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REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
POPULATION OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Thirty-third year

Letter dated 22 June 1978 from the Permanent Representative of Jordan
to the United Nations addressed to the Secretary-General

I have the honour to refer to my two communications to Your Excellency dated 21 February 1978 and 12 April 1978, upon instructions from my Government, pertaining to very ominous and serious encroachments by the Israeli occupation authorities upon historic, religious, cultural and residential areas adjacent to the Western Wall of Al-Haram-al-Shareef Holy Sanctuary.

The two notes verbales of 21 February 1978 (A/33/60-S/12575) and of 12 April 1978 (A/33/88-S/12669) were accompanied by two communications which had detailed the specific violations which the Israeli occupation authorities were committing along the north-western part of the Wall, as well as serious encroachments upon the Abu Midian al-Ghouth sanctuary and contiguous mosque adjacent to Al-Aqsa Mosque.

Although the information contained in the two attached communications is thoroughly authentic, the Government of Jordan had requested that an "on-the-spot inspection" be carried out by the competent organs of the United Nations to verify the accuracy of Jordan's complaint.

It is with deep regret that, in spite of the passage of months, the Jordan Mission had received no intimation that the requested inspection had been carried out by the United Nations, notwithstanding the fact that the Security Council had adopted resolution 298 (1971), paragraph 4 of which states:

'Urgently calls upon Israel to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may

* A/33/50/Rev.1.

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.

It is to be deplored that, instead of abiding by the letter and spirit of the said Security Council resolution, the Ambassador of Israel to the United Nations chose to send a letter dated 31 May 1978 addressed to the Secretary-General and circulated to the Security Council and, also, to the General Assembly under item 55 of the preliminary list (A/33/116-S/12725).

The letter of the Ambassador of Israel is not only a non-answer to Jordan's specific charges of serious violations of the Security Council resolutions and numerous other resolutions adopted by competent organs of the United Nations, it is primarily a repetition of distorted, false and abusive references to the record of the Government of Jordan during the unity of the two Banks of Jordan between 1948-1967.

The Jordan Mission had categorically refuted those Israeli allegations on many occasions before the Security Council and the General Assembly, and particularly in its letter dated 20 January 1972 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General (A/8657-S/10517), 1/ in response to similar allegations presented in a letter dated 15 November 1971 2/ by the then Minister for Foreign Affairs of Israel, Mr. Abba Eban.

Since then, Israeli encroachments on the inviolability of the status of occupied Arab Jerusalem, including encroachments on historic and religious sites, have accelerated into massive proportions.

Suffice it here to state that by sequestration and forcible Israeli colonization, occupied Arab Jerusalem has been expanded fifteen-fold and presently comprises one fifth of the entire West Bank.

In view of the aforementioned, I feel impelled to reiterate that the Jordan Mission will take every possible step to alert the United Nations to its solemn commitments and to request it to shoulder its responsibilities towards undoing all steps which the Israeli occupation authorities have committed and continue to commit in occupied Arab Jerusalem because they are null and void.

Inasmuch as the letter of the Ambassador of Israel of 31 May 1978 resuscitates previous allegations against the Government of Jordan, as well as fails to answer in a substantive, responsible and specific manner the Jordan Mission's complaints of 21 February 1978 and of 12 April 1978, I request that this letter to Your Excellency, as well as the attached letter addressed to you on 20 January 1972, be circulated as an official document of the General Assembly, under item 55 of the preliminary list, and of the Security Council.

(Signed) Hazem NUSEIBEH
Ambassador
Permanent Representative

1/ For the printed text, see Official Records of the Security Council, Twenty-seventh Year, Supplement for January, February and March 1972.

2/ See Official Records of the Security Council, Twenty-sixth Year, Supplement for October, November and December 1971, document S/10392, annex. /...

ANNEX

Letter dated 20 January 1972 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General in response to some of the slanderous attacks which have been levelled against Jordan in serving the Holy Places between 1948-1967, and also the status of Jerusalem and the accomplishments of the Government of Jordan during the said period

Upon instructions from my Government, I have the honour to refer to the Secretary-General's report of 19 November 1971 [S/10392], which was submitted in pursuance of Security Council resolution 298 (1971) concerning Jerusalem, and to present the attached statement of the Jordan Mission to the United Nations conveying its views and comments on the letter of the Minister for Foreign Affairs of Israel, dated 15 November 1971, annexed to the aforementioned report.

I request that this letter, together with the attached statement, be circulated as an official document of the General Assembly and of the Security Council.

(Signed) Baha Ud-Din TOUKAN
Permanent Representative of Jordan
to the United Nations

STATEMENT OF THE PERMANENT MISSION OF JORDAN
TO THE UNITED NATIONS

After the adoption of Security Council resolution 298 (1971), it took the Israeli Government almost two months to respond to the Secretary-General's repeated requests regarding the full implementation of this resolution. The response was in the form of a letter from the Minister for Foreign Affairs of Israel to the Secretary-General in which he totally ignores paragraph 5 of the resolution and instead gives his Government's views concerning paragraph 4, which states:

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

Therefore, the Jordan Mission feels compelled to demonstrate the blatant distortions of the truth with which the Israeli Foreign Minister's letter abounds and which again raise the question of the credibility of Israel in dealing with the highest executive organ of the world body.

The Jordan Mission therefore proposes to deal with each item contained in the letter of the Israeli Foreign Minister to the Secretary-General in order to restate the facts of the situation in their true perspective and not in their distorted presentation as will become clear in the course of this statement.

(a) *The status of the City*

(i) The letter of Israel's Foreign Minister claims that what he calls renewal of the status of the City existing before 5 June 1967 means restoration of a military demarcation line, cancellation of free access to Jews and "Israeli Moslems" etc.

What the Israeli letter overlooks is that the demarcation line and other ensuing arrangements were a consequence of direct Israel aggression. The Jerusalem

Arabs never advocated or accepted the dismemberment of their City. On the contrary, they found themselves the principal and innocent victims of Israel's premeditated policy of brute force, despoliation and conquest in Jerusalem as elsewhere. The 5 June 1967 Israeli occupation of the remnant of what until 1948 had been a sprawling and prosperous city and environs, predominantly Arab in population as well as in lands and properties, was only the *coup de grâce* in the process of a plan for the demise of a Jerusalem which, under all the rules of law and equity, should have remained the inalienable possession and legacy of the indigenous inhabitants, who were predominantly Arabs.

It is proper here to recall that, in the process of winding up their Mandate over Palestine, the British administration entrusted a British Justice, Sir William Fitzgerald, with a delineation of the areas or zones belonging to the Jerusalem Arabs and those belonging to the Jerusalem Jews. The maps and other relevant information he produced prove that almost 70 per cent of what has come over the past two decades to be known as New Jerusalem and presumed Jewish had, in fact, been a predominantly Arab city, occupied and despoiled by Israel in violation of all international conventions and decisions worked out by the United Nations.

It was in recognition of this unequivocal fact that Count Bernadotte was made to pay with his life at the hands of Jewish terrorists in the streets of Jerusalem in 1948.

When the Israeli Foreign Minister, therefore, describes the period 1948-1967 as some of the darkest years in Jerusalem's long history, he is right, but for the wrong reasons. It was dark, because the majority of Jerusalem Arabs had been made to suffer the Israeli occupation and usurpation of their homes and property in the western and larger sections of the City in addition to being forced to live until this moment as refugees in huts and tents somewhere else.

But for those Jerusalem Arabs, whose homes then happened to be to the east of the demarcation line, or for those Jerusalemites who managed to find gainful employment and to build new homes within the remaining city—unhappily the only space left for the period 1948-1967—covering the Jordan responsibility towards their brethren in Jerusalem, as elsewhere in the West Bank, was a period marked by a life in national dignity and international fraternity, a period of expanding opportunities—material and spiritual—and one in which Jerusalem came into its own, marred only by the illegitimate and unjust acquisition by the Israelis, beyond the demarcation line, of large sections of the City, which did not belong to them, and of tens of thousands of homes, which were not theirs under any system of law or equity.

(ii) The Israeli Foreign Minister, in the third paragraph of section (a) of his letter of 15 November 1971, describes the position of Jordan in a part of Jerusalem for 19 years as resulting from an "aggressive invasion carried out against the injunctions of the Security Council in the first half of 1948".

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History—if we are to be honest to it—should not be injected with distorted facts, deceit and fabrications. The truth of the matter in this connexion is that the Jordan Army came into Jerusalem on 18 May 1948, that is, three days after the end of the British Mandate, at the desperate insistence and appeal of the beleaguered Arab citizens, to save what was left of the whole City—only a small part of it after they had lost their bigger part outside its walls to the Israeli gangs and forces before and after the end of the mandate. For three days and nights, between the 15th and 18th of that fateful month, the heavily armed Israeli forces mercilessly pounded the historic walled city with the determined aim of achieving its occupation. But for the heroic resistance of the citizens, largely unarmed and with no regular forces or supplies to assist them in putting up some kind of a coherent defence, the Israeli onslaught came within a hairbreadth of achieving its aggressive goal on the midnight of 18 May 1948.

Prior to that and while the British Mandate was still responsible for law and order in the City, Jewish forces belonging to the Hagana and the Irgun and Stern gangs had already been rampaging and annexing most Arab quarters in the New City and its environs. The unspeakable massacres of hundreds of men, women and children and the dumping of their mutilated bodies in the village wells of Deir Yassin—a suburb of West Jerusalem—is but one of the more notorious crimes committed against the citizens of Jerusalem and its environs. World conscience would hardly have tolerated the contingency of a much more massive massacre among the close to 90,000 Arab citizens of Jerusalem, who had by then been overcrowded in the walled City of Jerusalem. This should explain why and how an advance force of the Jordan Army came to Jerusalem on the dawn of 18 May 1948 to save what was left of it.

The last paragraph in section (a) of the Israeli Foreign Minister's letter to the Secretary-General purports to deny any intention of changing the heterogeneous character of the population. In the face of incontrovertible evidence to the contrary, Israel's Foreign Minister wishes to assure the Security Council that nothing of the sort is happening—as though Jerusalem were in some as yet unexplored planet and had not been under the close scrutiny of the international community at large and particularly of the Security Council over the past five years.

It has become an established fact that Israel's plan of action is designed almost wholly to the eventual—if not the immediate—extinction of Jerusalem's heterogeneous character. The evidence is clear-cut. As stated earlier, the Israelis in 1948 occupied and sequestered most of the City of Jerusalem. These areas comprised unlimited opportunities for additional build-up over and above those which had already been extensively built up by the Arab citizens of Jerusalem. Yet very little indeed has been done in the field of construction in those areas over the past two decades—not even essential maintenance and repairs.

When the remaining part of Jerusalem in the east was occupied in June 1967, a spurt of construction activity suddenly emerged on an unparalleled scale, not in the west section, but in the east, not over Jewish or Arab lands already sequestered in 1947 and 1948, but over additional Arab lands likewise confiscated in the east section of the City. Both sectors are Jerusalem, and yet, because Israel's main objective is to obliterate and not to coexist along with an Arab

Jerusalem with its unique character and its immortal past, Israeli plans and actions blindly pursued this destructive course.

The destruction of historic sites in the Old City of Jerusalem is only matched in perfidy by a systematic plan to strangulate, encircle and snuff out the life of Arab Jerusalem. It is deemed unnecessary to delve into details of these dual operations, for they have been outlined at length before the Security Council and are registered in its records. They are also visibly there on the spot for all to see. It is not therefore surprising, although for the United Nations it was an unprecedented affront when Israel refused to permit three distinguished members of the Security Council, in pursuance of the Council's decision and the Secretary-General's request, to visit Jerusalem and report to the Council on the implementation of resolution 298 (1971).

The Israeli Foreign Minister's distorted reference is expressed when he states that "since 1967 the flight of Christian Arabs from Jerusalem under Jordanian occupation has been stemmed".

The Israeli Foreign Minister with the Zionist movement's premediaeval concepts of intercommunity relationships cannot comprehend—and understandably so—that there is no such thing in most of the modern world, and least of all in the traditionally liberal and loftily motivated Jerusalem, as a Christian-Arab community in contradistinction to an Arab-Moslem community, an Arab-non-Arab community and, until the advent of Zionism, a Jewish-Arab community. They are all one inseparable community united by common traditions, common values and motivated by lofty spiritual values which transcend any parochial divisions.

If the Israeli Foreign Minister wishes to know what has been the fate of the Christian Arabs of Jerusalem, almost 30,000 until 1948, which would have doubled to 60,000 but for their dispersal in 1948 and 1967, here is the answer: they have been in the trek of exodus with their Arab-Moslem brethren—from the beautiful quarters of Talbiyah, Qatamun Baqa, Musrara and other Arab quarters in West Jerusalem, to the overcrowded refuge in the monasteries of the Old City and, after 1967, the Amman, Beirut and even to the United States of America. They, like their Moslem brethren, are patiently awaiting redemption and repatriation to their city.

The Israeli Foreign Minister's letter has raised the question whether the Security Council had intended, by its resolution, a restoration of the City's division. While the Jordan Mission respectfully leaves the answer to the Security Council, were it belongs, it wishes to put forward the view that the problem of Jerusalem is an integral part of the problem of terminating Israeli occupation of all Arab territories. It is, furthermore, an integral part of giving an effective respect to the will and anxiety of the United Nations over the fate of the Holy City as expressed by its resolutions regarding the illegality of its annexation by Israel.

Present and continuing Israeli policy is to torpedo all those overriding considerations by a defiant policy of creating a fait accompli which has no room for anything other than a Jewish Jerusalem and in complete disregard for other great religions and, not least of all, the continued survival in freedom and dignity of the indigenous inhabitants of Jerusalem.

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There can be no solution to the problem if, in the meantime, Jerusalem is made to undergo a metamorphosis, an emasculation which eliminates or vitiates basic pillars of that problem, namely, centuries-old priceless sanctity and uniqueness of the Holy City and the preservation intact of the human element which inhabits this City.

(b) *The rights of the inhabitants*

The Israeli Foreign Minister's letter claims, in the first paragraph of section (b), that for the past 200 years the Jews have been the largest community in Jerusalem. This is, to say the least, an astonishing revelation, even to the most uninitiated in the subject. The truth of the matter is that for almost eighteen centuries there were only a few Jewish inhabitants in Jerusalem and, according to all available knowledge, Jewish residence of any significant size in the City started in the latter part of the nineteenth century. After the Roman forces had subdued two Jewish rebellions in the years 70 and 135 A.D., it was decreed by the Roman rulers that no Jew should live in Jerusalem among its predominantly Arab inhabitants and Christian, Greek and Roman communities. When Patriarch Sophronius, on behalf of the Roman Emperor, surrendered the city in the year 636 A.D. to the Moslem army under Caliph Omar Bin Al-Khattab on fair and honourable terms, he stipulated, in the instrument of surrender, that the City remain closed to the Jews. It was due to the tolerance of Islam and its respect for and recognition of Judaism that the descendants of the original Jews were allowed to come back to Jerusalem in subsequent centuries.

In his book *Jerusalem: Keystone of an Arab-Israeli Settlement*,² Professor Richard H. Pfaff of the University of Colorado states the following:

"The population within the walled city, excluding ecclesiastics servicing the Holy Places, has been almost entirely Arab for over a thousand years . . . Outside the walled city, generally running north of the walls is an area populated almost entirely by Arabs . . . Beginning in the mid-nineteenth century, a number of rich American Jews sent sizable contributions to foster a Jewish community in the Jerusalem area. In the early 1850s the North American Relief Society for the Indigent Jews of Jerusalem was founded. A major contributor to this society was a New Orleans Jew, Judah Touro. In 1854 he donated funds for the establishment of a housing project near the walled city for Jews. This project was established near Zion Gate and named Yemin Moshe, or the 'right hand of Moses' . . . The great bulk of the Jewish population of Jerusalem is, however, of recent vintage. Only after the establishment of the British Mandate over Palestine in the 1920s did the Jewish community in Jerusalem grow to significant size".

But in spite of the Jewish immigration after the First World War, the Arabs were always in the majority, which explains why, under the British Mandate, the whole City of Jerusalem always had an Arab mayor and a majority of Arab City Councillors.

Mr. Abba Eban's letter reaches the point of absurdity when, in the second paragraph of section (b), it claims that, since 1967, all Jerusalem's citizens have had their due voice in the administration of the City!

² Washington, D.C., American Enterprise Institute for Public Policy Research, 1969.

The world knows that one of the earliest steps which Israel had resorted to with a view to annexing the Jordan sector of Jerusalem was the abolition of its duly and democratically elected municipal council. The mayor of Jerusalem, Mr. Rouhi El-Khatib, who himself was deported by the Israeli occupying authorities and now lives in Amman, has appeared before the Security Council more than once to plead the cause of his beleaguered city.

The reference to voting procedures and universal suffrage as pertaining to the annexed Arab City of Jerusalem is an insult to the intelligence of people everywhere. No community votes itself willingly out of existence and the citizens of Arab Jerusalem, with their formidable and sordid experiences, are more acutely aware of what the future has in store for them under Israeli occupation than any other community anywhere.

The allegation that the Government of Jordan appointed the Mayor irrespective of the results of voting is simply untrue. The Mayor has always been appointed for his qualifications of administration and leadership from amongst the bloc of municipal councillors which had won the greater number of votes. This had been the practice during the British Mandate to ensure that, from among the winning list, the most qualified person was selected, who could devote his full time to the job, and not be some prosperous landlord with a conflict of loyalties which might manifest itself to the detriment of the welfare of the City as a whole.

In the third paragraph of section (b), the Israeli Foreign Minister's letter alleges that all citizens have a right to normal municipal services which, the allegation states, "were non-existent or inadequate during the 19 years of illegal Jordanian military occupation".

To begin with, there was never a military occupation or administration of Jerusalem, the City, as an integral part of Jordan, since it was all along run by its own Jordanian sons and citizens. Secondly, the millions of people from all over the world, who have had opportunities to visit the City over the past 20 years, and the thousands of non-Arabs, who chose it for a residence, have seen and testified that it has unfalteringly been one of the best run, best kept and cleanest cities in the world.

As for schooling, kindergartens, sanitation and medical care, Jerusalem had a system second to none. If we are to count the casualties of Israel's annexation, these services top the list. Most parents have had to forgo the public school system after it was debased under Israel's occupation to become little more than a vehicle for propagating Israel's fanatical dreams, and parents found no alternative but to send their children to private schools in Jerusalem and when space was not available, to private schools outside Jerusalem in spite of the hardship that such shifting involved.

Medical care under the Jordanian administration was universal and, to all intents and purposes, free. The Jordan delegation does not know to what the 300-bed hospital mentioned in the Israeli letter refers. It knows for certain, however, that the ultra-modern hospital, which the Jordan Ministry of Health was in the process of completing on Mount Scopus when the Israeli occupation occurred, has since been diverted from the humanitarian purpose for which it was in-

tended to be the *headquarters of the Israeli police* [author's italics]. It is also certain of the Israeli occupation efforts to stifle and take over the multi-million-dollar hospital, in the area of the Mount of Olives, built by generous donations from citizens of Kuwait and other Arab citizens to provide the most up-to-date care for the poor and the needy in the City without charge. Reference here is to the hospital which carries the name "The Hospital of the Society of Moslem Philanthropy" (Mustashpha Jam'iyat al-Maqasid al-Islamiyah).

The harassment to the UNRWA-run and Lutheran-owned Augusta Victoria is a telling story in itself, not to mention the Austrian Hospice hospital in the Old City of Jerusalem, which also faced a similar struggle for continued existence.

Reference to the elimination of trachoma, an eye disease which unhappily existed, is conspicuous primarily by its incredible lack of recognition and lack of generosity to a society which, over many decades, struggled relentlessly and successfully towards the eradication of the disease, namely, the Order of the Knights of St. John, whether in their modest premises in the Old City or in the highly sophisticated new St. John's Hospital inaugurated on Mount Scopus in the mid-1960s. This distinguished society, whose President is the Duke of Gloucester, with all its unassuming and selfless modesty, might perhaps have a comment to make on this most recent Israeli usurpation.

The most flabbergasting distortion is to be found in the fifth paragraph of section (b) of the letter. The Israeli Foreign Minister at the start of the said paragraph states: "The eastern section has been connected to the Jerusalem water-mains, providing round-the-clock water supply for the first time in history". What is astonishing about this assertion is that the Israeli Foreign Minister should have allowed himself, by such an erroneous statement, to be so easily vulnerable to rebuttal.

Now, unless Mr. Eban believes that history started only in 1948, he should have known that Jerusalem's natural and uninterrupted supply of water always came from Ras-el-Ein in the Plateau of Central Palestine, almost throughout the period of the British Mandate, and that this natural and abundant water supply was only denied to the east section of Jerusalem after the Israeli occupation of Ras-el-Ein in 1948, resulting in untold hardship to the inhabitants of the Arab section of Jerusalem.

All the decisions and pleadings of the United Nations after 1948 to reactivate this natural water resource to the Arab City of Jerusalem went unheeded. Does the Israeli Foreign Minister, instead of repenting for this inhuman and illegitimate denial of water to a city over a period of 20 years, now expect the international community to applaud a much-belated restoration and, for that matter, not to Arab Jerusalem *per se*, but to a Jerusalem which his Government believes has become a part of Israel? However, the Jordan administration lost no time in making up for this loss by building an alternative water supply system which secured sufficient water to the growing section of Arab Jerusalem. On page 40 of his book *Jerusalem, Key to Peace*,^{b/} Evan M. Wilson, who was Consul-General of the United States of America in Jerusalem before, during and after the war of June 1967, says:

^{b/} Washington, D.C., The Middle East Institute, 1970.

"It is true that prior to 1948 the electric power and the water supply for the whole of Jerusalem had come from the New City side, but the Israelis had no conception of the Herculean efforts by which the Jordanians had succeeded in developing alternative sources."

In his strenuous efforts to exhibit the blessings of occupation and annexation of the white man's burden, the Foreign Minister of Israel reaches the climax in the concluding paragraph of section (b) of his letter that deserves an answer. Never in its long history has this Holy City seen a more prosperous period than during the Jordan administration. On the same page, Mr. Wilson states:

"They [the Israelis] also had no idea of the progress and relative prosperity of the Old City and the growth of a modern middle class of professional men—bankers, lawyers, teachers and the like... It is worth recalling here that the economy of all Jordan was doing so well in the period before the June War that the United States decided it could progressively reduce its aid to that country."

In his booklet *Jerusalem: Keystone of an Arab-Israeli Settlement*, Professor Pfaff has more to say about this matter:

"It should be noted here, however, that the Arabs of East Jerusalem were enjoying a rate of economic growth even greater than Israel prior to June, 1967".

However, when Mr. Abba Eban spoke in detail about the development of Arab Jerusalem and its transformation from a backward mediaeval town to an up-to-date modern city in the Israeli style, he overlooked some other aspects of the modern life brought by the Israeli occupying authorities, namely, the moral pollution reflected in lowered standards of behaviour by the opening of night clubs, cabarets and the spread of prostitution; all in all, the end of the dignified life style the Arabs of Jerusalem cherished. To mention only one example of many of these Israeli cultural changes is the "modernization" of the 130-year-old Turkish Khan (rest house) located just outside the walled city. According to a report published in the Israeli *Jerusalem Post* of 27 October 1967, this old site was taken over by the Corporation for the Development of Eastern Jerusalem and made into a theatre-cabaret, with most of the financing provided by Henry Gestetner of London. The site was formerly owned by the Greek Orthodox Church.

(c) *The interests of the international community*

The Foreign Minister of Israel starts off section (c) of his letter with the statement that for 22 years Jerusalem has been Israel's capital and seat of Government. The Jordan delegation would like to ask the following question: which Government in the world—apart from Israel—has conceded or would concede such a contention in the light of the United Nations commitments to the future of the City?

The Israeli letter further claims that it is the unique spiritual centre of Judaism, as of no other faith. Is it really so? The Israeli Foreign Minister can speak in the most passionate language about his people's attachment to Jerusalem, but he has no right, let alone the ability, to gauge the infinite intensity of feelings and reverence which the other two great religions hold towards Jerusalem spiritually as well as historically.

/...

To Christianity and Islam, Jerusalem is embedded to their every pulsation: their spiritual experiences and beliefs, the memories, the traditions and their lives over 2,000 years of tumultuous history.

Why should a Jewish presence side by side with an Arab presence in Jerusalem for 565 years be more meaningful or unique than the incomparably longer and the much more sustained presence of Arabs in Jerusalem? In fact, since the dawn of its history, nearly 4,000 years ago, until its conquest by the Hebrews under King David about 1000 B.C., the City was inhabited and controlled by the Jebusites, an offshoot of the ancient Arab Tribe of Canaan, who gave it its name Urusalim or Jerusalem, meaning "City of Peace". The Jews ruled it, before they were conquered and dispersed by the Romans, for approximately 565 years out of its 4,000 years of history, during which the Arab existence, as the indigenous and majority inhabitants of the City, has never been extinguished. Yet Judaism's attachment to Jerusalem is readily acknowledged and deeply respected. But the acknowledgement and respect would be enhanced rather than diminished by a more broad-minded and reciprocal respect on the part of the Israelis.

With this stated, we turn our attention to the Holy Places and, in the process, to reply to some of the slanderous attacks which have been levelled against Jordan in serving the Holy Places since 1948 until the Israeli aggression in 1967.

To begin with, no Moslem can be a true Moslem and no Christian can be a true Christian if he commits a desecration of a Jewish holy shrine. Such an attitude derives from fundamental articles of faith in both religions and therefore cannot be circumvented or ignored. Such being the case, Jewish holy shrines have always been accorded the unreserved deference which is accorded to Moslem or Christian shrines without any distinction whatsoever and during long periods of history when conscience and belief were the only custodians of decent behaviour.

In the Israeli letter, there are two accusations which must be refuted: one is the inaccessibility of the Wailing Wall in the Old City of Jerusalem to the Israelis between 1948 and 1967; the other is the desecration of Israeli Holy Places.

Regarding the first accusation, Israeli authorities have never ceased to attack Jordan with this monstrous accusation. On many occasions, and before the Security Council and the General Assembly, the Jordan delegation refuted this fabrication and distortion of facts. The truth of the matter is that, in response to an appeal by the United Nations Conciliation Commission for Palestine, the Arab Governments of Egypt, Jordan, Lebanon and Syria pledged themselves to the following declaration on 15 November 1949:

"The Governments of Egypt, the Hashemite Jordan Kingdom, Lebanon and Syria undertake to guarantee freedom of access to the Holy Places, religious buildings and sites situated in the territory placed under their authority by the final settlement of the Palestine problem, or, pending that settlement, in the territory at present occupied by them under armistice agreements; and, pursuant to this undertaking, will guarantee rights of entry and of transit to ministers of religion, pilgrims and visitors without distinction as to nationality or faith, subject only to considerations of national security, all the

above in conformity with the *status quo* prior to 14 May 1948." ^{d/}

At the same time, a similar request was made to Israel by the Conciliation Commission for Palestine. In a letter of 8 November 1949 from Mr. Arthur Lourie, representative of Israel, to the Chairman of the Conciliation Commission, it was stated that Israel was "of the opinion . . . that it would in the circumstances be in the interest of a constructive and final settlement if the matter of formulation were dealt with after more far-reaching consideration of these problems by the General Assembly". ^{d/} It is therefore distinctly clear that Israel itself refused to make a declaration on visiting the Holy Places similar to that made by the Arab Governments. The reason why Israel adopted this attitude needs no explanation. The occupation and annexation of the Arab City of Jerusalem in June 1967 offers the answer. Therefore, if access to the Holy Places was denied to the Israelis prior to 1967, it was only due to Israel's intransigence and policy of continued aggression and expansionism.

The Israeli claim that now all religious groups without discrimination can freely have access to the Holy Places in Jerusalem to pray in them is false and misleading. Israeli occupation of Arab Jerusalem has, in fact, cut off for practical reasons millions of Christian Arabs and more than 700 million Moslems, Arabs and non-Arabs, from their Holy Places in the City. On top of all that, both Moslems and Christians in the Holy City are more than sad and bitter about the fact that their religious affairs are handled by a Ministry controlled by Orthodox Jews, namely, the Ministry of Religious Affairs. The Moslem Committee formed by the Moslems of the City to look after their religious affairs and institutions—Waqf, mosques, shrines and the like—has been denied recognition by the Israeli occupying authorities.

Secondly, the alleged desecration of a Jewish cemetery on the Mount of Olives is again a subject which Israel should not raise, for the invidious comparison which reference to it would necessarily evoke. To start with, this Jewish cemetery is only 100 years old and it is a piece of land which belongs to the Moslem Waqf (charitable foundations) and leased for a Jewish cemetery for 100 years, which lease expired a few years ago. However, the damage to this cemetery was done when the Israeli gangs and forces barricaded themselves in it to bombard the Old City in their attempt to occupy it at the end of 1947 and the beginning of 1948. As soon as the Jordan civil administration was established in the City, the municipality undertook the task of its maintenance and protection by assigning special watchmen and caretakers to it.

What do we find on the other side of the scoreboard? Without exaggeration, we come across one of the most massive and sinful programmes of desecration that the world has ever known. One of the most hallowed Moslem cemeteries, the Ma'manallah (Mamilla) Cemetery in the western section of Jerusalem, is at least 1,000 years old. Like the Kremlin or Arlington or Westminster Abbey, it contains the remains of great men by every standard and in all fields of achievement—saints, warriors, leaders of men and of

^{c/}Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, vol. I, document A/1113, section C, article 4.

^{d/} *Ibid.*, section B, para. 4.

history. What is presently its fate? A public park for human beings and animals to trample on, as any visitor to Jerusalem can see for himself. The shrine of a great religious leader in Jaffa, several hundred years old: if anyone happens to visit Jaffa and feels like having a drink in exotic surroundings, he can go there, walk down a few steps and see for himself. The mosques of Safad and Tiberius have been converted into art galleries. Mr. Evan M. Wilson, previously quoted, has this to say on page 125 of his book *Jerusalem, Key to Peace*:

"After the war [of 1967] Christian authorities who had been unable for many years to visit certain Christian properties on Mount Zion . . . because they were . . . closed off by the Israeli military, found that some of these institutions had suffered severely. The tombs of the Armenian Patriarchs, in the courtyard of the Armenian Church of St. Savior, had been broken into and the bones scattered about. A famous mosaic floor had been removed from the church during or just after the war, and the church itself was in a deplorable state of disrepair. Several Christian cemeteries in the vicinity were in bad condition, with thick vegetation and opened graves . . . There is reason to believe, moreover, that this vandalism . . . is continuing. It was found in the spring of 1968, after the war, that the crosses on 83 tombs in the Catholic cemetery on Mount Zion had been shattered. It was in this area also that the tower of the Dormition Abbey was used for many years as an Israeli machine-gun nest."

Several mosques, churches, shrines and other sacred spots throughout Palestine have been desecrated or destroyed beyond recognition at Israeli hands. Instances of desecration of Christian properties in Israel are given in a letter of 19 April 1968 from the Permanent Representative of Jordan to the Secretary-General [S/8552]. Even the Holy Moslem Al-Aqsa Mosque has been the target of a partially successful act of arson perpetrated by a presumed unbalanced individual. The Jordan Mission need not go any further in this ugly field in order to preserve a degree of emotional balance.

The question then arises: did the Jordanians wilfully destroy the two main synagogues in the Old City? The truth of the matter is that some months before the end of the British Mandate, the Jewish leadership had decided to plant close to 1,000 of their troops, representing the Hagana, the Irgun and Stern, in the Jewish Quarter of the Old City as a springboard to be used from within simultaneously with an onslaught from without, to occupy the Old City when the appropriate time arrived.

This is precisely what happened, as stated earlier. The synagogues overlooking the whole area of the Old City were used as bases from which to bombard the rest of the Old City, including the Haram el-Sharif area, which comprises the holy Al-Aqsa Mosque and the immortal magnificence, which is the Dome of the Rock. It is common knowledge that these two 1,400-year-old structures were damaged as a result of Israeli mortaring and rocket-throwing and this damage had to be extensively repaired after the Armistice.

In the meantime and as the two-pronged attack from within as well as from without reached the alarming proportions which it did on the night of 18 May 1948, a 600-man battalion of Jordanian troops came to the rescue on the dawn of that day and, in

co-operation with the local Jerusalem resistance, succeeded in overcoming the Israeli force after the heaviest street fighting of the whole war. The Jewish force was taken prisoner to east Jordan, accorded the most hospitable treatment and released a little while later under the auspices of the Red Cross.

With this kind of fighting in the narrow alleys of the Old City, from house to house and door to door, it could not have been possible to avoid the kind of damage which befell the synagogues as they befell churches, mosques and civilian dwellings, not to mention the frightful loss of life to Arab and Jew alike, as well as the loss of arm, limb and incapacitation which accompanies such encounters.

These are events still fresh and recent in the living memories of this generation. They were imposed by Israel's uncontrollable obsession to take full and unshared possession of the entire City of Jerusalem, which they eventually did in 1967 though with full confidence not permanently.

In the light of the above, Jordan did not, and indeed would not, as a matter of principle and belief, wilfully desecrate Jewish synagogues or other shrines as the Israeli authorities claim. The Israelis should more deeply understand what Judaism and Christianity mean in the innermost springs of Islamic dogma to comprehend fully the basic authenticity of this statement.

The letter of the Israeli Foreign Minister proceeds to inform the Security Council that the Holy Places under Israeli occupation are now ensured by law, adding that no such law protected the Holy Places during what he persists in calling the Jordanian occupation.

It is perfectly true that the Jordan Government did not enact laws for the protection of the Holy Places. What is surprising, however, is that the Israeli authorities, in their knowledge, should have failed to grasp the wisdom and significance of non-enactment, and thereby give additional evidence of their lack of comprehension of what Jerusalem represents to large segments of mankind.

Neither Jordan nor any State or group of States can or should be so presumptive as to arrogate to themselves the privilege of reducing to capsule-like form legislation covering 2,000 years of hallowed history, traditions, rights, jurisdictions and subtle niceties, which have accumulated over the ages and which no Power or State has the right to abrogate, or meddle with.

Jerusalem has for countless generations been governed by a meticulous *status quo* which it would be well-nigh impossible to emulate, let alone improve upon or surpass.

The Ottomans, notwithstanding all their other failures and weaknesses, fully realized this. The British likewise approached the problem with commendable modesty and understanding. So did the Government of Jordan, whose role during 19 years of responsibility was no more than that of an intermediary and not even arbiter when, on some occasions, it was specifically requested to arbitrate.

Who managed the Holy Places therefore? It was the jurisdiction and management of the religious bodies in the light of that great body of written and unwritten law, which is known as the *status quo*. There has never been a single complaint about the successful applica-

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tion of this age-old system. The pilgrimage of His Holiness Pope Paul VI and of His Holiness Athenagoras, in 1965, to Jerusalem and to the other Holy Places and the commendations which they gracefully made on that historic occasion were living and crowning testimony to what has just been said.

(d) *A just and lasting peace*

The concluding part of the Israeli Foreign Minister's letter is manifestly the most significant inasmuch as it conveys to the Secretary-General his Government's adamant rejection of Security Council resolution 298 (1971) of 25 September 1971, and all other previous resolutions pertaining to the subject.

The rejection is all the more serious for the arrogant manner in which the Security Council is informed, in hardly disguised terms, that the fate of Jerusalem and of its inhabitants is none of the Council's business and, furthermore, that it is so misinformed about the state of eternal bliss supposedly existing in Jerusalem that the Security Council's resolution "has profoundly shocked the people of Jerusalem". Which people of Jerusalem the Israeli Foreign Minister is referring to is something which remains unexplained. Or perhaps the Council is admonished for assuming that there are other citizens of Jerusalem who are not Israeli and who would be unalterably opposed to becoming what they are not.

The Foreign Minister of Israel declares that the previous division of the City did not bring peace to the Middle East, with the implication that the swallowing-up of the other part of the City is the Israeli panacea for bringing about peace.

This philosophy of peace by means of exclusive domination is by no means an innovation of Israel's Foreign Minister or of his Government. It is a resurrection of the idea of a pax Romana, a pax Britannica and more hideously the "New Order", by which Nazi Germany sought to subjugate the peoples of Europe and of the world and to streamline them under its monolithic Leviathan.

The "New Order" has fortunately been shattered by the undying will of peoples to resist subjugation under whatever guise. So, eventually, will be the fate of Israel's attempt to impose an exclusively racial and monolithic régime upon the City of Jerusalem. If there is any factor which is destined to keep the fate of the Middle East, and perhaps beyond, in eternal ferment, it is Israel's inexplicable claims to an exclusive domination over Jerusalem, which is, to set aside verbiage and eloquence, Israel's reply to Security Council resolution 298 (1971).

As for the Israeli Foreign Minister's assurances that nothing has been done or will be done to violate the rights of the inhabitants, suffice it to state here that possibly no less than two thirds of the properties of the inhabitants of Jerusalem—east and west—are presently in the hands of what Israel calls "the custodian of enemy property". In terms of people, the Jerusalem-born and their offspring, who are presently denied the inalienable right to live in their own city, the percentage is equally staggering.

In conclusion, the Israeli Foreign Minister totally ignores paragraph 5 of Security Council resolution 298 (1971). In the words of the Secretary-General, the letter "did not touch upon the question of the Government of Israel's response to my proposal for a mission to Jerusalem in order to enable me to discharge my mandate under paragraph 5 of resolution 298 (1971)" [S/10392, para. 12]. Instead Abba Eban drew a rosy picture of the benevolent Israeli occupation and usurpation, which would make every Arab capital envious and eagerly waiting to be "liberated and modernized" in the Israeli style.

No matter how hard Israel tries to justify its illegal annexation of the occupied Jordan section of Jerusalem, the measures and actions it has taken to change the status and character of the City are contrary to contemporary international law, The Hague Convention of 1907, the Geneva Conventions of 1949, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. They are also adamantly in violation of the principles of the Charter of the United Nations which in plain language prohibits acquisition of territory by military conquests. They arrogantly defy General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967 and Security Council resolutions 252 (1968), 267 (1969), 271 (1969) and 298 (1971). In the history of this Organization, no other State has ever defied its authority and destroyed its prestige as much and for so long as Israel. Consequently, the issue as it stands now is between this Council, the highest executive organ of the United Nations, and Israel. So, if Israel is left unchecked to violate and defy United Nations resolutions and international law and practices, then the very foundation of this world community will be destroyed together with all the faith and hope for establishing peace and security all over our planet.

Therefore, it devolves upon the Security Council to shoulder its solemn responsibilities under the Charter of the United Nations for ensuring that its will is not lightly flouted and that a life in freedom, peace, dignity and harmony for all is assured.
