

Corpus Separatum

The UN Plan for the Internationalisation of Jerusalem

By Elad Ben-Dror

Abstract

Between 1947 and 1949, the United Nations played a critical role in the Palestine conflict, a role centred on a plan for the internationalisation of Jerusalem. This plan, incorporated into the Partition Plan of 29 November 1947, called for Jerusalem and its environs to be declared a “corpus separatum” with special status. Although the Partition Plan was dropped when war broke out between the Arabs and Israelis in 1948, UN envoys strove to keep the idea of internationalisation alive. Despite their efforts and a second resolution on internationalisation passed by the UN General Assembly in December 1949, an international regime for Jerusalem never materialised. This paper examines the UN vision for internationalisation, plans for its implementation and the reasons behind the failure of the idea.

Jerusalem is a city holy to Jews, Christians, and Muslims alike. Clustered on a small parcel of land in the heart of the city are sites held sacred by people around the world. This parcel of land — most of it in Jerusalem’s Old City — has become known as the Holy Basin.

From the moment the British marched into Palestine during the First World War, religious feelings began surging. It was clear that the fate of Jerusalem merited special attention. The seeds of internationalisation had been sown a decade before the United Nations intervened: in 1937, Britain’s Peel Commission recommended terminating the British Mandate for Palestine and dividing the territory between Jews and Arabs. However, Jerusalem, which was connected by a land corridor to the Mediterranean, would remain in British hands. Openly, Britain spoke of safeguarding the holy places of all religions in Jerusalem,¹ but it was the prestige that went with being the defender of Christianity that constituted an even greater motivation underlying its plan for the city.

However, the Peel proposal remained on paper. Ten years later, in the winter of 1947, the Palestine question was turned over to the United Nations, which established the UN Special Committee on Palestine, or UNSCOP. This commission, active from mid-May until late August 1947, had 11 members, mostly from countries with a Christian majority. The same was true for the composition of the United Nations as a whole — its 55 member countries were predominantly Christian. This link to Christianity greatly influenced UN policy, with UNSCOP instructed to devote special attention to the holy places. It was fairly certain that if the British left the country, some part of Jerusalem would be internationalised. The question was the extent of the territory to be internationalised and the manner in which the arrangement would be implemented. In general, there were two possibilities: a limited version of internationalisation that would include only the Old City and a full-scale version with the entire city under international control.

¹ *Palestine Royal Commission Report*, 1937, 381–382.

With tension between Jews and Arabs running high, supervision of the holy places by a neutral body charged with guaranteeing freedom of access and worship to all religions was almost a given. In this case, the rest of Jerusalem would be divided between a Jewish and an Arab state.

There were also good reasons for full-scale internationalisation. The chief argument was that dividing the city would create dangerous rivalry between the Jewish and Arab sides. Each side would encourage immigration to its territory, build up its army and try to outdo the other, creating tension that could degenerate into violence. There were also hidden reasons for internationalising all of Jerusalem. In those days, the Vatican had a theological problem with Jewish sovereignty in Jerusalem. Full internationalisation would allow the Vatican to have a say in the administration of the holy places under UN auspices.²

The findings of UNSCOP led to almost universal agreement on British withdrawal from Palestine and the establishment of Jewish and Arab states. In the debate on Jerusalem, a clear majority supported full internationalisation and the creation of a third entity between the two states — a *corpus separatum* — which would be administered by the United Nations and be neither Jewish nor Arab. UNSCOP outlined the programme for internationalisation, which was later adopted by the UN General Assembly: the *corpus separatum* would be demilitarised and administered by a governor who was not a Jew or an Arab and not a resident of either of the two states. The governor would have broad powers, especially with respect to the holy places. Inhabitants of the *corpus separatum* would be citizens of the City of Jerusalem but could also hold joint citizenship in one of the two states. The borders of the *corpus separatum* would include villages and towns around Jerusalem (most importantly Bethlehem), and the population of 200,000 would consist of an equal number of Jews and Arabs.³ In September 1947, UNSCOP's recommendations were brought before the Second Session of the UN General Assembly. The idea of internationalisation was enthusiastically embraced and undoubtedly contributed to the adoption of the UN Partition Plan (Resolution 181) on 29 November.

Internationalisation Plan: How the Jews and Arabs Reacted

The Zionist leadership agreed to internationalisation in principle. David Ben-Gurion, later Israel's first prime minister, adopted the line that internationalising Jerusalem was the price to pay for a Jewish state. The Zionist leadership, no doubt, was not thrilled. Jerusalem was a core component of Judaism and had been central in Jewish national and religious thought from time immemorial. However, the Zionists understood that they would have to compromise on Jerusalem to gain a sovereign state.⁴

The Arabs did not voice a specific opinion on internationalisation. They rejected partition outright. The leader of the Palestinian Arabs, Mufti Haj Amin al-Husseini, demanded an Arab state in all of Palestine and insisted Jerusalem be part of it.

On the day following the UN vote, the Arabs attacked, the Jews retaliated, and the violence quickly deteriorated into civil war.

At this stage, another UN commission was scheduled to visit Palestine to move forward on the Partition Plan and prepare the ground for internationalising Jerusalem. However, the partition resolution turned out to be a paper tiger. The United Nations conducted months of talks and investigations, and most members, including the Americans and the Soviets, were in favour of the resolution. But in the wake of the bloodshed that erupted in Palestine, the United Nations could not recruit a single soldier to man the

² On the views of the Vatican, see: Silvio Ferrari, "The Holy See and the Postwar Palestine Issue: The Internationalisation of Jerusalem and the Protection of the Holy Places", *International Affairs* 60 (1984), 238–261.

³ UNSCOP Report to the General Assembly, 1947, 49–50.

⁴ Motti Golani, "Zionist without Zion: The Jerusalem Question 1947–1949", *Journal of Israeli History* 16 (1995), 39–52.

barricades and ensure the safe execution of the plan.

Making the situation even more complicated was Britain's refusal to allow the United Nations to operate in Palestine as long as the British Mandate was in force (until mid-May 1948). The UN Secretariat tried to organise a military force to be sent to Jerusalem, which was under Arab siege, but no such force ever came into being.

Looming in the background was the nascent Cold War. The Americans supported the Partition Plan, as did the Soviets, but they were worried that the Soviet Union might take advantage of the unrest in Palestine to gain a military foothold in the region. They were not prepared to intervene militarily in the crisis, their biggest nightmare being that American soldiers would simply replace British soldiers and become embroiled in a military campaign between Jews and Arabs. The Americans thus foiled any plan to dispatch an armed force to Palestine. This resolute stance on the part of the United States and the impasse caused by its stand-off with the Soviet Union left the United Nations powerless then.⁵

A New Reality on the Ground

The impotence of the United Nations and the declining situation in Palestine led the Zionist leadership to change its policy. Until April 1948, the Zionists had waited for the United Nations to act and concentrated on defence. In April, however, the Jewish forces launched an offensive with the aim of breaking the Arab siege of Jerusalem. From then on, the Yishuv (pre-state Jewish community) effectively pursued a dual policy with respect to Jerusalem. Openly, it continued to support internationalisation, but, behind closed doors, Ben-Gurion conceded that the city's fate would ultimately be determined by military might, not UN resolutions. When the battle was over, he speculated, Jerusalem might well be the capital of the future Jewish state.⁶

In mid-May 1948, following the proclamation of Israeli independence and the invasion by the Arab armies, a new battlefront opened in Jerusalem. Earlier, King Abdullah of Jordan had declared that he would fight to protect the mosques on Temple Mount. The Jordanian army was indeed victorious, conquering the Old City's Jewish Quarter and turning its Jewish inhabitants into refugees. Israel succeeded in maintaining its hold over the western part of the city (most of which was Jewish) and conquering the Arab neighbourhoods, whose inhabitants became refugees too.

This new reality led to the appointment of a UN mediator, Count Folke Bernadotte, nephew of the king of Sweden, who negotiated a ceasefire agreement between the parties. At the end of June, Bernadotte presented a plan calling for Jerusalem to be administered by Jordan. When this plan met with harsh criticism (from Britain, America, France, the Vatican and others), Bernadotte realised that the only answer was internationalisation. He established his headquarters in Jerusalem and worked to demilitarise the city. Under his next plan, Jerusalem went back to being a UN-controlled city. The day Bernadotte signed the plan — 17 September 1948 — turned out to be his last day: he was assassinated by Jewish extremists in Jerusalem owing to his refusal to back down on internationalisation. His murder drove home the great sensitivity and complexity of the Jerusalem question. Bernadotte's successor, Ralph Bunche, tried to promote the Bernadotte Plan, but to no avail.⁷

In the meantime, a political vacuum prevailed, which served both Israel and Jordan: they preferred to split the city and portray internationalisation as unnecessary. To this end, Israel and Jordan reached a number of agreements between themselves and drew a ceasefire line under the aegis of the United Nations. The Old City and the holy places, which were in East Jerusalem, remained under

⁵ James Barros, *Trygve Lie and the Cold War* (DeKalb: Northern Illinois University Press, 1989), 184–205.

⁶ Golani, "Zionist without Zion".

⁷ Elad Ben-Dror, *Ralph Bunche and the Arab Israeli Conflict: Mediation and the UN, 1947–1949* (New York: Routledge, 2016), 70–95.

Jordanian control, whereas Israel controlled West Jerusalem. This arrangement was also incorporated into the armistice agreements signed in Rhodes in 1949.⁸

In early 1949, the UN General Assembly established the Palestine Conciliation Commission (PCC), which was asked to submit a proposal for a permanent international regime in the Jerusalem region by the autumn of 1949. In its meetings with the PCC, Israel objected to the internationalisation of all of Jerusalem but agreed to international control of the Old City, which was then under Jordanian rule. However, Jordan strongly objected to any form of internationalisation. In the end, the PCC submitted a scaled-back proposal which did not completely rule out full internationalisation but left Israel and Jordan many autonomous powers. The UN governor would only be responsible for the holy places, Jerusalem would neither be the capital of Israel nor Jordan, and there would be no change in the demographic balance. It was a compromise between the UN's vision for Jerusalem and the facts on the ground.

The PCC plan won the support of global powers like the United States, while its opponents were divided into two camps: one led by Jordan and Israel, which held that even a watered down version of internationalisation was unnecessary, and the other led by those who accused the PCC of straying from the intentions of the original internationalisation scheme. This later criticism, which took the form of a proposal to return to full internationalisation, was supported by a coalition of countries that were predominantly Catholic. Pope Pius XII also worked openly to promote internationalisation. On 9 December 1949, after a stormy debate, and despite clear objections from Israel and Jordan and the low likelihood of the plan's implementation, most members of the General Assembly voted in favour of full internationalisation (Resolution 303).⁹

Jordan and Israel swiftly condemned the resolution. Jordan released a series of belligerent statements and Israel declared Jerusalem the capital of Israel, defiantly moving its parliament and government ministries to Jerusalem. Once again, the United Nations was proven to be a toothless organisation capable of making dramatic decisions but not implementing them. In fact, the direct outcome of this resolution was to hasten Israel's declaration of Jerusalem as its capital.

Conclusions

Ever since the Palestine question was put before the United Nations in 1947, internationalising Jerusalem has been on its agenda. Before war broke out, Israel agreed to internationalisation. When the war ended in 1949, Jerusalem was split between Israel and Jordan. At that point, Israel was still prepared to accept an international regime but only in the Old City. Jordan rejected this option while the United Nations insisted on its utopian vision of full internationalisation. Internationalisation thus remained on paper, and a status quo was created where Jordan controlled East Jerusalem and the holy places and Israel governed West Jerusalem. This situation ended in 1967, when Israel scored a military victory and occupied all of Jerusalem. The schemes for internationalisation outlined here continue to colour Jerusalem's vague and controversial political status to this day.

⁸ Elad Ben-Dror and Assaf Ziedler, "Israel, Jordan and their Efforts to Frustrate the UN Resolutions to Internationalise Jerusalem", *Diplomacy & Statecraft*, 4 (2015), 636–658.

⁹ Elad Ben-Dror and Assaf Ziedler, "Israel, Jordan and their Efforts to Frustrate the UN Resolutions".

About the Author

Dr Elad Ben-Dror is a senior lecturer and head of the Department of Middle Eastern Studies at Bar-Ilan University, Israel. His research focuses on various aspects of the Arab–Israeli conflict, especially the early stages of the United Nations’ involvement in the Arab–Israeli conflict. His most recent study of the UN Special Committee on Palestine (UNSCOP) and the Partition Plan for Palestine will soon be published as a book. His current project deals with the United Nations’ plans for the internationalisation of Jerusalem.