

IPCRI SEMINARS

NEGOTIATING THE FUTURE:  
VISION AND REALPOLITIK IN THE QUEST  
FOR A JERUSALEM OF PEACE

Edited by

Chaia Beckerman

NEGOTIATING THE FUTURE

## Introduction

The seminars in late February 1996 that form the basis of this volume began in the shadow of the first of several suicide bombings that were to kill 64 people in Israel within the space of a week and a half. Israel's response, closure of the West Bank and Gaza, meant that at least one Palestinian speaker and an unknown number of would-be attendees could not be present at the events in Jerusalem. As the attacks continued, the conditions of the closure became more restrictive and it might have been impossible to hold the meetings at all a week later. As it was, the bombings were uppermost in the minds of many of the participants, influencing the remarks of the speakers and the questions of the audience.

IPCRI has, sadly, grown accustomed to shattering events taking their toll on its work of facilitating Israelis and Palestinians coming together to search for practical solutions to their conflict. The organization's policy is to forge ahead. As co-director Gershon Baskin said at the beginning of the program, "We who believe in the inevitability of peace between the Palestinians and Israel must not allow ourselves to surrender to violence. The path to real and lasting peace is still far ahead of us, and sadly, it is most likely that we will have to face continued violence on both sides. We must not allow the search for peace to stop; we must not be afraid to continue to meet and confront each other even while bombs are exploding and the enemies of peace are celebrating. Our commitment to peace will outlast all those who are trying so hard to prevent it."

Finding ways to satisfy the needs of the two major communities living in Jerusalem is among the greatest challenges to achieving a comprehensive peace. Long before the subject was fashionable, IPCRI convened its roundtable forums on the future of Jerusalem, which met regularly between 1990 and 1992 of the Intifada. The obstacles were considerable: strike days, curfews and closures; suspicion and distrust; common wisdom that said that Jerusalem must be the last subject discussed. Yet a number of academics, politicians, urban planners, diplomats

meet and lay the groundwork for future discussion. Out of their efforts and concern came a plan for the city. Published in 1992 by IPCRI, the pamphlet "A Model for the Future of Jerusalem" and earlier working drafts were disseminated widely.

In 1993 IPCRI sponsored and published the proceedings of the First Israeli-Palestinian International Academic Seminar on the Future of Jerusalem, held locally, which followed an earlier meeting under IPCRI auspices in London. Since that time, conferences and seminars on the subject have become increasingly common, in venues as near as the city itself and as distant as Japan. As lines of communication between Israelis and Palestinians opened and discussing Jerusalem's future became both more urgent and more accepted, interest in the topic swelled.

Many of the ideas developed in these forums are reflected in the present volume. It covers two related seminars held on consecutive days. The first was an evening program entitled "The Future of Jerusalem: Israelis and Palestinians

Seeking an Agreement." The object was to simulate the negotiations on what is perhaps the most controversial of the final status issues, with an eye to finding common ground. (Final status talks are imminent and the Oslo accords signed by Israel and the Palestinian Authority call for them to be completed by the end of the century.) The edited proceedings of the panel have been placed at the end of this volume, but readers with less familiarity with standard positions on the Israeli and Palestinian sides may want to begin here.

The next day no fewer than twenty of Jerusalem's admirers presented their "Jerusalem Visions," sharing personal hopes and aspirations for the city, as well as proposals, predictions, and firmly held convictions. Many echoed the "positive-sum" approach of the IPCRI forums, looking for ways to secure a solution that will benefit both communities. Others were more focused on the needs or rights of a single community. Mainstream secular ideas mingled with the spiritual, the radical, the creative. As Meron Benvenisti, one of the first speakers, predicted, much talk of politics and political institutions was heard. A few speakers warned of a new Intifada in the absence of progress toward a solution. It was a minority of speakers who kept strictly to the "Jerusalem Visions" theme, a reflection of the urgency of present-day concerns in a beloved and strife-ridden city.

Despite disagreements, Israelis and Palestinians found in each other's visions echoes of their own. This applied not only to the hopes that were expressed, the ideas for how to share the city, and the plans for how to actualize these ideas. Even the fervent wish to live in a boring city was expressed first by a Palestinian speaker and then echoed in the address of one of the Israelis!

New developments have thrown many of the speakers' predictions into question. When the seminars were held, the Israeli Labor government that began the peace process leading to the Oslo accords was in power, led by Prime Minister Shimon Peres, who took over upon the assassination of Yitzhak Rabin in November 1995. The reader of these proceedings will often be able to discern an underlying assumption by the speakers that a Labor government would be continuing the peace process after elections in May. As we prepare this volume for press, a new government is instead being formed by the Likud party's Benjamin Netanyahu. His coalition is almost sure to take more hardline attitudes on the questions relating to the peace process and certainly on Jerusalem. It remains to be seen what the actual implications on the ground will be for the aspirations and projections that the seminar participants shared with the audience.

Predictions are always tricky in this city, for the quandaries that Jerusalem presents are in many ways outside the rules and the generalizations that can be drawn when looking at the larger picture of the Israeli-Palestinian conflict. Nonetheless, it seems that not only IPCRI's convictions but the sweep of world history in this century point to a momentum toward a peaceful solution, a momentum that can be slowed and hindered but cannot be stopped. Along the path to accommodation of two peoples' aspirations, both far-ranging vision and painstaking negotiation are essential components.

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## PART I

### Jerusalem Visions

Tuesday, February 27, 1996

Meron Benvenisti<sup>1</sup>

It is no accident that this marathon is entitled Visions. Visions are usually expressions of what ought to happen, not necessarily of what will happen or what is in the realm of the possible. This is very indicative. But if I predict correctly what is going to happen here today, we will hear not visions for the future, about heavenly Jerusalem, but about political institutions. The reason for that is that political institutions are the best material you have to mold into nice concrete models, which is what most people want when faced with what I believe is an enigma with no solution.

Another reason is that Jerusalem is a place where everything goes; everything will be acceptable. You can have a hundred plans. You will have hundreds of dialogues. The stage is so deep and so magnificent that what we ignore is the fact that basically this is a petty conflict between two cousins vying for their inheritance. This is not, in fact, a unique conflict. The same conflict exists in many cities in the world, but in Jerusalem it has an aura of history because this is the place where the prophets walked. This is the magnet that draws in all seekers of solutions.

There are basically three options. One is a Jerusalem that is the undivided capital of a single geopol

holy places and the multi-ethnicity of the population.

The second option is Jerusalem as a divided capital: the division of mandatory Palestine into two separate geopolitical units, with provisions to ensure the continuation of functions as a shared urban unit. That is, even if you divide the country you should maintain the physical unity of the city.

The third option is Jerusalem as a distinct geopolitical enclave administered apart from the separate sovereign domains of the former mandatory Palestine. The option removes Jerusalem from the division between the states of Israel and Palestine. An independent administration for Jerusalem is not a viable option, however.

In the visions of Jerusalem that we debate, one usually hears answers. We are solutions for Jerusalem of dividing the problem of Jerusalem into three components: sovereignty, holy places and municipal government. If we take all the hundred or so plans, new and old, you will find this same division. Each one of them addresses one issue. And the way that people address that issue in their plan or in their vision depends very much on their point of view, because Jerusalem is perceived as a very complicated crossword puzzle into which you have to fit

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<sup>1</sup> Dr. Meron Benvenisti, former deputy mayor of Jerusalem, an author, scholar and intellectual, writes frequently in *Ha'aretz*; and elsewhere and has published widely on Jerusalem.

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different definitions. What really happens is that each one of us comes with his or her own solution and then searches for the question to fit the solution.

There is nothing wrong with the division, sovereignty, holy places and municipal government. It is basically correct, but people want to see the categories as symmetrical. They create three supposedly independent components, equally ranked, and then play with what should be given to the other. Usually what they are ready to give the other is what is the least important to themselves. They can give concessions on sovereignty if they are interested only in holy places. Or they will grant municipal autonomy to the other side if they want to maintain sovereignty. That is the game that has been played by almost all of us, including myself.

What you have in Jerusalem is an attempt to resolve once and for all an unresolvable problem. Why is it unresolvable? Because the problem is not creating models of sovereignty or holy places or municipal government. These are all in the realm of political science. They are very neat models. But reality is not neat. A good example is the fact that one of the Palestinian participants could not attend this session to present his visions of Jerusalem because there is a closure and he was turned back.

One can say, forget reality, we are talking about heavenly Jerusalem. But I am afraid that the problem will remain if one wants an ultimate, neat solution for Jerusalem. What will be found is an evolving solution based on the principle that the process is the solution. Jerusalem is not a solution-oriented problem. It is an enigma, an insoluble problem because of the very nature of the city which will slowly develop. It may eventually be receptive to a solution once people stop playing the game of ultimate solutions, once people stop sitting in ivory towers talking among themselves, staging mock negotiations and forgetting what is happening in the streets, and instead participate in the reality of Jerusalem. The chance for this today seems very dim.

There is a glimmer of hope because the agreements of Oslo and the fundamental quest of most Israelis to separate from the Palestinians can be a very powerful base for developing a process that will eventually create better political and communal conditions in the city. Oslo is a very important factor because, for the first time, it has created islands of homogeneous ethnic areas in the Jerusalem metropolitan area, zone A and zone B, and also the settlements. There is a gray

elections; Orient House; the fact that in all functional matters Palestinians residing in East Jerusalem are now under the jurisdiction of the Palestinian Authority, in education, in health, in religious matters.

The elements, the gray areas that give me that glimmer of hope, were there before. Education in the Palestinian sector was based on Jordanian curricula. The holy places were administered by the Muslim Council. There was an autonomy, so to speak. But it was a different kind of autonomy because it was not tied into a political process. The difference now is that, for the first time in the history of this conflict, there is recognition of the existence of a Palestinian collective entity. We are now talking about a slow process in which the recognition of the



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Palestinian collective entity will be elaborated and institutionalized. That is why a textbook provided by the Palestinian Educational Authority to the Jerusalem municipality is a very important political step.

The fact that now you have functional authority of the Palestinian Authority over civilian matters in Jerusalem, and indeed, elections for the Palestinian Authority in Jerusalem, reflects that this is not the old type of colonial self-rule that characterized the previous regime. This is now tied into a process.

All the elements that could have been developed into a kind of indirect occupation might develop into something which is viable and can create political conditions. My emphasis is on political and collective aspirations and manifestation of the Jerusalem problem and not on the personal, because on the personal level, when you have separation based on the needs of only the dominant group as we see it today, that is not a solution. Separation based on equality is a solution, or at least it is a process that allows for a solution, provided that people understand the meaning of what they are after.

I believe that there is enough momentum in the Oslo agreements, if they are not stopped, to create a new situation in the city, a *de facto* political and communal separation of the city. If both sides understand the necessity of the continuation of the physical unity of the city, I believe that institutions and organizations will be found to deepen cooperation.

Therefore, despite the fact that I believe that, as an enigma, Jerusalem has no solution, practically speaking, we can be fairly optimistic.

Ziad Abu Zayyad<sup>2</sup>

These kinds of symposia and conferences about Jerusalem are very important, especially during this time of the peace process and at this stage of the conflict, because they help to break the taboo. They help to influence the psychology of the people, especially the Israelis, to understand that there is no way but to negotiate over Jerusalem and seek a solution for Jerusalem. I feel that the Israeli public, the Israeli people, are victim to a misleading campaign carried out by their own government and their own leaders, who claim that Jerusalem is out of the question and is not a subject for negotiations. Yet they have accepted principles and signed agreements which imply that they are willing to and intend to negotiate over Jerusalem.

While these conferences are not actually negotiations, they help both parties and those who will negotiate on behalf of both parties to understand each other and to explore what is in each other's minds. There have been many other meetings in

Palestinians. Some of the participants were, in one way or another, involved in negotiations, but these took the form of academic meetings. These kinds of meetings will help negotiators to make up their minds and to prepare their homework for the real negotiations over Jerusalem.

The 19 years of occupation, from 1948 till 1967, created a new concept of Jerusalem: our Jerusalem and their Jerusalem. In 1967, many Israelis on different occasions spoke about their Jerusalem, meaning East Jerusalem. I was one of those who dodged across the border and went to Jaffa Road. I felt that I was going to another country. It was totally new to me. I felt that they had a more modern city, a modern Jerusalem with wide streets and heavy traffic and a totally different society.

But this concept of "our Jerusalem and their Jerusalem" was camouflaged during the next 20 years of occupation. Jerusalem started to seem like one city, but still it was divided. It was divided because the feelings of discrimination and injustice and lack of participation and equality persisted.

The Intifada changed the concept of one Jerusalem and emphasized that Jerusalem is divided, that there are two cities. No more camouflage. No more smoke. This is the reality. Two cities of Jerusalem. If you just walk a few steps eastward from Notre Dame you see a totally different city. You walk a few steps in the other direction and again you will see a totally different city. Israelis did not appear in the streets of East Jerusalem. Few Arabs appeared in the streets of West Jerusalem. This situation persisted and was intensified by the practices of the Israeli government, mainly the Ministry of Housing and some of the bodies involved in the judicial process of Jerusalem during the peace process.

The peace process created a situation where the division of Jerusalem became deeper and clearer because the ri

started a massive campaign of building around the city of Jerusalem. They

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intensified their efforts to obtain Arab property even within the Islamic neighborhoods of Jerusalem. This made the picture ever clearer: this is Arab; this is Jewish; this is Israeli; this is Palestinian. Their actions have deepened the hatred between Palestinians and Israelis and deepened the feeling of injustice inside Palestinian society.

Finally, we face closure. The closure that began in March 1993 was in the beginning declared a security measure, but it became very obvious that it was a political measure. The aim of the Israeli government was to isolate East Jerusalem from the rest of the occupied territories and to create a new situation whereby the Palestinians in East Jerusalem can live without the West Bank and the Palestinians of the West Bank can live without East Jerusalem.

But this policy did not work. And it will not work because, in spite of the

Palestinians in the West Bank from those in Jerusalem or keeping those from Jerusalem from going to the West Bank.

Closure is causing great damage to the relations between Israelis and Palestinians and to the attitude of the Palestinians toward making peace between Israel and Palestine. The Intifada, the Israeli housing and settlement campaign in Jerusalem and the closure have not only achieved a division of the city, but also caused deterioration in the security situation here. It is true that there is a sense of

feeling of injustice encourage violence and extremism. The Israeli measures are indirectly helping and encouraging extremism on our side.

Continuation of the Israeli policy of ignoring the feelings and emotions and interests of the Palestinian Arabs in Jerusalem, and at the same time pushing toward progress in the peace process, will lead in the end to a new outbreak of Intifada in Jerusalem. Anger and hatred accumulate and a point comes when people cannot store more inside their hearts and inside their minds and they just let it out. Nobody expected the Intifada to start in 1987. But anyone who was watching the situation before the Intifada realized that something would happen, and that something happened.

The difference between the Intifada of 1987 and the Intifada which may occur in Jerusalem in the future is that an Intifada in Jerusalem will not be one of throwing stones and burning tires, unfortunately. The policy which Israel is applying in Jerusalem and the practices of the Israeli government against the Palestinians in and around Jerusalem, and generally in the occupied territories, will cause an extremely violent Intifada in Jerusalem to burst out which will take the shape of terror and violence and which will cause a fatal blow to the peace process itself.

Nobody can predict how it will happen, what its shape will be and how it will develop inside Jerusalem. But I would say that total responsibility is on the shoulders of the Israeli government because they do not differentiate and do not try to understand the human dimension of Palestinian society and the Palestinian people in Jerusalem.

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Having said this, and not wanting to disappoint those who thought I would come and speak about negotiations and political solutions to the issue of Jerusalem, I would like to say a few words about these. The starting point of any negotiations over Jerusalem, legally and politically, should be dealing with the issue as a whole. A Palestinian negotiator's starting point should be all of Jerusalem, east and west, because these negotiations will be about Resolution 181 which has given legitimacy to the existence of Israel and should give legitimacy to any solution for Jerusalem. This does not mean that there should not be readiness on both sides for

In starting to negotiate over all of Jerusalem, we have to sort out our problems and try to solve them in a spirit of compromise and trying to understand the emotional, national and religious feelings of both sides. I do not believe that there is any room to separate between religious jurisdiction and political or national sovereignty. These are two faces to the same coin. Therefore, I find what was mentioned in the Jordanian-Israeli agreement about Jordan's religious jurisdiction over the holy places to be unrealistic. I do not think it can work. There must be a courageous solution to the issue of sovereignty over Jerusalem.

There is no possibility of reaching a comprehensive settlement and a durable peace in the Middle East without reaching a fair and just solution to the issue of Jerusalem. And we should not forget for a minute the Islamic and the Arabic national dimension to the city. It is true that the Palestinians are leading the process. But there still are Islamic, Christian and Arabic national factors involved. What is now being done in Jerusalem, trying to convert the city into a Jewish city, represents a challenge to the Christian world and to the Islamic world alike. The Israelis must understand this.

The borders of Jerusalem are changing because the society and the population are growing. If we want to start negotiating over Jerusalem we need to come to an agreement about what we mean when we say Jerusalem. Is Wadi Joz a holy area to the Jewish people? Are Beit Hanina or Shuafat holy areas to the Palestinian people? Or is someone trying to use the name of Jerusalem to justify an expanding policy of settlement? What is Jerusalem? What is the place to which our hearts and emotions and feelings and faith are attached? If we do not reach an agreement as to where the borders of Jerusalem are, in ten years El-Bireh will be a part of Jerusalem. Ramallah will be part of Jerusalem. Will they then become religious areas that nobody will compromise on, areas that are out of the question and that Israelis will not negotiate over?

After we come to an agreement as to what Jerusalem is, we have to agree up on a solution that is based on the principles of sharing and mutual and equal partnership in the city. There are many ideas floating around about how to solve the issue of Jerusalem. These include enlarging Jerusalem in order to create a big

can run its affairs jointly; mixed sovereignty over the city; separate sovereignty over each one's neighborhoods in the city. I do not want to give preference to any of these, but I am sure that if we agree on the principle of sharing and living

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together and equality, then pragmatic politicians can sit at the table and find a practical solution to the issue of Jerusalem.

Having said all this, we should also keep in mind the possibility that Jerusalem could be taken out of the political conflict and dealt with respect, leaving it as a holy city, a religious city for both parties. This would mean trying to solve the political problem outside Jerusalem and not at the expense of Jerusalem.

Mordechai Bar-On<sup>3</sup>

Yesterday, my wife and I attended the funeral of the son of Nahum Barnea, a very prominent Israeli journalist friend of ours. Yoni, the son, was very active in the youth of Peace Now, and he died in the bomb explosion the day before. As we were standing there we heard the terrible noise of the sirens of many ambulances because we were not far from two hospitals, Hadassah and Shaare Zedek. We did not know exactly what happened, but it looked like another big bomb.

was angry. But beyond being angry, I also thought that it would sound terrible to speak about visions of Jerusalem a day after such an occurrence. The only vision one can think of in terms of peace and justice for Jerusalem assumes that neither bombs nor closures will continue. It has to be a city of peace if we want a solution to this city. As long as there is violence on both sides there will be no vision and no solution. There will be a continuation of occupation and a continuation of one-sided control by the Israelis. It is futile to speak about visions in this kind of violent situation. The disappearance of violence from the streets of Jerusalem is in the interest of both sides, and certainly a precondition for any vision.

I am a historian. By training I am not so much a visionary; I rather try to weigh not what *should* be but what *could* be, and try to understand the forces acting in the field and where there might be a slight chance of a solution. Even if this is such a difficult problem that there may be no solution, it is wrong to deny the value of speaking about visions. The main value is primarily to signal to people that in view of certain visions they can begin to change their own minds.

We ought to think about possible solutions. Yet the solutions proposed by

very productive in the sense that if one takes into account the realities that will shape the future as well as the history of Jerusalem, it does not seem likely that they will actually ever achieve their vision of what justice is. New agreements will become international law. If the Palestinian state and Israel would agree on a given solution to Jerusalem, that would replace whatever argument now exists over international law. The question is what kind of agreement you can reach. If you think that arguing about Geneva Conventions will help to find a solution, try it out. I do not think it will.

As an example, establishing Jewish settlements or neighborhoods around Jerusalem might have been completely unjust and perhaps against international law. But it is quite safe to say that anybody who thinks that the solution to Jerusalem wi  
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<sup>3</sup> Dr. Mordechai Bar-On is well known to those involved in the peace movement in Israel. He has a long history of activism in Israel, including as chief education officer of the Israeli Army. He is one of the founders of Peace Now, a former Member of Knesset from Ratz and a historian who has recently written a book about the peace movements in Israel.

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places is deluded. I do not think any Israeli government will accept that. The solution should be a positive solution.

Teddy Kollek did not allow massive building for Arab citizens appropriate to the growth of the population. We should afford the Palestinians not only more comfort, but simply places in which to live. As far as I am concerned, that could also be in West Jerusalem, though on the whole, it would be wise to maintain ethnically cohesive neighborhoods.

I think the solution will be Jerusalem as a united city in which there is complete equality and mutuality between Palestinians and Israelis. Shared sovereignty for both. Each side must recognize that there is another group with equal rights in the city. If there is shared sovereignty, it has to be shared equally. Even if there are to be limitations on sovereignty, whatever the solution is has to be equal.

The Israelis keep saying that unified Jerusalem must remain the eternal capital of Israel. If they stopped there, you could say at the same time that it can also be the eternal capital of a Palestinian state. Unfortunately, it is understood that this

When Israelis speak about Jerusalem, they refer to the map which was drawn in June 1967 by the Israeli authorities quite arbitrarily, but this map has no basis whatsoever in international law, and no recognition. Israelis speak also about metropolitanization, that one day Ma'aleh Adumim and Givat Ze'ev may join Jerusalem. It seems, therefore, that even Israelis do not take the present map seriously. It was drawn up to exclude as many Arabs and include as much territory as possible. It was a one-sided arbitrary line that was drawn.

We have to begin by saying to the Israelis and to the Palestinians: This is not Jerusalem. Jerusalem is something else. What is Jerusalem? A Jerusalem that includes Bethlehem, Beit Sahur and Ramallah has been proposed. But we do not want solutions that exaggerate the problem by adding more difficulties. Despite the fact that they may become contiguous, Bethlehem, Beit Sahur, Beit Jallah, Ramallah and El-Bireh are separate towns. Jerusalem has a reality of its own which certainly includes Azzariya, Abu Dis, Beit Hanina, and perhaps even Ma'aleh Adumim and Givat Ze'ev.

If you stand on the tower of the Tomb of Samuel and look around, you can see the configuration of what one might call metropolitan Jerusalem. If you consider metropolitan Jerusalem it makes the problem a little easier to solve. There is a psychological gap between what most Israelis think and what I maintain Jerusalem really is.

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Dis. This is now considered by Israelis as the West Bank. But Abu Dis is closer to the holy mount than the Knesset of Israel. More over, 45 years ago the Knesset was not in Jerusalem. It was a village called Sheikh Badr. The city grew and we got used to thinking of it as an integral part of the city. Why couldn't Abu Dis similarly be considered part of Jerusalem?

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ize on the fact that Israelis do not perceive it as Jerusalem yet, then you may develop approaches which can, little by little, create new facts about Jerusalem as the *de facto* seat of the Palestinian government.

The sovereignty of Israel in Jerusalem is not complete or total, in any case. First of all, we already agreed that the Palestinians of Jerusalem can vote for and be elected for the Palestinian council.

And the holy mount, after all, is under Moslem *de facto* jurisdiction. I think that eventually it will come under Palestinian Moslem jurisdiction *de jure*. That will be a normalization of the situation. We have accepted this. Within our holiest of holies we limit our sovereignty to a large degree.

Very soon there will be talks about final status. The whole world will continue to speak about different solutions, and there will be negotiations, and negotiations will break down and begin again. An agreed-upon final solution may not be easily found, but we should look to see how things may evolve on the ground. That may eventually bring people to their senses so that they realize that Jerusalem in fact belongs to both of us.

Not long ago Israelis believed that there was no way we would even talk with Arafat and the PLO. Now Arafat is our partner for peace. Eventually it got to the point where Rabin could make peace with him because public opinion was ready for it. We have to fight for a new conception of what the vision of Jerusalem can be, but at the moment we are still suffering from the lag in perception due to a heritage of propaganda and everything that has been said recently about Jerusalem. When former Mayor Teddy Kollek speaks about our attachment to Jerusalem, he is not manipulating. He believes in everything he says. One part of the whole tradition of Jews and Zionism includes feelings, sometimes arrogant feelings, but they are very deep in the minds of Israelis. There are psychological explanations, but that should not deter us from changing them.

There is a poem that was written by Yehuda Amichai many years ago.

the mayor of Jerusalem because he builds and builds and builds during the day, and at night the stones of the hills, like wolves, come back and haunt the city. What has happened now is exactly the other way around. It is the people of the city who are haunting the wolves, and maybe this is the vision that I have for Jerusalem.



Canon Naim Ateek<sup>4</sup>

My vision of the future of the city of Jerusalem is based on my firm belief in God as a God of justice who insists that all people of this world whom He has created live in justice and peace. Two important verses from the Bible can be a point of reference for the vision I will be presenting here. The first is from the Prophets,

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There are six points of introduction that precede sharing my vision. First: the God I believe in is a God who has no favorites. Every human being is equally special. There is no group that is more chosen than another. God's love is extended to all people equally. God cares equally about Israelis and Palestinians. God does not have a double morality. He uses the same moral standard to judge Jews, Muslims and Christians alike.

Unfortunately, the God that many of us Christians, Jews and Muslims believe in is a bigot. We have created Him in our own image. This God conforms to our own racist and unjust inclinations and desires. For a genuine peace to be achieved, we must give up being creators of God, accept being created by God and try to live as brothers and sisters under this one God who demands a life of justice, mercy, humility and peace.

Second: After thousands of years of living, our world is slowly moving toward a paradigm shift whereby partnership will replace domination. I believe that the twenty-first century will witness this drastic shift towards partnership. Any government or any power that wishes to perpetuate the principles of the present dominator's paradigm will ultimately find itself on the losing end.

Third: We are aware of the fact that there are no perfect solutions to the Israel-Palestine conflict. What one side perceives as ideal and just is, to the other side, reprehensible and unjust. Our only way forward is to arrive at a compromise that will satisfy the basic demands of justice and security.

Fourth: Jerusalem has become a key to the solution of the whole conflict. What becomes of Jerusalem will determine whether we will have a just or an unjust solution. The more just the solution, the more security, and the more durable the peace will be.

Fifth: The vision I have takes into consideration the basic needs of both Israelis and Palestinians. The Palestinians' greatest demand is for justice. The state of Israel needs security. The two are not mutually exclusive. Justice produces security. In fact, there is no security without justice. Yet, we all recognize that since we are not living in a perfect world, it is difficult to achieve absolute justice or total security. Moreover, we are living in an area of the world which, in the past

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<sup>4</sup> Canon Dr. Naim Ateek is priest of the Palestinian congregation at St. George's Cathedral and director of the Palestinian Liberation Theology Center.

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as well as in the present, has been a fertile breeding ground for political and religious fanaticism and extremism. Extremists can embarrass their governments and make the life of the majority of the people on both sides miserable, and sometimes even tragic. In light of the history of the conflict, it is quite conceivable that Israelis and Palestinians will have to accept the presence of extremist elements for some time. Many extremists, however, can be rehabilitated.

A solution, a vision of Jerusalem, must be based on an acceptable justice to the Palestinians while at the same time it must aim to achieve more security for Israelis. It should carry within it the seed of a just peace that would increase Palestinians' growing perception that justice is being rendered to them and at the same time increase Israelis' greater sense of security.

In order to even embark on expressing a vision for the future of Jerusalem, it should be clear from the outset that any exclusive claim must be rejected outright. Any solution that gives a greater edge of domination over the other must be discarded. A complete vision might require a movement in stages, which is acceptable as long as the end result is very clear for all people on both sides.

Jerusalem religious and political. Historically the religious significance has always surpassed the political. Be that as it may, we need to honor both of these needs. To begin with the religious as city of Jerusalem, practically speaking, the holiest recognized sites for the three religions are found within the walls of the Old City. I therefore propose that the Old City of Jerusalem within the walls be governed by a special international charter. Equal representation of Muslims, Jews and Christians, both political and religious, would be the basis for forming its sovereign governing council, with representatives of the international community, both religious and political, also present.

I am expressing a vision which, in essence, gives the three religious their rights, privileges, relationships and mutual responsibilities for the maintaining of their holy places without discrimination or prejudice.

The Old City within the walls would be developed in a manner worthy of the respect and holiness which the adherents of all the three religions accord it. Special budgets would be raised for the adherents of the three faiths from around the world in order to make the Old City comfortable to its inhabitants, a fitting place for the tourists and a spiritually enriching place for the pilgrim.

No political power that maintains an exclusive political control can be trusted to be fair to those who do not belong to its own constituency. This has been Jerusalem's experience in the past and it is Jerusalem's experience in the present. It is natural for those in power to justify their own control as being more benevolent or just than others before it. The most satisfactory solution would be to declare the Old City of Jerusalem a special holy zone and preserve it for future generations not only by maintaining its religious shrines, but by ensuring the presence of a living and vibrant community to dwell in its four quarters.

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In this regard, let me be bold and add that although, so far as I know, many Jews do not want to see their Temple rebuilt, I believe a good number of them do. These people should somehow be encouraged as long as they accept building it in the area of the Western Wall. The theological question Jews have to answer is whether God would be upset if the Temple was built a few hundred meters from its original site. The building of a Jewish Temple away from the Haram area would put Muslim minds at ease by ensuring that extremist Jews would not continue to clamor and threaten to blow up the Dome of the Rock and al-Aqsa Mosque in order to build their Temple there.

The three religions would then live side by side with fewer fears and more trust. The Old City would gradually develop to become a model for peace and coexistence among the three faith communities. With such a vision, the Old City of Jerusalem will be lifted above political and military power and accorded the religious holiness and respect to which it is entitled.

Outside the walls of the Old City, one can then try to satisfy the political aspirations of both Israelis and Palestinians. I believe it is futile to argue to whom the city belongs more. I have come to accept that the city of Jerusalem belongs equally to Israelis and Palestinians. Any exclusive claim, stems from religious, political or national arrogance, and if pursued, can only be maintained by the power of the gun. Most certainly it will not lead to peace, and could ultimately be self-destructive.

The sharing of political sovereignty seems to me the best option that would guarantee acceptable justice to the Palestinians and gradually give Israel the security it needs. Such a solution will also satisfy the basic international resolutions passed in regard to the city. The sharing of sovereignty must, I believe, move into two stages in order to honor Palestinians' need for justice. The pre-1967 part of the city must come under full Palestinian sovereign rule, including all the illegal settlements that have been built in East Jerusalem on Palestinian land confiscated since 1967. Jews who want to leave the settlements and live in the Jewish part of the city would be free to move out and would be replaced by Palestinians. Full compensation would be paid by the Israeli government, possibly with the help of the international community, for all the illegal actions Israel has committed, as defined under international law.

The city of Jerusalem would remain open and undivided: West Jerusalem-Yerushalayim under Israeli sovereignty, and East Jerusalem-Al-Quds under Palestinian sovereignty. People could move from one part to another as is the case in many metropolitan cities in the world. In this first stage, however, there would

measure of coordination and interdependence, but the basic thrust of the vision remains the same; namely, for the sake of justice and an enduring peace, the Palestinians must have sovereignty over the eastern part of the city, Al-Quds. Indeed, Israel will then reap the security it needs, for security is ultimately the fruit of a peace that is based on justice.

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My vision of Jerusalem does not stop at the first stage. Jerusalem deserves a more lofty and noble status. I can foresee a time in the distant future in which the sovereign countries of move from being independent sovereign states to forming a confederation of states, and eventually to forming a federation of states.

The whole city of Jerusalem, including the east and west sides, Yerushalayim and Al-Quds, can then be lifted to a higher status and become the federal capital of a federation of states of the Middle East. Jerusalem will be seen as belonging to everyone without belonging to anyone exclusively. In other words, we will give Jerusalem the honor and dignity that it deserves.

God has in this city touched the lives of millions of people belonging to our three religions in a special way. We have a responsibility before God to make this a city where justice reigns and peace becomes an experienced reality. With such a vision we would vanquish our arrogance and exclusive inclinations. Instead of claiming that Jerusalem belongs to us, we will all belong to Jerusalem.

In the final analysis, Jerusalem belongs to God. And God, in His mercy and wisdom, has placed Muslims, Jews and Christians to be its stewards. In this case, God will be honored in the doing of justice and in the making of genuine peace.

Naomi Chazan<sup>5</sup>

Jerusalem is now being discussed within the context of the Arab-Israeli conflict and within the context of the Palestinian-Israeli conflict. It is the core, the crux and the end-all of this conflict. In order that this conflict be terminated, we have to deal with Jerusalem, not on an international basis, but as part and parcel of the Palestinian-Israeli conflict.

The issue of Jerusalem is first and foremost a political issue, not a religious, ethnic or cultural one, and political problems require political solutions. But one does not have to assume *a priori* that the political solution to Jerusalem will be identical to the political solution to the Israeli-Palestinian conflict. For in Jerusalem we are looking for integration through separation, whereas in the overall Israeli-Palestinian conflict we are looking for disengagement in order to interact.

To achieve a forward momentum when we are talking about Jerusalem, it seems to me that the goals or the objectives must be made very explicit, and that will allow us to make the process of negotiation more directed as well.

In March 1991 I published a study called "Jerusalem in the Framework of an Israeli-Palestinian Settlement" under the auspices of the American Academy of Arts and Sciences, listing four Jerusalem options. The one that least meets the requirements of both sides is that Jerusalem remain under a single sovereignty, probably Israeli, but with full autonomy for Palestinian boroughs. To translate this option into present-day terms, a Palestinian state would be created in the West Bank and the Gaza Strip alongside Israel, but in Jerusalem the autonomy formula implemented during the interim period would be used as part of a solution to the Jerusalem question. Palestinian residents of Jerusalem would enjoy autonomy and hold Palestinian citizenship, but sovereignty would remain in Israeli hands.

This solution does not meet the requirements of Palestinian sovereignty. Therefore, it is extremely problematic, but it should be raised because it is now being discussed in certain progressive Israeli circles.

The second option is what I call the split sovereignty option. In a split sovereignty option two municipalities are formed, a Palestinian municipality and an Israeli municipality. The Palestinian municipality is responsible for Palestinians and the Israeli municipality is responsible for Israeli citizens. The split sovereignty can thus be scattered geographically; it does not require contiguous autonomous areas. This is in many respects a demographic solution of sovereignty. Sari Nusseibeh has raised the suggestion of two municipalities with sovereignty over people, but not defined geographically. (See *New Outlook*, Jan.-Feb. 1990.) Because

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<sup>5</sup> Naomi Chazan is a Member of Knesset from the Meretz Party

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the sovereignty is over Palestinian citizens or over Israeli citizens, the actual administration of the city, the running of the sewage system and the transportation lines, becomes very difficult. But it is an interesting solution.

The third option is joint sovereignty. Joint sovereignty is the creation of one municipality with parity and equality, geographically and demographically, between Palestinians and Israelis. This single municipality would require either expanding the boundaries of Jerusalem to bring in a greater number of Palestinians to reach a balance, or reducing the size of Jerusalem in order to achieve the same outcome. Jerusalem cannot remain within the same boundaries and have one equitable, equal municipality.

To have a single municipality with parity requires a great deal of cooperation between the sides. For the two sides to agree to work together requires a lot of trust between them. Therefore the joint sovereignty approach, with its single municipality, is theoretically very enticing, but it requires a political climate which is absent in the city at the moment.

This leads us to a fourth approach and that is shared sovereignty. The shared sovereignty option is a mixed option; it takes the best elements of the preceding two and tries to construct an overall approach. It suggests two separate municipalities *and* a balanced super-municipality, with some functions divided between the two municipalities and other functions shared in the umbrella municipality. In other words, this option, the shared sovereignty option, talks about the united capital of two states. It is the one I have a personal preference for. I think it answers the sovereignty question, and it answers the question for the need for cooperation. It fosters integration and recognizes difference at the same time.

While it has an appeal, to my mind, which is greater than the others, it also has its own problems. Every one of these options requires resource redefinition: some geographic and demographic manipulation to expand the possibility for trade-offs between the sides. The most important resource to be defined is that represented by the boundaries of Jerusalem.

And all the options lead to an outcome which is different than that likely or desirable for the conflict between Palestinians and Israelis in general. None of these four options is a disengagement option. It cannot be repeated often enough that the problem of Jerusalem can be resolved only if we do not think of Jerusalem as simply a microcosm of the Palestinian-Israeli conflict. It is both a microcosm of the Palestinian-Israeli conflict and it is unique. Without understanding that it is also unique, the parties will not be able to be flexible on those points.

Each person in the city, if one of these options is accepted, will be a citizen of a sovereign state, either Palestine or Israel. But they will also be citizens of Jerusalem, and that status can create a necessary common ground and common interest which will enable cooperation, the integration which is necessary for the political separation. It is time to begin to explore possibilities for giving an additional status or separate status to Jerusalemites. As an Africanist, I can document how ethnic groups were formed and disbanded and how ethnic identities changed. As a Jewish Jerusalemite, I have a Jerusalem identity and likewise my

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Palestinian friends have one. One can play with those identities to create a level beyond that which exists in a political solution.

The struggle against the creation of facts on the ground must continue, for these will impede any kind of progress in the directions that I have suggested. A mixture of persuasion and compulsion will be necessary. What is palpably lacking at this point are certain kinds of joint institutions, even on the informal level, which are modelled on a vision of a Jerusalem shared by its population and representative of the political aspirations of both the major peoples that reside in the city.

I suggest that the real way to deal with confidence-building measures at this point is to begin to explore the construction of separate, equal and interactive institutions in civil society that will bridge the gap and transmit the message that the only way of sharing Jerusalem is respecting political self-determination, and by working together we achieve that result.

Coming to terms with Jerusalem is not the task only of academics or administrators or politicians or policy makers; it is the task of anybody who cares about what is going on in this region. I would suggest that the time has come to realize that if we want Jerusalem and peace, we will have to work in creative and imaginative ways, within a dynamic which is not friendly to the achievement of that goal.

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Tsevi Mazeh<sup>6</sup>

I would like to talk about the Jewish vision of Jerusalem, and what as an Orthodox Jew I think this vision provides. There is a story in the Talmud about one rabbi  
ou show me the place in the world where heaven touches

Jerusalem is very much driven by the heavenly Jerusalem, by the vision each

The Jewish heavenly Jerusalem has two aspects. One is that of the national capital. Heavenly Jerusalem, for a Jew, symbolizes the Jewish political entity. It symbolizes the Second Commonwealth, the golden era of the Jews. By dreaming to come back to Jerusalem, a Jew is dreaming about coming back to the state of Israel, coming back from the diaspora. The other aspect of the heavenly Jewish Jerusalem is of course the religious aspect. This is the place where people can pray to God. And on both the national and the religious levels, there is a conflict between the Jewish heavenly Jerusalem and the Arabic or Moslem heavenly Jerusalem.

Despite this conflict, the religious Jewish heavenly Jerusalem also carries an aspect of the universal. We encounter the notion of Jerusalem as universal the first time that it is mentioned in the Bible. Abraham is the father of us all, Moslems and Jews or Arabs and Jews. When Abraham came back from the victory over the four  
and he was a priest of the most high God. And he blessed Abraham.

So at the first mention of Jerusalem, its king is not Jewish or Moslem. And  
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earth which is so intensified here. But the main point is that God is the possessor of all. Therefore, everybody belongs to God and everybody belongs to this place. This is the universal aspect of the Jewish religion that may moderate the feeling of the Jews.

The Bible provides many examples, but I will skip from the very first mention of Jerusalem to the very end of the text. There we read what is perhaps the most  
the Lord's house shall be established on the top of the mountain and shall be exalted above the hills

My vision is that this universal aspect of the Jewish religion, the universal aspect of heavenly Jerusalem, will overcome the narrow nationalist aspect. Is there a chance that the Jewish people will take this approach? I am optimistic. This is in fact the first time in history that this is possible because this is the first time the Jewish people have to deal with the earthly Jerusalem. It is not abstract anymore. It is no longer a remote vision. It is no longer a heavenly city. It is an earthly city.



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Before 1967 there was no way that the Jewish people could give up the dream cannot give up a dream. A dream is part of your identity. But the minute you face reality, that is a different story. Then you must think about how you can operate in this world. Then you must confront and try to overcome the problems of the earthly Jerusalem. That is the real hope here. This process will take a long time. It has taken almost 30 years, since 1967 for the Jews to be able to recognize the other side, the Palestinian side, in the land of Israel, and their right to an entity, at the least. It will take a little longer until the Jews are able to recognize the Palestinian role in the city too, but when you face the heavenly problem you see there is another side.

That means people can reach old

Ali Qleibo<sup>7</sup>

They say that a picture is better than a thousand words. In Jerusalem we are familiar with two pictures. The picture of Jerusalem from the Mount of Olives that shows the Dome of the Rock and right behind it the dome of the Holy Sepulcher, the mosques, minarets and belfries. That is the Arabic picture of Jerusalem. Every

over the Old City.

Israelis have their own picture that Palestinians never buy. In the view of the Wailing Wall from the Jewish Quarter, the Dome of the Rock is right behind it, but now it is called the Temple Mount. This is the Jewish view of Jerusalem. Palestinians simply do not see the other picture and Israelis do not like to see Jerusalem the way we see it, but we all manage. The pictures exist in the marketplace. Everyone chooses his or her view of Jerusalem.

In order to talk about my vision of Jerusalem, I will presume that within the next ten or fifteen years, Jerusalem will be shared by the Palestinians and the Israelis. However the territory will be shared, compartmentalized, and administered, there will be shared sovereignty over the city.

How this will take place, how the Palestinian flag will be put up in Jerusalem, how we will have a group that represents our best interests, how we will be empowered

artist, I came here to talk as a visionary.

Assuming shared sovereignty, the question then becomes not how to build bridges in this polarized city, but how to dissolve the bridges; how do we create coexistence, how do we build a city that is one and whose population will not be Arabs and Israelis, but human beings, one city in which there will be Jews and Christians and Muslims?

Jerusalem, as I see it in the future, will be a place that is highly creative. It will be the spiritualism, energy and dynamism of the Palestinians, together with the mysticism, the spiritualism, the rationality and science of the Israelis. The context that will produce this is changing the infrastructure of Jerusalem and building up East Jerusalem immediately. Keeping Jerusalem the way it is will not allow for peace. Rebuilding, helping to create a new Palestinian is what should happen, what I hope will happen in 15 years and not 50 years.

But learning to trust each other will not come easily. So far the Israeli-Palestinian relationship has been that of the exploited Arab worker and the Israeli proprietor. This is not the way to build healthy coexistence. To produce a capital in East Jerusalem, to upgrade East Jerusalem, to create a compatible society so people can meet on an equal footing is a very challenging task. It means rethinking the problems we have in the Old City, rethinking a whole range of possibilities.

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<sup>7</sup> Dr. Ali Qleibo, a son of the Old City of Jerusalem, an author, artist and anthropologist, has recently been appointed the Palestinian consul-general to Tokyo.

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The Old City itself is a slum. What we need now to realize my vision is architects, engineers, urban planners, anthropologists, theologians, social workers, who will come together and begin to think about how to rebuild Sheikh Jarrah and Musrara and the Old City.

We have now two main subdivisions of residential areas to think about in Jerusalem. There are the neighborhoods of the Old City. We have to think about how to save them. Even with Social Security, with all the benefits the Israelis give, people are not willing to live in the squalid conditions inside the Old City, ten people per room in dingy places with mice. And so they leave if they can afford to, for places beyond the confines of municipal Jerusalem. A very pathetic situation has developed in the Old City.

Because so many old Jerusalem families have left the city, there is a sense in which Jerusalem at this point has become Ramallah; Jerusalem has become Amman; Jerusalem has become Bethlehem. Because of the prices of real estate, people have transformed their Jerusalem homes into cheap shops. In the Old City neighborhoods around the Mosque and the Tomb of the Saint, and in suburbs and neighborhoods such as Shuafat there is no development, no reorganization. An idea of our nightmare is A-Ram, a big slum between Jerusalem and Ramallah. Buildings have sprouted in the middle of the road. There is no zoning, no planning, no sewage. I am afraid that old Jerusalem will become like that if professionals are not involved and business interests prevail. For the past 20 years, development was encouraged only outside, beyond Jerusalem. The city of Jerusalem itself was abandoned.

I am not trying at this point to build bridges between Israelis and Palestinians. The intelligentsia, the intellectuals, have already talked. We already know each other. We want to go beyond the point of building bridges to the point of taking

tired of these cliches. To get to that level we have to create the context for more people to come together. How can we, the self-selected group here today, prepare the groundwork for moving beyond the stage of occupation to a state where we have, if not sovereignty, control over our own lives as Palestinians?

I have co-authored a play with an Israeli that was produced in West Jerusalem. The aim of the play was not simply conflict resolution. The art of Israelis cannot help but stereotype Palestinians, even inadvertently. The only way to normalize and humanize one for the other is by joint endeavors. This means people on an equal footing meeting with each other and working together.

Along these lines I have been asked to initiate a cultural community center for both Israelis and Palestinians. But how to do it and where? Route 1 cuts the city into two parts. Any place for Palestinians and Israelis to meet that is neutral has to be along Route 1. But more importantly, to have a cultural center means you have to have two compatible populations. We have yet to produce the context for a population that will go to lectures, to movies, to concerts. People from Ramallah and from Amman will not come to my cultural center.

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I live on a street in the Old City where the shopkeepers cannot read or write. I want to talk about the future of Jerusalem. I cannot look at it now. That is why I have to think, what kind of people do we want to have 20 years from now? How do we rebuild Jerusalem, repopulating it with a healthy distribution of professional white-collar workers and all kinds of other professions? We cannot pretend that the Old City is simply the holy sites. On one level, of course, we hope that Jerusalem will become an ecumenical city for all religions. But on the other hand, the problem for people who live in Jerusalem is how we can live together.

I am a Jerusalemite whose family traces itself back 14 centuries. We lived in the Old City in the 1950s and 1960s. I knew Jerusalem when the residents of Katamon, of Talbiyeh, of Baka, of W

into the Old City after 1948. It used to be that only five or six families considered

ery flexible about the idea of a Jerusalem entity. We expect the politicians to take into consideration that Jerusalem is not one thing. It will be a mosaic. It will be multi-national. It will be highly diverse. And we will have, I hope, a much more dynamic city.

Teddy Kollek<sup>8</sup>

Palestinian nationalism, which I accept fully, is a young nationalism, a little less than a hundred years old. There was no reference then to Jerusalem as the capital of a Palestinian Arab unit. That came even later. I do not thin

with ours.

For Jews, Jerusalem has been the capital whether we were here or not. Every synagogue was built facing in the direction of Jerusalem. When Jews prayed all these hundreds of years, when very few were here in the city and thousands were all over the world, they turned to Jerusalem. Jerusalem is mentioned hundreds of times in the Old Testament. It is mentioned hundreds of times in the New Testament. It is not mentioned at all in the Koran. In the beginning Moslems turned toward Jerusalem when they prayed, but that lasted only for a brief period and then they started turning to Mecca.

We did not start the war in 1948. The United Nations came up with an idea of an Arab Palestine, an Israeli Palestine and a Jerusalem which, together with Bethlehem, would be internationally ruled. Nobody liked this. The Arabs opposed it. We opposed it. We finally accepted it for a very practical reason: there were still tens of thousands, maybe hundreds of thousands of Jews walking around Europe, the remnants of concentration camps, and people in other countries who could no longer stay there. A few tried to get back to their homes in Poland and that resulted in a pogrom in which they were all eliminated. We wanted to give these people a home. This is what Zionism and the Jewish state stood for.

So we accepted the UN's suggestion even without getting any of Jerusalem, because then the British would leave and we would be the ones who would give the immigration rights and we could then solve the problem of the Jews all over the world. It was a great sacrifice for us to give up Jerusalem at the time. But the Arabs did not accept the solution and the Arab countries began the war. We lost one percent of our population during this very cruel war, but we came out with a Jewish state, with part of Jerusalem and with the frontier where the military stood.

And we built the State of Israel. We were 600,000 Jews here then, and we absorbed during the next few years a larger number than our population. We dealt with all these refugees to the extent we could. Those who come from Arab countries and from North Africa are the majority today in Jerusalem. We have Jews from 104 different cultural backgrounds here and our first problem is to try to create one unit out of these Jews. We have extreme educational problems among the Jewish population.

There have been many more crises between us and the Arabs. First of all, we came to a kind of armistice agreement in 1948, and then again in 1967, after we were attacked by all the Arabs who thought they could eliminate the Jewish presence in this part of the world. We were already a little stronger, but again all the Arab states attacked us. When

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We had never expected this, but when it happened it created a great messianic feeling among part of the Jewish population. On the 11th of June, David Ben-

which he had not seen all these years. We heard some sniping in the Old City while we walked there.

Everybody said, after this great debacle, the Arabs will now recognize Israel. Mr. Ben-Gurion said, you are wrong. The Arabs are a proud great nation. They cannot accept this debacle and they cannot, under these circumstances, recognize Israel. With the exception of Jerusalem with which we are so deeply linked, Ben-

back immediately.

In fact, we are presently approaching a solution of that kind, but meanwhile it has cost us a great number of lives on both sides, a great investment in arms and in military affairs instead of investing in other things. But here we are and this will be the solution. At any time there could be a religious Arab flag over Jerusalem. Unfortunately, such a flag does not exist. There are only national flags. And if a Palestinian flag were to go up, most of the Arab countries would not be very happy with it, neither the Jordanians who feel they are the direct descendants of Mohammed, nor the Saudi Arabians who feel that they are the protectors of the holy places.

We have done something for the holy places. Our most important site in Jerusalem is the Temple Mount, but on the first day it was in our hands we called in the Arabs and we said, it is yours, at least until the Messiah comes and he will decide whose it is. We have the patience for that. Now it is yours. And we introduced strict rules that Jews and Christians not be allowed to pray there. There was great opposition to this internally and with some Christian states externally. But for all these years, almost 30 years, we have left all the holy places under the control of their religions. Among the Christians you have arguments between various Christian denominations. We have in this city 40 different Christian denominations who do not always live in Christian love with each other. They go by two different calendars. When the calendars coincide every 19 years or so, then there is particular pressure because the Church of the Holy Sepulcher is a comparatively small church and you have to divide hours and so on.

Since Jerusalem came under our rule there has been an absolute freedom of religion. Before that, when it was under Jordanian rule, no Israeli, no Jew from

our holy places. No Christian from this country was allowed in. With great difficulty we finally came to an agreement for Christmas. On that day 200 Christians were allowed to go to Bethlehem and come back. No Palestinians, no Arabs, no Moslems who lived in Israel were allowed to visit their holy places.

After 1967, all this changed. Freedom of religion started in the city when we took over. When it was in Arab hands, Moslem hands, there was no freedom of religion.

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There is much more contact today than you can imagine. In the last three days there was a great Arab fast for the end of Ramadan. At the zoo in the center of the Jewish part of Jerusalem, 6,000 Arab children came to visit with their parents and teachers. I believe that with the Arab children and Jewish children, the very Orthodox Jews and the less Orthodox and the more secular, all looking together at the elephants and the lions, the future will emerge.

There are many settings and occasions. Not far from here is a fountain which we received as a gift from Chancellor Kohl of Germany. All summer you see Arab and Jewish children jumping in and the mothers standing around rubbing shoulders, and it works extremely well. I could give you a hundred such examples. Peace must grow up from below.

I object to leaving everything in the hands of the politicians. The worst thing the Israelis can do is to declare every other day that Jerusalem is our eternal indivisible capital. It is an empty phrase. What we need in Jerusalem is more industry, more work. What we need in Jerusalem is to allow Arabs to build more houses.

It is not so easy. We have our own difficulties. The Building Committee decided to restrict Arab building rights because they thought if there would be fewer

in a higher density of Arabs. The description of ten Arabs living in one room is accurate in some cases. There are very great exceptions, but the general tension is there and it only causes more hatred and nothing else.

We improved sewage systems and roads and rebuilt places such as the Via Dolorosa because Christians were coming from all over the world and walking there, and it was a muddy street. We built a clinic in Sheikh Jarrah. Now we have to double its size. At the moment, 100,000 patients are being treated there regularly, a great percentage of the population. It will increase to 150,000 with the new building. It is all built with Jewish money, no Arab money. When you approach Jews all over the world and ask them to give money for building in the Arab sector they say, There are so many rich Arabs all over the world. Why have they not contributed, even a penny? This is only an example.

I believe in one Jerusalem. We started some years ago to build separate boroughs. We did not do this for the Arabs only. The vast majority of the Jewish population as well has no idea of democracy. They come from Arab countries, from Russia, from Chile. We have problems with absorbing immigration. We have problems of somehow bringing together the very religious and the less religious. We have internal Israeli problems.

We offered the Palestinians the opportunity to become members of the City Council. We said, You can start every speech of yours with a declaration that you do not recognize Israel and you do not recognize the unification of the city, but meanwhile, ask for better roads and ask for more schools. We built some schools. We built health facilities. We built a beautiful library, the best library in the country. It is the only library in the Arab world where you can get every Arab book, from Algeria and Egypt and Syria. The librarian has a budget which he can use as he likes to buy whatever he likes. I am very proud that I could contribute the

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prize that I got in Frankfurt to start this project. Two months after it opened, Hamas set fire to it because they could not stand this institution of free reading.

perfectly.

I believe that Jerusalem will remain one city. If there were a religious flag of Islam it would be able to fly tomorrow from the mosques. I believe there will be boroughs of Kurdish Jews or of Moslems or of Christians, each with its own internal difficulties. These boroughs already exist. They started with a budget from the city for cleaning the streets. They are responsible. They cannot come anymore with complaints. Then they got gardening. Then they got cultural activities. Then they got in school registration. It is growing with the experience they gain.

This is a long-term endeavor and a long-term investment. Last week I was in Berlin for two days. East and West Berlin have not yet come together. On both sides they are Germans. On both sides they are Christians. And the fighting and the differences of opinion and the arguments in the newspapers are tremendous. A thing like this takes a long time. Let's not be impatient. Let's try to keep down terrorism. Let's try to keep down anything that provokes the other side.

Gradually the children who meet in the zoo will grow up. There are already those who go together to joint kindergartens in spite of the two languages. In due course we will have a united city where different kinds of people will be able to live with each other.



Ibrahim Shaaban<sup>9</sup>

I am a scholar of international law. And since I am a scholar of international law, my vision is based on legitimacy and not on facts. Facts never thrilled me. Facts come and go. They are what happens all over the world. That is what history taught me and international law taught me. If I am going to respect only facts, I have to respect a lot of dictatorships. I have to respect a lot of occupations. I have to respect a lot of violations of international law. I do not respect mere facts, especially if these mere facts are based on aggression.

I firmly believe that East Jerusalem was occupied in 1967. And I firmly believe that there should be no fruits for occupiers. I stand on that. Therefore, I do not see myself imitating solutions for Brussels or Ireland. In Ireland they are all Irish and in Brussels they are all Belgian. Here we are Israelis and we are Palestinians and each of us has his aspirations, his identity, his culture, his language, his religion. There is a complete and utter separation.

Therefore, I can not support any solution that is not based on international legitimacy. I cannot see any solution recognizing the buildings and the serious demographic changes in East Jerusalem. Since I am a lawyer, I respect rights. I cannot see any cause for the Palestinians to ignore their rights in the western part of Jerusalem, especially their property rights. There is no law in the world that should deny private ownership of property. I am not talking about public property. I am talking about private property. I cannot see any justification for prohibiting that right.

I also do not see international law as based on theology. It is not based on feelings. I have a lot of feelings for Mecca. I pray five times a day to Mecca, but I do not have any sovereignty over Mecca. I think what divides Jerusalem is the matter of sovereignty. Let us be very frank. Let us not use cosmetics to decorate the face of this situation. Let us face reality. There is a lot of tension. There is also a lot of ignorance. There is a lot of greediness to take and swallow up what is the other's, and by claiming this or that, to try to justify all these things.

I think the solution has to come back to 1967. According to international law and human rights conventions, Israelis and Jews should have free access to their holy shrines. There is no denying that. But they do not have any sovereignty over

not one atom of sovereignty over occupied territories  
these issues in international law.

The matter of Jerusalem is not just an ethnic issue. And it is not a cultural issue. It is not a religious issue. I have to respect the principles of international law

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<sup>9</sup> Attorney Ibrahim Shaaban, a son of Silwan, outside the walls of the Old City, is an attorney and lecturer of international law at An-Najah University and was a candidate in the recent Palestinians elections for the council.

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and the Security Council and General Assembly resolutions. I do not underestimate

ceded the entire Sinai to Egypt. Don't tell me, please, that Jerusalem is different than Yamit. In the Golan Heights there is also readiness for a solution based on full withdrawal. I think Israel should adopt the same model for Jerusalem.

At the same time, we should allow the Israelis free access to their holy shrines. The present municipality of Jerusalem should not have any jurisdiction over East Jerusalem because it was formed illegally.

I think we should boycott municipal elections until there is an ultimate solution because, as I understand international law, if we participate in municipal elections that means a statement of acceptance of Israeli occupation. We should keep appealing to our people not to do this and to boycott it. This is what has happened for the last 28 years.

I am not here to justify solutions based on violations. I am not here to the violations. I am here to put forward my vision about Jerusalem, which is based on international law. There is a real division of Jerusalem. At the moment there is no unity in Jerusalem. I see solutions which should live, not ones which will die after a while, or solutions which are just repercussions of the facts that exist today. Those facts will change tomorrow or in five years or in ten years. Therefore, I look for solutions based on legitimacy, on justice, on equality, with compromises here and there.

I am talking about the essence of the solution, not about the details. A practical solution cannot be isolated from justice and equality and principles of international law. I understand, and the Israelis should also understand, that some tens of thousands of Palestinians should go back to their houses on the west side. There is no justice if the Israelis keep the places they came to and the Palestinians who left their houses do not return to them.

I am not saying to take back these houses by force. That is another issue. This is a coercion which should be equal. I cannot take a part of the city and leave the other part neglected or ignored completely. That kind of solution will not last.

If a solution is based on one side's vision only, then it is not a solution. If one side is strong now, that does not mean that I agree on its solution. To maintain the stance that I am inferior and they are superior, is not a solution. This is imposed. What we are looking for is a solution.

Michael Romann<sup>10</sup>

For visions to become reality, it is essential to face the problems. The audience itself demonstrates part of the problem. It is a very selective audience, and the speakers are very selective group. They do not represent more than perhaps 10 percent of Jerusalemites.

Among the audience and the speakers, there are three basic groups. There are Christian well-wishers who have an attachment to Jerusalem. They have their ideals and they claim Jerusalem. There are Israeli liberals, well-wishers, humanists who want to talk with the Arabs, who are very conscious of the problem of the Arabs being occupied, being in a minority position and not having political rights. Then there are Arabs who are also among the most liberal. But while the liberal Jews always say *mea culpa*, it is our problem that we occupied Jerusalem and that we do not give political rights to the Arabs, that they are not represented, and so on, the Arabs say you are right. It is your fault. It is your problem. Never do they say it is their own problem.

This dynamic is itself a problem in majority-minority relations in general, and we cannot ignore the fact that a majority-minority situation is part of the reality here. Reality affords the minority certain rights to ignore their side of the problem.

The future is not what it used to be. We always talk about the future looking back. I am very hesitant to look back to what happened yesterday. I even hesitate to look back to what happened in the past hundred years. I simply want to make three points, about mixed cities, about mixed control and about conflict management.

The first point relates to a longstanding discussion between Teddy Kollek and Meron Benvenisti. It appears to be over the question, is Jerusalem a heterogeneous city, a mixed city? There are Jews and there are Arabs. There are Christians and Armenians. There are religious Jews and secular Jews. There are Christian Arabs and non-Arab Christians, just as in New York there are Jews and Chinese and Hispanics and so on. Every city is in fact heterogeneous.

Or is Jerusalem more polarized? I claim that it is a polarized city. It was more of a heterogeneous city during the mandatory period. There were British. There were 20 percent Christians and half were non-Arabs. There were Armenians, Greeks and Italians. But how many non-European Christians are there today? The Christians are fewer than three percent of the population altogether. The problem of Jerusalem is that of a deeply polarized city, an Arab-Jewish or Arab Palestinian-Jewish Israeli city, and this is what the conflict is about. It is a very deep conflict. Even the Christians are either Arab- or Jewish-identified Christians. There are two YMCAs. The East Jerusalem YMCA is an Arab institution. Everything in this city is either Arab or Jewish, including the Christian institutions, and this one where we sit today is no exception. Even St. Louis Hospital where

if you like.

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This is the case in all the old Levantine cities along the Mediterranean. I was in Alexandria a few months ago. For hundreds of years cities such as Alexandria, Jaffa, Beirut, Istanbul boasted cultures that Greeks, Italians, Armenians, Christians and Jews were all part of. They all become nationally polarized or nationally unique cities. There are no Christians or Jews in Alexandria anymore. The last

The heterogeneous cities are today in Europe. There are Moslems in London and Moroccans in Paris. Part of my vision is that we come back to bring a heterogeneous city in Jerusalem

In a deeply polarized city, there is a struggle over control. As everyone must have their own rights, it is a problem. This problem implies the metropolization of Jerusalem. Even the British planners said: We want a compact concise city. One of my problems with building the new neighborhood of Har Homa is what it will do to two historic cities which are 4,000

Har Homa there will be one suburb between them and you will not even know when you pass from Jerusalem to Bethlehem.

Because of the conflict, Arabs try to gain control and Jews try to gain control. The situation today is that the Jews have the upper hand. I grew up when the Jews were the frustrated majority in Jerusalem. In the struggle over control each side makes the most of the means at its disposal. Even non-recognition and non-participation in the municipality is an imposed reality. At this phase it is very asymmetrical because the Israelis hold power. The weapon of the majority is that they can impose law and can create facts. The weapon of the minority is non-recognition. They can non-participate. They can make an Intifada. Each side does what it can.

There is a very real conflict. Even giving it names only to attribute blame, thinking that the problem is on one side only, is ignoring the problem. This is a non-starter. Both sides want control over the same place and they are using whatever justification and means they can. They use interpretation of history, interpretation of morals, interpretation of international law, and they create facts on the ground wherever they can.

Jews and Arabs, for their own reasons, want to control the territorial earthly expression of heavenly Jerusalem, as they want to control Palestine or Eretz Israel. We have reached, over time, the possibility of each side controlling part of the larger territory. Jews, Zionists, settled in the land of Palestine of the Philistines. The Palestinians took the name of the Philistines and settled it where the ancient Jewish kingdom had been. It was possible. When the Jews came to Jaffa, they never considered that they must rule it. They created a new Jaffa: Tel Aviv. But in Jerusalem both sides want exactly the same place. The problem is not that of a capital. The problem is that both sides agree on what the core of Jerusalem is and both sides want it.

Another problem is that ruling and controlling are called sovereignty. Each side says we shall control as an expression of sovereignty, making the laws, having only one flag, and so on. As long as the problem and the solutions are expressed in these terms, it is a non-starter. Even with 70

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the most even-handed, the most tricky or the most remains.

There is a difference between settling the problem and managing the problem. We have a conflict. We live with conflict. We have to manage conflict and the right direction is to be more vague about sovereignty; to instead talk about political rights, about civil rights, about equality, to talk about access to territory and not control of territory.

To treat the problem, we first have to face it. I do not say that it is symmetrical, but the situation is changing. We are not going in one direction. Jews in Israel today are a majority with the mentality of a minority because this was their historical experience. They are a local majority but surrounded by another majority. Such complicated situations have no simple solution.

One of the big problems of ethnic conflict is mutual non-recognition. After a hundred years during which Palestinians did not recognize the legitimacy of Israel, there was a handshake. That was a great breakthrough. And after 25 or 30 years of non-recognition by Israel of the Palestinian collective entity, there was a handshake. Unfortunately, in Jerusalem we still do not have the collective. We are still in a position of mutual non-recognition concerning Jerusalem.

To make this leap from reality is itse us very far.

Faisal Hussein<sup>11</sup>

Surely when you talk about Jerusalem you are talking about a very special city like none other in this world. The importance of Jerusalem stems from the fact that most of the world looks to Jerusalem as unique. If we want to solve the problem, we must start from the point of determining what Jerusalem is for everyone. We must understand its importance for the three religions and the two peoples: Moslems, Christians and Jews, and Palestinians and Israelis. Without taking this into consideration and without understanding the feelings of each group, we will not be able to solve the problem nor to serve Jerusalem.

We talk about the city as two Jerusalems, yet it becomes the Jerusalem that we

Jerusalem is not a city without context. Jerusalem is part of the Middle East. If we want to find a solution for the future of Jerusalem, we must understand this. I believe that it is clear to everyone that in the next century there will be no place for small states. The United Kingdom, Germany, France, Italy and other European states have decided upon regional cooperation in a united European Union to face the challenges of the next century. I believe we are facing the same challenges here in the Middle East. If we do not build cooperation in the area; if we do not work to enter the next century with a plan for regional cooperation and union throughout the Middle East, I believe we will pay the highest of prices in the years to come.

In this context, we must also think about Jerusalem and what we would like it to be, not only as an important city, but as the most important city in this area. If we can find a solution that gives this feeling to every one of us, to all the people of the Middle East, then we can create Jerusalem as not only one of the most important cities, but perhaps *the* most important city in the Middle East, and even one of the most important cities in the world.

The solution must be a city which we can look to as the most holy place for the Jews and for the Moslems. And while the Israelis think of it as their capital and the Palestinians also think of it as their capital, we must not neglect the Christians in this world who regard Jerusalem as their spiritual capital. With this understanding, I believe we can strive for and struggle to create an open Jerusalem which will encompass two capitals, for the Palestinians and for the Israelis, and at the same time have special arrangements for the holy places. Thus each one of us approaching Jerusalem will feel not that he or she is coming to a strange place, a foreign city, but rather to our own city, regardless of where we come from.

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<sup>11</sup> Faisal Hussein is a member of the Executive Committee of the PLO, in charge of the Jerusalem portfolio.

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Within the context of such a solution we can talk about Jerusalem in more than one way: as an open city which will contain two capitals; as the holy city, which can host the main buildings of the two capitals; or any other kind of thinking. What is essential is to have free access between the two parts of the city and to afford to everyone the right to have a share in Jerusalem without neglecting the rights of others.

To think about Jerusalem in this way implies a lot of work. It is a difficult matter and a complicated one. But I believe Jerusalem deserves our doing everything so that it will be as the warm sun of the Middle East. We must remember always that this Jerusalem which can be the warm sun of the Middle East can also be the black hole of the Middle East. If we do not treat it in the right way it can swallow everything, including all hopes of peace. Let us work for Jerusalem with this understanding.

Talks about Jerusalem, academic discussions or articles in the newspapers, gatherings like this one are so important for Jerusalem because one of the main enemies of Jerusalem has been the taboos building up for a long time in the minds of each one of us. We must get rid of these taboos. We must be able to discuss the future of Jerusalem without forcing ourselves to think along one line only. We must understand that here in Jerusalem we cannot talk and we cannot create anything without taking into consideration all the Palestinians and the Israelis; the Muslims, Christians and Jews.

Perhaps, we can come to Jerusalem, to the sacred rock at its center, and from there we can draw a radius of several hundred meters and say that within this circle there will be no governmental buildings, but beyond that we can give an opportunity to everyone to come and create the city that deserves to be the most important city in this world.

One of the most painful things is this closure. Closure does not hurt only those who want to come visit the city. It hurts our economic life in Jerusalem. It hurts our social life in Jerusalem. It hurts our religious life in Jerusalem. Jerusalem from the beginning was built to serve as the capital of the Palestinian people. The main institutions, the best institutions are in Jerusalem, and they are supposed to serve more than one and a half million Palestinians in the surrounding cities. Because of this closure, these institutions are providing services only for the 160,000 Palestinians who live within Jerusalem, and you can imagine what is happening to them.

Both of us must think and take the other side into consideration. It is not just that we are their problem so they must always care about what we want and what we do not want. The other side has its own problems and its own needs. We must work together with this understanding.

Chaia Beckerman<sup>12</sup>

The once-novel idea of a single city serving simultaneously as the capital of two states captured my imagination when I first encountered it years ago in Mark Heller's book, *A Palestinian State*. It has since become an almost conventional vision in certain Israeli and Palestinian circles. The logistical difficulties are staggering, but there are many blueprints that address how such an idea could work.

The ones that square with my vision typically analyze the components of running a city and attempt to distribute them in a manner that maximizes

duplication, but in most sectors the emphasis would be on autonomy rather than on integration, in order to allow each people the control they seek over their lives.

men, women and children. Empowered Jerusalemites are likelier to help find and implement solutions than those who feel trapped, victimized or ignored.

The problem in Jerusalem, as Meron Benvenisti often points out, is not to atmosphere in which a solution can take hold. How can we accompany our aspirations for Jerusalem with practical thinking about realization? What preliminary steps can we then take? What concerns me today is not blueprints for making the concept of a dual capital city work, but rather a road map for how to get there.

If decentralizing municipal power in the dual capital model means greater neighborhood control, the time to move toward this goal is now. Many Palestinians fear that this will only lead to a status quo that falls short of their aspirations and would legitimize the Israeli municipal government. So the first step may be to differentiate between those steps that compromise national goals and those that are in fact already possible. The present state of affairs, with academics formulating populist plans for the future in a vacuum, is ironic, to say the least.

Implementing clever arrangements to make a shared city work will not lead to utopia, or even a livable Jerusalem, without a lot of human relations work. People need to explore their feelings about Jerusalem and express themselves in settings that facilitate allow candor, first within their own communities and then across

the issue, we need to frame the issues in ways that they can hear. Questions instead of pronouncements would be a good start, and the same questions apply on each side. What borders do people consider sacrosanct? What are their priorities are for the city? How do they suggest addressing the other side's concerns? What security arrangements would make them feel safe? What acknowledgements they would like from the other side? We need door-to-door surveys with no hidden agendas, community forums, and civic leaders who convey that they care about what Jerusalemites think. We need educational programs to supplant the politicians' slogans about Jerusalem. And all of this could begin now.



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Communication between Israelis and Palestinians is both a means and an end; both an attribute of the dual capital model and an important vehicle to reaching it. In dialogue, willingness to listen to each other's stories, fears and hopes is more important than the content of arguments we advance. Recognition of each other's attachments then follows. (Personally, I would like to see a moratorium on the words "you must" in all exchanges on Jerusalem between Jews and Palestinians. Nothing is gained when one side proclaims what steps the other must take.) Listening is essential for finding out where each side can and cannot be flexible.

Knesset Member Naomi Chazan, a well-known activist and academic, has taken note of the phenomenon of women's actions as a harbinger of positive change on the road to peace between Palestinians and Israelis. What most of the

to suggest that women's communications skills are too valuable to ignore in our quest for a more livable city. My vision of Jerusalem sees women being an integral part of the dialogue, internal and external, and of the solution-finding process.

I have often noticed less posturing on the part of women, both in "future-of-Jerusalem" forums and in other dialogues, and it seems to lead to quicker results. Apparently women feel less need to demonstrate the correctness of their stances in general before they venture an opinion on Jerusalem that may go beyond the boundaries of what their society considers acceptable. Chazan points out that contacts between Palestinian and Israeli women have led to joint declarations that

or two or three more have passed.

Moreover, women's forums have led beyond joint declarations to practical institution-building. The project called the Jerusalem Link is a prime example. Two women's centers, the Jerusalem Center for Women in East Jerusalem and Bat Shalom in West Jerusalem, function autonomously, but a cooperative umbrella structure, supported in part by women from abroad, connects them. The project may not have been set up as an explicit forerunner of a model for municipal government in a city with non-exclusive sovereignty, but it comes closer than any other structure I know of in today's Jerusalem.

My vision calls for a multiplying of institutions based on this paradigm, as a step toward the day when city government uses it. How would this work? In the field of education, for example, it might mean two new schools, one Israeli and one Palestinian. There are parents on each side of the city who would welcome their children having more contact with the other side. Language, demographic patterns and culture work against setting up joint schools, but separate progressive schools, with similar educational philosophies and a cooperative relationship from the outset, could foster sustained contact on a regular basis between members of a new generation of Jerusalemites. With success, these school

In the realm of commerce, tourism is a prime area for cooperation. Rather than having the many contacts be *ad hoc*, let us institutionalize them too, with an

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eye to developing business models that preserve independence and promote cooperation.

The more we try out having cooperative, independent, equal-status institutions, the firmer the basis will be for applying the model to the administrative structure of a city both Israeli and Palestinian Jerusalemites can proudly call their capital. Meanwhile, it may be very useful for progressive elements in the municipality and Palestinian Jerusalem leaders to establish contacts that consciously employ this model. The Jerusalem Link has had high points and low points since its sister centers began operation. Let us analyze what worked and what did not, and move onward.

The key to vision becoming reality is incremental progress, starting from what is possible and expanding the horizons of possibility. Sometimes this will mean working separately and sometimes it will mean working together. In any case, the greater the numbers of women and men who actually feel themselves part of a process, the faster progress is likely to be. It helps to have a clear-cut goal to strive toward. At the same time, however, if mutual respect, understanding and flexibility slowly come to characterize the communications between the residents of Jerusalem, it will create an atmosphere in which almost any plan that evolves can succeed.

Bernard Sabella<sup>13</sup>

For the sake of argument, let me state an unconventional way of looking at Jerusalem. Jerusalem is the place where I live, where my family lives, where my children are growing up. In this sense, the holiness of Jerusalem is but another dimension or aspect. To live in Jerusalem, to have my children grow up in Jerusalem, why should I worry with how the Jews think and pray in Jerusalem? Why should I worry with how the Moslems think and pray in Jerusalem? In fact, why should I, a Roman Catholic, worry with how the Protestants think and live in Jerusalem? I take this position to argue that a lot of the symbolism that we attribute to the religious importance of Jerusalem is artificial in the sense that we have projected our own hi

other way around. We may become overly protective, each one of us, of earthly Jerusalem. Therefore, we do not make room for others in the city. It is either my Jerusalem or nobody's Jerusalem. I think all three religions, Christianity, Judaism and Islam, follow this principle. I cannot understand when a Moslem says Jerusalem is more important to me, when a Jew says Jerusalem is more important to me and when a Christian says Jerusalem is more important to me. With all due respect, Jerusalem is as important to all of them.

Some people would not agree and would insist that Jerusalem is different. Yes, it is different in one way and it is not different in other ways. It is different because the holy places are here. But, residents of Jerusalem have needs, requirements, responsibilities and rights similar to residents of any other city the size of Jerusalem.

There are two national groups living in this city. We have to take this into consideration. There are also three different religious groups living here. We have to take this into consideration. The holy places play a role in Jerusalem so we have to take this into consideration. Another consideration is that we Palestinians do not love the Jews, the Israelis, our neighbors in the city, and they do not love us. In fact, we do not have contact with each other. Whatever contacts we do have are either violent, or else they are instrumental contacts that we have to have in order to survive. They need us for certain things and we need them for certain other things. We do not have what I call emotive social contacts across the borders.

We have different infrastructures for services. The municipality of Jerusalem cares for the Jewish part. They do not care as much for us. We are not represented in the municipality. We choose not to be. Not because the Israelis did not want us, but because we see the situation as one of occupation and conflict.

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<sup>13</sup> Prof. Bernard Sabella is a sociologist from Bethlehem University who contributes a great deal of work in terms of Jerusalem.

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Jerusalem extends across different borders. Some refer to it as the heavenly Jerusalem. I think one should be honest and concentrate on earthly Jerusalem. What I want is that when the Israelis and the Palestinians come together to make arrangements for the future of Jerusalem, they will allow me and my children to live as normal citizens. The religious dimension, or heavenly Jerusalem if you wish, is important but mundane matters related to daily living, housing, education, health and community are as important.

Do not sell me the religious and heavenly part of Jerusalem. What does this mean? I am a professor. I am a teacher. I teach my students how to be objective, how to respect Judaism, how to respect Islam and how to respect Christianity. At the same time, if I choose not to be religious, I want to have that right. This may come as a surprise to some because, as a Christian, I am supposed to stand here and crusade for Christian Jerusalem. Sorry, I am not going to repeat the Crusades, nor do I identify with the crusaders.

What we have in this city is different religious and national groups living side by side, in a sense accepting each other, not through coexistence, but through negligence. We neglect each other. We say, let them pray the way they want to pray. Let them do things the way they want to do things. This may be the beginning of a solution. Just let us, each one of us, leave the other side alone without interference in its religious practices and in its way of doing things. But this mutual negligence is not enough. It should be accompanied by arrangements that would allow the various religious and national groups in the city to plan for their housing, education and other needs in an atmosphere of freedom and equality. Hegemony of the one side over the other will be detrimental to an effective philosophy of "live and let live."

I honestly do not believe that in Jerusalem we will get to a situation where Arabs and Jews will be as friendly as, for example, Moslems and Christians in the eastern part of the city. I think we will always have in Jerusalem two different national groups, three different religions and many cultures, and there will be a lot of nothing in common among all these.

How do we come to a vision of a future Jerusalem whereby each different group can live in its quarter in its own way with its own world vision emanating from its own lived experience, and at the same time not infringe on the rights of others to have their own lived experiences and their different world vision?

I am not a politician. Therefore I am not going to say that I would like to see two municipalities or two capitals or the different religions having sovereignty over their own holy places. Politicians will argue these points. But for goodness sake, let the Jews pray their own way and live their own way in Jerusalem. Let the Moslems pray and live their own way in Jerusalem. Let the Christians pray and live their own way in Jerusalem. And let the Palestinians feel that this is, as it has always been, their city. Let the Jews, the Israelis, feel that this city is, as always, their city.

I do not buy that the city is an eternal capital for anybody because I do not know how eternal the capital will be, given that the human condition, in its various manifestations, is eternally relative. Therefore, I do not know whether the

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eternity of the capital would survive the state of Palestine and the state of Israel. But I know that this city is dear to all. Accordingly, we should find the *modus vivendi* that will enable all the different groups in this city, national and religious, to really live their own way and control their lives in an atmosphere of mutual benign negligence or neglect. This atmosphere, I hope, could eventually lead to mutual acceptance and respect.

One last comment. One of the most important things is to enable each and every person who wishes to reach the city to do so, whether Jew, Moslem, Christian, woman, child, whoever. There should never be moments in the history of Jerusalem when old men and old women, on Fridays or on Sundays, cannot enter their religious holy sites in Jerusalem to pray. If we really want to have a *modus vivendi* that allows for our differences, then we should also agree on free access to Jerusalem.

The best that Jerusalem can give me and my family, and others and their families, is to live as normal citizens like in any other city the size of Jerusalem anywhere in the world. I do not want people to promise me heavenly Jerusalem and to sell me their various projections on the city and its significance, both earthly and heavenly. I simply want to be happy and satisfied with living in Jerusalem, knowing that my Jewish and Moslem neighbors are feeling likewise. If we all get to this situation of satisfaction then perhaps we have all started to fulfill the best in our religious, cultural and national traditions. It would also be an indication that the philosophy of benign neglect or "live and let live" had actually started to work.

Anis Al-Qaq<sup>14</sup>

My vision of Jerusalem begins with East Jerusalem, territory that has been occupied since 1967. I speak about Jerusalem as part of the Palestinian territories in the West Bank and Gaza. The Palestinian dream and the strategic choice for peace is to have a Palestinian state, within 1967 borders, with East Jerusalem as the capital of this state.

This is the minimum which the Palestinians can accept as a national and political right. We cannot give more. We have reached a historic reconciliation with the Jewish state. That does not mean we have no rights in Jaffa or Haifa or in other parts of Palestine, but we believe that there is no absolute justice, no absolute rights, and the two nations have to compromise in order to live in peace for the first time in history. We take this position as a strategic choice, not a tactical one.

We have to go to our people and say: this is what we want; this is what we are going to achieve. The new Palestinian state will be the state for all Palestinians, who can come here from anywhere to live, to visit, to work, to do whatever they want. This applies to Jerusalem.

I have no problem living with anybody, Jewish, Christian, Moslem, or otherwise. But the reality on the ground is not the way I would like to see it. Even within Israel today, in the Galilee, Lower Nazareth is Arab and Upper Nazareth is Jewish.

Jerusalem today is divided *de facto*. There is a psychological wall dividing the two cities. Since 1967, not a single shop or store has been opened by an Arab in West Jerusalem or vice-versa. This is how people feel it should be, and I think it will remain so. The political level with which we must deal is not the same as the functional level.

On the political front, in the coming few months, we will begin discussing permanent status arrangements, boundaries, settlements, refugees and Jerusalem. I think the most important to start with is boundaries, for if there is agreement on 1967 boundaries, that will lead to tackling other issues. The most important and the most difficult two issues are the refugees and Jerusalem. The Israelis, the Jewish people, want Jerusalem to be their capital for the same reasons that the Palestinians do.

The Palestinians' political vision is that East Jerusalem, Arab Jerusalem, will be the capital of the Palestinian state, with open boundaries. A special arrangement can be worked out with the Israelis concerning the Old City from the religious point of view. A mechanism can be created. Jerusalem should be the city of peace, cooperation, coexistence and prosperity.

This is an optimistic solution. In the region, not only the Palestinians and the Israelis but also the Jordanians and maybe soon the Syrians, the Egyptians and others have to see the dividends, the fruitfulness of peace. They have to see a new economic reality. Without this new economic reality, people will never believe that they will see any change. Extremism will grow more and more, and national and religious dogmas will have the upper hand.

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Therefore, all the parties have to work closely for regional cooperation. For Palestinians, the two most important economic benefits from the current peace process which could strengthen our newborn state are tourism and agriculture. Jerusalem without tourism or tourism without Jerusalem has no viability for us at all. Therefore, we have to work through ideas about how to make this city a diamond of peace and prosperity for everybody. When people see the benefits of peace they will consolidate peaceful coexistence and cooperation in this city.

We need a just solution in Jerusalem. Many millions of Moslems have an interest in Jerusalem. After they make their pilgrimage to Mecca they have to come to bless their image in Jerusalem. This is a Islamic religious duty. If Israel is interested in making peace with the Islamic world, then our rights to Jerusalem have to be fulfilled.

We have to talk about the Arab world from a national point of view. Two hundred million will not visit Jerusalem or Bethlehem if they feel that the Palestinians here are under occupation or that there is no just solution. To make regional cooperation a reality in the coming 15 or 20 years, it is important to work on the political and national level and not to step on each other's red lines. And we see East Jerusalem as a red line for the Palestinians.

Until we go through this political solution we cannot underestimate the functional and the human level where we can all work together in Jerusalem. As I said in the beginning, Jerusalem is divided *de facto*. If you go to East Jerusalem, there are areas that look like slums. The municipal services which are provided to the Palestinians are lower-grade but they force everybody to pay city taxes, sometimes at the same level as an Israeli living in West Jerusalem. The Palestinians pay 25 percent of the Jerusalem municipal taxes and receive only five percent of the services. Since 1967 Arabs have been granted 4,600 building licenses, while the Israelis received 67,000 licenses from the Jerusalem municipality.

There is nobody in Jerusalem who has not had a problem either with the municipality or with the national insurance or with the Ministry of the Interior concerning family unifications or had a land dispute with the Israeli government. I lost a house to an Israeli. I now live 50 meters away. My house was occupied by an Israeli family by force. I approached the Israeli authorities. They started to give

to live on the land next to it. They came and expropriated the land, and a few months ago they came to me. They measured the house I am living in and the municipality took me to court, threatening to demolish my present house.

I am a person with connections to Israeli politicians. I am a responsible party in the Palestinian National Authority. I have a lot of contacts internationally and have been working for peace and with peace groups, Israeli and Palestinian, since 1970. If this is my story, imagine how many problems and cases you will find among the people in the street.

The Palestinians have to work as the Israelis are doing, creating facts. The Palestinians have to continue to work with their institutions, strengthening their health institutions, teaching institutions, social welfare, the culture, the youth

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movement. There is opportunity now. The Palestinians should develop the areas on the outskirts of Jerusalem that are under their authority in Zone B, develop proper infrastructure and a lot of housing complexes, create jobs in small and medium industries and start to reverse the flow of water from East Jerusalem to that area.

We can start strengthening our Palestinian fabric and society because this will also help, in the future, to create good harmony and good balance in Jerusalem. We need creativity and imagination, but before that we really have to work very hard, now, to start with the first steps that have to be taken in parallel, on the political level and the functional level, and try to unlock this difficult situation.



Rabbi David Rosen<sup>15</sup>

While my observations on the image of Jerusalem come from a religious perspective, inevitably there are some very significant political ramifications to the way we see Jerusalem.

Scholars of religion have noted that cities are rendered holy by a variety of different components. Cities are considered holy because of topographical or geographical locations. But in the main, cities are rendered holy, sacralized, by sites. A holy site may become such in different ways. It can become such due to the presence of a special object or it can refer to a location where certain events took place or it might be a venue where certain events are anticipated. Another point that sociologists of religion observe is the way in which a city may be perceived as a microcosm of some cosmic reality and thus embody a higher truth and reality within it.

It seems to me not insignificant that these different elements of sacralization relating to the city are to be found within the three religions, each in its own particular way. For Judaism, Jerusalem is surely historically significant in terms of its Davidic association, but principally it is significant because the tradition perceives it as the place where God caused His Name to dwell in a unique way, embodied within the Temple, within the Holy of Holies that stood on the particular site.

Accordingly, the major events within the mythical memory of the Jewish people are concentrated in a unique way upon this particular location. The

edifice that once stood there, is according to the legend not only the place from whence the whole Creation began and from where the actual dust for the creation of the first human being was taken, but it is the location of major religious events. It is the place that witnessed the supreme devotion of Abraham, who for his faith was willing to sacrifice even that which was more dear to him than life itself.

ascended and descended, connecting heaven and earth, and where the divine covenant with Abraham was ratified with Jacob and his descendants.

Those visions and expressions of devotion are identified in Jewish tradition with that specific location. While an object, a stone, a place was at the heart of the very structure of the sanctuary, the focus of sanctity, an association of events within the mythic memory of a tradition enhances a perception of a unique sanctity focused on that location perceived as being right underneath the footstool  
ulcrum of the  
universe.

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<sup>15</sup> Rabbi David Rosen is a Jewish educator living in Jerusalem. He was Chief Rabbi of Ireland

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In addition, these associations give rise to a vision: that ultimately humankind, despite all its pain and ruptured disharmony, can be and will be healed in some way at some future time. That future cosmic healing is focused upon that particular location in terms of the Messianic vision, not only the ingathering of the exiles, but an era of universal peace for all.

Within Christianity, the spiritualization of the significance of Jerusalem gave it a universal character. Nevertheless, there was still very much an attachment to the real physical location. The pivotal event of Christian faith is inseparable from the location where the personality who is the focus of that faith lived, died, was crucified and, in accordance with Christian belief, was resurrected. This makes the city unique in terms of both sites and symbols and also in terms of its cosmic significance and its place within future anticipation.

For the Jew and for the Christian, it is quite a salutary exercise to learn of the Muslim attachment to Jerusalem, as it is for the Muslim to learn of Jewish and Christian attachment. The different components to which I have referred come together in their own way within Islamic tradition. For the stone at al-Aqsa and the lore that surrounds it are similarly associated with pivotal events central to Islamic faith and indeed with universal human history. Once again, the beginning of creation commenced there, according to Islam; the clay for human creation was taken from there, and other historical events are located there.

The supreme event associated with this site in Islam is the night journey of the Prophet with his steed El-Buraq, when he ascended to heaven after having been transported to Jerusalem, where he prayed. Islamic tradition identifies the

everlasting testimony for Muslims of their special association with Jerusalem. And again we find in this religious attachment not only the mythic dimensions of memory, but anticipation for the future, the final judgment that will take place in a unique way, focused upon Jerusalem. Cosmic confusion is resolved and repaired here in Jerusalem, here in The Holy, in Al-Quds.

The appreciation from within our different traditions of the attachments of the others, and above all, of the amazing parallels between the traditions, is of enormous significance for our future. A resolution of the territorial questions and the questions of sovereignty and political jurisdiction in Jerusalem are only part of the picture.

Surely the most important aspect concerns the relationships between the people who live in Jerusalem; the relationship between the people who hold Jerusalem dear. If there is not a proper appreciation of the parallel attachments and their profundity, then no matter what political resolutions there will be, we will continue to live on a mine field.

Many of you are familiar with a statement that appears both within the Jerusalem Talmud and within the Ethics of Rabb

We Jerusalemites are a little biased, whether we call our city Yerushalayim or Al-Quds. We see it as having a unique beauty, even a special physical beauty. We can give the British some credit for that since it was Sir Ronald Storrs who passed the

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by-law requiring all Jerusalem buildings to be faced in Jerusalem stone. We are attached to a certain physical quality and a certain topographical dimension.

But we know that the real beauty of Jerusalem, like anything that is truly beautiful, is not skin deep. It goes deep into the recesses of the soul. That real beauty, like a diamond with a myriad of prisms, dimensions, inflections and reflections, is built up of the diversity of various attachments of those who have held Jerusalem dear and special and whose sentiments, longings, hopes and dreams have formed and fashioned that beautiful diamond that is the city.

However, people are less familiar with the next phrase in this text. It states:

blood has been spilled, more tears have been shed, more energies have been dissipated upon conflict and warfare and internecine hostility than over this city? And why?

strife comes from the attempt of any one party to exert an exclusive embrace of Jerusalem. But Jerusalem cannot be embraced exclusively by anyone, even by any one tradition; it is Ir Hakodesh, Al-Quds, holy by its very nature, and so beyond the totality of any one embrace. The lack of recognition of that truth and the attempt to exclusively embrace Jerusalem has been the source of the historic pain of all different denominations.

There is a very beautiful psalm about Jerusalem, Psalm 122, which contains

an ironic statement when you look at the history of Jerusalem. Have those who loved Jerusalem prospered? It seems to me that historically most of those who loved Jerusalem suffered a great deal of pain and hardly prospered at all. But of course, implicit in the beauty of Jerusalem is the insight into a deeper meaning of

not be divided, even though there are undoubtedly different understandings of what

means that Jerusalem is a city that makes everyone friends. There was the vision of the Psalmist, of the tribes of Israel coming up as pilgrims to Jerusalem, with the sense of unity and with a focus on Jerusalem that would bind them together.

Taking this teaching one stage further, we find a very important insight for contemporary Jerusalem. The prosperity, the peace of Jerusalem is the peace that comes when we are able to transcend our differences and become friends from within our particular confines. Each group can live, and perhaps should live, in their understanding of its own unique attachment, but exclusive attachment shatters the beauty of Jerusalem and leads us ultimately to conflict and pain. When we are able to transcend our own partisan and interests and recognize the associations of others, when we are able to transcend our own individual attachments and appreciate those of others, then Jerusalem makes us all friends. That is the real peace of Jerusalem, and that is when we can really prosper.

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In this vein there is another interpretation of that verse in Psalm 122 that talks of Jerusalem joined together. Are there two Jerusalems? ask the sages of the Midrash. Yes, they answer, there is an earthly Jerusalem and there is a celestial Jerusalem, and only w

that our ancient sages are pointing here to this beautiful truth about Jerusalem. She is both physical and celestial. She is a material attachment but she is also more than corporeal. She transc

When we who live here are able each to live in his or her own attachment to Jerusalem but at the same time to transcend them in recognition of the fact that Jerusalem is so much more than any one of our attachments, then she will be complete, fulfilling her destiny and name as City of Peace.

My vision, therefore, is for a Jerusalem in which we will understand to respect each other's attachments and live in genuine respect for one another because only then will political processes be able to fully succeed.

Sari Nusseibeh<sup>16</sup>

In my opinion, a starting point is to try to devise a kind of ideal conception of what Jerusalem should be. I know this sounds like a very brave thing to ask of people, especially of Israelis and Palestinians who are very bent on details about how to draw a particular line here or where to set up a building there. But Jerusalem, a city regarded by the three monotheistic religions as the closest city on earth to the divine, in fact the gateway to the divine, does deserve this. Begin with asking what Jerusalem should look like and then see how one can accommodate an ideal design, how to accommodate the demands and aspirations of people like us, the Palestinians, the Israelis and others, who are all fighting to claim possession of the city.

The problem with this starting point is that there are at least two parties, the Israelis and the Palestinians. So maybe the question is not what Jerusalem should be like, but rather what it ought to look like to Israelis and what it ought to look like to Palestinians. Of course, those two conceptions are going to conflict, so where will that get us? How will that help us in beginning the negotiations?

I do not really know how to put those two ideal conceptions together, but I think if you were able to, the conception that would be a result of this merger would actually be more ideal than either of the other two. Indeed, it would have a syncretic kind of effect, a multiplier kind of effect.

I convinced myself that this was a mathematically good argument and felt content with it. But then the next step is to think about what the components should be. While I do not know the answer to this, I think that there is an answer. I will put forward a few ideas. Above all, Jerusalem should be regarded by the Israelis and Palestinians as something above human beings. In other words, it should not be looked upon as an entity that can be possessed or dominated by either Israelis or Palestinians. It should be above people since it is a kind of religious city and is valued as such in the history of the peoples concerned. Thus the people of Jerusalem should be regarded as custodians of the city rather than as rulers of the city.

I truly believe that the people should not be allowed to rule over it, as they would in any other city or piece of territory. This is God's city. To claim that you can rule it or dominate it or play around with it for your own purposes seems to me to be in direct contradiction to the nature of the city; indeed, to the very claim that the city is special and ideal. I am not happy with the possessive drive over Jerusalem on either side. Something should be done to moderate it, to temper it, in order to preserve the city.

In Jerusalem there should be a special attempt at preservation of the historical and physical as well as the natural environment. Obviously, as a Palestinian, I would like to see the eastern part of the city, in particular, developed. I can understand other Palestinians who wish to put up as many buildings there as

both the Israeli and Palestinian sides we must try to preserve, as much as is

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possible, the physical and the natural environment of the city. If you want to build skyscrapers, destroy valleys, make birds migrate, kill the countryside, destroy all the pieces of stone, there are plenty of cities where you can do these things, whether in this country or other countries. People, especially politicians, are welcome to go to those other cities and do that. Preservation of the environment should be of concern to Israelis and Palestinians as well as to others who also have an interest in the city.

By preservation, I mean on all levels: the environment, the walls of the city, but also the content of the city, the people of the city, the activities of the city, the kind of life that exists in the city. We should try to build a kind of life here where Jews who are glad to be in the city are happy indeed to be in the city, and where Palestinian Moslems and Christians who have it in their hearts to be in the

all, as human beings who love Jerusalem, first and foremost.

Jerusalem can of course be a political capital for the Israelis and the Palestinians. But if it is to be a capital for the Israelis and the Palestinians, if it is to have the kind of shared sovereignty that I as a Palestinian call for, I believe that it shou

destroy it.

For example, if you have to have government buildings, all right. But we do not need embassy buildings as well. We do not need to have all the government buildings, all the ministries and the government departments located here in the city. We could have a capital with the symbolic presence of the governments of both Israel and Palestine. In fact, the sovereignty of the Israelis as well as the sovereignty of the Palestinians should be as symbolic as possible. The problem today is that posed by the non-symbolic, overbearing presence of the sovereignty of the Israelis in Jerusalem.

What we need to do is to reduce on both sides, or to design together on both sides, a government presence in the city that addresses and satisfies the political aspirations of the two sides, but also preserves those elements that are the reason we have come to claim the city in the first place.

What is more important than you, the human being, laying possession to Jerusalem is why you have this love for the city in the first place, a love rooted in the fact that this thing is not yours and cannot be yours. This is the city of God.

Sarah Kaminker<sup>17</sup>

I am interested in earthly Jerusalem only. Therefore, I am interested in land, and that is what I am going to be talking about. I also have a vision about Jerusalem. I dream that one day Jerusalem will be a very boring city. I dream that in this boring city I will wake up and open the newspaper and find that there is not a single article about Jerusalem, that there is no politician making a statement about Jerusalem and no enemy opposition politician making a counter-statement. Jerusalem has been in the past, and will be in the future, a city of neighborhoods. That is determined by the geography and the contours of the land. I dream of a boring city where every hilltop has its own neighborhood and where every neighborhood is similar to the neighborhood on the next hilltop, though the style of life of the residents is very different. This boring city will have the incredible color and diversity it has today, but it will operate on one principle agreed to by everyone: that the community's resources will be divided fairly and equitably among all the sectors of the population, among all these neighborhoods.

In this boring city that I envision, discussion will center on one critical subject: how to define fair and equitable. I believe that this kind of city can be achieved under any political and administrative system that anyone can envision. I will, therefore, not go into any of the questions that revolve around a series of slogans: two capitals for two states, self-determination, sovereignty. I have very decided opinions about these matters, but those decisions will not determine whether the community's resources will be divided among all its sectors in a fair and equitable way.

Distribution of the city's resources fairly and equitably is good for every sector in the city. It is good for the Palestinians. It is good for the ultra-Orthodox. It is good for the deprived neighborhoods. It is even good for the secular middle class who want to hold on to what they have achieved, and only rarely do they have to realize that they are in danger because others are so far behind them. They do come to realize that every so often.

We have a long way to go in this city to bring the often-deliberately neglected sectors up to an equal standard. The most neglected of all the sectors in this city are the Palestinians. But I would remind all of us that the ultra-Orthodox run a very close second. Of course, money is needed to equalize municipal services. I cannot tell you where we are going to get it, but it is out there. If we know what we want to do with it, we will find it. If we find it before we know what we want to do with it, we will waste it.

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Sarah Kaminker is a well-known urban planner and a former member of the Jerusalem City Council.

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As an urban planner, I am here to tell you that planning is the most critical thing we can do in the city today. Municipalities have two critical functions, planning and budget allocation, and everything else is subsumed under them in every municipality in the world. I am making a plea here to both Israelis and to Palestinians that, no matter who is in charge of the city in the future, they accomplished.

First, East Jerusalem has to be replanned. There needs to be a picture of what a modern Palestinian city in this part of the world should look like. Second, the old plans made by the municipality of Jerusalem have to be thrown out and entirely new ones brought into effect. Third, we have to encourage and make possible and subsidize an Arab real estate and housing industry that will implement those plans

and develop Arab neighborhoods together with the local citizenry in each one. They have to be active participants in running the places they live in. They know better than me and they know better than you what it is they need and what it is they want.

The kind of planning I am talking about can be done in conjunction with or separately from that for the satellite communities, or in conjunction with or separately from the towns and villages owned by the Palestinians on the borders of future.

First let's talk about replanning East Jerusalem. Many people think that the actions taken by the Israeli government have closed off all options. I want to prove to you today that that is not true. They have closed off many options, but there are many options that are still available if only we are daring enough to take advantage of them.

The town planning scheme of the municipal government does not let people live decent lives in those neighborhoods. The government has often said that they are terribly sorry about the problems of Palestinians in East Jerusalem. If only they could move fast enough and plan fast enough, the problems would be solved. I am afraid that many Arabs and much of the Palestinian leadership believes that this is true. It is not. Each plan has been made with the aim of confining and containing the Palestinian population on very small islands of land.

The new town planning schemes that must be prepared in order to solve a thousand individual and community problems must be based on a concept that is completely different: on the concept of growth, development and mobility.

Within the villages, anywhere from 30 percent of the land, as in A-Tur, to 70 systems have been planned in each one of the neighborhoods that are totally inappropriate to the kind of development which is permitted.

If a modern new Palestinian city was planned on the 50,000 dunam of land that is available for that purpose in East Jerusalem, the entire concept of how people should live in East Jerusalem would have to change. If Palestinians decided that they must have high-rise, high-density building in order to house all the people



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who love Jerusalem and want to stay here and have their antecedents here and their roots here, then road systems such as that planned by the Israeli government might be quite suitable. But only low-rise, low-density development is allowed in those neighborhoods, so they do not need 14-meter wide roads.

The town planner's scheme is there to take land away from people, to make it impossible for people to use their land. Not one of these roads has been built, although they all appear on the plan. Nor should any of them be built, because they are totally out of keeping with what is needed in those neighborhoods.

I want a city in which there are no glamorous myths and no overblown visions. After the 1967 war, the first plan that the government of Israel prepared for East Jerusalem was called Ayn Mem 9. It was a plan for the Old City and its surroundings and it says directly that every concern, every priority other than preserving the beauty of Jerusalem is relegated to a lower position. In order to preserve the beauty of Jerusalem we have to be able to stand in the west, look toward the east and see open hills with tiny little villages spotted among them, just as Abraham saw it when he was here. All the regulations for planning the Arab neighborhoods were based on preserving this beautiful pastoral scene of Jerusalem.

I think that Abraham would have been very happy in the setting we have provided for him in East Jerusalem, but his descendants have chosen something else. Jerusalem is today is a large metropolis, an urban place whose residents want a share in big-city living. If we did not want them to have a share in big-city living, if we did not want them to be in urbanized places, we should have left them outside the borders of Jerusalem and left them in peace. But we annexed the villages, put them in the big city, and kept them villages. This is something that all new planning for East Jerusalem must take into consideration. This must change either by evolutionary or revolutionary methods, but it can be done. This is the creative task for planners in the city today, whether Israelis or Palestinians.

rationalize the development of the Arab construction industry and a thriving real estate market. You cannot have a thriving real estate market if no one can realize a good profit from selling and buying land. The only way to realize that profit is by building in ways and at densities that are suitable for a modern large city. People must be encouraged to sell land. They must be assured that their children will be able to live and have shelter even if they sell their land.

There is no way of providing the 22,000 dwelling units needed in East Jerusalem if we continue with a system where every man builds a little house for his family by himself on his own little piece of land. This is a big city. There are ways of bringing about change. We all know there are ways of doing it, but nobody is putting this into effect today.

The fourth planning task, involving the citizenry in determining their own future and their own preferred physical environment, is not something that municipalities like. No municipality wants to involve the citizens in planning because it means devolving power to them. Municipalities speak as if they like it

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and think it is wonderful and democratic, but they all shy away and stymie it when it rears its head.

Yet if the citizenry is given the opportunity to make its own decisions, to argue for what it wants, to organize itself for getting what it wants, we have a

in all parts of it. Not just East Jerusalem, but West Jerusalem as well. My vision is of a boring city, but civically it could be the most exciting city I can think of.

Riad Al-Malki<sup>18</sup>

I always say that Jerusalem to the Palestinians is like the heart to the body. If you take the heart out, the body cannot function. On my way here I passed by a row of house just 20 meters down the road. One of these houses belonged to my family before 1948. In 1967, my father took us to show us this house. We knocked at the door and said we just wanted to look at it. We were kicked out. They even called the police. When I was thinking about what to say about Jerusalem, I remembered

I will claim my rights to it if it takes my whole life because I believe that this house in Jerusalem has a very special significance and meaning. Even if I have houses in Nablus or Haifa or Lod, I will not look at them the same way as I look at this particular house in Jerusalem.

It is important for everyone to understand that Jerusalem has its very important significance. It cannot be claimed by one side alone. We Palestinians here have our rights, our roots, our claims in Jerusalem. Just as Israelis are united behind Jerusalem, the whole political spectrum agreeing that Jerusalem is the eternal capital of Israel, the Palestinians have the same slogan: Jerusalem is the eternal united capital of Palestine.

I believe that when we talk about Jerusalem we have to differentiate between three levels. One level is sovereignty. In my vision of Jerusalem, the Palestinians have total sovereignty over East Jerusalem, including over all the inhabitants of

important. This is the bottom line.

In the political negotiations we will discuss the issue of the [Jewish] satellite settlements in East Jerusalem. The final agreements will be either that these settlements are evacuated to allow Palestinian refugees to live there, or, if it is a political solution, some form of compensation will be granted, balancing these satellite settlements in East Jerusalem against our claim for our houses and lands in West Jerusalem. Or, if some of the settlers decide to stay, they have to know that they will be living under Palestinian law and Palestinian sovereignty, and that these settlements must be open for any Palestinian to come and live there. They will never be exclusively Israeli under the Palestinian sovereignty. They should be open for everybody, including Palestinians, to live there. Any Israeli who is granted permission to live in East Jerusalem can choose to live wherever he likes. But we have to make it very clear that a Palestinian can also live wherever he wants in East Jerusalem as long as East Jerusalem is under Palestinian sovereignty.

The second level has to do with municipal services. East Jerusalem should have a separate municipality, based on neighborhood committees. This is essential. I do not know anything about the secret negotiations about Jerusalem.

When it comes to such issues as Jerusalem, borders, sovereignty, settlements and refugees, I believe the Palestinian negotiator will be supported by a unified Palestinian position because these issues have unified all Palestinians. Thus there are loud discussions now about what to do with the opposition groups and

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suggestions that we should be part of the final negotiations, if not directly, at least indirectly, in terms of really supporting the ideas and personnel and so on.

When it comes to the religious aspect, the third level, I am willing to reach a compromise. It is very clear. I acknowledge that there are rights for all religions in Jerusalem. That is why the three religions have full authority to do whatever they

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have to prove that there is religious tolerance here, that everyone can come freely to Jerusalem to pray, regardless of his or her religion. We are not going to prevent Jews from coming to East Jerusalem to pray if they want to. We are more tolerant in this sense.

In the final negotiations, the Palestinian position will be different from what it was in Oslo. These final negotiations will be different because we will be united in terms of issues like Jerusalem, settlements, borders and sovereignty. You should not take our claim lightly. We are serious when we talk about our claim to Jerusalem, and that is why it is going to be a very, very long fight over it.

What I want is to see the city divided. I believe the city has been divided since 1967. When Israel occupied the city in 1967, the east and west parts were divided even if there was a decision to unite them; divided in terms of demography, in terms of topography, in terms of services, in terms of culture, in every aspect. You see, you feel, you sense the division. When you cross this street you can see it. It is a division that is being manifested.

I am saying, let us make this division official. Let us talk about two cities, twin cities, East and West Jerusalem, but Jerusalem still. I am not talking about closing borders. I am talking two cities separated, divided, but still open. I do not want to prevent an Israeli from West Jerusalem from coming to East Jerusalem to pray or to prevent people from East Jerusalem from going to West Jerusalem.

Clearly the situation that has prevailed since 1967 is one that could continue: having a divided city, west and east; the west side the capital of the state of Israel and the east side, of course, the capital of the state of Palestine. This is what I see as the most practical solution for everybody.

Uri Avnery<sup>19</sup>

My vision for Jerusalem is based on two axioms.

Axiom 1: We cannot go backward. The last time I visited this beautiful building was in 1949 when it was bombed out. I was a soldier, and some of my comrades took me up to the roof which served as an observation point. Down below I saw the mines and barbed wire of the frontline. A few yards opposite were the soldiers of the Jordanian Army. From time to time there was shooting. We do not want to go back to that separation.

Axiom 2: There is no political and social problem in the world which has no solution. Where there are human beings, there are solutions. This particular problem has, perhaps, too many solutions. More than one hundred concrete proposals for solving the Jerusalem problem have been put forward. Meron Benvenisti has often said that the situation in the country has reached the point of irreversibility. Many things that not long ago seemed irreversible have already been reversed.

We must de-mystify Jerusalem. Therefore this symposium is so important. There must be many more symposia like this, public statements and actions, manifestos, demonstrations, articles and books about the solution for Jerusalem. We must show that the so-called national consensus about Jerusalem is nothing but a myth. We must disprove the endlessly repeated mantra about Jerusalem, the Eternal Undivided Exclusive Capital of Israel. There will be, there can be no solution based on this concept.

The Israeli public will readily understand that it would indeed be the height of coming into being before our very eyes, with a Palestinian army, called police, with because of the conflict over Jerusalem. Put this way, I dare say that 90 percent of the Israelis would support the search for a solution for Jerusalem.

them:

There is the *physical* aspect. How will the city be administered? Who will organize transportation, raise taxes, clean the streets?

There is the *political* aspect. Who will exercise sovereignty? Whose law will apply? What political border will appear on the map? Whose capital will it be?

*aesthetic* aspect. Jerusalem is a beautiful, a unique city. It hurts my eyes to see certain things in Jerusalem today. I remember Mount Scopus as it was when I was a child. The kind of building that has obliterated Mount

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<sup>19</sup> Uri Avnery is a former member of Knesset, author, journalist and Gush Shalom activist.

Scopus, like many of the new housing projects and other monstrosities, are a crime against Jerusalem.

There is a *religious* aspect. It must be addressed; we dare not ignore it. Religion is not nonsense, as some may think, because real people believe in it. It exists in the minds of millions of people, and they have a special attitude towards this city, which they consider as a doorway to heaven, as a dwelling place of God. It is irrational to disregard the irrational. Irrationality is part and parcel of the problem of Jerusalem.

There is, of course, a *mystical* aspect. But this is very personal, and does not lend itself to political discourse.

All these aspects must be addressed, and for each of them solutions must and can be found. But let me emphasize a deeply felt conviction: No partial solution, no solution of one aspect alone will serve. We have to view the problem of Jerusalem in its totality, in all its aspects, all its dimensions, all its components.

In theory, one can isolate this or that dimension in order to look for specific solutions. But Jerusalem is *one* problem. It is a problem of human beings living in Jerusalem, a problem of municipal administration and the needs of the city, a problem of two nations living in this city and claiming it as capital, a problem of three religions which consider it their holy city. All this and more.

Therefore, the solution we are looking for must be creative, an all-embracing but detailed solution, which will appeal to the imagination as well as to the logical mind, to emotions as well as to reason. It must solve all the problems which together constitute the problem of Jerusalem.

Now for the vision.

Last year my friends and I took an initiative to publish a manifesto. Inspired by Faisal al-Husseini during a Gush Shalom demonstration which took place on the

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prominent Israelis, among them many of the most important writers, poets, artists, university professors and peace activists of all shades, as well as the Palestinian leadership in Jerusalem and some foreign personalities, such as Yehudi Menuhim. The full text is as follows:

Jerusalem is ours, Israelis and Palestinians, Muslims, Christians and Jews.

Our Jerusalem is a mosaic of all the cultures, all the religions in all the periods that enriched the city, from the earliest antiquity to this very day: Jebusites, Israelites, Jews and Hellenes, Romans, Christians and Muslim Arabs, Mamelukes, Ottomans and British, Palestinians and Israelis. They and all the others who made their contribution to the city have a phrase, the spiritual and physical landscape of Jerusalem.

Our Jerusalem must be united, open to all and belonging to all its inhabitants without borders or barbed wire in its midst.

Our Jerusalem must be the capital of two states, of the two states that will live side by side in this country, West Jerusalem the capital of the state of Israel and East Jerusalem the capital of the state of Palestine.

Our Jerusalem must be the capital of peace.

How can this skeleton vision, this general idea of a united, undivided Jerusalem as the capital of two states, be implemented on the ground? Here we must separate between different aspects.

On the municipal level, we must accept the fact that people want to live as normal lives as possible. Jerusalem must be administered as one city. It cannot be otherwise. There are different ways of achieving this. There can be one municipality, based on parity, with all Israelis in the city electing half the municipal council and all the Palestinians electing the other half, with rotating mayors. This would remove the tyranny of nationalist demography, which induces Israelis to settle more and more Jews in Jerusalem, to create completely artificial municipal boundaries, to fill every empty space and obliterate everything that is beautiful, so as to create and maintain by all means a Jewish majority. The opposite endeavor to create a Palestinian majority will have similar effects.

Another option is to have separate municipalities for Palestinian and Israeli neighborhoods (quarters) and a joint super-municipality. There are many variations. The main thing is to have a joint municipal administration based on *parity*.

On the national level, the basic fact is that there are two peoples in this country and that Jerusalem has been for thousands of years, except for short intervals, the capital of this country as a whole, both politically and geographically. It is therefore, *ipso facto*, the capital for both peoples. This is deeply embedded in the historical, religious and national consciousness of both.

two peoples would have to give up Jerusalem. It must and will, therefore, be the capital of both. How?

Sovereignty in Jerusalem can be applied horizontally or vertically. It can be divided or shared. There are two main options, with diverse variations in between.

The first option means that all of Jerusalem will be the capital of Israel, and all of Jerusalem will be the capital of Palestine. It means a condominium, joint sovereignty, with free entrance from all sides and free exit to all sides. This looks like a complicated solution, but is, in actual fact, much simpler than it looks. Very detailed plans exist. It is, perhaps, preferable to the other option, because no one has to give up anything. The beauty of it is that all of Jerusalem will remain the Palestine.

Nevertheless, it may be more practical to have a vertical division: East Jerusalem as the capital of Palestine, West Jerusalem as the capital of Israel, an open city with no physical borders between the two sides, and sovereignty more symbolic than practical.

On the religious level, the solution is, perhaps, the easiest to find. Every religion must govern its own holy places. The Haram al-Sharif will remain in

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Muslim hands, the Western Wall in Israeli hands. Christians will govern their own holy shrines.

Is such a solution politically practical? I am convinced that this is much easier than it looks. Politicians may stick to their mantras, but people on both sides already know that a compromise will be achieved, more or less on the lines sketched here. Many indications point in this direction.

When people speak about their love for Jerusalem, I am reminded of the love, does not mean violation, does not mean rape, does not mean domination. It or rather, merging your welfare with that of your loved one. If all of us, Israelis, Palestinians and all the others, express our love for Jerusalem in this way, a solution for Jerusalem will easily be found.



Hanna Siniora<sup>20</sup>

Most people who back the peace process and reconciliation between our two peoples living in the same homeland have a vision of what should come out of the negotiations. What we have concluded now are interim steps and not a final settlement. We are working toward a vision where, at the end of the negotiations, we will have a two-state solution. The wishes of the Palestinian people are to have their own state on their own land and with their own capital in East Jerusalem.

Such a Jerusalem in the context of a two-state solution would be a city of coexistence and not, like today, a city fragmented, with a psychological wall of fear between the two sides and with horrible events such as [the bus bombing] last Sunday which everybody in the Palestinian Authority and many of the leaders of the Palestinian people condemned as a crime against unarmed civilians.

We hope to create a vision of a two-state solution where Jerusalem is the city of peace and coexistence that we can all call our own and where we all work toward that vision. I believe this is the only way to protect what has been started. Certainly, stability and durability of any kind of contract between the two peoples can be undermined if no understanding is reached about Jerusalem.

In order to arrive at a solution for Jerusalem we must educate the public, both in Israel and in Palestine. People here are friends of a peaceful solution for Jerusalem, people who have worked all their life for understanding between the two peoples. Very little of this is getting to the public, either in Israel or in Palestine.

In the future, to plan an educative process about how to solve the issue of Jerusalem, we need documentation of such proceedings and for it then to appear on television. It should appear in both languages, Arabic and Hebrew, so that our publics will understand what some of our intellectuals are talking about with regard to the future of Jerusalem.

If you want to take a courageous stand you have to educate your public. Otherwise, through misconceptions, the public may take stands that will make it suicidal for politicians to advocate changes. That is why I am advocating that we should reach the public at large through the mass media, specifically television.

I believe there is a consensus in Palestine that all of Jerusalem is the eternal capital of Palestine, and in Israel that all of Jerusalem is the eternal capital of Israel. If we continue along these two lines they will not lead us to peace and a solution. We have to educate the public and change public opinion.

Very soon we will be conducting final status negotiations on the very difficult issues of the future of Jerusalem, the future of the settlements, the control of water resources, the border between Israel and Palestine and the return of the refugees, all complex issues which can either help bring peace to the region or undermine the whole peace process. We have to create several options for our negotiators to help them find a solution. I believe that the Arab side of Jerusalem should be returned to the Palestinians and we should accept Israel on the western side of Jerusalem, in this way having a two-state solution with East Jerusalem the capital of Palestine and West Jerusalem as the capital of Israel.

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Some people say this is redividing the city. But while we are talking about partitioning Jerusalem into East and West Jerusalem, each the capital of its own state, we have to keep the borders open at all times between the two sides and the two cities.

The condominium plan is another option which makes me think of previous Israeli ideas about how to resolve the issue of the Palestinian territories occupied by Israel in 1967 through negotiations with Jordan and by having the territories as a condominium under the control of Israel and Jordan. Those thoughts were not acceptable to the Palestinian people. As a result, the whole issue of an understanding between Israel and Jordan over the future of the Palestinian people was not possible or negotiable. Only after the Israelis understood that the sole way to find a solution was to talk directly with the representative of the Palestinian people, the PLO, did we come to the present peace process.

A condominium arrangement for the whole of Jerusalem, and not only East Jerusalem, might be something like what is called shared sovereignty. Instead of two separate sovereignties, one Israeli in West Jerusalem and one Palestinian in East Jerusalem, there would be shared sovereignty over all of Jerusalem. This also offers food for thought.

To conclude, I would like to see a discussion of all the options in order to arrive at what people really can swallow and accept. We do not want to divide the city. We do not want to erect a new wall that will divide East and West Jerusalem. Walls have fallen. We want communications between East and West Jerusalem to be open. We want both peoples to live in peace, in coexistence, in dignity, and to feel proud of their presence in the city. Whoever feels second-class or neglected will act violently, and we have had enough violence. To prevent violence we have to come to understandings on the most difficult of issues, and certainly Jerusalem is one of the most difficult and complex issues to resolve.

Nothing is irreversible. We can find a solution to ideas or even plans that seek to make settlements and building around Jerusalem an irreversible means of total Israeli control over the entire city. In this historic settlement that we are advocating and working toward through peaceful negotiations, the Palestinian people will be left with less than 22 percent of the area of Palestine to be their future state, while Israel will be recognized and accepted on 78 percent of the land. This is much more than the partition plan of 1947.

We have to accept the idea that minorities should live in each other's states. We have Palestinians who are Israeli citizens, who live in Israel. There are almost a million Palestinians living in the Galilee and in many other towns in Israel. We are not asking the Israelis in the settlements to change their citizenship. They can vote for the Knesset. But in all other ways they will be living in a state where there are not two sets of laws and where there are no double standards. They should live under Palestinian sovereignty if they are on Palestinian land and accept the legal structure of the Palestinian state. And it will be the duty of the Palestinian state to look after their security.

Gershon Baskin<sup>21</sup>

The political leadership of Israel speaks of a consensus on the future status of  
95 percent of the Israeli public.

This supposed consensus, defined as the Israeli policy, is as follows: *All of  
under Israeli sovereignty forever.*

I maintain that this is not really the consensus of Israeli opinion on Jerusalem  
but is in fact a rather narrow view of what the future of this city should be. The  
true consensus, as opposed to this mythical consensus, can be stated as follows:

All Israelis believe and desire that:

1. Jerusalem must never return to the status it had prior to June 1967. Jerusalem  
should never be physically divided. It must remain an open city with free  
access for all.
2. Personal security and security of property must be guaranteed for all, in every  
part of the city. No one should have to fear getting a knife in the back in any  
part of the city and no one should have to fear getting their car torched or  
other property damaged in any part of the city.
3. The new Jewish neighborhoods built in East Jerusalem after 1967 must remain  
under Israeli sovereignty.
4. The Jewish holy places must remain under Israeli control. (This does *not*  
include the Haram al-Sharif/Temple Mount).

Why do I think this is the true consensus? To begin with, if Israelis (and even

would be capable of completing the task. Moreover, if Israelis were asked to name  
the 18 neighborhoods of Arab East Jerusalem, almost none of them would be able  
to do so. If you asked Israelis how many of them have visited in those Arab  
neighborhoods, the answer would be almost none. If you asked how would be  
interested in visiting those Arab neighborhoods, the answer would be the same. If  
asked whether the Jerusalem municipality should invest money in developing those  
Arab neighborhoods, almost all Israelis would  
has been the practice: Since 1967, the Jerusalem municipality has invested next to  
nothing in Arab neighborhoods.

Again, ask Israelis if their country has any real need (other than perhaps  
security) for controlling those neighborhoods. The answer of most people, I am  
certain, would be no.

Arab parts of East Jerusalem. Rather, most Israelis are concerned about the ability  
of Israel to maintain its capital in Jerusalem, to have security, to have an open Old

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<sup>21</sup> Dr. Gershon Baskin is the founder and Israeli director of IPCRI. These remarks are  
adapted from those presented at the conference.

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City with Jewish control of Jewish holy places. The status of the Arab sections of Jerusalem is really of little interest to all but a tiny minority of Israelis.

I believe that one of the primary tasks which must be undertaken on the Israeli side in order to prepare Jerusalem for negotiations is to break down the *myth of consensus*. This can be done in several ways.

First, people must begin to speak out on this issue. Secondly, public opinion polls should be carried out, asking the public the kinds of questions listed above. These polls, as IPCRI has already shown in a poll that it conducted last year, will continue to prove the hypotheses listed above. The results of the polls should be widely published because they will, in the end, help pave the road for negotiations over Jerusalem.

Final status talks on Jerusalem will be very difficult. The Israeli election campaign inflates the symbolic value of Jerusalem to the Israeli public, making it very difficult for any Israeli government to then support far-reaching compromises. The Israeli elections create new hurdles for Israeli politicians to confront following the elections. The new government will have a difficult time coming back to the public for support of a plan that will grant Palestinians any real significant control over East Jerusalem. Both candidates, Shimon Peres and Bibi Netanyahu, promise that Jerusalem will not be divided and that Israel will have sovereignty over the entirety of the city. Labor party statements which in the past spoke about Jerusalem as the eternal capital of Israel now add that only Israel will have its capital there.

There is reason to hope that changes will take place after the negotiations get started. On 18 May 1996 Teddy Kollek was reported to have declared that the

time position on the subject. Kollek also said that Jerusalem could be shared, with some kind of joint administration. While Kollek is no longer mayor of Jerusalem, he has a great deal of support from many Israelis and potentially could be used by Israeli leaders to advocate compromises which may otherwise be unacceptable.

It seems that the Israelis will offer the Palestinians a deal that allows them to establish their capital outside of the municipal boundaries and have some kind of administrative link with other parts of Jerusalem that are within the municipal boundaries. Perhaps boundaries could be redefined so that villages such as Umm Tuba and Sur Baher could be located within the Palestinian sovereign domain. If the areas of Abu Dis, Azzariya, and A-Ram (all outside municipal boundaries, in Area B) are linked with other Palestinian neighborhoods of Jerusalem, such as Beit Hanina, Sur Baher, and Jabel Mukaber, and additional land area is given, such as the empty land area between Issaweyah and Ma'aleh Adumim, this could perhaps form the basis of a Palestinian capital.

It seems very unlikely that Israel will agree to give up sovereignty over the downtown area of East Jerusalem or over the Old City. It also seems very unlikely that Israel will make any concessions regarding the status of the Israeli neighborhoods (settlements in Palestinian terms) which have been built in East Jerusalem. Nonetheless, it appears to me that Israel will be able to make compromises regarding substantive and effective administrative control by

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Palestinians over most of the Palestinian neighborhoods of East Jerusalem. Israel is also unlikely to demand a change in the status quo governing the holy places despite extreme pressure from within to allow for Jewish prayer on the Temple Mount/Haram al-Sharif. Therefore, Palestinians will continue to control the Haram.

I find it unlikely that Israel will really encourage any form of joint rule in Jerusalem. Instead, Israel is more likely to favor separate municipal structures whereby Palestinians would provide services to many (if not most) of the Palestinian neighborhoods. This is possible without necessarily demanding any change in sovereignty. Yet there are also possible compromises which could be made on issues of sovereignty.

Israeli refusal to grant Palestinians any form of sovereignty in Jerusalem has a lot to do with Israeli fears of a redivided Jerusalem and the possibility that sovereignty infers the right to launch an offensive army. Once again, it is worthwhile to mention that the two sides should deal with the issue of sovereignty

sovereignty and sovereign rights must be limited by the rights that exist on the other side. No side should have the right to take any kind of unilateral action that will have a direct adverse effect on the rights of the other side. This is the only way that sovereignty can be divided and shared without dividing the city.

Both sides must be contractually committed to guaranteeing the continued openness of the city. Both sides must be contractually committed to making many

if there are two municipal councils. Cooperation which is imbedded in legal agreements which are binding on both sides is probably the only way to guarantee the unity of the city while leaving each side the right and a great deal of freedom to develop and administer its own part of the city.

I believe that it is possible and probably wise to find a solution which will grant Palestinian Jerusalemites the continuation of benefits that they currently receive as holders of Israeli identity cards. If compromise on sovereignty is unlikely with regard to some parts of Palestinian Jerusalem, then perhaps those neighborhoods which would remain under Israeli sovereignty could be administered by a Palestinian municipal council while the residents would continue to receive the same rights that they have today. This kind of mixed and complex solution allows for Palestinian municipal government in areas technically under Israeli sovereignty, with the residents enjoying rights and benefits from both sides. While this suggestion seems unlikely to be accepted by the Palestinians today, it is my impression on the basis of conversations with many Palestinians that this is a real possibility and should be pursued further.

Creative solutions will have to be found which go beyond what is currently considered acceptable. I believe that the main challenge for Israel in the future negotiations will be to translate political concessions into strategic gains. For Israel, the single most important concern is security. For the Palestinians there is a need for national honor and dignity. The more the Palestinian side can feel secure

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with their national honor and dignity, the more security Israel will have. The yardstick for measuring these two elements cannot be the same for the two sides, but they are parallel. Israel, almost 50 years old, with a European economy and one of the strongest armies in the world does not have the same needs as do the Palestinians who are only now approaching national status.

A primary need for Israel is to prevent terrorism. The Palestinians will only truly be partners in the fight against terrorism when that fight merges with their own national interests. Real security will exist not when a Palestinian general receives orders from Israeli general, but when the Palestinians are independent players on a level and balanced playing field, providing them the political will to fight the enemies of peace. Both sides must learn that the joint and mutual interests are superior to the narrow and individual ones. Therefore, in order to achieve real peace, Palestinian must end up with a real piece of Jerusalem under their control. It is possible to achieve this while also guaranteeing that the city will not be divided.

Finally, time is of the essence. The longer the negotiations take, the greater the possibilities for the opposition on both sides to derail them. interest to make more concessions in favor of a faster agreement rather than hold out for as long as possible until the Palestinian side collapses in compromise. Both sides will compromise in the end. The Israeli sides holds almost all of the assets which will be negotiated. An agreement which will force the Palestinians to give in on their most vital interests will not be an agreement that will receive public support.

These negotiations are going to be much more complex and difficult than any of the previous negotiations and therefore it is urgently important that several key principles are well understood by both sides:

Palestinians must achieve independence in the final status agreement in order to be a full and equal partner.

The final status talks must produce results which are final and not more interim measures.

The final agreement must have as a goal the creation of good neighborly relations based on openness and cooperation and not closure and separation.

Israel must be interested in the development of the Palestinian economy.

Jerusalem can only be a city of peace if both sides feel that they have a fair share in the future of the city.

No exclusivity of ownership can exist over the city. Jerusalem can be one city and two capitals. Jerusalem will never be a unified city unless it can be shared. The possibility for sharing Jerusalem will only be realized once the two sides and their leaders cut down on the rhetoric which polarizes and instead begin to help the public, on both sides, understand the true character of Jerusalem. Jerusalem is a city of two peoples who both claim national, historic and religious rights to it. Real sharing can only be achieved by recognizing the political reality that has existed here since 1967. Since the overwhelming majority of Israelis really care only about

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the Jewish parts of Jerusalem, let us concentrate on them and recognize that the Palestinians today are willing to accept rule solely over their parts of the city. Jerusalem can stay physically united. Infrastructures, economic development and some elements of planning can be conducted jointly. Let Israel rule over Israeli Jerusalem and let Palestine rule over Palestinian Jerusalem and Jerusalem will become one city living in peace.

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Father Thomas Stransky<sup>22</sup>

Mine is a personal Jerusalem vision. When contemplating the topic I thought of our different kinds of visions or dreams: apocalyptic nightmares; images of

stately vision mocks my waking sense? Hence, dear delusion, sweet enchantment,

with a good chance of fulfillment if the right decisions are made at the right time by the right people.

Indeed, visions of Jerusalem quickly fade if not deeply rooted in the earthly. A cemeteries. Euphoric dreams mingle with the worst of nightmares. Yet over the cautious of being naively euphoric or cynically fatalistic. Dream I must, but realistic visions of Jerusalem I dare

My visions for the earthly Jerusalem, blessed and cursed, are filtered through an imperative that is at the center of my Christian faith and which I believe is also at the core of Judaism and Islam: Let God be God and let the human be human.

Too often and too consistently in Jerusalem today, the worst in ourselves, our sinfulness and our pathologies are transferred to God for divine sanction and approval, especially our attitudes, claims and actions toward those others who are not quite like ourselves. We replace God by a panoply of idols shaped in the worst image of ourselves. The one *God* is not allowed to be the *One* God. But the three faith-commun person as the center of history. All three religions stand or fall on their fundamental claim that the human being is of ultimate and absolute value. So I ask: Can Jews, Christians and Muslims, together for the common good of Jerusalem, allow the city to be truly human?

In my vision for Jerusalem is an atmosphere throughout the city that helps people, despite the odds, to search for and discover in each other the human face and the human heart. Such a friendly environment presupposes the initial

institutionalization of equity. In the paradox, the first step of institutionalized political equity allows for the further, far more critical steps in an environment where it becomes easier to depoliticize human existence; that is, not to reduce persons and human communities to their political and economic dimension.

Human beings and human communities are wonderfully complex and mysterious, not mere digits on any computer, especially the political counter. The fully human is not limited to what makes immediate political sense. True, there are immediate peace dividends for Jews and Arabs in Jerusalem and for other residents



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like myself who are neither Jew nor Arab. The immediate political peace dividend is not loving respect, warm or cold, but the normalization of the collective condition, a network of routine human relations which characterize peace most of the time in most cities.

In Jerusalem, until now, most of us religious folk, including most of our leaders, have been more a part of the conflict and the problem than of its solution. Its political structures and functionings. Peace treaties need not include biblical and

My realistic vision is that after political resolutions are enfolded, religious people will gradually become peaceful reconcilers, who in helping the human to be more human in relations with others within and between the three faith-communities, are responding to a common religious call first revealed to Abraham:

18:19). In my

Jerusalem vision is a group photograph, not yet to be found: the chief rabbis, the Christian patriarchs and bishops and the Grand Mufti, surrounded by ethicists and medical people after drawing up a joint action plan to promote ethical health and medical values among doctors, staff and students in nursing schools, hospitals and other medical care institutes, wherever the patients may be.

My vision of Jerusalem removes those psychological walls which are far more threatening and divisive than any Berlin Wall and checkpoint. When I briefly lived in Berlin in the late 1950s, each week with my American passport I would go over

to go to the play, at theaters in West and East Jerusalem,

psychological walls must collapse, so that in their routine lives, people feel at home throughout Jerusalem, in one city with many cultures. This is a quality of

means that one only tolerates the others as the lesser of two evils. If not enemies, they still remain strangers to each other. Not quite truly human, is it?

Today there are three places other than Tantur where I, as a Christian and a

or no vibrations of nervous tolerance. These places transcend differences to unite and foster the human. Above all, I feel this in Hadassah Hospital, when I visit sick or dying Arabs or Jews, Armenians or foreigners. Also the Canion Mall, or shopping center, where even Jordanian tourists rush to buy Adidas jogging shoes. Thirdly, the Peace Park on the garden hill below the Haas Promenade, where Jewish and Arab families stroll, runners puff, and children swing in play.

My vision of Jerusalem sees Arabs and Jews of Jerusalem and Palestinians of Bethlehem and Ramallah in the same Jerusalem concert halls and theaters and at folk festivals. Arabs of all sorts and Jews of all sorts use their public parks together; for example, leisurely walking across the newly renovated ancient path from the

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Mount of Olives to the City of David. My visions even includes Palestinians and Jews are playing football together in Teddy Kollek stadium without a Liverpool-style riot.

both Israel and in Palestine. Now there are none. Even the Arab citizens do not fully celebrate Israeli Independence Day. A common holiday could unite Jerusalem and the surrounding villages, similar to a Canadian or American Thanksgiving Day. American Thanksgiving Day began as a Christian feast. Today it transcends any religious label, any religious, cultural and ethnic differences. Those who do not believe in God also eat a big turkey, without prayers. Yet religious people give it an explicit dimension. Why not the same kind of holiday for Jerusalem?

Today I am saddened by the human violation of disappearing natural hills and valleys of Jerusalem with fortress-like housing not quite in harmony with the surrounding peaceful topography. I share the recent vision of the Jewish National Fund: a belt of green open spaces, at least around Jerusalem. From my Tantur study window I enjoy this daily view: I gaze toward a unique hill to the east, a sugarloaf which stands by itself, surrounded north and south, east and west by an untouched wadi and by ancient

Mount Tabor. Others name it Har Homa or Jabel al-Ghaneim. It looks toward the

and toward Beit Sahur, Bethlehem, Har Gilo and the eternal hills of Judea.

Har Homa has become a politicized hill, intended to be a political statement. The facts of the natural wooded ground may be replaced by new facts of urbanization. The municipality is planning a suburb of 7,000 homes initially, certain to expand more destructively. As did Gilo in the past year, with new multi-storied buildings on the eastern slope eliminating the gentle green descent and almost embracing the open wound of the new Highway 4 and the spoor of the Refa'im Valley.

There is a way of providing housing on hills without destroying all of the wadi beneath. I see how Gilo is slowly soiling the green garments which are its slopes.

ity  
1960s.

Last November I noticed that even the Hilton on Monte Mario could not bribe enough people to become an arrogantly dominating 12-story building. In Rome one still sees the harmony of its major hills, of the contours and the surrounding space of pine trees. Housing has been provided. Hotels have been constructed.

human warm embrace of the natural.

which in maximalist language shouts to its Palestinian neighbors to the immediate

My vision sees in this southern area of Jerusalem, including Har Homa, a binational public park, similar to Israeli-Jordanian plans of the upper Wadi Arava or the Jordan Rift Valley Cultural Heritage Park; a green belt with green lungs where Palestinians and Israelis can relax, alone or with friends and families, in quiet

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peace on shared land. A condominium of conviviality, which is far more human than coexistence. This is the most personal of my Jerusalem vision, and alas, the least likely to be realized.

Aristotle boasted that he preferred humanity to human beings. There is no education and of that unique personality which one shapes by continued free choices, whether right ones or wrong. That is why I am hesitant to remain only

cultures within the Jewish people and within the Arab community. There is a different culture between the educated and the less educated workers, between Jerusalemites and Beit Jala villagers, between bourgeois Christians and Muslim stonemasons. Something the same, yet something different.

To really see a human person is to see the human person in his or her uniqueness, and n

marketplace *kaftiya*. I live right on the frontier, the checkpoint, between south Jerusalem and Bethlehem. Almost daily I cross the border to Bethlehem. I know many of the extended families, especially through the Christian and Muslim Palestinian household staff at Tantur. Seventy percent of the population of Beit Sahur, Beit Jala and Bethlehem have been born since 1967. One of the Beit Jala

because unlike her immediate neighbors who seldom have been to Jerusalem, she is

but unique Jewish human faces and hearts, whom she has gotten to know, respect and enjoy, Jews as persons, without masks. My visions for Jerusalem does not see such a woman as an exception.

Nafez Nazzal<sup>23</sup>

I was brought up in the Old City of Jerusalem. Daily, I walked from the Old City, where my house was located near the Church of the Holy Sepulcher, to Herod's Gate, to attend school. Every morning, as I walked out of Damascus Gate, I looked at the wall that divided the city. I did not understand why the city was divided. Moreover, I did not know anything about the Jews who lived on the other side of the wall except that they were our enemies and that they occupied Palestine.

In 1962, I left Jerusalem for the United States of America. I was not in Jerusalem when it fell under Israeli control. Therefore, I was not allowed to return and live in my city. I was able to return and live in Jerusalem in the late 1970s only as an American tourist. Subsequently, I applied for family reunion and I was granted permanent residency.

Since 1967 Palestinians in East Jerusalem have been treated as a minority in their own city. They have been discriminated against and do not have the same opportunities as Jews living in the city. Israel has annexed and united the city without giving the Palestinians equality and has left them the role of providing services for Israelis and tourists. The Palestinians are not satisfied with cleaning the streets of East and West Jerusalem. They need to have more responsibilities in order to feel that this is their city, and to be recognized as equal and given a share in the administration of their city.

Palestinians refused to participate in the Jerusalem municipal council because the city was annexed and unified by Israel without their consent. Palestinians have realized that since 1967 they were not represented in the municipal council and that their part of the city has been deprived of any development what-so-ever. Accepting to participate in the municipal council would have implied a *de facto* acceptance of the annexation of the city which Palestinians rejected from the very beginning.

My vision for Jerusalem is to see Palestinians sharing the administration of the city and be given the right to have a council and a municipality of their own in East Jerusalem. Having a separate municipality in East Jerusalem whereby the Palestinians would administer their part of the city does not necessarily mean the division of the city. On the contrary, my vision for Jerusalem is to become open and undivided and for both Palestinians and Israelis to equally share the administration of the city within the framework of two municipalities.

Regarding the political sovereignty of the city, allow me to repeat what I have suggested many years ago: Let us Jews, Christians, Muslims, Israelis and Palestinians support the idea of depoliticizing the Old City of Jerusalem, a spiritual

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center for Jews, Christians and Muslims alike and have representatives of these three religions administer it. Sovereignty would only belong to God, Almighty. Israelis and Palestinians then should agree that Jerusalem remain open and undivided. However, if the two parties insist that Jerusalem should be the capital of their respective states, the West Jerusalem would be the capital of Israel, and East Jerusalem (without the Old City), the capital of Palestine.

NEGOTIATING THE FUTURE

## PART II

### Israelis and Palestinians Seeking an Agreement

February 26, 1996

#### THE PANELISTS

Moderator: Dr. Gershon Baskin, Israeli co-director of IPCRI.

Co-Moderator: Prof. Ove Bring, Dean of the School of Law, Upsalla University, and former legal advisor to the Swedish Foreign Ministry.

"Palestinian negotiator": Prof. Manuel Hassasian, Dean of Arts and the head of the Political Science Department, Bethlehem University.

Commentator: Dr. Menahem Klein, political scientist, Bar Ilan University, author of *Jerusalem in Negotiations for Peace: Arab Positions*.

"Israeli negotiator": Danny Seidemann, attorney, head of Ir Shalem, an organization that aims to create opportunities for equality in the city of Jerusalem.

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*Baskin:* The exercise that follows is to simulate a kind of negotiation over the future of Jerusalem. However, our negotiators are not official representatives of the Israelis or the Palestinians. Thus, what they present does not obligate anyone. The negotiators will present their assessments of the positions of their respective sides and later their own opinions.

We will attempt to bridge some of the issues that complicate the question of the future of Jerusalem, one of the most difficult problems for the upcoming negotiations. There will be three rounds, each 20 minutes to half an hour long. During the first round the negotiators will present what they perceive to be the official positions of each side. During the second round they will search for common ground; to try to reach out to each other and see potential points of agreement between the Israeli and Palestinian sides. In the third round we will ask each of the participants, including our moderators, for any personal opinions they would like to express. At the end of each round we will take comments and questions from the audience.

ROUND ONE

*Hassasian:* Here we are not going to talk about the polemical attitudes of Palestinians and Israeli, nor dwell on the historical factors that justify the claims over Jerusalem from an Arab or from an Israeli perspective. What we are trying to do here is to mold the basic components of an agreement over the status of Jerusalem.

Israel has accepted putting Jerusalem on the agenda for negotiations. That in itself is a concession. Most of the time we have heard the rhetoric that Jerusalem is the undivided and eternal capital of the State of Israel.

I will briefly summarize several points that I think represent the official position of the Palestinians as the basis for any possible future negotiations.

Israel has unjustly occupied Arab territory and therefore does not deserve land rights or control of Jerusalem, based upon its belligerent and aggressive military occupation. Jerusalem is not recognized internationally as the capital of Israel except by Costa Rica and Zaire. No party recognizes Israeli claims to East Jerusalem. There is no international precedent or approval for Israeli claims to Jerusalem, as evidenced by UN resolution 181. The Palestinians did not sell their land in Jerusalem. The Israelis confiscated it and the Palestinians took no money. Israel argues that the Palestinians have many other capitals in other Arab states. However, Palestinians are treated as foreigners in other Arab countries. Why should the Palestinians not have a right to Jerusalem as their capital just because there are other capitals elsewhere in the Arab world? The international community, with respect to international law, has never recognized Israeli annexation of Israeli territory. Israel maintains control by military force without legitimacy or legality. Therefore, Israelis have no legal right to this territory.

The contested Jewish control of Jerusalem has lasted for almost 29 years. The Muslims controlled Jerusalem for 13 centuries. The Palestinians have a much stronger historical claim to the land. Occupation after war is only legal if it is

temporary, and Israeli occupation has not been temporary. The current occupation of East Jerusalem is illegal and the Palestinians have a right to self-determination there.

There is a sovereignty vacuum but not a legal vacuum. UN resolution 181 intended two states with self-determination, a Jewish state and an Arab state, with Jerusalem under an international trusteeship. The Israelis talk about peace but they do whatever they want because they control Jerusalem illegally. The Palestinians have never been given the opportunity to prove themselves. Without self-determination or political rights they cannot show the Israelis that they are capable of running an independent state.

East Jerusalem is the capital of the West Bank and the center of Palestinian life. The national Palestinian institutions are located here in Jerusalem. East Jerusalem is more the capital of the West Bank than West Jerusalem is the center of Israeli economic, social and cultural life.

Palestinians have been prevented from developing land and building settlements by the Israelis through confiscation, annexation, local prohibitions and absentee landlords. Israeli policy, since 1967, has been to create a Jewish majority in Jerusalem by bringing in people, taking Arab lands and preventing Arab construction.

But why should the Israelis care if a Palestinian neighborhood is under Israeli sovereignty? The Palestinians have the right to build wherever they own land. It is unacceptable that the Jerusalem municipality prevents Arabs from building inside the municipal borders. East Jerusalem was a totally Arab city from 1948 until occupation in 1967. Palestinians have a right to this land. Yet greater Jerusalem, as declared by Israel, now comprises an area of about one-fifth of the West Bank.

For Christians, the Holy Sepulcher represents the holiness of Jerusalem; for the Muslims it is the Dome of the Rock; and for the Jews, the Wailing Wall. The walled city, the true and holy Jerusalem, belongs to no single nation or religion. It belongs to the whole world and to the three monotheistic religions: Islam, Christianity and Judaism. Thus, it should be open to all and run by a council of the three religions.

West Jerusalem is the capital of Israel and East Jerusalem is the capital of Palestine. The urban areas that stretch beyond the ancient walls to the east, northeast and southeast, the Arab part of the city, would be called Al-Quds. The urban areas that stretch beyond the walls to the west, northwest and southwest would be called Yerushalayim.

The Palestinians are struggling to maintain the character of Arab Jerusalem. Demographically and geographically, Israel, since 1967, has been trying to change the character of Jerusalem. With the recent crackdown on Palestinian institutions in East Jerusalem, the Israelis are creating more and more impediments to arriving at a solution in the future negotiations. This is not going to be helpful.

Normalization is nonexistent today. Every day more complex issues come to the fore and the positions of both Israelis and Palestinians are becoming more and more intricate and entangled. Normalization on the West Bank is a key element in the success of future negotiations over Jerusalem. Without normalizing the



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conditions in the occupied territories it will be very difficult to create a consensus among Israelis and Palestinians looking for a solution for the question of Jerusalem.

The question of Jerusalem is the key to the peace process and to a comprehensive peaceful settlement in the region. Partial redeployment and economic normalization will not appease the Palestinians so that they concede Jerusalem as non-negotiable for the Israelis. On the contrary, that would be the breaking point.

As negotiators, we realized that having Jerusalem on the agenda from the very beginning of the peace process would create a situation detrimental to both the Palestinians and the Israelis. That is why we postponed the issue until the second phase of the negotiations. During the interim period we should have created the ambience for acceptance of mutual recognition and shared sovereignty in Jerusalem. That would have created the psychological background for Israelis and Palestinians to understand the formidable challenges confronting the negotiators in the final status talks.

The question of Jerusalem is not purely a political and territorial one. It also has symbolic and spiritual components. This makes it a very difficult issue. Preparing the negotiators psychologically to sit down at the negotiating table and discuss the future of Jerusalem is therefore crucial.

We need to create the readiness to think in terms of mutuality, reciprocity and parity, in order to and try to overcome the zero-sum conflict and to try to find areas of commonality so that both parties can, in the final analysis, come up with a shared vision of shared sovereignty over an undivided capital. Jerusalem should not be divided, nor walled like Berlin.

A solution to the question of Jerusalem really does not come just from looking have to be open-minded and more pragmatic.

*Seidemann:* The position you will hear is not necessarily my own.

I think Prof. Hassasian failed to appreciate the basic lack of symmetry that lies at the existence of this city. That lack of symmetry derives from the fact that Zion, Jerusalem, has been the driving force and one of the core elements of Israeli identity, and one of the basic values of Zionism.

Jerusalem has never been the capital of an Arab state. The Jewish people have had no capital anywhere in the world other than Jerusalem. This is not to deny the Palestinian nature of the 160,000 residents living in East Jerusalem. However, the claims to Jerusalem are not based on an entirely equal footing. I would not make light of that because there is nothing more tangible in this city than the symbolic.

First of all, Israel asserts that Jerusalem is to remain an undivided city. The city was brutally divided between 1948 and 1967, and any attempt to re-erect walls within the city, whether they be physical or otherwise, is a non-starter. We believe

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that the overwhelming majority of the population of Jerusalem, Jew and Arab, Christian and Moslem agrees with that.

Sovereignty, somewhat like pregnancy, is indivisible. As one may not be slightly pregnant, one cannot be slightly sovereign. Sovereignty is ultimately the arbiter of who may legitimately exert force. That is not something that can be shared or diluted. Within certain parameters that may be negotiated, Israel is not willing to countenance a compromise on its sovereignty in united Jerusalem.

Were life simple we could end here. But life is not simple, and Israel has, as a result of a number of another elements, additional interests in its maintenance of the city. Nonetheless, the notion of united Jerusalem under Israeli sovereignty remains a shining beacon of Israeli policy on the left and the right.

Israel, because of its failure to obtain international recognition of its sovereignty, seeks to achieve that recognition. Please do not be deluded into thinking that Jerusalem has been placed on the agenda in order to undermine our sovereignty in the city. It is done to achieve precisely the opposite: to consolidate it in the eyes of the international community.

Israel indeed has an interest in maintaining the coherence, the cohesiveness and the stability of the city. Here I agree with Prof. Hassasian that many grave mistakes have been made. These mistakes can and are being redressed. Palestinian rights in East Jerusalem have been abused. That has to stop. But it has to stop within the framework of a system in which the final arbiter is Israel.

In recent years a new goal has been added to Israel's list of goals in Jerusalem: not to allow Jerusalem to be an impediment in the peace process. But I think it would be fair to warn you that both mainstream Israeli politics and the overwhelming body of public opinion would say that if the choice is a continuation of the peace process at the price of sacrificing Jerusalem, then let the peace process be damned. That is not a goal, but ultimately the Palestinians are going to have to confront the fact that an overly insistent view on Jerusalem on their part can jeopardize much more than Jerusalem itself.

Within these parameters there are certain concessions that we in Israel are willing to make. We are willing to recognize the national character of the Palestinian population living in East Jerusalem. We have already done so in the Oslo accords, by allowing the linkage between residents in East Jerusalem and the Palestinian Authority. You may be elected from East Jerusalem, you may participate in the vote, but you may not assert authority in East Jerusalem.

Prof. Hassasian complains bitterly about that, and perhaps legitimately so from his position. I would suggest that complaints over this issue be addressed to Chairman Arafat who signed the Oslo accords. It was agreed in the Oslo accords that the Palestinian Authority will not act in Jerusalem and that Palestinian institutions can act in the city on a voluntary basis only, not as organs of government. When the Palestinian institutions purported to operate as governmental bodies, the Israeli authorities took them to task, acting not only within the framework of Israeli law, but within the framework of the Oslo accords.

Another element that can give expression to the Palestinian nature of East Jerusalem is reform of the land system, by equal allocation of the funds and actions

of that nature. And yet another element: granting religious autonomy, because we indeed are committed to scrupulously maintaining religious freedom.

Finally, at the risk of sounding a bit paternalistic, I would say these positions are not only Israeli. Some of them have even been adopted by the Palestinians. This is perhaps uncomfortable, but I think it is true. I think the Palestinians, who had an East Jerusalem of six square kilometers under the Jordanians, now treat the Israeli notion of Jerusalem as a fact. Beit Hanina, outside Jerusalem, is now Jerusalem in the eyes of its residents.

I believe the Palestinians have internalized certain expectations from the Israeli authorities. I do not believe that the low rate of voter participation in the last elections was only a result of obstacles put there by Israel. I think the Palestinian population display ambivalence as to the future nature of the city and the political solution desirable here, in that many of them have availed themselves of entitlements under Israeli law. This has certainly not turned them into Israeli patriots, but it does give them second thoughts as to what is best for their families, for their identity and their national identity. And I believe the majority of Palestinians living in this city are going to find a way of expressing themselves nationally, under equal terms, within the framework of a united Jerusalem under Israeli sovereignty which allows for a certain national expression on the part of the Palestinians.

*Klein:* What is an official attitude? Is it a declaration? Propaganda? Yossi Beilin's non-paper agreement with Abu Mazen? I must say that I am much more optimistic than the other speakers, for several reasons.

One: Israel and the Palestinians agree to see the problem of East Jerusalem as a political one and to negotiate over it, to go into details. They agreed to this in Oslo. This is very encouraging.

Two: Both sides have, since Oslo, come up with *ad hoc* solutions; for example, local solutions regarding the recent elections in Jerusalem.

Three: Since Oslo, Israel and the Palestinians have been engaged in a race to determine the fate of Jerusalem. The race is reflected in the *ad hoc* solutions that both sides are implementing on the ground.

Then-Foreign Minister Peres' letter to Norwegian Foreign Minister Johann Jorgen Holst was a far-reaching document in which Israel obliged itself to preserve the Palestinian character of East Jerusalem and to assist the activity of Palestinian institutions there. This is a signal of an Israeli vision or political attitude toward the permanent solution.

There is a competition, but there are many *ad hoc* local solutions. There are two agendas, two separate sets of priorities on each side. The priorities of the PNA are, first, to build an independent state, and second, to establish East Jerusalem as its capital.

The Israeli agenda is, first of all, to maintain its political sovereignty over East Jerusalem. Its concerns about an independent Palestinian state are secondary. These different priorities mean that each side can satisfy the other's agenda.

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state and thereafter to assure its capital. Israel has agreed to negotiate over the future of East Jerusalem and is willing to let Arafat build his own state. There is enough room here for bargaining, so that Israel can allow some political sovereignty over East Jerusalem, excluding the new Jewish neighborhoods, and the PNA can agree to minimize its sovereignty in East Jerusalem and the establishment of the city as its capital.

#### RESPONSES TO QUESTIONS

*Hassassian:* In the final status negotiations Palestinians are going to negotiate the absentee landlord issue and the question of properties in West Jerusalem. And there is definitely a linkage between the right of return and compensation for refugees, as there is this linkage to the question of West Jerusalem and to Palestinian property ownership. Statistics show that almost 70 percent of West Jerusalem is the registered property of Arabs in East Jerusalem and in the West Bank.

As it stands today, Palestinians have lost everything in Jerusalem demographically and geographically. I would consider any kind of concession by Israel in the negotiations as clear profit on the part of the Palestinians.

It is obvious that Israel, since it occupied Jerusalem, has tried endlessly to change the character of Jerusalem by building settlements around Jerusalem and by thwarting any licensing permitting construction for Arabs. This has been done on every level institutionally, in terms of construction: denying permits, denying development; denying residents the renewal of permits to re-enter Jerusalem. Israel has employed many methods, but this is not the place to discuss what it has been doing in terms of altering the character of East Jerusalem and trying to create a united Jerusalem.

The question of Jerusalem is very vital and very important for the Palestinians. It is not just up to the Israelis whether to have us or not, whether to give us privileges or not. Today we have privileges in Jerusalem that distinguish us from our brethren in the occupied territories. But in the final analysis, we are willing to give up these privileges in order to have a national Palestinian entity in Jerusalem. And the PLO is still functioning as the political address of the Palestinians in terms of mobilizing and in terms of preserving the Arab character of Jerusalem.

Today we cannot accept all these settlements around Jerusalem, although the rhetoric among officials is to accept them as Jewish neighborhoods. In compensation for this, the Palestinians in East Jerusalem must have the right to build and to purchase land in West Jerusalem. This is their natural right and Israel should address that.

Finally, let me say that nobody knows exactly what the official positions are. I have tried to present a Palestinian position, a certain kind of rhetoric that I hear every now and then from Palestinians, Israelis and international arbitrators. But only when we sit at the table and start negotiating, will we hear the real position and not the rhetoric. It will be about how much we can bargain and how much we can get out of the negotiations. I cannot really pretend to know what the

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Palestinian official position will be unless I hear from the other side, what they are willing to give me and what would be the optimum in the negotiations. Then I could really wrestle with the idea of Jerusalem.

Beyond that, historical claims, natural claims, maintaining the status quo and

Today I heard non-starters from the Israelis.

*Klein:* I agree that the city is divided *de facto* and unified only Israeli *de jure*. But since the Oslo agreements we are redividing the city. In the Oslo 2 Taba agreement, we even began finding a redivision *de jure*, by letting the PNA hold their elections in East Jerusalem.

The Palestinians accepted West Jerusalem as Israel's capital. Therefore, any other position regarding West Jerusalem is merely tactical during the negotiations.

Operating PNA institutions in Jerusalem is at the moment the preferred model for using East Jerusalem as a Palestinian capital. Or, if you wish, the fact that elections were held in East Jerusalem is the Palestinians' official preferred way of effecting East Jerusalem as their capital.

The problem for Israel, in the negotiations, is how to move from having East Jerusalem as a Palestinian city to seeing it as the capital of the Palestinian state. In the Oslo agreement, in Peres' letter to Holst, Israel accepted the idea that East Jerusalem is a Palestinian city. Now the negotiations are over how to operate it as a capital *de facto*.

This attitude minimizes the gap between the two sides. Israel adopted what I may call a constructive ambiguity regarding Palestinian sovereignty over East Jerusalem, and it seeks a differential Palestinian sovereignty over different sub-areas of East Jerusalem.

*Seidemann:* The question about how the Israeli system is implemented is way beyond our scope here. I will address the question of Palestinian property in West Jerusalem. Here I believe what I am saying is not only the official position, but perhaps also my own.

This issue will be resolved in final status talks regarding properties and refugees as a whole, and will probably find some sort of arrangement by means of compensation. I think it would be somewhat of a delusion to anticipate any significant restoration of Palestinian properties in West Jerusalem. I believe that not only to be the official position; I think it is, in all likelihood, a decent prognosis.

Concerning the comments about the PLO and the nature of Palestinian identity in East Jerusalem, Israel has already indicated its willingness to allow Palestinians in East Jerusalem to participate in the national life of the Palestinian people as it takes place within the Authority, and in all likelihood within the Palestinian state, by participating in the elections and perhaps being elected in the

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basically the right to participate in the national life without having authority, either of the PLO or of the Palestinian National Authority, exerted in Jerusalem.

That is a major distinction. It is a recognition of Palestinian identity. It is a recognition of rights of participation. It is a recognition of the link. It is a denial of any sovereignty other than Israeli within East Jerusalem, and that I believe applies equally to the PLO and to the Authority.

When the Israeli government examines the national institutions that are operative in East Jerusalem, the whether these constitute an organ of government in terms of hierarchy, from whom they receive orders. If it is organ of government it is illegitimate and an illegal contravention to the Oslo accords. If it is a voluntary organization expressing the national identity of the Palestinians in an area of concern to Palestinians, that is fine. If an institution exerts or attempts to exert authority over Palestinians in East Jerusalem or within the Authority, that is not legitimate. If it does so on a volunteer basis, that is legitimate. These are the parameters that emerge, and this is more than an opening position of the Israeli government.

*Bring:* ts that have been made. It is true that the United Nations resolutions of 1947 with regard to partition and otherwise are dead. They do not mean anything anymore in the present situation. On the other hand, the UN charter principles are still alive, and they can be applied to the situation that we have before us.

For instance, with regard to the status of East versus West Jerusalem, I agree with Prof. Hassasian's contention that occupation cannot be legitimized eternally. It has to be stopped at a certain point in time after non-conflict. At the same time, there is no legal vacuum in East Jerusalem at this point because there is a principle of self-determination of people. This means something.

There is a certain illegality to the present situation. I do not think we should make very much of it, because we should look forward and any agreement that comes up in the future would be able to cure the illegalities that exist now. This is why agreements are necessary and important with regard to East Jerusalem.

With regard to West Jerusalem the situation is different. I agree with what has been said from the Israeli side, and in legal terms there probably has been a kind of acquiescence or consent on the part of the international community, so that the territory of West Jerusalem is no longer a matter of controversy. The sovereignty of the whole of Jerusalem is still a matter to be settled by agreement, and the international community expects the issue to be handled by bilateral agreement between the parties. But it is fair to say that with regard to the territory of West Jerusalem, the international community has acquiesced over the years to Israeli sovereignty.

I do not agree with the Israeli side's contention that sovereignty can never be shared. Anything can be shared if you agree upon it. International law is a flexible system which can be filled in with new positions by states. Recently we have seen with regard to the interpretation of the United Nations Charter, how new practices and innovations have been more or less accepted as legal. The same thing could

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happen here. I would like to come back to this later on when I present my own proposals.

ROUND TWO

*Baskin:* As we move into the second round, searching for common ground, the challenge before the people representing the sides is to reach out and try to identify some of those points on which there could be agreement between the Palestinians and Israel.

*Hassassian:* It is very difficult to search for common ground because anything that I suggest will automatically be challenged as a non-starter. But I will go ahead and try to summarize six or seven positions I have in mind to break the ice in the negotiations on the question of Jerusalem. The possibilities include:

1. Jerusalem as the undivided capital of both states with joint sovereignty (power-sharing).
2. A dual capital city with two capitals, two parliaments and two bodies of civil and diplomatic services.
3. Division of Jerusalem with free access to holy places, Palestinian control in the east, Israeli control of the west; a unified city under joint sovereignty with a United Nations presence.
4. Scattered sovereignty, with boundaries divided along geographical lines; two separate municipalities with control of their own sectors.
5. A three-way religious split inside the walls as a spiritual entity like the Vatican; the west of the city Israeli, the east Palestinian.
6. Two municipalities, two borough systems, with veto power for both sides to prevent rezoning or real demographic changes.
7. Jerusalem as an open city, a united metropolis; dual sovereignty with two capitals.

West Jerusalem is the capital of Israel. East Jerusalem is the capital of Palestine. The walled city would be governed by a multi-religious council. Greater Jerusalem, as declared by Israel, now comprises one-fifth of the West Bank. We have to address the holiness of Jerusalem; the Holy Sepulcher as the source of inspiration for world Christianity, the Dome of the Rock for Muslims and the Wailing Wall for Jews.

I think the Jewish neighborhoods in East Jerusalem are going to be left for the final status negotiations, when we discuss the right of return and refugees and compensation. We cannot link this question now to the official position on Jerusalem unless we also link it to the question of the right of return for Palestinians. The idea of compensation for lost property, whether of Arabs in West Jerusalem or Israelis or Jews in East Jerusalem, is something to be discussed when we assert the linkage between right of return and the question of Jerusalem.

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*Seidemann:* Prof. Hassasian and myself are in complete agreement about one thing. Yes, indeed, that is a non-starter. (Once again, I am not necessarily presenting my own position.)

From the Israeli perspective, Jerusalem is not only going to be difficult because of the symbolic nature, but because in many ways it goes against the grain of the Oslo process. The engine that drives the Oslo process in Israel is the desire for separation, disentanglement, not to rule over another people and not to be ruled over by our ruling over another people. And of course, geography and gravity and so on will not allow for such a solution in Jerusalem.

I believe that the question of international law, shared sovereignty, scattered sovereignty, capitals, and so on, are at best unworkable theoretically. I would like to see examples of where they do work. Given the fact that neither we Israelis nor our Palestinian colleagues have been blessed with a Scandinavian temperament, I think that the possibility of these solutions working is rather remote.

What further cuts to the core is the S-word: sovereignty. Who is going to rule? A solution that will require large amounts of good will and cooperation that neither people has yet displayed is not a terribly promising situation simply on the merits of the case. I would, however, grasp and see if there are some areas in which agreement can be made. Has the Palestinian perception of what Jerusalem is changed over the last 27 years? I believe it has. As I mentioned before, there were 26 villages in Jordanian East Jerusalem which were not East Jerusalem prior to 1967, and today they are considered, even in the eyes of people who live there, as part of the city. What is to preclude a Palestinian national seat of sovereignty in Azzariya or Abu Dis, the same distance from the Temple Mount as the Knesset, but in the area under control of the Palestinian Authority or the Palestinian state?

Jerusalem is indeed sacred, but there is nothing terribly sacred about the lines drawn on a map in 1967. That offers a potential for agreement to allow each people to live with somewhat less than expected but something it can live with.

The prospect of turning the conflict into a religious one is a double-edged sword. It offers the prospects of some resolutions. I think the majority of both peoples are willing to accept in large measure religious autonomy over the holy sites. That is something that not only has symbolic value but is essential to maintaining the religious stability of this city, something which has not been addressed yet. And there are significant concessions that the Israelis can make on that issue.

There are further ways in which we can assure, through negotiations, the alleviation of the phenomena that were so eloquently described by Prof. Hassasian concerning depriving Palestinians of rights to property and development and so on.

The question of access to Jerusalem is indeed a terribly important one. But let there be no doubt, the question of access to Jerusalem will not be determined by ideology. It will be determined by the nature of the peace between Israel and Palestine. If that is a warm peace, the question of access will wane. If it is a cold peace with hard borders, it will be extremely difficult. The events of the last 48



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hours are an indication of the kinds of dilemmas that will, it is to be hoped,

I would indeed seek ways to protect Palestinian rights to property, to equality, to equal services; to heighten the links between the Palestinians and the Palestinian Authority that would forestall attempts to sanitize or to bleach the Palestinian national identity; to allow Palestinians to redefine their Jerusalem in a way that will allow them to place their national seat in what they determine to be Jerusalem.

I think it would be a mistake and less than honest to describe this as a willingness to render Israel as anything less than final arbiter of the exercise of power within the limits of Jerusalem as they are now determined.

ROUND THREE

*Hassasian:* I know that trying to use resolution 181 as a starter in negotiations would be a grand design and a grand wish on the part of the Palestinians, and it would be totally unacceptable to the Israelis. But in negotiations we start with our maximum and we end up with our mini-max approach to arrive at the optimum, and I think we are entitled to that.

What does Israel have to lose in sharing sovereignty over Jerusalem? The question of dual sovereignty is very important because it will definitely bolster and perpetuate the peace process. We are not talking interim solutions. We are not yet trying to sign a truce or an armistice for an end to the conflict. We are trying to accomplish conflict resolution which should be based on mutuality and on the acceptance of each other's rights.

I have accepted the right of Israel to exist. That was a major concession on the part of the Palestinians. We, the Palestinians, have provided the legitimate birth certificate of Israel. Now the entire Arab world is, *de facto*, accepting Israel as a genuine country, a Levantine in the Middle East. We have accepted this fact. But we do not accept Palestinians being here as less than nationals, as an ethnic minority needing to upgrade its quality of life in a multi-cultural society.

Why not create joint neighborhoods?

We need a Charter for Jerusalem which should set out the following:

1. A definition of the boundaries of the city. We need to know exactly where the city limits are.
2. A division of responsibility between the various authorities entrusted with the government of the city.
3. Free access to and freedom of worship at the holy sites and religious buildings in the city. This must be guaranteed, not only for Israelis and Palestinians but for the nationals of all members of the international community.

We suggested the internationalization or the vaticanization of the Old City. This is a new suggestion. We are negotiating. We have to throw some ideas to our Israeli friends because their position has been zero-sum when it comes to the question of Jerusalem. I foresee certain fundamental plans and regulations that will be binding on both Israelis and Palestinians and are designed to ensure that the essential character of the city is maintained and that development undertaken by

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one party cannot adversely affect the interests of the other. An example would be formulation of an agreed-upon solution to immigration into Jerusalem. This is also tied to final status negotiations on the question of the right of return by Palestinian refugees.

In addition to these clearly-defined statements, negotiations on the charter will have to include consideration of cooperation and interaction between the two communities on the economic and cultural level, in the sphere of trade, commerce and tourism. This type of cooperation will be necessary if the city is to realize its full potential.

Here I throw in also the question of the demilitarization of the city, the need for some judicial body which can arbitrate in serious cases of dispute, provisions for internal security, provisions for official languages of the city, provisions for a special status for the inhabitants of the city of Jerusalem in addition to their education for all the residents of the city.

During the current talks, my recommendation is that both countries' teams of negotiators focus on general positions on Jerusalem and the specific components of the proposed charter I outlined above.

*Klein:* First of all, I wish to note that Israel already agreed that the current situation is just for the time being. Israel will redeploy its sovereignty over East Jerusalem.

Second, several times I have heard the term "non-starter." I want to remind you that negotiations have already started, so there are very few non-starters when the train leaves for the future final status agreement.

I personally am ready to agree to divide sovereignty according to ethnic national lines. However, Abu Mazen surprised me positively when he injected into this model the differential functional way of dividing the city. I assume the Beilin-Abu Mazen document as the framework of the negotiations over the permanent agreement between Israel and the PLO, and accepting also Adnan Abu Odeh's model for the walled city. This was published in *Foreign Affairs* and is well known. It was almost totally and fully accepted by Beilin and Abu Mazen, and this

*Seidemann:* I would like to give you some of my thoughts.

I think that for those who are concerned for the city and coming up with political arrangements that are viable in this city, the common ground does not lie in the quixotic search after some sort of master plan that is going to cut the Gordian knot. It does not exist. Sixty-eight plans were published a year and a half ago, and when you have 68 plans for the future of the city and none of them are viable, then you have to arrive at the conclusion that maybe it is the nature of the beast.

I deal with the problem on the streets in Jerusalem and I analyze how the decisions are made. How does the Authority operate? What is done? How do the decision-makers in Israel act and how does the Palestinian population respond?

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That is one element that is terribly missing in all discourse on the question of Jerusalem. Jerusalem is the sexiest conflict around in international affairs. It is attracting think tanks and thinkers from all over the world who have marvelous ideas and absolutely no knowledge. Finding common ground between Israelis and

in Jerusalem. What are the problems? What are the difficulties?

Before Jerusalem belongs to God and before it belongs to history and before it belongs to Palestinians and Jews, it belongs to the 565,000 people who live in the city. You can talk about dividing the city or not dividing the city. Neither the Balfour Declaration or the Palestinian National Covenant have been able to abrogate the laws of gravity, and sewage flows in one direction.

identity is part of the way people and cities function: Jews and Arabs, Israelis and Palestinians, can reach a common analysis as to why this city, as it exists, is not a viable city. It does not work. It will not work. It is a ticking time bomb.

The key to understanding how Israel works and has worked in East Jerusalem and how Palestinians have responded is that every action and every counteraction, since 1967 and before, has passed through the force field of national conflict. It is not a question of what is on paper or not, but how it functions. It is not a question of what a Palestinian's direct personal interest is, but rather, what is the national interest?

As a result of that, Israeli law, instead of adequately and justly affording resources on an equal basis, has been used as a tool to consolidate power over the Palestinian population. This is undeniable. About the take-overs of Palestinian property in East Jerusalem, the Muslim and Christian Quarter and in Silwan, there were patently illegal covert government operations. I do not say that; the independent board of inquiry said it. On March 31 it is coming up to the Supreme Court.

I am not saying this in order to pillory either Palestinians or Israelis. There has to be a common ground of analysis. We have the beginnings of a turning point where there is a perception that the option of seeing Jerusalem through the prism of national conflict has exhausted itself. The first indication of that was the decision to roll back the expropriation in April of last year. I brought the expropriation to the attention of the Israeli government two months before and they said forget it. A month later they cancelled it. Since then I have encountered on various levels of government an awareness that using unrelenting force in order to achieve purposes has exhausted itself. It is not of one suit. There are counterindications. The matter has not been resolved. But that is the beginning of a perception that is necessary.

You may think this is an attempt to trivialize the nature of the problem. On the contrary. I believe that in any attempt today to resolve the issue of Jerusalem, the position that I presented here is not an unreasonable or uncharacteristic one. And even though people have gone beyond it, it is an indication of a mood. Don't make light of that position. Israeli public opinion went through a leavening process

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for years before it was prepared to accept PLO and Arafat. That process has not been completed.

Similarly, what has begun in Jerusalem is far from the stage the PLO has reached. What we have today in Jerusalem is indeed a paradigm of a zero-sum game; the overwhelming majority of both populations still see any victory on behalf of one population as directly at the expense of the other. In order to go

disaggregate it, take it apart into its component parts.

What Jerusalem needs today is, number one, a suspension of this question of sovereignty for a defined, to-be-negotiated period of time and the implementation of an interim arrangement by means of negotiations which, first of all, will address the real problems of the 160,000 Palestinians who are living there. And believe me, they are real problems. Next, we must go beyond that to engage in kinds of empowerment. I believe that the system that exists in East Jerusalem today under Israeli authority is not wrong simply because it is poorly carried out. It is not reformable because Israelis are incapable of planning a Palestinian neighborhood. There are on occasion very good efforts made by decent civil servants, but it cannot be done because the level of suspicion is such and the aspirations are such that they are taken apart.

We must negotiate a master plan that will sidestep the question of sovereignty, that will determine turn-over powers to Palestinians, that will place the resources that were never afforded to the Palestinian population since 1967 (or since 1948 1950s and 1960s was no better than ours, and Jerusalem was a backwater then as well). Take the questions of access, empowerment, national identity, and, without resolving them, build an inductive interim arrangement.

Today we are at ground zero. We cannot see the political possibilities engendered in this city. We cannot realize, cannot appreciate something I believe is a fact: that Jerusalem is not Hebron. There is a strong mass of public opinion committed to living in one city. There are two peoples living here. Implementing interim arrangements while deferring the question of sovereignty will certainly not satisfy the aspirations of the Palestinian people. If it were between myself and you we could have finished it a couple of weeks ago. But to create a situation where we to see political solutions that we are not able to see today from ground zero.

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## AFTERWORD

The Condominium Solution as a Gradual Process:  
Thoughts of an International Lawyer After the  
Conference

The Condominium Solution as a Gradual Process:  
Thoughts of an International Lawyer After the Conference

Ove Bring<sup>24</sup>

During the conference some participants stressed that Palestinians need to be part of the administration of the city; that people from the two sides can work together on practical matters in local commissions; that equal partnership should be the guiding formula; and that the solution for the time being is a process of cooperation, irrespective of the concrete solution that may be attained in the future. Most of a number of possible solutions would be acceptable if they include justice for the Palestinians and security for the Israelis. Such a flexible approach is consistent not only with persistent diplomacy but also with international law. Nevertheless, as an international lawyer discussing the future status of Jerusalem I would like to make certain basic points clear regarding the present situation.

INTERNATIONAL LAW AND ITS USE IN THE MIDDLE EAST

The first point is with regard to self-determination. The principle of self-determination of peoples is inscribed in the charter of the United Nations. It was applied to the advantage of the Jewish people when Israel was admitted to the UN as a sovereign state in 1949. Today the principle should be applied to the advantage of the Palestinian people, since the international community recognizes the legitimacy of the Palestinian struggle for some kind of genuine self-determination in the area.

In 1967 the illegal Jordanian occupation of East Jerusalem came to an end. At that point in time the principle of self-determination played a role. The legitimate Palestinian claim for self-determination had enough legal substance to fill out any conceivable vacuum of legal rights with regard to East Jerusalem and the West Bank. Even if there were no sovereign or territorial rights established with regard to East Jerusalem and the West Bank, there was a legally based claim for some kind of Palestinian self-determination in those territories, although that claim did not necessarily imply statehood.

The second point is with regard to occupation. The initial Israeli occupation of East Jerusalem in 1967 may have been perfectly legal. There is no prohibition in the laws of war against occupation in the aftermath of an armed conflict. But occupation has to be temporary, and the Israeli *de facto* annexation is not a

The Israeli counter-argument is that Israel was, in 1967, fighting in self-defense against the Jordanian attack on Jerusalem. This might well be a valid legal argument. We know that the Jordanian troops actually were the first to start fighting on this front. On the other hand, it could be argued from an Arab point of view that Jordan was not acting as aggressor in Jerusalem, but in collective self-

defense together with Egypt, which had been attacked in a pre-emptive fashion in June 1967.

Even if you accept the Israeli argument with regard to self-defense against Jordan in 1967, that has no bearing upon the question of later occupation. Using armed force in legitimate self-defense does not give you any more right to occupy territories than those rights you have under the traditional law of armed conflict, and that body of law requires that occupation be temporary.

Another Israeli counter-argument is based on the legal vacuum theory, namely that East Jerusalem and the West Bank were territories that belonged to no one. These areas could not be illegal since no sovereign rights were infringed upon. In other words, the Israelis claim they simply filled a legal vacuum that existed there at the time.

But as already indicated, it is not correct to speak of a legal vacuum in 1967. Although there was a vacuum of territorial sovereignty, there was no vacuum with regard to other legal rights because the principle of self-determination gave the Palestinians legitimate demands for some kind of self-rule in the area. Consequently, in order to legitimize the Israeli presence in East Jerusalem, an arrangement is needed that can reconcile the legitimate Palestinian demands with the Israeli presence.

The third point concerns the role of the United Nations. According to the charter of the United Nations, the UN has the responsibility to promote peace and security in areas where peace and security are endangered and to promote the implementation of international law where international law is not implemented.

This is directly relevant to the Palestine question, and for Jerusalem especially, since the UN in 1947 took responsibility for this area and has never discharged itself of that responsibility. There are still a number of legal principles that must be implemented, such as the end of occupation, the implementation of self-determination, and the peaceful settlement of an old dispute which constitutes a threat to international peace and security. Under the UN charter, parties to a dispute shall settle it by peaceful means and the Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means. The UN partition plan of 1947 (mapping out one Israeli state and one Palestinian state) has long since been overtaken by events and is probably obsolete today. But the concept of a two-state solution is still highly relevant and would be in line with modern international law.

Similarly, the UN plan of 1947 with regard to a multilaterally agreed-upon Jerusalem under a separate legal regime, as a *corpus separatum*, is still highly relevant. This is so as a consequence of the popularization of the notion of a city with shared or joint sovereignty, a bilateral Israeli-Palestinian condominium over Jerusalem. Since 1947, the debate has moved from multilateralization to bilateralization.

If the current non-implementation of international standards with regard to Jerusalem and the Palestine is succeeded by an agreement between the two main parties to the conflict, the Israelis and the Palestinians, then that agreement would

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cure most of the illegalities we face today. Such an agreement would relieve the United Nations of much of the responsibility it took on in 1947 and still holds. Moreover, it would relieve Israel of much of the responsibility it holds today as a consequence of occupation, *de facto* annexation and property seizures without compensation.

Therefore, the diplomatic approach today to the Jerusalem problem should not focus on inflexible demands for immediate Israeli withdrawal and compensation, but rather upon an exploitation of the political will of both parties to pursue a process of reconciliation and enter into relevant agreements, thereby disposing of many of the current illegalities in the process. International law should be used and respected, not only in a positivist rule-oriented manner, but also in an

settlement. That would be in line with Article 2(3) of the UN charter requiring parties to a dispute to settle it peacefully. As the peace process of partial and successive agreements continues, it is to be hoped, the remaining illegalities of the situation will become easier and easier to handle.

#### JERUSALEM AS A *CORPUS SEPARATUM* IN A NEW FORM: THE CONDOMINIUM SOLUTION

Now, to the next point in my presentation, the concept of *corpus separatum* in a new form, as a bilateral solution for Jerusalem.

In the UN, the international community concern with regard to Jerusalem has never been explicitly abolished. The fact that most foreign embassies in Israel to this day are located in Tel Aviv and not in Jerusalem indicates that the international community is not prepared to accept any unilateral solutions.

On the other hand, the international community does not insist on multilateral solutions. In fact, it looks forward to bilaterally agreed-upon arrangements, possibly with an element of internationalization. First, there has been talk about "religious" internationalization of Jerusalem. This has been supported by Israel, if limited to a measure of international religious supervision and control of the holy places and if it would not involve any change in the Israeli control of geographical areas where the holy places are situated. Consequently, this proposal does not as such take into account the principle of Palestinian self-determination. It could be modified to include Palestinian rights of supervision on, for example, the Temple Mount area in the Old City. Anything that could be agreed upon would get the sanction of international law.

The second option is a divided Jerusalem, a return to the situation which existed between 1948 and 1967, with the difference that Jordanian control over East Jerusalem would be replaced by Palestinian control or sovereignty. A partition could, from the Israeli point of view, have the diplomatic advantage of giving international legal authority to the Israeli control of West Jerusalem, conferring in effect a recognition of West Jerusalem as the capital of Israel (although most Israelis would argue they do not need such external blessing). From the Palestinian



point of view, a partition would have the obvious advantage of providing for a new Palestinian state on the West Bank with a capital in East Jerusalem.

However, a physical partition does not seem to offer a political option today, since a return to division enforced by outside supervision (even if no longer by barbed wire and machine guns) is neither acceptable from an international community point of view, nor from either of the two parties' points of view. It would also complicate the concept of an open city with free access to the holy places. After all, Jerusalem is a city with at least three major religions and Christian, Muslim and Jewish holy places. A division without checkpoints (without supervision on the ground) and with free access to holy places may be acceptable from a Palestinian point of view, whereas the Israelis are not likely to accept any kind of division.

A third, more realistic and more attractive solution is the creation of an open unified city under joint sovereignty. From a legal point of view, this is the condominium solution, condominium being the legal phraseology for joint ownership and/or joint administration over a given territory.

I know of only one example of an inter-state condominium in recent history, the New Hebrides Islands in the South Pacific, now the independent state of Vanuato, which was in colonial times co-managed and co-owned by Britain and France. As a colonial situation, it may not give us very much guidance. A condominium arrangement in Jerusalem would have to be *sui generis*, a solution of a kind the world has never seen before.

Such a solution would be based on the recognition that the United Nations is no longer a party to the conflict, that only the Israelis and the Palestinians are parties, and that issues of sovereignty and administration are in their hands. This bilateral solution does not exclude, however, a UN presence to monitor and arbitrate whatever is agreed upon. Perhaps a UN presence is advisable as part of a guarantee system connected to the holy places.

The advantages of this condominium approach are that both Israelis and Palestinians would have a share in the future of the city, the city would be open and physically undivided and both the Israeli and Palestinian people could name the city as their national capital (should the two-state solution materialize).

The joint sovereignty/condominium approach is easiest to grasp if linked to an overall solution to the Palestine problem, a two-state and one-city solution. Should this solution come about, there will be a new Arab state of Palestine including the West Bank. Jerusalem would be a sort of *corpus separatum* containing citizens of two states. There would be an Israeli mayor with functional authority over Israeli citizens and a Palestinian mayor with functional authority over Palestinian citizens. Administration of the city would ideally be shared through joint commissions, perhaps a joint governing council or a joint city council planning commission. Each community would have its own courts and legal system for its own ethnic group. The territory of Jerusalem would thus be jointly owned and jointly governed, but with dual administrative and legal arrangements.

As a consequence, the condominium approach would also imply the following: Israel will lose no territory in Jerusalem. The Palestinians will gain territory and

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sovereignty. Both parties will gain peace. Jerusalem will be a city of peace and cooperation. It will be the national capital of the two states exercising joint sovereignty over it. It will be a unique solution to a unique problem. Jerusalem will be a model for the rest of the world in the area of peaceful settlements of disputes. Tourism will flourish even more. International conferences will be held there even more often. Jerusalem will be a spiritual center, a seat of learning and a meeting place. Perhaps it could develop into a capital of the Middle East from an economic, social and religious point of view.

The UN, as I indicated before, may establish a permanent presence in Jerusalem. A UN High Commissioner could be given the task of monitoring free access to the holy places, freedom of religion, protection of ethnic groups and an agreed-upon demilitarization. There may be a need for a provision that no paramilitary groups whatsoever should be stationed in the city. Special arrangements with regard to a joint police force, or separate police forces, would have to be agreed upon.

#### THE CONDOMINIUM APPROACH AS A PROCESS

What I have been advocating is not an international regime in the sense envisaged by the UN in 1947, but an international solution in the form of a bilateral regime: two states agreeing upon a condominium and possibly a United Nations presence monitoring this new situation.

However, it is not necessary to link the condominium approach to a fully implemented two-state solution. Joint administration could be introduced anyway right now (if it were politically possible), through an agreement between the Israeli government and the Palestinian National Authority. The two parties to the agreement would not have equal status (only one of them being a state), but they would both be subjects of international law. Palestinian self-rule would be extended geographically, but Palestinian self-determination in the form of statehood would still not be completed. The "condominium" would then be limited to joint administration (for the time being) and the matter of sovereignty would be left for the future. The condominium approach would be part of a gradual process, just as the Palestinian self-rule in the Gaza strip and West Bank is part of a process today. The Palestinian Authority already exerts many practical powers associated with sovereignty. The PA flies a national flag and issues stamps, license plates and business permits. It enacts legislation and enforces it. It collects taxes. It has its own police force. Last January the first democratic election for Palestinian leadership was held. Palestinian political power in Eastern Jerusalem is a fact. It has existed since 1967 and it was legitimized by the Declaration of Principles in 1993. Today Orient House is the center of quasi-governmental operations, including a "complaints department" which gives Palestinians in Eastern Jerusalem an alternative to the Israeli Police for dealing with crime and incidents.

Former foreign minister Abba Eban recently stated that the nucleus of something like a Palestinian state is underway and if statehood is one of the options for the future, "it would be useful for Israeli leaders to face the prospect in

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a spirit of realism and candor" (*The Jerusalem Post*, February 23, 1996). Joint administration of Jerusalem could today already be made part of this process toward a two-state solution.

The most important point made during the conference was that even if the parties cannot agree on a final model for the future status of Jerusalem, they can agree on the need for keeping the peace process and thereby the negotiation process going. Keeping the process going is everything. Concrete blueprints for the future are essential for inspiration, but they may be counter-productive to act upon at this difficult time. The important thing is to do what elements hostile to the peace process hate most, namely to continue the negotiations. Negotiators should never despair about the possibilities for reconciling legitimate demands for territorial sovereignty, national security and self-determination. The future compromise will have to satisfy basic demands of justice and security. As one participant said during the conference: "The more just the solution, the more security there will be, and the more durable the peace will be."

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