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A Solution for Jerusalem Grounded in the Reality of the Attitudes of the Israeli
and Palestinian Publics

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To be delivered at the Conference on Jerusalem organized by the Arab League in
cooperation with the Royal Institute of International Affairs, London.
December 13-15, 1999

A Solution for Jerusalem Grounded in the Reality of the Attitudes of the Israeli
and Palestinian Publics

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**Most proposals for resolving the Jerusalem question
operate out of the author's own sense of fairness and reality,
but with only limited linkage to any effort to study the views of
the Palestinian and Israeli publics. This paper, on the contrary,**

**draws heavily on research into the values, beliefs and attitudes
of both Palestinians and Israeli-Jews.¹**

I. Non-negotiability and Interim Arrangements

When one attends to the views of the Palestinian and Israeli-Jewish publics, however, it is very easy to reach the conclusion that the permanent status of Jerusalem simply cannot be negotiated. For instance, on the Israeli side, the overwhelming majority of Israeli-Jews say that they are opposed to making any concessions on Jerusalem. Unlike most of the other issues in the conflict, no major Israeli political party has been willing to support any proposal to share sovereignty with the Palestinians. Thus, even the left-leaning Meretz Party by a two-to-one vote rejected the idea of sharing Jerusalem. Repeatedly in Israeli election campaigns, the right-wing charges that the left will divide Jerusalem and the left (or center) denounces such charges as an outrageous lie. Commentators on the Israeli scene regularly cite Jerusalem as the one remaining issue of national (i.e. Israeli-Jewish) consensus.

Yet when we turn to the Palestinian public, we find a similar determination. Most Palestinians say they are opposed to any concessions on Jerusalem, most want their negotiators to be very tough, and over 90% of Palestinians say that they would not support "recognizing Israel's claim that it alone is sovereign over Jerusalem, even if that was the only way a Palestinian state could come into being."

Indeed, these forceful positions on both sides can easily lead to the conclusion that the Jerusalem issue is quite different from the other issues to

¹ Jerome Segal, Shlomit Levy, Elihu Katz, Nader Said, Negotiating Jerusalem, (forthcoming), SUNY Press, 2000. The views expressed here are those of the author alone, and do not necessarily reflect the views of Drs. Levy, Katz and Said.

the conflict. This claim of difference may be stated thus:

Claim of Non-negotiability: Jerusalem is the one issue on which the political leaders, even if they wanted to compromise, would find that they lacked the political strength to do so. There is no conceivable permanent status compromise solution that could be advocated by both leaderships without undermining the political power of either the Palestinian leader, the Israeli leader, or both.

Many believe this claim to be true, and as a result, believe that the best that we can hope for is some way of managing the Jerusalem issue, some way of dealing with it that allows other issues to the conflict to be successfully negotiated. Most importantly, many of the participants in the negotiations share this view. On Jerusalem, the gap is believed too great to be successfully bridged. Whether or not this belief is true, it is both strongly held and at the very least, plausible. Thus, the focus will turn towards various partial steps that may make it possible to put off resolution of the permanent status of Jerusalem.

Constructive elements of an interim arrangement on Jerusalem would include:

- Housing the Palestinian Parliament in Abu Dis, making it the same distance from the Old City as is the Israeli Knesset.
- Establishing a free- passage corridor linking Palestinian territory (e.g. Abu Dis) to the Old City.
- Granting extra-territorial status to the Mosques on the Temple Mount.

-- Freezing construction in the non-developed areas of Jerusalem, such as Har Homa.

Within Israel, the political possibility of such an interim agreement rests on a willingness to believe that this constitutes all of the concessions that Israel will make, that such an interim agreement does not foreshadow dividing or sharing sovereignty over the city. And analogously, the political feasibility of such an interim accord on the Palestinian side rests on exactly the opposite belief – that what is interim will not harden into concrete and define the limits of the permanent.

My own belief is that those who believe that these elements taken together and with improved living conditions for Palestinians inside Jerusalem, might constitute a permanent status agreement are very wrong. There are roughly 200,000 Palestinians living inside Jerusalem. They are not Israeli-Arabs; they voted in the last Palestinian election, and they will be citizens of the Palestinian state. The issues of sovereignty, both over the Old City and the other parts of East Jerusalem cannot be sidestepped indefinitely.

There is however a real danger here. Just because the issues of sovereignty will not go away, an interim accord has the danger of laying the basis for a Jerusalem centered conflict. If all the other issues of the conflict are resolved, all the passion of the conflict will be concentrated on Jerusalem. And if Israel enters into an interim agreement, anticipating that it will become permanent, Palestinian frustration will lead to Jerusalem centered violence, with the ultimate threat being an Islamic-Jewish conflict filled with unfathomable dangers for the region.

To be clear, I am not arguing against an interim agreement on Jerusalem. Indeed, in the short-term this is all that is possible, and if done properly, an interim agreement on Jerusalem can make a real contribution.

My main point is that any interim agreement on Jerusalem should be linked to processes which will make it increasingly possible to reach a permanent status agreement on Jerusalem. Ideally one might hope that an interim agreement could involve recognition that both the Israeli and Palestinian peoples have national rights in regard to Jerusalem. But I seriously doubt that any Israeli government in the near term will be prepared to offer this recognition, for the very reason that it would be important to Palestinians: it would foreshadow a compromise on sovereignty.

Just because those taking part in the negotiations will increasingly focus on interim arrangements for Jerusalem, it is essential that others expand the discourse on a permanent solution. In the remainder of this paper I will do two things:

1. Sketch out a solution to the Jerusalem question that is grounded in the attitudes, values and beliefs of the two peoples.

2. Identify important elements of a process for making such a solution politically feasible, especially steps that can be taken by Palestinians and the larger Arab and Islamic community.

II. Envisioning a Permanent Agreement on Jerusalem

I wish it were possible to say that the claim of non-negotiability is total

nonsense. I wish it were possible to reveal that unbeknown to other observers, I have found a permanent solution to the Jerusalem question which not only is fair, but can be readily advanced by Israeli and Palestinian leaders because it will be accepted, without too much upheaval, by their respective peoples.

Unfortunately, this is not the case. On the other hand, the prospects for negotiating Jerusalem, if there is political leadership and courage, are nowhere near as bleak as many have assumed. A more thorough inquiry into the attitudes, values and beliefs of Israelis and Palestinian does allow us to develop a sketch of a permanent agreement which could be achieved within a moderate time-frame (e.g. within five years). Let me now consider these more positive elements in the orientation of the two people.

A) Disaggregating the Jerusalem question

The plausibility of the familiar assertion that it is impossible to resolve the Jerusalem question, rests on treating the city as a single aggregate, as though there were one unified, coherent entity which is Jerusalem. Yet Jerusalem is anything but a coherent whole. Residentially it is radically segregated. Virtually no Palestinians live in West Jerusalem. With the exception of the Old City, almost all Israelis living in East Jerusalem live in physically distinct neighborhoods, often appearing as fortress communities surrounded by undeveloped land.

What we today call "East Jerusalem" is not merely the eastern part of the city that Israelis were cut-off from when the city was divided between 1949 and 1967. Within weeks of unifying the city, Israel radically redefined the boundaries of Jerusalem, including for the first time, areas of the West Bank that had never historically been part of Jerusalem. Indeed, this 1967 expansion

of East Jerusalem is roughly ten times the size of the East Jerusalem that was under Jordanian control. This area, which we might call "the East Jerusalem Enlargement" is the only part of the West Bank that Israel has actually incorporated into Israel proper.

The East Jerusalem Enlargement is a critical space for maneuver. In no sense is it a coherent part of the rest of the city. Indeed, significant parts of it are not an urban environment at all. In addition to the post-1967 Jewish neighborhoods, the enlargement includes isolated Palestinian villages such as Um Tuba and Sur Baher. In the north it runs to the edge of Ramallah with a corridor of Palestinian homes and occasional shops on both sides of the Jerusalem-Ramallah road. It includes a very extensive area of undeveloped land, some of which such as Har Homa, is at the center of contention. This enlarged East Jerusalem even includes a Palestinian refugee camp. And it is within the Enlargement that most of the 200,000 Palestinian residents of Jerusalem live. Surely this is not what Israelis are thinking about when they aver their attachment to Yerushalayim; surely this is not the Yerushalayim mentioned in the daily prayers of the Jewish people for thousands of years. Indeed, it was not until the mid-nineteenth century that Jerusalem expanded beyond the walled city.

Because Jerusalem is such a heterogeneous entity, it is a grave mistake to infer from a passionate commitment to Yerushalayim or Al Quds per se, that Israelis and Palestinians feel such passionate attachments to all parts of the city.

When Israeli Jews were asked "how important to you as part of Yerushalayim" are various areas of the city, they responded quite differently to various parts of the city. We found:

Table 1

Percentage of Israeli Jews answering "very important" when asked to what extent the area is question "is important to you as part of Jerusalem":

	Western Wall	Old City	Old Jewish neigh in West Jeru.	Jewish Quarter in Old City	Mt. of Olives	Temple Mount	New Jewish neigh. In East Jeru.	non- Jewish Qtrs Old City	Arab down town	Arab village areas
National	91	85	81	79	77	76	76	33	24	22
Settlers	92	86	84	79	80	81	79	42	32	32
Labor	85	79	78	71	67	64	71	23	14	10
Meretz	72	62	63	59	49	49	48	17	9	8
Likud	95	90	83	85	83	82	79	38	28	26
Right of Likud	95	92	90	88	85	82	83	54	38	35
Religious Parties	100	91	84	88	94	94	83	39	38	34
Tel Aviv residents	86	89	73	78	73	82	75	40	29	22
Jerusalem Residents	89	70	84	78	72	59	77	32	23	24
Israel born	91	85	81	79	77	75	75	34	25	22
USSR born	88	85	73	78	69	64	67	27	20	16
North Africa Born	96	86	83	80	84	82	80	29	25	23
Totally Non- Observant	82	79	76	70	65	65	69	32	21	18

Three features of the attachment to Jerusalem emerge:

- Most Israeli Jews prioritize. Some parts of the city are more important to them "as Yerushalayim" than others.
- This prioritization occurs among all groupings of Israeli-Jews, and there is a general consensus among these groups as to what the most important areas are.
- Far greater importance is given to Jewish religious sites and Jewish neighborhoods (East or West) than is given to the areas where Palestinians live.

The analogous question was put to Palestinians with respect to Al-Quds (the Israeli questions were in Hebrew, the Palestinian questions were in Arabic):

Table 2

Percentage of Palestinians answering "very important" when asked to what
extent the area in
question "is important to you as part of 'Al-Quds'"

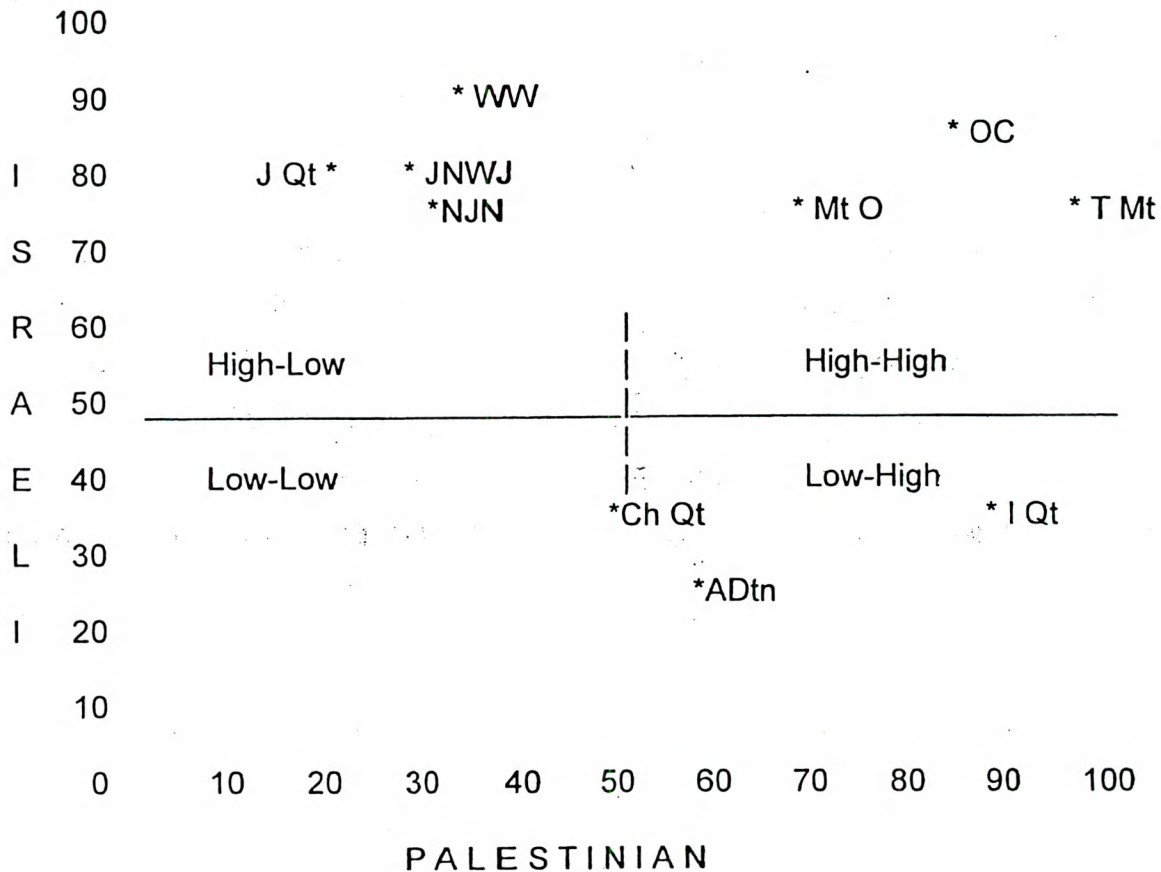
	Al -Aqsa Mosque	Haram Al- Sharif	Old City	Islamic Qtr Old City	MT Olives	Arab down town	Chr Qtr Old City	Western Wall	New Jewish Neigh East Jeru	Old Jewish Neigh West Jeru	JQtr Old City
National	95	94	86	85	66	59	47	34	29	26	24
West Bank Residents	93	92	87	83	62	54	55	38	26	22	27
Gaza Residents	98	98	85	89	72	66	33	26	35	32	17
Jerusalem Residents	91	89	96	83	65	70	62	36	30	26	33
Very religious	98	99	92	94	76	73	50	41	31	39	21
Not at all religious	79	78	88	70	60	57	69	38	31	23	33
Muslims	96	96	87	87	64	59	46	35	31	26	24
Christians	67	65	80	64	75	43	80	36	7	15	29
Islamists	98	98	87	91	65	59	44	38	32	29	23
Leftists	81	81	82	75	58	51	67	33	26	23	28
Fateh	97	97	86	86	70	62	47	35	29	26	24
Independents	92	91	86	82	61	56	44	35	28	25	25

Here again we see the same three structural features: Palestinians prioritize, there is broad consensus among groups as to the priority ranking, and far greater importance is given to religious areas (Islamic/Christian) and places where Palestinians live than is given to Jewish neighborhoods.

If we bring the two sets of data together we find that within the entire city only the Old City and the Mount of Olives emerge as areas of extreme importance to both peoples. This area constitutes 1%-2% of the entire city. And the Old City took on this centrality only when it was treated as a whole; when disaggregated into its national/religious quarters only parts of it (e.g. the Temple Mount/Haram al-Sharif) are of vital import to both peoples.

The data are mapped together in the following diagram which shows which parts of the city are of most importance to each people:

Diagram 1: Relative Importance to Both Israelis and Palestinians of Different Parts of Jerusalem (Percentage Answering "very important" as Jerusalem)



Code: Western Wall (WW); Old City (OC); Mount of Olives (Mt O); Jewish Neighborhoods in West Jerusalem (JNWJ); New Jewish Neighborhoods in East Jerusalem (NJN); Jewish Quarter in the Old City (J Qt); Islamic Quarter in the Old City (I Qt); Christian Quarter of the Old City (C Qt); Arab Downtown Neighborhoods in East Jerusalem (ADtn).

Here we see that only the Old City and the Mount of Olives lies in the quadrant of high importance to both Israelis and Palestinians.

While caution is advised in drawing conclusions from this, (e.g. that Israelis or Palestinians would readily relinquish claims over areas of lesser importance), there is a clear connection between how Israelis and Palestinians experience the "essence" of the city and how they respond to various compromise proposals. For instance, when Israelis are asked to respond to a proposal which itemizes their retention of the areas of the city that are most important to them, their general opposition to compromise on Jerusalem fades quite significantly. Thus, when asked:

"To what extent would you agree to cede the Arab neighborhoods of East Jerusalem to the Palestinians if the Old City, the Mount of Olives, all of the Jewish neighborhoods of East Jerusalem and Mount Scopus remain in Jerusalem as they are today?"

Israeli Jews responded:

1. Definitely agree 9%
2. Agree 33%
3. Disagree 31%
4. Definitely disagree 26%.

Similarly, when one focuses on the parts of the city that are least important "as Yerushalayim" to Israeli Jews, substantial openness to transferring them to the Palestinians emerges. Thus with respect to "the Arab settlements and villages previously in the West Bank which are now within the borders of Jerusalem (e.g. Shuafat, Um Tuba, Sur Baher, Beit Hanina)," we found that 45% of Israeli Jews would "seriously consider" transferring these areas to Palestinian sovereignty. This was a plurality, as only 36% indicated thorough rejection of this option.

Yet it should not be thought that either people will readily let go of even those areas of relatively limited centrality. For instance, among Palestinians there was strong support for the following proposal:

"West Jerusalem would be under Israeli sovereignty and East Jerusalem would be under Palestinian sovereignty, with a special arrangement for Israeli control of the Jewish neighborhoods in East Jerusalem. The Old City would be dealt with separately." (52% seriously consider, 32% reject)

Yet when this was modified to:

"West Jerusalem and the Jewish neighborhoods in Eastern Jerusalem would be under Israeli sovereignty and the rest of East Jerusalem under Palestinian sovereignty, with the Old City dealt with separately"

those willing to seriously consider the proposal fell to 28% with those rejecting it rising to 57%. The difference between these two proposals was the difference between giving the Israelis "control" over Jewish neighborhoods in East Jerusalem, as distinct from giving them sovereignty.

On the other hand, Palestinians showed significant support for the idea that "within the Old City, Israel would get sovereignty over the Jewish neighborhoods and Palestine would get sovereignty over the Palestinian neighborhoods. (41% to 47%) . Of this however, no more than 23% of Israeli Jews would seriously consider the possibility.

There was also significant Palestinian support (50% to 35%) for

"Palestinian sovereignty over the Haram al-Sharif (the Temple Mount) in exchange for Palestinian recognition of Israeli sovereignty over the Western Wall," but this too is thoroughly rejected by Israeli Jews, with only 20% willing to seriously consider it.

B) Two Cities – Al-Quds and Yerushalayim

What all this suggests, is that while it would be difficult to achieve, there is a real possibility of two overlapping cities. Yerushalayim would consist of West Jerusalem, Jewish neighborhoods in East Jerusalem, plus the Old City and the Mount of Olives. Al-Quds would consist of Palestinian neighborhoods in East Jerusalem, plus the Old City and the Mount of Olives. Thus the Old City, the historic locus of Al-Quds and Yerushalayim would remain in both, but 98-99% of current day Jerusalem would be under either one or the other sovereignty.

This vision of two overlapping cities, Yerushalayim and Al-Quds should be distinguished from a seminal contribution made by Adnan Abu Odeh in his 1992, Foreign Affairs article, "Two Capitals in an Undivided Jerusalem." Odeh's distinction between Al-Quds and Yerushalayim is somewhat different. Essentially he posed a three-way division. West Jerusalem is Yerushalayim, East Jerusalem is Al-Quds, and the Old City is Jerusalem, an area belonging to the world, under no political sovereignty. Though this might be acceptable to the Palestinian public, it would be a non-starter for Israeli-Jews, both because Jewish neighborhoods would be within Al-Quds and because of the internationalization of the Old City. On the proposal I am suggesting, the Jewish neighborhoods in East Jerusalem would be in Yerushalayim and the Old City would be under the joint sovereignty of Israel and Palestine.

A two-cities proposal which allocates different parts of the city to the sovereignty of one or another of the two states, challenges the common wisdom that Israel would never accept a re-division of the city. But here it might be asked, "What is it that Israelis are really opposed to when they oppose re-division?" One answer is that "re-division" conjures up for Israelis a return to the divided city of 1949-67. This division was problematic in two senses. First, there were actual physical barriers that made it impossible for Israelis to have access to the eastern part of the city. And secondly, the specifics of the division, cut Israelis off from what was of the utmost importance to them -- -- the Old City and the Mount of Olives.

The Al-Quds/Yerushalayim proposal is consistent with the idea of an open city, one in which the only walls would be the historic walls around the Old City. Here interestingly, walls that no one would want to pull down, would separate the areas of common or unresolved sovereignty from those of exclusive sovereignty. This pre-existence of walls around the Old City is of particular importance. One of the main problems with a shared city is that it can serve to deny to a sovereign state the ability to control its own borders, and thus entry and immigration. Thus, if all of Jerusalem were a shared city under joint sovereignty, then Israelis would face the hypothetical possibility of someone flying into Gaza airport, traveling along a corridor to the West Bank, and then entering first Jerusalem, and then any other part of Israel. To prevent this Israel would have to find a way to isolate Jerusalem from the rest of Israel -- not an option that would be seriously entertained. On the other hand, if the only area of joint sovereignty was the walled Old City, each state could provide its citizens free and unfettered access into the Old City, and monitor those coming out of the Old City through the particular gates that opened into their sovereign territory. Under the best of circumstances, this might be unnecessary, but any

Jerusalem proposal has to explain how each state, at least in theory, will retain its right to close or restrict its borders.

Rather than characterizing the two cities approach as a division of Jerusalem, it may make more sense to speak to Israelis and Palestinians about redefining Yerushalayim (or Al-Quds) or identifying "the real Yerushalayim" (or Al-Quds). There are those who believe that such redefinition to a smaller city is not possible. For instance, Meron Benvenisti, an expert on the city who was once its Deputy Mayor reports that:

"Modern day halacha follows in the wake of administrative decisions and extends the city's sanctity accordingly. All of the territory within its municipal boundaries is regarded as "the Holy City" by the religious establishment." ²

If this is the halachic point of view, it seems to have its secular analogue in the extension of the symbolic power of the term "Yerushalayim" to any area that by administrative fiat is included within the city. This would suggest that once something is made part of Jerusalem, it cannot be unmade. The city can get larger, but it can't get smaller.

Yet the fact that 45% of Israeli Jews are prepared to seriously consider Palestinian sovereignty over some part of the Eastern Enlargement suggests that this is not true. The study of Israeli Jews sought to test this directly. It asked:

² Meron Benvenisti, *City of Stone – The Hidden History of Jerusalem*, (Berkeley: University of California Press, 1996, p. 52.

"In order to insure a Jewish majority [in Jerusalem] would you support or object to redefining the city limits so that Arab settlements and villages which are now within the borders of Jerusalem such and Shuafat, Um Tuba, Sur Baher will be outside the city?"

If the "sanctity of the borders" outlook was widespread, this notion of redefining Yerushalayim, for whatever reason, would be thoroughly rejected. However, this proposal, (which did not mention Palestinian sovereignty or peace negotiations) was supported by 59% of Israeli Jews. And of the 41% who were opposed, only 7% were strongly opposed. Moreover, support for this kind of re-definition of the boundaries was stronger among those Israeli Jews who are strictly observant than it was among those less religiously observant. Thus it seems clear that certain kinds of re-definitions of Yerushalayim that result in a smaller city are possible. In the main, within limits imposed by their understanding of the essence of the city, Israelis view the determination of boundaries as a policy instrument. The key issue is a pragmatic one, does a particular change make sense.³

For Palestinians there is an analogous question. Can Palestinians experience as Al-Quds a city that includes only the Old City, the Mount of Olives and Palestinian neighborhoods? Theoretically one might reverse the question and ask why should Palestinians understand as Al-Quds an arbitrary municipal construct unilaterally gerrymandered by Israel following the 1967 war? Indeed there are great ironies in how the use of language has evolved here. On the one hand, not just the Palestinians, but the entire world, including

³ See in this regard: Ian Lustick "Reinventing Jerusalem," Foreign Policy Number 93 Winter 1993/94, pp. 41-59

the United States, does not view Israel's incorporation of the Eastern Enlargement as valid. The American position is "the United States has never recognized such unilateral actions by any states of the area as governing the international status of Jerusalem." Yet why has the entire world, including the Palestinians, followed Israel linguistically and referred to the Eastern Enlargement as Jerusalem? Consider, for instance how different the Har Homa issue would appear, in a variety of ways, to Israelis, to Palestinians, to U.S. policy makers, if there was widespread rejection of the claim that Har Homa is within Jerusalem.

When Palestinians are specifically asked whether they consider the Eastern Enlargement areas to be part of Al-Quds the answer depends quite importantly on how the question is put. For instance, when emphasis is put on Israel's role in changing the city's boundaries, Palestinian non-concurrence is most evident. They were asked,

"After the six day war in 1967, Israel expanded the city limits of Jerusalem to include large areas that had been under Jordanian control, but had never been within the city limits. Do you consider such areas to be part of Jerusalem?"

Palestinians responded:

1. Definitely yes 39%
2. Yes 19%
3. No 27%
4. Definitely no 15%.

But when asked about specifically named Jewish areas, there was more willingness to accept Israeli definitions:

"Do you consider the Jewish areas settled after 1967 (Gilo, Ramot, Ramot Eshkol, Piskat Zeev) as part of Jerusalem?"

Palestinians responded;

1. Definitely yes 47%
2. Yes 22%
3. No 19%
4. Definitely no 13%.

And when asked about Palestinian areas, the acceptance of Israeli definitions was even greater:

"Do you consider Palestinian village areas such as Um Tuba and Sur Baher, to be part of Jerusalem?"

1. Definitely yes 53%
2. yes 31%
3. No 12%
4. Definitely no 4%

There clearly would be some Palestinian support for defining the borders of Al-Quds so as to exclude Israeli neighborhoods within the Eastern Enlargement. Thus when Palestinians were asked:

"In order to attain a Palestinian majority in Jerusalem, do you support of oppose considering the Jewish settlements built after 1967 as areas outside the city boundaries?"

Palestinian answered:

- 1. Definitely support 14%
- 1. Support 24%
- 1. Object 41%
- 1. Definitely object 21%

While the 38% of Palestinians who support excluding the Jewish areas of the Eastern Enlargement from Al-Quds is considerably less than a majority, it should be noted that only 21% of Palestinians were strongly against this approach. It is quite possible that were such a proposal to be advanced and promoted by the Palestinian leadership, widespread support could be attained. What is clear, is that Palestinians are certainly open to some redefinition of the boundaries of Al-Quds. Thus note the reaction to this proposal:

"In order to attain a Palestinian majority within the city would you support redefinition of the city limits so that Palestinian areas adjacent to the city, such as Abu Dis and el Azariya are included within the city?"

- 1. Definitely support 42%
- 2. Support 43%
- 3. Object 9%
- 4. Definitely object 6%.

Thus, it emerges that for both Israelis and Palestinians, the boundaries of Yerushalayim and Al-Quds are flexible lines.

Suppose then that Yerushalayim and Al-Quds were redefined so that they overlapped only on the Old City and the Mount of Olives, to what extent

would this resolve the Jerusalem issue? Or would it mean only that the full intensity of the dispute would now become focused on this 1% to 2% of the city?

In my judgment the two-city approach would open the door to putting the Jerusalem issue to rest. For one thing, the vast majority of the 200,000 Palestinians living in Jerusalem would now be living in areas under exclusive Palestinian sovereignty. The importance of this shift from 200,000 Palestinians living in contested Jerusalem to 27,000 Palestinian living in contested Jerusalem is a major difference.

Secondly, the Old City, perhaps just because it is a unique, walled, historically and religiously central area may be susceptible to innovative arrangements and formulations that might not be suitable elsewhere. For instance, since 1967 there has been a de facto agreement which leaves the day to day administration of the Temple Mount in the hand of Islamic authorities. In the negotiations with respect to the Old City the single most impossible issue will be that of sovereignty over the Temple Mount. It is one thing for Islamic authorities to administer the Mount, but it is a radically different proposition for the State of Palestine to have sovereignty over the Mount. There is absolutely no possibility that any Israeli government would agree to this. The question for negotiators is how to work around this fact, how to neutralize a potentially explosive issue.

One possibility is a suggestion voiced by King Hussein, that rather than arguing about sovereignty over Jerusalem's holy places, the two sides should agree that "ultimate sovereignty belongs to God" and then proceed to work out an administrative framework. When Palestinians were asked about such an approach roughly two out of three viewed it

favorably (with support strongest among those supporting Islamic factions) and among Israeli Jews this was viewed favorably by one out of three (with support strongest among the most religiously observant). Given that this comes in response to a novel approach, presently without government support, and is theoretical rather than a negotiated agreement, these are encouraging numbers. If the contested area of Jerusalem can be reduced to 1% of the city, solutions can be found.

For all the optimism I may have expressed about the nature of a possible permanent status agreement, it must be borne in mind that at present the attitudes of the Palestinian and Israeli-Jewish publics do in fact constrain the ability of leaders to achieve such compromises. It is of course true that political leadership can change public attitudes. And it is also true that public support will increase as we transition from hypotheticals to a specific agreed upon proposal, which would end the conflict, and is defended governments. But even so, political leadership is only part of the answer.

The issue is not just a matter of achieving majority support; rather it is also a matter of the intensity with which those who reject the agreement respond. On one level this might mean fear of violent opposition within ones own community. But minority opposition might wield a veto power if it simply meant defeat in the next election. Thus suppose that 25% of long-term Labor Party supporters were so thoroughly opposed to a deal he advocated on Jerusalem that they would switch parties and vote for Likud in the next election – the anticipated prospect of such deep opposition might well suffice to dissuade Barak from accepting any such proposal.

These kind of considerations suggest that in addition to a process

whereby political figures lead public opinion, there has to be a process whereby shifts in public opinion open a space that allows for leadership.

Thus, it is of critical importance to understand how Israelis and Palestinians can be brought toward greater willingness to compromise on Jerusalem.

III. How Willingness to Compromise Can Be Increased

A. The Belief the Lasting Peace is Really Possible

Today, Israel controls all of Jerusalem. If negotiations are to be successful Israelis will have to allow Palestinians sovereignty over parts of Jerusalem, and will have to give up their exclusive control over other parts. Israelis ask "Why should we?" The first answer that is given is "for peace." And this is a good answer, but it is very different to give up parts of Jerusalem for peace and to give up parts of Jerusalem for a peace treaty.

Three points should be emphasized:

- Most Israeli Jews (66%) do not believe that a peace treaty with the Palestinians will lead to true and lasting peace.

- For those Israeli Jews who do believe that a peace treaty will lead to lasting peace, there is a substantially greater willingness to compromise over Jerusalem.

- Among those that do not believe that there can be true peace between Israel and the Arab world in the foreseeable future, a significant percentage are open to being convinced by events that true peace is possible.

Thus, the study of the Israeli-Jewish public revealed an internal logic that is operative in determining the degree to which Israeli Jews are prepared to

negotiate different aspects of the Jerusalem question. Achieving lasting peace with the Arab world would certainly qualify as a rational reason to compromise, but most Israelis don't believe that lasting peace is likely. Moreover, they fear that making any concessions on Jerusalem will only result in demands for further concessions. Thus, there is substantial resistance to compromise, except for those that do believe that peace with the Arab world is possible. And even for this group, there are some aspects of Jerusalem that are simply not up for negotiation.

Consider the following table:

Table 3.

ISRAELI JEWS. In Relation to Beliefs About Whether A Peace Agreement With the Palestinians Will Lead to True Long-term Peace, the Percentage Who Seriously Consider (line one) and who Flatly Reject (line two) Each Proposal

	Will A Peace Agreement Lead to Peace?			National Average
		Believe It Will	Don't Believe It Will	
Group I:				
Palestinian sovereignty over Arab village in E. Jer. (e.g. Shuafat, Um Tuba, Sur Baher)	Serious Consid	67	35	45
	Flatly Reject	16	46	36
Group II:				
Autonomy for Arab areas in East Jerusalem	Serious Consid	50	28	35
	Flatly Reject	28	51	44
Arab areas in E. Jeru outside Old City to Palestinian sovereignty.	Serious Consid	53	24	34
	Flatly Reject	24	54	44
Joint administration of Old City without yielding on sovereignty.	Serious Consid	50	26	34
	Flatly Reject	26	49	41
Temple Mount under Wakf as now	Serious Consid	48	23	31
	Flatly Reject	30	56	48
Group III:				
Palestinian sovereignty over Arab neighborhoods in Old City	Serious Consid	41	13	23
	Flatly Reject	35	65	55
Palestinian sovereignty over Temple Mt., Israeli over Western Wall	Serious Consid	37	13	20
	Flatly Reject	42	67	58
East Jerusalem under Pal. Sovereignty with Jewish neighborhoods of E. Jerusalem given a special status under Israeli control	Serious Consid	33	12	19
	Flatly Reject	43	71	62
Old City internationalized under UN	Serious Consid	30	12	18
	Flatly Reject	47	72	64

Table 3 indicates that among those that believe in the efficacy of a peace treaty, a majority would seriously consider Palestinian sovereignty over Arab areas outside the Old City, as well as joint administration of the Old City (without Israel giving up its claim to sovereignty.) In addition, there is a plurality that would seriously consider Palestinian sovereignty over the Arab areas of the Old City. However, even for this most dovish third of Israeli Jews, only a minority would seriously consider Palestinian sovereignty over the Temple Mount or Palestinian sovereignty (with Israeli control) over the Jewish neighborhoods of East Jerusalem outside the Old City.

What this suggests is that if it were possible to move from the current context to one of enhanced Israeli confidence in genuine peace then, potentially, compromises could be found that would include Palestinian sovereignty over Arab downtown areas. With respect to the Old City (excluding the Temple Mount question) some formula for either joint administration or divided or joint sovereignty might also be found, with the Israelis more likely to support joint administration and the Palestinians more likely to support shared sovereignty or each side having sovereignty over the neighborhoods it populates.

As for the Jewish neighborhoods of East Jerusalem, it seems clear that even in a context most supportive of compromise, Israelis will not agree to anything less than sovereign control. And similarly, even with enhanced Israeli trust, there is no serious disposition to yield the Temple Mount to Palestinian sovereignty.

B. Changing Israelis Perceptions on the Likelihood of Real Peace

Is it possible to affect the extent to which Israelis believe that a peace treaty will lead to real peace? The study investigated Israeli-Jews perceptions of how their own views might be altered by two hypothetical events. The first, is a "Sadat-comes-to-Jerusalem" type event, for which was substituted "Saudi Arabia opens an embassy in Jerusalem." The second was the development of regular commercial relations between Israel and the Arab states. The responses are indicated on Table 4:

Table 4.

Israeli Jews: Would It Convince You That Real Long-term Peace Is Possible?

	To what extent do you believe there can be true peace between Israel and the Arab world in the foreseeable future?				
	Believe strongly	Believe	Don't believe so much	Don't believe at all	Total
To what extent would it convince you that long-term peace with the Arab world is possible if Saudi Arabia opens an embassy in Jerusalem?					
Very Convincing	30%	16%	7%	4%	10%
Convincing	34%	38%	22%	16%	26%
Not so Convincing	25%	21%	42%	31%	32%
Not at all convincing	11%	25%	29%	49%	32%
Total	100%	100%	100%	100%	100%
To what extent would it convince you that long-term peace with the Arab world is possible if there were regular commercial relations with Arab States?					
Very Convincing	45%	26%	10%	8%	16%
Convincing	39%	50%	38%	23%	38%
Not so Convincing	11%	17%	34%	30%	26%
Not at all convincing	5%	7%	18%	38%	20%
Total	100%	100%	100%	100%	100%
Percentage of Total	6%	29%	36%	28%	100%

The columns of numbers in the table should be read as answering the question: Of those who "don't believe strongly" (or other column heading) that peace with the Arab world is possible, to what extent would "the opening of a Saudi Embassy in Jerusalem" or "regular commercial relations with Arab states?" convince them of the possibility of "long term peace."

The table shows that those who already hold strong beliefs ("believe

strongly" or "don't believe at all") with respect to the possibility of peace, are either strongly supported in their beliefs or relatively unaffected in their beliefs by the hypothetical developments. Thus, of those that "believe strongly" that peace is possible, 64% would find the opening of a Saudi Embassy in Jerusalem "convincing" or "very convincing," and 84% would find regular commercial relations "convincing" or "very convincing." Similarly, of those that "don't believe at all" in the possibility of peace, 80% would find the opening of a Saudi Embassy "not so convincing" or "not at all convincing, and 68% would find regular commercial relations "not so convincing" or "not at all convincing."

Perhaps of more interest than those with very strong beliefs with respect to the possibility of true peace, are those two groups in the middle -- those that "believe" and those that "don't believe so much" that peace is possible. These groups make up roughly two-thirds of the population. Of those who presently "don't believe so much" that there can be true peace in the foreseeable future, 29% would find it "convincing" or "very convincing" if Saudi Arabia opened an embassy in Jerusalem, and 48% would find it "convincing" or "very convincing" if there were regular commercial relations with Arab states. And of those that say they "believe" (as opposed to "believe strongly") in the possibility of peace, 54% would be strengthened in that belief by the opening of a Saudi Embassy in Jerusalem, and 76% strengthened in that belief by regular commercial relations.

It would be a mistake however to read this in a mechanical fashion, as if all that has to happen is that trade be opened between Israel and the Arab world and suddenly the Jerusalem question will be subject to resolution. Rather, the data might better be understood as indicating that even a matter as sensitive as Jerusalem is governed to a large extent by pragmatic consideration. Israelis need to be convinced that it is really in their long term interests to compromise on Jerusalem. They need to be convinced that

Palestinian demands are not open-ended, that compromising on Jerusalem won't simply whet the Palestinian appetite for further compromises, as 88% of Israeli Jews expressed the fear that it would.

This leads me to two recommendations:

Recommendation 1:

It is essential that Palestinians make clear that a comprehensive peace agreement which resolves the outstanding issues including Jerusalem, would also include the explicit renunciation by Palestinians of any further claims against Israel.

Recommendation 2:

The framework for peace needs to be one which involves not just the Palestinians but the larger Arab and Islamic world as well. Israelis are open to being convinced by events that long-term peace with the Arab world is possible, and steps should be taken by the Arab countries to emphasize this to the Israeli public. Such steps should not be held back until after a Jerusalem accord is reached, their real value is in making a Jerusalem accord more likely.

C) The Belief that both Israelis and Palestinians have Legitimate Rights in Regard to Jerusalem

Let me make a very simple assertion, rarely heard: A person, be they

Israeli or Palestinian, might agree to compromise on Jerusalem simply because they believe it is the right thing to do.

Whatever skepticism one has about whether or not nation states ever act for moral reasons as opposed to reasons of self-interest, this should not be conflated with whether individual human beings act for moral reasons. While states may rarely or never sacrifice self-interest, individuals regularly risk and even give up their lives for what they believe to be right. Indeed, much of the internal discourse of revolutionary struggles and liberation struggles is the discourse of justice.

How the millions of Israelis and Palestinians see the legitimacy of the claims of the other side, is a major determinant of their willingness to compromise. First consider Palestinians.

Table 5 focuses on the three groups of Palestinians that make up 95% of the population:

- The 16% that both support genuine peace and acknowledge some Jewish rights in regard to Jerusalem.

- The 54% that support genuine peace but do not acknowledge any Jewish rights in regard to Jerusalem.

- The 25% that neither supports genuine peace nor acknowledges Jewish rights in regard to Jerusalem.

(the 5% that opposed genuine peace but recognized some Jewish rights to Jerusalem was too small to study)

Table 5

Alternative Palestinian Positions on Peace and Jewish Rights--Percentage
Willing to Consider Specific Proposals "Seriously" or "Very Seriously"
("SC") and (second line) Percentage that Would "Not Seriously Consider"
or "Reject Totally" (R)

		Three Types of Response:			Total Pop:
Support Genuine Peace With Israel		Yes	Yes	No	
Do Jews Have Some Legitimate Rights in Regard to Jerusalem?		Yes	No	No	
Compromise Proposal					
	West Jerusalem under Israeli sovereignty and East Jerusalem under Palestinian sovereignty, with special arrangement for Israeli control of the Jewish neighborhoods in East Jerusalem. Old City dealt with separately.	SC 78 R 14	56 27	32 50	52 32
	The Palestinians would get sovereignty over the Haram al-Sharif in exchange for Palestinian recognition of Israeli sovereignty over the Western Wall.	SC 65 R 17	50 34	39 49	50 35
	Israel and Palestine together exercise joint sovereignty over an undivided city.	SC 60 R 25	39 44	27 63	40 45
	In the Old City, Israel sovereignty over the Jewish neighborhoods, and Palestine sovereignty over the Palestinian neighborhoods.	SC 50 R 31	42 47	29 59	40 47
	West Jerusalem and the Jewish neighborhoods in East Jerusalem under Israeli sovereignty, and the rest of East Jeru. Under Palestinian sovereignty; Old City dealt with separately.	SC 35 R 47	31 54	19 71	28 57
	Israel would exercise sovereignty over East Jerusalem, but Palestinian neighborhoods would be given a special self-rule status.	SC 24 R 65	21 70	15 78	20 71
	Jews would be allowed to pray on the Haram al-Sharif which would be under operational authority of the Wakf.	SC 23 R 68	16 77	17 79	17 76
	Percentage of the total population	16	54	25	

Considering the first two columns we can see that among Palestinians who are committed to genuine peace with Israel, there is a significant difference

between those who also believe that Jews have some legitimate rights in regard to Jerusalem and those that do not.

How much of a difference does this make? The table shows the high degree of acceptability of certain proposals among those that both support peace and acknowledge that Jews have "some sort of rights with regard to Jerusalem." Doubling the percentage of Palestinians in this group would enhance the likelihood of Palestinian agreement to Israeli sovereignty over the Western Wall, Israeli sovereignty over Jewish neighborhoods inside the Old City, and joint sovereignty over the entire city including the Old City. On the other hand, those Palestinians who recognize Jewish rights do not have a generally enhanced willingness to compromise which uniformly affects every proposal. With respect to proposals that are generally unacceptable to the Palestinian public, the degree of acceptability to this 16% remains quite limited. For instance while there is some greater willingness (of those who support genuine peace and acknowledge Jewish rights) to accept Israeli sovereignty over Jewish neighborhoods of East Jerusalem outside the Old City (Q. 66), even within this group this is a minority position. And given the centrality of the Temple Mount/Haram al Sharif there is no reason to believe that there would be any appreciable reduction in opposition to Israeli sovereignty over the Mount. Further, those who recognize Jewish rights and support genuine peace are not appreciably different from the general population when it comes to the high importance given to East Jerusalem as the capital of the Palestinian state.

While on the Palestinians side 20% of the population believed that Jews had "some legitimate rights in relation to Jerusalem," among Israeli-Jews, roughly twice this number (39%) believed that Palestinians had "some legitimate rights in relation to Jerusalem."

Table 6 allows us to see the significance of this belief when we separate it out from beliefs over whether or not a peace treaty with the Palestinians will

lead to lasting peace.

Table 6

ISRAELI JEWS. In Relation to Beliefs About Whether A Peace Agreement With the Palestinians Will Lead to True Long-term Peace, and whether the Palestinians Have any Legitimate Rights in Regard to Jerusalem, the Percentage Who Seriously Consider (line one) and who Flatly Reject (line two) Each Proposal

Will a Peace Agreement Lead to Peace?	Four Types of Response					National Average
		Yes	Yes	No	No	
Do Palestinians have any sort of legitimate rights in regard to Jerusalem?		Yes	No	Yes	No	
Group I:						
Palestinian sovereignty over Arab village in E. Jer. (e.g. Shuafat, Um Tuba, Sur Baher)	Serious Consid	79	47	52	27	45
	Flatly Reject	10	27	30	52	36
Group II:						
Autonomy for Arab areas in East Jerusalem	Serious Consid	55	41	41	23	35
	Flatly Reject	22	38	36	56	44
Arab areas in E. Jeru outside Old City to Palestinian sovereignty.	Serious Consid	53	37	39	19	34
	Flatly Reject	16	38	38	59	44
Joint administration of Old City without yielding on sovereignty.	Serious Consid	54	41	40	20	34
	Flatly Reject	22	33	36	55	41
Temple Mount under Wakf as now	Serious Consid	56	34	34	18	31
	Flatly Reject	23	44	40	62	48
Group III:						
Palestinian sovereignty over Arab neighborhoods in Old City	Serious Consid	51	24	22	10	23
	Flatly Reject	24	52	45	70	55
Palestinian sovereignty over Temple Mt., Israeli over Western Wall	Serious Consid	46	21	25	7	20
	Flatly Reject	33	56	55	71	58
East Jerusalem under Pal. sovereignty with Jewish neighborhoods of E. Jerusalem given a special status under Israeli control	Serious Consid	38	23	20	9	19
	Flatly Reject	35	59	65	73	62
Old City internationalized under UN	Serious Consid	34	26	18	10	18
	Flatly Reject	41	58	68	74	64
Percentage of the Total Population		21	12	18	49	

The table divides the Israeli Jewish public into four groups based on their responses to two key questions having to do with the efficacy of a peace treaty and with Palestinian rights.

Roughly half of Israeli Jews neither believe that a peace treaty will lead to real peace, nor that Palestinians have some legitimate rights in relation to Jerusalem. Thus, for this group, there is little reason to compromise on Jerusalem. And thus Table 6 shows, as might be predicted, that this half of the Jewish population, thoroughly rejects every approach to compromise on Jerusalem that was considered.

The three remaining groups, making up 51% of the Israeli Jewish population, either believe in the efficacy of a peace treaty or believe that Palestinians have some rights in regard to Jerusalem or believe both. Among the 21% that believe both, there is dominant openness to every proposal under consideration, with the exception of internationalizing the Old City under the United Nations.

Interestingly, for the two remaining groups (together constituting 30%) of the population, their responses are strikingly similar. For Israeli Jews who believe either that Palestinians have some legitimate rights in regard to Jerusalem or that a peace treaty will bring real peace (but not both) there is considerable openness to proposals that would move the two sides closer to negotiated resolution of the Jerusalem question.

In reading Table 6, the first two columns may be viewed as the optimists with respect to the implications of a peace treaty. The difference between the first and the second columns shows the difference between optimists who believe that Palestinians have some legitimate rights in regard to Jerusalem, and optimists that do not. The difference is very powerful, representing in some instances a doubling of the percentage willing to consider seriously the

proposal in question.

Similarly, one can view the last two columns as the pessimists with respect to the efficacy of a peace treaty, and here too, the difference among the pessimists depending on whether they recognize some Palestinian rights in regard to Jerusalem, is also dramatic. Indeed, it is even more powerful among the pessimists than among the optimists.

The conclusion is inescapable. Regardless of ones views on the efficacy of a peace treaty, believing that Palestinians have some legitimate rights to Jerusalem is a very powerful factor in affecting willingness to compromise. In this regard, it should be pointed out that of those "broad minded pessimists" who don't believe in the likelihood of peace yet recognize some Palestinians rights, fully half identify with the Likud Party.

Looking at specific proposals, and considering a situation in which the size of the No-No group declines in favor of the other three, it becomes reasonable to believe that proposals such as joint administration of the Old City and Palestinian sovereignty over Arab areas outside the Old City become viable.

But when we look at proposals such as:

- Palestinian sovereignty over Arab neighborhoods in the Old City;
- Palestinian sovereignty over the Temple Mount/Haram al Sharif; or
- Palestinians sovereignty over Jewish neighborhoods of East Jerusalem (with Israel control);

these continue to look unrealistic. Even among the middle two groups, no more than 25% of the population is willing to seriously consider such proposals.

Table 6 thus suggests that new possibilities for the negotiability of Jerusalem can be opened up either by a substantial increase in the percentage of Israeli Jews believing in the efficacy of a peace treaty or by a substantial increase in the percentage of Israeli Jews believing that Palestinians have some legitimate rights to Jerusalem. Both factors appear powerful, and seem of similar magnitude in affecting willingness to compromise. At the same time, it makes clear that there are definite limits beyond which it would be unrealistic to expect change.

It should be seen that that there is a linkage between two critical factors, Israeli perceptions of the likelihood of genuine peace and Palestinian perceptions of whether Israel has any legitimacy, and in particular any legitimate rights in regard to Jerusalem. As discussed above only 20% of Palestinians acknowledge any sort of legitimate Jewish rights in regard to Jerusalem. The study also found that only to a very limited extent do Palestinians recognize either the importance of Jerusalem to Israelis or the degree of Jewish historical and religious connectedness to Jerusalem. Consider the following responses:

The Israelis say that Jerusalem is important to them as a national center, to what extent is this true?

- | | |
|------------------------|-----|
| 1. Definitely not true | 63% |
| 2. Not true | 23% |
| 3. To some extent true | 12% |
| 4. Definitely true | 2% |

The Israelis say that Jerusalem is important to them from a religious point of view, to what extent is this true?

- | | |
|------------------------|-----|
| 1. Definitely not true | 44% |
| 2. Not true | 20% |
| 3. To some extent true | 33% |
| 4. Definitely true | 3% |

There should not be any compromise on Jerusalem because the actual historical connection of the Jewish people to the city is minor.

1. Very convincing	44%
2. Convincing	30%
3. Not convincing	24%
4. Not at all convincing	2%

The reasons for Israeli skepticism about the efficacy of a peace treaty with the Palestinians go much deeper than an inadequate understanding of the breadth of Palestinian interest in peace. Moreover, Israeli doubts about the finality of any settlement are not paranoid. They correspond to and probably reflect an awareness of the intensity of the Palestinian sense of injustice, as well as the broad absence among Palestinians of recognition of at least the partial legitimacy of Israeli and Jewish perspectives. Thus there is the rational fear that if conditions change, the other side will again pursue its grievances.

Over the long term we can say that a peace agreement in which mutual self-interest is re-enforced by some recognition of the partial legitimacy of the other side is likely to be more durable than one based solely on mutual self-interest at a particular point in time. But in the short and medium term, only if a peace agreement can be seen to be re-enforced by processes of growing recognition of the other sides partial legitimacy, will a comprehensive agreement that includes Jerusalem be possible.

Given the nature of the conflict and the radically different perceptions of its history and of the issues of rights and justice, achieving deep reconciliation based on perceived full redress of all moral claims is unrealistic. The question however is whether we are moving towards increased awareness and appreciation of the position of the other side.

And this leads to my final recommendation.

Recommendation 3:

In order to promote the likelihood of a fair and permanent resolution of the Jerusalem question, Palestinians should vigorously seek the expansion of programs and processes that give each people a much fuller grasp of the others history and a fuller awareness (if not acceptance) of the nature of the other side's point of view.

Given that we are dealing with relatively small numbers of people, 2.5 million Palestinians, 5.0 million Israeli-Jews, it is possible to consider intensive efforts that would not be practicable with truly large populations. At any rate, regardless of the outcome, the perception of genuine efforts by the other side to increase mutual understanding is of independent importance in ascertaining the genuineness of a commitment to peace. Such efforts will play an important role in moving towards a context in which Jerusalem is broadly susceptible to negotiation.

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Doves in the Sky of Jerusalem, The City and the Peace Process, 1977-1999

Dr. Menahem Klein, Jerusalem, The Jerusalem Institute for Israel Studies,
1999, pps. 241-244.

The Beilin-Abu Ma'azen Plan

In secret negotiations which were conducted in 1994 and 1995, Israeli and Palestinian teams drafted an unofficial document of understanding containing the parameters of final status arrangements. The goal was to complete the task by May 1996, the official date of the inauguration of final status talks. It was intended at that point to reveal the existence of the document and initial it. Israel would conduct general elections, which would include approval of the framework agreement, which would consequently allow for the conclusion of a full agreement within short order. Most of the discussions were conducted by the staff that initiated the Oslo process, Dr. Ron Pundik and Dr. Yair Hirshfeld under Yossi Beilin's guidelines, and by academicians from England. Dr. Ahmed Halidi and Hussein Ag'a, guided by Abu Ma'azen. Dr. Halidi and Mr. Ag'a were PLO members since the 1960's, were members of the advisory committee to the Palestinian delegation in Madrid, and Halidi participated in the Taba negotiations on the Oslo accords. During the deliberations on the Beilin-Abu Ma'azen document, Jerusalem was targeted as one item on the agenda, without being the most important or principled of these items. The difficulties entailed in reaching agreement on Jerusalem were no greater than those overcome in agreeing on the Israeli settlements. And when no agreement was reached on any given issue of which the problem of Jerusalem is comprised, this did not hinder advancing towards resolution of other issues.

The concluding session on the document was conducted in October 1995. The result was not an official document, but rather a non-binding academic understanding, drafted under the guidance of Beilin and Abu Ma'azen, from which the political leaderships could continue the negotiations. The first clause dealt with the establishment of the Palestinian State, which for the Palestinians became the cornerstone in exchange of which they were willing to concede on other issues, including that of Jerusalem. The Beilin-Abu Ma'azen understandings expand the borders of Jerusalem and redefine the expanded region into five political-municipal areas: the capital of Israel, the capital of Palestine, the Temple Mount, the Old City and the Arab and Jewish Neighborhoods of East Jerusalem. In these five regions will be varied and differential levels of Israeli sovereignty and Palestinian sovereignty.

As noted, the joint document proposes to expand the borders of the city and to establish an Umbrella Municipality for the Jerusalem region, which will be managed under a Jewish majority and headed by the Umbrella Municipal Mayor. The two sub-Municipalities will function under the Umbrella Municipality: the Jewish sub-Municipality, which will bear responsibility for the provision of services in all Jewish neighborhoods in Jerusalem, East and West, including the Old City; and an Arab sub-Municipality, which provide identical services to the Arabs in the new, expanded area of the enlarged Jerusalem. The realm of action of this sub-Municipality will also extend also to those areas not currently included in the Municipal boundaries of the city, such as Al-Azariya, Abu Dis along with the more remote suburbs of the city. The sub-Municipality will be called al-Quds and will be the capital of the Palestinian state. The western part of Jerusalem that will include both West Jerusalem and Ma'aleh Edumim and Givat Ze'ev, will be annexed to the city, and each side will recognize the capital of the other. Israeli recognition of the Palestinian capital after

years of denial of their national entity and of the national links of the Palestinians to Jerusalem will be an historic achievement for them. The Palestinian recognition of West Jerusalem as capital of Israel will allow the Arab and Islamic states, and the rest of the world, to follow the Palestinian lead, a step that virtually all nations have refrained from taking to date. The current East Jerusalem, that is the Arab and Jewish neighborhoods of East Jerusalem, excluding the Old City, will remain an area to which both sides claim sovereignty and in regard of which Israel is prepared to continue negotiations. This area will, de facto, remain under Israeli sovereignty pending further agreement between the parties. Israel can claim that it didn't return to the lines of 1967, particularly not in Jerusalem, and that sovereignty in Jerusalem will remain indivisible, since the Palestinian capital will be constituted in the area beyond the current border of the city, in a location already under the jurisdiction of the Palestinian Authority. The Palestinians may claim that the recognition of West Jerusalem as the capital of Israel is merely an admission of fact, and that in the framework of negotiations they managed to wrest East Jerusalem from Israel's hands and rescind annexation, even if they are not destined to receive full sovereignty in the areas conquered by Israel in 1967. The issue of sovereignty was intentionally left unresolved. Sovereignty within the currently defined borders of East Jerusalem will continue to be viewed by the Palestinians as a temporary and unrecognized continuation of Israel's coercive annexation in 1967. The Palestinians will insist on the transfer of this area to its own sovereignty, and a joint committee will convene without a time limitation on the conclusion of its deliberations. Israel views this as a long-term solution in which the question of sovereignty will remain ultimately unresolved. In the meantime, the status quo will remain in effect, and matters will continue to be controlled by Israel. Israel will assert that the continuation of the status quo means that Israel is sovereign, since Israeli police will continue to maintain public order by virtue of the existing arrangements; whereas the Palestinians may portray the establishment of the joint committee and the placing of the subject

squarely on its agenda and as a retreat by Israel from its annexation of East Jerusalem to Israel. This arrangement will not include the Old City, which will enjoy a special status and in which untrammelled freedom of worship for all religions and their holy sites will be guaranteed, while maintaining the status quo concerning Jewish prayer on the Temple Mount.

In accordance with the understandings between the two teams, the Palestinians may fly their flag over al-Harem al-Sharif as expression of the autonomous management of the Palestinian Waq'f on the site, and will declared extra-territorial. The management of the sacred Moslem sites by the Palestinians will not reflect their sovereign, but at the same time, neither the Jordanians, the Saudis, nor the Moroccans, for example, be granted a status equivalent to that of the Palestinians. If these are to participate in the management of the site, this will come about because the Palestinians have allowed them to do so. The Palestinians will be granted unlimited access to the Moslem and Christian Holy sites in the Old City, and towards this end they will be guaranteed access from al-Quds to the Temple Mount. In order to placate the anticipated opposition of Jewish extremists a proposal was made during the deliberations to allocate a clearly defined small area on the periphery of the Mount for the purpose of Jewish prayer, in a location which, according to Jewish law is clearly beyond the boundaries of the Mount. But the proposal was not included in the written agreement, which emphasizes maintenance of the status quo. As opposed to the Temple Mount, the Church of the Holy Sepulchre in East Jerusalem will be under the jurisdiction of the Palestinian authority, without being declared an extra-territorial compound.

In reality, the Beilin-Abu Ma'azen understandings extend the limits of the Old City beyond its walls, and include the Valley of Jehoshaphat and the Mount of Olives, with their plethora of holy sites sacred to the monotheistic religions. Israel's de facto

sovereignty in this area will remain, as a sort of continuation of the status quo, but daily life will be conducted jointly with the Palestinians. The Palestinians are not expected, of course, to formally recognize Israeli sovereignty. Furthermore, there is the possibility of parity between Israelis and Palestinians in the managing body. The area shall be declared a sacred site, and designated for preservation, not only for the sake of the religious and historic sites but in order to prevent religious and national competition. Aside from the sacred zone, all of the Jerusalem region will be administratively reconstituted into boroughs enjoying far-reaching independence in municipal management. The boroughs of al-Quds will make up its sub-Municipality, and the boroughs of West Jerusalem will comprise its sub-Municipality. The various boroughs will be geographical, functional, ethnic, national units. Each ethnic group will elect the Mayor of their own sub-Municipality. It is noteworthy that the residents of East Jerusalem, as currently defined, will vote in the elections for the al-Quds sub-Municipality, as an expression of their special identity. These areas, such as Wadi Joz and Sheikh Jarrah will be administered as a borough of the al-Q'uds sub-municipality, even though these neighborhoods will not be under Palestinian sovereignty, this in stark contrast, for example, to al-Azariyah and Abu Dis, where both daily management and sovereignty will be Palestinian. The understanding whereby the residents of current East Jerusalem will vote for the al-Q'uds sub-Municipal elections represents a Palestinian achievement. Unlike the current situation where they are annexed and vote in the Israeli Municipal elections, they will be allowed to vote and be elected to the al-Quds sub-Municipality. The Palestinians will view this as an expression of their sovereignty in East Jerusalem, while Israel will maintain that this matter has been left undetermined, and that the elections relate only to the mundane, ongoing operation of the city's daily life. Over all this is the Umbrella Municipality, which will elect the Mayor. Representation in the Umbrella Municipality will be in accordance with the number of boroughs represented therein. Since in the Beilin-Abu

Ma'azen understandings, Israel will have far more boroughs than the Palestinians, it is reasonable to assume that the Mayor of "greater Jerusalem" will be Israeli. The Umbrella Municipality will have authority over plans and activities influencing both sub-Municipalities, such as master development plans, major arteries, sewage and waste, etc. Finally, the Palestinians will be able to avail themselves of the Atarot-Kalandia Airport without going through Israeli passport control.

The considerable import of the understandings bearing the names of Beilin and Abu Ma'azen lies in the mix of various components, such as equally shared achievements, mutual recognition of one another's capital, disaggregation into principle components and engaging in a game of give and take between the parties, which allows each side to be adamant regarding an issue of cardinal importance to it by means of ceding a matter of cardinal importance to the other side (a matter of lesser importance to the conceding party). There will consequently be no Palestinian sovereignty in Jerusalem, as defined by Israel in 1967, nor on the Temple Mount, but the Palestinians will be able to raise their flag over the Islamic holy sites. Certain municipal functions currently under Israeli control will be transferred to the al-Q'uds Municipality. Arab residents of East Jerusalem will participate in the elections for the al-Q'uds Municipality, creating a link between themselves and the capital of Palestine, in contrast with the current situation, whereby they are entitled to participate only in the elections for the Israeli Municipality at the municipal level, and the Palestinians Authority at the national level. In exchange, Israel will enjoy control over the regional Umbrella Municipality. In addition, the Beilin-Abu Ma'azen understandings constitute a set of means by which conflict over Jerusalem can be mitigated, as, for example, by deferral of the ultimate resolution of sovereignty in annexed Jerusalem, by the declaration of a site as a holy place in order to prevent the religious fanatics from abusing religious fervor towards the goal of igniting national conflagration, by blurring of the term "sovereignty" and distinguishing

between its official, juridical aspect and its political, symbolic and functional characteristics. Each of these attributes of sovereignty is shared or distributed differently between the parties throughout the Jerusalem region. The understandings make abundant and sophisticated use of functional approaches and focussed arrangements, as dictated by daily life, at the expense of general determinations and use of the symbolic dimension. But it is important to note that in these understandings, the symbolic realm is hardly neglected. Instead of allowing the symbolic realm to dominate, and to dictate the outlines of an agreement, there is a hierarchy of institutions and solutions destined to satisfy the symbolic urges of the parties. The Beilin-Abu Ma'azen understanding are consequently differential in approach, distinguishing between full and partial realization of rights, yearnings and symbols, distinguishing between differing levels of municipal management and of the municipal region.

It is possible to view the Beilin-Abu Ma'azen understandings as an attempt to maintain the unity of the city at varying levels, while simultaneously allowing its division at other, varying levels. Neither side is destined to fulfill all of its aspirations, but equally neither side is called upon to relinquish its vision of the city, and each implement that vision in some manner, however partial. Hereunder are the balance of achievements of each side: Israel achieves recognition of its capital; there is no Palestinian sovereignty over East Jerusalem as defined by Israel in 1967; there is no return to the borders of pre-Six-day War Jerusalem; Jerusalem remains undivided, both physically and in terms of its sovereignty; there is no Palestinian sovereignty on the Temple Mount, but rather de jure recognition of the de facto situation since 1967; the Umbrella Municipality will be under Israeli control, and its mayor Israeli; areas outside the current municipal boundaries, like Ma'aleh Edumim and Givat Ze'ev will be annexed to Israeli with Palestinian consent. The Palestinians achieve recognition of their capital; Israeli

willingness to reexamine their annexation of East Jerusalem, thus leaving Israeli sovereignty over East Jerusalem under question; the unfurling of the Palestinian flag over the Temple Mount and the achievement of preferred status there, with the authority to accord certain privileges on the Mount to other Arab or Islamic interests will be vested in the Palestinian authorities; the achievement of safe passage between al-Q'uds and the Temple Mount; joint administration of the Old City; enfranchisement of the Arab residents of East Jerusalem in the al-Q'uds sub-Municipal elections, and the vestment of authority in this sub-Municipality to conduct the day to day and municipal lives of the Palestinians in coordination with the Umbrella Municipality.

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