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Jerusalem in the Arab Israeli Conflict

1967 – 1998

By

Muthanna S. Ammus

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A thesis submitted for PHD in Middle East Studies

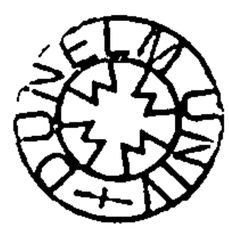

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Table of Contents

INTRODUCTION 1

1) JERUSALEM FROM THE OTTOMAN TILL 1967 7

I. Jerusalem under the Ottoman Rule 8

Administrative Status of Jerusalem 9

Economic Condition of the City 11

Demography 13

Jewish Immigration and Settlement 14

II. Jerusalem under the British Mandate 18

Administrative Status 19

Economy 22

Jerusalem in the Context of British Agreements 22

Demography 24

Jewish Immigration and Repercussions 26

Jerusalem between 1947 - 1967 28

2) ISRAELI OCCUPATION OF EAST JERUSALEM: POST-1967 WAR 37

I. The Judicial Status of East Jerusalem after the Occupation..... 38

The Unification Laws 38

Legal Problems arising from the Unification Laws 41

The Handling of the Shari'a Courts 43

Taxation Laws 45

II. Israeli Measures aimed at the Judaization of East Jerusalem 46

Expulsion of Arab Residents 46

Confiscation of Property 48

The Economic Repercussions 49

Education 52

Excavations in the Old City 53

Religious Affairs 56

Changing of Arab Name of Sites, Areas and Roads 61

III. The Israeli Settlement Policy in East Jerusalem 62

Jewish Settlement Inside and Around the Walls of Jerusalem 65

The Settler Groups 67

1. Ataret Cohanim 67

2. Torat Cohanim 68

3. The Young Israel Movement 68

4. Atara L'yoshna 69

Settler Tactics for Purchasing Arab Properties 69

Jewish Settlement Outside the Walls and Within the Municipal Boundaries 72

The "Greater Jerusalem " Settlement Plan 75

Arab Housing in East Jerusalem 77

3) THE JERUSALEM MUNICIPALITY 89

I. The Dismantling of the Arab Municipality 90

II. Segregated Services for Arabs under the New Israeli Municipality 91

Segregation of Shari'a Courts 92

Transportation Segregation 93

Segregation in Health Services 93

Education Segregation 95

Commercial Segregation 96

Segregation in Gas Distribution 99

III. The Municipality Elections and Jerusalem Arabs 100

Teddy Kollek's Municipality 101

The Mukhtars and the Municipality 102

Teddy Kollek's Relationship with Jerusalem Arabs 103

Jerusalem Foundation and Sumud 104

IV. The Relationship between Jerusalem's Municipality and the Government 105

V. A Right-Wing Municipality in Jerusalem 107

The Groups involved in the Elections 107

The Election Campaign 107

Why did Kollek lose? 108

Palestinians and the Elections 109

Likud's Success in the Jerusalem Municipality Election 110

Mayor Olmert's New Jerusalem Policy 110

Rabin's Reaction 111

4) THE INTERNATIONAL COMMUNITY AND THE JERUSALEM ISSUE..... 117

I. Jerusalem and United Nations Decisions 119

II. United States Policy on Jerusalem 132

United States Policy Between 1967 - 1998..... 136

III. The European Community and Jerusalem 153

IV. Vatican Policy towards Jerusalem 159

VI. Soviet Union - Russian Federation Policy on Jerusalem 170

5) THE ARAB AND THE ISLAMIC WORLD AND THE JERUSALEM ISSUE..182

I. Jerusalem and Arab World Politics 183

Arab League 184

Organisation of the Islamic Conference 189

The United Arab Emirates (UAE) 195

Jordan and Egypt 197

6) A PROPOSAL FOR SETTLEMENT IN JERUSALEM 220

I. International Proposal - UN 181 Resolution 221

II. Israeli Official Proposal - Tedd Kollek's Proposal 226

III. Palestinian Israeli Proposal 228

IV. Jordanian Proposal 231

V. A Suggested Proposal 233

1. Sovereignty 234

2. Settlements 235

3. Municipality 235

4. Court 237

5. Education 238

6. Tourism 238

7. Religious Sites 238

8. The Economic Life of the City 239

CONCLUSION 239

ANNEXES

I - Fundamental Agreement between the Holy See and the State of Israel....243

II- Israeli Settlements in the Jerusalem Area (Table).....250

III- Israel's Settlement Population in "Greater" Jerusalem –1993 (Table).....252

IV- East Jerusalem Population – 1993 (Table) 253
V- Maps 254
VI- Charts 255
VII- Proposals and Positions Concerning the Future of Jerusalem 256

BIBLIOGRAPHY 342

GLOSSARY

Note:

None-English terms underlined in the text are defined in this glossary.

Non- English terms:

A

Agudat Yisrael:	Israel federation.
Agudat-Degel Hatora:	Flag of the torah.
Al-Quds Al-Sharif:	Holy City of Jerusalem.
Amanah:	Trusteeship.
Aqbat Al-Khalidiyya:	Khalidiyyah hilly road.
Amouna:	Israeli property tax.
Ashkenazim:	Jews of European origin.
Awqaf (Waqf):	Religious endowments.

B

Beit Al-Mal:	Public treasury.

D

Dhimmi (Ahl Al- Dhimmi):	Christians and Jews living under the protection of an Islamic state.
Dunum:	1000 m2

E

Effindis:	Master, Turkish title of respect.
Eretz Israel:	Land of Israel.

F

Fellahin:	Peasants, farmers.

H

Hagannah:	Defence movement.
Halukkah:	Charitable donation from Jewish communities outside Israel.
Har Homa:	The wall mountain (suggested Jewish settlement near Jerusalem).
Haram Al-Sharif:	Aqsa mosque and its precincts.
Hukumdar:	Egyptian chief of police in the Ottoman time.

I

Intifada:	Uprising.

J

Jezya:	A special tax paid by Christians and Jews under Muslim rule.

K

Khanqah Al-Fakhriyya:	Small prayer room.
Kharaj:	Land tax.

L

Likud:	Coalition of different right wing Israeli political parties.

M

Majlis:	Council.
Moharram:	First month of the Islamic calendar.
Muftis:	Official expounders of religious Law.
Mukhtar:	Village chief, mayor of a village.
Mutassif:	A governor of a subdivision of a Wilaya in Ottoman times.
Mutessellim:	Governor.

Q

Qadis:	Judges
Quran:	The Holy book of Moslems.

S

Sephradim:	Jews of oriental origins.

Sharia'a:	Islamic Law.
Simsars:	Middlemen, brokers.
Sinjaq:	District.
Sumoud:	Remittance to back the resistance of Palestinians in the occupied territories.
Surra:	Amount of money.

T

Tanzimat:	Ottoman administrative reform.

U

Ulama:	Learned men of religion.
Ummah:	Nation.

W

Wali:	Governor of a Wilaya.
Wilaya:	State

Y

Yerushalim:	Jerusalem.
Yshiva:	Religious school of biblical studies.

Z

Zawiya:	Small mosque.

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Abstract

Jerusalem in the Arab Israeli Conflict

1967 – 1998

By : Muthanna S. Ammus

There is probably no other city in the world that draws as much attention as the City of Jerusalem. Jerusalem is a holy city for the three main monotheistic religions. Its religious significance lies in the presence of major Holy sites. Still, today, the importance of Jerusalem to the Jewish, Christian, and Muslim communities scattered throughout the world continues to influence the foreign policies of both governmental and non-governmental bodies. The particular case of Jerusalem attains a specific relevance, not solely for itself but also for the whole of the territorial question, mediated through the spiritual significations attached to the city.

My research question for this thesis is to examine the extent to which Israeli policy has altered the objective conditions within which any negotiations over the future of Jerusalem will have to take place, and the extent, also, to which any parties, other than the Israelis, who have an interest in the conflict have been able to resist that change or willing to resist that change.

The first three chapters of my thesis answer this question by examining policies towards Jerusalem by the Ottomans, the British, the Jordanians and subsequently the Israelis, regarding Jerusalem's status, land issues, demography and administration, and how these policies have actually changed the circumstances of the city. The second part of the thesis will look at the responses of parties such as the United Nations, United States, European Community, Arab league and the Palestinians to these policies, whether they have been willing or able to resist the changes to the objective circumstances of the city. Finally, taking into account these changes in the circumstances of the city, I have attempted to propose some kind of negotiable settlement for Jerusalem, which unlike the previous settlement proposals takes into account the changes that have taken place.

The conclusion is essentially that the Israeli policy has altered the status of the city and the conditions under which it exists in such a way that the previous proposals are not appropriate. My proposal is an attempt to remedy this by taking into account the objective circumstances.

INTRODUCTION

If I forget Thee, O Jerusalem

Let my right hand forget its cunning

Let my tongue cleave to the roof of my mouth

If I remember Thee not

If I set not Jerusalem above my chiefest joy.

[Psalm 137]

Then I saw a new heaven and a new earth; for the first heaven and the first earth had pass away and the sea was no more. And I saw the holy city, new Jerusalem coming down out of heaven from God, prepared as a bride adorned for her husband... and death shall be no more, neither shall there be mourning nor crying nor pain any more, for the former things have passed away. [Revelations 21:1-4].

Glory to be Him, who carried his servant by night from the Holy Mosque [Mecca] to the Farthest Mosque [Jerusalem] the precincts of which We [God] have blessed, that We might show him [Muhammad] some of our signs. [Sourah 17:1].

Jerusalem, recently the centre of the world's attention, has throughout history been marked by dramatic changes. In turn these changes have had a substantial impact not only in that region but also throughout the world. The issue of Jerusalem's annexation has become one of the most controversial and unresolved issues of our time. Jerusalem has been of great importance to the three major world religions - Judaism, Christianity and Islam. Historically and in present times, the religious importance and the faiths of the three religions have played a strong role in supporting political sovereignty. However, it must be noted that no government from the Ottoman Empire up to now has ever obtained full state sovereignty over Jerusalem. During the current Arab-Israeli Peace Negotiations the issue of Jerusalem has once again re-emerged with both sides having opposite views of the status of Jerusalem. The Israelis biblical claim to the city and its consequent judaization has made Jerusalem a complicated issue in the peace negotiations. As far as the Israelis are concerned, Jerusalem is the eternal capital of the state of Israel and is therefore a non-negotiable issue. On the other hand, for the Palestinians a just and lasting peace requires a comprehensive withdrawal from the Occupied Territories, including East Jerusalem.

Although, on the first day of the 1967-war, Israel's Prime Minister, Levi Eshkol, proclaimed that Israel had no territorial claims, and Israel's Defence Minister, Moshe Dayan, declared that "we have no aim of territorial conquest", Israel proceeded with the annexation of the Old City soon after its capture.[1] Eric Silver's study on Menahem Begin in his book entitled Begin (1984) reveals Begin's insistence on keeping the spirit of Eretz Yisrael alive.

> *"The foreign nations must know that Jerusalem is ours, its all ours - the Temple Mount, the Western Wall - and Jerusalem on both sides of the wall is ours, and Jerusalem is our capital, not only in theory but in practice."*

To politically justify the Israeli Government's occupation of East Jerusalem in 1967, government officials continuously point out the biblical belief that Jerusalem is the lasting capital of the third Kingdom of Eretz Yisrael. However, for the Palestinians the annexation of the Old City was a continuation of Israeli aggression and against international law. Arafat's response to Jerusalem's legal status was stated in the book Arafat - The Eye of the Beholder (Wallach, 1990) as:

> *Under international law, Arab East Jerusalem was always considered part of the West Bank. The United States had never recognized reunified Jerusalem as the Israeli capital nor had Washington acceded to Israeli annexation of East Jerusalem.*

The first chapter of the theses will initially discuss the modern history of the City of Jerusalem, from the Ottoman Empire until the 1967 occupation of East Jerusalem by Israel.

The second chapter begins with a survey describing the occupation of East Jerusalem and the measures that Israel undertook to Judaize and change the outlook of the city. From the first moment of occupation the Israeli authorities adopted a plan of judaization to try to gain full state sovereignty. In order to ensure the success of judaization, the Israeli Government developed the following general policies and measures:

1) Large scale geographic control of the land within Jerusalem and its surrounding areas by measures such as land confiscation and the development of a network of roads around Jerusalem.
2) The isolation of the Arab population in East Jerusalem and the surrounding Arab communities of the West Bank.
3) Building extensive Jewish housing projects in and around Jerusalem in order to increase the Jewish population and presence in Jerusalem.
4) Designing the settlement areas in such a manner that they serve two main goals - to offer protection to the Jewish communities in the settlements should there be a war and to absorb the inflow of Jewish immigrants.[2]

The third chapter will examine how the municipality of Jerusalem functions, with a detailed look at the various segregated municipal services for the Palestinians. These segregated services include health, education, and the distribution of resources and housing. The issue of housing is a prime example of discriminatory and segregated city planning by the Israeli Government and the local municipality. By 1995, 38,500 residential units had been built in Jerusalem on confiscated Arab lands for approximately 160,000 Jews. Yet, not one unit had been built for Palestinians even though the shortage of housing units among Palestinian Jerusalemites exceeds 20,000 residential units.[3]

The fourth chapter will discuss Jerusalem in the sphere of international politics. The policies of various nations and other bodies (United Nations, United states of America, the European community, the Vatican and the Soviet Union) towards Jerusalem will be analysed and discussed in this chapter.

The fifth chapter will discuss the Jerusalem issue in the politics of the Arab league, Saudi Arabia, Jordan, United Arab Emirates and Egypt.

The sixth chapter will contain a review of various proposals presented by international, Palestinian-Israeli, Jordanian and Israeli officials, based on the current situation of Jerusalem. This chapter also will include a suggested proposal by the author, that is taking in consideration the political sovereignty of the parties concerned - Israelis and Palestinians - in a formula that keeps the city undivided and open.

Endnotes

1

H. Cattan, Jerusalem, p. 71

2

A. Abu-Arafa, Al - Quds: Tashkeel Ja'deed Lil-Ma'deena . Jerusalem: New planing for the city, (1985), p. 54

3

B. Tselem, A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem, (Jerusalem, May 1995), p. 7 and 12.

Chapter 1

Jerusalem From The Ottomans Till 1967

I. Jerusalem under the Ottoman Rule

Although the Sanjak of Jerusalem was part of the Ottoman Empire, its significance and status was not upgraded until the 1830s. It was a city, which during the Ottoman rule was never heavily populated. Jerusalem was not an urban centre to a rural community. The important families of this Sanjak did not live in the town nor did they control its affairs. Jerusalem's inhabitants were not farmers and only a small portion of merchants and craftsmen served the needs of the rural community. The city's occupants were, however, the Dhimmi communities, which in part survived through donations from abroad, and the Muslim community. The Muslim community consisted of two elements. One was the non-Arab Muslims, who were mostly Ottoman functionaries and soldiers and their descendants who had settled in Jerusalem over the centuries. The other type of Muslim inhabitant of Jerusalem was the Arab merchants, tradesmen and especially the Ulamā and religious functionaries such as Qadis, Muftis and Effendis [1].

So what brought about the rise of the status of Jerusalem by the Ottomans? This shift of status by the Ottomans first came about when the city was upgraded in the Ottoman provincial hierarchy and was made a district dependent directly on the centre (1841) [2]. It is clear at this point that the Ottomans raised the status of Jerusalem soon after the end of the Egyptian occupation of the country. The reason for the change was simply that the Ottomans took account of a reality established by the great powers: the emergence of political and cultural interest in the affairs of Palestine in general and Jerusalem in particular.

Administrative Status of Jerusalem

Throughout its history under the Ottomans, Jerusalem had known periods in which it was a relatively important administrative centre. However, by the turn of the century, throughout the 1810s and 1820s the administrative status of Jerusalem was the lowest possible. During this time it was governed by a Mutesellim, a minor official [3].

From the beginning of Ottoman rule, Jerusalem belonged to the province of Damascus, which was one of three provinces, which constituted Syria at that time [4]. The head of each province was a general-governor or Wali appointed from Istanbul. Each province was subdivided into a number of districts called Sanjaks. Jerusalem was a Sanjak, which included Hebron and surrounding villages. At the head of the administration of each Sanjak was a district-governor (Mutasarrif) and his troops, staff and gendarmerie. The civil branch of administration was headed by a Qadi whose jurisdiction extended beyond Jerusalem to include several towns surrounding Jerusalem. The duties of the Qadi were not just juridical and legal duties but also included wide administrative functions covering various fields of administration [5].

The first change in the status of Jerusalem was introduced in 1831 when Muhammad Ali and Ibrahim Pasha took control of the city. It was under the progressive administration of Muhammad Ali that Palestine and especially Jerusalem was first really opened up to modern western influence [6]. The Pasha immediately abolished the former Ottoman administrative division of the country into two provinces. Syria and Palestine were headed by a civil governor-general (Hükümdar) whose seat was in Damascus. Each district town was represented by a civil governor (Mutesellim) who was usually a local Arab [7]. Jerusalem was ruled by the strong central government in Damascus and Cairo, which raised the status of government officials and diminished the powers of feudal overlords [8].

It was during this time that there was a considerable amount of administrative advancement such as the establishment of a city council (Majlis) [9]. The city council, which was comprised of representatives of the population, advised the administrative authorities on matters of taxes, commercial disputes and the legal status of non-Muslim residents. Various other matters were dealt with by the municipal councils. Under the Egyptian rule, the Christian community's status improved and it was allowed to share in local government. The Jews, during the Egyptian period, enjoyed a more liberal status [10].

In 1840, the Ottomans once again took control of the Holy Land after driving out the Egyptian army with the aid of the British and other powers. The new Turkish regime was quite different from the old regime, which had been in power prior to the Egyptian occupation. This was due to the fact that the government tended to be more centralized, as a result of the Tanzimat - the Turkish law - reforms.

The reforms could be roughly divided into three groups. The first group dealt with administration and government, the second with the welfare of the Ottoman subjects and the third with the status of the non-Muslim citizens [11]. In the Tanzimat era there was a clear process of modernization in the working of the Ottoman administration. This was apparent when the officials heading the Turkish administration were assisted by the city council or Majlis, which represented the entire local population. Another sign of modernisation was the provision of services by the municipalities. Furthermore, these reforms introduced the process of nominating municipal officials in Jerusalem. Another administrative area that was substantially modernized in the province of Jerusalem was taxation [12].

It was also during the Tanzimat era that relations between communities deteriorated. The new reform laws included the equal status of non-Muslims in the Ottoman Empire. The Muslim community could not understand why the state should have to change the ancient rule of the dominant status for the Muslim population [13].

Economic Condition of the City

During the early years of the nineteenth century, Jerusalem was a small-impoverished city; still, there did exist a certain amount of economic activity [14]. The prosperity of the local economy was for a long time hindered by the corruption of the local Turkish authorities, mostly the Pashas. The instability of the Ottoman monetary system was another factor obstructing economic development [15]. The first attempts at economic development during this period came with the conquest of Palestine by Muhammad Ali (1832-1840). It was however, in the late 1860s that economic growth reached its greatest momentum, continuing into the 1870s and 1880s [16].

Jerusalem's economy in the early nineteenth century was based on three major industries. The most important was the production of soap and oil, with the Muslims being the owners of virtually all these soap and oil extracting factories. The second significant industry was the manufacture and dyeing of cloth and the third industry was leather processing, both of which were exported to various parts of Europe. There is no doubt though that the most important source of income for many Jerusalem residents was contributions from abroad [17]. Due to the religious and political importance of the city, cash payments were made to the people of Jerusalem. The Ottoman and Egyptian government would annually donate a grant called Surra, to be allocated to a large number of needy people and others. The Jewish community was supported by charitable donations from Jewish communities abroad, the Halukkah, most notably from Europe and Egypt [18]. There were also donations sent to monasteries and various Christian sects from Europe. One

example was the King of Spain who regularly sent considerable sums of money to Franciscans in Jerusalem [19]. The manufacturing and exporting of articles of piety was another source of income for residents of the city. This was mainly a Christian industry. Also, the existence of workshops along with revenues from pilgrims who visited Jerusalem enhanced the economy of the city [20].

In addition, the Awqaf played an essential role in the economic life of Jerusalem. It created jobs for hundreds of people and provided many beneficiaries with steady incomes. It also stimulated all branches of the economy. The revenues from the Awqaf were a constant and chief source of expenditure on social, educational and religious institutions, as well as on public utilities in general [21].

The different sectors of the economy were subjected to various taxes, such as agricultural land tax (Kharaj), taxes on livestock, market taxes on commodities, taxes on industries and exports. In addition to these industry and trade taxes were those taxes levied on Christians and Jews (Ahl Al-dhimma) such as poll tax, taxes on male adults (jazya) and pilgrims tax. At times, the residents of Jerusalem were occasionally exempted from various taxes due to the religious value of the city [22].

So, it can be said that the beginning of the nineteenth century was the start of economic development after 200 years of stagnation. The most significant growth of the economy was in foreign trade. This development in the economy was not mainly due to the Ottoman reforms, nor to foreign activity. It was not even due to Jewish immigration and settlement, although, many Jewish writers generally agree that all progress during this period came from Jewish initiative [23]. In fact, the Jewish community took practically no part in any economic activities since most came to Jerusalem to study or to spend the rest of their days in the Holy City. This fact was recognized by Sir Moses Montefiore who

realized that Jewish settlement could not exist on charitable donations alone and had to be more economically productive [24]. In the end, the main contribution to the economic development of Palestine, particularly Jerusalem, came from it being increasingly linked to the world economic system, especially Europe's economy. Furthermore, this linkage was possible through the Arab Muslims and Christians [25].

Demography

Population figures on Jerusalem during the Ottoman rule are often inconsistent. Different sources offer a variety of estimates, some conflicting. The main obstacle in obtaining an accurate picture of the size of Jerusalem's population is not the lack of data but rather an excess of contradictory data. Most of the population figures of Jerusalem during the nineteenth century are based on estimates by European travellers, consuls, and residents of the city [26]. It was not until the British Mandate that there was an official census which is complete and accurate.

Jerusalem's population was comprised of Muslims, Christians and Jews. There were several factors which affected the fluctuations of population size of each religious sector. The Christian population, from the early nineteenth century until the 1880s remained stable, never increasing in size by a substantial amount. This is due to the fact that Christians only made pilgrimages to Jerusalem, after which they would return home. The Jews, on the other hand, came to Jerusalem to live and die there and although in the 1800s the Turks limited Jewish immigration to the region, the Egyptians (1832-1840) were more flexible to Jewish immigration, which raised the population of the Jewish community dramatically. This population expansion of the Jewish community continued throughout the nineteenth century. As for the Muslim community, the population estimates fluctuated mainly because of heavier taxes and military conscription which encouraged Muslims to

leave Jerusalem. Other factors affecting the Muslim population were the peasant uprising of 1826, and the revolt against the Egyptian government in 1834 [27].

In the early 1800s, the total population was approximately 8,750 of which 4,000 were Muslims, 2,750 Christians and 2,000 Jews. By the 1850s the population consisted of 5,350 Muslims, 3,650 Christians and 6,000 Jews, a total population of 15,000. The population estimate in the 1880s was around 31,000, which was made up of 8,000 Muslims, 6,000 Christians and 17,000 Jews [28]. By the turn of the century, a further increase was recorded with a population of about 55,000. The Jews were the absolute majority with 35,000 people compared to 10,000 Muslims and 10,000 Christians [29].

It must be noted that although by the early 1900s the Muslims had become a minority in Jerusalem, they however made up roughly 75 per cent of the population of Palestine. The Jews made up around 15 per cent and Christians about 10 per cent. Most of the Muslims were fellahin (peasants), who made up around 65 per cent of the total Muslim population. They lived on farms and were mostly tenant farmers. Only 20 per cent of the Muslim population lived in cities and towns, with the remaining 15 per cent being nomads who wandered over a large area in search of grazing land for their flocks. In contrast to the Muslims, the Christians were generally urban dwellers, with 75 per cent of their population living in cities and towns. Of the Jewish population, 85 per cent lived in urban areas [30].

Jewish Immigration and Settlement

Through the 1800s the Jewish community began to expand as a result of increased immigration. Until 1831, the Ottomans, along with the local Muslim population, resisted Western and Jewish penetration into Jerusalem [31]. Furthermore, during the Turkish rule in

the beginning of the nineteenth century there existed a policy restricting the Jewish settlement in Jerusalem to a limit of 2,000 Jews. Alongside this policy was a ban on Western (ashkenazim) Jewish settlement in the city until 1816 when the ban was lifted [32]. With the conquest of Palestine and Syria by the Egyptians came a more flexible rule over Jerusalem.

The dramatic increase of Jewish immigration to Jerusalem during the time under discussion was not because the attraction of the Holy City grew, but rather it was due to the political and other factors which encouraged Jewish immigration to Jerusalem. One such factor was the immigration to Jerusalem in the 1830s by the Jewish community of Safed after the Revolt of 1834 and the earthquake in Safed in 1837 [33]. Another factor was the improved condition of the Jews and their growing security in the area due to the protection of European consuls. These factors, along with Jewish immigration from Europe and North Africa, resulted in a larger population of Jews in Jerusalem than Muslims and Christians [34].

The immigration of Jews to Jerusalem continued in the second half of the nineteenth century, raising the population of the city and in the 1870s new neighbourhoods outside the Old City were built. With the large number of Jewish immigrants arriving in Jerusalem, the Jewish Quarter of the Old City became overcrowded. Therefore, Jewish settlement expansion took two directions; within the Old City and outside the walls. The expansion of the Jewish Quarter began with the settlement on streets north of the Jewish Quarter, thus expanding the Quarter north. Later, Jews began to settle in remote sections of the Muslim Quarter. Jewish expansion, however, never extended to the Christian Quarters. The reason for this was that the Muslim Quarter was the least populated and the largest neighbourhood in the city while the Christian Quarter was small and full of

monasteries, churches, and hospices. Also, the buildings in the Muslim Quarter were owned by monasteries reluctant to sell to Jews. Finally, in the nineteenth century Muslim-Jewish relations seem to have been better than Christian-Jewish relations [35].

After it became apparent to the Ottomans that a large number of Jewish colonies were flourishing in Palestine, the Turkish government became suspicious of the intentions of the Jewish settlers. In 1896, Theodore Herzl travelled to Istanbul to persuade Abdelhamid II to issue a charter enabling Jews to colonize Palestine in return for twenty million pounds [36]. Although this arrangement would have helped the Turkish economy out of its debt-stricken state, the Sultan declined the offer. It was decided by the Turkish government that allowing Jewish immigration and settlement in Palestine (specifically in Jerusalem) would in the future lead to problems should the Jews desire their own government. This was not the only fear. Jewish immigration and settlement would increase the influence of Great Powers over the affairs of the Empire [37]. Thus, because of these factors, the Ottomans devised new policies. It was determined that the Turkish government should do its best to prevent Jewish immigration and settlement. Consequently, the Ottoman local authorities prohibited all foreign Jews with the exception of pilgrims who journeyed to Jerusalem and later outlawed the sale of lands to Jews [38]. However, attempts by the Turkish authorities proved useless and the influx of Jewish settlers continued, particularly to Jerusalem.

As for the Arab Muslims and Christians, they viewed this continuous flow of Jewish settlers with alarm and hostility. It was not the idea of Jews coming to Jerusalem from all parts of Europe for physical security that made Palestinians apprehensive, but rather in later years when Jewish settlers arriving had aspirations of a Jewish nation in Palestine. Hostility towards these Jewish immigrants came about after some wealthy landowners sold land to the new settlers at profitable prices. In other cases, the government sold land

to Jews when the peasants on these lands could not pay their taxes. This was the main reason why the peasants would attack the newly established Jewish colonies [39]. By the early 1890s several educated, notable Palestinians voiced the concern of the widespread Jewish settlement to the Sultan Abdelhamid. In 1912, the Jerusalem representative in the Turkish parliament, Rawhi Al-Khaldi, urged the discussion of the dangerous repercussions of Jewish immigration to Palestine. Al-Khaldi asked the Sultan to put an end to this by stopping immigration of Jews and the purchasing of Arab land by the Jewish settlers [40].

During most of the period in which the Ottomans ruled over Jerusalem, Christians and Jews alike enjoyed certain autonomy. Non-Muslim residents of the city were allowed to practice their religions but were regarded as second-class citizens. Discriminatory laws and practices that Christians and Jews were subjected to include their payment of a special poll tax for protection granted to them by the Muslim ruler. The administration of justice was not in their favour but in that of the Muslims, and they were ineligible to hold high administrative posts. Furthermore, they were forbidden to carry arms, ride into town on horses, or build places of worship [41].

Much of the hostility felt towards Jews was generated by religious sentiment. It has been argued that the hostility towards Jews was more among the Christians than the Muslims [42]. It was also evident during the Ottoman rule that relations between various sects of Christianity were not cordial. Although Christians - Greeks, Armenians and Roman Catholics - all shared a dislike for the Jews, it was mostly expressed among the Greek Orthodox [43].

Although there existed in Jerusalem tensions between the various religious communities, no serious disturbances were reported (although they did occur in other Palestinian towns, like Haifa and Jaffa). Most disputes occurred among the Christians

themselves. The relatively peaceful coexistence was mainly due to the presence of high-ranking mutesarrif (governors) rather than strong security forces and later, after reforms, the foreign consuls who were watchful over the welfare of foreigners and non-Muslims [44].

II. Jerusalem under the British Mandate

As the Ottoman Empire went into decline, there was an undoubtedly strong foreign influence present in Palestine, most notably in Jerusalem. The European powers, in order to augment their power and influence within the Ottoman Empire, sought local minority groups in Palestine to associate with. Thus, the French became the protectors of the Catholic community, the Russians the protectors of the Greek Orthodox, and the British (with no "natural ally" of this type) had to invent an ally [45]. Britain extended its protection to the Jews and in 1838 was the first of the three interested powers to establish a consulate in Jerusalem [46]. James Finn, the second holder of the post of British consul, not only fulfilled Britain's promise to protect the Jews but also was personally involved in building up the Jewish community. In fact, quite often in Consul Finn's letters from Jerusalem (to British government officials) he would report on the condition and problems faced by the Jewish community [47].

The Ottomans lost all control of Jerusalem in World War I when General Edmund Allenby entered Jerusalem in December 1917. With the representatives of the various religious communities of the city, Allenby proclaimed to the inhabitants of Jerusalem that the Turks had been defeated by his troops, that the city was under martial law and that this form of administration would remain for as long as necessary [48]. By the end of World War I, the British had made three mutually contradictory promises on the future of Palestine; the Sykes-Picot Agreement (1916), the MacMahon-Hussain Correspondence (1915-1916)

and the Balfour Declaration (1917) [49]. Not surprisingly, the British Military Government in Jerusalem would soon have to deal with the problems of administration under the dual commitments to Arab and Jew [50]. The correspondence with Sharif Hussein of Mecca had promised independence to the Arabs with specific territory but the Belfor declaration promised a national home for the Jews in Palestine.

Administrative Status

Palestine and Jerusalem were under British Military administration until July 1920, when a civil administration was established. During this time the authorities were primarily concerned with organising economic and administrative affairs [51]. It was the military government's policy to perform its duties in a "non-political" fashion. The area was governed by a Chief Administrator in Allenby's name. The Chief Administrator would then select military governors, but the chain of command began at the War Office in London[52]. The administration successfully piped water into Jerusalem for the first time and worked to overcome the poverty and famine in Jerusalem and throughout Palestine that was a result of the war [53]. Much work was done in the reconstruction of Jerusalem and the restoration of essential services. However, throughout the duration of this military administration, Jerusalem was constantly plagued with problems. There were outbursts of riots in the city between Arabs and Jews. The military administration had tried to abide by the administration and legal status quo outlined in Article 3 of the Hague Treaty. This aroused the anger of Jews and the administration was often criticised as being biased [54].

When the British then replaced the military administration with a civil administration, Herbert Samuel was appointed High Commissioner. Along with Samuel came other Jews who were placed in key positions, such as Albert Hyamson, Director of Immigration, and Norman Bentwich, Attorney General and chief legislator of Palestine's

laws [55]. Samuel, unlike the previous administration, did not consider himself bound to follow the provisions of the Hague Treaty. Samuel, to the delight of the Jewish community, clearly favoured the policy of a "Jewish national home" over the status quo.

Weeks after Samuel had arrived in Palestine he called a meeting of leaders of all communities in the country. In the meeting he announced the intention of building a "national home" but stated that the rights of the various races would be respected. He announced the formation of an advisory council to include official and non-official members. The official members would be from the administration while the non-official members would be chosen from the Muslim, Christian and Jewish communities. What Samuel failed to mention was that the non-official members could not outvote the official members [56].

One of the first steps taken by Samuel was to enact the first Immigration Ordinance fixing a quota of 16,500 immigrant Jews for the first year. Other similar actions followed in order to further the "Jewish National Home" policy, such as land disposition, registration and settlement [57]. In financial matters, Samuel repealed a number of taxes that were levied by the Turks and abolished a number of monopolies, which had hindered economic development in the area. He established a police force of 1,300 men that was made up from all parts of the Palestinian communities. He was also successful in the formation of chambers of commerce in Jerusalem and other major towns. Nevertheless, Samuel had less success with Arab-Jewish relationships; not until the Jerusalem riots of 1921 he recognised the explosive tension that existed in many towns of Palestine [58].

Although the civil administration governed the region, each religious community was headed by its own association. The Jewish sector, under Article IV of the Mandate,

formed the Jewish Agency to "advise and co-operate with the Administration on the establishment of the National Home" [59]. An Arab Agency was also suggested but was refused by Palestinian leaders since this involved the recognition of an official Jewish party, which was committed to the aggressive programme of establishing a National Home [60]. The Christian Arabs, the majority being members of the Greek Orthodox Church, were under the leadership of the Orthodox Patriarch. The Muslim community's religious affairs were governed by the Supreme Muslim Council which was formed by regulations drawn up by the Arab Assembly, a meeting of the Arab Elite under Faisal in Syria, in 1921 and approved by the Commissioner. The Council, made up of a president and four elected members two of whom represented Jerusalem, wielded considerable power [61]. The Council had control over the Muslim Religious Courts (Sharia'a courts), the hiring and dismissal of court officials, the religious schools and orphanages, and awqaf boards and funds [62].

The status of Jerusalem was enhanced throughout the British Mandate administratively, politically and religiously. In the religious aspect, Jerusalem was used by both Jews and Muslims to further their political objectives. The Muslims, headed by al-Hajj Amin al-Husayni, began a restoration project of Jerusalem's two mosques in order to attract international support to the Palestinian struggle. Furthermore, the Muslims pointed out to Muslims of other countries that Jerusalem's mosques were "in danger of falling into the hands of the Jews" [63]. Similarly, the Jews hoped to gain world-wide support by emphasising the significance of the Wailing Wall in Jerusalem to Jews [64]. While the Sanjak of Jerusalem, in the last quarter of the nineteenth century of Ottoman rule, had become an "administrative unit directly subordinate to Istanbul" now, under the British, Jerusalem had become the centre of Palestine in an administrative and legal sense [65].

Economy

During the period under discussion, the economy of Jerusalem (as also of Palestine generally) was greatly affected. The majority of settlers arriving flocked to Jerusalem, enlarging the population even more. Construction and other economic activity rose to supply the new settlers' needs [66]. However, the economy could not support the large amount of immigrants coming in. In 1926-8, Palestine was in a recession, with high unemployment due to the large influx of Jewish immigrants. Prior to the recession there had been a large wave of Jewish immigration in 1925, and the artificial building boom that accompanied it ended in disappointment for the Yishūv. The Arabs at this time claimed that many Jewish settlements had failed and that the settlements at that time were in poor condition. This showed that the settlements lacked any economic basis but had survived on charity [67]. The economy did at times enjoy an economic boom, mainly between 1931-35, that can be attributed to some wealthy Jewish immigrants who brought with them a substantial amount of capital and valuable skills [68]. Yet, this boom came to a halt due to the tensions rising in Jerusalem and the disturbances after April 1936. The commercial strikes during this year hindered the economy even further [69].

Jerusalem in the Context of British Agreements

On a political level, the British Mandate had failed to solve the problem of Palestine, a problem that Britain itself had created as a result of three conflicting promises made between the Allies in World War I, and between the Allies and Arabs and Jews. The first such promise was based on the famous McMahon-Hussein Correspondence, between Britain's representative in Cairo, Sir Henry McMahon, and Sherif Hussein of Mecca. During their correspondence (1915-16), McMahon encouraged an Arab revolt against the Turks, promising the Arabs to support their independence and self-determination in the former provinces of the Ottoman Empire [70]. The problem that arose from this agreement was in

certain districts that were excluded from the agreement and in the lack of detailed boundaries of districts. Later, the British government would argue that Palestine was excluded in the agreement while Sherif Hussein assumed that it was included in the area of Arab independence [71].

The British government disputed that Palestine was excluded because it had not been mentioned when McMahon notified the Sherif that "portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo" were to be excluded from the area of Arab independence [72]. It was clear that in their correspondence, McMahon and Hussein made no mention anywhere, directly or indirectly, or by indication of that part of Syria, which was known in Ottoman administration as the "sanjak of Jerusalem". In his note dated 14th December 1915, Sir Henry McMahon refers to the regions, which he wished to exclude as being in "the two vilayets of Aleppo and Beirut". Had he had Palestine in mind he would have certainly added "Sanjak of Jerusalem". The fact that he did not goes to confirm the conclusion that the only portions of Syria, which it proposed to reserve in favour of France, were the coastal regions of northern Syria [73].

The second agreement was a secret pact between the British and French known as the Sykes-Picot Agreement. It was because of this agreement of 1916 that a new political map was to be drawn and an entirely new self-definition imposed by the colonial system was to emerge. In the context of this agreement, the land of the Fertile Crescent that was held under the Ottoman Empire was to become a fragmented territory with each part given a new name. One such divided area was mandated Palestine [74]. The status of Palestine in the Saint Remo conference (April 1920) was that it would be under the British control (including Jerusalem).[75]

The third and most significant promise made was the Balfour Declaration. On 2nd November, Lord Balfour, Britain's Foreign Secretary, sent a letter to Lord Rothschild concerning his declaration:

Dear Lord Rothschild;

I have much pleasure in conveying to you, on behalf of His Majesty's government, the following declaration of sympathy with the Jewish Zionist aspirations, which has been submitted to, and approved by the cabinet.

His Majesty government views which favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

This declaration to the Jews was further implemented by the promise of a recognised Jewish Agency to advise the administration on the establishment of a national home, without violating the rights of existing non-Jewish communities [76]. The attempt to achieve this two-sided objective was to be a central problem throughout the mandate period, which in the end was never resolved. Despite the guarded terms of the Declaration, it is apparent that the real intentions of the Zionists and certain British officials were to turn Palestine into a Jewish state with Jerusalem as the capital [77].

Demography

During the early years of the Mandate there was an increase in the Jewish population in Jerusalem, while the Muslim and Christian communities diminished. This

was partly due to the restrictions enforced by the British military administration that were drafted by the civil engineer McClean. This was the first infrastructure plan for Jerusalem which divided the city into four parts: the Old City and its walls, the area surrounding the Old City, East Jerusalem, and West Jerusalem. McClean in his plan prohibited building in areas surrounding the Old City and restricted building in East Jerusalem. West Jerusalem, on the other hand, was free to develop and this area was largely populated by Jews. Thus, at the expense of the other three areas, West Jerusalem expanded and flourished simultaneously with the rise in population of the Jewish community [78].

At the beginning of the British Mandate, the population of Palestine was 757,182 of which 590,890 (78 per cent) were Muslims; 73,024 (9.6 per cent) were Christians; and 83,794 (11 per cent) Jews. Although this figure differs from previous given figure, it should be remembered that none of the statistics available from pre-British mandate period are wholy reliable. Most Jews lived in urban cities, with the majority living in Jerusalem. Since the late nineteenth century, Jews have been the largest religious community in Jerusalem. By the First World War, because of large-scale immigration, Jews constituted 64.3 per cent of the city population. In 1922, this figure dropped to 54.7 per cent (62,053) while the Muslim population was 13,413 and the Christians only slightly higher with 14,669. Jewish immigration slowed down considerably in the late 1920s but resumed again in the 1930s due to the political unrest in Europe, especially Germany [79]. In 1931, Jerusalem's population was 51,222 Jews; 19,894 Muslims, and 19,335 Christians. On the eve of the U.N. Resolution for partition, the total population of the city was 165,000, with 100,000 Jews (60 per cent); 25,000 Christians, and 40,000 Muslims [80].

Although the Jewish community's population in Jerusalem was the largest of the three religious communities, Jewish land ownership was not. Most buildings were owned

by Palestinians. Jews owned an insignificant part the Old City (less than one per cent), and about one-quarter of suburbs. The exact percentage of land ownership of the urban area of Jerusalem in 1948 was calculated on the basis of survey maps and taxation, by Sami Hadawi, a former officer of the Department of Land Settlement. This showed that Arab-owned land constituted 40 per cent, whereas Jewish ownership was 26.12 per cent, and Christians 13.86 per cent. The remaining 20.02 per cent was owned by the government of municipality, or used for roads [81].

Jewish Immigration and its Repercussions

The years of the British Mandate brought a new tangible presence of Jews to Jerusalem. In the Jewish dream of a "national home" above all, they wanted Jerusalem [82]. The Zionists had a theory of numerical superiority as proof that Jerusalem was a Jewish city even before the creation of the State of Israel in 1948. Therefore, it was their intention to increase immigration to Jerusalem for this reason. During this time many Jewish institutes were opened, such as the Hebrew University (1925) and Hadassah Hospital [83].

One of the results of the Mandate and Jewish immigration was the unity that was formed between the Christian and Muslim communities. This was crystallised in the formation of the Christian-Muslim Association for the struggle against Jewish expansion in Jerusalem in particular, and Palestine in general. On the other hand, the on-going rivalry between the two biggest Muslim families of Jerusalem, the Husaynis and the Nashashibis grew deeper under the British Mandate [84]. The British, aware of this family rivalry, used it to their advantage. First of all when the British administration appointed a notable figure such as Haj Amin al-Husayni as head of the Supreme Muslim Council, it would, to a certain extent, affect Hajj Amin's credibility in the country by being associated with the administration. At the same time it would help the British in controlling Haj Amin and

keeping a watchful eye on him. Secondly, the moderate Nashashibi family wanted to strengthen their position, during this time, to match that of the nationalist Husayni family when the Mufti, Haj Amin al-Husayni, became head of Supreme Muslim Council. To accomplish this, the Nashashibis were amenable to British policies, thus enhancing their family position in its opposition to the Husaynis. In the end, the British, by exploiting the family rivalry, to a certain extent disrupted Haj Amin's nationalistic activities in the community [85].

Arab opposition to the Mandate and the policy of the Balfour Declaration throughout this period remained obstinate and unrelenting. The Arabs faced the idea of a "Jewish national home" and Jewish immigration with protests and resistance [86]. After disturbances occurred at "Al-Buraq" in Jerusalem in August 1929, a Commission of Enquiry was appointed by the British government to investigate the causes of the event. In certain sections of the report it stated that the Zionists' intention was to secure advantages for Jews to which they had no rights. Their aim was to obtain possession of the Haram Al- Sharif. It goes on further to say that the "Balfour Declaration incites Jews to claim rights which do not exist because even if they cannot produce proof that their claims are well-founded, they count on outside support" [87].

In April 1936, the Arab political parties in Palestine joined together to form the Arab Higher Committee, presided over by the Mufti of Jerusalem. The Committee called for a general strike that was maintained for six months and for the first time perhaps there was unity among the entire non-Jewish population, whether Christian, Muslim moderates or extremists [88]. The Committee had decided on a continuous strike until the policies of the British government changed dramatically, beginning with the halting of Jewish immigration. They also requested the establishment of a national government responsible to a representative council [89]. The Peel Commission was appointed for the task of investigating

the "bitter unrest" and to make recommendations on what should be done. When the Peel Commission submitted its recommendations it concluded that the Mandate should be abolished and replaced with a treaty relationship. The territory of Palestine should be partitioned into a Jewish state and Arab state. As for the Holy Places in Jerusalem it was suggested that "they should form a mandatory enclave administered by the British government" [90].

Jerusalem between 1947 - 1967

The question of the future of Palestine was considered at a special session of the General Assembly held in April and May of 1947. The outcome of the session was the recommendation of the partition of Palestine, between Arabs and Jews, with Jerusalem to be internationalised (a corpus separatum) administered by the United Nations. The resolution also included that the city by demilitarised, its neutrality be declared, and no paramilitary formations or activities be permitted within its borders [91].

The year 1947 witnessed the ending of administration of Palestine by the British Mandate. However, the U.N. Resolution of 1947 on the partition of Palestine and the internationalisation of Jerusalem was never carried out. By the time the British Commissioner departed on 15 May 1948, the modern part of Jerusalem to the West of the Walls was under control of the Jewish Haganah. Most of the city inside the Wall and its northern and eastern areas were governed and defended by Arab irregular forces [92]. The plan for internationalising the city according to the U.N. Resolution was rejected by both the Arabs and Jews and the U.N. was unable to carry out this decision. In the two years after 1947, Israel seized in Jerusalem 84.23 per cent of the municipal area while the only area of land left for the Palestinians was 11.48 per cent. The remaining 4.39 per cent became known as "no man's land" under the U.N. supervision [93]. *(See map 1, annex V)*

Israel then proceeded to pass a series of administrative and legislative laws that would enable it to seize Palestinian properties in occupied Jerusalem of 1948. Most of these laws passed were concerned with what they called abandoned properties. Palestinian private property in occupied Jerusalem of 1948 was estimated at being 80 per cent of the city's property [94].

On 7 July 1948 Israel and Jordan signed, under U.N. auspices, an agreement for the demilitarisation of Mount Scopus, where a Jewish enclave remained. In that agreement, Israel was allowed to deploy a small number of policemen and civilians to look after their properties there. The U.N. supplied them with water and other essential needs [95].

The Jordanian government pursued a policy of domination with respect to Jerusalem; it declared the city as it's second capital. At that stage, none of the two countries, Israel and Jordan wanted to control all of Jerusalem, in fear of provoking outside powers to implement the United Nations decisions that the city be internationalised [96].

In June 1950, the Arab League declared that the Arab part of Palestine annexed by Jordan was a trust in the hands of the Kingdom of Jordan until the Palestinian case is fully resolved in the interest of its inhabitants [97].

Images of Jerusalem and the Holy places captured an important place in Jordanian postage stamps of 1948-1967. The incorporation of Jerusalem and the West Bank and thus the Holy Places became very strongly linked with the Hashemite monarchy's conception of Jordan [98].

As a result of the1948 war, Jerusalem lost half its population including a large portion of its best businessmen and professionals. King Abdullah encouraged loyal Palestinian families from Hebron and Nablus to immigrate to Amman to counter the dominant Palestinian families of Jerusalem. The Jordanians were determined to neutralise the Palestinian nationalist centre and establish the centrality of Amman. Jerusalem supreme Muslim council was disbanded and the Islamic religious trust that had been power base for the city's Palestinian nationalists was brought under Jordanian control and its offices moved to Amman [99].

On the economic level, Jerusalem major business and government offices were forced to relocate in Amman. Request for loans for economic development were routinely turned down. Business in Amman got tax breaks, those in Jerusalem did not. Jordan reduced Jerusalem to a provincial town. Palestinians who wanted to get serious business done had to move to Amman. Jerusalem was starved for capital investment, for infrastructure, for leadership and in nineteen years of Jordanian control, the Arab population of Jerusalem declined precipitously.[100] *(See map 2&3, annex V)*

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Chapter 2

Israeli Occupation Of East Jerusalem: Post-1967 War

I. The Judicial Status of East Jerusalem after Occupation

Once again the status of Jerusalem was to change when East Jerusalem ceased to be occupied by Jordan. The physical unification of the city began almost immediately with the capture of the Old City on 7 June 1967. The Municipal services (transport, gas, electricity, drainage and roads) were to be extended and unified. The physical barrier that divided the city was removed. Furthermore, the sanitation, communication system, public health and the police and fire protection were also speedily unified. The Israeli Government claimed that these activities were not measures of "annexation" but rather "municipal unification".[1]

The Unification Laws

Instantly, after the occupation of the Old City in June 1967, the chief aim of the Israeli authority was the "rapid and total imposition of Israeli sovereignty upon East Jerusalem".[2] However, due to the opposition to annexation by the Arabs of Jerusalem this objective was only partly achieved. In Israel's occupation of East Jerusalem, four problems were presented: the legal form of the annexation, the boundaries of the unified city, the municipal status of the occupied area and legal provisions for the Holy sites.[3] Therefore, the Knesset, on 27 June, passed three laws to resolve these problems:

(I) The Law and Administration Ordinance (Amendment) Law;

(ii) The Municipal Corporations Ordinance (Amendment) Law;

(iii) The Protection of the Holy Places Law

In reality, Israel was late to amend these legal arrangements as and where it was deemed necessary in order to enforce its defacto annexation in various ways.[4]

The first of the Unification Laws was an amendment (No.11B) to the Law and Administration Ordinance. This amendment stated that "the law, jurisdiction, and administration of the State shall extend to any area of Eretz Israel designated by the Government by order".[5] Supplementing this amendment was an order issued designating the Old City, East Jerusalem, Kalindia Airport, Sheikh Jarrah, Sur Bahir and its other neighbouring areas as being within the jurisdiction, subject to the laws and administered by the State of Israel.[6] The Law and Administration Ordinance with its new amendment would solve two of the problems faced by Israel: the legal form of the annexation and boundaries of the City.

The second problem facing Israel was the question of the municipal status of the occupied area. Due to the annexation decree all legal municipal bodies were abolished and the annexed area lost its municipal status.[7] Therefore, an amendment (No.6) was drafted to the Municipalities Corporations Ordinance. This amendment empowered the Minister of the Interior, at his discretion, to "enlarge the boundaries of any municipality to include the area designated by order" under the Law and Administration Ordinance.[8] The Minister of the Interior at once expanded the Israeli Jerusalem Municipality to include the entire area of annexed East Jerusalem. At the same time, a second amendment to the Municipalities Ordinance was passed, which stated that the Interior Minister was also empowered to appoint additional councillors from "among the inhabitants of the newly-included area".[9]

As for the most sensitive aspect of the occupation, the Holy Sites, the Knesset passed the Protection of Holy Places Law. This law provided that:

> *The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of members of the different religions to the places sacred to them or their feelings.*

This law also states that those who violated a Holy Place or violates the freedom of access of different religions to sacred places would face stiff imprisonment sentences.[10]

Before this law concerning protection of the Holy Places was passed, the Prime Minister had decided that:

1. Arrangements at the Western Wall shall be made by the Israeli chief Rabbis.
2. Arrangements in the Muslim Holy Places shall be made by the council of Muslim clergymen.
3. Arrangements in the Christian Holy Places shall be made by the Council of Christian clergymen.

It is important to note that it was the Defence Minister and not the Minister of Religious Affairs who notified the Muslim leadership that they would remain responsible for arrangements for their Holy Places. Initially, in the first few weeks of the occupation, the Israeli Defence Ministry dealt with Jerusalem as an occupied territory as it was in the West Bank, Gaza and Golan. Later, the Israeli authority would change this policy in order to support their political claims that their intentions were to "reunify" Jerusalem and not annexation. The Israeli government then changed from military rule to civilian government.[11]

The Minister also served notice on Muslim leaders that Jews had a right to unrestricted visits to the area of "Haram Al-Sharif".[12] To assert this decision the key to the Mughrabi Gate, which was one of the entrances to the Haram area above the Western Wall, was confiscated from the waqf offices by Israeli soldiers.[13]

Another interesting aspect of the annexation of East Jerusalem was noted by Meron Benvenisti in his book *Jerusalem: The Torn City*. Benvenisti compares "*the*

declarations of the Israeli Govemment, following the occupation of Jerusalem, with declarations of the other two states which captured Jerusalem in the twentieth century ".[14]

When General Allenby officially entered Jerusalem he proclaimed to the public that regarding the Holy Places " *every sacred building, monument, holy spot, shrine, traditional site of whatever form of the three religions, will be maintained and protected according to the existing customs and beliefs of those faiths they are sacred ".*[15] In 1951, when Jordan controlled East Jerusalem King Abdullah published a proclamation regarding the Holy Places. It stated that *"law and order will be protected within the framework of the status quo, the rights of all religions, mosques and churches will be sacred ".*[16] On 8 June 1967, the Minister of Religious Affairs based on the Prime Minister's announcement issued a proclamation. It stated, among other things, that *"arrangements for protecting the Holy Places would be made by the religious leaders themselves and detailed instructions on abiding by the principles set down in the Declaration of Independence (with regard to the Holy Places)".*[17] Benvenisti, who was Director of East Jerusalem Affairs at the time of the annexation, points out that the declarations by the British Commander-in-Chief and Jordanian King promised to maintain "the existing customs" or the status quo. The Israeli declaration, on the other hand, clearly avoided using the term status quo; rather, its policy regarding the Holy Places is based on the principles of Israel's Declaration of Independence, mainly on the following passage appearing in it: *"The State of Israel will ensure freedom of religion, conscience, speech, education and culture; it will protect the Holy Places of all religions ".*[18]

Legal Problems Arising from the Unification Laws

The Unification Laws proved however to be inadequate in answering and anticipating the large number of problems that were to arise from the annexation of East Jerusalem.[19] In addition, the Israeli Govemment failed to establish a selective or gradual

application of its law to the occupied area. There was an abrupt change from one day to the next rather than a transitional period that would have ensured some jurisdictional and administrative continuity. Thus, the end result was a series of "loopholes" in various legal matters and when the need arose laws were adopted to satisfy particular problems.[20]

One such legal absurdity was that of the Absentees Property Law (1950), which stated that any person who, at any time after November 1947, had been a citizen of any Arab state, or an inhabitant of any part of Palestine outside the boundaries of the State of Israel was an "absentee" and his property passed to the Custodian of Absentee Property.[21] This actually meant that all of East Jerusalem residents were absentees and furthermore under the Penal Amendment Law, the residents were also "enemies" by virtue of their Jordanian citizenship.[22] However, to deal with this situation, the Minister of Justice instructed the Custodian of Absentee Property not to regard the inhabitants of East Jerusalem as absentees.

Another legal matter that had to be resolved was the businesses and companies that had been incorporated by Jordanian law were suddenly without status. Business continued operating without authorisation. Lawyers, doctors and other professionals requiring licenses, could no longer legally practice their professions. Legal actions and documents issued or authorised before annexation, became null and void.[23] These difficulties were resolved by the Law of Legal and Administrative Arrangements (1968), which declared that the East Jerusalem residents were neither absentees with regard to their property in East Jerusalem nor were they enemies. It also states that lawyers of the annexed territory would be eligible to become members of the Israeli bar and concerning registration of companies or practitioners of licensed professions, were able to register and obtain licenses.[24]

Yet, this law did not prevent the expropriation of Arab privately owned land, by the Israeli authorities. Vast areas of Arab-owned land were expropriated for construction by enforcing the Land Acquisition for Public Purpose Ordinance.[25] Lands have been cleared as well as buildings destroyed to enable large apartment blocks to be constructed to accommodate Jewish immigration. Land was also seized by the Israeli authorities using the Absentee Property Law regarding Palestinian refugees as well as those who could not technically prove the land was theirs to the satisfaction of the authorities. This was mainly because land division under the Ottomans had been complicated and unclear, or the land had often been in the family for generations and was divided between brothers; and then title deeds were lost. [26] Property of the waqf was also destructed or secularised, such as the Mughrabi Quarter that was demolished and inhabitants evicted in order to make an open space and car park for the Wailing Wall.[27]

Occupation "Unification" was defacto annexation. Legal "Annexation" did not take place until 1980 (Jerusalem Law). All the previous measures prior to 1980 amounted to annexation whatever the Israelis called it.

The Handling of the Sharia'a Courts

The annexation of East Jerusalem brought about another important issue that had to be dealt with. The Israeli Ministry of Religious Affairs wanted to impose all Israeli laws and procedures on the sharia'a court system of East Jerusalem. On 11 July 1967, the minister notified the Muslim leadership of East Jerusalem that the Unified City was now to be under the Islamic laws of Israel, thus informing them they could not operate in accordance to Islamic laws in effect in the Kingdom of Jordan. The judges (Qadis) of the Sharia'a courts were appointed by Jordan and this conflicted with the requirements of the Israeli Qadis' Law. The Qadis' Law (1961) had a number of conditions for the appointment of a Qadi which included that a Qadi be an Israeli citizen, to be appointed by the President

of the State at the suggestion of an appointments committee and to take a declaration of allegiance to the State of Israel.[28]

The members of the Sharia'a court in East Jerusalem obviously did not meet these conditions nor did they intend to meet the requirements of the Qadis' Law or resign. The Muslim leadership objected fiercely stating that they did not recognise the annexation of Jerusalem and they could not adjudicate in accordance with Israeli laws regarding marriage, divorce, inheritance and women's status, since these laws were illegal by Muslim religious laws.[29] Furthermore, Islam does not recognise separation of religion and state nor do they acknowledge appointments by a non-Muslim head of state or take an oath to him.

The Ministry of Religious Affairs also wanted to take over the control of waqf properties as well as censorship of the sermons delivered in the Al-Aqsa Mosque during Friday prayers. The Muslims were then ordered to separate the Jerusalem Sharia'a courts from those of the West Bank, since Jerusalem had become part of the State of Israel.[30]

Several attempts have been made to find a solution that would appease both the Israeli authorities and Muslim Council, which was the authority that dealt with all Muslim affairs in the West Bank including Jerusalem. The Israelis could not come to a final decision fearing that an arrangement on such matters would further strengthen the established Arab leadership, thus being a political threat to Israel. The Muslims were against suggested proposals announcing that they could not accept an arrangement that implied recognising Israeli sovereignty over Jerusalem, no matter how favourable the proposal was to them. Over time, an unofficial procedure in arranging legal matters was established with a "mutual non-recognition" of both authorities towards each other. On the Israeli part, the Bailiff's office was instructed not to enforce verdicts of the Sharia'a courts

and the Interior Ministry did not recognise marriage certificates issued by the Muslim religious courts. Inheritance orders issued were also not recognised by authorities. For the Muslims, the Sharia'a court did not acknowledge the annexation of East Jerusalem, refused to allow Israeli attorneys to appear before them and refused to initiate any approaches to Israeli authorities.[31]

Taxation Laws

Laws concerning taxes of any sort were also extended to East Jerusalem after annexation. During the Jordanian rule of Jerusalem, the inhabitants were accustomed to paying little income tax. When the Israelis annexed Jerusalem, income tax payment was regarded as a major element in residents' financial planning. Jerusalem's Arab residents were required to pay income tax, absorption tax and defence tax.[32] Some paid without coercion but those who refused had moveable possessions impounded. The Committee of Director-Generals for East Jerusalem, along with an inter-ministerial committee for policy in the city, decided that tax authorities should act with restraint and moderation in dealing with the city's Arab taxpayers. The Israeli tax office dealt cautiously with the inhabitants of East Jerusalem but its policy towards them was to raise Arab tax assessments slowly so it would eventually measure that of Israeli taxpayers. The Arabs became aggravated, however, by new additional tax payments plus laws that raised the rate of income taxes. In 1970, there was a commercial strike by Arabs to express opposition to the continuous tax increases.[33]

Both the Jerusalem Arab community and Israeli authorities had explicit goals to either wanting to reduce taxes or collecting taxes. The Arabs wanted primarily to reduce the taxes demanded by the government but more importantly the tax conflict was a means to show their rejection of Israeli annexation of their city. To the Arabs it was a psychological struggle with the Israelis.[34] For the Israelis, they wanted to collect taxes

from Arabs prescribed by law. More so, however, it was an important method in maintaining their rule in Jerusalem in the face of Arab resistance. Furthermore, the Israelis wished to show the outside world that a unified Jerusalem under Israeli rule could operate in spite of disputes between the government and the Arab population.[35]

II. Israeli Measures aimed at the Judaization of East Jerusalem

The drafting of the Annexation Laws and Absentee Law paved the way for Israel to carry out certain measures aimed at systematically Judaizing the city. In order to Judaize the city, annexation and de-Arabization were necessary. The intentions of the Israeli government were to ensure that Jerusalem would remain united and constitute the eternal capital of Eretz Israel. This was affirmed by the declaration given by the Israeli Defence Minister, Moshe Dayan, on 7 June 1967:

> *We have liberated Jerusalem; we have united the torn city, the capital of Israel. We have returned to this most sacred shrine never to part from it again.* [36]

Dayan's statement epitomised the Zionist ideology and view of the governing Labour Party at that time. The Likud Party, led by Menachem Begin, shared the same policy towards Jerusalem. In a speech after the annexation of East Jerusalem, Begin stated:

> *Don't tell us that there is no value to declarations. Foreign nations must know that Jerusalem is ours, it is all ours - the Temple Mount, the Western Wall - and Jerusalem on both sides of the wall is ours, and Jerusalem is our capital, not only in theory but also in practice.*[37]

Expulsion of Arab Residents

The expelling of Arab residents was one of the first measures carried out by the Israeli authorities. In spite of the withdrawal of Arab forces on the second day of the 1967 war, the Israeli army resorted to continuous aerial and land bombardment of the city and its inhabitants.[38] The result was the death of nearly 300 civilians and the destruction of

hundreds of residential and commercial buildings outside and within the wall, which drove away about five thousand Arab civilian inhabitants.[39]

The second method the Israeli authorities used at the outset in driving away the Arab residents of Jerusalem was to demolish Arab property within and outside the walls. This started just four days after occupation, and within a week 135 houses in the Al-Magharbeh Quarter where 650 people lived were destroyed. In addition, two mosques in the Moroccan quarter, one factory for plastics in the Armenian quarter employing 200 people and 200 houses and shops within no-man's-land were also razed.[40]

Later, the Israeli government used even more extreme measure to de-Arabize Jerusalem. Soon after its annexation of East Jerusalem, the authorities began to deport members of Jerusalem's community. At first the more prominent individuals and later even workers, teachers and students. Among those who were expelled was the Mayor of East Jerusalem, the President of the Higher Islamic Theological Committee, ex-ministers, physicians, lawyers, principals of colleges and schools, and even farmers and landlords.[41]

The measure forced the families of the deportees to join them, for material and psychological reasons.[42] Thus, more East Jerusalem residents were forced to leave. The Israeli authorities in deporting political and popular Arab leaders also hoped to weaken the inhabitants' resistance in general and frighten them by such measures.[43]

By 1976, the population figures of Jerusalem rose to 250,000 Jews and 90,000 Arabs. Today, the total population of Jerusalem stands at 550,000, of which three-quarters are Jews.[44]

Confiscation of property[45]

Soon after the Israeli occupation of Jerusalem the authorities carried out a census of the Arab inhabitants of the city. All residents of Jerusalem who were absent for reasons such as work, education and visits, or who were war, were considered absent and subsequently denied the right to return to their city. The Israeli authorities could then enforce the Property Absentee Law and gain control of a large portion of Arab property and land.[46] However, to avoid international condemnation, the government continued to follow the policy of excluding the sacred and holy sites of Christians and Muslims from the Absentee Property Law 1948. This is not to say that awqaf property was not affected by the land confiscation policy.[47] It is also important to note that although the Israeli authorities did not allow Palestinians to reclaim lands and property in West Jerusalem, the Jews were allowed to reclaim lost property in East Jerusalem after annexation.[48]

For Israel to seize lands it continued to use the Land Acquisition for Public Purpose Ordinance of 1943, which allowed the government to claim lands for "public interest". The Israeli authorities did not accurately define what the term "for public interest" meant. So, cases involving land confiscation and properties were often justified by the Israeli authorities as being for the public interest. The Jewish settlement plan in and around Jerusalem and the expansion of the Jewish quarter was based on this law.[49] In 1968, an area of 3,345 dunams of Arab lands outside the walls of Jerusalem was confiscated on the basis of this law. [50] During the same year, from within the walls of the Old City, an area of 116 dunams was expropriated. This area included the following 700 buildings:

- 12 waqf buildings owned by the Islamic awqaf.
- 99 waqf buildings belonging to the Magharbeh awqaf.
- 354 waqf buildings belonging to Arab Jerusalem families.
- 130 buildings owned by Arab individuals and families.
- 105 buildings owned by pre-1948 Jewish establishments.

This area within the Old City included confiscation of four Arab quarters behind the wall of Al-Harem. These are: Al-Magharbeh, Bab Al-Silsilah, Al-Sharaf, and Suk-Al-Bashurah quarters.[51] There was also 745 dunams of Arab lands confiscated outside the walls and within the Jerusalem town planning boundaries, situated between Jerusalem and Ramallah. Areas outside the walls of the city and within its planning boundaries situated to the north, north-west, east and south had land confiscated totalling 11,680 dunams.[52] Furthermore, from the years 1973 to 1976, the Israelis expropriated approximately 88,000 dunams or Arab land from the villages of Anata, Abu-Dees, Al-Azarieh, and Nebi-Samuel, and also lands of Khan Al-Ahmar, Jabal Al-Mukkubar, Al-Sheikh Jarrah, and the al-Sawahreh Arabs. All these land confiscation were justified as necessary for public utilities purposes, such as hospitals, schools, roads, and water reservoirs. One could argue that the size of Jerusalem and its surroundings, the amount of land needed for public services is unlikely to exceed a few hundred dunams at the most. The authorities took thousands of dunams, which in the end served the purpose of settlements.[53]

Since 1967 until now, around 40 per cent of East Jerusalem has been confiscated.[54] These lands taken from Palestinians have been mostly used for housing of Jews and Israeli institutions.[55] As a result of the land confiscation measures, Arab property in Jerusalem has now decreased to approximately 14 per cent, while in the beginning of 1948 it was 84 per cent and 94 per cent in 1918.[56] *(See map 4, annex V)*

The Economic Repercussions

Jerusalem's economy was targeted by the Israelization policy of the city. Prices in the city rose substantially as a result of the direct contact between the city's economy and Israel's developed economy. In the absence of a strong industrial infrastructure, only

tourism and trading services survived as main economic sources. The tourism industry itself dropped sharply, leading to extensive unemployment. As a result of the political and administrative annexation of the city, more than one-third of the labour force lost their jobs. Other industries, which were affected, were the hotel industry, which was closed down for a long period due to the war, and the Arab banks, which were closed down permanently.[57]

Almost immediately, the Arabs of East Jerusalem were forced to convert their Jordanian currency into Israeli `lira' at a rate intentionally fixed at a low level.[58] Israel also put a stop to the transferring of money from Jordan and other Arab countries by Jerusalem Arabs working abroad. This caused a shortage of currency and a lack of confidence in the economic future of the city. However, Arab inhabitants of Jerusalem were allowed to have money exchanging offices, something strictly prohibited in Israel.[59] This was allowed in order to secure the flow of money from Palestinians in neighbouring Arab countries. These money exchanges in Jerusalem are necessary in the absence of an Arab-Israeli banking channel. The Israeli government wanted to encourage the inflow of cash into Jerusalem to stimulate the local economy. Yet, this allowance made by the authorities constituted a loophole in the Israeli sovereignty over Jerusalem. Upon annexation, the Israeli government imposed a variety of new taxes on Jerusalem Arab residents, who used to pay the only tax of 5 per cent of income under the Jordan rule. These heavy taxes discouraged Arab citizens of Jerusalem from investing. Taxes imposed were: income taxes, value added tax, defence tax, community charge tax, airport and travel tax, purchasing tax of 5 per cent and a 20 per cent tax on imported goods.[60] The economic repercussions as a result of the heavy taxation policy imposed were as follows:

1) Businessmen did not hesitate to rid themselves of their shops and properties inside the city because of the tax pressure and the accumulation of payments.

2) Arab citizens of Jerusalem began to leave the city avoiding the heavy tax payments of community charges known as `Amouna'. These were taxes on properties and rent earned. This is the reason why there was a new Arab residential area outside the boundaries of the city.[61]

Beside these tough measures, the Israeli authorities prevented the Arab inhabitants of Jerusalem from consuming Arab products. The Israeli occupation prohibited agricultural and industrial products, or any commodity from neighbouring towns and villages from the West Bank into Jerusalem's markets, thus forcing them to meet their needs by purchasing Israeli products and commodities. By doing this, Israel meant to paralyse the trading process between the West Bank and Jerusalem - emphasising its detachment from the West Bank.[62] The Israeli economy expanded in Jerusalem at the expense of the local Jerusalem economy.

The Israeli government started to build an industrial infrastructure in and around Jerusalem, mainly on confiscated Arab land, near Kalandia and north of Jerusalem. The Israelis built 38 factories and overtook `Wadi al-Joz' to absorb most of their factories and workshops. Large industrial areas in Al-Khan al-Ahmer, east of Jerusalem, were also used for this purpose.[63] Israelis planned to develop industrial areas in and around Jerusalem to encourage Jewish immigration to this area. The industrial area included Atirot (2000 dunams), Ma' Allay Adu'meem (3,200 dunams), Kemoneem (500 dunams) and T'kou (400 dunams).[64] The confiscation of this industrial area left only a small portion (less than 100 dunams) in Wadi al-Joz and Anata that contain workshops and garages but without any significant industry.[65]

A new measure, which aimed to change the status quo of Jerusalem, was that against the Arab Electricity Company of Jerusalem. In 1971, Israel attempted to interfere

with the company's business based on Article 11 of the Legal and Administrative Ordinance.[66] Back at the end of 1967, the Israeli Municipality of Jerusalem had decided to appoint two representatives to the board of directors of the Arab Electric Company. The new municipality justified this move on the grounds that it was the legal successor of the Arab municipality.[67] However, the Israeli municipality was not the legal successor of the Jordanian municipality.[68] For the Arab side to agree with the Israeli Municipality decision meant the Arab company recognised the legality of the dispersal of the Arab municipality and of annexation.[69] So, the Israeli government forced the Arab Electricity Company to supply the Israeli settlements and residential areas around Jerusalem with electricity. This put much pressure on the technical capacity of the power generators.[70] Again, in 1980 the Israeli Ministry of Energy demanded the dismantle of the company and have it placed under an Israeli umbrella. At the end of 1986, the Arab Electric Company's debts totalled 4,000,000 Jordanian Dinars which the Israeli government use to put pressure on the company to either pay their debts soon or face being taken over. The Israeli government also placed the year 2000 as a possible date for taking over the Arab company.[71] As for 1998 the Arab company is struggling to keep itself going and out of the hands of the Israeli authorities.

Education

The education system was another area, which was subjected to change after Israeli annexation. The Jordanian programs were changed to an Israeli programme, which had been used in the Arab schools in occupied Palestine 1948 inside the green line.[72] For Israel to control and supervise the Arab schools of Jerusalem, it issued the "*Inspection of Schools Law of 1969*". This enabled the Israeli authorities to control the private and government schools of Jerusalem.[73] In 1971 the Education superintendent ordered the schools in the West Bank not to accept Arab students from Jerusalem.[74] This would leave only two choices for Jerusalem Arabs - either to leave the city and give up their Jerusalem

residence ID for the sake of their children's education, or to allow their children to join the government schools in Jerusalem with their Israeli oriented educational programs.

Immediately after the law was past, Arab educators and students rejected it. The Arab rejection of the Israeli educational programme was because this programme aimed at influencing Arab students, especially the younger generation, away from Arab culture, ethics and values. Thus, the Arab students would become more prepared and willing to accept a co-existence with the Jewish communities in the Jewish state.[75] Yet, the authorities failed to impose the Israeli curriculum and at the end of 1975 decided to institute two study courses in government schools. One would be a Jordanian curriculum and the other Israeli.[76] The Israeli Committee, which took this decision, clearly knew that East Jerusalem Arab pupils would choose the Jordanian programme.

Excavations in the Old City

Israel has never referred to Jerusalem as occupied territory but rather viewed it as a reunified part of their capital. Therefore, the Israeli government did not believe that Article (32) of the Hague Convention applied to them and that they were justified in carrying out numerous excavations. According to Article (32) of the Hague Convention of 1954:

"In case of armed conflict, the state or states occupying territories of another state or states should refrain from carrying out any excavations for antiquities in the occupied territories".[77]

The excavations were significant to the Israelis for the following reason:

1) The excavations, the Israelis believed, would produce new tangible proofs that could back up their historical claims to Palestine and Jerusalem specifically.

2) The archaeological excavations in the southern and western walls of the Haram Al-Sharif were attempting to locate evidence leading to the location of the City of David and the Temple.[78]

Therefore, the phases of the excavations took the same outline. The first phase was a series of intensive excavations in the Western Wall of the Harem and its surrounding vicinity. The second phase consisted of deep excavations to explore David's City. These are what caused cracks in the structure of the A-Aqsa Mosque and other ancient buildings from the Ayyubis and Mamluk eras.[79]

Israeli excavations were carried out in different sites of Jerusalem. Most of these excavations were conducted in the area of Haram Al-Sharif. Immediately after the occupation of the Old City, the Israelis demolished the Magharbeh Quarter erasing seven hundred years of Muslim history in order to make a parking lot in front of the Wailing Wall.[80] In various stages of excavation works, not only were the immediate areas cleared but surrounding areas were also damaged - as when cracks appeared in fourteen buildings belonging to the Al-Fakhriyah Teaching Centre (Fakhriyah Zawiyah), as a result of excavations in the area. The buildings, which were adjacent to the southern wall of the Haram, were eventually pulled down in 1969.[81]

Within two years of annexation, the Israelis had cleared a distance of 140 meters from the western side of the sacred Muslim site, Haram al-Sharif. In 1970-1971, tunnels over a distance of 215 meters were dug in the same area.[82] In December 1972, UNESCO in its Seventeenth Session adopted a highly critical resolution protesting the continuation of Israeli excavations in Jerusalem and altering the historical characteristics of Muslim and Christian sites.[83]

In 1973 to 1974, a distance of 80 meters of excavations south east of Al-Haram pierced the southern wall of the Haram. This threatened the ground and arches located underneath Al-Aqsa as well as the Omar Mosque.[84] Between the years 1970 to 1974, excavation works were carried out on the Western tunnel and resumed in 1975 until the late 1980s. This tunnel reached five gates of the Haram Al-Sharif: (Bab Al-Silsilah, Bab Al-Mahtarah, Bab Kataneen, Bab Al-Haddeed and Bab Alaa-Al-Din). It ran underneath historical and religious places including four mosques, historical schools and residential areas presently housing 3000 Arabs.[85] Some of the more relevant archaeological digs included:

1) The extensive excavations of Al- Haram Al-Sharif in 1967, which was part of a wide wall that they claimed belonged to the Hezikyah Era.
2) The Damascus Gate (Bab Al-Amud), in which a tunnel was dug towards the (Wad Road) in 1975.
3) Also in 1975 there were excavations at the Jaffa Gate (Bab Al-Khalil)
4) In 1981, a controversial archaeological reopening of a previously excavated tunnel (1967) by Colonel Warren. The reopening caused cracks in the western arch of Al-Aqsa located over the entrance of the tunnel.[86]

The excavations conducted by Israeli archaeologists and university researchers caused deep concern among many countries and with UNESCO. First of all, the excavations were completely illegal and violated international law. It was also commonly thought by the Arab population that the Israelis used the excavations as a means to cause cracks and eventually to destroy existing cultural and religious property. In addition, the archaeological digs caused a serious threat to the foundations of the Aqsa Mosque. Furthermore, although the Israelis claimed these excavations were to search for ancient Jewish vestiges, they had actually endangered the Arab and Islamic culture and heritage.[87]

Religious Affairs

At first, the Israeli authorities had made assurances of sorts to the Muslim and Christian communities in the `Protection of the Holy Places Law' on 27 June 1967. Furthermore, on 17 July 1967, Israel's Defence Minister Moshe Dayan, reassured Muslim leaders of their control over Al- Haram Al-Sharif compound with conditions regarding Jews. It was clear, however, that Israel would soon change its position concerning the Holy sites and properties. This was first evident in the contradicting statements of Israeli officials, such as the Israeli Minister for Religious Affairs who during a Jewish Congress meeting in Jerusalem was reported as saying:

The liberation of Jerusalem has put all Christian places and a part of the Islamic Holy places under the authority of Israel, and restored for the Jews all their synagogues therein, but Israel has other holy places in the sacred Qudsi Haram, and this latter is the holy of holiest for Jews.[88]

Only days later, the Minister for Religious Affairs would go even further by declaring at a press conference in Jerusalem that the authorities considered the site of the Mosque of Omar as their property by "past acquisition or by conquest" and that there was a question of rebuilding the Temple of Solomon in the area of the Al-Haram.[89] In addition to these statements, Ben Gurion, the first Prime Minister of Israel, declared that: *"Israel has no meaning without Jerusalem, and Jerusalem has no meaning without the Temple"*, designating the site of the sacred Haram. [90]

What followed these statements were acts against Al-Aqsa Mosque, the destruction and expropriation of awqaf properties, the intervening in the religious affairs of Muslim and the harassment of Christian clergymen and vandalism of their holy sites. The

presence of the Israelis after occupation was soon felt when the authorities required Muslim preachers to submit texts of their Friday sermons for censorship.[91] Portions of the text were omitted including Qur'an verses that had been part of the sermon.[92] The first Friday prayers after the war was held on 16 June and the Israeli Military Government officers saw to it that all Muslim religious leaders took part in the services. Israel then broadcast this event in order to show to the outside world that Israel had everything under control.[93]

The Jordanian Government, in view of the occupation, discouraged Arabs from attending services in the Haram considering this collaboration with the occupiers. Jordan did not believe Israel's assurances of freedom of access to the Holy Places.[94] The Mufti of Jordan, Sheikh Abdullah Al-Qalgili, declared:

As for Friday prayers in Aqsa Mosque, Muslims should not go there to perform prayers as long as the enemy of Islam calls for the holding of such prayers to deceive the world and legalise their seizure of the Holy Places and mosques in the territories of Muslims.[95]

However, it could be argued that the Jordanian government and its religious leaders were gravely mistaken in attempting to encourage a boycott of Friday services at the Al-Aqsa Mosque. Logically speaking, the political and military defeat of the 1967 War should not also include a religious defeat by separating the Arabs from their sacred Holy places. In addition, the Aqsa Mosque was the only political forum left to mobilise people to awaken them to the realisation of the Judaization of the city and the repercussion of the military occupation of Arab lands in general.

The Israeli authorities also totally disregarded rulings of Islamic courts regarding the issuance of marriage contracts, divorce, inheritance, trusts and other matters relating to the everyday life of the Arab citizens. This, needless to say, created many complications especially the non-recognition of any births resulting from new marriages.[96] Among the other religious offences the Arabs faced was when the Chief Rabbi of the Israeli Army, with others, conducted prayers in the area of the Haram Al-Sharif. Muslims, sensitive to the treatment of their holy sites, complained that Israel was allowing men and women visitors dressed in an immodest manner to enter the Aqsa Mosque which offended the principles of religion and Arab and Islamic traditions.[97]

The first physical assault was on the Islamic waqf in the Magharbeh Quarters.[98] To the dismay of religious leaders, many of the waqf properties were either destroyed or confiscated. The expropriated area in the Old City was mostly waqf properties, with 595 buildings, 434 shops, five mosques, two zawiyahs, two historic markets (Suq Al-Bashurah and Suq Al-Husar) and a commercial street at Bab Al-Silsilah with a number of historical buildings.[99] The Israeli government ignored the fact that under Islamic law, waqf properties are dedicated in perpetuity and cannot be seized, and that for Muslims, its ultimate owner is God.[100] Besides usurping Islamic public waqf land, the aim of the authorities was also to dispose of the predominately Islamic ownership of properties in the Jewish Quarter. This resulted in the eviction of Arab refugees housed there.[101]

It was, however, the arson committed on 21 August 1969 at the Al-Aqsa Mosque, which caused the most outrage and shock among Arabs and Muslims. The roof suffered extensive damage and an historic twelfth-century carved wooden pulpit was destroyed.[102] Israel, in this case, did not implement its law of the "Protection of Holy Places ", which stated that anyone who violated a holy place would face a stiff imprisonment sentence. Although the culprit, an Australian, was arrested and tried, he was later deported as

mentally deranged and did not serve a sentence.[103] It was the opinion of the Islamic world that Israel encouraged and largely contributed to this vandalism because of its occupation of Jerusalem and its holy places and the campaign conducted in certain Jewish groups for the restoration of Solomon's Temple on the site of the Haram Al-Sharif.[104]

Frequently since 1967, the Israeli authorities attempted to prevent people from going to Al-Aqsa for prayers by setting up roadblocks on the roads leading into Jerusalem. Once again the authorities broke the "Protection of Holy Places Law" which ensured the freedom of access to holy sites. In doing this, the Israeli government hoped to detach Muslims emotionally and spiritually from Al-Aqsa.

The Christian community and religious sites were also not spared from the harassment of the Israeli occupation. Christians have had their shrines, religious property and cemeteries on Mount Zion desecrated. The Tomb of the Patriarchs in the courtyard of the Armenian Church of St Saviour, for example, was broken into and their bones scattered about.[105] Many Christian clergymen and individuals were subjected to aggression by severe beatings. One such aggression by severe beatings was committed against the monks of the Coptic Convent on Christmas Eve 1970 by a group of Israeli policemen. Another example was the beating of Bishop Basileus, second man in the Greek Orthodox Patriarchate by two Israelis in February 1973.[106] In the years following the annexation, Church property in Jerusalem was vandalised in a series of attacks on Baptists, Roman Catholics and Russian Orthodox. Similar to reports by Muslim Arabs of the improper dress and behaviour at Al-Aqsa Mosque, the Christian Arabs complained of smoking, loud talk, improper dress and dogs in the Church of the Holy Sepulchre which was not compatible with the sacred character of the site.[107]

It should also be noted that shortly after the Six-Day War, the Israelis proposed that in exchange for Vatican recognition, "*Israel would recognise the Pope as co-ordinator of all Christian interests in Jerusalem and would treat the Catholics as first among equals with regard to other Christian communities in the Holy City.*"[108] The Vatican refused, fearing the reaction of Arab Catholics throughout the Middle East. Although the Vatican supports the UN resolution to "internationalise" Jerusalem, the Israelis continue to seek official Vatican recognition of Israel's statehood and their "unification" of Jerusalem.[109]

The Arab Christians, just like the Muslims, had much of their property confiscated. The Israelis continually pressured Christians to give up and rent out land for long periods of time. Over the years, since 1967, areas lost to the Christians included:

1) Lands and buildings of the White Russian Cathedral (Al-Maskobiyah) which lies in the centre of Jerusalem and covers wide areas of land.
2) The land of the quarters of Al-Musallabah, Al-Qatamoun, and Karm Al-Ruhban (the Orchard of the monks).
3) Lands and various estates in the centre of Jerusalem belonging to the Armenian Patriarchate in Jerusalem.
4) The German Schneller School, with a wide area of land and a large number of buildings in north Jerusalem owned by a German charitable society and forced to sell under threat. [110]

Till this day, aggression by Israelis on Muslims and Christians continue. Such incidents recently include the illegal occupation by Israeli settlers on 11 April 1990, of a chapel belonging to the Greek Orthodox (Mario-Hanna). Also, the Muslim world will never forget the bloody massacre at Haram Al-Sharif on 8 October 1990, in which 23 Arab

Muslim were killed.[111] Recently, Jerusalem has been cut off from the occupants of both Gaza and the West Bank.[112]

Changing of Arabic name of sites, areas and roads

Another measure used by the Israeli military occupation for Judaization of Jerusalem was the changing of Arabic names for squares, streets and roads into Jewish names. This even included changing historical Arabic names.

Part of this scheme involved the removal of signposts of Arab and Islamic culture and civilisation from the Holy City.[113] The following are some of the changes that occurred:

	The Old Name	**The New Name**
1)	Solaiman Road, outside the walls, which was named after Sultan Solaiman Al-Qanouni, the builder of the Jerusalem walls.	Paratroops Street
2)	Tal Ash-Sharafah, outside the wall that includes eastern part of Sheikh Jarrah Mount.	Gib'at Hamaftar
3)	Bab Al-Magharbeh, which is named after the Arabs of North Africa and located inside the wall.	Ra'habat biti-Ma'hsi
4)	Al-Wad Road, that extends from inside the Damascus Gate to the crossing of Al-Silsilah Street.	Rahob Hakai
5)	Haret Al-Sharaf, located inside the wall.	Miskaf Ladakh
6)	Souk Al-Hasar, located inside the wall.	'Habab.

7)	Tareeq Al-Frair.	Haa'heem
8)	Tareeq Al-Mujahideen, inside the wall.	Derek Sha'ir Hirot
9)	Tal Al-Masharef, or El Tal Al-Feransieh or Karm Al-Wazeer	Hai Shabira
10)	Sa'hit Bab Al-Khalil (Jaffa Gate Square)[114]	Zion Return Square.

Many of the names changed are historically interwoven in the long history of the Arabs and Muslims in the Holy City. The intentions of the Israelis in using this measure is to erase the Arab and Islamic history from the city.[115]

In the end, all these mentioned measures were meant to enhance the Israeli control and sovereignty over Jerusalem. The demolishing of barriers and the opening of the road to the Western Wall were meant to make a physical contact between the two parts of the city. However, in discussing the Judaization of the city, we must mention the settlement policy, as this is the main strategy of the Israeli government. Through the settlement policy the Israelis have tried to bring Jewish religious claims and political ideology to reality. This settlement policy is aimed at establishing a heavy Jewish presence in Jerusalem in particular and over Palestine as a whole, which is the main theme of the Israeli ideology and its priority.

III. The Israeli Settlement Policy in East Jerusalem

The primary goal of Israel's Judaization process of East Jerusalem was to ensure its control over the city in order to prevent any future re-division of it. This would be the main idea behind the Israeli government's settlement policy. The authorities implemented its extensive settlement policy, aimed at reshaping the city both demographically and geographically by maximising and expanding the Jewish presence in the city while

minimising the Arab presence. In political and practical terms, this included the declaration of a "reunited" Jerusalem as the "eternal" capital of the Israeli state based on the Israeli Knesset Basic Law of 1980.[116]

What is obviously noticeable is the distinct difference in the settlement policy of East Jerusalem and of the West Bank. The settlements of East Jerusalem are always pre-proceeded by political decisions and laws prior to the construction of settlements while in the West Bank the settlements are built first without taking any proceeding decisions concerning them. This projects the seriousness of the Israeli government's intentions towards the future of Jerusalem.[117] Immediately following the Israeli authorities' annexation of East Jerusalem, the creation of physical and geopolitical "facts" of an Israeli presence within the annexed area became the priority. In June 1967, David Ben Gurion stated to a number of cabinet ministers that:

"Jews must be brought to East Jerusalem at all costs. Tens of thousands must be settled in a very short time. Jews will agree to settle in East Jerusalem even in huts. One should not wait for the building of regular neighbourhoods. The importance is that there should be Jews there ".[118]

The general strategies behind Israel's settlement policy include the following factors:

1) Securing a Jewish population majority in West and East Jerusalem so that Jewish predominance over Arabs is not less than a 3:1 ratio. This would be accomplished through territories that were annexed to the Jerusalem Municipality and also setting up concentrated settlement quarters.

2) To build settlements in Jerusalem in such a way where they block and encircle the Arab quarters. This would ensure strategic control on the one hand and separate the Arabs in Jerusalem from those in the West Bank on the other hand.

3) To reduce the Arab population growth by complicating the procedures in obtaining building licenses; preventing Palestinians from building in wide areas; and land confiscation, this, forcing more and more Arabs to seek dwellings outside of Jerusalem.[119]

These are the aspects of the Israeli settlement policy in Jerusalem. It aimed to achieve an absolute Jewish population majority in order to control the city. This Jewish predominance would give the government a decisive political influence over its fate in the event of any negotiations about its future.[120]

Many proposals were considered by a government committee composed of military, administrative and settlement experts, on how to attempt to settle Jerusalem and create a Jewish majority over it.[121] The four main ideas or theories considered were:

1) The first proposal considered placed the focal point on the city centre and built groups of small settlement suburbs on hills over the city. Then, allowing these small settlements to expand and eventually merge with one another and later to be connected with the city centre and its municipal services.

2) The second proposal examined building small settlements on the mountains of Jerusalem to encircle the city. This theory also called for the establishment of two secondary centres of municipal services to serve the chain of suburbs built in East Jerusalem. One secondary municipal centre would be situated in the north of the city and the other would be located in the south.

3) The third proposal considered the city centre of Jerusalem as the "mother" city with a large network of main roads encircling it, leading to the surrounding settlements. These six main roads would serve as entrances into the city centre on one hand and connect it with the settlements within and outside the municipal boundaries of Jerusalem, on the other. (This would be the idea behind the theory of "greater" Jerusalem.)

4) The fourth proposal which is now being implemented is the idea that all of the city of Jerusalem and its settlement suburbs work as a single unit. They are connected together by three main passage roads; the western road, the northern road, and the southern road. This proposal would be the foundation for the "greater" Jerusalem plan discussed in the third proposal.[122]

The building of settlements in East Jerusalem consists of three stages: settlement inside and around the walls of the city, settlement outside the walls and within the municipal boundaries of the city, greater Jerusalem.

Jewish Settlement Inside and Around the Walls of Jerusalem

This stage began with the complete demolition of the Magharbeh quarter and the eviction of its inhabitants on 12 June 1967. In all, 135 houses were levelled and 650 people evicted. The Israeli authorities described the eighth-century quarter as a slum which they believed justified its demolition and eviction of inhabitants. The authorities levelled this quarter in order to create a Western Wall plaza. This area was later expropriated for "*Jewish quarter redevelopment" and its inhabitants were offered compensation. However, this was a useless offer since the quarter was the property of the awaqf and not the private property of the inhabitants".*[123] The destruction of the Magharbeh quarter marked the start of a big operation called "rebuilding the Jewish quarter".

After the eviction of Palestinian residents in the Magharbeh quarter, an Israeli company was established to rebuild and restore the expropriated area as the new Jewish quarter. This company called the Company for the Reconstruction and Development of the Jewish Quarter (CRDJQ) was supervised by the Israeli Prime Minister and the inter-ministerial Committee for Jerusalem Affairs.[124] The CRDJQ was responsible for notifying tenants of the expropriation and offered compensation. Some tenants accepted the compensation, however, many tenants refused in which case they were harassed and pressured until finally accepting to leave. Those who refused to leave would have the access to their homes blocked their courtyards and house walls demolished or would have to live with the constant noise of drilling and the danger of falling stones around them. In some cases, the water pipes and sewage drains were cut.[125] Not being able to withstand the harassment, many of the Palestinians departed to seek other residences.[126]

(See annex II)

Jewish settlement in the Muslim quarters was an effective slow settlement process, which today has gained momentum. Initially, some of the first properties in the Muslim quarter to be demolished and expropriated were the ancient Al-Buraq and Afdali mosques including their zawiyas. Two years later, the renowned Khanqah Al-Fakhriyya, that is adjacent to the Western Wall, was destroyed.[127] In addition, thirty homes and buildings in Al-Wad and Bab Al-Hutta were taken over in an aggressive Israeli settlement campaign, which forced out Palestinians from the Muslim quarter.[128] In the early years of the seventies a number of Israelis became interested in former Jewish residences in the Muslim quarters and attempted to re-establish a Jewish presence there. During this period, Israeli Jews settled into some premises located on Tariq Al-Wad. Sephardi Jews also attempted to occupy the Bet Maghrebin complex, which was a former hostel for North African Jews on the Aqabat Khalidiyya.[129] The plans for settlement in the Old City in

general and the Muslim quarter in particular are clarified by David Zojroni, the deputy director of the Jewish quarter construction. In 1977 he stated:

"We must restore the Muslim section as well. When we took the Old City we took a loan from the world. We have to pay it back by reconstructing the whole thing. True we will have to move out a lot of Arab families - they are ten people in a room, when the Jews are one or two - because we must reduce density. We can't have a nice clean Jewish quarter and two meters away a slum".[130]

The late seventies and early eighties witnessed the emergence of ultra-nationalistic and religious settler groups, which were more successful in gaining control of properties in the Muslim quarters. According to Rashid Khalidi, in the past twelve years (1980-1992) more than seventy buildings in the Muslim quarter have come under the control of ultra-Orthodox Jewish groups.[131] *(See map 5, annex V)*

The Settler Groups

These ultra-orthodox nationalistic groups were comprised of Gush Emunim members who were committed to Eretz Israel. Their ideology included the replacing of the Dome of the Rock and Al-Aqsa mosque on the Haram Al-Sharif with a Jewish temple.[132] The three main religious groups are Ataret Cohanim, Torat Cohanim and the Young Israel Movement. In the late seventies, these three groups would come together to form a non-profit association called Atara L'yoshna. The aim of this association was to attain property in the Muslim quarters.[133]

1. Ataret Cohanim

Ataret Cohanim, founded in 1978, was considered the elite Gush Emunim yeshiva (religious school). It was organised following a series of seminars on the "Jewish temple

lore" held in Jerusalem. These seminars were organised by Mattiyahu Ha-Cohen, a Jewish settler of the Keishet settlement in the Golan Heights. This group became operational during the period of the Camp David agreement and the evacuation of Jewish settlers from the Sinai, which interrupted the ideology and plans these religious-nationalistic groups believed. In 1986, Ataret Cohanim received a grant of $250,000 from the Ministry of Religious Affairs and also in the same year a grant of $40,000 was donated to them by the Ministry of Housing. These grants were given to help purchase Arab properties in the Muslim quarters.[134] The group itself tried to maintain a low profile and would not join in demonstrations protesting the Muslim control of the Harem Al-Sharif. Publicly, Ataret Cohanim professed that the Jewish settlers had an amicable relation with Palestinians in the Muslim quarter. However, contrary to what this group claimed, it was acquiring Palestinian property in the quarter and managed to obtain forty houses and settled eighty Jewish families in them.[135]

2. Torat Cohanim

Torat Cohanim is another group that emerged from the seminars on the Temple Mount conducted by Mattiyahu Ha-Cohen. The goals and beliefs of this group are similar to those of Ataret Cohanim. However, this group appeals mostly to those Orthodox Israelis, who on recognised religious grounds, do not serve in the army but enter a yeshiva instead (hesder students).[136] According to the researcher George Al-Masri, Torat Cohanim was founded in the years between 1979 and 1982.

3. The Young Israel Movement

The Young Israel Movement is the smallest of the nationalistic religious groups, headed by Rabbi Nachman Kahane (brother of Rabbi Meir Kahane). Kahane, and his family, along with a few of his followers set up residence in Kolel Georgia, a formerly

Jewish property on the Tariq al-Wad. The movement is more publicly aggressive than the other groups and has been charged with being fascist nationalists.[137]

4. Atara L'yoshna

The Atara L'yoshna, founded in 1979, is also known as the "Society for the Renewal of Jewish Settlement throughout the Old City of Jerusalem". It uses the most effective means in acquiring Palestinian property in the Muslim quarter. The organisation consists of the three main settler groups mentioned above but by the late eighties it was Ataret Cohanim that became the dominant group of the Atara L'yoshna association.[138] The settlement programme that Atara L'yoshna established has five stages:

1) To locate former Jewish properties;
2) Purchase or lease of the properties'
3) To remove Palestinian tenants;
4) Renovation and reconstruction of the properties;
5) To allocate selected families into the repaired residential homes.

The strategic nature of Jewish settlement in the Muslim quarters is evident. Arab properties near or adjacent to the expanded Jewish quarter were the main targets since these properties can be easily linked with the Jewish quarter and other settlement sites within the Old City. In this case, "filling-in" the gaps between Jewish held properties is made easier. Consequently, the governmental plan of Judaization of the city was served.[139]

Settler Tactics for Purchasing Arab Properties

These settler groups masterminded many of the secret deals to acquire Arab properties. The deals made are usually through middlemen referred to as "Simsars" in

Arabic. These simsars are usually "renegade" Arabs who purchase property from fellow Arabs without revealing that they intend to sell on the acquired property to settlers. According to Adnan Husseini of the Islamic Waqf, simsars obtain houses by pressuring home owners using drugs to get signatures, in cases where the resident is known to be a drug addict, and also by forging documents, harassment and coercion. If none of these tactics are successful, then the simsars will sell properties which are not theirs. In such a situation Husseini states that "*the settler can then acquire squatting rights*".[140] One such highly publicised example of Jewish acquisition of Arab property was when Ariel Sharon took over a large building in Tariq al-Wad in the Muslim quarter. In 1987, Ariel Sharon managed to purchase part of a building from the aged owner and obtained the other part by the acquisition of a number of leases through pressuring its tenants.[141]

The Christians of Jerusalem were not excluded from the activities of the Israeli settler groups. From the first days of the occupation of East Jerusalem, the Jewish government and its settler groups have attempted to "win over" the Christian community. The Jewish settlers have repeatedly stated to the Christians that they should remember they are a diminishing minority in the city under pressure from a large and politically active Muslim population, therefore Christians should welcome their new Jewish neighbours.[142] Ariel Sharon, the ex-housing minister during the Shamir administration, had also tried to purchase a house in the Armenian quarter, offering four million dollars for it. However, unlike his take-over of the building in the Muslim quarter, he failed to acquire the house in the Armenian quarter.[143]

In the year 1990, Israeli religious settlers attempted to purchase a lease in order to take possession of a Christian pilgrims' hostel, the Hospice of St George. The hospice, located next to the Church of the Holy Sepulchre, was occupied by the settlers on 11 April 1990, after which they tried to purchase its lease.[144] The Israeli Supreme Court has yet

to come to a final decision on whether the Greek Orthodox Church, which owns the hospice, is still the legal owner of it or if the settlers can remain in the hospice. The Greek Orthodox Church claims that the lease of the hospice was illegally sold to the Jewish settlers through a Panamanian front company and a dubious Armenian middleman. Furthermore, this Jewish settler group was supported by $2,000,000 from the housing ministry under the Shamir administration. When the former Prime Minister Shamir was asked of his government support of the hospice settlers, he replied that he did not believe in any banning of Jewish settlement in any area of Jerusalem.[145]

According to a Saudi journal, the Israeli government pursuit of seizing Christian property was through the Bishop Sha'hi Ajamyan of the Armenian Church. The government offered him assistance in becoming the patriarch of the Armenian Church of Jerusalem, if in turn he would give them access to seize properties in the Armenian quarter. However, this deal did not work out. [146] In another report, a Christian-Muslim committee was formed (allegedly backed by the PLO) to raise funds to enable the committee to buy up properties, thus beating the Jewish settlers at their own game.[147]

Settlement of Jerusalem has taken place in a number of steps, which were initially uncoordinated. This first stage of settlement activities continued and expanded out into areas directly around the wall. The settlement in this area consists of two projects: the national garden and the commercial centre. The commercial centre lies north and north-west of the Old City and the area of land confiscated for the commercial centre is 2,700 dunams. In the settlement plan, the commercial centre is intended to be the connecting point between East and West Jerusalem, after eliminating remaining barriers. Plans for the commercial centre include building tunnels under the central residential areas. The expansion and development of the commercial centre will be at the expense of the Arab areas of Bab-Al Zahra, Bab Al-Amud, Sheik Jarrah and parts of Musrara, Sa'eed and

Sa'ed.[148] On the western side of the city, near Jaffa Gate, a newly built apartment complex, called David's Village, has replaced the historical Mamilla neighbourhood. Before 1948, Mamilla was a mixed Arab-Jewish commercial and residential area, which was demolished and transformed into part of the Israeli city centre.[149] David's village is an extension of the commercial centre mentioned above.

The second project for the areas directly around the wall is that of the national garden, otherwise known as the green belt. The national garden affected parts of Silwan and Ein Al-Hilwa and will eventually lead to the uprooting of Arab residents in that area. Part of the green belt was built on ruins of Islamic cemeteries. For the Israeli government, this park will enhance and strengthen the surroundings of the Old City by reducing the Arab population in that area.[150]

It is also essential to mention the Palestinian neighbourhood located south of the Old City. There are plans by Jewish settlers and the government to build a new Jewish quarter in Silwan. In late 1991 and 1992, Jewish settlers, with the assistance of the Housing Ministry, seized several houses, which constituted the initial steps for their plans of a Jewish quarter in Silwan. The proposed settlement, to be called the City of David, will be half the size of the Jewish quarter in the Old City.[151] The first Palestinians removed from their homes, in late 1991, required several trips by the settlers, Knesset members and police until they were finally driven out of their homes. One home seized was the home of Musa Abassi, a Jerusalem Arab resident. After losing his home, Abassi and his family lived in an adjacent house, cramped into two small rooms.[152]

Jewish Settlement Outside the Walls and Within the Municipal Boundaries

In a new phase of settlement policy, the Israeli policy was designed to construct a chain of large residential districts in the municipal boundaries of Jerusalem. The aim of

the settlement at this stage was to surround East Jerusalem from three sides - the north, the south and the east. Not only would this separate the city centre from its own Arab suburbs but also from the West Bank.[153] Most of these Jewish settlements were constructed on the hills and the mountains of Jerusalem; thus shaping what Ariel Sharon refers to as part of the Israeli regional defence line. This accounts for the structure of the settlements, which are high buildings with thick walls and small windows, suitable for street battles. Therefore, these high rise complexes can shield the western side of the city in the event of an attack.[154]

The area within the bounds of East Jerusalem before the Israeli occupation in 1967 was 6,500 dunams. Following annexation, the area of East Jerusalem became 70,750 dunams as a result of new municipal borders. This would be twelve times what it was in 1967. In drawing the new municipal borders, the areas annexed would be the biggest possible areas of land with the least populated Arab areas. This would secure a large reserve of empty land for the sake of the Israeli settlement programmes. In addition, 72 per cent of the total area of East Jerusalem was confiscated for the purpose of Jewish settlements. By 1989, the area of Jewish settlements in East Jerusalem occupied 20,000 dunams.[155]

The first settlements to be built were blocks north and south of the Old City. These settlements were East Talpiot, Givat Hamivtar and Givat Shapira/French Hill. By 1992, the settlement of East Talpiot contained 5,000 residential units and 15,000 residents. Talpiot, located south-east of East Jerusalem, was built on 2,240 dunams of confiscated Arab lands from the village of Sur Baher. Located in the north-east of the city are the Jewish residential areas of Hebrew University and Hadassah Hospital in which all of the land they are built on was confiscated land of the Arab village of Esawiyeh. This Jewish residential

area is connected with West Jerusalem through the residential areas of the French Hill, Givat Hamivat, and Ramot Eskol.[156]

The settlements located in the northern limits of East Jerusalem are Atarot and Neve Ya'acov. The construction of Atarot began back in 1924 but later was destroyed in 1948. In 1967, the Israeli government confiscated 1,200 dunams of Arab land from Beit Hanina and Kalandia in order to rebuild the settlement and simultaneously expand it. Atarot is an important industrial zone in north Jerusalem where many Israeli industries have relocated to do business in the industrial zone. Located in north Jerusalem is the settlement of Neve Ya'acov which overlooks the strategic Ramallah-Jerusalem Road. Neve Ya;acov houses 17,000 residents in 4,200 residential units, according to 1993 statistics. It was built on 470 dunams of land confiscated from Beit Hanina.[157]

In the north-west, south-west and north-east corners of East Jerusalem are the settlements of Ramot, Gilo and Pisqat Ze'ev. Ramot is built on 4,840 dunams from Arab villages of Beit Iksa, Lifta and Shufat, and includes 8,000 residential units housing 35,000 residents. In 1992, it expanded northward and the new neighbourhood was given the name Ramot 06.[158] Similar in size to Ramot is the settlement of Gilo; located in the south-west of Jerusalem and sitting on 2,700 dunams of confiscated lands of the towns of Beit Jala, Beit Safafa and the village of Sharafat. Gilo was built in three phases, the first phase in 1971 and the last phase ended in 1979. However, after the third phase it continued expanding and now, in 1993, has a population of 35,000 and 10,000 residential units.[159] The settlement of Pisgat Ze'ev was built in 1985 on 1,000 dunams out of the 5,000 dunams expropriated from Beit Hanina and Hizmeh in 1980. However, in 1990 Pisgat Ze'ev underwent intensive settlement expansion and its population has increased from 6,500 in 1989 to 14,000 in March 1992. The area of Pisgat Ze'ev has also increased from the original 1,000 dunams to 5,518 in 1989.[160]

More recently built settlements include Pisgat Oummer, which is constructed on land expropriated from Shufat, Anata and Hizmeh. It holds 4,500 residential units. In 1991, Givat Hamatos was constructed on 170 dunams on parts of land of Beit Safafa. Beit Jala and on lands belonging to the Roman Orthodox Church. The settlement is made up of 625 mobile homes and plans in the future to make the homes permanent residential units.[161] Another current project is the establishment of a new settlement called Har Homa (Jabal Abou Gheneim). Construction is under way to build 4,500 residential units on an area of 1,800 dunams in Sur Baher. This project is aimed at forming a wall of Jewish quarters at the southern border of the city in order to secure complete isolation and to separate its neighbourhood (like Sur Baher and Um Tuba) from Bethlehem and Beit Sahour. The second aim of this project is to halt non-licensed building works from the Arabs in the area of Sur Baher and Um Tuba. Therefore, the 5,000 Arabs in these neighbourhoods cannot expand and its younger generation must look outside of Jerusalem for housing.[162]

The "Greater Jerusalem" Settlement Plan

This stage has been marked by a much grater degree of the Israeli government settlement plan, which is the proposed "greater Jerusalem". In 1968, an Israeli engineering committee designed a plan of a greater Jerusalem that would be developed between the years 1982 and 2002. The plan set forth proposed to expand the municipal boundaries of Jerusalem from the north, south, east and west. The boundaries of greater Jerusalem in the north will be Senjill (north of /Ramallah), the village of Beit Fujjar (north of Hebron) in the south, Al-Khan Al-Ahmar (Ma'ale Adumim) in the east, and Latrun area in the west. The towns of Ramallah, Al-Bireh, Bethlehem, Beit Sahour, Beit Jala and sixty other villages will be included within the expanded boundaries.[163] Although it is hard to find absolute evidence that Israel has formally adopted this plan, settlement activity in this third

stage seems to indicate that some version of the plan, or at least its ideals, has been adopted.

One of the biggest disputes that came about from the proposed "greater Jerusalem" plan was that it contradicted to the aim of a Jewish majority over Arabs. Since 250,000 Arabs live in the annexed Arab towns and villages to be included in the "greater Jerusalem", this would increase the Arab population in the new proposed boundaries of Jerusalem, thus altering the Jewish demographic plans. The answer to this dilemma was the absorption of the new Soviet Jewish immigrants into this area.[164] During the period from 1989 until mid-1992, East Jerusalem witnessed intensive settlement activity that is linked with the big wave of Jewish emigration from the former Soviet Union.[165]

The wave of Soviet Jewish immigration provided a golden opportunity for the Israeli government to further reshape the city demographically by maximising the Jewish population in Jerusalem. Most of the immigrants that have settled in Israel have chosen to live in central Tel Aviv-Rishon le Zion-Petah Tikva (53 per cent) because of family considerations and employment opportunities. In Haifa and the north, 32 per cent of the immigrants have settled there, while 5 per cent have settled in Beersheva and the Negev and 10 per cent in or near Jerusalem. In the first seven months of 1990, 5,375 immigrants settled in Jerusalem.[166] However, this small portion of Soviet Jewish settlement into Jerusalem would not serve the plan of "greater Jerusalem". Therefore, the Israeli Housing Ministry, in 1990, along with the co-operation of the Ministry of Finance, planned to continue the expansion and building of new settlements in order to absorb 9 per cent of the expected one million Soviet Jewish immigrants in the coming five years. This obviously would increase the Jewish population in Jerusalem by 90,000.[167] *(See annex III)*

To accommodate the flow of these immigrants several agencies assisted in the absorption process. The most powerful agency is the Jerusalem Development Authority. This agency was responsible for designing city plans, large economic projects, and for providing housing for the new immigrants and creating jobs for them. The Jerusalem Development Authority works closely with the city's municipality and various government agencies.[168] In late 1989, the Jerusalem Municipality set up a new agency, the Immigrant Absorption Project (IAP), responsible for facilitating "direct absorption" in Jerusalem. The policymaking steering committee of IAP is headed by Jerusalem's mayor, Teddy Kolleck. The project also represents the Jerusalem Municipality, the Jerusalem Development Authority, the Jewish Agency, the Ministry of Absorption, the Ministry of Housing, the Ministry of Labour, the Jerusalem Foundation and other various voluntary organisations. The IAP has to carry out two main functions. One is to deal with structural issues such as construction, employment and development. The other is to smooth the absorption process by supplying information to new immigrants, helping in any social problems they might face, and aiding them to find housing, employment and retraining opportunities.[169]

(See map 6, annex V)

Arab Housing in East Jerusalem

The Israeli land expropriation policy, along with the massive settlement construction, developed and expanded at the expense of growth to Arab housing in East Jerusalem. There are three main factors that obstructed the growth of Arab housing:

1) Land confiscation by Israeli authorities has decreased the amount of land available for the development of Arab areas, forcing Arabs to build outside the Jerusalem municipal boundaries.[170]
2) Plans for building have to be submitted to the municipalities for approval and a permit has to be obtained. Permits for Arab houses have been repeatedly denied.

For some of them, the rejection is because of the design. When sometimes designs are approved, permits can take up to four years to be issued. The delay is the result of waiting for and checking plans for future developments the government may be thinking of that require certain Arab lands;[171]

3) Mortgages have been offered to Arab house builders but this is risky and unwise for Arabs whose work is temporary and dependent on a surge in the Israeli building market. In accepting a loan, the eventual consequence would be the Israeli ownership of the property, since the Arab workers may not be able to meet payments. For this reason, Arabs are not encouraged to take loans from the Israeli government.[172] *(See annex IV)*

Between the years 1980 and 1990, Jerusalem witnessed the greatest settlement activities. In all of Jerusalem, the flat area of finished buildings reached 4,600,000 square metres of which 2,925,000 of them were for residential purposes. The Arabs of Jerusalem were only given licenses for an area of 470,000 square metres for all purposes which is less than 11 per cent of the overall building flat area of Jerusalem, even though the Arabs formed 28 per cent of the population during that decade. By the end of 1989, the total number of residential units for the Jerusalem's Arabs was only 16,000 while just for the settlers in East Jerusalem, the Israeli government built 26,000 units.[173] For the younger Arab generation, this would give them only two choices, either to seek housing outside of Jerusalem or to accept living in overcrowded conditions in a house shared with other families.*(See chart 1&2, Annex VI)*

Endnotes

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Chapter 3

The Jerusalem Municipality

During the few weeks prior to the official annexation of Jerusalem, on June 27, 1967, the Israeli Military Government had not established a defined policy on what should be done with the Arab Municipality of Jerusalem. Until an official governmental decision was made on Jerusalem, Moshe Dayan ordered the military governor to reactivate the existing Jordanian administration so that essential services could function again as quickly as possible. On June 9, Israeli Municipal employees entered the East Jerusalem municipal offices and began to organise services, whilst maintaining contact between Teddy Kollek's departments and the parallel departments in the Arab municipality. This arrangement was engineered by Teddy Kollek himself, the Israeli mayor of West Jerusalem at that time. However, due to the distinguished status of Jerusalem, the administrative arrangements were not like those of Nablus or Hebron, which were Arab cities. Jerusalem was a 'reunified' city, according to the Israeli Government, which would be administered by one municipality. Thus, there would be no place for Arabs to 'manage themselves'[1].

I. The Dismantling of the Arab Municipality

Following the adoption of the Annexation Laws on June 27, the Government issued a decree establishing Israeli law within the boundaries of annexed East Jerusalem. According to the laws adopted by the Knesset, the Arab municipal council was not dispersed but simply ceased to exist. Two days later the military governor met with members of the Arab municipal council that had been headed by Mayor Rouhi Al-Khatib. The latter were informed that the Jerusalem municipal council was dispersed and services were to be taken over by the Jewish municipality of Jerusalem[2]. It should be noted that the Israeli government intentionally avoided forming a special body to deal with East Jerusalem in order to emphasise Israel's total and unambiguous annexation.

After the dispersal of the Arab municipality, its employees were transferred to parallel departments of the Israeli municipality. The Arab municipality archives, which included both Jordanian and Mandatory archives, were also transferred to the Israeli offices. It was later discovered, however, that some of the Jordanian archives and files had been destroyed and valuable documents such as land registers and original maps had been stolen as war souvenirs by Israeli soldiers[3]. In the weeks, which followed, the Israeli municipality concentrated on integrating the Arab municipal workers into its municipality. Problems such as time off for the weekly day of rest and religious festivals, wages and pensions had to be solved. Still, resolving these issues did not necessarily mean that total integration was achieved. While sanitation and maintenance workers continued their work under the control of Israeli foremen, most of the white-collar workers lacked a defined role in their work. Arabs who had once been heads of departments now found themselves as deputies to Israeli directors; they were not allocated any clearly defined authority. Furthermore, no Arab headed a unit that included Israeli employees. So, the Israeli municipal workers retained all the positions of power and authority with the Arab workers kept at lower subordinate positions[4].

II. Segregated Services for Arabs under the New Israeli Municipality

The new changes and developments in the Israeli Jerusalem municipality brought about a different form of distribution in public services. The purpose of a municipality is to supply universal public services for its population. In the case of Jerusalem, this theory of universal public services and facilities is contradicted since services are supplied on ethnic identity. In principle only, both communities exist together in one municipal framework. The few areas of public services that are commonly shared by both sectors include water supply, the sewage system, roads and police. Complete integration is also found in the

civil law courts and the vehicle licensing authority where Israelis and Arabs apply to the same administrative offices, according to the same procedures and are served by the same personnel[5].

Yet there exists in Jerusalem's municipality segregation in the fields of health services, education, housing, law, transportation and welfare services. Furthermore, there are separate and parallel economic functions in the Israeli and Arab sectors. These segregated public services cover a whole range of basic functions such as income tax collection, the distribution of National Insurance allowances, and building licensing. In all of these areas, separate administrative units were established for the Arabs of East Jerusalem, which were usually staffed with Arab-speaking personnel[6]. In addition, the different legal status of Israelis and Arabs of Jerusalem is also reflected in the pattern of segregated public services. Since Jerusalem Arabs are Israeli residents and not Israeli citizens, they were given Israeli identity cards with special serial numbers. Consequently, Jerusalem Arabs are subject to certain administrative norms that are different from those applied to Israeli citizens. Matters concerning the personal status of East Jerusalem Arabs - such as the issuing of identity cards, registration of births and marriages and obtaining permits for travel abroad - are administered by a separate department in the Israeli Ministry of the Interior[7].

Segregation of Sharia'a Courts

Another case of segregated services is that of the sharia'a courts. The Israeli authorities attempted to apply their legal and administrative structure on the religious courts of the Jerusalem Muslim population. The sharia'a courts of East Jerusalem are supervised by the Supreme Muslim Council which appoints its own religious judges and courts. The Supreme Muslim Council gets its authority from the Jordanian Ministry of Awqaf and Islamic Affairs. These courts operate according to laws and procedures that

are different from those in Israel. The Israeli authorities do not recognise or enforce any rulings of the Eat Jerusalem sharia'a courts. Israel only recognises rulings from the Israeli appointed sharia'a courts. Therefore, documents such as marriage or divorce certificates issued in East Jerusalem must also be approved by the Israeli sharia'a court, located outside the city, in order to be registered by the official authorities[8].

Transportation Segregation

Arab and Israelis in Jerusalem also maintain separate transportation services. The Israelis of West Jerusalem are served by Israeli-owned bus companies while the Arabs of East Jerusalem still use the old Arab Bus Company. Although the Arabs might at times use the Israeli bus services to reach areas their services do not reach, rarely if ever do Israelis use the Arab bus services. Following the annexation of East Jerusalem, Israeli authorities issued all East Jerusalem cars with Israeli license plates with special numbers different from those of Jewish-owned vehicles. This policy was extended to include the Arab taxis whose license numbers begin with "triple six" as compared to the "double six" on Jewish taxis[9].

Segregation in Health Services

Jerusalem has also separate services in the sphere of health care. The Jewish and Arab sectors maintain a full range of separate and parallel medical facilities that each sector had developed before 1967[10]. The Arabs have no overall health insurance system, since none existed during the Jordanian rule. The Arab population of Jerusalem receive medical services from hospitals and clinics that are administered by private or semi-private institutions, such as Christian and Muslim charitable funds and agencies of the United Nations. These health organisations located in East Jerusalem operate as autonomous entities. They are financed, managed and staffed, and function according to their pre-1967 norms and practices[11]. The Israelis, on the other hand, have various national health

insurance programmes. The public system of medical care for the Israeli sector is managed by these national health insurance programmes and is largely subsidised by the state. West Jerusalem's modern Israeli hospitals and a network of clinics provide medical treatment for its sector[12]. The lack of integration of medical facilities in Jerusalem does not stop with segregated hospitals and clinics within each sector but is extended to separate blood banks for Israelis and Arabs. Moreover, the Arab and Israeli hospitals do not co-ordinate emergency services or free schedules and each sector maintains its own ambulance service - the Jewish "Red Shield of David" and the Arab "Red Crescent"[13].

There is, however, some medical care integration in Jerusalem. After the annexation of East Jerusalem, Israeli medical insurance programmes in West Jerusalem extended their services and established a few clinics in the Arab sections of the city. The Arab population also has the option of using lower-level medical services; such as mother and child care programmes that are provided by the Jerusalem Municipality. The Israel National Insurance system in addition, offers basic medical treatment and welfare assistance for needy Arab residents[14]. Nevertheless, even in this case, in the city, which is supposedly "united", segregation is apparent. The Israeli-sponsored facilities in East Jerusalem are established to serve the Arab population exclusively. These clinics are staffed with Arab-speaking personnel and are located in Arab residential areas. Again, Israelis rarely, if ever, utilise the Israeli-sponsored clinics in Arab areas, even if it is the closest facility available to them.

Yet, attitudes regarding health services are changing but at an individual level rather than an organisational level. Individuals, mostly Arabs, are becoming more willing to "cross the line" between the two populations. Most Arabs who utilise Israeli health services are those covered by the Israeli health care plans and, therefore, are entitled to full medical care. Arabs as individuals will also turn to Israeli specialists for treatment,

which they probably cannot obtain in their community. In some cases, Arabs will prefer to be hospitalised in Israeli institutions because of their higher-level medical facilities. It is mostly the Hadassah Hospital to which Arabs go should they decide to "cross the line", since it is located in Mount Scopus in East Jerusalem[15]. Thus, Arabs as individuals will turn to Israelis as individuals (patient to doctors) or even to Israeli organisations (patient to hospitals). However, this border crossing is not the same for Arabs and Israelis. Israelis as individuals will turn to Arabs as individuals (patients to doctors) but they do not turn to Arab organisations (patients to hospitals). Israelis are never hospitalised in an Arab institution except for a few cases where a patient is terminally ill - in church hospitals. The small number of Israelis who use Arab health services do so because of their low costs. This is restricted mainly to Israelis using Arab dentists since dentistry is not covered by medical insurance in the Israeli sector and is extremely expensive[16].

Education Segregation

It is in the field of education that the two populations are almost completely segregated. Israeli and Arab pupils not only study at separate schools but also each in their respective languages. Arabs and Israelis follow totally different curriculum. The Arab education institutions follow the Jordanian curriculum. All levels of Arab schools are divided into two categories:

1) Public schools which are administered and financed by the Israeli Municipal authorities.

2) Private schools which are administered and financed by non-Israeli authorities or by private organisations. Private Arab schools include: Muslim-Jordanian schools that are financed by the Jordanian government and by the PLO - affiliated groups, church schools, United Nations Refugee Agency schools and schools run on a commercial basis[17].

What is relevant here is the issue of public schools in Jerusalem. Public schools in Jerusalem, as everywhere in Israel, are administered and supervised jointly by the Ministry of Education and the local municipality. Thus, since the annexation of East Jerusalem, public schools there have come under the control of the Israeli authorities[18]. In the Jerusalem Municipal Council meeting held on 13 August 1967, members of the Council discussed the removing of the Jordanian curriculum and replacing it with the Israeli programme of studies. One Council member, during this meeting, was quoted as saying:

> *"We must also make sure that the venomous education the population (the Arab population) received toward us is abolished, and with time its place is taken by a cultural education and education about being good citizens in Jerusalem as the capital of Israel, the Jewish state"*[19].

Israel, however, could not implement its decision to replace the East Jerusalem's public school curriculum, due to strong Arab opposition. It is this opposition which led to complete segregation in the field of education, due to the fact that education is tied closely to the sense of identity. Part of education's purpose is to pass the essence of identity from generation to generation. The Israeli curriculum generally ignores Arab Palestinian national history and values[20]. East Jerusalem's private schools enjoy full autonomy, owing to the fact that the Municipal Department of Education does not have the authority to make changes in the curriculum, the staff or the school management. Similarly, Arab public schools enjoy a great amount of autonomy despite governmental financial support[21].

Commercial Segregation

Segregation can be found in almost all of Jerusalem's voluntary public organisations and professional associations. For example, Israelis and Arabs have maintained separate Chambers of Commerce. In addition, the two communities have many separate and parallel professional associations, such as hoteliers' and cinema

owners' associations, and teachers, lawyers and pharmacists associations. Although many Jewish associations have proposed mergers with Arab organisations, they have all been rejected. Over time, since 1967, the number of independent Arab public bodies in East Jerusalem has increased largely due to the support of Palestinian and Jordanian national organisations[22].

Similar to the segregation of public services, is the sector division in the commercial activities of the tow sectors in Jerusalem. As a rule, Jewish establishments service primarily Jewish customers and are located in West Jerusalem, while Arab establishments employ and serve their own ethnic members and are located in the Arab sector of the city. Although the two business communities retain separate and parallel business services and commercial markets there does exist some economic integration between Arabs and Israelis.

Following annexation, East Jerusalem Arabs became largely dependent on the Israeli sector for the supply of manufactured goods and specialised commercial services that could not be obtained from Arab sources. These ranges from agricultural products to manufactured items and even basic materials and imported goods such as fuel, cement and vehicles. As a result, Arab merchants are obliged to turn to Israeli wholesalers, importers and distributors in order to carry out their regular economic functions[23].

The Israeli sector, on the other hand, will associate with the Arab sector but only under certain conditions and terms that involve the employment of simple and cheap factors of production. The three major industries where intersectoral business relations are found are the construction, manufacturing and transportation industries. It is not uncommon for Israeli firms to hire Arab truck drivers and taxis, since they are relatively cheaper than Israeli drivers. In the industries of manufacturing and construction, the

practice of subcontracting is widely used. Israeli manufacturers will subcontract to East Jerusalem workshops mainly in the clothing and shoe industries as well as for other simple, labour-intensive services. The Israeli construction companies subcontract to Arab entrepreneurs and workshops for masonry, ironwork and carpentry[24].

A closer look at the patterns of business integration within the two communities shows us that Israeli businessmen will associate with the Arab sector when Arabs accept less favourable terms than those prevailing in the Israeli sector. The Arab business community will usually associate with the Israeli sector out of obligation or dependence in order to be able to continue operating their businesses. Arab firms must often associate with an Israeli firm rather than apply directly for contracts. A good example is the Israeli construction industry, which always sign major contracts that involve public or private housing projects. Subsequently, large parts of the job are given to Arab subcontractors. The reason that Israeli construction firms sign major contracts is due to the lack of large-scale Arab firms with adequate resources. Yet, even in small-scale projects, it is difficult for Arab construction firms to sign contracts when it involves officially submitting their bids in accordance with procedures and formalities imposed by the Israeli administration. This clearly reflects the dominant position of the Israeli sector[25].

Mutual interests and complementary opportunities in the tourist industry have led to an increasing amount of intersectoral business transactions. Israeli travel agents will occasionally book their tour groups in East Jerusalem hotels because of the lower rates offered, or in peak seasons when West Jerusalem hotels are fully booked. Moreover, Israeli travel agents employ the services of East Jerusalem tour bus companies since again their rates are lower than those of the Israeli tour bus companies. Arab travel agents will occasionally use Israeli agencies when in need of special tour guides, package

tours or airline services offered only by West Jerusalem agencies. However, Arab travel agents rely more on their own section of the Jerusalem tourist market and facilities[26].

In effect, the trend of separate and parallel public service and even economic functions meant that Israeli was working counter against to its objective - a "comprehensive unified" Jerusalem. Although the Israeli authorities themselves carried out the segregation whether directly or indirectly, the Arab sector also contributed to the separation of services in its desire to preserve its identity. The development of separate services is largely tied with the desire of the Arab sector to preserve its identity. The closer the service is to the question of ethnic and cultural identity the more important it becomes to keep it as a separate service. This is especially true in the sphere of education. What made integrating the Arab sector more difficult was that it had already possessed a full range of independent public and semi-public institutions prior to annexation. The Arab determination to maintain these established services, along with their rejection of Israeli sovereignty over Jerusalem keeps public and economic services almost totally separate. The limited integration between Arabs and Israeli is mainly to satisfy certain needs and not out of mutual recognition.

Segregation in Gas Distribution

There exists segregation in services that one might not expect. Even in the distribution of butane gas for daily household use we can see the obvious segregation of services. Gas is distributed in containers according to the ethnic origin of Israeli and Arab companies and consumers. The gas containers of Jewish consumers are painted silver-white while those of Arab consumers are painted blue. The segregation in the distribution of butane gas, which is imposed by the Israeli authorities, serves a double purpose. One is to prevent accidental interchange of containers. This would present technical problems which arise from the different pressure standard used by Israeli and Arab consumers.

Another reason the authorities insist on this segregation stems from security risks, seeing that gas container could be used for terrorist purposes[27].

III. The Municipality Elections and Jerusalem Arabs

The first municipal election after the annexation of East Jerusalem was held in October 1969. Almost a year and a half before the elections, the Ministry of Internal Affairs approved the inclusion of Jerusalem Arabs, of voting age, in the list of municipal voters. In the weeks before the elections, however, Palestinian national groups, as well as the Jordanian Government urged the Arab Jerusalemites to boycott the elections. On the eve of the elections, East Jerusalem leaders voiced their opposition to the elections and instructed Arabs not to participate in them. Many of these Arab leaders stated that the city could not be reunited by means of legislation and that it was difficult to force the inhabitants to vote. The Arab leaders of Jerusalem proposed that parallel elections be held for separate Israeli and Arab councils, which would then co-ordinate with each other[28]. Israeli political leaders became anxious before the elections because of the declarations made by Arab leaders and feared a low Arab turnout in the elections. Consequently dozens of Mukhtars and heads of clans were asked to vote and to mobilise voters by the campaign officials of Teddy Kollek's Labour Party. As Arab voters were being sought, rumours were spread that those eligible to vote and who did not, would not have their identity cards stamped accordingly and, thus, would not find employment. As a result, some Arabs who were once reluctant to vote did so[29].

Still, despite the efforts of Israeli politicians to gain the votes of Jerusalem's Arabs, the turnout of Arab voters in the 1969 elections was relatively low. Of the 35,000 eligible Arab voters only 7,500 actually voted and in subsequent elections the percentage of Jerusalem Arab participation declined[30]. Israeli officials tried to justify the low rate of

Jerusalem Arab voters by claiming that East Jerusalem does not have a strong tradition of participation in municipal elections. Under Jordan, the mayor was not chosen by the electors but by the King. The Jerusalem Arabs view their lack of participation in the elections differently. Participating in the campaign or even voting was seen as equivalent to recognising the Israeli annexation of East Jerusalem[31].

The various peace plans that proposed the idea of allowing the Jerusalem Arabs to participate in the elections of the proposed self-autonomy in the West Bank and Gaza Strip conflicted with the principle of Israeli sovereignty over Jerusalem[32]. More recently with the signing of the Declaration of Principles on Interim self-government Arrangements between the Palestinian Liberation Organisation and Israel, it was mutually agreed that Jerusalem Arabs would have the right to participate in the election process of the Council of Palestinian Interim Self-Authority[33]. The Israeli Government interpreted this concession as not conflicting with Israeli sovereignty, since it views autonomy as a question of residence rather than territory. It believes that Jerusalem was under Israeli sovereignty while the residents of East Jerusalem belonged to the ethnic community of Palestinian Arabs.

Teddy Kollek's Municipality

Teddy Kollek has been the only mayor of Jerusalem since 1967. Pragmatism and practical solutions have been the guiding principles of Kollek's administration. He has worked to foster harmony among Jerusalem's communities by diffusing or working around the difficult problems of Arab-Israeli relations[34]. Kollek has often expressed the view that it was possible for Arabs and Israelis to live together. In an interview he stated that he would be happy if Jerusalem was an all-Jewish city but it had to be recognised that one third of the population was Arab. He has emphasised the idea of "peaceful coexistence", where Israelis and Arabs would live separately alongside each other in Jerusalem on a footing of equality[35]. Kollek also saw that the best way to gain the world's recognition of

Israeli sovereignty over Jerusalem was not through forceful actions but rather by acknowledging the Arabs as a disaffected political minority and trying to deal with them within the confines of continued Israeli rule over the city. Therefore he adopted a strategy of moderation that he believed would guarantee Israeli control over Jerusalem and encourage Arabs to live peacefully alongside Jews[36]. From the notion of "peaceful coexistence" emerged the "mosaic" policy, where different communities within the city are kept apart through the Municipality housing directions. This policy is applied to West as well as East Jerusalem and aims to keep each ethnic group in their own separate

neighbourhoods. Although, Kollek is quick to criticise Jewish settlers who ignore the "mosaic" policy and take up residence in Muslim and Christian Quarters, by 1987 his own administration had presided over the settling of over 110,000 Jews over the Green Line in East Jerusalem[37].

The Mukhtars and the Municipality

Throughout Kollek's administration, he has tried to establish links between the East Jerusalem Arabs and the municipal authorities. The rejection of municipal services by the Arabs, along with their boycotting of elections, left Teddy Kollek looking for other channels through which to communicate with the Arabs of the city. The communication link was found in the Mukhtars of the Jerusalem area. The Mukhtars who are local headmen, were used on and off during the Turkish rule, British mandate and Jordanian administration and now by the Israeli authorities. The Mukhtars are expected to resolve disputes between residents, collect vital statistics regarding births and marriages and also to represent the neighbourhood residents in their negotiations with the city authorities. The Mukhtars receive a monthly salary from the Jerusalem Municipality. Often, when an Arab resident has a problem, such as a broken water main or a delay in receiving certain permits, he will take it to the Mukhtar. The Mukhtar in turn will analyse the situation and, based on

previous experience, will decide whether the request can be fulfilled. The headman will then take it up with the proper Israeli authority. He may at times bring his request to the mayor's adviser on East Jerusalem affairs or even to the mayor himself. The position of Mukhtar is not an especially honoured or esteemed position but to a certain extent is considered legitimate by Arabs. Their view is that the office of Mukhtar has been part of Palestinian history and was not established by the Israeli authorities but rather by previous governing bodies. Thus the headmen see it as maintaining an official task that is a

continuance of the Jordanian political system. The Israeli officials do not see it this way but view the Mukhtar as taking a part, however minor, in the system of local government[38].

Teddy Kollek's Relationship with Jerusalem Arabs

Teddy Kollek's relationship with the Arabs of Jerusalem can be described as complex. Kollek sees himself as the champion and protector of Arab rights. He speaks publicly of the equal status of Jews and Arabs in Jerusalem and of his defending Muslim and Christian quarters against take-over by ultra-orthodox Jewish settlers. Writing in *Foreign Affairs*, Kollek credits his Municipal administration with "persuading the national government to introduce the Jordanian curriculum in the publicly funded city schools in the Arab neighbourhood." He does not mention that it was Arab opposition to replacing the Jordanian curriculum with an Israeli study programme that made the authorities reconsider and leave the Jordanian programme in Arab public schools[39]. Jerusalem Arabs, on the other hand, feel that Kollek is just another Israeli official who only tries to preserve the bare minimum rights of the Arabs. Sari Nusseibeh, an Arab intellectual from one of Jerusalem's well-known Palestinian families, goes further in criticising Kollek. In an interview he has stated:

"What Kollek had done is to separate the problems of the West Bank from those of Jerusalem and to deal with Arab grievances as a municipal problem. But he has not provided equal services to Arab areas. Compare the lighting, roads, asphalt, and garbage collection in Arab neighbourhoods with those of the new Jewish neighbourhoods. There is no comparison. Sure, he goes to meet all of the Arab "Mukhtars" on holidays, but I feel there is a kind of condescension there. He is not treating them as equals, but as people to pacify. Of course we would love to alleviate the situation by direct participation, but we are bound by the political situation, and by not wanting to legitimise the Israeli administration"[40].

Yet when Arab Jerusalemites do participate in municipal elections, Teddy Kollek usually gets their vote, since he is considered more moderate than the other politicians and is seen as the "lesser of two evils."

Jerusalem Foundation and Sumud

One of Teddy Kollek's major roles is that of fund-raiser. He sees the limited budget that the Israeli government allocates to the Jerusalem Municipality as not enough in order to carry out his municipal development plans. From the moment of annexation Kollek has looked for special funding and side donations to supplement the governmental budget for Jerusalem.

In 1966, Kollek created the Jerusalem Foundation, a non-profit organisation, aimed to provide funds for community centres, libraries, education programmes, museums and parks that the city treasury could not afford. The Jerusalem Foundation gives donors around the world an opportunity to immortalise themselves (with names on plaques) by contributing to projects in the city. Kollek also assembled an international "Jerusalem Committee" of prominent city planners, artists, theologians, sociologists, writers, and diplomats, which meets in Jerusalem every two years to advise local planners and to represent the interest of the world in the Holy City[41].

Parallel to the Jerusalem Foundation is the Sumud Fund, which was founded by Arab countries. Although developed out of a different ideology, it also has sought to establish funds for various projects in Jerusalem. Initially, the Sumud Fund (meaning steadfastness) instructed Arabs of East Jerusalem and the West Bank to remain in their native land and resist the Israeli occupiers. It called for minimum contact with the Israeli authorities, refusal to serve the Israeli occupiers, and the rejection of their public services, while at the same time building Palestinian institutions, which will support Arabs until their liberation from Israel. Later, in the 1970s and 1980s, the Sumud was enlarged to include active Arab local development. Sumud funds went to pay salaries of Jordanian civil servants who remained on strike, building new homes and schools and to support the newly established Palestinian newspapers and universities. Still the Sumud never reached the level of the Jerusalem Foundation and its funds were never as substantial.

The start of the "intifada" also changed the function of the Sumud. The Arabs were no longer asked to remain steadfast as in the original Sumud doctrine but rather were asked to directly resist the Israeli authorities. The Sumud fund now went to support the large numbers of families whose husbands or brothers were in Israeli jails and not in assisting Arabs to build homes[42].

IV. The Relationship between Jerusalem's Municipality and the Government

The distinguished status and international importance of Jerusalem often leads national policy makers to intervene in the local issues of the city. The status of Jerusalem is high on Israeli's list of international problems; therefore the national government will involve itself in local matters in order to safeguard the country's foreign relations[43]. Like other cities, Jerusalem's local officials concern themselves with a limited budget, physical planning, routine controls of the national government and citizen complaints. They deal with a wide range of public service issues, from garbage collection to the supervision of

public schools. The principal public bodies involved in the planning of Jerusalem are the Municipality, the Central Government and various government ministries, mostly the Ministries of Housing, Transport and Interior and the Israel Lands Authority. In addition to these Government ministries that deal mainly with the practical side of implementing its policies, there are a number of committees chosen by the Government to handle special assignments. One such committee is the Ministerial Committee for Jerusalem Affairs, which handles a variety of issues presented to them ranging from designing the Western Wall plaza to directing the spreading out of the population. Another committee, the Gafny Committee, deals with the issue of the rate of urban growth and the distribution of buildings in Jerusalem[44].

With the multitude of Government Ministries and Committees it is difficult to clearly define policies. The personnel in the Municipality and national government each have their own priorities. Although the fundamental lines of policy are widely shared, what one body declares as a policy may come up against the policy of the other body or be altered as it is implemented by the other body[45]. Furthermore, the planning trends in these various ministries and committees are not always identical and in many cases planning problems create sharp conflicts of interests. Such is the situation between the Municipality and the Housing Ministry[46]. A report commissioned by the Jerusalem Municipality recommended the annexation of existing Jewish suburbs plus Jewish-owned land to the west of the present municipal boundaries. This would expand the construction of Jewish neighbourhoods with a minimum of Arab objection. However, the Housing and Construction Minister, Ariel Sharon, opposed the Municipality proposal for annexing territory. He favoured the expansion of Jerusalem's boundaries eastward into the West Bank, explaining that expansion westward would drain resources from the building of Jewish settlements among the Arab villages to the east of Jerusalem[47].

V. A Right-Wing Municipality in Jerusalem

The Jerusalem 1993 municipality elections provided the first opportunity to gauge public opinion towards the signing of the peace accord. The results delivered less than two months after the signing of the peace accord between the PLO and Israel would provide the litmus test and send a signal to all parties concerned.

The Groups involved in the Elections

Teddy Kollek of the One Jerusalem team, who had headed the Labour Party list for the last twenty-eight years, was faced with the challenge of maintaining power for the coming term of office. His age, his programme and his misguided calculations may all have made it more difficult for him to achieve his ambitions. The Likud candidate, Ehud Olmert of the Unified Jerusalem list, and his religious coalition acted very confidently. Their intention was to give their party a political push, which could enhance their campaign against the peace process and enable them to heal the trauma of the government election defeat in 1992. As for the Arabs of East Jerusalem, on whose votes the Labour Party was counting heavily, they disappointed Kollek by boycotting the election.

The Election Campaign

The significance of these elections and its political dimensions added to the intensity of the contest. The exchange of accusations between the two Israeli parties reached the lowest point when Kollek discovered in a newspaper article that Olmert had accused him of buying Arab votes by agreeing to reduce the Jerusalem Arabs' tax rates (arnona). Kollek referred to that when the long-standing municipality policy of reducing the arnona rates for sectors of the population with problems of a special kind. In this case, the eastern part of the city experienced a reduction in business activity because of the intifada.

In addition, Kollek accused Likud activists of tapping phone conversations between himself and Meron Benvenisti[48].

Why did Kollek lose?

In his election campaign, Kollek did not want to change his policy towards East Jerusalem. He was quoted as saying: "Jerusalem Arabs have received many more rights than did the population of Alsace-Lorraine and other European territories taken in war"[49]. Kollek thought that what the Arabs of East Jerusalem had gained was more than enough: keeping Jordanian citizenship, voting in municipality elections, qualifying for national insurance and Arabs being allowed to retain de facto control over (Al-Haram Al-Sharif).

Kollek and his advisers were counting on the votes of the Palestinians of East Jerusalem. But Palestinian support did not materialise, as Palestinians felt that East Jerusalem would be included in a future Palestinian economy and sovereign Palestine. Kollek's picture as a great conciliator between Arabs and Jews was only for foreign consumption. Jerusalem Arabs never believed in this as they considered him to be as bad as the Likud candidate, in so far as non-recognition of their political and human rights was concerned[50]. In Jerusalem itself, there was a history of hostility between the Arabs and the Jews, which escalated after 1967. The tension and hostilities increased with the advent of the intifada on 9 December 1987. It did not, however, reach the level of the activity in the West Bank or Gaza strip. This is partly due to the heavy presence of border police and to the mature realisation of Arabs in East Jerusalem that extending the uprising too far could encourage the initiation of an informal programme through the activities of Jewish vigilantes[51].

Kollek on the municipality level never bothered to cultivate a successor: this state of affairs accounted for his very poor electoral performance, thus, the Labour Party placed

itself in a precarious position through two bad choices. Firstly, Kollek and a young Likud opponent contesting the same seat or Labour running with Kollek who had declared his intentions and could hardly be counted on to pilot an active forthcoming term for the municipality.

Palestinians and the Elections

Palestinian leaders of different political groups were calling Arabs of East Jerusalem to boycott the municipal elections. Different Palestinian factions issued pamphlets demanding the boycott. Faisal Husseini was quoted as saying, "*Arabs in Jerusalem had not changed their positions concerning boycotting Jerusalem municipality elections*". That statement was confirmed by a press release from Husseini's office in East Jerusalem[52].

The director of awqaf in East Jerusalem, Adnan Husseini, also urged Palestinians of East Jerusalem to boycott the elections stating that "East Jerusalem is occupied territory and voting means legitimisation of occupation"[53]. A leaflet distributed by Hamas stated that "*we have decided to take part in the resistance against this pig Teddy Kollek. We accuse him of working against Arab interests*"[54]. The leaflet threatened Arab Mukhtars and those who assisted municipal parties during the election campaign. Palestinian sources said that the leaflet was not a typical Hamas communiqué, leading to suspicions as to the document's authenticity.

Palestinian intellectual, Sari Nusseibi has claimed that he and other Palestinians suggested to the Israelis that two municipalities could be established, one Arab and another Israeli, and that this would encourage Arabs to vote in the municipal elections[55]. The Israeli rejected the offer without explanation.

Meanwhile, Meron Benvenisti, an Israeli intellectual, suggested in an interview with a Palestinian daily news paper (Al-Nahar) that Teddy Kollek's position was that Jerusalem was a part of Jericho. The inference was that whatever was to be decided for Jericho would be implemented for Jerusalem too in any final status agreement in the peace process. This move was designed to encourage Arabs to vote for Teddy Kollek in the elections [56].

Likud's Success in the Jerusalem Municipality Election

In order to secure a victory in the elections, Olmert made a last minute deal between his party and the Agudat-Degel Hatora list. In that deal the Agudat-Hatora candidate dropped out of the race and asked his supporters to give their votes to Olmert [57]. The National Religious Party and other right-wing activists worked very hard to support Olmert in his victory. That support ensured Olmert's indebtedness to their leadership. Olmert had already promised Rabbi Porush of the joint Agudat Yisrael-Degel Hatora faction a preponderant role at city hall. In addition, they would be given the urban improvement portfolio. Other religious groups would be given the education department in which both of them would give their joint support to the settlement policy for national and religious reasons[58].

Likud politicians have claimed that the Labour Party list lost the Jerusalem election because Jewish residents of Jerusalem had strong reservations about the PLO-Israeli agreement, and because the peace process might threaten the Jewish neighbourhood in Jerusalem[59].

Mayor Olmert's New Jerusalem Policy

Olmert considered Jerusalem as a city for the right-wing and a gift from Rabin when the latter changed the municipal elections in Israel to a referendum on the peace process itself. This also became apparent when the Likud won thirty-six municipal councils

including Jerusalem while the Labour Party won only twenty-nine[60].

Olmert has already announced that he will cancel the demolition order against illegal construction by the Beit Orot Yeshiva in the Arab Al-tur neighbourhood. He pledged to support the construction of Jewish housing projects in East Jerusalem[61].

Mayor Olmert's practical policies became obvious shortly after he assumed office. A disputed area on the Mount of Olives in East Jerusalem was the pivotal issue in the 1990s. Jewish settlers obtained land on the Mount of Olives consisting of one and a half dunums (1,500m^2). The settlers then established a religious school (Yeshiva) and subsequently tried to expand that area. The goal was to build a Jewish settlement on the land. However, during Kollek's administration he prevented them from doing so. The former Mayor had planned to construct a much needed Arab girls' school. When Olmert then took office, he quickly gave the Jewish settlers permission to go ahead and build their settlement. In a CNN interview in January 1994, Olmert commented that Jerusalem was a united and undivided city and the capital of the Jewish State of Israel. He did not believe in the idea the Jews cannot build in East Jerusalem, but can live anywhere in the city[62]. In another interview addressing the implementation of policies and promises in his election campaign concerning the development of the city eastward and along the east-west "seam", Olmert replied: "*I am relieved that a process has begun that will bring about a continuity of Jewish settlement from Neve Ya'akov southward, toward the city centre, and you will excuse me if I don't go into details*" [63].

Rabin's Reaction

For Rabin's government, that the results did not reflect positively at the international and Arab-Israeli levels. Shimon Peres hoped that Olmert would not adopt a provocative policy towards Jerusalem that would culminate in placing Israel under the

predictable international criticism and pressure due to such policies[64]. Meretz Minister, Yossi Sarid, commenting on the possibility of Olmert's gains one day before the election said: "*One needn't actually see what an elephant can do to a china shop to understand what a man like Olmert could do to a fragile city like Jerusalem*[65]. Rabin, in order to minimise the side effects of Olmert's success and to prevent him from narrowing the government options concerning the talks over the final status of Jerusalem, considered appointing the ex-mayor of Jerusalem, Teddy Kollek, as minister for Jerusalem affairs[66].

Kollek, later, rejected Rabin's proposal as he decided to retire from political life. Kollek also mentioned that the position offered, which had been established under the previous Likud government remained powerless with very little effect either on the government or the municipality. Kollek did not wait to see if Rabin's cabinet would offer him more extensive authority and responsibilities in the proposed post or not. All the political signs suggested that he would get the needed support and that it would be a powerful post in order to deal with the newly elected young Likud mayor [67].

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Chapter 4

The International Community and the Jerusalem Issue

This chapter will show that the international community have done nothing to prevent Israel from changing the objective circumstances on the ground of Jerusalem and why they had done it. Section I begins with an examination of how United Nations policy towards Jerusalem has developed since the 1947 Partition Plan. Israeli defiance of U.N. General Assembly and Security Council resolutions on the question of Jerusalem is also discussed.

In assessing international attitudes towards the Jerusalem issue, an analysis of the role of the United States must also be included. Section II looks at how the United States has become a major player in Jerusalem politics. The most important international development following World War II was the rise of the U.S. to the position of a major global power and its increased influence on the Arab-Israeli conflict. The U.S. has followed the development of the Jerusalem issue closely, from the partition proposal up to present day peace negotiations.

In section IV the position of the European Community is taken into consideration.

Section V looks at Vatican interest in the Jerusalem issue and its influence on the City's future. The Vatican's involvement has essentially been motivated by a concern to protect Catholic interests in the city. Throughout history, the Holy See has never wavered in asserting its rights in Jerusalem and its holy places.

In section VI the position of the Soviet Union/Russian Federation is taken into consideration.

These forces could potentially have taken actions to stop Israel actively annexing Jerusalem.

I. Jerusalem and United Nations Decisions

Since 1947 the United Nations has adopted several resolutions concerning Jerusalem and its status, however none of these resolutions has been implemented. The non-implementation of U.N. resolutions is due to two factors. The first factor relates to Israel's violation of the decisions of the General Assembly and the Security Council. Israel's lack of co-operation with the United Nations has complicated the efforts of this international organisation in carrying out its decisions regarding Jerusalem[1]. The second contributing factor is the inadequacy of the United Nations itself to enforce compliance with the resolutions. The U.N. has the option of taking measures against a member state that breaches a Charter provision or that deliberately refuses to comply with resolutions adopted by the Security Council or the General Assembly. These measures are threefold: sanctions, suspension of rights and privileges and expulsion [2].

In 1947 the United Nations Special Committee on Palestine (UNSCOP) was appointed by the General Assembly to present proposals on Palestine. UNSCOP recommended the partition of Palestine into Arab and Jewish States and the territorial internationalisation of the Jerusalem area. These recommendations were approved by the General Assembly in its Resolution 181(II) on 29 November 1947. Jerusalem was to become a corpus separatum with a special international regime administrated by the U.N. Trusteeship Council [3]. The principal clauses of Resolution 181, which relate to Jerusalem are as follows:

I- Boundaries of the City

The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western Ein Karim (including the built-up area of Motsa); and the most northern, Shu'fat. *(See map 7, annex V)*

II- Statute of the City

1. Governor and Administrative Staff

A governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without the regard of nationality. He shall not, however, be a citizen of either State in Palestine.

The governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen whenever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organisation of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

2. Local Autonomy

(a)- The existing local autonomous units in the territory of the City (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b)- The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of special town units consisting, respectively, of the Jewish and Arab sections of a new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

3. Security Measures

(a)- The City of Jerusalem shall be demilitarised; its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b)- Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c)- To assist in the maintenance of internal law and order and especially for the protection of the Holy Places and religious buildings and sites in the City, the Governor shall organise a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

4. *Legislative Organisation*

A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions, which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute

shall grant to the Governor a right of vetoing bills inconsistent with the Provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the Council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

5. *Holy Places*

(a)- Existing rights in the respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b)- Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c)- Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repairs. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site that was exempt from taxation on the date of the creation of the City. No charge in the incidence of such taxation shall be made which would either discriminate between owners or occupiers of Holy Places, religious buildings or sites, or would place such owners of occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations [4].

The Arabs opposed the resolution partitioning Palestine. However, after Israel won the 1948 War they decided (with the exception of Jordan) that it was best to accept the proposal for the internationalisation of Jerusalem. Initially, the Jews accepted the corpus separatum provision on Jerusalem, although they were anxious to have Jerusalem included within the Jewish state. They came to the conclusion that without this provision the resolution would not pass since support for the partition by many member states of the U.N. was contingent on its provision of the corpus separatum status of Jerusalem. The

passage of the partition resolution was considered essential in order to create a Jewish state[5]. However, once the State of Israel was established, the Israeli government gradually withdrew its acceptance of the internationalisation of Jerusalem, offering in its place a "functional internationalisation". Later, even this proposal was abandoned by the Israelis as they grew more self-assured and instead proposed limited international supervision of the Holy Places with the condition that Jews would be given free access to the Wailing Wall and other Jewish Holy Sites in Jordanian held territories. In addition, Israel attempted to eliminate any practical plans for the internationalisation of Jerusalem by gradually transferring its government offices and the Knesset to Jerusalem[6].

It is important to note the illegality of the partition resolution. The United Nations General Assembly can only take action within the limits laid down in the Charter, however it has acted contrary to the provisions of Article 10 and 14 of the Charter. These provisions empower the General Assembly to recommend resolutions but not to make decisions. There is a distinct difference between making a recommendation and adopting a plan that is prejudicial to the territorial integrity of a people and their political and legal status, and then appointing a committee of the Assembly to carry out that plan [7]. It would also seem that the partition plan implied coercion, because one of its clauses strictly stated that any attempt to alter by force the settlement set forth in the resolution should be considered as a threat to the peace, breach of the peace or act of aggression. Undoubtedly, this would not be considered a simple resolution but rather a solution to be imposed by force [8].

Resolution 181 opposes the principle of self-determination of peoples, as it never secured the consent of the Palestinians in partitioning Palestine and internationalising Jerusalem. The United Nations is not in a position to decide that part of a territory, with an already well-defined sovereign, should be subject to an international regime without the consent of that territorial sovereign [9].

Following the adoption of Resolution 181 came a series of U.N. resolutions, which dealt with Jerusalem either directly or, within the context of Palestine, generally. On 14 May 1948 General Assembly Resolution 186 authorised the appointment of a United Nations Mediator. The U.N. Mediator would be chosen by a committee of the General Assembly composed of representatives of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States. The Mediator would have authority to arrange for the operation of common services necessary to the safety and well being of the population in Palestine; would assure the protection of the Holy Places, religious buildings and sites in Palestine; would promote a peaceful adjustment of the future situation in Palestine; and would submit a monthly progress report to the Security Council and the Secretary General[10].

The first United Nations Mediator was Count Bernadotte. On 11 June 1948, in his first report to the Security Council, the Count recommended that Jerusalem be included in the area of the Arab State and that the Jewish community in Jerusalem has self-autonomy. He added that measures should be taken to safeguard the Holy Places in the City. This recommendation was rejected by both the Arab League and the Israelis. Later, the Count reconsidered his initial recommendations and modified them before he presented his final report on 20 September 1948 [11], in which he proposed that:

> *"The City of Jerusalem, which should be understood as covering the area defined in the resolution of the General Assembly (resolution 181) of 29 November, should be treated separately and should be placed under effective United Nations control with maximum feasible local autonomy for the Arab and Jewish communities, with full safeguards for the protection of the Holy Places and sites, and free access to them, and for religious freedom. Also, the right of unimpeded access to Jerusalem by road, rail or air should be fully respected by all parties"* [12].

The next U.N. resolution to deal with the issue of Jerusalem was General Assembly Resolution 194(III), adopted on 11 December 1948. This resolution closely

adhered to the specifications of Resolution 181. It established a Conciliation Commission consisting of three member states of the United Nations and terminated the office of the U.N. Mediator. The Conciliation Council took over the functions given to the Mediator in Resolution 186. Resolution 194 reaffirmed the principles of internationalisation, resolving:

> *... that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; the arrangements to this end should be under effective United Nations supervisions; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory* [13].

The Conciliation Commission was also instructed to:

> *" Present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the Special International Status of the Jerusalem area.".* [14].

The resolution also requested the Security Council to take further steps to ensure the demilitarisation of Jerusalem at the earliest possible date [15].

On 9 December 1949, the General Assembly adopted Resolution 303 (IV). This resolution reiterated the need for an international regime for Jerusalem and the protection of its Holy Places. Resolution 303 referred to the following provisions of General Assembly resolution 181 (II):

(1) Establishing Jerusalem, as a corpus separatum under a special international regime, which is to be administrated by the United Nations;

(2) The Trusteeship Council shall be designated to discharge the responsibilities of the Administrating Authority;

(3) The City of Jerusalem shall include the present municipality plus the surrounding villages and towns[16].

Resolution 303 specified that the Council should not "allow any actions taken by any interested government or governments to divert it from adopting and implementing the statute of Jerusalem". The resolution concluded by calling upon the States concerned "to make formal undertakings, at an early date and in the light of their obligations as Members of the United Nations, that they will approach these matters with good will and be guided by the terms of the present resolutions"[17]. However, none of the provisions of Resolution 303 -- or for that matter, most of the provisions of Resolution 181 -- have ever been carried out.

The same month, in which the General Assembly adopted Resolution 303 (IV), the Trusteeship Council passed Resolution 114 (S-2). In that resolution the Council stated its concern "at the removal to Jerusalem of certain ministries and central departments of the Government of Israel" and "considered that such action ignores and is incompatible with the provisions of paragraph II of the General Assembly Resolution 303 of 9 December 1949" [18]. In Resolution 114 the Trusteeship Council requested that Israel revoke the measures concerned and that it "abstain from any action liable to hinder the implementation of General Assembly Resolution of December 9, 1949" [19]. However, Israel ignored this request and continued to transfer its government offices to Jerusalem.

The resolutions mentioned above were based on the corpus separatum status of Jerusalem. All repeated the main provisions of Resolution 181. Despite the passing of these resolutions, and the U.N. condemnation of Israel's actions, Jerusalem became two cities: Jordanian held east Jerusalem and Israeli controlled West Jerusalem. Both States ignored the international status of the City and the pledge to provide for the protection and maintenance of the Holy Sites. The situation remained this way until after the 1967 War when Israel annexed East Jerusalem [20].

From 1951 to 1967, the United Nations took no action with regard to the status of Jerusalem. It seemed that the international community accepted the status quo and the issue of Jerusalem prompted little, if any, international interest or concern. Since the United Nations was unwilling to interfere in the affairs of Jerusalem, Israel and Jordan steadily strengthened their hold on the sectors under their control [21].

International attention focused on Jerusalem once again when Israel annexed East Jerusalem after the 1967 War. Israel quickly consolidated East and West Jerusalem through legislative measures that declared that the "reunited" city was the capital of Israel. Israeli measures taken in East Jerusalem – such as razing the Maghrabi Quarter – were a clear indication of a presumably pre-planned intention to control the entire city. Israel failed to respond to U.N. demands that it refrains from consolidating its seizure of Jerusalem.

On 4 July 1967, the General Assembly adopted Resolution 2253 (ES-V) which read:

"The General Assembly,

Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City.

1. Considers that these measures are invalid;

2. Calls upon Israel to rescind all measures already taken and to desist forthwith from any action which would alter the status of Jerusalem" [22].

On 14 July 1967 the General Assembly followed up Resolution 2253 with Resolution 2254. This resolution deplored Israel's failure to implement Resolution 2253 and reiterated its call on Israel to rescind measures already taken and to desist from taking any action, which would alter the status of Jerusalem[23].

The Security Council also adopted resolutions that dealt generally with the Arab-Israeli conflict and specifically with the situation in Jerusalem. The most important of those resolutions was Security Council Resolution 242 of 22 November 1967. The provisions of Resolution 242 required that Israel withdraw its forces from "territories occupied in the recent conflict". The resolution therefore calls for Israel to withdraw from East Jerusalem; however, it does not mention the withdrawal of Israel from West Jerusalem. The exclusion of West Jerusalem makes this resolution inadequate since it contradicts Resolution 181[24].

In effect, Resolution 242 condemns Israel's aggression in one part of Jerusalem and condones it in another part. This renders the provision in Resolution 242 concerning the Occupied Territories, including east Jerusalem, invalid since the occupation and annexation of West Jerusalem in 1948, and of East Jerusalem in 1967, were both acts of aggression against the corpus separatum. This violated international law and U.N. resolutions. There is no difference between the occupation in 1948 and the annexation in 1967, both acts being illegal and Israel being obliged to withdraw from all of Jerusalem. Furthermore, the exclusion of West Jerusalem from Resolution 242 implies the acceptance of Israel's annexation of West Jerusalem and thus overrides the resolutions of the General Assembly, which laid down an international status for the whole of Jerusalem[25].

Other resolutions adopted by the Security Council that dealt specifically with Jerusalem include the following:

Resolution 252, adopted on 21 May 1968. This resolution deplored Israel's failure to comply with General Assembly Resolutions 2253 and 2254 and declared that all legislative and administrative measures and actions taken by Israel, including the

expropriation of land and properties which tended to change the legal status of Jerusalem, were invalid and could not change that status. It also called on Israel to rescind all such measures already taken and to desist forthwith from taking any further action, which tended to change the status of Jerusalem.

Resolution 267, adopted on 3 July 1969. This resolution censured all measures taken to change the status of the City of Jerusalem and thus confirmed that all legislative and administrative measures and actions taken by Israel which purport to alter the status of Jerusalem, including the expropriation of land and properties thereon, were invalid. The resolution urgently called once more upon Israel to rescind forthwith all measures taken which tended to change the status of Jerusalem and to refrain from all actions likely to have such effect.

Resolution 271, adopted on 15 September 1968. Resolution 271 was adopted following the arson attack at the Al-Aqsa Mosque. In this resolution the Council recognised that any act of destruction or profanation of the Holy Places, or any encouragement of, or connivance at, any such act, might seriously endanger international peace and security. The Council declared that the execrable act of desecration and profanation of the Holy Al-Aqsa Mosque emphasised the immediate necessity of Israel desisting from acting in violation of U.N. resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem. The resolution concluded by calling upon Israel to observe the provisions of the General Convention and international law governing military occupation, and condemned Israel for failing to comply with Resolutions 252 and 267.

Resolution 298, adopted on 25 September 1971. This resolution deplored the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions, which purport to affect the status of the City of Jerusalem. This resolution stated that the Council confirmed, in the clearest possible terms, that all legislative and administrative actions taken by Israel to change the status of Jerusalem, including expropriation of land and properties, transfer of population, and legislation aimed at the incorporation of the occupied section, was totally invalid and could not change the status.

Resolution 446, adopted on 22 March 1979. Resolution 446 deplored Israel's failure to abide by its resolutions and those of the General Assembly, called upon Israel to rescind the measures it had taken in the occupied territories, including Jerusalem, and established a Commission to examine and report on the situation relating to settlements in the occupied territories, including Jerusalem.

Resolution 452, adopted on 20 July 1979. This resolution deplored Israel for failing to co-operate with the Commission which was established under Resolution 446. It called upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories since 1967, including Jerusalem.

Resolution 465, adopted on 1 March 1980. In this resolution the Security Council deplored the Israeli policy on settlements in the Occupied Arab Territories, Jerusalem and the Holy Places. The Council determined that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab Territories occupied since

1967, including Jerusalem, or any part thereof had no legal validity and that Israel's policy and practices of settling parts of its population and new-immigrants in those territories constituted a flagrant violation of the Geneva Convention and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.

Resolution 476, adopted on 30 June 1980. Resolution 476 deplored the persistence of Israel in changing the physical character, demographic composition and institutional structure of the Holy City of Jerusalem and reiterated that all such measures which had altered the geographic, demographic and historical character and status of Jerusalem were null and void and must be rescinded in compliance with the relevant resolutions of the Security Council [26].

Resolution 478, adopted on 20 August 1980. In this resolution the Security Council censured, in the strongest terms, the enactment by Israel of the "basic law" on Jerusalem and Israel's refusal to comply with relevant Security Council resolutions. The resolution affirmed that the enactment of the "basic law" by Israel constituted a violation of international law and that any actions by Israel that sought to alter the character and status of Jerusalem would not be recognised. Furthermore, the resolution called upon all Member States to accept this decision and, for those states that had established diplomatic missions in Jerusalem, to withdraw such missions from the Holy City [27].

In reviewing the United Nations resolutions, the difference between those resolutions adopted before the 1967 War and those adopted after is clear. From 1947 to 1950 U.N. resolutions explicitly called for the internationalisation of Jerusalem, while the

post 1967 resolutions dealt mainly with the issue of the annexation of East Jerusalem and Israeli measures to Judaise the City.

In accordance with Chapter VII of the Charter of the United Nations, the Security Council has the power to enact a whole range of sanctions against a state, which commits any act of aggression or threatens peace. However, the Security Council has been negligent in its duty by failing to impose sanctions on Israel[28]. Furthermore, the General Assembly has the power, by virtue of Article 5 of the Charter, to suspend the rights and privileges of a Member State, and if that state "persistently violates the principles contained in the Charter"; the General Assembly can expel it from the Organisation. Like the Security Council, the General Assembly did not perform its duties when it failed to enact these various measures with regard to Israel. Moreover, the Members of the United Nations are also obliged to help each other to implement the decisions of the Security Council. Therefore, the Member States, and in particular the members of the Security Council that voted for those resolutions which condemned Israeli actions, are also partly responsible for the non-implementation of the resolutions[29].

If these United Nations resolutions had been implemented they would have served the question of Jerusalem right from the beginning and would have thus avoided the accumulation of problems resulting from the lack of political will to carry out these decisions. It was easy for Israel to defy these resolutions since no measures were ever taken to implement them. When the Arab and Islamic world objected to certain Israeli measures, the U.N. responded by adopting a new resolution, which was easier than attempting to implement previously adopted resolutions.

II. United States Policy on Jerusalem

The general assembly comes up with resolutions in Jerusalem, but it cannot enforce them without the Security Council. America vetoed everything that goes to the Security Council to actually enable the U.N. to enforce its policies against Israel.

Originally, the United States supported the U.N. Partition Plan, which designated Jerusalem as a corpus separatum under U.N. supervision. Since 1948, the U.S. policy concerning Jerusalem has been to refuse "*De Jure*" recognition to the nation occupying the City and not to extend "*de facto*" recognition until an agreement on the City's status was determined. This policy also applied to East Jerusalem when it was under the control of the Jordanian government between 1948 to 1967. "*De Jure*" recognition acknowledges a government's legitimate and lawful sovereignty, yet Israel's control over Jerusalem is a "*de facto*" status that acknowledges its sovereignty and actual possession without recognition of lawful title[30].

U.S. policy on Jerusalem has undergone a series of retractions over nearly half a century. By the end of 1948, the United States had come to the conclusion that the concept of a corpus separatum was unworkable seeing that Israel's supporters strongly backed Israel's claim to Jerusalem and that Jordan and Israel were in firm control of the two parts of the city. The U.S. was also concerned over the administrative and financial difficulties that would arise if the U.N. was to become responsible for the administration of Jerusalem. For these reasons, on 20 August 1949, the U.S., through the U.N.'s Palestine Conciliation Commission (PCC), proposed a limited form of internationalisation[31].

Under the PCC proposal, both Jordan and Israel would not be allowed to designate Jerusalem as their capital. The City would be demilitarised and divided into autonomous

Arab and Jewish zones. The U.N. commissioner would have authority for international matters, in particular, jurisdiction over the Holy Places[32].

The U.S. State Department defined its new policy on Jerusalem as one that considered the City to be a single, undivided, and international city, the details of whose governance still had to be worked out. The justification for the U.S. change in policy was explained in a State Department memo which stated that "it corpus separatum was unrealistic as it could not be implemented by the United Nations against the wishes of Israel and Jordan without the use of substantial forces". In fact, Israeli Prime Minister David Ben-Gurion reminded U.S. envoys more than once that no U.N. plan could be carried out except by force. In 1949 for example, Ben-Gurion told the U.S. Ambassador to Israel James G. McDonald, that "*it would take an army to get Jews out of Jerusalem; and the only army I see willing to occupy Jerusalem is Russia's*"[33].

On 14 December 1949, Ben-Gurion arranged for the transfer of his office from Tel-Aviv to Jerusalem, to be followed within days by other government offices -- but not the foreign and defence ministries or the national police headquarters. This bold move by Israel forced the United States to define its position on the matter clearly. The U.S. refused to transfer its embassy from Tel-Aviv to Jerusalem upon Israel's request, and stated to the Israeli government that the United States "*considers particularly unfortunate any step or course of action likely to prejudice or complicate settlement of the Jerusalem question*"[34]. The U.S. Secretary of State then issued explicit instructions to the U.S. Embassy in Tel-Aviv and U.S. Consul General in Jerusalem on 4 January 1950 as follows:

1. The U.S. does not recognise the sovereignty of Israel in Jerusalem.
2. The U.S. continues to support the principle of the internationalisation of Jerusalem along the lines of a modified regime such as that proposed by the PCC ([Palestine Conciliation Commission)].

3. State Department does not desire its Embassy in Tel Aviv to conduct official business in Jerusalem with Israel Central Government officials who may move there. Foreign Office in Tel Aviv provides normal means of contact with Israeli Government.

4. Department continues to desire that Ambassador's visits to Jerusalem for unofficial purposes be restricted to absolute minimum.

5. No objection contact by Consul General in Jerusalem with such Israeli ministries as may be in Jerusalem, on routine consular affairs affecting the Jerusalem area only, but should make clear to Israeli officials that Embassy in Tel Aviv continues to be sole U.S. diplomatic representation near Israeli Government[35].

However, this boycott of U.S. officials working in Jerusalem lasted only until 14 February 1951 because Israeli officials insisted on conducting business in Jerusalem. The U.S. Embassy in Tel Aviv found it increasingly difficult to efficiently carry out routine business with Israel Government agencies from Tel Aviv. Due to constant pressure by Israel's supporters on the U.S. administration to co-ordinate its policy with Israel's, the Secretary of State finally gave in to the complaints of the Tel Aviv embassy. U.S. diplomats were given permission to "*proceed to Jerusalem as necessary to carry on official business with Israel Government officials and to visit Jerusalem for unofficial purposes as often as desired*"[36].

In mid-January 1950, Israeli officials met with the U.S. Ambassador to Israel, James G. McDonald, and suggested the possibility of transferring the U.S. embassy from Tel-Aviv to Jerusalem. The American government's response was that it would not move its embassy and that the Jerusalem question was "*sub judice*" in the United Nations [37]. Following the signing of the Armistice Agreement in April 1949, the U.S. established two consulates in Jerusalem, one on the West Side and the other on the East side. The

consulates were not considered connected to the Tel Aviv embassy and, furthermore, diplomats of these consulates did not request diplomatic recognition as part of the American embassy in Israel. The consulates in Jerusalem registered American citizens born in the city as born in "Jerusalem", whereas the embassy in Tel Aviv registered American citizens as born in "Tel Aviv, Israel" [38].

Immediately after Israel annexed West Jerusalem, King Abdullah of Jordan signed the unification accord on 24 April 1950, which united the East and West Banks of Jordan, including East Jerusalem. The United States refused to extend official recognition of this union. In a press conference on April 26, 1950, the Secretary of State's response to the Jordanian move was that "*American attitude was that normally we had no objection whatever to the union of people who were mutually desirous of this new relationship but in this case it had a bearing on the efforts made through the United Nations to solve the Palestine matter and we were studying it from that point of view*"[39].

Between 1953 and 1967 the United States tried to ignore the issue of Jerusalem as it was thought to be "inflammatory in domestic political terms"[40]. In the early 1950's, U.S. policy on Jerusalem called for some vague limited form of internationalisation for the City and opposed both the Israeli and Jordanian hold of the City. On 24 February 1956, the U.S. Secretary of State, John Foster Dulles, in a statement before the Senate Foreign Relations Committee, clearly showed Washington's attempt to overlook the issue of Jerusalem. Dulles did not mention Jerusalem as one of the core issues of the Arab-Israeli conflict but rather identified the "*three principle aspects*" of the conflict as "*the plight of the refugees, the pall of fear that hangs over the Arab and Israeli people alike, and the lack of fixed boundaries between Israel and its Arab neighbours*". By failing to publicly include Jerusalem as a core issue, Dulles gave in to the fact that Israel could not be swayed on the issue as well as the domestic political pressure that accompanied it. Later, Dulles complained to a friend that he found it almost impossible for the U.S. to carry out a foreign

policy in the Middle East that had not been approved by the Jews first, just as other White House officials had learned before him. In 1957, Dulles remarked: "*I am very much concerned over the fact that the Jewish influence here is making it almost impossible to get Congress to do anything they don't approve of. The Israeli Embassy is practically dictating to the Congress through influential Jewish people in the country*"[41].

United States Policy between 1967-1998

In reality it would seem that the U.S. did not put much effort into discouraging Israel's ambitions. This is evidenced by U.S. voting patterns on U.N. resolutions that dealt with Israel's conduct in the occupied territories, including Jerusalem. The U.S. Government abstained from General Assembly Resolutions 2253 and 2254 of 4 and 14 July 1967 which called upon Israel to rescind the measures it had taken to alter the status of Jerusalem. It voted against General Assembly Resolution 2851 (XXVI) of 20 December 1971, which declared that all measures taken by Israel to settle the occupied territories, including Jerusalem, were null and void. It abstained from General Assembly Resolution 32/5 of 28 October 1977 that deplored the persistence of Israel in establishing settlements in the Arab territories including Jerusalem. It voted against General Assembly Resolution 33/113 of 18 December 1978 which reaffirmed the nullity of the measures taken by Israel in Jerusalem. The U.S. abstained from Security Council Resolution 446 of 22 March 1979 which called upon Israel to rescind the measures it had taken to change the legal status, geographical nature and demographic composition of the Arab territories, including Jerusalem, and it also abstained from Security Council Resolution 476 of 30 June 1980 which deplored the persistence of Israel in changing the physical character, demographic composition, institutional structure and the status of the Holy City of Jerusalem and declared Israel's measures null and void[42]. Furthermore, Security Council attempts to impose sanctions on Israel to force it to comply with the resolutions have been vetoed by the United States.

U.S. policy on Jerusalem was dramatically altered during the Johnson administration. A week after the Six-Day War had ended; President Johnson in a major speech on 19 June 1968 announced the "*five great principles of peace*" for the Middle East. Referring to Jerusalem, Johnson limited his statement to a simple point "*There must be adequate recognition of the special interest of three great religions in the Holy Places of Jerusalem*". Johnson did not demand recognition of the "*special interest of three great religions*" in Jerusalem as such, but only in the Holy Places of Jerusalem. His wording implies that he distinguished between the secular administration of the city of Jerusalem, on the one hand, and the religious administration of the respective holy shrines, on the other[43]. In addition, Johnson completely abandoned the traditional policy of regarding Jerusalem as a separate and international city that deserved recognition as a major and distinct problem. In its place, the Johnson administration supported the idea that Jerusalem should remain an undivided city and its future should be settled in negotiations between the parties concerned[44].

President Johnson's new policy was strongly influenced by the U.S. Ambassador to the United Nations, Arthur Goldberg, who was an extreme Israeli supporter. Prior to Johnson's 19 June 1968 speech, Goldberg had suggested to Johnson that it would be better to ignore Jerusalem because it was "*inconceivable that Jerusalem would ever be divided again*". On those several occasions when the U.S. abstained from voting on U.N. resolutions, Ambassador Goldberg would explain that the U.S. view on the problem of Jerusalem could not "*be dealt with realistically apart from other aspects of the situation in the Middle East*"[45].

In 1969, the American policy on Jerusalem's future radically changed when the Nixon administration replaced the Johnson administration. The new administration abandoned its predecessor's policy of abstaining on questions concerning the status of

Jerusalem. On 3 July 1969 the new U.S. Ambassador to the United Nations, Charles A. Yost joined in voting for a Security Council resolution that sharply criticised Israel. Prior to the adoption of this resolution, Ambassador Yost, in addressing the Council defined the U.S. policy in the following terms:

> *"The United States considers that the 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"*[46].

Similar to the Johnson administration, there was no mention of the international status of Jerusalem in Ambassador Yost's speech. However, what was radical about Yost's comment was the reference to Israel as an occupying power, and to East Jerusalem as occupied territory, subject to the provisions of the 1949 Geneva Convention. Israeli officials considered this to be a significant departure from U.S. policy as enunciated by Goldberg[47]. In December 1969, the Israeli Government received another shock when Secretary of State William Rogers made an explicit reference to a Jordanian role in the future of the City:

> *"Specifically, 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 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"*[48].

Secretary of State Rogers came under severe criticism from pro-Israeli Americans because of his peace plan and his opposition to Israel's claims to Jerusalem. The criticism increased by late 1971 as the presidential campaign drew closer. Nixon's political advisers became concerned that the American Jewish community would not be very forthcoming in 1972 campaign cash for Mr. Nixon. As a result, Nixon distanced himself from Roger's peace plan as the election year neared. Later in his memoirs, Nixon complained that:

"One of the main problems I faced... was the unyielding and short-sighted pro-Israeli attitude in large and influential segments of the American Jewish community, Congress, the media and in intellectual and cultural circles. In the quarter century since the end of World War II this attitude had become so deeply ingrained that many saw the corollary of not being pro-Israel as being anti Israel or even anti-Semitic. I tried unsuccessfully to convince them that this was not the case"[49].

Despite Israel's continuous violation of U.N. resolutions, the U.S. Government was not willing to withhold aid from Israel as a means of pressure to secure its withdrawal from Jerusalem or other occupied territories in 1967. This was emphasised by President Carter at a news conference on 23 August 1977 when he stated that, although the territory Israel occupied in 1967 was not part of Israel, he had no intention of exerting pressure on it by cutting off economic and military aid in order to secure its withdrawal from such territory. This U.S. policy undoubtedly encouraged Israel to continue the Judaisation of Jerusalem without having to worry about repercussions [50].

There was no reference to Jerusalem in the text of the 1978 Camp David Agreement since no agreement could be reached between the parties concerned. It was included however, in the "Exchange of Letters" appended to the Agreements by Prime Minister Begin, President Sadat and President Carter. The Carter letter that was addressed to Sadat declared that U.S. policy on Jerusalem remains as stated by Ambassadors Goldberg and Yost. In appreciation of the difference between the Goldberg and Yost statements regarding the status of Jerusalem, Carter left the American policy in a state of indeterminacy if not outright confusion[51]. The reference to Goldberg's statement could satisfy Begin while the reference to Yost could satisfy Sadat, in part. Thus, in effect the Camp David Accords shelved the issue of Jerusalem and the differences between the Goldberg and Yost positions were completely ignored.

The Carter administration's voting record in the United Nations reflects Carter's concern with domestic considerations more than any solid policy on Jerusalem. For example, on 22 March 1979 the U.S. abstained from voting on Security Council resolution 446 which described Israeli settlement policy, including settlements in East Jerusalem, as having no legal status. The U.S. abstention was due to the timing of the resolution, which came just five days before the signing of the Egypt-Israel peace agreement. In addition, on 20 July 1979, the U.S. again abstained from a Security Council resolution that urged Israel to stop the establishment and construction of settlements in the Arab territories occupied since 1967, including Jerusalem. The reason for this abstention was because Carter was preparing to run for re-election and wanted to secure the votes of the Jewish community. However, the event that emphasised the influence of politics on Carter's Jerusalem was when the U.S. joined in to pass Security Council Resolution 465 which condemned Israel's settlements in the occupied territories "including Jerusalem" and demanded that Israel cease building new settlements and dismantle existing ones. The Jewish community immediately protested. Since this occurred just as the presidential campaign was heating up, it was quickly perceived that the vote would harm Carter's chances in the approaching primaries in New York and Illinois. On 3 March 1980, Carter announced that the U.S. vote had been a mistake, the result of an error in communications between the White House and the United Nations and that the U.S. had really meant to abstain[52].

The Reagan administration's policy on Jerusalem was stated in the Peace Plan for the Middle East in which Reagan declared that: "*we remain convinced that Jerusalem must remain undivided, but its final status should be decided through negotiations*"[53].

Reagan's Peace Plan did not make any reference to East Jerusalem as part of the West Bank, or even as occupied territory. However, President Reagan stated that the U.S. would support the participation of Palestinian East Jerusalemites in the election of a West Bank-Gaza authority.

There was a difference, however, in statements made by the White House and those of the State Department. While Reagan failed to refer to Jerusalem as an occupied territory, the Secretary of State Schultz did not hesitate in labelling the City as occupied[54].

The only aspect of the original pillar of U.S. policy on Jerusalem that remained was Washington's refusal to move the U.S. Embassy from Tel Aviv to Jerusalem as a symbol of its opposition to Israel's claim on Jerusalem[55]. In late 1983 a bill was introduced in the House and Senate demanding the move of the U.S. Embassy to Jerusalem. After considerable effort the Reagan administration killed the bill[56].

The issue of moving the embassy from Tel Aviv to Jerusalem was often brought up in the 1984 presidential campaign. The Democratic national platform officially endorsed the move: "The Democratic Party recognises and supports the established status of Jerusalem as the capital of Israel. As a symbol of this stand, the U.S. Embassy should be moved from Tel Aviv to Jerusalem"[57]. Gary Hart and Walter Mondale, two Democratic presidential candidates, vowed to move the embassy, as did Democratic Presidential candidate Michael Dukakis in 1988. In 1992, Bill Clinton also declared his willingness to move the embassy[58].

During the Bush administration, which had engineered the Middle East Peace Conference in Madrid, no major changes were made in U.S. policy towards Jerusalem. However, the Israeli Government attempted to obtain U.S. approval of their policy regarding Jerusalem. The Israeli Government misused the U.S. loan guarantees for housing the wave of Soviet Jewish immigrants by settling a portion of them in East Jerusalem and the occupied territories. The U.S., however, was anxious to avoid taking any clear position toward the status of Jerusalem and recognised that, in order to draw the Palestinians to the negotiating table the U.S. could not approve of the loan guarantees

being spent in such a manner. Therefore, in 1991, the U.S. Government refused to guarantee the loans, thus clearly rejecting the Israeli position towards Jerusalem[59].

In the same year, a similar situation arose when the conditions for the Palestinian-Israeli negotiations in Madrid were being established. U.S. Secretary of State, James Baker, who was co-ordinating the negotiations, was constantly faced with the question of East Jerusalem. The Israeli Government opposed the idea that East Jerusalemite Palestinians could be represented in the delegation[60]. In the end, it was agreed that the East Jerusalemite Palestinians could be part of the delegation but not part of the negotiating team, which met with the Israeli team [61].

The long-standing policies of six U.S. administrations towards the question of Jerusalem were quickly abandoned by the administration of President Bill Clinton. After less than one year in office, the administration had "already significantly changed, diluted, or signalled its willingness to modify at least four important U.S. policies in the Middle East. "[62] These policy changes allowed Israel to use U.S. funds to finance settlements in the occupied territories, including east Jerusalem, and permitted Israel's deportation of Palestinians. More importantly, the administration acquiesced in Israel's contentions that its rule over Arab Jerusalem was non-negotiable, and that those territories occupied by Israel in 1967 are disputed rather than occupied. In effect, the administration seemed to indicate its desertion of Security Council Resolution 242.[63]

In his letters of assurance to the Arab leaders, in preparation for the Madrid peace talks, U.S. Secretary of State Baker reiterated the commitment of the U.S. to Security Council Resolution 242, which had been the corner-stone of U.S. policy on the Arab-Israeli conflict. Resolution 242 called for the "withdrawal of Israeli armed forces from territories occupied in the recent conflict " and ascertained "the inadmissibility of the acquisition of

territory by war. " Baker's letter also explicitly stated that the U.S. did not recognise the annexation of East Jerusalem and that the city's final status would be determined through negotiations. However, as early as 30 June 1993, the U.S. "would not recommit to 242 and 338" in a paper presented to the delegations in the Washington peace talks.[64] Seizing this opportunity, Prime Minister Rabin of Israel declared that "the government is firm in its resolve that Jerusalem will not be open to negotiation. The coming years will be marked by the extension of construction in Greater Jerusalem ".[65] The Clinton Administration voiced no objection to that statement, signalling an unmistakable shift to the right and a prominent departure from the policies of previous administrations. Six previous U.S. administrations and the rest of the world, with the exception of Israel, had recognised and defined Arab East Jerusalem as occupied territory since 1967. The Clinton administration reversed that policy without admitting it. [66] The Clinton Administration's policies dealing with the continuous chain of events and developments of the Arab-Israeli conflict deepened this shift to the right. Through a series of policy decisions, the new overall policy on Jerusalem was revealed in unequivocal terms.

In February 1994, following the Hebron massacre in which 29 Palestinians were killed while praying in the Hebron mosque, the U.S. went to great lengths to avoid referring to the Arab part of Jerusalem as occupied territory. The U.N. Security Council had taken up the matter, where there was wide consensus among the Council members on the necessity of condemning the massacre, as well as allowing international observers into the Israeli occupied territories. The Security Council spent three weeks overcoming American objections to the resolution. Finally a compromise resolution was reached between the Palestinian, American and Israeli delegations, in which international observers would be allowed into the occupied territories, but the resolution would be voted on paragraph by paragraph to allow the U.S. to abstain on those paragraphs that contained references to Jerusalem. It is significant to note that Congress was pushing the Clinton administration

further to the right during the deliberations of the Security Council. Eighty two senators signed a non-binding resolution calling on the U.S. to not just abstain, but to veto the resolution. In the meantime, as the Council was still seized by the matter, Vice President Al Gore opened the Annual Policy Conference of the American Israel Public Affairs Committee (AIPAC) with a speech in which he "reaffirmed the Clinton administration's position which recognises a united Jerusalem as the capital of Israel. He promised that the United States would abstain on the paragraph (referring to Jerusalem as occupied territory): a veto, he explained, would have jeopardised the resumption of the peace talks. He added that had mention of Jerusalem been an operative paragraph rather than simply as part of the preamble, the United States would have indeed vetoed the entire resolution. "[67] As Gore was addressing AIPAC, both AIPAC's President and its Executive Director were having a meeting with Clinton in the White House in which they "reminded Clinton that one of his election campaign promises to Jewish voters and fund-raisers was that he would regard Jerusalem as the undivided capital of Israel. Clinton reported back to AIPAC delegates and told them "That's still right. " [68] When the resolution was finally presented for adoption by the Security Council, the U.S. abstained on the paragraph referring to East Jerusalem as part of the occupied territories.

The rational for the position taken by the administration, and the majority of the members of the Senate regarding the Security Council resolution and in all subsequent discussions or events related to Jerusalem, was that the Declaration of Principles signed between the Israelis and the Palestinians in September 1993 left the issue of Jerusalem, as well as the issues of settlements and military locations, to the permanent status negotiations which were scheduled to commence in May 1996. As such, according to Secretary of State Warren Christopher, Jerusalem was "a final status matter any effort to prejudge that issue in a U.N. resolution would find the opposition of the United States. " [69] In effect, the Clinton administration interprets the language of the Declaration of Principles,

which deferred the discussion of the status of Jerusalem and the question of settlements, to mean the abandonment of these issues, and of the body of International Law, including previous Security Council resolutions and U.S. positions on the issue. Moreover, this rationalisation is in direct contradiction to the fact that both Clinton and Gore, as well as the vast majority of the members of Congress, are on record asserting that Jerusalem is the unified capital of Israel, which is a clear effort to unilaterally pre-judge the status of Jerusalem.

The assertions and confirmations by U.S. politicians during their election campaigns -- that Jerusalem is the unified capital of Israel -- was an event that was dismissed by observers as electioneering to win the votes of the powerful Jewish community. Calls for moving the U.S. embassy from Tel Aviv to Jerusalem were not taken as serious until the mid-1980's when the campaign to relocate the embassy, one of the priorities of AIPAC, gathered steam. Bills were introduced in both the House and Senate to this effect in late 1983, but were killed by the Reagan Administration. On 2 October 1984 a non-binding resolution was passed by the House foreign affairs subcommittees on international operations and on Europe and the Middle East in which the sense of Congress was that the embassy should be moved to Jerusalem "at the earliest possible date ". [70] In 1988, in an unusual move, an amendment to the Department of State Appropriations Act was introduced, calling for the construction of two separate U.S. diplomatic facilities in Tel Aviv and Jerusalem that could be used as embassies or consulates. Neither facility would be defined as the U.S. embassy or consulate until after work on both facilities had started and construction of one facility was finished, or close to being finished. In his remarks in the Senate, Senator Jesse Helms, the author of the amendment, confirmed that the intention was to move the embassy to Jerusalem since "Many of us here in the Senate -- I venture to say most of us here -- believe that Israel has

a right to choose its own capital, and that the United States should locate its Embassy accordingly. "[71]

A number of similar non-binding resolutions calling for the move of the Embassy from Tel Aviv to Jerusalem were passed in both the Senate and the House over the years. Yet the two successive administrations withstood these pressures. President Bush, at a press conference on 3 March 1990, reiterated the traditional U.S. policy that called Arab East Jerusalem occupied territory reconfirming that his "position is that the foreign policy of the United States is that we do not believe there should be new settlements in the West Bank or in East Jerusalem ".[72]

In contrast, the Clinton administration did not seem to have the same feeling towards moving the embassy to Jerusalem. Despite the fact that the prospects of peace in the Middle East were greatly improved after the signing of the Declaration of Principles in 1993, Congress passed the Jerusalem Embassy Relocation Act on 23 October 1995, in which the Administration made the following far-reaching findings: [73]

1. Each Sovereign nation, under international law and custom, may designate its own capital;
2. Since 1950, the city of Jerusalem has been the capital of the State of Israel;
3. In 1967, the city of Jerusalem was reunited during the conflict known as the Six-Day War;
4. In 1990, the Congress unanimously adopted Senate Concurrent Resolution 106, which declares that the Congress "strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected ";

5. In 1992, the United States Senate and House of Representatives unanimously adopted Senate Concurrent Resolution 113 of the One Hundred Second Congress to commemorate the 25th anniversary of the reunification of Jerusalem, and reaffirming congressional sentiment that Jerusalem must remain an undivided city;

6. In June of 1993, 257 members of the United States House of representatives signed a letter to the Secretary of State Warren Christopher stating that the relocation of the United States Embassy to Jerusalem "should not take place later than ... 1999;

7. The United States maintains its embassy in the functioning capital of every country except in the case of our democratic friend and strategic ally, the State of Israel.

The United States included the following policy statement in their relocation act:

1. Jerusalem should remain an undivided city in which the rights of every ethnic and religious group are protected;
2. Jerusalem should be recognised as the capital of the State of Israel;
3. The United States Embassy in Israel should be established in Jerusalem no later than 1 May 1999.

Furthermore, not more than 50 percent of the funds appropriated to the Department of State for fiscal year 1999 for "Acquisition and Maintenance of Buildings Abroad " may be committed until the Secretary of State determines and reports to Congress that the United States Embassy in Jerusalem has officially opened.

Although the Administration had opposed the draft legislation (originally submitted in May 1995) because of its potential disruptive effect on the peace process, the President

did not veto the legislation after an amendment was introduced that included a waiver enabling the President to delay the actual move of the embassy for "National Security " reasons.

But the Clinton Administration did use its veto in the Security Council – for the first time in five years and the thirtieth time in defence of Israel in a Middle East related issue – in that same month of May 1995 to block a resolution calling on Israel to rescind the expropriation of 131 acres of Arab land in East Jerusalem. Despite the mildly worded resolution, which called the Israeli action "unhelpful for peace ", the Sate Department spokesman insisted that the United States would not take any steps to complicate the ongoing peace negotiations on the question of Jerusalem by prejudging the outcome of these negotiations. The Palestinian negotiator who initialled the Oslo Accords interpreted the U.S. veto as a sign of the erosion of U.S. legitimacy as a co-sponsor of the peace process, as a veto against the cessation of further settlements in the occupied territories, and as support of Israel's non-compliance with the Oslo Accords, international law and all relevant international resolutions.[74]

Further retreat from previous U.S. positions and policy were evident during the Clinton administration's management of the crisis that erupted when Israel opened a tunnel running underneath the walls of Al - Aqsa Mosque on 25 September 1996. The opening of the tunnel led to an international outcry against Israel and an outbreak of clashes between the Palestinian population in the West Bank and Gaza, supported by the Palestinian police, and the Israeli army in which more than eighty were killed and a thousand wounded on both sides. The Administration's response, through State Department spokesman Nicholas Burns, was a meagre call for both sides to *"move quickly to restore calm in Israel, Gaza and the West Bank to avoid further violence and to show and exercise restraint. ... I am very careful in not targeting criticism at one side or the other.*

... The parties to the Oslo accords -- Israel and the Palestinian authorities -- have agreed that Jerusalem issues and final status issues should be discussed between them in calm and peaceful setting. "[75] To confuse the issue of the tunnel opening by stating that this was one of the final status issues was obviously an attempt to cloud the Israeli decision to open the tunnel, portray it as *a fait accompli*, and demonstrate a high degree of insensitivity towards the feelings of Muslims world-wide. When asked whether the opening of the tunnel was wrong, Clinton pointed out that "all of the parties should avoid any actions, which are likely to undermine the progress of peace. And now the important thing is to end the violence and to get back to implementing those peace agreements."[76] Refusing to point the blame at either side for the violence that erupted, the spokesman for the Department of State insisted that *"The United States is not going to point the finger of blame at either side. " It's our responsibility to stay above the fight and to use our influence for the good and not to give in to the temptation to somehow make judgements. " They both have responsibility, obviously, for what has happened over the last three days and they both have a responsibility and self-interest to stop it. "* [77] Thus, in the American view, the Palestinian side is responsible for Israel's decisions and must not react in any shape or form, but rather must suppress its population which instinctively took to the streets in protest at Israel's provocation of their religious sentiments; moreover, the Palestinian leadership must learn to cope with Israel's unilateral breach of its commitments, and must keep negotiating the implementation of agreements despite the fact that they are effectively stripped of meaningful context by Israel's actions.

At the request of the Arab states the U.N. Security Council held an open debate on the situation, during which speaker after speaker called upon Israel to close the tunnel and warned that the peace process could collapse. But the U.S. Ambassador to the U.N., Madeleine Albright, told the Council that the objectives of the U.S. were to restore the calm first and accelerate the negotiating process second. Opposed to the Council holding the

open debate, but going along with the wishes of the majority of Council members, Albright insisted that "words are no substitute for action in the region. " [78]

Following three days of clashes in the Occupied Territories, President Clinton extended an invitation to the Prime Minister of Israel, the President of the Palestinian Authority, King Hussein of Jordan, and President Mubarak of Egypt to attend a summit meeting in Washington. President Mubarak, not seeing the benefit an ill-prepared meeting, which could only lead to absolving the Israeli Government of its responsibility for its actions, did not attend. The summit meeting was held on 1 October 1996, and after two days of marathon talks in which the White House marvelled at, and hailed those moments in which the Prime Minister of Israel and the Palestinian President shook hands and dined together, the President of the U.S., at the closure of the summit, confessed that "we have not made as much progress as I wish we had. ... They [Arafat and Netanyahu] were not able to resolve their differences here. " [79] Thus, the U.S. not only failed to fulfil its role as the principle sponsor of the peace process, but it shielded Israel yet again from the consequences of its actions that were in defiance of the international community and in contravention to its legal obligations under the Agreements signed with the Palestinian Authority. The gravity of the American policy was that they portrayed the message to Israel that its de facto control and action pertaining even to the most emotive issues concerning the religious sites in Jerusalem were no longer taboo.

In a highly unusual public criticism of the policies of the Clinton administration, James Baker, the former Secretary of State called on the U.S. to refuse Israel's policies, in particular the settlement policies. In a speech in Washington, Baker stated that:

> *"It is essential, I think, that the United States assumes a stronger leadership role to get the peace process back on track. Where are the United States voices today in opposition to increased settlement activity? Let me say in the strongest terms I can that the United States policy on settlements should not be changed if we want peace. It should*

be maintained as it is, and it should be frequently articulated, and it should be assertively pursued. " [80]

The same week Baker made his statement, Israel announced that it was subsidising settlers with massive financial aid. The official U.S. position was that the Israeli statement was "troubling" as settlement activity was "unhelpful" since "settlement activity clearly complicates the peace process ".[81] Such was the extent of the erosion in the official U.S. position that settlements which were once considered illegal under the Reagan administration, and were regarded as obstacles to peace by the Bush administration, were reduced to a mere complication under Clinton. Alarmed by Israel's settlement policy, eight American officials, including former Secretaries of State and national security advisors, addressed a letter to Benjamin Netanyahu, Israel's prime minister, urging him "not to take unilateral actions that would preclude a meaningful settlement and a comprehensive and lasting peace. " [82]

Uninhibited and unrestrained, Netanyahu did just that in February 1997 when the Israeli cabinet approved the building of a new settlement on Arab land in Jabal Abu Ghunaym in occupied East Jerusalem. The site of the settlement, a hill top just inside occupied Jerusalem, closes off the cordon of settlements around Arab East Jerusalem, thereby ending any Palestinian aspirations in the city since it physically severs the city from the rest of the West Bank. Faced with international condemnation and the prospect of renewed violence in the Middle East, the U.S. administration, in a rare criticism of Israel, pointed out that it "would have preferred a different decision. We would have preferred that this decision had not been taken. " [83] Clinton, who rarely had a criticism for Israel or its policies, looking unhappy and uncomfortable, with President Arafat by his side in the White House, stated that:

"The important thing is for these people on both sides to be building confidence and working together and so I would have preferred the decision not to have been made because I don't think it builds confidence, I think it builds distrust and I wish it had not been made. "[84]

Clinton's words were clearly inappropriate for the gravity of the event. It was obvious that Israel was implementing a strategy to impose a *fait accompli* that renders negotiations over the status of East Jerusalem obsolete. Israel had tactically postponed the issue of Jerusalem and settlements to the final status talks without an unequivocal definition that these lands are parts of the occupied territories. From the Palestinian point of view, this means that the issues will be frozen until the final status. But this is neither the Israeli position, and more significantly, nor is it the American interpretation of the agreements.

The U.S. continued its usual practice of shielding Israel in the U.N. Security Council by blocking a resolution drafted by Britain, France, Portugal and Sweden that called on Israel to abandon its plans to build the Abu Ghunaym settlement. The Council resolution would have called on "the Israeli authorities to refrain from all actions or measures, including settlement activities, which alter the facts on the ground, pre-empting the final status negotiations, and have negative implications for the Middle East peace process ". It also would have called upon Israel to abide by its obligations under the Fourth Geneva Convention on the protection of civilians in time of war, which bars settlements in occupied territory, and would have urged all parties to press ahead with the peace process.[85] Bill Richardson, the U.S. Ambassador to the U.N., criticised the Israeli decision to build the settlement, saying that it undermined the trust and confidence that are so badly needed in the Middle East peace process. He pointed out, however, that the Security Council was "*not the appropriate forum for debating the issue now under negotiation between the parties.* " *Furthermore, this resolution makes sweeping statements concerning the legal status of Israeli settlements, which the parties themselves have agreed are to be treated* as a permanent status issue in the talks that are about to resume. "[86]

Faced with this U.S. position, the Palestinian delegation, using a procedure devised by the U.S. in the early 1950's to circumvent the all too frequent Soviet veto, requested an emergency meeting of the U.N. General Assembly "in view of the failure of the council to fulfil its obligations ". In the Assembly vote on 13 March 1997, on a resolution condemning the settlement plan as illegal, it was Israel and the U.S. against the world, with Micronesia and the Marshall Islands abstaining.[87]

Two weeks later, the U.S. blocked a second resolution submitted on behalf of the Arab Group by Egypt and Qatar. The resolution made no reference to the legality of settlements, or the legal status of Jerusalem, but simply demanded that Israel stop the construction at Jabal Abu Ghunaym Har Homa and other settlements. Faced by the usual U.S. insistence that the U.N. was not the right forum for the discussion of the peace process, the Arab Group in the U.N. called for the convening of a special emergency General Assembly, meeting under the Uniting for Peace procedure, in which the Group sought a comprehensive statement of the legal position as well as legal action. [88] As with all previous Arab efforts through the U.N., nothing substantial was to come from this initiative.

III. The European Community and Jerusalem

Europe has always insisted that it had a special relationship with the Middle East, and with the Arab world in particular. For historical reasons, and because of their regional proximity and sophisticated diplomacy, Europeans believe that they understand the region better than the Americans. Peace in the Middle East is regarded by the Europeans to be of "vital and fundamental " interest to the European Union. Yet prior to the Camp David Accords between Egypt and Israel, the European Community (EC) had very little to

contribute on the issue of Jerusalem. [89] It was only in 1980, during their summit in Venice, and as a reaction to the lack of progress in the autonomy talks, that the EC leaders issued the Venice Declaration on the Arab-Israeli conflict, which included a paragraph on Jerusalem. The declaration's main thrust was the clear demand that the Palestinians and the PLO become more involved in the negotiations on the resolution of the Arab- Israeli conflict. On the specific issue of Jerusalem, the declaration was vague, concentrating instead on the issue of access to the Holy Places.

The Nine (states members of the EC) recognise the special importance of the role the question of Jerusalem plays for all parties concerned. The Nine stress that they will not accept any unilateral initiative designed to change the status of Jerusalem and that any agreement on the city's status should guarantee freedom of access for everyone to the Holy Places. [90]

The Venice Declaration was met with U.S. and Israeli disapproval. In retrospect, it had no impact on the Arab-Israeli conflict or on any of the actors, nor did it lead to significant changes in the individual European policies towards Israel and the PLO. [91] But it can be viewed as a stepping stone on which a more definitive European position on Jerusalem was formulated.

Following the signing of the Washington Accords on 13 September 1993 between Israel and the PLO, Yasser Arafat was received in Europe as a full head of state. This was a sign that marked the return of the European countries after their noticeable absence following the Madrid Peace Conference, and the evolution of a "common action " European policy on the Middle East, particularly on the issue of Jerusalem.

The entry into force of the Washington Accords coincided with the transformation of the EC into the European Union (EU), and the EU's decision at the extraordinary European Council meeting in Brussels on 29 October 1993, that the Middle East be covered, among five chosen areas, by the "Common Foreign and Security Policy " (CFSP), and thus subject to "common action " in accordance with the treaty. Although the Washington Accords were purely an American exercise, they represented a triumph, from a European perspective, of a vision of peace far more European than American; the European vision, reflected in the Venice Declaration, which insisted on more PLO association with the negotiations, was vindicated.

Yet the EC was unable to make any political impact on the ground. American and Israeli efforts were to exclude any party that was remotely seen to be "pro Palestinian ", including the UN, not to mention the EU. The EC had been granted a side-seat in the inaugural conference in Madrid. In the multilateral negotiations to which Europe was admitted, the European countries were represented in their own individual capacities. While the ironic fact is that it was on European soil (Oslo, Norway) that the Palestinians and the Israelis broke out of the negotiating framework designed by the Americans, the EC had negligible influence on the process.

Deprived of any meaningful role in the political process, it has been in the economic domain that the Europeans have exercised their influence. The EC, collectively and individually through their bilateral aid, established a program in 1993 for the development of the West Bank and Gaza. Thirty-five million ECU's in immediate aid were given to the PLO to enable it to set up minimal administrative services to meet the most urgent needs of the population, and an additional five hundred million ECU's were pledged for the economic recovery of, and equipment

for, the occupied territories. [92] Several of these projects were administered by Palestinian institutions based in East Jerusalem and were for the benefit of that population. Another policy initiative of the EU was the financing of Palestinian housing projects in East Jerusalem and the adjacent West Bank areas. [93]

Cementing these gestures of the EU's position on East Jerusalem, a progressive policy on the issue of the status of East Jerusalem evolved in the EC summits in Brussels (1987), Madrid (1989), and Dublin (1990). The European view that East Jerusalem is part of the occupied West Bank was reconfirmed, particularly in the Madrid summit. The Dublin summit reiterated that Israeli settlements in East Jerusalem were illegal. [94]

The EU's position on the status of East Jerusalem was confirmed in unequivocal terms during two developments in the Occupied Territories, namely the violence that erupted after Israel opened the Hasmonean tunnel under Al - Aqsa mosque complex in Jerusalem, and the Israeli decision to build a new settlement on Jabal Abu Ghunaym in East Jerusalem. The European Council of Ministers meeting on 1 October 1996 issued the following statement following the opening of the tunnel:

> *"The European Union recognises that the recent incidents were precipitated by frustration and exasperation at the absence of any real progress in the peace process and firmly believes that the absence of such progress is the root of the unrest...*
>
> *The Union notes that the particular events that triggered the current crisis concerned the fears of Palestinians that their position in Jerusalem was being further eroded... The Union recalls that the parties have agreed, ..., not to take any action which would prejudge the outcome of the Permanent Status Negotiations. It will work to ensure that this commitment is implemented by both sides.*
>
> *The European Union reaffirms its policy on the status of Jerusalem. East Jerusalem is subject to the principles set out in UN Security Council resolution 242, notably the inadmissibility of the acquisition of territory by force, and is therefore not under Israeli sovereignty. The Union asserts that the Fourth Geneva Convention is fully applicable to East Jerusalem, as is to other territories under occupation".* [95]

This strong statement of policy was further augmented by the practical measure of appointing a European Union Envoy to the peace process, Ambassador Miguel Moratinos of Spain. Carefully defined at the Council of Ministers' meeting on 28 October 1996, the mandate of the envoy included:

> *"Establishing and maintaining close contact with all the parties to the peace process, other countries of the region, the United States and other interested countries, as well as relevant international organisations; observing peace negotiations, contributing where requested to the implementation of international agreements and promoting compliance with the basic norms of democracy, including respect of human rights and the rule of law ".* [96]

The EU's decision to appoint a peace process Envoy, based in Jerusalem, was a clear indication of the Union's desire to play an active role in the peace negotiations, commensurate with its interests in the region, and on the basis of its major contribution to the process.

The EU took a further step in augmenting its position on Jerusalem following Israel's decision to build a new settlement on Jabal Abu Ghunaym in East Jerusalem, which would effectively have completed the ring of Israeli settlements around the city, rendering any Palestinian hopes in the city quite futile. The Presidency's statement on behalf of the EU asserted the following:

> *"The EU deeply deplores the decision of the Israeli government to approve construction plans for Har Homa/Jabal Abu Ghunaym located on the West Bank in the Jerusalem Area. The EU has repeatedly stated that settlements in the occupied territories contravene international law and are a major obstacle to peace".* [97]

Once again European Union reaffirmed its policy on the status of Jerusalem: East Jerusalem is subject to the principles set out in UN Security Council resolution 242, notably the inadmissibility of the acquisition of territory by force, and is therefore not under Israeli sovereignty. The Union considers that the Fourth Geneva Convention is fully applicable to East Jerusalem, as it is to other territories under occupation. [98]

In addition, the European Parliament adopted a resolution on Israel's policy of new settlement and the peace process in the Middle East in which it recalled that the ultimate status of Jerusalem would have to be discussed during the third phase of negotiations between the Israelis and the Palestinians and that all parties must therefore refrain from actions and practices that might have a negative impact on these negotiations. The European Parliament deplored the decision of the Israeli government to approve construction plans for new Jewish settlements in the Arab zone of Har Homa/Jabal Abou Ghunaym (East Jerusalem). It considered that decision to be part of the Israeli policy of colonising the Occupied territories of Gaza and the West Bank, which would have a negative impact on the peace negotiations. [99]

The EU's outright condemnation of the Israeli decision to build the settlement, and its unequivocal pronouncement on the status of East Jerusalem, is a remarkable development of policy when compared to the Union's previous positions, for example, in the Venice Declaration. The Union's determination to show their displeasure with the Israeli decision was most prominent in two significant policy decisions. EU and Security Council members Britain, France, Portugal, and Sweden drafted a UN Security Council resolution calling on Israel to abandon its construction plans. The US vetoed the resolution, but not before the EU move was denounced as "one-sided " by Israel's foreign ministry. Furthermore, EU governments decided to send Middle East envoy Miguel Moratinos to participate in the crisis talks on the peace process called for by President Arafat in Gaza on 5 March 1997. [100]

There is little doubt that the European position on Jerusalem has witnessed a quantum leap since the Venice Declaration in 1980. Europe's policies on the Arab Israeli conflict, particularly the issue of Jerusalem, were always captive to American hegemony over Arab Israeli mediation, and American and Israeli collusion to exclude it from any

peace negotiations. Europe's increased, albeit limited, political involvement was effected through the EU's long economic arm, which became more prominent in the wake of the Oslo Accords. The Euro-Mediterranean Barcelona process further reinforced Europe's new role. The Barcelona process promised the creation of a vast Euro-Mediterranean free trade area by the year 2010, and gives both the Arab Mediterranean countries and Israel access to up to $6 billion in EU grants. Despite their newly acquired role, the involvement of the EU in the peace process on equal standing with the Americans seems to be quite remote.

As an aide to EU Commissioner Manuel Marin pointed out "we will not let our relationship with these [Mediterranean] countries become hostage to the peace process ". [101]

IV. Vatican Policy towards Jerusalem

Following WWI the Vatican hoped that the Holy Land would come under the control of a Christian power, and therefore the Holy See was pleased when Great Britain, a Christian nation, was given the Palestine Mandate in 1922. However, the Vatican clearly opposed the inclusion of the Balfour Declaration in the Palestine Mandatory Agreement, since it promised the Jews a national home in Palestine. It was the belief of the Vatican that if the Jews became dominant in the Holy Land, through the establishment of a Jewish state, the rights of Christians, particularly Catholics would not be safeguarded, and peace and stability in the Holy Land would be endangered. Vatican newspapers had often criticized Zionist efforts in establishing a Jewish national home in the Holy Land. The Vatican, however, did not object to the establishment of a Jewish home anywhere else in the world[102].

Pope Benedict XV's first public statement on Zionism in 1919 referred to the Balfour Declaration. He warned that the Holy Places were in danger of falling into the

hands of the Jews (supported by Anglo-Saxon Protestants), who wished to establish a Jewish State in Palestine[103]. In a June 1921 speech, the Pope warned against changing "the sacred character of the Holy Places". The Pope went on to say that:

> *"Our fears have been only too well realized. It is known that the position of Christians in Palestine has not only not been improved, but it has become worse under the new civil regime which has been established and which tends - if not in the intention of its founders, certainly in its effects - to deprive Christianity of its position which it has hitherto held and substitute for it Jews"*[104].

In December 1922, following the death of Pope Benedict XV, the newly elected Pope Pius XI maintained the Vatican position, but in much tougher and uncompromising language than his predecessor. According to Pope Pius XI, the rights of the Roman Catholic Church were predominant not only to those of "Israelites and Infidels" but to followers of all other faiths[105].

The Vatican's original opposition to Zionist aspirations had essentially three motives:

1) Historically the oldest incentive, although it was never officially stated in the twentieth century, was the literal interpretation of the New Testament that predicted that "Jerusalem would be trampled by the Gentiles until the time of the Gentiles is fulfilled" (Luke 21,24), that is, "until the end of the world". Fundamentalist opposition to the return of the Jews to the Holy Land was based on this reading and continued in some significant Church circles through the 1920s but virtually disappeared by the late 1960s from Roman Catholicism.

2) The second motive was the concern over the Christian Holy Places and their status under Jewish rule. This concern, which began with the Balfour

Declaration in 1917 and continued through the 1947-1948 partition period, has not yet disappeared, although it has lessened with contemporary political and religious developments. Whatever difficulties the indigenous Christian community may face as a result of the occupation of East Jerusalem there is at present no direct threat to the Christian Holy Places or sites.

3) The third motive for the Vatican's opposition to Zionism was the problem of the indigenous Christian people in the Holy Land and their situation in the Jewish State. This issue was never raised during the beginning of this century and the Vatican's concern for the Christian population was later assimilated into the broader concept of the Holy Places. Still, the Church has always recognized that its presence in the Holy Land is embodied in the Arab Christians. This led to the Vatican's diplomatic effort against the Balfour Declaration and was the reason was behind the Vatican's advocacy of and generous support to Palestinian refugees after 1948, and its long-standing involvement in the Middle East conflict[106].

With the creation of the State of Israel and the strength attained by the World Jewish Community in the last few decades, the Vatican's foreign policy and religious traditions have evolved from that of opposition to acceptance. In analysing the position of Israel in world and regional politics the Vatican considers the two advantages of a Jewish State to be its undisputed position as a formidable military power and its religious and cultural ties with Western Christians[107]. Arab States, in comparison, appeared weak and disorganised, thus offering little, if any, bargaining power. Regardless of the Church's historical opposition to the creation of the State of Israel and its control of the Holy Places, the Vatican has accepted Israel and has striven to establish a friendly relationship with Israel[108].

The Vatican's opposition to the establishment of a "Jewish home" in Palestine was not related to any anti-Semitic feelings but rather to the Vatican's determination to protect Catholic interests in Palestine. This, however, did not mean that the Vatican preferred Arab control in the Holy Land[109]. It was the belief of the Vatican that either an Arab- or an Israeli-dominated Palestine would eventually bring about a conflict between the two, thus endangering the Holy Places and the lives of the Christian people there. The Holy See believed that its interests would be better safeguarded if Palestine was under the control of a Third Power. The continuation of the British Mandate (or a mandate being given to some other Christian nation) or the internationalisation of the Holy City under U.N. supervision were the preferred solutions of the Holy See[110].

In 1947, the U.N. Special Committee on Palestine proposed that Palestine be partitioned into Arab and Jewish states and that Jerusalem and its environs be made into a corpus separatum under U.N. control in order to ensure the rights and interests of all religious groups and the preservation of all Holy Places. The Vatican was quick to support the Partition Plan since, in its view, this would apparently satisfy three important objectives: the protection of both the Catholic community and the Holy Places in Palestine; the guarantee of a universal character of the Holy City; and preventing the Jerusalem area from being swallowed up in a Jewish or Arab State. Furthermore, the Vatican hoped that the internationalisation of Jerusalem would curb the decline of the Christian population in the Holy Land[111]. The Vatican, to ensure that the partition proposal would pass the U.N. General Assembly, solicited support from the Catholic members of the U.N., most notably from the Latin American countries.

Despite the Israeli-Jordanian Armistice Agreement, which followed the 1948 war, the Vatican continued to support full internationalisation of Jerusalem. On 24 October 1948 the Pope issued an encyclical in which he denounced the war, the loss of life, the destruction and damage of religious and other properties, and the suffering of refugees

who had to flee as a result of the war. In the encyclical, the Pope called upon world leaders to:

> *"Give Jerusalem and its outskirts an international character which, in the present circumstance, seems to offer a better guarantee for the protection of the sanctuaries. It would also be necessary to assure, with international guarantees, both free access to the Holy Places scattered throughout Palestine, and the freedom of worship and respect for existing customs and religious traditions"*[112].

The Vatican, on its part, improved its ties with many Arab States and established diplomatic relations with some of them. The Holy See never recognised either Israel's or Jordan's claim to sovereignty over Jerusalem.

In 1964, Pope Paul VI visited the Holy Land. He made it clear however that this visit did not imply recognition of Israel. He stressed that his trip was to Palestine and he never referred to Israel by name[113]. During his visit the Pope met with King Hussein in Jerusalem who received him warmly and emphasised the spiritual relations between Christianity and Islam[114].

After the 1967 War Israel annexed East Jerusalem. Once again the Vatican reiterated its support for the full internationalisation of Jerusalem, thus opposing Israel's annexation. On 9 June 1967 the official Vatican spokesman stated that "the U.N. resolutions of November 1947 were and are in accord with the wishes of the Holy See". Later that month the Vatican observer to the U.N. circulated a document which stated that the Vatican was "convinced that the only solution which offers a sufficient guarantee for the protection of Jerusalem and of its Holy Places is to place that city and its vicinity under an international regime"[115]. On 30 June 1967 a group of Latin American states, with the encouragement of the Vatican, presented a draft resolution supporting full internationalisation. However the resolution did not pass, failing to obtain the two-thirds majority needed.

Many U.N. members who had previously supported the internationalisation of Jerusalem no longer considered the solution practicable. However, regardless of the failing of the resolution, in July 1967 the Vatican's official newspaper, L'Osservatore Romano, condemned Israel's annexation of East Jerusalem and rejected the limited functional internationalisation of the Holy Places proposed by Israel[116].

As a result of these developments the Vatican began to reconsider its position. From August 1967 it began to call for an internationally guaranteed statute for Jerusalem, but no longer reiterated the usual references to the corpus separatum of the City. This was made clear on 22 December 1967 during the Pope's Christmas address. In his address the Pope indicated the two features that the Vatican considered "essential and impossible to evade" in any solution to the problem of Jerusalem and the Holy Places:

> *"The first concerns the Holy Places properly so called and considered as such by the three monotheistic religions, Judaism, Christianity and Islam. It is a matter of guaranteeing freedom of worship, respect for, preservation of and access to the Holy Places, protected by special immunities thanks to a special statute, whose observation would be guaranteed by an institution international in character, taking particular account of the historic and religious personality of Jerusalem. The second aspect of the question refers to the free enjoyment of the legitimate civil and religious rights of persons, residences and activities of all communities present in the territory of Palestine"*[117].

In this speech, the Pope stated that any proposal to replace the territorial internationalisation of Jerusalem on which the Vatican no longer insisted should include the following three provisions:

1) The protection of the Holy Places and the historical and religious character of the city;
2) The international nature of the statute which would have to be applicable to both the Holy Places and Jerusalem; and
3) The guarantee of the civil and religious rights of the communities in Palestine[118].

In the early 1970's, the Vatican's concern for Jerusalem and the Christian Holy Places increased when Israel introduced a "master plan" for the future of the City. The plan aimed to double the size of the Jewish population by the year 1980. Housing projects were to be built in and around Jerusalem on land expropriated mostly from the Arab population, in order to house Jewish immigrants[119]. In addition, Arab houses were confiscated for the same purpose. The Vatican severely criticised the "Greater Jerusalem" plan in the March 1971 issue of the L'Osservatore Romano. It described the plan as causing the "*slow suffocation*" of the "*minority communities*" and

> "*Imprinting Jerusalem, with a particular character prejudicial to non-Jewish members of the population, both Christian and Muslim. These are being forced in the name of city planning to retreat into increasingly smaller confines, and ultimately to seek elsewhere a future which the climate of their homeland no longer makes available to them*".

The article went on to say that Israel's projects reinforced "the need for an international juridical instance, which would truly guarantee the unique character of Jerusalem and the rights of the minority communities in the City"[120].

Throughout the 1970's the Vatican received a number of Israeli officials, the most historic meeting being that between Israeli Prime Minister Golda Meir and Pope Paul VI on January 15, 1973. This meeting, which was said to be less than cordial, was meant to narrow their differences over Jerusalem. However, the meeting only emphasised the moral and political differences between the two parties and introduced further strain into Vatican - Israeli relations[121]. It was the formal aspects of Meir's visit to the Vatican that highlighted the strained relationship. After her meeting with the Pope, Meir told Vatican journalists that it was the Pope who extended the invitation to Meir to come to Rome. She also added that the cross that she saw in the Pope's study had reminded her of the Nazi Swastika[122]. In response to Meir's statement, the Director of the Vatican press office stated that the meeting was requested by the Prime Minister and there was not any special diplomatic

preparation and planning prior to the meeting. The Director went on to say that the meeting did not imply that the position of the Vatican towards the Holy Land had in any way changed and the Pope had accepted the request of Golda Meir because he felt that it was his duty not to pass up any opportunity to act in favour of peace[123]. Needless to say, this meeting did nothing to improve Vatican-Israeli relations and only served to heighten the tension between the two.

An example of the Holy Sea's concern for the Arab Christian community was its involvement in the controversial Notre Dame affair. The Notre Dame in Jerusalem, built by the Catholic Assumptionist Fathers in 1885, was heavily damaged in the 1948 War, and in 1970 was sold to a subsidiary of the Jewish National Fund. The Holy See opposed the transaction, claiming that the Assumptionists could not sell Notre Dame without prior consent from the Vatican. Two lawyers were hired by the Vatican and argued the case before an Israeli Court. In 1972, in an effort to promote better relations, the Israeli government rescinded the sale of Notre Dame and re-sold it to the Holy See. Subsequently, Notre Dame was rebuilt for use as an international pilgrim centre. The direct involvement of the Vatican in this case not only demonstrated support for Arab Christians but also affirmed the Vatican's presence in the Jerusalem area[124].

On 30 June 1980, the Knesset passed the "basic law" which formalised the annexation of Jerusalem. This evoked strong protests not only from the Arab and Muslim world but also from the Vatican, the U.N., Western Europe and the United States[125]. While the bill was being considered by the Knesset, the Vatican submitted a statement to the U.N. Security Council reiterating its position on Jerusalem and the Holy Places[126]. In the 1980's, the Vatican continually urged the world community to review Jerusalem's status. Although the Holy See no longer insisted on a corpus separatum, it was unyielding on a number of points considered essential:

1) The protection of Jerusalem by a special internationally guaranteed statute that would ensure that no one religious group would dominate and discriminate in any way against other religious groups.

2) The statute should recognise Jerusalem's unique status and character and this character should not be changed by any unilateral action.

3) The Holy Places throughout the Holy Land, not just those in Jerusalem, should be protected by international guarantees.

4) The complex of rights acquired by various religious communities over the shrines and other religious institutions in the Holy Land should be protected.

5) The continuance and development of religious, educational, and social activity by each community should be ensured.

6) The civil and religious rights of all communities throughout the Holy Land should be protected on an equal basis.

7) Peace and stability in the Holy City and Holy Land is essential to protect both human lives and the Holy Places and there can be no true, lasting peace and stability until there is a just solution to the Arab-Israeli and Palestinian-Israeli conflicts, a solution that provides for mutual recognition of all parties' rights and legitimate security needs.

8) Failure to achieve peace in the Middle East will inevitably lead to more strife and war, endangering not only the peace of the Middle East but ultimately the entire world[127].

Israel has generally sought to reach an agreement with the Vatican and other Christian leaders. From time to time, Israeli officials and Vatican representatives would meet to present their views on the question of Jerusalem. However the deep differences between the two parties persisted and the talks failed. Israel offered to give the Holy Places extraterritorial, "universal", status under the supervision of the religious

communities while it would itself retain sovereignty over Jerusalem. The official church delegation stationed in Jerusalem would be given a quasi-diplomatic standing. Israel argued that religious interests in the Holy City could be safeguarded without internationalising the City and that peace in Jerusalem and the safety of the Holy Sites would more likely be assured by a unified city administration than a divided one. Some Protestant and Greek Orthodox leaders supported the Israeli proposal, however the Russian Orthodox, the Copts, some Greek Orthodox and certain other Christian groups (including Protestants) rejected the proposal. The Vatican also rejected the Israeli proposal[128]. Nevertheless, Israeli-Vatican relations improved and dialogues between Catholics and Jews continued to take place largely due to the Declaration on the Jews. This Declaration, issued by a Vatican Council in 1994, repealed the long-standing charge of collective Jewish guilt for the death of Jesus, rejected anti-Semitism and encouraged study and dialogue between Catholics and Jews[129].

The change in the Vatican position regarding Jerusalem was clearly visible during the beginning of the pontificate of Pope John Paul II, who was much more sympathetic to the Israelis than John Paul I. The Pope often spoke of the need for more frequent contact between the Holy See and Israel, but at the same time, rarely mentioned the question of the Palestinians. An example of the Pope's less firm stand towards the Israeli government was apparent when the Pope met with a close adviser of the Israeli Prime Minister Menachem Begin in 1979. The significance of this meeting was that in the early summer of 1979, Elias Freij, the Palestinian Mayor of Bethlehem, had prearranged an appointment with the Pope. However, upon arriving in Rome he found that the papal audience had been cancelled and he was given a weak excuse relating to the busy schedule of the Pope. Unofficially, a Vatican official later explained to the Palestinian Roman Catholic priest, Father Ibrahim Ayad, that the Pope "feared that the press and mass media could damage the undercover work that the Holy See had undertaken for an equitable and just solution for the Palestinians[130].

The most recent development in Vatican-Israeli relations was the signing of an agreement to establish diplomatic relations. The agreement, signed in Jerusalem on 8 January 1994, was drawn up by the Deputy Foreign Minister of Israel, Yossi Beilin, and the Vatican Under-secretary for relations between states, Msgr. Claudio Mario Celli, along with members of the bilateral committee. In a news conference following the signing, Celli told reporters that the Vatican embassy would be in Jaffa. Celli also said the Vatican would like to see "an international umbrella" guaranteeing the status of Jerusalem. Jerusalem, he said, was still a delicate matter. Msgr. Celli went on to say that "an international protocol to protect the peculiarity of Jerusalem is needed", although in one section of the agreement the Vatican undertakes not to interfere in disputes regarding territoriality[131]. The agreement allows the Holy See the right to exercise its moral and spiritual teaching office while remaining a "stranger to all merely temporal conflicts -- which principle applies specifically to disputed territories and unsettled borders". Celli added that the agreement should be viewed as part of the larger historical situation -- the peace process[132]. *(See annex I)*

However, not all Jews approved of the agreement. During the signing of the agreement in the Foreign Ministry, Yeshiva students carried signs outside, which pointed out that the accord, did not rectify the thousands of years of Jewish suffering at the hands of the Christians. One demonstrator was quoted as saying that "without repentance on the part of the Vatican, there should be no relations with the Vatican[133].

On 24 March 1994, following the signing of the Vatican-Israeli agreement, Prime Minister Yitzhac Rabin visited Pope John Paul II. During that meeting, which was described as "cordial", Rabin stressed Israel's "moral commitment" to Palestinians' safety[134].

V. Soviet Union - Russian Federation Policy on Jerusalem

Since 10 June 1967, when the former Soviet Union broke relations with Israel, there has been very little interaction between the two countries. The position of the former Soviet Union on the Arab-Israeli conflict and its relationship with Israel was summarised in a speech given by Mikhail Gorbachev on 24 April 1987 at a dinner in honour of Syrian President Hafiz Al-Asad. In his speech, Gorbachev acknowledged the right of Israel to a secure existence, but at the same time criticised Israel's policy of annexation and its hostility towards its Arab neighbours. Gorbachev went on to state that the lack of relations between the two countries was not normal and blamed this on Israel's aggression against Arab countries[135]. The channel of communication that did exist between the two countries was mostly on the religious front. In June of 1981, a large Russian Orthodox delegation visited Jerusalem and its Western Wall. The Russian Orthodox Church accepted the Israeli administration however, and the issue of Jerusalem's status was never raised[136].

The position of the former Soviet Union has not changed since 1967, but remaining constant in its policy that East Jerusalem is part of the territories occupied by Israel. The Soviets' policy towards the solution of Jerusalem's status was set in the context of United Nations Resolution 242 and 338 and was also asserted in a statement by former Soviet Foreign Minister Gromyko at the U.N. General Assembly on 25 September 1979, in which Gromyko stressed the need for ending Israel's occupation of all Arab lands seized in the 1967 War[137]. This stand was again repeated by Soviet Communist Party Chairman Leonid Brezhnev in a 15 September 1982 speech:

> "... The eastern part of Jerusalem, which was occupied by Israel in 1967 and where one of the main Muslim holy Shrines is situated, must be returned to the Arabs and become an inseparable part of the Palestinian State. Free access of believers to the holy shrines of the three religions must be ensured in the whole of Jerusalem"[138].

With the fall of the Soviet Union's communist regime, which preceded the formation of the Russian Federation, the policy towards the issue of Jerusalem has remained unchanged. In a recent interview with the Russian Deputy Foreign Minister, Boris Kolokoolov, Kolokoolov stated that the Jerusalem issue is part of the Palestinian question that should be solved in order to achieve overall peace in the region[139]. He went on to say that the Russian Federation did not recognise Jerusalem as the capital of Israel. When asked about the possibility of the internationalisation of the city, he responded that this solution for Jerusalem would neither be in the favour of the Palestinians nor the Arabs, since they considered the eastern part of the city as the future capital of the Palestinian State.

In a second interview with another Russian official from the Department of the Middle East and North Africa at the Ministry of Foreign Affairs, the official explained that Russia's position on the future of Jerusalem and was based on the need to find a negotiable decision on the Jerusalem problem within the framework of the Middle East peace process, based on Resolution 242 of the Security Council of the UN, which unconditionally considers Eastern Jerusalem to be a Palestinian territory that has been occupied by Israel since 1967. The official further noted that a precise formula for the decision must be worked out by the participants of Arab-Israeli negotiations, with Russia rendering them maximum assistance as a co-sponsor of the peace process.[140]

Russian influence in the Middle East has been noticeably minimised, due, in part, to the recent changes that the country has undergone. This was apparent during the 1991 Middle East Peace Conference in Madrid where the Russian Federation was a co-sponsor with the United States. The U.S. took the lead in the negotiations, with President George Bush as the proud victor of both the Cold and Gulf Wars. In his book, *War and Peace in the Middle East*, Avi Shlaim describes President Gorbatchev's opening speech at the Madrid conference as a pathetic speech about his country's economic needs, which made

it obvious that the Soviet Union was there as America's junior partner. If Russia continues to play a passive role in the Middle East peace negotiations it will be a disadvantage to the Palestinians who once sought support from Moscow.

No body stopped Israel from actively continuing its policies, which was mentioned in the previous chapters. The International Community as it is obvious, failed to do so. Let us now see what did the Arab countries do to Israeli policy in Jerusalem.

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Chapter 5

The Arab and The Islamic World And The Jerusalem Issue

The Arab world has all reasons to try to take an action to stop Israel but it was totally ineffective.

This chapter briefly discusses the position of the Arab League, the positions of Egypt and Jordan and the position of the Organisation of Islamic Conference.

Jerusalem and Arab World Politics

One of the few issues on which the Arab world stands united is that of the Palestinians and the status of Jerusalem. However, this unusual and delicate "unity" is based more on theory than actual practice. If one looks at the last twenty-seven years of Jerusalem's history, the Arab world has left little mark on the Arab and Islamic identity of Jerusalem. The Arab countries' actions regarding Jerusalem have been limited to formal complaints and protests to the United Nations against Israeli measures, and have brought little, if any, tangible results.

With the Islamic resurgence that swept the region in the late 1970's, and measures taken by the Israeli govemment to strengthen its hold over East Jerusalem, the Arab world became more interested in the issue of Jerusalem. As a result, Arab countries began to emphasise Jerusalem more often when debating the Arab-Israeli conflict. Donations by Arab states and organisations to Palestinian institutions in Jerusalem increased. For example, the Arab League, in association with the League of Arab Cities, channelled funds through the Awqaf Administration in order to establish a housing development and restoration project. The Islamic Conference Organisation (ICO), supported mainly by Saudi Arabia, set up the Al-Quds Committee whose primary purpose was the restoration of Islamic buildings in the Old city and the preservation of Islamic culture.[1] Another example of Arab support for Jerusalem was

the establishment of the Joint Committee for the Enhancement of Steadfastness of the Palestinian People in the occupied territories including Jerusalem, which materialised as the result of the Baghdad Summit of 1978 [2].

1- Arab League

The issue of Jerusalem, which lies at the heart of the Palestinian Question, has been both an uniting factor, and a source of discord and tension within the Arab world. The liberation of and the reassertion of Arab sovereignty over Jerusalem has been a cardinal goal which united all the Arab countries, due to the holy nature of Jerusalem to both Muslim and Christian Arabs. Yet, the seeming unity of the Arab countries is imaginary and has mostly been rhetorical at best. Quite to the contrary, inter-Arab politics has been marred with tensions and conflict over the modalities of how to achieve that goal, over the question of who had the right, or power to effect the desired goal, and over the elements of the final settlement and its characteristics. It was mostly due to Israel's intransigence and the Arabs' shared perception of Israel as an expansionist state, than to Arab solidarity that one can talk about a unified Arab position on the question of Jerusalem. One may thus treat the issue of the study of the policy of the Arab states regarding the question of Jerusalem on two levels of analysis. The first level is what could be called the superstructure, or the overall level, which is primarily seen and defined in the positions of the Arab states as a block vis à vis Israel and the International Community. These positions were reflected in the decisions and resolutions of the Arab and Islamic regional organisations. The second level, or the sub-structure, is evidenced in the various positions of the Arab states vis à vis each other regarding the question of Jerusalem, and the interaction of the varying strategies and policies of individual Arab states in their quest to shape the final settlement of the Palestinian Question.

Inter-Arab disagreements and opposed positions on the question of Jerusalem were visible as early as 1947, when the United Nations General Assembly approved on 29 November the partition of Palestine into two states, one Arab and the other Jewish. The Arab league was prepared to use force to prevent the creation of the Jewish state, threatening that " the partition line shall be nothing but a line of fire and blood " [3] While King Abdullah, ruler of Trans Jordan, went along with the League's plans to resist the creation of the Jewish state, he was "convinced that neither the Palestinians nor their Arab backers could forestall the creation of a Jewish state, (and) sought to incorporate the Arab areas of Palestine into his kingdom and then reach a peaceful accommodation with the leaders of this state. " [4] King Abdullah, who was described as "A falcon trapped in a canary's cage, longing to break out, to realise his dreams and passions of being a great Arab leader" had visions of becoming ruler of "Greater Syria", which included Syria, Lebanon, and Palestine.[5] It is now known "that in November 1947 the Jewish Agency succeeded in reaching a clear and explicit if not necessarily binding agreement with King Abdullah on bypassing the Palestinians and peacefully dividing the territory of the British mandate between themselves. " [6] In 1949, the United Nations resolved to internationalise Jerusalem, as part of its settlement plans in Palestine. The Arab league approved of this step, and had passed several resolutions stating that position. Yet, King Abdullah deemed that the internationalisation of Jerusalem, and the creation of a corpus separatum under UN administration was such a grave threat to his plans as well as to the legitimacy of his dynasty that he threatened to "use force if necessary to oppose the implementation of the internationalisation of Jerusalem. "[7] But force needed not be used. For the Palestine Arab Congress, meeting in Jericho in 1949, approved the unification between the West Bank, including East Jerusalem, and Trans Jordan, with King Abdullah as its ruler.

It is quite remarkable that the differing strategies regarding the question of Jerusalem within the Arab world since the creation of Israel were to continue up to the present. Despite the extensive change in the political, social and economic conditions in the area, there still remains wide discrepancies, marred with tensions and conflict, over the modalities of how to reinstate Jerusalem to Arab sovereignty, who had the right, or power to effect that desired goal, and over the elements of the final settlement and its characteristics.

During the period 1949-67, Jordan insisted on its exclusive control over the West Bank and East Jerusalem, precluding any meaningful involvement in the city by the other Arab countries. King Hussein, the grandson of King Abdullah, asserted in 1960 that the city had been given to the Hashemite dynasty as an amanah (trust), then in 1966 declared the city as the spiritual capital of Jordan. [8] However, Arab interest in the city was ignited in 1960, when Israel transferred its foreign ministry from Tel Aviv to Jerusalem. Faced with this challenge, the Arab League condemned Israel for the move, which was the first time that the League dealt with the Jerusalem issue separately from the Question of Palestine. [9] Again during the Sixth Arab Summit held in Algeria in November 1973, the Arab League called for the complete liberation of the holy city and rejected any proposal that would affect full Arab sovereignty over the City.[10] It is noteworthy that the League's call for full Arab sovereignty over Jerusalem was subsequent to the 1973 war, which signalled the halting, if not reversal, of the precarious Arab position in its stand-off against Israel. This renewed Arab revival coincided with an Islamic resurgence that swept the region, contributing to the adoption of the issue of Jerusalem as a symbol for Arab/Islamic pride. Several projects aimed at the preservation of the Arab/Islamic identity of the City were initiated. The Arab League implemented a project for the development and restoration of housing in the city, whose funding was channelled through the Awqaf Administration in Jerusalem. Saudi Arabia, a major Arab League member, backed the creation of Al-Quds Committee

within the framework of the Organisation of the Islamic Conference. The Committee was entrusted with the restoration of Islamic buildings in the Old City and the preservation of Islamic culture. The funding was also channelled through the Awqaf Administration, although the Jordanian Government insisted on the involvement of the Jordanian Royal Committee for the Preservation of Jerusalem with the processing of the funds. [11]

Between 1948 and 1960 the Arab League did not address the issue of Jerusalem specifically, but rather included it within the context of the Palestinian question. It was not until 14 June 1960 that the Arab League, in its resolution K427/D16/J3, dealt directly with the issue by condemning the Israeli transfer of its foreign ministry offices from Tel Aviv to Jerusalem[12]. At its sixth summit in Algeria in November 1973, the Arab League again dealt with Jerusalem as an independent issue when it called for the complete liberation of the Holy City and rejected any proposal that would affect the comprehensive Arab sovereignty of the City[13]. In November 1980, the Arab League reiterated this position at its eleventh summit in Amman.

At its twelfth summit the following year, a noticeable difference in the Arab League's policy towards Jerusalem was revealed. The Arab League no longer used the term "complete liberation of Jerusalem" as it had in previous statements, but rather called upon Israel to withdraw from the Occupied Territories of 1967, including Arab Jerusalem, and called for free access to the Holy Sites for the three religions, something that had never been mentioned before in the League summits[14]. This was a dramatic change in the Arab League's policy on the Jerusalem issue. One must examine the events that occurred in the Middle East at that time that led to this shift in policy.

The most significant event was the signing of the Camp David Accords by Egypt and Israel, which resulted in the dismissal of Egypt from the Arab League. Egypt's dismissal weakened the political power and performance of the Arab League and its committees. It also eliminated the military option against Israel, since Egypt was considered the military leader in the Arab world. This opened the doors for the option of negotiations between Israel and Arab nations. Thus, the Arab League was obliged to take a more pragmatic policy towards Jerusalem and the Arab-Israeli conflict.

According to Ahmad Al-Hirgam, the Second Secretary of the Arab League Mission to the United Nations in Geneva in 1994, there are several factors that contributed to the overall inefficiency of the Arab League and its failure to "follow up" on the issue of Jerusalem. The most serious factor is the division that exists between the individual member States of the Arab League.

The disagreements that occur between any two member States often arise when voting on decisions takes place. One such example was Saudi Arabia's opposition to the PLO's 12 September 1996 proposal that Jordan declare Jerusalem as the capital of both Jordan and occupied Palestine. Saudi Arabia's rejection of the proposal was aimed at minimising the role and political influence of Jordan on Jerusalem and the Palestinian question. Al-Hirgam also cited the Camp David Accords as another factor that led to the decline of the Arab League. However, according to Al-Hirgam, it was the 1990 Gulf War that dealt the final blow to the Arab League. The Gulf War clearly divided the member States into two camps - the pro-Iraqi and pro-Kuwaiti camps[15]. The Gulf War paralysed the Arab League and its committees, which was obvious by its lack of participation in the 1991 Madrid Peace Conference and subsequent negotiations.

On 12 March 1995, in an attempt to regain their political role in the Arab world and in the ongoing peace process, the Arab League held a symposium in Cairo called "Jerusalem: The City of Peace". The Arab League Secretary General, Dr. Aismat Abdel Majeed, condemned the Israeli settlements in and around Jerusalem and rejected the Israeli plan of a "Greater Jerusalem". Dr. Abdel Majeed called for the implementation of United Nations Resolutions 242 and 338. Dr. Abdel Majeed stressed that Jerusalem should undoubtedly be placed under Arab sovereignty and called upon the international community to save the cultural, historical and religious identity of the City. Abdel Majeed also warned Israel against holding celebrations in Jerusalem, scheduled to take place in 1996 to mark the 3.000 year anniversary of Jerusalem as the capital of Jewish kingdom. In closing, Abdel Majeed pointed out that, while the Palestinian question is the main aspect of the Arab-Israeli conflict, the issue of Jerusalem is the nerve of the Palestinian question. Therefore, if there is no just and comprehensive solution for Jerusalem, there will be no hope for a complete and lasting peace in the region[16].

Politically, the Arab League's contribution to the Jerusalem issue has not been at a level that might be expected for such a significant matter. The resolutions passed by the Arab League serve only to condemn and to complain of Israeli actions and to state their position on Jerusalem. The decisions taken by the Arab League have never been "followed up" or implemented. The League looked toward the United Nations to help implement their resolutions, but the U.N. itself was unable to carry out its own decisions on Jerusalem. Still, the Arab League cannot be solely blamed for its lack of effectiveness since it is a mirror that reflects the Arab countries.

2- Organisation of the Islamic Conference (OIC)

The position of the OIC on the issue of Jerusalem, as one would expect, is a most coherent and steadfast position. Given the constituency of the OIC, which is

comprised of 54 member Islamic countries, the issue of Jerusalem, which the OIC countries regard as a paramount cause of Islam and Muslims, has been a priority area of action due to its religious, historical and political importance.

It is worth noting that the issue of Jerusalem developed into a central issue for the OIC in the wake of the Arab-Israeli 1973 war, which had signalled the reversal of Arab \ Islamic deterioration in the face of Israeli politico military superiority. The war was a significant threshold in the Arab-Islamic consciousness. It proved beyond doubt both their capabilities of joint action, as well as the realisation that the persistent Israeli belligerence, intransigence, arrogance and de facto control of the land and people of Palestine, including Jerusalem, could only be met with collective solidarity and action.

On 12 July 1975, the Sixth Council Of Ministers of the OIC, convening in Jeddah, established the Jerusalem Supreme Islamic Committee, with the following rationale and mandate:

The Foreign Ministers of the Islamic countries considering that Jerusalem is an integral part of the occupied Palestinian homeland,

Bearing in mind the basic position of the Islamic Countries in accordance with Islamic Summit Resolutions [aiming at] the preservation of Jerusalem Arab character in safeguarding its holy status to Islam and the monotheistic religions in general, ..., decides,

1. *Constituting a permanent committee [composed] of the representatives of nine members to be joined by the Secretary General in that capacity, to be called The Jerusalem Committee. ...*
2. *The Committee's mandate is to follow-up on the implementation of decisions taken by the OIC, and the follow-up of the decisions of other*

international institutions supportive of the OIC's position, or which concur with it, and communicate with other institutions.

3. *In view of the deep rooted correlation between the Palestinian problem and the conflict with Zionism, since the violation of Palestine, including Jerusalem, constitutes the basis of that conflict, the Committee is assigned with the follow-up of the implementation of all OIC decisions related to that conflict.* [17]

Although the Jerusalem Committee's mandate was limited to the follow-up of the implementation of the OIC and other institutions' decisions, the decision mandating the Committee's functions and its strong language is of significance that cannot be ignored. In the 1979 OIC Fez Summit, the Committee's mandate and composition was amended, giving it a more operational scope. The Fez Summit decided to entrust King Hassan II of Morocco with the Committee's chairmanship, and to enlarge its membership from nine to fifteen members, all of whom should be on the ministerial level. The Committee was assigned with increased responsibilities which included the design and implementation of a political campaign in non-Islamic countries, and to endeavour the return of the city of Jerusalem to Arab and Islamic sovereignty. [18]

The work and decisions of the Jerusalem Committee were given added importance from 1978 onward, after Camp David, when the prospects of movement on the Jerusalem issue were dashed by the Begin government, which further consolidated its grip on East Jerusalem. The 1978 OIC Conference of Ministers reaffirmed the position that the issue of Jerusalem was "*the paramount cause of Islam and Muslims*", and

"... called upon all the Islamic States to assist in reaching the target of the capital of the Al-Quds Fund and its Waqf, amounting to one hundred million dollars.... All Islamic States should continue to issue the Palestine stamp on a permanent basis as long as the question of Palestine and the Holy City of Al-Quds remained unresolved and to remit the proceeds to the Palestinian Waqf Society." [19]

Funding was made available directly from member states through the Islamic Bank, for financing the restoration of Islamic buildings in the Old City, the preservation of its Islamic character, and the building up of a Palestinian institutional presence in the occupied city.[20]

The 1981 Mecca OIC Summit's declaration on the question of Jerusalem was perhaps the most far-reaching of all previous OIC pronouncements on the issue. The Summit declared - for the first time - the Jihad, with all possible means to liberate Holy Jerusalem and the Palestinian occupied territories, and the commitment of all OIC countries to collectively defend their independence and the sanctity of their territories.[21]

The decision of Israel to approve the construction of a new settlement in occupied East Jerusalem on Arab land on Jabal Abu Ghunaym was met with renewed OIC objection. The position of OIC member countries was reaffirmed, in the strongest of terms, during two events, which concurred with the Israeli decision in March 1997.

The first event, the Extraordinary OIC Summit that convened in Islamabad on 23 March 1997 to celebrate the fiftieth anniversary of the declaration of the Pakistani Republic, was dominated by the issue of Jerusalem. The Summit issued four separate declarations, one of which was dedicated to Palestine. In these declarations the OIC:

1- reaffirmed its full support of the Middle East Peace Process, the need to implement all the signed agreements between the concerned parties, and stressed the importance of the respect of all the commitments reached in accordance with Security Council Resolutions, including the land for peace formula;

2- reaffirmed that the city of Holy Jerusalem is an integral part of the Palestinian Territories occupied in 1967, and accordingly, all relevant UN resolutions applicable to these occupied territories are applicable to Jerusalem;

3- condemned Israel's continuing settlement policy in the city of Holy Jerusalem and all Palestinian and Arab occupied territories; and

4- *called upon those OIC member countries, which have taken steps to conduct relations with Israel to reconsider their position pending Israel's full compliance with the relevant U.N. resolutions and the implementation of the agreements reached within the framework of the peace process.*[22]

The second event that occurred at the time Israel approved the new settlement was the Sixteenth Session of the Jerusalem Committee, which convened in Rabat on 27 March 1997. The Jerusalem Committee, chaired by King Hassan II of Morocco, made the following recommendations:

1- Reaffirms its support for the Middle East peace process and the implementation of all the agreements signed between the relevant parties within that framework, and all the commitments reached in accordance with the basic underlying principles of the Madrid (Peace) Conference, in accordance with UN resolutions, in particular Security Council resolutions 242, 338, 425 and the principle of land for peace, which guarantees Israel's withdrawal from all the Palestinian and Arab territories occupied on 5 June 1967, including Holy Jerusalem , and calls for the return of the inalienable rights of the Palestinian people including the right of return and self determination and the establishment of His independent state on His national soil with Holy Jerusalem as its capital.

2- Affirms that the city of Holy Jerusalem is an integral part of the Palestinian Territories occupied in 1967, applies to which all that applies to all the Palestinian Territories, and requests the application of the Security Council resolutions pertaining to Jerusalem.

3- *Strongly condemns the continuation of Israel with its expansionist policy in the city of Holy Jerusalem and all of the Palestinian and Arab occupied territories ... and calls on the international community to compel Israel to fully comply with the implementation of all the agreements and commitments within the framework of the peace process in accordance with its specified timetable, and lift the siege of the city of Jerusalem, and halt all the decisions and procedures and Israeli practices of Jewish settlement, and land confiscation, and the demolition of houses, and the appropriation of the identity cards of Jerusalamites, and excavation work around the Sacred Complex, and the violation of the sanctity of Islamic and Christian holy sites.*

4- *Requests Israel to immediately halt settlement activities in the city of Jerusalem, in particular the new settlement on Jabal Abu Ghunaym*

5- *Commends (King Hassan II's) initiative to establish Beit Al-Mal (fund) for Holy Jerusalem.*

6- *Calls upon those Islamic countries which have taken steps to conduct relations with Israel within the framework of the peace process to reconsider their relations with Israel, including the shut down of representation missions and offices, pending Israel's full compliance with the relevant UN resolutions and the implementation of the agreements reached within the framework of the peace process, ...*

7- *Recommends the deposit of funds currently available in the Jerusalem Fund immediately under the PLO's and its National Authority's control, in view*

of the circumstances befalling the city of Jerusalem, and the settlement onslaught, and the plot to Judaise the Holy City.

8- Recommends the support of the request of the Arab Group in the UN to convene a General Assembly session under the United for Peace formula.[23]

Yet, the action the OIC has taken has remained largely in the rhetorical sphere. The Secretary General of the Royal Committee for Jerusalem Affairs (Amman, Jordan), who is a long-time observer of the OIC notes that:

> *" If we review the total sum of the resolutions adopted by all the Islamic conferences convened under the umbrella of the OIC and the Jerusalem Supreme Islamic Committee and the Islamic Summits, we find that most of these resolutions and recommendations remained ink on paper and not a single decision was implemented due to the lack of commitment and responsibility [of the OIC countries] and [lack o]) the mechanisms [required] to implement these resolutions. The OIC was unable to resolve one Islamic conflict or remove differences between two or more Islamic countries.* [24]

The action of the OIC and its related and subsidiary organs on the issue of Jerusalem has not faired differently.

3- The United Arab Emirates (UAE)

Since 1967 the position of the UAE towards Jerusalem has conformed with the positions of the International and Regional Organisations to which it belongs. The U.N., the Arab League, the Organisation of the Islamic Conference, and the Gulf Co-operation Council are the most prominent institutions that deal with this important issue. Due to their importance, these resolutions and decisions concerning Jerusalem shall be accorded separate and comprehensive treatment separately within this work. Yet, it should be emphasised that the UAE has always upheld the Arab unified position concerning the question of Jerusalem, based on the relevant U.N. resolutions.

Following the Oslo I Accords between the Palestinian National Authority and Israel in 1995, the UAE's position towards Jerusalem witnessed a change from one of conformity to one of positive action. Specific measures were taken to reinforce the Palestinian position on the ground in Jerusalem and to alleviate some of the burdens Israeli practices placed on the civilian population.

The UAE Government organised, under the patronage of the President of the UAE His Highness Sheikh Zaied Bin Sultan Al-Nahayan, "The Jerusalem Festival" during the period 1-8 November 1995[25]. The festival involved a mixture of political, fund-raising and cultural activities, in which several practical measures were taken in support of the Palestinian National Authority and Palestinians living in East Jerusalem. In his Highness Sheikh Zaied' keynote opening address, delivered by Sheikh Abdullah Al-Nahayan, Zaied spelled out the UAE's position towards Jerusalem in unequivocal terms:

> *"... blessings to your efforts in defence of the Arab character of Jerusalem and in support of the steadfastness of its sons, and in protection of its landmarks and Holy Sites against attempts of Judaisation practised daily by the Israeli occupation authorities. ... All Believers in the special and central place of this Holy City must mobilise all efforts to actively counter the illegal actions of the Israeli Authorities and the daily attacks upon the Islamic and Christian Holy shrines, and the appropriation of Arab lands and the altering of the city's character. ... Despite the fact that the international community has failed during the years of occupation to compel Israel to annul its illegal actions, it has at least succeeded in refusing the logic of Israeli occupation through the clear resolutions of the U.N. General Assembly and the Security Council refusing any and all decisions of annexation or alteration of its [Jerusalem's] legal or demographic status. ... Congress' decision [to move the U.S. Embassy from Tel Aviv to Jerusalem] is clear favouritism to Israel, and sheds doubts on the role of the USA and its legitimacy as a super power and co-sponsor of the peace process; we in the UAE are certain that the American Administration realises the sensitivity of the Jerusalem issue, and the gravity of executing Congress' decision. ... Jerusalem is in our hearts. Jerusalem is always in our religious consciousness as the first of the Qiblas and the third Holiest Shrine, and the land blessed by God and bearer of the most holy and dearest of religious monuments".* [26]

Sheikh Zaied asserted that the Jerusalem Festival should not stop at sentimental expression, but rather should initiate practical steps in support of the Arab realities in Jerusalem politically, culturally and demographically. This was to be

achieved through the support of housing projects within and beyond the City, the restoration of the historical monuments, mosques and churches, and the reinforcement of the City's historical and cultural identity through scholarship and scientific research. Several practical measures to support the Muslim and Christian populations in Jerusalem were announced. These included the financing of a number of housing projects, named the Sheikh Zaied projects, as well as a number of restoration projects and the creation of the Zaied Foundation for Charity; the Red Crescent Society in the UAE was to respond to the medical, educational, and social needs of Jerusalemites, and to support the relevant institutions operating in the City. [27]

The official support of the President of the UAE was complimented by a wide range of activities by non-governmental organisations. A public appeal was launched for donations to Jerusalem and its Arab population and several commercial institutions organised fund-raising activities. Thus the UAE Government not only took positive steps towards the practical implementation of its long standing political positions on the question of Jerusalem, it also transformed this new phase of action to one of popular dimensions.

4- Jordan and Egypt

Almost in parallel with the above, on the level of the sub-structure, i.e. inter-Arab politics, the rivalry as to who would have control over the future of the Palestinian Question and Jerusalem was raging between Egypt and Jordan. King Hussein of Jordan saw in the death of President Gamal Abdel-Nasser an opportunity to recapture the initiative of the Palestinian Question, while President Anwar Sadat, who was in search of a solution to rid Egypt of the Israeli occupation of the Sinai was thinking along similar lines. King Hussein's plan was to capture the initiative on Palestine in his own hands, and not leave it to any other Arab party, particularly to Sadat. He thus initiated, in March 1972, the creation of what was called the 'United Arab Kingdom." [28] In effect,

the United Kingdom was a plan for federation between Jordan and the West Bank, in which Jerusalem "*will be the capital of the Palestine Region. ... (The Federation) will guarantee the reorganisation of the Jordanian-Palestinian house in a manner which will provide it with more intrinsic power and ability to work to attain its ambitions and aspirations, (and) bind the two banks with ties of stronger fibre and with closer bonds and will strengthen their brotherhood and march.* "[29] The King's proposal was met with strong Egyptian opposition, culminating in the severance of diplomatic relations between Egypt and Jordan.

The issue of guardianship or control of the Palestinian Question, and thus of the future of Jerusalem was resolved, at least theoretically, in 1974. The Arab Summit held in Rabat recognised the PLO, founded in 1963, as the "sole legitimate " representative of the Palestinian People. The PLO's position on the future of Jerusalem was that it would become the capital of the Palestinian State once Israel withdrew to its pre-1948 war borders. But this did not weaken the Jordanian grip on the West Bank or on Jerusalem. Jordan remained in full control of the administration and Awqaf of the West Bank, until Jordan unilaterally decided to relinquish its control on administrative matters in 1988, as will be discussed in detail later.

It is important to understand the rationale behind Jordan's position regarding the West Bank and Jerusalem. Jordan is the only Arab country to have maintained a continuous interest in Jerusalem. In addition to Jerusalem's special place in the consciousness of Muslim and Christian Arabs, Jerusalem has fundamental significance to the Hashemites. It is the burial sight of Al-Sharif Hussein, Emir of Mecca, founder of the Hashemite dynasty. Jerusalem, of which the Hashemites regard themselves as custodians, is of significant importance in augmenting their legitimacy as descendants of the Prophet Mohammed. It is to be recalled that the Hashemites were driven out of the Arabian peninsula in 1925 by the Al-Saud. The Saudis then became the

"guardians" of Mecca and Medina, prompting the Hashemites to refer to themselves as the custodians of Jerusalem.

In addition to sentimental factors, there is a number of highly compelling factors. In an article he contributed to Foreign Affairs in 1982, Prince Hassan, the Crown Prince of Jordan, defined these factors,

> *" Our country is politically, socially, economically, militarily, and historically inseparable from the Palestinian issue. ... Half Jordan's population is Palestinian. The West Bank and East Jerusalem, both captured by Israel in 1967, were parts of Jordan. If there is a large scale Palestinian migration as a result of any regional settlement, Jordan will necessarily be greatly affected. Virtually all Palestinians currently resident in Jordan are Jordanian nationals. After any settlement as before it, Jordan will share a long border with Israel. ... Pending the creation of a Palestinian state, it is still Jordan which pays the salaries and pensions of West Bank officials; it is Jordan that bears some development costs of the territory and whose approval is necessary for such projects; it is in the Jordanian parliament that the inhabitants of the West Bank are represented. "* [30]

Jordan's interest in Jerusalem was translated into the committing of scarce financial resources to the City's development, and administration. The Jordanian estimate for funds allocated and disbursed for the Awqaf and restoration of Al-Aqsa Mosque and the Dome of the Rock during the period 1952-94 amounts to a little more than 500 million US dollars. [31] Jordan promulgated a permanent law (Law 32/1954) which established a committee for the supervision of the restoration of Al-Aqsa and the Dome of the Rock, which oversaw the restorations of 1970-85 and 1991-94 of both sites. The governmental and administrative units of the city of Jerusalem were treated financially, and functioned administratively, as part of the Jordanian government in Amman. Resources were directed to the establishment of several educational institutions, civic, vocational as well as religious. In 1994, despite the delinking between Jordan and the West Bank since 1988, around 10 million US dollars, which represented more than half of the Jordanian Ministry of the Awqaf and Islamic Sanctuaries budget was earmarked for the Islamic administrative units in the West Bank, including Jerusalem. [32]

Yet this reality of Jordan's special relationship with Jerusalem and the West Bank did not preclude other Arab states' efforts to enforce their own visions and strategies for the final solution of the Palestinian Question, and particularly the issue of Jerusalem. In 1977, President Sadat took the unexpected step of visiting Jerusalem and addressing the Israeli Knesset in an attempt to reach the desired final resolution of the Palestinian Question. Although Sadat's visit to Jerusalem conferred legitimacy and recognition upon the Israeli occupation of the city, those sections in Sadat's speech before the Knesset dealing with the issue of Jerusalem were unequivocal,

> *"There are facts that should be faced with all courage and clarity. There are Arab territories which Israel has occupied and still occupies by armed force. We insist on complete withdrawal from these territories including Arab East Jerusalem. I have come to Jerusalem, the city of Peace, which will always remain as a living embodiment of coexistence among believers of the three religions. It is inadmissible that anyone should conceive the special status of the City of Jerusalem within the framework of annexation or expansionism. ... The holy shrines of Islam and Christianity are not only places of worship, but also a living testimony of our uninterrupted presence here - politically, spiritually and intellectually. ... I have not come to you under this roof to request that your troops evacuate the occupied territories. Complete withdrawal from the Arab territories occupied in 1967 is a logical and undisputed fact."* [33]

The ensuing Egyptian Israeli negotiations resulted in what later became known as the Camp David Accords. The agreements, which included a framework dealing with the West Bank and Gaza, omitted any reference of Jerusalem. Sadat's threats to withdraw from the negotiations in response to Israel's refusal to refer to Jerusalem in the Agreement went unheard. Realising the gravity of this omission, Sadat insisted on an exchange of letters between Egypt and the United States on heir positions with respect to Jerusalem. Egypt reaffirmed its position that,

> *"- Arab Jerusalem is an integral part of the West Bank. Legal and historical rights in the City must be respected and restored.*
>
> *- Arab Jerusalem should be under Arab Sovereignty.*
>
> *- The Palestinian inhabitants of Arab East Jerusalem are entitled to exercise their legitimate national rights.*

- Relevant Security Council Resolutions, particularly Resolutions 242 and 267, must be applied with regard to Jerusalem. All the measures taken by Israel to alter the status of the city are null and void.

- All peoples must have free access to the City and enjoy the free exercise of worship.

- The holy places of each faith may be placed under the administration and control of their representatives.

- Essential functions of the City should be undivided." [34]

The Arab states saw the Accords as a separate deal between Egypt and Israel, and opposed it in form and content. Four days after the Egypt Israel Peace treaty was signed on 26 March 1979, the Arab League Summit issued a communiqué in Baghdad, suspending Egypt's membership in the League, transferring the headquarters of the League from Cairo to Tunis, and withdrawing all the Arab States' ambassadors from Cairo. It is interesting to note that the communiqué, which came very close to accusing Egypt of treason, cited the issue of Jerusalem in its preamble,

> *" Egypt has deviated from the Arab ranks and has chosen, in collusion with the United States, to stand by the side of the Zionist enemy in one trench; has behaved unilaterally in the Arab-Zionist struggle affairs; has violated the Arab nation's rights, has exposed the nation's destiny, its struggle aims to dangers and challenges; has relinquished its pan-Arab duty of liberating the occupied Arab territories, particularly Jerusalem, and of restoring the Palestinian Arab people's inalienable national rights, including their right to repatriation, self-determination and establishment of the independent Palestinian state on their national soil."* [35]

The Camp David Accords, which neutralised the major military power in the region, effectively eliminated the Arabs' military option in their struggle for Jerusalem and the rest of the occupied territories. In addition, Egypt's dismissal from the Arab League weakened the political power and performance of the League and its committees. This opened the door for negotiations as an option to the resolution of the

question of Palestine, and the issue of Jerusalem. Perhaps the compelling factor convincing the Arab states of the need for immediate action was Israel's decision to annex Jerusalem in August 1980.

The first dramatic change in the position of the Arab League came during the Twelfth Summit held in Fez, Morocco on 25 November 1981 (the meeting was adjourned and resumed again on September 6, 1982). The League abandoned its coined usage of the call for the "complete liberation of Jerusalem". Instead, it adopted eight principles for the resolution of the Arab Israeli conflict, which were based on a plan put forward by King Fahd of Saudi Arabia (the Fahd Plan) in August 1981. Four of these principles dealt with the issue of Jerusalem,

> *"- The withdrawal of Israel from all Arab territories occupied in 1967 including Arab Al-Quds.*
>
> *- The dismantling of settlements established by Israel on the Arab territories after 1967.*
>
> *- The guarantee of freedom of worship and practice of religious rites for all religions in the holy shrines.*
>
> *- The establishment of an independent Palestinian state with Al-Quds as its capital."* [36]

The Fahd plan, which was the Arab states' response to the Reagan Plan for peace in the Middle East, lacked the necessary mechanism that would enable it to make effective progress. The Reagan Plan, outlined by the US president in a speech on 1 September 1982, had dismissed the creation of an independent Palestinian state. Instead, it envisaged Palestinian self-government in the West Bank and Gaza, within the framework of some form of association between Jordan and the Palestinians. The Reagan Plan, for the first time, left the question of the future status of Jerusalem to be decided through negotiations. [37] These

developments signalled an emerging trend within the Arab world of the acceptance of a negotiated solution to the issue of Jerusalem, based not on the idea of internationalisation, but rather on the basis of the one city, two capitals negotiated settlement.

Building on both the Fahd and Reagan Plans, King Hussein and Yassir Arafat, the Chairman of the PLO negotiated a confederate relationship, and laid the final draft of an agreement. Unable to secure the necessary approval of other PLO leaders on the agreement as negotiated, King Hussein scrapped the whole project, and decided to *"leave it to the PLO and the Palestinian people to choose the ways and means for the salvation of themselves and their land, and for the realisation of their declared dreams in the manner they see fit."* [38]

The next major development on the issue of Jerusalem came in 1988. Acknowledging the growing influence of the PLO in the West Bank and the rest of the Palestinian occupied territories, and in recognition of the change in the political make-up of the Palestinians in the wake of the Palestinian intifada, King Hussein decided to sever Jordan's political, legal and administrative ties with the West Bank. This meant that Jordan's administrative links with education, welfare, agriculture, and other areas were cut off. The paramount observation to be made on the King's decision is that it excluded the Awqaf Administration, including the affairs of Al-Aqsa, and the Sharia'a courts from the severance of ties. The control of the Awqaf and the Islamic courts continued, as before, to be in the hands of the Ministry of Religious affairs in Amman.

The motivations behind the exclusion of these two areas from the decision were multi-faceted. There was the recognition that the PLO was not in a position neither financially nor logistically to replace Jordan. The King was also well aware of his historic responsibilities towards the holy shrines in the city, which he could not

abandon. Perhaps the most important factor was that the King wanted to position himself to some role in the issue of the future status of Jerusalem, be that either a direct Hashemite/Jordanian role, or one in association with the Palestinians in the form of a federation/confederation on the lines of the Reagan Plan. [39]

The convening of the Madrid Conference for Peace in the Middle East in 1990 signalled that the whole Arab Israeli conflict took a new turn. For the first time in 42 years, both sides of the conflict were sitting around the same table to decide on a negotiated settlement to the conflict. There was, however, a huge discrepancy between the relative negotiating strengths of both sides. The Israeli side had the advantage of the de facto control of the land, including Jerusalem, and its people. The Arab states had very little else to offer than the promise of peace in exchange for the return of their land.

Through a secret channel of negotiation in Oslo, Norway, Israel and the PLO reached a Declaration of Principles on Interim Self Government Arrangements, which was signed in September 1993. Both sides agreed to end decades of confrontation and conflict. The agreement included a five year transition period in which a self-governing authority is established for the West Bank and Gaza, which would commence upon the withdrawal of Israeli forces from Gaza an the Jericho area. The discussion of the issue of Jerusalem was postponed to what was called the permanent status negotiations that were to commence "as soon as possible, but not later than the beginning of the third year of the interim period. " [40] The postponement of the discussion of the issue of Jerusalem, which had been the focal point and fundamental symbol of the Palestinian/Arab struggle, was perhaps foreseeable given the relative strengths of the negotiating positions of both parties. The postponement of the negotiations on final status of Jerusalem to the third year of the interim period caused an uproar in the Arab

and Muslim world. The battle for the control over Jerusalem heated up, not just between the Israelis and Palestinians, but also between the Palestinians and Jordan.

Alarmed by the Declaration of Principles secretly negotiated between the PLO and Israel, Jordan attempted to influence events leading up to the start of the permanent status negotiations. In his address to the Jordanian Parliament on 23 November 1993, King Hussein clearly indicated Jordan's vision of the future of the City,

"We will recognise no sovereignty over it except for that of the Almighty God. ... I would like to renew the call I made ... for the creation of a grand non-political Arab-Islamic body that would unite Muslims, bring them together, ...(which) would be assigned the task of caring for and overseeing Islamic holy places. ... we will not cede or give up our religious and historical responsibilities towards Jerusalem and toward Al-Awqaf and Islamic holy places in Palestine." [41]

Jordan was thus intent on not relinquishing its special and historic role in the holy city, even if that meant the opening up of alternatives that would eventually lead to the deprivation of the PLO of any meaningful political leverage in its negotiations with Israel.

The Peace Treaty between Jordan and Israel, signed on 26 October 1994, included in Article 9, paragraph 2, a provision dealing with Jordan's role in Jerusalem,

> *"In this regard, in accordance with the Washington Declaration, Israel respects the present special role of the Hashemite Kingdom of Jordan in Moslem holy shrines in Jerusalem. When negotiations on the permanent status talks will take place, Israel will give high priority to the Jordanian historic role in these shrines."* [42]

These provisions for Jordan's special role in Jerusalem caused controversy in the Arab world and drew protests from the PLO as violating Palestinian future sovereignty over East Jerusalem. Jordan offered an

explanation in which it clarified its position. In an official statement, Jordan explained that,

> *"First, Jerusalem is a Muslim and Arab territory that was occupied in 1967 as part of the territories of the Hashemite Kingdom of Jordan. What applies to Jerusalem would also apply to the occupied Arab territories included in UN Security Council Resolutions 242 and 338.*
>
> *Fifth,... there is no contradiction between restoring political sovereignty over Arab Jerusalem through Palestinian-Israeli negotiations and the continuance of Jordan's role in practising its religious custody over the holy shrines in Jerusalem. ...*
> *These constant positions are derived from Jordan's commitment to the resolutions of international legitimacy, support for the PLO and its efforts to gain political and geographical sovereignty over all the Palestinian Arab territories, including Holy Jerusalem, and continuance of Jordan's historic role in exercising religious custody over the Islamic holy shrines in Jerusalem."* [43]

Jordan's explanation of the provisions of its Peace Treaty with Israel regarding Jerusalem did not allay the fears of the Palestinians, nor the Arab/Muslim states. Jordan attempted to secure approval of these provisions in the various regional forums, the first of those being the 15th session of Al-Quds Committee, meeting in Ifrane, Morocco, on 16/17 January 1995. The Committee, which convenes at the level of Heads of State and is entrusted with the defence of Jerusalem, refused to endorse Jordan's explanation of its intentions, leading to the early departure of King Hussein from Morocco, before the conclusion of the meeting. By the concerted efforts of Egypt, Saudi Arabia and Morocco, the Committee's final communiqué slammed the door on any Jordanian involvement in the city,

> *"Affirms that the city of Al-Quds Al-Sharif is part and parcel of the Palestinian territories occupied in 1967, and further affirms the necessity of its return to the Palestinian sovereignty as the capital of the State of Palestine;*
>
> *Calls on the Islamic Umma ... to assist the stands of the Palestine Liberation Organisation and the Palestinian National Authority, by every means so as to transfer all powers and responsibilities in the occupied Palestinian territories, including Al-Quds Al-Sharif, to the Palestinian National Authority."* [44]

The Jordanian Palestinian battle for Jerusalem was raging while a different, more ferocious battle was going on between Israel and the PLO for the establishment and creation of realities on the ground that might better position each party in their future negotiations on the future of the City. The Palestinians tried to verify their presence in East Jerusalem through the activation of the Orient House to serve as a shadow foreign ministry. This led to Israel's temporary closure of the place.

The Israeli's, on the other hand, continued their systematic encroachment over Arab lands. In May 1995, Israel expropriated 131 acres of Arab land in East Jerusalem. In September 1996, Israel opened a tunnel running underneath the walls of the Aqsa Mosque. In February 1997, the Israeli cabinet approved the building of a new settlement on Arab land in Jabal Abu Ghunaym in occupied East Jerusalem. The site of the settlement, a hilltop just inside occupied Jerusalem, closes off the cordon of settlements around Arab East Jerusalem, thereby ending any aspirations in the city, since the settlement, if built, would physically sever the city from the rest of the West Bank.

Frustrated by the Israeli Government's intransigence and the lack of progress on the Palestinian track, the Arab states were resolved to act seriously. Following the confiscation of Arab lands in May 1995, the Arab League held an emergency session which called for an urgent session of the UN Security Council to address the land confiscation in the city. The Council debated the Israeli plans from 12-17 May. The resolution calling upon Israel to rescind the expropriation order was vetoed by the US, while all the other members of the Council voted in favour. [45]

With the assumption of the Likud government of power in Israel, the Arab states were further frustrated by the continuous Israeli intransigence, and its perennial attempts to escape the implementation of its commitments under the signed

agreements. The Arab leaders agreed on a Summit, the first such meeting in 7 years. Syria demanded an end to the normalisation process with Israel due to its non-conformity with the "land for peace" formula. Other countries did not concur, but the Summit's Communiqué contained very strong statements on the peace process and Jerusalem,

> *"The Arab leaders affirm that if Israel deviates from the bases or principles of the peace process, or retreats from its commitments, promises and agreements reached in the peace process, or procrastinates in implementing them, this will lead to a setback to the peace process with all the dangers that carries in taking the region back to the whirlpool of tension.*
>
> *It will compel all the Arab states to consider steps taken in the context of the peace process vis à vis Israel. The Israeli government will bear sole and full responsibility for this situation.*
>
> *(The leaders) reassert their rejection of any changes affecting Jerusalem or its legal status. They further reaffirm that just and comprehensive peace in the Middle East can only be achieved by resolving the question of Jerusalem and settling the Palestinian refugee problem based on the right of return, international legitimacy and the relevant UN resolutions".* [46]

The Israeli cabinet's approval to build the settlement in Jabal Abu Ghunaym drew yet another Arab and international outcry. In the Security Council, the US went about its usual practice of shielding Israel, and blocked a resolution which would have called on Israel to abandon its plan to build the Abu Ghunaym settlement, and "refrain from all actions or measures, including settlement activities, which alter facts on the ground, pre-empting the final status negotiations and have negative implications for the Middle East peace process. "[47]

Egypt and Qatar, both serving as members of the UN Security Council, moved to present a second resolution to the Council on behalf of the Arab Group. The resolution simply demanded that Israel stop the construction at Jabal Abu Ghunaym and other settlements. Faced with yet another US veto, the Arab Group in the UN called for the convening of a special, emergency General Assembly meeting under the

United for Peace procedure, in which the Group would seek a comprehensive statement of the legal position as well as legal action. [48]

The Arab countries were intent on letting Israel's action in Jabal Abu Ghunaym go unchecked. In their Ministerial Council meeting in Riyadh on 25 March 1997, Saudi Arabia and five other Gulf countries comprising the Gulf Co-operation Council (GCC) dedicated a large portion of their statement to the peace process in which they condemned "the irresponsible policies and illegal actions of the Israeli government ", and urged Israel to reverse its decision to build in Abu Ghunaym, since building the "new Jewish settlement is a provocation and may result in renewed violence". The GCC statement urged Arab States to "review their relations with Israel ... and to pressure Israel to honour its agreements ". [49] Qatar and Oman, the only two GCC countries to have ties, albeit not full diplomatic relations with Israel, both threatened Israel with a total break in relations.

The Arab League's Ministerial Council met in Cairo on 30 March 1997 to discuss the Arab response to Israel's actions. The ministers debated for more than four hours a resolution drafted by Syria which called for an all out suspension of relations with Israel. But they finally agreed on a watered down resolution sponsored by Egypt. The resolution "recommends that all Arab countries which have established normal ties with Israel, to freeze relations until Israel agrees to implement its peace agreements with all the Arab sides and stops violating the accords." The resolution recommended the suspension of Arab participation in the multilateral peace talks, and to reactivate the Arab economic boycott of Israel until "a lasting and just peace is established and all obstacles are removed. " [50]

Jordan has been the only country that has maintained a continuous interest in Jerusalem. According to Jordanian sources, Haj Ameen Al-Husseini, the head of the

Higher Islamic Council of Jerusalem, sent a letter to King Abdullah of Jordan on 30 August 1924, to request that the King place the Haram Al - Sharif under his custody and that Al-Husseini be responsible for the Harem's renovations and up-keeping:

> *"His Highness the Prince,*
>
> *I have received your generous order (donation) dated 28 Moharram 1343, with the greatest gratitude and confidence that you have instilled upon me.*
>
> *The Higher Islamic Council and the Committee for the Renovation of Al-Haram Al-Sharif have also received your order with the highest gratitude. I, on their behalf, ask you to grant us another order that will enable us to renovate fully Al-Haram Al-Sharif under the auspices and supervision of your highness prince of believers.*
>
> *It is upon this that we kindly ask of you to revise our accounts and everything else related to this matter of renovation, and that your welcome to send whomever you wish to supervise this activity.*
>
> *Reciprocally, we will, at the end of each month, disclose the full account and expenses related to this matter, including all other information that require or which you deem necessary.*
>
> *God Blessing"*[51].
>
> *Head of Islamic Higher Council,*
> *Haj Ameen Al-Husseini*

As mentioned previously, the Jordanian Government opposed the idea of the internationalisation of Jerusalem since it believed that Jerusalem was an Arab and Islamic city in which the Hashemites inherited the role of the "Guardian" of the City. From a religious aspect, the Hashemites consider themselves descendants of Prophet Mohammed and therefore responsible for protecting the Islamic Holy City. Furthermore, the fact that Sharif Hussein bin Ali, the great grandfather of King Hussein, was buried in Jerusalem enhanced the sentimental attachment of the Jordan Royal family to the City[52].

In 1954, King Hussein gave an order for the formation of a Committee for the Renovation of Al-Aqsa Mosque and the Dome of the Rock. Since its formation, the committee has supervised two of three major renovation projects on the Haram Al-Sharif. The first renovation project, which occurred prior to the formation of the

Renovation Committee, was conducted during the Sharif Hussein bin Ali and King Abdullah era. The second renovation project took place from 1954 through to 1964. The third renovation took place in 1969, after an Israeli arsonist burned part of Al-Aqsa Mosque. Recently, in 1992, a major renovation of the Dome on the Dome of the Rock was carried out which was completed in April of 1994. For this project King Hussein himself donated more than eight million dollars from his own personal funds[53].

Jordan's administrative links with Jerusalem and the West Bank have not been limited to its guardianship of the Islamic Holy Shrines in Jerusalem, but have also extended to the Awqaf Administration, the Sharia'a court and other areas such as welfare, education and agriculture. In 1988 however, King Hussein announced that Jordan was severing its legal and administrative ties with the West Bank. Shortly thereafter, the Jordanian Prime Minister, Zaied Al-Rifai, also announced that Jordan would sever its ties with the West Bank. It is important to note that, although King Hussein severed administrative links in the areas of education, welfare, agriculture, etc., he did not relinquish his ties with the Awqaf Administration and the Sharia'a court system[54]. This is evidenced by the absence of any mention of the Awqaf and the Sharia'a court, or of Jerusalem in general, in both the King and the Prime Minister's speeches.

There are several reasons behind the King's decision to exclude the Awqaf Administration and Sharia'a court system from the disengagement with the West Bank. King Hussein believed that the PLO was not financially nor administratively capable of properly running these sectors and he did not want to be held responsible for the negligence of the Islamic Holy Shrines. The exclusion is also a form of guarantee in the event of a change in the political situation whereby the Hashemites would secure an involvement. Thus, King Hussein was playing it safe by not cutting his ties with Jerusalem[55].

Another reason for King Hussein to keep his links with Jerusalem relates to the conflict between the Hashemites and the Saudis. There has been a deep tension between the two royal families ever since the Saudis pushed the Hashemites out of the Arabian Peninsula in 1924. The Saudis then became the "Guardians" of Mecca and Medina, while the Hashemites of Trans Jordan referred to themselves as the custodians of Al-Quds, in order to balance out Saudi religious and political sovereignty over Mecca and Medina.

When King Hussein donated eight million dollars for the renovation of the Doom of the Rock, King Fahd in turn contributed ten million dollars for renovations of Islamic Shrines in Jerusalem. The Jordanians viewed this act by King Fahd as a sign of competition over the Jerusalem issue. One Jordanian official even went so far to accuse the Saudi Arabian Government of accepting Israeli sovereignty over Jerusalem when King Fahd channelled his donation through UNESCO. The Jordanians considered their method of channelling funds through the Royal Commission for Renovation of Al-Aqsa and Dome of the Rock, and the Awqaf Administration, more appropriate than using an outside body[56].

In July 1994, King Hussein of Jordan and Prime Minister Yitzhak Rabin of Israel met in Washington DC. During that meeting the two agreed that Jordan would be given "custodianship" of the Islamic Holy Shrines in Jerusalem. The PLO protested against this agreement since it reduced the chances of the Palestinians gaining sovereignty over East Jerusalem[57]. The Israeli recognition of Jordanian "Guardianship" of the Islamic Sites would weaken Arafat's negotiating power over the future of Jerusalem by adding a new negotiating partner[58]. For King Hussein it was essential to have Jerusalem on his negotiating agenda as a source of legitimacy for peace talks with Israel and to minimise any domestic Islamic opposition.

The PLO took quick measures to enhance its sovereignty over Jerusalem and to marginalise the Jordanian role. In a Palestinian National Authority meeting in Gaza on 14 September 1994, the PLO decided to establish its own Ministry of Awqaf to replace the Jordanian Awqaf Administration in Jerusalem and the West Bank. The Palestinian Authority also restricted the activities of pro-Jordanian supporters by closing down two main pro-Jordanian newspapers, Al-Nahar and Akkhbar Al-Balad [59]. The PLO's final move was to get political support in its conflict with Jordan from the Arab League. In its 102nd session on 14 September 1994, the Council of the Arab League gave its support to Palestinian sovereignty over Jerusalem[60].

As a final note about this conflict, on 27 September 1994, Jordan decided to cut its administrative and legal links with religious affairs in the West Bank, but purposely excluded East Jerusalem. Such a move will bring a heavy financial burden on the PLO since it is now obligated to pay 2,400 Awqaf employees, at a time when the organisation is undergoing a severe financial crisis[61].

The issue of Jerusalem has also been a cause of tension between the Palestinians and the Arab States. During the Middle East Peace negotiations, Yassir Arafat met with King Hassan II of Morocco in Rabat and, inter alia, discussed the issue of Jerusalem. In his briefing of the meeting to his negotiating team, Arafat said that King Hassan viewed Jerusalem as a topic to be negotiated by Arab and Muslim countries and not by the Palestinians[62]. In his visit to Saudi Arabia in June 1993, Faisal Husseini, Minister of Jerusalem stated that there was no mention of Jerusalem in his meeting with King Fahd. The Saudi Arabians, like the Moroccans, view the Jerusalem issue as outside the authority of the Palestinian delegation and of the Palestinians[63].

Real Arab support for the Palestinians on the Jerusalem issue does not exist. While the Palestinians and the Israelis agreed to postpone negotiations on Jerusalem for two years, Jordan, Saudi Arabia and Morocco are competing to negotiate over Jerusalem. In the meantime, the Israeli government continues its Judaization of the City.

In the first three chapters, we have seen that Israel is changing all the circumstances and progressively changing the situation on the ground of Jerusalem in its favour. In chapter four and five, we have seen that all organisations, countries and people who could have resisted it have not.

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Chapter 6

Proposals For The Resolution Of The Status Of Jerusalem

The purpose of this chapter is to say, since the Ottoman numerous proposals were put forward for the status of Jerusalem, and since the Israeli occupied Jerusalem, as I have shown in the previous chapters, the objective circumstances on the ground had changed. But the proposals which had been put forward have not really taken in account the end results of all these changes. Therefore, I am proposing in this chapter, a plan on open Jerusalem. However, it is an open city in which the rights and sovereignty of both parties are equally considered and respected. Clearly an injustice has been done. Rectifying this by creating new injustice in the form of mass uprooting and dislocation is unacceptable. Yet as united as Jerusalem still appears after years of annexation and geographical contortion, the cultural division in the city persists.

So my plan is to take into consideration the cultural division and the economic union. The very concept openness is not about various cultures melting into something new; it is about the survival of various cultures in an umbrella of equality in rights and sovereignty.

In all of this, I do treat, rather in succinct form, the detailed aspect of an open Jerusalem. In doing so, I will begin by reviewing the various aspects and most significant proposals submitted by international, Israeli and Arab actors. *(See annex VII)*

I. International Proposal - UN 181 Resolution

On 29 November 1947, the United Nations General Assembly adopted Resolution 181 (II) which established the City of Jerusalem as a *corpus separatum* under a special international regime to be administered by the United Nations. The Trusteeship Council was designated to carry out the responsibilities of the Administering Authority on behalf of the UN. The proposed boundaries of Jerusalem would be the municipality of Jerusalem

plus the surrounding villages and towns. The most eastern town being Abu Dis; the most southern, Bethlehem; the most western, Ein Karem (including also the built-up area of Motza), and the most northern Shufat.

The Resolution contains two objectives, which the Trusteeship Council should pursue in discharging its administrative objectives. The first objective is " *to protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish and Muslim; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem.*" The second objective is " *to foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peace development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.*"

The Trusteeship Council, according to the Resolution, shall appoint a Governor of the City of Jerusalem. The Governor would be selected on the basis of special qualifications and without regard to nationality. However, he could not be a citizen of either State in Palestine. The Governor would represent the UN in the city and would exercise on their behalf all powers of administration. The administrative staff of the Governor would be made up of international officers and when practical residents of the city and the rest of Palestine. The Resolution also includes special powers of the Governor in respect of the Holy Places, religious buildings and sites in the city. One such power given to the Governor is the protection of the Holy Places and sites located in the City of Jerusalem. The Governor is also empowered to make decisions on the case of disputes between the different religious communities of the rites of a religious community in respect of the Holy Places and sites.

Resolution 181 also includes provisions concerning local autonomous units in the territory of the city (villages, townships and municipalities). The resolution states that these autonomous units shall enjoy wide powers of local government and administration. The Governor would submit for the approval of the Trusteeship Council a plan for the establishment of special town units consisting, respectively, of Jewish and Arab sections of New Jerusalem. The town units would continue to form part of the municipality of Jerusalem.

Security measures are also discussed within the Resolution. The city of Jerusalem would be neutral and demilitarised, and no para-military formations or activities would be permitted within the city's borders. In the event that the administration of the City of Jerusalem is seriously obstructed or prevented by the non-co-operation or interference of any group, the Governor has the authority to take measures to restore the effective functioning of the administration. A special police force, with officers recruited from outside of Palestine, would be established in order to assist in maintaining internal law and order, and especially for the protection of the Holy Places.

The Resolution allows for resident of Jerusalem to elect a legislative council that would have powers of legislation and taxation. However, no legislative measure shall conflict with provisions that would be set forth in the statute of the city. The Governor has the power to veto any legislative bills that would be inconsistent with the provisions of the statute of the city. The statute of the city would also establish an independent judiciary system, including a court of appeal that all residents of Jerusalem would be subject to.

In the Resolution, Jerusalem would be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as

well as by the decisions of the Joint Economic Board. The Economic Board headquarters would be established within the city. For economic matters that are not included in the Economic Union, the statute of the city shall provide the regulation of such matters.

Citizens of the Arab and Jewish states are allowed free entry into and residence within the City of Jerusalem. The Governor, under the directions of the Trusteeship Council, will allow the entry of citizens of both states taking into consideration security and economic welfare. The immigration into and residence within Jerusalem of nationals of other states would be controlled by the Governor.

Resolution 181 also discusses the freedom and rights of the citizens of Jerusalem, which are:

1) *Subject only to the requirements of public order and morals, the inhabitants of the city shall be ensured the enjoyment of human rights and fundamental freedom, including freedom of conscience, religion and worship, language, education speech and press, assembly and association, and petition.*
2) *No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language, or sex.*
3) *All persons within the city shall be entitled to equal protection of the laws.*
4) *The family law and personal status of the various person and communities and their religious interests, including endowments, shall be respected.*
5) *Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.*

6) *The city shall ensure adequate primary and secondary education for the Arab and Jewish communities respectively, in their own languages an din accordance with their cultural traditions.*

7) *No restriction shall be imposed on the free use by an inhabitant of the city of any language in private interaction, in commerce, in religion, in the press or in publication of any kind, or at public meetings.*

Provisions regarding the Holy Places of Jerusalem are included in Resolution 181. One provision is that existing rights in respect of the Holy Places and religious buildings or sites would not be denied or impaired. The free access to the Holy Places and the free access of worship would be secured under the Resolution. The Holy Places would be preserved and should there be a need of urgent repairs, the Governor may call on the community or communities concerned to carry out such repairs or the Governor may carry it out himself if no adequate action is taken within a reasonable time by the communities. Furthermore, no taxation would be levied on any of the Holy Places, which was exempt from taxation on the date of the creation of the city[1].

In retrospect Resolution 181 was suitable in dealing with the issues of the Holy Places. Yet, it did not solve the question of sovereignty of the city for the parties concerned. Although, this Resolution enhanced the issue of Jerusalem on the international level, it created complications on the regional level. Both Jordan and Israel opposed the Resolution because it denied their sovereignty over the city. It is obvious that a local sovereign would not be willing to relinquish its his decision-making power, especially in view of the international dimension of such a resolution.

In an interview on 5 July 1995, the Secretary-General of the United States, Boutros Boutros-Ghali, explained the current position of the UN concerning the status of Jerusalem.

Ghali stated that the issue of Jerusalem is an important and sensitive issue, which explains why the negotiating teams in both the Camp David Accords and the Oslo negotiations agreed to deal with Jerusalem at a later stage. This would, therefore, allow for the parties concerned to achieve tangible results on other issues. The Secretary-General did not state a specific plan that the United Nations proposed for resolving the question of Jerusalem nor did he comment on the possibility of the internationalisation of the city. However, Ghali stated that *"the UN would be willing to assist in the negotiations if asked to do so by the parties concerned"*[2]. In addition, the Under-Secretary-General, Vladimir Petrovsky, pointed out that due to the global importance of the city of Jerusalem, any solution should maintain the civilisation and cultural aspects of the city [3].

II. Israeli Official Proposal - Tedd Kollek's Proposal

In this proposal, Kollek suggested to give some self-rule for the Arabs in East Jerusalem. He also spoke about what is called "the division of administrative functions of the governing authority between communities in Jerusalem."

The main points of the proposal are as follows:

1) Functional sovereignty must be granted to the Arabs of East Jerusalem,
2) To this end, separate administrative authorities, which will have internal autonomy, must be established,
3) Direct elections to the Arab administrative authorities in the eastern sector of the city will be held,
4) Shared responsibility for internal security,
5) An agreement will be reached to fly Arab flags over the Temple Mount or perhaps other places in Jerusalem;

6) The Arab administrative authority or authorities will be empowered to collect taxes,

7) Jurisdiction will be granted to the courts of the Arab authority and the Arab neighbourhood. This arrangement will be formalised and its applications expanded,

8) The Israeli government will make a declaration of intentions and principles regarding the Arabs main areas of concern, such as the Temple Mount, the settlement of Jews in the Moslem quarter of the old city and Arab building outside the city walls;

9) The geographical boundaries of the Arab and other quarters will be defined as part of this new status quo,

10) All of the clauses in this plan will be implemented under Israeli sovereignty, in a united Jerusalem[4].

These views further justify the appetite of Israel for territorial expansion at the expense of Palestinians without the recognition of the Palestinians' right to Jerusalem. These positions primarily buy time in this period, so that the Israelis can further bring their new settlements to be accepted as the status quo.

The remaining points in Kollek's programme seem to say that they delegate to the Palestinians many municipal rights, however, under the political will of the Israelis. Basically, Mr. Kollek completely overlooks the pivotal axis of the right to self-determination, that is: sovereignty. Indeed, the use of the terminology *functional sovereignty* seems to be a contradiction in terms. No people, for obvious reasons, can function fully to their own "benefit" without political sovereignty - functionality can only originate in political sovereignty. "Sovereignty" in itself as it was used by Mr. Kollek becomes a play on word, which further flouts the rights of Arabs in Jerusalem.

III. Palestinian Israeli Proposal

In the winter of 1991 - 1992, Cecilia Albin of the International Institute for Applied Systems Analyses in Luxembourg, Austria, Moshe Amirav of the Jerusalem City Council and Hanna Siniora of the Al-Fajr newspaper published their proposal to the solution of Jerusalem. The proposal, entitled *Jerusalem: An Undivided City as Dual Capital*, suggests that rather than dealing with Jerusalem at a later stage in an Arab-Israeli peace process, after enough goodwill has been generated by the parties concerned, the issue should be dealt with first. The reason behind this is that the issue of Jerusalem is the most difficult and complex one in the overall conflict between Arabs and Israelis, therefore it should be addressed first. The authors of the proposal state that dealing with Jerusalem at a later stage in a peace process is unrealistic since the logical place to start generating goodwill between Palestinians and Israelis would be in Jerusalem where they live side by side and can work together. The authors also point out that the issue of Jerusalem haunts the peace process and it could therefore destroy the entire negotiations if it is ignored until a later stage.

The authors of the proposal examine the current situation of Jerusalem under the Israeli government and question the unity of the Holy City. Three characteristics of today's Jerusalem are examined which show that it is not a unified city. Those characteristics are confrontation, segregation and discrimination. There is clear hostility between the two communities of Jerusalem. Studies conducted by the Jerusalem Institute for Israel, an Israeli research institute based in Jerusalem, prove the city to be by all criteria one of the most segregated cities in the world. The third characteristic of Jerusalem that is examined is discrimination. Examples of discrimination include the right of a Jew to live in totally Arab neighbourhoods while Arabs are denied the right to live in Jewish areas of the city, in the distribution of resources and in the granting of permission to build houses. The authors

conclude that a city of confrontation, segregation and discrimination is not a unified city and propose instead a Jerusalem that is truly unified where appropriate, yet divided where its residents want separation. They propose a status for Jerusalem that is neither rigidly formal nor imposed by force.

The basis of the model proposed by Albin, Amirav and Siniora assumes that there will be two sovereign states - Israel and Palestine - each within its capital in Jerusalem. The city would be physically undivided with both separate and joint Israeli and Palestinian institutions to handle affairs at both the municipal and national level.

The issue of sovereignty is also addressed in the model. The authors explain that the question of sovereignty could be resolved by breaking it down into various components and then tackling each one separately. To deal with the various areas of sovereignty, such as security, foreign relations, currency, flags, religious worships, courts and schools, institutions

would be created where both Palestinians and Israelis could exercise fundamental authority - in some cases jointly and in other cases separately.

The issue of flags, for example, is resolved in the model by allowing three different flags to fly over Jerusalem: the Palestinian flag, the Israeli flag and the flag of Jerusalem. The flag of Jerusalem would include colours associated with both national flags along with symbols of peace such as a golden dove. All three flags could be waved anywhere in the city except at the Holy sites.

The model proposes that the boundaries of Jerusalem be extended to include areas on the outskirts of the city, thus turning it into a metropolis. The area of Jerusalem would be enlarged from 109 square kilometres to 461 kilometres. This would be done by taking 165 square kilometres from Israel and 187 square kilometres from the West Bank. Greater Jerusalem would include Ramallah in the north, Ma'aleh Adumim in the east, several Arab

villages such as Abu Dis, Beit Sahour and Bethlehem in the south, and pre-1967 Jewish neighbourhoods such as Mevo Betar and Mevasseret in the west.

There are several reasons why the authors deem the expansion of Jerusalem necessary: The first reason given is that the current borders established in 1967 have become obsolete and Jerusalem has already become a metropolis.

Secondly, maintaining the old borders means hampering the city's development potential. Expansion would mean more land for industries and housing.
Thirdly, expansion would even out the demographics by maintaining a balance of approximately 400,000 Arabs and Jews.

Lastly, the expansion would resolve the Palestinian community's claims for compensation for land and property taken over the years by Israel, by providing an alternative.

According to the model, the two sovereign states - Israel and Palestine - would remain in charge of all matters dealing with national security and foreign affairs; income collection; and issuing and regulating respective national currencies. Both states would retain their respective national jurisdictions. The Palestinian and Israeli national courts would handle serious crimes and depending on what area of the city the crime took place would determine what jurisdiction applied. The two states would also keep their full legislative powers. Israeli residents of Jerusalem would vote for the Knesset while the Palestinian residents would vote for the Palestinian parliament, irrespective of where in the city they live.

A joint Israeli- Palestinian institution, the Assembly of Metropolitan Jerusalem, would be created to run the affairs of the entire municipal areas. The Assembly would be made up of representatives of the two states, to be nominated by their respective governments,

and of a delegate from each municipality within the metropolis of Jerusalem. The Assembly would be an umbrella organisation for the 20-odd municipalities in the city. It would have control of the central planning and development in Jerusalem, in areas such as roads and transportation, water, energy, housing, waste disposal, and issues affecting the environment. The Assembly would also be in charge of the police force that would be made up of both Palestinians and Israelis[5].

The proposal by Albin, Amirav and Siniora failed to address a key issue, which is the illegal settlements in the Jerusalem area. The authors also failed to explain how to secure the demographic balance in the Metropolitan Jerusalem and gave no detailed description for the absolute political authority the Palestinian and Israeli sides would have in the city. Furthermore, the expansion of Jerusalem in all cases would be carried out at the expense of newly acquired Palestinian land.

IV. Jordanian Proposal

In this proposal, Jordan's Permanent Representative to the UN in New York, Adnan Abu Odeh, proposed his view which was based on the share of Jerusalem on the basis of political and religious inclusion. [6]

The main points of the proposal are:

1) The Walled City, the true holy Jerusalem, would belong to no single nation or religion, and no state would have political sovereignty over it. It would be called "*Jerusalem*" and would be governed by a council representing the highest Muslim, Christian and Jewish religious authorities.

2) The Palestinian part of the city (the urban areas that stretch beyond the

ancient walls to the east, north-east and south-east) would be known as "*Al-Quads*", over which the Palestinian flag would fly. The Arab inhabitants would be Palestinian nationals and vote for their national institutions.

3) The urban areas to the west, north-west and the south-west of Jerusalem would be known as "Yerushalaim", over which the Israeli flag would fly.

4) The Jews residing in the Walled City would be Israelis and vote, as they do now, in their national elections. The Arabs in the Walled City will be Palestinian citizens and vote in their national elections.

As for the Holy Places, Mr. Abou Odeh's premise is as follows:

1) The Old City is the truly holy part of Jerusalem and as such, should be separated administratively from the rest of the city: it would be a spiritual basin for Judaism, Christianity and Islam.
2) No national flag would fly over the "Walled City" which would be open to all, for it belongs only to the One God, and the sacred shrines would be the symbol of the City's God-given holiness and its spiritual significance.
3) Each religious authority would be responsible for running and maintaining the holy cites of its faith.

In reviewing this, a lack of logical continuity plagues the Jordanian proposal on Jerusalem. In the first instance the argument carried over by Mr. Abou Odeh clearly follows the process of the judaization of Jerusalem. He begins by reciting in chronological order the instances in which the state of Israel has completely overlooked the United Nations resolutions on Jerusalem, and vehemently continued in re-shaping the human and physical geography of the city in outright breach of the 4th Geneva Convention.

The highlight of the argument comes forth when the author discusses the physical absence of the United Nations from the Madrid summit. However, he also shows the importance of the United Nations resolutions, particularly 242 and 338 in forming the basis of international law upon which a lasting peace is likely to rest on firmer grounds.

In other words, although the United Nations was not represented in Madrid, its resolution should evidently make the basis for Madrid. The climax of the argument resurgens when the proposal seeks to situate any political solution entirely independent on the process of judaization and the matter of the fail accompli pragmatism.

However, in an ideological twist of fate, Mr. Abou Odeh reverts in his proposal on Jerusalem to the politics of pragmatism that obviously were born of the bullish nature of the state of Israel. He does this by entirely foregoing the right to sovereignty of the Palestinians over the Walled City. The logic of his argument falters to the extent to which he decided to drop the rights of the native Palestinians to the Walled City. Such a directive sets an unusual precedent in international law where the desire of an immigrant religious group came to be satisfied at the expense of a native population. This opens the future not only of the Middle East but also of humanity to many questions.

V. A Suggested Proposal

Jerusalem stands at the heart of the Arab-Israeli conflict. It is above all an ordinary city with average people trying to survive and meet the growing demands of the times. However, mystified, this city can galvanise the calls to peace or to war. Any party feeling loss of right in this city can call for a holy war and foment a new situation of violence.

In the Middle East nothing is easier than using Jerusalem as a point of departure to achieve personal, national or regional ambitions. Therefore, coming to an acceptable

solution for all parties, particularly one that restores the rights of the Palestinians should be the starting point for a process of normalisation and peaceful co-existence.

In this proposed scenario, we try to meet the needs for division and unity at once. In doing so, we do not seek a process of mass uprooting of populations, nor one which makes an unjust status quo the only acceptable framework. We basically begin with the issue of sovereignty over both sides of the city, and then we establish the appropriate mechanisms with which the needs of a newly evolved interaction between East and West Jerusalem can best be served.

1. Sovereignty

The Palestinian National Authority shall have full sovereignty over East Jerusalem. East Jerusalem shall comprise the pre-1967 armistice boundaries. This sovereignty shall essentially include the right of the Arab citizens of East Jerusalem to elect a Palestinian representative at the national level, and also to present a citizen of East Jerusalem to the Palestinian Parliament.

This basically means the right of the Palestinian National Authority to do the following:

1. To declare that East Jerusalem is the capital city of Palestine,
2. To establish the Palestinian National Parliament on the grounds of East Jerusalem within this context. The Arab citizens of East Jerusalem shall have the right to be represented in the Palestinian National Parliament and if needs be, nominate an Arab from East Jerusalem as a candidate to the National Palestinian Parliament.

The flag of East Jerusalem shall be the Palestinian flag. West Jerusalem will have the Israeli flag. No other flag signifying an independent entity to that city shall, therefore, be necessary.

2. *Settlements*

In this framework, we define East Jerusalem to fall within confines of the pre-1967 armistice lines. Therefore, Jewish settlements, which occupy land within 67 borders, will be treated in a similar fashion to other settlements deep in the heart of the occupied territories.

Subject to this definition, the rules and laws with which inland settlers must abide shall also apply to East Jerusalem settlers. However, if different solutions to the Jewish settlement in East Jerusalem are arrived at, then Jewish settlement shall be subject to Palestinian sovereignty at all times.

It is within this context that we foresee comprehensive solutions where no federal or government sponsored body establishment from either side shall have the right, previously or in future, to build on the territory of the other side. This means Israeli federal establishments built on the eastern side should relocate to their appropriate borders.

(See map 8,annex V)

3. *Municipality*

We envisage an open city that preserves the sovereignty and national character of the two divided cultures. By this, we basically mean, that the question of sovereignty of the Palestinians in East Jerusalem is of the essence, and shall be subject to no compromise. This type of sovereignty truly cements the divided character of the city. However, on objective grounds, the city shall have enough in social, economic and cultural interaction that a prima-facie division seems to ride above the facts.

Therefore, in order to cement this openness and continued exchange, we foresee a relative transfer of many federal powers to the municipal level. This shall not be done by assuming a single municipality for the city. Therefore, the following should take precedence to the question of sovereignty.

1. Municipal elections shall be held separately on each side. Residents on either side shall elect a representative to a local council irrespective of religious characteristics.

2.

2. The elected council in East Jerusalem shall also represent the vicinity and the proximate camps, villages and towns around the city.

Indeed, we see two municipal bodies for each side of the city, however, with both having equal representation in one joint body - best called a Supreme Council. The definitions of these divisions of power, in brief, are as follows:

1. In all issues of substance, that is national security, foreign affairs, the respective governments of Palestine and Israel will have complete jurisdiction over their respective citizens on either side of Jerusalem. This excludes geographical location - be it the east or the west of Jerusalem. In matters of a lesser municipal relevance or substance, such as schools, hospitals, minor traffic violations and so on. The geographical location, be it east or west of the

city shall predicate the responsible party for jurisdiction, for example, if an accident occurs on the East Side - it is then the municipality court of East Jerusalem, which will deal with that, and vice-versa.

2. Where the issue area is of an undetermined nature, that is planning and so on, the matter shall be relegated to a supreme council, "representing both municipalities", which will have the full jurisdictional power for dealing with this issue.

The supreme council emerges as an independent entity with equal representation from both municipalities. It shall also have equal numbers of representatives from both governments whose role shall be limited to liasing the interest of both parties to their respective governments.

In order to accommodate a growing situation of continued social and cultural exchange, a supreme council, with equal representatives from both municipal bodies, and national observers shall be responsible for cementing this cultural exchange and for overseeing and delegating over joint affairs that may hamper the openness of that city. We foresee mainly disputes in the areas of geographical design, for example, planning, excavation and also questions relating to all areas of trade.

4. Court

The Sharia'a court shall pursue its traditional role of overseeing and adjudicating over matters related to the Muslim community and its religious assets. As to the Israelis, they will attend to their own Jewish courts, which pursue their religious affairs in West Jerusalem.

The civil courts of East Jerusalem shall adjudicate subject to the Palestinian laws and in doing so, they become a natural extension of the Palestinian system of justice.

Similarly, the civil courts of West Jerusalem shall adjudicate subject to Israeli law and, therefore, make part of the Israeli legal system.

Both civil courts shall form an independent body whose powers of adjudication covers matters relating to the interaction in cultural and commercial trade, and reinstating pending matters from a past of hostility and belligerence relating to all matters of life, particularly ownership of property. The legal tenets and material of this body shall equally find its roots in the legal systems of Palestine and Israel. The ultimate purpose of such an independent body shall rest on the servicing and maintenance of co-existence in an undivided open city.

5. Education

The educational curriculum of the Palestinian territory shall be applicable in East Jerusalem. However, Jewish or Arab citizens of Jerusalem shall have the right to pursue either curriculum of education in the city. And, by implication a Jewish or an Arab individual shall have equal right to attend the official secondary and university examination on either side of the city. The language of education shall also be optional.

6. Tourism

An Arab-Israeli council of tourism should be established to co-ordinate, organise and arrange activities related to tourism in the city.

7. Religious Sites

A council of religious affairs shall be established from representatives of the 3 major religions whose role shall lie in determining access and custodian ship of the holy places. The representatives need not be local inhabitants of the city. Given the international dimension of the religious value of Jerusalem, representatives from international entities, for example the Vatican, Organisation of Islamic Conferences and Jewish congresses may appoint representatives to the council of religions in Jerusalem.

8. The Economic Life of the City

a) Taxes shall be strictly under the jurisdiction and laws of either city.

b) Spending social programmes, city planning, schools and so on shall also fall under the jurisdiction of either municipality - depending primarily on the geographical location.

c) In common areas of geography, a special fund shall be at the disposal of the supreme council in order to resolve matters in the mutual interest of both sides, for example roads, parks, ecology etc.

d) A chamber of commerce representing East Jerusalem shall see to the organisation of trade and commerce in the city with full co-ordination with the chamber of commerce on the West Side.

An underlying assumption of the open city concept lies in the issue of free trade and economic union between the two sectors of this city. Such economic union between Israel and the territories under occupation has represented the major deterrent to the local territorial economy for example, basically the "scale"-produced commodity of Israel can easily drown any competition in the territories. As such, defending the local territorial industry from the ravages of the Israeli competition shall be a necessary step to take towards sustainable development. Therefore, provision should be made towards quarantining East Jerusalem in so far as the flow of Israeli goods and services gets in line with the overall economic treaty between Palestine and Israel.

Conclusion

It is with this in mind that we see the plan for Jerusalem. Sovereignty stands central to any solution: the sovereignty of the Palestinian people over pre-67 East Jerusalem represents the least rebuttal to an immense historical miscarriage. Not only that, the dispossessed Arabs of West Jerusalem should also have the complete right for equal treatment.

I do not want to sound as if I am taking the high moral ground in a situation characterised as the least ethical in an overwhelming new era of "positive" politics. Indeed, I propose openness and equality to be central to a Jerusalem plan. In this open city, we foresee a relation of Jews or Arabs residing in East and West Jerusalem respectively; having equalled rights but not obligations in an undivided city. This simply means that a Jew in East Jerusalem enjoys the same privileges as the Arabs. However, unless he attains Palestinian nationality, he shall not be allowed to vote for the Palestinian Parliament nor will he be conscripted in the Palestinian army.

One must note that regardless of the physical disfigurement of the city, the cultural division is still present. This, indeed, surfaces as a result of the struggle of the Palestinian people, which was centred on Jerusalem. I do not want to appear ideologically inclined in what I have said here, nor in all of what I have said before. However, the clarity of the situation makes it easy for one to point to the fact without falsification due to ideological inclinations of some sort. Indeed, East Jerusalem was, and still is, the seat of Arab Palestinian culture. Thus, on a more theoretical plane, the Israeli containment of East Jerusalem is in itself an attack on the very heart of Palestinian culture. So much then for the talk that Jerusalem is the eternal capital of Israel. True or not, the eradication of an Arab Jerusalem is, in great part, the eradication of the Palestinian national identity.

The fact of Israeli state existence was founded on an indelible contradiction, which arose between Arabs and the former colonial powers and continues to persist with its organic continuation or perversion thereof - Israel.

The very existence of Arab Jerusalem after 27 years of conflict represents the endurance and survivability of the Palestinian identity. Be that as it may, an undivided city of culture indeed exists. The East part of it still represents to the Palestinians their axis of economic and social life.

Therefore, the plan presented takes Palestinian sovereignty over the East part to be not a re-addressing of an injustice by creating new ones, but by re-instating to the status quo the political apparatus which secures the co-existence of cultures.

Endnotes

1. The Status of Jerusalem. United Nations - New York - 1999, p. 5 - 6.

2. Interview with *Boutros-Ghali* on 5 July 1995 conducted by the researcher in Geneva, Switzerland.

3. Interview with *Petrovsky*, the Under-Secretary-General (Director-General of the UN Office in Geneva) on 29 March 1995.

4. The Israeli Economist - May/June 1989, p. 22 - 23.

5. Summary of the proposal Jerusalem: An Undivided City as Dual Capital presented by *C. Albin, M. Amirav* and *H. Siniora* in the winter of 1991/1992.

6. Foreign Affairs, spring issue 1992. This proposal was first published in Foreign Affairs spring issue 1992. Again, it was recently presented in the Conference on Jerusalem organised by the International Campaign for Jerusalem in London on 15 June 1995.

ANNEX I

Fundamental Agreement between the Holy See and the State of Israel

- Preamble -

The Holy See and the State of Israel

Mindful of the singular character and universal significance of the Holy Lands;

Aware of the unique nature of the relationship between the Catholic Church and the Jewish people, and of the historic process of reconciliation and growth in mutual understanding and friendship between Catholics and Jews;

Having decided on 29 July 1992 to establish a "bilateral Permanent Working Commission", in order to study and define together issues of common interest, and in view of normalising their relations;

Recognising that the work of aforementioned Commission has produced sufficient material for a first and Fundamental Agreement;

Realising that such Agreement will provide a sound and lasting basis for the continued development of their present and future relations and for the furtherance of the Commission's task,

Agree upon the following Articles:

Article 1

1. The State of Israel, recalling its Declaration of Independence, affirms its continuing commitment to uphold and observe the human right to freedom of religion and conscience, as set forth in the Universal Declaration of Human Rights and in other international instruments to which it is a party.

2. The Holy See, recalling the Declaration on Religious Freedom of the Second Vatican Ecumenical Council, "Dignitatis Humanae", affirms the Catholic Church's commitment to uphold the human right to freedom of religion and conscience, as set forth in the Universal Declaration of Human Rights and in other international instruments to which it is a party. The Holy See wishes to affirm as well the Catholic church's respect for other religions and their followers as solemnly stated by the Second Vatican Ecumenical Council in its Declaration on the Relation of the Church to Non-Christian Religions, "Nostra Aetate".

Article 2

1. The Holy See and the State of Israel are committed to appropriate co-operation in combating all forms of anti-Semitism and all kinds of racism and of religious intolerance, and in promoting mutual understanding among nations, tolerance among communities and respect for human life and dignity.

2. The Holy See takes this occasion to reiterate its condemnation of hatred, persecution and al other manifestations of anti-Semitism directed against the Jewish People and individual Jews anywhere, at any time and by anyone. In particular, the Holy See deplores attacks on Jews and desecration of Jewish synagogues and cemeteries, acts which offend the memory of the victims of the Holocaust, especially when they occur in the same places which witnessed it.

Article 3

1. The Holy See and the State of Israel recognise that both are free in the exercise of their respective rights and powers, and commit themselves to respect this principle in their mutual relations and in their co-operation for the good of the people.

2. The State of Israel recognises the right of the Catholic Church to carry out its religious and moral, educational and charitable functions, and to have its own institutions and to train, appoint and deploy its own personnel in the said institutions or for the said functions to these ends. The Church recognised the right of the State to carry out its functions, such as promoting and protecting the welfare and safety of the people. Both the State and the Church recognise the need for dialogue and co-operation in such matters as by their nature call for it.

3. Concerning Catholic legal personality at canon law the Holy See and the State of Israel will negotiate on giving it full effect in Israel law, following a report from a joint sub-commission of experts.

Article 4

1. The State of Israel affirms its continuing commitment to maintain and respect the "Status quo" in the Christian Holy Places to which it applies and the respective rights of the Christian communities thereunder. The Holy See affirms the Catholic Church's continuing commitment to respect the aforementioned "Status quo" and the said rights.

2. The above shall apply notwithstanding an interpretation to the contrary of any Article in this Fundamental Agreement.

3. The State of Israel agrees with the Holy See on the obligation of continuing respect for and protection of the character proper to Catholic sacred places, such as churches, monasteries, convents, cemeteries and their like.

4. The State of Israel agrees with the Holy See on the continuing guarantee of the freedom of Catholic worship.

Article 5

1. The Holy See and the State of Israel recognise that both have an interest in favouring Christian pilgrimages to the Holy Land. Whenever the need for co-ordination arises, the proper agencies of the Church and the State will consult and co-operate as requested.

2. The State of Israel and the Holy See express the hope that such pilgrimages will provide an occasion for better understanding between the pilgrims and the people and religions in Israel.

Article 6

The Holy See and the State of Israel jointly reaffirm the right of the Catholic Church to establish, maintain and direct schools and institutes of study at all levels; this right being exercised in harmony with the rights of the State in the field of education.

Article 7

The Holy See and the State of Israel recognise a common interest in promoting and encouraging cultural exchanges between Catholic institutions world-wide, and educational, cultural and research institutions in Israel, and in facilitating access to manuscripts, historical documents and similar source materials, in conformity with applicable laws and regulations.

Article 8

The State of Israel recognised that the right of the Catholic Church to freedom of expression in the carrying out of its functions is exercised also through the Church's own communications media; this right being exercised in harmony with the rights of the State in the field of communications media.

Article 9

The Holy See and the State of Israel jointly reaffirm the right of the Catholic Church to carry out its charitable functions through its health care and social welfare institutions, this right being exercised in harmony with the rights of the State in this field.

Article 10

1. The Holy See and the State of Israel jointly reaffirm the right of the Catholic Church to property.

2. Without prejudice to rights relied upon by the Parties:

a) The Holy See and the State of Israel will negotiate in good faith a comprehensive agreement, containing solutions acceptable to both Parties, on unclear, unsettled and disputed issues, concerning property, economic and fiscal matters relating to the Catholic church generally, or to specific Catholic Communities or Institutions.

b) For the purpose of the said negotiations, the Permanent Bilateral Working Commission will appoint one or more bilateral sub-commissions of experts to study the issues and make proposals.

c) The parties intend to commence the aforementioned negotiations within three months of entry into force of the present Agreement, and aim to reach agreement within two years from the beginning of the negotiations.

d) During the period of these negotiations, actions incompatible with these commitments shall be avoided.

Article 11

1. The Holy See and the State of Israel declare their respective commitment to the promotion of the peaceful resolution of conflicts among States and nations, excluding violence and terror from international life.

2. The Holy See, while maintaining in every case the right to exercise its moral and spiritual teaching-office, deems it opportune to recall that, owing to its own character, it is solemnly committed to remaining a stranger to all merely temporal conflicts, which principle applies specifically to disputed territories and unsettled borders.

Article 12

The Holy See and the State of Israel will continue to negotiate in good faith in pursuance of the Agenda agreed upon in Jerusalem, on 15 July 1992, and confirmed at the Vatican, on 29 July 1992; likewise on issues arising from Articles of the present Agreement, as well as on other issues bilaterally agreed upon as objects of negotiation.

Article 13

1. In this Agreement the Parties use these terms in the following sense:

(a) The Catholic Church and the Church - including, *inter alia*, its Communities and Institutions.

(b) Communities of the Catholic Church - meaning the Catholic religious entities considered by the Holy See as Churches *sui iuris* and by the State of Israel as recognised Religious Communities.

(c) The State of Israel and the State - including, *inter alia*, its authorities established by law.

2. Notwithstanding the validity of this Agreement as between the Parties, and without detracting from the generality of any applicable rule of law with reference to treaties, the Parties agree that this Agreement does not prejudice rights and obligations arising from existing treaties between either Party and a State or States, which are known and in fact available to both Parties at the time of the signature of this Agreement.

Article 14

1. Upon signature of the present Fundamental Agreement and in preparation for the establishment of full diplomatic relations, the Holy See and the State of Israel exchange Special Representatives, whose rank and privileges are specified in an Additional Protocol.

2. Following the entry into force and immediately upon the beginning of the implementation of the present Fundamental Agreement, the Holy See and the State of Israel will establish full diplomatic relations at the level of *Apostolic Nunciature*, on the part of the Holy See, and Embassy, on the part of the State of Israel.

Article 15

This Agreement shall enter into force on the date of the latter notification of ratification by a Party.

Done in two original copies in the English and Hebrew languages, both texts being equally authentic. In case of divergence, the English text shall prevail.

Signed in Jerusalem, this thirtieth day of the month of December, in the year 1993, which corresponds to the sixteenth day of the month of Tevet, in the year 5754.

For the Government of
The State of Israel

For the Holy See

Additional Protocol

1. In relation to Art. 14 No. 1 of the Fundamental Agreement signed by the Holy See and the State of Israel, The "Special Representatives" shall have, respectively, the personal rank of apostolic Nuncio and Ambassador.

2. These Special Representatives shall enjoy all the rights, privileges and immunities granted to Heads of Diplomatic Missions under international law and common usage, on the basis of reciprocity.

3. The Special Representative of the State of Israel to the Holy See, while residing in Italy, shall enjoy all the rights, privileges and immunities defined by Art. 12 of the Treaty of 1929 between the Holy See and Italy. The rights, privileges and immunities extended to the personnel of a Diplomatic Mission shall likewise be granted to the personnel of the Israel Special Representative's Mission. According to an established custom, neither the Special Representative, nor the official members of his Mission, can at the same time be members of Israel's Diplomatic Mission to Italy.

4. The Special Representative of the Holy See to the State of Israel may at the same time exercise other representative functions of the Holy See and be accredited to other States. He and the personnel of his Mission shall enjoy all the rights, privileges and immunities granted by Israel to Diplomatic Agents and Missions.

5. The names, rank and functions of the Special Representatives will appear, in an appropriate way, in the official lists of Foreign Missions accredited to each Party.

Signed in Jerusalem, this thirtieth day of the month of December, in the year 1993, which corresponds to the Sixteenth day of the month of Tevet, in the year 5754.

For the Government of
The State of Israel

For the Holy See

Agreed Minute

Agreed Interpretation of Article 14

With reference to article 14 of the Fundamental Agreement, signed by the Holy See and the State of Israel, it is agreed that "the beginning of the implementation of the present Fundamental Agreement" means the establishment of two of the Bilateral Sub-commissions of Experts, but not later than four months after the coming into force of this Agreement.

Signed in Jerusalem, this thirtieth day of the month of December, in the year 1993, which corresponds to the Sixteenth day of the month of Tevet, in the year 5754.

For the Government of
The State of Israel

For the Holy See

Annex II

Israeli Settlements in the Jerusalem Area

Settlement Name	
1)	Neve Yääcov
2)	Ramot
3)	Gillo
4)	East Talpiot
5)	MaäLot Dafna
6)	Jewish Quarter
7)	Hebrew University
8)	Rekhes Shufat
9)	Ramot Eshkol
10)	Givat Shapira
11)	Alavot
12)	Pisgate Zéev
13)	Pisgat Omer
14)	Givat Hamtos
15)	Maale Adummim
16)	Kefàr Adumim
17)	Meshor Adumim
18)	Givon
19)	Givon Ha Hadasha "B"
20)	Givat Zeev
21)	Adam
22)	Givat at hâ Radàr
23)	Almon
24)	Nahal Anatoas
25)	Alon

	Suggested Settlements
1)	Har Homa
2)	Harltoma "B"
3)	David's Village

Annex III

Israel's Settlement Population in "Greater" Jerusalem– 1993

Settlement	Population
Abir Ya'acov	360
Adam	300
Allon	120
Alon Shevut	1,500
Bet Horon	530
Efrat	3,500
El'azar	280
Givat Ze'ev/Givon	7,100
Giv'on ha Hadasha	600
Hadar Betar/Ilit	3,080
Har Adar	1,420
Har Gillo	300
Karmei Tsur	210
Kedar	180
Kfar Adumim	780
Kfar Etzion	470
Ma'ale Adumim	17,000
Migdal 'Oz	170
Rosh Zurim	280
Tekoa	600
East Jerusalem	168,000
Total population	**206,420**

Source: Peace Now, Foundation for Middle East Peace, 1999

Annex IV

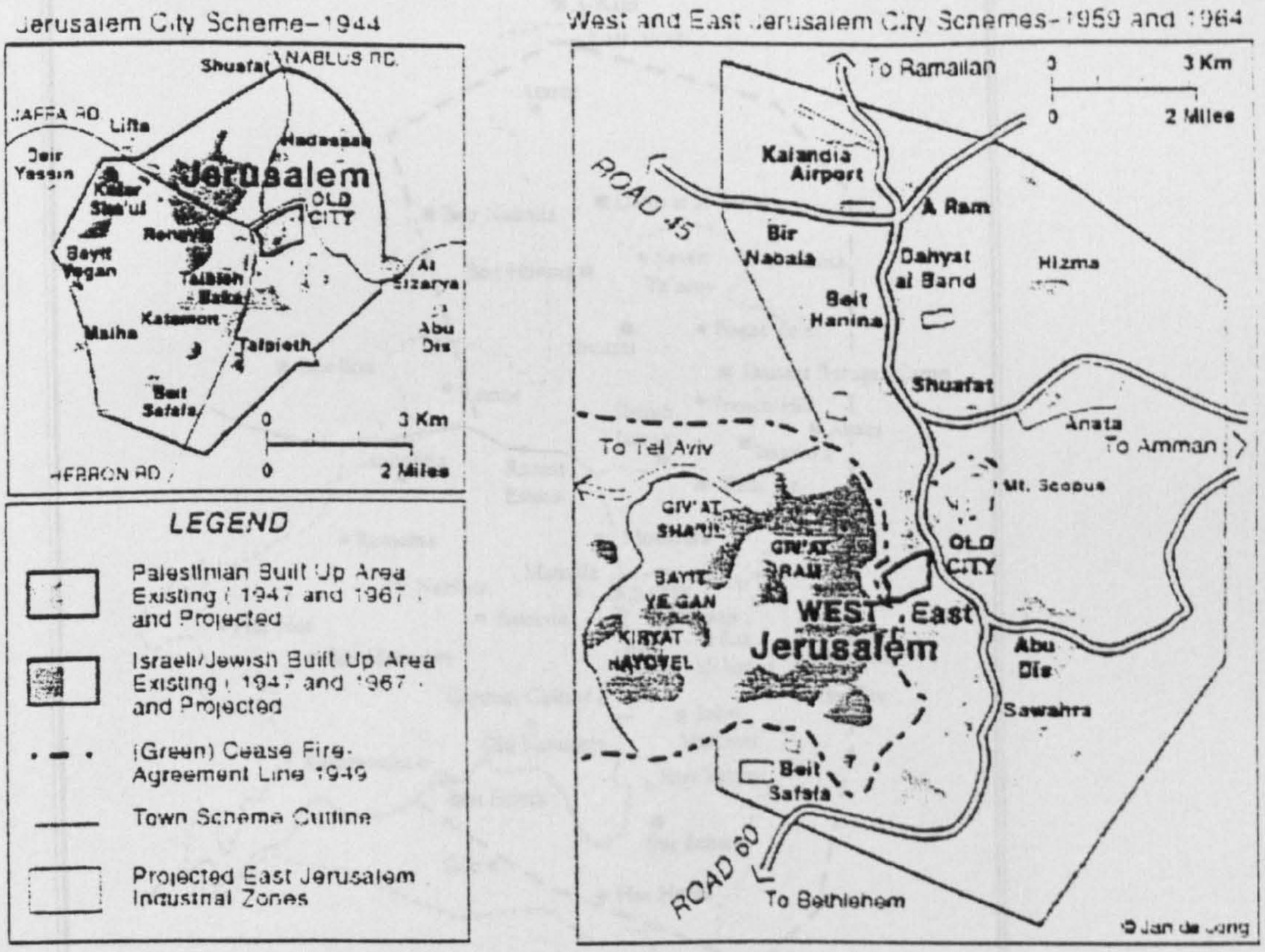
East Jerusalem Population – 1993

Israeli Neighbourhoods	
Neve Ya'acov	18,800
Pisgat Ze'ev	29,000
Ramot	37,200
East Talpiot	15,000
Gilo	30,200
Mt.Scopus	2,500
French Hill	6,500
Ramat Eshkol	6,600
Ma'a lot Dafna	4,700
Old City	2,300
Total Israeli Population	**152,800**

Palestinian Neighbourhoods	
Kufr Aqab	5,200
Beit Hanina	16,900
Sho'fat	11,600
Shoufat Refugee Camp	6,900
Al-Aisawiya	4,700
Sheikh Jarrah	2,400
Wadi Al-Jouz	6,000
Bab Al-Zahra	4,100
Mt. Of Olives/Shayyah	12,700
Old City	25,900
Wadi Hilwa	2,400
Silwan	6,400
Ras Al-Amoud	9,600
Abou Tor/Jebel Mukaber	9,400
Sawahreh Gharbiyeh	8,300
Sur Bahir/Im Touba	7,200
Beit Safafa/Sharafat	4,600
Others	6,300
Total Palestinian population	**150,600**

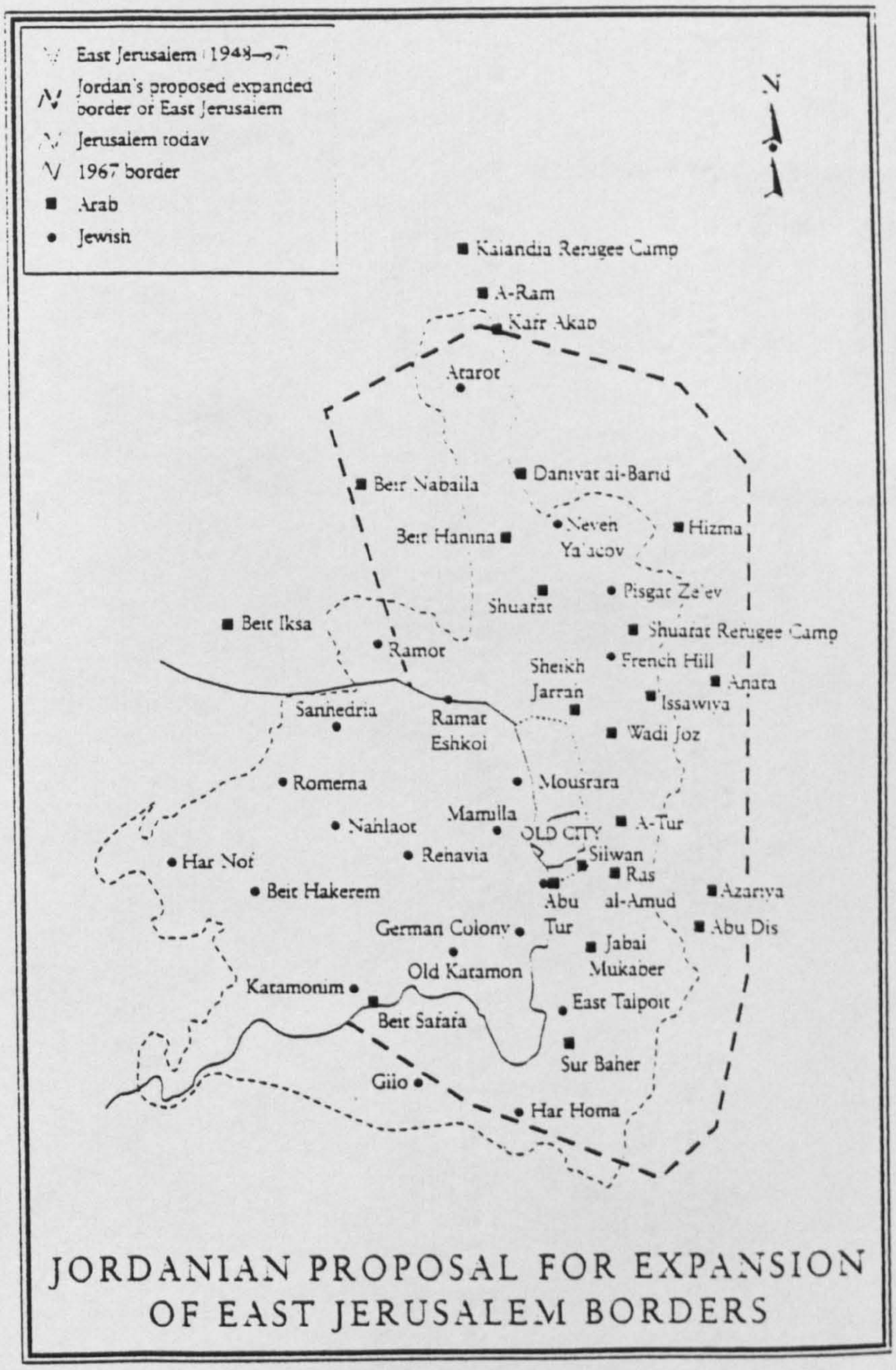
Source: Ha'aretz, August 11, 1993

Annex V



Source: Foundation for Middle East Peace – Washington

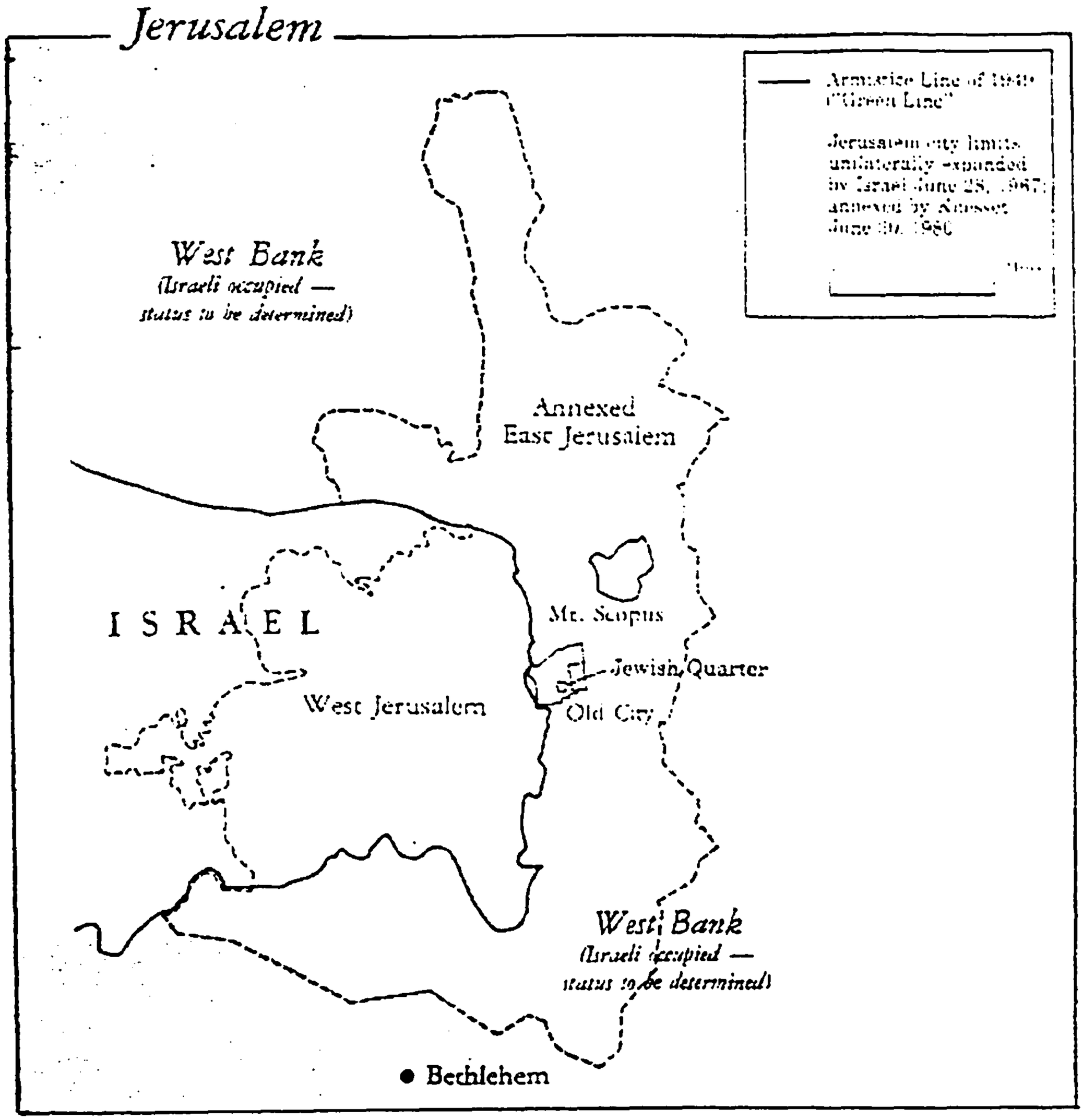
MAP 1



JORDANIAN PROPOSAL FOR EXPANSION OF EAST JERUSALEM BORDERS

Source: Cheshin, A.S., Hutman, A. and Melamed, A. "Separate and Unequal" Harvard University press, 1999.

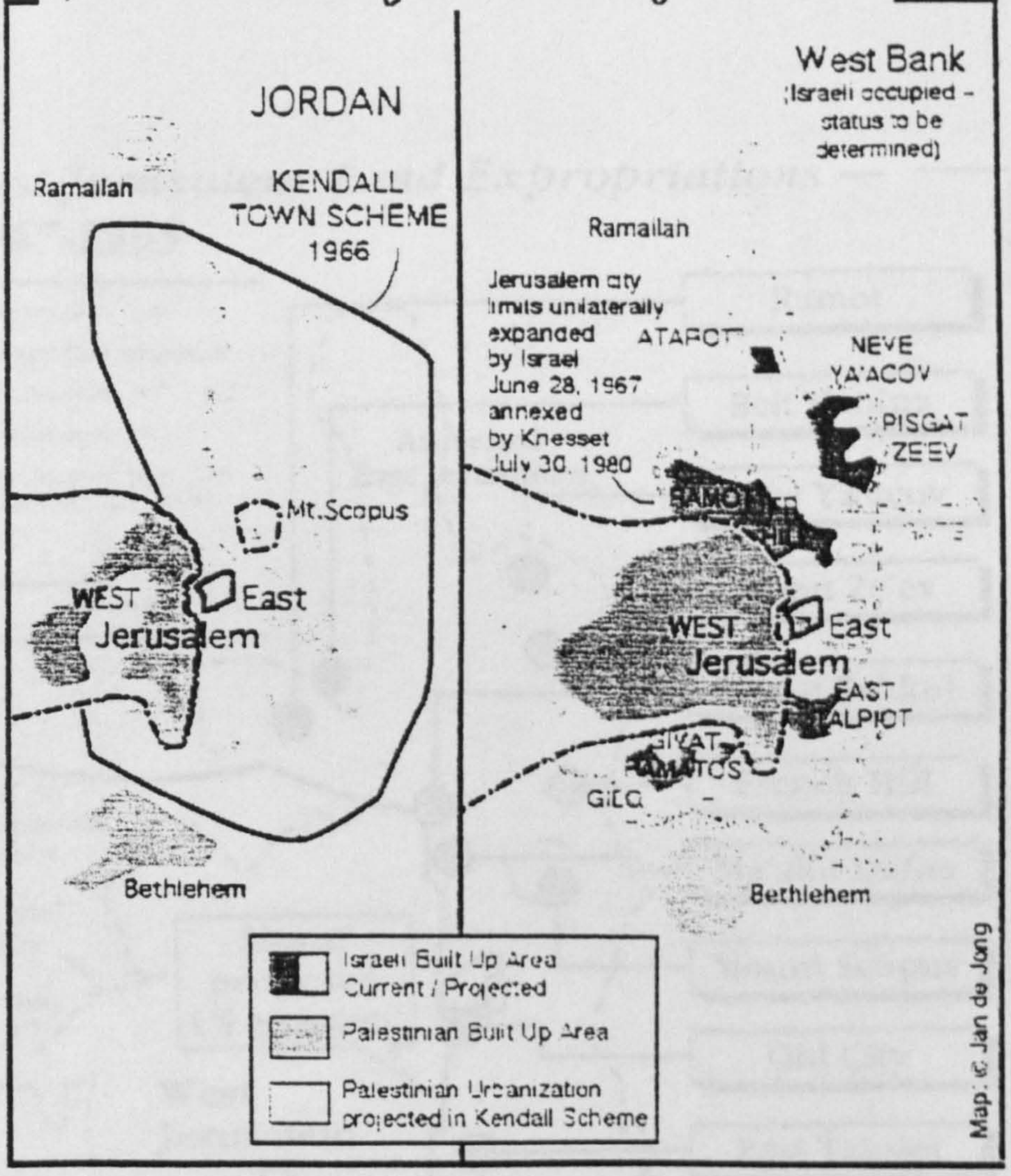
MAP 2



Source: Foundation for Middle East Peace – Washington

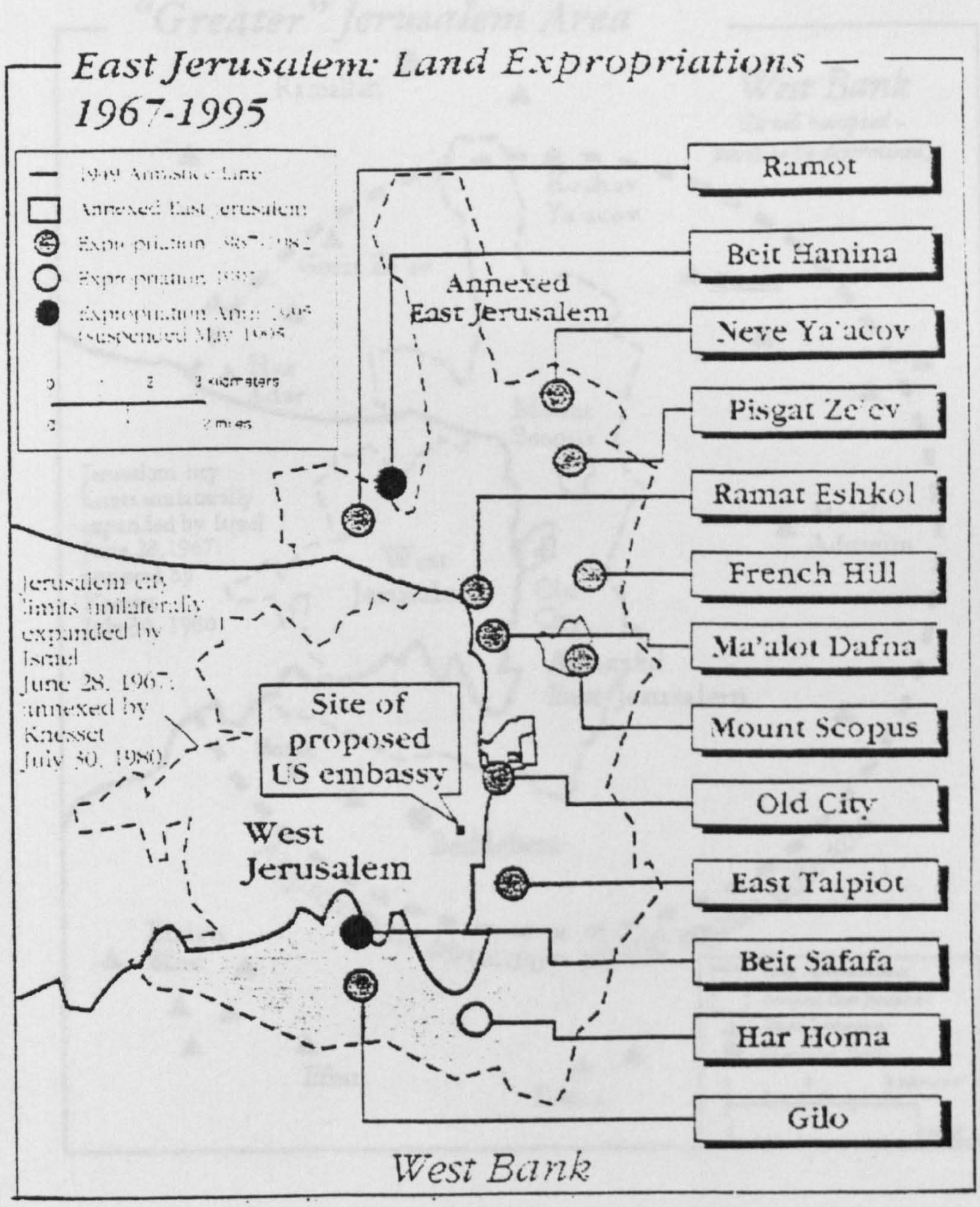
MAP 3

Jerusalem Before and After 1967



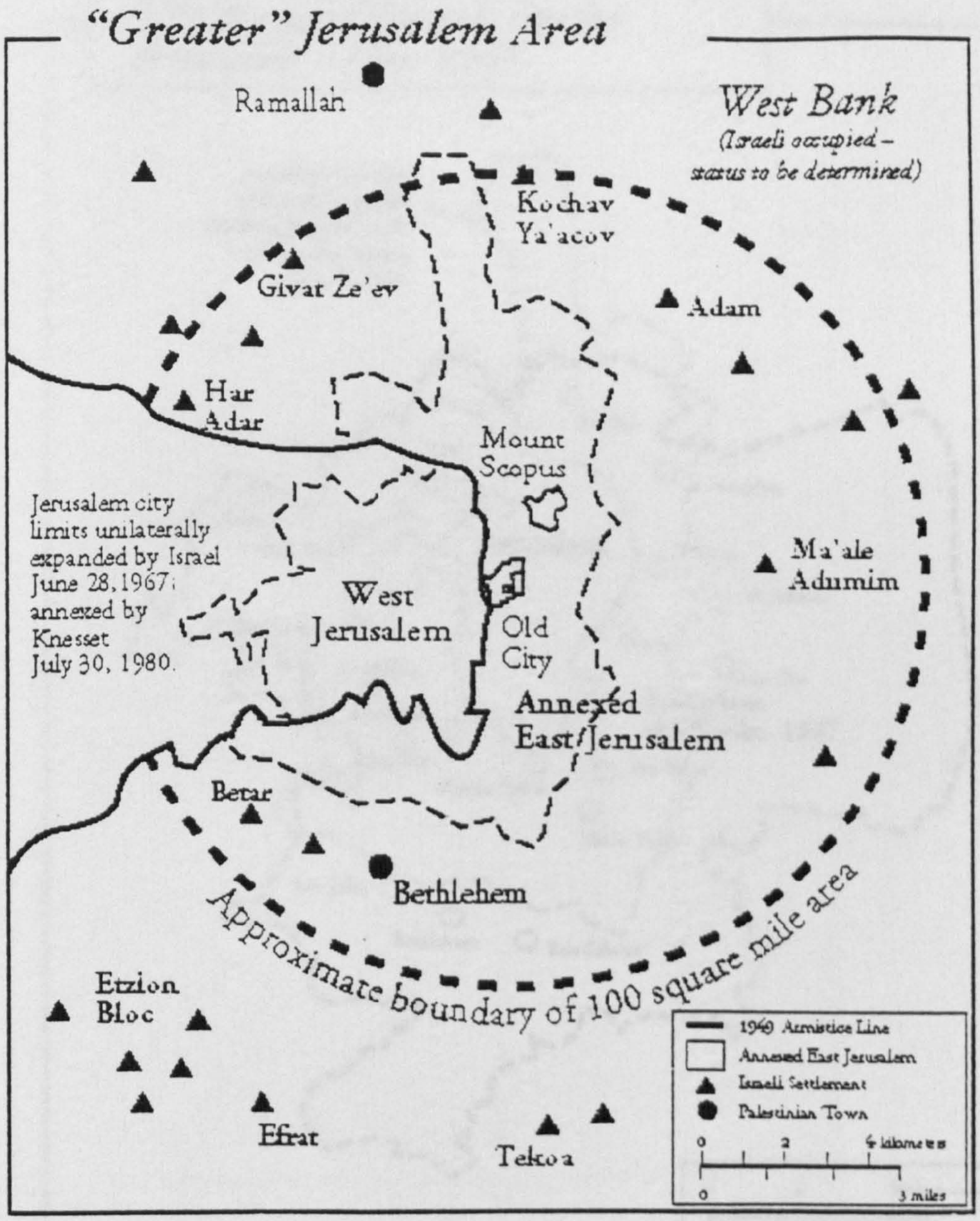
Source: Foundation for Middle East Peace – Washington

MAP 4



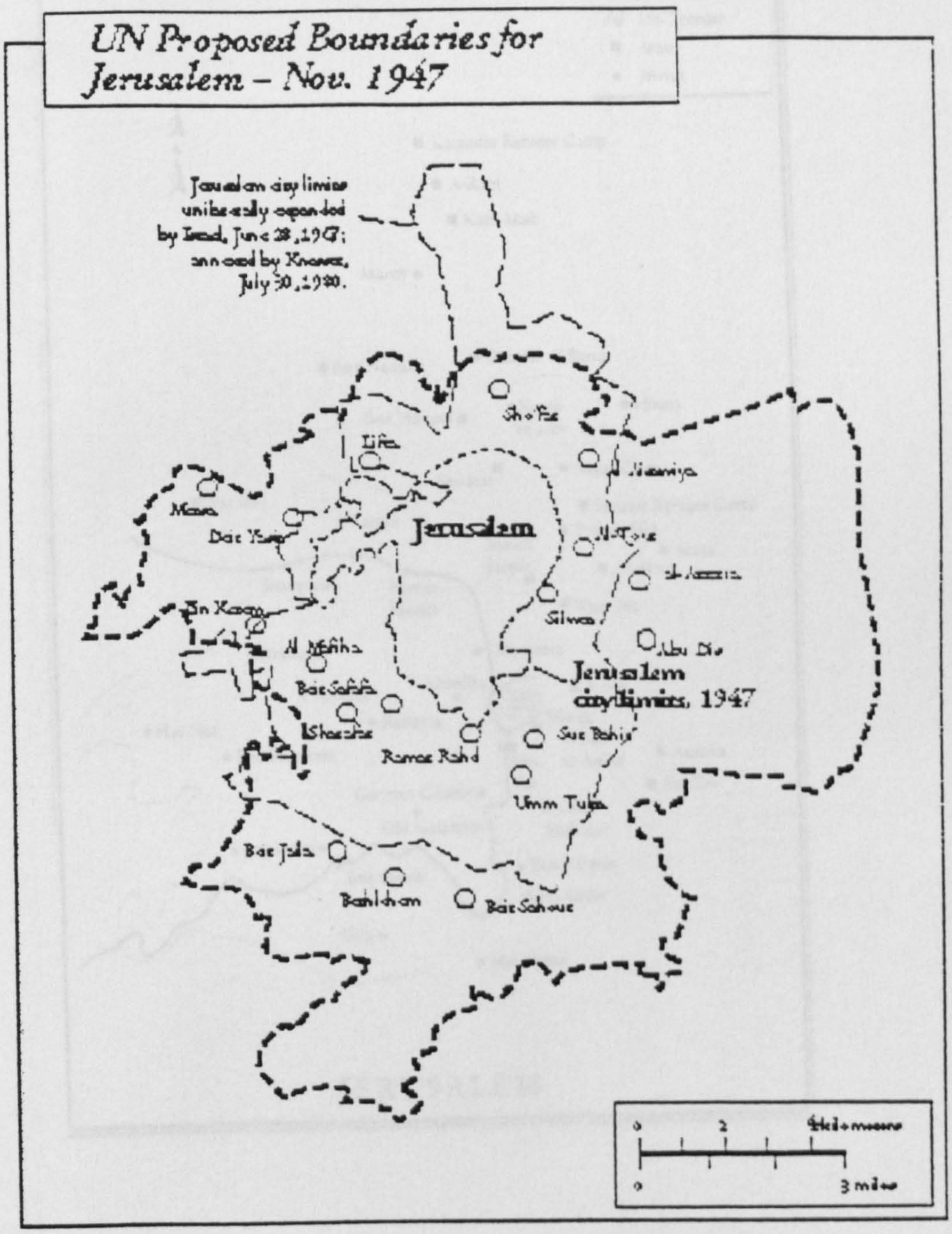
Source: Foundation for Middle East Peace – Washington

MAP 5



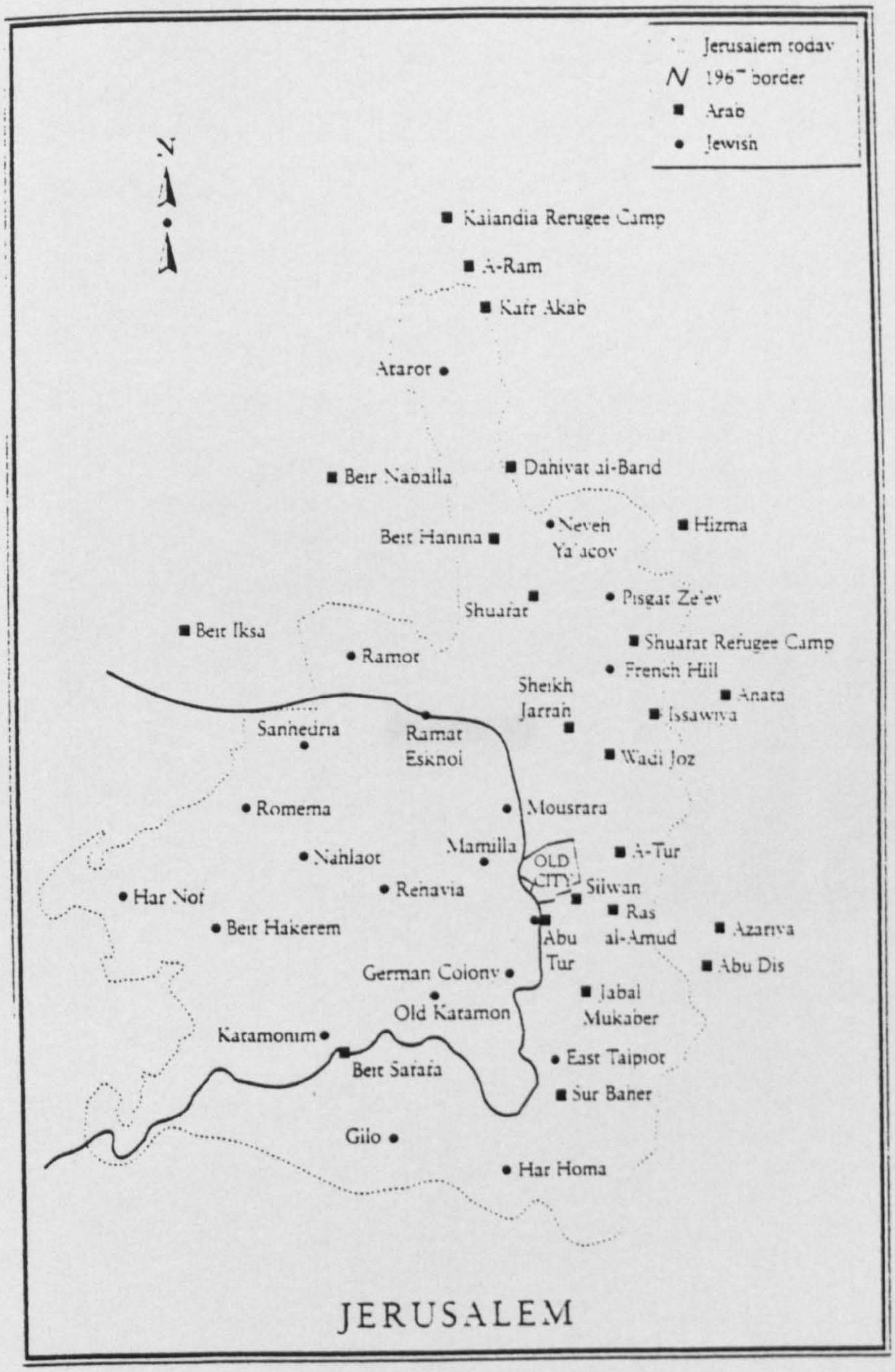
Source: Foundation for Middle East Peace – Washington

MAP 6



Source: Foundation for Middle East Peace – Washington

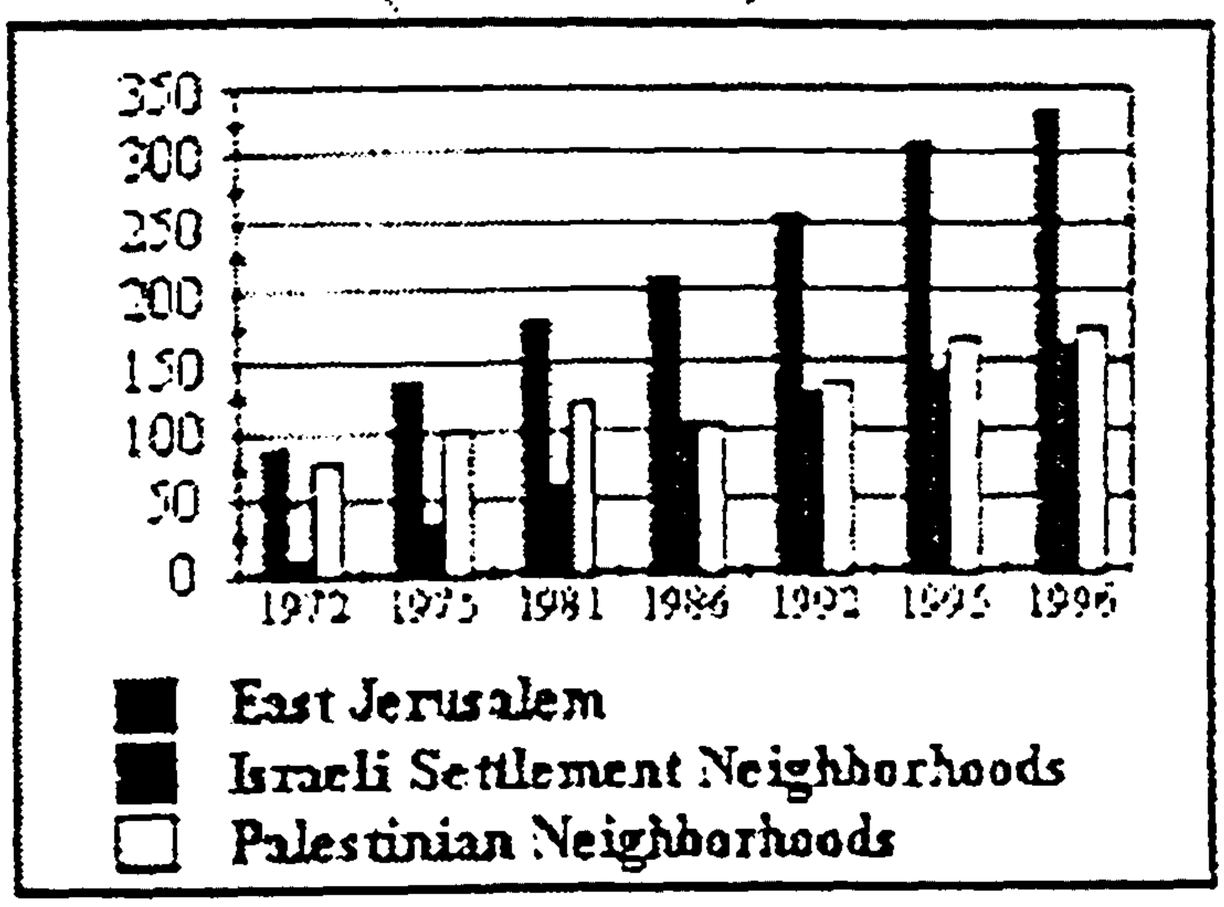
MAP 7

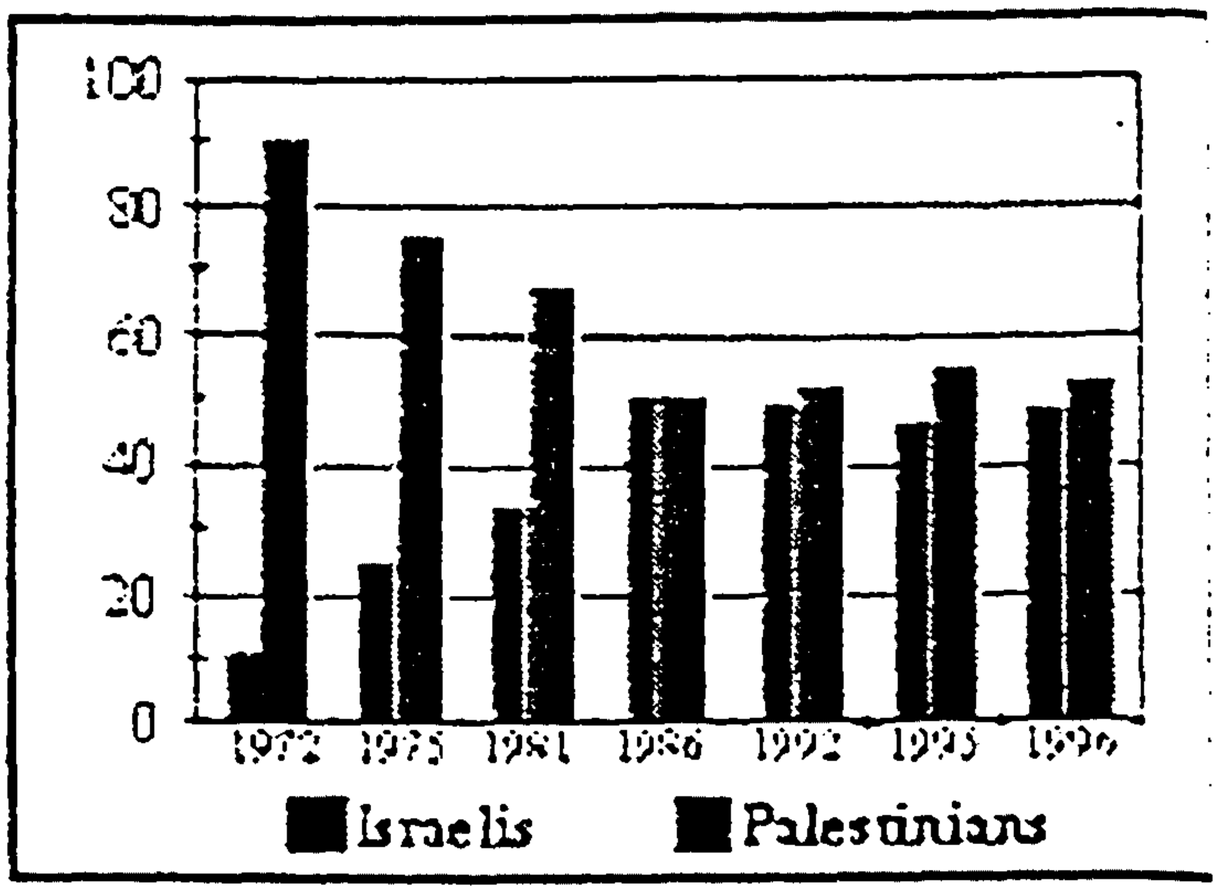


Source: Cheshin, A.S., Hutman, A. and Melamed, A. "Separate and Unequal" Harvard University press, 1999.

MAP 8

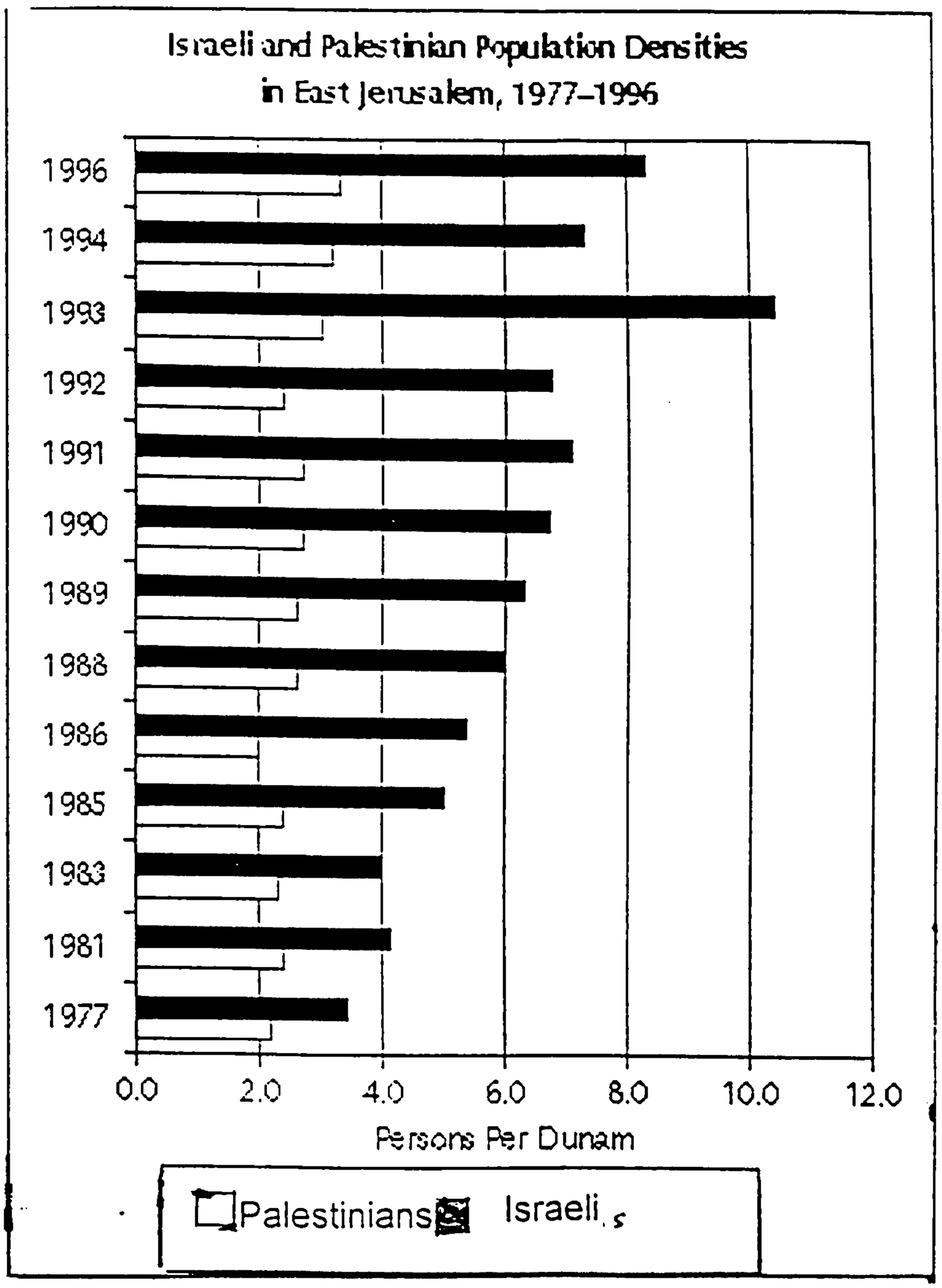
Annex VI





Source: Foundation for Middle East Peace – Washington

CHART 1



Source: Foundation for Middle East Peace – Washington

CHART 2

Annex VII

Proposals and Positions Concerning the Future of Jerusalem

1.The Sykes-Picot Agreement

16th May 1916

National Aspirations

Article 3 of the agreement states that "in the brown area there shall be established an international administration, the form of which is to be decided upon after consultation with Russia, and subsequently in consultation with the Other Allies, and the representatives of the Al-Haram Al-Shareef of Mecca."

2.The British Mandate for Palestine

24th July 1922

National Aspirations

1. Britain was designated as the administering power of the territory of the Mandate under the supervision of the League of Nations.

2. The question of sovereignty over Palestine's territory was not explicitly determined in the "Mandate but Article 3 stated that the Mandatory power should " encourage local autonomy." The Mandatory power was also to create conditions, which would "secure the establishment of the Jewish national home" and the "development of self-governing institutions."

Holy Places

1. Britain was made responsible for the Holy Places in Palestine and for "preserving existing rights" at those sites.

2. The Mandatory power would secure free access to the Holy Places, subject to the requirements of public order and decorum.

3. The Mandatory power would ensure the free exercise of worship at the Holy Places, subject to the requirements of public order and morals.

4. Britain was prohibited to interfere with "the fabric of the management of purely Moslem sacred shrines, the immunities of which are guaranteed."

5. Britain was to appoint a "special Commission" to "study, define and determine the rights and claims in connection with the Holy Places" in order to facilitate the making of decisions on these questions. The method of the Commission's nomination, its composition, and its functions were to be submitted for the approval of the Council of the League of Nations.

3.Proposal of Dr. Chaim Arlosoroff

January 1932

National Aspirations

The underlying premise was apparently that Jerusalem, like the rest of Palestine, would remain under a British Mandate.

Municipal Administration

1. The city would be divided into two boroughs: one Jewish and one Arab.

2. The Jewish borough (Jerusalem West) would include the new sections of the city and its population would be predominantly Jewish. The Arab borough would comprise mainly the Old City (where 5,000 Jews lived at that time) and the Talpi'ot neighborhood, and its population would be predominantly Arab.

3. Each borough would have its own council, with certain "special rating powers."

4. The "united Municipal Council of Jerusalem would...retain a coordinating and controlling authority."

4.The Peel Commission Report

22nd June 1937

National Aspirations

1. The commission recommended the termination of the British Mandate in its current form and the establishment of two independent states, a Jewish and an Arab one, in the territory of the Mandate.'

2. An enclave, to include Jerusalem, Bethlehem, Nazareth, the Sea of Galilee, and a corridor from Jerusalem to the Mediterranean Sea would remain under a British Mandate.

3. Britain should also be responsible for "the protection of religious endowments and of such buildings, monuments and places in the Arab and Jewish States as are sacred to the Jews and the Arabs respectively."

5.Proposal of the Jewish Agency

October 1938

National Aspirations

1. The Old City and the areas to the north and south, which were populated primarily by Muslims and Christians, would remain under a British Mandate.

2. The "new Jewish Jerusalem" including the quarters to the west of the Old City along the road to Ein Karim, the Mekor Hayyim and Ramat Rahel neighborhoods, and the area of the Hebrew University, should be included in the Jewish state. According to the report, the population of those areas was predominantly Jewish (71,000 out of 74,500).

3. A corridor would be created between the Jewish area in Jerusalem and the Jewish State in the maritime plain.

6.Report of Sir William Fitzgerald

(Chief Justice of the Supreme Court of Palestine in 1945)

28th August 1945

National Aspirations

Britain would continue to administer Palestine (including Jerusalem) as a Mandatory power, but significant changes would be introduced into the municipal structure of Jerusalem, modeled on the administration of the city of London.

Holy Places

1. All matters directly affecting the Holy Places "should be subject to the control of the Administrative Council."

2. Any dispute as to whether a particular site is a Holy Place "should be referred to the High Commissioner-in-Council."

3. Any question about whether a particular matter affects a Holy Place would be determined by the Administrative Council.

4. The Administrative Council may prevent the carrying through of certain projects and schemes affecting Holy Places.

4. The Administrative Council would maintain the *status* with regard to the Holy Places.

Municipal Administration

1. The city would be divided into two boroughs; one Jewish and one Arab, each to be managed by a borough council, subject to certain supervisory powers vested in the Administrative Council. The declared purposed was to grant the boroughs "the greatest possible measure of autonomy."

2. The municipal boundaries should be extended, with the areas outside the boroughs to be administered directly by the Administrative Council.

3. The borough councils would be elected by "taxpayers who habitually reside in the borough."

4. At its first meeting each borough council should elect its own mayor, subject to the veto of the High Commissioner.

5. The powers delegated to the borough councils would include rating, education, health, social services and sewage (pipes in the borough).

6. The chairman of the Administrative Council should be appointed by the High Commissioner. The members of the Council should consist of four persons from each borough to be elected annually by the borough councils from among their councilors. Two additional council members-who "should be neither Jews nor Arabs " would be nominated by the High Commissioner. The Government of Palestine should pay the salary of the "Administrator" (as the chairman of the Administrative Council would be titled).

7. The Administrative Council would have important powers regarding the Holy Places, authority to approve town planning in the boroughs, allocation of water to the boroughs, and maintenance of the main sewerage system.

8. The activities of the Administrative Council for the borough would be financed by the borough councils, on the basis of precepts for payment to be issued by the Administrative Council.

7.The Morrison-Grady Committee Report

(British-American committee. It was asked to propose detailed steps to implement the recommendations of the Anglo-American Committee of inquiry that proposed that the British Mandate in Palestine become a UN supervised trusteeship)

25th July 1946

National Aspirations

1. The British Mandate would be replaced by a trusteeship under U.N. supervision, with Palestine to be cantonized into two autonomous provinces (one

Arab and one Jewish), and two zones (District of Jerusalem and District of the Negev) under direct rule of the Central Government.

2. The Central Government would be headed by the British High Commissioner.

3. The Jewish province would comprise the Jordan Valley starting north of Beit She'an. The coastal plain between Acre and Wadi Rubin, and a corridor running from those two areas to Afula. The Arab province would comprise the rest of the country other than the two districts to be controlled by the Central Government. The Negev District would include the entire sea south of Beer Sheba, and the Jerusalem District would also include Bethlehem, both to be under the control of the Central Government.

4. Each province would elect its own "Legislative Chamber" while the "Chief Minister" and the cabinet in each province would be appointed by the British High Commissioner.

5. All powers of defense, foreign relations, customs and excise, police, courts, and communications would be exercised by the Central Government.

Holy Places

A principal task of the (British) Central Government in the Jerusalem District would be to protect the interests of the three religions at the Holy Place.

Municipal Administration

1. The majority of the Jerusalem District Council's members would be elected by the inhabitants, but certain members would be nominated by the High Commissioner.

2. The powers of the Jerusalem District Council would be similar to those vested in a municipal council.

8.Proposal of the Minority of UNSCOP

(United Nations Special Committee on Palestine)

31st August 1947

National Aspirations

1. An independent federal state would be established, composed of two autonomous districts (one Jewish and one Arab) under the supervision of a central federal government. Jerusalem would be the capital of the federal state.

2. The government of each district would be vested with powers regarding education, local taxation, right of residence, licensing of businesses, approval of land transactions, immigration, settlement, police and punishment of offenders, social services and institutions, housing, public health, local roads, agriculture, and local industry.

Holy Places

1. The federal constitution would include provisions to guarantee:

(a) The sacred character of the Holy Places.

(b) Free access to the Holy Places based on the existing rights and subject to the requirements of public order.

(c) Freedom of worship at the Holy Places, subject to the requirements of public order.

(d) Preservation of the existing rights of the religious communities at the Holy Places.

(e) Should urgent repairs be required at a Holy Place, the federal government would ask one of the religious communities to carry out the work. If no action were taken within a reasonable time, the central government would carry out the repairs.

(f) No taxes would be levied on Holy Places that were exempt from taxation on the day independence was granted.

2. An impartial system for the settlement of disputes regarding the Holy Places.

3. The U.N. would establish a permanent international body for the supervision and protection of the Holy Places in Palestine. This body:

(a) Would comprise three U.N.-appointed members and one representative from each recognized faith with an interest in the Holy Places.

(b) Would be responsible for protecting the Holy Places in Palestine, subject to the preservation of existing rights; and

(c) Would be the representative institution *vis-à-vis* the federal government with respect to the Holy Places and would prepare reports for the U.N. on such matters.

Municipal Administration

1. Jerusalem, the capital of the federal state, would comprise two separate municipalities: one Arab, with authority over the city's Arab sections, including the Old City; and one Jewish, with authority over areas which are inhabited predominantly by Jews.

2. The two municipalities would have the powers of a local administration in the areas under their control and would also participate in joint institutions of self-government, provided equitable representation were assured to the followers of the faiths.

3. The two municipalities would jointly provide common services such as sewerage, garbage collection, fire protection, water supply, local transport, telephone and telegraph.

9.The Resolution on the Future Government of Palestine (The "Partition Resolution") of the U.N. General Assembly (Resolution 181 [II])

29th November 1947

National Aspirations

1. Jerusalem would be considered a separate entity (*corpus separatum*) under an international regime, to be administered by the U.N. (internationalisation).

2. Additional areas would be added to the city, so that its new borders would include: Abu Dis in the east, Bethlehem in the south, Ein Karim in the west and Shu'fat in the north.

3. The city would be demilitarised and neutral.

4. The city would be included in the "Economic Union of Palestine" encompassing both the Jewish and Arab State.

5. The inhabitants of both states would be guaranteed freedom of entry and residence in Jerusalem, "subject to considerations of security, and of economic welfare."

6. All residents of the city would *ipso facto* become "citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens.

7. Jerusalem would have "an independent judiciary system" to which all residents of the city would be subject.

8. Arabic and Hebrew shall be the official languages of the city.

9. After ten years of U.N. administration, the inhabitants would be consulted by a referendum on "possible modifications" of the regime of the city.

***Holy* Places**

1. The existing rights at the Holy Places would be preserved.

2. Freedom of access to and worship at the Holy Places would be secured "in conformity with existing rights" and subject to the requirements of public order.

3. Nothing would be done to impair the sacred character of the Holy Places.

4. Should the Governor of the city conclude that a Holy Place needed urgent repair, he could call on the "community or communities concerned" to execute the repair work, and if this were not accomplished within a reasonable time the Governor himself could have the work done.

5. No taxes would be levied on Holy Places that were exempt from taxation "on the date of creation of the City."

6. The protection of the Holy Places would be "a special concern of the Governor. "

7. With respect to the Holy Places outside Jerusalem, the Governor would decide, on the grounds of the powers granted to him by the constitutions of the two states (the Jewish and Arab states to be established), whether the provisions of those constitutions regarding the Holy Places were "being properly applied and respected."

8. "The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes, which may arise between the different religious communities" regarding the Holy Places "in any part of Palestine."

Municipal Administration

1. "A Governor of the City of Jerusalem shall be appointed by the U.N. Trusteeship Council."

2. The Governor would represent the U.N. in the city and "exercise on [its] behalf all powers of administration, including the conduct of external affairs."

3. "The existing local autonomous units in the territory of the city (villages, townships and municipalities) shall enjoy wide powers of local government and administration."

4. The Governor would submit to the Trusteeship Council " a plan for the establishment of special town units" encompassing the "Jewish and Arab sections of New Jerusalem."

5. The Governor would establish a "special police force"-its personnel to be "recruited outside of Palestine"-to help maintain public order and protect the Holy Places.

6. The city's "Legislative Council " to be properly elected would have "powers of legislation and taxation." However, its legislative authority would not "conflict or interfere" with the provisions of the "Statute of the City" (to be elaborated and approved by the Trusteeship Council).

7. The Governor would have veto power over "bills inconsistent with the provisions" of the Statute, as well as the power to "promulgate temporary ordinances in case the [Legislative] Council fails to adopt in time a bill deemed essential to the normal functioning of the administration."

10.Proposal of the Archbishop of Canterbury

31st October 1949

National Aspirations

1. " The large Jewish residential area in the north and west" (the area that lies "to the north and west of a line beginning from the junction of the Nablus Road with St. Paul's Road and running south-west along St. Paul's road, then west along the Street of the Prophets and then south along King George Avenue as far as Terra Sancta College") should be "incorporated in the Israeli State."

2. The rest of the area which was assigned to the international enclave-the *corpus separatum* under the U.N. Partition Plan-should "remain under international authority, but without any division into zones."

3. "Facilities should be given for the return of Jews to the former Jewish quarter (in the Old City)."

Holy Places

In the framework of "the international enclave in Jerusalem it will be easy to arrange some degree of international supervision of Nazareth or of any other Holy Place outside Jerusalem as a safeguard against any possible misuse of these Holy Places."

11.U.N. Trusteeship Council: A Draft Statute for Jerusalem

4th April 1950

National Aspirations

1. The city of Jerusalem, within the boundaries delineated in the Partition Resolution,

would be a separate area (*corpus separatum*) and be administered by the Trusteeship Council on behalf of the U.N.

2. The city would be declared neutral and be demilitarized.

3. Freedom of entry into and exist from the city "shall be ensured to all foreign pilgrims and visitors without distinction as to nationality or faith" subject "to the requirements of public order, public morals and public health."

4. *Executive authority*-The Trusteeship Council would appoint a Governor for the city. The Governor would"

(a) Represent the U.N. in the City.

(b) Exercise executive authority in the City and act as the chief administration officer.

(c) Act according "to the provisions of the Statute and to the instructions of the Trusteeship Council."

(d) Be responsible for organizing and directing the police.

(e) Be authorized, in a period of emergency, to take measures contrary to any legislation in force.

(f) Be responsible for the City's "external affairs."

5. *Legislative authority* would be vested in a "Legislative Council" or in the Governor in special cases:

(a) The Legislative Council would consist of twenty-five representatives, popularly elected and no more than fifteen members to be appointed by "the Heads of the principal religious communities."

(b) The twenty-five representatives would be elected by four "electoral colleges"-Christian, Jewish, Muslim and one composed of residents "who declare that they do not wish to register with any of the other three colleges." The first three colleges would each elect eight members to the Legislative Council and the fourth one member.

(c) An equal number of members would be appointed by each religious community.

(d) The Legislative Council would serve a four-year term, which the Governor could prolong by one year.

(e) "A bill adopted by the Legislative Council shall become law only upon promulgation by the Governor." The latter would have the right to "disapprove" a bill, which is in conflict with the provisions of the Statute, liable to "impede the Administration of the City or inflict undue hardship on any section of the inhabitants of the City."

(f) At any time when there is no Legislative Council, the Governor would be able to "legislate by order," although the newly elected Legislative Council could amend or repeal such laws.

(g) "When the Legislative Council is in session but fails to adopt in time a bill deemed essential to the normal functioning of the Administration the Governor may make temporary orders."

6. An independent *judicial system* would be established, consisting of several instances:

(a) Judges of the Supreme Court to be appointed by the Trusteeship Council.

(b) The Statute would "prevail over any legislation or administrative act" in cases brought before the courts of the City.

(c) Legislation or administrative acts declared by the Supreme Court to be "incompatible" with the provisions of the Statute would be "void and of no effect."

Holy Places (including religious buildings and sites)

1. The Governor would be responsible for protecting the Holy Places.

2. The Governor would decide whether any site not previously regarded as a Holy Place should be granted that status.

3. Disputes between religious communities regarding Holy Places would be settled by the Governor.

4. Should the Governor deem that a particular Holy Place "is in need of urgent repairs" he may request the religious community concerned to make the repairs. If the community fails to comply "within a reasonable time", the Governor may arrange for the work to be done at the City's expense, the costs later to be recovered from the community concerned.

5. Holy Places that were exempt from taxation on 29 November 1947 would remain exempt. No change in taxation would be made which would place the "owners or occupiers" of Holy Places "in a position less favorable" than they enjoyed on the above date.

6. The Governor would ensure respect for the property rights of "churches, missions and other religious or charitable agencies."

7. The Governor would ensure that the preservation of existing rights at the Holy Places and act to prevent their impairment.

8. "Subject to the requirements of public order, public morals and public health," the Governor would guarantee "free access" to the Holy Places and "free exercise of worship" at them.

9. The Governor would ensure that Holy Places "are preserved."

10. He would be responsible for ensuring that the Holy Places were not desecrated.

Municipal Administration

1. The existing autonomous units and those to be established would enjoy "wide powers of local government and administration."

2. Following consultation with the Legislative Council, the Governor would submit to the Trusteeship Council "a plan for dividing the City into local autonomous units."

3. Likewise, the following consultation with the Legislative Council, the Governor would submit to the Trusteeship Council a plan "for the allocation of powers between the City authorities and the authorities of those autonomous units."

12.Proposal by the Government of Israel

26th May 1950

Holy Places

1. A statute, acceptable to all the parties concerned, would be drawn up to determine the powers of the U.N. at the Holy Places.

2. To fulfil its tasks at the Holy Places, the U.N would appoint a representative body. This representative would be an independent authority and his authority would emanate from the U.N. General Assembly, independently of any government.

3. The delegate's main tasks with respect to the Holy Places would be:

(a) To supervise and protect them.

(b) To settle disputes between the religious communities regarding rights at Holy Places.

(c) To preserve existing rights at the Holy Places.

(d) To execute repairs at them.

(e) To ensure tax exemption for them.

(f) To supervise free access and pilgrimage to the Holy Places, subject to the requirements of public order.

(g) To prepare reports for the U.N. on the above subjects.

4. The definition of a "Holy Place" would be as determined and applied at the time of the termination of the British mandate for Palestine. All the parties concerned would negotiate on the definition and location of the Holy Places at which the U.N. representative would be active.

5. The U.N. representative would also be authorized to negotiate with other states regarding protection of the Holy Places outside Jerusalem.

6. The states concerned would issue a declaration with assurances:

(a) To respect human rights especially freedom of worship and education.

(b) To respect the immunity and sanctity of the Holy Places.

(c) To maintain free access to the Holy Places in their territory by all and permit pilgrimage to them.

(d) To preserve and maintain the existing rights of the churches and religions institutions in their territory, especially those relevant to the Holy Places.

(e) Not to levy taxes on the Holy Places that were exempt from taxation on the day of the termination of the British Mandate.

(f) To cooperate in good faith with the U.N. representative in the execution of all his tasks.

13.Proposal Submitted by Sweden

5th December 1950

National Aspirations

1. The boundaries of Jerusalem would be those stipulated in the Partition Resolution.

2. Control and jurisdiction in each part of Jerusalem would be exercised by Israel and Jordan, respectively, subject to the powers of the U.N. Commissioner in the area.

3. The U.N. Commissioner would be empowered to employ guards to perform his functions in the Jerusalem area and to assure his personal security. At the Commissioner's request, "the governments in the Jerusalem area shall...direct their respective police forces to assist the Commissioner in the performance of his duties."

4. "The governments of the States administering the Jerusalem area shall gradually reduce their armed forces in that area in conformity with article VII of the General Armistice Agreement between [Jordan and Israel] of 3 April 1949."

5. Any dispute between the Commissioner and either Israel or Jordan "concerning the interpretation or implementation of this resolution...which is not settled by negotiation, shall be referred for final decision to an ad hoc tribunal of arbitrators, one each to be nominated by the Kingdom of Jordan, the State of Israel, and the U.N. Secretary-General."

Holy Places

1. The proposed arrangements would not apply to Muslim Holy Places situated in territory controlled by Jordan or to Jewish Holy Places located in territory under Israeli control.

2. The Holy Places in the entire area of the former British Mandate for Palestine "shall be preserved and no act shall be permitted which may in any way impair their sacred character."

3. "Rights, immunities and privileges of religious denominations" and religious institutions with respect to the Holy Places "shall be preserved as they existed on 14 May 1948."

4. The U.N. Commissioner would be responsible to the General Assembly and among his tasks would be:

(a) To draw up an "authoritative list" of Holy Places according to the situation, which existed on 14, may 1948. Claims that a site which was not considered a Holy Place on that date should now have that status conferred on it would be "referred to the arbitrage tribunal" noted above if the government concerned refused to accept the Commissioner's positive recommendation.

(b) To settle disputes between the religious communities regarding the Holy Places according to the existing rights.

(c) "To request the governments in the Jerusalem area to modify, defer or suspend" laws, ordinances, regulations, and administrative acts which "impair the protection of and free access to Holy Places, or the rights, immunities and privileges referred to [above]."

(d) To request the governments concerned to take the necessary measures for the maintenance of public security at the Holy Places in order to ensure their protection, free access to them, and "the safeguarding of the rights, immunities and privileges concerned."

(e) To ensure that the governments concerned carry into effect "without delay" such requests by the Commissioner. "If a government objects to a request made by the Commissioner under this article, "the matter would be referred to the "arbitrage tribunal" mentioned above.

(f) Should the Governor deem that a particular Holy Place "is in need of urgent repair", he may call upon the religious community concerned to carry out the repair. If the work is not carried out "within a reasonable time", the Governor may

arrange for repairs to be carried out or completed, and the "expenses incurred shall be borne by the religious denominations or bodies concerned."

14.Proposal by Professor Benjamin Akzin

(Professor of Public Low at Hebrew University of Jerusalem)

8th June 1967

National Aspirations

Sovereignty in east Jerusalem should be vested in Israel.

Holy Places

1. "Quasi-internationalisation" arrangements would be introduced for the Holy Places in the Old City. This arrangement might also be considered for certain Holy Places in the new city (such as the Formation Church and Mount Zion).
2. An inter-religious committee would be established and would be vested with certain powers at the Holy places.
3. The Committee could consist of representatives of" the Chief Rabbis of Israel, the Council of Qadis in Israel, the Pope, the Greek Orthodox Church, the Archbishop of Canterbury, the association of other Protestant churches, the Armenian Church, and the Ethiopian Church.
4. Its Chairman would be Israel's Minister of Religious Affairs.
5. It would have no armed forces at its disposal-police or other.
6. The guards at the Holy Places would be appointed by each religious community, subject to approval by the Minister of Religious Affairs of Israel.
7. The possibility may be considered to exempt the committee and its personnel from direct taxation, granting it partial relief from customs duties, and permitting it to issue special stamps for use at the Holy Places.

15.Proposal by Professor Avigdor Levontin

(Professor of the Hebrew University)

10th June 1967

National Aspirations

1. Annexing all parts of Jerusalem (according to its boundaries then) to Israel.

2. Viewing "Jordanian Jerusalem" as two separate parts: (a) the area outside the walled city; (b) the area within the wall (the "Old City"). The first was predominantly secular and free of potent emotional associations. The second was suffused with sacred and historical associations-this being the "Jerusalem" that evoked fierce passions and political entanglements.

3. Declaring that the Government of Israel had decided to preserve the *status quo* in the walled city-not only ensuring freedom or worship and equal access to members of all faiths, but also preserving the distinctive character of the area. The idea was that the general rules of town planning and building would not apply to this part of Jerusalem. Instead, special regulations would be enacted, under which the Old City would become a kind of historical reserve, "international" in character if not in juridical status. This did not seem attainable, because the walled city was even then less Arab and less homogenous than the extramural area.

Holy Places

1. There would be an International Muslim Council, associated with the Ministry for Religious Affairs, for shrines and sites sacred to Islam. An effort would be made to secure the participation of non-Arab Muslim representatives (e.g. from Iran, Turkey, and East Africa), as well as Israeli Muslims. Similarly, an International Christian Council would be set up for shrines and sites sacred to Christianity. Both bodies would have powers of deliberation and recommendation.

2. No international council as required for the Jewish Quarter in the Old City, including the Western Wall (as it then was), since the State of Israel itself was the custodian of the Jewish national-religious interest.

Municipal Administration

1. The Ministry for Religious Affairs would bear administrative responsibility for the Old City (with the possible exception of the Jewish Quarter), serve as the authorised channel for external communication, although it would in fact be reinforced by the Ministry of Foreign Affairs and otherwise.

2. Urban service for the Old City would be provided by the Municipality of Jerusalem.

3. The Jewish Quarter (including the Western Wall, as it then was) could be brought directly under the jurisdiction of the Municipality of Jerusalem, similarly to extramural "Jordanian Jerusalem." Alternatively, it could be placed under a regime similar to that of the other quarters of the Old City, but without an international council.

16.Proposal by the Government of Israel after the Six-Day War

1969

National Aspirations

Israel would retain sovereignty over the city (conferring diplomatic immunity on a specific site does not affect sovereignty.)

Holy Places

1. The Holy Places in the Jerusalem area would be granted a status similar to that of diplomatic missions.

2. Christian and Muslim clerics serving at the Holy Places would be granted a special status, similar to that of diplomatic representatives in Israel.

3. Jordan would be considered as the "sending State" of Muslim clerics, and the Vatican as the "sending State" of Christian clerics.

4. Each Holy Place would constitute a separate and distinct entity with respect to the above-mentioned immunities.

5. To clarify the essence of the proposal, we shall cite in brief several articles from the *Vienna Convention on Diplomatic Relations, 1961*:

(a) "The premises of the [diplomatic] mission [for present purposes; Holy Places] shall be inviolable. The agents of the receiving State [i.e. Israel} may not enter them, except with the consent of the head of the mission. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution."

(b) "The sending State [for present purposes: Jordan or the Vatican] and the head of the mission [Holy Place] shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered."

(c) "The archives and documents of the mission [Holy Place] shall be inviolable at any time and wherever they may be."

(d) "Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State [Israel} shall ensure to all members of the mission freedom of movement and travel in its territory."

(e) "The receiving State [Israel} shall permit and protect free communication on the part of the mission for all official purposes."

(f) "The person of a diplomatic agent [the cleric serving at the Holy Place] shall be inviolable. He shall not be liable to any form of arrest or detention. The

receiving State [Israel} shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity."

(g) "A diplomatic agent [cleric] shall enjoy immunity from the criminal jurisdiction of the receiving State [Israel]."

(h) "A diplomatic agent [cleric] shall also enjoy immunity from civil jurisdiction, except in three cases: "a real action relating to private immovable property situated in the territory of the receiving State [Israel};" an action involving succession; and "an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions."

(i) "The receiving State [Israel} may at any time...notify the sending State [Jordan or the Vatican]" that a member of the diplomatic mission is *persona non grata*; in such a case, "the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission."

(j) A diplomatic agent [cleric] must respect the laws of the receiving State [Israel].

17.Proposal by Dr. Meron Benvenisti

(Advisor on East-Jerusalem affairs to the Mayor of Jerusalem)

2nd July 1968

Purpose

1. Creation of a unified municipal zone for the areas within the sphere of influence of metropolitan Jerusalem, to serve as a proper framework for the city's development.

2. Establishment of independent municipal units within the framework of the extended municipal area, with due attention to the types of settlement it contains (village, small towns) and to the desire of the minorities for self-government (east Jerusalem).

3. An attempt to meet the Arabs' request for control in part of Jerusalem while ensuring Israeli sovereignty over the territory within the city's current boundaries.

Means

1. Delimiting municipal boundaries which would include territories under Israeli and Jordanian sovereignty i.e. a bi-sovereign, Uni-municipal City.

2. Establishing a joint umbrella-council (Greater Jerusalem Council) for five boroughs: Jewish Jerusalem, Arab Jerusalem, the villages, Bethlehem, and Beit Jalla.

3. Granting limited autonomy to the Arab Jerusalem borough and the villages sector, with some of the villages to be under Jordanian sovereignty.

18. Proposal by Prof. E. Lauterpacht, CBE, Q.C.

(A lecturer and reader in International law of Cambridge University)

1968

National Aspirations

Sovereignty over the whole of Jerusalem is vested in Israel.

Holy Places

1. Israel will publish a unilateral Declaration (accompanied by a Statute) intended to create international obligations regarding the Holy Places (its main points are given below.) Other state may accept this arrangement, and undertake neither to act nor to permit on their territories any action, contrary to the Declaration and Statute.

2. Disputes between the states that so affiliate themselves will be settled by the International Court of Justice.

3. The Statute will ensure complete freedom of attendance and worship at the Holy Places.

4. The Holy Places shall remain in the custody and subject to the jurisdiction of the religious communities concerned and the *status quo* that prevailed on the eve of Israel's establishment will be preserved,

5. The organisation and conduct of services in each of the Holy Places shall be regulated exclusively by the personnel of those Places.

6. Disputes over rights at the Holy Places will be settled by a "Commissioner of the Holy Places" to be appointed by the U.N. Secretary -General with Israel's consent, or by some other special jurisdiction.

7. Israeli law will apply to all acts occurring in the Holy Places and the courts in Israel will have jurisdiction over such acts.

8. The religious communities will have jurisdiction over their personnel "in all matters, which are traditionally the subject of regulation by the rules of the communities."

9. There will be Council of the Holy Places, consisting of the heads of the communities interested in the Holy Places, to represent the collective view of these communities.

10. Differences regarding jurisdiction over personnel of the religious communities will be settled by the Commissioner of the Holy Places.

11. Representatives of Israeli public authorities will not enter the Holy Places without the consent of the religious community "in charge of such Holy Place," except in case of emergency.

12. The religious communities will pay rates for services they receive from the Jerusalem Municipality.

13. All provisions of the arrangement are subject to the security interests of Israel and for reasons of security the government of Israel may "restrict the liberties" stipulated above, subject to a right of complaint to the Commissioner.

19.Proposal by Professor S. Shepard Jones

(Lecturer in the University of North Carolina)

1968

National Aspirations

1. The walled city should be declared a separate area (*corpus separatum*) and would be subject to an international regime.

2. The parties to the dispute will negotiate the drafting of an international statute to apply in the area subject to the international regime.

3. The international community will recognise west Jerusalem as the capital of Israel.

4. These arrangements will be guaranteed by the "principal Powers."

Municipal Administration

1. The city would remain united, without restrictions on the movement of people and goods between its various parts.

2. The arrangements to be determined for the administration of the city will take into account the interests of all the inhabitants as well as of the Jewish, Christian and Muslim communities.

20.The Rogers Plan (U.S. Secretary of State William Rogers)

9th December 1969

National Aspirations

1. The United States "cannot accept unilateral actions by any party to decide the final status of the city."

2. Jerusalem's "final status can be determined only through the agreement of the parties concerned," primarily Jordan and Israel, "taking into account the interests of other countries in the area and the international community."

3. Jerusalem should remain unified.

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

Holy Places

The plan does not refer specifically to the Holy Places but does cute the need to ensure free access to the city and to "take into account the interests of all its inhabitants and of the Jewish, Islamic, and Christian communities" in the city's administration.

Municipal Administration

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

2. "Arrangements for the administration of the city should take into account the interests of all its inhabitants and of the Jewish, Islamic, and Christian communities."

21.Proposal by Evan M. Wilson

(American Foreign Service)

1969

National Aspirations

1. Control over Jerusalem will be divided: (a) Israel to control the western city (all the areas under Israeli control until 1967 with the exception of Mount Zion); (b) Jordan to control the eastern part of the city; (c) internationalisation of the Old City, Mount Scopus and the Mount of Olives as well as the area between these two mountains, and Government House (UNTSO headquarters).

2. "Supreme authority for the international sector would rest with the United Nations, which would appoint a Special Representative to embody its presence in the city."

3. Both Israel and Jordan would "benefit from the revenues from tourism in the international sector."

4. The parties would reach an agreement on "customs and currency matters and [on] the citizenship to be held by the residents of the [international] sector."

5. Freedom of movement would be guaranteed between the international zone and Israel, Jordan and the West Bank.

6. "Day-to-day administration [of the international sector] would be in the hands of a City Council, elected by the residents of the sector," with the council also to "have supervision over municipal services for the sector."

Holy Places

1. Freedom of access to the Holy Places would be guaranteed "within the area proposed for internationalisation in 1947"-i.e., in the area delimited in the U.N. General Assembly's Partition Plan.

2. The U.N. Special Representative "would be responsible for the protection of the Holy Places within the [international] sector and for this purpose would have some sort of police force."

3. "The actual maintenance of the Holy Places...would be in the hands of the difference religious communities."

22.Proposal by Professor W. Michael Reisman

(Lecturer in International Law at Yale University)

1970

National Aspirations

1. Limited Sovereignty over the city would be vested in Israel (the limitations concerning the Holy Places and the city's administration are detailed below).

2. A constitutional court ("a Jerusalem Administrative Tribunal") would be established to settle "disputes regarding the interpretation and application of the Statute. Appeal from its judgements would lie to the International Court of Justice through a request for an advisory opinion."

Holy Places

1. The autonomous status of the Holy Places would be guaranteed.

2. Freedom of access to the Holy Places would be guaranteed to adherents of all faiths, including "unimpeded pilgrimage privileges," subject "only to conventional health measures."

3. Legislative competence over the Holy Places would be vested in an appointive Curia, which is described below.

Municipal Administration

1. The rights of adherents of all faiths would be guaranteed in the municipal government.

2. "The mayor would be chosen by popular election of the inhabitants of Jerusalem and would serve as the executive of the city."

3. The council would be bicameral"

(a) The representatives in one of the houses of the City Council, the "Curia", would be appointed "by all the religious sects in the city." Its legislative powers would encompass matters related to the Holy Places, and its consent would also be required "for those secular decisions made by the second house...affecting religious places or practices."

(b) The second house-the "Senate"-would be "elected popularly on a proportional representation system, insuring representation of each ethnic and religious group in Jerusalem" (as long as the inhabitants preferred to identify

themselves on ethnic lines). "The Senate would have jurisdiction over the mundane secular matters of any urban administration.

4. A mechanism would be established to settle "municipal disputes."

23.Proposal by Dr. Raphael Benkler

(Doctorate dissertation from the University of Paris, on the unification in Jerusalem Law)

1972

National Aspirations

1. Jerusalem will be the capital of the two states: Israel and the Arab state (the latter would be "Palestine, Jordan or a federative union of Jordan-Palestine")

2. Jerusalem will be a free city open to the citizens of the two states.

3. The city will be demilitarised. Neither state will be permitted to maintain army units in Jerusalem, other than special guard units. Public order will be preserved by the local police of the boroughs.

4. The area of jurisdiction of the Jerusalem Municipality will be considerably extended to crate "Greater Jerusalem." The author does not elaborate on the city's territorial structure, using the boundaries of the Benvenisti proposal. The guiding principle is that Israel would exercise sovereignty over all the areas included in the city in accordance with the Israeli unification legislation of June 1967, with possible slight modifications. Areas that will be under Arab sovereignty will be added to the city.

5. Some of the Islamic Holy Places, including the mosques on the temple Mount, will be under Arab "quasi-sovereignty."

6. Direct access will be guaranteed from the Arab State to those Holy Places in Jerusalem, which will be under Arab Control.

7. All Jerusalem residents will be citizens of the State of Israel or of the Arab State to be established; dual citizenship will be excluded.

8. Every resident will bear the obligations of the state of which he is a citizen (e.g., military duty and taxation), and will benefit from the rights it confers.

9. The criminal jurisdiction of the relevant state will apply to Jerusalem according to the location where an offence is committed.

10. A common economic system will be maintained between Israel and the Arab State for the development of the joint capital. This will include the establishment of a uniform currency, or co-ordination regarding currency exchange rates.

Holy Places

1. Freedom of access to and worship at the Holy Places will be guaranteed to both peoples.

2. The Holy Places will be administered by the religious authorities of each site according to the *status quo*.

3. The two states will enact laws to implement this arrangement at the Holy Places, and empowering the boroughs and the umbrella-municipality to supervise the situation at and around the Holy Places.

4. Some of the Islamic Holy Places, including the mosques on the Temple Mount, will be placed under Arab "quasi-sovereignty."

5. Direct access will be guaranteed from the Arab State to the Holy Places that will be under Arab control.

Municipal Administration

1. Greater Jerusalem will include five boroughs: Arab; Jewish; Villages; Bethlehem; and Beig Jalla (the division follows the Benvenisti proposal).

2. The boroughs will deal with many subjects, excluding "central matters that the treatment by the umbrella-municipality would simplify and make more efficient."

3. The umbrella-municipality's tasks will include: preparation of a master plan; co-ordination of activities of the borough municipalities; a certain supervision of the

borough municipalities; regional and rural development; economy and tourism; central services such as a regional sewerage system; co-ordination and command of fire fighting operations; water projects; electricity; waste and garbage disposal; a city airport; industrial zones; transportation; housing; parks and historical buildings; supervision of activities at the Holy Places.

4. The umbrella-municipality ("Greater Jerusalem Council") will comprise representatives of the five borough municipalities in direct proportion to their population (the Council's structure corresponds with the Benvenisti plan).

5. The two states will enact a law concerning the approval of the city budget and allocation of funds to the umbrella-municipality, as well as the procedures for approving a master plan, co-ordinating the various statues regarding municipal administration, and for emigration between the various boroughs. The law will vest in the greater Jerusalem Council powers to collect taxes and enact municipal bylaws, as well as jurisdiction for the municipality's tribunals under these bylaws.

24.Proposals of Sen. Richards Nixon and Sen. J. William Fulbright

24th June 1967

Vatican City

Vatican City has an area of about 0.4 square km and a population of approximately 1,000. The Lateran Treaties between Italy and the Holy See of 11 February 1929 (one of which, the Concordat, was amended on 18 February 1984) determine the status of Vatican City in Italy. In the agreement Italy recognised the Holy See's complete, exclusive and absolute authority, and sovereignty over the city. A map attached to the agreement delineated the city's boundaries (St. Peter's Basilica and the adjoining areas). Italy undertook not to intervene in the activity of the Holy See and its institutions, while the Holy See promised freedom of access for the public to the Vatican's treasures. The Vatican renounced intervening in secular disputes among other states, though it could exert its moral influence, with the consent of all

the parties involved in a particular conflict. Vatican City was recognised as a neutral and inviolable state. The agreement also recognised the Vatican's right to issue its own stamps and currency. Italy undertook to supply certain public services to the city (such as water, communications, and trains) and to exempt clerics in the service of the Holy See from military service. The Italian police may not enter places of worship without authorisation of the person in charge of the building, other than in emergencies.

Under the Vatican statute, drafted by Pope Pius XI in 1929, the Pope is granted absolute legislative, jurisdictional, and executive powers in the city. Subsequent legislation established the legal system that applies in Vatican City and settled the citizenship question. Most of the residents are permanent employees of the Vatican. When a citizen of Vatican City leaves the city, his citizenship there is suspended and he resumes his former nationality. If his country of origin does not recognise dual citizenship, Italian nationality is automatically conferred.

Vatican City has three instances of independent courts, a "military" force of about 100 Swiss Guards, and its own banking system. The Italian police patrol the city and the Vatican authorities must extradite wanted criminals to Italy. The Holy See maintains extensive diplomatic relations with many states and is a member of some international organisations. International jurists are divided as to whether Vatican City constitutes a "state" according to the conditions prescribed by international law (population, territory, effective control, competence to enter into relations with other states).

25.Report by the Aspen Institute

(Aspen Institute working group analysed the interests of the different actors regarding the future status of Jerusalem)

June 1975

National Aspirations

1. It seems that according to the proposal Israel would be vested with sovereignty over most of the city.

2. There would be a "small Moslem -Arab political authority around the Al - Aqsa Mosque."

3. The Temple Mount area would be an "Arab-Israeli condominium" or an "international zone" (with preference for the condominium because of Israeli and Arab objections to an international regime).

4. (a) A special corridor between the Muslim Holy Places and the nearest Arab state (Jordan or some future closer Palestinian state) would be created for pilgrims; (b) it would be controlled by an international authority or by the condominium; (c) this "way of pilgrims" would be "discreetly walled along its flanks so as not to provide a security risk for Israel"; (d) and it would be policed by an "international authority ".

5. "A major international project" would be launched "to make the Old City a pre-eminent centre of Arab culture and Moslem spirituality."

6. (a) Certain areas in the Old City, adjacent to the Holy Places (the exact area to be determined by "factors of natural setting and administrative convenience"), would be placed under "minimal Arab-Moslem jurisdiction"; (b) this area might, in time, "be linked to a larger Arab borough in Jerusalem"; (c) no arms would be permitted in this area, the ban to be enforced by an international police body.

7. Jerusalem residents would have dual citizenship: "each person would be both a citizen of the single, undivided city" and also, according to individual choice, "either

of Israel or of the adjacent Arab state." It would be possible, in "special circumstances" to be a citizen of both adjacent states.

Holy Places

1. (a) The Al-Aqsa mosque and its immediate surroundings would be under Muslim Arab "political authority" (see "National Aspirations");

   (b) "arms would not be permitted [in this area], except on the part of the local Moslem-Arab police force, as at present."

2. (a) The Temple Mount area would be under a condominium or an international zone (see "National Aspirations");

   (b) responsibility for protecting and restoring the Dome of the Rock and the surrounding gardens "should be delegated to Arab-Moslem authorities";

   (c) a special "international authority" would be responsible for "policing" this zone; (d) "archaeological work would be under the direction of the international authority, and might be temporarily enjoined."

Municipal Administration

1. Jerusalem would remain unified.

2. The metropolitan area would be divided into five boroughs, "at least two of them to the East being largely Arab-Moslem in population."

3. The area of the Al-Aqsa mosque and the area under "minimal" Arab authority (see "National Aspirations") might be defined as a borough.

4. "The separate boroughs would be administratively as autonomous and strong in authority as sound governance warrants" (the model being London rather than New York).

5. The boroughs would be able to purchase their "necessary city services from citywide services."

6. The "first officer" of the metropolitan city council would serve in rotation.

26.Report of the Brookings Institution in Washington

December 1975

National Aspirations

1. Israel would withdraw in stages to the lines of 5 June 1967 "with only such modifications as are mutually accepted." The new borders will be "safeguarded by demilitarised zones supervised by U.N. forces."

2. The report notes that its principles could be met within a city "under Israeli sovereign jurisdiction" or "under divided sovereign jurisdiction between Israel and an Arab state" or "under either of these arrangements with an international authority in an agreed area," such as the Old City.

3. Palestinian self-determination would be provided, whither an independent state or as "a Palestinian entity voluntarily federated with Jordan."

Holy Places

1. Freedom of access to the Holy Places will be guaranteed.

2. Each Holy Place "should be under the custodian ship of its own faith."

Municipal Administration

1. "There should be no barriers dividing the city, which would prevent free circulation throughout it."

2. "Each national group within the city should, if it so desires, have substantial political autonomy within the area where it predominates."

27.The Allon Plan

(Yigal Allon held many Senior positions in Israeli army and government until 1977)

October 1976

National Aspirations

1. Israel would give up most of the territories seized in the Six-Day War, but will remain in security zones that would allow the army to ward off possible attacks by Arab states (no map was attached to the plan).

2. Areas in the West Bank and the Gaza Strip heavily populated by Arabs would be placed under Jordanian-Palestinian sovereignty.

3. Jerusalem would not be divided. The city, and the surrounding areas, which are essential for its defence and for communicating with it, would remain under Israeli rule.

Holy Places

Representatives of the religious communities at the Holy Places would enjoy a special status.

Municipal Administration

The city's municipal structure would be based on subdistricts taking into accounts their ethnic and religious composition.

28.Proposal by Ambassador James George

(Served in the Canadian Department of external affairs until 1977)

1978

Holy Places

1. The Holy Places on and around the temple Mount would be internationalised under a "religious regime composed of Jews, Moslems and Christians."

2. A supreme interfaith council would be established, with representatives from Judaism, Islam and Christianity. This "Holy City Council" would be the highest authority in the international zone.

3. "The Holy City Council might have a consultative and co-ordinating role in regard to the other Holy Places" in Israel and the West Bank.

4. All decisions by the Council would have to be adopted unanimously.

5. "Unlimited access" to the Holy Places would be guaranteed, with the proviso that those entering the city from outside leave by the same way.

29.Proposal by Dr. Shmuel Berkovitz

(Doctorate dissertation at the Hebrew University)

1978

National Aspirations

1. Jerusalem will remain complete and united under the sovereignty of the State of Israel.

2. (a) Israel will publish a unilateral declaration and adopt a Statute regarding the Holy Places. The declaration will bind Israel in its relations with states that will announce publicly their consent to the provisions of the Statute and will undertake to implement them with respect to Holy Places located in their own territory.

(b) The Statute will apply to the Holy Places in Jerusalem, with the exception of sites sacred to the Jews only, as specified in a list, which will be prepared in consultation with the heads of the various religions and be attached to the Statute.

3. The Government of Israel will accept the jurisdiction of the International Court of Justice regarding any legal dispute with another state that accepts the Statute, provided that the other state also accepts the jurisdiction of the International Court on a mutual basis.

Holy Places

A. Supervisory mechanism

1. An international supervisory mechanism for the Holy Places will be established to oversee implementation of the Statute.

2. The mechanism will be headed by a special Commissioner to be appointed by the U.N. Secretary-General, subject to Israel's consent.

3. The Commissioner's tasks will be: (a) to settle disputes between religious communities regarding their rights at the Holy Places; (b) to revise the list of religious communities and of Holy Places with the consent of Israel's Minister of Religious Affairs, following consultation with the Holy Places Council; (c) to determine the arrangements for access to the Holy Places following consultation with representatives of the religious communities; (d) to approve the arrangements for worship at the Holy Places which were determined by representatives of the religious communities; (e) to issue orders regarding urgent repairs to the Holy Places; (f) to administer the Holy Places Council and to represent it *vis-à-vis* the State of Israel.

4. The staff of the supervisory mechanism will be appointed by the U.N. Secretary-General and receive their salary from the U.N.

5. The Commissioner and the other members of the staff of the supervisory mechanism will enjoy in Israel and in the occupied territories immunities and privileges, such as are granted usually to be representatives of an international organisation.

6. Every decision made by the Commissioner according to the provisions of the Statute will be final under Israeli law, and will be enforceable by the Israeli courts and execution offices.

B. Holy Places Council

7. A Holy Places Council will be established, composed of an equal number of representatives from each religion with rights at the Holy Places. Its chairman will be the Commissioner.

8. The tasks of the Holy Places Council will be: (a) to represent the religious communities in all matters regarding Holy Places; (b) to advise the Commissioner and the Minister of Religious Affairs on matters regulated by the Statute; (c) to carry out an advance inquiry into disputes between the communities regarding their rights at the Holy Places; if the communities are unable to reach agreement on how to resolve the dispute, it will be referred to the Commissioner for a decision.

9. The members of the Holy Places Council will have the same status as the clerics serving at the Holy Places according to the Statute.

10. Participation in Council discussions and voting on any matter or dispute involving religious communities will be limited to the representatives of the communities concerned.

11. In any vote held by the Council on an issue involving a number of religious communities, or on a dispute between them, each religion will have one vote, irrespective of the number of communities from that religion which are involved in the issue or dispute.

C. Status of the Holy Places

12. The Holy Places will be protected against any infringement of their integrity, honour, or sanctity.

13. The Holy Places and all the movables located thereon and belonging to these sites will be immune from any search, seizure or execution, other than cases in which the search and/or seizure are required to ensure public order and/or state security. The search or seizure permit will be issue by the chief of the Jerusalem Police.

14. Those possessing rights at Holy Places will be exempt from any taxation, fee, or other mandatory levy, with the exception of fees for services rendered.

D. The Temple Mount

15. The Holy places on the Temple Mount to which the entry of Jews will be permitted by decision of the Chief rabbinate, will be under the exclusive jurisdiction of the Ministry for Religious Affairs, which will be authorised to bar the entry of non-Jews to those places.

16. The Al-Aqsa mosque and the Dome of the Rock mosque will be under the exclusive jurisdiction of the Supreme Muslim Council.

17. The temple Mount and its gates, with the exception of the places, which Jews may enter and the above-mentioned mosques, will be jointly administered by the Ministry of Religious Affairs and the Supreme Muslim Council.

18. Entry to the Temple Mount through all the gates will be unimpeded and free of charge, subject to the provisions of the Statute.

E. Freedom of Access

19. Freedom of access to the Holy Places will be guaranteed to all faiths, subject to their existing rights at those sites.

20. Arrangements for access to the Holy Places will be determined by the Commissioner following consultation with representatives of the respective religious community for whom the site is holy.

21. The government of Israel will ensure convenience access and departure routes to and from the Holy Places.

22. The Government of Israel may restrict or prohibit the entry or stay of any person at the Holy Places for reasons of security, public health, or any other essential public interest.

23. Representatives of Israeli authorities will not be permitted to enter the Holy Places without the prior permission of one of the heads of the religious communities that have rights at the particular site, unless such entry is essential for public peace and/or state security, its needs having been confirmed in advance and in writing by the chief of the Jerusalem Police.

F. Freedom of Worship

24. Freedom of worship at the Holy Places will be guaranteed to the members of all the communities for whom the sites are sacred, subject to the existing rights if members of all the various faiths at those sites.

25. Arrangements for worship at the Holy Places will be determined by the representatives of the above communities and with the approval of the Commissioner.

G. Rights at the Holy Places

26. In this Statute the term "existing rights" will have the following meaning:

For places sacred to Christians, the rights that currently exist in fact at the Holy Places under the Ottoman *status quo* arrangement, and/or under later agreements between the Christian communities.

For the places sacred to both Jews and Muslims (such as the Temple Mount and the Western Wall), the rights that currently exist in fact, as determined by the Israeli authorities after June 1967.

For the other Holy Places, the rights that currently exist in fact according to long-established and accepted tradition.

27. The existing rights of the religious communities at the Holy Places will be preserved.

28. Should a question arise regarding the existence of aright accruing to a particular community, or should the right contradict the Statute, the matter will be decided by the Commissioner.

29. The Commissioner will settle any dispute between the religious communities regarding any rights at the Holy places.

H. Administration

30. The administration and maintenance of the Holy Places will be entrusted to the various communities according to their existing rights at those places.

31. The authorised bodies of the communities will have exclusive jurisdiction over their personnel at the Holy Places in matters under their jurisdiction according to their laws and according to the *status quo*. In all other matters, the jurisdiction will be vested in the Israeli courts according to Israeli law.

32. Should a question arise regarding jurisdiction in a manner related to the Statute, it will be decided by the Minister of Religious Affairs of Israel.

33. In the absence of agreement between the religious communities regarding the execution of urgent repairs at a Holy Place, the repairs will be carried out according to the orders of the Commissioner, the expense to be borne by whom the Commissioner will decide.

I. Status of Clerics

34. The list of clerics intended to serve at the Holy Places will be transmitted in advance to the Minister of Religious Affairs of Israel. He may refuse to approve the service of a particular cleric at a Holy Place if he is convinced that the person endangers the security or safety of Israel, public order, or other vital interests of the State of Israel.

35. The clerics of the religious communities-with the exception of the Jewish clerics, serving at the Jewish Holy Places, who will be considered ordinary citizens of

Israel-will enjoy privileges and personal immunities similar to those granted to diplomatic agents by the Vienna Convention on Diplomatic Relations, 1961, albeit without being considered diplomatic representatives of any state.

36. The Government of Israel will have the right to order the suspension of a cleric serving at a Holy Place, if the government is convinced that the individual's conduct endangers the security, peace, or public order, or that his conduct harms vital interests of the State of Israel.

J. Offences and Torts

37. Every act or omission done at a Holy Place which, had it been committed elsewhere would have constituted a criminal; offence or a civil wrong under Israeli law, will fall under the jurisdiction of the courts in Israel according to Israeli law.

38. The jurisdiction o the Israeli courts in civil matters relating to the Holy Places will be subject to the immunity of the clerics serving at those places.

39. Notwithstanding the above, if the adjudication of a civil dispute relating to a Holy Place involves a substantive determination between two or more religious communities regarding the rights of any religious community at any Holy Place, the matter will not come under the jurisdiction of the courts of Israel, but under that of the Commissioner, subject to prior inquiry by the Holy Places Council.

30.Proposal by Dr. Joëlle Le Morzellec

(Doctoral dissertation which was submitted in Bruxelles)

1979

National Aspirations

The author proposes that in the final stage Jerusalem will serve as the capital of an Arab-Israeli confederation, or federation.

Holy Places

1. Freedom of access and of worship at the Holy Places will to guarantee to all. The Holy Places will enjoy substantial immunity, to be assured by international guarantees.

Municipal Administration

Until the above-mentioned confederation is established, the following arrangements should be in effect as part of the municipal administration"

1. Jerusalem should be divided into boroughs in accordance with the dominant population in a specific area: Arab, Armenian, or Jewish.

2. A "Municipal Council of Jerusalem" should be established, to be composed of representatives who will be elected in the various boroughs. The number of representatives from each borough will be proportionate to the population of the boroughs.

3. The Municipal Council of Jerusalem will have powers in the realm of supplying general services to all the city's residents: overall planning, economic administration, roads, sewerage, fire-fighting, housing, water supply, defending the city, and preserving the cultural heritage.

4. The head of the Council, who will also serve as the mayor, will be an Israeli. He will be assisted by an Arab deputy mayor. The mayor and his deputy will be elected by the Municipal Council of Jerusalem.

5. Every decision will require the approval of the mayor and of the deputy mayor before it enters into force.

6. A sub-municipality (*municipalité déléguée*) will be established in each borough. It will consist of the borough head (*Maire délégué*) and the Borough Council.

7. The borough head will be elected from and by the Borough Council. He will be responsible for the population administration and the police. With the assistance

of the Borough Council, the borough head will supervise the daily management of the borough's affairs.

8. The Borough Council will consist of delegates who have been elected in the borough to the Municipal Council of Jerusalem of about ten additional officials who will be responsible for social affairs, education, culture, and family matters within the borough.

9. The first instances of Israeli and Arab courts will have concurrent jurisdiction and defendants will be able to choose the court in which their case will be heard. Every appeal will be heard by a mixed tribunal, to be comprised of an equal number of Arab and Israeli judges and to be headed by an Arab or an Israeli judge, who will be designated by lot.

10. Every borough will have a staff of municipal workers and an appended municipality.

11. An Israeli police chief will be responsible for maintaining security ad public order throughout the city. He will be assisted by an Arab deputy whose powers will extend mainly over the Arab boroughs.

31.Proposal by Lord Caradon

(An official in the British Mandatory administration in Palestine in the early 1930s)

1980

National Aspirations

1. Sovereignty over west Jerusalem should be vested in Israel, while east Jerusalem should be under Arab sovereignty (apparently the author had in mind a Palestinian state which would encompass the West Bank and the Gaza Strip).

2. The boundary between the two parts of the city will be determined by the U.N. Security Council after it receives recommendations from a special Boundary Commission to be appointed by the Secretary-General.

3. The Boundary Commission would hear the arguments of the two parties regarding the location of the border and "would be instructed to make two main changes" in the pre-June 1967 line: (a) "the Jewish Quarter of the Old City and the Western Wall should be included on the Israeli side of the lone"; (b) "an area of Mount Scopus including the Hebrew University should be Israeli territory connected with Israel by an open bridge."

4. There will be "no barriers" between the two parts of the city, and no "impediment to freedom of movement between them."

5. The entire city will be demilitarised.

6. The U.N. Secretary-General will "appoint a Commission of Co-operation to work out and put into effect practical pans for economic and financial co-operation."

7. The U.N. Secretary-General will appoint a High Commissioner "to be stationed in Jerusalem." He will represent the U.N., and work with all concerned" to implement the plan.

Holy Places

The High Commissioner will ensure free access to the Holy Places.

32.Proposal by Ya'akov Hazan

(Leader of the Left wing Hakibbutz Ha'aretzi in Israel)

1980

National Aspirations

1. Unified Jerusalem is the capital of the State of Israel.

2. The Arab inhabitants of Jerusalem will have the right to choose the nationality of either Israel or of the Arab state to Israel's east. Those opting for Arab nationality will retain all the civil rights in Israel, including the right to participate in the Knesset elections.

3. The Old City would be declared a City of Peace. Matters pertaining to the Old City's religious and cultural character would be administered by a Religious Council, composed of equal representation from the three faiths.

4. The civil-secular matters pertaining to the Old City would be administered by a special commission comprising Arab members according to their proportion in the population of Jerusalem, with the addition of a member from the Armenian community.

5. Major Islamic and Christian sites in the Old City would be granted extraterritorial status and be administered by the communities' representatives on the Religious Council.

6. The Temple Mount would be granted extraterritorial status and would be administered by the Muslim representative on the Religious Council. The part of the Temple Mount where Jews are permitted to pray might be excluded from that area.

7. The State of Israel would be responsible for maintaining law and order in the Old City, including the extraterritorial religious sites.

Holy Places

1. The religious sites possessing extraterritorial status would be administered by representatives of the relevant faith on the Religious Council.

2. Freedom of access to the Temple Mount would be guaranteed for Muslim pilgrims from the entire world.

Municipal Administration

1. Jerusalem will be divided into boroughs, to be administered by elected representatives.

2. The division into boroughs would be implemented, among other criteria, according to demographic data.

3. The general administration of Greater Jerusalem would be entrusted to the Jerusalem City Hall.

4. The elected councils of the municipality and of the boroughs with an Arab majority will be ensured broad autonomy in social affairs, culture, education, and any other sphere which will not prejudice the overall planning of Jerusalem and the civil rights of all its inhabitants.

5. The condition for maintaining autonomy in education is education for allegiance to the State of Israel, good citizenship, mutual tolerance, and increasing the co-operation between the two peoples.

6. Members of the Armenian faith will have the right to establish an autonomous communal-personal organisation encompassing all the spheres of social life, culture, and education.

33.Proposal by Mark Gruhin

(Doctoral dissertation at American University in Washington)

1980

National Aspirations

1. Israel will retain sovereignty over Jerusalem but will accept the limitations elaborated below.

2. Israel will grant all the Palestinian Arabs who desire to live in Jerusalem Israeli citizenship and rights of city residents identical to those granted to Jewish residents of the city.

3. Israel will agree to allow Jerusalem residents to hold dual nationality. The future representative of the Palestinians (Jordan, the PLO, or some other Arab state) will permit the Palestinians in Jerusalem to hold nationality of the Palestinian State as well.

4. Israel will allow the consul of the Palestinian State to reside in Jerusalem and to exercise jurisdiction over Palestinian citizens involved in civil disputes and criminal offences, but this only if the defendants/accused so desires.

Holy Places

1. Israel will accept an international supervision of the Holy Places.

2. The clerics who have custody of the Holy Places will be responsible for their maintenance and protection.

3. The Holy Places will enjoy special diplomatic immunity and will be exempted from national and municipal taxation.

4. Possibly the courts of each religion may be granted jurisdiction over religious disputes at the Holy Places.

5. Disputes between two religious communities will be settled by a special tribunal composed of representatives of all the religious communities.

Municipal Administration

1. Jerusalem will be divided into tow electoral districts: one Israeli and one Arab (however, the city will not be divided into two boroughs-an idea the author opposes).

2. Residents of the districts will elect representatives to two legislative chambers.

3. Representatives to the first chamber will be elected by residents of the tow districts in direct proportion to the number of inhabitants in each district. Representatives to the second chamber will be elected by the inhabitants of both districts and it will be composed of an equal number of Jews and Palestinians.

4. The number of elected representatives in the two chambers will be small so that the legislative mechanism can be effective.

5. The chambers shall create joint mechanisms for policing, fire fighting, rescue crews, and unified system to supply water and electricity.

6. The mayor will be elected by all the city's residents.

7. It will be the mayor's duty to implement all the above-mentioned legislative enactments, though he will have the right to veto such legislation.

34.Peace Plan by Crown Prince Fahd of Saudi Arabia

6th August 1981

National Aspirations

1. Israel would withdraw from all the territories it occupied in the 1967 war, "including Arab Jerusalem."

2. Israel would dismantle all the settlements established on Arab land since 1967.

3. An independent Palestinian state, with Jerusalem as its capital, would be established.

4. The West Bank and the Gaza Strip would be placed "under the auspices of the U.N. for a period not exceeding several months."

Holy Places

" [A] guarantee of freedom of worship for all religions in the Holy Places."

35.Proposal by the Honourable Terence Prittie

(A British journalist)

1981

National Aspirations

1. A special regime based on "administrative sovereignty" would be established in the city, according to the municipal authorities broad municipal powers, similar to the situation that prevailed in West Berlin at the time (before the reunification of Germany).

2. Jerusalem would be the capital of Israel and of a "Palestinian entity, or of the Palestinian component in a Jordanian-Palestinian Federation."

3. Israel would be "both trustee and 'protecting power' for Jerusalem."

4. The Arabs of east Jerusalem would have "the right to Jordanian (or Palestinian) citizenship and the "right to vote in elections in neighbouring Arab countries."

Holy Places

1. There would be "total Muslim control of Muslim Holy Places," with "Muslim flags" flying over them.

2. Israel would draft a declaration (or a statute) guaranteeing the religious rights of Christians and Muslims in Jerusalem.

Municipal Administration

1. The city would be divided into boroughs, each of which would manage its own local affairs.

2. A joint authority of all the boroughs would be established, with the participation of Jews and Arabs "in proportion to their numbers" in the city.

36.Proposal by Professor Saul Cohen

(President of Queens College at City University, New York)

1981

National Aspirations

1. Sovereignty over all of Jerusalem would be vested in Israel, though its powers would be limited as explained below.

2. Jerusalem's Arab residents could either accept Israeli citizenship or become "Citizens of Jerusalem." They could also "hold dual citizenship with a West Bank entity.

3. "Geographical corridors" could be created between Jerusalem and the West Bank entity.

4. The Knesset would appoint a subcommittee on Jerusalem. Its functions would cover public security (army and police), social security, medical facilities, employment, financing of housing projects, industrial plants, transportation infrastructure, and construction of schools. Revenue would come from the "national taxation system."

5. Special "citizen-bodies" would be established to provide "ideological guidance" in the areas of education, culture, and religious matters. These bodies would be "appointed by [the] city as special delegations to national parliaments and world organisations." Their activity would be financed by "religious institutional taxes" and by donations.

Holy Places

1. Each religious community would safeguard its own Holy Places.

2. Bodies would be established to represent the Arab, Jewish, and Christian communities, "distinct from specific sovereign states."

3. These bodies would have 'control of religious and certain cultural institutions, including extraterritorial enclaves within the Old City" (there is no further elaboration).

4. Israel would ensure freedom of access to the Holy Places.

Municipal Administration

1. *Municipal Level*: (a) A "popularly elected municipal council, weighted by size of Communities"; (b) the mayor to be chosen in a "City-wide election"; (c) the City council would have responsibility for fire fighting, transportation, water supply, electricity, sanitation and sewerage facilities, road construction and maintenance, municipal control, development and maintenance of public buildings, land-use

planning, and establishment of environmental quality standards; (d) these services are to be financed by the state.

2. *Boroughs*: (a) The administration of each borough to be elected in "direct elections within [the] community"; (b) the administration would issue building permits, enforce rules on land use and environmental quality, hire and administer school staff and direct the educational programs, and operate parks and recreational programs; (c) these activities are to be financed from "state support and community-levied real estate taxes."

3. *Neighbourhoods*: (a) "administrative wards" would be established to deal with pre-school education, culture, and sports activities, and small parks; (b) financing would come from "community support."

4. *Metropolitan authorities*: (a) "Joint Israeli-Arab authorities" would be established to supervise transportation, waste disposal, recreation facilities, highways, building and markets; (b) funding would come from "national support (Israel and West Bank)."

5. *City-regional authorities*: (a) An "administrative-territorial framework" authority would be created for "Arabs and Jews living within and outside Jerusalem"; (b) its boundaries would include "heavily populated areas of the West Bank" and the "Jewish-settled Jerusalem Corridor"; (c) Arabs and Jews would be equally represented on the authority; (d) the authority's functions would include "cross-border" spheres such as industrial development, agriculture, tourism, health facilities, recreation, settlement, transportation, labour exchange, and the supply of electricity and water; (e) funding to come from "national support (Israel and West Bank)."

37.Proposal by Dr. Henry Cattan

(A member of Palestine National Council)

1981

National Aspirations

1. The U.N. should take measures to stop the process of the "judaization" of Jerusalem, "to rescind Israel's unlawful actions which violate [the city's] status, and to preserve the religious and historic heritage of the world in the Holy City."

2. Such actions by the U.N. should include: (a) enforcement of General Assembly Resolution 181 (II) (the "Partition Resolution"); (b) "repatriation of the Palestinian refugees"; (c) rescinding of "all measures [taken by Israel] which have altered the administration, the demography and land ownership of Jerusalem"; (d) dismantling of all the "settlements" in Jerusalem and "withdrawal of the settlers that Israel brought to colonise Jerusalem."

3. To supervise the implementation of these steps, a "Temporary International Authority" would be established "under the authority of the Security Council or the General Assembly."

4. The Authority would also be authorised to administer the city during an interim period. After the implementation of the above-mentioned measures, it would be succeeded by a "Tripartite Communal Council" with equal participation of the Christian, Muslim and Jewish communities.

5. This Council, too, "would be set up under the authority of the Security Council or the General Assembly," and it "would succeed to the Temporary International Authority."

6. The Tripartite Communal Council would administer the city "pending a final settlement of the problem of Jerusalem and the Palestine question."

7. Establishment of the Council "does not aim at prejudicing the future political structure for the administration of Jerusalem under a final settlement of the Palestine question." The administrative structure could be "modified, adjusted or abrogated in the light of the final settlement."

38.Proposal by Professor Gerald I.A.D. Draper, OBE

(Lecturer in International Law at the European studies department of the University of Sussex, England)

1981

National Aspirations

1. The city might be divided into three parts:

(a) "the Western City as the capital of Israel";

(b) "the Eastern city as capital of any new Arab State of Palestine that may eventually be created";

(c) "the Old (Walled) City placed under international control."

(d) The inhabitants of the Old City "could claim Israeli or Palestinian citizenship, at volition."

39.Resolution of the Arab Summit Conference at Fez

6th September 1982

National Aspirations

1. Israel with withdraw "from all Arab territories occupied in 1967, including Arab Jerusalem."

2. A Palestinian state will be created "with Jerusalem as its capital.

Holy Places

Freedom of worship will be guaranteed "for all religions at the Holy Places."

40.Proposal by Justice Haim Cohn

1982

National Aspirations

The proposal intimates (without saying so expressly) that territorial sovereignty over Jerusalem would be vested in Israel.

Holy Places

1. A "Council of Holy Places" will be established, to be "composed of all religious communities."

2. The Council will appoint a "Commissioner of Holy Places" to "preside over the Council." The Commissioner shall be a neutral person of international standing.

3. The Council will discuss reports prepared by the Commissioner on "any occurrence or completing relating to Holy Places" and make recommendations which the Commissioner will bring before the City Council. "The quorum of the Council shall be the heads of or representatives of at least one Jewish, one Muslim, one Druze, and one Christian religious community.

4. Such Holy Places as were in the custody and under the jurisdiction of any specific community by law or custom shall remain so.

5. In cases of conflicting claims to Holy Places, the contesting communities "shall exercise [control] jointly." If they cannot reach agreement on joint control, the commissioner of Holy Places will direct them on how to implement such control in practice.

6. "Police forces, or government or borough inspectors or agents, shall not enter a Holy Place in the performance of their official duties ave with the consent or at the invitation of" the religious community which has custody of the sire, or "in circumstances or emergency."

7. The Holy Places will be exempted from all taxation-government, city, or borough-but the religious communities "may be charged for water, electricity and other services supplied to such Holy Places."

8. Freedom of access to and worship at the Holy Places will be guaranteed. Persons from abroad "wishing to enter Israel for the sole purpose of visiting a Holy Place in Jerusalem" will be granted "pilgrims visas entitling them to proceed to and stay in Jerusalem for a period of two weeks," whatever their nationality.

9. All matters relating to the Holy Places, other than criminal offences, will be decided by the Commissioner of Holy Places, whose "decision shall be final." Criminal offences "committed in, or in relation to, a Holy Place," will be dealt with by the Israeli courts.

10. "The religious communities shall have exclusive jurisdiction over their personnel in all matters, other then those criminal matters, which are lawfully and traditionally subject-matters of internal discipline." Disputes as to whether a case entails internal discipline "shall be determined by the Commissioner of Holy Places."

Municipal Administrations

1. The City is to be divided into nine (or more) boroughs; each governed by a Borough Council elected in separate popular elections. The Council will elect from among its members a Borough Mayor the proposal elaborates election procedures).

2. The boroughs will be autonomous. Autonomy is to extend to matters of education and culture, religious, social, health and other municipal services.

3. The boroughs shall be deemed to be incorporated into a Municipal Union within the meaning of existing Israeli laws (i.e. an association of several neighbouring townships for the promotion of common interests). Powers vested by law in a Municipal Union shall be exercised by the City Council.

4. The City Council shall be composed of three representatives of each Borough Council: the Commissioner of Holy Places; one representative each of the Chief

Rabbinate of Israel, the Supreme Muslim Council, and the Christian religious communities; eleven representatives of pertinent Israel government authorities, a "town planning expert appointed by the National town Planning Council"; a representative of the Israeli Council of Higher Education; and a former Jerusalem City mayor. The Council shall elect a City mayor from among the Borough Mayors, to rotate at prescribed intervals.

5. Boroughs may levy taxes as approved and enacted by the City Council. There will be no direct taxation by the State of Israel. Expenditures of the City Council will be borne by the boroughs: there will be no taxation by the City Council.

6. Borough Councils shall be deemed Town Planning Commissions for their respective areas of jurisdiction, and the City Council shall act as District Town Planning Commission, within the meaning of Israeli Town Planning Law.

7. The judiciary shall remain an integral part of the Israeli Judiciary.

8. Except as provided for in the City Constitution (e.g., in matters of taxation and the Holy Places), Israel law shall apply.

41.Proposal by Ambassador Gideon Rafael

(Held various posts in Israel's Foreign Service from 1948-1978)

25th December 1983

National Aspirations

1. (a) "Jordan, the West Bank and Gaza would join in a confederation, with a wide measure of autonomy granted to the West Bank Palestinians."

(b) The "Jordanian-Palestinian Confederation" would conclude a treaty with Israel on "security arrangements, such as demilitarisation and the presence of Israel defence positions for a given period."

(c) "The autonomous [Palestinian] region and Israel would establish a number of joint bodies" for co-operation in various spheres.

(d) Israel would conclude a number of agreements with "the Jordanian part of the confederation."

2. Jerusalem will remain unified and the capital of Israel.

3. Jerusalem "may become the seat of the common institutions" of the confederation (without prejudicing Israel's sovereignty over the city).

Holy Places

1. "A tripartite religious ecumenical authority, composed of universally renowned and respected personalities, could be established."

2. Its functions would be to safeguard "the rights of all religions, the freedom of worship and access to the Holy Places, and promoting co-operation and mutual respect between the various communities."

Municipal Administration

1. The city's ethnic communities would be granted a "wide measure of self-administration."

2. The city's administration would be "based on the borough system, and maximum co-ordination between the boroughs and the central municipality of Greater Jerusalem."

42.Proposal by Professor Antonio Cassese

(A professor of International Law at the University of Florence)

1986

National Aspirations

1. "Sovereignty rights over western Jerusalem should be granted to Israel."

2. "Sovereign rights" in each Jerusalem "should be granted to the legitimate representative of the Palestinian people."

Holy Places

There must be "full enjoyment by everyone of the rights of access and worship in the Holy Places."

43.Proposal by Professor Thomas and Ms. Sally Mallison

(A professor of Law at George Washington University)

1986

National Aspirations

1. Israel will withdraw to the pre-June 1967 lines, retaining control over west Jerusalem.

2. The city's eastern part will be transferred directly to Arab control or "returned to the United Nations to act as a temporary trustee for Palestinian and other Arab interests pending a more permanent solution."

3. The permanent solution should be ""either the *corpus separatum* for all or part of Jerusalem or a more permanent division of the City between a Palestinian State and the State of Israel."

Holy Places

1. The Holy Places will enjoy suitable protection.

2. Freedom of access to the Holy Places will be guaranteed.

44.Proposal by Dr. Walid Khalidi

(A professor of political studies at the American University of Beirut)

1988

National Aspirations

1. East Jerusalem will be the capital of "Arab Palestine," and west Jerusalem of Israel.

2. The two states would agree to arrangements for "freedom of movement and residence between two capitals."

3. Both parts of the city would be "demilitarised in part or wholly except for essential internal security forces."

Holy Places

1. Extraterritorial status would be granted to the Holy Places of Judaism in east Jerusalem, and freedom of access to them should be guaranteed.

2. An "interfaith council" would be set up, composed of senior representatives of Christianity, Judaism and Islam. The council will be chaired by a representative of the U.N. or by rotating chairmanship among the members.

3. The council "could oversee the special interests, Holy Places and institutions of each religion and act as an arbitration and conciliation body for disputes or claims arising with regard to them."

Municipal Administration

1. Two "separate municipalities of each sovereign state" would provide services to the city's residents.

2. "A joint inter-state great municipal council could operate and supervise certain essential common services."

45.Proposal by David Ish-Shalom

(Israeli Businessman who is active in committee for an Israeli Palestinian Dialogue)

1987

National Aspirations

1. Unified Jerusalem will remain the capital of Jerusalem.

2. Overall strategic control in Jerusalem will remain in Israel's hands.

3. The new Jewish neighbourhoods in east Jerusalem will remain under Israeli sovereignty.

4. Jerusalem will be the symbolic and administrative capital of the demilitarised Palestinian entity (to be established in the West Bank and the Gaza Strip). This Palestinian capital will be located in the Muslim Quarter of the Old City (and perhaps in other quarters, as agreed by the parties). The symbolic capital will be modelled on the Vatican City. The offices of the Palestinian institutions will be located in the Palestinian capital.

5. Palestinian police forces will maintain law and public order in the above-mentioned symbolic and administrative capital, while Israeli forces will safeguard the area around.

6. All the Arab residents of east Jerusalem will be citizens of the Palestinian entity and have the right to vote for and be elected to its institutions.

Holy Places

1. The Islamic Holy Places will be administered by the Palestinian supreme institutions.

2. A Palestinian and/or Islamic flag will above the Islamic Holy Places.

46.Proposal by Dr. Grant Littke

(Doctoral candidate at York University in Toronto, Canada)

1988

National Aspirations

1. Jerusalem will be the capital of Israel and of the future Palestinian State.

2. Neither Israel nor the Palestinian entity "would exercise complete sovereignty over the city," nor would sovereignty be vested in "an outside power." The two national entities "would, in a sense, share sovereignty over Jerusalem."

3. The city will be divided into a Jewish borough and an Arab borough.

4. Jerusalem will remain physically undivided, with freedom of movement guaranteed for all residents throughout the city.

Holy Places

1. "Some form of internationalisation of the holy sites will be established.

2. The "local religious authorities" will "retain administrative control" at their holy sites, subject to the supervision of an external body to be appointed by the U.N.

3. The U.N.-appointed body will ensure "unhindered access" to the holy sites and preservation of their sanctity.

4. Any change in the *status quo* of a holy site will be subject to the approval of the U.N. - appointed body, "and any violation of sanctity would be subject to its sanction."

Municipal Administration

1. Two "national boroughs"-one Jewish and one Arab-will be created, "defined according to the location of Arab and Jewish neighbourhoods ."

2. Each borough's powers will be vested in a council.

3. "A single municipal council" comprising representatives from the two boroughs would be established.

4. That council would provide "basic" and 'citywide services" and would 'co-ordinate the activities of the two borough councils.

47.Proposal by John V. Whitbeck

(International Lawyer in Paris)

1989

National Aspirations

1. Jerusalem will be the joint and undivided capital of both states. "The city would be a Condominium of Israel and Palestine."

2. Israeli government offices will be in the city's western sector and Palestinian government offices in the eastern sector. Municipal offices will be located in both areas.

3. The city could be fully demilitarised.

4. Supervision of persons or goods entering one state from the other should take place at the city's exit points rather than its entry points.

5. Appropriate rules concerning the applicable law (e.g., in personal, contractual and criminal cases) will be determined by legal experts of both parties in accordance with the subject matter, the parties involved and the district in which the issue or dispute arises.

Municipal Administration

1. The city will be "administered by an umbrella municipal council and local district councils."

2. A borough system modelled on the French style *arrondissements* "Could bring municipal government closer to the different communities in the city."

3. The proposal suggests "division of authorities" between the umbrella municipal council and the district councils. It would be desirable to employ "the European Union's principle of subsidiarity, to devolve as many aspects of municipal governance as possible to the district council level, reserving to the umbrella municipal council only those major matters that can only be administered efficiently at a city-wide level."

48.Proposal by Raphael Cidor

(A journalist with Israel Radio)

September 1989

National Aspirations

1. Israel would recognise the right if the Palestinian people to independence in a sovereign state (following an interim period of self-government). The Palestinian state will extend from the 1967 borders in the west-with adjustments to be determined in negotiations to the borders of Syria, Iraq, and Saudi Arabia: i.e., it will include both the Kingdom of Jordan and the Gaza Strip in the framework of a confederal merger under an Islamic constitutional monarchy or an Islamic parliamentary democracy.

2. Representatives of the Palestinian people will recognise the State of Israel's right to independent and sovereign existence.

3. The border between the two states will be open to the movement of people and goods.

4. Jerusalem will be the joint, united capital of the State of Israel and of Palestine, the seat of the parliaments and governments of the two states, and a spiritual centre for Jews, Muslims and Christians.

5. No international boundary will divide Jerusalem.

Holy Places

1. The authorised religious institutions of each faith will be entrusted with safeguarding its own Holy Places.

2. Freedom of access to the Holy Places will be guaranteed.

Municipal Administration

1. Israel and the Palestinian State will delegate their powers to their respective sections of Jerusalem to the capital's municipal institutions.

2. The mayor will be Jewish and his two deputies will be a Muslim and a Christian; all three will be elected in general municipal elections.

3. Jerusalem will be divided into boroughs, each with its own council.

4. The borough councils will elect from among their members the central City Council (other than the mayor and the deputies).

6. Enforcement of law and order will be entrusted to a special police force comprised of members of all the city's communities.

49.Proposal by Professor Gidon Gottlieb

(Professor of International Law at the University of Chicago)

1989

National Aspirations

1. A confederation of peoples between the Palestinians, Israel and Jordan should be established. It would combine elements of both "separation" and "association." The "Separation" features will protect the security and national character of the Jewish and Arab polities; "association" will allow practical problems such as trade and water resources to be addressed. These arrangements would be based on a variety of layered functional boundary and demarcation lines to govern security, holy places and other concerns.

2. Jerusalem would remain the capital of Israel and might also become the "capital of the joint confederation" (a "capitals district").

3. "Jerusalem would remain an undivided city" with a complex regime deconstructing principles of temporal and spiritual sovereignty to safeguard the walled city and the character of the holy places.

4. The municipal boundaries "could well be enlarged," enabling the confederative institutions to be located in Jerusalem "together with [their] Israeli, Jordanian and Palestinian representatives."

50.Proposal by Shmuel Toldedano

(Former advisor to the Prime Ministers of Israel on Arab affairs)

1991

National Aspirations

Sovereignty over Jerusalem would be vested in Israel.

Holy Places

The Holy Places would be administered by a representative from the faith or each of the faiths for whom the site is sacred.

Municipal Administration

Separate municipal elections will be held in the city's western and eastern parts respectively.

51.Proposal by Professor Daniel Elazar

(Professor of political Science at Bar-Ilan University in Israel)

1991

National Aspirations

Daniel Elazar assumes that Jerusalem will remain unified, with Israel exercising exclusive control in most of the city, and perhaps jointly with another body at certain sites or in certain areas.

Municipal Administration

The alternatives presented in the study (any of which or a combination of which could be adopted) are:

1. "City-country arrangements": If a "country system" were instituted as part of a federal solution to the Arab-Israeli conflict, present-day Jerusalem could be "reconstituted as a county possessing full municipal powers," with "territories within it

being given municipal status." As for the "links between the county and the municipalities within it," these could be "hierarchical, federal, contractual, or some combination of all three."

2. "Federated municipalities": This would entail the creation of a system of boroughs (possibly on the London model) with a division of powers between the boroughs and the umbrella-municipality, or a federation of a number of municipalities situated within a certain area.

3. "Neighbourhood district programs": In this alternative neighbourhood offices are set up "to manage special interest programs, to mobilise support from them, and/or to absorb public responses ." These mechanisms enable the city administration to react more effectively to requests by borough residents and to supply various resources (such as funds and personnel) in response to the feedback it receives from the neighbourhood and administrations.

4. "Functional programs": This alternative refers to the augmentation of "existing general-purpose local governments" by means of "special purpose authorities and departments." This may also occur among several local administrations (e.g., a number of cities). The new arrangements may be designed "to serve specific geographic areas," or cater to a particular population group with special needs (e.g. drainage, education, or neighbourhood renewal).

5. "Extralocal models": Of the many models which are subsumed under this category,

two are relevant to Jerusalem: (a) "Consociational arrangements," which are informal intercommunal arrangements that evolve over time among different ethnic, religious, and/or ideological groups, and "reflect fundamental commitment to structural pluralism" (examples are arrangements regarding "percentages of representation" for a particular group on national or municipal bodes, or for "separate spheres of influences"); (b) "capital districts" which in some countries are "set aside

with special arrangements for their governance," which may be control by the national government, while in federal states (e.g., Australia, United States) they may be organised as "federal districts."

52.Proposal by Palestinian and Israeli Peace Activists

1991

National Aspirations

1. Essentially, the proposal calls for the establishment of a Palestinian state alongside Israel in the pre-June 1967 borders with 'a minimum of necessary modifications"; an end to "the state of war and all hostile activities" in the Middle East; comprehensive security arrangements for Israel and the Palestinian state; and reduction of arsenals, "including weapons of mass destruction."

2. After a five-year interim period following the signing of the peace agreement, the Palestinian part of Jerusalem will be the capital of the State of Palestine, and the Israeli part of Jerusalem will be the capital of Israel.

3. "Free movement through the city will be guaranteed to all citizens and visitors."

Holy Places

1. Freedom of access to the Holy Places will be guaranteed.

2. Freedom of worship at the Holy Places will be guaranteed.

Municipal Administration

1. The city will not be physically divided.

2. Each part of the city will have its own municipality.

3. "[A]n umbrella municipal council for metropolitan Jerusalem" will be set up, with "equal representation" for each of the two parts of the city.

53.Proposal by Dr. Sari Nusseibeh and Dr. Mark Heller

(Dr. Nusseibeh is a Palestinian lecturer in Philosophy. Dr. Heller is a senior research associate at the Jaffa Centre at Tel-Aviv University)

1991-1993

National Aspirations

1. The entire city will be demarcated by a marked, continuous borderline that can serve a variety of purposes (such as specifying the limits of a "free-trade zone").

2. Within the city, intercommunal boundary lines will be drawn to "specify the municipal limits of the two sets of Jewish and Arab neighbourhoods." In principle, "these lines will distinguish between the main Jewish and Arab population clusters." At the same time, they can help define the "communal standing of properties, burial grounds, or building complexes" that are situated on both sides of the intercommunal boundary lines.

3. These lines, although "sovereign lines" will in fact be "imaginary," since they will not impair the city's "continued physical and functional unity."

4. "Israel's Jerusalem" will be the capital of Israel, and "Palestine's Jerusalem will be its capital, housing the seat of its government."

5. Religious matters and questions of personal status 'will continue to be regulated by the millet system of self-governing communal authorities established in Ottoman times."

6. For civil and criminal matters, which are not addressed by municipal enactments, "Jews and Arabs will ordinarily be subject to Israeli and Palestinian law, respectively." Legal disputes and criminal cases involving members of the different communities will be decided by a "metropolitan code of laws" to be formulated by "individuals seconded from the Israeli and Palestinian Justice Ministries." This code would also be applicable to "intercommunal traffic [and] commercial cases.

7. Both Israeli and Palestinian currency could be legal tender in the city.

Municipal Administration

1. The above-mentioned boundary lines will 'specify the municipal limits of the two sets of Jewish and Arab neighbourhoods."

2. Two separate municipal councils and a roof municipality will be established.

3. Jerusalemites "will be able to express their separate sense of identity through the culture-specific activities of their council," in areas such as educational curricula at school and language of instruction, leisure and cultural activities, marking of holidays, and the distribution of various types of licenses and permits.

4. The budgets of two municipal councils could be financed through "some proportion of property taxes," grants from the national governments, and private donations.

5. The roof municipality will be elected by all residents of Jerusalem, and the "neighbourhoods or wards" will "send representatives to the metropolitan government."

6. The metropolitan government would supervise joint matters such as "water and sewage, roads and urban transportation, firefighting, sanitation, and traffic and tourist departments, and it should be administratively responsible for the Jerusalem police force."

7. The metropolitan government will regulate zoning with special reference to the demographic development.

8. Municipal courts can deal with cases covered by a joint code of laws.

54.Proposal by Professor Francis A. Boyle

(Professor of International Law at the University of Illinois at Urbana. Served as a legal advisor to the PLO)

1992

"The 1947 United Nations Partition Plan for the Mandate of Palestine called for the creation of an international trusteeship for the City of Jerusalem, that would be administered as a *corpus separatum* apart from both the Jewish State and the Arab State contemplated in there. Today, however, it would not be necessary to go so far as to establish a separate United Nations trusteeship for the City of Jerusalem alone under Chapter XII of the U.N. Charter. Rather, all that would need to be done is for the Israel army to withdraw from the City of Jerusalem and a United Nations peacekeeping force to be substituted in its place. This U.N. force would maintain security within the City of Jerusalem while the provision of basic services to the inhabitants could continue much as before.

The simple substitution of a U.N. peacekeeping force for the Israeli army would have no virtue of allowing both Israel and Palestine to continue making whatever claims to the sovereignty they want with respect to the City of Jerusalem. Thus, Israel could continue to maintain that Jerusalem is the sovereign territory of Israel, its united capital, and shall remain as such, one and undivided, forever. The Israeli Knesset could remain where it is as a capital district, and the Israeli flag could be flown anywhere throughout the City of Jerusalem.

Likewise, the State of Palestine could maintain that Jerusalem is its sovereign territory and capital. Palestine would be entitled to construct a parliament building and capital district within East Jerusalem, perhaps on the Mount of Olives near where there is a Palestinian community centre today. The Palestinian flag could also be

flown anywhere within the territorial confines of the City of Jerusalem. Both Israel and Palestine would be entitled to maintain ceremonial honour guards, perhaps armed with revolvers, at their respective capital districts. But no armed troops from either Israel or Palestine would be permitted within Jerusalem.

The residents of Jerusalem would be citizens of either Israel, or Palestine, or both, depending upon the respective nationality laws of the two states involved. Residents of Jerusalem would be issued a United Nations identity card to that effect, which would give them and only them the right to reside within the City of Jerusalem. Nevertheless, all citizens of the State of Palestine would be entitled to enter Jerusalem through U.N. checkpoints at the eastern limits of the city. Likewise, all citizens of the State of Israel would be entitled to enter Jerusalem at U.N. checkpoints located at the western limits of the city. Yet, mutual rights of access for their respective citizens to the two states through Jerusalem would be subject to whatever arrangements could be negotiated between the government of Israel and the government of Palestine as part of an overall peace settlement.

In addition, both Israel and Palestine would have to provide assurances to the United Nations that foreign tourists and visitors would be allowed unimpeded access through their respective territories in order to visit the Holy Sites in the City of Jerusalem. Some type of U.N. transit visa issued by the U.N. peacekeeping force should be deemed to be sufficient for this purpose by both governments. Of course, this right of the transit could not be exercised in a manner deleterious to the security interests of the two states.

Thus, daily life in Jerusalem would go on much as it did before. Jerusalem would remain a free, open and undivided city for visitation and worship by people of all faiths from around the world. Neither Israel nor Palestine would have to surrender

whatever rights, claims, or titles they might assert to the city. Security would be maintained by the United Nations peacekeeping force. And the City of Jerusalem would remain subject to this U.N. regime for the indefinite future..."

"There are many other historical precedents that could be drawn upon to produce a mutually acceptable arrangement for Jerusalem: e.g. the Free City of Danzig, Berlin, the Vatican City State, the District of Columbia, etc..."

55.Proposal by H.E. Ambassador Adnan Abou Odeh

(Permanent representative of Jordan to the United Nations)

1992

National Aspirations

1. Mr. Abou Odeh suggests that only the walled city, where the holy places are located, and their immediate surroundings, inhabited for centuries by believers, is the "holy city." Therefore, "the walled city, the true and holy Jerusalem would belong to no single nations or religion" and "no state would have political sovereignty over it." It would be called "Jerusalem" and "would be governed by a council representing the highest Muslim, Christian and Jewish religious authorities" (see elaboration in "Holy Places", below).

2. "The Arab part of the city" (the urban areas that stretch beyond the ancient walls to the east, northeast and southeast) would be known as "Al-Quds" (the name used by Arabs and Muslims), over which the Palestinian flag would fly. The Arabs would be "Palestinian nationals and vote for their national institutions." As for "the Jewish settlements in Al-Quds, they would be subject to the same solution reached for the other settlements in the occupied territories."

3. The urban areas to the west, northwest, and southwest of the walled city would be known as "Yerushalaim" (the name used by Jews), over which the Israeli flag would fly.

4. The Jews residing in the walled city would be Israelis and vote, as now, in their national elections. The Arabs in the walled city will be Palestinian citizens and vote in their national elections.

Holy Places

1. The Old City is the holy part of Jerusalem and as such should be separated from the rest of the city: it would be a "spiritual basin" for Judaism, Christianity, and Islam.

2. No flag would fly over "the walled city of Jerusalem," which "would be open to all."

3. Each religious authority "would be responsible for running and maintaining the holy sites of its faith."

56.Proposal by Dr. Cecilia Albin, Moshe Amtra, and Hanna Siniora

(Dr. Cecilia was doctoral student at John Hopkins University. Amtra was president of Shinui party on Jerusalem city council. Siniora was editor of east-Jerusalem newspaper "AL-Fajr")

1991-1992

National Aspirations

1. The area of the city would be quadrupled "by adding an almost equal amount of territory from Israel and the West bank." The new metropolis would include Ramallah in the north, Mevasserret Tzion in the west, Bethlehem in the south, and Ma'aleh Adumin in the east. With the new boundaries, Jerusalem would have a population of some 8010,000, almost equally divided between Jews and Arabs.

2. The population balance would be maintained in the future by means of an immigration policy based on an annual increase of no more than 3 percent.

3. Metropolitan Jerusalem would be divided into twenty municipalities.

4. The governments of Israel and the Palestinian State 'would still handle most matters normally vested in national authorities" (including national security, foreign affairs, and currencies). Some of the relevant authority would be transferred to the "Assembly of Metropolitan Jerusalem" and to the municipalities (see below, "Municipal Administrations").

5. The currencies of both states would be 'acceptable interchangeably" as tender throughout Metropolitan Jerusalem.

6. The two states would maintain jurisdictions to adjudicate in the metropolis. The "national courts" would deal with serious crimes (such as those involving threat to state security or to human life). "The area of the city in which serious crimes are committed-not the nationality of the person-would determine what jurisdiction will apply."

7. Israelis would continue to vote for the Knesset, while Palestinians would vote for the Palestinian parliament, "irrespective of where in the city they live."

8. "The citizenship of residents of Jerusalem would be determined by their own wishes rather than by the area of the city in which they happened to live."

9. The source of authority in the city "would ultimately lie in a Charter of Jerusalem", which would be adopted by both parliaments and become 'part of a general peace treaty." The Charter provisions would comprise the arrangements elaborated in the proposal.

10. Metropolitan Jerusalem would be "one physically open area with no checkpoints or physical barriers", which would have preclude the free movement of persons and goods.

11. Three flags would fly over the city: the flag of Israel, of Palestine, and "the flag of Jerusalem." Each person could run up one of those flags, according to his choice (see below for special arrangements regarding the holy places.)

12. A "special international fund for Jerusalem" would be established, its resources to be 'devoted to supporting the objectives and policies of peace and coexistence in the city." The fund would also support projects "to improve and equate the standard of living in the two communities," initiatives to enhance Jerusalem's position as the centre of a number of cultures, education and tourism projects, and efforts to raise the city's economic level.

Holy Places

1. The Old City "would form its own municipality" (like the other municipalities) and be run by a city council (see "Municipal Administrations").

2. "Decisions regarding physical planning and development must be approved unanimously by the members of the city."

3. Each faith would have "full administrative power over its holy sites."

4. No flags would be flown at the holy sites.

Municipal Administration

1. The metropolitan area of Jerusalem would be divided into twenty municipalities, and it will be headed by the Assembly of Metropolitan Jerusalem.

2. The Assembly, the city's most important institution, "would run the affairs of the entire municipal area."

3. It would consist of representatives appointed by the governments of the two states and of one delegate from "each municipality within the metropolis of Jerusalem" irrespective of the municipality's size).

4. The Assembly would elect its chairperson, "a position that rotated between Arab and Jew."

5. All its decisions would require a majority, with the representatives of the Israeli and Palestinian governments to have "the right to a veto."

6. The Assembly would have "total authority" in the metropolitan area with regard to central planning and development (including roads and transportation), water, energy, housing, waste disposal, and other issues affecting environmental quality.

7. The Assembly "would clear decisions made at the local municipal level."

8. It would provide funds for projects at the local municipal level and establish new neighbourhoods "with a view to reaching a balance between Israeli and Palestinian neighbourhoods in number and size."

9. It would "be responsible for establishing a single system of transport throughout the metropolitan area."

10. The Assembly would develop special sites for international institutions wishing to have their headquarters in the city, and existing sites for government agencies and religious institutions.

11. The Assembly would create and maintain a police force in Jerusalem, to include both Israelis and Palestinians. "The chief of police and other positions of authority would be shared between the two communities on a basis of equality."

12. Collection of property tax and value added tax would be the Assembly's responsibility and its "main source of income, supplemented by revenue from the two national governments and from a special Jerusalem Fund" (See above, "National Aspirations").

13. The Assembly would be "responsible for many social services," such as the operation of the city schools and city hospitals.

14. It would "maintain a municipal court system for crimes of a less serious nature" (traffic violations, illegal construction, etc.)

15. The twenty municipalities-ten Israeli and ten Palestinian-would each be run by an elected city council.

16. The exact boundaries of the municipalities would be determined by Israeli and Palestinian town planners who "would respect current population patterns in Jerusalem as much as possible." Areas with a predominantly Jewish population would become Israeli municipalities, and "the same would hold true for Palestinian municipalities."

17. "The inhabitants of each area would elect their own mayors for five-year terms."

18. Local affairs would continue to be run by the municipalities "in very much the same way as they [are] today," although "there would be contact and co-ordination with their respective national governments as well as [with] the Metropolitan Assembly."

19. The municipalities would derive their revenue from municipal taxes "and contributions from their national governments."

57.Proposal by the Israel/Palestine Centre for Research and Information (IPCRI)

(Public policy think tank of Israelis and Palestinians who study possible solutions for the issues in dispute between the two peoples)

1994

National Aspirations

1. The city will not be divided physically and will preserve its open character.

2. Separate areas will be created, based on the composition of the population, in which Israeli and Palestinian authorities respectively would be vested with sovereignty. "The two sovereigns in Jerusalem, Israel and Palestine will be limited in their sovereignty." "It is suggested...that sovereignty over the Old City be entirely relinquished by both sides."

3. Each community will maintain its legal system "in those areas where it has a demographic majority" according to the boundaries between municipalities or

boroughs (see also "Municipal Administration"). "The area in which a crime is committed will determine which legal system exercises jurisdiction over the individual concerned." "Criminal will be brought to justice within the national courts of each side or in the Jerusalem Court of Justice (depending on the nature of the offence)."

4. In addition to their "national citizenship," the inhabitants of Jerusalem will also be "citizens of the City of Jerusalem," entitling them to "enjoyment of full human rights in whatever area of the City they reside and guarantee[ing] them freedom of conscience, religion and worship, language, education, speech and self-expression as well as ensuring that the personal status of the members of the various communities shall be respected."

5. Each national authority will have the right to fly its national flag "in those sections of the city over which their nationals have control." In addition, "the Jerusalem flag" will be flown on all public buildings "and made available to citizens to fly as they shall determine."

6. The city's official languages will be Arabic, Hebrew, and English.

7. Internal security will be maintained by "a joint-international force," the Jerusalem Police Force, to be composed of Israelis and Palestinians in equal number. The Israeli force will operate mainly in areas of the city with an Israeli population, while the Palestinian force will operate in those areas populated by Palestinians. Funding will be jointly provided by the Israelis and Palestinians.

8. The Charter should include "provision for adequate primary and secondary education for all of the residents of the city in the language of their choice"; students in Israeli schools will learn Arabic and those in Palestinian schools will learn Hebrew.

9. The Charter will include legal stipulations "to protect the environment from noise, water and air pollution.: The Charter will also include "regulations on the use of appropriate materials for constriction in sensitive areas."

10. (a) A "Jerusalem Court of Justice" will be established with "equal representation from the two communities." (b) The court will be empowered to rule on matters "relating to the international status of the city," and the "separate national courts" may also refer cases to it. Individual residents of the city could petition the court, and the Justices "will decide which cases it will hear." (c) To deal with possible cases in which the Justices might be divided "on national lines," the court could include, by mutual agreement, "three internationally respected individuals" to ensure that a decision would be reached.

11. Issues related to the overall planning of the city should be addressed 'at an early state" in discussions between the parties. Certain parts of the city would be designated 'development areas" and others public parks. The Old City would be declared an area "in which no major development should take place without the agreement of the national authorities of the two parties (and of the international community in matters relating to the Holy Places)." High rises should be built "on the periphery of the city," and "adequate open space" should be provided. Disputes between the communities regarding the city's development should be referred to "appropriate arbitration."

12. "A deliberate attempt should be made to improve the demographic position of the Palestinians by allocating large areas for development" to the Palestinian community and by "encouraging {Palestinian immigration" to the city up to parity between the two communities.

13. The city will be demilitarised: "no paramilitary formations should be permitted within its borders nor any military exercises or maneuvers."

Holy Places

The Israeli and Palestinian parliaments will enact a law including the following principles:

1. "The Holy Places, religious buildings and sires (thereafter" "the Holy Places'] will not be under the national sovereignty of either Israel or Palestine." U.N. map no. 229 of the Holy Places, from November 1949, "will serve as the reference for the marking of Holy Places."

2. The administration of the Holy Places will remain as in 1994.

3. The existing rights at the Holy Places will be preserved.

4. Free access to and freedom of worship at the Holy Places shall be secured "in conformity with existing rights and subject to the requirements of public order and decorum."

5. The Israeli and Palestinian governments "will guarantee the protection of the Holy Places, *inter alia* against any act liable to harm them or "impair their sacred character."

6. No taxes will be levied from the Holy Places, and "no change in the incidence of taxation shall be made" which might discriminate between the owners or occupiers of the Holy Places.

7. "The right to worship in a Holy Place does not imply the right to claim ownership."

8. "The right of individual worship does not imply or guarantee the right of collective worship."

9. "The regulations prevailing in 1992 concerning collective worship will be maintained."

10. The two municipalities will establish a joint planning commission to co-ordinate between the various religious authorities.

11. The Old City (defined as the area within the sixteenth century Turkish walls) has a particular significance. A "Planning Commission for the Old City" will be established, with Israeli and Palestinian participation as well as "individuals from the minority communities" that have ages-old connections with the Old City. The

Commission would deal with issues such as tourism, the quality of life in the Old City, and the relations between the constituent communities.

Municipal Administration

Two alternative proposals are presented for the future administration of Jerusalem. Both call for the encouragement of local government at the neighbourhood level and the establishment of neighbourhood bodies based on the *minhalot* (neighbourhood-based self-governing bodes) which exist today in certain areas of the city.

Alternative A

1. Two municipalities, one Israeli and one Palestinian, will be established.

2. Each will be elected separately by Israeli and Palestinian citizens, respectively.

3. "Non-resident citizens will vote in accordance with the makeup of the population of the area in which they live wither for the Israeli or the Palestinian municipality."

4. "Each municipality will have jurisdiction over its sector of the city on the basis of geographic delineations which will correspond to the demographic makeup of the area which it serves."

5. Each municipality will levy taxes separately from citizens under its jurisdiction, using its own criteria.

6. The two municipal authorities will appoint joint planning commissions to deal "with areas of mutual concern." The commissions will have the power to recommend a course of action and find agreed solutions. The commission will deal with government of the Holy Places (this commission will include representatives of the various denominations), government of the Old City, transportation, communications, electricity, waste disposal, water development planning, tourism, initiating and

supervising archaeological research, planning of recreational areas, and providing open spaces.

7. A "Mayors' forum" will be established to enhance co-operation between the two municipalities and provide an informal setting for discussions on "issues which concern the city as a whole and the work of the joint planning" commissions (see preceding paragraph). Issues which cannot be resolved by the commissions will be referred to the Mayor's forum, which "will them have to receive the support of the democratically elected municipal councils."

8. Consultations will be held on other issues largely controlled at the local level but requiring joint planning such as social and health services).

9. If the execution of a specific project requires "joint expenditure by both municipalities" the rate of each will be determined by a "formula which takes account of the relative financial position of the two municipalities."

Alternative B

1. The establishment of an "overall municipal authority controlled jointly by Israelis and Palestinians in accordance with the demographic makeup of the city and of individual boroughs (local area councils-Israeli and Palestinian, but not mixed) to which as many powers as possible should be devolved."

2. The boroughs will be responsible for education, local cultural and social services.

3. The borough councils would be elected "in accordance with the demographic makeup of the population resident in the borough" (Israeli citizens to vote in Israeli boroughs and the same principle applying to Palestinians).

4. The overall municipal authority will be responsible for all areas requiring consultation (as in Alternative A). The borough councils will be responsible for "education, local culture and social services." The division of powers between the

overall authority and the borough councils might be based on the former Greater London Council model or on the existing division in New York.

5. The council of the municipality shall be elected in accordance with a formula which shall give each community an appropriate representation.

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