

# Resting in Peace in No Man's Land

## Human Dignity and Political Sovereignty at the British Commonwealth's Jerusalem War Cemetery, Mount Scopus

Yfaat Weiss

The rights of individuals who have fallen in war have been protected by international humanitarian law for over a century.<sup>1</sup> The 1907 Hague Convention laid down general principles for reporting enemy troops killed in battle once hostilities have ceased, obliging states on whose territory slain soldiers remain to bury them. Bilateral agreements were concluded following World War I, for example between Germany and Ukraine in February 1918, and a month later between Germany, Austria-Hungary, Bulgaria, and the Ottoman Empire on the one hand and with the Entente force Russia on the other. Under these agreements, the parties committed themselves to caring for the graves of enemy soldiers located in their territory. The intention of these agreements was repeated in the Treaty of Versailles peace agreement concluded on 28 June 1919, which stipulated that:

The Allied and Associated Governments and the German Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories.

They agree to recognize any Commission appointed by an Allied or Associated Government for the purpose of identifying, registering, caring for or erecting suitable memorials over the said graves and to facilitate the discharge of its duties.<sup>2</sup>

This commitment included the burial of prisoners of war who died during captivity, and stipulated that all parties to the conflict must register the identity of slain soldiers and their place of burial.

The experience of World War I showed that it was insufficient to take steps post factum, a problem that the Geneva Convention of 1929 sought to remedy with strict regulations and guidelines for locating the burial places of fallen soldiers and identifying them upon cessation of hostilities. The law was further developed following the experience of World War II in the Geneva Conventions ratified in August 1949, which elaborated on issues associated with the rights of the fallen.<sup>3</sup> The First Geneva Convention instructed the parties involved in conflict to bury the dead of the other party as soon as feasible, in individual graves if possible, and while establishing the full identity of the fallen soldier:

[Parties to the conflict] shall further ensure that the dead are honorably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found.<sup>4</sup>

Together with Protocol I of 1977, this constitutes the foundation of binding international law today pertaining to the war dead and their burial as part of the laws of warfare, or international humanitarian law.<sup>5</sup> These rights are directly and clearly linked to human rights, as formulated in international conventions, which include human dignity, freedom of religion, and the prevention of cruelty and inhuman and degrading treatment. The consideration given by international humanitarian law to the relatives of the war dead and their right to know about and to access the graves of their dear ones is closely linked to respect for the value of family, which is fundamental in the human rights conventions.

This legacy of international humanitarian law reflects a turning point in Western perceptions of death in battle.<sup>6</sup> It began to emerge in the latter half of the nineteenth century after the American Civil War and with the budding democratic concept that recognizes and commemorates the ordinary soldier by according him an individual burial, and was further developed against the backdrop of World War I and the widespread incorporation of the war dead in nations' ceremonies.<sup>7</sup> The history of the British Commonwealth's Jerusalem War Cemetery for soldiers who died in the battles around Jerusalem from 1917 to 1921 reflects the heritage of World War I memory and commemoration and its difficulties and contradictions. It is manifested in the British Commonwealth's partial success in burying its fallen soldiers according to universal and egalitarian principles of a dignified individual burial, irrespective of their nationality or ethnic and religious affiliation. This case also shows how the war dead were caught in further international political struggle after 1948. Their burial location in a sensitive area in Jerusalem became an international bargaining chip in contested territorial and sovereignty claims made by Israel and Jordan, as well as in the negotiations between nation states and international and humanitarian organizations. This article traces the dynamics of the clash over control: between the rights of the fallen to their final dignity – represented by their families, the Imperial War Graves Commission, and diplomatic efforts of Great Britain and the Commonwealth states – and Israel's claim to sovereignty over the area of the cemetery and over Jerusalem in general.

## Final Respect and Equality

Six cemeteries mark the path of the fighting from Gaza toward Damascus in which 12,797 soldiers of the Egyptian Expeditionary Force lost their lives in the battle for Palestine.<sup>8</sup> Overlooking the Old City, the cemetery on Mount Scopus was the last military cemetery established by the British in Palestine. It was created in February 1918, shortly after the British takeover of Jerusalem from Ottoman rule in December 1917.<sup>9</sup> Two hundred and seventy fallen British Commonwealth soldiers were buried there before the cessation of hostilities in late 1918, joined later by those killed in the fighting around Jerusalem, and several score graves were moved from other smaller cemeteries in the area to the consolidated location.<sup>10</sup> There are a total of 2,516 Commonwealth burials (101 of whom are unidentified) at this site, and graves of 16 German, 5 Italian, and 3 Turkish combatants, along with a memorial commemorating Commonwealth casualties whose graves are unknown.<sup>11</sup>

The Imperial War Graves Commission was an independent body founded in 1917 to oversee the burial of fallen Commonwealth combatants and to maintain their gravesites. The burial of these fallen soldiers in Jerusalem, just like the burial of more than one million Commonwealth war dead on other fronts, occurred according to an order to bury the fallen soldiers alongside their comrades in arms close to the location where they fell rather than to repatriate them to the Commonwealth for burial. This policy overrode the wishes of the bereaved families, regardless of the resources available to them to return the bodies of their loved ones.<sup>12</sup> The prohibition on repatriation and the mandatory uniform appearance of the tombstones were designed to blur the differences and disparities between the fallen, between low-ranking soldiers and officers and between the rich and the poor. Provisional wooden crosses were replaced after World War I by uniformly designed tombstones during the course of the Mount Scopus cemetery's development, undertaken according to the guidelines laid down by the commission. The uniform general design of cemeteries and commemorative sites, and in particular the uniform slab of the tombstone that did not bear the insignia of a cross – decisions that aroused fierce public opposition in Britain – were intended to minimize ethnic, racial, and religious differences, in a concerted effort not to discriminate against non-Christians.

The guiding principles that applied to all the Commonwealth military cemeteries were only partly observed at the Jerusalem War Cemetery. While it was not the largest cemetery established in Palestine, the Mount Scopus cemetery was chosen because of its unique location as the site for a memorial commemorating the 3,366 soldiers who fell in Palestine and in Egypt during World War I and whose gravesites were unknown. The British attached great importance to commemorating the part played by troops from the dominions in the region and in Jerusalem in particular, where many died. Most of the Australian and New Zealand war dead had served in the light cavalry and were seconded to the troops in Egypt following a bitter military defeat in the Gallipoli battles in the Dardanelles. In Palestine, they were formed into infantry troops to fight in the harsh mountainous terrain surrounding Jerusalem.<sup>13</sup> More than 500 Australians and some 200 New Zealanders are buried and commemorated on Mount Scopus alongside the British

war dead. A cross is engraved on their uniform tombstones, while at the western end of the cemetery 24 fallen Jewish troops are buried, with a six-pointed star engraved on their tombstones. “Of Jew and Gentile they are set side by side, the one bearing the double triangle of the Shield of David, the other the Cross of Christ,” notes a British report on the annual remembrance ceremony held on 11 November 1933.<sup>14</sup>

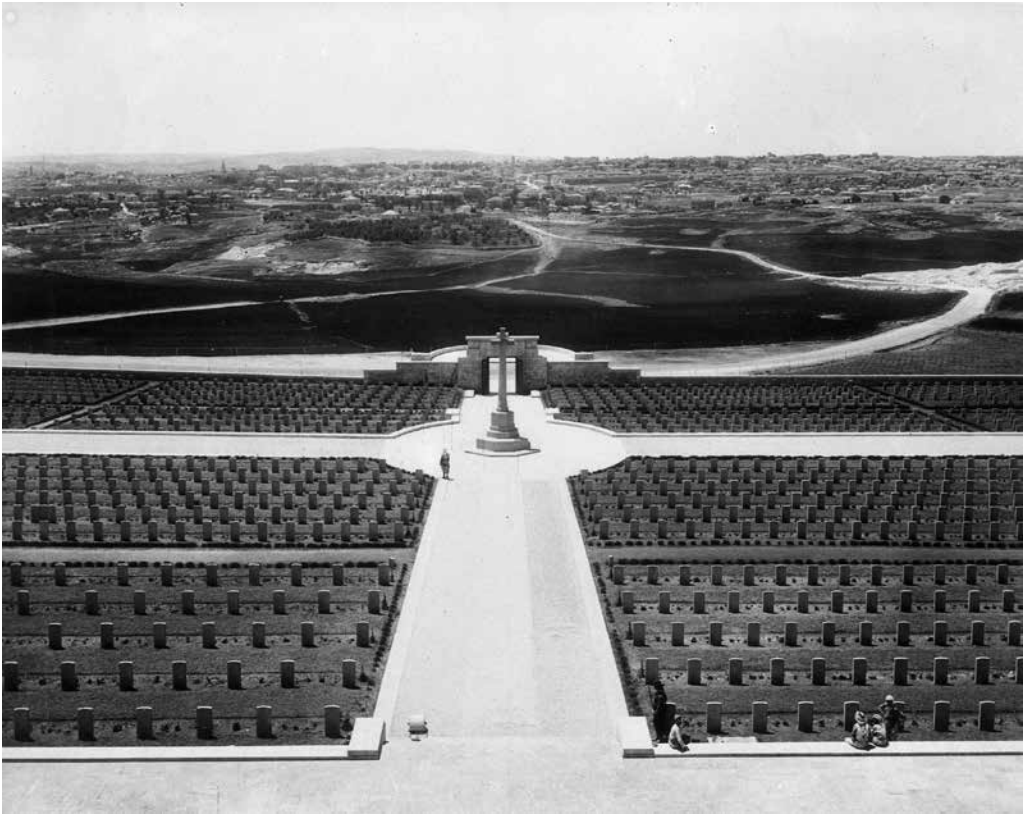
The predominantly Muslim local Palestinian population in Jerusalem obliged the British to take particular care in protecting the holy places during the fighting, and to downplay Christian symbols when burying and commemorating the soldiers once it was over.<sup>15</sup> Thus, the British army posted Muslim Indian troops to guard the mosques in the Haram al-Sharif upon entering Jerusalem,<sup>16</sup> and shelved several grandiose commemorative schemes that would have planted Christian symbols in the heart of the city.<sup>17</sup>

As an “architectural courtesy” shown by the Scottish architect John James Burnet, who designed the cemeteries and commemorative plaques at Gallipoli and the Suez Canal, Christian characteristics were downplayed and the architecture adapted to the local features of the Palestinian landscape and Muslim structures. This form of “paternalistic consideration shown to local culture” meant that the planners who worked for the British civil service in Palestine invariably preferred “consideration for what they perceived to be the local spirit rather than a brash expression of Britishness.”<sup>18</sup>

## **British Mandate Control of the Jerusalem Cemetery**

At the end of World War I, the graves of most of the Commonwealth troops were located in the territory of foreign nations – be they allies or former enemies. However, since Palestine became a territory under British Mandate, the cemeteries remained under British control and, as elsewhere, were administered by the Imperial War Graves Commission. The memorial to those with unknown gravesites was officially dedicated on 7 May 1927 in a ceremony attended by wartime field marshals Edmund Allenby and Herbert Plumer, who was the British high commissioner for Palestine at the time. “It lies there below, an aggregation of mosques and synagogues and churches and white edifices, their towers, domes and minarets rising in varied altitudes above the broken horizon,” the British report in 1933 described the environs.<sup>19</sup>

During the first two decades following its inauguration, during the Mandate period, the Jerusalem War Cemetery maintained its dignity. It is doubtful whether its presence induced the residents of the land “to acknowledge that a nation which has made such sacrifices for another country has the prescriptive right to control the destinies of that country,” as British high commissioner Lord Plumer believed at the time of its construction.<sup>20</sup> Certainly its singular location attracted many visitors, in contrast to the few visitors to military commemorative sites and cemeteries elsewhere in the East, except for Gallipoli. Apart from the families of the fallen, soldiers of the various forces serving in the region came to the cemetery, as did pilgrims who traveled to the Holy Land.<sup>21</sup> Among Christian believers, its location in Jerusalem heightened the significance of death in battle, creating an immediate link to the theme of sacrifice



General view of cemetery with Cross of Sacrifice, seen across central avenue from above. Date: Pre-1928. Unknown photographer. Copyright: Assumed CWGC.

through crucifixion.<sup>22</sup> Any controversies that arose were mundane and revolved around the issue of urban planning, such as the fears that the proposed expansion of the Hebrew University, built nearby two years earlier, would spoil the view from the cemetery.<sup>23</sup> This relatively quiet era came to an abrupt end with the end of the Mandate, the failure of the United Nations partition plan, and the de facto partition of Palestine as a result of the 1948 war and the UN-brokered armistice agreement.

On 29 November 1947, the UN General Assembly adopted Resolution 181, the partition plan, which called for Jerusalem to become a *corpus separatum* under UN control, a status intended to protect the holy sites of the three religions. As soon as the UN vote became known, hostilities erupted all over Palestine and, with the withdrawal of the British on 15 May 1948, escalated into total war between the newly declared state of Israel and the neighboring Arab states. The Arab Legion under British command took control of territory designated by the partition plan as part of the Palestinian state. Jewish forces suffered defeat in the Old City but held on to an enclave on Mount Scopus where the Hebrew University, National Library, Hadassah Hospital, and the British cemetery were situated. Its demilitarized presence within Jordanian-controlled territory was ensured by an agreement signed by Israel, Jordan, and the UN on 7 July 1948,<sup>24</sup> and which was later included in the armistice agreement signed by Israel and Jordan at Rhodes on 3

April 1949. According to clause 8 of the armistice agreement, a special Jordanian-Israeli committee was to discuss contentious issues, including the “resumption of the ongoing functioning of the cultural and humanitarian institutions on Mount Scopus and free access to them.”<sup>25</sup> However, the special committee ceased its work altogether after two years, without having discussed the issue.

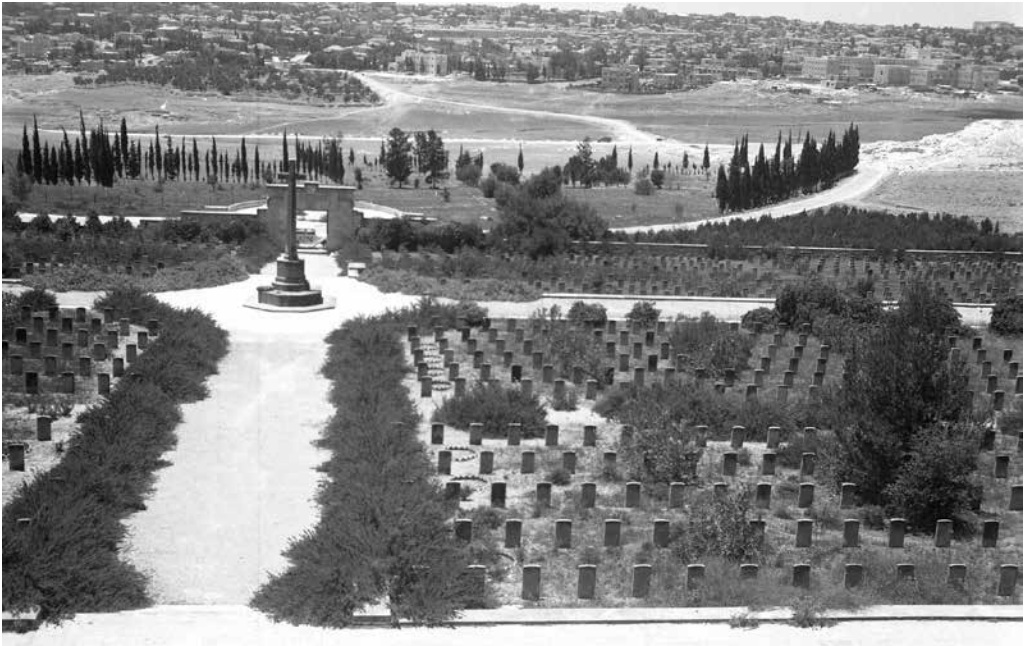
## **The British Cemetery in the Post-War Situation**

Aware of its precarious international status in Jerusalem, Israel moved rapidly to establish sovereignty in the city, but stopped short of annexation.<sup>26</sup> On 25 July 1948, Israel appointed a military governor and a council to run its affairs in the western section of the city, implying the de facto implementation of Israeli sovereignty. On 24 November 1948, the new Israeli state situated its provisional assembly in the city and began to transfer government institutions to Jerusalem. On 2 February 1949, Israel’s government decreed that Jerusalem was to be Israel’s capital and ended the period of military rule over the city. Twelve days later, the first session of Israel’s Knesset was held in Jerusalem. Just as Israel had rejected the city’s internationalization under the partition plan and had exercised de facto sovereignty in the city, Israel also imposed its sovereignty in the Mount Scopus enclave, at first through clandestine and hesitant actions, which later became overt and forceful.

Israel did not initially appreciate the diplomatic potential of having de facto control over territory that contained the Commonwealth cemetery in the demilitarized enclave. Its value became apparent soon after conclusion of the armistice agreement, through a gradual process of trial and error. This sore point, a military cemetery inaccessible to the Imperial War Graves Commission and to the bereaved families, constituted a source of constant frustration and anger directed at Israel and its stubborn policy, but at the same time provided Israel with an opportunity. Israel was able to use the cemetery to upgrade its presence in the two-square-kilometer enclave and raise international awareness of the enclave’s status, and, accordingly, the status of Jerusalem.

Alongside the presence of institutions such as the Hebrew University and Hadassah Hospital, the Commonwealth cemetery helped to differentiate the Mount Scopus enclave from forgotten enclaves, such as those lodged between India and Pakistan following the 1947 partition, whose hundreds of thousands of residents were left to cope on their own with acute distress in “no man’s land” areas locked in chronic national dispute.<sup>27</sup> Given their commitment to the Commonwealth cemetery, Britain and its allies were obliged to cooperate with Israel, and by doing so in effect lent weight to Israel’s claim to sovereignty over the enclave, which ran counter to resolution 181 and the interests of Britain’s ally, the Hashemite Kingdom of Jordan.

In May 1949, the British consul in Jerusalem requested information on the condition of the cemetery from the representative of Israel’s Foreign Ministry. “The British consul has no knowledge of desecration of the cemetery or disruption to it,” wrote the representative of Israel’s Foreign Ministry to the commander of Jerusalem, Colonel Moshe Dayan, “but



General view from memorial chapel. Date: July 1960. Photographer: R.W.O. (Regional Works Officer). Copyright: CWGC.

he requests that this be confirmed.”<sup>28</sup> Information, at that point, was either unavailable or unknown, and what was known was not known to everyone. “We knew nothing of mines in that area,” the Israeli representative on the joint Israeli-Jordanian committee was quoted as saying in a report on the meeting held in August 1949, “but if there were, it was odd pilfering should have taken place.”<sup>29</sup> He hastened, however, to express good will by announcing, “If the UN wished to ask for one of our policemen to guard the cemetery in the future, we should have no objection to arranging this,” and promised to look into the matter.

Mines were laid by Israel around the Commonwealth cemetery as part of its line of defense during the fighting that took place a year earlier. Now, after the hostilities had ended and the armistice agreements had been signed, they posed a problem. The director of the Commonwealth Division at the Israeli Foreign Ministry, Michael Comay, apparently realized that it was in Israel’s interest to take the initiative on this delicate issue. When the initial contact with the Imperial War Graves Commission, which had asked permission to place its own guard at the cemetery, stalled, in November 1949 Comay approached the British legation in Tel Aviv. While he turned down the commission’s request, he suggested that either the legation or the Imperial War Graves Commission take the matter up directly with representatives of the Jerusalem district in order to reach agreement on arrangements to guard the cemetery in a manner compatible with Israel’s security needs.<sup>30</sup>

## Israel's Sovereignty Claims over the Enclave and in Jerusalem

As the body that administered the cemetery, the Imperial War Graves Commission sought to learn firsthand about its condition, and its representative, Colonel Edward Arnold Griffin, addressed the issue on his visit to Israel in March 1950. Major General William Riley, commander of the UN Truce Supervision Organization (UNTSO) enclave, was not eager to acquiesce to the commission's request to facilitate such a visit, but Griffin chose to ignore him and enlisted the help of Britain's consul-general in Jerusalem, Hugh Dow.<sup>31</sup> Dow, according to an internal report of the commission, "ordered the largest Rolls Royce in his stable and put on the biggest Union Jack they could find and they [Dow and Griffin] drove together to the entrance to the cemetery held by the Israeli guards."<sup>32</sup> British officials apparently felt frustration at having to approach the UN to seek help in visiting their own cemetery, which lay in territory that Britain had until recently controlled, and acted accordingly. The joint survey revealed that "so far as could be seen from an outside view, very little damage had been done. There was certainly no obvious sign of any deliberate or wanton damage, and according to him no very serious cutting down of trees had been done."<sup>33</sup> The common stand taken by the Imperial War Graves Commission and the British Foreign Office did not last long. As far as the commission was concerned, it was an intolerable state of affairs that "this cemetery, sited in such a place and with such associations, should be the one cemetery in the civilized world that the Commission are unable to look after."<sup>34</sup> It was deemed natural that those who had caused the damage should repair it; that is, those who laid the mines should defuse them.<sup>35</sup> By virtue of its role, the British Foreign Office was for its part aware of the complexity of the situation, although its different officials held contrasting views, depending on their Israeli or Jordanian sources and individual temperament.

The meetings held to restore the cemetery to its former condition soon reached an impasse. Israel insisted on linking the fate of the Commonwealth cemetery to that of the Hebrew University and Hadassah Hospital, and said that the cemetery could resume its function as a site of remembrance for the fallen and that families could once again visit after the Jordanians agreed to respect clause 8 of the armistice agreement. Despite its problematic implications, this position was accepted by British diplomats in Tel Aviv, and in part also by the UN.<sup>36</sup> The Jordanians thought otherwise: Apart from refusing in principle to implement clause 8, they believed that the armistice agreement in effect rendered the demilitarization agreement redundant, and since both parties had signed the armistice, this in effect annulled the right of the UN, which was not party to the agreement, to intervene.<sup>37</sup>

With direct contact between Israel and Jordan unlikely to lead to progress, several other proposals were offered. One was to declare the territory of the cemetery a "British sub-zone," in which Israelis and Jordanians would be employed alongside British nationals from Cyprus and Malta.<sup>38</sup> None of these proposals, however, proved fruitful. While the cemetery itself was in reasonable condition, as Griffin and subsequent visitors affirmed, Britain could not allow it to remain in limbo, mined and inaccessible. In the



eyes of the Imperial War Graves Commission, this was an “insult to the memory of the many Commonwealth soldiers who died for the liberation of Jerusalem in 1917 and . . . an affront on their families.”<sup>39</sup> Moreover, diplomats for Australia and New Zealand, countries which considered World War I a foundational national moment and whose nationals constituted a large number of the war dead buried in the cemetery, began to lose patience and to initiate moves of their own to return it to its proper state.<sup>40</sup> Their language was not always pleasant, as evinced by an angry letter complaining about the lack of action by Britain regarding the impasse on the condition of the cemetery:

You were good enough some time ago to explain the delicacy of the situation in Jerusalem to me, but making all allowances for that, is there really no roar left in the British Lion, and has the poor mangy beast got to allow every potty little eastern state to twist his tail with impunity?<sup>41</sup>

Whether or not the protests lodged by the dominions spurred Britain to make greater efforts,<sup>42</sup> as time passed, Israel became less inclined to accommodate Britain’s concerns and its motives became harder to discern. Israel’s willingness to clear the mines on its own was short-lived, and the British in any case rejected the idea lest it bestow in any way legal recognition of Israel’s status, which Britain had no intention of doing.<sup>43</sup> Britain sought to separate the difficulties that existed concerning the Mount Scopus cemetery from its generally positive agreements with Israel regarding the remaining cemeteries on Israeli territory, in case Israel made their care conditional on the Mount Scopus developments.<sup>44</sup> Aware of the importance of maintaining good relations with Britain, Israel continued to signal good will on the issue of the cemetery, but was not prepared to remove the mines because of their tactical defense value to the enclave. Israel argued that if any were cleared, others would have to be laid according to a revised Israeli military deployment. However, the transfer of new mines was impossible under the terms of the disarmament agreement and Jordan’s strict supervision of Israel’s supply convoys, which travelled through Jordanian territory with precise coordination according to the armistice agreements.<sup>45</sup>

Israel would place greater emphasis on security-related concerns in the years to follow as its border disputes with Jordan escalated; it strengthened its military grip on the enclave by means that were clearly in breach of the restrictions imposed on it by the armistice agreement. Israel argued that as long as the cemetery was mined, it would be protected against theft and acts of vandalism from residents of the adjacent Palestinian village of al-‘Isawiyya.<sup>46</sup> The Imperial War Graves Commission rejected the argument that cited the risk of theft as justification for maintaining the status quo, not because of any favor to al-‘Isawiyya’s villagers, but because it hoped that once the mines had been cleared it would regain control of the cemetery, and possible theft would be a moot point.<sup>47</sup> The UN also demanded that the mines be cleared, since they were in breach of the commitment undertaken by both parties to the armistice agreements to demilitarize the areas under their control.<sup>48</sup>

Israel's interests, however, transcended the security issue and were directly linked to the more fundamental question of sovereignty. Once Israel had claimed sovereignty in Jerusalem by February 1949, in defiance of the principle of *corpus separatum*, it extended its basic policy as equally valid in the part it controlled of the Mount Scopus enclave. John Bagot Glubb, the British commander of the Arab Legion, was quick to discern this development in the Israeli position, commenting:

Practically no move of the Jews has so far led to anything but further misfortunes for the Arabs and it can hardly fail to be clear to the most obtuse Arab that if the Israel claim to control the cemetery is admitted by accepting their present proposals, this is a first step in building up the Israel case for sovereignty over Scopus as a whole.<sup>49</sup>

Dow, the British consul-general, realized in 1951 that Israel had lost interest in the narrow issue of the mines, and that now "Israel has come out into the open with their claim of sovereignty over Mount Scopus area" and was directing its officials to refrain from discussing the specific local issue of the cemetery.<sup>50</sup> Israel drew a line between clearing the mines and sovereignty by demanding that the policemen who were to ascend Mount Scopus to defuse the mines should be Israelis and should set out from Israeli territory, as they would enter the enclave according to the terms of the armistice agreements. Israel sought to apply a similar regulation to visitors, demanding that they be permitted to enter:

. . . only if they arrive at the area of Hadassah from any location in the territory of Israel. Since the cemetery area is part of the area of the state of Israel, only a person who is legally present in the area of the country is able to enter it. It thus follows that a person present in the area of the Hashemite state cannot come to the Hadassah area in order to visit the cemetery. Only citizens who are legally present in the state of Israel are able to ascend to Hadassah on our convoys, and from there to visit the cemetery.<sup>51</sup>

Israel thus sought to exploit the cemetery – a demilitarized area, part of which it controlled *de facto* – along with the need to defuse its mines and the British Commonwealth nations' wish to enable its nationals to visit the graves of their loved ones, to establish its sovereignty in principle by setting up a regular and accepted border crossing into its territory in the enclave.

## **Religious Commemorations and a Battle over Control**

The issue of remembrance ceremonies threatened to be more explosive than the question of the mines and their defusing. On 12 November 1951, the British consulate in Jerusalem was astounded to read in the *Jerusalem Post* that Israel had, on its own initiative, held a remembrance ceremony for Jewish war dead at the cemetery without informing or



Entrance building and Stone of Remembrance with visitors on steps. No Date. Unknown Photographer. Copyright: Assumed CWGC.

involving any of the relevant bodies. The consulate was quick to report: “The Anglican Bishop . . . was most indignant, and the Moderator of the Scottish Church considered it at least ‘rather odd’.”<sup>52</sup> Their anger was compounded by the fact that the consulate itself had that year decided not to hold a ceremony at the site out of consideration for the Israelis and the Jordanians, and had conducted only a modest ceremony attended by the consulate staff at the Scots Memorial Church in the western section of the city.<sup>53</sup> The consulate-general in Jerusalem intended to lodge a complaint with the city’s governor and to point to the negative effect this step would have on public opinion in the Commonwealth countries.<sup>54</sup>

At the British legation in Tel Aviv, whose experience had shown that Israel was prepared to cooperate on the issue of Commonwealth cemeteries located on its territory,<sup>55</sup> the decision made by Israel to hold a ceremony of its own to commemorate the Jewish war dead – at which Psalm 33 and excerpts from Samuel II were read and a wreath was laid at the section for Jewish graves – was received more forgivingly.<sup>56</sup> While the head of the British legation in Tel Aviv was willing to agree that the Israelis may, by means of this step, have sought to underline their presence on Mount Scopus and their control over the cemetery, he nevertheless thought “that a genuine wish to hold some sort of ceremony of respect and remembrance was the leading motive.”<sup>57</sup> The British Foreign Office in London was inclined to side with the conciliatory approach taken by the Tel

Aviv legation, and attempted to soothe the furious consul in Jerusalem, noting that the Israelis exhibited “a strange blend of sensibility and tactlessness.”<sup>58</sup>

The British consul-general’s suspicion of Israel’s ulterior motives was borne out by events that occurred soon after. In the following years, every Armistice Day and every Anzac Day, when Australians and New Zealanders commemorate their fallen soldiers, became a contest over control, occupation, ownership, and sovereignty.<sup>59</sup> Israel held no ceremony in 1952 and only a modest ceremony in 1953; in 1954 Israel demanded that the British delegation make a formal application via the UN if it wished to enter the cemetery to conduct the annual remembrance ceremony. Israel eventually relented and accepted an enquiry from the UN representative, who in his letter expressed the hope that Israel would have no objection to the holding of the ceremony.<sup>60</sup> In 1955, the new British consul-general in Jerusalem Thomas Wikeley sought to hold a full ceremony or, as one of his colleagues described the vision, “the ceremony should be considerably more ambitious.”<sup>61</sup> Declaring that he wished to lend the ceremony “sanity and dignity,” the consul intended to invite a long list of guests including the British, Australian, and Pakistani diplomatic corps, as well as representatives of the Jordanian Arab Legion and its British officers, and furthermore to introduce a change in the ceremony itself. He wrote to his superior in London’s Foreign Office Levant Department:

Last year the Jewish chaplain of the Jewish garrison on Mount Scopus read some prayers, as British servicemen of the Jewish Faith are thought to be buried there. I have asked the Imperial War Graves Commission in Cyprus to confirm urgently whether this is so, and to tell me also whether any Moslem troops from India, Pakistan or elsewhere are buried there because, if they are, it would seem to necessitate the presence of a Moslem religious dignitary to balance the Rabbi, and that might make things a bit chaotic.<sup>62</sup>

Apart from the twenty-four Jews, only Christians were known to be buried at the Commonwealth cemetery on Mount Scopus. Unlike in Europe, where the military authorities had during the course of World War I managed to give Indian and Chinese war dead a full military funeral, in Jerusalem they had failed to do so. The bodies of the fallen soldiers from the Indian units – who had initially fought on the French front, were transferred to Iraq, and had ended up fighting in Palestine – were separated in Jerusalem from the bodies of the other Commonwealth war dead and were buried in two communal graves in Talpiot, a southeast neighborhood of the city. Thirty-one of these soldiers were buried in a Muslim communal grave, and 47 in a grave designated for Hindu, Sikh, and Gurkha troops.<sup>63</sup> Neither did some 2,000 Muslim soldiers of the Egyptian Labor Corps who served as auxiliaries in the campaign, some forcefully conscripted, receive a dignified burial.<sup>64</sup> In general, including in Jerusalem, they were not buried in military cemeteries but rather in communal graves, without being identified, and they were not listed among the war dead.<sup>65</sup> It is unclear whether, in taking this initiative, the British consul-general sought to create or to disturb a balance. It appears he understood well that “ambitious” plans that undermined the status quo tended to make waves.<sup>66</sup> In any event, neither the



Plot C showing height of grass and general lean of headstones. Date: 5 May 1967. Photographer: J. Paton. Copyright: CWGC.

Commonwealth cemetery nor the annual remembrance ceremony held in it seemed an appropriate place or time to establish a Muslim presence, the absence of which was a direct consequence of British policy in World War I.

Tensions reached a peak in 1956 when, in response to a communication from the UN representative regarding the ceremony planned for the coming November, Israel announced that it refused to conduct its foreign affairs through UNTSO, “and if the British want anything, they must approach us in the proper way.”<sup>67</sup> The British had no intention of acceding to this demand, which they regarded as contrary to the principle of UN control over the enclave that all the parties had accepted as part of the armistice agreement signed on 7 July 1948.<sup>68</sup> With the support of the UN commander, they chose to ignore the Israeli position, to proceed with their preparations, and to exploit this

golden opportunity to free themselves of Israel's presence and hold the ceremony in its absence.<sup>69</sup> The UN commander and the British consul-general took a firmer stand as they addressed the issue of military trumpeters. Should Israel bar the entrance of the trumpeters on the grounds that they were a military contingent, the UN commander suggested that they play their trumpets from the adjacent Jordanian territory, a proposal that the British Foreign Office found "ingenious."<sup>70</sup> Then, however, the Sinai war erupted and the UN commander together with the British consul-general decided to cancel the ceremony in favor of a modest activity whereby a Canadian officer would lay a wreath.<sup>71</sup> When Israel learned that the ceremony was to be canceled, it sent out an open invitation to the ceremony that it intended to hold, which elicited a swift and angry response from the British consul-general, who wrote:

The cemetery was neither Israel Government property nor Israel private property, but British property belonging to the Imperial War Graves Commission, and it was on this property which is, moreover, of a sacred nature, that the Israel authorities without obtaining permission from, or even consulting, the owner's representative, were intending to hold a military ceremony.<sup>72</sup>

On another occasion he added that Britain had no intention of accepting the holding of a ceremony by "an alien force" on the grounds of the cemetery, and that Israel should thus change its mind, which it eventually agreed to do.<sup>73</sup>

## **Creeping Sovereignty and the Isolation of al-'Isawiyya**

Israel continued to promote its sovereignty over the grounds of the Commonwealth cemetery throughout the enclave's life span, from 1948 to 1967. Once the issue of the mines was resolved, with Israel clearing the mines,<sup>74</sup> and an agreement was reached on the annual remembrance ceremonies, new disagreements arose with regard to visitors and delegations, gardening, and the like. Far more serious confrontations erupted in the wake of Israel's policy toward the approximately one thousand residents of the Palestinian village of al-'Isawiyya, which was also situated in the Israeli section of the enclave. Outside of the question of sovereignty, various international bodies were prepared to recognize Israel's ownership of the Hebrew University and Hadassah Hospital, and some became inclined to agree that while the Commonwealth cemetery did not belong to Israel and lay beyond the fence, it was within the area under its de facto control. However, not a single international body would countenance Israel's claim that under the various agreements al-'Isawiyya, which lay beyond the fence, should come under its control.

This did not deter – and perhaps even encouraged – Israel to exert its control on the ground through steps that impacted all aspects of the villagers' lives and compromised their fundamental human rights. Israel's motives for effectively extending its control

were strategic in nature, and derived from the Mount Scopus enclave's location, for example, overlooking the main route between Ramallah and Jericho.<sup>75</sup> Unrecognized by its neighbors, Israel had no sustainable borders. It constantly took steps to expand its territory beyond the partition borders, as well as those derived from the outcome of the 1948 war and the armistice agreements. It took a calculated risk by provoking incidents that forced international actors to take note of it and its demands in light of refusals to recognize it.<sup>76</sup> The Mount Scopus enclave and the Commonwealth cemetery were subordinated to this pattern of behavior.

The international community had not recognized Israel's sovereignty in Jerusalem, nor in the territory of the demilitarized enclave under UN auspices. Lacking international legal sovereignty, Israel sought to establish its sovereignty by other means, such as applying domestic sovereignty by imposing its authority on the villagers of al-'Isawiyya. The Commonwealth cemetery opened up further opportunities for Israeli action. Its activity there anticipated international law, which only in 1977 dealt with the issue. Protocol I to the Geneva Convention called upon nations to take care of cemeteries that contained graves of soldiers who fell in wars in which they had not been involved, something that Israel had done since 1948.<sup>77</sup> In rejecting the diplomatic attempts on the part of Britain and the Commonwealth nations as well as those of the Imperial War Graves Commission to tend the cemetery and to hold ceremonies in it, Israel applied its Vattelian sovereignty. At the same time, the supervision it was able to impose on those entering and exiting its territory in the enclave to visit and tend the cemetery accorded it a golden opportunity to display its interdependence sovereignty.<sup>78</sup> Its actions aroused anger and animosity, but appeared to serve their purpose. By initially obstructing the British from paying final respects to the fallen soldiers of World War I and then showing its great concern for them, Israel expanded its border and applied its sovereignty in the demilitarized enclave, in a no man's land within the city accorded the status of *corpus separatum*.

*Yfaat Weiss is professor in the Department for the History of the Jewish People and Contemporary Jewry at the Hebrew University of Jerusalem, and acts as director of the Simon Dubnow Institute for Jewish History and Culture at Leipzig University. She is the author of A Confiscated Memory: Wadi Salib and Haifa's Lost Heritage (Columbia University Press, 2011).*

#### Endnotes

- 1 Rudolf von Neumann, "In the German Federal Republic: The Maintenance of Military Graves in Accordance with the Geneva Conventions," *International Review of the Red Cross* 2, no. 20 (November 1962), 582–84.
- 2 "Treaty of Peace with Germany (Treaty of Versailles)," in *Treaties and Other International Agreements of the United States of America, 1776–1949, Volume 2: Multilateral Agreements, 1918–1930*, ed. Charles I. Bevans (Washington: Department of State, 1969), 136 (articles 225–26), online at [www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0043.pdf](http://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0043.pdf) (accessed 13 September 2017).
- 3 Jean S. Pictet, ed., *The Geneva Conventions of 12 August 1949: Commentary – Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (Geneva: International Committee of the Red Cross [ICRC], 1952), 158–74 (article 16); Anna Petrig, "The War Dead and Their Gravesites," *International Review of the Red Cross* 91, no. 874 (June 2009), 341–369.

- 4 Pictet, *Geneva Conventions*, 175 (article 17).
- 5 Yves Sandoz, Christophe Swinarski, and Bruno Zimmermann, eds., *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Geneva: ICRC, 1987), 370; Michael Bothe, Karl Partsch, and Waldemar Solf, *New Rules for Victims of Armed Conflicts, Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949* (The Hague: Martinus Nijhoff, 1982), 177.
- 6 See Reinhart Koselleck and George Mosse, *Fallen Soldiers: Reshaping the Memory of the World Wars* (Oxford: Oxford University Press, 1991); Thomas W. Laqueur, *The Work of the Dead: A Cultural History of Mortal Remains* (Princeton: Princeton University Press, 2015).
- 7 Reinhart Koselleck, “Kriegerdenkmale als Identitätsstiftungen der Überlebenden,” in *Identität*, ed. Odo Marquard and Karlheinz Stierle (Munich: Wilhelm Fink Verlag, 1979); Koselleck and Mosse, *Fallen Soldiers*; Laqueur, *The Work of the Dead*.
- 8 Ron Fuchs, “Sites of Memory in the Holy Land: The Design of the British War Cemeteries in Palestine,” *Journal of Historical Geography* 30, no. 4 (October 2004), 648.
- 9 “Jerusalem before Christmas,” was the instruction given by British prime minister Lloyd George to General Edmund Allenby from the war cabinet at their meeting in June 1917. Allenby entered Jaffa Gate on 11 December 1917 after dismounting from his horse and marched on foot, according to the directions he received from London. This gesture, intended to mark the difference between his entrance and that of Kaiser Wilhelm II, who famously entered the gates of the city riding a horse in 1898, was interpreted at the time as an act of Christian reverence for the dignity of this holy site.
- 10 See Meron Benvenisti, *‘Ir ha-menuhot: bate ha-‘almin shel Yerushalayim* [City of Eternal Rest: Cemeteries of Jerusalem] (Jerusalem: Keter, 1990), 40. See also information on the Jerusalem War Cemetery on the official website of the Commonwealth War Graves Commission, online at [www.cwgc.org/find-a-cemetery/cemetery/71401/jerusalem-war-cemetery/](http://www.cwgc.org/find-a-cemetery/cemetery/71401/jerusalem-war-cemetery/) (accessed 13 September 2017).
- 11 See the official website of the Commonwealth War Graves Commission, online at [www.cwgc.org/find-a-cemetery/cemetery/142016/JERUSALEM%20MEMORIAL](http://www.cwgc.org/find-a-cemetery/cemetery/142016/JERUSALEM%20MEMORIAL) (accessed 17 November 2017).
- 12 Philip Longworth, *The Unending Vigil: The History of the Commonwealth War Graves Commission* (Barnsley: Pen and Sword Military Classics, 2010), 46–48.
- 13 Benvenisti, *‘Ir ha-menuhot*, 38; Henry S. Gullett, *The Australian Imperial Force in Sinai and Palestine, 1914–1918* (Sydney: Angus and Robertson, 1923), 489–496.
- 14 Louis Katin, “The Flowering Graves of Palestine,” *British Legion Journal* 13 (December 1933), 210.
- 15 Gullett, *Australian Imperial*, 487.
- 16 Fuchs, “Sites of Memory,” 649.
- 17 Fuchs, “Sites of Memory,” 651, 657–58.
- 18 Fuchs, “Sites of Memory,” 658.
- 19 Katin writes: “The cool, balm-laden wind is scented with a fragrance of rosemary. It rises from the low hedges which surround the white graves. Rosemary borders the sleeping soldiers, and in its luscious greenness, so rare among these arid brown hills, it turns the memory to dear old England, and perhaps to the rustic churchyard at the close of the meadow-path.” Katin, “Flowering Graves,” 210.
- 20 David W. Lloyd, *Battlefield Tourism: Pilgrimage and the Commemoration of the Great War in Britain, Australia and Canada, 1919–1939* (Oxford: Berg Publishers, 1998), 97.
- 21 Lloyd, *Battlefield Tourism*, 98; Caroline Winter, “First World War Cemeteries: Insights from Visitor Books,” *Tourism Geographies* 13, no. 3 (2011), 462–479. See also Katin, “Flowering Graves,” 210.
- 22 Lloyd, *Battlefield Tourism*, 130.
- 23 The commission rejected out of hand initiatives to preempt such expansion by purchasing the land adjoining the cemetery, clearly distinguishing between its mandate to protect the rights of the war dead and the issue of urban planning. See Arthur Wauchope to Field-Marshal Philip Chetwode, 10 November 1936, Commonwealth War Graves Commission Archive, WG 1561 Pt. 2: “[T]he Appeal for the land round the War Cemetery is not one on behalf of the dead. The object of the scheme is to preserve, so far as possible, the immediate surroundings of a beautiful memorial (incidentally to the Army as well as to the dead) in the interests of town-planning and if this object could be achieved it would be a lasting benefit to present and future inhabitants in Jerusalem. Had it concerned the dead we of course would have been in a position to deal with the matter out of our funds, and, as you know, we never appeal to the public.”
- 24 The Mount Scopus enclave was demilitarized as a single entity, thus including the British cemetery.



- While no specific mention of the cemetery is made in the 7 July 1948 agreement, it is included in the area drawn in the map of the demilitarized zone. See the UN Document “Mount Scopus”, 21 December 1957, UN Archives, S-0326-0003-12, File VII, British War Cemetery.
- 25 On the status of the Mount Scopus enclave in international law, see Ludwig Kippes, “Der Skopus-Berg in Jerusalem: Ein Beitrag zur Lehre von den Exklaven” (PhD diss., Julius Maximilian University of Würzburg, 1959), 68.
  - 26 See Amiram Oren, “Tsava Ba’ir: Tsahal Veprisato Hage’ografit Beyerushalayim Bishnoteya Harishonot Shel Hamedina,” [Army in the City: The IDF and its Geographical Dispersal in Jerusalem during the Country’s First Years], *Ofakim Begeografia* [Horizons in Geography] 64/65 (2005), 384–406; Meir Pa’il, “Haestartegia Hatsiyonit-Yisraelit Bishe’elat Yerushalayim Bemilhemet Ha’atsma’ut” [Zionist-Israeli Strategy on the Jerusalem Question during the War of Independence] in *Prakim betoldot Yerushalayim Bazman Hahadash* [Jerusalem in the Modern Period], ed. Eli Shaltiel (Jerusalem: Yad Yizhak Ben-Zvi & Ministry of Defense, 1981); Michael Brecher, “Hama’avak Hamedini Al Yerushalayim” [The Political Struggle for Jerusalem] in Shaltiel, *Prakim betoldot Yerushalayim*; Netanel Lorch, “Ben-Gurion Vekeviat Yerushalayim Kebirat Yisrael” [Ben-Gurion and the Establishment of Jerusalem as the Capital of Israel] in *Yerushalayim Batoda’a VeBa’ashiya Hatsionit* [Jerusalem in Zionist Vision and its Realization: Collected Essays], ed. Hagit Lavsky (Jerusalem: Zalman Shazar Center for Jewish History & Center for the Study of Zionism and the Yishuv, 1989).
  - 27 Pradyumna P. Karan, “The India-Pakistan Enclave Problem,” *Professional Geographer* 18, no. 1 (1966), 23–25; Reece Jones, “Sovereignty and Statelessness in the Border Enclaves of India and Bangladesh,” *Political Geography* 28, no. 6 (2009), 373–381; Willem van Schendel, “Stateless in South Asia: The Making of the India-Bangladesh Enclaves,” *Journal of Asian Studies* 61, no. 1 (2002), 115–147.
  - 28 Y. Golan, Ministry of Foreign Affairs, to M. Dayan, Commander of Jerusalem, 22 May 1949, Israel Defense Forces Archive [IDFA] 1338/1979, 302, item 405.
  - 29 Rav Seren Ramati to Sgan Alouf, Moshe Dayan, and Dr. Biran, “MAC Meeting Held at Mandelbaum Gate at 11:00 hours, August 11, 1949,” IDFA 1338/1979, 302, items 72–4.
  - 30 M. S. Comay, Director of the Commonwealth Division, to C. T. Crow, First Secretary of the British Legation, 24 November 1949, IDFA 1338/1979, 302, item 65.
  - 31 Hugh Dow to G. W. Furlonge, 20 March 1950, the National Archives (UK) [TNA], Foreign Office [FO] 371/82181, EE1017/24.
  - 32 F. C. Sillar to C. G. Kemball, 21 April 1950, TNA, FO 371/82181, EE1017/28.
  - 33 They reported that they had attempted to speak to the Israeli guards at the cemetery, but “we did not get much out of them as they spoke no language known to us but a very little French.” The document expresses a similar attitude toward the UN itself, which enabled children from al-‘Isawiyya to block the road leading to the cemetery with a pile of stones. Hugh Dow to G. W. Furlonge, 20 March 1950, TNA, FO 371/82181, EE1017/24.
  - 34 Sillar to Kemball, 21 April 1950.
  - 35 Knox Helm to G. W. Furlonge, 18 May 1951, TNA, FO 371/91431, EE1851/21; Eastern Department to Chancery, 27 July 1951, TNA, FO 371/91431, EE1851/33.
  - 36 J. E. Chadwick to the Eastern Department, 19 December 1950, TNA, FO 371/82182, EE1017/54; Hugh Dow to the Foreign Office, 1 February 1951, TNA, FO 371/9143, EE1851/9; Knox Helm to G. W. Furlonge, 18 May 1951, TNA, FO 371/91431, EE1851/21; Vagn Bennike, UN Truce Supervision Organization, to Vice-Chairman of the Imperial War Graves Commission, 20 November 1953, TNA, FO 371/110872, VE1851/1.
  - 37 British Embassy Tel Aviv to A. D. M. Rose, Eastern Department Foreign Office, 8 January 1953, TNA, FO 371/104482, EE1851/2. On the relationship between the two agreements, see Theodor Meron, “Demilitarization of Mount Scopus: A Regime That Was,” *Israel Law Review* 3 (1968), 513–14.
  - 38 Chadwick to the Eastern Department, 19 December 1950; P. R. Oliver, “Imperial War Graves Cemetery, Mount Scopus,” 2 January 1951, TNA, FO 371/82182, EE1017/56.
  - 39 Hugh Dow to Major General W. E. Riley, 17 January 1951, TNA, FO 371/91431, EE1851/3.
  - 40 Wardrop to Chancery, 6 December 1950, (article 7.iii), TNA, FO 371/82182, EE1017/47; Foreign Office to Tel Aviv, 7 December 1950, TNA, FO 371/82182, EE1017/47; E. A. Griffin to F. C. Sillar, 30 November 1950, TNA, FO 371/82182, EE1017/52; Dow to Riley, 17 January 1951.
  - 41 P. R. Oliver to Wardrop, 10 April 1951, TNA, FO 371/91431, EE1851/16.

- 42 Commonwealth Relations Office, Correspondence and minutes of the Imperial War Graves Commission, 22 May 1951, TNA, FO 371/91431, EE1851/20; T. Wikeley, British Consulate General, to R. M. Hadow, Foreign Office, 26 September 1956, TNA, FO 371/91431, EE1851/27; A. S. Brown to Furlonge, 20 August 1951, TNA, FO 371/91431, EE 1851/37.
- 43 "Parliamentary Question," 7 February 1951, TNA, FO 371/91431, EE1851/12.
- 44 H. A. A. Hankey to F. C. Sillar, 12 July 1950, TNA, FO 371/82182, EE1017/28; F. C. Sillar to H. A. A. Hankey, 19 July 1950, TNA, FO 371/82182, EE1017/36.
- 45 Shaul Ramati, Officer of the Armistice Committees, to Reuven Dafni, Foreign Office, 18 July 1952, IDFA 1338/1979, 302, item 41.
- 46 "Addressed to Foreign Office, telegram no. 210, 26 July 1950," TNA, FO 371/91431, EE1851/5.
- 47 Judd to Foreign Office, 26 July 1950, TNA, FO 371/82182, EE1017/37.
- 48 Hugh Dow to Foreign Office, 1 February 1951, TNA, FO 371/91431, EE1851/9.
- 49 J. B. Glubb to G. W. Furlonge, 11 August 1951, TNA, FO 371/91431, EE1851/38.
- 50 Hugh Dow to G. W. Furlonge, 21 April 1951, TNA, FO 371/91431, EE1851/18; Hugh Dow to G. W. Furlonge, 23 May 1951, TNA, FO 371/91431, EE1851/25.
- 51 A. Biran to M. Comay, Director of the Anglo-Saxon Department at the Foreign Office, 8 March 1951, IDFA 1338/1979, 302, item 57.
- 52 R. G. Monypenny to G. W. Furlonge, 17 November 1951, TNA, FO 371/91431, EE1851/42.
- 53 Monypenny to Furlonge, 17 November 1951.
- 54 Annex B: "Draft to serve as basis for letter or note of protest to Israeli Governor," Monypenny to Furlonge, 17 November 1951.
- 55 J. E. Chandwick, British Legation, to G. W. Furlonge, Eastern Department Foreign Office, 1 December 1951, TNA, FO 371/91431, EE1851/44.
- 56 A. Biran, District Commissioner, to R. G. Monypenny, British Consulate General, 9 December 1951, TNA FO 371/91431, EE1851/45.
- 57 J. E. Chandwick, British Legation to G. W. Furlonge, Eastern Department Foreign Office, 1 December 1951, TNA, FO 371/91431, EE1851/44.
- 58 J. C. Wardrop to H. R. D. Gybbon-Monypenny, 8 December 1951, TNA, FO 371/91431, EE1851/44.
- 59 P. H. Laurence, "Mount Scopus Cemetery Armistice Day Celebrations, 1955," 12 September 1955, TNA, FO 371/115632, VE1851/42.
- 60 Jerusalem to Foreign Office, 11 November 1954, FO 371/111129, VR1852/6.
- 61 P. H. Laurence, "Mount Scopus Cemetery Armistice Day Celebrations, 1955," 12 September 1955, TNA, FO 371/115632, VE1851/42.
- 62 T. Wikeley, British Consulate General, to E. M. Rose, Levant Department, 8 September 1955, TNA, FO 371/115632, VE1851/42.
- 63 Benvenisti, *'Ir ha-menuhot*, 44.
- 64 Fuchs, "Sites of Memory," 650.
- 65 Benvenisti, *'Ir ha-menuhot*, 44.
- 66 Wikeley wrote, for example, that "it would be nice if the local British commander of the Arab Legion and other British officers in the Legion could also attend (though it might be asking too much of both the Jordanians and the Israelis)." T. Wikeley, British Consulate General, to E. M. Rose, Levant Department, 8 September 1955, TNA, FO 371/115632, VE1851/42.
- 67 T. Wikeley, British Consulate General, to E. M. Rose, Foreign Office, 11 September 1956, TNA, FO 371/121458, VE1851/22.
- 68 P. H. Laurence, Foreign Office, to G. D. Anderson, Commonwealth Relations Office, 18 October 1956, TNA, FO 371/121458, VE1851/28.
- 69 T. Wikeley, British Consulate General, to E. M. Rose, Foreign Office, 20 September 1956, TNA, FO 371/121458, VE1851/24; T. Wikeley, British Consulate General, to R. M. Hadow, Foreign Office, 26 September 1956, TNA, FO 371/121458, VE1851/27. See also P. H. Laurence, Foreign Office, to P. N. Dolan, Imperial War Graves Commission, 18 October 1956, TNA, FO 371/121458, VE1851/28.
- 70 T. Wikeley, British Consulate General, to E. M. Rose, Foreign Office, 20 September 1956, TNA, FO 371/121458, VE1851/24; C. B. Duke, British Embassy Amman, to T. Wikeley, British Consulate General Jerusalem, 25 September 1956, TNA, FO 371/121458, VE1851/26; T. Wikeley, British Consulate General, to R. M. Hadow, Foreign Office, 6 October 1956, TNA, FO 371/121458, VE1851/29.
- 71 P. H. Laurence, Foreign Office, to P. M. Dolan, Imperial War Graves Commission, 1 November 1956, TNA, FO 371/121458, VE1851/31.
- 72 Jerusalem to the Foreign Office, 11 November 1956, TNA, FO 371/121458, VE1851/31.
- 73 G. J. Austin, Chief of Staff's Representative for Mount Scopus, "Remembrance Day Ceremony, 11 November," 11 November 1956, TNA, FO 371/121458, VE1851/32; Jerusalem to Foreign Office, 12 November 1959, TNA, FO 371/141895, VE1851/16.

- 74 Mine-Clearing in Scopus Cemetery, 17 November 1955, TNA, FO 371/115633, VE 1851/68.
- 75 Jerusalem (T. Wikeley) to Foreign Office, 17 March 1955, TNA, FO 371/115891, VR1082/15; Dan Diner, *Israel in Palästina: Über Tausch und Gewalt im Vorderen Orient* (Königstein: Athenäum, 1980), 117; Yfaat Weiss, “‘Nicht durch Macht und nicht durch Kraft, sondern durch meinen Geist’: Die Hebräische Universität in der Skopusberg-Enklave,” *Jahrbuch des Simon-Dubnow-Instituts/Simon Dubnow Institute Yearbook* 14 (2015), 72–3.
- 76 Diner, *Israel in Palästina*, 99.
- 77 See clause 34 in Protocol I. Petrig, “War Dead,” 362.
- 78 For different definitions of sovereignty, see Stephen D. Krasner, “Rethinking the Sovereign State Model,” *Review of International Studies* 27 (2001), 17–42.

