Chapter 12

The status of Jerusalem

The General Assembly and the Security Council have called upon Israel not to alter the physical, demographic and institutional status of Jerusalem (Al Quds in Arabic).

The UN plan for Jerusalem, 1947

General Assembly resolution 181 (II) of 29 November 1947 on partition envisaged a demilitarized Jerusalem as a separate entity under the aegis of the United Nations Trusteehip Council, which would draft a statute for Jerusalem and appoint a Governor. A legislature would be elected by universal adult suffrage. This statute would remain in force for 10 years and would then be duly examined by the Trusteehip Council, with citizens' participation through a referendum.
The ensuing hostilities prevented implementation of the
resolution. Israel occupied the western sector of the Jerusalem
area, and Jordan occupied the eastern sector, including the
walled Old City. Thus, there came into existence a de facto divi-
sion of Jerusalem.

The General Assembly, however, by resolution 194 (III) of
11 December 1948, reaffirmed both the principle of interna-
tionalization and existing rights. The Arab States, refusing to
recognize Israel, did not accept it. Israel also ignored the reso-
lation and moved to extend its jurisdiction to that part of
Jerusalem which it had occupied. On 23 January 1950, Israel
declared Jerusalem its capital and established government agen-
ties in the western part of the city. Jordan, for its part, moved to
formalize its control of the Old City; however, Jordanian legis-
lation indicated that this action did not prejudice the final set-
tlement of the Palestinian issue.

Israel’s occupation of East Jerusalem, 1967

The war of June 1967 radically changed that situation. As a result
of the war, Israel occupied East Jerusalem and the West Bank.
Since then, a number of demographic and physical changes have
been introduced, and both the General Assembly and the
Security Council, in several resolutions, have declared invalid the
measures taken by Israel to change the status of Jerusalem.
Security Council resolution 252 (1968) in particular is explicit in
this regard. In it, the Council considered “that all legislative and
administrative measures and actions taken by Israel, including
expropriation of land and properties thereon, which tend to
change the legal status of Jerusalem are invalid and cannot change
that status”. Israel was urgently called upon “to rescind all such
measures already taken and to desist forthwith from taking any
further action which tend to change the status of Jerusalem”. The
Security Council has reaffirmed these two positions many times.

When Israel took steps to make a united Jerusalem its capi-
tal, the Security Council on 30 June 1980 adopted resolution
476 (1980) urgently calling on Israel, the occupying Power, to
abide by this and previous Security Council resolutions and to
desist forthwith from persisting in the policy and measures
affecting the character and status of the Holy City of Jerusalem.

After Israel’s non-compliance with the resolution, the
Council, on 20 August, adopted resolution 478 (1980), in
which it reiterated its position that all actions altering the sta-
tus of the city were null and void, and called upon States that
had established diplomatic missions in Jerusalem to withdraw
them. The General Assembly also considered Israel’s action to
be a violation of international law that did not affect the con-
tinued applicability of the Fourth Geneva Convention. This
understanding, affirmed by the Assembly in December 1980,
has been reaffirmed in subsequent years.

During the 1980s, United Nations resolutions dealt with the
Jerusalem issue in the wider context of the inadmissibility of the
acquisition of territory by force and the applicability of the
Fourth Geneva Convention to the Palestinian territory occu-
pied by Israel since 1967. East Jerusalem has been considered,
by both the General Assembly and the Security Council, as part of
the occupied Palestinian territory.

As the international community and in particular the
Security Council continued to follow with concern develop-
ments affecting the question of Palestine, an important action
was taken by the Council through resolution 672, adopted on 12
October 1990 following the violence that took place in
Jerusalem at Haram Al-Sharif, where the Al-Aqsa mosque, the
third holiest shrine in Islam, is situated. The Council, after con-
demning “especially the acts of violence committed by the
Israeli security forces resulting in injuries and loss of human
life”, called upon Israel “to abide scrupulously by its legal obli-
gations and responsibilities under the Geneva Convention rela-
tive to the Protection of Civilian Persons in Time of War, of
12 August 1949, which is applicable to all the territories occu-
pied by Israel since 1967”.

The ensuing hostilities prevented implementation of the
resolution. Israel occupied the western sector of the Jerusalem
area, and Jordan occupied the eastern sector, including the
walled Old City. Thus, there came into existence a de facto divi-
sion of Jerusalem.
The applicability of the Fourth Geneva Convention to Jerusalem was reaffirmed by the Security Council on 20 December 1990, when it expressed grave concern at the deteriorating situation in “all the Palestinian territories occupied by Israel since 1967, including Jerusalem”, and called on Israel to abide by it.

Since 1997, the tenth emergency special session of the General Assembly has been resumed several times. At the resumed emergency session held in February 1999, the Assembly affirmed its support for the Middle East peace process on the basis of the relevant Security Council resolutions and for the principle of land for peace. Recalling its relevant resolutions, including resolution 181 (II) (the Partition Plan) and those of the Security Council, the Assembly reaffirmed that the international community, through the United Nations, has a legitimate interest in the question of the city of Jerusalem and the protection of its unique spiritual and religious dimension. It further reaffirmed the continued invalidity of all actions taken by Israel, the occupying Power, that have altered or purported to alter the character, legal status and demographic composition of Jerusalem.

**New settlements in East Jerusalem, 1999**

In May 1999, the Israeli Government approved a plan to enlarge the area of the settlement of “Maaleh Adumim”, east of Jerusalem, by over 1,300 hectares (3,250 acres), forming a continuous strip of settlements. According to the 1999 report of the Palestinian Rights Committee submitted to the fifty-fourth session of the General Assembly, once completed, the number of settler households in the settlement would increase by an estimated 25 per cent.

The General Assembly, in a resolution adopted on 9 February 1999, reiterated that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character, legal status and demographic composition of Occupied East Jerusalem and the rest of the occupied Palestinian territory, were null and void and had no validity whatsoever.
The General Assembly revisited the question of Jerusalem at its fifty-fifth session. In a resolution adopted on 1 December 2000, the Assembly determined that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem was illegal and, therefore, null and void. The Assembly also deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980).

These statements and resolutions, as well as many others adopted by United Nations bodies, international organizations, non-governmental organizations and religious groups, demonstrate the continuing determination of the international community to remain involved in the future of Jerusalem. They also show the great concern over the delicate status of the peace process and the unanimous desire that no actions be taken that could jeopardize that process.