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CITY OF STONE

The Hidden History of Jerusalem

Meron Benvenisti

Translated by Maxine Kaufman Nuan

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CHAPTER SEVEN

UNRAVELING THE ENIGMA

As May 1996—the designated date for the commencement of the Israeli-Palestinian negotiations on the final status of the occupied territories—approached, the volume and variety of writings dealing with proposals for a solution to the “Jerusalem problem” increased. Teams of researchers of various nationalities, but particularly Israelis and Palestinians, diligently engaged in simulated negotiations and professional deliberations with the objective of arriving at a formula that would finally bring about the solution of the Jerusalem problem in all its aspects. Conferences and meetings of various sorts were held with the aim of mobilizing public opinion behind positions either supporting the status quo or advocating radical change.

There was nothing remarkable about this intensive level of activity; over the past few years, dozens of similar schemes had accumulated on the shelves, the fruit of research carried out by a variety of working groups and academic institutions. The novelty lay in the fact that, for the first time in the annals of the conflict over Jerusalem, the parties directly involved—the Israelis and the Palestinians—had agreed to discuss the city’s fate in the context of official, binding negotiations. The Declaration of Principles signed in September 1993 states, “It is understood that those negotiations (on the permanent status) shall cover

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remaining issues, including Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors and other issues of common interest" (Art. 5:3).

In the past, debate over the situation had been considered a purely theoretical matter and had even encountered opposition from advocates of the prevailing Israeli view that "the Jerusalem issue is not amenable to negotiation." Now, however, it was perceived as an activity whose time has come, and as useful in assisting the official negotiators in identifying and analyzing options. The precedent of Oslo, where negotiations had begun as unofficial discussions among academics and progressed to a historic agreement, became a model for emulation: if two young academics could succeed in setting the wheels of history in motion, why not others? Despite the multiplicity of approaches and motivations, the teams have all been striving for a mutually agreeable and comprehensive solution. Therefore, all of them stress the seriousness of the problem, the urgency of the need for a solution, and the fact that it is in the interest of all parties to participate in the attainment of this goal.

The search for a solution to the Jerusalem problem is indeed an undertaking of vital importance, and those engaged in the search do not doubt that one will be found. A precondition for any viable solution is, of course, that neither side feel it is the winner or the loser. Thus, in the words of one team, "The thinking is based on a positive-sum approach, which aims at securing a solution from whose implementation both Israelis and Palestinians will benefit."

How the needs of and benefits to the respective parties may be balanced such that both sides are satisfied depends on the working assumptions of the teams. Each team claims to understand the political, economic, cultural, and symbolic desires of the Israelis and the Palestinians, and each has its own "model" to propose. The most commonly accepted approach to achieving this balance is to break down the problem into its component parts: sovereignty, holy places, symbols, the economy, municipal administration, planning, and so on. This

compartmentalization allows for flexibility, since one side's dissatisfaction in a given area can be "balanced" by its satisfaction in another. For example, a proponent of full sovereignty for one side might propose extensive concessions to the other in the realm of economics or municipal rule. The theoretical point of equilibrium depends, of course, on the assumptions held by the party making the proposal concerning the relative importance of each issue. These assumptions are, in turn, based on a party's official stance regarding their value. One side will always inflate the importance of "concessions" in areas it perceives as less crucial, presenting them as fair compensation for its exclusive control in areas that are important.

The "Jerusalem problem" is perceived as a complex crossword puzzle, whose solution depends upon correct responses to a large number of "horizontal and vertical" clues, and where only fully-matching responses will allow its completion. This puzzle is unique in that the correct answers are determined not by the clues, but by the positions held by the person solving it, so that the answers are seeking questions and not the other way around, as is usually the case.

As with any serious piece of research, the prelude to discussion of the Jerusalem question is devoted to a survey of previous proposals and their comparative analysis. Here a surreptitious competition is going on among the teams: Who will unearth and analyze the most solutions to the problem? One research team has published analyses of forty-two plans, while another team has uncovered eighteen others in obscure periodicals. And an industrious scholar claims to have discovered no fewer than ninety plans. The logic underlying this competition is similar to that which guides researchers in the natural sciences: a profound knowledge of the professional literature and an analysis of earlier cases provides a solid basis for new experimentation. However, in this instance, competition has resulted in the blurring of distinctions between agreements and unilateral statements, between official plans and the ruminations of anonymous theoreticians, between detailed proposals and those that pertain to the problem in a general way only. The

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emphasis has been on the analysis of the previously proposed solutions, and the problems and historical conditions that prevailed at the time of their proposal have not been considered.

The Jerusalem problem is perceived as being static, and proposals for its solution that were written as early as the beginning of this century are still regarded as deserving of attention as the century draws to a close. A plan for the reorganization of Jerusalem's municipal administration, proposed by a Mandatory judge as a solution to a crisis in the management of an ethnic conflict-riven municipal council in 1945, is perceived as relevant to the situation prevailing in the late 1990s. Plans and proposals for regularizing the status of Christian holy places, submitted by international experts with the aim of ensuring that foreign interests would not be endangered by the "natives," are being represented as models for the solution of the national-religious conflict among the natives themselves. Proposals made by one party to the conflict, which served its interests at the time, have been adopted by its rival now that the tables are turned, even though they were abandoned by their original advocates. Solutions that were imposed by force of arms and that only exacerbated the problem are being trotted out alongside utopian programs that deliberately disregard reality.

The fact that none of these plans was ever implemented, at least not successfully, does not deter today's planners. On the contrary—the failure of a plan only prompts them to come up with more sophisticated versions. A previous proposal for a division of sovereignty has led to one for a whole redefinition of the concept of sovereignty itself, along with the division of the city into three areas under three sovereign authorities, two national and one universal-religious. Whereas once two municipal councils were proposed, now it seems necessary to propose ten "spatial-functional" municipal entities.

The proliferation of plans, with their increasing level of sophistication and degree of detail, is quite impressive. However, once these proposals are stripped of their veneer of rhetoric, fancy formulation, statistics, and argumentation, what remains are the same three models,

repeated over and over: (1) Jerusalem as the undivided capital of a geopolitical unit encompassing all of Mandatory Palestine (or most of it), along with provisions necessitated by the city's unique character with regard to the holy places and the multi-ethnicity of its population; (2) Jerusalem as a divided capital, as required by the division of Mandatory Palestine into two separate geopolitical units, with provisions ensuring the continuation of its functioning as a shared urban unit; and (3) Jerusalem as a distinct geopolitical enclave, administered apart from the separate sovereign domains of the former Mandatory Palestine.

Choosing one of these models or attempting to combine them is not a decision free of value judgments or political influence. Paradoxically, one might say that the preoccupation with searching for a solution to the Jerusalem problem is more a reflection of the extent of that problem than a contribution to its solution. Indeed, the rate at which "solutions" are being contrived can be seen as increasing in direct proportion to the intensity of the conflict—to such an extent that the number of plans for resolving the conflict serves as a reliable gauge of its gravity, comparable to the proliferation of statistics concerning acts of violence.

The Jerusalem problem is perceived as *sui generis* and is represented as a tangled skein of national, religious, and ethnic problems, making it a particularly challenging "case" and consequently attracting anyone with pretensions to a concern for conflict resolution. But this medium-sized, highly provincial city does not, in fact, have some terrible eternal curse hanging over it. Even the problem of the holy places, which caused so much bloodshed in the past, has in recent generations become a secondary aspect of a broader conflict common to many of the world's cities: the dispute between two national communities seeking to control the country and the city that they share.

The Israeli-Palestinian conflict over Jerusalem—a municipal, ethnic dispute with an interreligious flavor—includes a macro-national dimension, which intensifies existing local antagonisms. But such conflicts exist in many parts of the world. Jerusalem's fame (and thus the obsession

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with its "resolution") is due primarily to the fact that its conflict is being played out on a historical stage decked with powerful symbols and myths and pervaded with an air of sanctity. Take away Jesus, Muhammad, David, Jeremiah, Omar, and Godfrey de Bouillon, and the preoccupation with Jerusalem shrinks to the level of a petty family quarrel among cousins vying for their inheritance.

However, this reductionist (and perhaps somewhat irreverent) definition of the Jerusalem problem enrages those who are working on solutions, inducing them to emphasize the "universal character" of the problem and the global interests at stake, as well as the peril to world peace it represents. Thus, every survey of the Jerusalem problem and of the proposals for its solution begins with a description of the international conflict over the holy places.

But territorial control over the city itself was not a key factor in the conflict over the Church of the Holy Sepulchre and the other Christian holy places in the city and vicinity of Jerusalem. Only when the Allied powers—Britain in particular—arrived at a conclusion sealing the fate of the Ottoman Empire and commenced to divide up the spoils, did the issue of control of Jerusalem assume an international dimension. The Sykes-Picot Agreement of 1916, the first international pact to deal with the geopolitical future of Jerusalem, heads every list of solutions for the Jerusalem problem. This accord, the parties to which were Britain, France, Russia, and Italy, divided the Middle East into spheres of influence directly or indirectly controlled by these nations. The only part of the Sykes-Picot Agreement pertinent to this discussion is the article that states, "In the brown area there shall be established an international administration the form of which is to be decided upon consultation."

According to the map appended to the Sykes-Picot Agreement, the international zone was to encompass that portion of Palestine extending from the Acre-Sea of Galilee line in the north to the Beersheba-Rafah line in the south. It is noteworthy that, although the agreement refers to many cities by name (Damascus, Aleppo, Haifa, Acre, and others), mention of Jerusalem is conspicuous in its absence; French

documents indicate that the purpose of the "international administration" was supposedly to "assure the independence of sacred places" throughout the holy land, and not necessarily those in the Holy City itself.

The real basis for the agreement on internationalization of the holy land was not a desire to protect universal interests, but the necessity of arriving at a compromise between French and British claims there. France, viewing itself as successor to the Crusaders, aspired to control the entire eastern coast of the Mediterranean Sea, from Antioch to Gaza. The British sought control of Palestine as a way of securing their grip on the Suez Canal. Neither saw the Sykes-Picot Agreement as the final word on the matter: the French attempted to circumvent it by colluding with the Russians, while the British, with Prime Minister Lloyd-George in the lead, connived to use the Zionist movement to help them secure a grasp on the holy land. Britain's imperialistic interests were mingled with an honest desire, the legacy of a profound belief in the Bible, to bring about the fulfillment of the prophecy regarding the Jews' return to Zion.

In the end, the fate of Palestine—and with it, that of Jerusalem—was determined by force of arms. It was the British army that conquered the country, and this belligerent occupation was quickly transformed into de jure rule: on December 1, 1918, Premier Clemenceau of France asked Lloyd-George, "What [part] of the Middle East do you want?" "Mosul [the oil-rich region of northern Iraq]," he replied. "Anything else?" "Palestine." "You shall have it," stated Clemenceau. This too was perceived as a "solution" to the Jerusalem problem.

Four years later, the British Mandate was ratified by the League of Nations. Palestine became a separate geopolitical unit with Jerusalem as its capital. Thus, as the capital of the land over which Jews and Arabs were fighting, the Holy City became the focus of that conflict. The British, who believed in their ability to rule this conflict-riven land and to mediate between the Jews and the Arabs and arbitrate their national claims, soon discovered that they had deluded themselves. What's more,

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they were largely responsible for the intensification of the conflict, having dispensed contradictory promises to the two national movements.

Within fourteen years of taking control of Palestine, the British came to the conclusion that the Mandate could not work. The report of the Peel Commission (1937) recommended the partition of the land into two states, one Jewish and one Arab. According to the commission's recommendation, Jerusalem should become an enclave permanently under British mandatory rule. The logic behind these recommendations was clear: As long as the Land of Israel remained a single geopolitical unit, the capital of this unit would be subject to the sovereign rule of the entity that controlled the country as a whole, and arrangements for dealing with the problem of the holy places and municipal rule would not impinge upon this sovereignty. But with the decision to partition the land, it became necessary to decide who would acquire control of the capital, the Jews or the Arabs.

Dividing sovereignty over the city itself was regarded as unreasonable and unworkable. And the Peel Commission had another important reason for leaving Jerusalem under British rule. True imperialists, they did not believe the "natives"—the Jews and the Arabs—capable of preserving the sacred character of the city; only a European power could guarantee this "sacred trust of civilization." "This trust," stated the Peel Commission's report, "does not belong to the people of Palestine alone, but to the multitudes of people in other lands for whom one or both of these places [Jerusalem and Bethlehem] is sacred." Since its intention was to remove Jerusalem from the arena of Jewish-Arab conflict, the Peel Commission sought to guarantee the independent existence of the "sacred enclave" by including in it a long corridor leading to the shores of the Mediterranean Sea and the port of Jaffa. This was the first time anyone had attempted to extend Jerusalem's cloak of sanctity to expanses of territory beyond the city. As noted in Chapter 2, many others were to utilize the same stratagem.

Even though the Peel Commission determined that the Mandate could not cope with the situation, Britain was in no hurry to rid itself of

Palestine. The clouds of the Second World War were gathering, and because of the country's strategic importance as the central crossroads of the Middle East, the British did not carry out the Peel Plan or any other plan. Instead, they attempted to improve the functioning of Jerusalem's municipal administration, which suffered severely from the perpetual strife between Jews and Arabs.

The most famous plan for revamping Jerusalem's municipal administration, about which numerous studies have been produced and whose principles have been proposed to this day as part of nearly every plan for the solution of the Jerusalem problem, was the Borough Plan, authored by Judge Sir William Fitzgerald in 1945. Sir William defined the problem as follows: "The problem . . . appears to me a twofold one: to preserve those traditions which the city enshrines, an obligation dictated by conscience and imposed by the mandate, and to provide the amenities of modern city life. . . . Can a solution be found that will satisfy the just claims of both [Jews and Arabs]?"

His unequivocal conclusion was that there was no possibility of Jewish-Arab cooperation within the framework of a single municipal council; therefore, he concluded, the city must be divided into two separate municipalities. However, Fitzgerald could not recommend an absolute partition of the city since, in his eyes, the "Jerusalem of tradition . . . conjured by millions of Jews, Christians and Moslems who have never even seen its towers and minarets, is indivisible." He therefore proposed a two-tier administrative structure that would preserve the unity of the city physically while dividing it along ethnic lines administratively: "Jerusalem should be treated as an administrative county under the control of an administrative council. [The county would be divided] into municipal boroughs as [is] the county of London. . . . One borough will be Jewish and the other will be predominantly Arab."

Judge Fitzgerald went on to enumerate the administrative powers of the borough councils. Although seeking to grant them the greatest possible measure of autonomy, he left no doubt that the supreme authority rested with the county administrative council, nor did he attempt to

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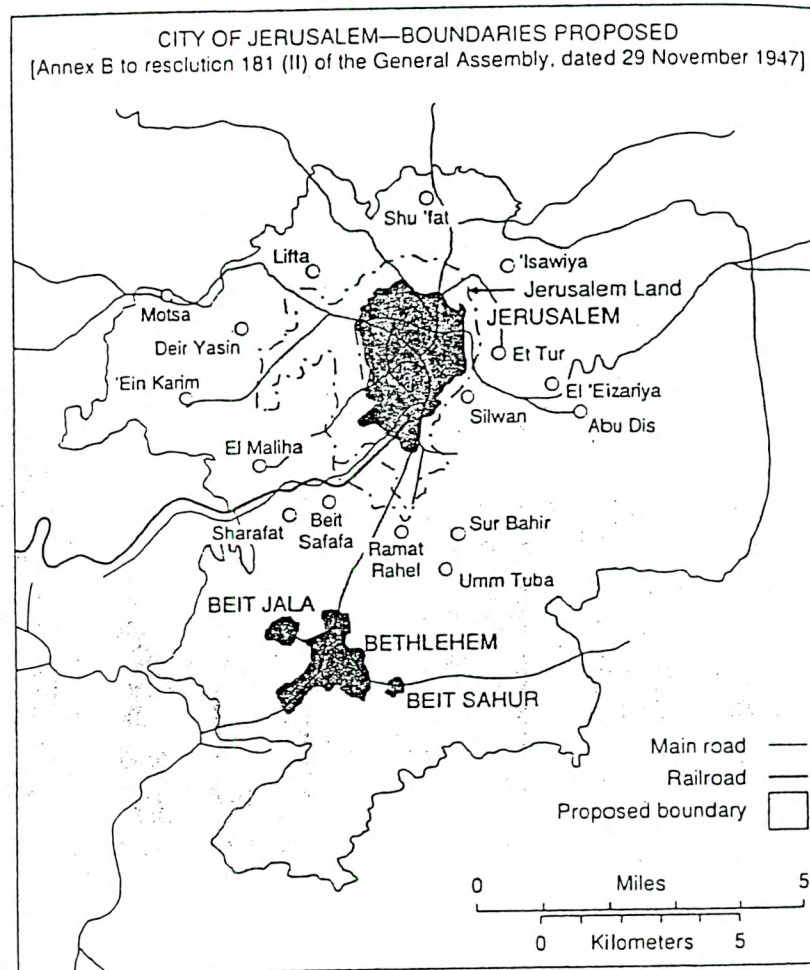
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hide the latter's ties with the British regime. This council was to be composed of a chairperson appointed by the high commissioner, four representatives elected from the residents of each borough, and two other members, "neither Jews nor Arabs," also appointed by the high commissioner.

The division of Jerusalem into boroughs was meant to solve the problem of ethnic strife in the city, but Judge Fitzgerald neglected to address one vital issue: the macro-national conflict over the political future of the land as a whole. He assumed that the central government would remain in the hands of an external power that would oversee the operation of the autonomous ethno-municipalities. In the absence of such a power the entire complex structure would collapse; after all, the conflict was not over the management of the water supply and sewage, but over sovereign control of Palestine itself. The Fitzgerald Report was not implemented and was relegated to the growing pile of similar proposals and solutions.

Two years after the submission of the Borough Plan, other teams were hard at work on another proposal for Jerusalem, the Corpus Separatum Plan. This partition plan was intended to replace the British Mandate, and its authors, members of the UNSCOP (United Nations Special Commission on Palestine), were faced with the same dilemma that had confronted the Peel Commission ten years earlier. As soon as they reached the conclusion that Jews and Arabs could not live together in a shared state, the partition of Palestine became inevitable. But that did not solve the problem of to whom the Holy City was to be given. One could divide the country along any given set of boundaries, but the question remained of what to do with the capital, the focal point of the two rival peoples' national interests.

Possible alternatives were (1) to include Jerusalem in the Jewish state because of the city's Jewish majority—but then there was the question of how to maintain a geographical link between Jerusalem and the Jewish state via the Arab state; (2) to include Jerusalem in the Arab state—but then something would have to be done about the city's



MAP 5. Proposed "corpus separatum," 1947

100,000 Jews (one-sixth of the total Jewish population of Mandatory Palestine); and (3) to create a Jewish-Arab condominium in the city—but if it was unlikely that Jews and Arabs could coexist in one state, how could they coexist in one city?

The least complicated of these impossible alternatives appeared to be that of removing control of the city from the hands of the two rival

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sides. What's more, theoretically, additional interests could be satisfied—those referred to as “the religious interests of the three monotheistic religions and of the civilized world, to [all of] which Jerusalem was sacred”—through the internationalization of Jerusalem, making it a “corpus separatum.”

The majority recommendation of the UN commission (ratified by the UN General Assembly on November 29, 1947) did not address the question of the administrative structure of the international city, except for the provision that the governor of Jerusalem should be appointed by the Trusteeship Council and should be neither a Jew nor an Arab, and that “a legislative council elected by adult residents of the city on the basis of universal and secret suffrage and proportional representation shall have the power of legislation and taxation” subject to the “governor’s right of veto.” The makeup of the executive, legislative, and judicial bodies in Jerusalem was to be determined by the Trusteeship Council.

The General Assembly ratified the Partition Plan, including the proposed boundaries of the “corpus separatum,” which encompassed extensive territory outside the municipal boundaries of Jerusalem, including Bethlehem. Various committees worked diligently on the preparation of a statute for Jerusalem, which was ratified by the Trusteeship Council in April 1950. This is an especially impressive document that specifies a detailed and efficient governing mechanism; guarantees civil rights and basic freedoms; lays down requirements for residency and citizenship; establishes regulations regarding elections, internal security, official languages, the educational system, radio and television, the economy, taxation and tariffs, and foreign relations; and addresses the protection of the holy places and antiquities, national symbols, and flags. The legislative council of international Jerusalem was to be made up of twenty-five elected members and “no more than fifteen appointed members.” The twenty-five were to be chosen by four electoral colleges—Christian, Jewish, Muslim, and “a college which shall be composed of the residents who declare that they do not wish to register with any of the other three colleges.”

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The Jews, Muslims, and Christians were to have equal representation (eight representatives per community), despite the fact that Jews constituted two-thirds of the population. The city was to be neutral, and no military units or maneuvers would be permitted within its boundaries, with the exception of a "special police force." Regrettably, this elaborate structure never got beyond the drawing board. It did not even obtain the approval of the UN General Assembly. It is difficult to ascertain whether its authors knew that the plan they were designing was purely theoretical and had no chance of being implemented—not because it wouldn't be ratified by the United Nations, but because the fate of Jerusalem had already been sealed two years before, on the battlefield.

The vast chasm separating the formulation of elaborate plans and their implementation is particularly conspicuous in the case of the internationalization of Jerusalem. Representatives of scores of nations have sat down to deliberate the international governance of Jerusalem down to the tiniest detail, but no one has been able to impose even an effective cease-fire. The United Nations sent their municipal commissioner to Jerusalem to begin preparations for implementing the Partition Plan. However, Commissioner Harold Evans, a Quaker, declined to accept a military escort, and so remained in Cairo "till peace came."

By the time a cease-fire was finally concluded, Jerusalem had already been divided between Israel and Jordan, who collaborated in resisting the UN's efforts to internationalize the city. Although they succeeded in thwarting the scheme, the idea underlying it survived: every time future authors of solutions to the Jerusalem problem encountered insoluble conflicts between Israeli and Palestinian interests (such as that over the Old City), they would cite "universal interests" that required the "removal of the area [i.e., the city] from the cycle of nationalist strife" and its internationalization. After all, the planners were not responsible for implementation, just for coming up with creative ideas.

During the nineteen years that the city was divided (1948–1967), the amount of attention devoted to plans for the solution of the Jerusalem

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problem diminished. The de facto division of sovereignty over Jerusalem between Israel and Jordan never won international acceptance, but the existence of this fait accompli meant that "functional" as opposed to "territorial" proposals began to appear. Most proposals from this period were for the "functional internationalization" of the holy places. The best-known of these was a plan authored by the Swedish government, according to which territorial control would remain in the hands of Israel and Jordan, while a UN commissioner would oversee the holy places and access to them only. The commissioner was supposed to "request" of the states that controlled the Jerusalem area that they change, suspend, or repeal laws, regulations, and administrative measures that, in his opinion, interfered with the protection of the holy places or with freedom of access to them. The commissioner was also supposed to ensure the extraterritoriality of the sites and the privileges and independence of the religious establishments.

Israel enthusiastically supported the proposals for "functional internationalization," since this support did not cost the state a thing: all of the holy places were located in territory administered by the Kingdom of Jordan. These proposals also came to naught, although the idea of functional internationalization itself was not forgotten and expediently provided the basis for proposals that Israel made after 1967, when forced by changing circumstances to exhibit signs of flexibility.

The 1967 war totally altered the geopolitical status quo in Jerusalem. The fact that one national state had taken control of the entire area of the city once again raised the question of sovereignty. The bitter national conflict, which had supposedly been resolved with the partition of Jerusalem in 1948, broke out anew. The Israelis knew well that, even if the occupation of East Jerusalem was justifiable as an act of self-defense, its annexation was clearly illegal and unacceptable to the international community. This unilateral move evoked an unsympathetic response in many quarters, increased tensions in the city, and sabotaged all efforts to arrive at a peaceful settlement. Politicians and scholars applied themselves to proposing new plans for the solution of the

problem, both to contribute what they could toward the achievement of peace and to reduce political pressures.

The proposals advanced by the Israelis were marked by their classification of previous plans based on new ways of defining the problem. Almost every one of their schemes opened with an identical categorization of the "various aspects of the Jerusalem question," which included "sovereignty" (or "national aspirations"), "holy places," and "municipal administration." The problem's subdivision into these three subproblems is not devoid of logic, nor is it artificial; these problems are indeed intertwined. However, they are not identical, and solving one does not guarantee the solution of the others. Finding a solution to the problem of sovereignty would not solve the problem of the holy places and the squabbles over their maintenance. And even if everyone were to agree on geopolitical and religious arrangements, the ethnic communities would continue to wrangle over public resources and to vie for positions of dominance in municipal government in a city whose physical integrity is important to all.

The choice of this manner of categorization was not accidental, but was the result of the fact that the majority of Israelis do not dare to deviate from the "national consensus" on the preservation of Israeli sovereignty over all of Jerusalem. "Sovereignty" in this instance is perceived not in its legal, constitutional sense, but as encompassing such basic elements as identity; awareness of national worth; and control over one's own fate, welfare, and security. Sovereignty thus perceived is the distillation of the legal, administrative, economic, social, and cultural being of the nation. This concept of sovereignty does not allow for breadth of interpretation or flexibility. However, flexibility is achieved by assigning the issues of the holy places and municipal administration a value equal to that of sovereignty. Thus, generous and flexible proposals regarding municipal and religious autonomy may be posited that supposedly counterbalance the inflexibility on the issue of sovereignty, autonomy in these areas not being incompatible with the principle of national sovereignty.

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A typical Israeli or pro-Israeli proposal includes some or all of the following components: (1) Jerusalem is to remain undivided and under Israeli sovereignty. (2) The holy places are to be fully under the control of their respective religious communities, with guaranteed access and the status of either extraterritoriality or diplomatic immunity. (3) The religious courts are to enjoy judicial authority as under the "millet" system (a system allowing for autonomous administration by the religious communities, which existed under Ottoman rule and to some extent survives to this day). (4) Municipal government is to be decentralized, with ethnically homogeneous boroughs governed by bodies responsible to an umbrella municipal council. These autonomous boroughs would enjoy a large measure of independence. However, on central issues such as town planning, they would be subject to the authority of the municipal council, which would reflect the decisive demographic weight of the Jewish community.

"Sovereignty" being an expression of national aspirations, the assertion that exclusive Israeli sovereignty will prevail in Jerusalem is tantamount to claiming that the Palestinians do not have legitimate national aspirations with regard to the city or, if they do, they must sacrifice them in the face of stronger or more just Israeli claims. Religious or communal autonomy is perceived as being sufficient to fulfill the Palestinians' collective longings.

The recognition of Palestinian collective interests is itself considered a radical stance, since any acknowledgment of the existence of a collective Palestinian presence in Jerusalem has been perceived by Israelis as opening the door to "the redivision of Jerusalem." Thus, any proposal regarding the establishment of a separate Palestinian borough, or even the granting of Muslim extraterritorial status to sites sacred to that faith, was sure to encounter a hostile political response. Considering the political climate, it is no wonder that these proposals were viewed by their creators as important and courageous contributions to the solution of the Jerusalem problem.

A few Israelis, understanding that proposals that did not acknowledge the legitimacy of Palestinian national claims were worthless,

augmented their contributions with recommendations for functional autonomy in such fields as education, the economy, citizenship, and the right to vote for representatives on legislative bodies outside of Israel (Jordan, the Palestinian National Authority). Others sought to solve the sovereignty problem by extending Jerusalem's boundaries and placing this additional territory under Arab (Jordanian or Palestinian) sovereignty, leaving Jerusalem proper (including the parts annexed in 1967) under Israeli sovereignty.

The latter approach was, of course, nothing but an evasion of the problem. The handing over of areas that never had been considered a part of the city to Palestinian control in an attempt to justify Israeli dominion over the whole of the city proper could never constitute a solution. In the opinion of the Arabs, even the inclusion of the annexed territory (i.e., parts of the West Bank arbitrarily placed within the boundaries of East Jerusalem when the latter was annexed by Israel in 1967) was artificial since these areas had never been part of the Holy City. Only a few isolated Israelis, on the extreme left of the political spectrum, had the temerity to propose the division of sovereignty over the city itself and the creation of a symmetrical relationship of the two national movements, Israeli and Palestinian, to their common capital.

Demands for the geopolitical partition of Jerusalem were first raised, of course, in the context of solutions proposed by Arab or pro-Arab elements. For many years following the 1967 war, this was not couched in terms of a "peace plan" but was simply put forward as a demand for a return to the conditions preceding the Israeli occupation. According to the Arab position, Jerusalem is an integral part of the occupied territories, and Israel is obligated "to withdraw from all the territories occupied in 1967, including East Jerusalem." When queried as to how such a requirement could be regarded as part of a "peace plan," the Arabs responded that it in fact represented a painful concession—they were not demanding West Jerusalem as well.

Little by little the Arabs have refined their position. They have made it clear, for instance, that a return to the 1949 borders need not mean

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the physical partition of the city, but only "a division of sovereignty accompanied by arrangements for coordination on the municipal level." They also have promised members of the Jewish faith freedom of access to holy places. Arab plans proposed in the early 1980s included an additional component: the designation of East Jerusalem as the capital of the Palestinian state. An example of a recent Palestinian peace plan is the following proposal by Prof. Walid Khalidi (1988): "the designation of West Jerusalem as the capital of Israel, East Jerusalem as the capital of Palestine. Exterritorial status and access to the Jewish holy places would be assured, and a grand ecumenical council would be formed to represent the three monotheistic faiths (with rotation of chairmanship), to oversee interreligious harmony. Reciprocal rights of movement and residence between the two capitals with agreed-upon limits would be negotiated."

Concerning municipal government, Khalidi proposes that "a joint interstate great municipal council could operate and supervise certain municipal common services, while residual services would fall under the separate municipalities of each sovereign state." This proposal does not address the demographic "facts" that Israel has established in East Jerusalem, with the exception of a hint at "a reciprocal right of residence," regarding which negotiations would be conducted. Also, the reference to the Old City as simply an issue of "freedom of access to Jewish holy places" ignores Jewish ties to the Old City and to the Jewish Quarter. Some Arab public figures and others have dealt with these issues by proposing the reduction of the amount of the city regarded as "sacred" and the designation of the Old City as neutral territory.

According to an April 1992 proposal by a Jordanian official, Adnan Abu Odeh, the walled portion of Jerusalem would not be part of the domain of any state, nor would the Old City come under the political sovereignty of any state. The Old City would be administered by a council of representatives of the Muslim, Christian, and Jewish religious authorities. The area outside the walls, which would be divested of all religious significance and symbolism, would be partitioned into

Arab and Jewish sections, to be called Al-Quds and Yerushalyim, where the flags of Palestine and Israel, respectively, would fly. The Jewish neighborhoods of East Jerusalem would be subject to the same arrangements as those applying to the settlements in the occupied territories.

Whereas those Israelis who advocate the partition of Jerusalem into two sovereign sections propose first expanding the boundaries of the area considered a part of the Holy City, Abu Odeh is proposing the opposite strategy: reduction of the area identified as Jerusalem to its ancient core, and its removal from the realm of the Israeli-Palestinian national conflict. However, just as the artificial expansion of Jerusalem is a form of evasion, so too is its contraction. And while the stratagem of expansion is unacceptable to the Palestinians, that of contraction is acceptable to neither the Palestinians nor the Israelis. After all, the efforts to internationalize Jerusalem have failed because both the Israelis and the Arabs refuse to differentiate between religious and national control and regard the Old City as a symbol of both national and religious identity, whose components are inseparable.

With the commencement of the peace process, and especially following the signing of the Declaration of Principles with the PLO ("the Oslo Accords") in September 1993, the influx of plans for the solution of the Jerusalem problem again increased. What was new this time was the fact that Israeli and Palestinian teams collaborated in the discussions and benefited from the open assistance of university-affiliated bodies, which had previously avoided getting involved because they regarded it as a politically sensitive issue. This collaboration led to a more objective evaluation of the various plans and the drawing of ideas from both Israeli and Palestinian sources. A typical plan contained proposals for the massive expansion of the boundaries of the city and its partition into sovereign Israeli and Palestinian areas; the designation of Palestinian and Israeli capitals in Jerusalem; and the division of the metropolitan region into ten Israeli and ten Palestinian uni-ethnic municipalities, whose administration would be overseen by a body of representatives of the Israeli and Palestinian central regimes as well as

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of the various municipal councils such that each national community would have equal representation, and headed alternately by a Jew and an Arab. Demographic balance between Israelis and Palestinians would be achieved by having the city's boundaries drawn in accordance with demographic factors and by the introduction of a policy limiting the number of people allowed to move into the city. The Old City would be administered as a separate municipality, and each religious community would exercise administrative independence in its holy places.

There was nothing new in these proposals, except for their joint formulation. The deliberations, though, had a less theoretical air than those that had preceded them, since the problem of Jerusalem was now on the verge of being discussed officially, in the context of the final status negotiations. Nevertheless, the solutions produced in this climate suffered from the same logical flaw as had earlier plans and, like them, were fated to remain on the drawing board: their framers were working under the assumption that the proposal of definite, comprehensive solutions was the proper approach for tackling the conflict over Jerusalem. They were guided by the presumption that every problem can be resolved and that reaching a solution is contingent only on the opposing parties exercising reason and demonstrating the same goodwill and openness to compromise as the proposal's authors.

Peacemakers, once they "objectively" analyze a problem, proceed to determine the desired conditions, also objectively. Since they are convinced of their own objectivity and professional skill, they regard the two sides' attitudes toward the problem and its solution as obstructions to a settlement, as immature and irrational, and as sheer stubbornness—all qualities that must be overcome. These champions of objectivity are outraged by the suggestion that their optimistic and somewhat arrogant views might be baseless, and that the conflict might not be amenable to permanent resolution at all because of its chronic-endemic character and its unique, complex origins. As far as they are concerned, it is useful to debate the pros and cons of a given proposal, but any questioning of the general intellectual/theoretical exercise of formulating solutions

is considered tantamount to spreading defeatism and a paralysis-inducing pessimism, and to lending legitimacy to the status quo.

It is no accident that every solution proposed thus far has dealt with the design of political structures and has concentrated on functional-bureaucratic arrangements. The proposals are couched in legal language and the terminology drawn from the vocabulary of political science. "Sovereignty," "autonomy," "demilitarization," "annexation," "municipal administration," and other such concepts are perceived in an abstract sense. "Sovereignty," for example, is understood in legal-theoretical terms, as political authority, exclusivity of rule, and the employment of means of coercion—rather than in its popular/emotional sense of full expression, of fulfilling basic needs such as identity, and of being in control of the collective fate. One can find legal formulations that define the concept of sovereignty in less absolute terms, but the fact remains that the concept is more difficult to deal with in its nonrational aspects. One may, on paper, manipulate a group's sense of belonging to a given space by expanding its administrative boundaries and renaming the parts of the expanded whole. But these manipulations, constructive and rational all, can hardly influence the emotions that lie deep within a community attached to the physical site of its homeland.

The Jerusalem situation involves more than the sum of its parts that are amenable to rational analysis. Indeed, despite the existence of real and measurable conflicts of political, economic, and other interests, the problem is irrational at its core. When it is presented in rational and objective terms (in order to fit it to a rational solution), one can categorically state that it is insoluble. It also might be said that the preoccupation with theoretical solutions is aimed not at facilitating real political progress, but rather at nurturing the hope that a solution is indeed attainable and that salvation lies right around the corner.

The conflict over and within Jerusalem is not so much a problem as it is a condition. That is the typical case with intercommunal conflict, which arises from the daily friction between two ethnic groups living in

intimate proximity and competing for urban space, public resources, and the preservation of their respective ways of life. To this local-municipal aspect of the conflict are added national frictions over the fulfillment of competing aspirations for self-determination, independence, and sovereignty. This conflict is not purely political but pervades every level of private and collective life; it is organic in essence, endemic, and resistant to political "solutions." Conditions have no solutions; there are just solutions to some of the problems they cause. Even once solutions are found to the political problems, the ethnic groups will continue to quarrel over key positions in municipal government; even if they agree on a joint political framework, they won't totally succeed in channeling the conflict through the political system, and the threat of violence will remain beneath the surface.

In any ethno-national conflict, an agreeable solution can take only two alternative forms: vertical partition and horizontal partition. Vertical partition refers to geopolitical separation; horizontal partition refers to the devolution of powers to the ethnic communities, a federal structure, and the protection of minority rights. Since both sides accept the basic assumption that it is desirable for Jerusalem to remain physically undivided, current proposals combine aspects of vertical and horizontal partition. Of course, proposals that advocate doing away with the problem forcibly or removing Jerusalem from the control of both sides in the conflict (such as by internationalization) are not addressed here.

The difficulty resides not in the quality of the proposals but in their being posited as effective mechanisms for the solution of the conflict. Intercommunal conflicts are not crossword puzzles with only one solution, and a "solution-oriented" approach is not applicable in their case. What is needed is a "process-oriented" approach, which requires a constant effort to grapple with the exigencies of a changing reality, with no shortcuts via once-and-for-all solutions. This dynamic approach to problem solving is difficult for those who are used to analytical thinking based on theoretical models, but it is the one required by the complex situation whose improvement is being sought.

The process-oriented approach is solidly planted in the "mud" of reality; there is no previously determined final and definitive goal. On the contrary, the assumption is that the two parties have conflicting final goals, and that it is pointless to exert oneself in the pursuit of a common goal, except for the purpose of conducting the dialogue. Progress is measured not in terms of approaching some predetermined objective but by the mere fact of agreement, even on the pettiest of issues. Such agreement has value not only when it leads to a positive end, but also when it relates to objectives that either cannot be achieved within a given time frame, are impossible to achieve at all, or are achievable but impossible to implement. Does this analysis mean that, in the absence of a solution to the problem of Jerusalem, the city is doomed to be the site of continuing violent conflicts? Is there no value in the attempt to envision a more positive political future?

The process-oriented approach may indeed inspire a cautious optimism. Its being grounded in reality means that the debate will address various aspects of the actual situation such as those enumerated here. Paradoxically, the very intensity of the alienation and separation between Jewish and Arab Jerusalemites has acted as a motivating force behind the process leading to a political settlement. The Intifada stripped the Israelis of the last remnants of any illusions they may have harbored regarding "peaceful coexistence in the unified city." The violence, prolonged commercial strikes, and other manifestations of the collective rebellion of the residents of East Jerusalem against Israeli domination fractured the city's urban space along its ethnic fault line.

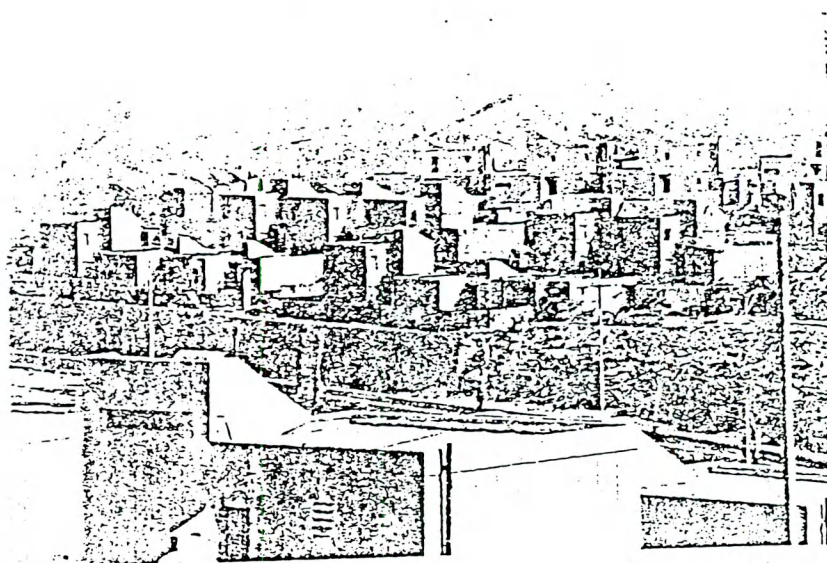
Israelis, fearing for their safety, ceased to visit the Arab neighborhoods and became accustomed to regarding any Arab who blundered into their domain with suspicion. The geography of fear became more powerful than the sacred geography of the unified city, with people on each side feeling the need for ethnic and physical separation from those on the other. This need superseded even the will to realize Israeli national aspirations for a unified Jerusalem and laid bare a fact that had been concealed beneath a thick layer of propaganda and

wishful thinking: "Unified Jerusalem" was nothing but a forcibly imposed fiction.

The element of force in Israeli rule of East Jerusalem and the rest of the occupied territories increased greatly in response to Intifada incidents as the military and the police attempted to impose order. As the use of force grew, the illusion that there was any chance of a permanent settlement based on Israeli control of a unified Jerusalem, with religious and municipal autonomy for the Arabs, melted away. The violence was a slap in the face for peace-seeking liberals, who had sought in vain to reconcile opposing sentiments: to give free rein to their patriotic feelings as Israelis while giving some recognition to the legitimacy of the demands of the "non-Jewish population" for self-administration. Slogans extolling "tolerance" and "coexistence," which actually amounted to paternalism within the Israeli system, became farcical. There was no longer even any point in continuing to invest efforts in improving the living conditions of the Arabs, since these were only a way of proving that the Arabs were citizens of a unified city.

The desire to be rid of the Arabs, to create a separation between them and the Israelis, was the principal factor in launching the Israeli-Palestinian peace process and was the main force shaping the agreements on the interim status of the occupied territories. Jerusalem was explicitly excluded from this process, but the thrust toward separation was felt there as well and afforded the Israeli government a certain degree of flexibility on issues concerning the city, such as elections to the Palestinian National Authority (PNA). This impetus, if judiciously employed, could also be applied to the process toward a settlement regarding Jerusalem.

The borders drawn by fear and alienation blurred the artificial demarcation lines that divided the "unified city" from the West Bank. The blurring increased in the wake of the accelerated urbanization within the city's metropolitan area. This accelerated growth, part of it planned and part of it natural, created a huge area of continuous building stretching far beyond the municipal boundaries of Jerusalem. The



12. Ma'ale Adumim

Israelis erected enormous dormitory communities in the West Bank, and these settlement cities—Ma'ale Adumim, Giv'at Ze'ev, Efrat, and blocks of smaller settlements—became connected to the built-up area of Jerusalem itself, radiating from the urban center like tentacles.

The Palestinians, prevented from building inside Jerusalem, set up their own satellite towns adjacent to the Arab neighborhoods of the city. This suburban and urban sprawl extending from overgrown villages bordering Jerusalem (Azariyeh, Abu-Dis, Kafar Aqab, A-Ram, and others)—as far as Bethlehem, Beit Sahour, and Beit Jala in the south and Ramallah and el Bireh in the north—formed a solid urbanized area with Arab East Jerusalem at its hub.

This metropolitan expanse encompasses an immense area, just one-fifth of which falls within the municipal boundaries of Jerusalem (including the territory annexed in 1967). In 1995, nearly one million people inhabited this area, roughly half of them Jewish and half Arab. It is composed of ethnically homogeneous sections, bordering one another but isolated. This "tribal map" is amazing in the degree of dif-

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ference between its Jewish and Arab areas. The Jewish neighborhoods are marked by comprehensive planning and enjoy highly developed services and a modern infrastructure. In the Arab sections, by contrast—and sometimes just across the road—sit haphazard collections of houses without even minimal infrastructural features such as sewer and water systems, proper access roads, or public buildings. Any human contact between these mutually alienated groups occurs not in the residential districts or on the borders between them, but in the center of the city, which for both communities serves as a focus for business, services, and entertainment. But the urban center is also divided and has been “off limits” to the great majority of West Bank Palestinians since early 1993. Thus, the model of human and functional separation affects the great majority of inhabitants in the entire area.

For many years, the Israeli regime attempted to emphasize the administrative distinction between “the sovereign Israeli territory” of East Jerusalem and the “administered territories,” where military rule prevailed. Of course, the Jewish communities of the West Bank, known as “settlements,” were outside the jurisdiction of the military government. They were annexed to Israel *de facto*; only the Arab sections suffered the depredations of the oppressive military regime, which denied residents their freedom of movement, expropriated their landholdings, and subjected them to a hostile bureaucracy. The Intifada succeeded in ousting the bureaucracy and even forced the withdrawal of the Israeli army from population centers to their fringes, where they concentrated on defending Jewish settlements and the access roads to them. The “shock committees” and “popular committees” controlled the Arab districts, where they built a strong territorial power base that gained legitimacy with the implementation of the political arrangements set out in the Oslo Accords. The consolidation of the process set in motion at Oslo and the inevitable dynamic arising from long-standing spatial and political separation are both strong forces furthering the process toward a settlement.

The majority of Israelis used to believe that East Jerusalem had become, from the point of view of “law, jurisdiction, and

administration," an integral part of Israel. They could not have been more wrong. Granted, the political reality of East Jerusalem was entirely different compared with the eve of annexation, but it was not at all like that in Israel (even in Arab areas of the state). The Israelis who sought to impose their rule on East Jerusalem underestimated the collective strength of the Palestinian community, its staying power, and its resourcefulness. By waging a series of public, occasionally violent campaigns, the Palestinian community succeeded in thwarting Israeli measures designed to rob them of their collective heritage. The Israelis attempted to undermine the religious hierarchy, the education and health care systems, the trade unions, the independence of the Arab electric company, and freedom of the press. Their efforts in all these areas failed, and the institutions continued to function. The Intifada was evidence of the Palestinians' ability to mobilize the will of the community—and this will did not slacken despite great hardship, collective punishment by the Israelis, and a dramatic decrease in economic activity. At the opening stages of the Oslo process, the Palestinian community in Jerusalem was consolidated around its national, religious, and civil institutions.

In the period preceding the Intifada, a small number of Israelis thought that the Palestinians' success in maintaining their institutions and Israeli acquiescence with this outcome would form the cornerstone for a political settlement. They did not understand that pragmatic arrangements obtained as the result of a struggle for survival by a community whose legitimacy is not recognized by the authorities are not sufficient to serve as the basis for a lasting settlement. Only after these pragmatic arrangements are incorporated in a formal political agreement do they become meaningful.

The Declaration of Principles with the PLO, and its implementation in the form of the "Gaza and Jericho First" agreement and the redeployment of Israeli forces in the West Bank, acknowledged the legitimacy of the Palestinians as a national community and recognized the body providing the community's leadership. This recognition extended

to that part of the Palestinian community living in East Jerusalem, and it was no longer possible to treat them as an amorphous population lacking a national identity. The transfer of civil powers to the PNA has had an immediate effect on the lives of the Palestinian residents of Jerusalem, who have become dependent on the decisions of the Authority in all areas related to civil powers—issuing of passports, religious jurisdiction, education, health care, the economy—anything not connected to territorial jurisdiction. The religious, civil, and national institutions that had been preserved were integrated into the governing apparatus of the PNA. The chair of the Supreme Muslim Council, who has responsibility for the Muslim holy places in Jerusalem, the religious court system, and the Waqf (religious endowment), was appointed minister of religion of the PNA. The Palestinian Ministry of Education was made responsible for curriculum, provision of textbooks, and teacher training for the municipal Arab public school system in Jerusalem. It became clear that Arab Jerusalem, which decades of Israeli rule had not succeeded in turning into another Israeli-Arab town like Nazareth, was fast becoming a territory partially controlled by an independent Palestinian ruling body recognized by Israel.

The redeployment arrangements for the West Bank, known as "Oslo 2," have made a significant contribution to this process, by granting the PNA a territorial foothold within the Jerusalem metropolitan area. The handing over of the cities Ramallah-al Bireh and Bethlehem-Beit Jala-Beit Sahour to Palestinian rule and the rural area to the east of the city's municipal boundaries to the PNA's civil authority produced what is almost a geographical bisection of the metropolitan area along ethnic lines. This partitioning has created the following areas of mono-ethnic rule: (1) the Jewish areas within the municipal boundaries of Jerusalem as well as the built-up areas of the urban "settlements" of Ma'ale Adumim, Efrat, Giv'at Ze'ev, and the P'sagot Bloc (to the northeast of Ramallah-el Bireh), which are fully under Israeli control; (2) areas transferred to the PNA; and (3) the Arab neighborhoods of East

Jerusalem (within its municipal boundaries), where Israeli rule is currently in force but where the Palestinians essentially enjoy communal independence.

The aptness of the preceding description of the status of the Arab neighborhoods of Jerusalem was reinforced by the outcome of the general elections to the PNA. As constituents of an electoral district encompassing the whole of metropolitan Jerusalem, the Palestinian residents of Jerusalem participated both as voters and as candidates. The representatives elected from Jerusalem duly joined the Authority, whose territorial jurisdiction did not include Jerusalem. However, by the very fact of their being elected and their representing Jerusalem residents, they have forged a strong link between the PNA and the Arab areas of East Jerusalem. The general elections also accelerated preparations for the establishment of an unofficial Arab city council, which is endeavoring to take on municipal functions in the Arab areas that have been neglected for years by the Israeli municipal council.

One interesting fact that came to light during the election campaign is that many Palestinian Jerusalemites were hesitant to participate in the elections for fear of endangering their rights as residents of Israel. These rights include national insurance and other forms of social insurance as well as, of particular import, an Israeli identity card allowing full freedom of movement. Others, especially candidates and those elected to the Authority, those involved in the media, and academics, while publicly condemning the Israeli system, in private greatly appreciated the security it granted them. The more apparent the arbitrariness of Palestinian rule and the lack of scrupulousness regarding civil rights in the Palestinian territories become, the greater the perceived advantage of living outside these areas. East Jerusalem's being a "gray area" is thus useful to the Palestinians as well as to the Israelis, who continue to be able to designate it Israeli territory.

The emerging pattern is, then, as follows: A metropolitan area encompassing some half-million dunams (125,000 acres), where demographic parity between Israelis and Palestinians prevails, is divided into

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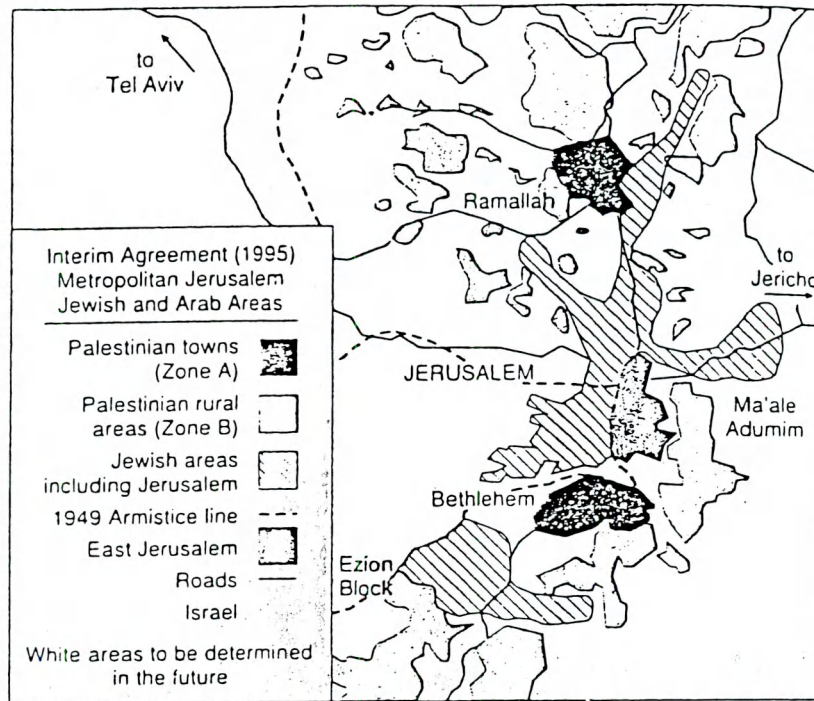
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two relatively equal parts. In areas adjacent to the municipal boundaries of Jerusalem that are under the jurisdiction of the PNA, Palestinian law, judicial process, and administration are in force, with one of these areas (Bethlehem, Azariyeh, or Ramallah) to be designated the Authority's administrative center and seat of the elected council. The residents of the Arab neighborhoods of Jerusalem are subject to the authority of the PNA in all areas concerning personal matters and communal needs. Municipal services in these neighborhoods will be provided through the cooperative efforts of the unofficial East Jerusalem municipal council and the neighboring Palestinian town councils. Muslim holy places, religious courts, and the Waqf will be, as they are now, autonomous and subject to the PNA.

The efficient functioning of this metropolitan area as an indivisible physical, urban, and economic unit will require Israeli-Palestinian cooperation and coordination in all areas of service delivery—roads, sewers and garbage disposal, water, electricity—as well as in the areas of ecology and the economy. Whatever the political leanings of the mayors of the Jewish settlement towns (members of parties opposed to the Oslo Accords), they will have no choice but to work in conjunction with the Palestinian civil authorities whose territories they abut. If they are wise enough to set up local coordinating bodies, a pattern of binational municipal government will develop that should evolve into a model for a metropolitan authority. If coordination is not achieved at the local level, it will have to be enforced at the level of central government—between Israel and the PNA as laid out down in the Oslo 2 Accords and annexes.

The model referred to here is not some theoretical scheme but rather the culmination of a mutually agreed-upon process that has in large part already been completed. The Oslo Accords created a dynamic sufficiently powerful to move this process forward, and if it continues without interference, to enable the eventual achievement of a more precisely defined arrangement, one that may rightly be called "the final settlement."



MAP 6. Metropolitan Jerusalem, 1995

The so-called Oslo process was successful because its initiators took a process-oriented approach. Opponents of the process, both Israeli and Palestinian, denounced it as a betrayal of their national interests. For its Palestinian detractors, the Oslo Accords meant that the Jewish West Bank settlements would remain in place and the Arabs of East Jerusalem would continue to suffer under the yoke of the Israeli occupation. For its Israeli opponents, the accords meant that Israel had sold out "unified Jerusalem." Even the planners of the "perfect solution" were not satisfied. They would have liked to cram reality into neater molds. Thus, they obstinately persisted in searching for the exact answer to the problems of "sovereignty," "the holy places," and "urban administration." The political upheaval caused by the Israeli general election held in May 1996 boded ill for the future of the process-

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oriented approach. The winner, Prime Minister Benjamin Netanyahu, made the issue of Jerusalem a central theme of his election campaign and denounced his opponent Shimon Peres, saying that he "intends to divide Jerusalem." Netanyahu vowed to "ensure that Jerusalem is not negotiable," and to present an inflexible stance in the "final status" negotiations with the Palestinians.

The published "guidelines" of the new right-wing government have threatened to eliminate the constructive ambiguity and pragmatic style that have been essential to the success of the Oslo process. Yet, Prime Minister Netanyahu is unable to impose unilateral arrangements on the Palestinians, whose political independence in the framework of the PNA has become an irreversible fact. The alternative to the Oslo process is a renewal of the confrontation, renewed violence, and an international crisis. The risks of a renewed conflict are well known to Netanyahu. Therefore, it is likely that his approach will be more pragmatic than was indicated by his election sloganeering. What became clear beyond any doubt after the election was that the "solution-oriented approach," born out of the optimism of Oslo, had suffered a serious blow. The enigma of Jerusalem remains.

CHAPTER TWENTY TWO

THE SEARCH FOR A POLITICAL SOLUTION

Israel's policy on the political future of Jerusalem was determined in the middle of June 1967, when the Government decided upon the unification and the borders of the city. This policy was phrased in differing ways, but there was unanimous agreement that the unified city — at least within those borders fixed in June 1967 — would remain under the exclusive sovereignty of Israel, and that no compromise would be considered which would give political-sovereign status to any other state. This policy has remained unchanged over the years and has been accepted by all of Israel's leaders, including those who, in return for peace with the Arabs, were originally in favor of an almost total retreat from the 1967 cease-fire lines. When questioned as to how this uncompromising position conforms to Israel's willingness to conduct negotiations "without prior conditions," officials reply that Jerusalem's future will also be discussed in direct negotiations, and that there is no contradiction between the absence of prior conditions and "claims made by either side."

Despite this resolute position, Israel's leaders have had difficulties in deciding what to offer the Arabs, if and when negotiations do take place. One school of thought maintains that the Jerusalem problem is so difficult that it had best be left to the final stage of negotiations. A second school of thought maintains the opposite — in other words, precisely because the problem is so difficult, it is best to solve it at the beginning of negotiations, because otherwise no progress will be made on any issue. Contacts between King Husayn and Israeli ministers, as well as between high-ranking Israeli and Jordanian officials,

have proved, as expected, that the Jerusalem problem is the main stumbling block to an agreement between the two countries. Contingency-planning groups of Israeli experts were asked, on a number of occasions, to suggest a plan whose objective, in the terms of reference established for one of the groups, was "to ensure the unity of the city under our sovereignty and, at the same time, to satisfy non-Israeli (especially Jordanian) interests." The room for maneuver, within this framework, was extremely limited. As a first step, an attempt was made to satisfy Muslim religious interests, in the hope that this would also satisfy Arab political claims.

Israel was not prepared to recognize the national claims of the Arabs, whether local or Jordanian, but was prepared to recognize the religious interests of the Muslims and Christians in the Holy City. In order to do so, Israel proposed the autonomous administration of the Holy Places. During the extended dialogue with the Vatican, the Government suggested that extra-territorial status be granted to the Christian Holy Places. A similar approach was proposed for the Muslim Holy Places, and it was suggested that the mosques on the Temple Mount be given extra-territorial status and be administered by Jordan, "which would represent the Muslim world." This proposal was suggested in the summer of 1967 by the Minister of Defense, Moshe Dayan. When the experts started to consider the details of the proposal, various ideas were raised, among them, allowing the Jordanians to hoist their flag over the mosques on the Temple Mount, and to place a special guard — like the Swiss Guard in the Vatican — on the Mount. In order to ensure Muslims from Arab countries free access to the mosques, and in order that King Faisal of Saudi Arabia "would not have to step on Israeli soil and receive an Israeli visa on his way to the al-Aqsa mosque," it was suggested that a special road be paved which would be "under the sovereignty" or "under the control" of the Jordanians. At a later date, it was suggested that, instead of paving a road, a tunnel should be constructed. None of these proposals was ever fully crystallized.

All the proposals referred to "the Temple Mount," but when experts pointed out that the Muslims do not distinguish between the mosques on the Temple Mount and the other sections of the Mount, opinions were divided as to whether extra-territoriality should apply to the whole area or just to the two mosques. There was no doubt that Israel could not give up her sovereignty on the Temple Mount,

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but the exact meaning of "extra-territoriality" was not clear. Nor was it clear whether Jordan would be given "symbolic" or "real" authority over the road.

Proposals were also put forward in other spheres, such as allowing Jerusalem's Arabs to keep Jordanian citizenship, and the establishment of municipal autonomy for the Arabs of East Jerusalem. In the latter instance, several possibilities were suggested. One was to divide the Old City into three sub-units, according to ethnic groups, while another was to create "a single municipal district with dual sovereignty."

This last proposal called for the creation of a new municipal district — "Greater Jerusalem" — which would include united Jerusalem, under Israeli sovereignty, as well as Bethlehem, Beit Jallah and a number of other villages which are not under Israeli sovereignty since they were not annexed by Israel. The administration of this district with dual sovereignty would be similar to that of the Greater London Council, that is, there would be a division into boroughs or sub-municipalities with an overall, federal or "roof"-municipality, each of which would have defined areas of responsibility and authority. The author of this proposal claimed that in this manner it would be possible to ensure a united Jerusalem under Israeli sovereignty while, at the same time, satisfying non-Israeli interests; through the non-annexed sub-municipalities or boroughs, the Arabs could influence the actions of the federal or roof-municipality. But nothing ever came of these proposals, either.

During the contacts with the Jordanians, these ideas concerning the Temple Mount, the road (or tunnel) and municipal autonomy were raised as general proposals, without going into details. They were never fully crystallized for two reasons: firstly, the contacts never developed into a meaningful dialogue; the distance between the two sides was too great for them to attain a common denominator, without which it made no sense to formulate practical suggestions. Secondly, the leaking of these ideas to the Israeli public led to a public outcry so strong that statesmen were forced to deny their existence, let alone the fact that they were seriously suggested. As early as July 1968, an official of the Ministry for Foreign Affairs complained that the suggestion to allow Jordan to hoist its flag over the mosques on the Temple Mount, which had been made earlier by the Minister of Defense without arousing any protest, now encoun-

tered strong opposition. He situation, that there is a harder opinion "a hard fight will have people on the flag issue."

In April 1971 the proposal with dual sovereignty" was leaked. It included telephoned threats on the walls of Jerusalem calling for action against the author, who formerly a member of one of the contending sides in the debate, called as a result of the Minister, who was under attack also from members of his own party. He never heard of the proposal before it had never been adopted by his

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King Husayn's position on Jerusalem. In the period immediately following the 1967 war, Palestinian radicals — blaming the Israelis — blamed the King. "As soon as the first shot was fired from Jerusalem," they insisted, the King must make an effort to end the conflict. During this period, the King's position on Jerusalem was returned to him. When it became apparent that the King's cause and did not elicit support, he tried to retreat into the past and the whole city, including West Jerusalem, too, would not succeed. He was satisfied with sovereignty over the city. At the end of 1971 he suggested that the city be left under Israeli sovereignty with access to it. At the beginning of 1972 he took this position public and told an Israeli newspaper that he had no sovereignty over the city, or Palestinian sovereignty. Husayn made it clear that he would not give the Old Quarter, as well as the Jewish

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tered strong opposition. He was convinced, "after checking the situation, that there is a hardening of the Israeli position," and in his opinion "a hard fight will have to be waged in order to persuade people on the flag issue."

In April 1971 the proposal to create a "single municipal district with dual sovereignty" was leaked. A campaign of vilification, which included telephoned threats of murder, and slogans smeared on the walls of Jerusalem calling for his trial as a "traitor," was organized against the author, who formulated this suggestion in July 1968 as a member of one of the contingency-planning groups. In a Knesset debate, called as a result of the public controversy, the Foreign Minister, who was under attack not only from the opposition but also from members of his own party, was forced to deny that he had ever heard of the proposal before it was leaked, and to state that it had never been adopted by his Ministry.

* * *

King Husayn's position on Jerusalem has undergone several permutations. In the period immediately after the war, his enemies — mainly Palestinian radicals — blamed him for refusing to defend Jerusalem. "As soon as the first shots were fired, Jordanian troops retreated from Jerusalem," they insisted, and only after a great deal of effort did Husayn manage to free himself of these accusations. During this period, the King demanded that total control of East Jerusalem be returned to him, and he left no room for compromise. When it became apparent that this position would not advance his cause and did not elicit support even from the Western powers, he tried to retreat into the past and proposed internationalization of the whole city, including West Jerusalem. When he realized that this position, too, would not succeed, he began to hint that he would be satisfied with sovereignty over only part of the eastern sector. At the end of 1971 he suggested that "the Jewish Quarter of the Old City be left under Israeli sovereignty" and that Israel be granted free access to it. At the beginning of 1972 he made this change in his position public and told an Israeli journalist that he claims "sovereignty over the city, or part of it." Explaining this statement, Husayn made it clear that he was "prepared to give up the Armenian Quarter, as well as the Jewish Quarter with the Western Wall plaza."

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In other words, he was ready to accept a new border which would pass through Jaffa Gate, along David Street and the Street of the Chain, with the southern half of the Old City thus coming under Israeli sovereignty. In his statements of 1972, he spoke in terms of "an open city," of "a city of peace and cooperation" and of "a place where our two peoples meet." These statements met with the fierce opposition of radical Palestinians and several Arab leaders.

Despite the fact that Husayn's position on a territorial arrangement in Jerusalem has changed and has become more flexible on the practical matter of administering the city, no change has occurred with regard to his basic claim, that sovereign status in the city be restored to him. In their political thinking and actions, between 1948 and 1967, the Hashemites proved that for them Jerusalem was not a focal point; but, at the same time, Husayn saw himself as destined to protect the Arab character of Jerusalem, as the trustee for all Muslims. In view of the refusal of all the Arabs and Muslims to surrender the Arab character of Jerusalem, the Jordanian King cannot adopt a position which will make him responsible for "the loss of the Holy City." At the end of 1972, after he had declared that he was ready to relinquish parts of the Old City, Husayn told an American reporter: "We cannot sign any document in which we would give up sovereignty of the Holy City, simply because future generations would cry out against such a signature." An Israeli expert reached the conclusion that although Husayn

can live with the military fact that Jerusalem has been conquered . . . he doesn't see himself being able, and perhaps not even entitled, to give legal approval to the existing situation, even though he is powerless to change it.

In his Jordanian-Palestinian Federation plan, which was published in March 1972, Husayn designated Jerusalem as the capital of the Palestinian region in the federal "United Arab Kingdom." To the Israeli proposals for extra-territorial status for the Temple Mount, Husayn could not agree, both because they did not return sovereignty in the city to him and because, in the words of an Israeli expert,

the Muslim religion . . . nurtured the idea of territorial expansion as a result of religious expansion. From this stems the difficulty for Arabs to relate to the concept of 'extra-territorial rights,' as accepted in Christianity, or to the concept of 'free access.'

After the Yom Kippur War, King Husayn's statements hardened. In July 1974 he said:

There can, in fact, be no compromise. The return of Arab sovereignty over the Arab city of Jerusalem, over the Arab section of Jerusalem which was conquered in 1967, is a basic requirement. There can be no peace so long as the Israelis are in control of the whole of Jerusalem.

Yet, Israeli sources reported in 1975 that "Jordanian sources agreed to see Jerusalem as a united city, under two sovereignties and with minor border changes." And, in March 1976, Husayn stated:

In the framework of peace, if sovereignty over the Arab part of the city is returned, I see no reason why it should be a divided city; Jerusalem must be a city of all believers.

These fluctuating positions of King Husayn were, however, much less rigid than those of other Arabs. The position of the Saudi Arabians was particularly uncompromising and that of the leaders of the P.L.O., naturally, made no contribution towards a political settlement.

Reviewing the positions of the two sides since 1967, it becomes clear that the crucial question is one of sovereignty. Israel is not prepared to grant the Arabs sovereign status in Jerusalem and Jordan is not prepared to relinquish such sovereign status. Despite this, however, Israel and Jordan agree on the principle of safeguarding the physical unity of the city.

This blind alley, and the feeling that without a political solution to the problem of Jerusalem a solution to the Arab-Israel conflict is unattainable, has impelled governments, various bodies, and research institutions to formulate ideas for the future of the city.

The official position of the United States has not changed since it was stated by Secretary of State William P. Rogers on December 9, 1969:

... we believe Jerusalem should be a unified city within which there would no longer be restrictions on the movement of persons and goods. There should be open access to the unified city for persons of all faiths and nationalities. Arrangements for the administration of the unified city should take into account the interests of all its inhabitants and of the Jewish, Islamic and Christian communities. And there should be roles for both Israel and Jordan in the civic, economic and religious life of the city.

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The United States has never officially clarified which practical arrangements are to be made, in its opinion, in order to fulfill these principles. At the end of 1974 it was reported that the Americans support "a unified city with two separate administrations and the transfer of the Jewish Quarter to Israeli rule." In the spring of 1976, the U.S. representative to the United Nations, William Scranton, stated the American position in the following manner:

That part of Jerusalem that came under the control of Israel in the June War, like other areas occupied by Israel, is occupied territory and hence subject to the provisions of international law governing the rights and obligations of an occupying power. Ambassador Goldberg said, in 1968, to this Council: 'The United States does not accept or recognize unilateral actions by any states in the area as altering the status of Jerusalem.' I emphasize, as did Mr. Goldberg, that, as far as the United States is concerned, such unilateral measures, including expropriations of land or other administrative action taken by the Government of Israel, cannot be considered other than interim and provisional and cannot affect the present international status, nor prejudice the final and permanent status of Jerusalem. The United States' position could not be clearer. Since 1967 we have restated here, in other forums, and to the Government of Israel, that the future of Jerusalem will be determined only through the instruments and processes of negotiation, agreement and accommodation. Unilateral attempts to predetermine that future have no standing.

This formulation, more critical than any which preceded it as far as Israel's actions were concerned, was met with a storm of anger by Israeli Jerusalem.

The American State Department has encouraged a number of groups, including the Brookings Institution in Washington, and the Aspen Institute, to study the Jerusalem problem and suggest solutions. And, in fact, suggestions for a solution have streamed in from various sources. Not many of those making the suggestions were aware of the fact that between the years 1917-1967 no less than three dozen proposals for the solution of the Jerusalem problem had been advanced. A few of these earlier proposals are outlined below.

* * *

The "Jerusalem Problem," as a subject demanding a political solution, secured in international agreements, was created in 1917 when the city was conquered by the British, after hundreds of years of Turkish rule.

The European powers, including the Vatican, decided to settle the various contradictory Christian claims to control of the Holy Places, to ensure orderly administration of these sites, as well as of the city in which they existed, and to ensure free access to them. More than a century earlier these claims had become international problems, rather than purely religious ones. The European powers became involved in the trivial conflicts between the various Christian communities because they saw these conflicts as a means towards expanding their political influence, both within their own countries and on the international plane.

In the period before the British conquest, and immediately after it, the European powers decided to solve the problem by placing Jerusalem under international rule. The Sykes-Picot Agreement of 1916 stated that, following the partition of the Ottoman Empire, the area between the Sea of Galilee in the north and Beersheba in the south would come under "an international administration, the structure of which will be decided upon in the future." However, the agreement was never implemented. National interests persuaded the signatories to agree to British rule over Palestine and Jerusalem, subject to a treaty (Mandate) between Great Britain and the League of Nations.

In the wake of this solution to the problem of sovereignty, attempts were made to solve the problem of the Holy Places within the framework of British sovereignty, by an international treaty which would, to a certain extent, limit this sovereignty. None of the proposals, however, was acceptable, and, at the end of 1924, it was decided that the British Administration would also be responsible for the supervision of the Holy Places. In this manner, the Jerusalem Problem was removed from the sphere of international relations, for the time being, and the city became the capital of Mandatory Palestine and the seat of its government.

But, of course, the Jerusalem Problem was not so easily solved. It now became an inter-ethnic bone of contention. The Jewish and Arab residents of the city began a long and on-going struggle for control of the Municipality. The Arabs, relying on precedent,

claimed the right to be mayor, argued that, since Jerusalem was captured in 1877 by Jewish residents, on precedent the Jewish should be mayor. The Jewish majority in the town elected its own mayor, in a compromise of the status quo. During the 1920s, a Jewish deputy mayor. The four Muslims to the municipal constituency elected Jewish not only a majority was and as early as 1920 a department of into two boroughs would be subject to British immediate control.

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claimed the mayorship and a decisive voice in the Municipality. They argued that, ever since the establishment of a municipality in Jerusalem in 1877, the mayor had always been an Arab, and that the Jewish residents in Jerusalem had to accept this state of affairs, based on precedent and tradition, and agree to the appointment of an Arab mayor. The Jews, on the other hand, argued that they constituted a majority in the city and claimed the right of a majority to choose its own mayor, in democratic elections. The British attempted to reach a compromise, the practical significance of which was a continuation of the *status quo*, in other words, preferred status for the Arabs. During the 1930s and '40s, Jerusalem always had an Arab mayor, a Jewish deputy mayor with special status, and a Christian deputy mayor. The membership of the City Council was fixed at six Jews, four Muslims and two Christians. In order to reach this balance, prior to the municipal elections the British manipulated the geographical constituencies, as well as the ethnic voting register. They also excluded Jewish neighborhoods from the municipal borders, or included them only together with areas populated by Arabs. The Jewish majority was dissatisfied with the privileged position of the Arabs and as early as 1932, Haim Arlosoroff, Director of the Political Department of the Jewish Agency, suggested that Jerusalem be split into two boroughs. Under his proposal the two Borough Councils would be subordinate to the Council of the united Municipality. The British immediately rejected this suggestion.

The Jewish-Arab conflict over control of the Municipality of Jerusalem was, however, only one part of the overall conflict between the two ethnic groups for hegemony in Palestine. Thus, when the Arab revolt broke out, in 1936, the local problem was absorbed by the general one.

In 1937, the Jerusalem Problem again became an issue which could only be solved on the international plane. The Palestine Royal Commission, appointed by the British and headed by Lord Peel, proposed the partition of Palestine and a permanent British Mandate for Jerusalem with extensive borders and a corridor to the Mediterranean Sea. As for the municipal government, Peel suggested leaving the situation as it was, with elections organized by geographical districts and an ethnic register.

The following year, the Palestine Partition Commission, headed by Sir John Woodhead, was appointed to recommend details of parti-

tion. The Jews suggested to the Commission (at the end of 1938) that Jerusalem be divided in two. Part of Jerusalem (the New City and Mount Scopus) would be attached to the Jewish State, and the Old City and the Arab quarters would be within the area of the British Mandate of Jerusalem. The city was to be divided into two boroughs, with integrated services and a single customs zone. The British rejected this proposal outright. In their opinion, the city was an integral unit and it was impossible to divide it. Furthermore, they said that administrative partition demanded close cooperation and good will. It was precisely because of the lack of good will between the Jews and the Arabs that the problem had arisen in the first place; thus, there was no question of dividing the city, given the existing tension between the two groups.

As a result of the total disagreement between Jews and Arabs on every proposal — which was clearly expressed by the failure of the St. James' Conference (winter 1939) — the British published the MacDonald White Paper, in May 1939, which declared the partition proposals "impracticable" and announced their intention of establishing an independent Palestinian state, with an Arab majority, within ten years. The capital of this state was, of course, to be Jerusalem, with no special status, apart from an undertaking that free access be ensured to the Holy Places. The White Paper was not approved by the League of Nations and met with bitter opposition from the Jews, but meanwhile, the Second World War broke out and the solution of the Palestine problem, including that of Jerusalem, was postponed.

However, the inter-ethnic conflict for control of the municipality continued. This conflict reached a climax in August 1944 when the Arab mayor died and the British appointed his Jewish Deputy, Daniel Auster, as his successor. The Arabs protested and the British suggested a rotation every two years, the first mayor being Jewish and the third, British (appointed). The Arabs boycotted the meetings of the City Council and the British dissolved it, appointing in its stead a Municipal Commission, composed of six British officials.

The British also appointed the Chief Justice of Palestine, Sir William Fitzgerald, "to enquire into and report on the local administration of Jerusalem and to make recommendations thereto." Fitzgerald's report was published in August 1945. He did not concern himself at all with the question of sovereignty, which was, of course, to remain British. He viewed Jerusalem not as a municipality but as a

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county, similar to London. The upper body which would administer the whole area, according to his proposal, would be an Administrative Council. Within the area managed by the Administrative Council would be two boroughs, one Jewish and one Arab, and an area that would be administered directly by the Council. Each borough would have a council and a mayor. The boroughs would have the authority to impose taxes and to fulfill the duties imposed on a municipality by the Municipal Ordinance. City planning would be delegated to each borough, but only after an outline scheme had been approved by the Administrative Council. Each borough would send four representatives to the Council, whose chairman would be appointed by the British High Commissioner. In addition, two representatives would be appointed who were neither Jews nor Arabs. The main job of the Administrative Council would be to co-ordinate the activities of the two boroughs, with a minimum of interference in their internal affairs. The Administrative Council would also deal with the Holy Places, under the direct responsibility of the High Commissioner.

When the Fitzgerald Report was submitted, after the end of the Second World War, the problem of municipal rule in Jerusalem had again been absorbed by the general conflict.

At the beginning of 1946, the Morrison-Grady Committee suggested that Palestine be transformed into a cantonal state consisting of an autonomous Jewish province, an autonomous Arab province, and two areas under the direct control of the central government, with a High Commissioner. One of these areas was to be the Jerusalem enclave and Bethlehem. The municipal administration proposal for Jerusalem was a regular city council, to which would be added several members appointed by the High Commissioner. Both the Jews and the Arabs, as well as the United States, rejected the plan.

The rejection of this last attempt to solve the Jerusalem Problem was among the factors which prompted the British Government to refer the entire problem of Palestine to the General Assembly of the United Nations. The United Nations Special Committee on Palestine (UNSCOP), presented its majority and minority reports in May 1947. The debates at the United Nations which followed and municipal history since 1948 have been dealt with earlier in this volume.

Sixty years after it was first raised as an international political problem, and after thirty-six plans for its solution, the Jerusalem Problem still awaits a settlement. It is not enough that the elusive

solution be a brilliant intellectual exercise, full of good will and objectivity. Jerusalem has experienced many of these. The real test of a solution is its accord with the changing reality and its practicability, but most important is the readiness of the two parties to compromise and cooperate. Without a readiness to compromise, no plan, however balanced and inspired, will succeed.

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APPENDIX

ELEMENTS OF A SETTLEMENT

The intention of this chapter is not to propose a formula for the solution of Jerusalem's political and ethnic problems. Such a formula does not now exist, nor will it be found within the near future. Instead, the following is an attempt to compile a list — with brief annotations — of the main topics which must be dealt with when discussing the components of a settlement, elements from which various settlements can be constructed, according to the evolving needs and situations.

Most of the topics dealt with below, in condensed form, have already been referred to in previous chapters, which detailed the background of these issues.

As has already been noted, the elements of the Jerusalem Problem are three-fold — sovereignty, municipal government, and the Holy Places — and they will be discussed in this order. In addition, a special section of this chapter is devoted to "partial" or "interim settlements," that is, those elements of a solution which can be carried out step-by-step, in the absence of a willingness to negotiate an overall settlement.

The analysis which follows is based on the general agreement that Jerusalem will remain a physically unified city. The definition of this term was best expressed by the U.S. Secretary of State William P. Rogers, on December 9, 1969:

... Jerusalem should be a unified city within which there would no longer be restrictions on the movement of persons and goods.

There should be open access to the unified city for persons of all faiths and nationalities. . . .

Both Israelis and Jordanians agree with this definition, though, of course, each of the adversaries adds to it its own elements of sovereignty. The Israeli definition is that "unified Jerusalem is the Capital of Israel," in other words, entirely under her sovereignty. Jordan's definition is that of "an open city, but with the Arab sector returned to Jordanian rule."

The dispute, therefore, is not over the city's unity but, rather, over its sovereignty.

SOVEREIGNTY

It is assumed that regardless of the form of sovereignty — whether it be undivided, divided, limited or joint — the following items will be guaranteed (by law or by treaty): that the city be free of tax borders; unrestricted movement for people, goods, capital and labor; arrangements for a system of justice, police, extradition, municipal services, utilities, transportation, currency, and banking, and for similar matters which do not negate the accepted principles of sovereignty — as, for example, the arrangements between the Benelux countries and between the Scandinavian countries. It is also important to stress that any proposal for a reasonable compromise on the issue of sovereignty in Jerusalem can only be implemented if the border between Israeli and Arab sovereignty (Jordanian or otherwise) passes through the metropolitan region or along its borders. Any solution based on an enclave of sovereignty for one country, within that of another, without a territorial link (or even a corridor) is neither practical nor applicable.

1. ISRAELI SOVEREIGNTY WITHIN THE ANNEXATION BORDERS

Accepted by the Jews, but does not satisfy their demands in the metropolitan region. Not acceptable to the Arabs. Proposals to restrict Israeli sovereignty in certain spheres (such as municipal government and the Holy Places) are acceptable to most Jews, but even if these were to be implemented, it is doubtful if they would satisfy Arab nationalist demands.

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2. *JORDANIAN SOVEREIGNTY IN THE AREA WHICH HAD
BEEN UNDER THEIR RULE BEFORE THE 1967 WAR*

Ultimate answer to the Arab demands. Could never be accepted by the Jews.

3. *RESTORING ARAB SOVEREIGNTY TO THE TEMPLE MOUNT
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OF THE JEWISH NEIGHBORHOODS EAST OF THE ARMISTICE
LINE, THE JEWISH QUARTER, THE WESTERN WALL
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Some Arab circles agreed to this compromise. But the majority would object to it. Most Jews would see it as a "redivision of Jerusalem." Extremely difficult to implement because it would create islands of Jewish and Arab sovereignty.

4. *ISRAELI SOVEREIGNTY WITHIN THE ANNEXATION BORDERS,
WITH A SOVEREIGN ARAB CORRIDOR TO THE TEMPLE
MOUNT, ALSO UNDER ARAB SOVEREIGNTY*

Proposed by Israel at one time, even though it is in direct opposition to the principle of "a unified Jerusalem under Israeli rule." The Arabs did not agree to it because it does not meet the nationalist demands of Jerusalem's Arab residents who would remain under the rule of the "Israeli conquerors."

5. *ADDING AREAS OUTSIDE THE ANNEXATION BORDERS TO
ISRAEL'S SOVEREIGNTY IN RETURN FOR AREAS WITHIN
THE BORDERS*

Israel is interested in opening axes to the northwest and southwest. Sections which are not annexed within these areas would be ceded to Israel and, in return, Israel would give up Arab neighborhoods within the annexed borders. The Arabs would not agree, because they do not consider it a fair trade, since they believe that all these areas are by right theirs anyway. The Jews see the annexed areas as part of a unified Jerusalem and therefore are not willing to give up any part of them.

6. *ISRAELI-ARAB CONDOMINIUM*

Hard to implement and does not meet the demands of either side.

7. *INTERNATIONALIZATION OF JERUSALEM*

Impractical and clearly opposed by both sides. (See also p. 385)

8. *BLURRING THE SOVEREIGNTY ISSUE*

This is achieved by creating a super-municipal unit, secured in the law of both countries, with special powers, and administered on a basis of equality between communities or boroughs (see City Government, Situation C). Can be implemented on the municipal level but very difficult to implement on a governmental level.

CITY GOVERNMENT

Ignoring the problem of sovereignty, suppose that a city government for Jerusalem is to be organized, in the optimum manner. The city's main problems result from the rapid urban rate of growth (about 4% per year) and from its religious and ethnic heterogeneity. Special emphasis must be given in Jerusalem to the preservation of the quality of life and its special urban quality. What should be its municipal boundaries and what municipal governing bodies should it have? The main alternative answers are listed below, as well as the pros and cons of each.

SITUATION A: PRE-1967 BORDERS

Unified municipal boundaries of pre-1967 Jewish and Arab Jerusalem.

1. The Municipal Boundaries

Cons: Too small an area. Even in 1967 there were development pressures and many small suburbs were built outside this boundary. These pressures increased after the 1967 War. In 1975 all the city's reserve land was outside the old boundaries and contained over 1/3 of the population, both Jewish and Arab.

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Pros: None.

Cons (Arabs): A lack of opportunity for development; leaves more than half of the Arab population outside the city; guarantees a large Jewish majority.

Pros (Arabs): None.

Cons (Jews): Leaves tens of thousands of Jewish families outside the municipal borders; lack of any opportunities for development.

Pros (Jews): None.

2. Municipal Government

A. A centralized municipality, with elections by majority vote, without constituencies or the allocation of seats to ethnic groups.

Cons: Does not meet the need for ethnic expression and therefore constitutes a basis for disputes.

Pros: Easy to administer.

Cons (Arabs): A decisive Jewish majority in the City Council and the administration.

Pros (Arabs): None.

Cons (Jews): None.

Pros (Jews): Absolute control of the City Council and the administration.

B. A centralized municipality, with constituency elections and proportional representation on the Council and in the administration.

Cons: Difficult to implement; guarantees ethnic representation but because of the overwhelming Jewish majority would not guarantee the minority anything; irrelevant in the field of administration.

Pros: Guarantees a centralized administration, thus making the administration of the city uncomplicated.

Cons (Arabs): As in (A) above.

Pros (Arabs): None.

Cons (Jews): None.

Pros (Jews): As in (A) above.

C. *Decentralized municipality; the creation of two boroughs along ethnic lines, with jurisdictional division.*

Cons: Difficult to implement because of the small size of the Arab borough; does not guarantee representation to the minority because the Arab population and area are small; creates many administrative problems.

Pros: Promises autonomy to the minorities within their neighborhoods and therefore lessens friction.

Pros (Arabs): Ensures limited autonomy.

Cons (Jews): Divides the city; gives the Arabs political expression which could become a platform for agitation.

Pros (Jews): As in (A) above.

SITUATION B: POST-1967 ANNEXATION BORDERS

1. The Municipal Boundaries

Cons: The boundaries were fixed by Israeli political and military considerations and are, therefore, unsuitable from an urban point of view. Part of the population (mainly Arab) lives outside the boundary, does not pay taxes and does not receive municipal services. There is a lack of reserves of land for various purposes, such as industrial and business areas, a green belt, areas for the absorption of the growing population, and services for the evacuees of slum areas.

Pros: None.

Cons (Arabs): The boundaries were fixed specifically in order to achieve an artificial demographic balance, with a decisive Jewish majority. The Municipalities of Beit Jallah and al-Birah do not accept the present boundaries since land was transferred from their jurisdiction to Jerusalem.

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Cons: Diff

Pros (Arabs): None.

Cons (Jews): Boundaries seen as too small, both from a political and an urban point of view and have been bypassed for the purpose of Jewish settlement, the establishment of an industrial area and roads.

Pros (Jews): The majority sees the boundaries as those of "the complete Jerusalem."

2. Municipal Government

A. *A centralized municipality, with elections by majority vote, without constituencies or representation for ethnic groups.*

Cons: Does not meet the need for ethnic expression. Even if the Arabs vote for a unified Arab list, which would ensure them more than a quarter of the seats of the City Council, they would still be in the minority; perpetuates a Jewish majority in the administration and gives the Arabs only minority influence in city affairs.

Pros: Easy to administer.

Cons (Arabs): A decisive Jewish majority in the City Council and in the administration.

Pros (Arabs): None.

Cons (Jews): None.

Pros (Jews): Absolute control of the City Council and the administration.

B. *A centralized municipality, constituency elections, and proportionate ethnic representation on the Council and in the administration.*

Pros and cons as in Situation A (2B) above, although there is some improvement in the status of the minority because of the larger number of its voters; hard to apply administratively.

C. *A decentralized municipality, creation of two or more boroughs, along ethnic lines, with jurisdictional division.*

Cons: Difficult to implement; creates administrative problems, as well

as coordination problems and friction against background of nationalist demands; limited possibility of achieving agreement on jurisdiction and on the composition of the higher governing body; need for special legislation.

Pros: Ensures autonomy for the minority in its neighborhoods and therefore lessens friction.

Cons (Arabs): Subordinates them to a higher coordinating body controlled by Jews.

Pros (Arabs): Ensures limited autonomy.

Cons (Jews): Divides the city; gives the Arabs political expression on a territorial basis; can serve as a platform for agitation; decreases their absolute control.

Pros (Jews): Alleviates problem of dealing with Arab population, alleviates pressure for an overall political agreement.

SITUATION C: "THE METROPOLITAN AREA" BORDERS

As defined by urban experts and including the city's immediate hinterland.

1. The Municipal Boundaries

Cons: A very large area; hard to administer by a centralized municipality; contains a very heterogeneous population from the point of view of its type of settlement (villagers, Bedouin, urban dwellers), its standard of services, and its religious-demographic constitution; necessitates establishment of decentralized municipal government, with the possibility of lack of coordination and a cumbersome administration; extends the Jerusalem Problem to additional areas.

Pros: Puts the whole area directly influenced by the city and connected with it, on a daily basis, into one municipal framework; prevents unplanned suburban sprawl; ensures balanced growth, reserves of land for all purposes, optimal urban development from economic, ecological and aesthetic points of view; prevents development of satellite "bedroom suburbs;" ensures optimal municipal organization, without a lack of coordination between independent municipal-

ities, character of area but division

Cons (Arabs): Jewish initiative of Arab municipalities, Beit Sahur,

Pros (Arabs): almost equal an Arab majority

Cons (Jews): and makes territorial danger birthrate.

Pros (Jews): increases their

2. Municipal

A. A centralized constitution
Cannot be i

B. A decentralized administration
Cannot be i

C. A decentralized administration

Cons: The need to create coordinating units in relation to Jerusalem disagreements municipal level against a metropolitan areas.

ities, characteristic of a "megapolis" with a continuous built-up area but divided into numerous administrative units.

Cons (Arabs): Increases the fear of the penetration of a dynamic Jewish initiative into purely Arab areas; eliminates the independence of Arab municipalities in the area (al-Birah, Ramallah, Bethlehem, Beit Sahur, Beit Jallah) and of Arab village councils (more than ten).

Pros (Arabs): Changes the demographic balance in Jerusalem to an almost equal one (about 45% Arabs and 55% Jews), with the hope of an Arab majority through natural increase.

Cons (Jews): Disadvantageously changes the demographic balance and makes the Arabs almost equal to their number, with the additional danger that the Jews will become the minority due to their lower birthrate.

Pros (Jews): Makes possible the development of new areas and increases their influence on the hinterland.

2. Municipal Government.

A. *A centralized municipality, elections by majority vote, without constituencies and without representation for ethnic groups.*
Cannot be implemented.

B. *A centralized municipality, constituency elections and proportional ethnic representation on the City Council and in the administration.*
Cannot be implemented.

C. *A decentralized municipality, with the creation of a number of boroughs, along ethnic and urban lines, with jurisdictional division and internal elections.*

Cons: The characteristics of the area complicate administration; the need to create a large number of sub-units (at least twelve) will make coordination difficult; disagreements over the jurisdiction of sub-units in relation to central roof body; inter-religious Christian-Moslem disagreements (because of the existence of three Christian municipalities in the area); need for special legislation; friction, mainly against a nationalist background, over Jewish initiatives in development areas.

Pros: Tight municipal coordination; a demographic balance between Jews and Arabs; proper urban planning of the whole metropolitan area ensured; allows political manipulations which might "blur" or "solve" problems of sovereignty in Jerusalem ("making the cake bigger and dividing it anew").

Cons (Arabs): Loss of independence of existing municipalities; danger of Jewish penetration into new areas and influence on purely Arab settlements.

Pros (Arabs): Equality with Jews in administration of central roof body resulting from numerical equality.

Cons (Jews): Equality with Arabs in administration of central roof body resulting from numerical equality.

Pros (Jews): Influence over a wider area and the possibility of development in it; blurring of the Jerusalem Problem, in its more limited aspects.

THE PRINCIPAL HOLY PLACES

1. THE TEMPLE MOUNT

Holy to Jews and Muslims.

The Existing Situation:

Free access for Jews, except on Fridays and Muslim holidays; the mosques and courtyards are, in fact, under the sole control of a Muslim body which maintains and administers them without interference from the Israel Government and which receives instructions from Jordan; an Israeli police post (normally manned by Arab policemen); limited physical Israeli control, by supervision of one gate (Mugrabi Gate) and an observation post on the roof of the *Mahkamah*; Jews are prohibited (by the Chief Rabbinate) from entering in order to pray, at least "until the Messiah comes;" praying by Jews is prohibited by the authorities "in order to prevent clashes and disturbances of the peace;" the existing arrangement is not based on any binding agreement.

Inter-religious conflict: None exist in the more limited sense; however,

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from a national Arab-Jewish standpoint, a very bitter conflict exists.

The Jewish position: Satisfied with the existing situation, except for extremist elements.

The Arab position: Relatively satisfied with the existing situation, apart from their demand for the return of control over the Mugrabi Gate and the *Mahkamah*; deep-seated fears of unilateral cancellation of the *status quo* by Israel.

Demands for changes in sovereignty, or special arrangements:

Jews: None, but would not agree to annulment of Israeli sovereignty because of its supreme national and religious importance; will agree to special arrangements.

Muslims: Do not recognize Israeli sovereignty in any shape or form, for religious and national reasons, and do not agree to anything less than return of the whole area (making no distinction between the mosques, the courtyards, and the buildings in them) to Muslim-Arab sovereignty. In Muslim eyes, sovereignty is symbolized by stating the name of the Muslim ruler in their Friday prayers and by the use of Muslim currency as legal tender; since 1967, a Muslim ruler's name has not been mentioned and the legal tender has been the Israeli pound.

Christians: Indifferent.

Proposals for an Agreement

1. *Continuation of the existing situation:* Reasonable for a short time, but cannot continue in the long run without being institutionalized. An agreed-upon arrangement on the Temple Mount is the key to the solution of one of the main problems associated with the Jerusalem Problem.

2. *Cancellation of present status quo by subordination of Muslim institutions to Israeli supervision:* Will not solve any of the problems and will lead to unnecessary and dangerous tension.

3. *Cession of the Temple Mount, either by itself or together with East Jerusalem, with a corridor to an Arab state:* This subject has been dealt with above (see Sovereignty, 4).

4. *Removal of the Temple Mount from the sovereignty of any state:* Vaticanization, in fact, of the Temple Mount, by an international agreement which would establish the responsibilities of the Muslim institution governing the Mount, legal immunity, tax exemptions, and police arrangements on the Mount; the agreement to be signed between the Government of Israel and an Arab-Muslim state. In other matters (customs, duties, boundaries and related subjects) Israeli Law would apply. For Israelis, such an agreement could be accommodated within the principle of undivided sovereignty; however it reduces their control and grants total immunity to a Muslim body. Such an agreement could be accommodated within Muslim Law but does not satisfy nationalist demands.

5. *Symbolic Arab sovereignty:* Expressed in the right to fly a flag, a uniformed guard, mention of Muslim ruler in sermons, and Muslim currency as legal tender within the confines of the Mount; in all other matters Israeli sovereignty will apply. Symbolic solution, likely to dissatisfy Israelis more than arrangement in section 4 above, and will not satisfy Muslims.

6. *Institutionalization of existing status quo by Israeli legislation:* Might be a short-term solution, but is not a long-term political solution.

2. THE WESTERN WALL

Holy to Jews.

Existing situation:

One of the most holy places of worship for the Jews, the area has been expropriated by, and is in the hands of, the Government of Israel.

Conflict with another religion: None, apart from the continuation of archeological excavations northwards, which may undermine ancient Muslim buildings.

The Jewish position: Satisfied with the existing situation, apart from the demand of extremist elements to continue excavations northwards.

The Arab position: "fear of foundations of the existing situation"

Demands to limit

Jews: Will not accept sovereignty in the area

Muslims: None

Christians: None

Proposals for a solution: Continuation of expropriated land, architectural and

3. CEMETERIES

Holy to Jews.

Existing situation: The Jews' most empty plots remain on tens of thousands of acres of the rule.

Conflict with another religion:

The Jewish position:

The Arab position: during restoration dug up.

Demands for limit

Jews: None. Will accept sovereignty in an

The Arab position: A formal claim for "the return of the Mugrabi Quarter;" fear of continued excavations "which will endanger the foundations of the al-Aqsa Mosque;" but, in fact, reconciled to the existing situation.

Demands to limit sovereignty or for special arrangements:

Jews: Will not agree to annulment or limitation of Israeli sovereignty in the area.

Muslims: None (apart from the basic demand for a return to the *status quo ante bellum*).

Christians: None.

Proposals for a Solution

Continuation of the existing situation, payment of compensation for expropriated land, coordination with Muslim institutions on the architectural and safety aspects of archeological excavations.

3. CEMETERY ON THE MOUNT OF OLIVES

Holy to Jews.

Existing situation:

The Jews' most holy and ancient cemetery; only a small number of empty plots remain; renovation and reconstruction work underway on tens of thousands of tombstones destroyed under Jordanian rule.

Conflict with another religion: None.

The Jewish position: Satisfied with the existing situation.

The Arab position: No position, apart from the complaint that during restoration work, roads leading to Arab neighborhoods were dug up.

Demands for limitation of sovereignty or special arrangements:

Jews: None. Will not agree to annulment or limitation of Israeli sovereignty in area.

Muslims: None (apart from the basic demand for a return to the *status quo ante bellum*).

Christians: None.

Proposals for a solution
Continuation of the existing situation.

3. SYNAGOGUES IN THE JEWISH QUARTER: Holy to Jews.

Existing situation:
An integral part of the restored Jewish Quarter.

Conflict with another religion: None.

The Jewish position: Satisfied with the existing situation.

The Arab position: No position, apart from complaint that Arab residents were expelled and property expropriated.

Demands for limitation of sovereignty or special arrangements:

Jews: Will not agree to annulment or limitation of sovereignty in the area.

Muslims: None (apart from the basic demand for a return to *status quo ante bellum*)

Christians: None.

Proposals for a Solution
Continuation of the existing situation.

4. DAVID'S TOMB AND MOUNT ZION Holy to Jews, Muslims and Christians.

Existing situation:
Holy to Muslims and in Muslim hands until 1948; a Jewish place of pilgrimage, after 1948. During the division of the city it was the

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closest point to the Western Wall and was regarded as the most important Holy Place in Israeli hands, but its importance decreased after the Six Day War.

Inter-religious conflict: 1. Conflict between Jews and the Muslims, who controlled the tomb for hundreds of years, until 1948; however, since 1967, there has been no Muslim demand to return the Tomb. 2. Conflict between Muslims and Christians over the Coenaculum, which is the second storey of the structure of David's Tomb. The Jews have no interest in this area.

The Jewish position: Satisfied with the existing situation.

The Arab position: Not known.

Demands for changes in sovereignty or special arrangements.

Jews: Will not agree to annulment or limitation of Israeli sovereignty in the area.

Muslims: None, apart from a possible demand for free access and for the right to pray there.

Christians: The Catholics are interested in making some arrangement regarding prayer rights and maintenance in the Coenaculum hall; these have been withheld from them since the 16th century.

Proposals for a solution

Continuation of the existing situation, with a satisfactory arrangement for the Christians.

5. *CHRISTIAN HOLY PLACES ("THE STATUS QUO"):*
CHURCH OF THE HOLY SEPULCHER, DEIR AL-SULTAN,
CHURCH OF THE ASCENSION, TOMB OF THE VIRGIN.

The Existing Situation:

The *status quo* of 1852 is still in effect; self-administration of Christian communities, almost without any need for outside interference to preserve the *status quo* (the only case, since 1967, was a dispute between Ethiopians and Copts over Deir al-Sultan); Israeli authorities are responsible for law and order; the renovation of the Church of the Holy Sepulcher is continuing.

Inter-religious conflict: Does not exist.

The Jewish position: Satisfied with the existing situation; willing to use control over the Holy Places to obtain a settlement with the churches, which would improve Israel's diplomatic position in Jerusalem.

The Arab position: Indifferent, apart from the basic Arab demand for a return to the *status quo ante bellum*.

The Christian position: Satisfied with the existing situation but concerned over the lack of a binding political settlement. The Catholics are not pressing for a change in the *status quo* as they did in the past, and cannot reach an agreement with Israel for their own internal political reasons. The Greek Orthodox and the Armenians are ready to reach an agreement which will preserve the *status quo* (and their preferential status).

Demands for changes in sovereignty or special arrangements:

Jews: None.

Muslims: None, apart from the basic demand for a return to the *status quo ante bellum*.

Christians:

Catholics: No immediate demands, except for an overall solution which will influence sovereignty in the long run.

Greek Orthodox: Claims for special arrangements, but not for changes in sovereignty.

Armenians: Claims for special arrangements, but not for changes in sovereignty.

Other Christian communities: Different opinions, but most will agree to any satisfactory arrangement made with the large communities.

Proposals for a solution

1. Continuation of the existing situation: Reasonable in the short term but does not accord Israel the formal recognition of its control, in which it is interested; creates fear among Christians that Israel will take unilateral action against all the communities, or against one of them, to the disadvantage of another; convenient for Christians since

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it allows them to evade formal recognition of Israel; guarantees the Arabs continued Christian non-recognition of Israeli rule in Jerusalem; leaves unsolved one of the main problems associated with the Jerusalem Problem.

2. *Transfer of Holy Places to Arab sovereignty*: Will not, under any condition, be accepted by the Israelis; the Christians, also, will not gain any advantage by the return of the Holy Places to Arab-Muslim authority; the Greek Orthodox and the Armenians would suffer in particular, but so would the Catholics who can expect to obtain a more advantageous position from Israel than from the Arabs.

3. *Territorial internationalization of the Old City and the surrounding area*: Not a solution to the web of legal, economic, administrative and political problems; danger of interference by anti-religious elements (Communist bloc) and the non-Christian bloc; inability of United Nations institutions to administer populated territory; both Israelis and Arabs object, as well as the eastern and Christian communities.

4. *Internationalization of the Holy Places only*: All the disadvantages of proposal no. 3, above, plus added problem of United Nations' administration of the Holy Places; problem of safeguarding law and order.

5. *Transfer of Holy Places (with extra-territorial status) to an international committee to be chosen by the United Nations*: Less disadvantages than in proposals nos. 3 and 4, but the presence of the United Nations will still be a stumbling block; the problem of safeguarding law and order will arise.

6. *Transfer of the Holy Places to a Christian Council, which will include all the communities represented in Jerusalem, with extra-territorial status for the buildings*: Difficult to implement because of mutual distrust between the leaders of the communities; gives too great an influence to communities which have no religious congregation in the city; complicated administrative structure.

7. *Institutionalization of the existing status quo by Israel, with the tacit assent of the Christians*: Special legislation will be passed to safeguard the *status quo*, extra-territoriality, immunity for churchmen, non-interference by the courts in internal quarrels, safeguards for the status of church courts, tax exemptions, continued existence of

schools, and financial support. Decreases Israel's freedom of action, does not ensure her great political benefits, but safeguards the Christians' practical interests and, therefore, will reduce pressure to "reach an overall settlement." If the agreement is given international status, by the signing of a treaty with those countries which are "interested parties," this would be a partial answer to the Vatican's demand for "international guarantees." The Arabs will vigorously object to such a process since it would put an end to their demands for a return to the *status quo ante bellum* and would give Israel great political advantages.

PARTIAL SETTLEMENTS

In the absence of the possibility of reaching an overall political settlement in regard to Jerusalem, the solution of the political, inter-ethnic and religious problems in Jerusalem can be advanced by means of unilateral Israeli action. This action must be taken in consultation with, and with the agreement of, foreign powers (mainly the United States), and by means of negotiations with local elements, who have the support of an Arab state. Using the step-by-step technique, Israel will claim political compensation for every step or number of steps that it makes. All the "partial" or "interim settlements" suggested below are in accord with the principle of Israeli sovereignty.

A. THE HOLY PLACES

1. The Temple Mount:

Institutionalization of the existing *status quo* by means of a government declaration in the Knesset. Stage two — the drafting of special legislation.

2. Christian Holy Places:

Institutionalization of the existing *status quo* by means of a government declaration in the Knesset; discussions with the Christian communities, followed by special legislation.

B. INSTITUTIONS

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C. MISCELLANEOUS

1. Banks The Arab bank in 1972.

2. Land Expro A formal decla

B. INSTITUTIONS

1. Recognition of the "Muslim Council"

Granting of legal recognition, by means of legislation, to the existing Council, and recognition of the *de facto* jurisdiction which it exercises; official approval of existing *shari'a* courts, by means of a law stating that the Council will appoint the *qadis* and pass their names on to the Government, without any need for Government approval; and determining that the religious law in force in Jordan is applicable to Muslim Jordanian citizens living in Jerusalem.

2. Establishment of an Arab Education Board

This committee will be responsible for the administration of Arab education, with full autonomy.

3. Municipal Affairs

Transfer of municipal-administrative functions in the Arab neighborhoods to an Arab committee with its own budget.

4. Planning Committee

Establishment of a "Planning and Building Subcommittee," whose members will be Arabs, and which will authorize building plans in Arab neighborhoods, on the condition that they are in accord with the Jerusalem Outline Scheme.

5. The Arab Chamber of Commerce

Formal recognition of the Chamber and guaranteeing its *de facto* authority over all matters it deals with today.

C. MISCELLANEOUS

1. Banks

The Arab banks will be reopened according to the formula adopted in 1972.

2. Land Expropriation

A formal declaration will be made stating that the Government will

not expropriate additional lands for Jewish housing projects in Jerusalem.

3. Christian Communities

A binding agreement will be signed with those Christian communities which wish to sign such an agreement, guaranteeing the continued *status quo* with regard to school, religious institutions, and taxes and other economic matters.

4. Neighboring Municipalities

Agreements will be signed with neighboring municipalities for the common development of infrastructure, industrial areas and services.

5. Jordanian Citizenship

A binding government declaration will be made to the effect that all citizens who wish to do so, may keep their Jordanian citizenship, and that this status will not lead to discrimination in relation to Israeli citizens.

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