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REPORT OF THE SECURITY COUNCIL COMMISSION ESTABLISHED UNDER  
RESOLUTION 446 (1979)

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Letter of transmittal

4 December 1979

In our capacity as members of the Security Council Commission established under resolution 446 (1979), we have the honour to transmit to you herewith the second report of the Commission, prepared pursuant to paragraph 4 of resolution 452 (1979).

This report was unanimously adopted today, 4 December 1979.

We avail ourselves of this opportunity to express the hope that the Commission has fulfilled its mandate to the satisfaction of the Security Council and our deep appreciation for the confidence shown by the Council in designating our respective delegations to be members of the Commission.

Accept, Sir, the assurances of our highest consideration.

(Signed) Leonardo MATHIAS, Portugal  
(Chairman)

(Signed) Julio de ZAVALA, Bolivia

(Signed) Kasuka Simwinji MUTUKWA, Zambia

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## INTRODUCTION

1. This is the second report presented by the Commission established on 22 March 1979 by Security Council resolution 446 (1979).
2. The original mandate of the Commission was "to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem".
3. On 3 April, the President of the Security Council announced that the Commission would be composed of Bolivia, Portugal and Zambia.
4. At its first meeting held in New York on 10 April, the Commission decided that its chairmanship would be assumed by Portugal.
5. On 12 July 1979, the Commission submitted its first report (S/13450 and Add.1) in accordance with paragraph 5 of resolution 446 (1979). The report was considered by the Security Council at its 2156th to 2159th meetings from 18 to 20 July 1979.
6. At the 2159th meeting on 20 July 1979, the Security Council adopted resolution 452 (1979) which reads as follows:

The Security Council,

Taking note of the report and recommendations of the Security Council Commission established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in document S/13450,

Strongly deploring the lack of co-operation of Israel with the Commission,

Considering that the policy of Israel in establishing settlements in the occupied Arab territories has no legal validity and constitutes a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Deeply concerned by the practices of the Israeli authorities in implementing that settlements policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Emphasizing the need for confronting the issue of the existing settlements and the need to consider measures to safeguard the impartial protection of property seized,

Bearing in mind the specific status of Jerusalem, and reconfirming pertinent Security Council resolutions concerning Jerusalem and in particular the need to protect and preserve the unique spiritual and religious dimension of the Holy Places in that city,

Drawing attention to the grave consequences which the settlements policy is bound to have on any attempt to reach a peaceful solution in the Middle East,

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1. Commends the work done by the Commission in preparing the report on the establishment of Israeli settlements in the Arab territories occupied since 1967, including Jerusalem;
2. Accepts the recommendations contained in the above-mentioned report of the Commission;
3. Calls upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;
4. Requests the Commission, in view of the magnitude of the problem of settlements, to keep under close survey the implementation of the present resolution and to report back to the Security Council before 1 November 1979.
7. In organizing its programme of work, the Commission, at its 20th meeting, held on 5 September 1979, considered the modalities that it should follow in order to carry out its new mandate, namely, to keep under close survey the implementation of resolution 452 (1979).
8. The Commission decided once more to establish direct contact with the parties involved in the matter, with a view to seeking their co-operation in the fulfilment of its mandate, and also to continue its consultations with relevant United Nations bodies which might be in a position to supply useful current information.
9. Bearing in mind that the Security Council, in resolution 452 (1979), had accepted the recommendations contained in the Commission's first report, particularly with regard to Jerusalem, the Commission also decided to establish contact with a number of high-ranking representatives of the three monotheistic faiths.
10. When preparing its report to the Security Council, the Commission realized that it would be difficult for it to report to the Security Council by 1 November, as called for in paragraph 4 of resolution 452 (1979). Accordingly, the Chairman of the Commission, in a letter to the President of the Security Council, requested that the time-limit for submission of the report be postponed until 10 December 1979.
11. Following informal consultations with members of the Council, the President informed the Chairman that no member of the Council had any objection to the Commission's request (S/13586).
12. The Commission held five meetings, from 5 September to 4 December 1979, at Headquarters in New York.
13. The present report was unanimously adopted on 4 December 1979.

## I. ACTIVITIES OF THE COMMISSION

### A. Requests to the parties for co-operation

14. In accordance with its previous decisions and in order to carry out its

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mandate objectively and comprehensively, the Commission requested its Chairman to establish informal contacts with the Israeli delegation in order to ascertain its reaction to the Commission's new mandate.

15. At its 21st meeting on 17 September, the Chairman informed the Commission of the results of his contacts. The Deputy Permanent Representative of Israel to the United Nations had informed him that there had been no change in his Government's policy with regard to the Commission and that the Commission could not count on any co-operation from the Israeli Government in the fulfilment of its mandate. The Chairman had expressed to the Deputy Permanent Representative his regret and disappointment at the position taken by the Israeli Government. In spite of that attitude, however, the Commission intended to fulfil to the best of its ability the mandate entrusted to it by the Security Council and would therefore formally send a letter to the Permanent Representative of Israel requesting his Government's co-operation and expressing the hope that Israel would reconsider its attitude towards the Commission.

16. On 18 September 1979, letters were sent to the Permanent Representatives of Egypt, Jordan, Lebanon and the Syrian Arab Republic requesting that the Commission be provided as soon as possible with any newly available information pertinent to its mandate.

17. Also on 18 September, the Commission sent a similar letter to the Permanent Observer of the Palestine Liberation Organization (PLO).

18. Requests for information were also addressed to the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

19. On 28 September, the Commission sent a letter to the Permanent Representative of Israel, expressing the hope that his Government would reconsider its position regarding the Commission and co-operate with it by providing it with any available information pertinent to its mandate.

20. In his reply dated 19 September, the Permanent Representative of Egypt again assured the Commission of his Government's intention to co-operate fully in the implementation of its mandate. He also informed the Chairman that Mr. Boutros Boutros Ghali, Minister of State for Foreign Affairs of Egypt and head of that country's delegation to the thirty-fourth session of the General Assembly, would be in New York from 30 September to 7 October and would be happy to meet with the members of the Commission for an exchange of ideas on the mandate of the Commission.

21. In his reply dated 21 September, the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People transmitted copies of a statement issued by the Committee on 19 September and of letters it addressed on the same day to the President of the Security Council and the Secretary-General of the United Nations regarding the decision by the Government of Israel to abrogate the restrictions hitherto placed on the purchase or acquisition by Israeli citizens

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and organizations of land in the occupied territories of the West Bank and Gaza. By a subsequent communication dated 18 October, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People also transmitted a press communiqué issued by the Committee concerning the decision by the Israeli Cabinet to expand seven existing settlements, as well as a document entitled "Master plan for the development of settlement in Judea and Samaria", attributed to the World Zionist Organization.

22. On 9 October, the Commission received from the Permanent Observer of PLO a set of documents, including the "World Zionist Organization's master plan for the development of settlement in Judea and Samaria"; "Estimated land areas of West Bank settlements" and "Human rights and Israeli settlements".

23. In his reply dated 16 October to the Commission's communication of 28 September, the Deputy Permanent Representative of Israel informed the Commission that the position of his Government remained as set out in the letter of 17 May 1979 from the Permanent Representative of Israel to the President of the Security Council, namely, that "having regard to the circumstances in which the Commission was set up, the Government of Israel had rejected resolution 446 (1979) in its entirety and accordingly could not extend any form of co-operation to a Commission set up under it". The Deputy Permanent Representative further stated that "Israel's reservations were more than justified by the report presented by the Commission on 12 July 1979 (S/13450)".

24. In its reply dated 18 October, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories again assured the Commission of its full co-operation in providing precise information relevant to its mandate.

25. In a letter dated 3 December 1979, the representative of Lebanon, referring to the Commission's letter of 18 September, informed the Commission that his Government had nothing further to add to the information it had already given to the Commission or to what its representative had stated on this matter over the years at the United Nations.

26. As indicated in paragraph 9 above, the Commission, bearing in mind the unique religious and spiritual dimensions of Jerusalem, and guided by its deep concern that Israel's policy of settlement could lead to irreversible situations with regard to the status of the Holy City, has sought to receive the views of representatives of the three great monotheistic religions in that regard. Replies received in time to be included are reproduced in the annex to the present report.

#### B. Meetings with officials

##### 1. Meeting with the Minister of State for Foreign Affairs of Egypt

27. On 5 October, the members of the Commission had a meeting at United Nations Headquarters with H.E. Mr. Boutros Boutros Ghali, Minister of State for Foreign Affairs of Egypt, with whom they had an exchange of views pertaining to the mandate of the Commission.

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28. The Minister of State briefed them on the steps taken by the Egyptian Government since the Commission's visit to Cairo the preceding June with regard to the question of settlements in the occupied Arab territories. He mentioned, in particular, the creation, within his Department, of a special Committee to monitor the latest developments with regard to the settlements, the publication of official communiqués protesting Israel's policy in that regard and the organization of a seminar on the settlements with the participation of specialists from several countries. The purpose of the seminar was to awaken Egyptian, Arab and world opinion to the problem and to emphasize that peace with Israel did not mean agreeing with its policy of settlements.

29. The Minister of State for Foreign Affairs also stated that, taking advantage of the new possibilities offered by the Israeli-Egyptian treaty, he had, on several occasions, directly conveyed to the Israeli public Egypt's conviction that Israel's policy of settlements was an obstacle to the peace process.

30. In answer to questions raised by the representative of Bolivia regarding the position of Egypt on Jerusalem and the creation of new settlements, the Minister of State further stated:

(a) That both during its ongoing negotiations with Israel and in public statements, Egypt had reiterated its position on Jerusalem, namely, that East Jerusalem was part of the West Bank and must be returned to the Arabs. Once that was achieved, it was up to the Palestinians and Israelis to devise modes of co-operation;

(b) That to his knowledge there had been only declarations of intent on the part of the Israelis, but no actual building of new settlements.

## 2. Meeting with the head of the Political Department of PLO

31. On 5 October, the members of the Commission held a meeting with Mr. Farouk Kaddoumi, head of the Political Department of PLO, during which they exchanged views pertaining to the Commission's mandate.

32. Mr. Kaddoumi stated that, far from improving, the situation in the occupied territories had, in fact, worsened. It was becoming clear, he said, that Israel, through the establishment of new settlements and the enactment of new laws, was forcing people to leave the area and thus paving the way for the annexation of the West Bank. Detailed information on the matter would be shortly sent to the Commission by the PLO Observer's Office.

33. In response to questions from the representative of Zambia, Mr. Kaddoumi maintained that there was, indeed, evidence that people were still leaving the West Bank, that contrary to statements by Israeli officials, there was no religious freedom in Jerusalem for Christians and Moslems, and that access to the Holy Places was still restricted.

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3. Meeting with the Permanent Representative of Jordan to the United Nations

34. On 19 October, the members of the Commission had an informal meeting with H.E. Mr. Hazem Nuseibeh, Permanent Representative of the Hashemite Kingdom of Jordan, with whom they proceeded to an exchange of views pertaining to the mandate of the Commission.

35. Mr. Nuseibeh expressed the profound concern of his Government at the relentless ongoing process of colonization of the West Bank and at the serious economic and social effects resulting to the Arab population from the seizure by the Israeli occupying authorities of the vital water sources in the territory.

36. While recognizing that the work done by the Commission had helped to "crystallize the picture", he regretted that earlier decisions by the Security Council had had no effect in remedying a situation which was becoming extremely serious.

37. Ambassador Nuseibeh again assured the Commission of his Government's co-operation and assistance. His Government hoped to present very shortly an integrated report on the question of settlements. In the meantime, he was able to present to the Commission a series of documents, including in particular:

(a) A study, in Arabic, concerning the seizure of water resources;

(b) A copy, translated from Hebrew, of the World Zionist Organization's "master plan" for the development of settlement in the West Bank of Jordan for the period 1979-1983;

(c) Information on the recent decision to allow Israeli nationals to purchase lands and property in the West Bank;

(d) Information regarding the expropriation of additional Arab lands;

(e) A memorandum prepared by the inhabitants of Jerusalem concerning Israel's plan designed to seize the Aqsa Mosque and the Dome of the Rock.

C. Review of recent developments regarding the settlements

38. In preparing this second report, the Commission, in accordance with its mandate, has deemed it necessary to call the attention of the Security Council particularly to those actions undertaken by Israel since the adoption of resolution 452 (1979), which, inter alia, called upon the Israeli Government and people to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem.

39. Once more, in its careful endeavour to review the situation most objectively, the Commission decided, as a first step, to approach the interested parties, with a view to receiving any factual information pertinent to its mandate. Regrettably, however, the Commission once again was confronted by Israel's negative response to its approach and by that Government's reaffirmed decision not to co-operate with the Commission.

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40. While deploring this persistently negative attitude, which deprives it of the opportunity of receiving explanations and comments from the Government of Israel, the Commission is satisfied that its present report contains an accurate assessment of the current situation, as most of the information upon which it is based was derived from Israeli sources or was widely covered by the media.

41. On the basis of the information available to it, the Commission is able to report the following recent developments:

(a) It has come to light that in the last few months, additional private Arab land totalling over 40,000 dunums (1 dunum = 1,000 square metres) has been confiscated by Israeli occupation authorities for the purpose of expanding settlements in the West Bank, mostly in the Nablus, Bethlehem, Beit Shahour and Jerusalem areas.

(b) On 16 September 1979, the Israeli Cabinet unanimously adopted a decision allowing Israeli citizens to purchase land in the occupied West Bank and Gaza, thus rescinding a previous decision which had hitherto prohibited Israeli citizens and organizations from purchasing land beyond the armistice lines of the six-day war.

(c) On 14 October 1979, the Israeli Cabinet adopted a decision to expand seven existing settlements in the occupied West Bank, using 1,125 acres of land allegedly not privately owned by Arab inhabitants. The Commission issued a statement on 17 October, expressing its disappointment and concern at this new action by the Israeli Government.

(d) On 28 October, the Israeli Cabinet decided that the Elon Moreh (Qaddum) settlement, which Israel's High Court of Justice had ruled illegal, would be moved to a new site on the occupied West Bank. The settlement is built on 220 dunums of land seized from Rujib, near Nablus.

(e) According to information received from various sources, Israel is in the process of implementing a plan prepared by the World Zionist Organization which calls for the building of 46 new settlements in the years 1979-1983. The Commission is calling attention to this project inasmuch as some of the settlements appearing in the plan are already under construction.

(f) The attention of the Commission was drawn again to the increasingly serious problem facing Arab farmers in the occupied territories as a result of Israel's intensive exploitation of the area's traditional water sources for use in Israel proper and by Israeli settlements established in the occupied territories.

42. According to a study on water resources in the West Bank made available to the Commission, Israel pumps away some 500 million cubic metres of the West Bank's total annual supply of 620 million cubic metres by means of artesian wells drilled within its 1948 borders. The traditional water sources, such as wells and springs, are also being depleted through the use of modern drilling equipment to drain off water for the Israeli settlements in the occupied areas. As the water level continues to drop because of excessive Israeli consumption, the Israeli authorities have resorted to restrictive measures on the use of water by the Arab inhabitants, such as the prohibition of drilling new wells on the western side of the West Bank.

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43. As a result of the use of powerful modern drilling and pumping equipment by the Israelis and the restrictions imposed upon the Arab inhabitants, the traditional groundwater sources of Arab villages are drying up, resulting in considerable losses.

44. One case in point is the village of Al-Auja (2,000 inhabitants) situated 12 kilometres north of Jericho in the arid part of the Jordan Valley. Last August, the inhabitants of that village protested to the Israeli authorities that their economy was being ruined because Israeli wells and the water network supplying the nearby settlements of Yitar, Na'aran and Gilgal had drastically depleted the village's water resources, resulting in the loss of banana and citrus planted land.

## II. CONCLUSIONS AND RECOMMENDATIONS

### A. Conclusions

45. In the period since it submitted its first report to the Security Council, the Commission has detected no evidence of any basic positive change in Israel's policy with regard to the construction and planning of settlements in the Arab territories under occupation, particularly in the West Bank of Jordan. On the contrary, the Commission is of the view that that policy has largely contributed to a deterioration of the situation in the occupied territories and that it is incompatible with the pursuit of peace in the area.

46. In complete disregard of United Nations resolutions and Security Council decisions, Israel is still pursuing its systematic and relentless process of colonization of the occupied territories. This is evidenced by the stated policy of constructing additional settlements in the most viable parts of the West Bank and by the expansion of others already in existence, as well as the long-term planning of still more settlements.

47. The methods used by the occupation authorities to seize the lands needed for the construction or expansion of settlements are those already referred to by the Commission in its earlier report, as evidenced by the appeals made recently to Israel's High Court of Justice by groups of dispossessed inhabitants.

48. From all indications available, the Commission continues to believe that the Israeli Government has to bear responsibility for the settlement programme, which is being implemented as an official policy.

49. In the case of the Elon Moreh settlement, where a ruling by the Israeli High Court of Justice would seemingly provide some measure of protection against arbitrary seizure of Arab land, the Commission, while taking note of the Court's decision, cannot but deplore the efforts of the Israeli Government to side-step that decision. The Commission is inclined to believe that that episode, unfortunately, does not represent any significant departure from official Israeli policy regarding the settlements or from the ideological claims put forward as justification for that policy.

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50. The Commission views with particular concern the decision taken recently by the Israeli Cabinet to allow Israeli citizens and organizations to purchase land in the occupied West Bank and Gaza. Even though the measure contains restrictions on the purchase of privately owned lands, it is the considered opinion of the Commission that such a decision, applied as it is to a population under military occupation, could lead to intolerable pressures to obtain lands owned for generations by Arab families.

51. In the light of its findings, the Commission wishes to reiterate most emphatically its view that Israel's policy of settlement, relentlessly pursued in spite of all Security Council decisions and appeals, is incompatible with the pursuit of peace in the area and that it is bound to lead to a further deterioration of the situation in the occupied territories.

#### B. Recommendations

52. On the basis of its conclusions, the Commission deems it necessary to reiterate its earlier recommendation that the Security Council, bearing in mind the inalienable right of the Palestinians to return to their homeland, again draw the attention of the Government and people of Israel to the disastrous consequences which the settlement policy is bound to have on any attempt to reach a peaceful solution in the Middle East.

53. It is the view of the Commission that Israel should be made aware of the serious deterioration of the situation in the occupied territories resulting from its policy of settlement and called upon, as a matter of urgency, to cease the establishment, construction, expansion and planning of settlements in those territories.

54. The Commission therefore recommends that the Security Council adopt effective measures to prevail on Israel to cease the establishment of settlements in occupied territories and to dismantle the existing settlements accordingly.

55. In view of the vital importance of water resources for the prosperity of the occupied Arab territories, and of the reported serious depletion of those resources as a result of intensive exploitation by the Israeli authorities, mainly for the benefit of the Israeli settlements, the Security Council might wish to consider measures aiming at investigating the matter further, with a view to ensuring the protection of those important natural resources of the territories under occupation.

56. With regard to Jerusalem, bearing in mind what was already stated in its first report, the Commission again strongly recommends that the Security Council urge the Government of Israel to implement fully the Security Council resolutions adopted on that question as from 1967 and further desist from taking any measures which would change the status of Jerusalem, including the pluralistic and religious dimensions of that Holy City.

57. In view of the magnitude of the problem of settlements and its direct effect on the over-all deterioration of the situation in the occupied territories and, therefore, its implications for peace in the region, as well as for international peace and security, the Security Council should keep the situation under constant review.

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Annex

COMMUNICATIONS RECEIVED BY THE COMMISSION IN CONNEXION  
WITH PARAGRAPH 26 OF THE REPORT

- A. Letter dated 16 November 1979 from the Commission  
of the Churches on International Affairs of the  
World Council of Churches addressed to the  
Chairman of the Commission

With reference to your letter of 14 November, I have the honour to send you the following relevant resolutions on Jerusalem and the Holy Places which state the current official positions of the World Council of Churches:

Statement on Jerusalem, adopted by the Central Committee of the WCC, meeting in Berlin (West), August 1974

Statement on Jerusalem, adopted by the Fifth Assembly of the WCC, meeting in Nairobi, December 1975.

I am also forwarding today a copy of your letter to the Director of this Commission, Dr. Leopoldo J. Niilus, with the request that he send you additional materials arising out of recent discussions on the matters included in the mandate of your Commission.

(Signed) Dwain C. EPFS  
Executive Secretary

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Attachment I

Statement by the Central Committee of the World Council  
of Churches, meeting in Berlin (West), August 1974

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

1. Jerusalem is a Holy City for three monotheistic religions: Judaism, Christianity and Islam. The tendency to minimize Jerusalem's importance for any of these three religions should be avoided.

2. Its importance for Christianity is reflected in the following statement of the Executive Committee of the WCC at Bad Saarow (February 1974): "Christian Holy Places in Jerusalem and the neighbouring areas belong to the greatest extent to member churches of the WCC, specifically the Eastern Orthodox and Oriental Orthodox Churches, and are also of concern to other Christians."

But the question of Jerusalem is not only a matter of protection of the Holy Places; it is organically linked with living faiths and communities of people in the Holy City.

Any proposed solution as to the future of the Holy Places in Jerusalem should take into account the legitimate rights of the churches most directly concerned.

3. Any solution on Jerusalem should take into account the rights and needs of the indigenous peoples of the Holy City.

4. We are of the opinion that matters related to jurisdiction over Jerusalem will only find their lasting solution within the context of the settlement of the conflict in its totality.

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

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Attachment II

Statement by the Fifth General Assembly of the World Council  
of Churches, meeting in Nairobi, December 1975

1. For many millions of Christians throughout the world, as well as for the adherents of the two great sister monotheistic religions, namely, Judaism and Islam, Jerusalem continues to be a focus of deepest religious inspiration and attachment. It is therefore their responsibility to co-operate in the creation of conditions that will ensure that Jerusalem is a city open to the adherents of all three religions, where they can meet and live together. The tendency to minimize Jerusalem's importance for any of these three religions should be avoided.

2. The special legislation regulating the relationship of the Christian communities and the authorities, guaranteed by international treaties (Paris 1856 and Berlin 1878) and the League of Nations and known as the Status Quo of the Holy Places must be fully safeguarded and confirmed in any agreement concerning Jerusalem. Christian Holy Places in Jerusalem and neighbouring areas belong to the greatest extent to member churches of the WCC. On the basis of the Status Quo none of the church authorities of a given denomination could represent unilaterally and on behalf of all Christians the Christian point of view, each church authority of a given denomination representing only its own point of view.

3. Many member churches of the WCC are deeply concerned about the Christian Holy Places. However, the question of Jerusalem is not only a matter of protection of the Holy Places; it is organically linked with living faiths and communities of people in the Holy City. Therefore the General Assembly deems it essential that the Holy Shrines should not become mere monuments of visitation but should serve as living places of worship integrated and responsive to Christian communities who continue to maintain their life and roots within the Holy City and for those who out of religious attachments want to visit them.

4. While recognizing the complexity and emotional implications of the issues surrounding the future status of Jerusalem, the General Assembly believes that such status has to be determined within the general context of the settlement of the Middle East conflict in its totality.

5. However, the Assembly thinks that apart from any politics, the whole settlement of the interreligious problem of the Holy Places should take place under an international aegis and guarantee which ought to be respected by the parties concerned, as well as the ruling authorities.

6. The General Assembly recommends that the above should be worked out with the most directly concerned member churches, as well as with the Roman Catholic Church. These issues should also become subjects for dialogue with Jewish and Muslim counterparts.

7. The Assembly expresses its profound hope and fervent prayers for the peace and welfare of the Holy City and all its inhabitants.

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B. Statement received from the Permanent Observer of the Holy See to the United Nations on 3 December 1979

1. It is commonly felt that the failure to find a solution to the question of Jerusalem, or an inadequate solution, or even a resigned postponement of the problem could bring into question the settlement of the whole Middle East crisis. The Holy See also considers it important that in this matter there should not be created irreversible situations which would prejudice the desired solution.

2. In his speech of 21 December 1973, His Holiness Pope Paul VI expressed the confident hope that the Holy See would fittingly be able to make its voice heard when the problem of Jerusalem became the subject of concrete discussions in the context of the peace negotiations for the Middle East.

On his part, His Holiness Pope John Paul II, in his address to the General Assembly of the United Nations on 2 October 1979, stated: "I also hope for a special statute that, under international guarantees - as my predecessor Paul VI indicated - would respect the particular nature of Jerusalem, a heritage sacred to the veneration of millions of believers of the three great monotheistic religions, Judaism, Christianity and Islam."

It hardly seems necessary to emphasize that the Holy See's interest in this question has a spiritual, historical and juridical basis, that its nature is not political but religious and that its aims are conciliation and peace. The intention of the Holy See is to preserve and guarantee to the Holy City its identity as a religious centre, unique and outstanding in the history of the world, in such a way that it may become a stable place of encounter and concord for the three great monotheistic religions (Judaism, Christianity and Islam).

Needless to say, on this subject, the Holy See endeavours to keep in contact not only with the religious authorities of the various Christian Churches but also with the principal leaders of Islam and Judaism.

3. The ideal and historical reality of the Holy City is manifested in the fact that Jerusalem has been and continues to be the most important centre of all three great monotheistic religions, inasmuch as the City is the seat of three religious communities that live together there and is the site of shrines and memorials venerated by the followers of these religions, who, numbering almost a billion and a half throughout the world, regard Jerusalem as a common sacred patrimony.

This composite presence in Jerusalem of various groups means that an equitable, stable and peaceful solution of the problem of Jerusalem implies, above all, the recognition of an historical and religious pluralism, to be put into practice by according all of the three religions, in their particular expression as communities, full enjoyment of their respective rights, excluding positions of predominance and, indeed, favouring the prospect of a useful human and religious dialogue.

4. The Holy See's view is that such considerations are of primary and determining importance with regard to the problem of political sovereignty itself.

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That is to say: whatever solution be found to the question of sovereignty over Jerusalem (not excluding the hypothesis of the "internationalization" of the City), the satisfying and safeguarding of the above-mentioned requirements must be ensured, and, at the same time, the international community ought to be the guarantor of interests that involve numerous and diverse peoples.

This does not mean, however, that any solution of the political problem of the sovereignty of Jerusalem can be considered irrelevant to the global settlement of the question. Rather, the Holy See, the more because of the particular character of Jerusalem, acknowledges the need for a solution that will be based on the principles of justice and attained by peaceful means.

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

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

(a) Parity, for three religious communities, of freedom of worship and of access to the Holy Places; of protection of rights of ownership and of other rights acquired by the individual communities; of the preservation and safeguarding of the historical and urban aspects proper to the City.

(b) Equal enjoyment of the rights of the three religious communities, with guarantees for the promotion of their spiritual, cultural, civil and social life, including adequate opportunities for economic progress, education, employment etc.

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

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

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