temple. The Jews of Jerusalem, amidst the debris of their homes and beside the graves of their sons, looked expectantly towards the United Nations, which, but a few months previously, had assumed responsibility for their "security and welfare, their peace and order and constructive development".

As the scene shifts from Jerusalem itself to the sessions of the United Nations, we discern a contrast of fantastic proportions between a grave responsibility solemnly assumed - and a resolute determination to do nothing for its fulfilment. The Trusteeship Council, having brought the Statute to a point where it could be adopted and applied, met on 19 March 1948 to accept a proposal to postpone any discussion of the Jerusalem question for a further six weeks. Meanwhile, our representatives in the Security Council reiterated their urgent appeals to isolate Jerusalem from the general conflict by a specific assertion of United Nations responsibility. Their appeals fell on deaf ears. On 1 April 1948, Mr. Sharett informed the Security Council that if the United Nations abandoned Jerusalem to its fate, its population would naturally take all the measures which they deemed necessary for their survival and defence. Syria and Egypt, which represented the Arab world in the Security Council, reiterated the Iraqi theme that the Statute was illegal, that Jerusalem must take its chance with the rest of the country, and that the siege and denial of water must be maintained not only as a legitimate act of war but even in the event of truce. No action was taken. "Security, well-being and constructive measures of development" together with the reign of "peace and order" were clearly not available from the Security Council. Perhaps the General Assembly, as the author of this solemn international commitment, would rise to the occasion and provide these desirable things?

The answer came on the afternoon of 14 May 1948. The General Assembly met in special session to determine whether to assume responsibilities in Jerusalem. The Resolution of 1947 had not in itself created United Nations sovereignty in Jerusalem; it had only recommended certain processes which, had they been duly accomplished, would have resulted in the effective succession of the United Nations to the authority previously exercised in the city by the Mandatory Power. That authority, however, could arise not from the adoption of the Resolution but from its implementation; and more especially from the effective installation of a Government to take over by 15 May 1948. The opportunity was decisive and irrevocable. It was deliberately cast away. The General Assembly accepted the view of the United States and Iraq that it would have to act before the expiration of the Mandate at 6 P.M. that day if it wished to establish a legal basis for United Nations authority in Jerusalem. After a discussion under specially expedited procedure, unique in the annals of our Organisation, the General Assembly emphatically rejected first a Guatemalan proposal that the Statute be admitted to the Agenda and ratified as it stood; second, a United States-French proposal establishing an interim "Government of Jerusalem consisting of a United Nations Commissioner and such officers as may be appointed by him or by the Trusteeship Council"; and third, an Australian proposal described by its author as a last attempt to "establish a link of any kind between the United Nations and Jerusalem". This proposal would have empowered a United Nations Municipal Commissioner to undertake executive responsibilities in Jerusalem. By this comprehensive rejection, the General Assembly had repudiated its previous intention in the most specific terms. Knowing that a British Act of Parliament terminating the Mandate would take effect in a matter of hours, the General Assembly refused to step into the breach.

The juridical effect of these events was that the Jerusalem area lost its mandatory Government on 14 May and that the General Assembly simultaneously decided not to confer any other international capacity upon it. It was not a passive default, but an active relinquishment of responsibility in a critical hour.

The moral implications are even graver. The General Assembly knew that, failing a tangible assertion of its interest in Jerusalem, military invasion from the neighbouring states would converge upon the Holy City and overwhelm its besieged and isolated Jewish population. The question was whether or not the United Nations should implicitly open the gates and pass by on the other side; or whether it should impose at least a theoretical barrier to invasion. The General Assembly decided to open the gates. At six o'clock, when the Mandate expired, the representative of Iraq arose exultantly to cry "the game is up". The General Assembly had lost its right of succession.

The Jews of Jerusalem, engulfed in death and famine, fighting against dire odds for sheer survival itself, had little time to reflect on the deliberations of those who had promised them "security, well-being, peace and order" but five months ago. The Security Council, the Trusteeship Council and the General Assembly had left them

no room for misunderstanding. Their alternative was now clear. They must either sit back, paralysed and inert, while military conquest, anarchy and starvation engulfed their homes; or they must summon up their own energies to fight for their homes and their future at Israel's side. They chose the latter course. When their prospect of survival hung on a thread, at a time when parents wondered if they would see their children wither from famine before their eyes, the life-line thrown from the State of Israel reached the beleaguered city. On the first trucks of the convoys reaching the city with water and food were inscribed the Hebrew words "If I forget thee, O Jerusalem, may my right hand forget its cunning". The people of Jerusalem were not forsaken or alone.

Once bare survival was assured and the siege heroically broken, there began a rehabilitation which has sustained its momentum ever since. In that process a relationship grew up between the State of Israel and Jewish Jerusalem which has now reached full and organic integration. It is a relationship of duty and sacrifice; of mutual responsibility and common aspiration. The city was cut off from its main route of supply; the Government of Israel built an alternative road under heavy enemy fire. The city was threatened with pestilence and thirst; the Government of Israel renewed its water source. Jerusalem was falling apart in anarchy and dissidence through lack of recognised organs of government; the Government of Israel established a separate military governorship to be succeeded by a civil administration, which later merged in a complete union with the rest of Israel. The economy of the city had been struck a nearly fatal blow; the Government of Israel began to pump its life-blood back. Institutions were restored, buildings repaired, damaged areas cleared, industries established, financial subsidies lavished upon the city by the hard-pressed Israel Treasury. Jerusalem was spiritually darkened by a sense of solitude, insecurity and neglect; the Government of Israel made it the scene of the most solemn and historic moments celebrating the deliverance of Israel and Jerusalem alike. Thus the swift withdrawal of the United Nations from direct governmental responsibility and the advance of the Government of Israel towards the assumption of that responsibility were parallel and simultaneous. Every chance had been given for the United Nations to assume its responsibility and authority. When the opportunity had been irretrievably cast away and further hesitation would have spelled destruction, the vacuum of security and law was swiftly and permanently filled.

Meanwhile the echoes of the Statute for Internationalisation continued to die away. The General Assembly in special session had ignored the Statute and the work of the Trusteeship Council. On 29 July 1948, when the Soviet Representative proposed that the Council should proceed with the adoption of the Statute, his one vote alone was available in support of his motion. The Belgian proposal that the Trusteeship Council should forget about the Statute indefinitely was overwhelmingly carried.

In the ensuing weeks the Mediator and the Palestine Conciliation Commission both regarded the Statute as too obsolete a document to merit their attention. The General Assembly in December 1948, evidently considering the Statute to be neither valid nor relevant, called for the preparation of an entirely new scheme over the period of a year. The Statute, with all its associations of illusion and suffering, receded into oblivion. Nothing was heard of it again until, to the general astonishment, it reappeared abruptly in a draft resolution one November morning last year. The rest is recent history leading to our situation today.

The attitude of the people of Jerusalem to this Statute is powerfully influenced by these experiences, which are indelibly engraved upon their hearts. Any idea that they can have security or well-being for themselves and their city without the maintenance of their union with Israel has been banished forever from their minds. They cannot justly be asked to dismantle their free institutions in favour of imposed tutelage. Their allegiance goes out to the flag of their people, around which they fought their way to survival against overwhelming odds. Their natural loyalty is committed to their Government, which rescued them from wild carnage and rallied their city with firm and reverent hands into the dignity and peace of Jerusalem's reviving life today. There is no example in history of a people, having once achieved union with its own natural and kindred Government, voluntarily turning back to semi-autonomy under outside control. The Charter provides for no contingency whereby a self-governing community can become a dependent territory.

Above all, the people of Jerusalem ask the Trusteeship Council, in the light of the history which I have recalled, to direct to itself a decisive moral question: "Having been unable to provide Jerusalem with government, security and subsistence when it needed them with desperate urgency, can you now come on the scene to disturb the government, security and subsistence which we have consecrated with our own sacrifice and toil?"

The Council appears already to have noticed the paradox whereby the Arab States that killed the Jerusalem Statute by violence now cry aloud for the resurrection of their victim. When I recall the violence let loose upon Israel and especially upon Jerusalem by the combined power of the Arab League, and when I reflect on the vehemence with which those same States asserted their right to question the mandatory force of General Assembly recommendations, the spectacle of Dr. Jamali as the disinterested defender of international virtue becomes much less impressive than it would otherwise be.

The necessity for an agreed solution is dictated not only by the principles of the United Nations and by the absence of any alternative within the Charter, but also by the special objectives which we all seek to attain. The protection of the Holy Places under United Nations authority is a religious objective sought reverently by countless multitudes throughout the civilised world. It cannot be imagined that such a sublime objective could ever be secured through political suppression leaving bitterness and rancour in its wake.

But the sentiment of Jerusalem's population, though a primary consideration, is not the only factor which determines whether the Statute is now capable of implementation. The Council is not dealing with abstract principles. We have a project for establishing institutions of government, security, administration and law in a specific territory. Now this territory is not a vacuum. It happens that this territory already contains institutions of government, security, administration and law - institutions deeply rooted, effectively administered and most passionately cherished. When the Statute was drafted it was designed to provide the immediate succession to an expiring regime and thus to establish institutions where none were presumed to exist. Today, however, you cannot establish a governorship or a legislature, a council or a court, without somehow accomplishing the disintegration of established institutions. There are no functions unexercised. There are no vacant areas of jurisdiction. The laws, the taxes, the regulations, the judicial processes, the culture, the language, the national and religious customs of Jerusalem are those which it holds in common with Israel as a whole. Indeed, from the earliest days in the development of modern Jewish society in the country, all the concerns and activities of that society have radiated from Jerusalem as their natural centre. Its population of 100,000 occupies exclusively those parts of the city constructed outside the walls of historic Jerusalem during the past eight decades. The fact that scarcely a brick or a house or a street in the greater part of the Israel area of Jerusalem today even existed eighty years ago makes it difficult to contend that the area is of such venerable significance that it must become an international trust.

There are some who, on first thoughts, might be tempted to suggest that this complex and active pattern of institutional life ought not to have come into existence. These laws and taxes, these councils and courts ought not to be there; for they constitute an obstacle to the arrival of the institutions described in the Statute. I hope that what I have said about the developments in the past two years is sufficient to disprove such a contention. It is not easy to suggest with any seriousness that the people of Jerusalem should have lived in a sort of Nirvana for the past twenty-two months, suspended in a vacuum of chaos without government and order, in case the discarded Statute should one day come to life and claim its jurisdiction. My Government has no doubts whatever concerning the complete legitimacy of the political and judicial institutions of Jerusalem. International law contains no definition of lawful authority which does not wholly apply to the status of Israel in Jerusalem today. This authority proceeds from the people. It is based on consent. It is freely accepted and voluntarily obeyed. It operates effectively without challenge. It is recognised in a valid international agreement concluded at the behest of the Security Council. Its development did not even compete with any previously existing authority or with any other authority lawfully attempting to assume the burden of government.

When the General Assembly on 14 May voted not to establish any government in Jerusalem, it could not have expected that the people of Jerusalem would therefore live in a jungle. When the Security Council, between February and May 1948, firmly declined to organise the city's defence, it must have expected that the city would see to its own security itself. When the Trusteeship Council repeatedly refused to apply a system of administration and law in the early half of 1948, it cannot have imagined that Jerusalem would go on indefinitely preserving a separation from its environment. In that negative sense the United Nations has contributed to the integration and union which mark Jerusalem's life today.

I therefore submit that the Trusteeship Council should report that the adoption of that responsibility by any action of the Trusteeship Council. However, the adoption of the Statute would impair the security of the area, first by reason of the deep resentment which the Statute evokes in the memory and sentiment of our people; and secondly, by the explicit encroachment on the authority, title and prestige of the Government on whose influence and forces the peace of the city depends. In taking such action the Trusteeship Council would be counteracting the results of laborious efforts invested by the parties, by the Security Council and by the Mediator in constructing an equilibrium of security which has stood the test of many difficulties. In the light of the Security Council's Resolution of 11 August 1949, appealing for the continued maintenance of all the provisions of the Armistice Agreement, the Trusteeship Council would be prejudicing the maintenance of international peace if it adopted any measures inconsistent with that Agreement.

The sole abiding objective of the United Nations in the Jerusalem question is the protection of the Holy Places and sites by the direct exercise of United Nations responsibility. My Government proposes the fulfilment of that objective in a manner consistent with the peace, freedom and welfare of the city. Any particular statute or regime, devised in the past or in the present, is only a means to that paramount end. The means may change, while the end remains inviolate. The means envisaged in 1947 or 1948 for protecting the Holy Places

may be replaced or adapted without the least betrayal of the end. When the Jerusalem question first came before the United Nations, it was not in the context of a specific political regime, but in relation to the Holy Places and sites. Indeed, it is noteworthy that the original proposals put before the United Nations by religious authorities asked nothing but effective measures for the protection of Holy Places and religious rights. Thus, on 15 July 1947, Brother Bonaventura, Custos of the Holy Land, made requests of the United Nations Special Committee on Palestine which were limited to the international guarantee of religious immunities and which at no point suggested any special political status for the city. He said: "Should there be a non-Christian State we recommend that measures - international guarantees - be embodied in any arrangement with the new State that may possibly be set up."

In his original letter to the Secretary-General, the Catholic representative expressed Catholic aspirations exclusively in terms of religious guarantees without mentioning any particular political status for Jerusalem as indispensable to the satisfaction of those needs. He said:

"We are completely indifferent to the form of the regime which your esteemed Committee may recommend, provided that the interests of Christendom, Catholic, Protestant and Orthodox, will be weighed and safeguarded in your final recommendations. Primarily, all our sanctuaries should be respected, not only with cold juridicism but with local reverence, and they should be continuously and unconditionally accessible not only to local inhabitants but also to the Christians of the entire world."

In order to satisfy that objective, my Government has repeatedly submitted proposals to international organs. It should be borne in mind that the Holy Places of three faiths in Jerusalem which are of universal concern are located within an area of no more than one and a half square miles, within the Walled City and its immediate vicinity. The Statute would establish international rule over an area of a hundred square miles, the greater part of which, including practically all Israel Jerusalem, contains no sites ever defined as Holy Places.

Thus the Statute would attempt to disfranchise, de-nationalise and subjugate a secular area of ninety-eight and a half square miles for the sake of Holy Places which it does not contain.

It was in order to avoid this obstacle that my Government has at various times been concerned to examine means of establishing an international regime concerned with the Holy Places. In the Third and Fourth Regular Sessions of the General Assembly, the Israel delegation drew attention to the feasibility of extending international rule to the area of historic Jerusalem within which the Holy Places are gathered in a unique concentration, leaving the secular urban areas to pursue their life and freedom unimpaired. In order to secure that international responsibility should extend to all sacred sites in whatever area of the city they are located, my delegation later contributed the idea of an international control applied not to any specific territory but to the Holy Places themselves wherever they are. My Government further offered to conclude agreements to this effect and to provide for the United Nations to be represented in Israel for the exercise of its responsibility in the Holy Places. It may be that a majority of the members of the United Nations would prefer to see such an arrangement for the Holy Places embodied in statutory rather than in contractual terms. In that event, my Government would be prepared to consult on the form which might be given to a Statute for the Holy Places. We are prepared to explore with the Council and with other parties concerned any avenue which may lead to the effective fulfilment by the United Nations of its responsibility for the Holy Places.

I reaffirm my Government's readiness, apart from arrangements for the Holy Places, to make binding declarations or agreements with the United Nations assuring religious freedom and full liberty for the pursuit of religious education and protection of religious institutions. The United Nations would not be forgiven by history, if presented with a clear possibility of reconciling its primary objectives with the freedom and peace of Jerusalem today, it were to spurn that opportunity in favour of an extremist project which has been associated with constant failure in the treatment of this problem for over two years.

The people of Israel and the Jewish people throughout the world are deeply inspired by the restoration of Israel's independent life in Jerusalem in fulfilment of ancient prophecy. At the same time, the solution of the question of the Holy Places in a universal spirit is a purpose which we ardently uphold. While the Christian and Moslem Holy Places were mercifully spared serious damage, the ancient synagogues in the Old City were wantonly destroyed after the end of hostilities. Whereas the Mosque of Omar and the Masjid al Aqsa are accessible to Moslem worshippers and the Church of the Holy Sepulchre, the Church of the Nativity, Gethsemane, the Church of the Ascension, though in Arab hands, are the scenes of devout Christian pilgrimage, the Wailing Wall, the most hallowed sanctuary of Judaism and the most ancient shrine in the entire city, is barred to all access by worshippers despite solemn agreements and undertakings. In any final settlement to be developed by negotiations out of the Armistice Agreement, the situation affecting the Jewish part of the Old City will surely have to be adjusted.

I am aware that there are some throughout the Christian world who still sincerely doubt whether the destiny of modern Jerusalem as the centre of Israel's independence can be harmonised with Jerusalem's universal mission. To them I would suggest that the existence of political freedom in Jerusalem side by side with an international authority for the Holy Places is not only a more expedient and practical solution than that envisaged in the Statute. It is also in every sense a higher ideal. It was as the centre of an active political and cultural life, beset by the problems and ordeals of a State, that Jerusalem in antiquity became the home of prophecy and revelation. Only a city alive with movement and ideas could have attracted to its midst the searching minds and spirits who generalised transient events into abiding truths. Prophecy and spiritual searchings have never flourished in a museum. They only arise out of the issues and dilemmas of life. The spiritual heritage which has gone forth from Jerusalem is historically linked with its character as a political centre, and with the ancient people who established Jerusalem on what was an obscure Jebusite hill. Surely any sensitive religious insight cannot fail to see some grandeur in the restoration of this people to the city which its own experience rendered famous in the world.

The spiritual ideals conceived in Jerusalem are the moral basis on which modern democracy rests. Would it not be incongruous if the United Nations were to advance the course of democratic liberty everywhere, and yet prevent self-government from taking root in the very city where the democratic ideal was born? Seen in this light, Jerusalem appears above all other cities as a place where democratic institutions most appropriately belong. Out of Biblical ethics came the Declaration of Human Rights proclaiming in its 21st Article that "the will of the people shall be the basis for the authority of government". Less in Jerusalem than anywhere else on earth can this principle be denied fulfilment or set aside.

Our vision is of a Jerusalem wherein a free people develops its reviving institutions, while a United Nations representative, in all tranquillity and dignity, fulfils the universal responsibility for the safety and accessibility of the Holy Places. This is a vision worthy of the United Nations. Our Organisation should move at once to realise this harmony and liberate its energies for the issues affecting human survival. Perhaps in this as in other critical periods of history a free Jerusalem may proclaim redemption to mankind.



**THE CONSTITUENT ASSEMBLY, FIRST KNESSET 1949-1951, SITTING 135
REGARDING THE ANNEXATION OF THE WEST BANK BY THE
HASHEMITE KINGDOM OF JORDAN, 3 MAY 1950 [EXCERPTS]**

[Note: On 24 April 1950 the Jordan House of Deputies and House of Notables, in a joint session, adopted a resolution declaring "complete unity between the two sides of the Jordan and their union in one state".]

Sitting 135 of the First Knesset, 3 May 1950 (16 Iyar 5710)

[...]

Joseph Sapir (General Zionists): Mr. Speaker, distinguished Knesset, despite the unconvincing statement made by the Foreign Minister...I wish to express our regret at the fact that he has not given this House any report on the events prior to and following the annexation. [...] The Government should have told us about what was happening at its own initiative, not as a result of the Opposition's intervention. Any public debate of our foreign policy is of necessity limited. [...] Because of the limited information conveyed to the Opposition parties [...] we can only base ourselves on certain inferences.

We have been confronted with the fact that the remaining part of our country, the West Bank and the Old City of Jerusalem, now constitute part of another country, on both banks of the Jordan. We have always preferred - and still do so today - the establishment of an independent Arab state in the rest of our country to its annexation by one of the neighboring countries [...] but the fact of the matter is that the initiative is no longer ours to take. [...] Are we to understand that both before and after the annexation the Foreign Ministry agreed to it? [...] We maintain that the Government is ignoring the Knesset on this subject. Do we have to constantly point to the grave mistake the Foreign Ministry made before the U.N. decision to internationalize Jerusalem? [...] We are forced to conclude once again that it has erred in its evaluation of the political forces operating in the area [...].

As you know, negotiations were held with a Transjordanian representative some time ago, but ended as the result of pressure exerted on the other side by the other Arab countries. Today we find ourselves in a vacuum [...] the sole salient fact being the annexation. There may be differences of opinion regarding how justified it is for us to relinquish one area or another on the border with Transjordan. But on one painful point - the Old City of Jerusalem - there are no differences of opinion. Here the pain is acute. Here our public stands firm. It is difficult, nay, impossible, to pass lightly over the fact that the Old City of Jerusalem is...part of another country. What does the Government have to say about this split in the nation's soul?

The Prime Minister, D. Ben-Gurion: What is your position?

J. Sapir (General Zionists): I'm coming to that. The Government's announcement of its refusal to recognize the annexation, being accompanied by no other reaction, indicates that it is merely a formality. [...] Mapam's approach to our foreign policy is a direct function of its attitude to the regime inside the country [...] as well as deriving from its identification with the regimes of Eastern Europe. [...] Some people might say that our orientation should consequently be to the West, but my party does not determine its views on foreign policy in accordance with its aspirations in the sphere of domestic policy. It bases them, rather, on overall national considerations of the good of the entire country. [...] Thus, we do not think that the time has come for Israel to make a hasty decision on the great issue of identifying with one side or another. I would like to point out that most of our nation is to be found in the western democracies, and any identification with the East severs us from the rest of our people. [...]

Our relations with Transjordan are undoubtedly affected by our relations with Britain, and vice versa. In principle, we have no basis for opposing the renewal of relations with Britain, despite its anti-Zionist attitude in the last years of its rule here, following the White Paper of 1939, and its stubborn and consistent application by the Labor government. But if we assume that the Government's policy of establishing contact and agreement with one of the Arab countries, as a start towards attaining a series of peace treaties with the other Arab countries and possibly with Britain too [...] is wise, and if we try to ignore the security problem [...] we still have to ask ourselves: what has the Government gained...by tacitly assenting to the annexation? In our view it has gained nothing.

In effect, the Hashemite Kingdom of Jordan has fulfilled for itself our dream of "both banks of the Jordan." [...] The Government has no guarantee that the negotiations with the neighboring country will ever end [...] in genuine peace. Does the Government put such great trust in the goodwill of our neighbor that it can allow itself to make it such a generous advance payment [...]? The Government has relinquished what little bargaining power it had for nothing.

We oppose the annexation and demand that our country act against it in the U.N. (that is our reply, Mr. Ben-Gurion) [...] The annexation of part of our country and the Old City of Jerusalem puts an end for an undefined period of time to the possibility of reaching an understanding with the Arabs who live in this part of our country and of stabilizing our borders at least along the Jordan Valley[...]In the history of our nation we will unfortunately have to record the Government's position on the annexation as one of the moments causing the gravest concern for the future. [...]

Z. Aharonowitz (Mapai): Distinguished Knesset, in the two major debates we have had on political issues [...] the entire Opposition [...] announced that it opposed the Armistice Agreement with Transjordan. There have recently been three debates in the Foreign Affairs and Defense Committee, in which the Foreign Minister participated, regarding a possible peace treaty with Transjordan.

[...] The Knesset has in the past given its approval to the line adopted by the Government and the Foreign Ministry, namely, of aiming for peace with all the Arab countries, including Transjordan. [...] The renewed negotiations with Transjordan did not involve any recognition of the annexation or the British-Transjordanian treaty on our part. Quite the contrary, the Government's foreign policy till now has brought us peace and is a precondition for the widescale ingathering of the exiles. [...]This issue cannot be discussed without clarifying the Opposition's position, as well as the Government's. But in this debate I speak only in my own name.

Four possibilities were open to us in our relations with Transjordan: the status quo on the basis of the Armistice Agreement; establishing an independent Arab state in the eastern part of western Palestine; a war of conquest on our part; annexation.

Personally, I would prefer the status quo in our relations with Transjordan on the basis of the borders determined in the Armistice Agreement--if the situation were stable. But it began to waver, not only because of Transjordan's annexation of territory and not only because of the various tendencies of certain powers, but also because of the influence of Egypt, the Mufti and the entire Arab League. Their objective was clearly to establish an independent Arab state within the borders delineated by the U.N. in November 1947. This was accelerated to some extent by the decision to internationalize Jerusalem.

In those circumstances our foreign policy could not be one of inaction, and hence our endeavor to attain a peace treaty with Transjordan. Two Opposition parties in the Knesset deplore the failure to establish an independent Arab state, namely, Mapam and Maki. The latter quite openly advocates the establishment of such a state on the basis of the borders set out by the U.N. in November 1947.

M. Wilner (Maki): I didn't say that!

Z. Aharonowitz (Mapai): I have read it, and I advise you, MK Wilner, to beware of committing yourself to anything. Mapam favors the establishment of an independent Arab state on the basis of the borders set out in the Armistice Agreement, while demanding that the whole of Jerusalem be within Israel. Both parties pin their hopes on the progressive forces in the Triangle and beyond it, justifying their stand by maintaining that the annexation will increase the British threat against the U.S.S.R. and Israel.

[...] In the political debate held in the Knesset a year ago I said that the choice that confronted us was between an independent Arab state and annexation, both of them having points in their favor and neither of them being very attractive. I also said that there was no reason for us to rush into a decision. The political situation has changed meanwhile, and a decision has been imposed upon us, tending towards the establishment of an independent Arab state. I completely and absolutely oppose the establishment of such a state because [...] it would not be economically viable...and would be able to survive only as a parasite of Israel. It would have no socio-political basis, and would almost certainly be controlled by the Mufti. Those who talk about the progressive forces are referring to the Arab communists, whom I regard as the enemies of Israel.

Tewfik Toubi (Maki): On what basis? The facts prove otherwise.

Z. Abrahamowitz (Mapai): If an independent Arab state were to be established now we would be facing the front of the Arab League and its pressure in the U.N. to push us back to the borders of November 1947, against which we would have fought....But even a purely political dispute would have caused a rift between us and the U.N. If an Arab state were established I believe that this would temporarily strengthen the Arab League, which is generally regarded as being anti-Soviet and anti-Israel. The USSR's retreat from the demand to internationalize Jerusalem may be partly due to the fact that it has realized this. [...]

The Foreign Minister, M. Sharett: Am I proposing that we disband the army? We must make every effort to breach the wall surrounding us, but that does not mean that we should disarm ourselves. If this were all pointless would there be such a fuss in the Arab camp about whether to make peace with Israel or not, separately or together?

MK Begin took a sentence out of its context in a Foreign Ministry memorandum, and accused us of relinquishing all territorial claims on Transjordan. We have said that we accept the armistice lines as a basis for a settlement and do not demand territory, but if MK Begin tries to represent this as our abandonment of our rights to our holy places, this is nonsense. We have never abandoned them, and we have said as much, and no side doubts that we adhere to our claim to our share and our rights in the Old City of Jerusalem. If MK Begin wishes to go out into the streets with the demand for the Temple Mount, he is welcome to do so. Many people are strolling through the streets this afternoon, and he can harangue them to his heart's content. I suggest that my colleagues and the other members of the House rely on the man in the street.

Mr. Sapir claimed that the Foreign Ministry failed once again to foresee what would happen.

J. Sapir (General Zionists): I only said that it had erred in assessing the forces involved.

The Foreign Minister, M. Sharett: Well, you said that it had failed to foresee what would happen by erring in its assessment of the forces involved. He said that we failed to envisage the internationalization of Jerusalem, and now we have failed again, and this is a surprise. I don't know if it is a surprise. [...]



**GOVERNMENT OF ISRAEL, MEMORANDUM ON THE QUESTION OF JERUSALEM
SUBMITTED TO THE UN TRUSTEESHIP COUNCIL, 26 MAY 1950 [EXCERPTS]**

I - INTRODUCTION

1. The Government of Israel has given careful consideration to the text of the Statute for Jerusalem approved by the Trusteeship Council on 4 April 1950 (T/592) and to the Resolution of the Trusteeship Council adopted on the same day (T/564).
2. This Government will offer its full co-operation in seeking and implementing a solution of the Jerusalem question whereby the responsibility of the United Nations for the Holy Places may be reconciled with the freedom and independence of the City and its inhabitants. At the same time the Government of Israel regards the consent of the people of Jerusalem as indispensable to the effective functioning of the City's institutions. The right of a mature population to select and maintain its own government cannot be challenged by any consistent adherent of democratic principles. Moreover, the preservation in Jerusalem of a regime based on the initiative and consent of its own population is not only an unassailable political ideal; it is also a dictate of practical statesmanship, with a direct bearing on the issue of implementation. The

idea that any regime for the protection of religious interests can endure amidst a discontented, aggrieved and turbulent population will be instantly rejected by any serious mind. Religious peace cannot be secured by political suppression. Thus, considerations of justice and of practicability combine to make the will of Jerusalem's population the essential basis for the City's political institutions.

3. In Jerusalem, the Holy Places of the three world religions are gathered in a unique concentration. These sanctuaries command a world-wide reverence, for transcending their purely local environment. The protection of the Holy Places and of free access thereto, and the maintenance of existing religious rights, constitute an international trust for which the responsibility of the United Nations should be universally recognized. The Government of Israel believes that the United Nations should be enabled effectively to exercise that responsibility, which should also be expressed in appropriate juridical form.
4. Accordingly, any solution which the Government of Israel can command or support must simultaneously fulfill two objectives: it should satisfy the principle of United Nations responsibility for all matters directly affecting the Holy Places and free access thereto; and it must leave the population of the City free to express their ineradicable national loyalty through the democratic institutions which they have helped to create in Jerusalem and in their own State.

Political Effects

5. The Government of Israel has examined the Statute for Jerusalem in the light of these two objectives. It has given special attention to the political institutions described in the Statute and to their potential effect on the life of New Jerusalem. It will be recalled that the Statute was originally drafted in 1948 in order to provide the immediate succession to an expiring Mandate, at a time when the people of Jerusalem had not yet integrated their political life into that of a sovereign State commanding their entire allegiance. At that time, Jerusalem was completely detached from the territory of the future Jewish State and was surrounded by Arab territory on all sides. Apart from the basic question of the Holy Places, the problem of affording effective protection to 100,000 Jews had to be faced by the Statute; indeed, it was this consideration which led to the proposal for internationalising a large secular area apart from the Holy Places. Today, however, these conditions no longer hold good. The Statute must now be judged, both in principle and in terms of implementability, by its effect on an area totally and willingly bound up with the life and sentiment of the State of Israel. Jerusalem now has its own institutions of government, security and law - institutions deeply rooted, effectively administered and tenaciously upheld. It is now impossible to establish a governorship or a legislature, a council or a court, without first disrupting institutions already functioning by popular consent, and severing ties and connections firmly cemented. For, in sharp contrast to its position in 1947, Jewish Jerusalem is today firmly linked to the State of Israel by a broad territorial bridge and forms an integral part of it in the physical and geographical sense, as well as in its constitutional allegiance.
6. Thus, the implementation of the Statute would involve the United Nations in the process of destroying free and stable democratic institutions in Jerusalem as a prelude to the imposition, against the popular will, of an authoritarian regime introduced from outside. The Trusteeship Council having been unable two years ago to provide Jerusalem with security, administration and subsistence when they were urgently needed, would now come on the scene to liquidate the security, administration and subsistence which the people of Jerusalem and of Israel have established amidst cruel suffering and sacrifice of life.
7. Implementation of the Statute would have drastic effects on the life of every man and woman in Jewish Jerusalem. On the day the Statute came into effective force, all the sources and centres of authority in the City would lose their power. All threads of administrative, fiscal and judicial connection would be severed. All existing courts would lose their jurisdiction. One hundred and ten thousand Israel citizens would awake that first morning to find themselves disfranchised and dispossessed of their fundamental political rights. In retaining their national allegiance they would become foreigners in their own City. The flag of their people would no longer be there as the focus of their loyalty or inspiration. Political barriers would arise outside their City to separate and mark them off from their own kin in Israel. A *numerous clauses*, reminiscent of the practices of racial discrimination, would prevent the Jews of Israel from freely taking up residence in the very City which the Jewish people immortalised in this history of mankind. From having complete control of the life of the New City which they had built and defended with their own hands, the Jewish population would be reduced to the level of having no power or authority whatever in the affairs of Jerusalem. For, under the operation of the Statute, the Jews of the New City, who form the considerable majority of the entire population of Jerusalem, would now have less than one-third of the representation in an impotent and uninfluential "Legislative Council" (Article 21). Faced by this assault on their political liberties, the Jews of Jerusalem would simultaneously find themselves cut off from the jurisdiction of the State which provides their very subsistence. To complete the story of this political and economic mutilation, they would also be stripped of their vital defense. Their lives would suddenly become subject to the arbitrary enactments of a constitution which was neither formulated by them nor evolved out of their consent and experience. For the Statute itself, with its omnipotent Governor and its

artificially constituted Legislative Council, is modelled precisely on the absolutist forms of government which used to be applied in backward regions in the days before the elementary principles of self-government began to secure a foothold even in the dependent areas of the world.

8. The Government of Israel does not know of any standard of international ethics whereby this political upheaval in Jerusalem can be justified, or of any method whereby it can be implemented. The fact that scarcely a house or a street in the Israel part of Jerusalem even existed 80 years ago makes it absurd to contend that this area is of such venerable historical significance that it must be withdrawn from the hands of the people which has created it out of a wilderness. Of the more than 30 sites marked as Holy Places in the authorized map prepared by the United Nations for the Trusteeship Council (United Nations Map No. 229, November, 1949) only two - at the very extremity of the New City - fall within the Israel zone of Jerusalem. Thus, the elimination throughout this large and heavily populated urban area of all its elected institutions and political rights and its forcible severance from the State to which it belongs, cannot be justified in terms of any universal or religious characteristics affecting the New City.
9. It is a patent fact that the population of Jerusalem is opposed - as would be the people of any other city - to a project for uprooting its institutions and separating it from the State with which it is identified in all its activity and sentiment. This fact alone destroys the moral validity and the practical relevance of the Statute. It is true that the proposed Governor is equipped with a police force of 500 men for the imposition upon the City of a regime which the entire population is unwilling to recognise. Yet this measure, far from solving any problem, serves only to emphasise the unimplementability of the Statute. For a police force can only function in civilised societies as the agent of the entire community against a few individuals who defy its recognised law. No police force can ever be effective if it stands in isolation from or in opposition to the majority will of the community. Thus, the political regime of the Statute, lacking any local support, can neither be implemented by consent nor be enforced by any available means.

Economic Effects

10. During the Sixth Session of the Trusteeship Council the Representative of Israel explained in detail the effects of the Statute upon the economic life of the City (T/SR.260). Jewish Jerusalem, as an integral part of the Israel fiscal and economic systems, depends upon the State for its food and water, its communications, its educational, health and social services, its development budget, its subsidies, its foreign currency assets, in short for all the sources of its subsistence and employment. The City is not even remotely self-supporting, either agriculturally or industrially, and would never in all its history have been able to maintain its population, except as part of a wider and more productive political unit in the resources of which it could proportionately share. In 1947 it was proposed to maintain the economic integration of Jerusalem with its hinterland by the operation of the Economic Union of which the State of Israel was to be the only solvent partner. The Economic Union is no longer feasible, as the Resolution of the General Assembly on 9 December 1949 admits; and the Statute is now drafted on the assumption of Jerusalem's complete separation from the jurisdiction and economic influence of Israel. Thus all the arteries which bring the life-blood to the heart of Jerusalem are now to be severed by the creation of the *corpus separatum*. The City is to become like a diver whose air line is cut. Yet the Statute is completely devoid of a single provision for replacing the manifold sources of livelihood which Jerusalem loses by its severance from the State of Israel. The Statute legislates for Jerusalem's economic and financial isolation without even beginning to consider how an area with a population of 160,000 can subsist for a single day in a state of land-locked economic isolation. Article 34 states frankly that the economic implications of a *corpus separatum* have not been faced. The Israel arguments were not met in any respect. The Statute would undoubtedly involve economic strangulation as well as political disintegration.

Security Effects

11. The security of Jerusalem is at present governed in practice and in international law by the Israel-Jordan General Armistice Agreement concluded at the behest of the United Nations, under which Israel exercises responsibility for the maintenance of order in Jewish Jerusalem and for the defense of that area against external attack. Thus, provisions of the Statute, such as Article 7 imposing the demilitarisation of the area, are in conflict with this agreement, which may not be altered in any respect except by negotiations between the parties. It is no contribution to Jerusalem's security to undermine the authority of hard-won agreements which have enabled the City to regain a large measure of normality and which have made possible substantial withdrawals and reductions of troops. Apart from formal considerations, the withdrawal of Israel's troops from the New City of Jerusalem, even if accompanied by a simultaneous withdrawal of the Arab Legion from the Old City - itself a highly improbable contingency - would not result in an equal security for both parts of the City. New Jerusalem would be left surrounded on three sides by Arab forces; and thus the exact situation which nearly brought about the extinction of the City and its Jewish inhabitants in the Spring of 1948 would be reproduced.

Juridical Aspects

12. The Statute presumes that the General Assembly has power, in pursuance of its own Resolution, to impose its administrative and executive control over the Jerusalem area, irrespective of the wishes of its population or the consent of a Government now responsible for its administration. The Charter of the United Nations offers not the slightest support for any such legal theory. The conditions in which the General Assembly, through the Trusteeship Council, may assume the administration of any area are exhaustively laid down in Chapter XII of the Charter. Whatever its position in 1947, when it was a "territory under mandate", Jerusalem no longer falls into any of the categories defined in Article 77, to which any form of international trusteeship may legally be applied. Moreover, the procedures of agreement required by Article 79 and 81 have not been applied and are not feasible in this case. Apart from being legally ineligible for the operation of a trusteeship regime in the sense of Article 77, Jerusalem is, by its very nature, the exact antithesis of any territory to which any system of tutelage may properly apply. For the object of the trusteeship system is to promote the advancement of backward territories towards self-government, and not to effect the transformation of mature and independent democracies into subject areas. Thus, the letter of the Charter, as well as its fundamental spirit, is subjected to comprehensive violation by this unconstitutional proposal.

Resolution of the Trusteeship Council

13. The Government of Israel has pointed out on every suitable occasion these objective difficulties which render the Statute incapable of implementation, and is therefore not in any degree responsible for the insoluble deadlock which is inherent in the Statute. Indeed, there is a clear disparity between the Statute itself and the Resolution adopted by the Trusteeship Council on 4 April 1950. The Statute allocates no functions or responsibilities to Israel at all. Indeed, it declines even to mention Israel's existence and requires in effect that the Government of Israel be disengaged from anything affecting the life of Jerusalem. The suggestion that Israel is nothing to Jerusalem and Jerusalem is nothing to Israel may appear fantastic; yet this bewildering thesis is explicitly upheld by the Statute. In these circumstances, it is difficult to understand what is meant by inviting Israel's "full cooperation", in the Trusteeship Council's Resolution of 4 April 1950. On the one hand, the Statute requires the complete dissociation of Israel from the life of Jerusalem and implies that it is the duty of the inhabitants of Jerusalem to ignore Israel's will or authority. On the other hand, the Trusteeship Council invites Israel's "full cooperation" in its task. Surely the consequences of the statute must be faced and one cannot have it both ways. If Israel is to be dispossessed of legal and political power in the City, it obviously cannot be asked to exercise its influence or authority with the population of Jerusalem, should the latter be indisposed to accept the Statute. It is an axiom that Israel cannot be regarded as a factor in the implementation of a regime based on the disappearance of its own authority. The Trusteeship Council must alone confront the sentiment of the population of Jerusalem and estimate its chances of imposing upon tens of thousands of people a regime to which they are plainly opposed.
14. Since the Statute would plunge Jerusalem into political suppression and economic decline, while causing grave disturbance of its religious and secular peace and involving a manifest breach of the Charter, the Government of Israel is amongst those who share the view that it is inherently unimplementable.

An Alternative Proposal

15. Faced with this situation in which the Statute is doomed to fail through its own defects of principle and practice, the Government of Israel has been concerned to examine whether the basic objectives of the United Nations in Jerusalem may yet be rescued from their association with an extremist and illusory scheme. This Government has reached an affirmative conclusion. Everything that is truly universal and international in Jerusalem can be brought within the purview of direct United Nations responsibility without any disturbance of the City's political freedoms or of its established institutional life.
16. The real objective of the international community in Jerusalem is the protection of the Holy Places by the direct exercise of international responsibility, not the imposition of international rule on a city, a territory, or a population. It is needless to emphasise that the problem of the Holy Places is not only a problem of preservation but also one of access. Closely linked with the issues of preservation and access, there is the question of "existing rights" hallowed by the traditions and compacts of succeeding generations. High central institutions of many faiths, including four Patriarchates, have their abode in Jerusalem in close proximity and relation to the Holy Places themselves. Thus the preservation of the Holy Places; the assurance of facilities for access and pilgrimage; the peaceful settlement of religious disputes; the maintenance of existing rights under international sanction; and the unhampered pursuit of the religious life revolving around the Holy Places, are all matters of recognised international concern. If the United Nations brings these vital matters under its active and direct control, it will thereby achieve the fullest expression of universal responsibility for Jerusalem's religious associations ever recorded.

17. The Government of Israel believes that the responsibility of the United Nations should operate in this universal religious domain leaving the political and secular life of the City to the free determination of its people, as democratic principle requires. The experience of three years has proved that extreme doctrines of internationalisation, excluding populations and areas from their natural allegiance, defeat their own purpose because they cannot be fulfilled, with the result that the United Nations remains absent even from its own recognised sphere of responsibility.
18. Since nearly all the Holy Places in Jerusalem are located within a small area of 1-1/2 square miles within the Walled City and its immediate environs, the Government of Israel, and also many leading Christian authorities, have from time to time considered the question of an international regime confined to that limited area, in the administration of which the three monotheistic faiths should have an acknowledged status. This project has, however, encountered insurmountable obstacles in view of the opposition of the Kingdom of Jordan which occupies the entire area of the Old City. The Government of Israel is ready even now to cooperate in the creation of an international regime of such limited territorial scope, but it must point out that the practicability of such a solution depends entirely on the Hashemite Kingdom of Jordan.
19. Moreover, the Government of Israel recalls that the Western Wall (Wailing Wall), which is the main Jewish shrine hallowed by religious associations for thousands of years, as well as two other places holy to Jews and held in deep reverence by them over countless generations - Rachel's Tomb near Jerusalem and the Cave of Machpela in Hebron - are also in territory controlled by Jordan. Under any international arrangement, Jewish rights regarding these places and access thereto must be fully and effectively safeguarded.
20. In view of all these difficulties, the Government of Israel has consistently upheld the only practicable alternative principle, namely, the direct application of international responsibility, not to any continuous area, but to the Holy Places themselves. At the Fourth Session of the General Assembly in 1949 this Government offered to conclude an agreement whereby the United Nations would be represented in Jerusalem by a representative accredited to the Governments concerned for the purpose of ensuring the protection of the Holy Places and of free access thereto. During the Sixth Session of the Trusteeship Council the Representative of Israel affirmed his Government's readiness "to explore with the Council and with other parties concerned any avenue which may lead to the effective fulfilment by the United Nations of its responsibility for the Holy Places". The Israel Delegation took an active part in that stage of the Council's deliberations which culminated in the drafting of Article 38 of the Statute, dealing with "Holy Places, religious buildings and sites". The Government of Israel has also given consideration to the proposals submitted to the General Assembly by other delegations which sought various means of establishing United Nations control in the Holy Places. Draft resolutions or suggestions in this sense were submitted to the Fourth Session by the Delegations of Bolivia, Cuba, the Netherlands, Sweden and Uruguay.
21. As a result of this mature consideration and out of a desire to satisfy universal religious sentiment, the Government of Israel is ready to give its earnest attention to any plan which would, in suitable form, make possible effective United Nations control of the Holy Places in Jerusalem. For its own part, the Government of Israel would now propose a plan which takes into account Article 38 of the Statute and the spirit of the draft resolutions sponsored by certain other Delegations in the General Assembly. The main features of this plan would be as follows:
 - (a) A Statute should be adopted whereby the rights of the United Nations in respect of the Holy Places in Jerusalem would be derived directly from the General Assembly and accepted by all parties concerned. The authority of the United Nations in the Holy Places would thus take statutory form and not depend upon a contractual agreement, as in the Israel plan submitted to the Fourth Session.
 - (b) There should be appointed a United Nations Representative, or other such organ as may be found appropriate, for the discharge on behalf of the United Nations of the functions prescribed regarding the Holy Places in Jerusalem. This representative or organ should constitute an independent authority deriving its powers solely and exclusively from the General Assembly itself and exercising those functions in the international right without dependence on any individual government or accreditation thereto.
 - (c) The United Nations Representative thus appointed (or the United Nations organ thus set up) should carry out the following main functions in respect of the Holy Places in Jerusalem: viz., supervision of their protection; adjudication of disputes between Communities as to their rights in the Holy Places; the maintenance of existing rights in connection with the Holy Places; the initiation of their repairs; assurance of their exemption from taxation; questions relating to the maintenance of free access subject to the requirements of public order; facilitation of pilgrimage movements; issuing of reports to the appropriate United Nations organs on all the above matters. This list of matters covers practically all the functions enumerated with respect to the Holy Places and religious matters in the Statute (Article 38).
 - (d) The definition of Holy Places as laid down and applied up to the termination of the Mandate shall continue to prevail (Cf. UN Map No. 229, November 1949). All governments and parties concerned

should negotiate on the definition and demarcation of these places in order to achieve agreement on the exact sites within which the above mentioned functions of the United Nations representative shall operate.

- (e) Apart from their statutory sphere of authority concerning the Holy Places in Jerusalem, the United Nations representative or organ could negotiate agreements with both governments concerned, in conformity with the Resolutions of the General Assembly, for the protection of Holy Places located outside the City of Jerusalem.

This would follow the principle laid down in Article 13(4) of the Statute, for Holy Places outside Jerusalem. The United Nations representative or organ could also negotiate, if required, on behalf of any Church organisation submitting views or claims with respect to religious buildings, institutions or property.

22. Apart from the specific functions allotted by the Statute to the United Nations representative or organ, it would be appropriate for the governments concerned to signify their recognition of universal religious interests in Jerusalem and elsewhere in their territories by voluntarily giving certain undertakings. Thus they might pledge themselves to:
- (a) Observe human rights and fundamental freedoms in particular "freedom of worship and freedom of education".
 - (b) Respect the immunity and sanctity of the Holy Places.
 - (c) Guarantee free access to Holy Places in their territories and facilitate movements of pilgrimage.
 - (d) Observe and maintain all the existing rights of Churches and religious foundations, especially those concerned with Holy Places in their territories.
 - (e) Levy no tax in respect of any Holy Place which was exempt from such taxation on 14 May 1948.
 - (f) Cooperate fully and in good faith with the United Nations representative or other organ in the exercise of all the functions allotted to them (as enumerated in paragraph 21 above).

These undertakings would be complementary to the functions exercised statutorily by the United Nations representative with respect to the Holy Places in Jerusalem, as laid down in paragraph 21.

23. In outlining these broad principles for a solution, the Government of Israel reserves the right to make more detailed proposals in appropriate form at any future meetings of the General Assembly at which these matters may be discussed. The two chief merits of this proposal are on the levels of principle and implementability. Under a plan elaborated on those lines, the United Nations would exercise full jurisdiction in respect of matters which are the object of international and religious concern; and all this would be achieved without the drastic process of political and economic disintegration envisaged by the Statute, and without any violence to democratic principle or to the provisions of the Charter. At the same time, the simplicity of these arrangements and the degree of consent which would be confidently anticipated for them would secure their swift and certain implementation. Instead of sterile resolutions, fraught with political bitterness and resulting in no effective action in its own sphere of responsibility, the United Nations could achieve by the end of this year an adequate fulfilment of its recognized responsibilities.
24. The implementation of this proposal would also be a significant landmark in the institutional development of the United Nations and in the application of international authority. Jerusalem would become the first place in the world where the United Nations would be permanently and directly represented for the purpose of carrying out functions on behalf of the international community.
25. The Government of Israel hopes that these proposals, which reconcile all legitimate interests, may assist the United Nations to reach a solution which could be carried into immediate effect in a spirit of harmony and consent.



**LETTER FROM THE ACTING PERMANENT REPRESENTATIVE OF ISRAEL
TO THE PRESIDENT OF THE UN SECURITY COUNCIL, 5 SEPTEMBER 1957**

[Letter complaining about Jordan's violations of the Armistice Agreement]

I have the honour, on instructions from the Government of Israel, to request that the Security Council at its forthcoming meeting consider the following complaint of Israel against Jordan:

“Violations by Jordan of the provisions of the General Armistice Agreement, and in particular of Article VIII thereof”.

Article VIII of the General Armistice Agreement between Israel and Jordan provides for the establishment of a Special Committee composed of two representatives of each Party, for the purpose of formulating agreed

plans and arrangements designed to enlarge the scope of the Agreement and to effect improvements in its application.

Paragraph 2 of Article VIII requires that such plans and arrangements should include the following matters, on which agreement in principle already existed at the time that Armistice Agreement was signed on 3 April 1949: 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.

The resumption of the operation of the railroad to Jerusalem is the only one of these specific requirements of the Armistice Agreement which has been put into effect. All the others have remained unimplemented for the reason that for the past eight years Jordan has refused to agree to the functioning of the Special Committee. As a result, the main road from Jerusalem to the coast is still out of commission; the Rothschild-Hadassah Hospital and the Hebrew University buildings on Mount Scopus are becoming deserted ruins; the Western (Wailing) Wall of the Second Temple, which is the most ancient and sacred relic which the Jewish people possess, and other holy places and shrines, are barred to Jewish pilgrims; the ancient cemetery on the Mount of Olives is desecrated by vandalism and neglect; the water pumping station at Latrun is still not in use.

The Government of Israel has made frequent efforts over the past eight years to secure the implementation of Article VIII of the General Armistice Agreement, but has consistently met with an obdurate refusal on the part of Jordan to carry out this clear obligation, with the result that rights which Israel regards to be of cardinal religious, educational and practical importance have been gravely prejudiced.

Other provisions of the General Armistice Agreement of which Jordan is in standing violation include her refusal to comply with the four fundamental principles of the Agreement outlined in Article 1: the incessant campaign of threat, intimidation and incitement pursued by the leaders of the Jordanian Government against the security and integrity of Israel in violation of Articles I and III, as well as of the Charter of the United Nations; and her failure to attend the conferences convoked by the Secretary-General in accordance with the provisions of Article XII.

The Government of Israel cannot agree to a selective interpretation and implementation of the General Armistice Agreement by Jordan, and accordingly turns to the Security Council for relief from the intolerable situation which has been created.

(Signed) M.R. Kidron
Acting Permanent Representative of Israel to the United Nations



**ISRAELI PRIME MINISTER DAVID BEN-GURION, STATEMENT BY IN THE
KNESSET CONCERNING THE INCIDENTS ON MOUNT SCOPUS, 28 MAY 1958**

[The statement, detailing the events surrounding the shooting attack on an Israeli patrol in the Demilitarised Zone on Mt. Scopus on 26 May 1958, was passed by the Permanent Representative of Israel to the UN, M.R. Kidron, to the UN Sec.-Gen. on 29 May 1958, with the request to have it circulated to the UN members]

Two days ago, on Monday 26 May, a patrol of five of our policemen, under the command of a Sergeant, set out at 1310 hours to Shlomit Garden on Mount Scopus as they had done on many occasions before. This garden is part of the botanical gardens of the Hebrew University and is in the middle of the Israel sector of the Demilitarised Zone, which was established according to the agreement of 7 July 1948. The Map attached to this agreement shows that the garden is in our area, and about a month ago we submitted to the United Nations representative copies of land registration entries (tabu) proving that the garden belongs to the Hebrew University.

Our police patrols have been patrolling all parts of the Israel sector on Mount Scopus, including Shlomit Garden, for years. Until two days ago our patrols in this garden met with no armed interference from the other side.

However, two days ago, after our patrol had been in the Garden for about ten minutes, fire was opened on it from a grove in the Jordanian area outside the Demilitarised Zone and from the village of Issawiya, which is inside the Demilitarized Zone. One of the policemen was severely wounded by this fire and the Sergeant ordered his men to return to the University buildings while he remained behind with the wounded man to cover

him and attend to his wounds. The officer in charge of our police on Mount Scopus, who had seen the firing from the grove and the wounding of the man, immediately opened automatic fire on the grove and sent ten policemen, commanded by a police officer, to extricate and two who had remained in the Garden. This force went out at 1355 hours. Although fire against our men also came from the village of Issawiya which is in the Demilitarised Zone, the officer in charge did not open fire against the village so as to avoid injuring civilians.

The force which was sent to extricate the wounded man and the Sergeant who had remained with him had to pass a slope exposed to fire from Jordanian posts. The Jordanians immediately opened fire on them and the Israel police officer was gravely wounded. A medical orderly at his side said that he could be moved on a stretcher only, but this was impossible because of Jordanian fire. Two other policemen from the extricating force were wounded while attempting to reach the officer.

Our representative to the Mixed Armistice Commission at the Mandelbaum Gate informed the United Nations of the firing and of the casualties.

At 1450 hours United Nations Observers reached Mount Scopus. Some of them entered the University area while others went to Issawiya. The United Nations Observers who came to the University told our men that a cease-fire order had been given with effect at 1510 hours. Our forces complied and at 1510 hours stopped shooting. The Jordanians did not cease fire.

At 1515 hours the United Nations Observers in the University said that the United Nations Observers who had approached the place of the incident from the direction of Issawiya had seen a number of Israeli wounded but could not reach them demanded a cease-fire on the part of the Jordanians at 1530 hour but that Jordanian fire from the grove had not ceased.

At 1545 hours United Nations Observers on the spot stated they could not begin to evacuate the wounded because the Jordanians had not announced their agreement to cease fire. At 1548 hours shooting from the Jordanian side stopped, but at 1600 hours medium machine gun fire was opened from Augusta Victoria Hospice and fire from the grove was also renewed.

At 1610 hours United Nations Observers who had reached Shlomit Garden stated that they could see that an Israel officer had been killed and that in addition three were wounded. The officer in command on Mount Scopus sent several stretchers to Shlomit Garden to speed up the evacuation of casualties; United Nations headquarters in the former Government House informed us that they would do all in their power to evacuate the casualties and asked us to take no action. When the movement of the Observers began, however, Jordanian fire was renewed and another of our policemen was hit. At 1700 hours, our representative was told by the United Nations that Colonel Flint had been severely wounded while approaching the wounded Israeli policemen and had fallen close to one of them. He was shot by a Jordanian sniper either from the grove or from Issawiya. A number of United Nations Observers who were about 20 paces from him did not succeed in reaching and extricating him because of continuing fire from the Jordanian side.

Close to 1730 hours the Chief of Staff, UNTSO, informed our representative, Mr. Joseph Tekoah, that Jordanian fire was coming from one place and that the Jordan Army was sending a unit to stop this fire. The Jordanian fire, however, did not stop.

Only at nightfall, at 1845 hours, did the fire cease and an Israel force went out from the University to evacuate the casualties. They found Colonel Flint and two Israeli policemen dead and two Israeli policemen wounded.

The search for the Sergeant and the first wounded man continued until 2140 hours when they were both found dead. As a result of this Jordanian outrage the following have lost their lives: Colonel Flint, who attempted to extricate our wounded; Mordechai Tikochinsky, an officer of the Israeli police on Mount Scopus, Sergeant Joseph Yochinek and two policemen Eliav Eloshtri and Moshe Ginsburg.

We bow our heads in silent respect to the memory of these victims, our police and Colonel Flint, who fell at their posts doing their duty with devotion and courage. To the relatives of the victims, to the family of Colonel Flint of the Canadian Army and to the United Nations Secretariat, I wish to express the sympathy of the entire people of Israel in their grievous loss.

Yesterday morning at 1000 hours, representatives of Israel and Jordan met with Colonel Nordstrom, deputy to the late Colonel Flint, to discuss arrangements for the investigation of the incident. We demanded a joint investigation, but the Jordanians objected and insisted on separate investigations on each side. It was decided, therefore, to carry out separate investigations. The investigation was to begin yesterday at 1400 hours. At

about 1630 hours Colonel Nordstrom informed our representative on the Mixed Armistice Commission that the Jordanians had stated they could not accept responsibility for the safety of the investigators if the latter entered Shlomit Garden and for this reason the investigation did not begin yesterday.

Our patrols yesterday and this morning in Shlomit Garden met with no interference.

Finally I wish to tell our brave policemen on Mount Scopus that the nation stands behind them in this difficult and dangerous duty that has been imposed on them. We are determined to protect all our rights on Mount Scopus according to the Agreement of 7 July 1948 and the Armistice Agreement that followed it.



**LETTER FROM THE ACTING PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN
TO THE PRESIDENT OF THE UN SECURITY COUNCIL REGARDING A MILITARY
PARADE HELD IN JERUSALEM, 2 APRIL 1961**

I have the honour, with reference to the letter and the explanatory memorandum, dated 1 April 1961, addressed by the Representative of Jordan to the President of the Security Council, to submit the following preliminary observations.

1. The suggestion that the Israel parade, to be held in Jerusalem on 20 April 1961, may endanger international peace and security is without a vestige of foundation. This appears clearly from the circumstances set out below.
2. Israel will be celebrating the thirteenth anniversary of its independence on 20 April 1961. The celebration of this anniversary has been marked every year since the establishment of the State by a military parade. The venue of the parade has varied from year to year.
3. In 1958, on the occasion of the celebration of Israel's tenth anniversary, the annual parade was held in Jerusalem. A complaint was thereupon made by the Jordan authorities to the Jordan-Israel Mixed Armistice Commission, similar to that submitted by them to the Mixed Armistice Commission on 20 March 1961, in connexion with the parade to be held this month. The United Nations Chairman abstained on the resolution then submitted by the Jordanian delegation. In the course of a statement at the meeting, he referred to Israel's again as a "formal breach" of the General Armistice Agreement, and said:

"The stated purpose of Israel, in bringing prohibited equipment into the Jerusalem area, is to have such equipment in a military parade, in which the troops, tanks and guns are without ammunition. There is no reason to doubt that this represents the intention of the Israeli authorities."

At the same time, in order to allay any anxieties and in agreement with the parties, he posted a number of observers at specified points near the border. The present instance is no different from the previous one and as on that occasion, no single weapon in the parade will be equipped with ammunition.

4. The Jordan Government has likewise on a number of special occasions brought to Jerusalem for parade purposes on their side of the line, military equipment other than that specified for that area under the provisions of the General Armistice Agreement. Thus, since the beginning of last year alone, the Jordanians have brought military equipment including armour and aircraft to Jerusalem in excess of that allowed for in the General Armistice Agreement on at least four occasions, as follows:

21 January 1960: Armoured vehicles to celebrate the festival of that date;

29 January 1960: Armour and jet aircraft in honour of the visit to the old city of Jerusalem of the King of Morocco;

6 July 1960: Armoured vehicles on the occasion of the visit of King Hussein;

13 and 14 January 1961: A display of jet fighter aircraft on the occasion of the visit of King Hussein;

It should be stated that, by contrast with some of these Jordanian parades above mentioned, no air display is intended with the forthcoming Israel parade in Jerusalem.

5. The Israel Government, recognizing the purely ceremonial nature of these occasions, has not complained of the actions set out in the preceding paragraph.
6. The Jordanian Government is fully aware that there is not the slightest intention on the part of the Israel Government to undertake anything more than a peaceful celebration of a national holiday in Israel; and in fact details of the parade, accompanied by full assurances regarding its purely ceremonial character, were officially conveyed to the Jordanian representatives as long ago as 7 March 1961.

7. The Jordanian complaint is specious and all the more surprising in view of the fact that Jordan has not only itself conducted such parades on a number of occasions but persists in fundamental violation of the Armistice Agreement.
8. In the light of the circumstances set out above, the submission of a complaint by Jordan to the Security Council and a request to convene the Council is to distort and to inflate of significance of the whole matter, and is calculated without any justification to stir up tension at a time when the Israel-Jordan border has for long been relatively quiet. It is submitted accordingly that this is a matter with which the Security Council should not be called upon to concern itself.
9. I am interested by my Government to reiterate its fullest assurances of the peaceful nature and purposes of the parade and its readiness to co-operate with all appropriate measures designed to relieve Jordanian apprehensions, however ill-founded they may be.

I have the honour to request that this letter be circulated to the members of the Security Council.

(Signed) Arthur Lourie
Acting Permanent Representative of Israel to the United Nations



**ISRAELI COMMANDER MORDECHAI GUR, SPEECH TO THE TROOPS UPON
REACHING THE WESTERN WALL DURING THE 1967 WAR, 7 JUNE 1967**

Paratroopers, conquerors of Jerusalem!

When the Temple Mount was conquered by the Greeks it was liberated by the Maccabees. The "Kanaim" and Bar Kochva fought against those that destroyed the Second Temple.

For 2,000 years the Temple Mount was off limits to the Jews.

Until you, the paratroopers, came and returned it to the bosom of its people. The Western Wall, towards which every Jewish heart beats, is again in our hands.

Many Jews risked their lives, over our very long history, to come to Jerusalem and to reside in it.

An infinite number of wistful poems have expressed the profound desire for Jerusalem that beats in every Jewish heart. During the War of Liberation incredible efforts were made to reclaim the heart of the people - the Old City and the Western Wall.

To you has fallen the great privilege to complete the circle, to give back to the people its eternal capital and its sacred center.

Many paratroopers, our finest and most veteran comrades, fell in this terrible battle.

It was a rapid and ferocious battle. In it you functioned as one body that crushed anything that stood in your way without concern for your own injuries.

You did not gripe, you did not complain, you did not report, you just advanced and conquered.

Jerusalem is yours - forever.



**ISRAELI PRIME MINISTER LEVI ESHKOL, ADDRESS TO THE SPIRITUAL
LEADERS OF ALL COMMUNITIES IN JERUSALEM, 7 JUNE 1967**

[Before proceeding to the Western Wall at the end of the 1967 War, the Prime Minister invited the Chief Rabbis and spiritual leaders of other communities to his office and read the following declaration:]

Honourable Chief Rabbis, Honourable Community Leaders:

I have taken the liberty to call you to this meeting in order to enable you to share with me the news of the events taking place these last few days in Jerusalem, the Holy and Eternal City.

On the Monday of this week, after the Egyptian aggression against Israel began, I announced in a radio broadcast that Israel would take no military action against any State that did not attack it. Despite this statement, the Government of Jordan - under Egyptian command - declared war upon the State of Israel and its forces and embarked upon hostile action by land and in the air. Our forces were compelled to take the necessary military steps in order to put an end to this aggression and to protect human lives. By its actions, the Government of Jordan, with the agreement of Egypt and following upon pressure from Cairo, violated international law, the United Nations Charter, and the neighbourly relations between our two countries.

In its aggression Jordan made no distinction between civilians and soldiers.

Crime was piled upon crime by Jordan when it carried war into Jerusalem, thus desecrating the eternal peace of this city, which has always been a source of hallowed inspiration to mankind. As a result of Jordanian aggression, dozens of people were killed and many hundreds were wounded. Blood was shed in the streets of Jerusalem and hundreds, perhaps thousands, of dwellings were hit. There was shelling specifically directed at hospitals, synagogues, Yeshivoth, the President's residence, the Hebrew University, the Israel Museum and Government buildings. Likewise a large number of schools in the city were hit. The shelling continued uninterruptedly from Monday until today, Wednesday. Out of consideration for the sanctity of the city, and in accordance with our policy of avoiding casualties among the civilian population, we have abstained from any answering action inside the city, despite the casualties incurred by our soldiers and citizens.

The criminal actions of Jordan's Government shall stand before the court of international opinion and before the judgement of history.

Peace has now returned with our forces in control of all the city and its environs. You may rest assured that no harm whatsoever shall come to the places sacred to all religions. I have requested the Minister of Religious Affairs to get in touch with the religious leaders in the Old City in order to ensure regular contact between them and our forces, so as to make certain that the former may continue their spiritual activities unhindered.

Following upon my request, the Minister of Religious Affairs has issued the following instructions:

- a) arrangements in connection with the Western Wall shall be determined by the Chief Rabbis of Israel;
- b) arrangements in connection with the Moslem Holy Places shall be made by a council of Moslem clerics;
- c) arrangements connected with the Christian Holy Places shall be made by a council of Christian clergy.

With the aid of the Rock and Salvation of Israel, from Jerusalem, a symbol of peace for countless generations, from this Holy City now returned to its peace, I would like to have you join me in this call for peace among all the people of this area and of the whole world.



**ISRAELI DEFENCE MINISTER MOSHE DAYAN, STATEMENT
AT THE WESTERN WALL, 7 JUNE 1967**

This morning, the Israel Defence Forces liberated Jerusalem. We have united Jerusalem, the divided capital of Israel. We have returned to the holiest of our Holy Places, never to part from it again.

To our Arab neighbours we extend, also at this hour - and with added emphasis at this hour - our hand in peace. And to our Christian and Muslim fellow citizens, we solemnly promise full religious freedom and rights. We did not come to Jerusalem for the sake of other peoples' Holy Places, and not to interfere with the adherents of other faiths, but in order to safeguard its entirety, and to live there together with others, in unity.



**ISRAELI PRIME MINISTER ESHKOL, STATEMENT TO THE KNESSET,
12 JUNE 1967 [EXCERPTS]**

A week ago the momentous struggle opened. The existence of the State of Israel, the hope of the generations and the vision that has been realized in our days, hung in the balance.

Now, only a week after the last session of the Knesset, which took place to the accompaniment of the thunder of the guns, we meet with the tidings of victory ringing in our ears. The aggression of the enemy has been repelled, the greater part of his power has been broken, his military machine destroyed, the bases for aggres-

sion cleared. The threat of war has been lifted from our country. The skies above our heads are safe. The threat to Jerusalem, to the coastal plain, to the villages of the north and the corridor, to the whole of the Negev and Galilee, has been removed. [...]

During the days preceding June 5, Egyptian air sorties took place over Israeli skies. The decisive moment came. Facing the movement of Egyptian forces to the Israeli border, our forces went out to repulse the enemy's aggression, and air and armored battles developed.

In a radio broadcast a few hours later, I declared: "We shall not attack any State so long as it does not wage war against us. But anyone attacking us will meet with our full power of self-defense and our capacity to defeat his forces." Despite this unmistakable warning, the Jordanian forces, which were under Egyptian command, started attacks and bombardments all along the line - especially in Jerusalem, where much blood was spilt.

At the same time, the Syrians started attacking the villages in the north from their fortified positions in the Golan mountains.

By Thursday, June 8, Israel's forces had defeated the enemy in Sinai, the Gaza Strip, the whole of Jerusalem and the whole of the West Bank.

On this occasion, I should like to point out that, despite the bombardment of Jerusalem, by the Jordanian forces, which caused loss of life, injury to many, and much damage to property, we refrained from any bombardment inside the city, out of consideration for the sanctity of Jerusalem and in accordance with our policy of avoiding injury to the civilian population.

Immediately after the liberation of the city, before I went to the Western Wall, I invited the heads of the Christian and Moslem communities and told them: "You may rest assured that no harm of any kind will be permitted to the religious Holy Places. I have asked the Minister of Religious Affairs to contact the religious leaders of Jerusalem in order to ensure orderly contact between them and our forces, and enable them to continue unhindered with their religious activities. From Jerusalem - the age-old symbol of peace, from the Holy City to which its tranquillity has been restored - I want to join with you in issuing a call to peace to all the nations of the area and to the world at large."

Arrangements were immediately made to ensure that the arrangements in places sacred to Christianity should be entrusted to Christian religious dignitaries, and in places sacred to Islam to Moslem religious dignitaries. [...]



**ISRAELI FOREIGN MINISTER ABBA EBAN, STATEMENT AT THE UN GENERAL ASSEMBLY,
FIFTH EMERGENCY SPECIAL SESSION, 21 JUNE 1967 [EXCERPTS]**

120. This is the central issue. A change took place in mid-May. Who inaugurated that change, who instigated it, and who was surprised by it--as I confess that Israel and most other members of the international community were surprised. There are Ministers for Foreign Affairs and others in this Hall who will recall the conversations that my colleagues and I had with them during those weeks in which we tried to explore why it was that this violent modification of the existing *status quo* was being undertaken by the Government of Egypt. Now those who have disrupted the existing situation cannot possibly request or require that it be automatically reinstated; least of all can they do so when they accompany their request by statements which totally lack veracity. For example, the representative of the United Arab Republic asserted that the Red Cross representative had confirmed his wild stories about alleged actions and situations in Sinai. The fact of the matter is that the Red Cross authorities have refused to confirm those stories and have addressed to my Government an expression of satisfaction about the co-operation between the Government of Israel and the Red Cross in dealing with some of the humanitarian problems resulting from this war.
121. My Government will give close consideration to the other speeches made this morning, including that of the Secretary of State for Foreign Affairs of the United Kingdom. I should, however, like, not to add to what I have said on this point, but to clarify our position on a matter which figured prominently in the British Foreign Secretary's address. This concerns the position in Jerusalem on which my Government's policy has already been stated from this rostrum and also in our Parliament.
122. The division of that city brought about two results. First, it converted it into an arena of war. Gun emplacements in the Holy Places rained death and destruction on Israeli citizens, institutions and streets.

123. Thus for the second time in twenty years Jordan committed the sacrilege of bombarding Jerusalem, and scores of our people met their deaths as a result of the installation of guns in the Holy Places. That, then, was the first result of the division.
124. Second, it was during the division of the City that, under the Jordanian régime, free access to the Holy Places of all the religions was not assured. Jordan is the only Government in recorded history which, since its annexation of the Holy City in 1948, has done these two things: made Jerusalem a battlefield and denied universal access to the Holy Places to all religions.
125. All I shall say is that our policy is the preservation of the unity of Jerusalem, the elevation of its material and cultural life, free access to the Holy Places to all faiths and perfect respect for religious interests.
126. The statements made by my Prime Minister in our Parliament and by myself at this rostrum are to be interpreted in the light of these objectives which I am sure will command much support throughout the international community.



**ISRAELI PRIME MINISTER ESKHOL, ADDRESS TO THE SPIRITUAL LEADERS
OF ALL COMMUNITIES IN JERUSALEM, 27 JUNE 1967**

[In his speech, Eshkol assured the religious communities of Israel's determination to protect the Holy Places. On the same day, the Knesset passed the Protection of Holy Places Law, 1967. – For the reply of Greek Orthodox Patriarch His Beatitude Benedictos, see Vol. I: Christian Statements and Positions.]

It is my pleasure to inform you that the Holy Places in Jerusalem are now open to all who wish to worship at them - members of all faiths, without discrimination. The Government of Israel has made it a cardinal principle of its policy to preserve the Holy Places, to ensure their religious and universal character, and to guarantee free access. Through regular consultation with you, heads of the communities, and with those designated by you, at the appropriate levels, for this purpose, we will continue to maintain this policy and to see that it is most faithfully carried out.

In these consultations, I hope that you will feel free to put forward your proposals, since the aims that I have mentioned are, I am certain, aims that we share in common. Every such proposal will be given full and sympathetic consideration. It is our intention to entrust the internal administration and arrangements of the Holy Places to the religious leaders of the Communities to which they respectively belong; the task of carrying out all necessary procedures is in the hands of the Minister of Religious Affairs.



ISRAEL'S PROTECTION OF THE HOLY PLACES LAW, 5727-1967, 27 JUNE 1967

Protection of Holy Places.

1. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places.

Offenses.

2. (a) Whosoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years.
(b) Whosoever does anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places shall be liable to imprisonment for a term of five years.

Saving of Laws.

3. This Law shall add to, and not derogate from any other law.

Implementation of Law.

4. The Minister of Religious Affairs is charged with the implementation of this regulations, and he may, after consultation with, or upon the proposal of, representatives of the religions concerned and with the consent of the Minister of Justice make regulations as to any matter relating to such implementation.

Commencement.

5. This Law shall come into force on the date of its adoption by the Knesset.

Levy Eshkol
Prime Minister

Zerach Warhaftig
Minister of Religious Affairs

Shneur Zalman Shazar
President of the State



**LAW AND ADMINISTRATION ORDINANCE (AMENDMENT NO. 11) LAW, 5727-1967,
27 JUNE 1967**

*[Amendments adopted by the Knesset to enable the extension of public utility services
and of municipal and administrative facilities to all parts of the city.]*

1. In the Law and Administration Ordinance, 5708-1948, the following section shall be inserted after section 11 A:

"Application of law. 11 B. The law, jurisdiction and administration of the State shall extend to any area of Eretz Israel designated by the Government by order."

2. This Law shall come into force on the date of its adoption by the Knesset.

Levi Eshkol, Prime Minister
Yaakov S. Shapiro, Minister of Justice
Shneur Zalman Shazar, President of the State



MUNICIPALITIES ORDINANCE AMENDMENT NO. 6 LAW, 5727-1967, 28 JUNE 1967

*[Amendments adopted by the Knesset to enable the extension of public utility services and of municipal and
administrative facilities to all parts of the city.]*

1. In the Municipalities Ordinance the following section shall be inserted (after section 8):

8 A.

- (1) The Minister may, at his direction and without an inquiry under section 8 being made, enlarge, by proclamation, the area of a particular municipality by the inclusion of an area designated by order under section 11 B of the Law and Amendment Ordinance, 5708-1948.
- (2) Where the Minister has enlarged the area of a municipality as aforesaid, he may, by order, appoint additional councilors from among the inhabitants of the newly included area. A councilor appointed as aforesaid shall hold office so long as the council holds office: Provided that the Minister may, by order, appoint another person in his stead.

2. This Law shall come into force on the date of its adoption by the Knesset.

Levi Eshkol
Prime Minister

Chaim Moshe Shapiro
Minister of the Interior

Shneur Zalman Shazar
President of the State



**ISRAELI PROCLAMATION OF ENLARGEMENT OF THE MUNICIPAL AREA
OF JERUSALEM, 28 JUNE 1967**

On the basis of the powers vested in me by Article 8 A of the Municipalities Ordinance, I hereby declare that:

1. *Enlargement of the Area of the Municipality of Jerusalem.*

The area of the Municipality of Jerusalem shall be enlarged through the inclusion of the area defined in the annex.

2. *Title.*

This proclamation shall be known as "Proclamation on the Enlargement of the Area of the Municipality of Jerusalem, 5727-1967."

Yael Uzay
Secretary to the Government.



ORDER DISSOLVING THE JERUSALEM MUNICIPALITY, 29 JUNE 1967

In the name of the Israeli Defense Army I have the honor to inform Mr. Rawhi al-Khatib and the members of the Municipality Council in al-Quds (Arab Jerusalem) that the Council is henceforth considered as dissolved.

The employees of the Municipality in the different Municipal departments including the administrators and technicians are henceforth considered as temporary employees in the Jerusalem Municipality until their appointment is decided by the Jerusalem Municipality after they submit their written applications for work.

In the name of the Israeli Defense Army I call upon Municipal employees to continue in their work to provide the necessary services to the inhabitants of this city.

I thank Mr. Rawhi al-Khatib and the members of the Council for their services during the transitional period from the entrance of the Israeli Defense Army to Jerusalem to this day.

Ya'acov Salman
Assistant Commander of Jerusalem

David Vardi
Military Government Officer



**ISRAELI FOREIGN MINISTER ABBA EBAN,
LETTER TO THE UN SECRETARY-GENERAL, 10 JULY 1967**

Dear Mr. Secretary-General,

My Government has given careful consideration to your letter of 5 July 1967, concerning resolution 2253 (ES-V) of the General Assembly. Israel's position on Jerusalem was explained by me at the plenary meetings of the General Assembly on 21 and 29 June 1967. In response to your letter the Government of Israel now takes the opportunity of reviewing recent developments in the City.

As a result of aggression launched by the Arab States against Israel in 1948, the section of Jerusalem in which the Holy Places are concentrated had been governed for nineteen years by a régime which refused to give due acknowledgment to universal religious concerns. The City was divided by a military demarcation line. Houses of worship were destroyed and desecrated in acts of vandalism. Instead of peace and security there was hostility and frequent bloodshed. The principle of freedom of access to the Holy Places of all the three monotheistic religions was violated with regard to Jews, but not to them alone. The Jordan Government informed the *Ad Hoc* Political Committee at the fourth and fifth sessions of the General Assembly, on 6 December 1949 and 11 December 1950, that it would not agree to any special arrangements for the Holy Places. This policy was the subject of a reference by the President of the Trusteeship Council, M. Roger Garreau, in his report on the mission entrusted to him by virtue of the Trusteeship Council resolution of 4 April 1950 (T/681), in which he stated:

"... I have to state with the deepest regret that up to yesterday, when my term as President of the Trusteeship Council came to an end, the Government of the Hashimite Kingdom of Jordan had not seen fit to break its silence....

... the Government of Israel showed a spirit of conciliation which led it to submit to the Trusteeship Council certain new proposals which... represent a considerable advance towards a settlement of the various aspects of the problem of Jerusalem and the Holy Places...."

On 5 June 1967, the Jordanian forces launched a destructive and unprovoked armed assault on the part of Jerusalem outside the walls. This attack was made despite Israel's appeals to Jordan to abstain from hostilities. Dozens of Jerusalem citizens were killed and hundreds wounded.

Artillery bombardment was directed against synagogues, the Church of Dormition, hospitals, centres of secular and religious learning, the Hebrew University and the Israel Museum. Intensive fire was directed against institutions and residential centres from positions in and near the Holy Places themselves, which were thus converted into military positions for shelling Jerusalem.

Since 7 June, the entire City of Jerusalem has experienced peace and unity. The Holy Places of all faiths have been open to access by those who hold them sacred.

The resolution presented on 4 July by Pakistan and adopted on the same date evidently refers to measures taken by the Government of Israel on 27 June 1967. The term "annexation" used by supporters of the resolution is out of place. The measures adopted relate to the integration of Jerusalem in the administrative and municipal spheres, and furnish a legal basis for the protection of the Holy Places in Jerusalem.

I now come to specify the character and effect of the measures adopted on 27 June:

(1) The Holy Places

"The Protection of Holy Places Law, 5727-1967, provides that the Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places. Whoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years...." During the previous nineteen years there had been no such legislation to protect the Holy Places in Jerusalem. Since 27 June, sacred buildings desecrated since 1948 have been restored, and houses of worship destroyed during the Jordanian occupation are being rebuilt.

(2) Civic co-operation

One of the most significant results of the measures taken on 27 June is the new mingling of Arabs and Jews in free and constant association. The Arab residents within the walls had been cut off for nineteen years from all contact with the residents of the newer parts of the City. Today they are free to renew or initiate contacts with their Jewish neighbours in Jerusalem and elsewhere in Israel. The residents of the City outside the walls now visit the Old City. There is a profound human and spiritual significance in the replacement of embattled hostility by normal and good neighbourly relations. It is especially appropriate that ecumenical habits of thought and action should take root in the City from which the enduring message of human brotherhood was proclaimed with undying power in generations past.

(3) Municipal services

In the hills of Judea, where Jerusalem is situated, there is an acute shortage of water. The Old City is now connected with the general water supply system, and all houses are receiving a continuous supply of water, double the quantity available to them in the past.

All hospitals and clinics are already functioning. In the past no health services existed for the young within the framework of the school system, nor were there any health stations for mother and child care. These services are now being established.

There was no social welfare system in the Old City. Today all the inhabitants of Jerusalem now enjoy the same welfare rights. The municipality has already begun extending its welfare services to those for whom none have been available in the past.

School buildings are being prepared for the resumption of studies at the beginning of the new school year. Teachers are being located and arrangements made for them to return to their work. Their salaries are paid by the municipality.

Compulsory education regulations have been extended to all parts of the City. None of those arrangements affect the existing private education network.

If these measures had not been taken, the Holy Places would be without legal protection. The unified public utilities services would not exist. Municipal and administrative facilities would not be extended to some sections of the City, and Jerusalem's residents would still be divided, hermetically confined in separate compartments.

The universal interest

The measures taken by my Government to secure the protection of the Holy Places are only a part of Israel's effort to ensure respect for universal interests in Jerusalem. It is evident from United Nations discussions and

documents that the international interest in Jerusalem has always been understood to derive from the presence of the Holy Places. Israel does not doubt her own will and capacity to secure the respect of universal spiritual interests. It has forthwith ensured that the Holy Places of Judaism, Christianity and Islam be administered under the responsibility of the religions which hold them sacred. In addition, in a spirit of concern for historic and spiritual traditions, my Government has taken steps with a view to reaching arrangements to assure the universal character of the Holy Places. In pursuance of this objective, the Government of Israel has now embarked on a constructive and detailed dialogue with representatives of universal religious interests. If these explorations are as fruitful as we hope and expect, the universal character of the Holy Places will for the first time in recent decades find effective expression.

The changes which have affected Jerusalem's life and destiny as a result of the measures recently adopted may therefore be summarised as follows:

Where there was hostile separation, there is now harmonious civic union. Where there was a constant threat of violence, there is now peace. Where there was once an assertion of exclusive and unilateral control over the Holy Places, exercised in sacrilegious discrimination, there is now a willingness to work out arrangements with the world's religious bodies - Christian, Muslim and Jewish - which will ensure the universal religious character of the Holy Places.

The Government of Israel is confident that world opinion will welcome the new prospect of seeing this ancient and historic metropolis thrive in unity, peace and spiritual elevation.

Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Abba Eban
Minister for Foreign Affairs



ALLON PLAN, 23 JULY 1967 [EXCERPTS]

[Extracts of the outline of the "Allon Plan" as it was submitted to a closed session of the government]

- One. I propose that Israel insist that its eastern border be the River Jordan and the line which cuts the Dead Sea in two along its whole length, and that the Mandatory border along the 'Aravah will remain as it was before the Six Day War.
- Two. In order to set up a strong defense alignment, on the one hand, and, on the other, to establish and ensure the completeness of the Land from the geo-strategical point of view, we must link to the State as inalienable from its sovereignty the following territories:
 1. a strip varying in width between ca. 10 and 15 kilometers along the Jordan Valley from the Beit Shean Valley to the north of the Dead Sea, including a minimum of Arab population.
 2. to add a strip of a few kilometers wide, to be checked in the field, from the north of the traffic axis between Jerusalem and the Dead Sea, to be connected somewhere with the area north of the 'Atarot-Beit Horon-Latrun road, including the Latrun region.
 3. Concerning Mount Hebron and the Judean Desert, two options are to be weighted: adding Mount Hebron with its population, or at least the Judean Desert, from the eastern approaches of Hebron to the Dead Sea and the Negev.
 4. In order to prevent the inclusion of a large Arab population, the possibility should be considered to content ourselves with the linkage of the Judean Desert in addition to smaller border corrections such as in Gush Ezyon and the south of Mount Hebron. [...]
 - c. In the areas I mentioned above rural and urban settlement outposts should soon be established, as well as permanent military bases, according to security needs.
 - d. In East Jerusalem Jewish-populated urban quarters should be established in addition to the swift reconstruction and population of the Jewish Quarter in the Old City.
 - e. We have to initiate contacts with leaders and personalities from among the West Bank residents in order to get a true picture of their preparedness, and to stimulate them, to build an autonomous framework in the territories that will not be under Israeli sovereignty. The autonomous framework may be connected to Israel. Such a connection might be expressed in means to establish a common economic framework, a common defense pact; technical and scientific cooperation; cultural agreements, and finding a common solution to resettlement of the Gaza Strip refugees in the West Bank.



**ISRAELI FOREIGN MINISTER ABBA EBAN,
LETTER TO THE UN SECRETARY-GENERAL, 11 SEPTEMBER 1967**

*[The letter, which was transmitted by the Permanent Representative of Israel to the UN,
came in reply to a letter by the Secretary-General dated 15 July 1967]*

Dear Mr. Secretary-General,

After the adjournment of the emergency special session of the General Assembly on 21 July, the Government of Israel was consulted by you on the appointment of a personal representative entrusted with the mission of obtaining information for your report to the Security Council and the General Assembly.

Ambassador Thalmann visited Jerusalem from 21 August to 3 September. The Government of Israel extended to him all the assistance necessary for the discharge of his responsibilities. He had detailed conversations with the Prime Minister and me, and with heads of the religious communities represented in Jerusalem. He also met leading personalities of all communities and heard the frank expression of their views.

A salient fact of Jerusalem's life today is the intrinsic necessity of ensuring equal rights and opportunities to all the city's residents by extending to them the same public services and facilities. No international or other interest would be served by the institution of divisions and barriers which would only sharpen tension and generate discrimination. This does not foreclose the final settlement of certain important aspects of the Jerusalem situation which lie at the origin of the international interest in the city. I refer to the need to secure appropriate expression of the special interest of the three great religions in Jerusalem. It is our urgent desire to promote this objective in co-operation with the universal interests concerned. I am confident that in an atmosphere of international tranquillity substantial progress could be made towards this aim, which has hitherto had no concrete fulfilment.

We are now concentrating on this task. It is our policy to ensure that the Moslem, as well as the Christian and Jewish Holy Places, should be scrupulously respected and revered, and placed under the responsibility of a recognized Moslem authority.

I should like to assure you that the report based on the information obtained by your Personal Representative will receive our close study and on its publication I shall make a further clarification of our policies.

Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Abba Eban
Minister for Foreign Affairs



**LETTER FROM THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN ADDRESSED
TO THE UN SECRETARY-GENERAL, 5 MARCH 1968**

[Letter on Jordanian presence in the Old City from 1948-1967]

On instructions from my Government I have the honour to refer to the letters addressed to you by the Permanent Representative of Jordan on 23 and 28 February 1968 (A/7057 and Add.1, S/8427 and Add.1 and A/7058, 3/8423) and to state as follows:

The allegations contained in the two letters are without foundation. They follow logically on the destructive attitude adopted by the Jordanian authorities towards the City of Jerusalem and its Holy Places. It was Jordan which, in defiance of the United Nations Charter, attacked the City in 1948, placed it under siege, and opened indiscriminate fire on its inhabitants and on its historical and religious sites. It was the Jordan Government which then relentlessly set about destroying the Jewish Quarter, including its synagogues and places of learning and the venerated Cemetery on the Mount of Olives. The inhabitants of the Jewish Quarter were uprooted, transformed overnight into refugees and forcibly prevented from returning to the homes inhabited by themselves and by their ancestors. It was Jordan which prevented free access to the Jewish Holy Places and the cultural and humanitarian institutions on Mount Scopus, in flagrant violation of its international obligations solemnly undertaken.

Colonel Abdullah el-Tal, one-time commandant of the Jordanian Arab Legion, in describing the destruction of the Jewish Quarter, wrote in the volume of his Memoirs (Cairo, 1959):

"... The operations of calculated destruction were set in motion.... I knew that the Jewish Quarter was densely populated with Jews who caused their fighters a good deal of interference and difficulty.... I embarked, therefore, on the shelling of the Quarter with mortars, creating harassment and destruction.... Only four days after our entry into Jerusalem the Jewish Quarter had become their graveyard. Death and destruction reigned over it...."

"As the dawn of Friday, May 28, 1948, was about to break, the Jewish Quarter emerged convulsed in a black cloud - a cloud of death and agony."

After the cease-fire had entered into force and normal civilian administration had been restored in Jerusalem last June, a shocking picture was unfolded of the results of this policy of wanton vandalism, desecration and violation perpetrated during the period of Jordan occupation from 1948 onwards. In the Jewish Quarter all but one of the thirty-five Jewish houses of worship that graced the Old City of Jerusalem were found to have been wantonly destroyed. The synagogues had been razed or pillaged and stripped and their interiors used as hen-houses and stables. In the ancient historic Jewish graveyard on the Mount of Olives, tens of thousands of tombstones had been torn up, broken into pieces or used as flagstones, steps and building materials in Jordanian military installations and civilian constructions. Large areas of the cemetery had been levelled and converted into parking places and petrol-filling stations. These acts of desecration have been described fully in a document published by the Ministry for Foreign Affairs in Jerusalem in November 1967, a copy of which is attached to this letter.

This record of Jordanian conduct in Jerusalem underlines the true character and purpose of the allegations put forward in the letters from the Permanent Representative of Jordan. In effect, the Government of Jordan is complaining of steps that have had to be taken urgently in order to restore the atmosphere of sacredness, dignity and tranquillity proper to Jerusalem and its 3 Holy Places, and to ensure the elevation of its material and cultural life.

With regard to the Western Wall, it is to be observed that it is the most Holy Place of all to Judaism. The Western Wall is the sole remaining relic of the First and Second Temples, constructed and sanctified in ancient times. It is ominous that the Jordanian representative fails to mention this essential fact. The Wall's history does not commence with the Arab conquest of Palestine. That conquest, like those that preceded and followed it, is incapable of effecting any change whatsoever in the sacredness of the Wall to the Jewish people – a sacredness which, indeed, the Jewish people alone is competent to determine.

If any proof of this were needed it can be found in the report of the Commission appointed by the United Kingdom Government, circulated at the request of the Permanent Representative of Jordan as document A/7057/Add.1, S/8427/Add.1, although it may here be noted, parenthetically, that at the time that report was not accepted either by the Moslem or by the Jewish authorities, the Commission having been established solely to assist the Mandatory authorities in the discharge of what they conceived to be their duties under the Mandate.

The Western Wall holds a unique place in the history and faith of the Jewish people. For nineteen centuries Jews flocked to the Western Wall from all parts of the world to pray and worship before it. It would not cross the mind of Jews to impair in any way the sanctity of the Western Wall.

The interest now evinced by the Jordanian Government in the Wall is surprising against the background of the vandalism perpetrated there by that Government when it was in occupation of the area. The Jordanian Government deliberately profaned the sacred character of the Wall by erecting adjacent to it structures of secular services, warehouses and toilets, and converting its immediate precincts into a slum. It accordingly became essential to remove these installations and restore the dignity and the sanctity of the Holy Place as a very first step after the battles in Jerusalem had ceased. Moreover, archaeological excavations are being conducted in order to remove part of the earth and refuse that have accumulated at the Western Wall in the course of time and which cover its lower layers. This is a proper archaeological operation, and it is being conducted in a way that assures that nothing will damage the Wall or jeopardize its character as a Holy Place or impair in any way the Haram esh-Sharif area situated beyond the Wall.

It is to be noted that the Western Wall is a recognized antiquity and was treated as such also by the Mandatory Government, which also assumed responsibility for its maintenance and upkeep. Archaeological activities near the Temple Mount and the Western Wall have always taken place, under government supervision, in Jerusalem. Excavations were undertaken during the period of the Mandate and during the Jordanian occupation. During the last nineteen years the Department of Antiquities of the Government of Jordan, in co-operation with the British Archaeological School in Jerusalem under the supervision of Mrs. Kenyon, carried out a number of archaeological-excavations at the southern part of the Western Wall. Approval has been granted

for the continuation of these excavations, outside the area of the Temple Mount, that is, outside the walls surrounding the Haram esh-Sharif.

A clear distinction exists between the Haram esh-Sharif and the Western Wall, which were recognized as two separate Holy Places. This distinction was followed by the United Nations and is clearly marked in the United Nations map of the Holy Places in Jerusalem (map number 229, November 1949). Consequently, the contention in the letter of the Permanent Representative of Jordan that "the Wailing Wall and the entire adjacent area are an integral part of Al-Haram esh-Sharif" is a wilful attempt to confuse the issue.

The Mughrabi Quarter, consisting of a group of dwelling houses, to which the letter of the Permanent Representative of Jordan makes particular reference, is not a holy site. It faces the Wall but is also entirely separate from it. Its status is no different from that of secular property, whether or not owned by religious institutions as a source of income, in any other city in the world.

No modern civilized Government or municipal administration would have tolerated the slum conditions which the Jordanian Government created in this Quarter. One of the first things which the Government of Israel had to do was to embark on a programme of urban improvement, which included resettling the unfortunate inhabitants of this Quarter in respectable conditions. The same policy had to be followed with respect to the ruins of the Jewish Quarter from which a number of families were evacuated in order to expedite its restoration. This Quarter is situated outside the Temple Mount area. For hundreds of years Jews had lived in it in order to be as close as possible to the Western Wall. Throughout all the centuries of its existence, it did not impair one jot the sanctity of the Temple Mount (Haram esh-Sharif): on the contrary, it maintained its sanctity. It is quite incomprehensible how its rehabilitation can compromise in any way the sacred character of the Haram esh-Sharif. Contrary to what is implied in the Jordanian letter, the resettlement of the inhabitants was carried in consultation with them, and the families concerned expressed their appreciation to the city authorities for having assisted them in improving their housing.

The Jordanian Government had never shown much respect for such considerations. As recently as 5 November 1966, the Jordanian newspaper *Falastin* (then published in the Old City) complained: "Ancient memorial buildings in the Old City of Jerusalem are destroyed and replaced by modern ones. Commercial competition even reached the Mount of Olives where construction had been prohibited in the past."

The Permanent Representative of Jordan complains of plans to construct new housing in the modern part of Jerusalem. This complaint refers to vacant land of which about two thirds is public domain or belongs to Jewish private persons or institutions. Only one third is owned by private Arab landlords. No person at all is being evicted and none of the land in question belongs to any ecclesiastical institution, or is Waqf property. The private owners of the land will receive compensation in accordance with the law. The new housing project will provide homes for Jews as well as Arabs.

In conclusion, I am instructed to reiterate the policy of my Government as regards the Holy Places of all faiths in Jerusalem: in the Law for the Protection of the Holy Places enacted by the Knesset on 27 June 1967 it is provided, in section 7:

"The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places."

In pursuance of this Law the different Holy Places of Judaism, Christianity and Islam are administered under the responsibility of the respective religious authorities which hold them sacred. The Government of Israel remains in contact with them to give full expression to the universal interest in the Holy Places. The responsibility for the peace of Jerusalem, for the welfare of its inhabitants of whatever faith, and for the sanctity of the Holy Places is a central element in the policy of the Government of Israel.

I have the honour to request that this letter and its enclosure be circulated in the official languages as a document of the Security Council and the General Assembly.

(Signed) Yosef TEKOAH
Permanent Representative of Israel to the United Nations



**ISRAELI FOREIGN MINISTER ABBA EBAN,
LETTER TO THE UN SECRETARY-GENERAL, 30 APRIL 1968**

I have given careful attention to your cable to me of 27 April 1968 and to your report to the Security Council of 26 April (S/8561). The concern which you and members of the Security Council have expressed derives from the apprehension that the parade in Jerusalem on 2 May 1968 may 'aggravate tensions and have an adverse effect on a peaceful settlement of the problems in the area'.

The Government of Israel sincerely desires to alleviate tensions and to promote a peaceful settlement of the regional conflict. It is our considered judgement that the ceremony of 2 May need not, and will not, have the adverse effects which have been predicted in some quarters. We base this confidence on considerations which I now submit through you, to the understanding of the Security Council and of peace-loving mankind.

The intention to hold a ceremonial parade in Jerusalem on the anniversary of Israel's independence has been a matter of public knowledge for several months. The plan evoked no spontaneous concern throughout the world. But for Jordan's recent representations to you and to the Security Council this brief and moving ceremony would have taken its tranquil course without arousing any international anxiety. A study of the Jordanian representative's address on 27 April confirms that his Government's objection is based on implacable hostility, not on a disinterested concern for regional peace or international harmony. His aim is not to alleviate tension but to create it. And his protest would have been registered no matter what form, dimensions or route the parade had taken. This is fully confirmed by his complaint in May 1967 in the different circumstances then existing.

A decision to hold a ceremony of thanksgiving and deliverance at a considerable distance from the cease-fire line does not violate any principle of international law. Such a ceremony creates no new situation. It leaves the position in the area unchanged. It endangers no lives. It injures nobody. It threatens no civic interests. And it has no relation to the duty of Middle Eastern States to negotiate agreements on the establishment of a just and lasting peace.

The innocuous nature of the ceremony does not of course detract from its historic scope. The past year has been charged with deep emotion for the citizens of Jerusalem. On 5 June 1967 Jordanian forces opened an unprovoked assault on the city's streets and buildings with the aim of spreading bloodshed and havoc far and wide. This attack was ordered after a message had reached King Hussein through a United Nations emissary proposing mutual abstention from hostilities in Jerusalem and elsewhere. The appeal was turned aside. From gun positions, sacrilegiously established in the Holy Places, Jordanian forces rained death and destruction on our streets and homes. Hundreds of our dead and wounded bear tragic witness to the results of this wanton assault. All our citizens know that their families, children and homes have this year been saved from the brutal destruction for which neighboring Governments hoped and worked. For the second time within two decades Jordan last year attempted to convert the Holy City into a scene of carnage. Ancient Hebrew words come vividly to life:

*Jerusalem remembereth
In the days of Her affliction and of Her anguish
All Her treasures that She had
From the days of old,
Now that Her people fall by the hand of the adversary,
And none doth help Her.
The adversaries have seen Her
They have mocked at Her desolations. . .
Zion spreadeth forth Her hands,
There is none to comfort Her.*

Jerusalem was delivered from this agony by the sacrifice of young and selfless lives. Since last June a new and hopeful epoch in its history has begun. Where there has been hostile separation there is now harmonious union; where there has been constant threat of violence there is now civic peace. Above all, for the first time in twenty years Christians, Moslems and Jews now have equal access to the sanctuaries of their faith. The reunion of the Jewish people with the relic of its ancient glory at the Western Wall has stirred deep spiritual memories. Nobody with a sense of historic imagination can stand unmoved before the poignant dignity of this event.

It is this deliverance from peril to salvation that the people of Jerusalem wish peacefully to celebrate on 2 May. They wish to address their tribute to those who gave their valor and sacrifice in their defense. And when

this tribute has been paid the people of Israel will turn from the memory of past danger to the hopes and challenges of future peace.

Tension in this area springs not from peaceful ceremonies within cease-fire lines, but from terrorist acts across them.

Israel cannot forget that the complaint is brought by the Government which sought to drown Jerusalem in fire and blood; which has banished and separated Jews from the oldest of all the Holy Places; which destroyed thirty-four Jewish houses of worship; which uprooted and publicly defaced tombstones on the sacred Mount of Olives. The silence and inaction of all international organs in face of these outrages will long disturb those who, in future years, come to write the moral history of our generation.

But to those in the Security Council and elsewhere who sincerely revere Jerusalem's peace I am authorized to bring the following words of reassurance.

First, the anguish of the past year in Jerusalem fortifies our resolve to strive for the elimination of tension and violence in the Middle East. The most urgent concern is to strengthen the cease-fire by outlawing the organized terrorism now proceeding from Jordanian soil with the aid and support of the Jordan Government.- Israel will honor the cease-fire on the basis of reciprocity as the starting point in the quest for peace.

Second, we shall steadfastly maintain our pursuit of a peaceful settlement of the Middle Eastern conflict. The key lies in the promotion of negotiations which, in this as in all conflicts, is indispensable for any relief of deadlock. This very day I have continued contact with your special representative in an effort to promote a peaceful and accepted settlement which is the Security Council's declared and cherished aim.

Third, while I have spoken of Jerusalem's special and unique place in Israel's history, we are deeply aware of the universal interests which are concentrated in the city; the equal protection of the Holy Places and houses of worship; the assurance of free access to them; the daily intermingling of Jerusalem's population in peaceful contact; the removal of the old military barriers; the care of ancient sites; the reverent desire to replace the old squalor and turmoil by a harmonious beauty-all these changes enable Jerusalem to awaken from the nightmare of the past two decades and to move towards a destiny worthy of its lineage. I reaffirm Israel's willingness, in addition to the steps already taken for the immunity of the Holy Places, to work for formal settlements which will give satisfaction to Christian, Moslem and Jewish spiritual concerns. Israel, unlike previous governments in the city, does not wish to exercise exclusive and unilateral control over the Holy Places of other faiths. Accordingly, we are willing, as I stated to you on 10 July 1967 (S/8052), to work out arrangements with those traditionally concerned, which will ensure the universal character of the Christian and Moslem Holy Places and thus enable this ancient and historic metropolis to thrive in peace, unity and spiritual elevation.



ADMINISTRATIVE MATTERS (REGULATION) LAW, 5728-1968, JULY 1968

[Unofficial translation of the bill and explanatory notes published in Hatza'ot Chok No. 787 of 14 July 1968]

Definitions 1.

In this Law, "application of law order" means an order under section 11B of the Law and Administration Ordinance 5708-1948;¹ "area of application" of the application of law order means the area established in this order.

Non-application 2.

The Absentees' Property Law, 5710-1950,² shall not apply, from the day of the coming into force of the application of law order, to the Holy Property Law Places which are situated in the area of application of that order. 5710-1950, to the Holy Places.

Abolition of 3.

A person who on the day of the coming into force of an application Absenteeship of law order was in the area of application of the order and was a resident thereof, shall not be regarded as an absentee within the meaning certain of the Absentees' Property Law, 5710-1950, in respect of property situated in that area.

¹ *Sefer Ha'Chukkim* of 5721, p. 148, LSI vol. XXI, p. 149.

² *Sefer Ha'Chukkim* of 5725, p. 307, LSI vol. XIX, p. 330.

Plea of Enemy 4.

A court or tribunal shall not, in any civil matter, entertain the status plea that a person, who was a resident of the area of application of the application of law order, is an enemy, unless the Attorney-General or his representative made that plea.

Release of 5.

- (a) Immovable property situated in the area of application of the vested application of law order, and which, before such area came under the immovable authority of the Israel Defence Forces, was vested in a person whom the property authorities of the State, which held the area *de facto*, had appointed as custodian of enemy property or as holder of a similar title, or that that person transferred the immovable property to any of the authorities of that State, or to any body which was under the control of those authorities - shall, from the day of the coming into force of the order, vest in the Administrator General in order that he should deal therewith as provided hereafter in this section.
- (b) The Administrator General shall, by certificate under his hand, release the immovable property referred to in sub-section (a) to the person who was the owner thereof before it was vested in the appointed custodian referred to in sub-section (a) or to the successor of such owner, upon the application of such owner or successor; so long as the property is not released, the Administrator General shall deal therewith as he is permitted to deal with immovable property of a missing person under the Custodian-General Ordinance, 1944,³ and the provisions of that Ordinance shall apply for the purposes of this section.
- (c) Where such immovable property includes a public building erected after the property became vested in the appointed custodian referred to in sub-section (a), and the property has been acquired under the provisions of the Land Property Ordinance (acquisition for public purposes), 1943,⁴ shortly after its release under the provisions of sub-section (b), the compensation which will be paid for such acquisition shall be calculated according to the value of the land only.

Companies - 6.

A company which immediately before the coming into force of the continuation application of law order had its main place of business in the area of operations application of the order, and which was established under the law applying in that area, may, notwithstanding anything provided in the Companies' Ordinance⁵ or in the Absentees' Property Law, 5710-1950, continue its operations until the expiration of three months from the day of the coming into force of the order, or from the day of the coming into force of this Law, or until the Court shall decide upon an application filed under section 9, whichever is latest.

Companies - 7.

A director or member of a company as referred to in section 6, who release from on the day of the coming into force of the application of law order was laws on in the area of application of the order and was a resident of that area, absenteeism shall not be regarded as an absentee in respect of the property of the company which is situated in that area, or in respect of his rights as a member of the company, or in respect of the operations of the company under section 6 or section 9.

Companies - 8.

Where a company as referred to in section 6 pledges or charges its registration property, the provisions of section 127 of the Companies' Ordinance shall of charges apply to it in respect of the registration of the pledge or charge.

Companies - 9.

- (a) Where, within three months from the day of the coming into transfer of force of the application of law order or from the day of the coming into assets and force of this law, whichever is later, a company as referred to in liabilities to section 6 arrives at an agreement with a company registered in Israel for an Israeli the transfer to it of its assets and liabilities located in Israel, the company registered in Israel may, within three months from the date of the signature of the documents of the arrangement, apply to the District Court in Jerusalem, by way of motion, for an order confirming the arrangement.
- (b) Notice of the filing of an application under sub-section (a) and of the time of its hearing shall be published in *Reshumoth*: the text of the notice shall be as prescribed by the Court.
- (c) Sub-sections (3), (4), (6), (7), (8), (10) and (12) of section 119A of the Companies' Ordinance shall apply, *mutatis mutandis*, to an arrangement under this section.

³ I.R. of 5708, Suppl. I, p. 1; (LSI, vol. I, p. 7); *Sefer Ha'Chukkim* of 5727, p. 74 (LSI, vol. XXI, p. 75).

⁴ *Sefer Ha'Chukkim* of 5710, p. 86 (LSI, vol. IV, p. 68).

⁵ P.G. of 1944, Suppl. 1, No. 1380, p. 110 (p. 151, English edition).

Partnerships 10.

The provisions of sections 6 to 9 shall apply *mutatis mutandis* to partnerships.

Co-operative 11.

- (a) A co-operative society which immediately before the coming into force of the application of law order had its main place of business continuation in the area of application of the order and which was established under of operations the law that was applying in that area, may, notwithstanding anything provided in the Cooperative Societies Ordinance⁶ or in the Absentees' Property Law, 5710-1950, continue its operations until the expiration of six months from the day of the coming into force of the order, or from the day of the coming into force of this Law, or until it has been registered under the provisions of section 12 (a), whichever is latest.
- (b) The provisions of sections 7 and 8 shall also apply, *mutatis mutandis*, to a co-operative society.

Co-operative 12.

- (a) The Minister of Labour may, by general or special order, enact provisions as to the registration of a co-operative society as transfer of referred to in section 11, including the determination of its rules, assets and members and organs; a society registered under an order as aforesaid liabilities to shall, to all intents, be deemed to have been registered under the an Israeli Cooperative Societies Ordinance, and the provisions of that Ordinance and society of the regulations made thereunder shall apply to any matter not provided for in the order.
- (b) The Registrar of Cooperative Societies may arrange the transfer of the assets and liabilities of a society as referred to in section 11 to a society which has been registered under sub-section (a), and apply to the District Court in Jerusalem, by way of motion, for an order confirming the arrangement; the provisions of section 9 (b) and (c) shall also apply, *mutatis mutandis*, for the purposes of this section.
- (c) The day of the coming into force of this section is the sixth day of the month of 'Heshvan 5728 (9 November 1967).

Licences to 13.

- (a) Where, immediately before the coming into force of the carry on application of law order, a resident of the area of application of the occupations order engaged in any profession, handicraft or other occupation under the law then applying in that area, and such occupation requires a licence under an Israeli enactment, such resident may continue in his occupation until he receives a licence under the Israeli enactment, but not later than until the expiration of six months from the day of the coming into force of the order or from the day of the coming into force of this law, whichever is the latest.
- (b) A licence may be granted to a resident as referred to in sub section (a) even if he lacks any of the personal qualifications established in the enactment.
- (c) Where according to the Israeli enactment the granting of such licence was subject to conditions relating to the place where the occupation is carried on, the Minister charged with the implementation of that enactment may, in respect of persons to whom sub-section (a) applies, make regulations containing relaxations, for a specific time or permanently, in respect of the place where they carried on their occupation before the coming into force of the application of law order, and he may establish in those regulations conditions for the granting of the licence; so long as regulations as aforesaid have not been made, the authority competent to grant the licence may establish relaxations and conditions as aforesaid as part of the terms of the licence.
- (d) This section shall not apply to a licence under the Firearms Law, 5709-1949⁷ or under the Explosives Law, 5714-1954.⁸

Advocates 14.

- (a) A resident of the area of application of the application of law order, who immediately before the coming into force of the order served in that area as a judge in a civil court, or was an advocate in that area, shall become a member of the Chamber of Advocates from the day of the coming into force of the order or from the day of the coming into force of this law, whichever is later.
- (b) The Minister of Justice shall publish in *Reshemoth* the names of the persons to whom sub-section (a) applies.
- (c) The Minister of Justice may prescribe by regulations conditions, including relaxations, for admission to membership of the Chamber of Advocates of a resident of Israel who was a resident of the area of appli-

⁶ P.G. of 1943, Suppl. 1, No. 1305, p. 32.

⁷ Laws of Palestine, vol. I, cap. 22, p. 161 (English edition).

⁸ Laws of Palestine, vol. I, cap. 24, p. 336 (p. 360, English edition).

cation of the application of law order immediately before its coming into force and was qualified to be an advocate, but did not practise the profession of advocate, or was training in the profession of advocate in the aforesaid area, but had not yet completed his period of training.

Registration of 15.

A person who, on the day of the coming into force of the rights in application of law order, had in the area of application thereof a patents and registered right of ownership in any patent, design or trademark, or who designs before that day applied for registration of rights as aforesaid in his name, may, within three months from the day of the coming into force of the order or from the day of the coming into force of this law, whichever is later, apply for the registration of his rights under the laws of Israel, and he shall be deemed to have filed the application for registration of the rights under the laws of Israel, and he shall be deemed to have filed the application for registration of the rights under the laws of Israel on the day on which he first filed his application for registration of those rights.

Continuation 16.

- (a) Where the laying of the foundations of a building was of building completed under a building permit issued under the law which was activities applying in the area of application of the application of law order before its coming into force, the holder of the permit is entitled - if he gave notice, within one year from the day of the coming into force of the order or from the day of the coming into force of this law, whichever is the later, of his intention to continue the building operations - to receive a building permit under the Israeli law; a permit under this section shall be exempt from payment of a fee.
- (b) The District Planning and Building Commission may, within three months from the day of the granting of a permit under sub-section (a) and after giving the holder of the permit a reasonable opportunity to state his case, cancel the permit, for the same reasons for which it is possible to refuse the granting of a building permit in that place and it may suspend the permit until its decision regarding the revocation of the permit.

Continuity of 17.

The Minister of Justice may by regulations, either generally or in lawsuits, etc. respect of a specific category of matters, enact provisions as to -

- (1) The courts which shall hear the cases that were pending immediately before coming into force of the application of law order before a court in the area of application of the order and the procedure in those cases;
- (2) The enforcement and the execution by the courts and the execution offices of final judgements and of orders and other decisions given or made before the coming into force of the application of law order by a court in the limits of jurisdiction of which the area of application of the order was;
- (3) The recognition and confirmation of documents which were issued or confirmed before the coming into force of the application of law order by an authority in the area of application of that order.

Implementation 18.

Any Minister entrusted with the implementation of a law, to which and regulations any of the provisions of this law relates, may make regulations for implementation of such provision, and may enact in those regulations complementary provisions, including extension of time-limits, adjustments of fees and exemption therefrom.

Explanatory Notes

The Law amending the Administrative Matters Ordinance (No. 11), 5727-1967, established the framework for the application of the State's law, judiciary and administration to areas of Erets-Israel. The proposed law is to arrange for an orderly transition to the Israeli legal régime in certain matters.

Property

It is proposed that the Absentees' Property Law, 5710-1950, should not apply to the Holy Places situated within the area in which the law, judiciary and administration of the State applies (section 2). It is also proposed that a resident of such area who was in that area on the day of application of the Law should not be regarded as an absentee in respect of property situated in that area (section 3).

Immovable property vested in an "officer in charge of enemy property", who was appointed by the authorities of the State which held *de facto* the area before the application of the Law, shall be transferred to the Administrator General, and the latter shall release the property to its owners (section 5).

Companies

The companies which were established and were operating in the area before the application to it of the State's law shall be able to continue temporarily their operations until the transfer of their assets and their

liabilities to companies which have been established under the laws of Israel, under the supervision of the District Court of Jerusalem (sections 6 and 12).

Business licences and licences to carry on occupations

It is proposed to authorize a resident of the area to which the law of the State has been applied to continue to carry on a vocation, handicraft or other occupation in which he engaged under licence previously. The resident shall have to receive an Israeli licence, and for this purpose any Minister in charge of the enactment of regulations regarding such occupation shall be authorized to make regulations establishing the conditions for the granting of the licence and the relaxations which shall be granted to residents as aforesaid (section 13).

A person who was a judge or an advocate in the area to which the law of the State has been applied will be able to be admitted to membership of the Chamber of Advocates (section 14).

Other provisions

Persons who had in the area to which the law of the State has been applied rights in patents, designs or trademarks shall be able to protect their rights by registering them under the laws of Israel (section 15).

Where the construction of a building has not been completed before the application of the law of the State to the place where it was erected, and the construction was made under the previous law, the holder of the permit shall be able to continue the construction work and to receive for this purpose an Israeli building permit, subject only to his announcing, within one year, of his intention to continue the construction work.

The District Planning and Building Commission may revoke a building permit as aforesaid for the reasons for which it may turn down a request for a building permit in that place (section 16).

The continuation of the proceedings in cases which, on the day of the application of the law of the State, were pending before courts situated in the area to which the law of the State has been applied, shall be subject to regulations made by the Minister of Justice. In such regulations, the Minister may also make provisions for the enforcement of judgements and the recognition of documents issued by the previous authorities (section 17).

Explanation of Hebrew Terms:

Reshemoth - The Official Gazette since the inception of the Knesset (Parliament).

Sefer Ha'Chukkim - Principal Legislation.

Hatza'ot Chok - Bills

Abbreviations: *I.R.* (Iton Rishmi) - The Official Gazette during the tenure of the Provisional Council of State. *LSI* - Laws of the State of Israel (English edition).



LEGAL AND ADMINISTRATIVE MATTERS (REGULATION) LAW, 5728-1968, 14 AUGUST 1968

[Text of the unofficial translation of the law published in Sefer Ha'Chukkim No. 542 on 23 Aug. 1968]

Definition 1.

In this Law, "application of law order" means an order under section 11B of the Law and Administration Ordinance, 5708-1948.⁹

Holy Places 2.

Where any Holy Places are situated in the area of application of law order, the Absentees' Property Law, 5710-1950¹⁰ shall not apply to them from the day of the coming into force of the order.

Non- 3.

- (a) A person who on the day of the coming into force of Absenteeship an application of law order was in the area of application of the order, and was a resident thereof, shall not, from that day, be regarded as an absentee within the meaning of the Absentees' Property Law, 5710-1950, in respect of property situated in that area.

⁹ 4/ I.R. of 5708, Suppl. I, p. 1 - *LSI* vol. I, p. 7, *Sefer Ha'Chukkim* of 5727, p. 74 - *LSI* vol. XXI, p. 75.

¹⁰ *Sefer Ha'Chukkim* of 5710, p. 86; - *LSI* vol. IV, p. 68

- (b) For the purpose of this section, it shall be immaterial whether, after the coming into force of the order, that person was, by legal permit, in a place where his presence would make him an absentee but for this provision.

Plea of Enemy 4.

Where a person is resident of the area of application of an Status application of law order, a court or tribunal shall not, in a civil matter, entertain the plea that he is an enemy or enemy subject, unless that plea is made by the Attorney-General or with his written consent.

Release of 5.

- (a) Immovable property situated in the area of application of an Immovable application of law order and which immediately before the day on which Property such area came to be held by the Defence Army of Israel, was vested in a person whom the authorities of the State, which in *de facto* occupied the area, had appointed custodian of enemy property or holder of a similar office or title, or in any of the authorities of, or any body controlled by that State, to which authority or body that person had transferred the property, shall, from the day of the coming into force of the other, vest in the Administrator General, who shall deal therewith as hereafter in this section provided.
- (b) The Administrator General shall, by certificate under his hand, release the property to the person who was the owner thereof before it was vested in the person referred to in sub-section (a), or to the successor of such owner, upon the application of such owner or successor. So long as the property is not released, the Administrator-General shall deal therewith as he is permitted to deal with immovable property of a missing person under the Administrator General Ordinance, 1944, [*Public Gazette* of 1944, Suppl. I, No. 1380, p. 110/p. 151, English edition] and the provisions of that Ordinance shall apply for the purposes of this section.
- (c) Where the property was acquired for public purposes under any Law after the coming into force of the application of law order and before being released, the compensation due under that Law in respect of the acquisition shall be paid to the Administrator General, who shall deal therewith, *mutatis mutandis*, in accordance with sub-section (b).
- (d) Where the property includes a public building erected after the property became vested in the person referred to in sub-section (a) and before the coming into force of the application of law order, the property shall become State property, and the compensation therefore shall be calculated according to the value of the land only, as vacant, on the day of the coming into force of the order or the coming into force of this Law, whichever is later.

Companies - 6.

A company which immediately before the coming into force of an Continuation application of law order or immediately before the coming into force of Operations of this Law, whichever is later, had a place of business in the area of application of the order, and which was established under the law applying in that area at the time of its establishment, may, notwithstanding anything provided in the Companies' Ordinance¹¹ or the Absentees' Property Law, 5710-1950, continue its operations until the expiration of six months from the day of coming into force of the order or from the day of coming into force of this Law or until the Court decides upon an application filed under section 9 or 10, whichever is latest.

Companies - 7.

A director or member of a company as referred to in section 6, who Non-absenteeship according to this Law is regarded as a non-absentee in respect of Director his property, shall be regarded as a non-absentee also in respect of the or Member property of the company, in respect of his rights as a director or member of the company, and in respect of the operations of the company under section 6, 8, 9 or 10.

Companies - 8.

Where a company as referred to in section 6 has pledged or charged Registration its property, the provisions of section 127 of the Companies Ordinance of Charges shall apply to it in respect of the registration of the pledge or charge.

Company - 9.

- (a) Where, within six months from the day of the coming into force Transfer of an application of law order or from the day of the coming into force Assets and of this Law, whichever is later, a company as referred to in section 6 Liabilities arrives at an agreement with a company registered in Israel for that purpose by all or part of the members of the company referred to in section 6, or with another company reg-

¹¹ Laws of Palestine, vol. I, cap. 22, p. 161 (English edition).

istered in Israel, for the transfer to it of its assets and liabilities, the company with which the arrangements was made may, within three months from the date of the arrangement, apply to the District Court of Jerusalem, by way of motion, for an order confirming the arrangement.

- (b) Notice of the filing of an application under sub-section (a) and of the time of its hearing shall be published in *Reshumoth*; the text of the notice shall be as prescribed by the Court.
- (c) Sub-sections (3), (4), (6), (7), (8), (10) and (12) of section 119A of the Companies Ordinance shall apply, *mutatis mutandis*, to an arrangement under this section.

Conversion of 10.

A company as referred to in section 6, whose only place of business Company into is in the area of application of an application of law order and whose Israeli Company directors and members are all residents of that area, may, within six months from the day of the coming into force of the order or from the day of the coming into force of this Law, whichever is later, apply to the District Court of Jerusalem, by way of motion, for an order converting it into an Israeli company, and the Court may make the order on such conditions as it may deem fit, including conditions as to the filing of documents with the Registrar of Companies.

Partnerships 11.

The provisions of sections 6 to 10 shall apply *mutatis mutandis* to partnerships.

Co-operative 12.

- (a) A co-operative society which immediately before the coming Societies - into force of an application of law order or immediately before the day Continuation of the coming into force of this Law, whichever is later, had its place of operations of operation in the area of application of the order, and which was established under the Law applying in that area at the time of its establishment, may, notwithstanding anything provided in the Co-operative Societies Ordinance¹² or the Absentees' Property Law, 5710-1950, continue its operations until the expiration of six months from the day of the coming into force of the order or from the day of the coming into force of this Law or until the Court decides upon an application filed under section 13(b) whichever is latest.
- (b) The provisions of sections 7 and 8 shall also apply, *mutatis mutandis*, to a co-operative society as referred to in sub-section (a).

Co-operative 13.

- (a) The Minister of Labour may, by general or special order, enact Societies - provisions as to the registration of a co-operative society to take the Registration and place of a society as referred to in section 12, including the Transfer of determination of its rules, members and organs. A society registered Assets and under an order as aforesaid shall to all intents, be deemed to have been Liabilities registered under the Co-operative Societies Ordinance, and the provisions of that ordinance and of the regulations made thereunder shall apply to any matter not provided for in the order.
- (b) The Registrar of Co-operative Societies shall arrange the transfer of the assets and liabilities of a society as referred to in section 12 to a society registered under sub-section (a) and shall apply to the District Court of Jerusalem, by way of motion, for an order confirming the arrangement. The provisions of sections 9(b) and (c) shall also apply, *mutatis Mutandis*, for the purposes of this section.
- (c) An act as referred to in this section shall also be valid if it was done before the coming into force of this Law.

Conversion of 14.

The Minister of Labour may, by general or special order, enact Society into provisions as to the conversion of a society as referred to in section 12 Israeli into an Israeli co-operative society if all the members of the society Society and of the management thereof are residents of the area of application of the application of law order.

Licences to 15.

- (a) Where, immediately before the coming into force of the carry on application of law order, a resident of the area of application of the Occupation order engaged in any vocation, handicraft or other occupation under the order law then applying in that area, and such vocation, handicraft or other occupation requires a licence under an Israeli enactment, such resident may continue in such vocation, handicraft or other occupation until the expiration of six months from the day of the coming into force of the order or from the day of the coming into force of this Law or until his application for a licence under the Israeli enactment has been decided upon, whichever is the latest.

¹² Laws of Palestine, vol. I, cap. 24, p. 360 (English edition).

- (b) A licence may be granted to a resident as referred to in sub-section (a) even if he lacks any of the personal qualifications required by the enactment.
- (c) Where according to the enactment the grant of the licence is subject to conditions relating to the place where the occupation is carried on, the Minister charged with the implementation of the enactment may make regulations containing relaxations, for a specific time or otherwise, in respect of the place where the occupation was carried on before the coming into force of the application of law order. So long as regulations as aforesaid have not been made, the authorities competent to grant the licence may grant relaxations as aforesaid.
- (d) This section shall not apply to a licence under the Firearms Law, 5709-1949,¹³ or the Explosives Law, 5714-1954.¹⁴

Advocates 16.

- (a) A resident of the area of application of an application of law order who immediately before the day on which such area came to be held by the Defence Army of Israel served as a judge of a civil court, or was an advocate in such area, shall become a member of the Chamber of Advocates on the day of the coming into force of the order or the day of the coming into force of the order or the day of the coming into force of this Law, whichever is later.
- (b) The Minister of Justice shall publish in *Reshumoth* the names of the persons to whom sub-section (a) applies.
- (c) The Minister of Justice may prescribe by regulations conditions, including relaxations, for admission to membership of the Chamber of Advocates of a resident of Israel who was a resident of the area of application of an application of Law order immediately before the coming into force thereof and was qualified to be an advocate, but did not practise the profession of advocacy, or was a clerk in service of such area but had not completed his period of clerkship.
- (d) The Minister of Justice may prescribe by regulations conditions, including relaxations, for admission to membership of the Chamber of Advocates of a resident of Israel who, at any time before the coming into force of this Law, served as a judge of a civil court, or was an advocate, in any part of Eretz Israel not designated in an application of law order.
- (e) A person who becomes a member of the Chamber of Advocates under this section shall have all the rights and duties of a member of the Chamber under the Chamber of Advocates Law, 5721-1961.¹⁵

Registration of 17.

- (a) A person who on the day of the coming into force of an Rights in application of law order had in the area of application thereof a Patents and registered right of ownership in any patent, design or trade mark, or who Designs before that day applied for registration of such a right, may, within six months from the day of the coming into force of the order or from the day of the coming into force of this Law, whichever is later, apply for the registration of his right under Israeli law; and he shall be deemed to have filed the application for registration of the right under Israeli law on the day on which he first filed his application for registration of such right.
- (b) The registration of a patent under sub-section (a) shall not derogate from the validity of a patent registered in Israel under an application filed before the coming into force of the Patent Law, 5727-1967.

Building 18.

- (a) Where the laying of the foundations of a building in the area Operations of application of an application of law order was completed under a building permit granted under the law applying in that area before the coming into force of the order, and within one year from the coming into force of the order or the coming into force of this Law, whichever is the later, and where the holder of the permit gives notice to the District Planning and Building Commission of his wish to continue building operations, he shall be entitled to receive a building permit under Israeli law.
- (b) The District Planning and Building Commission, may within three months from the grant of the permit under sub-section (a) and after giving the holder of the permit a reasonable opportunity to state his case, amend or vary the permit, prescribe conditions, including relaxations, or cancel it, all for reasons for which it may do so under the Planning and Building Law, 5725-1965, and it may suspend the permit until the expiration of three months from the day on which it was granted or until its decision under sub-section (a), whichever is earlier.
- (c) A permit under sub-section (a) shall be exempt from payment of a fee. Where the laying of the foundations of a building as referred to in sub-section (a) was begun, but not completed, before the coming into

¹³ *Sefer Ha'Chukkim* of 5709, p. 143, LSI vol. III, p. 61.

¹⁴ *Sefer Ha'Chukkim* of 5714, p. 64, LSI vol. VIII, p. 57.

¹⁵ *Sefer Ha'Chukkim* of 5721, p. 178, LSI vol. XV, p. 196.

force of an application of law order, and an application for a building permit under Israeli law is filed, the District Planning Commission may exempt the permit from payment of a fee.

Appointment of 19.

The Prime Minister may by regulations, for a specific time or Public otherwise, exempt persons who are residents of the area of application of Servants an application of law order from the provisions of any Law making an appointment to the post of a public servant conditional upon the Israeli nationality of the candidate, and he may, for this purpose, enact different provisions in respect of different categories of public servants.

Continuity of 20.

The Minister of Justice may by regulations, either generally or in Lawsuits etc. respect of a specific category of matters, enact provisions as to -

- (1) the material and local jurisdiction of courts to hear any criminal or civil matter in connexion with any act, omission or event which occurred in the area of application of an application of law order at any time before the coming into force thereof, including the hearing of cases that were pending before courts which functioned in that area, and appeals against judgements given by such courts, and the rules of procedure in such matters;
- (2) the enforcement by the courts of final judgements and of orders and other decisions given or made in a criminal or civil matter, at any time before the coming into force of an application of law order, by courts which functioned in its area of application, and the execution by the Execution Offices and other authorities of judgements, orders and decisions as aforesaid;
- (3) the recognition and confirmation of documents issued or confirmed, at any time prior to the coming into effect of an application of law order, by any of the authorities which functioned in its area of application.

Transitional 21.

- (a) Where an application of law order came into force before the Provisions coming into force of this Law, section 3 shall apply also to a person who on the day of the coming into force of the application of law order was a resident of its area application but was absent therefrom, provided that he is lawfully present there on the day of the coming into force of this Law.
- (b) A legal action performed by a trustee for the absentee's property before this Law came into force and which was invalidated if the law order was in effect on the day it was performed shall be considered null and void.

Implement- 22.

- (a) The Minister of Justice is charged with the implementation of action and this Law and may make regulations for such implementation. Regulations as to a matter within the scope of a Law with the implementation of which another Minister is charged shall be made by that Minister with the consent of the Minister of Justice.
- (b) Regulations under this Law may enact provisions as to the extension of times, including times under this Law or any other Law, and as to the adjustment of fees and exemption therefrom.

Levi ESHKOL
Prime Minister

Ya'kov S. SHAPIRO
Minister of Justice

Shneur Zalman SHAZAR
President of the State



GOVERNMENT OF ISRAEL, STATEMENT ON PAYMENT OF DAMAGES CAUSED TO CHURCHES AND TO CHURCH PROPERTY IN WARS SINCE 1948, 11 SEPTEMBER 1968

[Agreements between the State of Israel and Churches/Religious Orders on compensation for damages occurred during the wars of 1948 and 1967]

The Government of Israel has reached amicable accord with fourteen Churches and Religious Orders concerning the payment of compensation for war damage sustained by some 31 church properties in both East and West Jerusalem. The payments are being made by the Government of Israel *ex gratia* and without regard to the military forces by whom the damage was caused. In some cases compensation will also cover injuries suffered during the 1948 War of Independence.

The payments are earmarked for the repair and renewal of the damaged churches and amount to some IL 7 million. The agreements were signed on behalf of the State of Israel by Mr. Ya'acov Shimshon Shapiro, Minister of Justice and Chairman of a special Cabinet Committee, appointed to consider the churches' claims. The applications for compensation were examined and the negotiations conducted by an inter-departmental committee presided over by Mr. Zvi Terlo, Senior Counsel to the Minister of Justice.

At a ceremony held on 11 September 1968 at the Ministry of Justice, agreements were concluded with the representatives of seven churches and religious orders and the compensation cheques handed over.

Particulars of the 14 agreements are set out below –

1. *The Armenian Patriarchate of Jerusalem*: This agreement was signed on 17 May 1968 with His Beatitude Elisha II, Armenian Patriarch of Jerusalem, and relates to the Church and Monastery of St. Saviour, the House of Caiaphas and the Armenian Monastery and cemetery on Mount Zion.
2. *The Greek Orthodox Patriarchate of Jerusalem*: This agreement was signed on 17 May 1968 with His Beatitude Benedictos I, Greek Orthodox Patriarch of Jerusalem, and relates to the following properties:
 - The Patriarch's residence at A-Tor;
 - The Greek Orthodox Cemetery on Mount Zion;
 - Monastery on Mount Zion;
 - Mar Elias Monastery on the road to Bethlehem;Secular properties belonging to the Patriarchate - including commercial properties adjacent to the Old City Wall between Jaffa Gate and New Gate, formerly situated in no-man's land.
3. *The Custody of Terra Sancta (Franciscan Order)*: This agreement was signed on 21 May 1968 with Father Isias Andres, the Procurator-General of the Custody of Terra Sancta, and relates to the following properties:
 - Three Franciscan cemeteries on Mount Zion;
 - Monastery at Gethsemane;
 - Church of Dominus Flavit;
 - Monastery of San Francisco, near the Coenaculum on Mount Zion;
 - Monastery of San Salvatore;
 - Building on Mount Zion previously occupied by the Sisters of Negrizia;
 - The Franciscan School, near the New Gate.
4. *Arch-Episcopal See of Cologne (Dormition)*: This agreement was signed on 28 June 1968 with Prior Benedict Stolz and relates to the Church and Monastery of the Dormition and other buildings on Mount Zion.
5. *The Order of Religious Assumptionists (Notre Dame de France)*: This agreement was signed on 28 June 1968 with Father Antoine Tournellec, Superior of Notre Dame de France in Jerusalem, and relates to the Church, Monastery and Hostel of Notre Dame.
6. *The Order of the Sisters of Marie Reparatrice*: This agreement was signed on 28 June 1968 with the Order's Agent in Israel, Advocate Johannes Merguerian, and relates to the former Church and Convent of Marie Reparatrice.
7. *Syrian Catholic Patriarchal Vicariate of Jerusalem*: This agreement was signed on 29 July 1968 with Monseigneur Jacques Naoum, Patriarchal Vicar-General, and relates to property which formerly comprised a chapel and the Vicar's residence in Jerusalem.
8. *Maison d'Abraham - (Catholic Relief and Welfare Institution)*: This agreement was signed on 10 September 1968 with Abbe Joseph Gelin, Director of the Institute in Jerusalem, and relates to the Institute's property situated in the Old City near St. Stephen's Gate (Lion's Gate).
9. *College des Freres des Ecoles Chretiennes*: This agreement was signed on 11 September 1968 with Brother Felix Amedy, Director of the De La Salle School in Jerusalem, and relates to the school premises situated in the Old City near the New Gate.
10. *Schmidt's Girls' College*: This agreement was signed on 11 September 1968 by Gerhada Walberger, Mother Superior of the College, and relates to the college premises situated opposite the Damascus Gate.
11. *The Russian Ecclesiastical Mission (White Russian)*: This agreement was signed on 11 September 1968 by Father Serge Tchertkoff, Administrator of the Mission, and relates to the Mount of Olives Russian Convent.

12. *The Chaldean Patriarchal Vicariate*: This agreement was signed on 11 September 1968 by Monsignor Boutrus Shaya, Chaldean-Catholic Patriarchal Vicar, and relates to the Vicariate's premises at Nablus Road, Jerusalem.
13. *Les Soeurs Franciscaines de Marie*: This agreement was signed on 11 September 1968 with Mother Geneviève Lecomte, Superior of the Order's Convent in Jerusalem, and relates to the convent premises situated near the Damascus Gate.
14. *Order of Religious Assumptionists (St. Pierre en Gallicante)*: This agreement was signed on 11 September 1968 with Father Joseph Berkers, Superior of St. Pierre en Gallicante, and relates to the Church and Monastery of St. Pierre en Gallicante and the Silver Towers Hotel.

Here are the statements made by two Church dignitaries on that occasion (in the original French):

- a. Monsieur Le Ministre, Monsieur Le Maire,
Permettez-moi de vous remercier, et en vous personnes le Gouvernement d'Israël qui a bien voulu nous indemniser pour les dommages que nous avons subis pendant cette dernière guerre, dommages dont la responsabilité incombe aussi et surtout à d'autres pays qui malheureusement ne sont pas présents pour partager cette responsabilité.
- Je vous remercie,
(Msr. Boutrus Shaya, Chaldean-Catholic Patriarchal Vicar, Jerusalem)
- b. Excellence, Monsieur Le Maire et tous présents,
Au nom des communautés chrétiennes ici présentes je veux vous remercier et en vous aussi le Gouvernement d'Israël, de nous avoir remis un montant d'argent en vue de réparer les dommages pour les dégats de la guerre.
J'espère que notre présence séculaire ou plus que séculaire à Jérusalem soit une garantie que nous voulons employer ces sommes vraiment pour Jérusalem, la ville qui est sainte à vous, la ville qui est sainte à nous et la ville qui est sainte à tout le monde.
Je prie pour l'union, je prie pour vous, je prie pour les habitants des Jérusalem. Nous essayerons de vraiment accomplir la tâche que nous avons dans cette Jérusalem terrestre pour amener toute l'humanité à Jérusalem céleste.
- Je vous remercie,
(-) Père Joseph Berkers, Supérieur de St. Pierre en Gallicante, Jérusalem.



**ISRAELI FOREIGN MINISTER ABBA EBAN, NINE-POINT PEACE PLAN,
STATEMENT TO THE UN GENERAL ASSEMBLY, 8 OCTOBER 1968 [EXCERPTS]**

Mr. President, my Government has decided to give the members of the United Nations a detailed account of its views on the establishment of a just and lasting peace in the Middle East. Amidst the tumult of a rancorous public debate, the deeper motives of our policy have not always been clearly perceived. A structure of peace cannot, of course, be built by speeches at this rostrum. It may, however, be useful for the parties to clarify their intentions and to draw a picture of their policies beyond the routine vocabulary in which this discussion has been held down for sixteen months. [...]

I come to enumerate the nine principles by which peace can be achieved: [...]

7) *Jerusalem*

Israel does not seek to exercise unilateral jurisdiction in the Holy Places of Christianity and Islam. We are willing in each case to work out a status to give effect to their universal character. We would like to discuss appropriate agreements with those traditionally concerned. Our policy is that the Christian and Moslem Holy Places should come under the responsibility of those who hold them in reverence. [...]



**PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN,
REPLY TO THE UN SECRETARY-GENERAL, 27 NOVEMBER 1969**

[For the preceding letters of the UN Sec.-Gen. see Vol. IV: United Nations Documents]

Excellency,

I am instructed by the Minister for Foreign Affairs to transmit to you the following letter:

'Excellency,

'In response to your note of 15 October 1969 to the Permanent Representative of Israel referring to the Security Council's resolution of 3 July 1969, I wish to clarify further the present situation in Jerusalem and my Government's attitude to the universal interest in its Holy Places.

'The division of Jerusalem arose out of illicit armed action by Jordanian forces in 1948, in defiance of Security Council cease-fire appeals. Similarly, this division was terminated by hostilities initiated by Jordan in 1967. The circumstances under which the Jordanian régime came to an end were described in my letter to you of 10 July 1967 (A/6753,S/8052), as follows:

'On 5 June 1967, the Jordanian forces launched a destructive and unprovoked armed assault on the part of Jerusalem outside the walls. This attack was made despite Israel's appeals to Jordan to abstain from hostilities. Dozens of Jerusalem citizens were killed and hundreds wounded.

'"Artillery bombardment was directed against synagogues, the Church of Dormition, hospitals, centres of secular and religious learning, the Hebrew University and the Israel Museum. Intensive fire was directed against institutions and residential centres from positions in and near the Holy Places themselves, which were thus converted into military positions for shelling Jerusalem."

'The nineteen years during which the City was divided by a military demarcation line were a sombre episode in its long history. Jordanian control of east Jerusalem arose exclusively out of military conquest and had no other international authority.

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

'Israel has ensured that the Holy Places be administered under the responsibility of the religions concerned. Places of worship and religious institutions destroyed or damaged in the assaults of 1948 and 1967 have been or are being restored. I reiterated my Government's willingness to work out agreements with the representative bodies of the three religions to ensure that the universal and sacred character of the Holy Places is appropriately expressed and free access to them guaranteed. My Government has initiated and maintained contact with all such bodies that are willing to discuss with us these matters of common concern.

'Apart from these universal associations Jerusalem is a living secular city with 200,000 Jewish and 70,000 Arab inhabitants. Municipal and social services and public utilities have been extended to the eastern part of the City and are being steadily improved. Normal movement and visit, residence, business activity and employment are open to all citizens in all parts of the City. Its economic welfare is being advanced and plans are taking shape to enhance its dignity and beauty. The participation of over 7,000 Arab residents in the recent municipal elections in Jerusalem demonstrated their positive interest in the day-to-day administration of the united City.

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

'International opinion has every reason to regret that the Security Council remained completely indifferent to the destruction and sacrilege of Jewish houses and prayer, residences and burial grounds and violation of the principle of free access to the Holy Places. It would be incongruous for a body which did nothing to prevent Jerusalem's violent division to work now against its peaceful union or to censure measures taken to ensure the livelihood of all its inhabitants and to maintain public law and order despite occasional terrorist attacks upon the civil population organized, directed and fi-

nanced by the very Jordanian authorities which showed such callous disregard for Jerusalem's peace and sanctity on many occasions during the past twenty years.

'The sacred associations which are evoked by Jerusalem should not become the object of political and religious incitement without regard for the genuine interests of the city and its inhabitants, as was the case during the unfortunate recent Security Council debate.

'As I stated in my letter of 10 July 1967, the Government of Israel is confident that world opinion will come to welcome the new prospect of seeing this ancient and historic metropolis thrive in unity, peace and spiritual elevation.

'Our policy is to work for the City's welfare in the interests of all its inhabitants and that when the final peace is established it should embody agreements with the appropriate Christian and Moslem authorities to ensure expression of the universal religious interests involved.

'In my statement to the General Assembly at its 1757th meeting on 19 September 1969 I said:

"Israel does not claim exclusive or unilateral jurisdiction in the Holy Places of Christianity and Islam in Jerusalem, and is willing to discuss this principle with those traditionally concerned. There is a versatile range of possibilities for working out a status for the Holy Places in such a manner as to promote Middle Eastern peace and ecumenical harmony. In the meantime, our policy is that the Moslem and Christian Holy Places should always be under the responsibility of those who hold them sacred. This principle has been in practical effect since 1967."

'I have the honour to request that this letter be circulated as an official document of the Security Council.

'Please accept, Excellency, the assurances of my highest consideration.

'(Signed) Abba EBAN'

"(Signed) Yosef TEKOAH

Permanent Representative of Israel to the United Nations



**ISRAELI PRIME MINISTER GOLDA MEIR, STATEMENT TO THE KNESSET
REGARDING US PROPOSALS FOR AN ISRAEL-EGYPT AND ISRAEL-JORDAN
SETTLEMENT, 29 DECEMBER 1969 [EXCERPTS]**

Since my address in the Knesset on presenting the new Government, there have been a number of developments which make it necessary to present a statement to the Knesset. I referred in my speech two weeks ago to the statement of the American Secretary of State on 9 December in which he outlined in public a plan for the solution of the Israel-Arab dispute. [...]

As for united Jerusalem, the proposals refer to equal rights for Israel and Jordan in the economic, religious and civil spheres. Jordan, which has never had any rights in Jerusalem, except those it took by force of conquest in 1948 - Jordan, the only State in history to deny Jews access to their holy places, and which attacked the city again in 1967, is now, according to this proposal, to be a partner in the administration of the united city.

For the past two and a half years, since the city was united under Israeli sovereignty, there has been free access in Jerusalem for adherents of all faiths, without discrimination, to their holy places, and the religious life of all communities is being conducted in orderly fashion without any interference. The Government of Israel has expressed its readiness to make permanent arrangements, together with the heads of the faiths, to safeguard the religious status and the universal character of the Holy Places.

United Jerusalem will remain the capital of Israel ... [...]"



**ISRAEL'S LEGAL AND ADMINISTRATIVE MATTERS (REGULATION) LAW 5730-1970
(CONSOLIDATED VERSION), CONCERNING TRANSITIONAL ARRANGEMENTS IN
EAST JERUSALEM, 5 AUGUST 1970 [EXCERPTS]**

Definition

1. In this Law, "application of law order" means an order under section 11B of the Law and Administration Ordinance, 5730-1948.

Holy Places

2. Where any Holy Places are situated in the area of application of law order, the Absentees' [*sic*] Property Law, 5710-1950, shall not apply to them from the day of the coming into force of the order.

Non-absenteeship

3. (a) A person who on the day of the coming into force of an application of law order is in the area of application of the order and a resident thereof shall not, from the day, be regarded as an absentee within the meaning of the Absentee's [*sic*] Property Law, 5710-1950, in respect of property situated in that area.
(b) For the purpose of this section, it shall be immaterial if, after the coming into force of the order, a person is, by legal permit, in a place his presence in which would make him an absentee but for this provision.

Plea of enemy status

4. Where a person is a resident of the area of application of law order, a court or tribunal shall not, in a civil matter, entertain the plea that he is an enemy or enemy subject, unless that plea is made by the Attorney-General with his written consent.

Release of immovable property

5. (a) Immovable property situated in the area of application of an application of law order and which, immediately before the day on which such area came to be held by the Defense Army of Israel, was vested in a person whom the authorities of the state then in de facto occupation of the area had appointed custodian of enemy property or holder of a similar office or title, or in any of the authorities of, or any body controlled by, that state, to which authority or body that person had transferred the property, shall, from the day of the coming into force of the order, vest in the Administrator-General, who shall deal therewith as hereafter in this section provided.
(b) The Administrator-General shall, by certificate under his hand, release the property to the person who was the owner thereof before it was vested in the person referred to in subsection (a), or to the successor of such owner, upon the application of such owner or successor. So long as the property is not released, the Administrator-General shall deal therewith as he is permitted to deal with immovable property of an absent person under the Administrator-General Ordinance, 1944, and the provisions of that Ordinance shall apply for the purposes of this section.
(c) Where the property was acquired for public purposes under any Law after the coming into force of the application of law order and before being released, the compensation due under that Law in respect of the acquisition shall be paid to the Administrator-General, who shall deal therewith, *mutatis mutandis*, in accordance with subsection (b).
(d) Where the property includes a public building erected after the property became vested in the person referred to in subsection (a) and before the coming into force of the application of law order, the property shall become State property, and the compensation therefore shall be calculated according to the value only of the land, as vacant, on the day of the coming into force of this law or the day of the coming into force of the order, whichever is later.

Companies-continuation of activities

6. A company which immediately before the coming into force of this Law or immediately before the coming into force of an application of law order, whichever is later, had a place of business in the area of application of the order, and which was established under the law applying in that area at the time of its establishment, may, notwithstanding anything provided in the Companies Ordinance or the Absentee's Property Law, 5710-1950, continue its activities, until the expiration of six months from the day of the coming into force of the order or from the day of the coming into force of this Law or until the Court decides upon an application filed under section 9 or 10, whichever is latest. [...]

Conversion company into Israeli company

10. A company as referred to in section 6 whose only place of business is in the area of application of an application of law order and all whose directors and members are residents of that area may, within six

months from the day of the coming into force of this Law or from the day of the coming into force of the order, whichever is later, apply to the District Court of Jerusalem, by way of motion, for an order converting it into an Israeli company, and the Court may make the order on such conditions, including conditions as to the filing of documents with the Registrar of Companies, as it may deem fit. [...]

Cooperative societies-continuation of activities

15. (a) A cooperative society which immediately before the coming into force of this Law, or immediately before the coming into force of an application of law order, whichever is later, had its place of activity in the area of application of the order, and which was established under the law applying in that area at the time of its establishment, may, notwithstanding anything provided in the Cooperative Societies Ordinance or the Absentees' Property Law, 5710-1950, continue its activities until the expiration of six months from the day of the coming into force of the order or from the day coming into force of this law or until the Court decides upon an application filed under section 16(b), whichever is latest. [...]

Conversion of society into Israeli society

17. The Minister of Labour may, by general or special order, enact provisions as to the conversion of a society as referred to in section 15 into an Israeli cooperative society if all the members of the society and of the management thereof are residents of the area of application of the application of law order.

Licences to engage in occupation; continuation in occupation pending Israeli licensing

18. (a) Where, immediately before the coming into force of an application of law order, a resident of the area of application of the order engaged in any vocation, handicraft or other occupation under the law then applying in that area, and such vocation, handicraft or other occupation requires a licence under an Israeli enactment, such resident may continue in such vocation, handicraft or other occupation until the expiration of six months from the day of the coming into force of the order or from the day of the coming into force of this Law or until his application for a licence under the Israeli enactment has been decided upon, whichever is latest.
- (b) A licence may be granted to a resident as referred to in subsection a) even if he lacks any of the personal qualification required by the enactment.
- (c) Where according to the enactment the grant of the licence is subject to conditions relating to the place where the occupation is carried on, the Minister charged with the implementation of the enactment may make regulations containing relaxations, for a specific time or otherwise, in respect of the place where the occupation was carried on before the coming into force of the application of law order. So long as regulations as aforesaid have not been made, the authority competent to grant the licence may grant relaxations as aforesaid.
- (d) This section shall not apply to a licence under the Firearms Law 5709-1949, or under the Explosives Law, 5714-1954. [...]

Advocates

20. (a) A resident of the area of application of law order who immediately before the day on which such area came to be held by the Defense Army of Israel served or practiced as a judge of a civil court or an advocate in such area or in any part of Eretz Israel not designated in the said order shall become a member of the Chamber of Advocates on the day of the coming into force of the order or the day of the coming into force of this law, whichever is later. [...]

Registration of rights in patents and designs

21. (a) A person who on the day of the coming into force of an application of law order had in the area of application thereof a registered proprietary right in any patent, design or trade mark, or who before that day applied for registration of such a right, may, within six months from the day of the coming into force of the order or from the day of the coming into force of this Law, whichever is later, apply for registration of his right under Israeli Law, and he shall be deemed to have filed the application for registration of the right under Israeli law on the day on which he first filed his application for registration of such right.
- (b) The registration of a patent under subsection (a) shall not derogate from the validity of a patent registered in Israel under an application filed before the coming into force of the Patents Law, 5727-1967.

Building operations

22. (a) Where the laying of the foundations of a building in the area of application of an application of law order has been completed under a building permit granted under the law applying in that area before the coming into force of the order, and within one year from the coming into force of the order or from

the coming into force of this Law, whichever is later, the holder of the permit gives notice to the District Planning and Building Commission of his wish to continue building operations, such holder shall be entitled to receive a building permit under Israeli law.

- (b) The District Planning and Building Commission may, within three months from the grant of the permit under subsection (a) and after giving the holder of the permit a reasonable opportunity to state his case, amend or vary the permit, prescribe conditions, including relaxations, therein, or cancel it, all for reasons for which it may do so under the Planning and Building Law, 5725-1965, and it may suspend the permit until the expiration of three months from the day on which it was granted or until its decision under this subsection, whichever is earlier.
- (c) A permit under subsection (a) shall be exempt from payment of a fee. Where the laying of the foundations of a building as referred to in subsection (a) was begun, but not completed, before the coming into force of an application of an law order, and an application for a building permit under Israel law is filed, the District Planning and Building Commission may exempt the permit from payment of a fee.

Appointment of public servants

23. The Prime Minister may by regulations, for a specific time or otherwise, exempt persons who are residents of the area of application of an application of law order from the provisions of any Law making an appointment to the post of a public servant conditional upon the Israeli nationality of the candidate, and he may, for this purpose, enact different provisions in respect of different categories of public servants. [...]

Application of State Property Law

26. From the day of the coming into force of an application of law order, section 2 of the State Property Law, 5711-1951, shall apply *mutatis mutandis* to property situated in the area of application of such order of the state which was *de facto* occupation of such area or of any of the authorities of such state. [...]

Transitional provisions

28. (a) Where an application of law order came into force before the coming into force of this Law, section 3 shall also apply to a person who on the day of coming into force of the application of law order was a resident of its area of application but was absent therefrom, provided that he is law-fully present therein on the day of the coming into force of this Law.
- (b) A legal act done by the Custodian of Absentees' Property before the coming into force of this Law and which would have been void had this Law been in force on the day it was done shall be deemed to be void as from the day it was done.

Implementation and regulations

29. (a) The Minister of Justice is charged with the implementation of this Law and may make regulations for such implementation. Regulations as to a matter within the scope of a Law with the implementation of which another Minister is charged shall be made by that Minister with the consent of the Minister of Justice.
- (b) Regulations under this Law may enact provisions as to the extension of times, including times both under this Law and any other Law, and as to the adjustment of fees and exemption therefrom.



**ISRAELI LAW ACQUIRING LAND IN THE ARAB SECTOR OF JERUSALEM,
LAND (ACQUISITION FOR PUBLIC PURPOSES) ORDINANCE, 1943
(Notice published pursuant to section 5 and 7), 30 AUGUST 1970**

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

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

The public is also hereby notified that the Minister of Finance intends to take immediate possession of the lands in question, inasmuch as they are urgently required for the public purposes for which it is proposed to

acquire them, and the Minister of Finance hereby orders any person who is in possession of the said lands to relinquish possession thereof forthwith.

ANNEX

1. A plot of land having an area of approximately 470 dunums, situated at Jerusalem, in and around the place known as Neve Yaakov. The said plot of land is marked in red on Plan No. HS/A/112/322, drawn on the scale of 1:2500 and signed by the Minister of Finance.
2. A plot of land having a total area of approximately 4,840 dunums, situated to the north-west of Jerusalem. The said plot is marked in red on Plan No. HS/121/322, drawn on the scale of 1:5000 and signed by the Minister of Finance.
3. A plot of land having a total area of approximately 2,240 dunums, situated to the south-east of Jerusalem, marked in red, with the exception of the lands marked in blue, on plan No. HR/122/322, drawn on the scale of 1:5000 and signed by the Minister of Finance.
4. A plot of land having a total area of approximately 2,700 dunums, situated to the south-west of Jerusalem, marked in red, with the exception of the lands marked in blue, on Plan No. HR/123/322, drawn on the scale of 1:5000 and signed by the Minister of Finance.
5. A plot of land having a total area of approximately 1,200 dunums, situated at Jerusalem, in and around the place known as Kalandia. The said plot is marked in red, with the exception of the lands marked in blue, on Plan No. HR/123/322, drawn on the scale of 1:5000 and signed by the Minister of Finance.
6. A plot of land having a total area of approximately 130 dunums at Jerusalem consisting of a combination of parcels and parts of parcels, the boundaries being those numbered 3020, 3031 and 3032 and the boundary specified under No. 30029. The said landshare marked in red, with the exception of the lands marked in blue, on Area Plan No. HF/120/1322, drawn on the scale of 1:1200 and signed by the Minister of Finance.
7. A plot of land having a total area of approximately 100 dunums at Jerusalem, consisting of a combination of parcels and parts of parcels, the boundaries of which are numbered 30033 and 30034. The said lands are marked in red on Area Plan No. HF/126/322, drawn on the scale of 1:1250 and signed by the Minister of Finance. Copies of the plans in question are deposited at the Jerusalem District Land Registration Office and at the Jerusalem District Headquarters and any interested persons are entitled to inspect them during office hours.

Pinhas Sapir
Minister of Finance, 30 August 1970



STATEMENT BY DAVID BEN GURION, THEN ISRAELI PRIME MINISTER, ON HIS PROPOSAL TO CAPTURE THE OLD CITY OF JERUSALEM IN 1952, TEL AVIV, 28 APRIL 1971

[Excerpt from a Ma'ariv interview with PM Ben Gurion, in which he replied the following to the question "If it was Jordan and Syria who violated the armistice agreement why was it that we attacked Egypt in 1956?"].

I suggested that we mount the Sinai campaign in 1955, without England and France, and that we send a task force to Sharm esh-Sheikh. Also, in 1952, I suggested that we liberate the districts of Jerusalem and Hebron after the Jordanians had blown up the pipe supplying Jerusalem with water [the pipe passing through the Latrun District carrying water from Ras al-Ein to Jerusalem] in violation of the armistice agreement. Actually, we secretly laid down another pipe, but that does not excuse the Jordanians. The majority of the Cabinet was against my suggestion..."



ISRAELI PRIME MINISTER GOLDA MEIR, FOREIGN POLICY STATEMENT TO THE KNESSET, 26 OCTOBER 1971 [EXCERPTS]

Members of the Knesset,

Last month the Security Council saw fit to adopt a resolution on Jerusalem. Not only Israel, but other international factors, were amazed at the very need to hold a meeting to discuss this matter. The proposal to hold the debate underwent many transformations and delays, and it became clear that there was no connection whatever between the motives for holding the debate and the actual situation in Jerusalem. The situation in United Jerusalem does not require debate in the international forum. It is perfectly normal. The debate in the

Security Council was held solely to satisfy the desire of the Jordanian Government and some of its supporters to besmirch Israel in the international forum.

From the time Jordan conquered the Old City by force of arms, expelled its Jewish inhabitants and divided the city in two, to the day of the city's liberation and reunification in 1967, Jerusalem underwent 19 years of the violation of all that Israel holds sacred: destruction of synagogues and desecration of cemeteries, prevention of free access by Jews to their holiest places, violation of the Armistice Agreement provisions on free access to Mount Scopus and the operation of the educational and medical institutions located there. Never throughout all those years was the Security Council aroused or called into session to debate the desecration of Jerusalem, nor was the international conscience troubled at the atrocities, crimes and violations of law committed under the aegis of the Jordanian regime. Now, some four and a half years after the liberation of the city, when Jerusalem can live its life without barbed-wire fences, when Jews, Moslems and Christians are living together in cooperation and mutual respect, when its holy places are open to members of all faiths and access to them is in truth secure, when Jerusalem's Arab citizens, like its Jewish citizens, are benefiting from the development and prosperity of the city - the Security Council sees fit to convene and to resolve that the situation in the city may "prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace", and "requests the Secretary-General [...] using such instrumentalities as he may choose, including a representative or a mission, to report to the Security Council [...] within sixty days on the implementation of this Resolution."

What has happened in Jerusalem to justify the debate and the Resolution? What interests of the world community are being harmed in Jerusalem? Is anyone being denied access to a holy place of any faith? Has any resident been deprived of his rights? Last year alone hundreds of thousands of tourists and guests visited Jerusalem, including tens of thousands of citizens of Arab States - despite the fact that these States are still in a state of war with Israel. All these people moved about freely everywhere. Is this not living and indisputable testimony to the situation in Jerusalem? We must ask the countries that are members of the Security Council, who raised their hands to support the Resolution that was adopted: Why may the Christian Holy Places be under the control of a Moslem State, but something is wrong when these places are under the control of a Jewish State? Is a Jewish State less trustworthy than a non-Jewish State? [...]



**ISRAELI FOREIGN MINISTER ABBA EBAN,
LETTER TO THE UN SECRETARY GENERAL, 15 NOVEMBER 1971**

[Note: On 25 Sept. 1971, the UNSC adopted Resolution 298, which, inter alia, called upon Israel "to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem". The following letter is the Israeli reply to the communication from UN Sec.-Gen. U Thant which informed the Government of Israel of the Resolution]

Sir,

I have the honor to reply to your telegram of September 26, 1971, transmitting the text of Resolution 298 (1971) adopted by the Security Council at its 1582nd meeting on the previous day.

The central operative paragraph of the Resolution calls upon Israel "to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the city or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace." I propose to analyze the main provisions of this paragraph in order to place the situation in Jerusalem in its true light.

1. The Status of the City

If the "status of the city" referred to in the Resolution means that the situation existing before June 5, 1967, the renewal of that "status" would involve the restoration of a military demarcation line and other barriers cutting through the center of the city, the cancellation of free access to their holy places for Jews and Israeli Muslims, which has prevailed only since June 7, 1967 and the re-imposition of a ban on residence or visit by anyone of Jewish faith in the Old City. Moreover, in order to restore the previous status Israel would have to demolish the synagogues and other sites destroyed by the Jordan authorities and restored since then, and to close the cultural, humanitarian and educational institutions on Mt Scopus which have been re-opened since June 1967. Thus the restoration of the previous status would involve rescinding the unity, peace and sanctity of Jerusalem today in order to restore the divisions, conflict and sacrilege which made the period 1948-1967 one of the darkest ages in Jerusalem's long history.

It is inconceivable that the majority of Security Council members could wish to restore that situation. Some of them have indicated that they do not. The position of Jordan in a part of Jerusalem for 19 years resulted from an aggressive invasion carried out against the injunctions of the Security Council in the first half of 1948. That position was never recognized by the world community. Thus it is not the case that an internationally accepted or valid status for Jerusalem has been set aside by anything done in the city since 1967. If one wishes to tear Jerusalem apart once again, one is left with the assumption that the concern expressed by the Council is for the effective status of the ethnic and religious communities. It has been asserted in some quarter that Israel is undertaking or planning action with the aim of annulling the present heterogeneous character of the population. I can give assurance that this is not the case. Since 1967, the flight of Christian Arabs from Jerusalem under Jordanian occupation has been stemmed. The figures in 1967 were 10,800. Today there are 11,500. At the same time, the Muslim population has grown from 54,963 in 1967 to 61,600 at the end of 1970, while the Jews, who numbered 195,700 in 1967, are now 215,500. There is nothing to indicate that these relative proportions are likely to be substantially changed in the coming years, and in absolute terms the Christian and Muslim population are likely to increase and not dwindle. Israel's view is that development by the city's services and amenities should be undertaken for all its communities, and not for one community alone.

2. The Rights of the Inhabitants

Jerusalem has a population of 300,000, about three-fourths of whom are Jews, 61,600 are Muslims and 11,500 are Christians. For the past two hundred years, Jews have been the largest community. The "rights of the inhabitants" whether Jews, Christians, or Muslims, include the right to administer their own city, to develop it, and to repair the havoc of war. Jerusalem has the right to normal existence as a living city, its life and institutions must be allowed to grow in the interests of all of its inhabitants, and it cannot be artificially frozen at the point which it had reached over four years ago.

Since 1967, all Jerusalem's citizens have had their due voice in the administration of the city. In the last municipal elections under the Jordanian occupation in 1963, there were only 5,000 eligible voters in a total Arab population of some 60,000. Only males over 21, property owners and rate-payers could vote, no political parties were permitted. Irrespective of the results of the voting, the mayor was appointed by the Jordanian Government in Amman. On the other hand, in the 1969 elections for the municipal council, universal suffrage for those over 18 years of age was introduced in the sector formerly under Jordanian occupation. All the citizens of Jerusalem, both in the western and eastern part of the city, have the right to normal municipal services. All the city's inhabitants now receive such services, which were non-existent or inadequate during the 19 years of illegal Jordanian military occupation.

Since 1967, compulsory education laws have been strictly applied. A system of kindergartens, which did not exist under Jordanian conquest, has been extended to the eastern part of the city. Vocational training has been expanded including the opening of a night-school for working boys. The network of free medical services for school-children, new mothers and babies has spread to this section of Jerusalem. In a special program carried out in 1967, all children in East Jerusalem were given thorough medical check-ups, including skins, tuberculosis and eye tests, as well as vaccinations against diphtheria, tetanus and second shots against small-pox. Trachoma and malnutrition have now all but been eliminated. A new 300-bed hospital on Mount Scopus, to serve the northern and eastern parts of the city will soon be opened.

The eastern section has been connected to Jerusalem's water mains, providing round-the-clock water supply for the first time in history. A central sewage system has been introduced. The Municipality of Jerusalem has provided playgrounds, parks, libraries and youth clubs, where there were none before. An Arabic language theater has begun performances. A developed system has been applied for the first time to this part of the city. The citizens living in Eastern Jerusalem have the services of a Government Labour Exchange. 40% of the section's workers have joined and are protected by the Israel Labour Federation. There is no unemployment in Jerusalem, low-cost public housing and generous mortgage opportunities are being provided by the Municipality to Arab residents.

Nothing therefore could be more inaccurate than to assert that the rights of the inhabitants of Jerusalem have been adversely affected by anything done or planned by Israel. Their rights to peaceful life and development, and to a voice in Jerusalem's affairs, have been fully respected and indeed advanced only since June 1967.

3. The Interests of the International Community

For 22 years Jerusalem has been Israel's capital and seat of Government. It is the unique and exclusive spiritual center of Judaism, as for no other faith. At the same time, the Government has always been conscious of the fact that the city is of deep concern to other faiths. Its religious and historical sites are precious to Christians and Muslims, as well as to Jews. This concern was expressed by the Prime Minister of Israel on 27 June 1967:

All the holy places in Jerusalem are now open to all who wish to pray in them and to the faithful of all religions without discrimination. It is our intention to place the internal administration and arrangements for the holy places in the hands of the religious leaders of the communities to which these places belong. The protection of the Holy Places is ensured by law. No such law protected the Holy places during the Jordanian occupation.

The intentions expressed by the Prime Minister, as well as the dispositions of the Law, are part of the reality in Jerusalem. The desecration of historic synagogues in the Old City and of the ancient cemetery on the Mount of Olives, which was carried out by the Jordanian authorities, and the denial of free access of Jews and Israeli Muslims to their holiest shrines, have stopped. The churches, mosques, synagogues and other shrines are administered by each religious community. In Jerusalem today everyone is free to visit and pray at the Holy Places of the three great faiths. Pilgrims and visitors to the city, Government leaders, Church dignitaries, parliamentarians, journalists, men of letters, tourists in the thousands, have testified that Jerusalem and the Holy Places are secure and open to all.

In developing the living city of Jerusalem we are, and shall be, constantly mindful of its historic treasures and spiritual heritage, and care is, and will be taken to preserve them for the inhabitants and for the world.

The policy of Israel concerning universal spiritual interests is as follows:

The measures taken to secure protection of the Holy Places are only a part of Israel's effort to ensure respect for universal interests in Jerusalem. It is evident from United Nations discussions and documents that the international interest in Jerusalem has always been understood to derive from the presence of the Holy Places. Israel does not doubt her own will and capacity to secure the respect of universal spiritual interests. It has forthwith ensured that the Holy Places of Judaism, Christianity, and Islam be administered under the responsibility of the religions which hold them sacred. In addition, in a spirit of concern for historic and spiritual traditions, my Government has taken steps with a view to reaching arrangements to assure the universal character of the Holy Places. In pursuance of this objective the Government of Israel has now embarked on a constructive and detailed dialogue with universal religious interests. If these explorations are as fruitful as we hope, the universal character of the Holy Places will for the first time in recent decades find comprehensive expression.

As informed you on 10 July 1967, Israel does not wish to exercise unilateral jurisdiction or exclusive responsibility in the Holy Places of Christianity and Islam, and is willing in consultation with the religious interests traditionally concerned to give due expression to that principle. The changes which have affected Jerusalem's life and destiny as a result of the measures recently adopted may therefore be summarized as follows:

Where there was hostile separation there is now intermingling and constructive civic union. Where there was a constant threat of violence there is now peace. Where there was once an assertion of exclusive and unilateral control over the Holy Places, exercised in sacrilegious discrimination - there is now a willingness to work our arrangements with the world's religious bodies, Christian, Muslim and Jewish, which will ensure the universal religious character of the Holy Places. This is the first time that a Government in Jerusalem offers special expression for universal interests in Jerusalem instead of asserting its exclusive jurisdiction over all of them. The apprehension expressed in the Resolution lest interests of the international community have been adversely affected is thus without foundation.

4. A Just and Lasting Peace

The previous division of the city did not bring the Middle East closer to peace. On the contrary, that division was an open wound constantly exacerbated by outbursts of hostility and by recurrent Jordanian violations of the fragile armistice, which caused the murder of Jerusalem's citizens, and made life in the city a frequent terror for many residents on both sides of the barbed wire. Today, for the first time since 1948, Jerusalem is a city where Jews and Arabs live together in peace and mingle in their thousands in pursuits of their lives. Jerusalem has become an example of communal, civic and regional coexistence, and is thus an augury of the just and lasting peace to which enlightened men aspire.

Jerusalem is for Israel the focal point of Jewish history, the symbol of ancient glory, of longing, or prayer, of modern renewal. It is also a source of universal inspiration. Israel's policy is to promote the rights of Jerusalem's inhabitants, to advance the interests of the international community, and thus to contribute to the promotion of a just and lasting peace.

The sharp discrepancy between the Jerusalem reality and the Resolution presented by Jordan and adopted by the Security Council has profoundly shocked the people of Jerusalem. This sentiment was expressed in the Prime Minister's statement of October 26, 1971, which remains valid. There are many difficulties in Jerusalem, as

elsewhere arising from regional tensions and hostilities as well as from economic and social factors. But in general, men of peace and good will have reason to be gratified by the peace, serenity, union and spiritual harmony which have been strengthened in Jerusalem since the barbed wire fences went down and the Jews and Arabs of Jerusalem came together in a common devotion to their city. Nothing has been done or will be done to violate the rights of the inhabitants, the interests of the international community, or the principles of peaceful coexistence.



**ISRAELI FOREIGN MINISTER ABBA EBAN, GOVERNMENT STATEMENT
TO THE KNESSET ON THE POLITICAL SITUATION, 24 JANUARY 1973 [EXCERPTS]**

[Excerpts regarding the Vatican's position on the Holy Places]

In October 1969, the Vatican issued an official communiqué on the occasion of the meeting between the Pope and myself. It used these words: "The Holy Father listened attentively to all that the Minister told him concerning Israel's efforts to achieve the peace that he so yearns for, and with regard to the situation of the Jews remaining in Arab lands, as well as other problems of a humanitarian nature."

The spirit of these words encouraged us to pursue our contacts, and a letter in which the Vatican affirmed to us the Pope's wish to meet the Prime Minister prompted us to take the opportunity of raising the dialogue to the highest possible level.

[...] The resulting discussion, frank and sincere, took place in an atmosphere of goodwill and mutual respect. The Pope expressed his esteem for the person of the Prime Minister as well as for the Jewish people, which he regards as so "devoted to its roots and its tradition." He re-affirmed his profound gratitude for Israel's faithful care of the Holy Places.

He declared his appreciation of the Prime Minister's announcement of our willingness that the Christian Holy Places be administered by Christians and the Moslem Holy Places by Moslems. He reacted with satisfaction to Israel's readiness, as made known by the Prime Minister, to permit a college to be set up in Jerusalem to give expectancy and prestige to its Christian community. He renewed his hope of seeing "a recognised status for the Holy Places" and his view that Jerusalem possessed a special universal character, that its beauty must be preserved. At the same time, it was emphasised that his words in this context carry no hint of "internationalisation". The Pope, finally, said that he was prepared to foster and encourage the dialogue.



GALILI DOCUMENT, AUGUST 1973 [EXCERPTS]

[The following document is a summary of the Israeli Labor Party's policy on the occupied territories for the coming elections. It was presented by MK Yisrael Galili].

To: Golda Meir

From: Yisrael Galili

I would like to summarize the discussion of the Cabinet concerning policy in the areas for the next four years as follows: [...]

h. Colonies (outposts) and settlement

New settlement will be established and the present network of outposts is to be strengthened. Population to be increased by development of crafts, industry and vacation spots. In each yearly Government budget, the means will be set aside in keeping with the recommendations of the Settlement Department (of the Jewish Agency), and after approval of the Ministerial Settlement Committee, with the aim of establishing in the coming four years: (... listing of development/settlement projects)

i. Accumulation and acquisition of land in the areas

- 1) Activity to be increased to accumulate lands for the purposes of present and projected colonization (acquisitions, State Lands, Absentee lands, lands exchanges, agreements with the inhabitants).
- 2) The Israel Lands Authority will be employed to accelerate acquisition of land and real estate in the areas, for purposes of settlement, development and land exchanges.
- 3) The Authority will lease out property to companies and private persons to execute the accepted development programs.

- 4) The Authority will act so as to buy property in the most efficient manner, including through companies and individuals who will buy property in cooperation with the Authority so that it may take possession of it.
- 5) Acquisition of land and property by companies and private persons will only be authorized in those cases where the Authority itself is unable or not interested in taking possession of property.
- 6) A Cabinet Committee will be empowered to grant permits. Permits only to be granted for constructive enterprises in accordance with Government policy, and not for speculation.
- 7) The Authority will also act to acquire property bought earlier by Jews.

k. Jerusalem and environs

Increasing the population of Jerusalem and its industrial development is to continue, with the aim of setting up bases [consolidation] beyond the area defined by Administrative Order No. 1 [i.e. the new border of Jerusalem after the June 1967 War]. To this purpose attempts will be made to acquire supplementary (Jordanian) state lands to the east and south of Jerusalem, which the Government has decided to "enclose".

Nebi Samuel. The Government decision of 13 September 1970 for the settlement of Nebi Samuel to be implemented [...]



**ISRAELI FOREIGN MINISTER YIGAL ALLON, STATEMENT IN THE KNESSET
ON THE TRANSFER OF THE US EMBASSY TO JERUSALEM, 21 JULY 1976**

Mr. Speaker, Honoured Knesset,

If there is one subject on which the entire people and all Zionist parties are united, it is the subject of Jerusalem, United Jerusalem, the capital of Israel under its sovereignty. On this subject, common views are shared by all parties, opposition and coalition alike. There is no room here for internal strife - only for firmly closed ranks against outside criticism.

And indeed, about three and a half months ago, when the political necessity arose, I reiterated our position on behalf of the government, from this rostrum - to quote:

'Jerusalem, eternal capital of the Jewish people, is an inseparable part of the sovereign State of Israel, and will never again be divided... United Jerusalem, capital of the State of Israel, under Israel sovereignty, is a fact unassailable by any party.'

Neither are there differences of opinion amongst us regarding the transfer of foreign embassies to Jerusalem. We should like to see all diplomatic missions in Israel - and not only the United States' - permanently residing in the capital. This is where ambassadors present their credentials, and it is only natural for them also to make the capital their official address. And there are indeed some friendly nations, not as strong as the U.S., less powerful, who have chosen the capital for the seat of their mission.

I wish to stress again that the government of Israel will welcome the decision of any government to place its representatives in Jerusalem, such a step would, after all, not be aimed against anyone. There is therefore no justification for tying it chronologically to future agreements: this is definitely a step to be considered on its own merits.

Members of the Knesset,

Without wishing to make light of the platforms of political parties - this is not only a matter of platform paragraphs - but one of translation into practice. And indeed, in its contacts with the U.S. administration, the present government - as all governments before it - has continuously been asking for the transfer of the U.S. Embassy from Tel Aviv to Jerusalem. I may be permitted to mention that I myself have raised the subject a number of times in talks with U.S. representatives and again, only a week ago, at the Jewish Agency Assembly meeting.

Up to this point, as I have said, we stand united. At the same time, I must express surprise at a veteran parliamentarian of Mr. Begin's experience, who sees fit to table a motion, to address a call in Israel's Parliament to a political party in another country. I wonder how we should view an official appeal, on behalf of another country's Parliament, to any one of our own parties - let alone on the eve of domestic elections. I am afraid this is hardly the way this matter should be approached.



**THE ALLON PLAN - ISRAELI FOREIGN MINISTER YIGAL ALLON ON HIS PLANS FOR
PEACE, OCTOBER 1976 [EXCERPTS]**

[...] One does not have to be a military expert to easily identify the critical defects of the armistice lines that existed until June 4, 1967. A considerable part of these lines is without any topographical security value; and, of no less importance, the lines fail to provide Israel with the essential minimum of strategic depth. The gravest problem is on the eastern boundary, where the entire width of the coastal plain varies between 10 and 15 miles, where the main centres of Israel's population, including Tel Aviv and its suburbs, are situated and where the situation of Jerusalem is especially perilous. Within these lines a single successful first strike by the Arab armies would be sufficient to dissect Israel at more than one point, to sever its essential living arteries, and to confront it with dangers that no other state would be prepared to face. The purpose of defensible borders is thus to correct this weakness, to provide Israel with the requisite minimal strategic depth, as well as lines which have topographical strategic significance. [...]

According to the 1949 lines, Jerusalem was pierced through its heart - the university and the principal hospital on Mount Scopus were cut off, while access from the coastal plain to Jerusalem was restricted to a narrow corridor, threatened on both sides by a pincer attack. [...]

Jerusalem, Israel's capital, which was never the capital of any Arab or Muslim State, but was always the capital and center of the Jewish people, cannot return to the absurd situation of being partitioned. The Holy City and adjacent areas essential for its protection and communications must remain a single, undivided unit under Israel's sovereignty. Because of its universal status, however, in that it is holy to threat great religious, as well as the mixed nature of its inhabitants, a solution for the religious interests connected with it can be found, a religious and not a political solution. For example, special status could be granted to the representatives of the various faiths in the place holy to them, just as it might be possible to base the municipal structure of the city upon sub-districts that take ethnic and religious criteria into account.



**ISRAELI PRIME MINISTER MENAHEM BEGIN, ADDRESS TO THE KNESSET
DURING THE VISIT OF EGYPTIAN PRESIDENT ANWAR SADAT TO JERUSALEM,
20 NOVEMBER 1977 [EXCERPTS]**

Mr. Speaker, Honourable President of the State of Israel, Honourable President of the Arab Republic of Egypt, Worthy and Learned Knesset Members:

We send our greetings to the President and to all adherents of the Islamic faith, in our own country and wherever they may be, on the occasion of the Feast of Sacrifice, Id el-Adha.

This feast reminds us of the binding of Isaac on the altar, the test with which the Creator tried the faith of our forefather Abraham - our common father; the challenge which Abraham met. But, from the point of view of morality and the advancement of Mankind, this event heralded the principle of a ban on human sacrifice. Our two Peoples, in their ancient tradition, learned and taught that humanitarian prohibition, while the nations around us continued to offer human sacrifices to their idols. Thus we, the People of Israel and the Arab People, contributed to the advancement of Mankind, and we continue to contribute to human civilization until this very day.

I greet the President of Egypt on the occasion of his visit to our country and his participation in this session of the Knesset. The duration of the flight from Cairo to Jerusalem is short but, until last night, the distance between them was infinite. President Sadat showed courage in crossing this distance. We Jews can appreciate courage, as exhibited by our guest, because it is with courage that we arose, and with it we shall continue to exist. [...]

Allow me to say a word about Jerusalem. Mr. President, today you prayed in a house of worship sacred to the Islamic faith, and from there you went to the Church of the Holy Sepulchre. You witnessed the fact, known to all who come from throughout the world, that, ever since this city was joined together, there is absolutely free access, without any interference or obstacle, for the members of all religions to their holy places. This positive phenomenon did not exist for 19 years. It has existed now for about 11 years, and we can assure the Moslem world and the Christian world - all the nations - that there will always be free access to the holy places of every faith. We shall defend this right of free access, for it is something in which we believe - in the equality of rights for every man and every citizen, and in respect for every faith.

Mr. Speaker, this is a special day for our Parliament, and it will undoubtedly be remembered for many years in the annals of our Nation, in the history of the Egyptian People, and perhaps, also, in the history of nations.

And on this day, with your permission, worthy and learned Members of the Knesset, I wish to offer a prayer that the God of our common ancestors will grant us the requisite wisdom of heart in order to overcome the difficulties and obstacles, the calumnies and slanders. With the help of God, may we arrive at the longed-for day for which all our people pray - the day of peace.

For indeed, as the Psalmist of Israel said, "Righteousness and peace have kissed," and, as the prophet Zecharia said, "Love truth and peace."



**ISRAELI PRIME MINISTER MENAHEM BEGIN,
PROPOSED SELF-RULE PLAN, 28 DECEMBER 1977 [EXCERPTS]**

1. The administration of the military government in Judea, Samaria and the Gaza district will be abolished. [...]
25. With regard to the administration of the holy places of the three religions in Jerusalem, a special proposal will be drawn up and submitted that will include the guarantee of freedom of access to members of all faiths to the shrines holy to them.
- 26.
27. These principles will be subject to review after a five-year period.



**REPORT BY THE JERUSALEM MUNICIPALITY CITY PLANNING DEPARTMENT:
"LOCAL TOWN PLANNING SCHEME FOR JERUSALEM 1978 – EXPLANATORY REMARKS FOR
THE DISCUSSION BY THE DISTRICT PLANNING AND BUILDING COMMITTEE"
(authored by YOSEF SCHWEID), 1978 [EXCERPTS]**

The first and cardinal principle in the planning of Jerusalem is to ensure its unification. To date, this principle has been translated into two modes of operation: one is to mend the gash that occurred in the urban fabric when the city was split in two in the War of Independence, and to fuse the detached system; the second is to build the city in a manner that would prevent the possibility of its being repartitioned along the line that divides the two communities. ...The principle of building the city as a mosaic is devoid of polarizing elements has had a substantial effect in determining the location of the new Jewish neighborhoods. [...]

Every area of the city that is not settled by Jews is in danger of being detached from Israel and transferred to Arab control. Therefore, the administrative principle regarding the area of the city's municipal jurisdiction must be translated into practice by building in all parts of that area, and, to begin with, in its remotest sections. [...]

Jewish neighborhoods must not be left isolated in the urban region; rather, a continuity of building must be created between the central urban body and the peripheral neighborhoods. This factor dictates a far reaching reduction of the open areas in the city, because only by cutting into the open areas is it possible to create the desired continuity. [...]



**ISRAELI PRIME MINISTER MENAHEM BEGIN LETTER TO US PRESIDENT CARTER
ON THE STATUS OF JERUSALEM, 17 SEPTEMBER 1978**

The President
Camp David - Thurmont, Maryland

Dear Mr. President:

I have the honor to inform you, Mr. President, that on 28 June 1967 - Israel's parliament (The Knesset) promulgated and adopted a law to the effect: "the Government is empowered by a decree to apply the law, the jurisdiction and administration of the State to any part of Eretz Israel (Land of Israel - Palestine), as stated in that decree."

On the basis of this law, the government of Israel decreed in July 1967 that Jerusalem is one city indivisible, the capital of the State of Israel.

Sincerely,
Menachem Begin



**LETTER FROM THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN
TO UN SECRETARY-GENERAL, 25 JANUARY 1980**

[Letter reporting on conditions of ancient buildings in the Old City in reply to an account by the Jordanian Chargé d'Affaires to the UN reporting of carelessness on the side of the Israeli municipality – see Vol. III: Documents from Arab/Islamic States and Organizations]

I have the honour to refer to the letter of 9 January 1980, addressed to you by the Chargé d'Affaires a.i. of the Permanent Mission of Jordan to the United Nations (A/35/60-S/13732).

It should be borne in mind that Jordan regards itself as being in a state of war with Israel. It has repeatedly attempted to play upon religious sentiments in order to fan the flames of incitement, both religious and political, against Israel.

To that end, Jordan has willfully distorted the facts of the case in the letter under reference, as it has often done in other instances. There is no connection between the collapse of the house belonging to the al-Mu'aqit family in Jerusalem and the archaeological excavations being conducted in other parts of the City.

The Walled City of Jerusalem (the "Old City") is literally an old city. Its origins go back thousands of years, and it has been rebuilt time after time throughout the centuries. Many of its ancient buildings rest on unstable founds, and have been weakened over the years by the ravages of time as well as through neglect and improper maintenance. To make matters worse, many of these structures are linked to a dilapidated sewage system which is over 200 years old and which double as a drainage system.

During its illegal occupation from 1948 to 1967, Jordan was guilty of conscious neglect of the general fabric of the Walled City and its infrastructure, even though it was well aware that they were in a sorry state of disrepair. Moreover, when it suited its purposes, Jordan did not hesitate to demolish buildings of immeasurable historical, religious and cultural significance, to the extent that on 5 November 1966 the Jordanian newspaper *Falastin* (then published in Jerusalem) protested:

"Ancient memorial buildings in the Old City of Jerusalem are destroyed and replaced by modern ones. Commercial competition has even reached the Mount of Olives where construction had been prohibited in the past."

Since the reunification of Jerusalem in 1967, the Municipality has undertaken a major project to renovate the Walled City's infrastructure and preserve it from further deterioration. Many support walls and stone buttresses have been constructed to reinforce ancient buildings and prevent their collapse. A modern sewage and drainage system has been designed. In addition, the opportunity has been taken not only to improve the services and amenities provided to the residents of the City, but also to beautify it. Hence, for example, outmoded and inconvenient electrical and telephone systems have been replaced, and underground cables for central television antennae have been laid, to take the place of the forest of aerials which were allowed to disfigure the view of the Walled City.

The only work carried out in the vicinity of the house belonging to the al-Mu'aqit family was connected with the urban renovation project. The owners were warned a number of times by city engineers that the house was in danger of collapse. They were directed to carry out work to underpin the building, and also to empty the sewage pits beneath the house which were making its foundations crumble. The owners of the house did not heed these warnings. In the end the Municipality was obliged, in the summer of 1979, to evacuate the tenants of the house for their own safety, with the result that when it actually collapsed one night in December 1979 there was no one in it.

The claim that the collapse of this building will damage Islamic Waqf property is equally groundless. Immediately after its collapse, the Municipality of Jerusalem took all the requisite safety measures, and there is now no danger whatsoever to the property owned by the Waqf.

Similarly, there is no connection between the al-Mu'aqit house and the other buildings and locations indicated in the Jordanian letter. In that letter the reader is invited to use his imagination. This is indeed proper and necessary because the entire Jordanian letter is a test of the reader's imagination. Thus, the impending "historical catastrophe" conjured up in the letter is in fact a complete fantasy.

Indeed, the Jordanian letter is yet another transparent attempt to manipulate the means and machinery of the United Nations in a relentless campaign of political warfare against Israel. It is also an extraordinary example of how an urban and engineering problem of the kind confronting all cities, especially ancient ones, is turning by Jordan into a pretext for political and religious incitement.

I have the honour to request that this letter be circulated as an official document of the General Assembly, under the items entitled "The situation in the Middle East" and "Programme budget for the biennium 1980-1981", and of the Security Council.

(Signed) Yehuda Z. BLUM
Ambassador, Permanent Representative of Israel to the United Nations



**ISRAELI PRIME MINISTER MENAHEM BEGIN,
STATEMENT ON THE SITUATION IN JERUSALEM, 4 FEBRUARY 1980**

[Statement issued in response to violent incidents affecting church properties in Jerusalem in early Feb.]

Following reports which have recently been published concerning a number of incidents of vandalism affecting church properties in Jerusalem, I wish to state the authorities will not tolerate acts of this kind. By the laws of Israel, all faiths enjoy absolute freedom of worship, protection of their properties, and freedom of access to their shrines. The Government of Israel upholds these principles in the fullest measure, just as it has always done in the past, in the spirit of respect for all the faiths represented in Jerusalem.

Indeed, we take pride that since the reunification of our capital city, Jerusalem has enjoyed the harmony of coexistence and mutual toleration. The authorities, therefore, will do the utmost to prevent the recurrence of such intolerable criminal acts.



**LETTER FROM THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN TO UN
SECRETARY-GENERAL WALDHEIM, 12 FEBRUARY 1980**

[Reply to a letter by the Jordanian representative to the UN blaming Israel for recent violent incidents affecting church properties in Jerusalem]

I have the honour to refer to the letter of 5 February 1980 addressed to you by the representative of Jordan (A/35/78-S/13782).

It should be borne in mind that Jordan regards itself as being in a state of war with Israel. It has repeatedly attempted to play upon religious sentiments in order to fan the flames of incitement, both religious and political, against Israel. In recent weeks it has stepped up the frequency and intensity of the campaign by the distribution of misleading and inflammatory material through the agency of the United Nations.

It is an affront to history that Jordan should complain with regard to Jerusalem. From 1948 to 1967 it illegally occupied parts of the Holy City and systematically engaged in the destruction of over 50 historic synagogues in the Jewish Quarter of the Walled City, in the violation of the ancient Jewish cemetery on the Mount of Olives and in the desecration of many other properties and institutions which were part of the rich cultural and religious heritage of the Jewish people in the city.

Moreover, in flagrant violation of its international undertakings, Jordan during these years barred Jews from all Holy Places in Jerusalem and in Judaea and Samaria. It also denied Israeli Christians and Muslims free access to their Holy Places in the areas under Jordanian occupation.

It is preposterous therefore to suggest, as the representative of Jordan has the audacity to do, that before 1967 the Holy City "enjoyed the serenity, the veneration and the tolerance which are characteristics of Jerusalem as the City of God and Peace".

Unlike Jordan, the Government of Israel respects all places held sacred by members of the different religions and also their sentiments with regard to those places. The overriding principles guiding Israel's policy with regard to the Holy Places are to uphold and guarantee by law access and complete freedom of worship by members of all faiths without discrimination, and to ensure the protection and maintenance of these places with due respect and proper decorum.

Despite Israel's efforts, there have been some unfortunate incidents of vandalism, as there are in other countries, against religious institutions and properties of several denominations. These incidents have been taken very seriously by the Government of Israel and, on 4 February 1980, the Prime Minister issued the following statement:

"The authorities will not tolerate acts of this kind. By the laws of Israel, all faiths, enjoy absolute freedom of worship, protection of their properties and freedom of access to their shrines. The Government of Israel upholds these principles in the fullest measure, just as it has always done in the past in the spirit of respect for all the faiths represented in Jerusalem. Indeed, we take pride that, since the reunification of our capital city, Jerusalem has enjoyed the harmony of co-existence and mutual toleration. The authorities, therefore, will do the utmost to prevent the recurrence of such intolerable criminal acts."

This statement was greeted with approval and satisfaction by the representatives of the Christian churches in Jerusalem, in their statement of 6 February 1980, in which they declared, *inter alia*:

"We therefore trust and hope that the consistent implementation of this commitment [by the Prime Minister of Israel] 'in a spirit of respect for all the faiths represented in Jerusalem', will create and sustain an atmosphere of mutual comprehension and good will. Such an atmosphere will make possible a continuing dialogue which dialogue is naturally to include the means to guarantee, strengthen and extend in a permanent way, acceptable to all concerned, that 'absolute freedom' of religion, which the Prime Minister forthrightly affirms."

This statement was signed by the Reverend R. Kreider, Convenor, Liaison Committee of the United Christian Council in Israel, Fr. Ignazio Mancini, O.F.M., Director of the Christian Information Centre, and Fr. Bargil Pixner, O.S.B., in the name of the Dormition Abbey.

It is thus obvious that the letter under reference from the representative of the Palestinian Arab State of Jordan is yet another transparent attempt to manipulate the means and machinery of the United Nations in its relentless and unrestrained campaign of political warfare against Israel. It is also an extraordinary illustration of how Jordan is prepared to exploit every occasion as a pretext for unbridled political and religious incitement.

I have the honour to request that this letter be circulated as an official document of the General Assembly, under the item entitled "The situation in the Middle East", and of the Security Council.

Yehuda Z. Blum
Ambassador, Permanent Representative of Israel to the United Nations



ISRAELI FOREIGN MINISTRY STATEMENT ON JERUSALEM, 2 APRIL 1980

[The statement came in response to a proclamation by the Egyptian National Assembly, made a day earlier, that Arab, or East Jerusalem, was Arab sovereign territory and was "an integral part of the West Bank, which had been occupied by armed forces."]

In response to yesterday's resolution by the Egyptian National Assembly, the Israel Foreign Ministry spokesman stressed that Israel's stand regarding Jerusalem is well known and that the decision of the Egyptian National Assembly or latest decision of the U.N. Security Council will not determine or alter anything on this matter. Our position, shared by all not only in Israel, but among the Jewish nation abroad, is that Jerusalem is the eternal capital of Israel, and will never again be divided.

In the nineteen years during which the city was partitioned, the Jews were deprived of free access to the holy places. The Jewish quarter of the Old City was destroyed and historical synagogues and cemeteries were shattered and despoiled. On the other hand, since 1967, as all know, complete free access has been given to members of all nations and faiths to the city and its holy places.

At this moment, when the representatives of Egypt, Israel and the U.S. are working to find a way to establish autonomy according to what was agreed upon at Camp David, declarations of the kind included in the decision of the Egyptian National Assembly are not only impractical and incompatible with the Camp David agreements, but they also do nothing to help the delicate negotiations.



**ISRAELI FOREIGN MINISTRY STATEMENT REJECTING
UN SECURITY COUNCIL RESOLUTION 476 (1980) ON JERUSALEM, 30 JUNE 1980**

[On 30 June the Knesset committee overwhelmingly approved a new basic law entitled "Jerusalem the capital of Israel." The UNSC voted 14 to none, with the U.S. abstaining, to deplore the legislative steps taken by Israel in Jerusalem, declaring any Israeli action will be deemed as "null and void."]

A Foreign Ministry spokesman announced that Israel rejects the Security Council resolution of 30 June 1980 on Jerusalem, and does not accept its principles.

This resolution is the most recent of a long series of condemnations by this organization, all of which are basically no more than the result of a hostile approach that completely ignores the realities of the region and the rights of Israel.

The adoption of this resolution jeopardizes the peace efforts that Israel is promoting.

The future of Jerusalem will not be determined by discussions of this nature. United Jerusalem was, is, and will be the capital of sovereign Israel and will never be divided.

The Government of Israel will continue to guarantee free access to all the holy places and freedom of worship to members of all faiths and religions as it has done since the city has been united under its sovereignty.



**ISRAELI FOREIGN MINISTRY STATEMENT ON THE TRANSFER OF THE VENEZUELAN
EMBASSY FROM JERUSALEM TO TEL AVIV, 28 JULY 1980**

The Government of Israel has received with regret the notification of the Government of Venezuela that it has decided to transfer its Embassy from Jerusalem to Tel Aviv. This decision of the Government of Venezuela is a painful blow to the people of Israel.

Jerusalem has been the capital of the Jewish people and the centre of its being for several thousand years; and the blow is the more painful as it comes from a country like Venezuela with which Israel has maintained friendly and cooperative relations for many years. Such a decision can only serve the purposes of the Arab rejectionist states and of all other parties interested in frustrating the peace process in the Middle East. However, Israel will persevere in her efforts to advance the cause of peace in the region. Jerusalem will remain for all time the one and only capital of the Jewish people and of the State of Israel, and its gates will remain open, as they are now, to the members of all faiths and of all peoples.



ISRAEL'S BASIC LAW: JERUSALEM, CAPITAL OF ISRAEL, 30 JULY 1980

[On 14 May 1980, Geula Cohen of the Tehiya movement had introduced a private member bill in the Knesset calling for the adoption of a new basic law naming Jerusalem as the capital of Israel. On 30 June the Knesset Committee dealing with the issue overwhelmingly approved the law and returned it to the plenum for its final readings. That same day the UNSC voted 14 to none, with the US abstaining, to deplore the legislative steps taken by Israel in Jerusalem. Nevertheless, The Israeli government passed the following law:]

Jerusalem, Capital of Israel.

1. Jerusalem, complete and united, is the capital of Israel.

Seat of the President the Knesset, the Government and the Supreme Court.

2. Jerusalem is the seat of the President of the State, the Knesset, the Government and the Supreme Court.

Protection of Holy Places.

3. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings towards those places.

Development of Jerusalem.

4. (a) The Government shall provide for the development and prosperity of Jerusalem and the well-being of its inhabitants by allocating special funds, including a special annual grant to the Municipality of Jerusalem (Capital City Grant) with the approval of the Finance Committee of the Knesset.

(b) Jerusalem shall be given special priority in the activities of the authorities of the State so as to further its development in economic and other matters.

(c) The Government shall set up a special body or special bodies for the implementation of this section.

Menahem Begin, Prime Minister

Yitzhak Navon, President of the State



**ISRAELI AMBASSADOR TO THE UN, YEHUDA BLUM,
STATEMENT TO THE UN SECURITY COUNCIL, 20 AUGUST 1980**

[Statement to explain the nature of the new Jerusalem law in response to UN criticism]

All of us know that the whole United Nations system has been mobilized into an unremitting war against my country, particularly since the signing of a peace treaty between Israel and Egypt. Since the beginning of this year, the time and attention of the Security Council have been virtually monopolized by the Arab enemies of peace in the Middle East and their supporters beyond the region.

The fixation of Israel's enemies about my country is clearly evidenced also in the fact that of the 60 meetings held by this Council since the beginning of this year, 34 have been devoted to one or another secondary aspect of the Arab-Israel conflict, invariably abstracted from its true and proper context. One would have thought that the grave threats to international peace and security in Afghanistan, South-East Asia and other parts of the world were worthy of more than the cursory attention and treatment that this Council has accorded them. But it is now clear that Arab obsessions with Israel take precedence over everything else, to the point of eclipsing or even excluding other matters, however grave a threat they pose to international peace.

Just three weeks ago, a bogus "emergency" special session of the General Assembly was concluded. And today this debate has been initiated by countries which, for the most part, have long associated themselves with the Arab war effort against Israel and which do not hesitate to fan the flames of political incitement and religious prejudice as part of their bellicose design.

We have no illusions as to what their true objectives are in initiating the present debate, which fits into that broader design. Israel's position on Jerusalem was set out in great detail in my statement to the Council on 30 June 1980. Nothing has happened since that date which has changed the status of Jerusalem, or Israel's position thereon.

Jerusalem has always been, as it is today, the capital of the Jewish people. And it has been the capital of the State of Israel since the restoration of our national independence more than three decades ago. Over that period it has been, as it is today, the seat of the President of Israel, the Knesset, the Government and the Supreme Court.

The law adopted by the Knesset on 30 July 1980 merely reaffirms that position. Beyond that, it also underlines once again Israel's awareness of the significance of Jerusalem to Christians and Moslems, as well as to Jews. As early as 27 June 1967, immediately after the reunification of Jerusalem, the Knesset adopted the Law on the Protection of the Holy Places safeguarding those places and guaranteeing unrestricted access to

them to members of all faiths. The law adopted last month assures yet again due consideration to the concerns of all religions in Jerusalem and to the sentiments of their adherents.

I must reiterate "due consideration to the concerns of all" - I repeat, all - "religions in Jerusalem". This open and universalistic approach stands in stark contrast to the attempts by Arab and other States to blur not only the Jewish bond with the City but also the Christian connections with it. It also stands in stark contrast to the situation which prevailed under the Jordanian occupation of a part of the City, between 1948 and 1967. Thus, complete freedom of access to and worship at the shrines sacred to the adherents of all faiths has been guaranteed and maintained by Israel in a manner unprecedented in the history of the City. Regardless of the false and empty allegations made in this Council, the millions of Moslem and Christian tourists and pilgrims who have visited Jerusalem since 1967 can attest to this fact.

The free and unfettered administration of the Holy Places by each religion and its chosen institutions is and will be guaranteed, and this in co-operation and conjunction with the religious authorities concerned. Much has been said in recent weeks about the Knesset law which merely reaffirms the situation that has prevailed in Jerusalem for a long time and which now serves as the ostensible pretext for this debate today and for the resolution which will be ritualistically adopted in its wake.

At the same time, nothing has been said - or is likely to be said here - about the concerted attempts that have been made in recent years by our Arab enemies and by their supporters to abuse Jerusalem - and its sanctity - with a view to escalating tension in our region. These attempts, which have included undisguised threats against and coercion of a number of countries, have intensified since the signing of the Camp David accords, and in particular since the conclusion of the Israel-Egypt peace treaty. Even the Security Council has been repeatedly seized upon and manipulated to this end. One of the blatant instances of this manipulation is the reprehensible resolution 465 (1980) adopted by the Council on 1 March of this year which contributed significantly towards escalating tension in this matter, as was indeed its sponsors' intention from the outset.

In this connection, one cannot lose sight of the declaration and decision by the Egyptian People's Assembly of 1 April 1980 and of 1 July 1980, respectively, which regrettably followed the pattern of Security Council resolutions aimed by their sponsors at undermining the peace process in the Middle East.

Anyone who disregards these grave developments does a great disservice both to the cause of truth and to the cause of peace in the Middle East.

Israel has repeatedly given expression to its awareness of the significance of Jerusalem to other religions and their sentiments. By the same token, equal awareness should be displayed by all of the incontrovertible and indisputable fact that, although throughout the centuries Jerusalem has known many rulers, it has been the capital city for only one people - that is, the Jewish people. No amount of gainsaying, distortion and biased and one-sided resolutions can alter that undeniable historical fact; nor can they alter another basic fact, namely, that ever since modern statistics became available some 150 years ago they have consistently shown the existence of an uninterrupted Jewish majority among the residents of Jerusalem.

Some clearly have a vested interest in ignoring these facts, because their ignoble and nefarious purpose has been and remains to whip up a religious frenzy in everything that surrounds Jerusalem.

Jerusalem should be approached, in every sense, with veneration and respect, with reverence and dignity. As I said at the outset of my remarks, the initiators of this debate seek to exploit it for incitement, both religious and political. In fact, these shrill voices of religious fanaticism have been heard sabre-rattling in recent days and weeks, in this chamber and beyond. Israel would hope that all the members of this Council would agree that the injection of fanaticism, bigotry and hatred into these proceedings is highly undesirable and in no way conducive to advancing the cause of peace, which is epitomized in Jerusalem, a city whose very name in Hebrew - Yerushalayim - means "the City of Peace".

Experience has shown that no balanced and fair approach can be expected in the contentious, acrimonious atmosphere characterizing all United Nations deliberations on any aspect of the Arab-Israel conflict. Today's proceedings again bear out that regrettable fact.

For its part, Israel will not allow Jerusalem to become another Berlin, with that implies not only for the welfare of its citizens but also for international peace and security. Israel will continue to work for the peace and well-being of its capital, Jerusalem, and of all its residents, as well as for the preservation of the special place which Jerusalem holds in the hearts of people of diverse faiths around the globe.



**ISRAELI FOREIGN MINISTRY, STATEMENT CONCERNING
UN SECURITY COUNCIL RESOLUTION 478 ON JERUSALEM, 21 AUGUST 1980**

[Note: UNSC Resolution 478 censured Israel for the enactment of the Basic Law: Jerusalem and decided not to recognize the law, calling upon all nations who had legations in Jerusalem to withdraw them from the city]

The unjust and unilateral resolution No. 478 of the UN Security Council last night on the subject of Jerusalem furnishes additional proof that the United Nations Organization has been converted into an instrument in the hands of Israel's enemies in their war against her existence and independence.

We are especially disappointed that very important free countries lent their hand to decisions which they themselves know have nothing in common with the true reality prevailing in Jerusalem.

This resolution will encourage extremism, blackmail and incitement to war in international relations.

Israel categorically rejects the resolution. It will not undermine the status of Jerusalem as the capital of a sovereign Israel and as a united city which will never again be torn apart.



**ISRAELI CABINET COMMUNIQUÉ ON UN SECURITY COUNCIL
RESOLUTION 478 (1980) ON JERUSALEM, 24 AUGUST 1980**

At the weekly cabinet meeting:

- a) The Government of Israel rejects and condemns the United Nations Security Council resolution of Wednesday, 20 August, on Jerusalem, a decision made possible by the abstention of the representative of the United States.

This was a surrender to the pressure of oil blackmail.

We regret that friendly countries have decided to transfer their embassies from Jerusalem to the coastal plain. We regret the amazing vote of the United States, which came in the wake of the speech of the Secretary of State. This vote, as already stated, made possible the passing of the resolution calling on several embassies to leave Jerusalem, while there are clear pledges in the United States to transfer the American embassy from the coast to Jerusalem.

The ancient people of Israel does not need the recognition of the Security Council, nor the agreement of its members, for Jerusalem to be the capital of the Jewish state.

Jerusalem will continue to be, as it has been for over 3,000 years, Israel's capital, one city, indivisible, the center of the life of the Jewish people.



**ISRAELI FOREIGN MINISTRY REACTION TO THE TRANSFER OF THE
DUTCH EMBASSY FROM JERUSALEM TO TEL AVIV, 26 AUGUST 1980**

The Government of Israel has received the announcement regarding the transfer of the Embassy of the Netherlands from Jerusalem with deep sorrow and sadness. The Government expresses feelings of profound sympathy for the Government and people of the Netherlands who have bowed to unwarranted interference in their relationship with Israel. The relations between the Netherlands and Israel have been based on the solid foundations of mutual respect and deep friendship.

The people of Israel will never forget the efforts made by innumerable Dutch women and men to save their fellow Jewish citizens during the years of Nazi occupation. It is, therefore, all the more sad for Israel to see such a brave and noble people being subjected to such cynical pressures as those that were brought to bear on the Netherlands by certain Arab states. The Government of Israel is convinced that yielding to such pressures is a great mistake, as numerous countries have learned to their cost in the past. Despite all attempts by Israel's adversaries to force the will of Israel's friends. Jerusalem is the capital of Israel and will always remain so. It

has for time immemorial served as the religious, spiritual and cultural center of the Jewish people and will continue to do so in the future.



**ISRAELI CABINET COMMUNIQUÉ ON PRESIDENT REAGAN'S PEACE PROPOSAL,
2 SEPTEMBER 1982 [EXCERPTS]**

The Cabinet met in special session today and adopted the following resolution:

The positions conveyed to the Prime Minister of Israel on behalf of the President of the United States consist of partial quotations from the Camp David Agreement or are nowhere mentioned in the agreement or contradict it entirely.

The following are the major positions of the Government of the United States:

1. Jerusalem:

“Participation by the Palestinian inhabitants of East Jerusalem in the election for the West Bank-Gaza Authority.”

No mention whatsoever is made in the Camp David agreement of such a voting right. The single meaning of such a vote is the repartition of Jerusalem into two authorities, the one - of the state of Israel, and the other - of the administrative council of the autonomy. Jerusalem is nowhere mentioned in the Camp David agreement. With respect to the capital of Israel letters were forwarded and attached to that agreement. In his letter to the President of the United States, Mr. Jimmy Carter, the Prime Minister of Israel, Mr. Menahem Begin stated that “Jerusalem is one city, indivisible, the capital of Israel.” Thus shall it remain for all generations to come. [...]

Since the positions of the government of the United States seriously deviate from the Camp David agreement, contradict it and could create a serious danger to Israel, its security and its future, the government of Israel has resolved that on the basis of these positions it will not enter into any negotiations with any party.



**COMMUNICATION FROM THE PERMANENT DELEGATE OF ISRAEL TO UNESCO TO THE
DIRECTOR-GENERAL OF THE UNESCO GENERAL CONFERENCE, PARIS, 2 MAY 1984**

[The communication referred to a letter sent to the Director-General on 29 Feb. 1984 by the Permanent Delegate of Saudi Arabia on behalf of the Arab Group (see Vol. III: Documents from Arab/Islamic States and Organizations); it was transmitted on 5 June 1984 by the Secretariat to the Chairman of the Arab Group, the Permanent Delegate of Saudi Arabia.]

Sir,

I have received a copy of the letter dated 29 February 1984 from the Permanent Delegate of Saudi Arabia, transmitted according to your instructions under cover of letter No. CLT/CH/01/308/18 of 4 April 1984.

With regard to this communication, we should like to make the following comments:

Following the attempt to invade the Temple Mount, the competent authorities of the Government of Israel immediately started an extensive investigation. Suspects were arrested a few days later and the indictment was duly submitted to the courts.

According to the information available to date, the persons involved were a small group of religious extremists.

As the matter is at present 'sub judice', the court's decision must be awaited and I shall certainly inform you of the progress of this case and of the verdict when it is returned.

Accept, Sir, the assurances of my highest consideration.

Meir SHAMIR
Minister Plenipotentiary, Permanent Delegate of Israel'



**COMMUNICATION FROM THE PERMANENT DELEGATE OF ISRAEL TO UNESCO
TO THE DIRECTOR-GENERAL OF THE UNESCO GENERAL CONFERENCE
CONCERNING JERUSALEM, PARIS, 22 FEBRUARY 1985**

Sir,

May I refer to my letter dated 2 May 1984 concerning an attempt to invade the Temple Mount in Jerusalem.

Two of the defendants are hospitalized for medical care and against the third an action is brought in a court of law.

Thus the matter is still 'subjudice' until the court's verdict is pronounced.

Accept Sir, the assurances of my highest consideration.

Meir SHAMIR
Minister plenipotentiary, Permanent Delegate of Israel



**LETTER FROM THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN
TO THE UN SECRETARY-GENERAL, 2 AUGUST 1985**

[Letter reporting the closure of the Hospice Hospital in the Old City]

The Government of Israel categorically rejects recent Arab allegations that the closure of the Hospice hospital, located in the Old City of Jerusalem, is the result of a political decision.

After a thorough examination of all medical facilities in Israel, the Ministry of Health decided for purely medical reasons that the hospital in the Hospice building should be closed.

These reasons were twofold:

1. The medical equipment in the hospital is out-of-date, resulting in inadequate medical care. Recently two women died in the maternity ward because of poor medical treatment.
2. The structure of the building does not allow room for a suitable elevator. Patients are carried to and from the operating room by hand-held stretchers.

The decision to close the Hospice hospital is in line with the policy of the Ministry of Health of closing small hospitals and hospitals with one category of patient (such as women) anywhere in the country. Thus the Misqav Ladach hospital in Jerusalem and other small maternity hospitals in Israel will also be shut down.

The residents of the Old City who received medical attention at the Hospice will now receive medical care at the Sheikh Jarrah Health Center and at Jerusalem's other hospitals, with health insurance arranged by the Ministry of Health.

A first-aid station will continue to operate at the Hospice building and the doctors and qualified staff of the Hospice will be offered alternate employment.

Recent assertions that the closure of the Hospice will deprive the residents of the Old City of proper medical care are therefore totally unfounded. In fact, the number of mother-and-child health care stations in the Arab section of Jerusalem and in villages within the city limits has been steadily rising in recent years. Wide-ranging medical supervision has also been instituted in Arab schools. Municipal assistance has been extended to Red Crescent stations in the city. These services, along with health insurance and hospitalization, enable Arab residents of Jerusalem to receive medical care on a par with that of the rest of Israel (and, incidentally, far superior to that found elsewhere in the Middle East).

I have the honour to request that this letter be circulated as an official document of the General Assembly, under item 38 of the provisional agenda, and of the Security Council.

(Signed) Benjamin NETANYAHU
Ambassador, Permanent Representative



**LETTER FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ISRAEL
TO THE UN ADDRESSED TO THE UN SECRETARY-GENERAL, 19 APRIL 1988**

[Letter reporting on access to Holy Places]

You have recently been presented with several communications regarding alleged Israeli actions at the Holy Places and toward Moslem clerics in Jerusalem (A/43/213-S/19608 and Corr.1 dated 11 March 1988, A/43/277-S/19723 dated 4 April 1988 and A/43/278-S/19724 dated 4 April 1988). These communications contain allegations of improper behavior of Israeli security forces at the Temple Mount. One of the communications (A/43/213-S/19608) even presented fabricated photographs. The account presented therein was totally false.

Israel has always had the utmost respect and reverence for the holy institutions of all faiths. On 27 June 1967, immediately after the reunification of Jerusalem, the Israeli Parliament enacted the Protection of Holy Places Law. reads as follows:

“1. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the various religions to the places sacred to them or their feelings with regard to those places.

“2. (a) Whoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years. (b) Whoever does anything that is likely to violate the freedom of access of the members of the various religions to the places sacred to them or their feelings with regard to those places shall be liable to imprisonment for a term of five years.”

The Holy Places in Israel, sacred to Jews, Moslems and Christians, have always been cared for and maintained with the respect commensurate with the dignity of such institutions. Worshippers of all faiths are entitled to free access to synagogues, mosques, churches and all other religious institutions. The very fact that Moslem worshippers have free access to the Al-Aqsa mosque, and hold routine and regular prayer services there, clearly demonstrates the absurdity of the claim that Israel is trying to “Judaize” the city of Jerusalem.

Concerning the incident referred to in the Jordanian letter (A/43/213-S/19608), this day had been declared the "Day of the Martyrs", and a demonstration had been called for after the prayers from the pulpit. In view of this, Israel's security forces took all necessary precautions to maintain calm while allowing free access to the Al-Aqsa Mosque, so that the faithful could conduct services there, which they did. On that day, the police decided not to grant a permit to Jewish worshippers to enter the Temple Mount area. This action was taken in view of the overriding concern to maintain calm, despite the fact that Israeli law ensures free access to the Holy Places for all. Subsequently, however, the Temple Mount area was used by rioters as a cover for their stone-throwing, in addition to which they overpowered a policeman there and almost killed him. Israeli security forces and police took appropriate measures to restore calm.

With regard to the Mufti of Jerusalem, I would like to inform you of the statement of the Chief of Police in Jerusalem, issued immediately after the alleged incident, stating that the Mufti had not been touched by any personnel of the Israeli security forces. The Mayor of Jerusalem visited the Mufti immediately after the alleged incident, and corroborated the police statement that the Mufti had not been touched by any member of the Israeli police or security forces. It should be noted, however, that on the day of this alleged incident, once again, an Israeli police officer was stabbed and wounded in an encounter with protesters.

Israel is proud of its impressive record regarding freedom of access for all religions to their places of worship and the maintenance of the Holy Places. We find it ironic that Jordan takes upon itself the right to produce fabricated and baseless accusations against Israel on these matters, especially in the language and tone of some of the communications presented to you, particularly in the light of the contemptible abuse of Jewish holy institutions under Jordanian rule from 1949 until 1967, during which time dozens of synagogues and Jewish cemeteries were desecrated and destroyed.

I should be grateful if you would arrange for the text of this letter to be circulated as a document of the General Assembly, under item 77 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN, Ambassador
Acting Permanent Representative



**ISRAEL'S ATTORNEY GENERAL Y. HARISH, GUIDELINES CONCERNING
OBSERVANCE OF THE LAW ON BUILDING AND PLANNING AND THE LAW
ON ANTIQUITIES ON THE 'TEMPLE MOUNT', 18 AUGUST 1988**

1. In principle, the area of the Temple Mount is part of the territory of the State of Israel, according to the Basic Law: Jerusalem Israel's Capital, and the law of Israel applies there under the Law and Administration (No. 1) Order, 1967.

Within this scope, the Antiquities Law, 1978 and the Planning and Building Law, 1965 apply to the area of the Temple Mount.

2. At the same time, one cannot possibly ignore the fact that in all matters concerning the Temple Mount, "the situation is a unique one, probably without parallel in the history of this country or the entire world. The situation is a sensitive one, fraught with dangers in view of its intercommunal background, and potential source of disturbances," in the words of Withkon, J., in H.C. 222/68: *Nationalist Circles vs. Minister of Police* (14 P.D. (2), 141 at 168).

The Temple Mount is conceived of in this country and in the world at large as a unique place, and this is the source of all the problems which arise in respect thereof, as well as the super-sensitivity to the laws under which matters relating thereto are determined. In such a place, even a simple question of enforcing the law, of investigation of a breach of the law and anything connected thereof, goes beyond ordinary legal arrangements, and one must perforce recognize that, in the words of Deputy President Silberg, "there are values... in respect of which considerations of flexibility and pragmatism are preferable to a rigid legal approach."

3. It is not at all easy to reconcile the undisputed principle as to application of Israeli law - including that relating to antiquities and to planning and building - to the Temple Mount area, with "pragmatic" considerations which inevitably have to be applied to such a unique site. However, the authorities concerned must see to it that the law be observed, without becoming implicated in actions liable to stir up inter-religious and interpolitical strife, the consequences of which cannot be foreseen.
4. The police do not as a rule deal with regular enforcement of laws relating to antiquities or planning and building. According to Section 59 of the Criminal Procedure Law [Consolidated Version], 1982 the police are authorized not to investigate a particular offense where under law another authority is competent to do so. The planning authorities have such powers under the Planning and Building Law, whereas the Antiquities law grants certain powers to officials of the Antiquities Department. The police should act in cooperation with the planning and antiquities authorities, as the case may be, and on their initiative, and should grant them any assistance they require for enforcing the law, taking statements and arresting suspects in every case of suspicion of a breach of public order.
5. The Local Planning Commission, namely, the Jerusalem Municipality, and the Department of Antiquities, should maintain regular supervision including touring the site and receiving reports, including those of the police, so that they should have an updated picture of the extent the laws of planning and of antiquities are being observed on the Temple Mount. They should report to the Attorney General, through their legal advisers, any serious and substantial breach of those laws.

In considering whether a breach is serious enough to be brought to the attention of the Attorney General, the authorities concerned shall take the following into account: the extent of the breach, the type of building or other activity carried out, the extent of violation of the principle protected by the law and the possibility of avoiding such violation without resort to criminal proceedings.

6. The Local or District Planning Commissions, the Department of Antiquities or the police shall not take any law enforcement measures - including demolition measures, issuing a demolition order, taking statements, arrest or bringing indictments - except by prior coordination with the Attorney General. In cases where it becomes necessary for one of the above authorities to intervene urgently, the Attorney General shall be subsequently informed of the measures taken.
7. In every case of a complaint to any competent authority, the latter should investigate it with the means at its disposal. However, no inquiry under law may be initiated before the matter, and the facts which have been ascertained, are brought by the said authority before the Attorney General for this decision.
8. The Jerusalem Municipality, the Department of Antiquities and the police shall continue to exert their influence so as to prevent as far as possible any activity which is likely to bring about a breach of Israeli law on the site.



**PRIME MINISTER YITZHAK SHAMIR, SPEECH TO THE LIKUD CENTRAL COMMITTEE,
TEL AVIV, 5 JULY 1989 [EXCERPTS]**

[...] We have not budged and will not budge from the basic principles over which there is a general consensus in Israel. An arrangement with the Arabs of Judea, Samaria and Gaza - yes. But there will be no negotiations with the PLO! Giving the Arabs of Judea, Samaria and Gaza the opportunity to conduct their own affairs within the framework of an autonomy - yes; but never an Arab-Palestinian State! Third, any Jew who so wishes will be able to settle anywhere throughout Eretz Yisra'el. [...]

Jerusalem.

Some colleagues have raised various points regarding the peace initiative. They mentioned, for example, the issue of Jerusalem. Jerusalem is not part of the initiative. Jerusalem is the eternal capital of our nation and our country. It is engraved in the Bible, on which the exiled in Babylon vowed: If I forget thee, O Jerusalem, let my right hand lose its cunning! 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! Pray for the peace of Jerusalem! These words are a holy tenet for all of us. The Basic Law: Jerusalem, the Capital of Israel, stipulates, in Article One: Jerusalem, as a single, united entity, is the capital of Israel. First and foremost, Jerusalem is imprinted in the hearts, in the heart of each one of us!

The Government of Israel's position regarding the participation of the East Jerusalem Arabs in the election for the autonomy was stated in the resolution of the Cabinet under our Leader, Menahem Begin, in whose Cabinet I had the honor of serving. The following is the phrasing of that resolution, listen! On 5 September 1982, and I quote, the following was stipulated: The Camp David accords never mentioned such a right to vote. By that he meant the vote of the Arabs of East Jerusalem. Such a vote can have only one interpretation: the re-partitioning of Jerusalem, its re-division into two authorities - one Israeli, and the other belonging to the autonomy's administrative council. The resolution further states that in the letter appended to the Camp David agreement, which does not mention Jerusalem, Israeli Prime Minister Mr. Menahem Begin wrote that Jerusalem is the capital of Israel; that it is one indivisible city; and that it shall remain undivided for posterity.

I need not to add that this is our position today as well. This is the binding position of the Government of Israel. Any change in this naturally requires a Cabinet resolution. There is no need to add anything to it. We will continue to guard Jerusalem in accordance with the government's basic guidelines, which stipulate that united Jerusalem, the eternal capital of Israel, is one city under Israeli sovereignty, indivisible. Free access in the city to the places holy to members of all religions, and freedom of worship will continue and will be guaranteed.



**MAYOR OF JERUSALEM TEDDY KOLLEK, LETTER TO PRESIDENT BUSH
CONCERNING JERUSALEM, JERUSALEM, 9 MARCH 1990 [EXCERPTS]**

Dear Mr. President,

In these days when all Israelis are united in their deep concern over recent American statements on Jerusalem, I am encouraged to write you as I recall the privilege I had of taking Mrs. Bush and you through the city on your visit in Israel in 1986. In June 1967, in spite of our messages to King Hussein through our ambassador and through the United Nations that Israel had no intention of initiating hostilities against Jordan, we were unprovokedly attacked from the Jordanian occupied part of Jerusalem, an occupation followed by an annexation that was not recognized by any country except Pakistan. After the war ended, the city was united as it had been for 4,000 years and its municipal boundaries were somewhat enlarged, in the main incorporating uninhabited areas of rocky hills. In the past 22 years, the city has grown considerably. The number of Jews has increased from almost 200,000 to 340,000 and the Arab population has doubled from 75,000 to 150,000. This necessitated a massive effort to build housing for both Jews and Arabs. Homes for the Jewish population were built all over the city including in areas that had been under Jordanian occupation. Over 30,000 families now live in these areas. No Arabs were dispossessed in order to build these homes. Parts of this land had been Jewish-owned before. In the northern extremity, within the new municipal borders, Jewish villages existed prior to 1948, when their inhabitants were forced to leave by the invading Jordanian army. While the Jewish settlers in the occupied West Bank did get considerable incentives, none were given to families who made their homes within the city's boundaries. They acquired their homes under the same conditions as those living in Tel Aviv, Haifa and other parts of the country. A certain number of Russian immigrants, as well as immigrants from other countries, including many from the United States, now live in these neighborhoods. It is a fact that these new neighborhoods have become an integral part of the undivided city and are quite distinct from the settlements in the West Bank, the nearest of which is miles away.

I am aware of the policy of the United States toward the City of Jerusalem, namely "that the city remains undivided but that its status be determined in the negotiations." In my opinion there is no conflict between this policy and the actual state of affairs. While there is a difference between Israel's thinking that united Jerusalem is and shall remain the capital of Israel under Israel's sovereignty and American policy that leaves the city's ultimate status open, no conflict needs to arise from the existence of the new urban neighborhoods that have gone up in the last 22 years. The Arab uprising over the past 2 years has also had its repercussions in Jerusalem, but to a much lesser extent than in the West Bank and Gaza. Work and life go on here, the schools are open and tourists and pilgrims are visiting the city. There is a certain amount of Arab strikes and some cars have been stoned or torched, but the level of violence, if at all, is small. To give just one figure, in 1989 there were altogether 11 homicides in Jerusalem, 6 of them of a criminal nature, while 4 Jews and 1 Arab were killed in terrorist attacks. Indeed, the number is smaller than it was 10 or 15 years ago. I wrote to Mrs. Bush a year ago about the city's illiteracy program [sic] for Arab women. This and many other social development activities in the city's Arab neighborhoods are going on as before.

There is one further point I would like to mention. Jerusalem is the center of Palestinian political activity. In 1967, before the city was reunited, not a single Arab newspaper was published here. Today there are 4 Arab dailies and a great number of weeklies and monthlies published that are free to attack the Israeli government and, at times, even challenge Israel's right to exist. Palestinians, who in spirit, if not organizationally, represent the PLO, address freely meetings at the Hebrew University attended by Israeli and Arab students and the general public. Similar activities could not take place in Amman, Damascus, or Baghdad, where no criticism of the authorities is tolerated. Differences over Jerusalem's future status are bound to come to the fore at some stage of the negotiations between Israel and the Palestinians. I do, however, firmly believe that this issue should be discussed as late as possible, and only after all other outstanding issues are settled. It would be particularly unfortunate if at this early but critical stage, when Israel must decide whether it will agree to a dialogue with a Palestinian delegation with one or two West Bank Palestinians who also have a Jerusalem address, other much more crucial questions concerning the future of Jerusalem should becloud the issue. In particular, no question mark should be permitted to hover over the new Jerusalem neighborhoods.

I would like to add, Mr. President, that we are grateful for the efforts of the United States government, and to you personally, to promote a peace settlement and to enable Russian Jewry to return to their homeland.

Please forgive me for taking up some of your valuable time, but I do this in the hope that I am contributing to the good relations between our two nations by expressing this thoughts to you.



**ISRAELI PRIME MINISTER'S OFFICE, COMMUNIQUÉ IN RESPONSE TO REPORTS
THAT JEWS HAD TAKEN OVER THE ST. JOHN'S HOSPICE IN THE OLD CITY,
24 APRIL 1990**

In view of the unfounded reports concerning the building in the Old City of Jerusalem known as St. John's Hospice, we felt the need to clarify a number of matters.

The building in question is neither a church nor a holy site of any kind and is not used for religious worship. It is, rather, a building, owned by the Greek-Orthodox Patriarchate, that has served in the past as a hostel.

The building was leased from the Greek-Orthodox Church, through a foreign corporation, by a group called "Ateret Cohanim" which owns a number of buildings in the Old City of Jerusalem. In light of the complaint against the leasing agreement lodged in court by the Church, the matter of its legality is now in the hands of the legal authorities who will decide on the matter, and their decision will be honored.

"Ateret Cohanim" is a private association. The Government maintains housing assistance programs in many places [throughout] the country, not only in Jerusalem, and it is within this framework that financial assistance was granted to this association as well.

The State of Israel, in accordance with the law and accepted practice in all civilized countries, respects the churches and freedom of worship. It is our wish that many countries, especially in our region, would do so. Jerusalem is open to all, and members of all religions feel at home [in Jerusalem].

The Israeli Government does not assist and would even have prevented any action constituting an affront to places sacred to [any of] the religions or to holy sites of any kind. The matter is constitutionally guaranteed in the Basic Law: Jerusalem - Capital of Israel, which ensures the preservation of holy places, freedom of worship and respect of the sensitivities of all religions and communities. The case at hand is one of an ordinary

commercial real estate transaction. Presenting the leasing as an affront to the Greek-Orthodox Church or [an infringement of] its rights contradicts the facts.

Within the framework of Israeli law, every Jew has the right to live in Jerusalem, and has the same right as others, to acquire land, as do all Israeli citizens and members of all religions in the country.

The State of Israel has a tradition and a history of respect for and scrupulous preservation of holy sites, churches and places of worship of all religions, including the Greek Orthodox Church. It goes without saying that there neither is nor was any intention to offend Christians, and anyone who presents it as such is motivated by considerations foreign (to the matter at hand) and is interested in inflaming relations between Jews and the other communities residing in the country.

Israel rejects attempts to exploit this incident in order to tarnish its image and harm its good name in the sensitive area of attitude toward holy places. Israel will, for its part, continue to do everything [possible] for the sake of peace and tranquility between communities in the holy city.



**ISRAELI PRIME MINISTER'S OFFICE, STATEMENT ON THE TAKE OVER
OF THE ST. JOHN'S HOSPICE IN THE OLD CITY, 25 APRIL 1990**

[After the statement issued a day earlier did not put the matter to rest, another one was issued]

Unfortunately, the criticism concerning the St. John's Hospice in the Old City has continued. We emphasize once again that the building involved is neither a church nor a holy place of any kind, but rather a building leased by a foreign corporation (and not by "Ateret Cohanim") from the chief tenant of the Greek-Orthodox Church for the purpose of running a hostel. The building in the past also served solely as a hostel, and the foreign corporation has stated that it will use the building solely as a hostel open to all.

We emphasize once again that the State of Israel has no intention of entering into a confrontation with any Church and certainly not with the Greek-Orthodox Church.

The State of Israel guarantees freedom of worship to all religions and all churches, without restriction, and we emphasize again that there has been no change in this policy, which has been practiced by the State of Israel since its establishment.



**OFFICIAL POLICY GUIDELINES OF THE LIKUD-LED GOVERNMENT,
SET UP BY PRIME MINISTER SHAMIR, JERUSALEM, 11 JUNE 1990 [EXCERPTS]**

[...]

3. [...] (k) United Jerusalem, Israel's eternal capital, is one indivisible city under Israeli sovereignty; members of all faiths will always be ensured freedom of worship and access to their holy sites.

Jerusalem will not be included in the framework of autonomy which will be granted to the Arab residents of Judea, Samaria and the Gaza Strip, and its Arab residents will not participate, either as voters or as candidates, in elections for the establishment of representation of the residents of Judea, Samaria and the Gaza Strip.

4. Settlement in all parts of parts of *Eretz Yisra'el* is the right of our people and an integral part of national security; the government will act to strengthen settlement, to broaden and develop it.



**PERMANENT MISSION OF ISRAEL TO THE UN, SUMMARY OF THE REPORT OF THE
COMMISSION OF INVESTIGATION INTO THE 8 OCTOBER 1990 EVENTS ON THE 'TEMPLE
MOUNT', 26 OCTOBER 1990**

CHAPTER 1: INTRODUCTION

1. The Commission expresses its deep sorrow over the loss of life on the Temple Mount, and conveys its sorrow to the families that lost loved ones. The commission also expresses its sorrow over the injuries caused to civilians and police at the Western Wall Plaza and its vicinity and wishes a full recovery to the injured.

2. The Commission recommends that its conclusions be revealed in their entirety to the public and, therefore, has omitted from the report the evidence and the sources of its decisions and conclusions.
3. Despite its being a "commission of investigation" and not a "commission of inquiry," the Commission was authorized by the minister of justice to "receive statements in writing and to warn the witnesses to tell the truth ..." The Commission also operated according to section 14 of the Inquiry commission Law of 5729 [1968] and has decided that all testimony and material received will not serve as evidence in a legal proceeding, except for a criminal trial.
4. The Commission heard 124 witnesses, among them: the minister of police, the mayor of Jerusalem, the police commissioner, the head of the GSS, police and Border Patrol commanders, and also police officers and Border Patrol police. The Commission also heard a number of detainees, among them Faisal Hussein and Sheikh Muhammad Said Al-Jamal Al-Rifa'i.
5. The Commission visited Makassed Hospital and heard reports from doctors and the wounded, and also visited the Temple Mount and its vicinity a number of times.
6. The Commission was not requested to draw personal conclusions in the realm of civil, criminal or disciplinary responsibility of any of those involved in the events - and it is the opinion of the Commission that it has no authority to do so in accordance with the law. The objective of the Commission was to examine that which was demanded of it in its letter of appointment - it is not the purview of the Commission of Investigation to deal with or to recommend the drawing of personal conclusions by any one of those involved in the events. The conclusions of the Commission do not make reference to the actions or the malfeasance of a given individual. All resultant decisions and inferences - if any are made at all - to the Commission's conclusions with respect to individuals involved in the Temple Mount events of 8 October 1990, will be determined by the competent authorities.
7. The Commission received written material from different sources including "B'Tselem," but the witnesses whose statements were attached to the "B'Tselem" report refused to appear for questioning before the commission. Appeals by the Commission to the High Muslim Council and the Waqf administration to meet with the Commission were refused.
8. The opinion of a medical expert, submitted to the Commission, regarding seven of the wounded admitted to Makassed Hospital in Jerusalem, determined that not a single one of them was struck from behind.
9. The Commission calls on the National Insurance Institute to clarify, as soon as possible, who among the wounded - who did not take an active part in the disturbances of public order on the Temple Mount - is eligible for benefits under the Victims of Hostile Action (Pensions) Law - 5730 [1970].

CHAPTER 2: CONCLUSIONS AND INFERENCES.

1. THE STATUS OF THE TEMPLE MOUNT

It is the opinion of the Commission that a special ministerial committee for Temple Mount affairs be established in cooperation with the Mayor of Jerusalem. This committee should design policy, direct preparations for various situations, decide and supervise the coordination between the parties involved in the security of the Temple Mount and the Western Wall. This committee will consult religious leaders as is required by law.

2. CAUSES OF THE INCIDENT

- A. The Muslim gathering on the Temple Mount exceeded the intended purpose of the site and the norms which a holy site oblige. The members of the Waqf knew that the High court refused the "Temple Mount Faithful" petition to lay the cornerstone of the Third Temple, and did not respond to requests by Israel Police officers on the morning of the incident to calm the crowd. This, even after the fact that the police informed the Waqf that they would also prevent the "Temple Mount Faithful," and anyone else, from visiting the area, though such visits are allowed by law.
- B. The incident itself began when, suddenly, violent and threatening calls were sounded on the speakers ("Allah Akbar," "Jihad," "Itbakh Al-Yahud" [Slaughter the Jews]). Immediately afterwards, enormous amounts of rocks, construction materials and metal objects were thrown at Israeli policemen who were present at the site. Many in the incited, rioting mob threw stones and metal objects from a very short range, and some even wielded knives in their hands. The actions of the rioters, and certainly the incitors, constituted a threat to the lives of the police, the thousands of worshipers at the Western Wall and to themselves. This was a serious criminal offense committed by masses who were incited by preachers on loudspeakers, and this is what led to the tragic chain of events.

- C. It is the opinion of the Commission that any criminal acts that may have been carried out during the course of the events should continue to be investigated. It is the opinion of the Commission that there is room for suspicion that a considerable percentage of the people gathered at the Temple Mount and their leaders apparently were involved in the obstruction of public order, causing harm to police and worshippers and endangering their lives.

3. USE OF FORCE BY THE POLICE.

- A. The Commission has reached the conclusion that the lives of the police on the Temple Mount were endangered, and that they feared for their lives, and for the lives of thousands of worshippers who were at the Western Wall.

The firing of tear gas and rubber bullets by the police, which came following the massive barrage of stones and other objects, was intended to deter the rioters and to repel them from the vicinity of the Western Wall. In light of the injuries which they sustained, the police were forced to retreat from the Temple Mount through Mughrabi Gate, and the barrage continued over the Western Wall, the Mughrabi Gate and the Ophel Road.

- B. The breaking into the Temple Mount came as a result of the continuation of the rioting and the barrage of stones, and of the fear for the lives of two police officers who remained caught in the Temple Mount police station. There was also a concern that the weapons and ammunition in the station would fall into the hands of the rioters. Since communications were cut off, the police commanders did not know that the policemen trapped in the station succeeded to escape on their own.
- C. The breaking [into the Temple Mount] was done while using teargas grenades and live ammunition as the masses rained rocks and other materials on the police, which endangered their lives. The continuation of the storming of the police, which also was done by masked assailants, required the police to attack with live ammunition. When the masses entered the mosques, the order was given to "cease fire."
- D. Regarding the above, the Commission is of the opinion that following the breaking into the Mughrabi Gate, which was necessary to save the lives of the trapped officers and to prevent ammunition from falling into the hands of the rioters, the storming masses continued to attack the police with rocks and other dangerous instruments. The police used gas and rubber bullets and, in life-threatening instances, also used live ammunition at their attackers.
- E. The Commission recommends that a separate, detailed investigation by an independent police officer, appointed by the commander of the Border Police, be conducted into the initiative taken by one of the Border Police platoon commanders at the Lions' Gate without having received a specific order. The conclusions of the investigation will be submitted to the minister of police and the police commissioner.
- F. An ambulance was hit by gunfire in its windshield and side, with a nurse and the driver sustaining injuries. It was clarified to the commission that the police did not see the ambulance, which stood between the pillars of the entrance to the Al-Aqsa mosque. The recommendation to the National Insurance Institute given in Chapter 1 refers to these injuries.
- G. There were no gas grenades or any other items thrown from the helicopter that flew over the Temple Mount, nor were any shots fired from it at the crowd.

4. THE FUNCTIONING OF THE SENIOR COMMAND LEVEL OF THE ISRAEL POLICE.

The Commission criticizes the functioning of the senior command level of the police:

- A. The police had advance information on the possibility of rioting. The method of thinking and attitudes of the commander of the southern district and of the commander of the Jerusalem area were routine and even mistaken. There was no consideration of the special sensitivity of the Temple Mount and there was no advance preparation for a wide variety of possible situations. The supervision concerned itself with one element only, "the laying of a cornerstone for-the Third Temple," and, when that was cancelled, they took routine measures.
- B. Area and district commanders did not take into account the accumulated influence of the intifada, the environment created by terrorist elements and their attitude towards the Gulf crisis, and calls for incitement by the muezin and the preachers on the Temple Mount on the Friday before the events. These phenomena required the presence of initiative and suspicion that did not exist in this case. The police, further, did not have files on preparations for possible contingencies and, therefore, they were not tested.
- C. In the opinion of the Commission, the situation that was created on the Temple Mount required the presence of commanders, of the most senior levels, on the Temple Mount. The situation also required the

presence of area and district commanders and, as the situation intensified, there was room for the summoning of the commissioner. The activating of an emergency situation for the security of the Temple Mount, the setting up of a forward command, post, the concentration of forces and the establishment of positions, could have deterred the frenzied masses from rioting. Following other events, the command posts were not staffed by senior commanders, the communications between different points on The Mount did not function properly and neither the commissioner nor the minister police were briefed early on regarding developments in the situation.

- D. There are no sharp or uniform definitions regarding responsibility for command on the Mount. The commission is of the opinion that the uniformity of command must be kept and that all the forces working in the Old City must report to the old City command.
- E. The Commander of the Border Police company that worked independently in the area felt it necessary to spread out the Border Police force above the Western wall -- this step was in accordance with the orders that he received.
- F. In the opinion of the Commission:
 - 1) An elite force must be permanently allotted to the Temple Mount and its vicinity to work under uniform supervision with defined jurisdictions and responsibilities.
 - 2) A headquarters for incidents on the Temple Mount should be established that will report on events on the Mount and will be present at the time of the event.
 - 3) Contingency plans must be prepared that will deal with possible situations and will formulate operative frameworks for dealing with any situation.
 - 4) Reinforcements should be placed in close and immediate proximity and would be assigned to bolster the force during incidents.
 - 5) The Commission recommends that the commander of the Old City police will be responsible for the preparation of forces and their testing, in order to ensure that they are prepared for action.
- G. Criticism of the way in which the district functioned does not diminish the courage of the district commander, his officers and policemen in the course of subduing the rioters.

5. INTELLIGENCE.

- A. Difficulties exist in the gathering of, information, its analysis, in issuing warning and in assisting in preventing disruptions of public order. The Commission is of the opinion that the division of labor between the GSS and the police is basically correct and should not be changed.
- B. The GSS has assumed upon itself the gathering of information on the organization of disruptions of order and the police has taken upon itself the gathering of information in the street, in connection to developments that are characterized as spontaneous.
- C. Concerning the incident on the Temple Mount, there was no lack of advance information: general warnings by the GSS, and, above all, there was clear information - the calls of the preachers, leaflets and the multiplicity of groups of masked assailants that called for gathering on' the Temple Mount.
- D. The mistake of the commissioner, the commander of the southern district and the Jerusalem area commander was in the evaluation of the information and in focussing on the assumption that, if the "laying of the cornerstone" could be prevented, everything would settle down peacefully - as in the past.

A correct reading of the situation, given the change in circumstances and conditions, would have rendered possible the preventive- deployment and preventative action that were demanded and necessary. Given this mistake, the police did not deploy its forces up as it should have been and a deterrent force was not concentrated to intervene as is acceptable. This basic evaluation did not change, even when there was precise information on the number of people on the Temple Mount.
- E. The GSS evaluations were different than those of the police. The GSS made it clear that an unexpected catalyst would be liable to cause an explosion during a gathering under the circumstances which existed on the Temple Mount. The commission did not find basis for the existence of written warning by the GSS to the police with the same clarity as was presented by the GSS before the commission.
- F.
 - 1. The division of labor must be maintained between intelligence missions, and any intelligence regarding the Temple Mount must be distributed to the police minister and the ministerial committee which will be established. This committee will discuss intelligence preparations, if any exist.
 - 2. The police must be allocated the tools and means to establish a "street intelligence" gathering network and to establish units which will operate within police framework and as part of area headquarters.

6. AUTHORITY WHICH WAS NOT IMPLEMENTED AND DETERRENT ACTIONS NOT TAKEN.

A. 10 October 1990 was replete with events and the police allocated forces and commanders to all. The commission proposes that events on the Temple Mount be viewed over a number of days.

B. "The Temple Mount Faithful" - The actions of this small group deviated from the accepted according to law, but the matter cannot solely be dealt with from a legal and formal aspect. Muslims view this group as a provocative and threatening element which intends to drive them off of the Temple Mount. The Muslim leadership took advantage of the presence of this group in order to incite those gathered on the Temple Mount. The police should have been alert to this and should have approved escort for the group on another day. The police saw itself bound by the High Court decision, but, nevertheless, verification carried out by the commission reveals that there was no such obligation and it was possible to transfer the event to another day.

In the Commission's opinion, the police should consider limiting events on the Temple Mount, the Western Wall and in the Old City plaza which have a high probability of resulting in severe disturbances.

C. The prohibition of gatherings on the Temple Mount which are liable to result in disturbances - Those who gathered on the Temple Mount offended the sanctity of the site and they apparently violated the law. From the start, they were called to a protest prohibited on the Temple Mount, the security of which lies with the State of Israel.

In the Commission's opinion the police had the authority to close the Temple Mount gates and to prevent entry and gathering whose intent was unrest.

The police also could have prevented the entry of suspicious elements - a step which has proved itself in the past.

During the events, the police could also have taken measures which could have prevented a deterioration - such as disconnecting the loudspeaker system which incited the mob. These steps were not taken, mainly because of the assumption that order would return if the "Temple Mount Faithful" were not allowed to enter the Mount. The police tried unsuccessfully to shoot down the loudspeaker. In the Commission's opinion, this technical problem could have been solved in the past and all must be done prevent future use of the loudspeaker for incitement.

Had the police acted in such a manner, criticism would likely have been limited to the Muslim public and other hostile elements.

Nevertheless, it is preferable to contend with such criticism than to reach the sad results of events on the Temple Mount, despite the fact that the blame and responsibility lies with the thousands of rioters who took advantage of the site in order to carry out disturbances.

7. BAN ON DEMONSTRATIONS IN THE AREA OF THE OLD CITY.

The national interest of the State of Israel and the special situation in the Old City require re-evaluation of what can or cannot be permitted in respect to gatherings and demonstrations which may lead to disturbances. The Commission recommends preventing gatherings for the purpose of demonstrations on the Temple Mount, the Western Wall, and throughout the Old City. The freedom of worship of all religions in their holy places should be preserved only official State events may be permitted in the vicinity of the Western Wall.

8. USE OF TECHNOLOGICAL MEANS.

The use of live ammunition on the Temple Mount under the prevailing conditions was justified by the Commission. It is also clear that it is the policy of the police to use live ammunition only as a last resort, and only if lives are endangered. It is necessary to develop technological means whose efficiency would be greater than that of the use of gas and rubber bullets. The Commission emphasizes the immediate need to develop alternatives to the use of live ammunition. The Commission recommends the immediate establishment of a techno-defense crew that will evaluate possibilities for solving the problem of protecting the Temple Mount and the Western Wall. The ministerial committee will summarize and decide as soon as possible.

9. DIRECTION, FOLLOW-UP AND SUPERVISION BY THE MINISTER OF POLICE.

The minister of police carries ministerial responsibility for the actions of the police. The Commission is aware of the existing law, and of the special position and responsibilities of the police commissioner. It is accepted that there is no room for interference by the minister of police in the process of a criminal investigation, but on the matter of the preservation of order, the active involvement of the minister is necessary to maintain his ministerial responsibility. The current structure of the police ministry lacks the means to do so; therefore, it is urgently required to develop these means.

It is the opinion of the Commission that there is a need to develop special staff operations which will serve the minister, enabling him to formulate policy, examine alternatives, and maintain supervision.

The minister of police must be involved in the matter of maintaining public order, while paying special attention to the Old City and the holy sites.

CHAPTER 3: THE TEMPLE MOUNT FROM A LEGAL, HISTORICAL AND POLITICAL

PERSPECTIVE:

The Legal Situation

The Temple Mount falls under the sovereignty of the State of Israel and, therefore, it is subject to all the laws of the State. Following the Six-Day War, Israeli sovereignty was extended to the eastern part of Jerusalem, including the Old City, in which the Temple Mount is situated. The extension of sovereignty was entailed in a Knesset law - the Amendment of the Law and Administrative ordinance (5748/1948). Furthermore, in the Protection of the Holy Places Law (5767/1967), the freedom of access to the holy places of all religions is guaranteed. Paragraph 1 of this law, because of its importance, also appears in the Basic Law: Jerusalem-Capital of Israel, that was passed in 1980.

The Jews and the Temple Mount

The Temple Mount has been considered holy by Israel since the time of David. Even when the people had been uprooted from the land, its interest in the holy site was maintained. After the Jordanian conquest, in 1948, the Jordanian government did not allow free access to the site for Jews, even though that had been ensured in the armistice agreement between Israel and Jordan in 1949. Observant Jews are prohibited from entering the Temple Mount, according to the command of the sages of Israel and of the Chief Rabbis, and their prayers are held at the Western Wall. Nonobservant Jews enter the Temple Mount as visitors only. Freedom of access to the Temple Mount is anchored in the laws of the State and in the judgments of the High Court of Justice.

The Muslims and the Temple Mount

Since the Arab conquest of Jerusalem in 638, the Temple Mount has been a Muslim religious center. The High Court of Justice recognized the Temple Mount as a holy place for Muslims and it functions as a center of Muslim prayer. Given the exceptional sensitivity surrounding this holy place, former Prime Minister of Israel Levi Eshkol said, as early as 27 June 1967, to the heads of all religions that "...the holy places in Jerusalem are open to all religions. Everyone is welcome to visit and pray at the holy places, according to his religion and without discrimination..."

In accordance with this principle, the internal administration of matters relating to the Temple Mount, including the mosques thereon, has been given to the authority of the Muslim Waqf.

The Responsibility for the Security of the Temple Mount The responsibility for the security of the Temple Mount has been placed on the civilian authorities, whether during the days of the British Mandate or during the time of Jordanian rule. That is to say, the maintenance of public order is a state matter. The government of Israel, which holds sovereign jurisdiction over the Temple Mount, is, therefore, responsible for security on the site. Even Waqf authorities have not seen themselves as responsible for security matters.

In the report by an Arab "commission of investigation" - signed by Anwar al-Khatib, Anwar Nuseibeh and Balid Alla al-Adin - which was published following the fire at Al-Aqsa mosque in 1989, it was stated, inter alia, that "... the occupation authorities, being as they are, cannot escape their security responsibilities. The guardians of the Muslim shrines have no security jurisdiction or function ..."

The Application of Criminal Law at the Holy Places

The High Court of Justice (HCJ 267/68) determined that criminal law, in its entirety, applies to the "holy places," but the state authorities have acted with caution in all matters concerning the enforcement of the law on the Temple Mount, owing to the sensitivity of the place and to a desire to prevent any outbursts of a religious nature.

Freedom of Religion - the Adjudicative Angle

Freedom of religion for Jews on the Temple Mount, as opposed to freedom of access, has been dealt with in many judgements of the High Court of Justice. In these judgements, criticism has been directed at the police decision to refuse permission to Jews who wish to pray on the Temple Mount. The majority of the appeals have been rejected by the Court, and, in most cases, an opinion has been expressed that the Temple Mount matter must be approached with great sensitivity, preferable to "... the hard-line and non-flexible approach of the law..." (see HCJ 222/86).

CHAPTER 4: REVIEW OF ORDERS AND ISRAEL POLICE PREPARATIONS.

General

At the beginning of 1990, an operational plan was formulated which dealt with police preparations in the Jerusalem area, and which was termed "First Thought." The main points of the plan determined that responsibility for the above area would be held by the Border Patrol headquarters, Jerusalem, which would be subordinate to the Jerusalem area (police) command and that the new headquarters would be granted the possibility and authority to operate on independent initiative.

The Border Patrol's "C" company was given responsibility for the area within the walls of the Old City (district D). It was clearly stated that disturbances and incitement were possible on the Temple Mount within this district. [Police] preparations brought into account the need to reinforce and increase forces under special circumstances. The "priestly benediction" (Birkat Hacohanim) and activities of the "Temple Mount Faithful" were cited among such circumstances.

Police Orders Regarding Security on the Temple Mount

Jerusalem Area [Police department] - In July 1983, the Jerusalem area published security orders and regulations regarding the Temple Mount. The orders include a description of the role attributed the commander of the Temple Mount [police] and standing orders to its policemen. In addition, the orders establish regulations regarding the activation of the Border Patrol force stationed on alert at the Mahkameh point, for reinforcement during incidents at the Temple Mount.

On 1.8.90, the Temple Mount unit was made subordinate to the police station in the Old City.

On 17.7.84, national [police] headquarters published "framework orders" - security and regulations on the Temple Mount. No detailed order given by the Southern district or the Jerusalem area was brought to the Commissions' attention, and the order given in July 1983 will be updated.

Border Patrol - In June 1989, a security order was issued to the Border Patrol's "C" company. The order established that responsibility for maintaining order and security on the Temple Mount, as well as the safeguarding of approach roads for visitors and the prevention of disturbances on the Temple Mount, lay with the Border Patrol unit.

Israel Police Orders Issued Before 8.10.90

National Headquarters - On 21.8.90, the operations division of the national headquarters issued "Operational Orders - Holidays 1990, 11 intended to ensure public order and especially to ensure -intelligence the safety of worshipers at various sites. The evaluation submitted with the orders determined that Jewish holidays constitute preferred dates for attacks, and stated clearly the sensitivity in East Jerusalem and on the Temple Mount as well as the probability of attack.

Southern District Headquarters - On 29.8.90, headquarters issued operational orders - "Southern district preparations for the New Year and Sukkot holidays 1990." The operational orders do not relate specifically to the Temple Mount and Western Wall area, apart from reference to the priestly benediction as a central event.

Jerusalem Area Headquarters - In August 1990, headquarters issued Jerusalem headquarters preparation orders for the 1990 holidays. The orders emphasized vacation sites, but neither the Temple Mount nor the Western Wall were cited as special targets at which security had to be increased.

A number of appendixes were added to the orders. Appendix 9 dealt with the Old City police station, Appendix 13 with events due to take place over the holidays; citing the priestly benediction and "Temple Mount Faithful" events; Appendix 21 included orders regarding the priestly benediction events and imposed operational responsibility on the Border Patrol, Jerusalem; Appendix 22 related to the "Temple Mount Faithful" and detailed the events which they would be allowed to carry out in order to prevent "disturbances of the peace in the area."

Jerusalem District Border Patrol - on 16.9.90, preparation orders for the 1990 holidays were issued. It was clearly stated that the company would increase its forces at the Western Wall and prepare reinforcements above the Western Wall. In Appendix 6 to the order, it was stated, *inter alia*, that a special force, to be stationed on the Temple Mount above the Western Wall, would be added on the eve of the Sukkot holiday and on the day of the priestly benediction.

PRELIMINARY INFORMATION AND DISCUSSIONS HELD BEFORE THE EVENTS

Discussions at the Police and Security Service Level:

On 24.8.90, information regarding a possible conflagration concerning the Temple Mount was brought to the attention of the relevant police officials. At the end of September, the security situation expected over the holidays was discussed with the head of police intelligence within a forum which was convened by the committee for the security of Jerusalem, and with the inspector-general at a working meeting between the Jerusalem area commander and with the [person] responsible for the city's security.

The Prime Minister's statements - on 30.9.90, at the end of the cabinet meeting in which the police minister and inspector-general briefed on the issue, the Prime Minister concluded: "... Security in Jerusalem is of the utmost importance and the police, at the time, received special orders to ensure that Jerusalem's security would not be violated ... we are witness to too many disturbances and attacks in Jerusalem. This situation must be halted."

The Appeal of the "Temple Mount Faithful" to the High Court

On 1.10.90, the appeal directing the police to allow the Temple cornerstone laying ceremony to be carried out adjacent to the Dung Gate and the building of a sukkah next to the Mughrabi Gate was discussed. A declaration made by an officer from the Jerusalem area operations division was attached to the notice of objection to the petition, filed on behalf of the State Attorney, which stated that the police had intelligence information about expected disturbances on the Temple Mount as a result of the appellants' intentions, and that building a sukkah adjacent to the Mughrabi Gate would result in stone-throwing, which could unintentionally harm worshippers at the Western Wall Plaza.

The appeal was rejected and this was given widespread coverage in Arabic newspapers published in East Jerusalem. In addition to this coverage, conclusions of the discussion were submitted on 3.10.90 to the Waqf administration and to the Al-Aqsa mosque administration.

Preparations Regarding the Temple Mount Before 8.10.90

Calls during Friday prayers: Despite coverage and the announcements communicated to the Waqf administration, the muezin, after Friday prayers (5.10.90), called on youths to arrive at the Temple Mount on Monday (8.10.90) in order to bodily prevent Jews from laying the cornerstone on the Temple Mount. Following the muezin's appeal, speeches were made, repeating the appeals.

Intelligence sources and a Hamas leaflet informed of expected disturbances on 5,6,7-11.10.90. On 7.10, masked assailants called on the residents of Abu Tor to arrive the following day at the Temple Mount in response to the intentions of Jews to arrive at the site.

Discussion and Publications

On 5.10.90 a discussion regarding security preparations in Jerusalem was held in the police minister's office. On 7.10, the minister briefed the cabinet. On the morning of the day of the events, the afternoon newspapers published reports about the reinforcement of forces and new preparations in Jerusalem resulting from the Muslim religious leaders' calls.

CHAPTER 5: DESCRIPTION OF EVENTS ON THE TEMPLE MOUNT ON 8.10.90.

This chapter describes as accurately as possible the chain of events on the Temple Mount. The description is based on testimony (gathered under sworn statement, and under warning) from security personnel who were present on the Temple Mount at the time of the events. The testimony was investigated and verified through various means - whether by video, written declarations or additional information gathered by the security services and the public. Some of the detainees were also investigated, as well as those injured. All facts and times were cross-checked.

At 03:30, chain of events begin when Muslim worshipers entered the Temple Mount for dawn prayers, and ended at 13:30. In this summary, we will make mention of only a number of main events.

At 08:30, when a few hundred youths already were present on the Temple Mount, a "calming discussion" was held between the commander of police on the Temple Mount and Waqf dignitaries. The police commander announced that no one would enter the Temple Mount on that day. It was emphasized at the "Temple Mount Faithful" would not be allowed to enter the Temple Mount either.

At 08:40, a gathering of about 2,000 people was reported and a warning about disturbances was given. A Border Patrol officer requested response.

At 09:00, a reinforcement force of Border Patrol was deployed above the Western Wall.

Between 09:15 and 09:30, Waqf dignitaries were requested to calm the atmosphere.

Between 09:40 and 09:50, the “priestly benediction” was held at the Western Wall, with the participation of between 20,000 and 30,000 people. At the conclusion of the prayers, they began leaving the site.

At 09:50, approximately 20 members of the “Temple Mount Faithful”, arrived at the Western Wall Plaza.

At 10:00 they departed, accompanied by police, for the Pool of Shiloah. At this time, sermons and speeches began to be heard on the Temple Mount, which included incitement against Jews. Waqf members were warned that wild incitement could lead to disturbances and were requested to calm the atmosphere. At this time, youths began gathering stones from buildings being renovated on the Temple Mount. At 10:45, approximately 2,000-3,000 people stormed toward 44 Border Patrol policemen who were standing above the Western Wall.

Stones and pieces of iron were thrown at them and in the direction of the Western Wall. An order was given to shoot tear gas and rubber bullets, but the storming was not halted. Border Patrol policemen, some of whom were injured, retreated to beyond the Mughrabi Gate and toward the Mahkameh. The evacuation of worshippers from the Western Wall Plaza was begun immediately.

At 10:55, hundreds of youths charged the police station on the Temple Mount, in which two policemen who were shouting for help were trapped. Contact with them was broken and the two policemen, who managed to escape, did not succeed in relaying word of their escape. Weapons and ammunition were left in the police station. While worshippers and Border Patrol policemen were being evacuated, no live fire was directed at the rioters.

At 11:05, policemen began breaking through to the Temple Mount via the Mughrabi Gate. The policemen met a barrage of stones and iron and gas canisters which they shot were thrown back at them. The incited mob prevented the policemen from progressing toward the police-point. Masked-assailants stormed the policemen and, since they were not halted by rubber bullets, live ammunition was fired, first in the air, and subsequently toward the rioters.

At about 11:00, the first ambulances arrived at the Temple Mount and parked at the entrance to Al-Aqsa mosque, in an area in which tear gas and rubber bullets and subsequently live ammunition were being shot. As a result of the shooting, the ambulance driver and the accompanying nurse were injured.

At 11:15, a patrol helicopter was called in to the Temple Mount area. Throughout the incident no shooting took place from the helicopter, and it served for follow-up and reconnaissance purposes only.

At 11:25, after the rioters retreated into the mosques, the "cease fire" order was given.

At 11:30, disturbances began in the vicinity of Lions' Gate. Youths attacked policemen with stones and, because rubber bullets and gas were not effective, the policemen were compelled to use live ammunition. Border Patrol policemen arrived in vicinity of the Lions' Gate after hearing on two-way radios that severe riots and disturbances were taking place there.

Between 12:50 and 13:00, a team of Border Patrol policemen were attacked by youths and masked assailants near Makassed Hospital. During the chase, a gas canister was released, and entered the hospital. The patrol commander apologized for this regrettable incident.

There were many injuries in this severe incident. 19 policemen were injured as well as 9 Western Wall worshippers. According to Israel Police statistics, 20 people were killed and 53 injured on the Temple Mount. Due to a lack of written record, those who arrived at hospitals and were released the same day were not included in the number of wounded. The casualties and wounded were killed and injured while being present on the Temple Mount. No one was wounded while being present in mosques or buildings on the Temple Mount compound.

CHAPTER 6: ORGANIZATION, OPERATION AND SUPERVISION.

Intelligence - Difficulties in the gathering of information create a division [of labor] whereby the GSS gathers information regarding disturbances which are organized in advance, and spontaneous disturbances are dealt with by the police. Information concerning street gatherings which are conveyed quickly to the police facilitate police response. The Commission is convinced that the present division of roles between the GSS and the police is correct and should not be changed.

Temple Mount Intelligence - The information on which the Jerusalem district based its evaluations regarding possible events on the Mount on 8.10.90, are partly covert and partly overt: Muezin calls, leaflets, information about masked assailants who were in the neighborhood and covert information regarding concern over a confrontation with the "Temple Mount Faithful."

Based on this information, the police estimated that if it were to notify the Waqf administration of the High court decision stating that there was no need to intervene in the police decision to prevent the "Temple Mount Faithful" from carrying out their plans - passions would calm down. This was done, and the Jerusalem area police estimated that its steps calmed passions and, therefore, did not deploy its regular contingent for events on the Temple Mount which are liable to result in disruptions of order. The GSS evaluation relayed to the Commission on 16.10.90 differed. According to this evaluation, an unexpected accelerating factor in [an emotionally] charged crowd is sufficient to cause a confrontation with the police. No basis was found for this evaluation in material distributed by the GSS before 8.10.90.

Police Preparations for Operations on the Temple Mount - A Border Patrol regiment is subordinate to the Jerusalem area company, part of this regiment, is stationed in the Old City. A standby unit is also stationed at the Mahkameh. The Border Patrol company coordinates its operations with other police forces. The recently established Old City headquarters holds regional responsibility for all areas in the Old City.

On days given to disturbances, the Jerusalem area takes command of all forces and establishes a forward command post. When a forward command post is established, no questions arise as to command of the forces. Ordinarily, the question of authority over the Border Patrol company in the Old City arises.

The division of command over policemen on the Temple Mount, between commander of the Old City and the Border Patrol commander, resulted in faults in the containment of the unrest. "C" company operated under the complete authority of the Border Police commander until the arrival of the Jerusalem area commander, who subsequently took command of all forces. The deployment of forces on the Temple Mount on 8.10.90 was based on preparation orders of the Jerusalem area, Southern district, which were issued to Border Patrol headquarters. Border Patrol headquarters also issued an order pertaining to its company and which defined its missions.

Headquarters Alert - The special sensitivity of the site, and information available to the commanders, should have caused them to arrive at the site. The commanders were occupied with other events, but, in light of information available to them, they should have altered their priorities. The Commission has investigated and found that the commander of "C" company took the necessary decisions, based on preliminary orders issued him and an assessment of the field situation. Different preparations would have subjected the 20,000 worshippers to severe danger.

Conclusions - Police Deployment on the Temple Mount - Thousands of worshipers concentrate on the Temple Mount and in the Western Wall Plaza on religious holidays. The mounting extremism among minority groups of Jews and Muslims obligates the adoption of appropriate security measures. The gathering of hundreds of Muslims within the Temple Mount boundaries constitutes a threat to worshipers at the Western Wall. Their storming above the Wall, even when this area is manned by policemen, does not prevent stoning in the direction of the Plaza. Their containment, in such a case can be achieved only by the shooting of tear gas, rubber bullets and when no choice remains - live ammunition.

It is in the Commission's opinion that an appropriate security apparatus must be based, first and foremost, upon control and supervision of entry into the Temple Mount.

Actions Taken by the Forces - Stage 1: The storming of more than 2,000 Muslims toward Border Patrol policemen, some of whom were wounded, who were compelled to use tear gas, shoot rubber bullets and retreat in alarm. At this stage, live fire was shot by only two commanders. At the same time, Border Patrol policemen warned worshipers at the Western Wall to begin evacuation of the Plaza.

Stage 2: The area commander arrived at the Mughrabi Gate and took command. The duty officer at the Temple Mount police station calls for help, the station is attacked. The police force prepares to charge and the area commander allows the use of live ammunition, in accordance with police orders.

The charging police forces gathered in an improvised manner. During the charge there was an unsupervised use of live ammunition. The rescue of the two policemen trapped inside the Temple Mount police station justified a quick operation and the use of all means on other fronts, only those police men whose lives were in danger were justified in using live ammunition. Gaining control of the line between the police station and Al-Aqsa mosque was essential, but it is doubtful whether clearing the area from there in the direction of the Lions' Gate was crucial under conditions which prevailed on the Mount.

Difficulties in Activation of the Forces - The Jerusalem area headquarters and Border Patrol headquarters had no advance plans for gaining control of the Temple Mount area. It was not forecasted that during routine days, a mob would gain control of the Temple Mount area or that police forces would have to regain control of the area. These facts influenced the operation of the forces. Deployment of the Border Patrol forces above the Wall came as a surprise to the area commander and the area operations officer. It would have been preferable to ensure that the Gate of the Chain remain open through advance planning and early orders.

The many events that took place in the Jerusalem area resulted in the fact that the area commander and officers of his staff were not present at headquarters, and this severely impeded its operation. The absence of a commander is justified as long as headquarters serve as a center of control over forces in the field.

Important information was relayed to the headquarters during the day. Had there been an authoritative duty officer present, the situation would have been different. Such circumstances would have facilitated a re-evaluation of forces, a suitable deterrent force would have prevented the mob from attacking the Border Patrol policemen who were stationed above the Western Wall, and such extensive use of live fire would have been prevented.

There has to be an immediate implementation of the lessons of 8.10.90; faults have to be rectified; and, the functioning of (forces) in the Temple Mount area in times of emergency, as well as under regular conditions, has to be re-evaluated.

ISRAEL'S RESPONSE TO UN SECURITY COUNCIL RESOLUTION 672, 14 OCTOBER 1990

1. We have read the text of Security Council Resolution 672 and the statement of the President of the Security Council that was communicated in connection thereto. They are totally unacceptable to us.
2. a) The Security Council decision completely disregards the attack against Jewish worshippers on the holiday of Succot at the Western Wall, which is on the Temple Mount, the holiest site of the Jewish people, and does not condemn those who attacked the worshippers; this is a political decision with no connection to reality.
b) The State of Israel expressed its regret over the loss of life that occurred as a result of events on the Temple Mount, at a time when security forces were responsible for fulfilling their duties. Israel has also appointed an independent commission of inquiry into the chain of events, their causes and the actions of the security forces. The commission will present its conclusions and recommendations at the earliest possible date. As is known, the State of Israel ensures complete freedom of religion in the holy sites of all religions, in accordance with the law. Never, in all the history of Jerusalem, has freedom of religion for all been guaranteed as it has been since the city was unified under Israeli sovereignty in 1967, and never has the city been more open to all.
3. Jerusalem is not, in any part, "occupied territory," it is the sovereign capital of the State of Israel. Therefore, there is no room for any involvement on the part of the United Nations in any matter relating to Jerusalem, just as the United Nations does not intervene in events, some even more severe, that occur in other countries.
4. Given the above, Israel will not receive the delegation of the Secretary General of the United Nations.
5. Israel will continue to assume responsibility, in accordance with its laws, for the safeguarding of holy places and for the security of all residents of Jerusalem, Jews and Arabs, as in all other areas it controls.



ISRAELI FOREIGN MINISTER DAVID LEVY, LETTER TO US SECRETARY OF STATE JAMES BAKER, JERUSALEM, 18 OCTOBER 1990

[On 2 Oct., the US announced a \$ 400 million housing loan guarantee for the settlement of Soviet Jews in Israel, after Israel had assured that the immigrants would not be settled in the Occupied Territories. When Israel denied this, the US released the letter, written by Levy, which contained the assurances. Responding to the furor unleashed in Israel by the publication, Levy wrote the following clarification.]

Dear Jim,

In the wake of various reports with different puzzling interpretations of my letter to you on the matters of guarantees, I wish to state: You are fully aware of the fact that my letter to you, dated 2 October 1990, contains no commitments - either direct or indirect - to avoid building in Jerusalem, nor to limit construction in Jerusalem or anywhere else, including Judea, Samaria and Gaza.

This statement was fully, unequivocally, and clearly expressed both in our meetings and in your letter to me dated 21 September. Allow me to quote from the minutes of the talks we held in Washington on 5 September 1990 as follows:

"My government has ideological principles. If you believe that we will change our 'credo', on the basis of which the government was elected, as a result of this loan - you should know that this will not happen." And in another part of the minutes I stress again: "If you expect the government to declare that it will stop the settlement drive and that no one will settle in the territories - this will not come to pass."

Your reaction was indeed: "You are not requested to make any move contravening your platform and position." Furthermore, in your letter to me dated 21 September 1990, you write among other things: "I have listened carefully to what you told me in Washington. You particularly stressed the fact that your government will not be in a position in which it is asked to give up the principle of settlement. The assessments you have voiced, David, are imprinted very well on my consciousness." Later on you note: "Being aware of your problems and despite our strong objection to the settlement activity, I have made an effort to prevent a situation that would challenge your government's basic principle."

In view of this we agreed, Jim, that the loan guaranteed by your government would be used in accordance with that commitment which the Israeli government provides every year upon receipt of US civilian aid. This commitment states that the use of the aid money, as well as the housing loans, would be made in those geographic areas which were under Israeli rule prior to 5 June 1967. This commitment does not -and never did in the past- touch in any way whatsoever on the question of Israeli sovereignty over Jerusalem. Jerusalem's status was determined in the 'Law of Jerusalem' which states: "The whole and unified Jerusalem is the capital of Israel." Thus, Jerusalem is not partitioned by a wall or by any other separation line.

Dear Jim, at the beginning of our talks, we both agreed that our work would be founded on trust and credibility. Therefore, I saw fit to write this letter to reiterate the precise words, as well as the spirit of these words. Let us not allow outside interpretations to undermine this foundation, which is so vital for the relation between our countries and for our personal relations,



**TESTIMONY OF DORE GOLD, POLICY ADVISOR TO ISRAELI PRIME MINISTER
NETANYAHU, BEFORE THE US HOUSE OF REPRESENTATIVES SUBCOMMITTEE
ON FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS,
21 FEBRUARY 1992 [EXCERPTS]**

[Dore Gold was a key player in formulating and negotiating policy on the Palestinian track. The following excerpts are from a testimony where Gold appeared as an expert on Israel's settlement policies].

Putting images aside for this committee, the most important question is whether current settlement patterns are forestalling real options for peace, if so, which options? ... The West Bank's north-south hill range overlooks 65 percent of our population and 80 percent of our industrial capacity. Seized by an army from the east, a West Bank under hostile control would endanger Israel's existence. With Israeli forces present, the West Bank is a barrier against massive attacks. Its modest ... foothill range, set against the Dead Sea and the Jordan River, poses a steep incline from the east of as much as 4,200 feet ...

The more pertinent question to ask about Israeli security in the territories is what are Israel's defense requirements in the West Bank and where are they located? Can lines be drawn that would include those defense requirements and exclude territory that can be returned? Moshe Dayan did not believe such a line could be drawn. And while pushing for territorial compromise in Sinai, he advocated 'functional compromise' in the West Bank. Israel would have control of its interests in the area while the Palestinians would again have control of their interests in association with Jordan. Dayan's long-time rival Yigal Allon believed that a territorial compromise was possible that would protect many Israeli defense requirements. The Allon Plan originally called for Israel eventually annexing one-third of the West Bank, particularly the areas of the Jordan River Valley, the Judean Desert, and the Jerusalem corridor. In later forms under Labor governments it came to include a slightly larger area, especially in the immediate environs of Tel Aviv. The study of Israeli security requirements in the West Bank would show that they are in fact geographically dispersed. And while a deep debate over patterns of political control in the West Bank exists among many, certain constants are mentioned by military analysts, whatever their political point of view. Not only must this area be demilitarized of Palestinian Arab forces, but it must include an Israeli presence...

Much of our internal debate is not over these security requirements, but a debate over political judgment over what kind of sovereignty is needed to make this kind of security package workable... If, in fact, we will be heading towards mixed control arrangements in which Israel continues to have access to the West Bank to protect its interests - and a presence - then the present pattern of settlements would not stand in contradiction to such an outcome. An increase in the Israeli population of the West Bank from 100,000 to 120,000 or to 150,000 does not remove the need to establish self-governing institutions [for] the 900,000 Palestinian Arabs. Only in the case that Palestinian control over the territories becomes exclusive - and Israel gets out lock, stock and barrel - would settlements run up against the grain of diplomacy.

What if an Israeli government elects to pursue territorial compromise? Would current settlement trends block such an arrangement? Of course that would depend on the territory Israel decided to concede. But if the settlement plan of the last full Labor government under Prime Minister Yitzhak Rabin is used as a criteria... one would find that most of the settlement expansion underway in 1991 falls within these borders: within a five-mile radius of Jerusalem, along its corridor to the coast, along the Trans-Samaria highway to Ariel, and in the region of the southern part of Mt. Hebron. ...

Settlements have been called by some in Israel as the red herring of the Arab-Israeli peace process. They, in fact, did not stop Anwar Sadat from coming to Jerusalem. They did not stop Madrid, and their cessation was not a precondition for the two subsequent rounds of Arab-Israeli diplomacy in Washington. They might have even driven the Palestinians to the negotiating table.

If they are an obstacle, then they are an obstacle to one solution alone: Israel withdrawing lock, stock and barrel to the 1967 borders from which it was attacked... But there is another side that cannot be ignored: the Palestinian Arabs. They perceive long chains of apartments filling every previously vacant hill. Their leaders have to bring something home. My own recommendation is not to cease Jewish construction but rather increase Arab construction by relieving the Palestinian refugee camps in the West Bank and Gaza now.



**ISRAELI PRIME MINISTER YITZHAK RABIN, INAUGURAL ADDRESS
TO THE 13TH KNESSET, JERUSALEM, 13 JULY 1992 [EXCERPTS]**

I hereby inform you that the government, by the means of the IDF and the other security forces, will be responsible for the security and welfare of the residents of Judea, Samaria and the Gaza district. At the same time, the government will avoid moves and acts that would disturb the proper conduct of the peace negotiations. We would like to emphasize that the government will continue to strengthen and build up Jewish settlement along the confrontation lines due to their security importance, and in metropolitan Jerusalem.

This government, just like all its predecessors, believes there are no differences of opinion within this House concerning the eternalness of Jerusalem as the capital of Israel. Jerusalem, whole and united, has been and will remain the capital of the Israeli people under Israeli sovereignty, the place every Jew yearns and dreams of. The government is resolute in its position that Jerusalem is not a negotiable issue. The coming years, too, will witness the expansion of construction in metropolitan Jerusalem. Every Jew, both religious and secular, vows: If I forget thee, O Jerusalem, let my right hand wither! This vow unites all of us and certainly applies to me, being a native of Jerusalem.

The government will uphold the freedom of worship of members of all other faiths in Jerusalem. It will meticulously maintain free access to the holy sites of all faiths and sects and will make a normal and comfortable life possible for all those visiting and living in it.



**ISRAELI GOVERNMENT PRESS OFFICE: BASIC POLICY GUIDELINES
OF THE RABIN GOVERNMENT, JERUSALEM, 15 JULY 1992 [EXCERPTS]**

[...] 4. Jerusalem

United Jerusalem - the eternal capital of Israel - will remain united and totally under Israeli sovereignty.

Free access to the holy places will be ensured for members of all religions at all times, and freedom of religion will be guaranteed.



**GOVERNMENT OF ISRAEL, STATEMENT ON THE CLOSURE
OF THE TERRITORIES, 21 APRIL 1993**

During the month of March, 15 Israelis were killed and two dozen injured in an unprecedented wave of terrorism. These attacks included a number of shootings and stabbing rampages by militant fanatics, causing the indiscriminate death and injury of innocent men, women, and children in the heart of Israel's cities. In reaction to this string of abhorrent attacks, the Israeli government decided, on March 30, to limit the passage of Palestinians from the territories into Israel proper.

I. THE REASONS FOR THE CLOSURE

A. To End Violence and Save Lives

It is the ultimate duty of every state to protect the lives of its citizens, and the moral obligation of every government to confront terrorism. In the face of daily terrorist attacks, the closure of the territories must be viewed as an imperative security decision.

B. To Ease Friction between Israelis and Palestinians

Many of these attacks were carried out at the workplace or in the street. The close proximity of Israelis and Palestinians on a regular basis made such attacks possible and perhaps even motivated the terrorists in their search for easy targets. The most effective way of immediately preventing these types of attacks is to physically separate the two populations.

C. To Bolster Confidence in the Peace Talks

One of the main goals of this fanatic terrorism is to kill the peace process as well as to kill Jews. The ideology of these extremist fundamentalists dictates that Israel must be destroyed, and that compromise with it constitutes an abomination. Their attacks are therefore designed to engender such hate and conflict between the sides, that further negotiations will be made impossible. In the month of March, the Israeli public was exposed to daily scenes of bloody stabbings and shootings. This terrorist onslaught, with its accompanying physical and emotional toll, created anger among the Israeli public, diminishing support for a continuation of the peace-making process under such circumstances. It was essential to put an immediate stop to the wave of terrorism, in order to restore a sense of security, and preserve the public commitment to the concept of negotiated peace.

II. THE SITUATION AT PRESENT

A. Cabinet Review of the Closure

The Israeli Cabinet is closely monitoring developments in the territories, and has decided to conduct a full review the closure on a weekly basis.

B. Permits to Enter Israel

Israel's Civil Administration in the territories is issuing permits to over 10,000 workers employed in Israel, as well as for humanitarian cases such as persons needing medical care and doctors on duty, and for travel abroad. The passage of goods and provisions to and from the territories is also permitted.

C. Increased Funding for Local Infrastructure and Jobs

The Civil Administration has also tripled its expenditures for public works in order to provide the population with alternative employment within the territories. 200 million NIS (about \$75 million) were immediately budgeted for such projects as building additional school-rooms, adding wings to hospitals, and improving roads, sewerage, electricity and water infrastructure. These projects will improve the standard of living while creating many jobs.



**SUPREME COURT OF ISRAEL, STATEMENT ON FREEDOM OF ACCESS AND WORSHIP
ON THE TEMPLE MOUNT, REGARDING THE CIVIL APPEAL 67/93, "KACH"
AND THE JEWISH DEFENSE LEAGUE V. MINISTER OF RELIGIOUS AFFAIRS,
MINISTER OF POLICE AND OTHERS, APRIL 1993**

[Before Justices Barak, Goldberg and Matza]

Precis:

The Supreme Court has consistently held in the past that the right of Jews to engage in prayers on the Temple Mount is to be determined solely by the executive authorities responsible for public order and safety, headed by

the government of the State of Israel. This case was an attempt to circumvent this ruling by asserting the right of Jews to conduct prayers on the Temple Mount, within the framework of their statutory right to freedom of access.

The Supreme Court confirmed that the right of access to holy places is enforceable by the courts but held that the decisions of the police to deny Jews the right to engage in prayers on the site, made in the context of the need to preserve public order, were not unreasonable and the Petition was therefore dismissed.

Facts:

The Petitioners argued that the Respondents (the Ministries of Religion, Police, Justice, the Chief Rabbis and the Muslim Waqf) customarily refused to allow Jews, carrying religious articles, to enter the Temple Mount. The Petitioners admitted that the Jews wished to enter the Temple Mount for the associated purpose of engaging in individual prayers but distinguished this from the conduct of public prayers.

The Respondents did not dispute the right of Jews to enter the Temple Mount. However, in their view, in the absence of a viable solution which would allow Jews to conduct prayers on the Temple Mount, there was a real fear that introducing holy books and prayers on the Temple Mount would be interpreted as provocation, which would lead to breaches of the peace and bloodshed.

The Petitioners further protested against the practice of allowing entertainments and games such as foot-ball to take place on the Temple Mount; the requirement that Jews be registered upon entering the site and the charge of admission fees to the mosques on the Temple Mount.

The Supreme Court Judgment:

In a unanimous judgment delivered by Justice Goldberg, the Supreme Court held that a number of substantive rights were created by the Protection of Holy Places Law - 1967, which were therefore made subject to enforcement by the courts. The paramount right provided by Section 1 of the Law, is the right to freedom of access to the holy places.

Here, the Petition did not raise the issue of the right of access per se, but rather the question of freedom of individual prayer within the context of the right to access.

In the light of the exceptional sensitivity of the place, which could not be compared to any other site in the country, the position adopted by the Ministry of Police could not at this time be regarded as faulty, from the point of view of its reasonableness. The police fears were not baseless, and the factors taken into consideration by them were not so ill-founded as to require the Court to interfere.

The Court also added that the police were under a duty to protect the sacred character of the place and prevent any violation of the feelings of members of any religion.

Further, the registration of visitors to the Temple Mount, where required in order to preserve public order, had to be conducted without discrimination between the different visitors.

With regard to admission prices charged by the Muslim Wakf for entrance to the Islam Museum and mosques, the Court found that the Wakf did not discriminate between members of different religions but drew a permissible distinction between visitors and worshippers, where the former had no inherent right to visit these sites free of charge.

In view of these findings the Court dismissed the Petition.



**ISRAELI PRIME MINISTER YITZHAK RABIN, ADDRESS TO THE CONFERENCE
ON SOLIDARITY OF THE JEWISH PEOPLE WITH JERUSALEM, 17 MAY 1993**

[The Conference was the culmination of the celebrations that began in 1992 to mark the 25th anniversary of the "reunification" of Jerusalem after the 1967 War. Rabin's addressed the conference one eve of its closing]

Sons of the Jewish People Representatives of Jewish Communities Citizens of Israel Citizens of Jerusalem Delegates of all Creeds,

Tomorrow, or the day after, you will be leaving to return to your countries, to your homes, to your families - but we all know that each and every one of you will be leaving your hearts and your love behind, among us, in Jerusalem.

Jerusalem is the common identity card of all Jews, which he always carries with him, throughout his lifetime, and wherever he may be, he always remains a part of Jerusalem.

Jerusalem is the city of mercy for a people which received no mercy - a people forced into exile which lost millions of its sons in the Diaspora; a people that sees before them at night pictures of children with their arms raised in the Ghetto of Warsaw; a people for whom the stones of the Kotel became an object of yearning, the cement and glue of all Jews, in all generations, and in the words of the famous poet Yehudah Halevi: "My heart is in the East, and I find myself deep in the West."

Your attendance here tonight is a vibrant demonstration of the solidarity of the Jewish people with its living heart Jerusalem, the city that experienced years of yearning and suffering, to which Jews turn - in every place and at any time, in prayer: "To Jerusalem your city, for thou shalt return in mercy." From Jerusalem of Gold, Copper and Light, we salute today our guests who came from seventy places and communities throughout the world. May you be blessed. This will always be your home, in joy and in troubled times.

I was born in Jerusalem. I fought in Jerusalem. Even today, I still see in my mind its Jewish citizens during the War of Independence, starving and pumping water from water holes. I have seen the rows of fallen, our exposed soldiers in the convoys, the burning trucks. Night after night we buried our dead and we went back to the battlefields from which many of our comrades did not return. Forty-five years ago we broke the siege of Jerusalem, but the Old City was wrenched from us.

Twenty-six years ago the Six-Day War completed the cycle. We came back to the Kotel, to the empty old souk, to the water holes. We came back, never to leave it again. However, it is our duty, as Jews, as Israelis, as human beings to honor other creeds for whom Jerusalem is an important part of their lives and beliefs. We want to ensure freedom of religion, to be tolerant to all those who enter its gates, to all its holy places. From here, from the eternal capital of the Jewish people we say today: Forever ours, undivided. From the City of Peace we call tonight to all the people in the world for peace, and we reiterate our ancient oath: "If forget thee, O Jerusalem, may my right hand wither."

The poetess once said: "I am in Jerusalem, still I long for Jerusalem." While you are still here, even before you return to your respective countries, I am convinced that you already long for Jerusalem.



**GOVERNMENT OF THE STATE OF ISRAEL,
DECISION ON JERUSALEM 3000 - CITY OF DAVID 1996, JUNE 1993**

[Note: The year 1996 was designated for the celebration of the "Trimillennium of Jerusalem" with a rather approximate calculation. This commemoration was endorsed by some and criticized by many because of the dubious principles that are at the basis of the conception of this festival]

The year 1996 (5756-57) has been declared the "Trimillennium of Jerusalem, the City of David," with the city of Jerusalem and the figure of King David at the center of the planned events.

The Bible devotes more time to David than to any other king. Generations of believers as well as artists have been inspired by David's legendary personality and his many faceted persons as statesman, warrior, legislator, poet and musician.

The events will establish Jerusalem's place as the heart of the Jewish nation in the collective consciousness of Israel and the world, they will enhance its status and image as the capital of Israel, and they will contribute to economic development, tourism, infrastructure, and the cultural and social lives of the city's residents.

Ever since King David made Jerusalem the capital of his kingdom, the city has become the center of Jewish existence and the heart of the Jewish people, the focus of its faith and historical memory. Since most researchers, experts and archaeologists estimate that the conquest took place in year 1004 BC, the year 1996 AD was set, therefore, as Jerusalem's 3000th anniversary as the capital of the Kingdom of Israel.

Jerusalem is the tangible historical testimony of the Jewish religion and its heritage on the one hand, and the independence and sovereignty of the Jewish people on the other. This identification of Jerusalem as both a spiritual and national symbol emphasizes the unique and eternal tie between the city and the Jewish people, a tie which has no parallel in the history of nations.

No other nation has ever made Jerusalem its capital in such an absolute and binding fashion. The Temple was built in Jerusalem, and to it the religious made their pilgrimages thrice annually; chapters of the Bible were written within its walls, and there the prophets preached their prophecies.

Christianity and Islam, too, hold Jerusalem sacred, and the many holy sites of all three faiths make the city a world spiritual and religious center. Israel's capital is also a cosmopolitan city with the rich and varied mosaic of different races, peoples, religions and sects, which have lived together for many generations.

Israeli rule over the united city has brought unprecedented prosperity and progress, and despite the tensions between the various communities within it the city has not enjoyed such a position of import since its heyday as a kingdom.

The 3000 years celebrations will highlight the figure of King David. David's legendary multi-faceted personality as statesman, fighter, legislator, lover, poet and musician - whom the Bible discussed more than any other king - has been an inspiration to a wealth of artistic creations. Some of this artistic diversity will find expression in these celebrations.

King David holds a fundamental position in the collective consciousness of the Jewish people and is also an important figure in Christian culture. By making him the centerpiece and focus of the festivities, in a visual display that will appeal to millions all over the world, the celebrations will excite the imagination and add a special flavor to the events.

Statement of Purpose

To place Jerusalem at the focus of attention both in Israel and the world, and to strengthen its status and image as both the spiritual and national capital of Israel and the Jewish people.

To present Jerusalem as a universal religious, spiritual and cultural center with room for all religions, peoples and traditions. A varied and tolerant city in which all enjoy freedom of worship and creation.

To strengthen the economy of the capital by bringing guests and pilgrims from Israel and abroad, which will provide a massive boost to tourism. In addition, the city will not only enjoy the celebrations, there will also be varied cultural and social activities for the benefit of its citizens as well as for the benefit of the city's existing cultural and educational institutions.

To encourage all organizations and institutions currently active in the city to participate in the various planned projects, in such a way as to strengthen and expand their activity, and secure their future status as well.

To speed up the development and construction processes of various projects and initiatives for the benefit of the city's residents.

To instill youths in Israel and the Diaspora with educational values relating to Jerusalem and its place in Jewish existence.



ISRAELI FOREIGN MINISTER SHIMON PERES, REMARKS ON JERUSALEM IN THE KNESSET, JERUSALEM, 7 SEPTEMBER 1993 [EXCERPTS]

[Peres explained the nature of the agreements achieved in Oslo that were due to be signed, in particular what Israel retained, chief among which was the issue of Jerusalem. The excerpts below deal with that issue]

Israel has always highlighted the religious importance and significance of Jerusalem to members of the monotheistic faiths. Israel will continue to respect the unique value of the city and its sites for the spiritual and daily life of Jews, Muslims and Christians. In the words of the Prophet Isaiah: "For my house shall be called a house of prayer for all peoples."

We have been, and remain, committed to freedom of worship and to the proper functioning of the various existing religious institutions which operate in the city. We will continue to respect the aspects relating to the existence of free religious life in the city, and we will aspire to broaden the dialogue which we conduct with the institutions of the various religions.

As in the past, we will refrain from taking any step or action which might harm freedom of worship and freedom of access to the holy sites, or the feelings and sensibilities of members of the various communities. This commitment relates both to residents of the city and to visitors, as well as to the holy sites in it.

Jerusalem is a city of many faces, religions and cultures. Jews, Muslims and Christians live in it together, while each community seeks to preserve its cultural heritage, its unique character, and its social and religious institutions, including its own educational system.

Coexistence in Jerusalem is a matter of mutual respect between all residents and of the proper functioning of the relevant institutions and systems.



SUPREME COURT OF ISRAEL, JUDGMENT ON ‘TEMPLE MOUNT FAITHFUL V. ATTORNEY-GENERAL, INSPECTOR-GENERAL OF THE POLICE, MAYOR OF JERUSALEM, MINISTER OF EDUCATION AND CULTURE, DIRECTOR OF THE ANTIQUITIES DIVISION MUSLIM WAQF’ (H.C.J. 4185/90, 47(5) P.D. 6), 23 SEPTEMBER 1993

Before Deputy President M. Elon, Justice A. Barak and Justice G. Bach

Precis

The petition concerned allegedly illegal construction operations on the Temple Mount in Jerusalem. The Petitioners alleged that the Muslim *Waqf* violated the Planning and Building Law - 1965 and Antiquities Law - 1978, by engaging in constructions on the Temple Mount without obtaining the necessary building permits, and that the Attorney-General and other authorities had improperly refused to press charges or otherwise act to stop these violations. The Supreme Court examined the history and descriptions of the Temple Mount chronologically, by historical periods: when the Jewish people lived in its land; when the Second Temple was destroyed and the Temple Mount was under the rule of different nations; and when the Temple Mount was liberated in the Six-Day War. The Court described the viewing conducted by it on the Temple Mount in order to resolve the factual contentions of the Petitioners and the *Waqf*, and in that connection reviewed the *Halachic* strictures regarding access to the Temple Mount. Ultimately, the Court held that despite receiving the impression that the Israeli authorities had closed their eyes to violations of the law more than they should have, the Court would not disturb the result reached by the Respondents, partly because of the conditions and provisions the Court prescribed for meaningful and strict supervision from then on, and for taking suitable measures to mark and preserve every ancient or archaeological relic.

The judgment delivered by M. Elon, D.P. provides a learned exposition of the legal, *Halachic*, historical and archaeological importance of the Temple Mount. Short extracts follow (note: the majority of the numerous citations have been omitted):

The Temple Mount in Jewish History

The Temple Mount, on which the Temple was located (*Isa. 2:2*: “The Mount of the Lord’s House shall stand firm”), symbolized the unique religious world and political independence of the Jewish people, from the beginning of its existence in the Land of Israel. In great measure, the history of the Temple Mount is the history of the Hebrew nation up to the time that the nation’s political independence ended. That this is true is attested by the fact that historians and *halachists* have labelled and identified the historical period of some thousand years during which the people of Israel dwelt in its own land with the Temple Mount. The first period of the history of the people in its land, up to the Babylonian exile (from the tenth to the sixth century BCE) is known as the “First Temple period”; and the second period, from the Return to Zion in the fifth century BCE to the destruction of the Temple in 70 CE, is called the “Second Temple period.” The aggadists reiterated the centrality of the Temple Mount:

The Land of Israel is the umbilicus of the world,
set in the center of the world,
And Jerusalem is the center of the Land of Israel,
And the Temple is in the middle of Jerusalem,
And the *Heikhal* [the Holy of Holies] is in the center of the Temple,
And the Ark is in the center of the *Heikhal*;
And the Foundation Rock, on which the world rests, faces the *Heikhal*.
(*Midrash Tanhuma* [ed. Buber], *Kedoshim 10*).

The people of this nation, both those in the Land of Israel and those in the diaspora, came to it as pilgrims throughout the year and on the three pilgrimage Festivals, in times of distress as in periods of joy. They longed and yearned for it. Just as the existence of the Temple on the Temple Mount was the highest expression of the political independence and religious singularity of the people of Israel, so was its destruction the most traumatic event in Jewish history, symbolizing the loss of Jewish political independence in its own land and its exile and dispersion among the nations of the world. Indeed, now that the Hebrew nation has returned to its land and has been restored to sovereignty after two thousand years by the establishment of the State of Israel, there are those who call our time the “Third Temple period”.

Synagogues everywhere are oriented towards the Temple, built on Mount Moriah, where Abraham’s faith in the one God was manifested in the Binding of Isaac (*II Chron. 3:1*). When a Jew prays he directs his mind toward the Temple Mount in Jerusalem and to the Temple built upon it.

This is the law which has been established and observed throughout history, in every exile and diaspora, in every place where the members of this nation have been exiled and gathered together (*Maimonides, Mishneh Torah, Laws of Prayer 5:1*).

All the great attributes of Jerusalem - its beauty, splendour, and eternal nature, all the laws and legends which have adorned and lauded it - stem from the Temple Mount. And just as the earthly Jerusalem mirrors the heavenly one (*Talmud Bavli, Taanit 5a*), so too does the earthly Temple mirror the heavenly Temple (*Talmud Yerushalmi, Berakhot 4:5*).

The First Temple

We learn of the construction, plan and purpose of the First Temple from I Kings 6-8, II Chron. 2-4, the book of the prophet Ezekiel, and various *Tannaitic* and *midrashic* sources: Then Solomon began to build the House of the Lord in Jerusalem on Mount Moriah, where [the Lord] had appeared to his father David, at the place where David had designated, at the threshing floor of Ornan the Jebusite (*II Chron. 3:1*)

The essence and mission of the Temple are that it is to be a place for the service of the Lord, for the manifestation of the Divine Presence, and for prayer, a place to which Jews individually and as a people direct their prayers and entreaties, whatever the time, place or circumstance.

The Second Temple

From the construction of the Second Temple upon the Return to Zion from Babylon in 515 BCE until its destruction by the Romans in 70 CE, the Second Temple occupied center stage in national events of major import in the history of the Jewish people. The Second Temple was the religious and national center even for the Jews of the diaspora; and the teaching and law that went forth from it were accepted without challenge by the Jewish people wherever they lived.

As great as the religious and national significance of the building and existence of the Second Temple, so great also were the mourning and tragedy that befell the Jewish people throughout the world, when the Second Temple was destroyed. The destruction of the Second Temple left an indelible mark on the laws and way of life of the Jewish people, in its days of joy as well as of sadness; the expressions “In memory of the destruction.” on the one hand, and “May the Temple be speedily rebuilt,” on the other hand, are an integral part of every act or event, individual or communal, on joyous occasions as in times of trouble and mourning.

Sometimes the Temple Mount, the Temple and its treasures had the favour of the Gentile authorities, while at other times they were a target to be exploited and plundered by the Hellenistic rulers or - after the Hasmonean period - by the Roman authorities (Pompey and Crassus). Herod brought about a great change in the history and plan of the Temple Mount, and the present appearance of the Mount is the result of his endeavours. He sought to win the hearts of the people and accordingly resolved to rebuild the Temple with even greater splendour and thus restore its glory as of old.

Gedaliah Alon, the great historian of the Jews in the Land of Israel in the *Mishnaic* and Talmudic period has summarized the position of the Temple during the Second Temple period and the reasons why the Temple was destroyed by Titus [the eldest son of the Emperor Vespasian]:

“[The Temple] continued to serve as the only center for the collective worship of the nation. More, the Temple was indispensable for the religious life of even the individual Jews, because only there could he practice the sacrificial rites that atoned for his sins, that freed him from ritual impurity, and that enabled him to fulfil other personal religious obligations... The Temple was also an important element in the juridical structure of the country, at least during certain periods of the Second Commonwealth. The Jewish State was thought of as

revolving around the sanctuary, and the sanctuary was looked to as the source from which the state drew its legitimacy. This was the way the Persian imperial authorities understood the status of Judaea during the last generations of their overlordship; and this too was the way their successors, the Ptolomids and the Seleucids, understood the matter. Internally, the same view is reflected in the Jewish conception of where the High Court belongs; the *Sanhedrin* sits in the Chamber of Hewn Stone.

Indeed when it is finally displaced from there, its authority and jurisdiction are somehow diminished... But there was something far more important than any of this: the Temple was “the Tabernacle of the Lord,” the dwelling place of the *Shekhinah* of the God of Israel. It stood for everything that set the Jews apart from all other nations. Here was the very rock from which Israel was hewn, the center and focus of all that was bound up in the faith of Israel’s God. Consequently, there was a strong belief among the people that the Temple was eternal, as indestructible as the nation itself; and this belief persisted right up to the Destruction... Thus the Temple was the hub of the Jewish religion and of the Jewish state, the fortress of the people’s pride. It was probably for this very reason that Titus gave the order to have it burned down.” (*G. Alon, The Jews of the Mishnaic and Talmudic Age (70-640 C.E.) (Jerusalem: 1954).*

The Muslim Conquest

Following the Muslim conquest in the seventh century, the new government some time later took a new and different attitude towards the Temple Mount. According to the Islamic tradition: “Muhammad was miraculously borne away at night on his legendary horse *al-Buraq* to Jerusalem, together with the angel Gabriel. Upon their arrival at the Temple Mount they met Abraham, Moses, Jesus, and other prophets. Afterwards, he ascended from the “Rock” by means of the wondrous ladder *Miradj* to the seven heavens, accompanied by the angel Gabriel. He left *al-Buraq* behind, tethered to the Western Wall, whence the Wall’s Arabic name, “*Al-Buraq*”. (*The Temple Mount and Its Sites, Ariel 13 (1989) ed. E. Schiller.*)

The Islamization of the Temple Mount culminated at the end of the seventh century, with the establishment of the Dome of the Rock above the Foundation Stone and the construction of the al-Aqsa mosque in the south of the Temple Mount in the eighth century. Many of the Jewish traditions and sayings of about Mount Moriah and the Foundation Stone as the umbilicus of the world, the beginning of the Creation, and the most blessed place were absorbed by Islam in relation to the Temple Mount, perhaps under the influence of Jewish converts to Islam. Throughout the entire period of the Muslim conquest, until the fall of the Jerusalem to the Crusaders in the late eleventh century (1099), the Muslims built various structures on the Temple Mount, memorial sites, gates, *etc.*, during the reigns of the Umayyad, Abbasid, and Fatimid dynasties.

The Temple Mount During the Crusades

The Temple Mount enjoyed a prominent position in the period of the Crusades... During the time of the Crusader Rule, the Temple Mount became the focal point for Biblical and New Testament traditions which were generally quoted with textual changes. “[But] despite the events of great importance on the Temple Mount, it did not become a Christian holy place in the accepted sense of the word or a pilgrimage site...” (*Schiller, p. 18.*)

The Temple Mount in the Mameluke and Ottoman Period

The long reign of the Mamelukes extended from 1260-1516 and was a time of relative tranquillity. The Mamelukes attributed little importance to Jerusalem, which had only a marginal status. Nonetheless, they undertook projects with religious significance... The Mount was favoured with extensive construction and restoration projects, which have influenced its character to the present day... Despite the lengthy rule of the Ottomans in Jerusalem (1516-1917) there were few restoration and building projects in their period, and these were mainly limited to the beginning of their regime, in the time of Suleiman the Magnificent. His two most important projects are still regarded as among the most impressive sites in Jerusalem: the erection of the walls of the city and the panelling of the Mosque of the Dome of the Rock with blue faience tiles. (*Schiller, pp. 33-35.*)

The British Mandate and Jordanian Period

The British found the Temple Mount in a state of neglect... Extensive renovations were carried out in the al-Aqsa mosque in 1924-27... and again in 1938-1943, completely changing the facade of the structure. In the period of Jordanian rule extensive renovations in the Dome of the Rock, once again gave it a new face. During the course of the restorations (1958-64) in the Dome of the Rock, the second lead dome was replaced by a gold-coloured aluminium dome and the mosaics within the structure were restored (*Schiller, pp. 33-37.*)

The Liberation of the Temple Mount and the Western Wall in the Six-Day War

In the Six-Day War in June 1967, after the Kingdom of Jordan launched a military attack against the State of Israel and Jewish Jerusalem, the Temple Mount and the Western Wall were liberated from Jordanian control.

In addition to the religious-cultural link between the Temple Mount and the people of Israel which had never been severed, Jewish political sovereignty over the Temple Mount, which had existed during a long period in the history of the Hebrew nation, beginning with the building of the First Temple by Solomon, *circa* 3,000 years ago, was now restored.

A few days after the liberation of the Temple Mount, the government of Israel decided, for reasons of state, for security considerations, and in order to maintain public order, to order the paratroop company which had remained on the Temple Mount to clear their position; an observation post of the Border Guards was established there, and the site is under constant guard. The government also decided to allow Muslims to continue to maintain their presence and to pray on the Temple Mount. For these very reasons, and for other reasons... and in order to prevent friction with the Muslims, the government of Israel decided not to allow public prayer by Jews on the Temple Mount. From time to time petitions have been submitted to this Court challenging the legality of prohibiting such prayers by Jews, but the Court did not disturb the decision by the government of Israel.

Pertinent Legislation

Petitioners' claims relate to four types of illegal activity by the Muslim *Waqf* in the Temple Mount area; various types of construction in existing, ancient structures; covering antiquities with fill dirt; constructing sidewalks and prayer platforms over the dirt coverings; and finally, the planting of trees over the dirt coverings. The Petitioners contend that all these works are carried out contrary to the Planning and Building Law and contrary to the Antiquities Law.

[After considering the evidence, the Court held that there was a *prima facie* violation of these laws.]

Entry to the Temple Mount at the Present Time according to the *Halacha*

[The Court noted that in order to understand clearly the nature and force of the arguments of the parties regarding the conduct on the Temple Mount, the Court decided to view the site, and prior thereto to examine the relevant *Halachot* regarding entry to the Temple Mount at the present time.] According to the *Halacha*, it is forbidden to enter the Temple, because its sanctity requires special purification as a condition for entry, and such a rite is not possible at present after the destruction of the Temple.

[The Court studied the works of the *poskim* and their *responsa* in order to ascertain the areas of the Temple Mount to which the prohibition against entry does not apply, *i.e.*, the areas that are not included in the description of the Temple Mount appearing in *Mishnah Kelim*; and to understand which laws must be carefully observed when entering even the permitted areas - laws derived from the obligation of the veneration of the Temple].

[The Court described its route through the Temple Mount and the various works undertaken by the Muslim *Waqf* there.]

The Legal Framework

[The Court considered the legal arguments of the parties, including the *Waqf's* threshold defence challenging the Court's right even to entertain the petition. The Court held that the argument in so far as it pertained to the current sovereignty of the State of Israel over the Temple Mount and to the jurisdiction of the courts of the State of Israel in regard to the Mount was without merit.]

The area of the Temple Mount is part of the territory of the State of Israel. Clear expression of this principle is to be found in Basic Law: Jerusalem, Capital of Israel, Section 1 of which determines: "Jerusalem, whole and united, is the capital of Israel."

Obviously, it follows from the sovereignty of the State of Israel over united Jerusalem, and especially over the areas of the Temple Mount, that all the laws of the State - including the Planning and Building Law and the Antiquities Law - are in effect in the area of the Temple Mount, and the right of every individual to freedom of religion, freedom of access to the holy places, and of protection against desecration extends to the area of the Temple Mount.

The power to give practical effect to the right to worship resides in the executive authority, and not the judiciary, as has been established by the Palestine [Holy Places] Order in Council, 1924, Section 2, as interpreted by H.C. 222/68, M.A. 15/69. It nevertheless should be emphasized that despite the absence of judicial review of the means by which the right of worship is made effective, this intrinsic right is eternal and inalienable.

In the words of the late Agranat P.: "...the right of the Jews to pray on the Temple Mount is *par excellence* the national and historic right of the Jewish people; they cherished it and longed to exercise it in every generation, and they exposed themselves to mortal danger to attain their desires regarding it..." (at p. 228).

In the present case, Respondents 1-5 have decided... not to exercise their prosecutorial or administrative powers against the *Waqf* for conduct on the Temple Mount that is *prima facie* illegal. The decisions of these Respondents are subject to review by this court. The decision facing us, therefore, is: Judged by the criteria adopted and established in our rulings, are these decisions flawed to such a degree as to justify and require us them to set them aside?

We were faced with a difficult decision. On the one hand, the Petitioners correctly indicated - and we gained the same impression from our viewing of the site - the many continuing violations *prima facie* committed by the Muslim *Waqf* in the Temple Mount region. On the other hand, Respondents argued that the nature of the construction does not justify prosecuting the *Waqf* or restoring the *status quo ante*, in view of the length of time that has passed, the special political and religious sensitivity of the Temple Mount, and the need to maintain public security.

It is difficult for us not to feel that the Respondents did indeed, to a degree more than was proper, ignore the violations of the law by the *Waqf*. Nevertheless, but not without reservations, we have decided not to disturb, this time Respondents' exercise of discretion.

The main reason why we concluded not to reverse the decision of the Respondents is their commitment to thoroughly and rigorously supervise activities on the Temple Mount, and to ensure that the law is observed and the value of the antiquities on the site is not impaired.



**SUPREME COURT OF ISRAEL, DECISION (HG 4185/90) CONCERNING THE RELIGIOUS
AND LEGAL STATUS OF THE TEMPLE MOUNT IN JERUSALEM,
23 SEPTEMBER 1993 [EXCERPTS]**

[Excerpts from the Supreme Court's unanimous decision, written by Justice Menachem Elon]

The uniqueness and the destiny of the Holy Temple found expression in the prayer of King Solomon upon completion of that building's erection (I Kings, Ch. 8):

"[...] when a prayer or a plea is made by any person, by any of your people Israel - each one aware of the afflictions of his own heart, and spreading out his hands towards this Temple - then hear from heaven, your dwelling place. Forgive and act; deal with each man according to all his deeds, for you know his heart - you alone know the hearts of all men [...]"

"In the year 538 BCE, Cyrus, King of Persia, issued a proclamation to the Jews of the Babylonian exile in which he announced his wish to raise up the Holy Temple in Jerusalem from its ruins, and urged the exiles to go up to their land and to participate in the rebuilding of the Temple [...]"

"King Herod wrought a great change in the annals of the Temple Mount and in its contours: The shape of the Mount as we see it today is his work [...] The Temple Mount and the Holy Temple itself were the heart of the nation and the focus of its faith, whence emanated law and instruction to the people of Israel, and around them gathered all its sons and daughters, from near and far [...] In the year 70 CE, Titus, the son of the Emperor Vespasian, activated the Roman legions in Jerusalem, which overcame the fierce resistance of the Jewish defenders of the Temple Mount...The historian Gedaliah [...] thus sums up the place of the Temple in that era and the reason for its demolition at Titus' hands:

The status and significance of the Temple as the foundation of the state and its religious life, and as the stronghold and the symbol of this people's national spirit and faith - this, more than all else, brought on Titus' order to burn it down[...]"

"The Temple Mount has been the holiest place for the past 3,000 years, ever since King Solomon erected the First Temple on Mt. Moriah (II Chron. 3:1); and Mt. Moriah itself had been held sacred because of [an event that took place there some 1,000 years earlier], the binding of Isaac by Abraham, the father of the Hebrew nation, 'in the land of Moriah' (Gen. 22:2) [...] Thus primeval

sanctity of the Temple Mount continues unabated to this day - even after the destruction of the First and Second Temples [...] and the Western Wall of the Temple Mount, which stands to this very day, is the holiest site in Jewish tradition.

“For adherents to the Muslim faith, the Temple Mount has been held sacred for the past 1,300 years - since the conquest of Jerusalem by the Muslims in 638 - and on it they erected the Dome of the Rock and the Al-Aqsa Mosque. The sanctity of the Mount, for Muslims, comes after the sanctity of Medina, which in turn comes after the sanctity of Mecca [...] The Christians, too, ascribe religious importance to the Temple Mount.”



**ISRAELI FOREIGN MINISTER PERES, “LETTER OF SECRET ASSURANCES”
TO NORWEGIAN FOREIGN MINISTER JOHAN HOLST REGARDING JERUSALEM
AND STATEMENT TO THE KNESSET ON THE MATTER,
JERUSALEM, 11 OCTOBER 1993**

[In his speech to Muslims in South Africa on 10 May 1994, President Arafat was the first who mentioned the existence of the following secret letter regarding Jerusalem. The Israeli government repeatedly denied but eventually, in response to continuing rumors, made it public. FM Peres stressed that the letter had been written not to Arafat but to the Norwegian FM Holst. Below is the text of the letter to Holst, followed by a statement to the Knesset, a copy of which was also sent to Holst.]

I. LETTER OF SECRET ASSURANCES

Dear Minister Holst,

I wish to confirm that the Palestinian institutions of East Jerusalem and the interest and well-being of the Palestinians of East Jerusalem are of great importance and will be preserved.

Therefore, all the Palestinian institutions of East Jerusalem, including the economic, social, educational and cultural, and the holy Christian and Moslem places, are performing an essential task for the Palestinian population.

Needless to say, we will not hamper their activity; on the contrary, the fulfillment of this important mission is to be encouraged.

Sincerely,

Shimon Peres, Foreign Minister of Israel

II. STATEMENT BY FOREIGN MINISTER PERES TO THE KNESSET

Israel recognizes the religious significance of Jerusalem to all the prophetic religions. It respects its unique value in the spiritual as well as in the daily lives of Jews, Moslems and Christians. We have been and we shall remain strongly committed to the absolute freedom of worship and the continuing functioning of the religious and spiritual institutions in Jerusalem.

We shall continue to respect the various aspects of religious life in the city and will seek to broaden our dialogue with the various religious institutions.

We will continue to refrain from any action which may infringe upon the freedom of worship and access to the holy sites, or which may hurt the feelings and sensitivities of the various religious groups and denominations. This applies to all those who reside in the city and those who make their pilgrimage to its shrines.

Jerusalem is a city of human, religious and cultural mosaics. Jews, Moslems and Christians live in the city, with each community preserving its cultural heritage, social patterns and institutions, as well as its educational systems. The harmonious coexistence in Jerusalem depends on the continued functioning of these systems, institutions and holy sites.



**ISRAEL'S RESPONSE TO UN SECURITY COUNCIL RESOLUTION 904,
COMMUNICATED BY THE FOREIGN MINISTRY, JERUSALEM, 19 MARCH 1994**

Israel believes that the best way to promote peace and security between Israelis and Palestinians is by resuming and accelerating negotiations on the implementation of the Declaration of Principles regarding Gaza and Jericho.

Israel hopes that the Security Council resolution will pave the way for the resumption of these talks.

Israel was first to condemn the abominable massacre in Hebron, and will continue to take decisive action against extremist and dangerous elements.

Israel will encourage any measures to restore stability in the territories, insofar as they conform with the Declaration of Principles, and will do its utmost to carry out its responsibility for the security of all Arabs and Israelis in the territories.

Israel's position on Jerusalem is well known: Jerusalem is, and will remain, the united capital of Israel. Any reference to it as part of the territories is unacceptable.



**ISRAELI FOREIGN MINISTER SHIMON PERES, REMARKS ON JERUSALEM,
PRESS CONFERENCE, CASABLANCA, 31 OCTOBER 1994**

[US Sec. of State Warren Christopher, FM Peres and Crown Prince Hassan of Jordan were jointly questioned (see also related entry in Vol. III: Documents from Arab/Islamic States and Organizations). Prior to Peres' remarks, Christopher had reiterated that the US position on Jerusalem had not changed (see corresponding entry in Vol. I: US Documents). The following is Peres' reply to a question, originally addressed to Christopher, inquiring whether now that the Israelis and Jordanians have dealt with the question of Jerusalem it was not time for the US to state its position].

We have agreed on a final status course concerning Jerusalem. The first actually was done with the Palestinians in the way of the letter I sent to the late Foreign Minister of Norway, stating that as far as the civil rights of the Palestinians that reside in Jerusalem, nothing would be changed. [...]

The second point is concerning our Jordanian - said Jordanian role on the holy places in Jerusalem will be respected now and in the future. And the problem was concerning the political side of Israel. There we said again that Jerusalem will remain - regardless even if it is a united city - the capital of Israel and under Israeli sovereignty. The Palestinians have the right to raise the issue in two years' time. [...] So, we feel a little bit strange about the introduction of this question at this time.



**LAW IMPLEMENTING THE AGREEMENT ON THE GAZA STRIP AND JERICHO AREA
(RESTRICTION ON ACTIVITY) 1994, KNESSET, JERUSALEM, 26 DECEMBER 1994**

[The Knesset's Law restricting PA activities to Gaza and Jericho was passed by a vote of 56:6, with 32 abstentions. It was most significant for its prohibition of PA activity in Jerusalem and for allowing the Israeli police to move against PA offices there.]

Purpose of the Law

1. The purpose of this law is to ensure compliance with the undertaking of the Palestine Liberation Organization (hereinafter "the PLO") concerning the restriction on the activity of the Palestinian Authority to the areas of Gaza and Jericho, in accordance with the Agreement, and to prevent activity of a political or government nature, or other similar activity within the area of the State of Israel which does not accord with respect for the sovereignty of the State of Israel by the Palestinian Authority or the PLO, without the agreement of the State of Israel.

Definitions

2. "Meeting" - includes a march, assembly, or congress;
"The Agreement" - the agreement on the Gaza Strip and the Jericho Area, signed at Cairo between the State of Israel and the Palestine Liberation Organization on May 4, 1994;

"The Palestinian Authority" and "The Areas of Gaza and Jericho" - as defined in the Emergency Regulations (Judea and Samaria and the Gaza Strip-Jurisdiction over Offenses and Legal Assistance) 1967; "Representative Mission" - includes any institution, office or branch.

Restriction on the Palestinian Authority

3. (a) The Palestinian Authority shall not open or operate a representative mission, and shall not hold a meeting, in the area of the State of Israel, unless written permission for this has been given by the State of Israel or by someone authorized by it to do so;
- (b) The Minister of Police may, by means of an order, prohibit the opening or operation of a representative mission of the Palestinian Authority, order its closure, or prevent the holding of a meeting, of permission has not been obtained in accordance with subparagraph (a).
- (c) Orders referred to in subparagraph (b) shall be served, insofar as possible, on the owner of the premises, or the occupier, or the organizers, or whoever it seems to the Minister of Police is responsible for the activity which is the subject of the order; where it is not possible to serve the order as aforesaid, the Minister of Police shall give instructions for its publication in a manner which he shall establish; a notice concerning the giving of the order shall be published in the Official Gazette.

Restriction on the Activity of the PLO

4. (a) The Government may, [by] means of an order, prohibit the opening or the operation of a representative mission of the PLO, order its closure, or prevent the holding of a meeting on behalf of the PLO or under its auspices, within the area of the State of Israel.
- (b) The provisions of paragraph 3(c) above shall apply, with the necessary changes, to an order referred to in subparagraph (a) above.

Duration of an Order

5. The duration of a closure order issued pursuant to paragraphs 3 or 4 shall not exceed six months, and may be extended from time to time for an additional period which shall not exceed six months at any one time.

Ancillary Authorities

6. For the purposes of executing orders pursuant to paragraphs 3 or 4, the Israel Police shall have all the authorities given to it by the law, including the authority to enter into any place, to remove from there any person, to close the place, to disperse any meeting, and to take any action necessary to ensure the execution of the order and to use reasonable force for this purpose.

For the purpose of this paragraph, "The Palestinian Authority" includes any person acting on its behalf or under its auspices or using its name.

Restriction on Licensing

7. Where an order has been issued pursuant to paragraph 3 or 4, prohibiting the opening of or operation of a representative mission, the license required for such activity shall not be granted under any law.

Validity and Entry into Force

8. (a) This law shall enter into force on January 1, 1995.
- (b) This law shall continue in force for the period of the continuance in force of the Emergency Regulations (Judea and Samaria and the Gaza Strip-Jurisdiction over Offenses and Legal Assistance) 1967, as extended by the Law Implementing the Agreement on the Gaza Strip and the Jericho Area (Judicial Powers and Miscellaneous Provisions) (Legislative Amendments) 1994.



**STATEMENT BY AMBASSADOR GAD YAACOBI, PERMANENT REPRESENTATIVE OF
ISRAEL TO THE UN, BEFORE THE UN SECURITY COUNCIL ON DEVELOPMENTS
IN JERUSALEM, NEW YORK, 12 MAY 1995**

Mr. President,

At the outset, I would like to congratulate you on your assumption of the Presidency of the Security Council for the month of May. We are certain that your wealth of experience will be of great assistance as you guide the affairs of this Council. I would also like to congratulate your predecessor, HE Mr. Karel Kovanda, for his skilled conduct of the Council's affairs.

Mr. President, permit me to say, that even though I disagree with much of what has been said here, I would first like to set the record straight, on the basis of the facts. Unfortunately, the issue has been taken out of context and out of proportion. The recent decision to expropriate - not to confiscate - land for construction in Jerusalem, is based on our long-standing policy: To ensure that development in Jerusalem keep pace with the changes that are a natural feature of any living city. Construction and development for all residents have always been regular features of Jerusalem life, and will continue to be in the future. We do not accept the proposition that the natural and continued development of Jerusalem, or any other city, can or should be arrested. It is inconceivable that the people of Jerusalem - Jews and Arabs alike - should be deprived of sufficient schools, roads, housing, workplaces, et cetera.

Several weeks ago, the Israel Lands Authority published its intention to expropriate 53 hectares of barren land in the Jerusalem municipal area. This is for the purpose of development, including housing for Arab residents. In addition, appeals proceedings regarding 185 hectares in the Jerusalem area, expropriated two years ago, were recently completed. We are speaking of barren land - land that is not being used for housing, or agriculture, or any other purpose. Of the 238 hectares total, the majority -63%- are under Jewish ownership. 27.3% are under Arab ownership, and 9.7% are lands, to which ownership has not been registered.

Specifically, the breakdown is as follows: In the Har Homa area, 185 hectares are at issue: 139 hectares under Jewish ownership, 41 hectares under Arab ownership and 5 hectares, to which ownership has not been registered. With regard to the other areas - which are the Ramot and the Malha-Bet Zafaffa areas - the Lands Authority has only published its intention to expropriate. The owners have 20 days to present objections to the Authority. Should the objections be overruled, the owners have the right to appeal to the Supreme Court. If the expropriation is upheld, the owners will be compensated by the State. In the Ramot area, 33.5 hectares are at issue: 9 hectares under Jewish ownership, 23 hectares under Arab ownership and 1.5 hectares, to which ownership has not been registered. In the Malha-Bet Zafaffa area, 20 hectares are at issue: 2.5 hectares under Jewish ownership, 1 hectare under Arab ownership and 16.5 hectares, to which ownership has not been registered. The land to be expropriated has been designated also for the construction of 400 housing units for Arab residents. The needs of a growing, dynamic city will continue to guide us in the future, as well.

Mr. President,

In light of statements made earlier in this chamber, I wish to make some brief remarks on the meaning of Jerusalem to us. Unfortunately, we heard some very deceiving statements regarding the history of Jerusalem, our country and UN resolutions, including the General Assembly resolution adopted on November 29, 1947. In that resolution, the United Nations decided on the establishment of two states in Mandatory Palestine: the State of Israel and an Arab State. The Jews accepted this resolution. The Arabs rejected it, and launched a war to violate it. No one is more sensitive to the meaning of Jerusalem than the Jewish people. Ever since King David established it as our capital 3000 years ago, Jerusalem has been the essence of our nationhood. Jerusalem was never the capital of any other people. The Caliphs ruled it for centuries. But they never made it their capital. So too, the Mamelukes and the Ottomans.

When the sites of many of today's great capitals were only fields of passage for nomads, Jerusalem was our capital already. Even then, it was the object of pilgrimage for our people - three times a year. Our kings ruled from her palaces. Our priests served God in her Temple. Our prophets preached justice in her streets. Even then, before many of the nations on this earth were born, Jerusalem was the national, political, cultural, religious and spiritual center of the Jewish people. The continuous Jewish presence in the city began 3000 years ago and lasted, unbroken, to this very day. Even under foreign domination and persecution, we maintained a significant and vital presence in Jerusalem. Thus, since the second half of the 19th Century, Jews have constituted the majority of the city's inhabitants.

For Jews living in exile for 2,000 years, the centrality of Jerusalem sustained us as a people, and gave us the hope to carry on through the darkest days. The words "Next year in Jerusalem" were always on the lips, and in the hearts of Jews. The words of the psalmist best explain this devotion. "If I forget thee, O Jerusalem, let my right hand forget her cunning. If I do not remember thee, let my tongue cleave to the roof of my mouth." This is the prayer of every child born to the Jewish people - in every age, in every place: In New York, Moscow, Buenos Aires, London, Paris, Rome, Prague, Rabat, Cairo... and Jerusalem.

We are sensitive to the importance of Jerusalem to Christians and Moslems. And we are proud that since 1967, Jerusalem is open to pilgrims and worshippers of all religions, and each faith freely administers its own holy sites.

Mr. President,

The centrality of Jerusalem in the soul of the Jewish people is the essence of our nationhood. We have expressed it in many ways. Our psalmists praised it in songs of ascent, and mourned its destruction in songs of lamentation. One hundred years ago, the Jewish people found inspiration in a new song, but with an ancient theme.

*"As long as, deep in the heart,
The soul of a Jew yearns,
And towards the East,
An eye looks to Zion,*

*Then our hope is not yet lost.
The hope of two thousand years:
To be a free people in our land,
The land of Zion and Jerusalem."*

This old-new song is the national anthem of the State of Israel, "Hatikva," "The Hope."

Speaking in Washington last Sunday, Prime Minister Yitzhak Rabin said, "The policy of all the Governments of Israel was and is: Jerusalem is united under Israel's sovereignty, the capital of Israel and the heart of the Jewish people forever." And he has emphasized on repeated occasions, "We have always promised and ensured freedom of worship for all religions and free access to all holy places."

Mr. President,

There is no contradiction between this policy and bilateral agreements Israel has signed, including the Declaration of Principles with the PLO, and we are committed to this agreement. In the DOP, Israel and the PLO agreed that issues relating to the permanent status will be negotiated by the parties themselves in a later stage. Moreover, there is no contradiction between the peace process and continued development in Jerusalem for the benefit of all its residents - both Jewish and Arab; And if one looks at the Declaration of Principles, one will find no reference -no reference- to any prohibition of development activity in Jerusalem. If the leadership of the PLO feels otherwise, then the matter should be appropriately addressed in the framework of our bilateral negotiations. Indeed, Israel and the PLO agreed that differences and disputes arising out of the application or interpretation of the agreements, should be settled between the parties themselves according to an agreed process. This is detailed in Article 15 of the DOP, as well as in Article 17 of the Agreement on the Gaza Strip and the Jericho Area. Accordingly, we believe that any attempt to address this issue outside the agreed-upon framework stands in contradiction to the letter and spirit of the agreements signed by Israel and the PLO, and to the principles of the peace process. We, therefore, call upon the members of the Security Council not to take any action on this matter.

Mr. President,

Continued progress towards peace should be the main concern of all parties. We all must travel the road to peace with determination. Let all give it the highest priority. Especially because the road is so difficult and the obstacles are so many. The Middle East has come a long way in the past years. The agreements between Israel and the PLO; the implementation of the first stage, despite the continuous terrorism waged by the enemies of peace; the Israel-Jordan peace treaty; the establishment of working relations between Israel and other countries of the Middle East and North Africa; the basis for regional economic co-operation that has been laid by the Casablanca Conference and the multilateral negotiations. Now, we have to continue building on this foundation, to do our utmost so that a comprehensive peace be achieved. This is our conviction, our commitment, our hope.

Thank you, Mr. President.



**ISRAELI PRIME MINISTER YITZAK RABIN, REMARKS AT A CABINET MEETING
PRIOR TO THE PRESENTATION OF A RESOLUTION ON JERUSALEM, 28 MAY 1995**

Good morning, Members of the Cabinet, Mayor of Jerusalem.

Today is the 28th anniversary of Jerusalem's reunification during the Six-Day War. The government of Levi Eshkol decided, in July 1967, to extend Israeli law to united Jerusalem.

In 1988, the Knesset passed the Jerusalem Law. All governments of Israel, including the present government, have been fully confident that what was determined in 1967, what was legislated in 1988 - transforming Jerusalem into a unified city under Israeli sovereignty, the capital of Israel, the heart of the Jewish people - these are facts that will endure for eternity.

All governments of Israel have taken upon themselves the commitment to respect the sanctity of Jerusalem, for other religions as well, and all governments of Israel have preserved - and this government will continue to preserve - freedom of religion, and freedom of access for members of other religions to their holy sites.

The government's effort is, obviously, to maintain a set of relations for the development of Jerusalem - I refer to united Jerusalem, in accordance with the decisions of the government and the Knesset - for the benefit of all the city's residents. I think that, alongside the great accomplishment of the IDF fighters in two wars - the War of Independence and the Six-Day War - who determined Jerusalem's fate, its reunification and its status as the capital of Israel, it is our obligation to continue building Jerusalem for the good of all its residents.

We are the sovereign, we are the official rulers in united Jerusalem -and as a Jewish state, we must also be tolerant, and we must also ensure the civil rights of all people living in united Jerusalem.

Next year, we will celebrate the 3000th anniversary of Jerusalem's establishment. These celebrations relate to Jerusalem's past and, above all for the Jewish people and the State of Israel, to Jerusalem's reunification - but without ignoring the fact of its sanctity and of its status as a very important city also for members of other religions, and for its non-Jewish residents.



**ISRAELI CABINET, RESOLUTION AFFIRMING JERUSALEM'S STATUS
AS CAPITAL OF ISRAEL, JERUSALEM, 28 MAY 1995**

At its weekly meeting today (Sunday), 28.05.95, the Cabinet passed the following resolution:

Resolved:

1. On Jerusalem Day, marking the 28th anniversary of the city's reunification, and on the threshold of the 3000th year of its establishment as the capital of the Jewish people, the Cabinet notes with satisfaction the impressive growth and development of the city since its reunification.
2. The Cabinet bows its head in remembrance of the IDF soldiers who fell in the battle for Jerusalem. May their memory be blessed.
3. The Cabinet will act to strengthen the status of united Jerusalem as the exclusive capital of Israel, and will fight any attempt to impair this status.
4. The Cabinet, in cooperation and coordination with the Municipality of Jerusalem, will do its utmost for the continued strengthening and prosperity of Jerusalem for the welfare of all its residents of all nations and religions.
5. The Cabinet endorses the celebrations marking 3000 years since the establishment of Jerusalem as the capital of the Jewish people, and will cooperate fully with the Municipality of Jerusalem to ensure their success.



**ISRAELI PRIME MINISTER YITZHAK RABIN, ADDRESS TO THE KNESSET
ON THE OCCASION OF JERUSALEM DAY, JERUSALEM, 29 MAY 1995**

Mr. Speaker, Honored Knesset,

Giora Ashkenazi was 31 years old at his death. I did not know him. All I know about him comes from a few lines in the "Yizkor" (memorial) book. Giora Ashkenazi, born on Kibbutz Nir David in the Beit Shean Valley, was father to a daughter. He had dreams. Giora fell 2-3 kilometers from here, in the battle for Jerusalem, 28 years ago. His life ended en route to Augusta Victoria.

800 IDF soldiers fell during the Six-Day War, 181 of them in Jerusalem. Each of them was an entire world - to himself, to his parents, to his family, to his children. Each of them had a dream that was cut short on the way to the Old City. The Six-Day War was a war which erupted only when we could no longer continue, when there was no other choice. At that time, we did everything - everything - to prevent war. And yet, when there was no choice, the forces were given the order "Red Sheet," the order which sent them to war. We knew that the soldiers' feelings of "no choice" would lead to military achievements, but we also knew that many fighters would not return home.

There are no happy wars. In the Six-Day War, as in all the wars forced upon us, our triumphant victory was intermingled with our sorrow over the death of our sons. If shouts of joy overcame tears of bereavement, it was only because of the feeling of relief that followed the many days of pressure and the anxious nights.

We did not embark on the Six-Day War in order to conquer or annex. We went to war in order to live and confer life on coming generations. According to the Government's orders, we did not, then, initiate war with Jordan. The signal was given only when Jordan joined the war. Only then was the order given to OC Central Command Maj.-Gen. Uzi Narkis and brigade commanders Eliezer Amitai, Uri Ben-Ari, and Motta Gur - they and their soldiers liberated and reunified Jerusalem.

There was one moment in the Six Day War which symbolized the great victory: that was the moment in which the first paratroopers - under Gur's command - reached the stones of the Western Wall, feeling the emotion of the place; there never was, and never will be, another moment like it.

Nobody staged that moment. Nobody planned it in advance. Nobody prepared it and nobody was prepared for it; it was as if Providence had directed the whole thing: the paratroopers weeping - loudly and in pain - over their comrades who had fallen along the way, the words of the Kaddish prayer heard by Western Wall's stones after 19 years of silence, tears of mourning, shouts of joy, and the singing of "Hatikvah".

For me personally on that day, it was as if a personal circle had been closed and if I had merited only that, it would have been for me. Nineteen years previously, in the War of Independence, I had the privilege to command the Palmach's Harel Brigade, which together with fighters from other units, broke the siege of Jerusalem. Hundreds of fighters fell in Jerusalem and the surrounding hills. Even today, we carry with us the memory of the burned-out armored cars opposite Bet Machsir, the burning trucks at Bab al-Wad, and the thousands of Jerusalemites who went out into the streets that were still being shelled, in order to receive the few food parcels.

We did not then succeed in liberating the Old City, and over the years, we lived with the painful feeling that the city was divided and that the remnant of the Temple was in the hands of foreigners. For 19 years, the paths to the Western Wall were desolate: "The market square is empty, and no one visits the Temple Mount in the Old City," in the words of poet Naomi Shemer.

The authors of the victory in Jerusalem during the Six Day War were, first and foremost, and above all, the 181 IDF soldiers - paratroopers, tankists from the 10th Brigade, and soldiers from the Jerusalem Brigade - whose lives ended here, opposite the Old City walls. The parents, wives, children, brothers and sisters of those who fell share in the victory. Also among those who led us to victory are those who are not here with us today: then Prime Minister Levi Eshkol, and then Defense Minister Moshe Dayan, of blessed memory. We also recall today the memories of ministers Yigal Allon and Menachem Begin - of blessed memory - who took a major part in the decision to liberate Jerusalem. We owe them a debt of honor.

Members of Knesset,

We are divided in our opinions, on the Left and the Right. We argue over courses of action and over purpose. I believe that there is no argument on one matter - the wholeness of Jerusalem, and its continued existence as the capital of the State of Israel. I said yesterday, and repeat today, that there are not two Jerusalems; there is only one Jerusalem. From our perspective, Jerusalem is not a subject for compromise. Jerusalem was ours, will be ours, is ours - and will remain as such forever.

At the same time, it is our supreme obligation as Jews and Israelis to show genuine respect for members of the two other religions of whose lives and faiths Jerusalem is a part; to allow for freedom of religious worship for all those who come to the city, in all holy places; to demonstrate tolerance, and; to realize the saying: "Let every man live according to his faith."

Members of Knesset,

Jerusalem has been reunited, the market square is bustling with activity and the city's streets are full of people. Since Jerusalem was reunified, ten new neighborhoods have been created on 21,000 dunums of land which were expropriated for public use. In these neighborhoods about 42,000 apartments were built, housing about 150,000 people. This construction is what enabled the growth of the city's population.

According to the estimate of the Central Bureau of Statistics, the city's population stands at about 570,000. Tens of thousands of new immigrants have been absorbed in Jerusalem. In the year 2000, about 600,-650,000 people are expected to be living in Jerusalem.

But we will not deny that there are also shadows. In recent years, Jerusalem has recorded a negative migration balance. Jerusalem is not only a focus of our prayers and longings. It must be built-up. All Governments of Israel have invested much in Jerusalem, and all Governments of Israel are worthy of praise for these efforts. The current Government has also invested, and will invest, much in infrastructure and development.

Teddy Kollek, as Mayor of Jerusalem, played a significant and considerable part in the building of the city, had the intelligence to navigate this stormy city. His successor, Ehud Olmert, is continuing with this building.

Members of Knesset,

In one of the Jerusalem Day ceremonies yesterday, I told about the incident when the first paratroopers arrived at the top of Ammunition Hill to find Arab families living in "Antenna House," just a few meters from the line of fire. The neighbors in this battle have been our neighbors ever since. This is the reality of living in Jerusalem: we live side by side, try to build a home, to build a city, to build a country, to build a people.

I appeal to the communities in Jerusalem to make every effort to live in peace, because this is the fate of Jerusalem - to live together. There are not - and will not be - two Jerusalems. And anyone who tries to change the fate of Jerusalem will fail. I opened today with a story about the life of paratrooper Giora Ashkenazi and his falling in the battle for Jerusalem.

On October 26, 1994, a peace treaty was signed with the support of the entire country, in the Arava between the State of Israel and the Hashemite Kingdom of Jordan, the same Kingdom, the same King, the same army, which fought against us in Jerusalem. A 10-year old girl named Li Lotan presented King Hussein with flowers during the signing ceremony. Li Lotan is the granddaughter of the paratrooper who fell in the battle for Jerusalem Giora Ashkenazi. The grandfather did not live to see peace, but his granddaughter did. The generation which experienced war is passing on to its grandchildren the realization of peace.



GUSH SHALOM, MANIFESTO - 'OUR JERUSALEM', MAY 1995

[The manifesto was drafted by Uri Avnery and inspired by a speech by Faisal Husseini at a Gush Shalom rally, where Husseini said: "I dream of the day when a Palestinian will say 'Our Jerusalem' and will mean Palestinians and Israelis, and an Israeli will say 'Our Jerusalem' and will mean Israelis and Palestinians."]

The document was endorsed by some 2,000 Israelis, incl. seven laureates of the Israel Prize (authors A.B. Yehoshua and Emil Habibi, educator Aryeh Eliav, poet Nathan Zach, movie director Ram Levy, literary critic Dan Meron, and sculptor Danny Karavan) as well as musician Lord Yehudi Menuhin, playwright Yehoshua Sobol, former cabinet minister Victor Shem-Tov, orientalist Prof. Ya'akov Shimoni, and several (ex)MKs.]

Jerusalem is ours, Israelis and Palestinians - Muslims, Christians and Jews.

Our Jerusalem is a mosaic of all the cultures, all the religions and all the periods that enriched the city from earliest antiquity to this very day- Canaanites and Jebusites and Israelis, Jews and Hellenes and Mamelukes, Ottomans and Britons, Palestinians and Israelis. They, and all the others who made their contribution to the city have a place in the spiritual and physical landscape of Jerusalem.

Our Jerusalem must be united, open to all and belonging to all its inhabitants, without borders and barbed wire in its midst.

Our Jerusalem must be the capital of the two states that will live side by side in this country - West Jerusalem, the Capital of the State of Israel, and East Jerusalem, the Capital of the State of Palestine.

Our Jerusalem must be the Capital of Peace.



ISRAELI POLICE FOREIGN PRESS LIAISON, PRESS RELEASE ON CLOSURE WARNINGS TO BE ISSUED TO PALESTINIAN INSTITUTIONS IN EAST JERUSALEM, 27 AUGUST 1995

Following an extensive discussion with security and police officials in Police Minister Moshe Shahal's office, it was decided today (Sunday), 27.08.95, to issue closure warnings against three Palestinian institutions operating in eastern Jerusalem.

During the discussion, security officials presented Minister Shahal with material testifying to the activities of Palestinian institutions operating in eastern Jerusalem, in contravention of the law, and which are linked to the Palestinian Authority.

In the wake of this, Minister Shahal decided to act in accordance with his authority, and intends at this stage to issue closure warnings to the following three institutions: the Palestinian Broadcasting Authority, the Palestinian Statistics Center, and the Palestinian Health Council.

The warning letters regarding the Minister's intention to use his authority to close them will be sent to these institutions by the head of the Police Minister's operations staff, Superintendent Ze'ev Even-Chen, on Monday morning, August 28, 1995.

The institutions will be given 96 hours in which to announce that they have closed, and have ceased all activities.



**ISRAELI POLICE FOREIGN PRESS LIAISON, ANNOUNCEMENT ON THE THREE
PALESTINIAN INSTITUTIONS IN EAST JERUSALEM THAT RECEIVED
POLICE WARNINGS, 28 AUGUST 1995**

*[Press release announcing closures of Palestinian institutions and
reporting declarations of cessation of activities of such institutions]*

On Monday, 28.08.95, following directives from Police Minister Moshe Shahal, three Palestinian institutions in eastern Jerusalem were warned that the Police Minister intended to issue closure orders against them if they did not cease operations and close within 96 hours.

After the three institutions appealed against the Police Minister's decision, it was decided to allow them to sign binding declarations which would enable the Police Minister not to exercise his authority as mentioned above.

A short time ago, the Managing Director of the Supreme Palestinian Health Council signed a declaration which states, *inter alia*, that the Council is not, and does not see itself as, an organization of the Palestinian Authority, and does not operate on its behalf, or in its name. Similarly, the declaration stipulates that the Council is not economically dependent on the Palestinian Authority, and that there are no financial links between them. The declaration also stipulates that the Council's employees do not receive their salaries from the Council's outside financial sources, and report neither to the Palestinian Authority nor to any of its bodies.



**ISRAELI PRIME MINISTER YITZHAK RABIN, ADDRESS INAUGURATING THE
“JERUSALEM 3000” FESTIVITIES, JERUSALEM, 4 SEPTEMBER 1995**

Mr. Speaker, Mayor of Jerusalem, sons and daughters of Jerusalem:

Jewish legend tells us that at the moment that King David was about to dig the foundations of the Holy Temple, the groundwaters rose and threatened to flood and destroy Jerusalem, the land of Israel and the entire world.

The legend goes that King David then rose and cast into the turbulent waters a shard on which the Ineffable Name of God was written - and the waters immediately receded. The People of Israel were assured safety in their land and on their soil. If it were only possible to repeat that feat today, I would write on that shard two words of love to Jerusalem, to the land of Israel. One word - tolerance. The other - peace.

Sons and daughters of Jerusalem, I am a Jerusalemite. I was born in Sharei Zedek Hospital in Jerusalem. In Jerusalem, I was a partner as a soldier and a commander in the bitter battles of the War of Independence. In Jerusalem, I saw my friends and my soldiers lose their lives facing the walls that fell to the Arab Legion.

In Jerusalem, I had the great privilege to be in command during the Jewish people's finest hour when, during the Six-Day War, the Temple Mount was liberated. In Jerusalem today, we are now carrying out the battle for peace.

Yes, I am a Jerusalemite. Three thousand years of history look down upon us today, here, in the city whose streets were trampled by Greek phalanxes, whose pavements were trodden on by Roman legions whose catapults tried to breach its walls, whose inhabitants were vanquished by the Crusaders, here where Turkish cavalry galloped through the streets and where British officers peered out from their forts.

Three thousand years of history look down upon us today, in the city from whose stones the ancient Jewish nation sprang, from whose clear mountain air three religions absorbed their spiritual essence and their strength. Jerusalem - to which every believing Jew turns three times a day in the prayer "May our eyes behold Your return to Zion in mercy."

Three thousand years of history look down upon us today, in the city where the Jewish Priestly Blessing mingles with the calls of the Muslim muezzins and bells of the Christian churches; where, in every alley and in every stone house, the admonitions of the Prophets were heard; whose towers saw nations rise, whose towers saw nations fall - and Jerusalem stands forever.

Three thousand years of history look down upon us today, as do the dreams which cover the hyssop of the Western Wall and the silent graves of the Mount of Olives and Mount Herzl; the hush of the footsteps of the pilgrims and the thunder of the nailed boots of the ruthless conquerors; whose walls resonate with the prayers of the children and the pleas of the praying; where the exultation of victory mingled with the tears of the paratroopers next to the remnants of the temple, liberated from the yoke of strangers.

Three thousand years of dream and prayer today wrap Jerusalem in love and bring close Jews of every generation - from the fires of the Inquisition to the ovens of Auschwitz, and from all corners of the earth - from Yemen to Poland.

Three thousand years of Jerusalem are for us, now and forever, a message for tolerance between religions of love between peoples, of understanding between the nations, of the penetrating awareness that there is no State of Israel without Jerusalem, and no peace without Jerusalem united - the City of Peace. On the day that the Government Offices were moved to Jerusalem, on December 13, 1949, the first Prime Minister, David Ben Gurion, said "The State of Israel has, and will have, only one capital, Eternal Jerusalem. So it was 3000 years ago and so it will be, as we believe for eternity."

United Jerusalem is the heart of the Jewish people and the capital of the State of Israel. United Jerusalem is ours. Jerusalem forever!



**MAYOR OF JERUSALEM EHUD OLMERT, OPENING ADDRESS TO THE
"JERUSALEM 3000" FESTIVITIES, JERUSALEM, 4 SEPTEMBER 1995**

Dear Friends,

In the coming year, the City of Jerusalem will celebrate 3000 years since its establishment as the capital of the Kingdom by King David. With the emergence of Jerusalem in world history, our city has become a focal center of activities both for the nation of Israel and the world as a whole - a holy city and an adored one, an ideal for everlasting dreams.

Jerusalem, the eternal, united capital of the sovereign State of Israel and of the Jewish nation, is a very special city which is holy to millions of believers, rich with sacred historical sites, with treasures of art and culture that draw thousands of visitors, tourists and pilgrims from all over the world.

It is quite a responsibility to be the Mayor of Jerusalem. And, I am well-aware that this honor demands a huge effort to act on behalf of the well-being of the city and its inhabitants to ensure that Jerusalem flourishes as a city of peace, brotherhood, creativity and prosperity.

This will be a year rich with events, exhibitions, cultural and academic conferences, artistic, cultural and media programs and much more - a huge celebration that only a city like Jerusalem deserves. Foremost Israeli and international creators and artists will take part in the festivities - a delightful mosaic of activity in all arts and culture genres. Thousands of people from across the globe will visit Jerusalem, but even more so multitudes of Israelis, and I welcome one and all.

In 1996 we will celebrate 3000 years of a unique and glorious history with excitement and thanksgiving and I invite you to come and commemorate with us in Jerusalem.



ISRAELI-PALESTINIAN INTERIM AGREEMENT ON THE WEST BANK AND THE GAZA STRIP, ANNEX II: PROTOCOL CONCERNING ELECTIONS, 28 SEPTEMBER 1995 [EXCERPTS]

[Excerpts on arrangements concerning Palestinians voting in Jerusalem]

Article VI

Election Arrangements Concerning Jerusalem

1. Election Campaigning

A subcommittee of the CAC shall be established comprising representatives of the CEC and Israel, to coordinate issues relating to election campaigning in Jerusalem. Candidates conducting campaign activities in Jerusalem shall apply for the necessary permits through the CEC. The CEC shall obtain the necessary permits from the Israeli side in the CAC subcommittee. In addition, the CEC may disqualify candidates whose election campaigning in Jerusalem fails to comply with the provisions of the Palestinian Election Law and this Agreement.

2. Polling Arrangements

a. Location:

A number of Palestinians 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.

b. International Observation

International observers will be present in the above post offices on the day of the elections.

c. Procedure for Voting

- (1) Those Palestinians of Jerusalem who will vote in the elections through post offices in Jerusalem shall be notified of the relevant post office by Electoral Registration card provided by the CEC (hereinafter "the electors").
- (2) On arrival at the post office, electors shall identify themselves to the relevant postal personnel (hereinafter "the personnel") and present their Electoral Registration card.
- (3) The personnel shall provide the electors with the following:
 - (a) two ballot papers, one for the election of the Ra'ees, and one for the election to the Council; and
 - (b) two envelopes addressed to the DEO.
- (4) The electors shall mark the ballot papers at the post office counter, then place them in the envelopes to be inserted in receptacles, the size and shape of which shall be agreed between the two sides.
- (5) At the end of the day, the receptacles shall be promptly delivered to the office of the relevant DEO. Such delivery shall be open to international observers. These receptacles shall be sealed prior to delivery.
- (6) The DEO shall be responsible for the counting and totaling of votes cast through the arrangements set out above as part of the total election count. [...]



ISRAELI NOTICE REGARDING THE PARTICIPATION OF PALESTINIANS OF JERUSALEM IN THE ELECTIONS FOR THE PALESTINIAN COUNCIL, DECEMBER 1995

The Declaration of Principles on Interim Self-Government Arrangements, dated September 13, 1993, provides, in paragraph 1 of Annex I: *Palestinians of Jerusalem who live there will have the right to participate in the election process according to an agreement between the two sides.*

In order to implement this provision, the Interim Agreement on the West Bank and the Gaza Strip, signed on September 28, 1995, contains detailed provisions to enable the participation of Palestinians of Jerusalem in the elections. In addition, a separate agreement, signed between the parties on September 23, 1995 (the "Canvass Agreement") sets out arrangements for the updating of the population register prior to the preparation of the Electoral Register for the elections.

1. "Initial Registration Canvass" Arrangements and Preparation of the Electoral Register

The Canvass Agreement provides that the Palestinian Central Elections Commission will conduct a canvass of potential voters in the West Bank and the Gaza Strip in order to assist in the preparation of an up-dated electoral register. The canvass is to be conducted by approximately 7,000 people who will later serve as polling commissions in approximately 1,700 polling stations, which will be established in the West Bank and the Gaza Strip. The Canvass Agreement includes detailed arrangements regarding the manner of conducting the canvass.

These canvass arrangements do not apply in Jerusalem. Instead, paragraph 4 of the Canvass Agreement provides that an independent canvass of Palestinian voters living in Jerusalem will be undertaken on a contractual basis by the Ibrahimimiya College, a Jerusalem Palestinian educational institute recognized by the government of Israel. For this purpose, the Ibrahimimiya College will contract Palestinian teachers from Jerusalem who possess Jerusalem identity cards and who live in Jerusalem. The Canvass Agreement thus provides that no organ of the Palestinian Authority shall operate in Jerusalem. In the same spirit, the Canvass Agreement also provides that the documentation and forms to be used by the teachers conducting the canvass in Jerusalem shall not include any titles or emblems. This is in order to distinguish these forms from the canvass forms being used in the West Bank and the Gaza Strip, which will display the title or emblem of the Palestinian Central Elections Commission.

Similarly, the Interim Agreement provides that, with regard to Jerusalem, the Electoral Register will include only Palestinians who are registered as residents of Jerusalem in the Israeli population register, and who are not Israeli citizens. According to the Interim Agreement, Israeli citizens (regardless of whether they are Jewish or Arab) are not entitled to participate in the elections for the Palestinian Council. While all Palestinian residents of Jerusalem possess Israeli identity cards, a large majority are not Israeli citizens, but rather permanent residents. According to Israeli law, only citizens of the state, and not permanent residents, may vote in elections to the Knesset. Thus, Palestinian residents of Jerusalem who may not vote in the elections to the Knesset will be able to vote in the elections for the Palestinian Council. There are several hundred Palestinians resident in Jerusalem who have received Israeli citizenship. These people may vote in elections to the Knesset, but may not vote in the elections for the Palestinian Council.

2. Electoral Administration

Article I (4) of Annex II of the Interim Agreement (the "Elections Annex") provides that all of the offices of the Central Elections Commission and its subordinate bodies shall be situated in the electoral constituencies (the Palestinian elections are regional elections) in areas under the jurisdiction of the Council. Furthermore, the article goes on to provide that all aspects of the electoral administration (such as publication of lists of electors or candidates, and of other information concerning the conduct of the elections, appeals, counting votes, and publication of results) shall only take place in the relevant District Election Offices.

These provisions have a number of implications with regard to election arrangements concerning Palestinians of Jerusalem:

- One. All offices of the Central Election Commission and its subordinate bodies must be situated outside Jerusalem. While the city of Jerusalem may be included within a larger constituency which also includes parts of the West Bank, all the offices of the electoral administration, including the District Electoral Offices and the polling station commissions, must be situated outside the city, in the West Bank.
- Two. All aspects of the electoral administration must take place outside the city of Jerusalem. Since the District Election Offices must be situated in areas under the jurisdiction of the Palestinian Council in the West Bank or the Gaza Strip, and since all aspects of the electoral administration are to take place only in these offices, it follows that no aspects of the electoral administration may be conducted within Jerusalem.

3. Candidates

Article III (1)(b) of the Interim Agreement provides that every candidate for the Palestinian Council must have a valid address in an area under the jurisdiction of the Council in the constituency for which he or she is

a candidate. Accordingly, a Palestinian whose sole residence is in Jerusalem may not be a candidate either for election to the Council or for the position of the Ra'ees (Chairman of the Executive Authority of the Council). Only Palestinians with a valid address outside the city, in an area under the jurisdiction of Council in the West Bank or the Gaza Strip, may be candidates for election. A valid address is defined in the Interim Agreement as being the address of a residential property which is owned or rented or other-wise legitimately occupied by the candidate. Article II (1)(j) provides that the word "address" denotes the "specific abode in which a person actually lives". Article II (1)(i) defines "abode" as "the main permanent fixed address within any polling district in which, at the time of the initial registration canvass, a person actually lives."

It should be emphasized that the Agreement makes it clear that if a person has an address outside the areas under the jurisdiction of the Council in addition to a permanent fixed address in which he or she actually lives in these areas, this will not disqualify him or her from running as a candidate (Article III (1)(b) to the Elections Annex).

4. Election Campaigning

Any campaign activities which take place in Jerusalem will be subject to the relevant provisions of Israeli law. Candidates wishing to conduct such activities shall apply, in accordance with Article VI(1) of the Elections Annex, for the necessary permits from the Israel Police through the Central Elections Commission. For this purpose, the Interim Agreement establishes a special joint committee, comprised of representatives of Israel and of the Palestinian Central Elections Commission, in order to coordinate all issues relating to election campaigning in Jerusalem.

5. Polling Arrangements

Most Palestinians of Jerusalem will vote at one of approximately 170 polling stations situated outside Jerusalem, in the West Bank. They will be notified by the Central Elections Commission of the relevant polling station at which they are to cast their vote. At the same time, in accordance with Article VI(2) of the Elections Annex, a number of Palestinians of Jerusalem will vote in the elections through services rendered in five specified post offices in Jerusalem (in the eastern part of the city), in accordance with the capacity of these post offices. Those Palestinians who will vote through Jerusalem post offices will be notified of the relevant post office by means of an Electoral Registration Card which will be issued and sent to them by the Palestinian Central Election Commission.

These post offices are not polling stations and will in no way bear any markings of a polling station. For example, in these post offices, unlike in the polling stations in the West Bank and the Gaza Strip, polling station commissions will not be present, and the forms used will not be those provided for by the Palestinian Election Law. Any necessary procedures within the post office will be conducted by the Israeli post office employees, who will be responsible for identifying the Palestinian electors and providing them with ballot papers and envelopes addressed to the District Election Office which, as stated above, shall be located outside the city of Jerusalem.

Unlike the election arrangements in the West Bank and the Gaza Strip, which will include the marking of ballot slips behind a screen, in the Jerusalem post offices electors shall mark ballot papers at the post office counter and shall insert them into envelopes which will then be placed in receptacles. These receptacles will not resemble the ballot boxes used in the West Bank and the Gaza Strip. According to the Interim Agreement, their shape and size is to be agreed between the two sides.

Unlike the situation in the West Bank and the Gaza Strip polling stations, the receptacles will be delivered to the relevant District Election Office in the West Bank where they will be opened. Once the ballots have been removed from the envelopes, they will be counted and totaled along with all other ballot papers cast in polling stations in the West Bank.

6. International Observers

Article V(2) of the Elections Annex provides that all stages of the electoral process will be open to international observation, and specifies, among these stages, the operation of polling stations on polling day. Although the post offices in Jerusalem are not polling stations, it was considered important to confirm that the Israeli post office officials function appropriately. Accordingly, a special provision, in Article VI(2)(b) of the Elections Annex, provides that international observers will also be present in the Israeli post offices on the day of the elections. Similarly, it was determined that the delivery of the receptacles at the end of the day of elections shall be open to international observation.

The observers will arrive from various different states and international organizations (for example: the USA, the Russian Federation, Japan, Egypt, Jordan, the European Union, the Organization of African Unity, etc.) and will be coordinated by the European Union. It should be noted that this type of international observation differs from the type of observers deployed in the Golan Heights and Lebanon (and in the past in the Sinai), and includes election observers who are generally members of Parliament, former ministers and academics. Their purpose is limited to confirming that the elections are carried out in a free and fair manner. At the end of this mandate, the observers will return home. It has become a widely accepted practice throughout the world to invite international election observers to oversee elections in this manner. Israel itself has sent such observers to oversee elections abroad on a number of occasions.

7. Responsibility for Security and Public Order

According to the Interim Agreement, the Palestinian Police may not operate within the boundaries of Jerusalem. The Israel Police will thus be solely responsible for security and public order in the Jerusalem post-offices on the day of the election, and throughout Jerusalem during the whole electoral process. This is in contrast to the situation in the West Bank and the Gaza Strip polling stations, each of which will be guarded by three policemen from the Palestinian Police.



GOVERNMENT OF ISRAEL, DECISION ON "JERUSALEM 3000 - CITY OF DAVID", 1996

The year 1996 (5756-57) has been declared the "Trimillennium of Jerusalem, the City of David," with the city of Jerusalem and the figure of King David at the center of the planned events.

The Bible devotes more time to David than to any other king. Generations of believers as well as artists have been inspired by David's legendary personality and his many faceted persona - as statesman, warrior, legislator, poet and musician.

The events will establish Jerusalem's place as the heart of the Jewish nation in the collective consciousness of Israel and the world, they will enhance its status and image as the capital of Israel, and they will contribute to economic development, tourism, infrastructure, and the cultural and social lives of the city's residents.

Ever since King David made Jerusalem the capital of his kingdom, the city has become the center of Jewish existence and the heart of the Jewish people, the focus of its faith and historical memory. Since most researchers, experts and archaeologists estimate that the conquest took place in year 1004 BC, the year 1996 AD was set, therefore, as Jerusalem's 3000th anniversary as the capital of the Kingdom of Israel.

Jerusalem is the tangible historical testimony of the Jewish religion and its heritage on the one hand, and the independence and sovereignty of the Jewish people on the other. This identification of Jerusalem as both a spiritual and national symbol emphasizes the unique and eternal tie between the city and the Jewish people, a tie which has no parallel in the history of nations.

No other nation has ever made Jerusalem its capital in such an absolute and binding fashion. The Temple was built in Jerusalem, and to it the religious made their pilgrimages thrice annually; chapters of the Bible were written within its walls, and there the prophets preached their prophecies.

Christianity and Islam, too, hold Jerusalem sacred, and the many holy sites of all three faiths make the city a world spiritual and religious center. Israel's capital is also a cosmopolitan city with the rich and varied mosaic of different races, peoples, religions and sects, which have lived together for many generations.

Israeli rule over the united city has brought unprecedented prosperity and progress, and despite the tensions between the various communities within it - the city has not enjoyed such a position of import since its heyday as a kingdom.

The 3000 years celebrations will highlight the figure of King David. David's legendary multi-faceted personality as statesman, fighter, legislator, lover, poet and musician - whom the Bible discussed more than any other king - has been an inspiration to a wealth of artistic creations. Some of this artistic diversity will find expression in these celebrations.

King David holds a fundamental position in the collective consciousness of the Jewish people and is also an important figure in Christian culture. By making him the centerpiece and focus of the festivities, in a visual

display that will appeal to millions all over the world, the celebrations will excite the imagination and add a special flavor to the events.

STATEMENT OF PURPOSE

To place Jerusalem at the focus of attention both in Israel and the world, and to strengthen its status and image as both the spiritual and national capital of Israel and the Jewish people. To present Jerusalem as a universal religious, spiritual and cultural center with room for all religions, peoples and traditions. A varied and tolerant city in which all enjoy freedom of worship and creation. To strengthen the economy of the capital by bringing guests and pilgrims from Israel and abroad, which will provide a massive boost to tourism. In addition, the city will not only enjoy the celebrations, there will also be varied cultural and social activities for the benefit of its citizens as well as for the benefit of the city's existing cultural and educational institutions.

To encourage all organizations and institutions currently active in the city to participate in the various planned projects, in such a way as to strengthen and expand their activity, and secure their future status as well. To speed up the development and construction processes of various projects and initiatives for the benefit of the city's residents. To instill youths in Israel and the Diaspora with educational values relating to Jerusalem and its place in Jewish existence.



**ISRAELI CABINET SECRETARY, STATEMENT DENYING NEGOTIATIONS
ON JERUSALEM, JERUSALEM, 18 FEBRUARY 1996**

In the wake of charges made against the Prime Minister and the Government regarding the intention, as it were, to divide Jerusalem - and with regard to secret talks allegedly being conducted on the matter - the Prime Minister wishes to emphatically and unequivocally state that he has no knowledge whatsoever of any official persons dealing with Jerusalem or conducting negotiations on this issue. Reports of this are baseless. The Prime Minister emphasized that the entire Cabinet is united on the principle that Jerusalem should not be divided, and allegations to the contrary should be considered incitement.



**LIKUD PARTY, GUIDELINES FOR TALKS WITH THE PALESTINIANS,
APRIL 1996 [EXCERPTS]**

[Excerpts from the guiding principles behind the policies of Israeli PM Netanyahu and the Likud with regard to the Palestinians, which were presented to the Likud Campaign Steering Committee in late April.]

1. The government will recognize the facts created by the Oslo accords and will endeavor to minimize the dangers to Israel's security inherent in them.
2. The government will deal with the Palestinian Authority to stabilize arrangements on the ground. It will negotiate the final status agreement on condition that the PA lives up to its undertakings, especially:
 - a. The ascertained and unequivocal nullification of all covenant clauses calling for Israel's destruction.
 - b. The prevention of terror and anti-Israeli incitement.
3. United Jerusalem is Israel's capital under its sole sovereignty. PLO activity in Jerusalem would cease and its institutions will be closed.
4. The IDF will have full freedom to operate everywhere and at any time against terror.
5. The Palestinians will have self-government and will run their affairs, except for defense and foreign policy, which will continue to be Israel's responsibility, and issues which will demand coordination. The government will oppose the creation of an independent Palestinian state.
6. The government will encourage the establishment of places of employment in the PA areas.
7. The government will seek to involve Jordan in the final agreement in those spheres that will be agreed upon in negotiations.



ISRAELI PRESIDENT CHAIM WEIZMAN, ADDRESS ON JERUSALEM, 15 MAY 1996

[Weizman made the following remarks upon receiving honorary citizenship of Jerusalem on the eve of the beginning of the celebrations marking 3000 years of Jerusalem.]

Jerusalem is the heart of the Jewish people.

Jerusalem is the core which has supplied the people of Israel during all generations with its energies and spiritual strength.

Jerusalem is the biblical compass, which indicates, at each sunrise, to everyone in every corner of the world, where it is located and towards it every Jew directs his prayer.

Jerusalem, the City of David, which at present celebrates its 3000th anniversary, has always symbolized, in the eyes of the people of Israel, whether in their homeland or in the Diaspora, the essence of their faith and its values, the intention of their longings and their yearnings. Jerusalem is the Eternal City, the city which has been united, the city of the Judges of Israel, of the Kings of Israel and of the Prophets of Israel, the capital and the source of pride of the State of Israel and it is in this Jerusalem that we have assembled tonight, Your Excellencies, to bestow upon me Honorary Citizenship.

Before continuing, I must say that at this moment I feel a deep spiritual need to stop and tell you, here and now and with the utmost feelings of gratitude, that from now on, due to the title you were so kind to bestow upon me, I shall be able to stand up with great pride and say: I am a Jerusalemite.

And when you talk about Jerusalem, you cannot do so without reverence. You cannot talk about a 3000-year old city in an everyday language and describe it in the same terms used to describe any other city.

Jerusalem stands out as being the cradle of human culture and the place from which all nations have drawn the most enlightened values. Since the Book of Books and up to modern literature, what has not been written about Jerusalem and what has not been said about her? For great writers, poets and composers of all times, her greatness and her splendor were sources of great inspiration.

It is true that Jerusalem was consecrated originally to us, but its holiness has spread and caught the hearts of believers of other faiths, who too seek their gods in this city, as the prophet Isaiah said: "And many people shall go and say, come ye and let us go up to the mountain of the Lord, to the house of Jacob and he will teach us his ways and we will walk in his paths; for out of Zion shall go forth the law and the word of the Lord from Jerusalem."

But, among all the nations and all the faiths, all of which we admire and all of which we respect and to which we have always extended our hands in peace - none resembles the people of Israel, for whom Jerusalem represents the spirit of its life. It is a historical fact that Jerusalem was never the capital of any other nation except that of the people of Israel and therefore, it shall remain so forever!

Our rights in Jerusalem cannot be contested in any way. These rights have been acquired by our people by their many sacrifices and by cruel torments throughout history. By blood and fire, Judea fell and by blood and fire it rose again. The first temple was burnt and the second temple was destroyed and only the Western Wall remained, waiting for the sons to return to their borders and in the Six-Day War, we redeemed the city from foreigners who desecrated it.

If I may be allowed in this connection and on this occasion to introduce a small personal note, I, too have a Jerusalem of my own: My great-grandfather and my grandfather on my mother's side, both are buried on the Mount of Olives. May their souls rest in peace.

On the second day of the Six-Day War, I climbed, together with Moshe Dayan and with Generals Uzi Narkis and Rechavam Ze'evi, to the abandoned buildings of the Hebrew University on Mount Scopus. I looked for and found the laboratory which my uncle Moshe Weizmann, had to abandon 19 years earlier, when the War of Independence broke out and Jerusalem became a divided city with a wall in its heart.

On the blackboard, I could still read parts of some chemistry equations written in chalk. When it crossed my mind that the writing might be his own, my heart missed a beat.

A few days later, I had the privilege to come to Jerusalem in order to stand excited and moved, in front of the Western Wall, at the side of the man who had returned and reestablished Jerusalem as our eternal capital, David Ben-Gurion, the first Prime Minister of Israel. This happened in the midst of the Six-Day War, as millions of Jews held their breaths when they heard the shout: "The Temple Mount is in our hands!"

As for many others, this was the moment when I mused about the meaning of the verse: "When the Lord turned again the captivity of Zion, we were like dreamers."

And if I am talking about my quest for my Jerusalem roots, I cannot but mention a young squadron leader in the Israel Air Force, who used to come very often to Jerusalem to court the daughter of Rahel and Zvi Schwartz, two of Jerusalem's Honorary Citizens, who is now, long may she live, my wife Reuma.

This is my private Jerusalem within our Jerusalem. The Jerusalem, so multicolored, the Jerusalem renewing itself and growing out of its ruins and antiquities; the Jerusalem approaching the end of the twentieth century, while recalling its memories; the Jerusalem with all its houses of prayer of people of many races and religions, alongside concert halls; the Jerusalem of schools and houses of learning and religious creation, alongside literary works of art, theater and modern culture; the Jerusalem in which Eliezer Ben-Yehuda succeeded in producing the greatest miracle of the Zionist enterprise - revitalizing the Hebrew language; the Jerusalem with all its thrilling contrasts and all its various inhabitants. The recounting of the virtues and the special characteristics of Jerusalem may continue endlessly.

Therefore, I shall quote here only the song of Naomi Shemer which touched so many hearts, "Jerusalem of gold...".

For all the beauty and the special character of today's Jerusalem, which has been rebuilt on the splendor of its past, we must be thankful to two imaginative and gifted people.

One of them is Teddy Kollek, the man who went in the footsteps of Uziyah, who built towers in Jerusalem and fortified them. He has restored its ruins, built its new suburbs. He has enlarged its city limits. He has built institutions of higher learning and culture which have become famous throughout the world. He has planted many green gardens and he "spoke to her with flowers."

The other is the current mayor Ehud Olmert, who fights fearlessly for the unity of Jerusalem. He follows in Teddy Kollek's footsteps in all aspects and he is still full of energy.

But on this festive occasion, on which we praise and are praised by others, we must not forget that there is still a long way ahead and we still cannot settle down in peace.

On the eve of Jerusalem Day and its 3000th anniversary, we must remember that Jerusalem is Zion and Zion means Zionism. Without the Zionist idea, we would not be here today - and if we do not complete its realization, we will not be here.

Unfortunately, today, 48 years after the founding of the State of Israel, the time to rest on our laurels has not arrived yet. In spite of all our yearnings and striving for peace, the sword cannot yet be returned to its scabbard.

Indeed, at the end of the twentieth century, as we look back to its commencement, we cannot but regard with great satisfaction the outstanding achievements of the Zionist enterprise, which are without precedence in the entire history of the human race. But although we have excelled in almost all areas, we still have deserts which have not yet been brought to bloom. There are still sections of the country, even within the green line, which have been abandoned even before being settled. There are still new immigrants who have not been properly absorbed. There are still social and economic problems waiting to be solved. We are still menaced by security dangers which have not yet been eliminated.

I believe in peace and that it will come eventually, but this does not absolve us from the need to continue to adhere to Zionism, to continue to realize it fully to the end. The experience of the last few generations has proved that Zionism is the secret of the strength and of the existence of the Jewish people in their homeland and we must remember that strength is a prerequisite for a real and lasting peace. Therefore, if we wish to live and if we yearn for peace, we and all the generations after us must remember that the age of pioneering is still not over.

And in the same context, this time as an ordained Jerusalemite, I am appealing to the millions of our brethren, the sons of the Jewish people in the Diaspora: Why should you wait till next Passover to say "Next year in Jerusalem?" Say now: "This year in Jerusalem!"

May this be so and we fulfill the verse from Psalm 128: "The Lord shall bless thee out of Zion and thou shalt see the good of Jerusalem all the days of thy life. Yea, thou shalt see thy children's children and peace upon Israel."



**GOVERNMENT OF ISRAEL, GUIDELINES AND GOALS,
JERUSALEM, 17 JUNE 1996 [EXCERPTS]**

[Goals and guidelines of the government of PM-Elect Netanyahu, particular with regard to Jerusalem]

The Government presented to the Knesset will act on the premise that the right of the Jewish people to the Land of Israel is eternal and indisputable, that the State of Israel is the State of the Jewish people, whose democratic government guarantees equality for all its citizens, and whose main goal is the ingathering and integration of the Jewish people.

The striving for national unity, social justice, and personal liberty, and the search for genuine peace with all of our neighbors while safeguarding national and personal security, shall serve as the basis for the Government's policies.

The Government will work to achieve the following goals:

1. Achieving peace with all our neighbors, while safeguarding national and personal security.
2. Reinforcing the status of Jerusalem as the eternal capital of the Jewish people.
3. Increasing immigration to Israel, and integrating new immigrants in all walks of life.
4. Creating conditions for a free, thriving economy and social welfare.
5. Strengthening, broadening and developing settlement in Israel.
6. Promoting values of the State of Israel as a Jewish, democratic state, while maintaining a proper balance between the will of the majority and the rights of individual and minorities.
7. Broadening education and strengthening the bond to Jewish heritage and the realization of Zionism. [...]

II. JERUSALEM

1. Jerusalem, the capital of Israel, is one city, whole and undivided, and will remain forever under Israel's sovereignty.
2. Freedom of worship and access to the holy places will be guaranteed to members of all faiths.
3. The Government will thwart any attempt to undermine the unity of Jerusalem, and will prevent any action which is counter to Israel's exclusive sovereignty over the city.
4. The Government of Israel, through its ministries and through the Jerusalem Municipality, will allocate special resources to speed up building, improve municipal services for Jewish, Arab and other residents, and to reinforce the social and economic status of the Jerusalem metropolitan area.



**ISRAELI FOREIGN MINISTRY, STATEMENT REGARDING THE
WESTERN WALL TUNNEL ISSUE, 26 SEPTEMBER 1996**

Following the recent events in Jerusalem, the Israel Foreign Ministry wishes to emphasize these important points:

1. The restoration of the Western Wall Tunnel was undertaken as part of an ongoing effort by Israel both to reveal major archeological finds in Jerusalem and to improve the tourism infrastructure in the Old City.
2. The tunnel itself, which dates from ancient times, runs the length of the Western Wall, one of Judaism's holiest sites, and allows pedestrians to enter one of the oldest subterranean paths in Jerusalem from the Western Wall plaza and exit onto the Via Dolorosa. It must be emphasized that no part of the tunnel runs underneath the Temple Mount.

3. The tunnel was re-excavated under the supervision of archeologists and engineers. No archeological or religious sites were damaged in its construction.
4. The tunnel's restoration does not endanger any buildings or other structures in the Old City.
5. No private property was expropriated, condemned or otherwise confiscated in order to accomplish this project.
6. The restoration of the tunnel does not violate the Interim Agreement between Israel and the Palestinians as archeological restorations in Jerusalem are not covered by the document.
7. The opening of the tunnel will increase the access by tourists to the Via Dolorosa from the Western Wall plaza - thereby benefiting merchants in the Moslem Quarter.



**GOVERNMENT OF ISRAEL, STATEMENT REGARDING THE CURRENT
POLITICAL SITUATION, JERUSALEM, 26 SEPTEMBER 1996 [EXCERPTS]**

Regarding the opening of the Western Wall, the following points should be noted:

The current atmosphere, incitement and barely disguised threats have unfortunately led to violence and are a clear warning regarding the consequences of the current escalation of rhetoric. The manifestations of violence over the last few days do not serve the interests of any participant in the peace process.

We therefore view the recent incidents which accompanied the opening of the new entrance to the Western Wall tunnel as part of an ongoing campaign to reap political profit by pressuring Israel to adopt certain positions even before the issues themselves have come up for negotiation. Since the inauguration of Israel's new government we have witnessed the Cairo summit, meetings of Arab foreign ministers, in-creased tensions on our northern border and lastly the contemptuous characterizations of our Prime Minister by senior Egyptian officials and ministers. For all of these reasons it seems readily apparent that the current outbreak of violence is a calculated maneuver to achieve certain political advantages before the resumption of negotiations and not a spontaneous occurrence engendered by the opening of the entrance to the tunnel.

Despite the recent rhetorical escalation and unfortunate, violent events, Israel continues to stand by its commitment to the peace process as detailed in this document.



**LETTER FROM DAVID PELEG, CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION
OF ISRAEL TO THE UN TO THE UN SECRETARY-GENERAL, 26 SEPTEMBER 1996**

[On the opening of the tunnel in the proximity of the Wailing Wall]

I have the honour to refer your attention to General Assembly/Security Council document A/51/400-S/1996/779.

The restoration of the Western Wall tunnel was undertaken as part of an ongoing effort by Israel both to reveal major archaeological finds in Jerusalem and to improve the tourism infrastructure in the Old City. The tunnel, in fact, has been opened to tourists and pilgrims for years. The opening of the new, additional entrance was initiated only to improve access to the tunnel and provide visitors with greater comfort and safety.

The tunnel itself, which dates from ancient times, runs the length of the Western Wall, one of Judaism's holiest sites, and allows pedestrians to enter one of the oldest subterranean paths in Jerusalem from the Western Wall plaza and exit onto the Via Dolorosa. Despite Palestinian charges to the contrary, at no point does the tunnel run beneath the Temple Mount.

The above-mentioned document attempts to link the Western Wall tunnel in a direct way to the Al-Aqsa Mosque. Such a characterization is both deceitful and misleading. The tunnel neither traverses nor affects the Al-Aqsa Mosque or its foundations.

The re-excavation of the tunnel was conducted under the supervision of archaeologists and engineers for the purpose of providing greater access to the sites holy to so many people, Jews, Christians and Muslims alike. The opening of the tunnel neither damaged any archaeological or religious sites, nor endangered the security

or the integrity of such structures in the Old City, Islamic or otherwise. Israel has always striven to respect and preserve the sites in Jerusalem which are holy to so many. To this end, Israel remains committed to maintaining freedom of worship for all religions in Jerusalem.

The Palestinian attempt to distort and manipulate the facts surrounding the Western Wall tunnel is a blatant effort to create a crisis in order to pressure Israel. The Palestinian Authority, instead of attempting to cool passions and use its authority and ability in a responsible manner, has only served to incite and inflame the Palestinian people. This is a cynical misuse of its obligations and responsibilities.

During the last two days, 12 Israelis have been killed and 54 more injured by the armed Palestinian security forces. It is indeed both ironic and tragic that Israelis have been killed by the very weapons which Israel provided to the Palestinian Authority, also as agreed upon in the Interim Agreement.

In light of the violent and apparently orchestrated events of the last several days, Israel and the Palestinian Authority should "foster mutual understanding and tolerance", as provided by the Interim Agreement.

Attached please find an accurate map of the area in question.

I would be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) David PELEG
Ambassador, Chargé d'affaires a.i.



**GOVERNMENT OF ISRAEL, RESPONSE TO UN SECURITY COUNCIL RESOLUTION 1073
(OF 28 SEPTEMBER 1996), 29 SEPTEMBER 1996**

Israel expresses its disappointment over today's decision by the Security Council. The extremely one-sided and unbalanced decision will not advance in any way the goals which the Security Council is designed to promote, namely - calming the situation and advancing the peace process. The Council did not even see fit to mention directly the Israeli casualties of the last few days.

The peace process between Israel and the Palestinians is founded upon direct, open and substantive dialogue between the sides. It is this dialogue which has brought about the progress already achieved. The adoption of unbalanced positions by outside parties can only damage the peace process.

The Government of Israel has chosen the path of peace. Its policy guidelines include its commitment to the peace process. And it has acted to advance this process. The government has recognized the Palestinian Authority status as its negotiating partner and has reached an agreement with it on how to continue and advance the negotiations. This is the way to proceed now.

It is the responsibility of the Palestinian Authority to act in accordance with the terms of its agreements with Israel as its partner on the negotiations. The Palestinian Authority must act to prevent incitement, to restore public order and, first and foremost, to restrain the Palestinian security forces who are subject to its authority.



**GOVERNMENT OF ISRAEL, CRITICAL ANALYSIS OF UN SECURITY COUNCIL
RESOLUTION 1073 (OF 28 SEPTEMBER 1996), 1 OCTOBER 1996**

1. The resolution takes as its basis the letter of the Saudi representative regarding the "action by the Government of Israel to open a tunnel in the vicinity of Al Aqsa Mosque". This is in fact a distortion of the situation as the tunnel is an archeological site which has nothing to do with the Mosque.
2. The resolution ignores the letter of Israel's permanent representative, to the UN Secretary General, on this very subject and at the outset constitutes a one-sided approach to the issue.
3. The resolution mentions the "consequent results" of the tunnel's opening and as such ignores the campaign of incitement and vilification on the part of the Palestinian Council and several Arab states which engendered the current outbreak of violence.

4. While the Security Council expresses its "deep concern" over the deaths of Palestinian civilians and "concern" over the violent clashes between the Israeli Army and the Palestinian Police, nowhere does this resolution express "concern", deep or otherwise, regarding the blatant violation by the Palestinian Police of the Agreements between Israel and the Palestinians. Not only did the Palestinian Police not exercise effective control to prevent violence, there were repeated instances when Palestinian Policemen joined rampaging mobs and fired on Israeli positions with the very weapons that were supposed to be used to keep order, causing the killing of 15 Israeli soldiers and policemen and the wounding of more than 60.
5. It should be noted that the violence in the territories was instigated and encouraged in a cynical and calculated manner by the leadership of the Palestinian Council as well as other states in the region. Israel has not, nor will it ever, undertake or countenance any action which would damage the holy sites of any religion in Jerusalem, or in any other locale under its jurisdiction. The members of the Security Council as well as the Palestinian Council are well aware of this. Nevertheless, the resolution is silent about the distortions and incitement which were aimed at Israel in the days prior to the violence in the territories and which set the stage for its outbreak. Furthermore, the resolution does not call upon those who engaged in this dangerous incitement to desist from it in the future.
6. It must be stated that this resolution is also silent regarding those who actually resorted to violence. The Palestinian Police and Security Services who were armed by virtue of the agreement between Israel and the Palestinians and are charged with keeping order in the areas under Palestinian jurisdiction. Instead they turned these weapons on Israeli soldiers and police, without any provocation, in what can only be described as an horrendous abuse of the trust with which they were invested and the powers which they were granted. None of this finds any expression in the resolution.
7. One can only, and sadly, conclude from this resolution that the Security Council has sent a message that artificially generated violence achieves political advantage and rewards those who cynically endanger human lives and the cause of peace in the Middle East.



**REMARKS ON JERUSALEM BY FORMER KNESSET MEMBER RABBI ELIEZER WALDMAN,
ROSH YESHIVA, YESHIVAT KIRYAT ARBA, OCTOBER 1996 [EXCERPTS]**

Mr. Netanyahu,

Rise up in Defense of Jerusalem! The battle for Jerusalem has begun. It is being fought on all fronts: from the streets of Jerusalem; Ramallah; Kfar Darom in the Gaza Strip; and by the Tomb of Rachel in Bethlehem. Jews had to be barred from praying at the kotel and from visiting Rachel's Tomb owing to the riots. Our former government gave weapons to terrorists and called them "policemen". We were told that now that they have been given responsibility and authority, they will help us to fight terror. Our soldiers operated joint patrols together with these terrorists. Yesterday Jewish soldiers were fired upon by these same "policemen" who used the weapons and training we gave them to shoot at our soldiers! Because of our failure to close Orient House and to prevent the PLO from conducting political activity in Jerusalem, we encouraged them to further defy Israeli authority. It is clear that the riots were carefully planned, and that the opening of the tunnel was a mere pretext to justify them. Arafat is testing the Israeli government to see how it will react under heavy international pressure. He has staged violent protests in the hope that the Israeli response will evoke world sympathy for his cause and force the Netanyahu government to yield to his demands. Since it saw that we did not act to prevent violations of our sovereignty in Jerusalem, the PLO is now trying to further limit our rights in Jerusalem.

Mr. Netanyahu,

Rise up in Defense of Jerusalem! Rather than stand up to the test and maintain his stated policy to react to violence by discontinuing peace talks, our prime minister did exactly the opposite. He called for a continuation of the peace talks! Rather than express outrage at the riots we find our government defending itself, assuring the Arabs that no harm would be caused to their holy places. Riots must be dealt with swiftly and ruthlessly. A policy of responding to terror and murder by elevating the murderers to respectability is an open invitation to the terrorists to continue their carnage.

The sovereign government of Israel has no obligation to explain or apologize to anyone for construction and renovations it chooses to make in its capital. This is our country, our homeland, and no one has the right to tell us what to do here. No other entity has any right to make demands upon the Israeli government. The riots we see now are the direct result of the Peres plan for a "New Middle East" from which our new government had committed itself to protect us. [...]

Mr. Netanyahu,

Rise up in Defense of Jerusalem! It is better to fight the battle for Jerusalem now, before we have yielded more authority on our land. Arafat is openly calling for Jerusalem as his right. Now is the time to stop him in his tracks. Show him, unequivocally that he has no place in Jerusalem. I must say, that while it is an admirable quality for a person to overlook insults, that quality is not permitted to a Jewish leader. You have no right to overlook the respect demanded of a Prime Minister. He who insults our Prime Minister insults the Jewish State, the Jewish People and, yes, even the Jewish G-d. Mr. Mubarak, through his puppet media, has degraded and threatened you in the most humiliating manner. Therefore you cannot agree to speak or accept invitations from the Egyptian leader until an apology is offered. He must understand that normal relations cannot be continued without maintaining the proper respect owed to the office of the Prime Minister of the Jewish State.

Jerusalem is our eternal city. Thus, Jewish eternity is dependent upon our victory in Jerusalem. I turn to you again, Mr. Netanyahu, Rise up in Defense of Jerusalem and all of Israel. We are all with you.



**NATIONAL AGREEMENT REGARDING NEGOTIATIONS ON A PERMANENT
SETTLEMENT WITH THE PALESTINIANS ("BEILIN-EITAN AGREEMENT"),
22 JANUARY 1997 [EXCERPTS]**

*[A number of MKs – led by Yossi Beilin of the Labor Party and Michael Eitan from the Likud –
reached an agreement on a West Bank territorial compromise with the Palestinians.
The following are excerpts regarding the issue of Jerusalem]*

D. JERUSALEM

1. Jerusalem, the capital of Israel, with its existing municipal borders, will be a single unified city within sovereign Israel.
2. The Palestinians will recognize Jerusalem as the capital of Israel and Israel will recognize the governing center of the Palestinian entity which will be within the borders of the entity and outside the existing municipal borders of Jerusalem.
3. Muslim and Christian holy places in Jerusalem will be granted special status.
4. Within the framework of the municipal government the Palestinian residents of Arab neighborhoods in Jerusalem will receive a status that will allow them to share in the responsibility of the administration of their lives in the city.



**COMMUNIQUÉ OF THE ISRAELI MINISTERIAL COMMITTEE ON
JERUSALEM AFFAIRS, JERUSALEM, 18 FEBRUARY 1997**

[On the construction of new roads connecting Jerusalem and US involvement in the subject]

The Ministerial Committee on Jerusalem Affairs met today (Tuesday), 18.2.97.

1. The Committee decided the following:
 - A. To advance the construction of Highway #45 and Highway #4 (which connects Jerusalem with Highway #45).
 - B. To accelerate the processes regarding both the outline and the detailed plans for constructing the Eastern Ring Road in Jerusalem, including the Mt. Scopus road.
 - C. To advance the planning for Highway #80. First priority will be given to the stretch from Tel Arad to Mishor Adumim. Clearing the route for the road will be submitted for the Committee's approval prior to its implementation.
2. At the beginning of the discussion, Prime Minister Benjamin Netanyahu said that he was asking that the Committee decide today on the issue of the roads, and that the discussion of construction in Jerusalem would take place next week, when Jerusalem Mayor MK Ehud Olmert returns from abroad.

The Prime Minister emphasized that during his recent visit to the United States, he did not seek approval from President Clinton - or any other administration officials - regarding anything that we are doing in or around Jerusalem. The Prime Minister added that during his visit to the US, he reiterated Israel's policy of insisting on our sovereignty over all parts of Jerusalem and ensuring the unity and security of the city.

The Prime Minister said that he does not need to be preached to by anyone on the commitment to Jerusalem and his intentions to build and pave roads in Jerusalem, as well as to prevent illegal Palestinian Authority activity in Jerusalem. Regarding Highway #45, the Prime Minister said that it was essential for traffic between the coastal plain and Jerusalem, was an alternative to Highway #1, and would greatly contribute to the development of the State of Israel. He said that this was a highway of peace since it will serve both the Jewish and the Palestinian populations, and will lead to both Ramallah and Amman.



**ISRAELI FOREIGN MINISTRY, BACKGROUND DOCUMENT ON
BUILDING IN JERUSALEM, JERUSALEM, 24 FEBRUARY 1997**

HAR HOMA

1. The planned neighborhood to be built in Har Homa is located in an unpopulated area near Kibbutz Ramat Rahel, within the municipal boundaries of the city of Jerusalem.
2. Jerusalem is a vibrant, growing city. The purpose of the Har Homa project is to alleviate the housing shortage of both the Jewish and Arab residents of Jerusalem. As such, it constitutes part of the overall municipal plan to construct 20,000 new housing units for the Jewish sector and 8,500 for the Arab sector - a ratio comparable to that of the Jewish and Arab populations in the city. In this regard, Prime Minister Netanyahu has recently said (Feb. 20):

"We will build in Jerusalem, without conditions, without restrictions. We will build throughout the city... We are as committed to the Arab residents of Jerusalem as we are to providing for the Jewish residents. They, too, need housing, and we will build, adapting the building plans to the needs of both populations."
3. The Har Homa project necessitated the appropriation of 1,400 dunams from Jewish landowners and 450 dunams from Arab landowners. The High Court of Justice upheld the government's right to appropriate this land in order to meet the housing needs of the public at large.

ROADS

4. The Ministerial Committee on Jerusalem Affairs decided (February 18, 1997) to advance the construction of several roads, as part of the development of the infrastructure of Jerusalem, in order to reduce traffic congestion in the city and to improve access routes both to and within the city.
5. The development of such an infrastructure is necessary to serve the growing needs of a Jerusalem as a major city, whose current population of 500,000 is expected to increase to 800,000 within the next few years. The resulting improvement in transport will enhance both the quality of life of Jerusalem's residents and access from the periphery to the city center.
6. The approved roads in the Jerusalem area are:
 - a. A new road linking Jerusalem with the coastal plain, which will serve as an alternative to the existing, already congested road.
 - b. An eastern ring road linking the Arab population centers to the north (Ramallah and Nablus) and south (Bethlehem and Hebron) of Jerusalem. This road will enable those traveling between these centers to bypass the crowded Jerusalem city center, as is customary in metropolises throughout the world.

LEGAL ASPECTS

7. There is no basis to the Palestinian claims that the planning construction constitutes a violation of the agreements between Israel and the Palestinians. These agreements do not place any restrictions on Israeli building in areas under Israeli control.
8. Both the Declaration of Principles (1993) and the Interim Agreement (1995) state that the issue of Jerusalem will be discussed in the framework of the permanent status negotiations, and that the Palestinian side has no authority in Jerusalem during the interim period. Under these agreements, the Palestinians have no standing to demand that Israel coordinate building in Jerusalem with them.



**COMMUNIQUÉ OF THE MINISTERIAL COMMITTEE ON JERUSALEM AFFAIRS,
JERUSALEM, 26 FEBRUARY 1997**

[Decision of initiating new building sites in the Jerusalem area, especially in Har Homa]

The Ministerial Committee on Jerusalem Affairs met today (Wednesday), 26.2.97 and decided as follows:

1. The Ministerial Committee on Jerusalem Affairs decided today, unanimously, to approve construction of the Har Homa neighborhood, and also decided to approve construction for the Arab population in Jerusalem, subject to the directives and procedures required by law.
2. The Har Homa neighborhood is to encompass some 6,500 housing units, with 2,500 to be built in the first stage. The first stage of building for the Arab population will comprise about 3,000 housing units in ten different Jerusalem neighborhoods.
3. Infrastructure work on the Har Homa site and the building sites for the Arab population will commence after the Minister of Labor and Social Affairs, who is authorized to sign the Har Homa plans, will do so.



**SPOKESMAN OF THE ISRAELI MINISTRY OF FOREIGN AFFAIRS, STATEMENT
ON THE PLANNED CONSTRUCTION OF THE HAR HOMA SETTLEMENT,
JERUSALEM, 27 FEBRUARY 1997**

In reference to the Ministerial Committee on Jerusalem Affairs' decision:

The decision to approve construction of the Har Homa neighborhood, as well as other projects for the Arab population, was taken within the context of Jerusalem's development needs and represents no contravention of international law or any Israeli-Palestinian agreement.

Israel's commitment to the peace process remains unswerving. The decision to commence the construction of the Har Homa neighborhood in Jerusalem does not in any way contradict the various agreements which have been signed between Israel and the Palestinians. A careful reading of the agreements bears this out. Israel and the Palestinians continue to move forward with the implementation of the Hebron Protocol and the anticipated further redeployment which is due to take place in the coming weeks.

In reference to the Ministerial Committee's decision: A number of statements were made which left the impression that violent reaction to this undertaking was to be expected or even understood. Violence, or the threat of its use, is unacceptable within the process. Such statements should be condemned by all who seek to further peace in the Middle East.



**THE MUNICIPALITY OF JERUSALEM, BUILDING AND INFRASTRUCTURE
DEVELOPMENT IN EAST JERUSALEM - PLANS FOR IMMEDIATE IMPLEMENTATION,
JERUSALEM, 3 MARCH 1997**

DEVELOPMENT OF INFRASTRUCTURES AND SERVICES IN EAST JERUSALEM

At its meeting of January 26, 1997, the Government of Israel decided on "the development of infrastructures and services in the Arab neighborhoods of eastern Jerusalem, according to the list of projects approved and agreed upon between the Ministry of Finance and the Municipality of Jerusalem."

The Ministry of Finance and the Municipality have reached agreement on the investment of some NIS 130 million (approx. \$39 million) in 1997, as supplementary expenditure for development and services, in the following areas (in NIS million):

| | NIS (million) | \$ (million) (approx.) |
|---|----------------------|-------------------------------|
| 1. Sanitation | 5.6 | 1.67 |
| 2. Enforcement | 1.5 | 0.45 |
| 3. City improvement | 8.7 | 2.60 |
| 4. Transportation and engineering services | 54.3 | 15.20 |
| 5. City planning | 3.2 | 0.96 |
| 6. Building inspection | 2.2 | 0.66 |
| 7. Tourism | 13.5 | 4.03 |
| 8. Firefighting and rescue | 1.9 | 0.57 |
| 9. Education (building & renovation) | 10.6 | 3.16 |
| 10. Culture (buildings) | 3.7 | 1.10 |
| 11. Society and youth (infrastructure) | 1.0 | 0.30 |
| 12. Welfare (infrastructure) | 11.2 | 3.34 |
| 13. Community administration (infrastructure) | 10.1 | 3.00 |
| 14. Sports (infrastructure) | 3.1 | 0.93 |
| 15. TOTAL | 130.6 | 38.97 |

In order to advance the government decision of January 26, 1997, the Mayor of Jerusalem has instructed the relevant city departments to begin already this week the implementation of Stage A of the infrastructure plan, at a cost of NIS 25 million (approx. \$7.5 million), through the interim funding of the municipality as follows:

| | NIS (million) | \$ (million) (approx.) |
|--|----------------------|-------------------------------|
| 1. Roads (reconditioning and paving) | 13.6 | 4.06 |
| 2. Reconditioning of pavements and steps | 3.7 | 1.1 |
| 3. Traffic and safety arrangements | 0.7 | 0.21 |
| 4. Lighting, sewage and drainage | 4.3 | 1.28 |
| 5. Building of schools | 3.1 | 0.93 |
| 6. TOTAL | 25.4 | 7.58 |

Stage A of the plan includes infrastructure improvement in the Abu Tor neighborhood (about NIS 5 million - \$1.5 million), the eastern main business district (about NIS 6 million - \$1.8 million), and various works in other neighborhoods (about NIS 14 million - \$4.18 million). Most of the work outlined above will be concluded within six months, and the remainder within 14 months. The plan for infrastructure improvement in Abu Tor includes the following:

| | NIS (million) | \$ (million) (approx.) |
|--|----------------------|-------------------------------|
| 1. Roads (reconditioning and paving) | 1,337,000 | 400,000 |
| 2. Reconditioning of pavements and steps | 501,000 | 150,000 |
| 3. Traffic and safety arrangements | 153,000 | 45,670 |
| 4. Building of schools | 3,100,000 | 925,000 |
| 5. TOTAL | 5,091,000 | 1,520,670 |

DEVELOPMENT OF BUILDING INFRASTRUCTURES IN EAST JERUSALEM

The Arab population of Jerusalem numbers some 170,000 residents (28% of the city's population). By the year 2010, the Arab population is expected to increase by 47% (80,000 persons), to reach a total of 250,000. The demand for housing units in the Arab sector is estimated at 1,000 units annually. The available supply in currently approved plans is about 3,000 housing units, as follows:

| Area | Number of Housing Units for Development |
|----------------|--|
| Beit Zafafa | 450 |
| Arab a-Suwahra | 500 |
| Jabel Mukaber | 75 |
| Abu-Tor | 70 |
| Silwan | 130 |
| Ras al-Amud | 620 |
| A-Sheikh | 480 |
| A-Sawani | 70 |
| A-Tur | 120 |
| Isawiya | 500 |
| TOTAL | 3,015 |

At its meeting of February 26, 1997, the Government of Israel decided to begin the immediate implementation of the necessary infrastructure for the construction of these 3,015 housing units. In most of these neighborhoods, infrastructure development is a necessary condition for the granting of building permits, as these will not be approved in the absence of proper infrastructure (especially roads).

The Municipality of Jerusalem estimates that the accelerated development of infrastructure in eastern Jerusalem will encourage the Arab landowners to build construction projects, both for their own use and for sale on the free market.

In addition, the Municipality of Jerusalem has asked that the government allocate resources for the reparation plans in north Jerusalem, in the Beit Hanina and Shuafat neighborhoods, as well as the funds needed to plan saturation building (up to four housing units per dunam) in Kafr Akeb, Beit Hanina and Shuafat.

It is expected that these three tracks - development, reparation and saturation building - will bring about the desired change in the promotion of private building in eastern Jerusalem. Infrastructure development includes:

- Paving of roads (temporary and final)
- Grading of roads
- Drainage system
- Building of pavements
- Street lighting
- Water supply system
- Sewage system
- Road safety fixtures

The Abu Tor Neighborhood

The Abu Tor neighborhood, located south of the Old City, extends over 504 dunams, bounded on three sides by deep ravines: to the north, the Ben Hinnom Valley, separating it from Mount Zion and the City of David; to the east, the Kidron Valley, separating it from Silwan; and to the south, a ravine separating it from the broad open space leading to East Talpiot. The upper slopes are relatively moderate, but near the bottom they become steeper. A detailed plan for the area was prepared in 1941, and incorporated in the Jerusalem city plan in 1944. After the 1967 Six Day War, a detailed plan for the area was prepared, but not approved. This plan was reintroduced and revised in 1975.

The new plan redefined the construction area, including those areas where building existed or where topography allows for construction, and permitted building in the nucleus of the village, subject to professional approval of each building permit. An incomplete road network was defined based on the then existing building, which does not provide motor access to each house - a problem which was solved by pedestrian paths. The major road in the area comprised by the plan is the ring road which links Silwan and Ras al-Amud in the east with the Old City in the north. Public areas were defined at great effort by a 40% reallocation by means of the unification and reparation of the existing plots, with the agreement of the landowners.

CONCLUSION

The above-mentioned government decisions and the concomitant plans for implementation are expected to improve the services provided to the Arab neighborhoods, according to the following goals:

- the advancement of building
- significant improvement of the quality of life and the environment
- the development and encouragement of tourism
- the development of economy and commerce
- the enhancement of security and safety
- the development of the education system.



**GOVERNMENT OF ISRAEL, DOCUMENT ON THE LEGAL ASPECTS OF
THE PLANNED HAR HOMA SETTLEMENT, 3 MARCH 1997**

*[Legal points presented by the government in order to prove the non-breaching of agreements
between Israel and the PLO with regard to the construction of the Har Homa settlement]*

In light of repeated attempts by the Palestinians and others to present the Israel government approval of the Har Homa project as an alleged violation of the agreements between Israel and the PLO, the following legal points should be noted:

BUILDING IN THE TERRITORIES AND IN JERUSALEM

1. The Declaration of Principles of September 1993, the Interim Agreement of 1995, and all related documents contain no commitment to refrain from the construction of settlements, neighborhoods, houses, roads, or any other such building project. Hence, the approval of the Har Homa project and its implementation do not constitute any violation of these agreements.
2. It should be noted in this context that in the course of negotiations on the Interim Agreement in 1995, the Palestinian side sought to include in this agreement restrictions on the building of settlements. This issue was discussed but was not agreed upon, and no ban or limitation on building -- either in the territories or in Jerusalem -- is contained anywhere in the agreement.
3. To the contrary. Building is permitted, under the agreement, to both Palestinians and Israelis, in those areas under their respective jurisdictions, subject to the provisions of the agreement regarding planning and construction.

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4. Israel and the Palestinians agreed that the Palestinian autonomy authorities have no powers or responsibility in Jerusalem. Accordingly, their offices and institutions are to be located only in those areas in which the Palestinian autonomy enjoys territorial authority -- namely, outside Jerusalem. It was explicitly agreed that the authority of the Palestinian autonomy would extend over the West Bank and Gaza, to the exclusion of those issues to be discussed in the permanent status negotiations, including Jerusalem and the Israeli settlements.
5. In agreeing that the issue of Jerusalem is to be part of the permanent status negotiations, the parties recognized Jerusalem as a separate issue, which does not constitute a part of the agreed arrangements for redeployment and transfer of authorities in the West Bank and Gaza Strip. Namely, life in Jerusalem, and all this entails, continues, with the status of the city remaining unchanged so long as no decision to the contrary is taken in the permanent status negotiations.
6. Therefore, the approval of building plans within Jerusalem, or the implementation of any construction work, does not constitute a change in the status of Jerusalem; neither does it create a situation which can adversely affect or influence the permanent status negotiations. In any event, the existing agreements do not accord the Palestinians any standing with regard to any actions taken in Jerusalem, and Israel is under no obligation to coordinate such actions with them or to consult with them.

CHANGE OF STATUS IN JUDEA, SAMARIA AND GAZA

7. In Article XXXI (7) of the Interim Agreement, Israel and the PLO agreed that "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations." Since, as noted above, Jerusalem is not included in the agreement as part of those arrangements which apply to the West Bank and Gaza Strip, and since there is no change in the status of Jerusalem, this article is not relevant in this context.
8. In contrast, any action taken by either side to alter the status of this area (such as by declaration of an independent state) would constitute a violation of the Interim Agreement - allowing the other side to decide whether to view the agreement as void, thus releasing that side from its obligations under the agreement.
9. It should be noted that even the letters from the PLO to the President of the Security Council (S/1997/149 of Feb 21, 1997 and S/1997/165 of Feb 27, 1997) make no claim of any violation of the agreements. Rather, they refer to a threat to the integrity of the agreements-- this because there has in fact been no violation.

SETTLEMENTS

10. The position of the Israeli government, since 1967, has been that international law does not forbid the building of settlements on occupied territory, and that the standard rules of international law, including The Hague Rules of 1907, permit the administering authority to utilize public land and to enjoy the "usu-fruct" as long as it occupies the territory. Israel therefore rejects any claim or decision as to the illegality of its settlements policy.

APPEALS TO THE INTERNATIONAL COMMUNITY

11. The very appeal by the PLO to the international community for intervention, particularly to the UN Security Council, is inconsistent with its explicit agreement to settle all issues under dispute directly through negotiation. This commitment is contained in the letter from the PLO Chairman to the late Prime Minister Rabin of September 9, 1993, on the eve of the signing of the Declaration of Principles, as well as in the texts of the DOP and the Interim Agreement which refer issues under dispute to the appropriate mechanisms of coordination, cooperation and conciliation between the parties, without the involvement of outside parties. The PLO's activity in this matter thus undermines the principles of the agreement, reflecting the desire to avoid confrontation and to foster relations built on mutual trust by resolving differences directly between the parties.



ISRAELI PUBLIC SECURITY MINISTRY, HEARING OF ARGUMENTS AGAINST CLOSING PALESTINIAN INSTITUTIONS IN EASTERN JERUSALEM, JERUSALEM, 10 MARCH 1997

By instruction of Public Security Minister Avigdor Kahalani, the head of the Police Operations Branch, Yossi Levy, on March 5, 1997, signed warning letters, which were given to the minorities branch in the Jerusalem Police, against four Palestinian institutions in the eastern part of Jerusalem.

The four institutions warned are:

- The Jerusalem Association for Social Welfare and Development, 12 El-Masudi Street.
- The National Organizations Office.
- The National Islamic Committee to Confront the Settlements.
- The Palestinian Institute for the Wounded.

The latter three institutions are located in the Palestinian Prisoners' Club in the Nuzha building on Salah-a-Din Street.

According to the letter, the organizations have 96 hours to submit a written appeal, should they wish, to the Public Security Ministry. If the institutions are not closed on their own, the Police will move to close them.

According to the Law Implementing the Interim Agreement Concerning the West Bank and the Gaza Strip (1994), all activities of representatives of the Palestinian Authority within the borders of the State of Israel are forbidden.

On Monday, March 10, 1997, representatives of the Public Security Ministry heard arguments from the four Palestinian institutions operating in eastern Jerusalem which were served closure warnings.

During the meeting, it was decided that the four institutions' legal representative, Attorney Mr. Boulous, would submit in writing by 12:00 tomorrow, Tuesday, March 11, 1997, additional arguments against closing the institutions.

Following a review of the additional materials to be submitted tomorrow, the Public Security Minister will decide whether there is reason not to implement the warnings.



**ISRAELI FOREIGN MINISTRY, RESPONSE TO THE AL-QUDS COMMITTEE MEETING,
JERUSALEM, 29 MARCH 1997**

In view of the growing amount of information regarding the "Al-Quds" Committee's decisions, both public and confidential, taken during its conference in Rabat and dealing with the future of the relations between the Arab countries and Israel, Foreign Ministry Director-General Eitan Bentsur issued the following statement yesterday (Saturday), 29.3.97:

"Israel views the decisions of the Al-Quds Committee taken in Rabat - including the call to Arab countries to reconsider their relations with Israel - to be a blow to the peace process and an additional obstacle in its path. The achievements of the peace [process] thus far - including Israel's ties with Arab countries - were the result of direct negotiations. Normalization must be an integral part of the peace process; it cannot be neglected and replaced by dictates and threats. Normalization is an asset for the entire region, for its development and its prosperity, and it cannot serve, alternately, as a carrot and stick against Israel.

Israel expects responsible regional leaders - the foreign ministers of the Arab League meeting tomorrow (Sunday), 30.3.97, in Cairo - to act quickly and with the greatest responsibility, to call for an immediate cessation of terrorism, to halt the rhetorical escalation, and to contribute to a real advancement of the understandings between the parties within the frameworks for direct negotiations; this, as a part of a sincere effort to overcome the obstacles, calm the atmosphere, and refrain from threats and incitement.

The decisions of the Al-Quds Committee, and [those which were taken] in Islamabad, as well as the activity at the United Nations, only serve to push the goal of peace further away, instead of drawing it closer."



**ISRAELI FOREIGN MINISTRY, RESPONSE TO THE UN GENERAL ASSEMBLY DECISION
REGARDING CONSTRUCTION OF THE HAR HOMA SETTLEMENT,
JERUSALEM, 25 APRIL 1997**

Israel believes that there was no procedural or substantive justification for the convening of the "Special Emergency Session" of the U.N. General Assembly concerning the construction of a residential neighborhood in Jerusalem. This, while the international agenda is laden with genuine problems which require urgent attention.

Israel categorically rejects the one-sided resolution adopted by this session, which stands in contradiction to the peace process and its principles.

Israel believes that all outstanding issues will be resolved only through direct negotiations between the parties concerned, within the framework of the peace process.



**ISRAELI INTERIOR MINISTRY, STATEMENT REJECTING THE CLAIM THAT 60,000
EAST JERUSALEM RESIDENTS HAVE HAD THEIR RESIDENCY REVOKED,
JERUSALEM, 4 MAY 1997**

The Interior Ministry categorically rejects the claim that about 60,000 residents of eastern Jerusalem have had their residency revoked. Since January 1997, the residency of a total of 358 people who were residents of eastern Jerusalem expired. Initially, the figure was 1,017 people, but these individuals were given an opportunity to submit documents and evidence in order to have their cases reviewed.

Following appeals by a number of these people, and after additional evidence was brought, the Interior Ministry reexamined their cases and found that 186 people have indeed continued to be residents of eastern Jerusalem. The cases of 402 people (of the 1,017) have yet to be decided.

In 1996, the residency of a total of 689 people who were residents of eastern Jerusalem expired.

Given these facts, the claim that 60,000 people from eastern Jerusalem had their residency revoked is shown to be completely baseless and is, in fact, a deliberate attempt to mislead public opinion in Israel and around the world, against a "policy" that does not exist.

The Interior Ministry reiterates that it does not revoke the residency of eastern Jerusalem residents and any resident who has lived in Israel continuously may continue to do so without having any rights revoked.



**GOVERNMENT OF ISRAEL, RESPONSE TO THE UN REPORT ON THE
CONSTRUCTION OF HAR HOMA, 7 JULY 1997**

[Israeli reply to the UN inquisitive report that was submitted pursuant to UNGA Resolution ES-10/2]

General comments

1. Israel views the report submitted pursuant to resolution ES-10/2 (A/ES-10/6-S/1997/494) with serious concern, both in view of its substantive content and the hostile and one-sided tone in which it is written.
2. It was clear that the convening of the emergency special session, a mechanism not used for 15 years and intended only to deal with "threats to international peace and security", as a response to the building of a housing project in Jerusalem, was a purely political exercise. Similarly, the resolution adopted at that session, which sought to blame Israel unilaterally for the breakdown in the peace process and to distort the principles on which that process is based, was a predictable result of the exercise. However, Israel had hoped and expected that a report bearing the imprimatur of the Secretary-General would take some pains to reflect the full scope and complexity of the situation.
3. Regrettably, far from "monitoring" the situation, as requested in the resolution, the report merely provides a platform for unsubstantiated allegations against Israel, which are presented without question or criticism. It makes no attempt to distinguish between fact and opinion. It is rife with political assertions and frequently prejudices issues agreed by the parties to be dealt with in face-to-face negotiations.
4. Moreover, while the task assigned to the report was given the widest possible interpretation wherever allegations against Israel were concerned, those aspects of the resolution that might have given a more balanced picture were conveniently ignored.
5. Thus, while paragraph 10 of the resolution stressed the need for scrupulous implementation of agreements, the report focuses exclusively on allegations of breaches by Israel. The Palestinian side continues to ignore its obligations, including the commitment to amend the PLO Covenant, which calls for the destruction of Israel by armed struggle, and the commitment to take measures in the fight against terrorism, including the prosecution of terrorists, the transfer of suspects and the confiscation of illegal firearms. To the contrary, it has frequently been involved in the incitement of violence and the attempt to frustrate the resolution of outstanding issues through negotiation. The authors of the report, who interpreted their task so widely in other areas, apparently felt that reference to such matters was beyond its scope.
6. Similarly, the implementation of paragraph 12 of the resolution, rejecting terrorism in all its forms and manifestations, was not considered in the report to be worthy of attention.
7. The effect of such a document can only be to encourage further those on the Palestinian side who believe that there is no need to sit at the negotiating table when international forums are prepared to abet its attempts to bypass the peace process. Members of the United Nations should not delude themselves that a document of this nature can play any constructive role whatsoever in bringing the parties to a resolution of the differences between them.

Sources of information

8. The report claims to be based on "reliable sources available to the United Nations at Headquarters and in the field". These reliable sources are never identified. However, Israel knows for a fact that the sources available to the United Nations "in the field" were United Nations agencies and representatives operating in the region that were employed to provide information. This is quite clearly beyond their mandate, and raises concerns that the assistance and funding provided by United Nations Member States to enable such agencies to help refugees, coordinate aid projects and so on, have instead been used for political ends.
9. Most of the data presented in the report was extracted from uncorroborated press reports. Israel has learned that the references to these unreliable sources were deliberately deleted by the report's authors. Moreover, despite the unsubstantiated and contentious nature of the "facts" reported, none of the allegations were presented to Israel for verification or comment.

Scope of the report

10. The substantive part of the report bears little relation to the task assigned to the Secretary-General in the resolution. The Secretary-General was requested "to monitor the situation and submit a report on the implementation of the present resolution". The request was not to conduct a survey of Palestinian public opinion, not to take a one-sided position on issues agreed to be negotiated between the parties and certainly not to provide an unquestioning platform for partisan political views. The report makes no attempt to distinguish between fact and opinion and is rife with value judgements and political insinuation. Sadly, the result tells the reader far more about the political bias of the authors of the report than about the issues it was asked to cover.

The Har Homa building project

11. In one of its many value judgements the report states, without any apparent basis, that the building of homes in Har Homa is "viewed as particularly serious". It goes on to discuss the project under a number of headings: political, geographical, demographic, economic, and the effect on the peace process.

Political

12. In the guise of citing unidentified Palestinians, the report makes a number of political assertions that are not only far from the task assigned by the resolution, but undermine any claim the report may lay to objectivity. The report cites Palestinians who "point out that such a move prejudices final status negotiations". Were the building of homes to be considered prejudicial to the permanent status negotiations, then neither side would be allowed to build during the interim period. This is clearly not the case. The Interim Agreement gave the Palestinian Council wide powers in the sphere of building, planning and zoning. At the same time, it does not contain any provision prohibiting or restricting urban construction or any other building projects by Israel. In fact, the report ignores the only factor that is genuinely prejudicing the permanent status negotiations - the failure of the Palestinian side to come to the negotiating table.
13. In another blatantly political determination, the report asserts that the Har Homa development "is seen as closing the door on what Palestinians unanimously expect to be the future capital of a Palestinian State - East Jerusalem". The relevance of this sentence to the report's stated task is beyond comprehension. Even if it were relevant, one would have thought that "unanimous" Palestinian aspiration to a capital in East Jerusalem should have been matched by a reference to the similarly widespread Israeli consensus that Jerusalem, undivided, will remain Israel's capital.
14. Though there would be no way for the reader of the report to know this, the Har Homa project falls entirely within the municipal boundaries of Jerusalem, on land the vast majority of which (78 per cent) was expropriated from Jewish owners. Nor would the reader be aware that the project is part of a plan to build 20,000 housing units for the Jewish sector and 8,500 housing units for the Arab sector - maintaining the current balance of population in the city.

Geographical

15. In yet another unfounded and judgemental assertion, the report charges that the Har Homa project is "a final step towards the isolation of Jerusalem from the rest of the West Bank". In fact, the project is intended to serve the growing needs of Israel's largest city, which is expected to grow from 500,000 to 800,000 over the next few years. The project is to be accompanied by significant improvements in roads and infrastructure, which will improve both the quality of life for all Jerusalem's residents and access between Arab centres of population.

Demographic

16. In alarmist tones, the report warns that "projections" indicate that the project will result in the transfer of "some 50,000 Jewish settlers" from Israel into the area. The source of these projections is unclear but even a cursory calculation, arriving at an occupancy rate of over 10 people per unit, should have cast doubt on those figures.
17. In fact, the report's assertions that the project will further alter the demographic character of the city are unfounded. The Jewish population of Jerusalem has constituted a majority for over a hundred years and the demographic balance of Jerusalem has remained almost unchanged since 1967. In fact, since 1967, the ratio of Jews to Arabs (74.2:25.8) has changed in favour of the Arab population and is today 71:29. It is estimated, that by 2010 the Arab population of Jerusalem will rise to one third.

Economic

18. The report charges that the Har Homa project "is expected to have damaging effects on an already devastated Palestinian economy". No authority for this analysis is cited, but the clear implication is that the Palestinian economy has been devastated by Israeli policies. If it was felt necessary to comment on the parlous economic state of the Palestinian economy, one might have thought that the report would have considered making reference to the Palestinian Monitoring and Audit Department report of 23 May 1997, which revealed that 310.9 million dollars of donor contributions, channelled through Palestinian leadership, never met their destination, or to the disastrous economic effects of Palestinian terrorism, which triggers closures and deprives thousands of Palestinians of their livelihood.
19. Also in the economic context, the report refers to "the losses suffered by Palestinians, whose land has been acquired". Under Israeli law, the owners of land expropriated for any reason are entitled to full compensation. To date, a total of 6.7 million dollars has been paid as compensation to those Har Homa landowners who have requested it. Although aware of this right, none of the Arab landowners in question have approached the Israel Lands Authority to avail themselves of this statutory compensation, apparently for political reasons.

Effects on the peace process

20. Though, again, quite clearly beyond the scope of the task assigned by the resolution, the report sets out to assess effects of the Har Homa project on the peace process. In doing so, it asserts that the project "appears to represent, in the view of the Palestinian people, the largest single negative factor in the breakdown of the peace process and the fomenting of unrest" in the region.
21. If the authors of the report considered themselves authorized to give an assessment of current attitudes towards the breakdown in the peace process, they could perhaps have given some attention to the continued Palestinian breaches of the Interim Agreement, particularly in the field of fighting terrorism, the sanctioning of the murder of individuals selling land to Israelis and the incitement by the Palestinian leadership that continued unabated throughout the period under review in the report.
22. At the very root of the peace process lies a commitment by the two sides to resolve outstanding issues through negotiations. Notwithstanding this commitment, expressed by Yasser Arafat in his letter to the late Prime Minister Yitzhak Rabin on 9 September 1993, and restated in every one of the Israel-PLO agreements, the Palestinian leadership continues in its attempts to bypass face-to-face negotiations and bring international pressure to bear on Israel. Sadly, the report, and through it the United Nations, repeatedly demonstrates its willingness to be an accomplice in these attempts.
23. The sanction given by the report to "Palestinian views" that the Har Homa project represents the most significant factor in "the fomenting of unrest" is particularly troubling. The implication that incitement to violence and violence itself is a legitimate and understandable response to political differences is irresponsible in the extreme and can only be considered complicity in the repeated deliberate attempts to escalate artificially violence in the territories.

Other issues addressed in the report

24. Beyond the analysis of the effects of the Har Homa building project outlined above, the report goes on to provide a platform for every conceivable allegation against Israel, without any substantiation and irrespective of its relation to the task assigned by the resolution. Among the more serious allegations presented unchallenged by the report are the following.

Arab housing

25. As regards the building of homes for Arabs in Jerusalem, the report makes cursory reference to the Government of Israel's promise to build an additional 3,500 housing units for Palestinians in Jerusalem and states that these are not to be built at Har Homa. In fact, these housing units are in addition to 2,500 housing units to be built for Arabs as part of the total Har Homa project.
26. In this regard, the report also charges that only 600 housing units have been built by the Government since 1967 for the Arab population. In fact, as the authors of the report should be aware, the tendency in the Arab sector is to encourage private building rather than government building. A truer picture of the state of Arab housing in Jerusalem, therefore, is given by the tax records, which show that in 1967 there were 12,200 apartments in the Arab sector, while in 1995 the number had reached 27,066 - an increase of 122 per cent. The growth in the Jewish sector during the same period was less - 113 per cent.

Settlement activity

27. The report's assertion that settlement activity, including the "commencement of new settlements" continued throughout the period under review, contradicts the report's own finding, in paragraph 15, that the Har Homa project is the first "new settlement" commenced by the current Israeli Government. It also blatantly ignores the simple fact that no new settlements have been constructed by the current Israeli Government in the West Bank or the Gaza Strip.
28. The report cites unidentified reports, stating that 30,000 dunums of "Palestinian land in the West Bank" have been expropriated by Israel. In fact, Israel does not expropriate any private land for the purpose of establishing settlements. Settlements have been established on public land, and only after an exhaustive judicial investigation has confirmed that no private rights have been infringed upon.

Residency rights

29. The report charges that Israel has implemented measures in an attempt to alter the character, legal status and demographic composition of Jerusalem, including the revocation of residency rights and confiscation of identity cards. In fact, Israel has not revoked the residency of any Palestinian who is legally resident in Jerusalem. These Palestinians, like any other individual who has lived in Israel continuously, can continue to do so without loss of any benefit to which they are entitled. As in other countries, permanent residents who have not requested citizenship are subject to the normal rules that apply to all other permanent residents living in Israel.
30. It must be emphasized that these provisions apply equally to all permanent residents of the State of Israel and not just to "non-Jews", as stated in the report. These provisions have been in effect for many years and no change has been made in them recently.



**ISRAELI FOREIGN MINISTRY, STATEMENT ON ISRAEL'S VIEW ON THE CONVENING
OF THE UN EMERGENCY SPECIAL SESSION, JERUSALEM, 14 JULY 1997**

1. The UN Emergency Special Session, and the subsequent report by the Secretary-General which was the result of the resolution adopted by the Session, were not responses to a "threat to international security" but rather a political exercise.
2. The report contains many unsubstantiated allegations based upon anonymous sources. None of these allegations were presented to Israel for verification or comment before the report was authored, despite Israel's stated willingness to provide all information.
3. The report concentrates on Israeli policies and measures while ignoring the many well documented violations of the Agreements by the Palestinians. These violations include, *inter alia*:
 - a. Failure to amend the PLO Covenant.
 - b. Failure to take meaningful measures against terrorism, including the failure to prosecute terrorist suspects, the failure to transfer terrorist suspects to Israel upon request, and the failure to confiscate illegal firearms.
 - c. Incitement to violence by Palestinian leaders and official organs.
4. The report fails to mention that Har Homa is located within the municipal boundaries of Jerusalem, that 78 percent of the land was expropriated from Jewish owners, and that compensation of approximately \$6.7 million was offered and paid to landowners in exchange for their land. If Palestinian landowners have not been compensated it is because they have refused to avail themselves of this option.
5. The contention that the building of the Har Homa neighborhood "prejudices final status negotiations" is unfounded. Nothing in the agreements which Israel has signed with the Palestinians prohibits the building of housing by either side within the areas under their respective control.
6. The contention that the Har Homa project will isolate Jerusalem from the West Bank is baseless. If anything, access to Jerusalem will be improved as significant additions to the transportation infrastructure are part and parcel of the plans.
7. While claiming that Har Homa "appears to represent in the view of the Palestinian people the largest single negative factor in the breakdown of the peace process" some attention should have been given to the continuing Palestinian violations of the agreements, as mentioned previously, as well as to the basic fact

that the difficulties presently encountered in the peace process are the direct result of the Palestinians' refusal to return to the negotiations.

8. The resort to the United Nations represents a Palestinian attempt to circumvent direct negotiations and bring outside pressure to bear upon Israel.
9. Regarding Arab housing in Jerusalem - The report makes only cursory reference to the Government of Israel's commitment to build 3,500 housing units for Palestinians in Jerusalem as well as an additional 2,500 units to be built for Arabs as part of the Har Homa project.
10. The best picture regarding the state of Arab housing in Jerusalem is provided by the municipal tax records which indicate that in 1967 there were 12,200 apartments in the Arab sector while in 1995 the number had reached 27,066 - an increase of 122 percent. The growth in the Jewish sector during this time period was 113 per cent.
11. Regarding settlement activity - No new settlements have been established by the current Israeli government in the West Bank or the Gaza Strip. Israel does not expropriate private land for the purpose of establishing settlements. Settlements have been established on public land after confirmation that no private rights have been infringed.
12. Regarding Palestinian residents of Jerusalem - Israel has not revoked the residency of any Palestinian who is a legal resident of Jerusalem. These Palestinians, as any other individual who has lived in Israel continuously, can continue to do so without the loss of any benefit to which they are entitled. These provisions apply to all permanent residents of Israel and not only to "non-Jews".
13. The Fourth Geneva Convention - The report charges that Israel has not "accepted the *de jure* applicability of the Fourth Geneva Convention of 1949" to the territories. Israel's position is that the Convention is only applicable to territory of a High Contracting Party. Neither the West Bank nor Gaza were previously under the control of a legitimate sovereign hence the non-applicability of the Convention. Nevertheless, Israel has undertaken to act *de facto* in accordance with the humanitarian provisions of the Convention.

The report leaves the impression that the application of the Fourth Geneva Convention is the norm in cases of occupation. In fact, despite the many examples of actual occupation by signatories of the Convention, the application of the Convention's provisions by Israel is the first and only time they have been applied in the history of the Convention.

14. Restrictions on movement - It should be remembered that such restrictions were put in force following a spate of suicide bombings which claimed the lives of over sixty people, Israelis and others, including Palestinians. Moreover these bombings occurred as previous restrictions on the movement of Palestinians into Israel were being relaxed and one was the specific result of the exploitation of a transfer point for goods from Gaza to Israel.

At the present time there is in fact no closure *per se*. Almost 130,000 Palestinians work in Israel, the largest number of Palestinian workers to do so in 24 months. This number continues to increase, and the flow of goods to and from the Palestinian areas is unimpeded. Security checks have become more efficient, enabling trucks carrying commercial cargo to move on the roads without any undue delay or hindrance.

15. Safe passage, Gaza seaport, and Dahaniya airport - The Report's reference to the fact that safe passage arrangements have not been established and sea port and airport arrangements have not been agreed is disingenuous, to say the least. In order to be implemented these three subjects require a series of issues to be resolved between the two sides. The refusal of the Palestinian side to conduct negotiations with Israel on these issues is the only obstacle to their implementation.
16. Further redeployment - The extent of the first two stages of further redeployment, and the question as to which areas will be redeployed from is not set out in the Interim Agreement but rather left, in the Agreement, to be determined exclusively by Israel.
17. Security measures - The Report sees fit to raise charges of administrative detention, mistreatment, curfews and house demolition against Israel but not to mention the inseparable fact that terrorist attacks since the start of the peace process have killed 241 Israelis, 143 of them civilians. In the same period terrorists have injured 1,343 Israelis, 669 of them civilians. Nor did the Report see fit to even consider the agonizing dilemma facing the State of Israel in balancing its duty to protect the lives of its inhabitants from terrorist attacks and its obligation to respect basic human rights, including those of terrorists under investigation.
18. Conclusion - The Report presents uncorroborated reports as fact and parrots partisan political views without question or criticism. The focus of the Report is deliberately blinkered: it focuses on Israel's security

measures in response to terrorist attacks without even considering the terrorism and incitement that create the need for such measures. In a deeply troubling display of irresponsibility it blames Israel for "fomenting unrest" in the territories - thus absolving the Palestinian side from any responsibility for inciting and escalating such violence.



**ISRAELI FOREIGN MINISTRY, COMMUNIQUÉ ON ISRAEL'S REACTION
TO THE UN SPECIAL EMERGENCY SESSION, JERUSALEM, 16 JULY 1997**

[Communiqué responding to the UNGA Resolution on the question of Har Homa]

Israel utterly rejects the one-sided and hostile resolution adopted at the Special Emergency Session of the UN General Assembly on Har Homa. The building of a new residential neighborhood in Jerusalem, does not, by any criterion, constitute "a threat to international peace and security".

There was therefore no justification, whether of procedure or of substance, to convene the special emergency session, especially when the international agenda is so burdened with real problems which require the UN's attention and action. The decision adopted therefore has no moral justification or validity.

The convening of the special emergency session and the decision adopted by it are further expressions of the attempt to circumvent the peace process while singling out Israel for censure. Such actions run counter to the principles of the peace process, and place further obstacles before the efforts to resume it. Israel regrets that states which openly support the peace process and which aspire to be partners in it - elected to vote in favor of a decision which contradicts it. Israel also expresses its appreciation to those countries which did not support the resolution, and is pleased that among these were the United States and Russia, the co-sponsors of the peace process.

The peace process constitutes the sole chance to achieve historic reconciliation and lasting peace in our region. Attempts to bring disputed issues before international forums in order to evade direct negotiation have not succeeded in the past, and will not succeed in the future.

Israel therefore calls upon its neighbors, and especially the Palestinians, to cooperate in its efforts to resume the peace negotiations.



**GOVERNMENT OF ISRAEL, "PALESTINIAN OBLIGATIONS AS PER THE NOTE
FOR THE RECORD OF THE HEBRON PROTOCOL OF JANUARY 15, 1997,"
JERUSALEM, 13 JANUARY 1998 [EXCERPTS]**

[The document, which makes any further redeployment contingent upon Palestinian implementation of the some 50 measures enumerated, was unanimously adopted by the Israeli cabinet at its meeting on 13 Jan.]

4. Exercise of Palestinian governmental activity, and location of Palestinian governmental offices, will be as specified in the Interim Agreement."

COMMITMENTS ARISING FROM THE OBLIGATION

A. Jerusalem

The Palestinian Authority must cease all its activities and those of its officials in Jerusalem, as detailed below:

Temple Mount

- 1) Minister of Religious Affairs Hassan Tahboub's office is located at the Shalshet Gate entrance to the Temple Mount in Jerusalem. Tahboub operates openly and publicly as a representative of the Palestinian Authority. Occasionally, he attempts to conceal the nature of his activity by operating under the guise of his position as head of the Higher Islamic Council.

- 2) "Mufti of Jerusalem and the Holy Land" Sheikh Ikrama Sabri, appointed by Arafat nearly three years ago, assumed his post by ousting the Jordanian appointee. He is based on the Temple Mount in Jerusalem, and his weekly prayer sermons regularly contain vitriolic incitement against Israel and the United States.

The Orient House

The PA must close the "Ministry of Jerusalem Affairs" headed by Faisal Hussein which operates out of the Orient House under the cover of the "Arab Affairs Society." Hussein participates in cabinet meetings of the Palestinian Authority with full ministerial status.

Other Prohibited Activity in Jerusalem which the PA must cease

- 1) The Palestinian security forces operate in Jerusalem, engaging in threats, intimidation and interrogation of city residents. Forces stationed outside the city also conduct operations in Jerusalem.
- 2) The Palestinian Authority has unilaterally conducted matriculation exams and imposed its curriculum on Arab schools in Jerusalem.
- 3) Illegal activities such as the PA's attempt to conduct a population census in eastern Jerusalem.
- 4) The takeover of institutions in Jerusalem such as Al-Mokassad Hospital.
- 5) The Palestinian Authority must commit in writing to refrain from all activity in the field of tourism in Jerusalem. The Higher Council for the Arab Tourist Industry operates in Jerusalem under the direction of the PLO and serves as an official tourist body for the Palestinian Authority. Palestinian tourist officials from eastern Jerusalem take part in international fairs, where they man Palestinian booths, and market their tourist activities under the heading "Jerusalem, Palestine." [...]



GOVERNMENT OF ISRAEL, JERUSALEM DAY LAW – 5758, 23 MARCH 1998

[Law proclaiming the institution of the 'Jerusalem Day' as a national holiday]

1. The 28th of Iyar - Jerusalem Day
 - a. The Knesset hereby declares that the 28th day of the month Iyar is Jerusalem Day and will be celebrated yearly as a national holiday and will be called "Jerusalem Day".
 - b. Jerusalem Day will be an optional day; for the purposes of this paragraph "an optional day" means that the employee has the option to take a holiday or to come to work; if the employee chooses to take a holiday it will be counted as one of his vacation days.
 - c. The Minister of Education may institute educational activities devoted to Jerusalem Day.
2. Central Event

The Prime Minister is authorized to initiate a central event that will commence Jerusalem Day.
3. The Prime Minister's Instructions

The Prime Minister is authorized to determine which workers, which work and which services are not to discontinue on Jerusalem Day; as well as to determine work hours and work routines to be followed on that day.
4. Jerusalem Day Symbols

The Prime Minister is authorized to determine Jerusalem Day symbols and their appropriate use.



**ISRAELI CABINET COMMUNIQUE ON ENLARGING MUNICIPAL JERUSALEM,
JERUSALEM, 21 JUNE 1998**

At the cabinet meeting today (Sunday), 21.6.98 the cabinet decided to adopt the recommendations of the Committee to Strengthen Jerusalem for All Its Residents. The main components of the plan are:

1. The expansion of Jerusalem's jurisdiction.
2. The creation of an umbrella Jerusalem municipality, in order to streamline services in the Jerusalem region.
3. Incentives for high-technology industries in Jerusalem.

4. Housing benefits designed to reduce the gap, by as much as possible, between prices of apartments within Jerusalem and comparable apartments in its metropolitan area.
5. The upgrading of the Tel Aviv-Jerusalem train line.
6. The creation of an integrated mass transit network, streetcars and buses in Jerusalem.
7. The accelerated development of arterial roads in Jerusalem.
8. The acceleration of neighborhood rehabilitation projects in Jerusalem.

At the meeting, the prime minister said that there is no basis for condemnations of Israel as a result of the plan. Israel is acting to strengthen Jerusalem, not to change the political status of the city, and there has been no addition of territory to the east of the city - but only to the west.

The prime minister said that this is nothing but an artificial attempt by the Palestinians to castigate Israel, and he hopes that this is not being done with the encouragement of Israelis.

The plan is to be welcomed since it elevates Jerusalem to the top of the pyramid of priorities for government ministries.

The mayor of Jerusalem and the director general of the Prime Minister's Office presented the plan. The prime minister and the mayor praised the professional staff, headed by the director general of the Prime Minister's Office, which prepared the report.



**ISRAELI FOREIGN MINISTRY, STATEMENT ON BUILDING IN JERUSALEM,
JERUSALEM, 5 JULY 1998**

[Document on Israeli development plans in the Arab sector of East Jerusalem]

A. Building in the Arab sector:

A central allegation against Israel deals with the gap in construction for Jews and for Arabs in Jerusalem. It is worth noting that:

1. Part of the difficulties in development and building for the Arab sector arise, from a culture-gap and differences in approach to the issue of development as well as political problems inherent in the situation.
2. The Palestinians refrain from requesting building permits since they regard this as recognition, in effect, of Israeli sovereignty over Jerusalem.
3. Submitting an application for a building permit requires the payment of a municipal registration fee and tax. The Arabs prefer to avoid paying the registration fee and to risk having the building demolished at the municipality's expense, especially as this sometimes results in a political gain.
4. A large portion of the Arab residents of Jerusalem tend to build lowrise, scattered village housing; and in most cases, the residents themselves oppose changing the rural character of their environment.
5. Because of the configuration of the ownership of the plots in the area, it is difficult to plan and develop without expropriating land from private owners. Such orders carry a heavy political price.
6. The potential areas available for building and development for the Arab residents are in the hands of a small number of landowners who are not happy to share their plots with the general public, not even for economic profit. They prefer to divide up the land among their family members. In this case, too, only by expropriation can building and development proceed in the area for the general population.
7. The absence of suitable infrastructure and the rural nature of the area, as well as the limited amount available for building, added to the difficulty of expropriation for public purposes, inhibit development and construction for the Arabs. At the same time, there is a potential for building about 15,000 housing units in the concentrated Arab population zones in Jerusalem.
8. The needs of the Arab sector amount to about 1,000 housing units a year, so the existing potential will answer those needs until about the year 2010.
9. The zoning master plans in the Arab sector were almost all approved and the Arab population was involved in the approval of the plans (for example, in meeting their requests for low buildings).

10. Parallel with approving the building plan for Har Homa, the government announced its intention to building 3,015 housing units in the Arab sector, as follows: Beit Safafa, 450; Arab As-Suwahra, 500; Jebel Mukaber, 75; Abu Tor, 70; Silwan, 130; Ras Al-Amud, 620; Ash-Sheikh, 480; As-Suwani, 70; A-Tor, 120 Issawiya, 500. The development cost will be \$42.5 million.
11. As mentioned, one problem in building housing units for the Arab population of Jerusalem, and in general, arises from the concentration of land in the hands of individual owners (clans or families) and the difficulty this causes in estimating the actual building which is to take place including the extent that central infrastructure will need to be provided.
12. In addition to all these factors, the Prime Minister announced the establishment of an Arab neighborhood on Har Homa "B", an area southeast of Har Homa, within the boundaries of the Jerusalem municipality. Ownership of the land is private or non-registered, in a zone which is unplanned. Building would require expropriation. It is planned to be an Arab neighborhood numbering 2,500 housing units.
13. In summarizing these facts, it is worth noting that the allegation that Israel is building on Arab land is linked to a political view, not necessarily to proven ownership of the land. Thus, for example, the fact that on Har Homa 76 percent of the land was expropriated from Jewish owners did not convince anyone of our right to build there (Har Homa having been a Jordanian outpost until 1967). The Arabs refer to lands beyond the Green Line, whether it is state-owned (public domain) or private or unregistered, as sovereign Arab territory.

B. Developing infrastructure in eastern Jerusalem.

1. The government, at the recommendation of the ministerial committee for Jerusalem affairs, decided to allocate over the coming four years the sum of 130-million New Shekels (approximately 40 million Dollars) annually to improve the infrastructure in the eastern part of the city. The Mayor has repeatedly declared that if we wish our right to sovereignty over a unified Jerusalem to be recognized and respected, we have the moral duty to be concerned about Jerusalem's population without bias and to provide an equal level of services for all parts of the city.

C. Demolishing Domiciles and Orders to Cease Work.

1. One allegation asserts that Israel has discriminated against the Arab residents in Jerusalem in all aspects concerning building. The following facts show a different picture:

| Year | Demolition Orders | | Cease-Work Orders | |
|-------------------------------|-------------------|----------------|-------------------|----------------|
| | East Jerusalem | West Jerusalem | East Jerusalem | West Jerusalem |
| 1993 (submitted) | 19 | 17 | 29 | 198 |
| Enforced: (including 1992) | 11 | 22 | | |
| 1994 (submitted) | 10 | 23 | 25 | 186 |
| Enforced: | 4 | 7 | | |
| 1995 (submitted) | 80 | 23 | 9 | 229 |
| Enforced: | 10 | 14 | | |
| 1996 (submitted) | 37 | 39 | 35 | 188 |
| Enforced: | 4 | 8 | | |
| 1997 (submitted) | 9 | 3 | 43 | 62 |
| Enforced: | 0 | 3 | | |
| Total Submitted | 155 | 150 | 132 | 863 |
| Enforced: | 28 | 51 | | |

The data show categorically the absence of bias, and the enforcement of the building ordinances in both Eastern and Western Jerusalem in an equal manner. Orders to cease work are issued by the courts, while administrative orders to demolish are issued by the Mayor. Some of the demolitions are carried out by the lawbreakers themselves, some reach judicial hearings, and ultimately the demolitions are enforced.

2. The Ministry of the Interior also maintains a department for law-enforcement, not connected with the Municipality's activities, and concentrating on Eastern Jerusalem. Following are data from the Ministry:

| Year | Submitted | Enforced |
|--------|-----------|---------------|
| 1993 | 3 | 9 (from 1992) |
| 1994 | 42 | 13 |
| 1995 | 23 | 9 |
| 1996 | 26 | 11 |
| 1997 | 6 | 0 |
| Totals | 100 | 42 |



**GOVERNMENT OF ISRAEL, REACTION TO THE UN SECURITY COUNCIL
PRESIDENTIAL STATEMENT ON JERUSALEM, 13 JULY 1998**

[Following the Israeli Cabinet decision on Jerusalem of 21 June (see above) a UNSC debate, requested by Arab states, was held on 30 June. As the US threatened to veto any draft resolution, which was feared to harm the peace process, the UNSC had to be content with a non-binding statement by its President on Israeli actions in Jerusalem.]

Israel regrets the Presidential Statement adopted yesterday by the United Nations Security Council. Israel has already clarified that the Cabinet decision of June 21, 1998 does not contradict the agreements between Israel and the Palestinians. The decision is municipal in nature, and is intended to extend Jerusalem's municipal jurisdiction only to areas west of the city. The Presidential Statement adopted by the Security Council ignores these facts.

Israel will continue to work for the development and prosperity of Jerusalem, for the benefit of all its inhabitants.



**ISRAELI CABINET COMMUNIQUÉ ON THE ORIENT HOUSE,
JERUSALEM, 17 JANUARY 1999**

[The Orient House issue was debated following the visit there of the Greek Deputy FM. Israel's PM stressed that continued operation of the Orient House had effectively divided Jerusalem into two national authorities]

At the weekly Cabinet meeting today (Sunday), 17.1.99:

1. The Prime Minister clarified that, during the tenure of the previous government, over 80 Foreign Ministers and diplomats of various stature visited the Orient House. This flow was halted by the current government. Moreover, under the present government, Israel has made it unequivocally clear that foreign dignitaries are not to visit the Orient House. With regard to the visit of the Greek Deputy Foreign Minister, his visit to the Orient House was not conducted with either the knowledge or consent of the Government of Israel.

The Prime Minister emphasized that the operation of the Orient House is intolerable, and has effectively divided Jerusalem into two national authorities.

The Foreign Minister added that, upon learning of the Greek Deputy Foreign Minister's visit to the Orient House, he registered a sharp protest with the Government of Greece, which has since apologized, and responded that such visits will not recur.

2. The Absorption Minister sharply attacked MK Ehud Barak for refusing to sign a joint letter to President Clinton calling for the release of Jonathan Pollard. He said, "I wish to express my disgust over Barak's refusal to join the Prime Minister's entreaty to President Clinton for the release of Jonathan Pollard."

The Prime Minister responded, "I am very disappointed by Barak's refusal to sign the request for Pollard's freedom. This is a matter of national, not political, interest; all Israelis understand that the State of Israel must bring Pollard - who worked on Israel's behalf - home. I had hoped for a wall-to-wall, national consensus on this matter, which would have strengthened Pollard's chances of being released."



**ISRAELI PERSONALITIES, MANIFESTO FOR A PALESTINIAN STATE,
JERUSALEM, 2 FEBRUARY 1999**

[The manifesto, first published with 146 signatures on 2 Feb. as an advertisement in Ha'aretz, had been signed by 460 prominent Israelis - writers, artists, intellectuals - by 22 Feb.]

We support the right of the Palestinian nation to declare the establishment of the State of Palestine in all the territories of the West Bank and the Gaza Strip, with united Jerusalem serving as the capital of both states - West Jerusalem as the capital of Israel and East Jerusalem as capital of Palestine. The coexistence of Israel and Palestine, side by side, is the basis of peace, security, and reconciliation between the two nations.



**ISRAELI FOREIGN MINISTER ARIEL SHARON, RESPONSE TO THE
EUROPEAN UNION'S STAND ON JERUSALEM, 11 MARCH 1999**

[Israel repeatedly requested that foreign visitors refrain from meeting PA officials in the Orient House in Jerusalem. This elicited a letter to the FM by the German Ambassador to Israel on behalf of the EU, which reiterated the previous EU position on Jerusalem, but this time it referred to the 1947 Partition Resolution that set Jerusalem as a "Corpus Separatum". FM Sharon rejected the EU position adamantly]

Foreign Minister Ariel Sharon, today (Thursday), 11.3.99, rejected the statement of the German Ambassador to Israel - on behalf of all European Union ambassadors in Israel - according to which the member states of the European Union do not recognize Jerusalem as the capital of Israel, in keeping with the 1947 United Nations Resolution attributing "corpus separatum" status to the city. The Ambassador's letter further stated that European Union representatives will not alter their custom with regard to meetings in Jerusalem.

Foreign Minister Sharon emphasized that the current government has acted to put a stop to diplomatic meetings with the Palestinians at the Orient House and, in the event that such meetings have been held - without the knowledge of the Israeli government - unequivocal diplomatic measures have been taken. As such, meetings between Israeli government officials and foreign representatives have been cancelled when the latter have held diplomatic meetings at the Orient House, and sharp protests have been dispatched to the governments of said representatives.

The Foreign Minister clarified that this Israeli policy will also be maintained in the future, and that the government will continue acting to prevent diplomatic meetings from being held at the Orient House.

Foreign Minister Sharon said that he and other senior Foreign Ministry officials are working to have the German Ambassador's letter revoked by European Union member governments. In any event, Foreign Minister Sharon emphasized, "The Government of Israel sharply rejects the content of the letter, and the position presented by the German Ambassador will not serve to undermine Israel's absolute sovereignty over united Jerusalem as the eternal capital of the Jewish people and the State of Israel."

In response to charges that Israel now finds itself in diplomatic isolation, the Foreign Minister said that, in recent months, both he and the Prime Minister have held dozens of meetings - in Israel and abroad - with a king, presidents, prime ministers and foreign ministers. Furthermore, the Foreign Minister currently has about 20 outstanding invitations to visit various countries, with this amount increasing almost daily. Israel's relations and cooperation with the United States, Europe and the CIS have never been better, even if certain disputes exist regarding the political process with the Palestinians.



ISRAELI CABINET COMMUNIQUÉ ON JERUSALEM, JERUSALEM, 14 MARCH 1999

[Also in reply to the letter of the German Ambassador, the Cabinet rejected the EU position and reaffirmed its commitment to a united Jerusalem as the capital of Israel under Israeli sovereignty]

1. The Government of Israel today re-affirmed its commitment to a united Jerusalem under Israeli sovereignty.
 - a. The Cabinet completely rejected the contents of the letter from the German Ambassador. The stance, according to which Jerusalem constitutes a "Corpus Separatum", is incorrect both from the factual and the legal point of view, and is completely unacceptable to Israel.

- b. The Cabinet once more affirmed that united Jerusalem is the capital of the Jewish People. This is anchored in the Basic Law: Jerusalem - the Capital of Israel, which determines that "United Jerusalem is the capital of Israel." Israel will not agree under any circumstances to the division or internationalization of Jerusalem, which will remain forever under the exclusive sovereignty of Israel.
- c. Prime Minister Benjamin Netanyahu and Foreign Minister Ariel Sharon will order Israeli missions in Europe and throughout the world to commence an information campaign on this subject, which will include the involvement of local Jewish communities and friends of Israel throughout the world, in order to make the international community aware of our rights over Jerusalem, and our stance according to which Jerusalem will stay forever under Israeli sovereignty alone.
- d. The Government of Israel will continue to ensure freedom of religion, worship and conscience in Jerusalem. Israel will take care to ensure the continuation of the status quo in the holy places of all religions and freedom of access to them, while respecting freedom for all faiths.

Prime Minister Netanyahu said that the information campaign decided on by the government was all the more essential given the expected start in the coming months of discussions on the permanent status agreement between Israel and the Palestinians. The Prime Minister added that United Nations Security Council resolution 181 on which the stance of the German Ambassador in his letter is apparently based, became null and void after it was rejected by the Arab side.

The Foreign Minister announced that he has invited all foreign ambassadors in Israel to a diplomatic briefing to take place on Tuesday, at which the Israeli stance on this subject will be made clear.



**ISRAELI FOREIGN MINISTRY, STATEMENT ON ISRAEL'S POSITION
ON JERUSALEM, JERUSALEM, 14 MARCH 1999**

The Status of Jerusalem

Jerusalem, the heart and soul of the Jewish people, plays a central role in Jewish culture, history and religion. Since 1004 B.C.E. when King David established Jerusalem as the capital of the Jewish nation, there has remained a constant and enduring Jewish presence in the city. Moreover, Jewish liturgy, music, literature and poetry are replete with references to Jerusalem, or "Zion", the Biblical name of the city.

Holy city to three major religions, Jerusalem is the home to a unique concentration of religious sites. Since the city was reunified under Israeli sovereignty in 1967, the State of Israel has succeeded in protecting the rights of all religious groups to enjoy freedom of worship, and has restored and rebuilt Christian, Muslim and Jewish holy places. In fact, at no other time in history have worshippers of all faiths enjoyed such a degree of religious freedom.

I. The Jewish claim to Jerusalem is rooted in 3,000 years of history

- A. Jerusalem has been at the center of Jewish consciousness for over three thousand years, even before King David made it the capital of his kingdom in 1004 B.C.E. Such biblical events as the binding of Isaac and Jacob's ladder have traditionally been connected to Jerusalem. No other city has played such a predominant role in the history, culture, and religion of a people as has Jerusalem for the Jews. Jerusalem, or "Zion", is mentioned over 800 times in the Jewish Bible.
- B. Throughout the Diaspora, Jerusalem has always remained foremost in the thoughts of the Jewish people as they turned to Zion three times a day in prayer. Such everyday rituals as grace after meals or special ceremonies such as the *Sheva Brachot* wedding blessings are replete with references to the Jewish people's yearning for their ancient capital. On holidays and festivals, Jews the world over bid one another the traditional farewell, "Next year in Jerusalem!"
- C. Jewish independence in the land of Israel, which ended in 70 C.E. and was renewed in 1948, marks the longest period of sovereignty over Jerusalem by any nation. No other nation can claim such a long political existence in the recorded history of this unique city.
- D. Throughout all the periods of foreign rule over Jerusalem - Roman (70-313 C.E.), Byzantine (313-614), Persian (614-636), Arab (636-1099), Crusader (1099-1291), Mamluk (1291-1516), and Ottoman Turk (1516-1917) - Jews were persecuted, massacred and subject to exile. In spite of this, the Jewish presence in Jerusalem remained constant and enduring.
- E. Jews have always chosen to settle in Jerusalem. Since 1840, the Jews have constituted the largest ethnic group in the city, and they have held an uninterrupted majority in Jerusalem since the 1860's.

II. The Jewish claim to Jerusalem as their capital is unique

- A. There has always been a national consensus in Israel on the status of Jerusalem. Since the reunification of the city in 1967, all Israeli governments have declared their policy that united Jerusalem, Israel's eternal capital, is one indivisible city under Israeli sovereignty, and that free access to holy places and freedom of worship will continue to be guaranteed to members of all faiths.
- B. Only twice has Jerusalem served as a national capital: the capital of the Biblical Kingdoms of Israel and Judea before the Roman destruction in 70 C.E., and the capital of the modern State of Israel since the re-birth of the Jewish state in 1948.
- C. Besides the Jewish people, no other nation or state which gained political sovereignty over the area ever made Jerusalem a capital city. Both the Arab and Mamluk empires chose to rule from Damascus, while the Ottoman ruler resided in Constantinople. Furthermore, none of these empires even granted Jerusalem the status of district capital.

III. Historically Jerusalem is a United City

- A. The nineteen-year occupation of eastern Jerusalem - the only time that the city was divided - was the result of unprovoked attack followed by unrecognized annexation:
 - On May 14, 1948, upon termination of the British mandate, Israel proclaimed its independence. Immediately following Israel's proclamation, the surrounding Arab countries attacked the fledgling state. The Arab Legion besieged the Jewish quarter of Jerusalem's Old City.
 - On May 28, 1948, the Arab Legion overran the Jewish Quarter and eastern Jerusalem, while Israel held on to the Jewish populated western neighborhoods of the city. Jerusalem was divided for the first time in its history.
 - In 1950, Transjordan annexed the West Bank and Jerusalem, in an act which was neither recognized by the world community (except for two countries), nor by the other Arab states.
- B. On June 5, 1967 an unprovoked Arab attack was launched on the Jewish populated western neighborhoods of Jerusalem. Indiscriminate artillery bombardment damaged religious sites, hospitals, and schools across the 1949 armistice line; the U.N. headquarters south of Jerusalem was seized, and enemy troops began to enter nearby Jewish neighborhoods.
- C. Israeli Defense Forces repelled the invasion, and on June 7 they retook the Old City, reuniting Jerusalem. The barbed wire and concrete barriers which had divided Jerusalem were finally torn down, and Israeli law, jurisdiction and administration was extended to the eastern neighborhoods of the city.
- D. Jerusalem is and has always been an undivided city, except for this 19 year period. There is no justification for this short period to be viewed as a factor in determining the future of the city, and to negate 3,000 years of unity.

IV. There is no basis for a 'Corpus Separatum' status for Jerusalem

- A. There is no basis in international law for the position supporting a status of 'Corpus Separatum' (separate entity) for the city of Jerusalem. This concept originated in a proposal contained in the UN General Assembly resolution 181 of November 1947, which dealt with the partition of the British Mandate of Palestine. It should be recalled that the idea was a nonbinding proposal, which never materialized, having become irrelevant when the Arab states rejected the UN resolution, and invaded the fledgling State of Israel.
- B. There has never been any agreement, treaty, or international understanding which applies the 'Corpus Separatum' concept to Jerusalem.
- C. For these reasons, Israel views the 'Corpus Separatum' solution as nothing more than one of many inappropriate historical attempts made to examine possible solutions for the status of the city.

V. Jerusalem's Arabs and the Israel-Palestinian Negotiations

- A. Immediately following Israel's reunification of Jerusalem in 1967, Jerusalem's Arab residents were offered full Israeli citizenship, though most declined to accept it.
- B. Nevertheless, those who chose not to accept Israeli citizenship, retain the right, as residents of the city, to participate in municipal elections and enjoy all economic, cultural and social benefits afforded to Israeli citizens such as Israel's health funds, social security services, and membership in Israel's Labor Federation.

- C. The civil right of Palestinian Arabs to maintain their own non-political humanitarian, educational and social institutions was reiterated by Israel during the Israeli-Palestinian negotiations.
- D. However, according to the Israel-Palestinian Declaration of Principles of 1993 - the basis of the present negotiations - political institutions of the Palestinian self-governing authority are not to operate in the city.

VI. The Israeli Consensus on Jerusalem: Culturally Diverse, Politically United

The status of Jerusalem as the permanent capital of the State of Israel has been reiterated by all Israel governments since the establishment of the State in 1948:

- A. In 1949, Israel's first Prime Minister, David Ben-Gurion, acted to reconstitute the seat of government in Jerusalem, and Israel's Parliament, the *Knesset*, was reconvened in the city in December of that year.
- B. Following the reunification of Jerusalem during the course of the 1967 Six Day War, together with the extension of Israeli jurisdiction and administration over east Jerusalem, the *Knesset* passed the Preservation of the Holy Places Law, 1967 which ensured protection and freedom of access to the holy sites of the city.
- C. In 1980, the *Knesset* legislated the 'Basic Law: Jerusalem, Capital of Israel', which restates the position that "Jerusalem, complete and united, is the capital of Israel," and the seat of its main governing bodies. It also reiterates Israel's commitment to protecting the holy places and to developing the city.
- D. On May 28, 1995, then Prime Minister Yitzhak Rabin stated, "In 1980, the *Knesset* passed the Jerusalem Law. All governments of Israel, including the present government, have been fully confident that what was determined in 1967, what was legislated in 1980 transforming Jerusalem into a unified city under Israeli sovereignty, the capital of Israel, the heart of the Jewish people - these are facts that will endure for eternity."

The status of Jerusalem is unique. Politically and spiritually, Jerusalem was, is and always will be the capital of the Jewish people. Yet, at the same time, it plays a significant role in the religious identity of hundreds of millions of believers in the monotheistic faiths. The Arab world views Jerusalem as one - albeit not the most significant - of their holy places. Furthermore, while almost three-quarters of Jerusalem's citizens are Jewish, many Palestinian Arabs also call the city their home. For these reasons, Israel has agreed to address Jerusalem-related issues in the permanent status phase of the current peace negotiations.

In conclusion, in light of the unique significance that the city of Jerusalem holds for the Jewish people, the Israeli government has consistently reiterated its position that while religious and cultural rights of all the city's communities must be guaranteed - Jerusalem is and will remain the capital of the State of Israel, undivided, under exclusive Israeli sovereignty.



**LETTER FROM DORE GOLD, PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN
TO THE UN SECRETARY-GENERAL, 30 MARCH 1999 [EXCERPTS]**

[Letter reporting on Israel's position on UN Resolution 181 and status of Jerusalem]

General Assembly resolution 181 (II) was made null and void by the Arab States and the Palestinian leadership in the aftermath of its adoption on 29 November 1947. In statement after statement on the floor of the General Assembly, representatives of Egypt, Syria, Iraq and Saudi Arabia not only refused to comply with its recommendations but also subsequently admitted to the use of armed force to overthrow its provisions.

With the termination of the British Mandate over Palestine on 14 May 1948, the armies of seven Arab States illegally attacked the newly born State of Israel. United Nations Secretary-General Trygve Lie termed this act "the first armed aggression which the world had seen since the end of the [Second World] War". It should be noted that the Arab League actually included the rejection of the General Assembly resolution of 29 November 1947 as a formal justification for its invasion.

The United Nations Palestine Commission, in its report to the Security Council on 16 February 1948, viewed the armed Arab invasion as an act intended to nullify resolution 181 (II): "Organized efforts are being made by strong Arab elements inside and outside Palestine to prevent the implementation of the Assembly's plan of partition and to thwart its objectives by threats and acts of violence, including armed incursions into Palestinian territory ... This Commission now finds itself confronted with an attempt to defeat its purposes, and to nullify the resolution of the General Assembly."

The War imposed on Israel was particularly difficult for Jerusalem. By the end of May 1948, the Jewish Quarter of the Old City had fallen. Its residents were expelled. Ancient synagogues had been destroyed or desecrated. The rest of Jerusalem was put under siege and surrounded by invading armies on three sides. Only the convoys of the newly formed Israel Defence Forces provided food and water to Jerusalem's residents. No United Nations body took any action to protect Jerusalem at this critical time.

For these reasons, Israel's first Prime Minister David Ben-Gurion stated before the Knesset on 3 December 1949: "Thus we can no longer regard the United Nations resolution of 29th November as having any moral force. After the United Nations failed to implement its own resolution, we regard the resolution of the 29th November concerning Jerusalem to be null and void."

The fundamental act of international illegality was the invasion of the nascent State of Israel and the attempt to overturn a resolution of the General Assembly with armed force. That is why those seeking to critique Israel's position on the status of resolution 181 (II) are misdirected. For in fact, resolution 181 (II) was made irrelevant by the actions of the Arab States and the Palestinian leadership in 1948, whose refusal to accept the resolution altered the circumstances in the Middle East on which it was originally based.

By early 1949, with their invasion thwarted, Egypt, Lebanon, Syria and Transjordan entered into armistice agreements with the State of Israel. These agreements made no mention of 181 (II). Similarly, Security Council resolution 73 (1949) of 11 August 1949, which endorsed the armistice, made no reference to 181 (II). In short, from the perspective of Israel, resolution 181 (II) had been overtaken by the events of 1947-1949.

In order to respond to the new realities that emerged in the years and decades following the partition resolution, the United Nations abandoned the proposals contained in resolution 181 (II). In its place, the Security Council adopted resolutions 242 (1967) and 338 (1973) which provided a radically different formula for the settlement of the conflict. Indeed, this is the only formula that has been accepted by all concerned as the basis for permanent status negotiations.

In contrast, resolution 181 (II) has never been part of the agreed foundation for the peace process between Israel and the Palestinians. The letters of invitation to the Madrid Peace Conference of 1991 and the Oslo Agreements signed between Israel and the PLO expressly provide that permanent status negotiations are to be based on Security Council resolutions 242 (1967) and 338 (1973). No other United Nations resolution is cited. The Palestinians have thus affirmed that a permanent resolution of the Israeli-Palestinian conflict will be achieved by a negotiated settlement in West Bank and Gaza Strip territory that is the subject of those Security Council resolutions.

The resurrection of resolution 181 (II) by the PLO is a transparent effort to belatedly derive benefit from a resolution which the Palestinian leadership itself violently rejected 50 years ago. Repeated references to resolution 181 (II) are, moreover, part of an effort to completely alter the agreed terms of reference of the Arab-Israeli peace agreements, and thereby put the entire peace process at risk. Finally, it seeks to broaden the parameters of the discussion of Jerusalem far beyond what was ever conceived in the Oslo Accords. Let it be clear that, in any future discussions over the status of Jerusalem, the position of the Government of Israel remains firm that Jerusalem will continue to be the undivided capital of Israel.

These attempts to revive the defunct resolution 181 (II) can be added to a worrying list of recent Palestinian efforts to depart from the agreed peace process framework. These efforts include threats to unilaterally declare a Palestinian State, in violation of repeated Palestinian undertakings to refrain from unilateral acts that alter the status of the territories pending the outcome of permanent status negotiations (Interim Agreement, article XXXI.7). They involve also Palestinian Authority activity in Jerusalem, which is expressly prohibited by the provisions of the Israeli-Palestinian Interim Agreement (article I.7).

If the peace process is to have any chance of success, the Palestinian side cannot be permitted to discard legal obligations whenever it is politically convenient to do so. The international community must insist that the Palestinians comply with the peace process framework to which they are committed and adhere to the legal undertakings they themselves have made.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under item 43 of the preliminary list, and of the Security Council.

(Signed) Dore GOLD
Ambassador, Permanent Representative



**LETTER FROM DORE GOLD, PERMANENT REPRESENTATIVE OF ISRAEL TO THE UN
TO THE UN SECRETARY-GENERAL, 3 MAY 1999**

[Letter conveying Israel's position on Orient House activities in Jerusalem]

I wish to refer to the letter addressed to you by the Chargé d'affaires a.i. of the Palestinian Observer Mission, dated 23 April 1999, concerning Palestinian Authority (PA) activity in the Orient House in Jerusalem (A/53/923-S/1999/474).

The Israel-Palestine Liberation Organization (PLO) agreements provide that Jerusalem is an issue for final status negotiations. Under those agreements, PA has no powers and responsibilities in relation to Jerusalem. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II) also specifically provides that "the offices of the Council, and the offices of its Ra'ees and its Executive Authority and other committees, shall be located in areas under Palestinian territorial jurisdiction in the West Bank and the Gaza Strip" (Interim Agreement, article I: 7). The Interim Agreement, moreover, kept Jerusalem outside any Palestinian territorial jurisdiction. PLO Chairman Yasser Arafat signed the Interim Agreement himself on 28 September 1995 in Washington, D.C.

Furthermore, on 15 January 1997, Arafat personally reconfirmed his commitment to comply with this obligation to refrain from opening offices of the Palestinian Authority, or even permitting PA governmental activity, in Jerusalem. The reconfirmation was, in fact, put in writing in the Note for the Record attached to the Hebron Protocol, which provided that "exercise of Palestinian governmental activity, and location of Palestinian offices, will be as specified in the Interim Agreement".

It is for this reason that PA governmental activity at the Orient House, or at any other location outside the areas under Palestinian territorial jurisdiction, constitutes a clear and serious violation of the Israel-PLO agreements. Such activities can in no way be considered the continued provision of social, economic, educational, religious, and cultural services to the Palestinian Arabs of Jerusalem, referred to in the letter of former Israeli Foreign Minister Peres to Norwegian Foreign Minister Holst, and to which Israel has no objection. To the contrary, they are politically motivated, and designed to do exactly that with which the Palestinian spokesmen charge Israel: attempting to change the legal status and character of the city with no legal validity whatsoever, and thereby attempting to prejudice the outcome of the permanent status negotiations.

Israel has no desire to hamper the activities of local organizations that are intended to better the everyday lives of the Palestinian Arabs in Jerusalem; but Israel cannot tolerate repeated violations of undertakings contained in the Israel-PLO agreements and reconfirmed by Mr. Arafat himself. The current peace process can succeed only if the obligations undertaken by the parties are adhered to. Israel, for its part, will continue not only to comply with its own undertakings but also to take whatever measures are necessary to assure compliance by the Palestinian side.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under item 43 of the preliminary list, and of the Security Council.

(Signed) Dore GOLD
Ambassador, Permanent Representative



**ISRAELI PRIME MINISTER-ELECT EHUD BARAK, ELECTION VICTORY ADDRESS,
JERUSALEM, 17 MAY 1999 [EXCERPTS]**

[Barak's victory speech outlined his four "red lines" in the peace negotiations]

[...] We will move for separation from the Palestinians, in accordance with four red lines: Jerusalem, united under our sovereignty for eternity. Period. There will be no return under any circumstances to the 1967 borders. There will be no foreign army west of the River Jordan. And the majority of the settlers in Judea and Samaria will be in settlement blocs under our sovereignty. As I pledged, any final status arrangement will be submitted to the people for a referendum, in which you, the citizens of Israel, will decide. [...].



**ISRAELI PRIME MINISTER EHUD BARAK, BASIC GUIDELINES PROPOSED
ON THE PRESENTATION OF THE GOVERNMENT TO THE KNESSET,
JERUSALEM, 6 JULY 1999 [EXCERPTS]**

General

[...]

Jerusalem

- 3.1 Greater Jerusalem, the eternal capital of Israel, will remain united and complete under the sovereignty of Israel.
- 3.2 Members of all religions will be guaranteed free access to the holy places, and freedom of worship.
- 3.3 The Government will work toward the development and prosperity of Jerusalem, and for continued construction therein - for the welfare of all its residents. [...]



ISRAELI FOREIGN MINISTRY, REACTION TO FAISAL HUSSEINI STATEMENT ON ORIENT HOUSE, JERUSALEM, 2 MARCH 2000

The Israeli Foreign Ministry expressed dismay over the statement to the media made by Faisal Hussein, that meetings between foreign visitors and Palestinian representatives will take now place in the "Orient House" or other locations in eastern Jerusalem. In the Israeli-Palestinian Interim Agreement, the PLO obligated itself to not establish Palestinian Authority (PA) offices in areas in which the PA has no authority, and to refrain from any activity in the realm of foreign affairs, including diplomatic activity.

Jerusalem, in its entirety, is not within the area of PA authority.

Consequently, this recent statement constitutes a flagrant violation of the legal obligations that the PLO has taken upon itself to fulfill.

Israel expects that the PLO will fully respect the agreements upon which it has signed, and that foreign states will not lend their support to violations of this nature.



**ISRAELI PRIME MINISTER BARAK, STATEMENT TO THE ISRAELI CABINET
REGARDING ABU DIS, JERUSALEM, 15 MAY 2000**

[In view of the rioting that broke out in the West Bank and Gaza on the occasion of 'Nakba' Day, PM Barak shelved the implementation of a plan to transfer Abu Dis to Palestinian control, which the cabinet had already approved]

We are in the midst of a diplomatic process whose goal is to strengthen Israel and its security. In any future settlement, Jerusalem will remain united as Israel's eternal capital. They [the Palestinians] will be in Abu Dis and we will be in united Jerusalem. We are committed to moving forward toward a peace agreement that will be 1,000 times better than any alternative.

The nature of the reality which will be created here if we do not find the wisdom to reach agreements is clear to all of us. We are charged with an historic and national responsibility to effect a separation in the Land of Israel, they will be 'there' and we will be 'here'.

What we are submitting today is not the transfer of additional territory to the Palestinian authority but merely a change in the status of 0.25% of Area B - which is under Palestinian civil control - to Area A. This decision is diplomatic but it is also correct from a security perspective. It is clear that taking the direct route to the third redeployment will increase the chance of impasse and deterioration. We propose going towards a framework agreement.

We have no interest in annexing 30,000 Palestinians to Jerusalem or Israeli sovereignty. Experience has shown us that every transfer of this kind has served our security well. In 1992, there were 2,400 attacks in Judea and Samaria; in 1999, there were only 140.

The entire move strengthens the diplomatic process, strengthens our position in Jerusalem and strengthens our security. Even around this table, there have been periods in which various governments did not see the reality, stuck their heads in the sand and were later obliged to cope with a more bitter reality. Our historic responsibility is to make decisions, based on a sober view of reality and while guarding our vital interests - strengthening our security, effecting a separation with the Palestinians and preserving the unity of Jerusalem.



ISARELI PRIME MINISTER BARAK, SPEECH TO THE GREATER ASSEMBLY OF UNITED JEWISH COMMUNITIES ON ISRAEL'S REQUIREMENTS FOR A PEACE AGREEMENT, CHICAGO, ILLINOIS, 13 NOVEMBER 2000 [EXCERPTS]

Our goals are clear: First, to secure a permanent status agreement with the Palestinians through negotiations - not one that is imposed through violence. The second goal is to protect, in such an agreement, Israel's security and other vital interests, while creating a framework for cooperation and good neighborly relations with the Palestinians.

Any agreement that we reach must include the following elements:

[...]

5. A Jerusalem broader than it ever has been in our history, with a solid Jewish majority for generations to come; a capital united under our sovereignty and recognized by the entire world.



THE GUSH SHALOM PEACE PROPOSAL, 10 AUGUST 2001 [EXCERPTS]

Section 4: Jerusalem.

Both parties acknowledge the uniqueness of the City of Jerusalem and declare their intention to preserve it as a single urban unit, open to all.

The Arab neighborhoods of the city, according to the map attached, will be an integral part of the State of Palestine and will serve as its capital. These areas of the city will be connected to each other and to the State of Palestine as a single, continuous, territorial entity.

The Jewish neighborhoods of the city, according to the map attached, will be an integral part of the State of Israel and will serve as its capital. These areas of the city will be connected to each other and to the State of Israel as a single, continuous, territorial entity.

The Jewish quarter of the Old City will be part of the State of Israel and will be attached to its territory. The Muslim, Christian and Armenian quarters of the Old City will be part of the State of Palestine.

There will be no barriers or obstacles preventing unrestricted passage between the two parts of the City. Both parties will establish border checkpoints, if they so decide, at the entrances/exits of the City.

The municipality of the Palestinian Jerusalem and the municipality of the Israeli Jerusalem will establish a joint council, based on the principle of equality, to manage the shared municipal services. The council will be headed by the chairman of the council and his/her deputy, one of whom will be Israeli and the other Palestinian. They will rotate their positions after two years. The first assignment will be determined by lot.

Section 5: Holy Sites.

Both parties acknowledge the uniqueness of the Holy Sites and their importance to the believers of the three monotheistic religions.

The area of the Haram al-Sharif (Temple Mount) will be part of the State of Palestine.

The Western Wall (the part also called "the Wailing Wall") will be part of the State of Israel.

All archeological or other excavations in the area of the Haram al-Sharif (the Temple Mount), the Western Wall or in their immediate vicinity shall be undertaken by mutual consent. [...]



**ISRAELI PRESIDENT MOSHE KATSAV, SPEECH AT THE 'JERUSALEM DAY'
STATE CEREMONY, JERUSALEM, 9 MAY 2002**

The milestones in the history of Jerusalem are historical lessons in the life of the People of Israel. The city of Jerusalem is rich with sanctity and glory full of beauty and splendor - a city well versed in battles and wars.

Since the days of King David, the city has known many conquests, blockades, and sieges. Since then, the traces of many peoples have been lost in the dust of history, and only our eternal city remains on its hilltop, only the Jewish people continue to exist there continuously, and by its own right, too. King David established it as the political capital of the Jewish People. King Solomon built the Temple here and established the city as the Jewish People's spiritual capital, too. Here, we held a Jewish lifestyle for 410 years, in the days of the First Temple. We held prayers and religious services until the destruction of the Temple.

Only 70 years later, as prophesized by Jeremiah the Prophet, we built the Second Temple here, on the Temple Mount, and we held our religious rites here for another 420 years. And when our ancestors were barred freedom of religion and rites in the Temple, the great Hasmonean Rebellion broke out against the powerful Greek Empire, and we overcame it.

When a rift arose in the leadership and people, and we failed to maintain unity, Jerusalem was conquered again, and some people advocated "international intervention." This is how the Romans came to the Land of Israel --initially as "inspectors," or "observers" of a kind, to mediate between the antagonists, and later as conquerors and desecrators. While the Romans laid siege to the city, the Jews within were preoccupied with political struggles. Jerusalem was divided and split then. Within the struggles, the food stocks in the city were burned down. The atmosphere of hatred and animosity prevailed in the streets, impeding the struggle against the Romans. And after a few months, the Romans managed to breach the walls of the city and destroy the Temple. Had the Jews been united then, the Romans would not have managed to conquer Jerusalem. And when the Romans did not let our fathers have freedom of religion and rites at the Temple Mount, the great Bar Cochba rebellion broke out against the Romans. There are no people who fight for their beliefs and freedom of religion and rites as do the Jewish People. We have been in this city for 3,000 years. Peoples have come and gone, but the Jewish People are remaining here for good. When the city of Jerusalem was under Jewish rule, it prospered, developed, and grew.

In the Six Day War, circumstances and events led us to liberate Jerusalem, and the battle for the liberation of Jerusalem was difficult and cruel. At this site, here, one of the most difficult battles in the history of Jerusalem was waged. The troops, headed by paratroops, fought fiercely on Ammunition Hill, and at dawn, after their victory, wept and grieved over their young friends who fell in battle. In those very harsh moments, while the battlefield smoke still filled the air, the paratroops erected a monument and inscribed on it, "Here fell brave Jordanian soldiers," and bestowed honor unto their enemies.

The soldiers of the Israel Defense Forces know how to fight and to honor, and have combat ethics and purity of arms.

Today, we remember those who fell for the liberation of Jerusalem and bow our heads in their memory.

To our dismay, the grandchildren of the liberators of Jerusalem in the War of Independence and the children of the liberators of Jerusalem in the Six Day War are continuing to fight and command troops in the defense of the citizens of Israel and the State of Israel, and in the defense of Jerusalem, fighting for its status as a part of Israel and Jewish identity.

The liberation of Jerusalem was an emotional historical event that will forever be engraved in the nation's consciousness. The Western Wall and the city of Jerusalem reverted to a place of worship for the People of Israel; the excitement that gripped all the Jews of the country and the Diaspora was overwhelming.

Since the Six Day War, there has, for the first time in 2,000 years, been freedom of ritual and freedom of religion for the three monotheistic religions. This is our constant commitment - to continue granting freedom of religion to all religions.

This is Jerusalem, with Israeli rule giving Islam full freedom of religion and rituals on the Temple Mount , while, after 35 years of full freedom, we are commanded to declare that the Temple Mount was never holy to the Jewish People. We have been required to declare that the Temples were not built here and that we have no religious affinity or historical rights to this most holy place for the Jewish People, as though we had fabricated a story.

This is Jerusalem, for which we have never stopped yearning, praying, and dreaming. This is Jerusalem, which has motivated visits by the masses of the Jewish People throughout its generations ,the heart's desire of each and every generation, Jerusalem, which has interconnected thousands of Jewish communities spread around the world for thousands of years.

The citizens of Israel and the Jewish People must raise Jerusalem to the peak of our joy, embrace Jerusalem warmly, and gain sanctity from its beauty and splendor. Every stone in Jerusalem has a story of 3,000 years of history behind it.

Jerusalem Day is a day of happiness and rejoicing. Today we celebrate the eternity and eternal holiness of Jerusalem. Jerusalem is the heart of the Jewish People. Jerusalem draws on the Zionist vision and forms the foundation of the Zionist movement. Jerusalem is the spiritual center of the Jewish People, the eternal capital of the State of Israel.



**ISRAELI PRESIDENT MOSHE KATSAV, SPEECH AT THE STATE CEREMONY
TO COMMEMORATE 'JERUSALEM DAY', 19 MAY 2004**

Jerusalem.

One single, singular place in the life of the Jewish people. The source of prayers, consolation, and the yearning of the people of Israel.

Jerusalem encompasses the essence of our being and the nature of the Jewish people. It is the city whose foundations join with the spiritual and the sacred, the place where every prayer is united with action. The old joins with the new. Air and spirit join with majesty and splendor. The Jerusalem above, of all the lofty attributes, joins with Jerusalem below, of daily life.

Jerusalem was consecrated with the blood of the fallen - in the words of the prophet, "In thy blood shall thee live." Jerusalem is a city that has known the tempests of war more than any other city in the world, a city that has known the anguish and pain, as well as cries of joy and happiness.

A tour of the sites around Jerusalem is like a stroll through the pages of the Bible .Every site in the city marks historical events, calls up prophets, retells the deeds of its sons and their exploits of courage, victories and tragedies, days of festival and of fasting. Every stone in Jerusalem carries within it a tale of 3,000 years. Within its walls, every site encompasses the development of the Jewish people throughout all the generations.

A range of styles and a variety of melodies of prayers sung in the synagogues mingle in this city. Every day one may hear thousands of years of history meeting with thousands of prayers and longings. Jerusalem has many faces. It shines from different angles on each and everyone, and it shines on everyone – a light to us and a light to the nations.

For us, the members of the Jewish people, the road to this city has been difficult, paved with suffering and hardship, destruction and crisis.

Members of every religion can pray here. This delicate fabric will be preserved forever. The State of Israel maintains the beauty of Jerusalem and its sanctity for all religions - freedom of worship and religion to all religions and to all believers. A freedom that had never existed here has existed ever since the city was liberated. We shall preserve it, we shall preserve all of its sites, towers, and turrets, and we shall preserve its past. We are working to unite all of the opposites and the contradictions, to preserve the delicate stitches that hold

the different worlds and different beliefs together. We will preserve its special spirit, and we will not allow these connections that bind together the different groups and sectors to be undone, and we will always anticipate a better future.

Jerusalem has passed from one conqueror to another and from one regime to another, 37 times, until it finally returned to being the capital of the Jewish people and the State of Israel. Ever since it was destroyed, many of our people have fallen “on the road to the city” and never had the privilege of actually arriving here. Many people from all over the world have been attracted to the source of their Jewishness, to their home. They dreamed – but were not fortunate enough to see it.

Our forefathers, teachers, and rabbis, throughout the generations, yearned to cherish its dust. Thus it has been for thousands of years, thus it has been for thousands of Jewish communities all over the world that were cut off from each other, swore “If I forget thee O Jerusalem, may my right hand forget its cunning.” They set out on a long journey, were forced to cross oceans and deserts, in pogroms and in wars. When the Jewish people were murdered in the crematoria, they called out “Hear O Israel,” and Jerusalem was in their hearts. From great distances, Jews placed Jerusalem above all of their joys.

This hill, on which we are standing, is the symbol of a war forced upon us, and this war led to the liberation of the city. On the site of “Ammunition Hill,” one of the most difficult battles in the history of Jerusalem was waged. There are many corners here that point out the course of the battle. Scars remain on many of the houses. Many families mourn their sons who fell in the revival of Jerusalem, and many fighters still bear the wounds of that war. We here today, year after year, remember them – the bold and the brave, the forces of faith that confronted lead and iron, on behalf of the Jewish people, on behalf of “Jerusalem of gold and of copper and of light,” and on behalf of the coming generations.

We have come here today to bow our heads and to salute the fighters who dreamed of Jerusalem, of the heart of the Jewish people – because it is thanks to them that Jerusalem is alive and vibrant. It is thanks to them that the people of Israel live.

The arteries of the soul and of Jewish national existence lead to Jerusalem. We, sons of the Jewish people, eternal sons of Jerusalem, are here by virtue of our historical past, by virtue of the heroes who risked their lives for our right to live in Jerusalem. Ancient peoples and new peoples have shed our blood here and smashed our houses. We have been uprooted from here to 70 exiles, and our holy city has become a rocky field and a wilderness. Our enemies believed that, thus, they would tear from us forever the dream of returning to our roots. They believed that they could uproot the right to return to life, the right to live without the fear of annihilation.

However, the prayers of the Jewish people, its faith and determination, were stronger and more powerful than any fire and any malicious sword, and we – the tormented remnant of the Jewish people - have returned to Jerusalem with the hope of reaching the dream of sitting under our fig tree and under the pomegranate tree. We have come here after generations of fear and of Holocaust. We have removed the rocks from our land, and with a new plow we are plowing a furrow of hope and of peace, in which we are raising our children, giving them back their smiles, their joy, and the confidence in life, which history had stolen from them.

And it may be that here, of all places, on this sacred hill, where the brave heroes of the Jewish people have paid with their lives, we are entitled to ask, “Will the sword indeed forever consume us?” Have we not tried every possible way, even the most painful, to turn that sword into a plowshare? It does not seem possible that we will be unable to return to the Jewish mother, in spite of the hatred and anguish, her desperate hope to sit with her children under the fig and the pomegranate.

The heroes of Israel. Their voices may have been stilled on the battlefield, but their cries are as forceful as ever today. The people of Israel and the State of Israel bow their heads before the memory of the fallen. We swear to you here, heroes of Israel, to do as you commanded, and we swear to you, Jerusalem, on this your holiday: “If I forget thee, O Jerusalem may my right hand lose its cunning, may my tongue cleave to my palate if I fail to remember thee”.

May the memory of the fallen be a blessing.



**SUPREME COURT OF ISRAEL, JUDGMENT BEFORE PRESIDENT AHARON BARAK,
VICE-PRESIDENT ELIAHU MAZZA, AND JUSTICE MICHAEL CHESHIN ON
'BEIT SOURIK VILLAGE COUNCIL V. THE GOVERNMENT OF ISRAEL AND THE
COMMANDER OF THE IDF FORCES IN THE WEST BANK', 30 JUNE 2004 [EXCERPTS]**

The Commander of the IDF Forces in Judea and Samaria issued orders to take possession of plots of land in the area of Judea and Samaria. The purpose of the seizure was to erect a separation fence on the land. The question before the Court was whether the orders and the fence are legal.

EXTRACTS FROM THE JUDGMENT OF PRESIDENT A. BARAK

Background

1. Since 1967, Israel has been holding the areas of Judea and Samaria [hereinafter - the area] in belligerent occupation. In 1993 Israel began a political process with the PLO, and signed a number of agreements transferring control over parts of the area to the Palestinian Authority. Israel and the PLO continued political negotiations in an attempt to solve the remaining problems. The negotiations, whose final stages took place at Camp David in Maryland, USA, failed in July 2000.

A short time after the failure of the Camp David talks, the Israeli-Palestinian conflict reached new heights of violence. In September 2000, the Palestinian side began a campaign of terror against Israel and Israelis. Terror attacks take place both in the area and in Israel. They are directed against citizens and soldiers, men and women, elderly and infants, regular citizens and public figures. Terror attacks are carried out everywhere: in public transportation, in shopping centers and markets, in coffee houses and in restaurants. Terror organizations use gunfire attacks, suicide attacks, mortar fire, Katyusha rocket fire, and car bombs. From September 2000 until the beginning of April 2004, more than 780 attacks were carried out within Israel. During the same period, more than 8200 attacks were carried out in the area.

The armed conflict claimed (as of April 2004) the lives of 900 Israeli citizens and residents. More than 6000 were injured, some with serious wounds that have left them severely handicapped. The armed conflict has left many dead and wounded on the Palestinian side as well. Bereavement and pain wash over us...

2. These terror acts have caused Israel to take security precautions on several levels. The government, for example, decided to carry out various military operations, such as operation "Defensive Wall" (March 2002) and operation "Determined Path" (June 2002). The objective of these military actions was to defeat the Palestinian terrorist infrastructure and to prevent terror attacks... These combat operations - which are not regular police operations, but embody all the characteristics of armed conflict - did not provide a sufficient answer to the immediate need to stop the terror. The Ministers' Committee on National Security considered a list of steps intended to prevent additional terror acts and to deter potential terrorists from participating in such acts... Despite all these measures, the terror did not come to an end. The attacks did not cease. Innocent people paid with both life and limb. This is the background behind the decision to construct the separation fence.

The Decision to Construct the Separation Fence

3. The Ministers' Committee for National Security reached a decision (on April 14, 2002) regarding deployment in the "Seamline Area" between Israel and the area.. The purpose behind the decision was "to improve and strengthen operational capability in the framework of fighting terror, and to prevent the penetration of terrorists from the area of Judea and Samaria into Israel." The IDF and the police were given the task of preventing the passage of Palestinians into the State of Israel. As a temporary solution, it was decided to erect an obstacle in the three regions found to be most vulnerable to the passage of terrorists into the Israel: the Umm El-Fahm region and the villages divided between Israel and area (Baka and Barta'a); the Qalqilya-Tulkarm region; and the Greater Jerusalem region. It was further decided to create a team of Ministers, headed by the Prime Minister, which would examine long-term solutions to prevent the infiltration of Palestinians, including terrorists, into Israel.

The location of this fence, which passes through areas west of Jerusalem, stands at the heart of the dispute between the parties.

The Separation Fence

7. The "Seamline" obstacle is composed of several components. In its center stands a "smart" fence. The purpose of the fence is to alert the forces deployed along its length of any attempt at infiltration. On the fence's external side lies an anti-vehicle obstacle, composed of a trench or another means, intended to prevent vehicles from breaking through the fence by slamming up against it. There is an additional delaying

fence. Near the fence a service road is paved. On the internal side of the electronic fence, there are a number of roads: a dirt road (for the purpose of discovering the tracks of those who pass the fence), a patrol road, and a road for armored vehicles, as well as an additional fence. The average width of the obstacle, in its optimal form, is 50 - 70 meters... In the area relevant to this petition, the width of the obstacle will not exceed 35 meters, except in places where a wider obstacle is necessary for topographical reasons... Hereinafter, we will refer to the entire obstacle on the "Seamline" as "the separation fence."

The Seizure Proceedings

The Petition

9. The petition, as originally worded, attacked the orders of seizure regarding lands in the villages of Beit Sourik, Bidu, El Kabiba, Katane, Beit A'anan, Beit Likia, Beit Ajaza and Beit Daku. These lands are adjacent to the towns of Mevo Choron, Har Adar, Mevasseret Zion, and the Jerusalem neighbourhoods of Ramot and Giv'at Zeev, which are located west and northwest of Jerusalem. Petitioners are the landowners and the village councils affected by the orders of seizure. They argue that the orders of seizure are illegal. As such, they should be voided or the location of the separation fence should be changed. The injury to petitioners, they argue, is severe and unbearable. Over 42,000 dunams of their lands are affected. The obstacle itself passes over 4,850 dunams, and will separate between petitioners and more than 37,000 dunams, 26,500 of which are agricultural lands that have been cultivated for many generations. Access to these agricultural lands will become difficult and even impossible. Petitioners' ability to go from place to place will depend on a bureaucratic permit regime which is labyrinthine, complex, and burdensome. Use of local water wells will not be possible. As such, access to water for crops will be hindered. Shepherding, which depends on access to these wells, will be made difficult. Tens of thousands of olive and fruit trees will be uprooted ... The livelihood of many hundreds of Palestinian families, based on agriculture, will be critically injured. Moreover, the separation fence injures not only landowners to whom the orders of seizure apply; the lives of 35,000 village residents will be disrupted. The separation fence will harm the villages' ability to develop and expand. The access roads to the urban centers of Ramallah and Bir Nabala will be blocked off. Access to medical and other services in East Jerusalem and in other places will become impossible. Ambulances will encounter difficulty in providing emergency services to residents. Children's access to schools in the urban centers, and of students to universities, will be impaired. Petitioners argue that these injuries cannot be justified.
10. Petitioners' argument is that the orders are illegal in the light of Israeli administrative law, and in the light of the principles of public international law which apply to the dispute before us. First, petitioners claim that respondent lacks the authority to issue the orders of seizure. Were the route of the separation fence to pass along Israel's border, they would have no complaint. However, this is not the case. The route of the separation fence, as per the orders of seizure, passes through areas of Judea and Samaria. According to their argument, these orders alter the borders of the West Bank with no express legal authority. It is claimed that the separation fence annexes areas to Israel in violation of international law. The separation fence serves the needs of the occupying power and not the needs of the occupied area. The objective of the fence is to prevent the infiltration of terrorists into Israel; as such, the fence is not intended to serve the interests of the local population in the occupied area, or the needs of the occupying power in the occupied area. Moreover, military necessity does not require construction of the separation fence along the planned route. The security arguments guiding respondents disguise the real objective: the annexation of areas to Israel. As such, there is no legal basis for the construction of the fence, and the orders of seizure which were intended to make it possible are illegal. Second, petitioners argue that the procedure for the determination of the route of the separation fence was illegal. The orders were not published and were not brought to the knowledge of most of the affected landowners; petitioners learned of them by chance, and they were granted extensions of only a few days for the submission of appeals. Thus, they were not allowed to participate in the determination of the route of the separation fence, and their arguments were not heard.
11. Third, the separation fence violates many fundamental rights of the local inhabitants, illegally and without authority. Their right to property is violated by the very taking of possession of the lands and by the prevention of access to their lands. In addition, their freedom of movement is impeded. Their livelihoods are hurt and their freedom of occupation is restricted. Beyond the difficulties in working the land, the fence will make the trade of farm produce difficult. The fence detracts from the educational opportunities of village children, and throws local family and community life into disarray. Freedom of religion is violated, as access to holy places is prevented. Nature and landscape features are defaced. Petitioners argue that these violations are disproportionate and are not justified under the circumstances. The separation fence route reflects collective punishment, prohibited by international law. Thus, respondent neglects the obligation, set upon his shoulders by international law, to make normal and proper life possible for the inhabitants of Judea and Samaria... According to their argument, despite the language of the orders of

seizure, it is clear that the fence is not of a temporary character, and the critical wound it inflicts upon the local population far outweighs its benefits.

The Response to the Petition

12. Respondents, in their first response, argued that the orders of seizure and the route through which the separation fence passes are legal. The separation fence is a project of utmost national importance. Israel is in the midst of actual combat against a wave of terror, supported by the Palestinian population and leadership. At issue are the lives of the citizens and residents of Israel, who are threatened by terrorists who infiltrate into the territory of Israel. At issue are the lives of Israeli citizens residing in the area. The construction of the separation fence system must be completed with all possible speed. The separation fence has already proved its efficacy in areas where it has been erected. It is urgent that it also be erected in the region of petitioners' villages. Respondents claim that a number of terror attacks against Jerusalem and against route no. 443, which connects Jerusalem and the city of Modi'in, have originated in this area. The central consideration in choosing the route of the separation fence was the operational-security consideration. The purpose of the fence is to prevent the uncontrolled passage of residents of the area into Israel and into Israeli towns located in the areas. The separation fence is also intended to prevent the smuggling of arms, and to prevent the infiltration of Palestinians, which will likely lead to the establishment of terror cells in Israel and to new recruits for existing cells. Additionally, the forces acting along the obstacle, and Israeli towns on both sides of it, must be protected. As dictated by security considerations, the area of the separation fence must have topographic command of its surroundings. This is in order to allow surveillance and to prevent attacks upon the forces guarding it. To the extent possible, a winding route must be avoided. In addition, a "security zone" is required to provide warning of possible terrorist infiltration into Israel.
13. Respondents explain that, in planning the route of the separation fence, great weight was given to the interests of the residents of the area, in order to minimize, to the extent possible, the injury to them. Certain segments of the fence are brought before the State Attorney for prior examination and, if necessary, before the Attorney-General as well. An effort is being made to lay the obstacle along property that is not privately owned or agriculturally cultivated; consideration is given to the existing planning schemes of Palestinian and Israeli towns; an effort is being made to refrain from cutting lands off from their owners. In the event of such a cutoff, agricultural gateways will allow farmers access to their lands. New roads will be paved which will provide for the needs of the residents. In cases where damage cannot be avoided, landowners will be compensated for the use of their seized lands. Efforts will be made to transfer agricultural crops instead of cutting them down...
14. Respondents claim that the process of seizure was legal. The seizure was brought to the knowledge of petitioners, and they were given the opportunity to participate in a survey and to submit appeals. The contractors responsible for building the obstacle are instructed to move (as opposed to cutting down) trees wherever possible. Some buildings, in cooperation with landowners to the extent possible, are taken down and transferred to agreed locations...
15. Respondent's position is that the orders of seizure are legal. The power to seize land for the obstacle is a consequence of the natural right of the State of Israel to defend herself against threats from outside her borders. Likewise, security officials have the power to seize lands for combat purposes, and by the laws of belligerent occupation. Respondents do not deny the need to be considerate of the injury to the local population and to keep that injury proportionate; their claim is that they fulfill these obligations. Respondents deny the severity of the injury claimed by petitioners. The extent of the areas to be seized for the building of the fence, the injury to agricultural areas, and the injury to trees and groves, are lesser - by far - than claimed. All the villages are connected to water systems and, as such, damage to wells cannot prevent the supply of water for agricultural and other purposes. The marketing of agricultural produce will be possible even after the construction of the fence. In each village there is a medical clinic, and there is a central clinic in Bidu. A few archeological sites will find themselves beyond the fence, but these sites are neglected and not regularly visited. The educational needs of the local population will also be taken into account. Respondents also note that, in places where the separation fence causes injury to the local population, efforts are being made to minimize that injury. In light of all this, respondents argue that the petitions should be denied.

The Hearing of the Petition

16. Oral arguments were spread out over a number of hearings. During this time, the parties modified the formulation of their arguments. In light of these modifications, respondent was willing to allow changes in part of the route of the separation fence. In certain cases the route was changed *de facto*...

The Normative Framework

23. The general point of departure of all parties - which is also our point of departure - is that Israel holds the area in belligerent occupation (*occupatio bellica*). See HCJ 619/78 "*El Tal'ia*" *Weekly v. Minister of Defense*; HCJ 69/81 *Abu Ita v. Commander of the Area of Judea and Samaria*... In the areas relevant to this petition, military administration, headed by the military commander, continues to apply. The authority of the military commander flows from the provisions of public international law regarding belligerent occupation. These rules are established principally in the Regulations Concerning the Laws and Customs of War on Land, The Hague, 18 October 1907 [hereinafter - the Hague Regulations]. These regulations reflect customary international law. The military commander's authority is also anchored in IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War 1949...
24. Together with the provisions of international law, "the principles of the Israeli administrative law regarding the use of governing authority" apply to the military commander... Thus, the norms of substantive and procedural fairness (such as the right to have arguments heard before expropriation, seizure, or other governing actions), the obligation to act reasonably, and the norm of proportionality apply to the military commander...
25. This petition raises two separate questions. The first question: is the military commander in Judea and Samaria authorized, by the law applying to him, to construct the separation fence in Judea and Samaria? An affirmative answer to this question raises a second question concerning the location of the separation fence... The parties concentrated on the second question; only a small part of the arguments before us dealt with the first question. The question of the authority to erect the fence in the area is complex and multifaceted, and it did not receive full expression in the arguments before us...

Authority to Erect the Separation Fence

26. Petitioners rest their assertion that the military commander does not have authority to construct the fence on two claims. The first is that the military commander does not have the authority to order construction of the fence since his decision is founded upon political - and not military - considerations.
27. We accept that the military commander cannot order the construction of the separation fence if his reasons are political. The separation fence cannot be motivated by a desire to "annex" territories to the state of Israel. The purpose of the separation fence cannot be to draw a political border...

Indeed, the military commander of territory held in belligerent occupation must balance between the needs of the army on one hand, and the needs of the local inhabitants on the other. In the framework of this delicate balance, there is no room for an additional system of considerations, whether they be political considerations, the annexation of territory, or the establishment of the permanent borders of the state. This Court has emphasized time and time again that the authority of the military commander is inherently temporary, as belligerent occupation is inherently temporary. Permanent arrangements are not the affair of the military commander. True, the belligerent occupation of the area has gone on for many years. This fact affects the scope of the military commander's authority... The passage of time, however, cannot extend the authority of the military commander and allow him to take into account considerations beyond the proper administration of the area under belligerent occupation.

28. We examined petitioners' arguments, and have come to the conclusion, based upon the facts before us, that the fence is motivated by security concerns. As we have seen in the government decisions concerning the construction of the fence, the government has emphasized, numerous times, that "the fence, like the additional obstacles, is a security measure. Its construction does not express a political border, or any other border..."
30. Petitioners, by pointing to the route of the fence, attempt to prove that the construction of the fence is not motivated by security considerations, but by political ones. They argue that if the fence was primarily motivated by security considerations, it would be constructed on the "Green Line," that is to say, on the armistice line between Israel and Jordan after the War of Independence. We cannot accept this argument. The opposite is the case: it is the security perspective - and not the political one - which must examine the route on its security merits alone, without regard for the location of the Green Line...
31. We set aside seven sessions for the hearing of the petition... Petitioners did not carry the burden and did not persuade us that the considerations behind the construction of the separation fence are political rather than security-based. Similarly, petitioners did not carry their burden, and did not persuade us that the considerations of the Commander of the IDF Forces in the area, in choosing the route of the separation fence, are not military considerations, and that he has not acted to fulfill them in good faith, according to his best military understanding.

32. Petitioner second argument is that the construction of the fence in the area is based, in a large part, on the seizure of land privately owned by local inhabitants, that this seizure is illegal, and that therefore the military commander has no authority to construct the obstacle. We cannot accept this argument. We found no defect in the process of issuing the orders of seizure, or in the process of granting the opportunity to appeal them. Regarding the central question raised before us, our opinion is that the military commander is authorized - by the international law applicable to an area under belligerent occupation - to take possession of land, if this is necessary for the needs of the army. See articles 23(g) and 52 of the Hague Convention; article 53 of the Fourth Geneva Convention. He must, of course, provide compensation for his use of the land... Of course, regarding all these acts, the military commander must consider the needs of the local population... The construction of the separation fence falls within this framework. The infringement of property rights is insufficient, in and of itself, to take away the authority to build it. It is permitted, by the international law applicable to an area under belligerent occupation, to take possession of an individual's land in order to erect the separation fence upon it, on the condition that this is necessitated by military needs.... Indeed, the obstacle is intended to take the place of combat military operations, by physically blocking terrorist infiltration into Israeli population centers...

The Route of the Separation Fence

33. The focus of this petition is the legality of the route chosen for construction of the separation fence. This question stands on its own and it requires a straightforward, real answer. It is not sufficient that the fence be motivated by security considerations, as opposed to political considerations. The military commander is not at liberty to pursue, in the area held by him in belligerent occupation, every activity which is primarily motivated by security considerations. The discretion of the military commander is restricted by the normative system in which he acts, and which is the source of his authority. Indeed, the military commander is not the sovereign in the occupied territory. See Oppenheim, *The Legal Relations Between an Occupying Power and the Inhabitants*, 33 Law Q. Rev., 363, 364 (1917); Y. Dinstein, *The Law of War* 210 (1983). He must act within the law which establishes his authority in a situation of belligerent occupation...
34. The law of belligerent occupation recognizes the authority of the military commander to maintain security in the area and to protect the security of his country and her citizens. However, it imposes conditions on the use of this authority. This authority must be properly balanced against the rights, needs, and interests of the local population...

This Court has emphasized, in its case law since the Six Day War, that “together with the right to administer comes the obligation to provide for the well being of the population.” H CJ 337/71 *Al-jamaya Al-masihyeh L’alararchi Elmakdasa v. Minister of Defense*, at 581 (Sussman, D.P.)...

35. This approach of this Court is well anchored in the humanitarian law of public international law. This is set forth in Regulation 46 of the Hague Regulations and Article 46 of the Fourth Geneva Convention... These rules are founded upon a recognition of the value of man and the sanctity of his life...

The rules in Regulation 46 of the Hague Regulations and in Article 27 of the Fourth Geneva Convention cast a double obligation upon the military commander: he must refrain from actions that injure the local inhabitants. This is his “negative” obligation. He must take the legally required actions in order to ensure that the local inhabitants shall not be injured. This is his “positive” obligation. In addition to these fundamental provisions, there are additional provisions that deal with specifics, such as the seizure of land. See Regulation 23(g) and 52 of the Hague Regulations; Article 53 of the Fourth Geneva Convention. These provisions create a single tapestry of norms that recognizes both human rights and the needs of the local population as well recognizing security needs from the perspective of the military commander. Between these conflicting norms, a proper balance must be found. What is that balance?

Proportionality

36. The problem of balancing between security and liberty is not specific to the discretion of a military commander of an area under belligerent occupation. It is a general problem in the law, both domestic and international. Its solution is universal. It is found deep in the general principles of law, including reasonableness and good faith.. One of those foundational principles which balance between the legitimate objective and the means of achieving it is the principle of proportionality. According to it, the liberty of the individual can be limited (in this case, the liberty of the local inhabitants under belligerent occupation), on the condition that the restriction is proportionate. This approach crosses through all branches of law. In the framework of the petition before us, its importance is twofold: first, it is a basic principle in international law in general and specifically in the law of belligerent occupation; second, it is a central standard in Israeli administrative law which applies to the area under belligerent occupation...

37. Proportionality is recognized today as a general principle of international law... Proportionality plays a central role in the law regarding armed conflict. During such conflicts, there is frequently a need to balance between military needs and humanitarian considerations... Proportionality is a standard for balancing...
38. Proportionality is not only a general principle of international law. Proportionality is also a general principle of Israeli administrative law... At first a principle of our case law, then a constitutional principle, enshrined in Article 8 of the Basic Law: Human Dignity and Freedom, it is today one of the basic values of the Israeli administrative law... The principle of proportionality applies to every act of the Israeli administrative authorities. It also applies to the use of the military commander's authority pursuant to the law of belligerent occupation.

The Meaning of Proportionality and its Elements

40. According to the principle of proportionality, the decision of an administrative body is legal only if the means used to realize the governmental objective is of proper proportion. The principle of proportionality focuses, therefore, on the relationship between the objective whose achievement is being attempted, and the means used to achieve it. This principle is a general one. It requires application. As such, both in international law, which deals with different national systems - from both the common law family (such as Canada) and the continental family (such as Germany) - as well as in domestic Israeli law, three subtests grant specific content to the principle of proportionality...
41. The first subtest is that the objective must be related to the means. The means that the administrative body uses must be constructed to achieve the precise objective which the administrative body is trying to achieve. The means used by the administrative body must rationally lead to the realization of the objective. This is the "appropriate means" or "rational means" test. According to the second subtest, the means used by the administrative body must injure the individual to the least extent possible. In the spectrum of means which can be used to achieve the objective, the least injurious means must be used. This is the "least injurious means" test. The third test requires that the damage caused to the individual by the means used by the administrative body in order to achieve its objectives must be of proper proportion to the gain brought about by that means. That is the "proportionate means" test (or proportionality "in the narrow sense.") The test of proportionality "in the narrow sense" is commonly applied with "absolute values," by directly comparing the advantage of the administrative act with the damage that results from it. However, it is also possible to apply the test of proportionality in the narrow sense in a "relative manner." According to this approach, the administrative act is tested *vis-à-vis* an alternate act, whose benefit will be somewhat smaller than that of the former one. The original administrative act is disproportionate in the narrow sense if a certain reduction in the advantage gained by the original act - by employing alternate means, for example - ensures a substantial reduction in the injury caused by the administrative act.
42. It is possible to say that the means used by an administrative authority are proportionate only if all three subtests are satisfied. Satisfaction of one or two of these subtests is insufficient. All three of them must be satisfied simultaneously. Not infrequently, there are a number of ways that the requirement of proportionality can be satisfied. In these situations a "zone of proportionality" must be recognized (similar to a "zone of reasonableness.") Any means chosen by the administrative body that is within the zone of proportionality is proportionate.
43. This principle of proportionality also applies to the exercise of authority by the military commander in an area under belligerent occupation...

The Proportionality of the Route of the Separation Fence

44. The principle of proportionality applies to our examination of the legality of the separation fence. It is reflected in the government decision (of October 1, 2003) that "during the planning, every effort shall be made to minimize, to the extent possible, the disturbance to the daily lives of the Palestinians due to the construction of the obstacle." The argument that the damage caused by the separation fence route is proportionate was the central argument of respondents. Indeed, our point of departure is that the separation fence is intended to realize a security objective which the military commander is authorized to achieve. The key question regarding the route of the fence is: is the route of the separation fence proportionate? The proportionality of the separation fence must be decided by the three following questions, which reflect the three subtests of proportionality. First, does the route pass the "appropriate means" test (or the "rational means" test)? The question is whether there is a rational connection between the route of the fence and the goal of the construction of the separation fence. Second, does it pass the test of the "least injurious" means? The question is whether, among the various routes which would achieve the objective of the separation fence, is the chosen one the least injurious. Third, does it pass the test of proportionality in the narrow sense? The question is whether the separation fence route, as set out by the military commander, injures the local

inhabitants to the extent that there is no proper proportion between this injury and the security benefit of the fence. According to the “relative” examination of this test, the separation fence will be found disproportionate if an alternate route for the fence is suggested that has a smaller security advantage than the route chosen by respondent, but which will cause significantly less damage than that original route.

The Scope of Judicial Review

45. Before we examine the proportionality of the route of the separation fence, it is appropriate that we define the character of our examination. Our point of departure is the assumption, which petitioners did not manage to negate, that the government decision to construct the separation fence is motivated by security, and not a political, considerations. As such, we work under the assumption - which the petitioners also did not succeed in negating - that the considerations of the military commander based the route of the fence on military considerations that, to the best of his knowledge, are capable of realizing this security objective. In addition, we assume - and this issue was not even disputed in the case before us - that the military commander is of the opinion that the injury to local inhabitants is proportionate. On the basis of this factual foundation, there are two questions before us. The first question is whether the route of the separation fence, as determined by the military commander, is well-founded from a military standpoint. Is there another route for the separation fence which better achieves the security objective? This constitutes a central component of proportionality. If the chosen route is not well-founded from the military standpoint, then there is no rational connection between the objective which the fence is intended to achieve and the chosen route (the first subtest); if there is a route which better achieves the objective, we must examine whether this alternative route inflicts a lesser injury (the second subtest). The second question is whether the route of the fence is proportionate. Both these questions are important for the examination of proportionality. However, they also raise separate problems regarding the scope of judicial review...

The Military Nature of the Route of the Separation Fence

46. The first question deals with the military character of the route. It examines whether the route chosen by the military commander for the separation fence achieves its stated objectives, and whether there is no route which achieves this objective better. It raises problems within the realm of military expertise. We, Justices of the Supreme Court, are not experts in military affairs. We shall not examine whether the military commander’s military opinion corresponds to ours - to the extent that we have a opinion regarding the military character of the route. So we act in all questions which are matters of professional expertise, and so we act in military affairs as well. All we can determine is whether a reasonable military commander would have set out the route as this military commander did...

47. The petition before us is exceptional in that opinions were submitted by the Council for Peace and Security. These opinions deal with the military aspect of the separation fence. They were given by experts in the military and security fields, whose expertise was also recognized by the commander of the area. We stand, therefore, before contradictory military opinions regarding the military aspects of the route of the separation fence... Thus, for example, it is the view of the military commander that the separation fence must be distanced from the houses of Jewish towns, in order to ensure a security zone which will allow pursuit after terrorists who have succeeded in passing the separation fence, and that topographically controlling territory must be included in the route of the fence. In order to achieve these objectives, there is no escaping the need to build the separation fence proximate to the houses of the local inhabitants. In contrast, the view of military experts of the Council for Peace and Security is that the separation fence must be distanced from the houses of local inhabitants, since proximity to them endangers security. Topographically controlling territory can be held without including it in the route of the fence. In this state of affairs, are we at liberty to adopt the opinion of the Council for Peace and Security? Our answer is negative. At the foundation of this approach is our long-held view that we must grant special weight to the military opinion of the official who is responsible for security....

Therefore, in our examination of the contrasting military considerations in this case, we give special weight to the fact that the commander of the area is responsible for security. Having employed this approach, we are of the opinion that petitioners have not carried their burden, and have not convinced us that we should prefer the professional expert opinion of members of the Council for Peace and Security over the security stance of the commander of the area. We are dealing with two military approaches. Each of them has military advantages and disadvantages. In this state of affairs, we must place the expert opinion of the military commander at the foundation of our decision.

The Proportionality of the Route of the Separation Fence

48. The second question examines the proportionality of the route of the separation fence, as determined by the military commander. This question raises no problems in the military field; rather, it relates to the se-

verity of the injury caused to the local inhabitants by the route decided upon by the military commander. In the framework of this question we are dealing not with military considerations, but rather with humanitarian considerations. The question is not the proportionality of different military considerations. The question is the proportionality between the military consideration and the humanitarian consideration. The question is not whether to prefer the military approach of the military commander or that of the experts of the Council for Peace and Security. The question is whether the route of the separation fence, according to the approach of the military commander, is proportionate. The standard for this question is not the subjective standard of the military commander. The question is not whether the military commander believed, in good faith, that the injury is proportionate. The standard is objective. The question is whether, by legal standards, the route of the separation fence passes the tests of proportionality. This is a legal question, the expertise for which is held by the Court...

From the General to the Specific

49. The key question before us is whether the route of the separation fence is proportionate. The question is: is the injury caused to local inhabitants by the separation fence proportionate, or is it possible to satisfy the central security considerations while establishing a fence route whose injury to the local inhabitants is lesser and, as such, proportionate? The separation fence which is the subject of this petition is approximately forty kilometers long. Its proportionality varies according to local conditions. We shall examine its proportionality according to the various orders that were issued for the construction of different parts of the fence.

President Barak then turned to a detailed examination of each of the orders, the topography of the route to be constructed, its security importance - military rationality, the impact on the local population, alternative routes offered by the petitioners and similar factors, considering each section of the route on the basis of the route's proportionality, using the three subtests. On the basis of this examination, President Barak concluded that parts of the route were not proportionate and had to be annulled.

Overview of the Proportionality of the Injury Caused by the Orders

82. Having completed the examination of the proportionality of each order separately, it is appropriate that we lift our gaze and look out over the proportionality of the entire route of the part of the separation fence which is the subject of this petition. The length of the part of the separation fence to which these orders apply is approximately forty kilometers. It causes injury to the lives of 35,000 local inhabitants. 4000 dunams of their lands are taken up by the route of the fence itself, and thousands of olive trees growing along the route itself are uprooted. The fence separates the eight villages in which the local inhabitants live from more than 30,000 dunams of their lands. The great majority of these lands are cultivated, and they include tens of thousands of olive trees, fruit trees and other agricultural crops. The licensing regime which the military commander wishes to establish cannot prevent or substantially decrease the extent of the severe injury to the local farmers. Access to the lands depends upon the possibility of crossing the gates, which are very distant from each other and not always open. Security checks, which are likely to prevent the passage of vehicles and which will naturally cause long lines and many hours of waiting, will be performed at the gates. These do not go hand in hand with the farmer's ability to work his land. There will inevitably be areas where the security fence will have to separate the local inhabitants from their lands. In these areas, the commander should allow passage which will reduce, to the extent possible, the injury to the farmers.
83. During the hearings, we asked respondent whether it would be possible to compensate petitioners by offering them other lands in exchange for the lands that were taken to build the fence and the lands that they will be separated from. We did not receive a satisfactory answer... Taking petitioners' lands obligates the respondent, under the circumstances, to attempt to find other lands in exchange for the lands taken from the petitioners. Monetary compensation may only be offered if there are no substitute lands.
84. The injury caused by the separation fence is not restricted to the lands of the inhabitants and to their access to these lands. The injury is of far wider a scope. It strikes across the fabric of life of the entire population. In many locations, the separation fence passes right by their homes... The fence directly affects the links between the local inhabitants and the urban centers (Bir Nabbala and Ramallah). This link is difficult even without the separation fence. This difficulty is multiplied sevenfold by the construction of the fence.
85. The task of the military commander is not easy. He must delicately balance between security needs and the needs of the local inhabitants. We were impressed by the sincere desire of the military commander to find this balance, and his willingness to change the original plan in order to reach a more proportionate solution. We found no stubbornness on his part. Despite all this, we are of the opinion that the balance

determined by the military commander is not proportionate. There is no escaping, therefore, a renewed examination of the route of the fence, according to the standards of proportionality that we have set out.

Epilogue

86. Our task is difficult. We are members of Israeli society. Although we are sometimes in an ivory tower, that tower is in the heart of Jerusalem, which is not infrequently hit by ruthless terror. We are aware of the killing and destruction wrought by the terror against the state and its citizens. As any other Israelis, we too recognize the need to defend the country and its citizens against the wounds inflicted by terror. We are aware that in the short term, this judgment will not make the state's struggle against those rising up against it easier. But we are judges. When we sit in judgment, we are subject to judgment. We act according to our best conscience and understanding. Regarding the state's struggle against the terror that rises up against it, we are convinced that at the end of the day, a struggle according to the law will strengthen her power and her spirit. There is no security without law. Satisfying the provisions of the law is an aspect of national security. I discussed this point in HCJ 5100/94 *The Public Committee against Torture in Israel v. The Government of Israel*, at 845:

We are aware that this decision does make it easier to deal with that reality. This is the destiny of a democracy - she does not see all means as acceptable, and the ways of her enemies are not always open before her. A democracy must sometimes fight with one arm tied behind her back. Even so, a democracy has the upper hand. The rule of law and individual liberties constitute an important aspect of her security stance. At the end of the day, they strengthen her spirit and this strength allows her to overcome her difficulties.

That goes for this case as well. Only a separation fence built on a base of law will grant security to the state and its citizens. Only a separation route based on the path of law, will lead the state to the security so yearned for.

The result is that we reject the petition against order no. Tav/105/03. We accept the petition against orders Tav/104/03, Tav/103/03, Tav/84/03 (western part), Tav/107/03, Tav/108/03, Tav/109/03, and Tav/110/03 (to the extent that it applies to the lands of Beit Daku), meaning that these orders are nullified, since their injury to the local inhabitants is disproportionate.

Respondents will pay 20,000 NIS in petitioners' costs.

Vice President E. Mazza and Justice M. Cheshin concurred.



ISRAELI PRIME MINISTER ARIEL SHARON, ADDRESS AT THE JERUSALEM DAY CEREMONY, AMMUNITION HILL, JERUSALEM, 6 JUNE 2005

Distinguished President of the State of Israel, Bereaved Families, Government Ministers (who participated in the special cabinet meeting we held here today, and made decisions regarding the development of Jerusalem as the eternal capital of Israel forever and ever), President of the Supreme Court, Speaker of the Knesset, Commanders in the IDF, Police and Security Forces, Mayor of Jerusalem, Commanders, Ladies and Gentlemen,

On that terrible night, at the dawn of the 27th day of Iyar, 5727, the soldiers of the Paratroopers Brigade, commanded by Motta Gur, were ready to storm this fortified position, Ammunition Hill. Behind them was the Israeli part of Jerusalem, wounded by bombardments which had not ceased since that morning. In front of them, beyond this hill, was the top of Mount Scopus, the Israeli enclave, which would be in serious danger if it were not reached by dawn. In the south of the city, the soldiers of the Jerusalem Brigade, commanded by Eliezer Amitai, had already conquered Armon Hanatziv, and the "Naknik" and "Pa'amon" posts. From the north, the 10th Armored Brigade, commanded by Uri Ben-Ari, made its way through the "Radar" and "Sheik Abed El Aziz" posts, towards Nebi Samuel.

It is symbolic that the fighters of three reserve troops brigades – the most explicit manifestation of "Army of the People", were the redeemers of Jerusalem.

On that night, Head of Command Uzi Narkis suddenly announced that the General Staff suggested that the attack be postponed until morning so that it could receive aerial support. Motta assembled the commanders for consultation and they unanimously decided: We cannot wait. We must attack tonight.

This is how they were, the paratroopers. That is how they were trained: to be dedicated to the mission, to attack, to risk their lives for their people. They could not wait until the break of day. A fire burned in their hearts. The fire of Jerusalem. In the storm of battle that raged here, many of them paid with their lives. There is no stone on this hill which was not soaked with the blood of fighters. We will forever cherish those who, for our sake, bridged the two sections of our eternal capital – a bridge between the dream of generations and the reality of our time. The vision of the prophets was realized. Prayer turned into salvation.

For 19 years Jerusalem was divided, besieged, reclusive, and at the end of every path, and for double that time – 38 years – it has been united and open.

The majority of the Israeli population has not known a different reality. The younger generation could not visualize the line crossing the city, strewn with mines and barbed wire. They could not imagine the enemy soldiers on the walls of the Old City, and no access to the Temple Mount, the Western Wall, and the Mount of Olives. They could not imagine that the city's suburbs, from Ramot and Neveh Yaacov in the north, to Gilo and Har Homa in the south, were barren hills, with cannons aimed at the heart of Jerusalem.

For us, there is only one Jerusalem, and no other. It will be ours forever, and will never again be in the hands of foreigners. We will honor and cherish all lovers of Jerusalem, of all faiths and religions. We will carefully guard all its sites of prayer, churches and mosques, and freedom of worship will be ensured, which was not the case when others ruled it. We will fearlessly face the entire world and will ensure the future of united Jerusalem. For Jerusalem is the anchor, root of life, and faith of the Jewish people and we will never again part with it.

Whoever wishes to know this should open the Bible, read and understand.

Historic Jerusalem, the heart of the Jewish people for over 3000 years, will always be one, united, the capital of the State of Israel forever and ever.



**ISRAELI CABINET COMMUNIQUE APPROVING THE COMPLETION
OF THE WALL IN JERUSALEM, JERUSALEM, 10 JULY 2005**

[The Israeli cabinet set 1 Sept. 2005 as completion date for the Wall around Jerusalem]

At the weekly cabinet meeting today (Sunday, 10.7.05):

1. National Infrastructures Minister Binyamin Ben-Eliezer briefed ministers on his recent trip to Egypt and Jordan. He said that the goal of his visit to Cairo was to sign a memorandum of understanding on the supply of natural gas from Egypt to Israel and added that the memorandum is the diplomatic framework agreement that provides the basis for the trade agreement that is due to be signed between Israel Electric and the EMG company.

Minister Ben-Eliezer met with Egyptian President Hosni Mubarak. Both men underscored the importance of the aforesaid agreement to both countries and to the further enhancement of bilateral relations. They also discussed the Disengagement Plan and the state of affairs in the Palestinian Authority (PA). Egyptian Prime Minister Ahmed Mahmoud Muhammad Nazif attended the signing ceremony for the memorandum of understanding in order to stress its importance.

Minister Ben-Eliezer said that his visit to Jordan was to discuss the project for laying a pipeline - most of which will be in Jordanian territory - from the Gulf of Eilat to the Dead Sea that would deliver approximately 2 million cubic meters of water annually to the Dead Sea in order to replenish the Dead Sea and to exploit the hydroelectric power that could thereby be generated in order to desalinate approximately 850 million cubic meters of water per annum. The minister emphasized that the Jordanians, especially King Abdullah II, ascribe great importance to the project and are prepared to promote it even under difficult political conditions.

2. The relevant bodies are currently preparing to complete the security barrier in the "Jerusalem envelope" as per the route and format that have been approved by the government.

In order to enable the closure of the barrier, various bodies (including government ministries, the Municipality of Jerusalem, the Israel Police, the IDF and the other security services), each in its own field, will have to make preparations in order to assure that the daily routines of the residents of the capital, in its various sectors, be infringed on as little as possible.

These preparations also relate to the 13 appeals against various sections of the security fence that are currently before the High Court of Justice, and which regard both the legality of the fence and claims related to harm inflicted on local residents' "fabric of life" and freedom of movement.

In this regard, the following applies to the "fabric of life" of the Arab residents of eastern Jerusalem: those for whom the focus of their lives in various areas is outside the city; those who live beyond the municipal boundaries out of choice but who maintain links to the city; eastern Jerusalem Arabs who will be left beyond the barrier but who are eligible for full services as residents; and those residents of the PA areas who will be left inside the barrier or who live in the Jerusalem district and must receive services in the city for various reasons.

In order to advance the ability to close the barrier as soon as possible while providing a maximal response to "fabric of life" needs and in keeping with High Court of Justice decisions, Prime Minister Ariel Sharon appointed Industry, Trade, and Labor Minister Ehud Olmert to chair an inter-ministerial directors-general committee that would prepare for this situation, monitor Jerusalem residents' "fabric of life" issues vis-à-vis the "Jerusalem envelope," and provide responses to such problems as may be created by the "Jerusalem envelope."

The committee discussed the significance of the various issues related to maintaining the "fabric of life" and the necessary preparations of each ministry and body in order to assure both that the number of those entering through the crossings will be small and the level of services for those residents who will be left beyond the fence.

The cabinet discussed the foregoing and was briefed by - *inter alia* - National Security Council Chairman Giora Eiland, Attorney-General Menahem Mazuz, and the Jerusalem city manager, as well as representatives from the Education, Culture and Sports Ministry, Health, Tourism, Transportation and Interior ministries, the Employment Service, the Postal Authority, the Israel Police and IDF Central Command on the issues relevant to their particular offices and functions.

Prime Minister Sharon thanked each ministry, and especially Minister Olmert, for the dedicated and important work that they carried out regarding the "Jerusalem envelope" and in providing responses regarding "fabric of life" issues. The Prime Minister also noted the urgency in finishing work related to the "Jerusalem envelope."

The cabinet decided as follows:

The Government of Israel ascribes great importance to the immediate completion of the security fence in the Jerusalem area in order to improve the level of personal security for the residents of Israel in general, and the residents of the "Jerusalem envelope" in particular. Dealing with the population of the "Jerusalem envelope" area as a result of the construction of the security fence will be as detailed below:

Government ministries will complete their preparations to provide services as detailed below by 1.9.05, in the framework of their approved budgets.

A. The Municipality of Jerusalem:

Establishing a "Jerusalem Envelope Community Authority" to deal with residents of those neighborhoods that are within the municipal boundaries but outside the fence;

Establishing areas for vendors near the crossing points;

Using municipal inspectors to enforce public order around the crossing points;

Establishing municipal service centers near the crossing points in the context of government services.

B. The Defense Ministry in coordination with the Internal Security Ministry:

Provide for, in cooperation with the Transportation Ministry, simultaneous, two-way pedestrian and vehicular traffic by residents, as well as by authorized public transportation;

Define transportation access routes for residents in the event of various scenarios (terrorist attacks, traffic accidents, etc.) at the crossing points;

Establish infrastructure that will allow government ministries to provide services at the crossing points.

C. The Municipality of Jerusalem in cooperation with the Education, Culture, and Sports Ministry

Outside the "envelope"

Organize orderly and supervised transportation for students to schools inside Jerusalem ahead of the next academic year;

Rent classrooms that meet security demands and equip them to absorb additional students ahead of the next academic year;

Construct educational institutions in order to reduce rental and transportation expenditures - in the long term.

Inside the "envelope"

Rent classrooms according to need ahead of the next academic year;

Operate second shifts at schools in case of a lack of structures for rent, ahead of the next academic year;

Construct new educational structures in order to cancel the second shifts - in the long term.

D. The Health Ministry

In coordination with relevant bodies - setting transit procedures which will allow rapid and humanitarian service for those in need;

In coordination with relevant bodies - setting transit procedures which will ease outward passage for doctors and equipment from inside "the envelope";

Encourage hospitals in eastern Jerusalem to open branches beyond the fence;

Encourage health maintenance organizations to expand their activities beyond the fence;

In coordination with relevant bodies - issue orderly permits for medical crews so as to facilitate rapid crossing.

E. Communications Ministry - Postal Authority

Establishing postal units close to crossing points;

Offer governmental services at post offices as is done today, and expand this service under the framework of the law, and in keeping with the negotiations between the Postal Authority and other bodies;

Establishing central mail distribution points.

F. Social Affairs Ministry - National Insurance Institute

Integrate NII activities at crossing points via computerized and personal response;

Provide services via the Internet;

Provide services via the telephone;

Provide services via the Postal Authority.

G. Transportation Ministry

Priority at crossing points will be given to authorized public transportation via establishment of special bus lanes;

Establish bus lanes next to lanes for private cars;

Build bus stops;

Establish service points for the Vehicle Licensing Bureau.

Provide services via the Postal Authority.

H. Interior Ministry

Services which do not require an identity card will be provided via the Postal Authority;

Interior Ministry branches to be set up near crossing points for services where an identity card must be shown.

I. Industry, Trade, and Labor Ministry - Employment Service

Determining frequency of appearance for those who reside beyond the barrier to be once a month;

Establish reception hours at branches to be opened at crossing points.

The cabinet also decided to add NIS 17 million to the Internal Security Ministry's budget; and a one-time payment of NIS 8million, including NIS 3 million for education needs, to the Jerusalem Municipality's budget so that they may carry out their activities as detailed above. The budget to complement preparations and to provide public services from 2006 onwards, will be set in talks between the Finance Ministry and the Internal Security, Education, and Interior ministries and the Jerusalem Municipality, as part of the talks on the 2006 budget while noting that the Municipality must immediately commit itself to renting buildings and contacting bus companies in the long term. The discussions between the Finance Ministry and the Education Ministry, with the participation of the Jerusalem Municipality will be concluded by the end of July this year.

The cabinet instructed that staff work for the "Jerusalem envelope" be concluded in the areas of tourism and passage of VIPs, including religious leaders, vis-à-vis the performance of religious ceremonies.

The cabinet authorized Minister Olmert to monitor implementation of the foregoing. Security sources will "close" the barrier only after Minister Olmert recommends that "fabric of life" needs have been met as per the above.



**ISRAELI PRESIDENT'S OFFICE, STATEMENT DENYING A DEAL WITH THE
VATICAN ON JERUSALEM SITES, JERUSALEM, 9 NOVEMBER 2005**

Recently, rumors have been published in the media in Israel and abroad to the effect that President Moshe Katsav is supposed to sign - during his upcoming meeting with Pope Benedict XVI - an agreement regarding the room of the Last Supper or another site on Mt. Zion in Jerusalem.

President Katsav's Political Advisor, Avi Granot, wishes to clarify that these rumors have no basis, that such an agreement does not exist and that there have been no negotiations about such an agreement.



**ISRAELI ACTING PRIME MINISTER EHUD OLMERT, ADDRESS TO THE
6TH HERZLIYA CONFERENCE, 26 JANUARY 2006 [EXCERPTS]**

[During this speech at the Herzliya Conference, Olmert claimed that the existence of a Jewish majority in the State of Israel cannot be maintained with the continued control over the Palestinian population in the West Bank and Gaza Strip, but stressed that Jerusalem will remain under Israeli sovereignty]

Distinguished Guests,

Unfortunate circumstances have led to my appearance before you here this evening in place of Prime Minister Ariel Sharon. Two years ago, at this Conference, Prime Minister Ariel Sharon delivered his speech later known as the "Herzliya Speech", the speech in which he announced the Disengagement Plan. From this place, one of our greatest commanders embarked on the most dramatic and significant, campaign of his life, the diplomatic, public and political campaign of the Disengagement Plan. That speech, and the Disengagement Plan which followed, are milestones in the history of the State of Israel. [...]

In order to ensure the existence of a Jewish national homeland, we will not be able to continue ruling over the territories in which the majority of the Palestinian population lives. We must create a clear boundary as soon as possible, one which will reflect the demographic reality on the ground. Israel will maintain control over the security zones, the Jewish settlement blocs, and those places which have supreme national importance to the Jewish people, first and foremost a united Jerusalem under Israeli sovereignty. There can be no Jewish state without the capital of Jerusalem at its center.



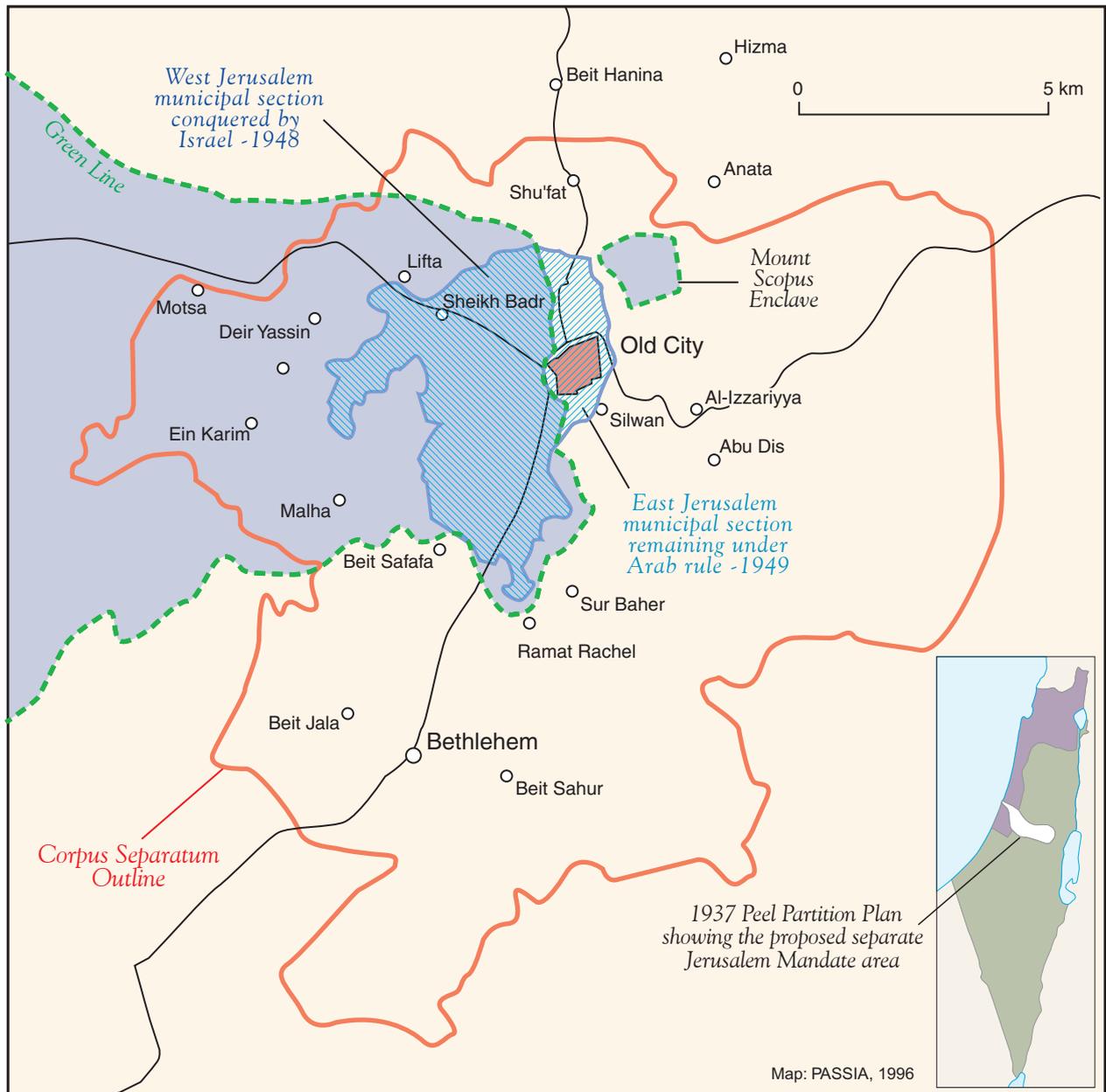
Appendices

Appendix 1: Maps

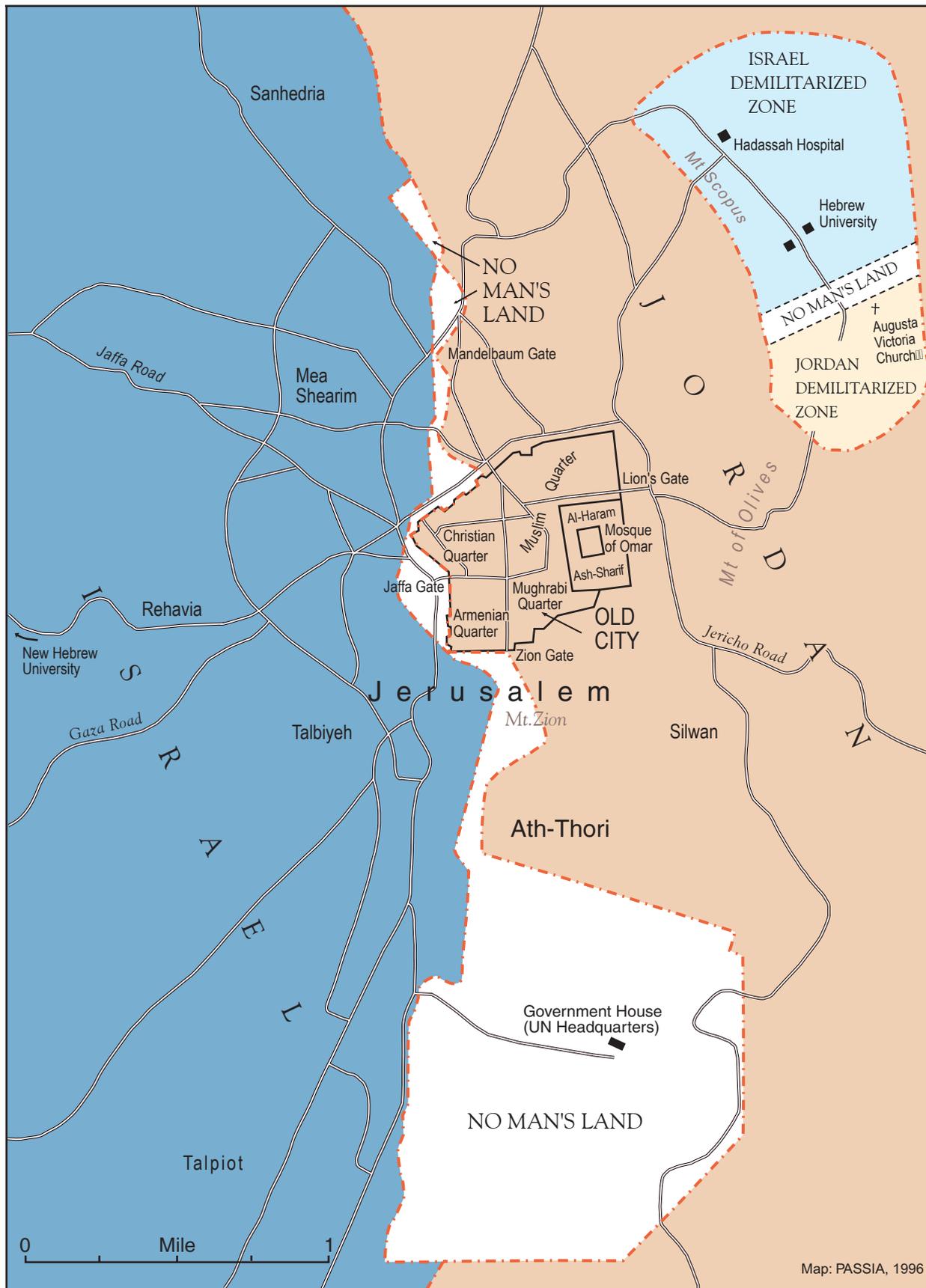
Appendix 2: List of Contents of Volumes I, III & IV

Appendix 1: Maps

Jerusalem and the Corpus Separatum Proposed in 1947



Partitioned Jerusalem 1948-1967



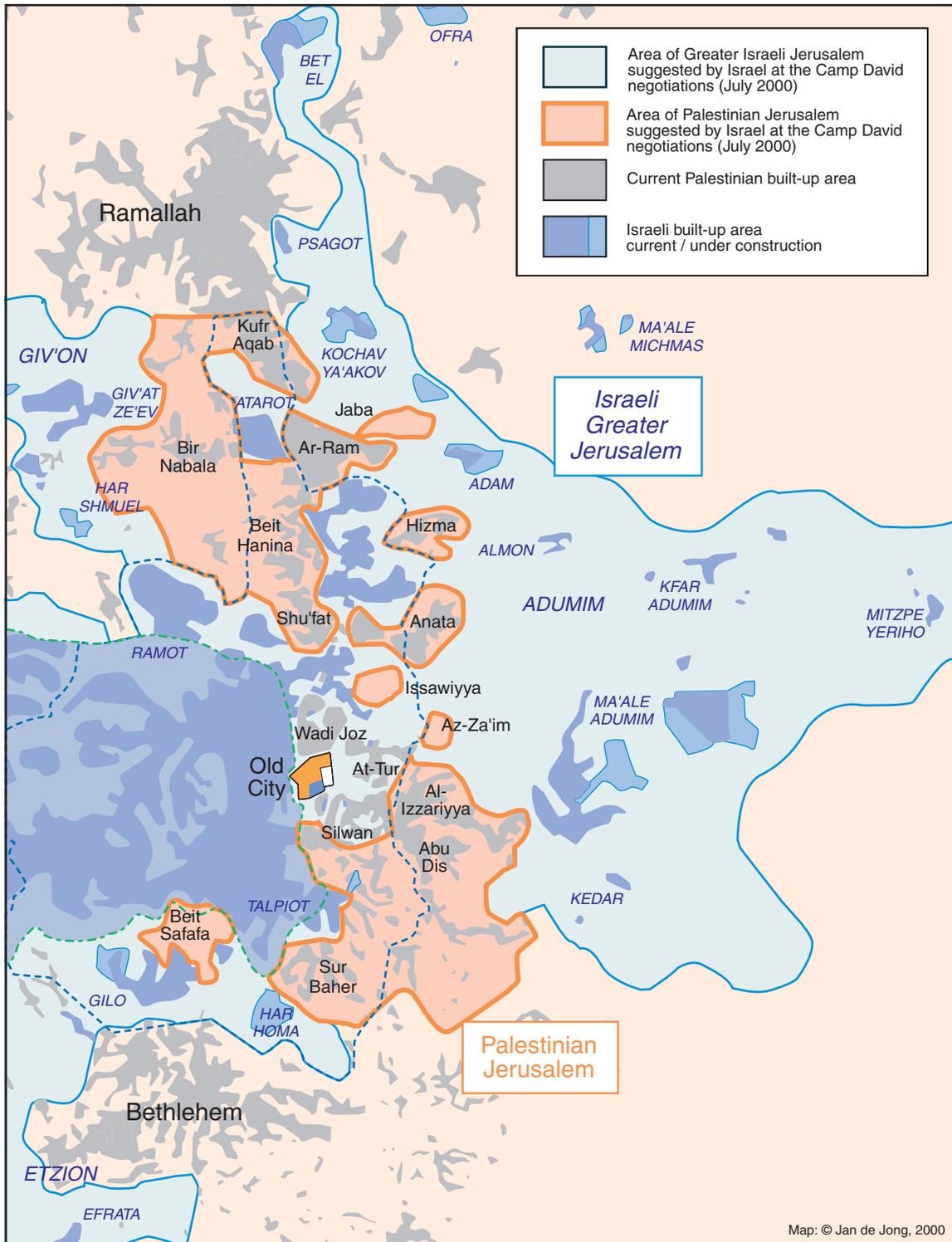
Jerusalem after the June War of 1967



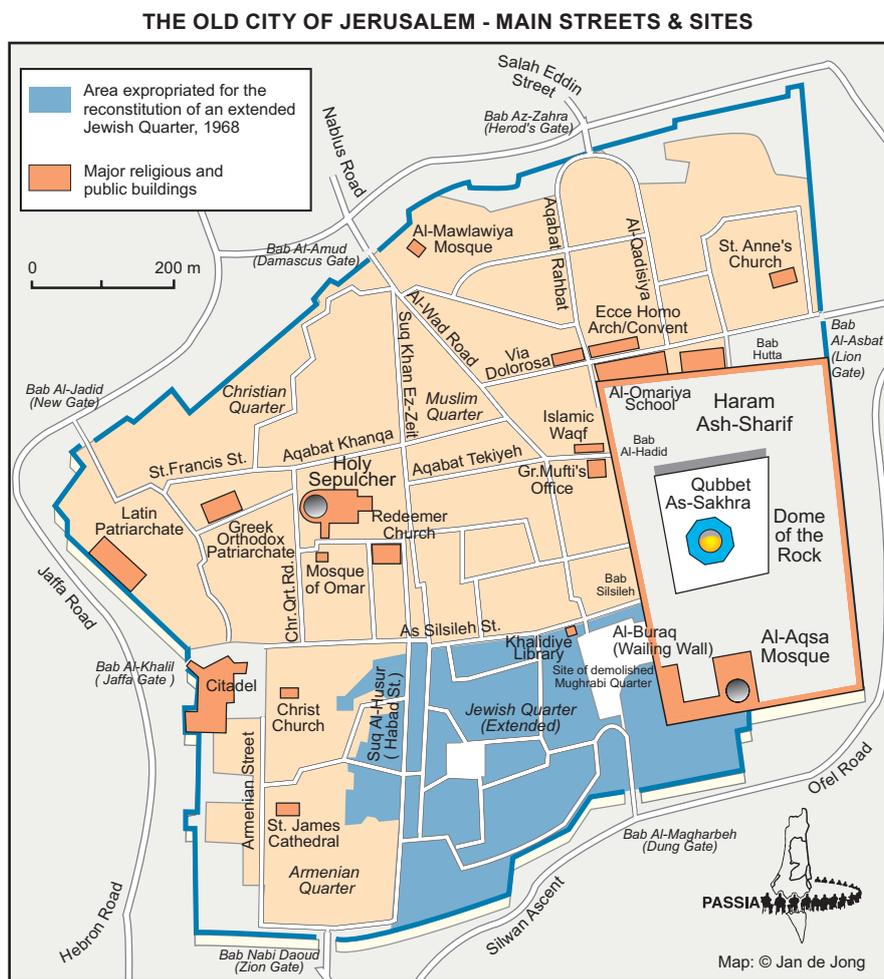
Palestinian Neighborhoods and Israeli Settlements in East Jerusalem



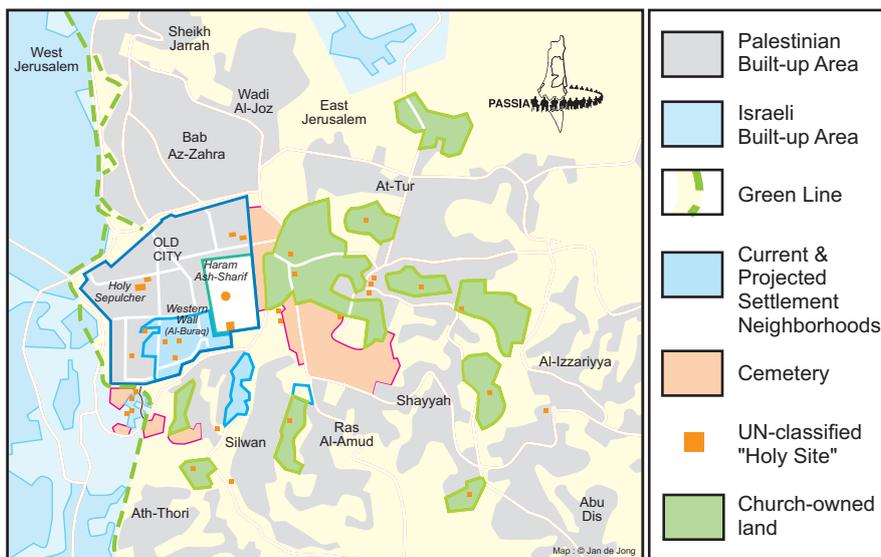
Projection of the Israeli Proposal for Jerusalem's Final Status at Camp David, July 2000



The Old City of Jerusalem and the Holy Basin



THE OLD CITY AND THE HOLY / HISTORICAL BASIN AREA



Appendix 2: List of Contents of Volumes I, III & IV

VOLUME 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

Memorandum on Jerusalem Sent by Chief Rabbi of the Orthodox Community in Palestine, Yosef Tzvi Dushinsky, to the UN, 19 November 1947

Communication from the Union of Orthodox Rabbis of America to Karel Lisicky, Chairman of the UN Palestine Commission, 13 April 1948

Memorandum by Neturey Karta of the Orthodox Jewry, Jerusalem, to the UN Secretary-General, 18 July 1949

Cablegram from the Secretary of the Neturey Karta Community to the President of the UN Trusteeship Council, 7 February 1950

Memorandum on the conditions of Ashkenazi Jews from the Council of the Ashkenazi Jewish Community, Jerusalem, 21 February 1950

World Jewish Congress (WJC), Declaration on Jerusalem, Adopted at the WJC 8th Plenary Assembly, Jerusalem, January 1986

Proclamation of the Third International Christian Zionist Congress, Jerusalem, 29 February 1996 [*Excerpts*]

Rabbi Zalman B. Melamed, 'The Word - From Jerusalem', Aired on Arutz-7, 26 September 1996

The Orthodox Union Response to President Clinton's Waiver of Jerusalem Embassy Act Funding Sanction, 18 June 1999

Jewish Peace Lobby, "Rabbinic Call for a Shared Jerusalem," 19 January 2000

Orthodox and Conservative Rabbis, Joint Statement on Jerusalem, 20 January 2000

Speech by Chief Rabbi Israel Meir Lau at the Inter-religious Meeting at the Pontifical Institute, Notre Dame, Jerusalem, 23 March 2000

Orthodox Union Applauding Ariel Sharon's Visit to the Al-Aqsa Compound and Deploring Proposal of UN Jurisdiction, 28 September 2000

Letter by UK Chief Rabbi, Professor Jonathan Sacks, to Mayor of Jerusalem, Ehud Olmert, Affirming the Importance of Jerusalem for the Jewish People, January 2001

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

Union of Orthodox Jewish Congregations Applauding the US House Passage of Provisions on Integrity of Jerusalem in Foreign Relations Authorization Act, 22 July 2005

2. CHRISTIAN STATEMENTS AND POSITIONS

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Pope Pius XII, 'Redemptoris Nostri Cruciatu,' Encyclical on the Holy Places in Palestine, 15 April 1949 [*Excerpts*]

Memorandum Presented to the Conciliation Commission of the UN by the Catholic Religious Communities of the Jewish Sector of Jerusalem, 8 July 1949

Archbishop of Canterbury, Private Memorandum on the Future of Jerusalem, 31 October 1949

Communications from Churches and Qualified Organizations to the UN Trusteeship Council, December 1949-February 1950

- (including: Letter dated 31 December 1949 from the Greek Orthodox Archbishop in North and South America to the President of the Trusteeship Council
- Cablegram dated 18 January 1950 from the Greek Patriarch of Jerusalem to the President of the Trusteeship Council

Documents on Jerusalem

- 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.
- A Memorandum on the Rights of the Armenian Church in the Holy Places, and on the Proposed Internationalization of Jerusalem on behalf of the Armenian Patriarchate of Jerusalem, to the UN Trusteeship Council.
- Cablegram dated 29 January 1950 from the Locum Tenens of the Armenian Patriarchate of Jerusalem to the President of the Trusteeship Council.
- 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
- Near and Middle East Committee of the Conference of British Missionary Societies, Extract from Minutes of a Meeting on Friday, 4 March 1949.
- 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.
- Letter dated 13 January 1950 from the Reverend Charles T. Bridgeman to the President of the Trusteeship Council and attached memorandum
- Letter Dated 16 January 1950 from Mrs. Freda Kirchwey, President of the Nation Associates to the President of the Trusteeship Council
- Telegram Dated 5 February 1950 from a Number of Catholic International Organizations to the President of the Trusteeship Council)

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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*]

Statement by the Latin Custos of the Holy Land Regarding the Holy Places, 27 April 1968

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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

World Council of Churches, Central Committee Statement on Jerusalem Geneva, 14-22 August 1980 [*Excerpts*]

Closing Statement of the Middle Eastern Council of Churches (MECC) Emergency Meeting on Jerusalem, August 1980 [*Excerpts*]

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World Council of Churches, Sixth Assembly Statement on the Middle East Vancouver, Canada, July/August 1983 [*Excerpts*]

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Position Paper on the Middle East by the Canadian Council of Churches Approved by the General Board, 13 October 1989 [*Excerpts*]

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- 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
- Statement by the Heads of the Churches in the Holy Land, Jerusalem, 14 January 1992
- Statement, Archbishop Jean-Louis Tauran, Holy See Secretary for Relations with States, 26 September 1992 *[Excerpts]*
- Statement by the Holy See Press Office Director Joaquin Navarro-Valls, Vatican City, 30 December 1993 *[Excerpts]*
- World Council of Churches, Comment on the New Diplomatic Arrangements Between the Vatican and the State of Israel, 10 January 1994
- Memorandum from the Heads of the Christian Communities in Jerusalem on the Significance of Jerusalem for Christians, 14 November 1994
- American Friends Service Committee and Friends Committee on National Legislation, 'Jerusalem: Barrier or Gateway to Peace,' 23 February 1995
- US Christian Leaders, Statement on Jerusalem, Washington, 6 March 1995
- World Council of Churches, Central Committee, Statement on the Status of Jerusalem, Geneva, Switzerland, 14-22 September 1995
- Address of Pope John Paul II during the Exchange of Greetings with the Diplomatic Corps Accredited to the Holy See, 13 January 1996 *[Excerpts]*
- Statement on Jerusalem, Church of the Brethren General Board, 12 March 1996
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- Considerations of the Secretariat of State of the Vatican on Jerusalem, May 1996
- Muslim and Christian Spiritual Leaders, "Muslims and Christians Together for Jerusalem's Sake", Beirut, 14-16 June 1996
- Jerusalem First - A Message by Michel Sabbah, Latin Patriarch of Jerusalem, 29 September 1996
- 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
- Statement from Patriarchs, Bishops, Clergy and People of the Christian Churches of Jerusalem: "'Jerusalem First' is Now a Priority," 8 October 1996
- 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
- Counsel of the Catholic Patriarchs of Orient General Secretary, Palestine and Jerusalem, 18 October 1996
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- Washington Office of the Presbyterian Church (USA), Concerns for the Arab-Israeli Peace Process, 1996
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- United Church of Christ, General Synod XXI, Statement on Jerusalem, Jerusalem: City of Life, June 1997
- Statement by the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the USA on Jerusalem, 1997
- Lambeth Conference, Resolutions from the Regions (Section Five), Canterbury, England, 18 July and 9 August 1998 *[Excerpts]*
- Permanent Observer Mission of the Holy See to the UN, Non-Paper on Jerusalem, 20 July 1998
- Vatican Foreign Minister Archbishop Jean-Louis Tauran, Address to the World Conference of Bishops, Jerusalem, 26 October 1998 *[Excerpts]*
- Final Communiqué of a Christian Meeting on Jerusalem, 27 October 1998
- Archbishop Theodore E. McCarrick, Chairman, Committee on International Policy, on 'The Future of Jerusalem: Some Clarifications', US Catholic Conference, 17 November 1998
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Speech on “The Vatican and Jerusalem”, to Commemorate the 50th Anniversary of the Pontifical Mission for Palestine at the UN, 23 October 1999 *[Excerpts]*

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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

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Greeting of John Paul II to the Grand Mufti of Jerusalem and the Holy Land, Sheikh Ekrima Sabri, 26 March 2000

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Letter from Christian Patriarchs to President Yasser Arafat, Prime Minister Ehud Barak, and US President Bill Clinton, 17 July 2000

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Evangelical Lutheran Church in America, Statement on Augusta Victoria Hospital, 3 October 2000

Anglican Diocese of Jerusalem, Statement Regarding the 28 September Events in Jerusalem, 4 October 2000

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Anglican Diocese of Jerusalem, Urgent Appeal, 9 October 2000

Letter from the Presiding Bishop of the Episcopal Church to President Clinton, 9 October 2000

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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

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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]*

Churches for Middle East Peace, Letter to Daniel Kurtzer, US Ambassador to Israel, Regarding Israeli Seizure of East Jerusalem Land, 25 January 2005

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

Churches for Middle East Peace, Letter to US Secretary of State Condoleezza Rice on Jerusalem Issues, 6 April 2005

Churches for Middle East Peace, Letter to Daniel Kurtzer, US Ambassador to Israel, Regarding Ma'ale Adumim Settlement, 19 May 2005

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

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*]

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Patriarchs and Heads of the Local Christian Churches in Jerusalem, Statement on the Status of Jerusalem, Jerusalem, 29 September 2006

3. MUSLIM STATEMENTS AND POSITIONS

Covenant of Omar Ibn Al-Khattab, 638 AD

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