

DIALOGUE ON JERUSALEM

PASSIA
MEETINGS
1990-1998



Edited by
Dr. Mahdi Abdul Hadi

PASSIA
Palestinian Academic Society for the Study of International Affairs

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DIALOGUE ON JERUSALEM

PASSIA MEETINGS 1990-1998

INTRODUCTION

The conflict over the status of Jerusalem is often cited as the most sensitive, central and emotive of the conflicts shaking the Middle East region as a whole. While discussion in the current peace process as to the Holy City's future has been postponed at Israel's insistence, Palestinians in the annexed city continue to suffer the daily abuse of occupation. Israeli discriminatory practices and measures against the Palestinian population of the city include building and residency restrictions, the denial of access to the city and its holy sites, unfair taxation, the seizing of land, the demolition of houses, the confiscation of ID cards (thus, denial of residency rights), and the closing down of institutions, to name but a few.

Since its establishment, PASSIA has provided a forum for dialogue and the free expression and analysis of a plurality of Palestinian perspectives and approaches. In setting up its annual Meeting Program PASSIA has always put special emphasis on the Question of Jerusalem and has regularly hosted workshops and roundtable discussions on the various aspects of and perspectives on the city and its future.

Over the years, PASSIA's *Dialogue on Jerusalem* has stimulated discussion on the many issues of the Question of Jerusalem with people of all kind of backgrounds being invited to give presentations and encourage debate on the issues in questions. These people included local and foreign scholars and intellectuals, representatives from the three monotheistic religions, members of all Palestinian political factions and schools of thought, Israeli academics and political figures, representatives from the diplomatic corps, and visiting scholars from Europe, the US and elsewhere.

Whilst planning such meetings, it has always been PASSIA's intention to facilitate the exchange of information and the identification of needs and interests in the city, and to encourage the development of possible future

scenarios. The broad range of topics discussed included infrastructure, demographic and geopolitical issues, settlements and land use, human rights, 'absentee property', the Old City, religion and religious affiliation with the city, Israeli institutions, Israeli municipal elections, and future scenarios for the status of the city.

Being located in East Jerusalem, PASSIA is very much aware of and subject to the Israeli policies and practices pertaining to this part of the city and its Palestinian inhabitants. In addition, PASSIA experiences first-hand the effects of the Israeli occupation and closure as well as the impact both have on the activities of the city's Palestinian institutions, the life of the people, and their relations with the rest of the Palestinian territories. In recent years PASSIA's roundtable discussions have been greatly curtailed by the Israeli closure of Jerusalem, which prevents Palestinians from the West Bank and Gaza Strip from attending meetings and other events in the city. Nevertheless, PASSIA's activities in connection to the Question of Jerusalem remain a priority and PASSIA continues to strive to raise awareness of and disseminate information on the situation in the city through academic research, the publication of studies, the hosting of meetings, cooperation with other institutions, and participation in international and local conferences.

What follows is a summary of meetings on the subject of Jerusalem held at PASSIA from 1990-1998. Owing to limitations of space it is not possible to include all the smaller meetings and briefing sessions that took place with visiting local and international diplomatic and religious representatives or scholars and researchers from around the world, nor all the discussions that followed the presentations. PASSIA thus took the liberty of selecting what it deemed most significant whilst trying to keep the scope and content as comprehensive and informative as possible. The ultimate goal of this publication is therefore to serve as a general reader on the numerous aspects and viewpoints that make up the Question of Jerusalem, whilst giving all those interested an insight into the ongoing debate on the fate and future of the city.

Jerusalem, October 1998

Dr. Mahdi Abdul Hadi
Head of PASSIA

NEGOTIATING INDIVISIBLE GOODS: THE CASE OF JERUSALEM[†]

CECILIA ALBIN

Ph.D. Candidate at the John Hopkins University

There are many approaches - historical, legal, and psychological, amongst others - to analyzing the Jerusalem conflict. This presentation will look at Jerusalem in terms of its 'indivisibility', which poses important questions regarding negotiation and conflict resolution for theorists and practitioners alike.

Abstract

Firstly, the framework for negotiating indivisible goods is meant to fill a gap in the existing literature on negotiation and conflict resolution. The standard assumption in this literature is that in any one conflict, disputed resources are divisible. The problem is, that one must still find ways to agree on how they are to be allocated between parties, taking into account that any good (e.g., a holy city, another piece of land, a stamp collection) will, to one or all of the conflicting parties, lose considerable worth when divided.

Secondly, applied to the Jerusalem conflict, the framework provides criteria for categorizing proposed solutions by tactics they incorporate implicitly and for assessing plans in terms of how well they meet the concerns at stake for parties.

Key Arguments of the Model (see also figures below):

- 'Indivisible' goods are goods that cannot be split physically into parts and concerns that cannot be compromised upon without their losing much of their intrinsic or perceived worth.
- There are three types of indivisible goods, of which the third is most important in ethnic and international conflicts: goods that are physically indivisible by nature, core needs and values, and goods whose linkage to core needs and values makes them indivisible as well as highly valued. The goods' physical integrity is non-negotiable, while forms of ownership and use of the goods are negotiable.

[†] Summary of a presentation given at a roundtable meeting held at PASSIA on 12 October 1990. The seminar built upon ideas and comments from an earlier discussion on Jerusalem, held at PASSIA on 22 April 1990. The work presented here was facilitated by grants from the John D. and Catherine T. MacArthur Foundation and the US Institute of Peace, but does not necessarily express the views of these organizations.

- Jerusalem, like so many other territories and cities, is an indivisible good of great worth because parties connect it to the preservation or achievement of identity, recognition and other fundamental concerns that cannot be compromised upon. No party will regard a physically separated piece of the good (Jerusalem) or solution denying it any kind of ownership or use of it as fulfilling its essential concerns.
- Successful strategies for negotiating indivisible goods must be 'integrative' (reconciling rather than compromising) in preserving the goods' physical unity and in meeting any concerns linked to them. There are two types of 'integrative' strategies: exchange (compensation, linkage of issues) and functional (sharing, division, and delegation). They focus on how the forms of ownership (e.g., sovereignty, municipal powers) and use (e.g., access to holy sites) of an indivisible good can be allocated between parties. Conditions that need to exist or be thought about for these strategies to work include the modification of perceptions and resource expansion.
- Elements of these strategies are already reflected in proposals for Jerusalem. Were they applied more extensively and more in combination with each other to different components of the problem (particularly to what is often the core issue of ownership), the result would be more creative proposals that stand a far better chance of resolving the battle over Jerusalem and similar conflicts.

Suggestions for Further Discussion

a) On the Concept of Indivisibility

A good is indivisible as soon as at least one party perceives it as such: e.g., in the case of a city, as soon as at least one major party perceives great losses from a physical division with barriers and thus opposes it. To what extent does the concept capture the essence of the Jerusalem problem? What specific concerns or values make Jerusalem an indivisible good of utmost worth to a particular party and how much of a priority does that party place on preserving the city's physical integrity compared to other concerns (e.g., achieving sovereignty or security in any part of the city)?

b) On the Strategies

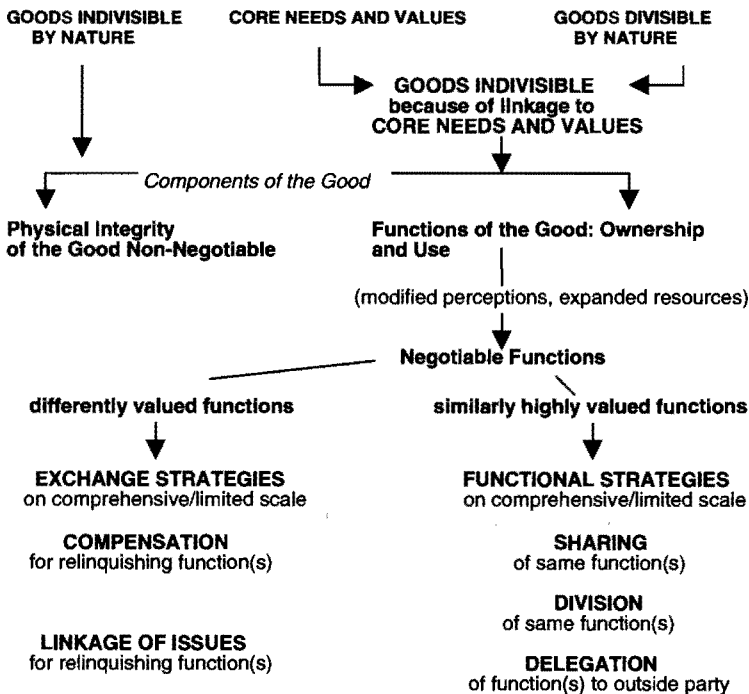
- Are there proposals for Jerusalem that implicitly use strategies not accounted for in the framework - for example, plans that do not value maintaining Jerusalem's physical unity?
- Where do various parties and plans see the Jerusalem problem fitting into the larger context of comprehensive Arab-Palestinian-Israeli negotiations (first, last, in pieces throughout)? What does this tell us about how, when and why it may be most promising to tackle a dispute over an indivisible good that is an integral part of a larger conflict?

c) On Preconditions for the Successful Use of the Strategies

Many of the discussed strategies and plans (e.g., shared sovereignty) could be seriously considered only after relations and trust between Palestinians and Israelis had greatly improved. What confidence-building measures could realistically be taken in the near future, so as to arrive, eventually, at a situation in which the parties could sit down and deliberate in good faith? One model suggests that relations between parties in protracted conflicts improve greatly if the parties first work jointly to achieve 'smaller' goals they share and prioritize highly but can only achieve by working with the other side. Is it applicable to Jerusalem - i.e., do Palestinians and Israelis have any concrete, more limited goals interpreted in compatible ways, toward which they could first work jointly to their mutual benefit? Are there other models or ways of overcoming psychological barriers and bringing all the needed parties into effective negotiations on the basis of any of the many bright, even-handed plans for Jerusalem already proposed?

Figure 1: A Conceptual Framework for Negotiating Indivisible Goods

Types of Indivisible Goods:



Three types of indivisible goods are illustrated: core needs and values; goods that are by indivisible by nature, and which may also be connected to core needs and values and thus assume great worth; and goods, by nature divisible, which become indivisible as well as highly valued because of linkage to core concerns. The physical integrity of indivisible goods is non-negotiable, while their functions (forms of ownership and use) can be negotiated and allocated between parties. Changed perceptions and expanded resources may first be necessary to make a particular function appear negotiable to a party, and may also facilitate the use of strategies.

There are two types of strategies, exchange and functional, for negotiating indivisible goods. They are applied at a comprehensive level with regard to aspects of ownership (e.g., sovereignty, municipal powers), on a limited scale with regard to matters of use (e.g., access), or both. When parties value a particular function of the good differently, it may be exchanged using the strategies of compensation or the linkage of issues. When the same kind of function is similarly and highly valued, an agreement in which it is shared, divided, or delegated to an outside party is more likely to resolve the conflict.

Figure 2: Proposals for Resolving the Jerusalem Conflict

PROPOSALS	STRATEGY TOWARD		
	Sovereignty	Municipal	Access (to city and holy sites)
ISRAELI			
TEDDY KOLLEK	<u>Compensation</u> Israeli sovereignty over all Jerusalem in exchange for municipal powers, better municipal services, greater cultural and religious autonomy.	<u>Sharing</u> A common municipality, one mayor. Equal rights for Arabs and Jews to vote and run in municipal elections.	<u>Sharing</u> Open city. Free access to holy sites administered by respective faiths under Israeli sovereignty.
S. TOLEDANO	<u>Linkage of Issues</u> Israeli sovereignty over all Jerusalem in exchange for a Palestinian state in the West Bank and Gaza. Part or comprehensive Arab-Israeli settlement.	<u>Division</u> Separate municipalities and mayors for Arab and Jewish parts of Jerusalem.	<u>Sharing</u> Open city. Free access to holy sites controlled entirely by respective faiths under Israeli sovereignty.
MOSHE AMIRAV	<u>Division, Sharing</u> In metropolitan Jerusalem Israeli capital from Ma'ale Adumim to Mevaseret, Palestinian capital from Ramallah to Bethlehem; joint sovereignty over holy sites. Confederation of Jordan, Palestine and Israel	<u>Division, Sharing</u> In metropolitan Jerusalem separate municipalities for Arab and Jewish areas; joint roof municipality with equal representation; rotation of chairmanship between Jew and Arab.	<u>Sharing</u> Open city. Free access to holy sites managed by confederal authority.

PRO-JORDANIAN			
SHIMON PERES and KING HUSSEIN (1987, London)	<u>Division</u> Israeli sovereignty over West Jerusalem, Jordanian sovereignty over Jewish areas of East Jerusalem and in rest of East Jerusalem as part of a Palestinian-Jordanian federation.	<u>Division, Sharing</u> A Jordanian municipality, an Israeli municipality and a joint umbrella municipality.	<u>Sharing</u> Open city. Free access to holy sites under Jordanian and Israeli sovereignty.
ZIBERMAN (1990)	<u>Division</u> In Greater Jerusalem Palestinian sovereignty, Jordanian sovereignty over Haram Ash-Sharif and areas outside current municipal boundaries as part of a Palestinian-Jordanian federation; Israeli sovereignty in rest of Jerusalem.	<u>Division, Sharing</u> In Greater Jerusalem an Israeli municipality, a Jordanian-Palestinian municipality, and a joint umbrella municipality.	<u>Sharing</u> Open city. Free access to holy sites under Palestinian and Israeli sovereignties.
PALESTINIAN			
PALESTINIAN NATIONAL COUNCIL (1988 Declaration of Palestinian Independence)	<u>Division</u> Palestinian sovereignty in Arab Jerusalem as capital of the Palestinian state in all Israeli-occupied territories, confederated with Jordan. Removal of Israeli settlements established since 1967.		<u>Sharing</u> Freedom of worship, religious assembly at holy sites for all faiths.
MAHDI ABDUL HADI	<u>Division/Delegation</u> Divided sovereignty between Arab and Israeli Jerusalem. Israeli quarters, residents in Arab Jerusalem under Arab law. Palestinian right to rebuild, live in villages destroyed in Jerusalem area in 1948 and 1967. UN power to decide in unsettled disputes between parties, including issues involving sovereignty.	<u>Division/Delegation</u> Separate Arab and Israeli municipalities coordinated by the UN power to decide in any unsettled disputes between parties, including municipal matters.	<u>Sharing</u> Open city. Free access to holy sites under Israeli and Palestinian sovereignty.
AL-FAJR NEWSPAPER (1990)	<u>Sharing</u> Joint Palestinian-Israeli sovereignty in all Jerusalem as capital of Israeli and Palestinian state forming an economic union. Israeli government offices in western part, Palestinian in eastern part of the city.	<u>Sharing</u> A common autonomous municipality.	<u>Sharing</u> Open city. Free access to holy sites under joint Palestinian-Israeli sovereignty.

SARI NUSSEIBEH	<u>Division</u> Palestinian and Israeli zones of sovereignty in Jerusalem, not necessarily contiguous geographically, as capitals of Israeli and Palestinian state.	<u>Division, Sharing</u> Separate Palestinian and Israeli municipalities, with cooperation and integration possibly culminating in joint municipal supervision.	<u>Sharing</u> Open city. Free access to holy sites under Palestinian and Israeli sovereignty.
OTHER			
UNITED NATIONS (General Assembly Res. 181 of 1947, UN Statute for Jeru- salem)	<u>Delegation, Linkage of Issues</u> In context of two-state solution Jerusalem and surroundings under international regime as <i>corpus separatum</i> administered by a UN-appointed governor. Palestinian and Jewish state to form economic union.		<u>Sharing</u> Open city. Free access to holy sites supervised by governor under UN administration.
WILSON (1982)	<u>Delegation/Division</u> The Old City under UN administration; Israelis administer part of rest of city as Israel's capital; Arab-administered part capital of Palestinian state/entity.		<u>Sharing</u> Open city. Free access to holy sites under UN administration.

The chart summarizes how various plans for Jerusalem reflect elements of strategies for negotiating indivisible goods (Figure 1). An empty cell indicates that a particular plan does not include any explicit stipulations for that aspect of the problem. Proposals differ most clearly on the issue of sovereignty, while all provide for free access to the holy sites and usually the city as a whole. Practically every plan illustrates elements of some type of resource expansion and would require at least one party to first modify its perceptions of the conflict.

THE POLITICAL GEOGRAPHY OF JERUSALEM: DEMOGRAPHIC-TERRITORIAL ASPECTS OF THE ISRAELI-PALESTINIAN CONFLICT¹

SHAUL COHEN

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Since 1967, Israel has gone to incredible lengths to maintain a clear demographic majority in the city. In fact, the issue of numerical dominance dates from the last century, at least in Zionist polemic.

Not only is a Jewish majority deemed essential, but so too is a population balance of approximately 75 percent Jews to 25 percent Palestinians, intended by Israel to quash any notions of a re-division of the city. During the years of occupation, Israeli construction of housing for Jews in East Jerusalem has had territorial and strategic considerations at heart. These dictated the location of the new municipal boundary, which was designed to include strategic sites and room for growth while excluding concentrations of Arab population wherever possible. Within the newly acquired area, the two immediate goals that motivated construction for Jews were the creation of a physical link between West Jerusalem and Mount Scopus and preventing the re-division of the city by eliminating the sectoral segregation that had existed between 1948 and 1967.

The 1968 Master Plan for Jerusalem envisioned expansion in three phases. The first involved construction to tie the city across the former no-man's land and eliminate the physical barriers that had divided it. The second was to encircle the immediate periphery of the city. Finally, a belt of outlying settlements would provide greater control over the wider Jerusalem region.

To facilitate an increase in the Jewish population of East Jerusalem, orders for land expropriation in 1967-68 allowed for construction to forge a link from the older Jewish neighborhoods to Mount Scopus and, further out, in the area of Neve Ya'acov. A larger expropriation came in 1970, increasing the size of Neve Ya'acov and providing land for the satellite settlements of Gilo, East Talpiot, and Ramot, each of which had a particular territorial function. Completed, more or less, by the mid-1980s, these settlements comprise the bulk of the secondary belt around the city's core. They house over 100,000 people and allow a much broader distribution of the city's population. While they serve as pillars of a ring around the city center, there is much to be done to fill

¹ Presentation given at a roundtable meeting held at PASSIA on 16 June 1992.

the gaps between them. Part of the work is underway, notably in the settlement of Pisgat Ze'ev, which links Neve Ya'acov in the north to French Hill and where the municipality and Ministry of Housing have invested most of their effort in recent years.

Although construction is the most common method of preventing expansion by an adversary, or at least ensuring one's own control of land, it can be employed only up to a point if spatial separation is to be maintained. Thus there is commonly open space between Arab and Jewish neighborhoods. 'Green areas' are essential in new or expanding settlements. While bordering Jewish areas, they also border Arab areas. They limit the growth of the community, whether Arab or Jewish, but are more often used to check Arab growth; there are several examples.

Throughout the municipal area, the Israeli goal, official or unofficial, is to put obstacles in the way of Arab expansion, whether these take the form of settlements, forests, roads, industrial areas or simply restrictive zoning.

Despite this, it seems that the Arab sector is matching or even exceeding the pace of Jewish population growth. Having said this, in absolute terms, Jewish growth has outpaced Arab growth in the last decade, while the gap between birth rates has decreased. Nevertheless, despite its declining birth rate, the Arab population of Jerusalem has increased by over 200 percent since 1967.

If there is a housing crisis, how can the Arab population continue to grow? The question is highly politicized. It is often suggested that housing shortage or no housing shortage, Palestinian residents of the West Bank are flocking into Jerusalem. Most Arab building – unlike Jewish building – is not planned in a formal sense, nor sponsored by a government. Research indicates, however, that Arabs too employ building as a tactic to block the expansion of their adversary; dwellings are constructed in advance of need in order to prevent Israeli encroachment.

Illegal Arab construction has become sufficiently controversial to attract substantial media attention. In 1990, the Jerusalem Municipality noted an increase of 300 percent in illegal building in the Arab sector, which could be linked to the delay in providing new housing in a supervised and approved manner. The outline plan for the Shu'fat/Beit Hanina area was originally to have allowed the construction of 18,000 units; the figure was cut to 11,000 then to 7,500 by the Ministry of the Interior and other national bodies, all of which shared the same fear: the erosion of the Jewish demographic superiority, caused, in part, by increased illegal Palestinian immigration to the city. Palestinians claim that 50,000 Jerusalem residents have been forced to leave the city because of a lack of housing, while various Israeli estimates put the number of Palestinians residing illegally within the municipal area at somewhere between 10,000 and 50,000 plus. Whatever the balance, the plan has come too late and is on too small a scale to seriously affect the issue of illegal construction.

Since 1967, the prohibition on immigration from the West Bank has contributed to the rapid growth of Palestinian towns surrounding the municipal boundaries. With the simultaneous growth of Israeli settlements around Jerusalem, land that had seemed unimportant took on increasing significance. Israel prevents building on Palestinian land using a wide variety of pretexts, such as 'special outline plans' for villages. These create a 'blue line': permits for building will only be granted if the land in question falls within this line, which is of no use to the many villagers whose land is situated outside the development zone. No provision is made for public purposes, and all 'blue lines' are drawn in accordance with 'regional considerations', namely, Israeli interests.

Palestinians report an acute housing shortage in villages. As a result of this shortage, villagers are compelled to leave, which puts further pressure on the rental markets in Ramallah, Bethlehem and other areas. Some of those who cannot build in the villages go abroad, and a common Palestinian perception is that this is the intended goal of Israeli planning policy. During the *Intifada*, the administration has made it even harder for Palestinians to obtain building permits, resulting in an increase in illegal construction and the demolition of illegal buildings.

Zionists have employed forestation as a tactic for controlling land for 80 years. Since 1982, over 30 square kilometers of land have been forested in and around East Jerusalem.

Except for small plots, all land around Jerusalem is 'tied up' in one way or another, the result being that the competition for what remains has become fiercer. Assuming that there will be no major political developments in the future to prevent such a course of action, the third belt of Jewish housing both in and outside the municipal boundary will soon be completed. It is on the remaining open land intended for that purpose that the struggle for control of Jerusalem continues to be waged. Clearly, Israel has the advantage.

The consequences of the new wave of building will include the radical alteration of the Jerusalem landscape, problems of urban sprawl, the destruction of both the character of villages and traditional Palestinian residential patterns, and social problems, particularly slum conditions, in both Arab and Jewish areas. Governmental policies, driven by demographic considerations that involve, to a significant degree, an area much wider than the city and its immediate surroundings, are ensuring a Jewish majority.

JERUSALEM AS THE CAPITAL OF PALESTINE: INITIAL IDEAS¹

RASHID KHALIDI

Professor of Political Science, University of Columbia

Our basic objectives regarding Jerusalem are sovereignty over the Arab part of the city – the capital of Palestine – and local control over all Arab neighborhoods of the city, in addition to equity in municipal affairs. The main obstacles in our way are Israel's annexation of the city and its absolute control over municipal affairs; the settlement of some 140-150,000 Israelis in Arab East Jerusalem; the American position that Jerusalem must not be divided; and international public opinion, misled for 25 years by the Israeli myth of a 'unified' Jerusalem.

Our main assets, meanwhile, are the principle of self-determination; the presence of 150,000 Palestinians in East Jerusalem; Arab ownership of most land in East Jerusalem (and 40 percent of that in West Jerusalem); international consensus rejecting Israeli sovereignty over Jerusalem; British, French and Vatican commitment to the city as a *corpus separatum* under UN Resolution 181; and international support for UN Resolution 194 (compensation or repatriation) as applied to Jerusalem.

Our problem is how to use our limited assets to overcome major obstacles and achieve, as far as possible, our objectives. We must align ourselves with international consensus as far as possible in order to maximize our assets.

Thus, although we reject Israeli 'unification' of Jerusalem, because international consensus calls for an undivided city, we must try to achieve the objectives of sovereignty and local Arab control within the context of an undivided city. This would also enable us to undermine Israeli propaganda about a 'unified' city. We could propose, for example, divided sovereignty, a unified municipality with equal representation for Arabs; Arab and Jewish neighborhood councils with control over zoning, land use, and so on.

Our position on Palestinian sovereignty over Arab Jerusalem – which is totally contradictory to that of Israel – must remain firm. We must never forget that we have an important weapon to help us in our battle: namely, the fact that the international community has never recognized Israeli sovereignty over any part of Jerusalem.

¹ Presentation given at a roundtable meeting held at PASSIA on 25 June 1992.

One of our objectives should be to utilize the international position as support for us and as an incentive for Israel to recognize Palestinian sovereignty. That is, we should base our diplomacy regarding Jerusalem on the demand that Israeli sovereignty should not be recognized unless Palestinian sovereignty is also recognized.

Similarly, Arab land ownership can be a potent weapon, given that Israeli seizure of Arab property in East Jerusalem is illegal under International Law, while Arab property in West Jerusalem seized by Israel is still subject to the provisions regarding compensation of UN Resolution 194.

We must demand the right to compensation for property, including public property, in West Jerusalem, and, after being compensated, offer acceptance of Israeli ownership of this property. At the same time we must demand the annulment of Israeli takeovers of private and public property in areas of East Jerusalem with an Arab majority (the Old City, Sheikh Jarrah) in return for accepting compensation for property, including leases, in areas that now have a Jewish majority (Gilo, French Hill, the Jewish Quarter and others).

Assets such as UN Resolutions 181 and 194 and the principle of self-determination should be viewed not as hard and fast international resolutions that can be imposed on Israel (as UN resolutions on Kuwait were imposed on Iraq) but rather as bargaining chips of limited value, which may be used to achieve some of our objectives if we are able to maximize our employment of them and of our other assets.

THE QUESTION OF MUNICIPAL TAXATION IN JERUSALEM¹

YAQOUB MARRAGHWA

Taxation Department, Israeli Municipality of Jerusalem

Each municipality has certain obligations towards the community, and there are rules and regulations governing the relationship between the two. The Ministry of the Interior, for example, authorizes the Jerusalem Municipality to make regulations regarding the level of and collection of municipal tax (*amona*), which makes up 45 percent of the municipal income.

Here I will concentrate on Part Four of the municipal bylaws, the rules on municipal taxation. The person liable to pay municipal tax is either the owner or the tenant of the property; they are liable for a fine and/or interest charges if payment is overdue. According to the law, the municipality has no right to collect tax or to change the rate of tax more than once a year. If the municipality does not announce the time of collection or the rate, they are to remain as in the previous year.

Properties fall into different categories according to the area (ground floor coverage) of the building or land. Category A includes stone buildings of at least 119 square meters, while category B includes cement buildings of at least 119 square meters. There are further categories of buildings made of wood, those considered uninhabited or unsafe and those with more than one use (residential and business). Balconies, gardens, stairways and garages are not included in the calculation of the area.

The mayor has the authority to reduce or waive municipal tax. The fact that it is possible to obtain a reduction in the amount of *amona* due depending on the area is a fact of which most Palestinian citizens are ignorant. Village households can obtain reductions of up to 50 percent, and some business properties reductions of up to 30 percent.

Az-Zahra and Salah Eddin streets are considered Zone A. Banks and hotels in Zone A, for example, pay NIS 421 per square meter, and parking lots NIS 20.90 per meter (while in Zone B they pay NIS 13.97 and in Zone C, NIS 10.90).

¹ Summary of a roundtable meeting held at PASSIA on 2 August 1992.

In West Jerusalem, the police give 24 hours notice and try to arrange a settlement through the parties' lawyers in the event that *amona* is not paid on time. In East (Arab) Jerusalem, on the other hand, there has been opposition to the racist methods of collection of municipal tax, which include raids, the confiscation of property, imprisonment, beatings, and humiliation.

Around 50-55 percent of the Arab population in the city is behind with payments. Services in East Jerusalem are not comparable with those in the west of the city. Nor are benefits: in West Jerusalem, young married people are given a 100 percent reduction if the house does not exceed 100 square meters and the breadwinner's income does not exceed 150 percent of the national average. Arabs in East Jerusalem, unlike Jews living in the west (or east) of the city, rarely go to court to challenge municipal tax levels.

Despite frequent attempts to make one, there should be no link between the question of tax and its collection and the question of sovereignty and the exercise of political authority in the city.

THE QUESTION OF SOVEREIGNTY OVER EAST (ARAB) JERUSALEM¹

DR. MAHDI ABDUL HADI
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Background

After the occupation of all Jerusalem the State of Israel rushed to announce the annexation of the eastern part of the city and to dismantle the majority of Arab institutions, including the Arab municipality. Thereafter we witnessed the deportation of Arab Jerusalemites, the closing down of more Arab institutions, the invasion of the Israeli municipal authority and the establishment of the Israeli presence, i.e., the ministries of interior and police, the Histadut, Kupat Holim, and the Israeli 'National' Insurance Institute. From that time on there were also continuous efforts to surround the Holy City with Israeli settlements and isolate it from the rest of the Occupied Palestinian Territories (OPT).

The Current Situation

International political positions *vis-à-vis* Jerusalem are very clear: no recognition of the Israeli control, governance or annexation of the city; acknowledgment of the fact that Israeli practices in the city are illegitimate and illegal; and support of resolutions stating that Israel cannot change the status of nor claim sovereignty over the city. Unfortunately, none of these positions have succeeded in freezing or putting an end to Israel's policies and practices in the city.

There are international and political bodies in the city working within the Palestinian community, all of which are receptive to its position and rights. There is also an Israeli address in the city, represented by Teddy Kollek and his municipality, which attracts tourist, economic and political support and poses a serious threat to the Arab presence.

Professional Palestinians and active national institutions in the city are both hampered by the restrictions of the Israeli authorities. There is an absence of national coordination amongst local Palestinians and the Islamic-Christian Arab presence is seen as reactive rather than proactive.

Current issues of concern include the following:

¹ Summary of a presentation given at a roundtable meeting held at PASSIA on 12 September 1992.

1. Postponement of discussion pertaining to the Question of Jerusalem to the final status talks, due to commence not later than the end of the third year of the interim phase.
2. Israeli political parties struggling for seats in the Israeli municipality, especially after the current mayor Teddy Kollek's announcement that he will not run for office.
3. Contradictory Arab positions on and interest in the city and its Islamic and Christian institutions.
4. A Palestinian national dialogue in the city on the questions of sovereignty and national authority and linking the Question of Jerusalem with the rest of the OPT.
5. Following the Israeli proposal made during the Washington talks, namely, the idea of municipal elections in the West Bank and Gaza, no clear Palestinian position demanding that the Arab municipality of Jerusalem should be included.

Proposals

There is an urgent need for action. It is my belief that the Palestinians should do the following:

1. Build public opinion in the city towards reestablishing the Arab municipality.
2. Use the media as a political tool to link the affairs of the city with the rest of the OPT.
3. Reestablish the Palestinian national address in East Jerusalem, making it the central base for all coordination pertaining to the national effort.
4. Form a Jerusalemite *ad hoc* committee to work on the above-mentioned issues.

THE RESTORATIONS TO THE DOME OF THE ROCK AND THEIR POLITICAL SIGNIFICANCE 1560-1992¹

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The Dome of the Rock, in Al-Haram Ash-Sharif in Jerusalem, is the earliest surviving Islamic monument in Jerusalem. Throughout its history, the monument has been politically and religiously significant: first, to its early Umayyad patrons, then to its Abbasid, Fatimid, Ayyubid, Mamluk, Ottoman, British and Palestinian protectors, and finally to the Haram officials of Jerusalem, who, in conjunction with the Jordanian government, are responsible for the Dome's supervision.

An examination of the building's history demonstrates that there have been many challenges to the Moslem supremacy of the site. The macrocosm of Jerusalem's history and political position are reflected in the history of the Dome of the Rock.

"When Jerusalem was in the possession of the Circassian Mamlukes, all the *ulema* and pious men went out to meet Selim Shah in 922/1156. They handed him the keys to the Mosque of Al-Aqsa and the Dome of the Rock of Allah. Selim prostrated himself and exclaimed: 'Thanks be to Allah! I am now the possessor of the first *qiblah*.'"

According to St. H. Stephan, that was how Evliya Celebi described the Ottoman takeover of Jerusalem by Sultan Selim I. Selim's claim to possession of the 'first *qiblah*' signals Ottoman awareness of the significance of Jerusalem and its place in early Islam and the importance of that legacy to Ottoman claims of religious and political hegemony over the Holy Land and the Hijaz.

Like the Abbasid, Fatimid, Ayyubid and Mamluk rulers before him, Sultan Selim I embellished the city in small ways by restoring and adding to its edifices. It was during the reign of his son and successor Sultan Sulaiman Kanuni, however, that the Holy City underwent renovations on a major scale. Sulaiman's symbolic appropriation of Jerusalem, by redecorating its most famous Islamic shrines in the Ottoman manner and enclosing it within largely rebuilt walls is the best known (some say the only) Ottoman contribution to the construction of the third holiest city in Islam. This is in line with historiography

¹ Presentation given at two roundtable meetings held at PASSIA on 5th and 12th November 1992.

that presents the last three centuries of Islamic rule in Jerusalem as an unbroken slide into neglect, broken only by the benign intervention of Europeans in the 19th Century.

This paper, which is part of a wider research undertaking, puts forwards an alternative view of active Ottoman, British and Arab engagement with Jerusalem and its monuments throughout the 18th, 19th and 20th Centuries. These later restorations of Al-Haram Ash-Sharif and the city are posited as part of a continuum that began with Ottoman claims over the territory of early Islam. Two main reasons emerge for the restorations in the city of Jerusalem. Restorations to architectural monuments were and remain politically motivated, initiated as parts of larger projects to assert or reassert central governmental control in the region. Secondly, they result from competition with other religious groups and foreign powers for supremacy within the city.

Restorations undertaken include those of the early 18th Century and the end of the 19th Century; that of 1928 during the British military/mandate period by the Supreme Moslem Council; that of 1960 by the Egyptians; and the current project to restore the Dome of the Rock. These should be seen in the context of their relationship to other extant religious monuments, such as the Church of the Holy Sepulchre, and to plans to rebuild the Temple; the Dome should also be viewed in terms of its use as a symbol in the Islamic World.

The successive restorations of the Dome of the Rock demonstrate continuous Moslem maintenance of the building from its creation in 692 to 1992. Throughout the building's history, there have been challenges to demolish the early Islamic monument, and these challenges continue to the present day.

TOWARDS A PALESTINIAN POLITICAL AUTHORITY IN JERUSALEM¹

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A review of Israeli policies and practices pertaining to the Judaization of the city of Jerusalem shows that Israeli and Zionist institutions have occupied huge amounts of land and premises and expanded their possession of properties in the Old City. Israel's monopoly of institutions like the Histadrut (labor union) and social services influences the interests of Palestinians in the city, making them increasingly dependent on Israeli services and strengthening Israeli authority in the city. Under the Israeli mayor Teddy Kollek, the West Jerusalem Municipality has succeeded in becoming the principal Israeli actor in the city.

Major Zionist organizations in Europe and the US are mobilizing their constituencies to raise millions of dollars with the aim of reinforcing their presence in the city and possibly 'reconstructing' the 'Temple of Solomon' on the site of Al-Haram Ash-Sharif compound. Arab/Islamic symbols in the city, notably Al-Aqsa Mosque and the Dome of the Rock, have been 'used' as Israeli symbols and sites for tourism. Israeli political parties are entering a new phase of competition for the position of mayor, especially after Kollek's announcement that he will not stand again.

Most of the Palestinian attention has focused on side issues such as the reduction of taxation instead of on fundamental demands such as no taxation without representation and the need to reestablish the Arab Municipality. Palestinian institutions lack the cooperation and commitment necessary to allow them to strengthen their presence and become, as they should be, the center of the Occupied Palestinian Territories (OPT).

There is ongoing rivalry among Arab and Islamic capitals (Amman, Riyadh, Cairo, and Tehran), all of which wish to have a say in the city and have some control over its affairs. In the current peace process, with the focus on the interim arrangement and Israeli insistence on excluding Jerusalem, there is no Palestinian consensus on a plan or agenda for Jerusalem.

¹ Summary of a presentation given at a PASSIA roundtable meeting on 19 November 1992.

Conclusively, it can be said that there is an urgent need for the following:

- to mobilize Palestinians towards 'raising the flag' of Arab Jerusalem on all possible occasions;
- to build public opinion towards:
 1. rehabilitation of Palestinian institutions in Jerusalem, and
 2. establishing alternative institutions to those of Israel (social welfare organizations, unions, a municipality) as vehicles to maintain and develop the Arab presence in the city;
- to establish a Palestinian national address in the city and to link all affairs of the OPT to it (this need not be the Arab Municipality nor the delegation headquarters); and
- to develop a procedure for forming a Palestinian assembly with 150 members as the foundation of the national base in Jerusalem.

JERUSALEM AND ISRAELI SETTLEMENTS¹

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Introduction

With the occupation of Jerusalem in June 1967, Israel started to destroy the ability of Arab Jerusalem to function as the capital city for Palestinians in their aspired independent state. While Palestinians are ready to discuss the issue of a divided city - in which Arab East Jerusalem is under their sovereignty - Israelis are not prepared to even consider the idea.²

Israel annexed Arab East Jerusalem immediately after occupying it in 1967. Since then it has deprived the East Jerusalem Palestinian Arab population of their rights by changing the legal system, institutions, physical structures and demographic composition of the city. Israel views all the city of Jerusalem as its territory and has declared it the united capital of Israel. Israel did not only transfer its population into Arab East Jerusalem, but also some of its institutions and ministries.³ Despite its participation in the peace process, which started in Madrid in 1991, Israel continues to impose its policies in Arab East Jerusalem in an attempt to undermine the possibility of achieving an overall solution for the conflict over Jerusalem. The sealing off of the West Bank and Gaza Strip from Jerusalem on 30 March 1993 was the latest example.

Historical Background

After World War I, Great Britain assumed control over Palestine, which for the first time became a separate political entity, with Jerusalem as its administrative center.⁴ Britain permitted European Jews to migrate, and by World War II they made up 30 percent of Palestine's population, against 70 percent Arabs. In Jerusalem, Jews made up half the population, but Arabs owned more land.

¹ Presentation given at a PASSIA roundtable meeting on 19 June 1993.

² Positions of Israelis and Palestinians were summarized by Cecilia Albin, *The Conflict over Jerusalem*, PASSIA, 1990.

³ For example, the Ministries of Housing, Agriculture and Justice, in addition to police central offices, the Histadrut, and the new border guard police center under construction. The Jerusalem Municipality has a new complex, built on a no-man's area of the 'green line' that split Jerusalem into an east and a west part. The complex will be officially opened at the end of July 1993.

⁴ 3. John Quigley. "Old Jerusalem: Whose to Govern?" *Journal of International Law and Policy*, Vol. 20, Autumn 1991, p. 147.

In November 1947, the UN General Assembly recommended in its Resolution 181 dividing Palestine into an Arab and a Jewish state. Jerusalem would have become a *corpus separatum* under the UN Trusteeship Council. A referendum was to be held after ten years to seek the views of the city's residents as to whether the international regime should continue or be modified. The US and the Soviet Union supported the plan. It was also accepted by the Jewish Agency, representing the Jewish population in Palestine at the UN, but rejected by the Arab Higher Committee and the Palestinian people, as well as by Iraq, Saudi Arabia and Syria.

In December 1947, inter-communal hostilities broke out. Arab resistance groups attacked convoys carrying supplies to Jewish settlements while Jewish military units, such as the Haganah - the Jewish Agency regular army - and the Irgun group headed by Menachem Begin, attacked Palestinian towns and villages. Under the pressure of these attacks, Palestinians fled from their homes, villages and towns, including Jerusalem. David Ben-Gurion, who would become Israel's first Prime Minister, ordered that Jews be settled in conquered and abandoned Arab areas.⁵ In April 1948, Jewish gangs captured Deir Yassin village, west of Jerusalem and massacred over 250 Palestinian civilians. The Haganah drove vans around Jerusalem announcing in Arabic from their loudspeakers, "Unless you leave your homes, the fate of Deir Yassin will be your fate."⁶ Jerusalem Arabs were frightened and many did flee to safer areas, mainly in the eastern part of the city.

On the other hand, the Jordanian government and the Jewish Agency were to agree that the agency would get the Mediterranean coastal area and some hinterland, while Jordan would control the western bank of the Jordan River. However, there was no agreement about Jerusalem, and during the War of 1948, both sides fought against each other in the city. Following the war, Jerusalem was divided, Israel taking the western part, with its predominantly Jewish population, and Jordan the eastern part, with its predominantly Arab population. As a result of these events, about 60,000 Arab Palestinians fled from Jerusalem, and by late 1948, the Jerusalem Arab population had been reduced to about 3,500.⁷

Count Folke Bernadotte, the Swedish diplomat, dispatched by the UN as a mediator, criticized Israel for the seizure of Arab Palestinian property and urged Israel to permit the return of the refugees. The Jewish Stern Gang assassinated him in Jerusalem in September 1948, and also killed Colonel Serot, a French officer and senior UN observer in Jerusalem.

In 1949, Israel was admitted as a member of the UN and in 1950, the government of Israel declared West Jerusalem its capital.

⁵ Ibid. p. 148.

⁶ Ibid. p. 149.

⁷ Ibid. p. 150.

On 4 June 1967, Israel's cabinet authorized an invasion of Egypt, and the next day Israel's air force bombed Egyptian aircraft in their bases while Israeli land forces carried out a ground attack, pushing their way into the Sinai Peninsula. Whilst advancing against the Jordanian force, Israel captured East Jerusalem. Though the Israeli leaders originally made announcements that the attack was a legitimate form of defense against Arab neighbors preparing for war, they later admitted that Israel had not expected an imminent attack but made a calculated decision to attack Egypt and Jordan.⁸

As for Jerusalem, after seizing the city, Israel justified its control by insisting that it had only used force in self-defense. Despite the fact that the UN Charter and its special resolutions stated clearly that there was no justification for Israel's retention of the West Bank, including East Jerusalem - even if Israel's action was defensive - successive Israeli governments adopted a common policy of changing the status of East Jerusalem, *de facto* and by law. In 1967 the Knesset enacted a statute stating that "the law, jurisdiction and administration of the State of Israel shall extend to any area of Eretz Israel designated by the government by order." In 1980 the Knesset declared "Jerusalem, complete, and united" to be "the capital of Israel." This law was denominated a 'Basic Law', giving it quasi-constitutional rank.⁹

Israel, International Laws and Agreements

The world community treats UN resolutions as an expression of international consensus on major issues and holds member states accountable for compliance. As a signatory party to the Hague and Geneva Conventions, Israel is legally obligated to uphold and respect the Geneva Convention's provisions: that is, it should recognize the inadmissibility of the acquisition of territory by force and the responsibility of the occupier to preserve the indigenous society, institutions and land.

Israel, however, has violated all international laws concerning occupied territory and its protected persons and property.

Israeli Policy in Annexed East Jerusalem

Since the Israeli annexation of East Jerusalem in 1967, Israel has introduced the following policy, thereby destroying the possibility of Jerusalem, mainly East Jerusalem, becoming the capital of the Palestinian state.

a. Boundaries

With the annexation of Arab East Jerusalem in 1967, the municipal boundaries of Jerusalem were expanded from 36 (West Jerusalem) to 123 square kilometers, incorporating 60 square kilometers from the Occupied Palestinian

⁸ Menachem Begin, later Israel's Prime Minister, said that "the Egyptian army concentrations in the Sinai approaches do not prove that Nasser was really about to attack us. We must be honest with ourselves. We decided to attack him." *Ibid.* p.152.

⁹ *Ibid.*

Territories (OPT), in addition to 12 square kilometers of pre-1967 East Jerusalem. In 1993, the Israeli Jerusalem Municipality expanded its borders 15 square kilometers to the southwest in order to include Mevasseret Zion. Most of this expansion can be attributed to the extension of the Jerusalem municipal boundaries into the southern and northern Arab areas, reaching almost to Bethlehem in the south and Ramallah in the north. In general, the new boundary lines were drawn so as to incorporate as much land as possible from Palestinian villages, but to exclude Palestinian population centers.

b. Population

The Arab population in the area of East Jerusalem annexed to Israel has risen from 69,000 in 1967 to approximately 149,000 today. Despite this increase, there is now Jewish parity in the annexed areas, due to the building of large Israeli suburban settlements. Today there are an estimated 145,000 Jewish Israelis in the annexed section of the city.¹⁰ According to the Jerusalem Center for Israeli Research, the total population of Jerusalem at the end of the year 1992 was 560,000 of which 28 percent were Arabs and 72 percent Jews. The expansion of Jerusalem's borders in the southwest in 1993 using 15 square kilometers of Palestinian land would result in the Arab percentage decreasing to 22 percent.¹¹

c. Land Use

Since 1967, close to 40 percent of Palestinian land in the annexed areas has been confiscated for 'public use'¹² (or - but less frequently - under the Absentee Property Law of 1950¹³) and consequently used mainly for high-density Jewish housing or turned over to Israeli institutions (such as the Hebrew University). In areas where Palestinians retain ownership of their land, they face great difficulties in obtaining building permits from the Israeli authorities, mainly because of the absence of a zoning plan for East Jerusalem. (See Master Plan.) In cases where permits are obtained, Palestinians face discriminatory building density regulations: Israelis in East Jerusalem may build at a 300 percent building density rate, while Palestinians are restricted to a rate of 50 percent. The municipal development budget for Palestinians in East Jerusalem is only five percent of the entire development budget; urban renovation projects are

¹⁰ On 6 July 1993, Ibrahim Kahila, the Deputy Mayor of the Jerusalem Municipality, announced that "there is a Jewish majority in the parts annexed to the city after 1967." He added "there are 160,000 Jews in East Jerusalem whereas there are 155,000 Arabs in the same area." (*Al-Quds*, 7 July 1993).

¹¹ Palestine Geographic Research and Information Center (PALGRIC) and Palestine Human Rights Information Center (PHRIC). *Reshaping Jerusalem*, July 1992.

¹² There were three waves of land confiscation for 'public use': the first wave in January 1968, when 4,048 dunums were confiscated from Sheikh Jarrah and French Hill for establishing the French Hill and Ramot Eshkol settlements; the second wave in August 1970, when 14,170 dunums were confiscated to build Ramot, Gilo, Neve Ya'acov and East Talpit; and the third wave in March 1980, when 4,454 dunums were confiscated for the establishment of the Pisgat Ze'ev and Pisgat Omer settlements. See "From Palestinian to Israeli: Jerusalem 1948-1982", *Journal of Palestine Studies*, Vol. 12, No. 4, (Summer 1983).

¹³ This law applies to land/property that was under the control of the Jordanian guardian of property in addition to properties of those considered absentees according to the Israeli Law of Jurisdiction and Authority, Amendment No. 11 for the year 1967.

initiated for Jews only; and only ten percent of all housing in Jerusalem during the past ten years was built for Arabs.¹⁴

East Jerusalem and Israeli Master Plans and Road Construction

a. Master Plans

At the beginning of this year, master plans for the villages of Shu'fat, Beit Hanina, Sur Baher and Arab Sawahreh in Jerusalem were issued by the Jerusalem Municipality. It should be noted that such plans are generally subject to a 30-60 waiting period before being given the final approval, which allows for any legal opposition to be heard and dealt with in the appropriate manner. In this instance, the villagers from the areas in question condemned the plans, as much of their land was classified as 'green areas', in which house construction is prohibited. In Shu'fat village, for example, 2,070 dunums out of about 5,000 dunums were included in the master plan for that area, while the remaining land was classified as 'green areas'. The Ras Khamis area in Shu'fat, about 800 dunums, was totally excluded as the Jerusalem Municipality is trying to expropriate the area for the Israeli housing project known as the Eastern Gate of Jerusalem.¹⁵

In Beit Hanina village 5,164 dunums of land were included in the proposed master plan. About 2,150 dunums were classified as 'green areas', that is, 41 percent of the total area referred to in the plan. Most of the classified 'green areas' are on the borders with western settlement, which indicates that 'green areas' are used as strategic reserves for Israeli settlements. There are 62 dunums for internal road construction and only 2,305 dunums for residential purposes.¹⁶

In Sur Baher, about one third of the total amount of land included in the village master plan was classified 'green areas'.

Village master plans, now in the legal opposition stage, are intended to meet population needs and increase until the year 2010. As explained by a municipal employee, the 'green areas' are not confiscated areas or areas placed under the control of the Israeli nature authority as Palestinians fear, but strategic reserves for the Arab villages after the year 2010, in case all village building areas are consumed. This argument, however, has not been officially confirmed, and Palestinians consider classified 'green areas' strategic reserves for settlement building and expansion, as was the case with classified 'green areas' in master plans issued 20 years ago.¹⁷

¹⁴ CCINGO press statement, 24 May 1991.

¹⁵ *Al-Quds* newspaper, 30 March 1993.

¹⁶ PALGRIC. Beit Hanina had 15,839 dunums of land according to the British survey of 1933. After 1967, many dunums were excluded to become part of the West Bank (e.g., the Dahiet Al-Barid suburb); others were expropriated for settlement use, e.g. 470 dunums for the settlement of Neve Ya'acov.

¹⁷ In 1970, a large number of dunums of land west of Shu'fat village were classified as 'green areas'. In 1990, the Rekhes Shu'fat settlement was built on the land. Har Homa, the newly planned settlement in the south of Jerusalem, is to be built on Sur Baher land, classified as 'green areas' 20 years ago.

The housing needs of the local Palestinian population are now a major problem. The Jerusalem Municipality claims that it took the current rate of population growth into account when issuing the master plans. Shu'fat and Beit Hanina villages were allowed 7,500 housing units in addition to five schools and other public services, but villagers have reported in the local newspapers that the municipality is depriving them of any horizontal or vertical residential expansion.¹⁸

b. Road construction

The construction of new roads is an inevitable consequence of the building or expansion of settlements, and new roads have been built for all the settlement neighborhoods. In 1991/92, construction began on a major new project, Road No. 1, which links existing Israeli settlements in the north and south of the city to West Jerusalem. The new highway replaces the old main road from the north, which went through Arab areas. As with settlements, the new road constricts Palestinian neighborhoods while it unifies the new Israeli Jerusalem.¹⁹

c. Settlements

East Jerusalem settlement policy was initiated by the Israeli Labor government and then maintained by all successive governments. 'Settlement' is a misleading title as settlements are high-density suburban areas, complete with all metropolitan amenities. A more suitable name is 'settlement neighborhoods'. The settlement neighborhoods were carefully placed so as to eradicate the 'green line' between the original Jerusalem boundaries and the expanded Jerusalem annexed after 1967, and subsequently to surround limited populated Arab areas. These high-density suburban settlements in the annexed section of Jerusalem are as follows:²⁰

• ***On the eastern borders***

North of Jerusalem

1. *Neve Ya'acov*. Established 1924 as a moshav (originally Kfar Ivry) on land belonging to Beit Hanina, northeast of Jerusalem. In 1925, it was renamed Neve Ya'acov. It was destroyed in 1929 and in 1936. In 1948, it became Jordanian land and was turned into a military base, which consumed about 35 dunums. In 1967, it became an Israeli military base and in 1972 was reconstructed as a civilian settlement on about 470 dunums confiscated from Beit Hanina village for public use in 1970. Today there are about 4,200 housing

¹⁸ *Al-Quds* newspaper, 7 May 1993. In Sur Baher 1,250 housing units are allowed to be built; these units can comprise of one or two floors only and only one unit per dunum of land is allowed in the surrounding remote areas. (Information provided by a municipal employee.)

¹⁹ For example: Beit Hanina village lies between Road No.17 (linking Pisgat Ze'ev, Neve Ya'acov and Pisgat Omer) and Road No. 4 (coming from the north-west - Halamish, Ramot - and reaching the Kfar Etzion bloc in the south). It is also planned to split Beit Hanina from Shu'fat village using Road No. 21 (linking the northeastern with the western settlements). Roads 9 and 10 are parts of a ring road around Jerusalem and surround Issawiya. Beit Safafa was split into western and eastern parts after the construction of the Gilo settlement and Bat Gilo Street (on 100 dunums of expropriated land), which tied the settlement with West Jerusalem.

²⁰ Unless otherwise noted, all information on settlement neighborhoods was obtained from the US Consulate.

units with a population of approximately 17,000 on about 40 dunums of land confiscated from Beit Hanina, which has a current population of 18,000.

2. *Pisgat Ze'ev*: Established in 1985 on 5,089 dunums of land confiscated for public use from Beit Hanina and Hizma villages in 1980. The current population is approximately 13,000. There is major expansion currently underway with three new neighborhoods planned with a total of 5,000 housing units for an approximate additional population of 70,000.²¹

3. *Pisgat Omer*: Established in 1987 on about 1,000 dunums of land confiscated for public use from Shu'fat, Anata and Hizma villages. Major expansion is currently underway, like in the neighboring settlements of Pisgat Ze'ev and Neve Ya'acov, to create one of the biggest settlement belts around Jerusalem. These settlements will be attached to Israel by Road No. 21, which would link to Road No. 9.

4. *French Hill (Givat Shapira)*: Established in 1968/69 on land confiscated immediately north of the city center from the villages of Lifta and Shu'fat; current population 7,000.

South of Jerusalem

5. *East Talpiot*: Established in 1973 on 2,240 dunums of land confiscated for public use from Sur Baher village in 1970; current population 18,000. The greater part of the settlement – about two thirds – was built on the no-man's land of the 'green line' that existed prior to 1967.

6. *Gilo*: Established during the years 1970/73 on 2,700 dunums of land confiscated for public use from Beit Safafa, Beit Jala and Sharafat villages in 1970; current population 35,000; expansion involving 40 dunums of newly confiscated land from Beit Safafa village is currently underway.²²

7. *Giva'at Hamatos*: Established in 1991, on 170 dunums of land confiscated as Israeli government property from Beit Safafa and Beit Jala villages, near the archeological *khirbet* (site) of Tabalia. The Greek Orthodox Church owns some of the land built upon. Some hundred trailer-homes have been installed on the land, but its master plan indicates that these will eventually be exchanged for approximately 3,000 permanent housing units.

• ***On the western borders:***

North of Jerusalem

8. *Ramat Eshkol / Givat Hamivdar*: Established in 1968 on 3,345 dunums of land confiscated north of city center from Lifta village. Approximately 2,200 housing units were built to absorb about 10,000 settlers.

²¹ *Report on Israeli Settlement in the Occupied Territories*, Foundation for Middle East Peace, November 1992.

²² PALGRIC and PHRIC, op.cit.

9. *Ma'alot Dafna*: Added to Ramat Eshkol in 1973, on 270 dunums of land confiscated in 1968 from private property owned by Palestinian Jerusalem families. It has to be noted that this settlement was built on the no-man's area of the 'green line' that divided Jerusalem into East and West Jerusalem. Current population: 4000.

10. *Ramat*: Established in 1973 on about 4,840 dunums of land confiscated for public use from Beit Iksa, Beit Hanina and Lifta villages in 1970. Current population: 32,000. In 1992, the settlement was expanded to the north and given the new name of Ramat 6.

• ***New and planned suburban settlements:***

- a. *Har Homa*: Settlement planned on land confiscated in 1991 from the villages of Sur Baher and Um Tuba, southeast of Jerusalem.²³
- b. *Rekhes Shu'fat*: Currently under construction on 436 dunums of land confiscated from Shu'fat village in 1970 for public use; a religious settlement of 3,800 units is planned with a projected population of 18-20,000. The settlement area was planted with trees after its confiscation in 1970 and was declared a protected nature area. The settlement plan was announced in 1990.
- c. *Ne'ot Qadron*: a proposed settlement to be built on land expropriated from Obaidiyeh village.

• ***Other Jewish use or concentration areas:***

1. *Atarot* (industrial zone): In 1914, a settlement was built on Qalandia land, but destroyed during World War I. It was reestablished in 1922 as a moshav and by 1925 it had a population of 190 persons. In 1948, the settlement was destroyed again, and its inhabitants left. During the British Mandate, an airport was built nearby, which, after 1967, was turned into a domestic airport. The Atarot area, south of the airport, was expanded using about 1,200 dunums of land confiscated from Qalandia and Beit Hanina villages, and became one of the central industrial zones for Jerusalem.²⁴
2. *Hebrew University*: The earliest buildings were built in 1924 on land belonging to Issawiya village that was under the supervision of the UN. During the Jordanian rule, provision convoys used to reach the university every two weeks under the protection of the UN. After 1967, a large number of dunums were confiscated from Issawiya, Lifta and Sammar and the university was expanded to include the no-man's area of the 'green line'.²⁵
3. *Jewish Quarter* (Sharaf Quarter): Immediately following the occupation of East Jerusalem, the entire Arab neighborhood (the Mughrabi and Sharaf quarters) in front of the Wailing Wall in the Old City was razed, including

²³ CCINGO, press statement, June 17, 1991.

²⁴ Information provided by PALGRIC.

²⁵ *ibid.*

five mosques, four schools and a large historical market (Suq Al-Bashura), in order to create a large plaza. A total of 116 dunums were confiscated for public use, which equals 20 percent of the entire area of the Old City. Over 6,000 Palestinians were left homeless by these actions. Since 1967, only Jews have been allowed to purchase housing in the quarter, and currently about 3,500 Jews live in the neighborhood.²⁶ In addition, about 40 houses have been taken over by yeshiva-affiliated or private housing corporations supported by settler organizations; among these are the houses involved in the controversial takeovers in Silwan.

4. *David's Village* (Mamila project): A tourist and business project west of David's Gate of the Old City. Established in 1990 on no-man's 'green line' land confiscated in 1970. The confiscated land belongs to individual Arabs and the churches.²⁷

- **'Greater Jerusalem'**

Successive Israeli governments have always asserted that settlement activity will continue in the 'Greater Jerusalem' area, and that the issue is not negotiable in the peace process. The actual geographical area of 'Greater Jerusalem' has never been officially defined. However, it definitely includes the West Bank settlements of Ma'ale Adumim, east of Jerusalem, and the southern Gush Etzion bloc near Bethlehem. These settlements have not been affected by the housing freeze, and new housing is currently under construction. As of July 1992, there were an estimated 1,000 new housing units in the final stages of construction in Ma'ale Adumim, and 717 in the Gush Etzion Bloc, south of Jerusalem. Another 3,692 new housing units will be included in the 'Greater Jerusalem' settlement expansion if, as appears likely, 'Greater Jerusalem' is to include the central West Bank, the Ramallah region in the north, and the Bethlehem region in the south.²⁸

Consequences

The tenth round of bilateral peace negotiations in Washington ended with no progress due to the conflict surrounding the Question of Jerusalem. Each side discussed the issue according to a different set of positions. Israel continued to insist that Jerusalem remain under its sovereignty and exclusive control, while Palestinians were ready to talk about a two-state solution and an open, physically undivided city with two separate national identities. Therefore, Palestinians and Arabs insisted on including the issue of Arab Jerusalem in any discussion concerning the OPT, even though a final solution will not be discussed in the interim period now under discussion in the negotiating sessions.²⁹ If nothing is done, there will be two main consequences:

²⁶ Elon, Amos. *Jerusalem: City of Mirrors*. Fontanel Press, 1991.

²⁷ Information provided by PALGRIC.

²⁸ Peace Now Settlement Watch, July 1992.

²⁹ Al'at: "East Jerusalem is in the forefront of the occupied territories; we insist that Israel withdraws from Al-Quds." *Al-Quds* newspaper, 30 June 1993. Al'at interview with *Al-Quds* reporter.

1. There will be political instability in the OPT and in the region, due to the fact that the peace process will collapse and the whole issue of a peaceful settlement to the Israeli-Palestinian-Arab conflict will return to square number one, that is, pre-Madrid Conference of October 1991. Just as the Palestine problem is at the heart of the Middle East conflict, Jerusalem is at the heart of the Palestine problem and the Israeli-Palestinian discord. Jerusalem is not only a religious symbol for Moslems, but also a national symbol for Arabs. On the other hand, Israel has to face an incline in the Palestinian *Intifada* activities from both national Palestinian groups, including those opposing the peace process, and Hamas and other religious groups. Palestinian sovereignty over Jerusalem, mainly Arab Jerusalem, is a must for all Palestinians, as well as for the wider Arab and Islamic world.
2. If the peace process proceeds, excluding the issue of Jerusalem, Palestinians will have a cantons-style interim or autonomous rule over the West Bank and Gaza Strip, as Jerusalem is a geographic center for the OPT, both politically and institutionally. One new project - 'Leopard's Spots' - according to which the West Bank will be divided into three zones of Palestinian authority, excluding Jerusalem, is a good example.³⁰ Such a project merely touches the Palestinians' aspirations regarding their land, and therefore, is destined to become yet another source of instability.

Objectives, Interests and Needs

Being an essential part and indeed the very core of the OPT, as well as the center for all the different Palestinian institutions, recognition of Jerusalem as the capital of the State of Palestine, and particularly East Jerusalem, has been the Palestinians' main objective. Palestinians are also intent on achieving self-determination, sovereignty, secure and total freedom of access to the city, and freedom of worship at Moslem and Christian holy sites. In addition, Palestinians are determined to preserve the Arab character of Jerusalem by preventing further Jewish settlement in East Jerusalem, keeping the city divided along the 1967 'green line' and securing the right to return - including to Jerusalem - for all Palestinians.

Securing international recognition of the city as a dual/bi-national capital is another important Palestinian interest.

Options for a Solution

Talking into consideration the main Palestinian objective, that is, recognition of Jerusalem - mainly East Jerusalem - as the capital of the State of Palestine, UN Security Council Resolution 289 of 1971³¹, the UN General Assembly plenary meeting of 13 December 1983, which declared the proclamation of all

³⁰ *Al-Quds* newspaper, 14 June 1993.

³¹ "Legislative and administrative action taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid." UN Security Council Resolution 298 of 1971.

Jerusalem as capital of the State of Israel in the Basic Law of 1980 invalid, in addition to the Hague and Geneva Conventions, the following options are to be discussed from the Palestinian points of view. Options depriving Palestinians from sovereignty over the city, keeping it under Israeli control, have been excluded and are not discussed in this paper.

Option 1: *The UN Plan for Jerusalem, 1947*

In November 1947, the UN General Assembly recommended in its resolution [181 (11) A] dividing Palestine into an Arab and a Jewish state with an economic union between them. Jerusalem would have become a *corpus separatum* under the UN Trusteeship Council for ten years.³²

Jerusalem citizenship would be exclusive; that is, a person could not be both a citizen of Jerusalem and a national of either the Jewish or the Arab state.

A referendum was to be held after ten years to seek the views of the city's residents as to whether the international regime should continue or be modified.

When the plan was announced in 1947 the population living within the Jerusalem municipal boundaries was as follows: Jews 99,320, Arabs 65,000; according to the UN plan the population of the special international regime area would have been Jews 100,000 and Arabs 105,000.

Israel, the US, and the former Soviet Union accepted the plan in 1947, but it is unclear if they accepted it again in 1993, especially Israel, which has no interest in losing its control over Jerusalem. The Israeli Jewish population has risen since 1967, and therefore any referendum would be biased from the start. Furthermore, it should be noted that the UN recommendation deals with Jerusalem as if there is a dispute over land, which goes against the Palestinian position.

The plan also indicates that:

- a. Both Israel and Palestine would have no sovereignty over Jerusalem, and therefore, neither could declare the city their capital. Both parties would be obliged to abide by the UN administration rules.
- b. Jerusalem would be kept as an open city.
- c. Settlers would be turned into Jerusalem residents. Residency for those Palestinians living in Jerusalem prior to 1948 but now living outside the city as refugees is not discussed.
- d. The three existing religions would be respected and all parties would be guaranteed access to the holy sites.

³² "Old Jerusalem: Whose to Govern?" *Journal of International Law and Policy*, faculty comment by John Quigley, Vol. 20, No. 1 (Autumn 1991).

Option 2: Functional Division of Power within a United City³³

This option is based on the assumption that there are two sovereign states and foresees a special charter for Jerusalem, which would organize the source of authority.

The option indicates the following:

1. Enlargement of the metropolitan area of Jerusalem to reach a balance in number and size between Israeli and Palestinian neighborhoods.
2. A joint Israeli-Palestinian metropolitan assembly with equal representation for the two sides: representatives from the two states with the right to a veto, a delegate from each municipality - selected by each city council and municipality irrespective of its size - within the metropolis of Jerusalem (about 20-odd municipalities: ten predominantly Jewish areas such as settlements, and ten Palestinian municipalities, e.g., Abu Dis, Ar-Ram).
3. Assembly responsible for a unified transport system, creating and maintaining a police force (positions shared by the two communities on an equal basis), collecting taxes and VAT (these revenues would be the main income for the two governments), and establishing a special Jerusalem Fund.
4. An open city with no check points.
5. Guaranteed free access to and worship at Jerusalem's holy sites.
6. Old City to be a 'peace zone' run by a city council, with each faith having full administrative control over its holy sites. A joint planning commission to deal with quality of life, economic affairs, tourism, etc.
7. Division of authority between various institutions according to this option:
 - a. Sovereignty over the city of Jerusalem is vague. While the option indicates joint sovereignty during times of peace, it does not clarify what would happen in times of conflict.
 - b. Right to return or compensation for Palestinians living in Jerusalem, or for pre-48 villagers from villages around what is now West Jerusalem is also not being discussed.
 - c. Meanwhile, Israeli settlers, who have been transferred illegally according to International Law, to occupied East Jerusalem where they reside on land confiscated from Palestinians, would become legal.

Option 3: Jerusalem - An Open City³⁴

An Arab Jerusalem and an Israeli Jerusalem, each exercising full sovereignty within its own territory, but with no barriers between them. The territory of both sides should be agreed upon through negotiations between Palestinians and Israelis.

³³ Hanna Siniora and Moshe Amirav. *Jerusalem: Resolving the Unresolvable*, 1990.

³⁴ Abdul Hadi, Mahdi. *Thoughts on Israel's Policies and Practices in Jerusalem*, April 1985.

There would be an Arab and an Israeli municipality, working independently, while a UN representative would head a permanent body of specialists and experts, which would be responsible for the following:

- a. Coordination between the two municipalities.
- b. Supervising all foreign institutions and societies in the city and representing them in matters of mutual interest or conflict.
- c. Reporting to the Secretary-General and to the Security Council directly in the event of disputes, with the understanding that all parties must respect any resolution passed by the General Assembly or the Security Council.

Assuming that part of the newly established Jewish quarter in the Old City would remain, Palestinians should have the right to rebuild and live in the villages of Jerusalem, such as Lifta, Al-Malha, Yalo, etc., and the other 29 destroyed villages. Palestinian refugees in the Jerusalem area should be allowed to return to their homes, to repossess their properties, and to be compensated for their losses (mainly applicable to those who do not wish to return to their land/property).

In order to pave the way for building mutual trust and respect between Palestinian and Israelis and to advance coexistence between the two sides, the Israeli quarters or individuals that fall within Arab Jerusalem should abide by Arab laws, while in Palestinian areas that fall within Israeli Jerusalem, Israeli Law should apply. In addition, Jewish communities in Arab Jerusalem should have the right to work, live, rent, buy and sell on an equal footing with the Palestinians, without any discrimination. The same should apply to the Palestinians in Israeli Jerusalem.

This option highlights the following:

- a. Recognition of East Jerusalem as an occupied territory according to UN resolutions and international conventions.
- b. Acknowledgement of the Palestinians' right to return to their homes and property in West Jerusalem and their right to be compensated if they do not wish to return.
- c. East Jerusalem would become the capital of the State of Palestine, where Palestinians would practice their sovereignty.
- d. Settlers in settlements built in East Jerusalem should abide by Palestinian rules and laws.

As settlers would be a potential source of instability in the Palestinian capital, the Palestinians might present a new option, thereby making a huge sacrifice: territorial exchange for peace, based on international recognition of East Jerusalem as occupied Palestinian land. The territorial exchange would take place along the 'green line' that divides West and East Jerusalem. The 'green line' would be expanded into the eastern part in exchange for emptying East Jerusalem settlements (Neve Ya'acov, Pisgat Ze'ev, Pisgat Omer, French Hill and

East Talpiot) from their combined population of approximately 130,000 settlers. The 'green line' expansion would not exceed that required to split Ramot, Ramot Eshkol, and Ma'olot Dafna settlements in the north and Gilo and Giva't Hamatos settlements in the south, making them part of Israeli West Jerusalem. Palestinians would not be responsible for compensating Israeli settlers for their evacuation from their settlements. Evacuation of settlers can be gradual, that is, within an agreed period of time, but with no going past the deadline.

Conclusion

The Question of Jerusalem is one of the most complicated issues to deal with, not least because it contains the most significant holy sites for the three monotheistic religions. In 1993, a new generation of both Palestinians and Israelis was born in Jerusalem, and it is therefore unrealistic to expect any Jerusalemite to talk about his city without displaying some strong emotions.

My preferred option would be the third, that is, a divided open city for the Arab and Jewish peoples, in which each side could exercise its own sovereignty. Based on international laws and conventions, this option also meets the world's powerful states' attitude towards Jerusalem: East Jerusalem is occupied territory.

Finally, this option meets the minimum aspirations of the Arab World, that is, preserving the Arab character in the city, and the basic rights of the Palestinian people who have been deprived for decades from being allowed to exist as a sovereign nation.

JERUSALEM: THE PALESTINIAN DYNAMICS OF RESISTANCE AND URBAN CHANGE, 1967-1994¹

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PART I

In the literature published by Palestinian researchers, the transformation of East Jerusalem since its forced and illegal annexation in 1967 is often presented as a process that was determined only by the interventions of Israeli actions (national, municipal, and those of civil society, mainly settlers). According to this deterministic approach, the Palestinians are presented as passive actors, victims of this process of Israelization; they are thus considered as being almost absent from the development dynamics of East Jerusalem. Development is here taken in the broadest sense of economic, social, cultural and spatial development of the city. Only very rarely do researchers mention the attempts of Palestinian actors to survive, adapt and resist these Israeli interventions in the city, and particularly in East Jerusalem. In fact, at the theoretical and empirical level, we must reverse the perspective, taking into account the actions of Palestinian actors and their effect on the development of the city, and more particularly on the space they demand as the capital of the future Palestinian state.

One of the purposes of my research is to see to what extent the Palestinians, through their collective practices in the political, economic, social and cultural and religious sectors, take part in the 'de-structuring' and 'restructuring' process of East Jerusalem. This concept is defined as the result of the dialectical relationship that opposes the Israeli and Palestinian development dynamics, in terms of the territorial, economic and demographic structures of the city.

East Jerusalem: The Result of a Dialectical Process

In geography, a socio-spatial formation refers to a unit composed of three elements: a territory, the population that inhabits it, and the economy (Guy Di Meo, 1991). These three elements are tied together through a dialectical relationship and, depending on the relationship between them, the socio-spatial formation (which represents the unity of these three structures) transforms itself through time and takes on a certain form. Such development takes place simultaneously both over a short and a long-term period. The use of the con-

¹ Summary of two roundtable meetings held at PASSIA on 18 April and 20 June 1994.

cept of socio-spatial formation leads one to conclude that the development of a given territory and the population is in no way static or determined.

In the case of East Jerusalem, given the process of Israelization of the city, the Palestinian territorial, economic and demographic structures underwent a profound upheaval. These transformations are not solely the result of the interventions of Israeli actors, but also of the actions of the Palestinians who, through different means, have attempted to preserve their space and identity. On a theoretical and empirical level it is important to recognize the existence of that dialectical relationship since, even if the Palestinians are the dominated party, the Israelis have not been able to integrate them as Mayor Teddy Kolek wished to do, nor to efface their presence in East Jerusalem.

One of the aims of my research will therefore be to shed light upon the contribution of the Palestinian actors, as a group under domination, in the process of de-structuring-restructuring East Jerusalem. More concretely, we shall attempt to see how and to what extent East Jerusalem Palestinians have attempted to preserve their space and identity.

The Politico-Spatial Limits of East Jerusalem

In the existing literature, there are several definitions of Jerusalem, which sometimes creates confusion. There is the Jerusalem that corresponds with the Israeli municipal boundaries, themselves modified several times. There is metropolitan Jerusalem, which is currently being planned and represents further Israeli territorial expansion. When one speaks of East Jerusalem, there is of course the Old City and the business and residential areas that made up East Jerusalem from 1948 to 1967. Finally, since 1967, the Israeli authorities have annexed several West Bank villages, which have now become administratively a part of East Jerusalem. In the framework of this research, East Jerusalem includes the limits of Jerusalem under Jordanian control from 1948 to 1967 in addition to the Arab towns and villages that were integrated into the Israeli municipal boundaries.

Strategies for the Preservation of East Jerusalem

Through various individual and collective strategies and practices, which varied throughout the different periods of the occupation, Palestinians refused to recognize the forced and illegal annexation of East Jerusalem in 1967 and attempted to maintain their activities in the economic, social, cultural and religious sectors and to preserve their existing institutions. The first years of the annexation witnessed strikes and demonstrations led by the merchants of East Jerusalem, who refused to request Israeli permits, and by teachers and the families of students of Jerusalem schools, who refused to adopt the Israeli curriculum. The religious authorities reestablished the Higher Islamic Council to protect Waqf lands and properties. The majority of the Palestinian Jerusalemites refused to adopt Israeli citizenship although they maintained their status as residents of Jerusalem.

One decade later, various organizations, the most important of which is probably the Joint Jordanian-Palestinian Committee, not only understood the importance of reacting and protecting themselves against Israeli encroachment, but also of developing an offensive policy inciting Palestinians to remain on their land. In the framework of that strategy, these institutions, in addition to some religious organizations, granted loans to make it possible for Jerusalemites possessing land to build. In addition, national newspapers and two theaters were established in East Jerusalem, as well as a variety of community organizations offering services in certain sectors such as health. Even if these new organizations defined themselves as national organizations, they established themselves in East Jerusalem for both tactical and political reasons. Finally, following the beginning of the peace process in Madrid, some leaders in the national movement established a technical committee on Jerusalem, which was given the task of proposing a program and implementing it on both the municipal and local level.

By analyzing the strategies and collective practices that existed between 1967 and 1994, we will try to show that in the absence of national and municipal authorities to represent the Palestinians and despite the limits and contradictions of their actions, different groups of Palestinian actors through their economic, religious, community, professional and trade organizations contributed to the creation of a Palestinian dynamic of development for East Jerusalem.

DISCUSSION, PART I

Dr. Mahdi Abdul Hadi said that he did not consider the issue of resistance and the 'de-structuring-restructuring' of Jerusalem as being linked to the larger national issue of the West Bank and Gaza with Jerusalem as the capital. He emphasized that a separation between local and national resistance does not exist. He then outlined the changes in authority after the 1967 occupation: pre-1967 authority was vested in the Jordanian government, the municipality, and grassroots organizations and institutions, while post-'67 authority is held by Israeli ministries and the Prime Minister and Israeli institutions. The role of the Palestinians in these systems has changed, he noted, adding that the speaker should include the role of the Waqf.

In response to the speaker's comments about Palestinians constructing housing units in Beit Hanina as a means of resistance, Dr. Mahdi Abdul Hadi replied that he did not consider this to be an accurate assessment, since it was their cooperation with the Israelis that allowed the building to take place. Although the housing units help the Palestinians to maintain a presence in the city, they could also be construed as a 'perk' associated with collaboration.

Ibrahim Matar said that the construction issue is a major factor in strengthening the Arab presence. He emphasized the importance of the joint Palestinian-Jordanian Committee of 1978, which gave loans to anyone who had a permit to build. He raised a second issue: that of land and the fact that access to open land has assisted the Judaization – had there been no room, the Judai-

zation would not have occurred. He said that there has not been enough resistance to land grabbing and that in terms of the legal aspects, legalized theft has enabled the Israelis to steal at least 24,000 dunums of land. He also said that landowners are not taking people to court and that Palestinian organizations need to be involved. He added that houses are easier to defend – using the example of people who stopped bulldozers - than land.

Matar and Dr. Abdul Hadi both emphasized the issue of the Old City of Jerusalem and the problems associated with the prevailing living conditions and the fact that a vast number of people have left or been forced out.

Terry Boullata said that in examining the actors and the actions over the last 27 years, it is important to look at different periods and to see the differences in terms of the level of resistance. She emphasized the fact that the new socioeconomic lifestyle of Jerusalemites could be regarded as a new strategy of resistance.

Elias Khoury said that the Palestinians have failed to develop any strategy or plan of resistance and any resistance that has taken place has done so on the level of the basic interests of the individual, which has allowed the Israelis to do what they have wanted on the larger level. Over the past 27 years, the Arabs have only reacted to Israeli policies. There has been no action on the international front and Palestinians have been absent from the municipal council and Israeli institutions, which could be regarded as a big mistake, even taking into account the potentially harmful political effects of any Palestinian participation.

Dr. Abdul Hadi said that the question is whether the Palestinians should struggle within the system or divorce themselves from it.

Elias Khoury replied that the fight should be on all fronts. He questioned why there was not some sort of 'cooperation' in order to gain some Palestinian goals.

Anne Latendresse said that cooperation is an issue that is taboo among Palestinians. She noted that when she met with the Beit Hanina and Beit Safafa neighborhood councils, which had set up the housing projects, she found that they wanted to resist but at the same to realize more for themselves as Palestinians.

Elias Khoury said that the Waqf and the Jordanian-Palestinian Committee have had no strategies or priorities for Jerusalem. No licenses are required for restoration in the Old City, so why do not they work on this, especially in light of the fact that many of its buildings have been emptied because they are unsafe to live in? He said that he had once given a letter to Jordanian officials explaining this fact, but had not received a reply.

Dr. Abdul Hadi said that by participating or even voting in the municipal elections, Palestinians would effectively recognize the legitimacy of the Israeli annexation.

Osama Halabi said that there has been no Palestinian strategy for Jerusalem until now. He added that it is interesting to compare between the West Bank and Jerusalem in terms of resistance and the *Intifada* because of the different socioeconomic structures. Two factors - Israeli control over Jerusalem and the absence of a Palestinian strategy - have led to the current situation. The evacuation of the Palestinians from the Mughrabi Quarter in 1967 and its subsequent destruction is a perfect example of Israel's policies and intentions in Jerusalem. Some of those who were evacuated moved to buildings that were part of the new housing project in Al-Izzariya, but by moving there they became West Bankers, thereby losing the rights enjoyed by Palestinian residents of Jerusalem.

Mark Khano stressed the importance of understanding Israeli policy in order to react to it. He asked about the role of non-Jerusalemites in Jerusalem-based resistance and questioned how the current closure of the West Bank, which separates it from Jerusalem, would affect this resistance. He also asked how the role of the actors in Jerusalem and the employment of non-Jerusalemites would be affected. He agreed with the general conclusion of those present that there had been resistance, but that it had been very fragmented, and he stressed the importance of counteracting acts of collaboration and negligence.

Elias Khoury mentioned that the Israeli 1972 Master Plan for Jerusalem was known to exist by everyone but that no one had done anything about it or objected to it, which he considered negligent.

Dr. Said Zeedani, speaking to Latendresse, said that the Palestinians have been both passive and active actors, and that he had doubts about her theoretical framework. The real question, he said, is related to their level of success. In examining resistance in Jerusalem, two things need to be taken into account. First, comparative judgements are the most useful, in particular with Palestinians inside Israel. Jerusalemites are somewhere between Palestinians in Israel and the ones in the rest of the Occupied Palestinian Territories. They share things with both groups and the process must be seen in that light. Second, things should be seen in context and in perspective. Israel has a problem in Jerusalem inasmuch as it tries to show how it provides benefits, yet it still abides by a policy of discrimination. The neighborhood council of Beit Hanina is a bad example, he added, because the council members represent the municipality and not the people.

Walid Dajani mentioned the ignorance of Palestinian Jerusalemites concerning the history of their city and noted that in the most extreme cases, there is no interest at all. He stressed the fact that the Palestinians - in the same way as the Jews - must appreciate what Jerusalem is. The Jewish efforts to unify the city have failed, not because of the unity of Palestinian efforts but because

of the threats of children. Palestinians must attach themselves to the city. The schools, as one example, are lacking in this regard.

Samir Najdi said that ignorance concerning the place one lives in is universal. Second, what has happened has happened and the question now is what are Palestinians going to do both now and in the future? The West Bank and Gaza will be under some sort of Palestinian government but what about Jerusalem? The Palestinian presence must be strengthened.

Ellen Fleischmann questioned the theoretical aspect of the presentation in which a complicit understanding of the definition of resistance was portrayed.

Pierre Beaudet was struck by the participants' apparent belief that the 'battle is over'. The Israelis continue to boast that there is now demographic parity, but what they do not mention so often is that this parity has taken over 30 years and about \$300,000 per person to achieve. The reason it was so costly is that the Israelis were building an entirely new infrastructure, which necessitated confronting a Palestinian reality. This parity is fragile and could change. Although Jerusalem is reputed to be the city of peace, there has been very little peace in the city over the past five years. In terms of examining resistance and actions, when put into a tight framework, not all acts, particularly spontaneous or semi-spontaneous ones, are perceivable. The *Intifada*, for example, was a big surprise, mainly because of the slow, disorganized and fragmented process of change. Therefore, these forms should not be underestimated and rather a strategy should be built upon these fragmented forms of resistance.

Atiyeh Masarweh mentioned the issue of education and gave the example of how private schools, ever since 1967, have resisted the implementation of the Israeli curriculum. Furthermore, most schoolteachers come from outside Jerusalem and despite the closure, the Israelis will never be able to change this. When there is a closure, it results in a crisis for everyone. At St. George's School, for example, 22 of the 39 teachers are from outside Jerusalem. In East Jerusalem there are over 60 schools (34 private/non-governmental and 35 governmental) with approximately 25,000 students and 1,200 teachers. Some 60-70 percent of the teachers and at least 10-15 percent of the students are from the West Bank.

Mohammed Jadallah mentioned that current ethics and values are very different and therefore people are better able to criticize what went on in the past. The Oslo Agreement has also had a role in this because it has made Palestinians feel like this is the end of the road, a permanent situation, the end of history and that no further changes will be made. Therefore, they are allowing themselves to be self-critical. However, this is not the end of the world - Jerusalem is still part of the OPT.

Diana Safieh said that the Hebronites should be thanked for keeping Jerusalem Arab. Given all of the exoduses - turn of the century, 1948, 1967 - they were the ones who remained or moved in. The Waqf, on the other hand, should

be blamed for failing to play an effective role in maintaining the identity of Jerusalem. She also criticized the Palestinians from the Galilee who stayed on their land but then allowed their towns and villages to be Judaized. She added that they should have opened the eyes of other Palestinians to the real Israeli plans in the rest of Palestine.

Elias Khoury, as a Palestinian from the Galilee, responded, saying that Palestinians maintain that those from the Galilee are not true Palestinians. Lawyer Hanna Naqara then noted that he had begged Palestinians with genuine grievances to take their cases to court, but very few had listened.

Atiyeh Masarweh maintained that if Jerusalemites had cooperated with the Jerusalem Municipality, the result would have been the same as that of the Oslo Agreement, namely, a legalization of the occupation.

Dr. Abdul Hadi concluded by saying that the two chapters of resistance - 20 years of *sumud* (steadfastness), i.e., of waiting for a solution to come from outside and maintaining the *status quo*, and five years of the *Intifada*, i.e., of working to change the *status quo* - could not be compared in terms of results because of the time variable. He added that people are currently active in drafting various scenarios for the future.

PART II

Ms. Latendresse introduced her research as being a challenge to prior studies, not only in terms of the widely held belief that there is Israeli dominance in the city, but also in terms of Palestinian resistance, which is barely documented. She said that her aim was to give a general picture of the strategies of resistance in Jerusalem to demonstrate the very real acts of resistance that had taken place.

As a brief introduction, she gave a history of events in the city since 1967, citing the importance to Palestinians of Jerusalem's geographical position and its political, national, religious, cultural and symbolic significance. She said that resistance in Jerusalem had assumed much more of a national, rather than local, dimension, which effectively made Jerusalemites the elite of the national struggle, even though they are still very much subject to control. She said that her study classified the characteristics of each decade beginning with the period post-1948.

Ms. Latendresse classified the first period as one of civil disobedience in which the population was basically hoping for help from outside. Following this came organizational resistance against Israeli control of institutions, which was spearheaded by the Waqf and the East Jerusalem Chamber of commerce. Other successes were seen in the Maqassad Hospital and in the actions of the Jerusalem Electric Company, which succeeded in remaining legally, if not practically, independent.

The education system, meanwhile, succeeded in maintaining the Jordanian curriculum, and professional and merchant organizations managed to continue their work. The Palestinian non-governmental committees were also strong, particularly in the late 1960s. In fact, the fight against integration with the Israelis was actually much more successful than many people realize, although in some areas such as the municipality, integration was inevitable. Land, meanwhile, was much more difficult to keep, and 30 percent of Palestinian land was lost in a three-year period.

The period 1977-87 was the most important phase of resistance in Jerusalem when an actual strategy of offense began to develop. There was financial investment from Jordan and from some Christian organizations, which helped to bolster the situation of Palestinians in Jerusalem and put them in a strong position, just as the *Intifada* began. The *Intifada* spread very quickly in Jerusalem and clearly illustrated the failure of the Israelis to unify the city. Committees were established to deal with Palestinian legal and solidarity rights, which set a precedent for further action. The strategy of non-participation in the Jerusalem municipal elections was also effective in illustrating the non-acceptance and non-existence of unification.

In the final period, from Madrid until the present, the only major step has been the forming of the Jerusalem National Council and at present there seems to be no ongoing action apart from the occasional demonstration by organizations such as the Palestinian Human Rights Information Center (PHRIC). Overall, however, Palestinians have managed to preserve their socioeconomic base in Jerusalem by protecting their pre-'67 institutions and establishing many new ones.

DISCUSSION, PART II

Dr. Mahdi Abdul Hadi pointed out that there is a very strong linkage between Jerusalem and the rest of the Palestinian Territories and therefore the emphasis of resistance is on ending occupation generally, it being far too difficult to isolate certain areas as being more important than others. He said that dividing the stages of resistance into decades was perhaps less effective than dividing them according to events and that there should be more investigation into the reasons behind each event. Giving an example, he said that the non-cooperation stage should be supported by reasons for this action, adding that the speaker could also elaborate on the search for a Palestinian strategy regards Jerusalem. He stressed that there is a need to establish a national political address in Jerusalem, which could link the city and its residents with the rest of the Palestinian Territories and hopefully open the door for a better future.

Dr. Ahmad Zu'aiter pointed out that some Palestinians had liked former Jerusalem mayor Teddy Kollek and noted that Palestinians who cooperated with him had become beneficiaries rather than collaborators. As a consequence, he said, corruption was encouraged. He also said that their case highlighted the gross inequalities that existed and continue to exist in Jerusalem. There is

no plan for East Jerusalem and any guidelines pertaining to the height or size of buildings are useless, as Palestinians are prevented from building. Regarding benefits such as health insurance, he said that Palestinians receive bad treatment and are not entitled to the full benefits received by their Israeli counterparts who are covered by the Israeli health insurance scheme. For Palestinians living outside Jerusalem, there are no benefits. He said that since the 1993 Declaration of Principles (DoP), things have become even more difficult. The Jerusalem Municipality is requiring doctors who have been practicing for years to apply for a license. The licenses granted are only temporary, so acquiring one gives one sense of stability, nor do they enable serious efforts to develop the health sector to commence in earnest.

Dr. Arafat Hidmi said that there has been a drive to make Palestinians dependent on Israel and no development whatsoever has occurred in the Old City. He warned of the dangers of the policies of the new mayor Ehud Olmert, including professional harassment and political closure for 'security' reasons, which have left many Palestinian institutions in Jerusalem on the verge of collapse. He said that the international community must understand that the Olmert municipality practices will swamp East Jerusalem, overwhelming its Palestinian residents. For example, he said, Palestinian tour guides in Al-Haram Ash-Sharif compound have been refused licenses to operate unless they agree to refer to that area as the Temple Mount.

Dr. Ahmad Zu'aiter said that no bodies to defend Jerusalem were established mainly because the Palestinians wanted to avoid having to deal with the Jerusalem Municipality. The Palestinian policy, he continued, has remained one of non-cooperation and non-recognition of the Israeli authority in the city.

Makram Copty made the point that the Old City is becoming more and more ghettoized, which could post a threat in various ways. He also remarked on the increased incidence of drug use and the increase in the number of collaborators following the introduction of drugs into refugee camps by Israelis. He said that this issue also needs to be addressed and noted that although valid, the study of resistance in Jerusalem should be made more contemporary and should suggest ways in which contemporary problems could be tackled.

HOUSING AND COMMUNITY DEVELOPMENT THROUGH LAND RECLAMATION: A PROPOSAL FOR PLANNING AND BUILDING NEW COMMUNITIES IN EAST JERUSALEM¹

SARAH KAMINKER

City Planner and Former Jerusalem City Councilwoman

When I was a councilwoman, I was placed in charge of planning the East Jerusalem neighborhoods. After four years of seeing all the plans rejected, I realized that what I was actually being asked to do, was to plan for the confinement and not the development of Arab neighborhoods.

Consequently I realized that the Arab neighborhoods are going to have to do as much as they can themselves in order to develop. At-Tur is a good example: it has organized its own neighborhood self-management committee and thus far, it has been doing a very good job, in spite of the absence of authority or sovereignty. The committee works within the existing system without any political power and many other neighborhoods could do the same.

The transitional period is going to be very difficult, as Israelis are going to be doing more and more to establish facts on the ground and prevent the growth of Arab areas in Jerusalem. It is therefore necessary for communities to make connections with other West Bank towns, clearly illustrating that Jerusalem is an integral part of the West Bank. Greater use of the land than the municipality allows must be made and plans must be produced that the Palestinian leadership will endorse. There is an urgent need for a vision of what Palestinians want in the future, and each neighborhood should initiate its own detailed plans for Israeli zoned land that is in its immediate environs.

These plans will have to then be submitted to the Jerusalem Municipality and although it is unlikely that they will be accepted, there are very good reasons for submitting them, none of which should be underestimated. Not least of these, is the fact that an onslaught of Palestinian-initiated housing plans that meet the Palestinians' legitimate needs will be a big publicity tool and this will organize public opinion and mobilize grassroots organizations.

I can only warn the Palestinians that there are currently Israeli plans underway, which will become effective post-transition, and it is imperative, therefore, that there will be incessant action on the Palestinian side during the transitional phase.

¹ Summary of a roundtable meeting held at PASSIA on 19 May 1994.

Non-acceptance of Palestinian plans by the Israelis will not be a loss as the preparation that will go into such an action will always provide a base from which the communities can operate, as well as a powerful blueprint for the emergence of Palestinian sovereign power in Jerusalem. Furthermore, if there are concrete proposals, they will attract a lot of investment so the means to put the plans into action will also be forthcoming. If this is achieved, then the resultant pressure on the Israeli side to begin accepting some of the proposals will be enormous.

There are many areas where this could be done, especially in the northern part of the city where the population density compares badly to the number of houses available.

The ultimate goals of the proposal presented here are:

1. Reclaiming land owned by the Palestinians for use by the Palestinians.
2. Protecting vacant land from future expropriation.
3. Solving the unmet need for housing of Palestinian families.
4. Building strong grassroots communities that are backed by the national Palestinian leadership.
5. Building a network of contacts with local figures with leadership potential.
6. Providing a quasi-governmental housing and planning service for the Palestinians of East Jerusalem.
7. Encouraging citizen participation in civic affairs.
8. Starting a dual planning system that will be a functioning unit when acceptable accords are reached on the governance of Jerusalem.
9. Incubating and testing ideas about the kind of city that the Palestinians want to build in East Jerusalem and its environs.

JAN ABU SHAKRA

Palestinian Human Rights Information Center (PHRIC), Jerusalem

I have had many conversations in the past with Sarah Kaminker about how we could coordinate our projects. I am responding to the Kaminker proposal primarily as a human rights activist; there are many things in the proposal that are of extreme interest for the Palestinians. It should be said that with all due respect to the *Intifada*, the concept of community organization has not really taken root in Palestinian society. Many things are needed in the transitional phase but the organizational and professional fields that exist are inadequate and unable to deal with the issues that must be faced. Housing rights, homelessness and community building are often discussed and there is also time to put the variety of ideas into action but nobody knows where to start. I call it the 'sleeping beauty syndrome', from which everyone wishes to awake to normality rather than become active and begin the process himself, which, however difficult, is the only way.

With regard to the house demolitions that have taken place in Jerusalem, PHRIC has done its best to help. Often, however, we find that sending the people concerned and their cases to other institutions has generally resulted in no response. Jerusalem lacks a sense of community, which, if it existed, could help in terms of both personal support and public action.

PHRIC has submitted several plans to the head of the JNC (Jerusalem National Council), the effective Arab shadow municipality, but nothing is really moving. The waste of talented people who have ideas and motivation but who cannot get anything moving is a shame. The JNC itself is an important body but it lacks any dynamism and any mechanism for grassroots input, whereby ideas and needs could be presented to it and dealt with in the proper manner. There is also a lack of political will and decisions on Jerusalem, which, despite there being some people who have the green light from the PLO, means that any serious planning does not get off the ground. There are no professional resources staff and the actual citizens who need the benefit of 'council' planning as soon as possible are completely isolated from an essentially elitist political process.

If things do not change there will be no Palestinians left in Jerusalem within a very few years. The remaining land is being swallowed up and more houses are being demolished. Can we consider the proposal of Sarah Kaminker as the spark that could actually get things going?

Going through the Jerusalem Municipality might not be the right way to do things and the proposal requires a lot more consideration. But the current situation is a shame, and the lack of decisions and even discussion among Palestinians regards particular cases that require our immediate attention is a very sad fact, which has resulted on the street level in anger directed at the Palestinian political leadership. It is high time to make objections with a well-organized campaign although it is difficult, as most people still think it is better to remain quiet and make deals where possible. Adding to the problems is the lack of cohesiveness among villages and other parts of Jerusalem. The conflicting interests of owners, tenants and families make it impossible to find common threads and no effective mobilization can occur until these disputes are neutralized. It is difficult to mobilize people around the issue of rights, as nobody thinks he has any rights when it comes to issues related to Jerusalem.

PHRIC is currently in the process of organizing a mass registration at Orient House of people who lost their homes in Jerusalem. It is our hope that this campaign may become a starting point and put some pressure on the Palestinian side to organize decision-making mechanisms, particularly regarding emergency issues, such as housing.

JERUSALEM: BETWEEN THE PAST AND THE FUTURE¹

DR. EQBAL AHMAD

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I am most deeply moved to be in this city with friends from both Palestine and Israel. It is true that I have been committed to the cause of the Palestinians for a very long time, but I think it is also true that my commitment has been rather controversial, especially with the leadership of the Palestinian movement. The topic I will talk about is one about which I know very little, namely Jerusalem. But at least I will be saved from another evening of extreme controversy because I am often asked to speak on the current peace accord between Israel and Palestine and my views on the matter are somewhat unorthodox. Returning to Jerusalem, I feel it would be extremely presumptuous of me to talk about the history of the city or of its architecture, or of its beauty, or of its religious significance to the three great religions of the world. Therefore, I am going to say a few things about how the city looks to me and what I think should be done with it.

The city is holy to three religions and with a few, I would say, in historical terms, exceptional interregnums, it has remained, fortunately, a monument to ecumenism since at least the 14th Century. In this age of multi-ethnicity and multi-culturalism it should not be, and I hope that the world will not allow it to become, the messianic or nationalist monopoly of a single religious grouping. If that were to happen, there would be a chance that peace would reign for a while, but it would sow the seeds of a millennial conflict in this region.

The second point I wish to make, is that we all know that two national movements, an Arab and a Jewish one, have a stake in the future of this city as the capital of their existing or future state. God has developed deep emotional links with this city and I do not think it is very helpful to argue about which of the two claims is more real or more imagined. All nations, in our time at least, are more or less, to use the title of a well-known book, 'imagined communities'. If we assume that the main objective of the Middle East Peace Process is to achieve peace between the Palestinians and Israelis, then we must find a way to link both nations - the Palestinian and the Jewish - organically to this city in an equal and meaningful manner.

¹ Presentation given at a PASSIA roundtable meeting on 13 September 1994.

The third point I wish to make is that from what I have read about cities like Berlin, Florence, Amsterdam and Paris, one could say that from an environmental and architectural perspective, most ancient cities are regarded as indivisible and a continuous space. Breaking up an ancient city evidently breaks up its history, its architectural and esthetic nature, and this is perhaps more true in the case of Jerusalem than it is with regard to any other ancient city. Therefore it would follow that any potential solution to the problem of Jerusalem must be found within the framework of maintaining the unity and integrity of the city.

Fourthly, I think everyone here would agree that sectarian ideologies and claims according to which the rights and wishes of one people are held as superior to those of another are extremely dangerous. Hitler's evil began only with the sin of claiming that the rights and privileges of an Aryan people were superior to those of Jews and gypsies. Hanna Arendt, in her brilliant study of Nazism, points out that from this banal beginning, even greater evil emerged because no one tried to stop Hitler and those around him in their tracks. Similarly, the Serbs have turned against the Bosnians, and we are seeing the facts, the products of that banality. We should appeal therefore, to all the people concerned, especially Jews and Arabs, to steer away from making monopolistic claims and seek instead a multi-ethnic, multi-religious and multi-cultural future for Jerusalem. This city of peace, it seems to me, ought to become a monument to world civilization, not a contested symbol of differing nationhood.

What then do I propose?

First, both Palestinians and Israelis should renounce their intention to make Jerusalem their capital. The Israelis would do very well to leave Jerusalem alone and return to Tel Aviv, while the Palestinians would do very well to build a capital in Ramallah, or Al-Bireh, or somewhere in Gaza. In our time and under these exceptional circumstances, I feel that this city is incapable of bearing the burden of becoming the capital of two states.

Second, the world at large has made an unequivocal commitment to opposing sectarian ideologies and claims. It has therefore a moral and political responsibility to reject sectarian and exclusionary claims on this city of a political nature.

Thirdly, the State of Israel occupies this city in violation of the UN Charter. Most governments, including the friendliest to Israel, the US government, have so far refused to acknowledge the legitimacy of Israel's conquest of the city and its decision to turn the city into its capital. It will be important especially if Israel's claims concerning its desire for a peaceful solution are to be taken seriously and it withdraws from Jerusalem. Again I am talking political reality, not religious.

Fourth, I would suggest that Jerusalem remains united and that it be governed by a small council made up of the representatives of the three religions that consider it holy: one Moslem, one Christian, and one Jew. Throughout history it has not been unusual for foreign places to be governed by carefully selected leaders. This would constitute an arrangement that could guarantee the rights of all, and arrangements could also be made to turn the city into a de-politi-

cized, multi-ethnic, multi-religious and multi-cultural international city, belonging to both people and three religions; in fact, belonging to the whole world. This, in my opinion, should be the future of the city, assuming we are serious about such words as a lasting peace.

Now you may very well argue that this is romanticism. Before we reject such an idea as romantic, let us recognize a few things. The alternative to my proposal is short-term or long-term strife, for it is my conviction that if we settle this problem on a sectarian basis - whether it is Moslem, Christian or Jewish sectarianism - the situation will, sooner or later, deteriorate once again. The world is - and I am now speaking as someone who was born a Moslem and who has grown up in a Moslem country - underestimating the attachment of Moslems to Jerusalem as a holy place. It is also underestimating their anger with the West and its support for what looks, to them, like a purely sectarian idea of the Jewish state. We hear the voices of the Moslems in America, and we hear the voices of the Jews, with each side claiming equality of citizenship. What allows both groups to remain in America if not the US constitution for granting equality of citizenship? More important for the Islamic groupings, however, is the idea that an ideology that is based on religion and religious solidarity is what is needed to become powerful. It is my belief that until Israelis and Arabs make non-sectarian gestures, the future of non-sectarian political life in the entire region and perhaps in all of the Moslem World will become increasingly precarious.

Jerusalem is usually described as the third holiest place in Islam. However, in India or Bangladesh, for example, it is regarded as the second holiest place, the reason being that the Moslems there believe that to regard Prophet Mohammed's burial place as the second holiest place would be an extraordinary *shirk* [idolatry; not appropriate to the concept of Moslem monotheism]. The extraordinary Sufi influence on Indian Islam and on Iranian Islam is what has led many of the world's Moslems to regard Jerusalem, the place from where the Prophet ascended into heaven and the first *qibla*, as the second, and not the third, holiest place in Islam.

Such crazy things as the PLO Chairman and President of Palestine, Yasser Arafat, or King Hussein of the Hashemite dynasty, making efforts to become the guardian of the Holy Places can only lead to serious problems. I think that Jerusalem - under Israeli, Jordanian or Palestinian sovereignty or some form of Moslem guardianship - is a time bomb. Any Moslem or Christian guardians have never been anything more than purely symbolic figures. If the Moslems were to become the legal guardians of Al-Haram Ash-Sharif compound, it would be like sending an open invitation to the Jewish fundamentalists, begging them to try and take the place over, after which the Israeli government would merely turn around and say, "It was under your sovereignty; we have tried our best to keep an eye on you and we are very sorry, but after all, it was under your sovereignty." I am personally opposed to the silly notion, and I would rather see these places remain under Israeli occupation because at least we can hold the Israelis responsible for the safety of Al-Haram.

To sum up, I think that the only potentially viable and lasting solution for this city is to get the two communities to take part in a joint enterprise, in which the whole world is also involved, to conserve it, preserve it, and make a beautiful and living monument to ecumenism.

DISCUSSION

Dr. Mahdi Abdul Hadi: When you ask the Palestinians to withdraw their claims on Jerusalem, their capital city that they all hold so dear, you are asking them to ignore 1,400 years of history and to accept the 27 years of Israeli occupation of the city! When we link the whole story of Jerusalem to religion, to history, to culture, to politics, to nationalism, to everything, how is it that you want us to ignore, to deny, to put aside our heritage and our existence in the city for the past 1,400 years, simply because the Jews have been occupying it for the past 27 years? What you are suggesting is unthinkable under any circumstances! We want to see Israel withdraw from Arab Jerusalem and stop raping us in Jerusalem and the rest of the Occupied Territories. We want to see a phase that will heal our people's wounds and lead to our rights in the city being acknowledged. Jerusalem has been occupied, and everybody must recognize this fact. Why should we now, simply because of the DoP - the Declaration of Principles or Disaster of Palestine, as some now refer to it - accept the idea of making such concessions? Only when there is no more Israeli occupation will it be possible for us to coexist and become neighbors and maybe even friends. How can you expect us to continue to live as hostages to the goodwill of the Israelis and their government? I will never, under any circumstances, forget centuries of Arab, Moslem and Christian existence in the city and agree to make concessions simply because it has been occupied by Israel.

Eqbal Ahmad: First, I think that I have detected a very serious flaw in the manner in which I have made this presentation. Second, I have clearly underestimated - no I have not, I knew this would happen - I have clearly appreciated, unexpectedly, the extraordinary attachment that the Palestinian people have to the city. There are some things that I have said between the lines, which I assumed you would take into account. Dr. Abdul Hadi is asking, "How can you ask us to renounce our heritage, our culture and our way of life?" The last thing I would do is to ask the Arab people to renounce any one of these.

Here is a simple situation: this city is at the moment occupied by the government of Israel. Before the occupation the previous defeats and the establishment of a Jewish state in part of Palestine divided it into two parts: one east, one west. Frankly speaking, Palestinian politics suffered between 1948 and 1994 from not looking facts full in the face, and then, in response to those facts, finding appropriate solutions. Palestinians, even with the most brilliant struggle, could never regain both East and West Jerusalem. Therefore, what we are talking about is returning, eventually, back to division, so that, at the very best, you regain East Jerusalem.

I am proposing - and I admit that I should have spelled it out very clearly - an arrangement whereby East Jerusalem would be under Arab sovereignty and West Jerusalem under that of Israel. The realities on the ground for the Palestinians are very bad, whereas the juridical reality - UN resolutions post-1947 and 242 - is on your side. The aforementioned resolutions support the Arab claim to Jerusalem, not that of Israel. I am with you, I am saying this is politically the best and probably the most practical way to wage a struggle to get East Jerusalem under your sovereignty, while the Israelis will keep West Jerusalem under theirs.

One of the things that have attracted me to the Palestinian cause is its commitment: to secularism, to bi-nationalism, and to multi-ethnicity. What about displaying this commitment in Jerusalem? What I was not clear in conveying to you is that nothing of the Arab culture disappears and nothing of the heritage is renounced; in fact, a lot would be regained by making this choice. I agree that the Jerusalem problem is not religious but political, but as long as it remains political, there is no solution, i.e., we have no choice but to make it a spiritual problem. Maybe you disagree with me, but I think the Palestinians' superiority lies in their moral claims, not their political power. It should be a contest of moral claims, of spiritual claims, a clash of ideas, a clash between universal values and sectarian values.

Now, it is very possible - and I am going to be very frank - that after 70 years of struggle with Zionism, Palestinian nationalism has lost some of its earlier commitments. Where is that notion of *Kulhum kanu Araban* (all were Arabs)? You must regulate things more and you must find more solutions. At best, the city will be divided. It is a *de facto* divided city now, and you either have to fight over it in terms of keeping it divided and the occupiers withdrawing or making it united with the occupiers withdrawing. Share the united city as a co-sovereign reality governed by conciliatory terms and respect for the three religions.

Said Zeedani: Are you not contradicting yourself? You want to de-politicize the problem, yet at the same time you talk about sharing or dividing sovereignty. Is this not a political concept?

Eqbal Ahmad: Sovereignty is a juridical concept.

Said Zeedani: It is not only that - it has political implications and the argument that it is a purely legal matter is wrong.

Eqbal Ahmad: Look at the question of Kashmir: since neither India or Pakistan are going to withdraw without getting something out of it, they will share sovereignty with the Kashmiris and that will be manifested in terms of the three having a common commitment to defending the borders of Kashmir. In modern times, when exclusionary claims clash, we have to devise some innovative formulas to find solutions. This would have the effect of, for once, putting the hardliners very much on the defensive.

Hashim Abu Sido: What is necessary in order to keep the city unified, as you propose, is for the two sovereign parties to reach an agreement that is both political and juridical. What we need is mutual recognition of sovereignty, which can then lead to negotiation between the two leaderships.

Eqbal Ahmad: There is no reason why the two sides, each with sovereignty over its own part of Jerusalem, could not negotiate a united future for the city. I should perhaps point out that whatever we are talking about concerning Jerusalem is not in isolation from an overall settlement.

Forgive me for saying this, but I know that I am risking my life more and more with every day that passes. I have been dealing with the Palestinian leadership for nearly 22 years now, and I have been dealing with liberation movements for 35 years, and in all that time, I have not met a leadership more incompetent and more self-indulgent than the Palestinian one. As a result of its many failures, it finally reached the point that is always reached by people who do not know how to deal with their lives; that is to say, it had a nervous breakdown. What has happened cannot be explained in any other terms.

Anyone who had the minutest understanding of the international scene in 1993-1994 would have relaised the following: the Palestinian leaders isolated and put themselves into a corner, even within the Arab World. Second, they were very lucky that in spite of all their difficulties and mistakes, which included support for Saddam Hussein in 1991, they found themselves with a very strong bargaining chip. Since 1969, the concentration of US world strategy had been on consolidating America's hold on the Middle East, not for its own sake, but as a means to acquire in a changing world new leverages with old allies and to maintain old leverages. One has to remember that by 1969, the US was declining and no longer enjoyed the strategic superiority it had enjoyed from 1946 to 1968, the year when the Soviets deployed the ICBM's and the Polaris submarine. It had lost economic as well as strategic leverage regards Europe and Japan and it desperately needed to strengthen its alliances and leverage. Vietnam had put into question America's will and capacity to fight limited, invisible wars, and the new US doctrine (Nixon), was aimed at creating a regional configuration of power. Major US allies in the region were Israel and Iran, and when the Iranian revolution came the US lost one of its 'eyes' (the word used in Washington to describe Israel and Iran from 1969 up to 1979). Anwar Sadat was the only Arab leader who fully grasped this strategy, but he drew the wrong conclusion and tried to join the US constellation of power.

One of the constant problems of Arab politics has been triumphalism. The other side of the triumphalist coin is demoralization. Those who are engaged in triumphalism instill visions of great victories, which collapse very fast because there is no realistic view of things. After Saddam Hussein collapsed, with the end of the Gulf War, I met with Arafat and I soon understood that the man had lost his will. During the *Intifada* he had suddenly shown signs of focussing on questions: he asked questions, he did this and that. But once the Americans won in 1991 it did not matter so much what Arafat said anymore. This is the problem.

JERUSALEM: THE TRANSITIONAL PHASE AND THE FINAL ARRANGEMENT - AN ISRAELI PERSPECTIVE¹

PROFESSOR SHIMON SHAMIR

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It is regrettable that this meeting takes place in the shadow of the incident last night in which one Israeli and one Arab were killed. Incidents like this are always a setback to the peace process in general, but they also highlight the necessity of moving ahead with the process and tackling the difficulties in a peaceful way before they are tackled by those who prefer other means.

The subject I was asked to talk about is a very sensitive and possibly the most difficult subject that can be discussed between Israelis and Palestinians. To choose this subject for such a meeting, one has to be either very adventurous or very unwise, as it is almost impossible to discuss it without touching on some sensitive issues. I hope that you will bear with me because I think that my point of view will differ very much from yours but this is the nature of dialogue. If we do not speak frankly, then there is little point to the whole thing.

Jerusalem has always been considered the most difficult problem and the general position is that it should be left to the end, as we are not ready to tackle it today. It is a very emotional and loaded question and neither of our societies are ready to deal with it at the moment. It is now a matter of controversy and the strong emotional commitment that both sides have on this issue is not weakening; on the contrary it is getting stronger and stronger. It has been like this throughout a history of political conflicts, which bring in emotional, religious and historical aspects of attachment to this city, all of which have led us to the situation today.

We have two positions. Allow me to summarize my understanding of each very briefly, which will perhaps expose a few of the roots of the problem.

On the Palestinian side, Jerusalem is seen essentially as an Arab, predominantly Moslem city. In Islam, it is the third holiest place and it grew larger and larger in Arab literature. The fact that Moslems held the city in high esteem is expressed in the many endowments and monumental structures in the city on the Temple Mount and in Al-Haram Ash-Sharif compound and other places.

¹ Presentation given at a PASSIA roundtable meeting on 10 October 1994.

All these attest to the importance of Jerusalem and nowadays one cannot separate the Palestinian identity from Jerusalem. Therefore, there is no possibility of a solution without recognizing Palestinian rights in Jerusalem.

Saying that all Jewish people see a unique relationship between Jerusalem and Judaism can sum up the Israeli position. In other words, the general perception is that this is a city of Jews, Moslems and Christians, but this does not reflect the Israeli perception. From the Jewish point of view, Islam and Christianity are historical extensions of Judaism, therefore, the city is important to those religions by virtue of the fact that it is important to Jews. The formation of the nation of the Jewish people and the establishment of their capital, the City of David, are one and the same. In Jewish thinking it is very important that Jerusalem has never been the capital of any political entity, excluding the Crusaders, other than a Jewish one. Also, for Judaism, Jerusalem is not a holy city in the sense that it is a holy city to other religions. It is a part of the religion itself. It occupies a central place in the theology, prayer books etc. in a way that is not evident in the texts of holy books. Therefore, the Israeli national movement came to be called Zionism because Zion means Jerusalem. Subsequent settlement and migration meant that Jews became the largest community by the middle of the 19th Century and they are the majority today.

So, there is a wide gap that has to be somehow breached. The Palestinians are perhaps in a more acceptable position as far as the international community is concerned because they are saying that the Israelis can take part of it while they take the other part. The majority of Israelis, however, feel that this symmetrical concession contradicts their whole attitude to the city. The question is what can be done about it.

One possibility is that nothing can be done about it. Such is the wide gap that, however many things are attempted or channels opened, they are expected to break down. In a recent symposium on the subject one speaker concluded that if you have a solution for the Question of Jerusalem then you do not understand the problem. This is a very stark way of putting it, but many think that the gap is so wide that eventually all things will break down. If this is true then it will be a catastrophe because many of the other things that have been achieved in all other aspects of the Israeli-Palestinian problem will also collapse. In many other discussions I have had with Israeli decision-makers, I have said that if they do not have any ideas about a solution for Jerusalem, then they should not have started the whole process in the first place. Now you are in this process and there is only one way out, which is through Jerusalem. Many Israelis cannot understand this at all and think that the Jerusalem Question can remain open now that limited a settlement with the Palestinians has been reached, but this is impossible.

There are directions in which we can go in order to achieve a solution, but I sometimes believe that Jerusalem is not the most important problem when compared to the issue of the settlements. I find the problem of settlements, at least in some aspects, more serious and more difficult to solve than the prob-

lem of Jerusalem. There are two issues related to the question of settlements in particular that are more problematic than the Question of Jerusalem. Firstly, existing settlements must be dismantled and this would be a very drastic measure, considering the level of depopulation that would take place. Secondly the problem of the settlements is more imminent. We have reached a point where we are unable to go ahead with the West Bank unless we tackle the issue of the settlements. This is an immediate problem that could block the whole process, whereas Jerusalem can be discussed in various channels over a period of time. It does not have such immediate implications as the settlements issue, assuming of course that the participation of Jerusalemites in West Bank elections does not present a problem.

I think the Labor movement sees a solution if certain conditions are met during the interim period. The first condition, I think, would be the emergence of a relationship between Israel and the Palestinian entity, which would be highly cooperative, and the emergence of a demarcation line, which would be a very 'soft' border. If what really emerges between the Palestinians and the Israelis is a very solid line separating the two societies, with little cooperation and with each society going in its own direction, as I think you are advocating, there will be many difficulties. If what emerges between the two societies is a very solid line, then we will have to draw that line somewhere in Jerusalem, which will leave us with no common ground. On the other hand, if we have open borders, cooperation, the free flow of people, goods and services then together we can develop a system for Jerusalem that can benefit both societies. So this is one condition - a soft border and a highly cooperative relationship.

The second thing is that during the interim period, certain things must be achieved in order to prepare a better climate for negotiating and problem solving. By better climate, I mean more trust between the two societies, a situation of greater stability and the leadership of each of the two parties preparing their public for painful negotiations and painful solutions. We must dedicate ourselves to discussing Jerusalem in more practical terms and less mystical, emotional, ideological or religious terms. Our input must be based on shifting symbolism to practicality in order to create a climate in which we can find more practical solutions. The interim period must become a preparatory stage to breach the gap.

The third condition is maintaining the *status quo*. All the things I have mentioned before to inspire confidence will be of no value whatsoever if the interim period is used for changing the situation on the ground.

These three conditions do not look very promising at the moment and though I believe that we will end up with a Palestinian state, it is too early to tell whether it will be cooperative or separated. There are continual changes on the ground with the Israeli side continuing to take more land and continuing their destruction and with the Palestinian side building its various institutions. These actions clearly go beyond what was agreed upon but we are still at the beginning.

Given that these three conditions are satisfied and we are in a better situation, a better climate and at a better starting point for dealing with the issue itself, then we are in the process of finding a solution. I am not going to propose a solution but I think I can detect a number of promising directions in which we can go to eventually develop a slow process of negotiation. There are two elements that seem to be promising and can indicate a certain direction to be followed. These are the 'map' and the definition of sovereignty. These two elements are vital to Israelis and Palestinians when it comes to the Question of Jerusalem. They are also somewhat gray and flexible, even ambiguous in a way, which could be a great advantage.

Firstly, the map of Jerusalem. We all speak about Jerusalem but what is Jerusalem? In the 9th Century, this question did not arise. A wall surrounded Jerusalem and anything outside was not considered part of the city. Now there is the old Jerusalem, the new Jerusalem; in the mandate period the definition of Jerusalem did not include Silwan, At-Tur, Beit Safafa, Izzariya or Shu'fat, so under the mandate, all these places were considered the suburbs or the hinterland of the city. Next came the UN Partition Plan in 1947 and a different concept of Jerusalem, which included Bethlehem and Beit Sahur but nothing north of Shu'fat; in other words, it included areas extended more to the east and the south rather than to the north.

So, I would propose that there are many maps of Jerusalem, even today. When we talk about the heritage, the history and the religion we find that there are different Christian, Jewish and Moslem maps. One of the problems is that all three religions define the area differently in historical terms. The Jewish memory, for example, has to do with the City of David, Mount Zion, and the Mount of Olives but nothing to do with Beit Hanina or Shu'fat. The Moslems can define a particular area according to the Arab and Islamic memory and history in much the same way as the Christians can define their part. The borders between these parts are very questionable.

Then there is the social map and as far as the social aspects are concerned, this is a divided city, which has never been united. Even the Jewish side is divided: there are religious neighborhoods and secular neighborhoods, which are more separated from each other than Arab and Jewish Jerusalem. In addition, on the social map there is a distinction between urban and rural Jerusalem and you can find villages that seem very distinct from the rest of the city.

There is also an economic map, which incorporates the industrial areas of both sides. Even the airport at Qalandia, Atarot is part of Jerusalem and economically an important element.

There is a municipal map of Jerusalem, which entails consideration of such criteria as the water system, the sewage system and the spatial distribution of the city into residential and arable areas.

In other words we do not have an established map that we can accept as a solid foundation for any planning or negotiation on Jerusalem. However, I would

say that this carries with it a potentiality for a solution in that the pluralistic development of Jerusalem holds within it a pluralistic solution to the problem.

If you start thinking about a city designed for different purposes within different demarcation lines, then you can start to get over some of the controversies that seem to be the main obstacles. If you consider institutions in Jerusalem, for example, you will find that the distance between the heart of the city, which is Al-Haram Ash-Sharif - the Temple Mount - and the Knesset is about the same as the distance between the Temple Mount and Shu'fat. So if the Palestinians have an institution in Shu'fat it cannot be said to be any further outside of Jerusalem than the Knesset. Now, I am not saying that this is where the Palestinian parliament should be based but I am just illustrating that there is some flexibility here. You can have establishments that will be seen by your side as being in Jerusalem, but which will be easier for Israelis to accept as these establishments will be outside of Jerusalem as they define it. So these actual geographic considerations are one place to begin and the other is the question of sovereignty.

Sovereignty is also an ambiguous term. One of the things that you hear very often about Jerusalem at the present time is that sovereignty is indivisible - it is either Palestinian or Israeli. This principle of the indivisibility of sovereignty is a myth. The term sovereignty emerged not from international relations but from a totally different context, which was late medieval discussion on relationships within the state. This considered who actually had sovereignty, whether it was the king, the people or other elements such as a parliament representing the people. It put great emphasis on the source of law and law-making within the state and on who was the primary voice in the political structure of the state and was always associated with such things as natural rights or divine right. So in fact, there was an almost metaphysical principle, which served as the foundation for the discussion. However, in modern times, the question of sovereignty has been applied to relations between states or international relations and in this realm, sovereignty is absolutely divisible. We may argue for the indivisibility of sovereignty within the state, and even then it may be somewhat questionable, but certainly not in international relations. In the case of Europe, for example, members of the EU have conceded part of their sovereign rights to the larger body of the Union in general. There are many other examples where there is a whole network of connections between states in which part of their sovereign rights are yielded to a larger framework. This is a very common phenomenon.

If we apply this to Jerusalem, it becomes the second direction in which it is possible to develop a solution. If we break this concept of sovereignty into its component parts and deal with each component separately, then we may make headway. As long as the discussion focuses on who is the sovereign and who has sovereignty over what, it is an impossible situation and with this scenario we will not get very far in the two or three years to come. However, if we say we are not negotiating sovereignty but negotiating the components of sovereignty then the whole thing may look different. This will raise a number

of questions that could be answered by negotiation. For example, can religious authorities be established that will successfully control the religious places? Will it be possible to conceive a unified municipality in such a way that many areas that are the responsibility of the state will become the responsibility of the municipality - things like taxation and police? This is certainly not an unprecedented situation and if there is an agreement on a unified municipality, it could take care of many of the functions of the state. The problem raised by Palestinians, of course, is that elections for this municipality will always result in an Israeli majority but this can be taken care of. Having two houses will safeguard the rights of the smaller component of the population of Jerusalem, the Palestinians. One house will be representative, numerically and the other will have parity - 50/50 Palestinians and Israelis - similar to the American system.

Is it possible to go in this direction? Or is it possible to invest in a large number of local councils with power enough to enable them to take care of all the daily problems in their particular area. Going in this particular direction will solve not only the problem of Israelis and Palestinians wishing to live under their own administration, but also that of the different groups within the two communities as well, as the various secular or religious communities could take care of their own needs.

Will it be possible to revise the concept of personal status? At the present time, people are subjected to laws according not to their personal status but according to the geography of their situation. To put it more directly, Palestinians will vote for their own institutions, will stand for election to their own institutions and will be subject to Palestinian Law, will pay taxes to a Palestinian authority and all because they are Palestinians in terms of their personal status, not because they live in this or that part of the city or in the West Bank etc.

I know that the things I have raised here are complicated questions that need much more study, and in some cases this is happening already or studies are being prepared. The main point, however, is that the only way to deal with Jerusalem is to get off the ideological and political tracks of discussion and deal with the practicalities of life in Jerusalem in a way that guarantees the dignity and political rights of every person living in this city. We need creativity for that; we need open-mindedness, a better climate and a relationship of cooperativeness. We need to develop much better channels of communication, and I really believe that meetings of this kind are a step in the right direction.

JERUSALEM: URBAN POLICY IN AN ETHNICALLY POLARIZED CITY¹

DR. SCOTT BOLLENS

*Associate Professor, Department of Urban and Regional Planning,
University of California*

In the following I will introduce my findings, the outcome of three months of research on urban planning and land use in Jerusalem since 1967. The research included 40 interviews: one-third with Palestinians, the rest with Israelis.

In summary, urban planning in the city is a manifestation of Israeli policy and takes place almost exclusively within Israeli conceptions of security and sovereignty over the city. Israeli urban planning is almost totally biased towards Israeli/Jewish interests. Most Israeli interviewees identified with the policy and aim of limiting Palestinian growth.

The Palestinians have always suffered from various kinds of municipal discrimination. For every shekel spent on Palestinians by the municipality, eight are spent on Jews. Former mayor Teddy Kollek concealed severe inequality in the allocation of funds and services, and Israeli planners have not hesitated to use technical measures to arrive at 'objective' solutions that discriminate against Palestinians. Palestinians are totally excluded from planning and making decisions with a view to developing or expanding their community. Israeli urban policy restricts Palestinian growth; Palestinian areas do not have plans and consequently few building permits are issued. What plans the municipality has are for legislative purposes and will not improve Palestinian living conditions.

Statistical details of the situation illustrate all this. Only one quarter of East Jerusalem is Palestinian-owned area where Israel has allowed for Palestinian growth. Some 33 percent of East Jerusalem has been expropriated by the Israelis and 40 percent is designated as 'green areas', where development is prohibited, often under pretexts such as the preservation of views and environmental protection etc. It should be noted that Israeli planners liberally apply the planning term 'green area'.

Israeli policy can be described as counter-productive to Israeli goals, inasmuch as it increases tension and has the potential to lead to violence between the two population groups. Indeed, physical penetration has increased vio-

¹ Summary of a presentation given at a PASSIA roundtable meeting held on 5 January 1995.

lence to the extent that the entire future of the peace process has been called into question. The Israeli national consensus is virtually unanimous regarding Jerusalem, which cannot be said when it comes to the West Bank. An Israeli withdrawal from East Jerusalem seems impossible unless the international community pays Israel compensation, which is not likely to happen in our lifetime. Sovereignty is a basic right as far as Palestinians are concerned and it is unlikely that it can be shared. The Israelis are trying to redefine sovereignty to make it apply to institutions, while the Palestinian understanding of the concept is tied to land. In Jerusalem, adequate land use and sustainable development is possible only through coexistence.

Issues for the Future

Palestinians are as yet politically unstructured and there is a clear lack of political organization at the local level. Local grassroots organizations must emerge, organize themselves democratically and participate as equals. Increasing democracy and participation will help in working against cutting out ranks within Palestinian organizations (e.g., PEC DAR) and strengthen the Palestinian structure/organizations, whose current weakness could increase the appeal of Islamic fundamentalism.

Palestinian requirements were identified as follows:

- establishment of a centralized body on land issues;
- introduction of a coherent and clear land-use policy (for Palestinian areas);
- addressing the severe housing needs;
- continuation of documentation of land issues (deficiencies and limitations, needs and possibilities);
- clear strategies for the Palestinian NGOs and local residents in order to guarantee a healthy and viable future for the city;
- addressing land use and planning as human rights issues in order to alter the Israeli contention that planning is purely a technical issue (current focus is on housing rights);
- establishment of a Palestinian public body to organize development communally;
- establishment of a financial institution to provide substantial credit for construction (PEC DAR is doing this to some extent);
- establishment of NGO consortiums to defend against intrusion and efforts to make sure that the independence of the NGOs is maintained;
- encouragement of democracy and human rights;
- improvement of economic conditions and development, partly in order to induce Palestinians to stay; and
- refuting Israeli definitions of what is good for the city and its Palestinian inhabitants. Mayor Olmert is making efforts to increase funding for Arabs in order to back up the claim that Jerusalem is a unified city. The municipality

has carried out structural changes, which do not really benefit Palestinians. Palestinians should make sure that international organizations do not fall into the trap of believing these efforts to be genuine.

Points of Discussion

1. Palestinians could build a local democracy and develop a strategy for creating borders by building outside the Jerusalem municipal borders. International opinion tends to accept Israeli authority over East Jerusalem, but this does not apply to areas such as Ar-Ram, Abu Dis and Izzariya, where Israeli control should be restricted.
2. The Palestinians have the option of increasing the tempo of violence rather than attempting to acquire more building permits from Israel, but there is always an important question to be considered: How would this be viewed from the outside?

Israel does not learn from rational deliberations, and it is very likely that Jerusalem will witness an increase in violence. There is no Israeli national consensus about the West Bank although there is one with regard to the settlements in Jerusalem. An Israeli withdrawal from East Jerusalem seems impossible; to start with, vast amounts of money would have to be obtained from the international community in order to compensate Israel. This might be possible one day, but certainly not in our lifetime.

3. Grassroots organizations are unable to compensate the Palestinians for the material benefits, such as health insurance, that they receive due to their status as residents of Jerusalem. Some 22,000 Palestinians have recently applied for Israeli passports. There is a need to assess inter-Palestinian conditions as well as political differences between East and West Jerusalem. Areas of land under Israeli control must be documented, especially in light of the fact that Israel has confiscated many important documents pertaining to Arab land. The Palestinian birthrate must be taken into account.

It would be possible for the Palestinians to run things communally in the areas outside the borders, but there is a need to increase Arab construction in those areas. Palestinian grassroots organizations could collect taxes to go an entity in Ar-Ram, for example, rather than to the Jerusalem Municipality. Other activities could include changing license plates of cars, for example, while the NGOs could provide certain social services.

4. Palestinian assimilation into Israeli society is a religious taboo for Jews. Israeli rightists totally reject the idea of having Palestinians in their midst. One side of the city controls everything. The brightest option is a politically divided city, the darkest, an extremist city.
5. The conflict in Jerusalem is ethnic-religious-nationalistic. Some Israelis, like Meron Benvenisti, use the ethnic approach in their analysis. The city of Los Angeles is divided; Jerusalem, on the other hand, is polarized.

6. The Old City is a perfect example of the inequality of services: good services are provided along tourist routes but only a few yards away, the situation is entirely different.
7. The political asymmetry needs to be looked into, particularly with regard to land use. What does the right of Israeli citizenship offer, and should one work in favor or against this? The *Jerusalem Post* advertising Jewish settlements is like US newspapers advertising whites-only neighborhoods.

Israeli housing is a policy issue; e.g., Neve Ya'acov, where the settlers rejected the idea of having Israeli Arabs as neighbors. The Israeli Arabs cannot get mortgage loans, which are conditional upon service in the Israeli army. This has been a policy since 1968.

8. 'Green areas': One year ago in a discussion of urban planners in East Jerusalem there was talk of leaving space for future (Jewish) generations to decide and plan. Har Homa and Shu'fat are clear examples of how 'green areas' came to be used for Jewish construction. Seven percent of land in East Jerusalem is allocated for 'neutral use', which implies that it can be used by both Arabs and Jews; these areas include roads, parks etc. Dr. Bollens added that 'green area' zoning is totally reversible, unlike zoning for settlements, which are permanent structures.
9. Locations not included in the 'neutral use' areas are often changed from natural areas to physically designed space. The Israelis are using a carefully prepared strategic plan when evicting Palestinians, e.g., the Custodian of Absentee Property's eviction order for the Arab Graduates Club. 'Neutral use' is one of the benign terms that was used to facilitate the construction of, for example, the Peace Highway #45 from Tel Aviv to Jordan, which restricts the growth of Palestinian villages.
10. It is hard to assess the influence of the benefits and burdens of Palestinian residents of Jerusalem, which depend to a great extent on political developments and the performance of the Palestinian Authority. Comparison is usually between Palestinians of Jerusalem and Palestinians in the West Bank, not Israelis.
11. We should not use the Israeli term 'united' when talking about Jerusalem, particularly as the city was never as divided as it is today. Israel claims that a total of 120,000 Palestinians live in Jerusalem, but this figure is not accurate due to the fact that not all Palestinians living in Jerusalem met the criteria for inclusion in the census. There is a need to question the basis of these statistics.

THE OWNERSHIP OF JERUSALEM – A PALESTINIAN VIEW¹

DR. MAHDI ABDUL HADI
Head of PASSIA, Jerusalem

Introductory Remarks

1. First of all, I would like to ask the following question: What Jerusalem are we talking about? The Jerusalem I am talking about is not the Jerusalem with its current boundaries of 1995 nor is it the Jerusalem excluding the western part of the city or merely the Old City. I speak about Jerusalem of 1947, according to its municipal boundaries of 1948 in addition to the neighboring villages and towns. There were 32 villages and towns, most of which have been demolished. The boundaries of the city are as follows: Abu Dis in the east, Bethlehem in the south, Ein Kerem in the west, and Shu'fat in the north.

2. The Palestinian society in general and the Palestinian community in Jerusalem in particular are actually one coin with two inseparable faces: Islamic and Christian. Both oppose, reject and resist any attempt to separate them as ethnic communities. The Christians are not an ethnic minority; they have always considered themselves a major component of the Palestinian house and have been resisting all attempts to deal with them separately. This unity in the Palestinian identity is very crucial and should always be addressed.

3. Palestinian resistance against Israel's annexation of East Jerusalem and its attempts to Judaize the area has been continuous, having begun in June 1967. Sheikh Abdel Hamid As-Sayeh issued an Islamic *fatwa*, which rejected the notion of the city being governed by Jewish/Israeli law. The Islamic Council formed the first National Guidance Committee, which included notables and activists such as Anwar Khatib, Anwar Nusseibeh, Aref Al-Aref, Ibrahim Tliil, and many others. They succeeded in keeping the Islamic courts and institutions free from any Israeli interference. We saw Bishop Kobel'n and other bishops and priests standing by Moslem sheikhs and leaders in defending Arab Islamic/Christian rights. This resulted in the commercial and other major institutions, including the Arab Electricity Company remaining Palestinian.

4. Mr. Peres, the Israeli Foreign Minister, told the European Troika delegation last year that the Question of Jerusalem has political, religious and civil ele-

¹ Speech delivered at the International Campaign for Jerusalem Conference on The Current Status of Jerusalem and the Peace Process, School for Oriental and African Studies (SOAS) and Geopolitics Center, London, 15-16 June 1995.

ments: first of all, Jerusalem is the capital of Israel; second, it is Jewish, Christian and Moslem; and third, it is a municipal arrangement. The Question of Jerusalem is formed of various inseparable components; Jerusalem is national, political, historical, religious, geographical, communal, institutional, and one cannot pick out one of these elements and use it to support somebody's position whilst ignoring the others. One should be objective and appreciate the seriousness of such a question, and in doing so, one should refer to it as one package.

Basic Elements Regarding the Question of Jerusalem

1. The National Issue

The Question of Jerusalem is related to the historical land of Palestine, to the Palestinian people, to their right to self-determination, and to their Moslem-Christian beliefs and holy places. It is the capital of the Palestinian people, and thousands have sacrificed their lives to defend or protect it. Jerusalem is the symbol of the inalienable rights of the Palestinian people.

2. The Political Issue

Jerusalem is the center of Palestinian Arab sovereignty, the center of Palestinian security, and the center of Palestinian authority. It is the capital of the Palestinian people and their future state. A population cannot be separated indefinitely from the sovereign form for which it yearns. This applies to both the Palestinian and Jewish residents of the city. The collective claim of the members of only one population - the Israeli - to sovereignty over the city is illegitimate. The very concept of modern sovereignty is based on freedom and equality; sovereignty is the capacity of a nation to decide for itself whilst also dealing with others. We should be speaking about sharing territory and preserving the unity and economic potentials of the city.

3. The Heritage and Home Issue

Jerusalem is the largest West Bank city upon which the livelihood of many Palestinians is dependent. It is the primary site for educational, cultural, professional and business endeavors. It is the place where all Palestinian needs and interests converge. Jerusalem has been the center of Palestine and the major meeting point of important east-west and north-south transportation axes. It has retained its Arab character from the time of its establishment until the present. Therefore, it will always – and must always – be seen as the most important part of Palestine and inseparable from the rest of the OPT. Whoever controls Jerusalem is in a position to dominate all of Palestine.

4. Geographical and Demographic Issue

Before the War of 1967, West Jerusalem covered 53 square kilometers and had 195,000 inhabitants, while East Jerusalem covered six square kilometers and had 75,000 inhabitants. Today, 28 Israeli settlements and neighborhoods

have been added to the city. There are 330,000 Israelis in West Jerusalem and 160,000 Palestinians in East Jerusalem. The Israeli authorities have increased their attempts to decrease the number of Palestinians in the city in various ways during several periods: 1967-1971, 1980-81, 1990, and lastly in 1995. Since 1967, the Israeli government, using extraordinary procedures has expropriated more than one third of the land in East Jerusalem. Neighboring Arab villages have been divided or encircled by Jewish settlements.

Maps for the city have resulted from various historical events and administrations. The expansion of parts of the city at the expense of other parts is evident, and there are no generally accepted boundaries that are capable of accurately defining what Jerusalem actually is.

From my perspective, the integrity of the Occupied Territories cannot be maintained without Jerusalem. The city is situated in the north-south crescent of the West Bank and without its existence as a geographic and demographic center, the unity of the whole is divided and lost.

5. The Historical Issue

The city's Arab roots go back 5,000 years to the time when the city of Arab Yabous (Jerusalem) was founded. Visible on the landscape until today are the ruins of public buildings such as Roman temples and theaters, Byzantine churches and monasteries, Islamic mosques and *welis* (tombs of saints), interrupted by Crusader fortresses. As Islam has dominated the culture of the Middle East for the last 1,400 years, it has dominated Jerusalem. Jerusalem is an historic city with an exceptional culture and heritage and many significant monuments. There is an urgent need to preserve Jerusalem, with all its important sites, as one of the world's most historic cities.

6. The Religious Issue

Jerusalem is a city with an Arab Islamic and Christian heritage. Its Islamic identity is partly derived from the fact that Al-Haram Ash-Sharif compound is the site of Prophet Mohammed's Night Journey, *Isra' and Mi'raj*, whilst being the original *qibla* for Moslems. *Al-Aqsa Mosque* is Islam's third holiest shrine. The Umayyad Caliph Muaawiyah linked his own personal identity with Jerusalem, calling himself Caliph of Beit Al-Maqdis. Thus, it is part of the Islamic faith. Its Arab identity was further emphasized with the historic Covenant of the Caliph Omar Ibn Al-Khattab in 638 AD. It is the site of the Holy Sepulchre, the Arab Churches, and of the Mount of Olives. There has been a continuous and uninterrupted Arab presence in the city in terms of population, culture, heritage and monuments. It is a holy city containing the holy places of the three monotheistic faiths.

7. The Ownership and Property Issue

There is no legitimacy or license under International Law or international resolutions passed since the beginning of the century, including UN Resolutions

242 and 338, which allow Israel to take over Arab land in occupied Arab Jerusalem. International Law prohibits the annexation of territory by force. Until today, the entire world does not recognize the Israeli unilateral annexation of East Jerusalem. Articles of UN Resolution 194 relating to compensation and the right of return are still being twisted by Israel in regard to Arab properties in West Jerusalem that were confiscated by Israel in 1948.

In the course of the War of 1948, some 64,000-80,000 Palestinians were forcibly driven out of West Jerusalem and its immediate vicinity, and all remaining property was declared 'absentee property'. In 1948, 40 percent of the property in West Jerusalem belonged to Palestinians, 34 percent to the Waqf, Churches and the Government of Palestine, and only 26 percent to Jews.

8. The Legal Issue

Following the suspension of the articles contained in the 1948 UN Partition Plan (Resolution 181), the nature, limits and scope of international, regional and local legislation and administrative by-laws that govern the city have been determined by the *de facto* 'on the ground practices' of those who have governed it since 1947, throughout so many years of confrontations.

Before the UN and International Law, East Jerusalem is considered occupied territory and Israel's activities in this part of the city (such as the construction of settlements, transfer of Israeli population and annexation) are illegal and null and void.

9. The Institutions Issue

The Arab municipality in Arab Jerusalem was dissolved and closed by force while its infrastructure was annexed to the Israeli municipality in West Jerusalem following the War of 1967. There remain important key institutions such as tourist offices, intra-city transportation networks, land registration offices, medical centers and hospitals, civil courts, societies, as well as centers and forums providing scientific, cultural and educational research, information and services.

10. Peace and Stability Issue

A related internal threat might be identified as that posed by the existence of settlers who seek to destabilize the existing Palestinian society. Palestinian security needs can only be met by putting an end to the Israeli occupation and by recognizing Jerusalem as an open, shared city, that is not united under Israeli sovereignty but is part and parcel of the Palestinian right to self-determination and to self-defense against external aggressions or internal subversion. There is no future for the PLO, the Palestinian Authority or the Palestinian people without Jerusalem. It must be recognized as the seat of government for the Palestinians. There will be never peace or stability in the region without a just solution to the Question of Jerusalem.

A Proposed Strategy to Defend Our Rights in Jerusalem

The vision is for a goal reflecting Palestinian needs in the transitional phase and final political settlement. Jerusalem is an inseparable part of the Occupied Palestinian Territories and is the political, religious, geographical, demographic and cultural capital of Palestine.

The *first dimension* of the goal is to achieve unity on the ground and among the people in the city and strengthen their presence to enable them to defend their rights and speak with one voice.

The *second dimension* is to maintain (geographically and demographically) the linkage between Jerusalem and the West Bank and Gaza Strip. This can be done either by establishing new institutions or rehabilitating existing ones and strengthening cooperation and coordination between them. It can also be achieved by providing the tools necessary to engage and involve Arab institutions in Jerusalem with ongoing projects in the occupied West Bank and Gaza Strip.

The *third dimension* is to open the doors for dialogue with international fora, the Vatican, and the Israelis. This dialogue should aim at enhancing the understanding of the complexity of the existing unresolved issues on Jerusalem. Such a dialogue should focus on developing new ideas for reaching a better future for Jerusalem.

These three dimensions are the components for establishing the *Jerusalem Arab Council*. This council will act as the central body for the Palestinian community of Jerusalem. It is not a municipality, nor a shadow government, nor affiliated with the PLO or the PA. There is a consensus among Palestinians in Jerusalem – mainly the Church, the Mosque, the political factions and the institutions – regarding the urgent need to establish such a body. If and when the Palestinian Jerusalemites announce the establishment of the Jerusalem Arab Council (JAC), it will need the full support of the local and international community.

A PROJECT ON JERUSALEM¹

WITH THE AMERICAN ACADEMY OF ARTS AND SCIENCES (AAAS),
CAMBRIDGE, MA

The American Academy of Arts and Sciences (AAAS) introduced a project on Jerusalem in which Palestinians and Israelis came together to try to find common ground, in mutually acceptable terms, concerning the extremely difficult issue of Jerusalem. Their effort resulted in a precise detailing of some of these commonalties.

Professor Everett Mendelsohn gave a presentation outlining some current ideas concerning the Question of Jerusalem. He noted that a look at Jerusalem's history throughout the 20th Century reveals that its borders have changed more than 30 times. He pointed out that Jerusalem's history has been replete with different forms of government under different regimes, with virtual sovereignty or autonomy. Thus, historically there is some sort of precedent for negotiating and adjusting administrative and sovereignty matters in Jerusalem.

Professor Mendelsohn noted that Israelis and Palestinians tend to focus on two major periods in Jerusalem's history. The period from 1948-67 is decried by Israeli Jews because of Jordanian policies in the city. On the other hand, Palestinians decry the period since 1967 because of the Israeli occupation. However, there are different camps within the two sides - nationalist, religious, and economic - that have different ideas about what must be achieved for their side in the final status negotiations on Jerusalem. Professor Mendelsohn asserted that it is within the complex labyrinth of overlapping and interconnected relationships between issues that areas of agreement and cooperation are to be found.

Professor Mendelsohn then went on to deliver a list of basic premises relating to the negotiations over the final status of Jerusalem that a group of four Palestinians, four Israelis and three Americans compiled in a project under the auspices of the AAAS:

- Jerusalem should remain an open, physically undivided city.
- The need to allow for the expression of the national aspirations of both sides should be a prime consideration.
- Security should be mutual and indivisible - security for one at the expense of the other is not real security.

¹ Roundtable discussion held at PASSIA on 25 June 1996.

- There should be free access to all religious sites.
- There should be free political expression for both sides.
- There should be overall equality as opposed to equality in every field - concessions in one area should be compensated for in other areas.
- A borough system should be adopted, whereby there can be smaller functional, administrative bodies that do not necessitate the division of the city; (i.e., there is the possibility of Jerusalem having two municipalities).
- Political arrangements should be fair.
- Implementing agreements all at once is impossible - they will have to be implemented in phases.
- The agreement on Jerusalem must be seen in the light of the overall agreement between Israel and the Palestinians.

Dr. Mahdi Abdul Hadi commented that one of the most important issues is that the different components of the Question of Jerusalem (i.e., national, political, religious, civilian, historical, cultural, demographic, and economic, etc.) are all in one basket and cannot be separated or divided. He also said that any agreement that did not use the 1947 boundaries of Jerusalem was a nonstarter, as recognizing Israeli confiscation and policies to Judaize the city is unacceptable. Furthermore, he emphasized that the premises of the AAAS did not mention Israeli settlements, and an agreement is impossible without resolving this issue.

Dr. Anis Al-Qaq commented that the basic presentation was acceptable but added that Netanyahu's government has rendered the issues Professor Mendelsohn raised a theoretical exercise. There are more immediate, tangible problems that Palestinians in Jerusalem face. He asserted that economically, religiously, and geographically Jerusalem is the heart of Palestine and there can be no final solution that fails to adequately address the issue of the Holy City. He stated that it was occupied in 1967 and UN Security Council Resolutions 242 and 338 should be applied to it. He added that it is important to study and implement functional divisions in the city.

Dr. Abdul Hadi said that rectifying the damage suffered by Palestinian society in order to bring the two sides to equal terms was also essential.

Terry Boullata added that even more important is the need to freeze the current Israeli effort and establish more 'facts' in Jerusalem.

Sheikh Jamil Hamami wondered how relevant the premises actually are in light of the fact that the current Netanyahu government sees the world in an increasingly narrow-minded way. He noted the existence of that peace and stability in the region depend on resolving this issue, and failure to do so could lead to violence that is similar to that seen in past decades. He commented that the Arabs' current position of weakness is only temporary, and Israel will be the one to lose if it continues its intransigent ways. Finally, he stressed the necessity of building a common Palestinian and Arab position.

Dr. Zakariya Al-Qaq noted his pessimism in the face of Netanyahu's government and its hard-line position. He observed that Netanyahu is obstinate and will not bend to US pressure. Furthermore, he knows the Palestinians are weak and is aware that the Arab states are fundamentally rivals of the Palestinians and can be counted on to abandon the Palestinians any time they see an opportunity for their own state to gain some advantage. Finally, he expressed his concern over the Palestinians' use of the phrase 'Al-Quds Ash-Sharif' in that it implies only the area of the Dome of the Rock and Al-Aqsa Mosque, which jeopardizes the Palestinian national rights in Jerusalem.

Dr. Bernard Sabella iterated that the premises mentioned by Professor Mendelsohn were merely academic, given the current political situation and that hoping for some benefit from Arab unity is futile. He worried that Netanyahu might try to distract the Palestinian people by improving their quality of life with an easing of the closure. The dire situation of many Palestinians means there is a possibility that this might actually work. He also noted that Palestinians often diminish the importance of their bargaining chips: the fact that they make up one third of the population of Jerusalem, international agreements, and the religious dimension. These are the tools they should use in their struggle for Jerusalem.

Allison Hodgkins reminded the group that all the pessimistic talk about the Likud seems to insinuate that the Labor party's fundamental plan was different, despite the fact that Labor's last four years in power brought 50,000 new Jewish settlers to 'Greater Jerusalem'. She pointed out that concerted action on the issue of settlements and Israeli 'facts' must be taken.

Dr. Abdul Hadi agreed and added that the Palestinians face three basic options: to confront Israeli policies and practices in Jerusalem, to leave Jerusalem, or to become Israelized. Since the last two are unacceptable, it is necessary to stand up to the new government. He emphasized that he was not talking about violence, but about the Palestinians maintaining and strengthening the Palestinian presence in the city as an inseparable part of the West Bank and using the courts, media, international and regional arenas and all other means at their disposal.

Professor Mendelsohn thanked everyone for their useful comments. He agreed on the need to stop Israeli settlement. He added, however, that the Israelis should not be demonized, because there are vibrant elements on the Israeli side with whom the Palestinians can work. Finally, he stressed that criticism is insufficient: the Palestinian side must come up with positive ideas and possible courses of action.

Some of the participants suggested that the AAAS project on Jerusalem should be extended, allowing those involved to study carefully the new chapter of Palestinian-Israeli relations following the election of a right wing government in Israel. They noted that it is too early for the group to publish their findings and conclusions.

THE QUESTION OF JERUSALEM¹

DR. LORE MARIA PESCHEL-GUTZEIT

German State Minister of Justice, Federal State of Berlin

Dr. Lore Peschel-Gutzeit said that she had been here in 1974, 1977 and 1979 and was very interested in hearing about the changes that have occurred, in addition to the participants' points of view on Jerusalem as an occupied and polarized city that is full of symbols.

Dr. Mahdi Abdul Hadi: Since Oslo, the Palestinians have wanted Jerusalem to be on the negotiation agenda. Assisted by the technical committees the Palestinians concluded that there were three major concerns:

- One group said that the issue of Jerusalem was too big for the Palestinians to deal with alone and suggested enlisting the help of states and organizations from the Arab-Moslem World.
- The second group said people should be given the right to try and work to protect their rights in the city.
- Some Palestinians felt that by establishing a dialogue with Israeli officials they could be perceived as having sold out on the issue of Jerusalem.

The clear points were that Jerusalem has to be our capital, that we need to revive our institutions, and that the Palestinians, whether Moslem or Christian, need to deal with Jewish views.

The task of the technical committees or Arab Council was to represent the Palestinian civil society in Jerusalem and to try to maintain links with the West Bank, but is it possible to open the file on Jerusalem while the other side is not flexible regarding concessions? As for the question of sovereignty, we [the Palestinians] talk about shared sovereignty, meaning two municipalities and not of being a part of the Israeli municipality.

The Palestinians of Jerusalem face many problems. The Israeli closure and policies aim at encircling Jerusalem geographically while cutting it off from the West Bank hinterland. At the same time, Israel imposes numerous restrictions, regulations and high taxation, and attempts to jeopardize business in the city, which forces people to move to the West Bank.

¹ Summary of a discussion/briefing session held at PASSIA on 9 November 1996.

Movement restrictions prevent West Bank and Gaza Palestinians from coming to Jerusalem. The long-term aim of the Israelis is to make them grow accustomed to living without including visits to the city in their regular activities or even thinking about such visits.

Today's political and economic address is Gaza or Ramallah but not Jerusalem as it used to be before the closure. The Orient House is totally crippled; national unity and mobilization is no longer possible as there is not a single place that is accessible to every Palestinian.

There were many meetings about Jerusalem and the problem of how to solve the Question of Jerusalem. Many believe that the so-called 'Abu Mazen-Beilin document' was the outcome. There is also a lot of interfaith dialogue going on.

The frustrating thing today is that three years after Oslo, we realize that we have at best half a partner in peace but not a full, committed Israeli partner. The Israelis do not want separation but to share the West Bank; they do not want to leave but to stay.

Dr. Mar'ei Abdel Rahman: The Abu Mazen-Beilin talks were serious talks.

Hanna Siniora: Academics are full of ideas. The US position, split between the administration and congress, is conflicting.

Camille Mansour: Jerusalem is not outside the agreement. There is a major problem here because Israel ignores the fact that Jerusalem is an integral part of the Oslo Agreement, to which both sides must be committed.

Walid Assali: The Palestinian elections in Jerusalem had nothing to do with sovereignty as people could vote only in certain places, e.g., post offices. Moreover, mailboxes were used (the slit to the side) rather than ballot boxes (with the slit at the top). This is one school of thought; another school of thought says that the elections were a form of Palestinian sovereignty in Jerusalem. The casting of votes at the post office was under the supervision and direction of Israeli police, which constituted a direct attempt to interpret the agreement in a manner suiting the Israeli viewpoint. The main problem is not the negotiations but Israeli practices in Jerusalem. The non-interference of the world community, especially regarding Israeli violations of the spirit of the text of the Oslo Accords, is at the expense of the Palestinians. The Israelis can alter the *status quo* however they want with no regard to what they have signed.

Hanna Siniora: Negotiations on the issue of Jerusalem should have started in May 1996. An international legal position with reference to the 1948 UN Partition Plan should be taken and the same standards should be applied to claims in West Jerusalem as to those in East Jerusalem. In 1947, none of today's settlements existed. Also relevant to the Palestinian claims are the Palestinian villages that were destroyed in and around Jerusalem. Today, Palestinian development is severely hampered by restrictive Israeli permit systems and zoning measures.

Camille Mansour: There is an agreement but Israel is imposing its own mechanism, which we refuse to accept. It was this mechanism that prevented us from voting.

Dr. Peschel-Gutzeit: What has been decided regarding Jerusalem? Isn't Jerusalem part of the final status negotiations?

Camille Mansour: In the DoP it was agreed to postpone the Question of Jerusalem and to deal with it in the final status negotiations. The DoP does not say, however, that Jerusalem is outside the West Bank. The problems have merely been postponed. Jerusalem is an extremely complex issue and the negotiators needed time to prepare the public in a very gradual manner. The Palestinians agreed to the postponement in good faith, as they believed it would lead to a freeze on settlements. Could you say something about Jerusalem's legal status?

Dr. Peschel-Gutzeit: There is an international basis for the Question of Jerusalem. Berlin was also a very complicated issue, and there are many similarities: there was no possibility to move freely, the Germans accepted, somehow, the *status quo* and did their utmost to ensure that the Russians would not make it a capital. Would Israel accept two capitals?

I see only one solution for Jerusalem in the long run, which includes free access to the holy sites, the elimination of all forms of discrimination, and the development of a plan for free entry of all Palestinians to Jerusalem. As for Germany, we have not recognized Jerusalem as Israel's capital; the German position is that it is either a capital for both peoples or not a capital at all. I personally am not in a position to offer solutions; I am here to listen to your views.

Camille Mansour: All we are asking is that other countries respect the general international position. You mention the balance of power but it is not a matter of the balance of power. A position should be an official position. We are not asking the Germans to send troops, but Germany has economic agreements with Israel, so why not use these venues? It is only a matter of consistency.

Dr. Peschel-Gutzeit: I am not in a position to criticize. How do you think we should move out of the impasse?

Hanna Siniora: We have a Palestinian university in Jerusalem: we could for example, have a twin university in Germany. That would also be some kind of a message.

Dr. Peschel-Gutzeit: Again, I am not the German minister of Justice - I am only a state minister in Berlin. Apart from this, the Minister of Science would deal with the issue you just mentioned. I am here as an individual. Germany is in a weak position: the Palestinians do not know us and there are special German problems. I have been asked these questions many times. The Palestinians still underestimate the constraints related to Germany's guilt complex. We try to change, but we also face other problems such as the unification.

Dr. Abdul Hadi: We would expect a balanced approach. We would like to see an active, unbiased role and positive support in your house. We see half a million Germans coming to Israel but not to Palestine. Germans are afraid of Israeli interpretations.

Dr. Abdel Rahman: We see the German position as weak and not consistent with the strength of the country itself. How long will the Holocaust be something we pay for? The French have declared support and are able to influence Middle Eastern development and to challenge Israel. There is also a European role that Germany must surely consider relevant. The Palestinians need economic assistance. Israel has nuclear power, and it is led by an extremist, fundamentalist government.

JERUSALEM - YERUSHALAIM/AL-QUDS: A DIFFERENT VIEW OF THE HOLY CITY¹

DR. GIDEON WEIGERT

Ben Gurion University of the Negev

I first became attached to the city of Jerusalem in 1939, when it was part of Palestine and life still rotated around the Palestinian axis.

My first contribution was to the *Haqiqat Al-Amr*, which called for learning the language of the other party so as to bridge differences. At the time, I resided with an Arab family in Haifa, where three teachers taught me the Arabic language and Islam.

I then moved to Jerusalem, where I studied, and then taught, at the Nahdah College. Whilst in Jerusalem I lived in Al-Baq'a neighborhood, now part of West Jerusalem, with a family that originated from Gaza. In 1945 I married an Arab girl from Syria, and in 1946, I issued my first book, titled *Days and Nights in the Old City, Jerusalem*.

Between 1948 and 1967, I worked for the *Jerusalem Post* newspaper, and in 1970, I testified in front of the UN Committee investigating the situation in the Occupied Territories, despite the Israeli boycott. Since then I have been involved in field research and have issued 15 publications and around 2,000 articles in Arabic, Hebrew and English. I also wrote a book titled *Arabs-Jews: Living Together*.

The basis of my proposed solution to the Jerusalem issue is the following: Two separate states must be established. There is no need for supervision of either. Israel will not live in peace for as long as a democratic Palestinian state does not exist. I, personally, can live in a Palestinian state, and I believe that only in such a proud, independent state would a Palestinian be happy to live.

My solution to the Jerusalem issue consists of four parts, each of which deals with an aspect of life in the city.

¹ Presentation given at a PASSIA roundtable meeting on 9 January 1997.

1. *Political part:* Sacred slogans will never disappear, and a bypass should be devised, giving the Palestinians a physical, rather than spiritual, foothold. I suggest establishing, near the Ras Al-Amud area, a seat of government and parliamentary building, which would have a wonderful view of Al-Haram Ash-Sharif. I believe even the Likud would agree to such a plan.
2. *Religious part:* The three religions share a common basis; for example, customs relating to pilgrimage etc. No religion must be given more rights than the other, and they are to be treated on the basis of mutual understanding concerning each religion's needs.
3. *Historical part:* Jerusalem is twice the area of Al-Haram Ash-Sharif (Temple Mount) area, and it was never the capital of any Moslem state. Nevertheless, Israel must not maintain control of Al-Haram. A local Arab police force, working in cooperation with the Jerusalem police, could be the solution. Moslems would be able to use a special pathway that would run directly from Ras Al-Amud to Al-Haram, thus ensuring that no Palestinian would have to enter Israeli territory.
4. *Municipal part:* Teddy Kollek made an enormous but inadequate effort to beautify the city. An Arab municipality must be established and accept responsibility for dealing with the day-to-day affairs of the Palestinian neighborhoods and citizens in cooperation with the West Jerusalem Municipality. An elected joint higher municipal council, with proportional representation, would supervise the work of the two municipalities.

I am going to finish my speech with the following sentence:

*Peace that is only good for one side can never exist;
let us look for a peace that is good for both sides.*

DISCUSSION

Question: How would you compare the dreams and rights of the Palestinians?

Weigert: Dreams and rights are compatible. Dreaming is very positive, and I have dreamt of a Palestinian state for the past 60 years. I admire how the Palestinians are living and prospering, even under such adverse conditions.

Question: What Jerusalem are we talking about?

Weigert: I am speaking about the Arab Jerusalem Municipality, which would take responsibility for municipal issues in the eastern part of the city. There would be no division - Jerusalem must remain an open city without boundaries.

Question: Does that mean we can settle in West Jerusalem?

Weigert: This needs to be settled in the forthcoming agreements.

Question: What degree of sovereignty do you envisage for the Palestinians?

Weigert: This has to be negotiated; we cannot enter into details. Jerusalem is a complicated issue, and discussions will be lengthy.

Question: Would you like to see Jerusalem become the capital of two separate states?

Weigert: Jerusalem is a major part of the Palestinian problem, which means that it cannot be treated as a taboo subject. Why should I interfere if you want your capital in Al-Haram Ash-Sharif, or even in Bab Hutah?

Question: When deciding what is holy and what is not, should we use the symbolic holiness or the physical status as a basis?

Weigert: I can live in peace when I am able to go to pray. The symbolic holiness should not be overstressed.

Question: Your Wailing Wall is my Buraq Wall. Should we share the Holy City, or at least share control of the holy sites, or should we separate them entirely?

Weigert: I can live without Al-Haram Ash-Sharif being under my control.

Question: The proposal you have presented is similar in many aspects to other solutions to the Jerusalem issue. Many Israeli intellectuals are comfortable with such solutions. However, we must define what our needs are *vis-à-vis* Jerusalem - do we need its spiritual or physical status?

Weigert: Any of the solutions will benefit the Palestinians more than the Israelis, who are not prepared to accept any of them.

Question: What about security in Jerusalem: how are we going to bring down the wall of fear?

Weigert: Two police forces, coordinating with one another, will be able to handle the situation.

Question: Jerusalem cannot become a hole in the wall - imagine a flow of Palestinians crossing back to the 1948 areas. How should we tackle the issue of borders?

Weigert: This issue should be solved by the agreements.

Question: If we were to reach a point where we could possibly lose Jerusalem, should we turn back to internationalization, as mentioned in UN General Assembly Resolution 181?

Weigert: History does not go backwards.

Question: Would you accept Jerusalem not being classified as the capital of either state?

Weigert: Maybe.

Question: What about the cultural dimension of Jerusalem, in terms of language, buildings and the arts?

Weigert: I never dreamt that Palestinians and Israelis would sit together during my lifetime. This is the starting point for everything, and it will surely develop into something. I will live with any solution that is reached according to mutual agreement.

Question: But we are stuck with Netanyahu's mentality (*vis-à-vis* Jerusalem) for the next four years.

Weigert: The Israelis are also stuck with him.

Question: Do you believe Jerusalem cannot be dealt with separately, but needs to be part of a solution that involves the past and the present, and all of the parties - Palestinians, Israelis and Moslems - so as to guarantee a lasting peace for future generations?

Weigert: Jerusalem is important to all three religions. Palestinians alone cannot deal with the issue of Jerusalem - that simply would not bring the stability we all search for. Religious people from both sides refuse to compromise, so any solution must necessarily be seen as just by the majority. Coexistence can benefit everyone.

VISIONS FOR JERUSALEM¹

HE ADNAN ABU ODEH

Former Jordanian Ambassador to the UN

Anyone who assumes that an everlasting peace would be within our reach had the Arabs negotiated immediately after the War of 1967 would not be far from the truth. We have strayed very far from the concept of comprehensive peace, and many problems have developed due to the passage of time. The concept of time is not a basic element in Arab political thought, which is one of the reasons why we are suffering from problems today.

Time has allowed Israel to create facts on the ground and to add new subjects to her agenda of national priorities. Jerusalem, settlements, and the refugees are all major problems that time has helped create. Jerusalem is one of the more complex problems, and there is a constant struggle between the two concepts of rights and material rights.

I have visited the West Bank, and it is the following issues that succeeded in leaving a lasting impression:

1. *The fragmentation and the fragmentation of the fragmented*: Israel has succeeded in making us accept the concept of fragmentation. We have jumped from seeking a solution with the other Arab nations to searching for an individual solution. Moreover, that individual solution itself was fragmented by the Oslo Accords, which is something that was not clear to the negotiators.
2. *Mystifying concepts*: Israel has isolated people's awareness of facts and rights, making the Palestinian land a branch and settlement the stem.
3. *Tactical separation*: Israel has caused the Palestinian Authority to become preoccupied in discussing minute issues, whilst forcing it to constantly defend itself against various accusations.

¹ Presentation given at a roundtable meeting held at PASSIA on 10 January 1997.

All of the solutions to the Question of Jerusalem were improvised between three main contexts: religious, administrative and political. The issue of Jerusalem is therefore a mix of all three. The city's worldwide importance and special status complicate the situation.

Moslems ruled Jerusalem for about 1,100 years, Christians for about 200 years, including the years of the British Mandate, and Jews for some 30 years. It was never the administrative capital of any of the Moslem governments. Amr Ibn Al-'As related to Jerusalem as the Moslems relate to Mecca, thereby separating the administrative capital from the religious capital. Even from the beginning, the Moslems realized that Jerusalem was not meant to be theirs alone.

If we accept that Jerusalem is the Jerusalem of today, and that any new additions included in its borders should remain a part of it, then holiness is of two types: divine holiness and human holiness, created by the city's mayor. The Holy Places and neighborhoods, meanwhile, are the creation of believers who felt the need to be in the proximity of a holy city.

The Holy City itself is the area within the walls, i.e., the Old City. This must have a special status - no flags should be raised, and it must not be placed under the authority of any one side. It must remain, instead, a religious city for all three religions and if it must have an authority, it should be the authority of God. Thus, the Holy City would be drawn out of the political arena, so as to avoid the possibility of war in this part of the world.

As for the rest of the city, UN Resolution 242 should be implemented. The eastern part should be placed under Palestinian authority, while West Jerusalem should remain under Israeli control.

Citizens of the Old City would share the citizenship, rights and obligations of their counterparts outside the walls, i.e.; Moslems and Christians would have Palestinian citizenship, while Jews would retain their Israeli nationality.

Each part of the city would have a name: East Jerusalem would become *Al-Quds* and serve as the Palestinian capital, while West Jerusalem, or *Yerushalaim*, would be the Israeli capital, and the Old City would be named *Jerusalem*. Psychologically, Al-Quds would extend as far as the Mosque and the Church, whereas Yerushalaim would extend to the Wailing Wall (Al-Buraq Wall).

The day-to-day affairs of Old City residents would be run by a special administration comprised of representatives of the three religions. The said committee would be responsible for everything from taxation to garbage disposal.

The issue of settlements in Jerusalem must then be solved in accordance with the general agreement concerning West Bank settlements.

As for responses, I heard that King Hussein, President Arafat and the Pope were pleased with the proposal. However, their pleasure originated from the fact that they are politicians and nothing more. The Israelis, of course, were not pleased with the plan.

Political inclusion and religious exclusion provided the basis for any peaceful solution to the issue of Jerusalem, and different administrations for Al-Quds and Yerushalaim were seen as a possibility. We must not forget that before 1967, Jews were not allowed to pray in Jerusalem.

The Israelis succeeded in bringing up the issues of political inclusion and religious exclusion in the negotiations with the Jordanians, and it became part of the Washington Declaration of Principles between Jordan and Israel. I strongly opposed the Declaration due to a fear that Jerusalem's complex nature would result in the Question of Jerusalem falling into a religious abyss.

JERUSALEM - LEGAL DIMENSIONS¹

MR. GUY SORMAN

Head of the Planning Staff / Special Advisor to the French Prime Minister, Paris

Three days ago, in the Israeli parliament, I spoke with MK Yossi Beilin about the Beilin-Abu Mazen paper. I am absolutely convinced that no solution will emerge from any academic proposal. The forces, not academic discussion, will dictate the final outcome.

Looking back at the diplomatic history of international affairs, we can see that people tend to work within a limited context, and all think the same thing at the same time. Something accepted at a certain point in time is no longer accepted at a future date.

For example, when we speak of the nation-state, theoretically nothing exists either before or after this state. In Palestine, the evolution of a nation-state is not clear because the people are larger than the state. As soon as you build the state you will be obliged to ask the following question: What relation is to be built between the people and the state?

It is difficult to appreciate the right of the people. The transfer of population is no longer diplomatically acceptable, but in 1945, a huge transfer of population took place in Germany and Poland, while in 1920, whole populations were transferred between Turkey and Greece. The diplomatic way of thinking also allowed population transfer in the case of Israel and Palestine.

In the 19th Century, Imperialism was a positive notion, yet with Lenin's book it became the work of the devil. Today, Imperialism is still considered a negative notion, but it evidently still exists in some places. US Imperialism, whereby the Americans, as superiors, impose everything, is an example. There is also Israeli Imperialism.

The 'international community' is a totally undefined notion, with little relation to the UN or Security Council. Rather, it is defined and created by the media. We should not remain victims of the title, which is merely an artifact, created by the dominant nations, and a means to limit thinking in international relations.

¹ Summary of a roundtable discussion held at PASSIA on 16 January 1997.

Young and old cultures are determined by demography. The French culture, for example, is a young one, for the end of the 18th Century changed the world. The Jewish culture, meanwhile, is old and divided. The people are tired, and no longer know what they are looking for. I reject economic determinism and cultural determinism individually, although a combination of both would be successful.

In the US there are two schools of thought pertaining to foreign affairs:

1. *Fukuyama school*: The Old World will turn into a liberal democracy. There will be no other ideology, and no internal ideologies. I do not agree with this model, as I believe it is too liberal. It simply ignores the fact that history is made up by countries - and not individuals - that function on mythology, which is also not mentioned by this school.
2. *Huntington school*: Claims communities cannot understand themselves. It tries to explain all conflicts using a clash of civilizations as a basis. It is interesting to see that of all the treaties signed between countries of different civilizations, very few did not work out. However, it is difficult for people from different civilizations and of different religions to negotiate and share a common contract.

I predict that nation-states will be formed, but these will not meet with the people's approval. The people will be in conflict with the state, which they will consider a costly and unsuccessful economic venture.

Federations will succeed, the EU being one example.

City-states (Singapore) will become a major actor in political and economic policy.

Region-states (nations without borders) like the overseas China and India are unlikely to become a major actor because they are not organized.

I consider the Jewish problem to be more serious than the Palestinian problem. Israel is a failure from the Jewish perspective, and everybody knows that. Religion and community rather than ethnicity unite it. The Jews are unsure of their future. The Jewish people represent a certain amount of ambiguity, and there is always the probability that they will choose to opt out at any time. In 1973, 600,000 people ran away from the country.

I can see a future Palestinian state with Jerusalem as its capital, but I would not be able to say with the same certainty that in 20 years there will be a Jewish state, or whether it will become like a fortress, or dissolve in the Middle East region. Israel is suffering from a large number of uncertainties.

A SCENARIO FOR JERUSALEM¹

DR. RON PUNDIK

Director, Economic Cooperation Foundation, Tel Aviv

There is no single or official Israeli position on Jerusalem and the position of the new government is very unclear. It has not, as yet, defined, crystallized, or even mapped the different options for the final status issues. Regarding Jerusalem, there is nothing on the table from the government's point of view.

The following position is based on the thinking of a group of Israelis, including myself, as well as of Palestinians to a certain extent. This group brainstormed and arrived at an understanding, which we hope could be a basis for peace in our area, bearing in mind that without a peaceful solution to the Jerusalem problem, there will never be peace in this region.

I would like to go back to the historical background, which is important. Exactly four years ago Yair Hirschfeld, Yossi Beilin and I came back from Oslo for the first time. Oslo, in fact, began with this three-headed mission. Yair Hirschfeld and myself were in the political crossfire, and Yossi Beilin was at the base, taking all the political heat. Yet, it was Yair who was the heart behind Oslo.

Oslo represents the first meeting with Palestinians and the Tunis-based PLO. It was not a shock for us, but definitely a milestone and a watershed for the entire peace process. Although it seemed far-fetched, we had the feeling that we were on the brink of a breakthrough - for one main reason. We went to the meeting fully aware that the PLO could be a partner in peace negotiations with Israel, but we did not have any proof, having never before met PLO officials. The message of the PLO and of Arafat was quite clear - that the PLO was the partner we sought. Gradually, we convinced Beilin, and then Peres, and finally Rabin that the PLO was the most suitable partner.

At the first meeting in Oslo, it was very clear to us that the Palestinian basic demand for the final status was a Palestinian state, with Jerusalem as its capital. At

¹ Presentation given at a PASSIA roundtable meeting held on 26 January 1997.

that meeting, we decided not to comment on anything, but the implicit and explicit messages were very encouraging. We did not deal with East Jerusalem, but it was clear to us that Jerusalem, from the Palestinian point of view, was something that could not be put aside.

Nevertheless, it was also clear to us, there at the meeting and during the five months of negotiations - the pre-negotiations - that there was no chance that any Israeli government would agree to include Jerusalem in the interim agreement or could survive had it chosen to do so. Due to this fact, Jerusalem became one of the issues postponed to the final status talks, like refugees and borders, etc. It was still too sensitive an issue at that early stage, when there was no real trust between the two sides, either as negotiators or as peoples. I believe that we are now heading into a period in which we will be able to discuss this sensitive issue.

However, we did deal with the question of the elections. From the point of view of the Palestinians, the issue of introducing Jerusalem, even through the back door, into the interim agreement was vital. The Israeli government did not want to include Jerusalem, but our trio and Peres believed that Jerusalem had to be tackled. There exists a group in Jerusalem whose members are not Israeli citizens. Although the Jerusalemites hold Israeli IDs, they are in a way - somewhat of a miracle - temporary residents who were forced to be temporary residents, and who are not Israeli. The Labor Party fought with Shamir to allow Jerusalemites to take part in the elections for the interim government, the Palestinian Council, and this meant that Jerusalem would be mentioned in the agreement. In fact, Annex 1 of the Declaration of Principles (DoP) includes a chapter that mentions the relationship of the Jerusalemites with the West Bank. Thus, in a way, Jerusalem was settled at that time as a specific issue. Both sides were aware that Jerusalemites are a special case.

The January 1996 elections showed Israelis, even though they see Jerusalem as the united, holy Israeli capital, that there is a large group of Palestinians who are members of the Palestinian government. Israelis simply prefer not to come to East Jerusalem, to Arab Jerusalem, or to Arab north Jerusalem. In mentioning Arab north Jerusalem, I would say that over 90 percent of Israelis are not aware that we have neighborhoods at the border of Ramallah that are part of Israeli Jerusalem. The fact that there is, if not a physical, at least a mental division of the city today, that those on the other side of the non-border took part in the elections to the Palestinian Council, and that Palestinians from the Council and even ministers are entering East or Arab East Jerusalem, has caused the Israeli public, since Oslo, to change their attitude towards the future possibilities.

A poll concerning Jerusalem was conducted amongst the Jewish population in Israel and one of most striking findings was that almost 80 percent of those polled are against any negotiations with the Palestinians on Jerusalem. Basically, this

says that we have nothing to talk about. Nevertheless, almost half of those polled said that if there were negotiations over Jerusalem, they would consider - in order to retain a Jewish majority - relinquishing large chunks of Arab Jerusalem to the Palestinian entity or state or whatever. This says that, on the other hand, there is an option to discuss the issue.

A different poll was carried out regarding a solution in Jerusalem, which was much more moderate. In this poll, 54 percent of Israelis said 'yes' to the option of 'sharing power' in Jerusalem. Thus, there is not one figure. We are in a process in which every day brings us closer to an acceptable solution. People are becoming more moderate and more realistic. What was considered taboo two, three or four years ago is becoming a reality today. One has to remember that not so very long ago, to meet PLO members was unthinkable and mentioning the PLO as a partner was like talking about a coalition with the Moonies. Today, I am fairly optimistic that reaching a solution for Jerusalem is possible, although many of my colleagues and friends would disagree.

In discussing Israeli positions regarding Jerusalem, besides the position which says that there is no solution, Jerusalem is ours and it does not matter what the Palestinians say, I would say that there are today two main extremes. One extreme says, "Well, let's divide Jerusalem and let the Palestinians have East and North Jerusalem, and the Jewish quarters can be placed under an alien autonomy, or even evacuated or something" - which I believe is impossible. This, in a way, corresponds to the extreme Palestinian point of view. On the other side, there are those who say, "Well, tough luck for the Palestinians; we occupied Jerusalem, we were attacked within Jerusalem and we annexed Jerusalem in 1967. It's enough that we are giving the Palestinians some autonomy. Maybe we will give a few Palestinians some autonomy within the city, but nothing to speak about. We are here to stay forever, etc. etc." Obviously, this is not a solution that is acceptable to either the Palestinians or many Israelis.

In talking about possible solutions, we tend to talk about Jerusalem as an isolated topic. We view Jerusalem as an issue or a geographic location on the map and say, "This is the problem; how are we going to solve it?" This is a mistake. Jerusalem should be dealt with and discussed as part of a large parcel because, at the end of the negotiations, it will not be dealt with as an independent problem but as part of a parcel in which there will be *quid pro quos*, or trade-offs. It might happen that we will give something to the Palestinian Authority, or the PLO, or the would-be state, and for this, they will give us something in Jerusalem.

I would like to speak mainly about Jerusalem, but within the framework of the final status issues. This is based on almost three years of research.

We finalized the agreement in Oslo in August 1993, and signed it in Washington on 13 September 1993. It came into power after being endorsed by the Israeli Knesset and the Palestinians a month later on 13 October. On that very day Yair Hirschfeld and myself landed in Tunis. Yossi Beilin was already there as part of the refugee working group delegation, and he met Arafat the day he arrived. The following day Hirschfeld and I met with Arafat. What we said to Arafat, among other things, was that now everybody would be dealing with the period of implementation. By this, we meant that we had the DoP and would now be dealing with Gaza, Jericho and the transfer of authority, etc, and then the issue of larger autonomy and what we later called Oslo II, etc.

Even before people started to think about an interim phase, we wanted to discuss a possible framework for a final status solution. This idea met with the approval of Arafat, who said, "Good, let's start with this phase." From then onwards, we have been engaged in thinking and dialogue. There have been groups, here and elsewhere, of Israelis, Palestinians and foreigners attempting to accumulate as much information as possible in order to come to some pragmatic options and guidelines that could provide a basis for negotiations.

The following is a brief description of a framework for a solution to Jerusalem. We believe that we do not need any more time to convince each other that dialogue between the two of us is the only option. I hope that Netanyahu understands that there is only one partner - the PLO - and only one option - coexistence. A solution should be found as soon as possible. The interim period should not exceed five years, meaning that we could finalize matters whenever we wanted to within the five-year period, which ends in May 1999. Furthermore, the framework we believe in should include, obviously, a Palestinian state as a basis.

The following framework is not the best option, or the ultimate solution, but it is, we believe, the most pragmatic solution. When I say pragmatic, I would like to give you the two extreme positions on each side. For example, regarding the size of the entity, the state, the Palestinians, now to their regret, did not accept the 1947 solution. Today they accept the post 1948 solution, but nothing less, meaning a Palestinian state in all of the occupied West Bank and Gaza, including Jerusalem. This is the basic Palestinian position.

The basic Israeli positions today are the minimalist and the maximalist. The maximalists would say no, there are no Palestinians and only Israel in the area of Eretz Israel. But this is too extreme. The minimalists would opt for a Palestinian mini-state, islands of a state, a castrated entity, within a sea of security, etc. There are many formulas, including the Jordan Valley under Israeli sovereignty, etc.

We believe that neither position is possible or realistic. A fairer solution for a Palestinian state should include all of Gaza and the larger part of the West Bank, mi-

nus the blocks of Israeli settlements, which would be annexed by Israel. Demographics, not security and land boundaries, should be the main guidelines: as many Israelis as possible in the minimum of West Bank territory. Moreover, the borders should be open between Israel and Palestine, i.e.; Israelis and Palestinians should be able to move around freely in the West Bank and Israel.

Security

The issue of security is important and we believe that the Israeli demand to have full sovereignty and a security presence along the valley and on every hill within the West Bank and Gaza is physically impossible. However, it is impossible to have a solution in which the West Bank or Gaza will be occupied by a Palestinian army *per se* without some Israeli presence. A pragmatic solution should include an Israeli presence, under Palestinian sovereignty, along the Jordan Valley, but only for as long as there is a threat to Israel. It should be limited in size and it might be, and perhaps should be, limited in time.

There should be many joint activities, like the joint Palestinian-Israeli police patrols we have today, in order to prevent terrorism and maybe an attack against Palestine by who knows who because the Middle East always surprises us. We believe that the Palestinian State must be demilitarized. There is no possibility that Israelis would accept a Palestinian army, although a strong police force is a possibility. There are also some other minor things but, by and large, everything should be agreed upon jointly.

Refugees

Without tackling the refugee problem, there is no solution. We believe that the refugees should be allowed to come back to Palestine, according to Palestinian possibilities: economic, etc. The right of return to Israel cannot and should not be allowed. Compensation should be a main factor, and the Palestinian refugees, wherever they are, should be rehabilitated. The Palestinian refugee problem should be ended and Israel should make a major contribution, both financially and as a player in an international body that would deal with the various other questions pertaining to the refugees.

As I am supposed to be talking about Jerusalem, I do not want to enter into all this too much, but what I would like to emphasize is that Jerusalem is part and parcel of the entire solution. Again, there is no solution for Jerusalem without solving the Palestinian refugee problem. As for the numbers allowed entry, these should be decided by the Palestinians without there being any attempt by Israel to limit them.

Water

Water is not a problematic issue.

Settlements

Settlements are a very sensitive and delicate issue for Israel. We believe that the majority of settlers, almost 100,000, will be included within the new Israeli borders. The rest of them will either receive compensation, like at Yamit, and come back to Israel, or will stay in the settlements under Palestinian sovereignty and law. This is not really practical and I am not very happy with this solution. There is also the possibility of them becoming residents of the Palestinian state, but whilst bearing Israeli citizenship. I believe personally that it might be a problem, but perhaps not a big one. I would like to see Israelis living in a State of Palestine, but Israel should not coerce the Palestinians into accepting Israeli settlers. Personally I would like to see Palestinians living in Israel and Israelis living in Palestine.

Jerusalem

Jerusalem is, has always been, and probably always will be the most problematic issue within the negotiations. Israelis do not even know what Jerusalem is, nor are they aware of where its borders are situated, or the fact that there are Palestinians in Jerusalem who are running their own lives, their own culture, their own health system, etc. Jerusalem is a symbol for the Palestinians, the Israelis, the Moslems, the Jews, and of course the Christians, and it is because Jerusalem is a symbol that touches this sensitive nerve within both our communities that it is something that will create problems. I believe that what I suggest is possible, but it will not be digested easily by anyone, whether Palestinian or Israeli, Moslem, Christian or Jew. I think that the two leaderships must be brave and say to their people that, in order to finalize and sort out, once and for all, the Israeli-Palestinian conflict, we must be brave concerning the Question of Jerusalem.

Because of Jerusalem's sensitive nature, we should be more innovative regarding the city. To be more specific, we believe that Jerusalem should be divided into three sectors.

The Palestinian-Jordanian Jerusalem, which included the Old City, was very thin and small. Nevertheless, in 1964, there was a Jordanian master plan for expanding the borders of East Jerusalem. It was authorized in 1966, but never implemented officially - however it gives us some hints about what we believe should be done.

Today, the last neighborhood of Jerusalem borders Ramallah. Now if we ask a typical, not very knowledgeable Israeli, what Jerusalem is and ask him to look at a map and say, "Draw Jerusalem," probably he will end it somewhere near Beit Hanina. He would never imagine that our sovereignty extends till the south of Ramallah. And I would like to remind us all that the Palestinians are more aware than the Israelis that the Israeli checkpoints are outside the municipal borders. But Palestinians are coming to PECDAR and places in south Ramallah without stop-

ping at any Israeli checkpoint. The area they visit is ostensibly under Olmert's jurisdiction and sovereignty, but nevertheless, it is regarded by many as Palestine or Area B, despite the fact that it is in Israel proper. This provides an example, which we could copy later for Jerusalem, because people are coming and going, yet there are no bombs, threats or problems.

The 1967 Jerusalem borders were drawn randomly with little thought yet Israel views the entire area - West Jerusalem, East Jerusalem, North and South Jerusalem - as Jerusalem. The 'new' Jerusalem has been enlarged to include Givat Ze'ev, Beit Hanina and Ma'ale Adumim.

In the solution Israel would not annex the Arab areas. The 'new' Jerusalem would have some areas under Palestinian sovereignty and some under Israel's. The rest of Jerusalem - East Jerusalem - could be considered 'disputed areas', but the larger areas would all be one and open. The Jewish capital would be West Jerusalem, while the Palestinian would be Abu Dis or Izzariyah, but not Wadi Al-Joz. It would be a city with two large communities, two individual municipalities, Palestinian and Jewish, and one ceiling municipality, because so much has to be done together. But taxes, culture and education, etc. would be separate. East Jerusalemites would be Palestinian residents with Israeli documents because they would be living within the disputed areas. Zoning and planning would be within the borough.

The area of the Old City, including the Mount of Olives, the Valley and Silwan, would be considered the 'holy area' and should be given a unique status. Some areas would be self-run. Al-Haram Ash-Sharif compound would be under Palestinian ex-territory *de facto* sovereignty, and there could possibly be a limited police force. The issue of the Christian sites would be complicated, but they would come under Palestinian sovereignty.

Jerusalem would remain one open city with some areas of joint and shared interests, for example, an airport or industrial areas. There should be many joint ventures, as these will strengthen relations and, in any case, separation is not really an answer.

This is not the best solution for either side. If we can create coexistence with two states and a clear understanding, then the fact that we have 'disputed areas' would create a *de facto/de jure* clear line of separation and identity. Despite its potential to hurt the Palestinians, the major step they must make towards peace is to give up part of their dream. We are being pragmatic because we know our constituency and this is something that can be digested.

NEGOTIATING INTRACTABLE ISSUES: JERUSALEM¹

DR. MAHDI ABDUL HADI

Head of PASSIA, Jerusalem

In talking about Jerusalem, I would like to focus on the following three points: the importance of the Question of Jerusalem and its various dimensions, the different phases of negotiations concerning Jerusalem, and the question of where we are today in terms of negotiations.

Let me begin by summarizing the main issues that make the Question of Jerusalem so important. The first issue is that the Question of Jerusalem is a national one, embracing a land that is the homeland of a people whose basic national rights - namely freedom and self-determination - are being denied. For Palestinians, Jerusalem is the people's capital, their national address. So many Palestinians died in its defense in the face of so many conquerors, yet its protection remains their greatest national cause.

The second issue involves the question of sovereignty. There are many new interpretations of sovereignty, but in this instance, the actual state of sovereignty is related to the philosophy, context and outcomes of the Palestinian/Arab-Israeli conflict. Arab sovereignty in the remainder of the Palestinian homeland must include the right to govern, to reside and to move freely in Jerusalem.

The third issue is the centrality of Jerusalem. The largest Palestinian city, Jerusalem is the center of all the important components of Palestinian daily life: culture, education, healthcare, business and tourism. All cities, towns and villages are connected through the activities that take place in Jerusalem, the place in which both the geographic and demographic integrity of the Palestinian homeland are centralized; this, despite all Israeli attempts to ensure its isolation from the rest of the Palestinian Territories.

The fourth issue is that Jerusalem is an Arab Christian-Islamic city. It has a Christian identity embodied in the Christian faith, in Jesus and his life and in the Christian holy places. It also has an Islamic identity, embodied in Islamic ideology, in

¹ Lecture given at the PASSIA Seminar on Diplomacy and Conflict Resolution, 7 March 1997.

the fact that Jerusalem was the first *qibla*, the point to which Moslems direct themselves in prayer, and the site of the famous nocturnal journey of the Prophet Mohammed, mentioned in the Holy Qur'an. Its Arab identity, meanwhile, is embodied in the Arab culture, heritage, buildings, Christian and Islamic Holy Places and the harmonious coexistence of Moslems and Christians, which goes back to the 7th Century.

The fifth issue is the question of different intertwined symbolic dimensions. As a historical city, Jerusalem has many holy, political, central, national and geographical dimensions, and many different demographic constituencies with their different institutions. It belongs to all believers, all of whom need free access and to enjoy the right to reside as citizens under a fair and just administration and democratic rule. And finally, it is a central issue in the Palestinian-Israeli conflict. One cannot simply separate these issues from each other.

Let us now look at the different phases of negotiations on Jerusalem. In order to understand the first phase, which lasted from 1967 to the early 1980's, one should study carefully the minutes of the early meetings between the then Israeli Minister of Defense, Moshe Dayan and Palestinian notables and mayors. The following is taken from a conversation that took place between Dayan, Palestinian advocate Aziz Shehadeh and Mayor of Nablus Hamdi Kana'an on 16 April 1968:

In one of his questions, Dayan asked: "Do you, the Palestinians, with or without Jordan, want to conclude a separate peace with Israel, without committing yourselves to Egypt or Syria?" The second question was: "There will be no change in the status of Jerusalem. It is possible to solve the question of the Holy Places and religious institutions?"

The Palestinians replied: "We must not extend a hand to the Israelis unless we are willing to extend the other hand to the Arab states. If we became secessionists and separated from King Hussein with the Arab agreement, there would be no settlement and we would not gain anything." Other Palestinians added: "Without solving the Jerusalem issue with all its different aspects, instead of limiting it to the Holy Places or institutions, there will be no settlement."

During that phase, people in the Occupied Palestinian Territories (OPT) including the Jerusalemites, were waiting for a solution to come from outside. The 'inside' leadership that had emerged, made up of notables, members of the large and wealthy families, and the elected mayors, were reluctant to accept any responsibility for negotiations. This was not only because of their weak constituencies or because they represented only one third of the Palestinian people, or even because the PLO, the 'outside' leadership, would not allow them to hold independent meetings and negotiations with the Israelis. It was because, in this phase, the conflict was an Arab-Israeli one that was still in the very early stages of becoming

Palestinized. No Palestinian leader, whether from the inside or outside, was prepared to consider separate negotiations with Israel without an Arab umbrella, nor to separate the Question of Jerusalem from its context and limit it to the Holy Places and institutions.

The Israeli strategy from day one of the occupation was annexation, assimilation and the Judaization of Jerusalem. Israel's strategy soon became clear in the official statements of the Israeli leaders, the Israeli Knesset's decision to annex East Jerusalem and the Israeli policies and practices of confiscating land, building settlements, and moving Israeli people and institutions to the eastern part of the city, which was occupied in 1967. The western part had already been Judaized between 1948 and 1967, despite Palestinian property rights and the non-acceptance and non-recognition by all countries, including the US, of changes to the status of Jerusalem or Israeli attempts to have it as accepted as the capital of Israel.

During the *Intifada*, the *status quo* was changed, and a new civil society began to develop under a new generation of Palestinians, represented by local activists, professionals, and the unified leadership of the *Intifada*. The seat of authority of the *Intifada* evolved in Gaza, moved to Nablus, and then settled in Jerusalem - only after this last move was it finally recognized and approved of by all Palestinians.

It should be noted that although the Israelis had made several attempts to invite the outside leaders to enter a dialogue since as early as 1986, there had been little progress. The *Intifada*, however, led to a revolution in Palestinian thinking: we realized that we had to fight for and negotiate on what remained, i.e., about 22 percent of Palestine. We realized that we had to accept a two-state solution arrived at through negotiations. Therefore, during the *Intifada* negotiations with Israelis were continuous.

For example, a Palestinian-Israeli meeting was scheduled to take place on 2 August 1990 at the Notre Dame Palace Hotel in the hope that it would result in the signing of a declaration that accepted the use of negotiations as a tool to reach coexistence. But on the same day, Iraq entered Kuwait and the two delegations went to the meeting place, not to sign the declaration, but to declare their new positions. The Israelis went to declare 'divorce' as expressed clearly in an article in *Ha'aretz* by Yossi Sarid from Meretz: "I am going back to my sealed room. I do not want to see, to hear, to talk. I am afraid." The Palestinians, meanwhile, went to tell everybody, "Yes, we are part of the Arab World, which is divided, and which reflects its division on us. Some of us are against the invasion, others would like to see Arab conciliation and interference in this conflict, while a third group supports Saddam, as is clear in the streets of Nablus and Gaza."

When the opportunity to go to Madrid arose, the local leadership convinced the PLO to send a delegation that included Haidar Abdul Shafi and Faisal Hussein.

The negotiations revealed a new Palestinian face to the world and led to global acceptance of the PLO as a reliable partner. The local leadership, meanwhile, presented the plan for PISGA (Palestinian Interim Self-Government Authority). Then, the negotiations in Washington began. They were a nightmare for the PLO, because it was unable to control them directly. Thus, it opened five secret channels in different locations and with different intermediaries to conduct negotiations with the Israelis, accepting among others the setting offered by Terje Larson. The position of the Palestinians at that time was to demand a Palestinian state in the West Bank and Gaza with Jerusalem as its capital, but the Israelis convinced them to talk about things that both parties could actually deliver. In spite of the ongoing conflict, we were able to reach a stage of mutual recognition and to finally accept each other as a partner in the peace process.

Now, what about Jerusalem in the negotiations? What can, and what cannot, be sacrificed? On what kind of issues is it possible to compromise? In 1948, Jerusalem was divided and West Jerusalem came under Israeli control. In 1967, East Jerusalem also found itself under Israeli rule when Israel occupied it. It is clear, today, that by postponing the issue of Jerusalem to the end of the current negotiations, there will remain nothing to discuss. But I now want to present the different scenarios for Jerusalem envisioned by the various sides, and the different dimensions involved.

At the moment, there are three main scenarios for Jerusalem: a closed, a divided or an open city. Among both Palestinians and Israelis, there exists a preference for an open city, a physically undivided city for two peoples and three faiths. But I want to stress that there is still no agreement on anything, and the road between the discussion of ideas and scenarios and reaching agreement on a mutually acceptable solution promises to be long and arduous.

Peres, for example, envisioned a Jerusalem with the three major dimensions of religion, politics and civil affairs. The first dimension provided for the governing of the Holy Places by the religious leaders, the second, for Jerusalem being the Israeli capital, and the third, for having two separate municipalities in the city. The Abu Mazen-Beilin document, as a second example, provides for the expansion, renaming and sharing of the city.

What are the dimensions that have to be taken into consideration when talking about a solution for Jerusalem? What kinds of goods are on the table, waiting to be negotiated upon?

- (1) *The geographic and demographic component:* Before the War of 1967, West Jerusalem covered an area of 53 square kilometers and had 195,000 inhabitants, while East Jerusalem covered six square kilometers and had 75,000 inhabitants. When Israel seized all of Jerusalem in 1967, and subsequently

announced the 'unification' of the city, a modern myth was born; in fact, Jerusalem has been forcibly turned into a Jewish city through the illegal Judaization of Arab East Jerusalem. A total of 28 settlements have been added to the city. There are 330,000 Israelis in West Jerusalem and about 150,000 Jewish settlers in the eastern side. Some 160,000 Palestinians live in East Jerusalem, with an additional 50,000 Palestinian Jerusalemites residing in the suburbs of Jerusalem, having been driven outside the city's boundaries.

The Israeli authorities have proceeded with their depopulation policy in a series of waves. The 1968 Master Plan for Jerusalem envisioned expansion in three phases. The first phase involved the construction of buildings on former non-Jewish land, to eliminate the physical barriers that marked the two parts of the city; the second, the encircling of Arab land and villages with Jewish settlements; and the third, the building of a belt of outlying settlements in order to secure control over 'Greater Jerusalem'. Over the years, 34 percent of East Jerusalem has been expropriated, while 56 percent has been designated 'green land', which is effectively the same as confiscation, meaning that all that is left today for the Palestinians is 14 percent. Israeli policies succeeded in bringing the population ratio to the level of 72 percent Jews to 28 percent Palestinians.

- (2) *The national and political component:* Historically, Jerusalem has been part of Palestine, and the Palestinian heritage is deeply rooted in the city. Jerusalem is related to the land and people of Palestine and to their Moslem-Christian beliefs and holy places. It is of great importance to all Palestinians, not only as a holy city but also as the political, geographic, economic and cultural center of Palestine. It is the capital of the Palestinian people; it is the symbol of Palestinian national identity and of the inalienable rights of the Palestinian people. Its Arab roots go back 5,000 years to the time when the city of Arab Yabous (Jerusalem) was founded. Jerusalem is thus identified with Arab culture, heritage, architecture and significant monuments, and there is an agreement on the urgent need and duty to preserve Jerusalem, with all its sites, as a historic city. Against the background of centuries of Moslem rule and the uninterrupted Arab presence in the city, no one can justify the policies and practices of 27 years of Israeli occupation and ignore almost 1,400 years of Arab Moslem-Christian rule.
- (3) *The religious component:* The religious claims of the three monotheistic religions to Jerusalem are each unique, with each religion having its own form of attachment to different places in the city. Jerusalem's holiness complicates any attempt to solve the Question of Jerusalem and is often used or manipulated to attain non-religious goals. Yet, the meaning of religious attachment to the city was and remains a major concern. As well as its Jewish heritage, Jerusalem is a city with Arab, Islamic and Christian heritage. Its Islamic identity

derives from the fact that it was the site of Prophet Mohammed's nocturnal journey, *Isra' and Mi'raj*, the original *qibla* for Moslems, and the site of Islam's third holiest shrine, Al-Aqsa Mosque. It is also the site of the Holy Sepulcher, other important churches, and the Mount of Olives.

Limiting the problem to the Holy Places is not appropriate; the right to live and to practice one's religion in the city must be guaranteed. This is what an open city must provide for. We have all learned from the experience of sharing religious sites, such as the Abraham Mosque in Hebron; exclusivity, however, is also not an answer. We need to understand the other's religion in order to be able to reach an agreement. Religion has to be seen in the context of the land, the people and their rights.

- (4) *The legal component*: Today, the struggle over Jerusalem is basically a struggle over property and control. There is no legitimacy or license under International Law or international resolutions passed since the beginning of the century, including UN Resolutions 242 and 338, that allows Israel to take over Arab land in occupied Arab East Jerusalem. International Law prohibits the annexation of territory by force. East Jerusalem is regarded as occupied territory and Israel's activities in this part of the city (such as settlement construction, Israeli population transfer and annexation) are considered illegal and null and void. Moreover, certain articles of UN Resolution 194 relating to compensation and the right of return are still being twisted by Israel in regard to Arab properties in West Jerusalem that were confiscated by Israel in 1948. In the course of the War of 1948, some 64,000-80,000 Palestinians were forcibly driven out of West Jerusalem and its immediate vicinity, and all the property left behind was declared 'absentee property'. It should be noted that immediately prior to the war, 40 percent of property in West Jerusalem belonged to Palestinians and 34 percent to the Waqf, churches and government of Palestine, while a mere 26 percent belonged to Jews.
- (5) *Security and equality*: The security concerns of both sides must be recognized. This does not just mean military security: I am talking about the need for mutual recognition and the sharing of responsibilities. There should not be exclusive access for one people at the expense of the other. But, the question of equality should be seen as a general principle rather than in every detail; equality can, in many cases, be reached through reconciliation and by widespread acceptance of the principle that people are equal under one law. Welfare and social services have to be supplied according to equal principles. And, most importantly, there should be equal residency rights.
- (6) *Institutions*: When, in the course of the June War of 1967, Jerusalem was occupied in its entirety by Israeli forces, many of its Arab inhabitants were evicted and their property seized or demolished. When East Jerusalem was annexed

and subjected to Israeli Law, Palestinians refused to accept Israeli sovereignty over the city, choosing instead to resist by means such as stressing the illegitimacy of the occupation, refusing to join the Jerusalem Municipality and trying to preserve the Arab character of the city. Palestinian resistance in Jerusalem can be traced back to the very beginning of its occupation in June 1967 when Sheikh Abdul Hamid As-Sayeh, the Chief Judge of the *Shari'a* Court of Appeal (Jerusalem), issued an Islamic *fatwa* that clearly supported the refusal of the Moslem community to be governed by Jewish/ Israeli Law.

This resulted in the preservation of Palestinian commercial and other major institutions, including the Arab Electricity Company. Although the Arab Municipality in Arab Jerusalem had been dissolved and closed, its premises having been forcibly seized by the Israelis, while the control of public services had been taken over by the Israeli Municipality in West Jerusalem, Arab neighborhoods continued to exist as separate communities and the Palestinians refused to become Israeli citizens and boycotted the municipal elections. The Palestinians succeeded in maintaining key institutions such as medical centers and hospitals, the *Shari'a* courts, societies, tourist offices, intra-city transportation networks, as well as centers and forums providing scientific, cultural and educational research, information and services.

Jerusalem is not united, it is occupied, and the borders between both parts of the city have not disappeared; the physical borders of the past have merely been replaced by the psychological, invisible borders of the present. Meanwhile, the presence of settlers who seek to destabilize existing Palestinian society from within has introduced an insidious new threat. Palestinian security needs can only be met by putting an end to the Israeli occupation and by recognizing and guaranteeing Palestinian self-determination and the right to self-defense against external aggression or internal subversion.

- (7) *Settlements*: There is a need for an immediate end to all settlement activity and confiscation of land in Jerusalem. The question of settlement is not limited to Jerusalem; it concerns all the OPT. Nowadays, 13 settlements surround Jerusalem and isolate it from the rest of the of the OPT. When the final status talks deal with the question of settlements, the discussion should include those 13 settlements as well as they are undoubtedly illegal and a major obstacle in the path of peace.
- (8) *Economy*: The economic damage inflicted upon the Palestinians under occupation needs to be rectified. Jerusalem's economy is part of the economy of Palestinian society; it enjoys, however, special advantages due to the city's status as a center of tourism and pilgrimage. Jerusalem could become the economic center of Palestine once the closure is lifted.

The Future of Jerusalem

The problem of Jerusalem will not be solved unless the rights of *both* peoples, Israeli and Palestinian are recognized, and the occupation of East Jerusalem comes to an end. Israel's recognition of the collective rights of only one population, the Israelis, is illegitimate. The authority that currently rules the entire city is also illegitimate. This has to be acknowledged by replacing the current system with a new one that is based on sharing the city: what is needed is the establishment of *two* capitals, *two* sovereignties, and *two* municipalities, allowing both peoples to live independently next to each other in an open and free city: 'Separate and share!' Both Israelis and Palestinians must be allowed to run their own affairs independently, to function independently, to make their decisions independently, and to take responsibility for their own society's daily life and concerns. This is the key to coexistence. On this basis, we then can cooperate and coordinate on issues with which we are both concerned, such as water and electricity. It must be possible for me, as a *Palestinian*, to address my own authority on any matter and turn to my own elected *Palestinian* leadership. I am a *Palestinian* citizen in *Palestinian* Jerusalem and I should be governed and guided by *Palestinian* policies, laws and bylaws. To achieve this aim and to end hostilities, military occupation and confrontation in the Holy City, peace has to be given a chance, starting with mutual recognition of each other and each other's rights. We should not postpone this crucial issue any longer. Let us start living together, separate but equal, in our city of Jerusalem; let us, together, share its goods, preserve its holy sites and historical monuments, and develop the city's economy. Let us work together for a better future.

ON JERUSALEM¹

MOSHE AMIRAV

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I have some ideas about Jerusalem that I would like to share and develop with you. I have discussed them with the Chairman in Tunis and I have discussed them with Faisal Hussein. In fact, it was Faisal who suggested that I discuss them here at PASSIA with lawyers and academics.

First, let me introduce myself. I was a Likud member and a member of the Jerusalem City Council and I have worked with IPCRI. I have also served as the head of the Engineering and Roads Department in the Jerusalem Municipality. At the moment, I am not doing any of this but am teaching a class on international politics at Haifa University and one on conflict resolution at the Hebrew University in Jerusalem. My Ph.D. thesis dealt with Israeli policy in Jerusalem. In fact, I have written a lot on the subject of Jerusalem. My approach is clear: we need a dual capital for two people with two separate municipalities.

Secondly, I would like to evaluate Israeli policies in Jerusalem over the last 30 years:

1. What Israel has achieved in terms of its targets set in 1967/1968 is to maintain the *status quo* until today. It had a long period of time to establish facts on the ground and to create a geo-politically new Jerusalem. It has not, however, succeeded in creating an irreversible situation despite building settlements and increasing the settlement population in East Jerusalem. Even though half of Jerusalem's Jewish population now lives in East Jerusalem and about 40-45,000 housing units for Jews have been built in the east, people and policymakers alike do not feel that the facts are irreversible; the general perception of the population ratio Palestinian/Israeli is 50:50.
2. Israel's goal – from the early 1970s onwards - to create a vast Jewish majority (over 80 percent) in Jerusalem has not been achieved. One reason for this is

¹ Presentation given at a PASSIA roundtable meeting on 26 March 1997.

that the borders were expanded in 1969 in a way that included 30,000 Palestinians more than before. Today, in the Jerusalem municipal area, 30 percent of residents are Palestinian and 70 percent Israeli. In Greater Jerusalem, meanwhile, 50 percent are Palestinian and 50 percent Israeli.

3. Israel has failed totally in its attempts to improve Jerusalem's infrastructure. The city is today placed 34th on the list of poorly rated cities, which puts it at the same level as Bnei Brak. The low status and welfare level is closely connected to the Palestinian and Ultra-Orthodox presence in the city. Prosperity has not been achieved: Jews with a high level income prefer to leave the city.
4. The Israelization of the city has not been achieved: attempts to integrate the Palestinians have all failed. Today, there is a deeper segregation between Palestinians and Jews than ever before, which is something that Meron Benvenisti refers to as the 'geography of fear' that evolved with the *Intifada* and has yet to vanish. Jerusalem is the most divided city of all with a mixed population.
5. In addition, Israel failed to obtain international recognition of its unilateral actions in Jerusalem.
6. Until now, Jerusalem has been last on the Israeli agenda. Soon, however, it will be transferred to the top of the list.
7. In conclusion, it can be said that Israel has not achieved most of the policy targets it set for itself in Jerusalem in 1967/68.

What, then, are the solutions that are being proposed for Jerusalem? Many of today's suggestions are idealistic. Let me give you some examples:

1. There remains a consensus in Israeli society that the *status quo* in the city should and can be maintained. This is a utopian approach that has been valid for three decades. However, now its base is shaking. There is a growing minority that is thinking the previously unthinkable, i.e. "Maybe Jerusalem is not only ours and we may have to compromise." The *status quo* solution is still prevailing, but there is some gradual readiness for change.
2. Another proposed solution, discussed, for example, between Sari Nusseibeh and myself, is to eliminate nationalism from the city, preserving Jerusalem as a holy city for all religions. While Jerusalem would be the spiritual capital, the political capitals could be in Tel Aviv and Gaza or Ramallah, as Sari suggested. This is also an idealistic and unacceptable approach.
3. Another idea is that of a dual capital, i.e., one city with two capitals.

What, then, can be done? I believe that we need to try to find objectives that are commonly acceptable to both Palestinians and Israelis, which means that we must find a just solution for the city. This leads me to the question of municipalities. I discussed the idea of attempting to build on an infrastructure for a shadow municipality with Faisal Husseini and Chairman Arafat. Two capitals in one city is not a practical idea, whereas the idea of two municipalities is. What can be done about this today? We should think about it now and try to define the objectives. I am not talking about politics or nationalism but about a municipal approach. We can build a reality and we can establish facts on the ground. This is an idea that can be implemented.

An infrastructure for a Palestinian municipality already exists: not only are the Palestinian neighborhoods homogenous, but there are also services in the areas of economy, education, transport, business, health, culture, religion, and welfare. Municipal autonomy could be based on this system.

I propose to do this through what we call an '*amutot*', i.e. an association with a legally independent status registered under Israeli Law that raises money, gives services, confronts the Israeli Municipality and prepares plans for the population. I say this against the background of the facts that less than four percent of the Municipal Budget is spent on Palestinians in East Jerusalem, that infrastructural services in East Jerusalem are seriously lacking, and that all new neighborhoods approved and built have been Jewish only. The only feasible way is a non-violent approach that creates facts on the ground. It would have a huge psychological effect if you were to take your own initiatives and organize your own services. With such an approach you would be able to reach and influence international and Israeli opinion in a positive manner. Make it clear that *you do not want* Israeli services nor Israeli promises to build houses for Palestinians. The Israelis talk a lot, but you have to bear in mind that they neither want nor intend to do what they promise to do. What you read about today in the papers will take at least five years to be implemented. Believe me, I am familiar with the procedures.

I am not suggesting that Palestinians collaborate with the Israelis or stop paying '*armona*', but that they show the Israelis that they have the ability to go out and obtain funds and establish services, beginning with garbage collection and ending with planning. They must make it clear that they do not want Israeli services or housing. In East Jerusalem, the Arabs have never come and proposed a neighborhood plan to the Municipality or challenged the Municipality in court. What I suggest is that they should build the infrastructure as a first step towards municipal autonomy. Consider it a semi-political, semi-intellectual exercise. I am ready to help in this and I know that others - architects, people from the Municipality, etc. - are also ready to help.

DISCUSSION

Dr. Mahdi Abdul Hadi: Allow me to remind you of the previous attempts and scenarios:

- a) In 1990 and 1992, we made several suggestions to the PLO leadership in Tunis regarding reestablishing the Arab Municipality of Jerusalem.
- b) In 1992/93, there were over 40 meetings here at PASSIA, in which all sectors of civil society including religious leaders were represented, the idea being to design a local plan for reestablishing the Arab Municipality of Jerusalem. The summary was published in Usama Halabi's book: *The Arab Municipality of Jerusalem*, PASSIA 1993.
- c) Some Israeli peace activists suggested that we come up with a list of Palestinian candidates for the municipal elections in 1992. The main problem with the idea was the one that has existed since 1967: Why should we now recognize and legitimize the annexation of East Jerusalem? For what should we pay such a price?
- d) Other ideas were to register 'our council' according to Israeli Law. Here again, the question was why should we legitimize the Israeli occupation by working within the Israeli system?
- e) The problem we are facing is that if we accept the *status quo* and do not act on behalf of our civil society and our rights in Jerusalem, by the end of the day, there will be nothing left for us to negotiate on!
- f) One of the other ideas at that time was that we could be represented by a group of Israelis (9 seats out of 30) to be elected by the Palestinians in Jerusalem and represent their interests in the municipal council. The answer was that 'representatives' would, despite enjoying our legitimacy, be unable to change anything.
- g) Another idea was to focus on the neighborhood councils.

In short, we have not achieved any of this since 1992! We are crippled in the city, isolated from the West Bank and there cannot be open coordination with our leaders. I think to raise the flag over a municipality only is not enough; the question is too political. Where do we go from here? What are the scenarios, the alternatives, the steps to be taken?

Moshe Amirav: On 7 June 1997, there will be a census. I imagine that you could establish and register such an association according to Israeli Law prior to that date and then, with the census, have people sign as members of the association.

Usama Halabi: But we will never get such an association registered. According to Israeli Law, such an association must not pursue political activities. When we want to register such an association, the Israelis will at once say that its aims are political!

Dr. Abdul Hadi: What can we do then, when we establish an association like this that we call 'Al-Quds', for example, and then it is not allowed to function or the authorities will not recognize its founders or its establishment?

Jawad Boulus: We have this situation already. There are several 'amutots' that are constantly threatened by closure. The Israelis will always interfere in the game. The problem is you cannot disconnect the project from its political outcome. This is clear when you look at the issue of the blue ID cards.

Hanna Siniora: Another example is the Arab Moslem-Christian Council that has been waiting for over a year for its application to be registered as an 'amuto' to be approved. Another approach could be to do it without registering with the Israelis. We could create an Al-Quds council the same way as we created the existing Moslem-Christian Council and have elections for the representatives in the neighborhoods.

Dr. Anis Al-Qaq: There are many Palestinian organizations – the Al-Hakawati, for example - that are registered as 'amutots'. Yet, the Israelis have closed the Al-Hakawati or threatened it with closure many times, using Law 101. For us, the question of legitimization is important; for us it is a question of survival. If we do not act now, we will find nothing to negotiate on because so many facts will have been changed on the ground. The economic reality is that the Jerusalemites pay taxes, 'amona', everything. Why should they then expect services from an institution other than the Israeli Municipality? All steps taken in East Jerusalem by the Israelis are against International Law. The only way now is to challenge the Israelis on the political agenda and stop the peace negotiations. The idea of developing our own infrastructure is good. With the help of the donor countries we can create job opportunities, provide services, and prevent our people from moving away from Jerusalem.

Ahlam Abbasi: Why do we only see the negative points of what Mr. Amirav suggested? I think he is right: we need to plan for our neighborhoods. We never did this and therefore, we do not have any development today. What I want to know is does the proposal mean that we should no longer pay 'amona'?

Hanna Siniora: When about 90 percent of the Palestinian Jerusalemites vote in favor of such an idea, we should stop paying 'amona', provide our own services and issue new Palestinian identity cards.

Dr. Mohammed Jadallah: The fact is that Jerusalem is a divided city that is witnessing an ongoing conflict. It is a political problem. What then is the object of the proposal? How can we solve a political problem with a social service approach?

Moshe Amirav: Maybe you did not understand my idea correctly. The founding of an 'amutot' is only one example, a tool. The idea is to do something positive in Jerusalem. Violence will destroy all the chances, and the alternative is to do something that is political but on a municipal level. You have to do something because, as Dr. Abdul Hadi pointed out, if you wait for the political process, there will be nothing left. You need to create political facts.

Adnan Joulani: I want to prove that it does not make much sense to fight something like this through the Israeli courts. An initiative that proposed building a settlement road through open space instead of confiscating land and demolishing houses was turned down not so very long ago.

Dr. Abdul Hadi: We also have been thinking about such a civil society initiative or approach for the past few years. Allow me to summarize what I read in your approach. You envision an organization that is registered as an Israeli association and works through the neighborhoods. But the Israelis can close this Arab municipal body any time. Another approach would be to negotiate directly with the Israelis on having a separate municipality, but we had these negotiations with Labor in 1993! So, if we do not want to go through the Israeli system, how can we now do it totally independently? What are the technical steps involved?

Moshe Amirav: The problem is if you do it totally independently, you cannot stop paying the 'amona', because Israel will cut your water and electricity supplies. In this case, Palestinian ID cards will only be symbolic. If you establish an association, the ID cards will give you rights. But even if you choose the first option, it will be a political shock. Show the entire world, including the Israeli public, that Israel is not providing services to East Jerusalem. People do not know this. The idea is to do things now, because the Israelis are doing things now. You do not need to negotiate on this; you need to take the initiative.

Jawad Boulus: I think we should consider the positive points in this idea. We actually do not have a plan for Jerusalem in our national program. Now, the reason why we are reluctant to formulate one is the lack of resources and the fear that our political position will be damaged. But it is true, East Jerusalem as the future capital is only a slogan. We do not have a plan, a program for Jerusalem. I think, it is true; the two approaches are not antagonistic. The experiences with 'amutot' up to now have not been very successful, but this might also be because they have not been planned carefully. We need a comprehensive program with alternative options and well-planned steps. And I agree that somebody has to start.

Usama Halabi: I agree. The initiative has to begin. We need an agenda for Jerusalem. The problem is not only the building of Har Homa but also the plans to build 'Har Homa B' and enlarge Ma'ale Adumim, which will lead to the splitting up of the West Bank. We need to be aware of what is going on so that we can act

and plan for the future and not only react to Israeli politics. This could also be a task for such an association. Then, we should check the situation carefully and determine whose land is involved and whether it has been confiscated. If it has not, then we should go ahead and build on the designated area of 'Har Homa B' ourselves. We can also have ordinary people, not political figures, as the founders of the '*amutots*' instead of the people around this table.

Moshe Amirav: In any war, it is important to choose one's battleground carefully. You cannot win on the battlegrounds of land or the status of Jerusalem, but you can win the battle in the field of services. That is where you should fight.

Dr. Abdul Hadi: But the Palestinians are already providing all these services. The only thing we need is centralization and a national address, i.e., Orient House. Actually, we also need to concentrate on the most important issue, namely land. You are suggesting we divert the battle. This reminds me of Mr. Shamir's autonomy plan, in which he proposed "autonomy for the people and not for the land!"

Hanna Siniora: The target is a body that functions. There are two major issues that confront us at the moment: the Israelis closing Palestinian institutions and the fear of more Palestinians losing their ID cards. My idea is to have a dual approach: not confronting Israel now but starting to build our institutions, maybe with the help of something like a token '*amona*' to be paid to the Palestinian address.

Dr. Abdul Hadi: We are talking here about Jerusalemite citizenship without Israeli approval. You suggest another exercise in sacrifice such as that we experienced during the *Intifada*. But are Jerusalemites ready for this? I do not think so. Also, if Orient House becomes involved in such an exercise, it will be closed immediately.

Moshe Amirav: What I am talking about is municipal autonomy as a first step. This is also important when it comes to the Israeli public opinion, which you cannot ignore. You can make it easier for me to explain to the Israelis that there are two Jerusalems. Of course, it is up to you to decide what actions to take, but you will not find an Israeli majority that is supportive of a political approach.

Jawad Boulus: The Palestinization of services cannot be disconnected totally from political actions. We should not focus on the municipality only. This can only be a stage in our political effort to have East Jerusalem recognized as the capital of a Palestinian state. We need an agenda for Jerusalem. We need to mobilize the people, partly by creating attracting alternatives. We need the civil services but under a political umbrella.

Usama Halabi: We need an alternative to the Israeli system and I for one am happy that we have somebody here who is willing to discuss one with us. We have not been doing anything except to wait for the political process to continue.

Dr. Anis Al-Qaq: There will be a lot of obstacles, and the hardest ones will not come from the Israeli side.

Hanna Siniora: We need to proceed on two tracks: practical action with regard to civil issues and political action.

Dr. Zakaria Al-Qaq: I have known Moshe Amirav for a long time, and I know that he is a man of action. What are his objectives now? He comes with the same proposals as nine years ago and approaches old friends, but some of those old friends are no longer here. Are we a testing ground? I wonder; is there a hidden agenda? Why is he repackaging the issue? Then, he proposes that we show our power, show our muscles, for example in petitions. But our muscles are not flexible, we are weak. The issue of Jerusalem has been monopolized by a small group of people for the last 30 years. The Jerusalemites feel that it is not their problem anymore, but the problem of this group. For the same reason, such an association will not find a majority because it will be the same group of people initiating it. Jerusalem's society has become individualistic. We do not have the solidarity spirit of the *Intifada* anymore. (It would be interesting to study why this is the case.) You can see it, for example, in the empty tents in Abu Ghneim. There is nobody there, apart from when the TV cameras arrive.

Moshe Amirav: I do not think your suspicion is justified. I am still a friend to many political figures such as Yossi Sarid, Faisal Hussein, etc. I told you, I am out of politics. I am here for the first and the last time. I do not want to get involved in the project. I am here because I care about Jerusalem and because I have an idea that Faisal thought would find an interested audience at PASSIA.

Dr. Abdul Hadi: We thank you very much for discussing this idea with us. We respect people with ideas and we need to hear the Israeli point of view on issues such as those discussed here today. We hope that this is not the last time you come here to discuss with us the issue of Jerusalem. Hopefully, we can build on this meeting for our future meetings and think more about the issue. Thank you.

'A CITY OF STONE - THE HIDDEN HISTORY OF JERUSALEM'¹

DR. MERON BENVENISTI

Former Deputy Mayor of West Jerusalem

I do not really know how to start because usually, on such an occasion, we have a Steimatzky book review as the basis for a discussion. This is not the case today simply because Steimatzky did not like the book, which is also the reason why you do not find it in his bookstores. Hence, I will try and summarize the main chapters of the book. In English, it is called *A City of Stone* and its Hebrew title is *A Praise of Fire* - a title that was chosen by the editor. The English title stems from the fact that, at the beginning of the book, I use a metaphor in which I describe Jerusalem as a big quarry in which both sides use stones to build their myths or to attack each other. The book is now being translated into Arabic by *Al-Ayyam* daily in Ramallah.

I begin with a story about the Old City Museum. In the museum, the word 'Arab' does not exist. The whole Arab period has been renamed 'Moslem' period. I want to show with this story, whose central characters are an American married couple, that we have to bear in mind that there is no such thing as 'Jerusalem'. Jerusalem has always been constructed, made up in people's minds. Compare, for example, the different geographic definitions of Jerusalem. The Palestinians abide by the Jordanian concept according to which Jerusalem means 6,000 dunums of land. For Israel, Jerusalem comprises 103 square kilometers. Throughout the ages, demographic considerations have been used to fix municipal or urban boundaries, which are as elastic as history.

Another chapter deals with the Holy Places, especially the Temple Mount and the Western Wall. The issue is intractable in a sense that the tension between above and below cannot be solved. The fourth chapter is about the political history of Jerusalem, and I begin it with Ehud Olmert's discovery that textbooks in East Jerusalem's schools had been stamped with the Palestinian emblem instead of the Israeli one.

¹ Title of the recent book by Meron Benvenisti (University of California Press, 1996), which the speaker used as a basis for his presentation at a PASSIA roundtable meeting, held on 7 April 1997.

In Jerusalem, there has always been a selective history. Are the boundaries of 1948 or of 1967 the legitimate municipal boundaries? Israelis do not even want to be reminded that before they ruled Jerusalem, there had been a Moslem mayor since the 19th Century. And it is equally true that, in the past, it was impossible for the Arabs to envisage a Jewish mayor in the city - even though, at least since World War I, there has been a Jewish majority.

Then, I move on to the topic of democracy and demography in a divided city. It becomes obvious that democracy in a divided city is not feasible. Democracy is based on shifting coalitions, but here, the majority rules and the winner takes all. Once problems cannot be solved through the democratic process, there will be friction. In the current context, even if Palestinians voted, it would be meaningless because they cannot change the system. They would simply legitimize it without being able to influence it to any real extent. Palestinians are caught in the system, at least in a short-term perspective. They can only reject the system as a whole, and then suffer the consequences, or else accept their status as second-class citizens.

I think the whole approach towards Jerusalem as one city is wrong. There are two cities, two societies. I do not see a divided city, but of course, it is not a united city either. Maybe, it is not even one city. You have two normal societies in Jerusalem. The only abnormal thing about this is that they live side by side yet one controls the other.

Another chapter deals with planning in Jerusalem - which is a catastrophe. It has always been a catastrophe because all the planning has been based on political grounds and not on urban needs. Therefore, the city has become totally disintegrated. It has always only been seen through the prism of ethnicity. There is a lack of space for Palestinian housing, for example.

But the point I want to make here is that Jerusalem is not a question of municipal boundaries. Municipal boundaries have always been drawn according to political considerations. Har Homa, or Jabal Abu Ghneim, was chosen, in the beginning, to remain an open space and serve as 'a finger into the desert'. The whole idea about expanding Jerusalem's municipal boundaries in 1967 was built on the assumption that Jordanian rule would return. Thus, it was necessary to improve the tactical position of Israel around the city. There were also more personal considerations connected with this, such as Teddy Kollek wanting Qalandia Airport for himself. These were the reasons that led to the creation of the present municipal boundaries. Therefore, it is wrong to consider these boundaries as anything more than products of history; and, of course, they can be changed. But what we have to address now are the physical, or the urban problems of Jerusalem.

Some time ago, I watched a television show that showed people calling in at an office in East Jerusalem to complain about the situation and the actions being taken

against them. For me, the most amazing thing about this was how well the 'quiet transfer' worked - the brainwashing that made everybody accept the boundaries of 1967.

In the next chapter, I talk about the unresolved enigma of Jerusalem. I do not give answers or provide solutions; I believe in processes. But what I do say is that the ethnic composition of the Jerusalem metropolitan area is given. The Israelis cannot change it; they will not be able to destroy the strong Palestinian community. The assumption that the Zionist approach can change the balance is wrong. Solutions cannot be imposed. The Palestinians are not threatened; actually, there are two communities and neither is threatened by annihilation. But it is also obvious that measures such as Har Homa will not resolve the problems of Jerusalem. In the metropolitan area, there is almost parity between Arabs and Jews. Thus, expanding the boundaries might be the solution. But I think the Beilin-Abu Mazen agreement is ridiculous. Of course, you can move a capital to another place, but having done so, you cannot continue to call it 'Al-Quds'.

The only way to deal with the conflict is to work together on the basis of trust. The process is the solution - a process that must be based on equality. And when I talk about equality here, I do not mean personal, but collective equality. Everyone is part of a collective identity in Jerusalem. The problem is how to distribute public goods, and for this, we need to define 'public' and its components. Since 1993, we have hesitantly changed our view on this definition of public and although we have acknowledged that there is another side that belongs to this public, we have not yet acknowledged that this other has the same rights. Thus, the acknowledgment of the 'other' might merely mean that you prepare to fight him. We are now oscillating between these two extremes.

In Jerusalem, there has always been a redefinition of history for political purposes. I think that the major division between the two peoples will always remain. This is not a great problem, but it needs to be managed. We need trust, hope and understanding of the other side. I wrote this book before the Israeli elections, so I had to change the last chapter. With Oslo, I believed that we had started the process that I have been talking about. Oslo was the beginning of a fruitful process, and it was believed to have created the rules of the game. The zoning into areas A, B, and C, for example, acknowledged the ethnic composition. But since the coming to power of Netanyahu, I have to admit that I am back to my former pessimistic, cynical position.

DISCUSSION

Dr. Mahdi Abdul Hadi: Thank you for your brief introduction. Let me ask the following three questions to start our discussion. First, some people say that Jerusalem is not two, but three cities: a Jewish city, a Jewish Orthodox city and an Arab city. What do you think? Secondly, I want to come back to the idea of civil

society. As you pointed out, the city is part of a larger society. Therefore, an approach that involves expanding the municipal boundaries could be used for a solution. What exactly do you have in mind when you talk about this? Is this the same approach that Pundik and Hirschfeld envision - so that in the end, we will have four cities? My third question concerns municipalities. You have just referred to history. But what about the future? What do you think would be the solution - two municipalities under a common umbrella or two totally independent Jerusalem municipalities?

Dr. Meron Benvenisti: This is what I feared. I feared that the occasion would once again become a negotiation table or a search for solutions. I do not play this game. Hirschfeld once said that there are 99 solutions for Jerusalem. I do not want to find solution no. 100. I am getting old; I stopped playing the game in 1968. To me, raising questions is more important.

Concerning your question about the municipal boundaries, by expanding, I do not mean making the pie bigger and then slicing it. What I am saying is that the question of municipalities is actually easy to devise, but it is not a priority. We need to address the real problems. If we do not do that, a catastrophe lies ahead. The Oslo process, with the A and B zoning so close to Jerusalem and the elections in East Jerusalem, was the beginning of a positive process. Now, I am not so sure where we are.

I am not a person to give answers. I will say, however, that I think that people, in general, take boundaries too seriously. The boundaries of the colonial territories, for example, became sacred. They are hypnotizing, even though they were invented at somebody's table far away. We should understand boundaries as human creations, which means we can be creative and change them again with mutual consent - but not by dictate.

I favor an open approach to defining Jerusalem. One school of thought says that everything should be open and the only holy part is the Old City; the rest could be expanded or made smaller. This is a very rational approach. The problem is that Jerusalem defies all rationality. It is a symbol, and a very emotional subject.

Yes, the Orthodox Jews behave like a semi-ethnic group. But they also want a 'safe haven' and they need territoriality, meaning that they will never split completely from the Jewish community. It is true that there is intra-ethnic tension, but it is much less important to the future of Jerusalem than the inter-ethnic tension between the Arabs and the Jews. The division of Jerusalem along cultural lines seems to be possible, but the main dividing line will remain between the two nationalities. The Ultra-Orthodox Jews need their outside society; they cannot live without it. Thus, they will always seek representation in the municipality, but they will act as a pressure group and not seek responsibility other than in relation to

religious affairs. In the same way, I do not think that Islamic extremists will split from the society.

Jawad Boulos: I agree with you in saying that the process is the solution, but we need an open process in which we create mutual facts and reach a mutual outcome. Up to now, during the last 30 or 50 years, one side only has created facts. The facts are given; the background is already determined. A process has to take place on grounds of equality and collective agreement. What we are witnessing now is just a gimmick. But it seems to be ideal for the Israelis, who appear to favor a process over a clear solution. What we need is a political process *and* a solution. We, collectively, need civil and political rights.

Dr. Benvenisti: But this is *my* book. If you want to write another book, you are free to do so. I have been writing about the approach of a process. I know that this may be hard and that an alternative approach may look, at first hand, more satisfactory. But how far will it be from reality? Is it, then, really more comforting? Therefore, I am process-oriented. You may look at it as an Israeli gimmick, but it is a good gimmick.

Maybe Likud will soon bring you self-determination and separation, but not the way you envisage it. It is no secret that I advocate a bi-national state. Is a partition of Palestine based on total separation advisable? Is it feasible? It may be a heroic attitude, but is it realistic? What you can establish now are only the basic rules of the game, but they must be based on equality and on collective equality.

Dr. Riad Malki: I have two short questions. The way I understand it, the process you are proposing is based on a trial and error approach. But for us Palestinians, that cannot be acceptable. We have to see the outcome at the end of the process. What if the process is being halted? What do we have to expect next?

Then, you were talking about two cities. You are right in that the most important thing is that the city fulfills the need of the people. In Jerusalem, the planners have always been politicians, and Israeli politicians for that matter, who did not care about the Palestinian people. Why should the Palestinians try to find a solution inside this metropolitan Jerusalem, inside this Israeli concept? Who will this serve in the end?

Dr. Benvenisti: Palestinians do not have to cooperate. I tell you, Israelis do not control the situation even if they think that they do. The emigration of Palestinians from Jerusalem, for example, has in the last decades been at an all-time low. Often, the Israelis get unexpected results and chain reactions to their policies. Expanding Jerusalem is useful not from a political point of view, but from one relating to the urban needs. We need to address the problems associated with commuting, for example.

What I want to tell you is that it seems that it is an Israeli gimmick, but that is not the question. The question is: How can you resolve the planning problems of the city? We have to address the human needs resulting from the mistakes that have been made during the last century. We cannot ignore reality. When I see Palestinians drawing a map of the future West Bank without any settlements - or the other way round - I see a map based on blindness. Rational people have to deal with reality, even if the other side has created this reality and we do not like it. I know that this involves political dilemmas, but we have to address the problems of the people living here now. The only way is a process; a process based on equality and trust. But at this time, we are in a crisis, a crisis of trust. The problem is not only Har Homa. It is a wider crisis of trust and honesty.

Mohammed Nusseibeh: Let me remind you that he [Meron Benvenisti] was one of the few Israelis who, in 1967, acknowledged that the Palestinians have the same rights in Jerusalem as the Israelis. What I want to ask concerns the census that took place at that time and served as a basis for the granting of residency permits, but not full rights, to the Palestinians. What was the plan at that time? How did the Israeli side view it?

Dr. Benvenisti: There were two censuses: one in the West Bank and Jerusalem and one in Jerusalem only. The first one was full of faults because there were no maps, no material on which it could be based. Then, afterwards, people asked for IDs, and for one week, registration was opened again. In the next census, which became the 'official census', we made the methodological mistake of combining the statistical census and the question of residence rights. At that time, the idea was to expand all services to all residents, to give the Palestinians equality short of citizenship in a united city of Jerusalem. What we are witnessing now, the withdrawal of residence cards has been going on for a long time.

Dr. Abdul Hadi: At the time of the last census, we tried to carry out our own survey in East Jerusalem, but the Ministry of Interior refused our demand to conduct a Palestinian census and did it alone. What do you think would happen if, at the time of the upcoming census, we were to carry out our own census and challenge Israeli statistics? What do you think would be the reaction?

Dr. Benvenisti: It would be a catastrophe. You would have to compare your figures with the Israeli figures. You would have to 'fix' the boundaries in the East, decide *now* what belongs to Jerusalem, or you would have to accept the Israeli boundaries. But even if you were to do all this, you would obtain lower figures than the Israelis because you would not include everybody. Your problem in this case is that whatever you do, you will lose. You know how much this will cost you.

Mohammed Nusseibeh: Jerusalem is one of the greatest problems, I think we all agree upon that. We also agree that we have to address the rights of both peo-

ples. Without doing that, we will not find a solution. There are three elements involved in this issue: the municipal administration, property rights and ownership - which the Palestinians have been denied - in both parts of the city, and civil and political rights. I think the first point could be resolved. Regarding the second, property would have to be restored to its rightful owners, I suppose. And regarding the last point, I imagine that both Palestinians and Israelis could actually live without having Jerusalem as their capital. Then, a solution would be more feasible.

Dr. Benvenisti: But this is in the realm of visions; these are theoretical solutions.

Mohammed Nusseibeh: No, they are not. I am talking about the rights of the people. Look at Brazil, where it has been possible to move the capital. And there are other examples as well.

Diana Safieh: Jerusalem should be for the Jerusalemites and not for strangers. You have to love Jerusalem. If you do not love Jerusalem, it rejects you.

Kerry Abbott: At the moment the main problem seems to be the lack of trust and goodwill. But can we really assume that it was better before, or that with another government we would now be at another point?

Dr. Benvenisti: We will never know exactly what would have happened if Netanyahu had not been elected, but when I wrote the book it looked as if it might be possible to have a process built on trust. Netanyahu deprived us of even the illusion that things are moving in the right direction. His own people perceive his actions as 'illegitimate'. Israel's opinion makers are anti-Likud. People do not accept what he does. He is seen as an outsider - untrustworthy and incompetent.

Dr. Abdul Hadi: Let me go back to your idea that the solution is the process. In Oslo, the Palestinian delegation stated clearly that the Palestinians wanted a Palestinian state with Jerusalem as its capital. The Israeli team understood that, but accepted only to embark on a process. This process, at least, brought elections, which included East Jerusalem, showing to the world that Jerusalem is a part of Palestine.

Even under Labor, the Palestinian rights and presence in Jerusalem were rejected. What will come under Likud? Where do we go in this process? We do not want to be Israelized.

Dr. Benvenisti: I cannot tell you. I am not Palestinian. All I can say is that the more you rely on your own institutions, the more you will challenge the Israelis. The question pertains to how much communal power you can mobilize. The more you confront the Israelis with textbooks, censuses, and so on, the more you state that you belong to the Palestinians. But you also have to make it clear that you do not

want to preserve the Israeli privileges. The Israelis think that they have bribed you, and that you want to belong to a united city. They have the perception that thousands of Palestinians have applied for Israeli citizenship. It is a matter of perception. I am not judging or accusing, but you have to be aware of the Israeli perceptions.

Claudette Habash: I enjoy intellectual debates like the one going on right now, but I want to speak about a more practical aspect of the peace process. Many of us are now involved in a process of reconciliation, and, I am sure, there will be no real peace without reconciliation. But how can I be part of this as long as I have property in West Jerusalem that I am not allowed to live on. Is this equality? Is this justice, that I am forced to see that the tree I used to play under in my childhood is now in somebody else's garden?

Dr. Benvenisti: I am now writing a book on the events of 1948, dealing with the destruction of landscape. In this book, I want only one thing, that is, that Israelis will understand and acknowledge the suffering of the other side, of the victims. Without that acknowledgment, I believe that there will not be peace. The next question is how we interpret this into positive historic steps.

THE STATUS OF JERUSALEM IN THE EYES OF PALESTINIANS: IS JERUSALEM NEGOTIABLE?¹

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AND DR. NADER IZZAT SA'ID

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Introduction (DR. JEROME M. SEGAL)

Let me first introduce myself and explain the context and the aim of the studies that we have conducted. I am the Director of the Jerusalem Project at the University of Maryland. There, we conduct research on the issue of Jerusalem that is intended to promote the peaceful resolution of the Israeli-Palestinian conflict. Lately, we have been doing two studies on the negotiability of Jerusalem. The starting point for these studies was that the Jerusalem issue is different from the other issues that need to be negotiated. It seemed that with the other final status issues, should the leaders come to an agreement, it would be possible to implement their solutions. With regard to the Question of Jerusalem, however, the quest for Palestinian sovereignty and the harsh stand by the Jews on Jerusalem being their united capital makes it look as though even if leaders were to agree on a solution, the people would not allow it to be implemented. For the Jews, Jerusalem is not negotiable and even under the Labor government, the Jerusalem issue was only debated in a very limited fashion.

Our approach was therefore to test this common wisdom. We wanted to find out where the two peoples actually stand on the subject of Jerusalem? What are the underlying common factors and tendencies? Thus, in a joint research project with the Guttman Institute of Applied Social Research at the Hebrew University, we conducted the first study on *The Status of Jerusalem in the Eyes of Israeli Jews* by doing 1,500 door-to-door interviews with Israeli Jews all over the country. The second study was conducted on the Palestinians' perspective concerning the same issue together with Dr. Sa'id, who has vast experience in polling as the for-

¹ Summary of a presentation given at a PASSIA roundtable meeting on 16 June 1997.

mer director of the Survey Research Unit at the CPRS. The study was based on almost 900 door-to-door interviews with Palestinians in Gaza, the West Bank and Jerusalem. On the Palestinian side, this has been the most extensive study ever done on the issue of Jerusalem.

Now, Dr. Sa'id is going to present the findings of this second study, *The Status of Jerusalem in the Eyes of Palestinians*, which parallels the previous investigation of the attitudes of Israeli Jews. And then, in the second part, I will draw some conclusions from the two studies in order to assess the extent to which the Question of Jerusalem can be resolved through negotiations.

***The Status of Jerusalem in the Eyes of Palestinians* (DR. NADER SA'ID)**

Let me first stress that an opinion poll can only present a part of the broader picture. Public opinion is only a part of the broader process, and the study allows for an insight into a certain sphere only. We were not able to test, for example, the broader Islamic or Arab view on the issue. Further limits of such a study are the error margins and, in this particular case, the relatively short time span in which the interviews were conducted, i.e., in August and September 1996.

The main results of the study were as follows:

- Jerusalem is of enormous importance to Palestinians. Ninety-two percent said that it is "very important" to them personally, and 94 percent would not support "recognizing Israel's claim that it alone is sovereign over Jerusalem, even if that was the only way a Palestinian state could come into being." Eighty-six percent of the respondents stated that the negotiators should be less compromising on the issue of Jerusalem, and for 99 percent Al-Haram Ash-Sharif is important or very important as a part of Jerusalem.
- Only a few Palestinians (20 percent) believe that Jews have "any sort of legitimate rights in regard to Jerusalem."
- The majority of Palestinians are opposed to Israeli sovereignty over Jewish neighborhoods of East Jerusalem, and they overwhelmingly reject the idea of Jordanian rule over the Islamic holy sites. It was also interesting to find out that (due to the Israeli closure of Jerusalem since 1993), 61 percent of the respondents (excluding Jerusalemites) had not visited Jerusalem for more than four years.
- It was interesting to see that hard-line attitudes towards Jerusalem were not necessarily linked to attitudes towards the peace process. In general, female, less educated, more religious, lower income respondents from Gaza were more attached to Jerusalem than the less religious West Bank males, with higher incomes and a better education. The first group was also more ready to support the peace process in principle and more willing to negotiate on Jeru-

salem and to compromise on specific proposals, although it was less willing to accept permanent peace agreements.

Let me now address the findings of the study concerning some of the common myths that are promoted by the foreign and Israeli media.

- The first myth is that the Palestinians are in a weaker position and will therefore be willing to give up on positions on Jerusalem. The data showed that Palestinians are not willing to compromise on the basic issue, i.e., the aim of establishing a Palestinian state with its capital in East Jerusalem.
- The second assumption is that Palestinians in Jerusalem do not want the Palestinian state to include East Jerusalem since they enjoy Israeli social security benefits and do not want to give them up. The data showed that Jerusalemites have the same (or even stronger) commitment to a Palestinian state with its capital in East Jerusalem as other Palestinians.
- Also the third myth about Christians and Moslems seeing Jerusalem from different perspectives and attaching varying importance to it does not appear to be true. While there are differences in points of view regarding the importance attached to Christian *versus* Islamic holy sites, both groups show a very strong commitment to a Palestinian state with Jerusalem as its capital.
- The fourth myth is that religious Palestinians adopt more hard-line positions than the less religious. The data showed that the more religious people are strongly committed to Jerusalem, but at the same time, are more willing to compromise. However, this applies more to provisional than to permanent arrangements.

Religion should not be confused with political Islam. The very religious respondents, for example, are divided among Fatah, Independents, and Islamists. In general, Islamists proved to be more compromising than Leftists on many issues, but again, permanent resolutions were supported by Leftists more than they were by Islamists. Fifty-five percent of the Islamists as opposed to 38 percent of the Leftists were in favor of negotiations over Jerusalem.

***Is Jerusalem Negotiable?* (DR. JEROME SEGAL)**

I now want to address the question: Is Jerusalem negotiable? In doing so, I want to present to you the bottom line of the two studies. In short, there are two major results. First, Jerusalem is more negotiable than most people think, but it is negotiable only to a very limited extent.

And second, when there is a healthy peace process including reconciliation and people-to-people relations, the issue of Jerusalem can be negotiated and solved. One of the fundamentals that revealed itself very clearly in the studies is that

peace will only prevail when the Question of Jerusalem is dealt with. Lasting peace - even if it is not based on full justice - is supported by 70 percent of the Palestinians (including 48 percent of the Islamists). This means that real peace is possible, but only on condition that the Question of Jerusalem is resolved.

The studies encompassed aggregate questions and questions on small details, single neighborhoods, quarters, etc. Whereas 80 percent of the Israeli Jews asked replied 'no' to the aggregate question on whether there should be negotiations on Jerusalem, there was much more willingness to compromise. This showed that the Israelis are much more afraid of engaging in a process of negotiations, the results of which are uncertain, than they are of specific outcomes and compromises.

This leads me to the conclusion that, for example, the question of a Palestinian capital in East Jerusalem should not be part of the negotiations. The Palestinians should strive for and negotiate on Palestinian sovereignty over East Jerusalem. Later, the sovereign Palestinian state can put its capital wherever it wants to.

When we look at the questions concerning the details of Jerusalem, we find that the overwhelming majority (75-91 percent) of Israeli Jews consider the Jewish religious sites and the Jewish neighborhoods in the Old City as well as in all other parts of the city as a "very important part of Jerusalem." Only 22-33 percent consider the non-Jewish quarters of the Old City, the Arab village areas or Arab downtown area important. We can see that there is a distinction in the importance attached to parts of Jerusalem when we break it down into neighborhoods. We can also see that different groups within Israeli (Jewish) society put varying degrees of emphasis on the importance of the various areas.

The same phenomenon is evident, though less clearly, among Palestinian respondents. Most important for Palestinians are the Arab quarters of the Old City, the Moslem and Christian holy sites, and the Arab East Jerusalem neighborhoods. All the neighborhoods where Jews live, be they in West Jerusalem or settlements, are considered less important as a part of Jerusalem.

Drawing these findings together, we find that there are no areas that one of the sides attaches low importance to; however, there are a couple of areas to which both sides attach great importance, i.e., the Old City, the Mount of Olives and the Temple Mount/Haram Ash-Sharif. Even within the Old City, certain areas were found to be considered of greater importance than others. There are areas that are high in Israeli and low in Palestinian priority, such as the Jewish quarters of the Old City, West Jerusalem, and the new Jewish neighborhoods in East Jerusalem. On the other hand, there are areas that are high in Palestinian and low in Israeli priority: the Arab quarters of the Old City, the Arab villages and the Arab downtown area.

There is thus the possibility of defining the latter areas as *Al-Quds*, to be put under Palestinian sovereignty (Arab quarters of the Old City, Arab villages, Arab downtown area) and of defining the preceding areas as *Yerushalayim*, to be left under Israeli sovereignty (Jewish quarters of the Old City, West Jerusalem, new Jewish neighborhoods in East Jerusalem). The fate of the Holy Places, on the other hand, would have to be negotiated.

The other assumption that we wanted to test was the one that the Jerusalem boundaries are 'sacred lines' and that, as Meron Benvenisti once said, everything inside these boundaries also becomes sacred and therefore untouchable. We found that most Israeli Jews are ignorant concerning the boundaries of Jerusalem and the fact that not only was Jerusalem in 1967 'reunited', but also large areas of the West Bank were actually incorporated into the city when the new boundaries were defined on 28 June 1967. We asked them what they think about redefining the boundaries of Jerusalem with the aim of making it more Jewish. While 59 percent of the respondents did not have any objection to redefining the boundaries, only seven percent said "no" to any changes to these borders. This means that almost all the Israeli Jews see the boundaries as a policy matter and not as something sacred and unchangeable.

Of course, we posed the question to the Palestinians in a slightly different way. When asked whether the West Bank areas that Israel incorporated into Jerusalem after the War of 1967 should remain part of Jerusalem, 42 percent answered 'no'. This would actually mean that about 90 percent of what is today part of East Jerusalem would no longer be part of it. When asked whether boundaries should be changed for democratic purposes so as to achieve a Palestinian majority in East Jerusalem and therefore exclude Jewish settlements from Jerusalem, 38 percent answered 'yes'. When asked, if for the same purpose, the Jerusalem area should be expanded in order to include the villages of Abu Dis and Izzariyya, 85 percent said it should. This shows that Palestinians see the boundaries of Jerusalem as being rather flexible, as a policy instrument, and that a redefinition would be possible.

The last major point I want to tackle here is the question of sovereignty, which we tested in a variety of different proposals. When asked about Palestinian sovereignty over Arab settlements and villages in Jerusalem, 45 percent of the Israeli Jews responded that they would seriously consider such a proposal, whereas 36 percent rejected the idea outright. Now, I think this is an amazing finding as the number of those approving such a proposal would rise considerably if this were a 'real' agreement negotiated by the leaders because then Arab Israelis would have a say in the decision, it would have government support and it would come as a package deal within a peace treaty.

Of the Israeli Jews, 40 percent acknowledged that Palestinians have some legitimate rights in Jerusalem, and approximately 33 percent believe that it is possible to reach a lasting peace. Of the latter group, 67 percent are in favor of Palestinian sovereignty over Arab village areas and 41 percent are in favor of Palestinian sovereignty over the Arab parts of the Old City. Here, the power of the question "Do you believe that a peace treaty will lead to a lasting peace?" becomes obvious. Israeli Jews who believe that lasting peace is possible are much more ready to compromise on questions of detail and to yield sovereignty over certain areas to the Palestinians.

We tried to find out whether this standpoint was a deep-rooted ideological one or if it could possibly be changed by asking two questions related to the peace process: whether the opening of a Saudi embassy in Tel Aviv would indicate the possibility of true and long-term peace between Israel and the Arab World, and whether regular commercial relations with Arab states would indicate the same. The answers indicate that the opinions of those of the respondents who already have strong beliefs as to whether lasting peace is possible are unlikely to be affected by these hypothetical developments. Roughly two thirds of the population, however, do not have a very strong stand regarding this question; they are more open to influence and believe that peace would be more likely to prevail in the event of the aforementioned developments actually occurring. This indicates that the signs of peace have to become tangible before peace is achieved in order to make a compromise on Jerusalem possible.

DISCUSSION

Participant: As I understand you, Palestinian rights in West Jerusalem have not been mentioned in this study at all.

Dr. Nader Sa'id: Yes, that is true.

Participant: What was the real objective of this study?

Dr. Jerome Segal: Our aim was to ascertain the validity of the claim that the peoples are so far apart from one another that the Jerusalem issue is not negotiable. It is not only that the leadership has to make a compromise, but also that the people must also accept this compromise. We wanted to see whether there is this space for political leaders to find a compromise.

Participant: Yes, but the questions you asked would have been answered totally differently if you had given the interviewees more information on what was really meant by the questions and explained the implications of their answers.

Dr. Segal: We have not been trying to manipulate people. I think that with regard to the issue of rights, there are two aspects that are important, i.e., first, the rights that people have and second, how these rights are perceived. This is a second set of very important variables and both together determine the stand on Jerusalem and the ability to reach compromises.

Participant: If we were to face a crisis situation, such as a bomb attack in Tel Aviv, or a massacre in Hebron, all these attitudes would change and we would return to square number one.

Dr. Segal: No, usually, the underlying beliefs stay the same and the functional relationship between different attitudes will remain, even in more critical situations. We actually did the first part of the survey on opinions of Israeli Jews in the period prior to the Rabin assassination and the second part after the assassination. There was no remarkable change in the answers and the connections between different attitudes.

Dr. Sa'id: Actually, we have had experience with these 'What if?' questions. In one of the surveys on Palestinian attitudes, we polled 600 people before the clashes between the PNA and Islamic activists in Gaza in November 1994 and 600 afterwards and there was no change in the position towards the PNA, the police, the peace process, etc.

I want to add another point. The questions posed to the Palestinians in this survey were constrained in order to ensure the comparability with the poll on Israeli views, but all the questions were first discussed by Palestinian academics and adapted to the Palestinian context. The results of the poll can naturally be used in any way, and they can be manipulated. We wanted to provide a well-researched database. We do not want to push the negotiations in either way.

Participant: I found your presentation very fascinating, and we were provided with a lot of numbers. The key question to me seems to be: What are the politics of the results? I heard that you secularized and de-congregated the Question of Jerusalem and in this you provide room for negotiations and compromises. What I did not hear, however, was how you approach the notion of sovereignty. What is the concept that you use? Did you inquire about different concepts and their consequences for a settlement?

Dr. Segal: We asked some questions related to sovereignty and autonomy, but we did not ask for the concept of sovereignty. I think in this, we were actually very close to the political debate: people also talk about sovereignty without defining what they are talking about.

Dr. Sa'id: People know very well what they want and they can clearly distinguish between self-rule, control, administration, sovereignty, etc.

Participant: I am not so sure if you have grasped the religious component of Jerusalem sufficiently. Why is there all this fuss about Jerusalem? Even if the Palestinians would agree to a solution of the Jerusalem issue, there still remains the issue of the larger Moslem and Christian communities and their respective claims.

Dr. Segal: We had a lot of questions about religious sites in the questionnaire and we found that, for example, the Temple Mount/Haram Ash-Sharif is most important to both peoples. People tend to attach importance to the religious sites regardless of whether or not they themselves are religious. My argument is that Jerusalem should not be left to the end as, for example, provided for in the Beilin-Abu Mazen document. In my judgment, this would be extremely dangerous. If you solve everything but the Question of Jerusalem, there is a real danger of this becoming a religious conflict with no feasible solution.

The question is how to avoid this, how to escape from the zero-sum game. Maybe this will be possible through some sort of joint sovereignty. One solution might be to leave sovereignty to God. What does this proposal of 'sovereignty belongs to God' mean? It is only a formula, but as ambiguous as it appears it can become pretty strong and powerful, as was the case with the formula of Israel's 'right to exist', which also started without precise definition.

Participant: Obeida, when he wrote in *Foreign Affairs* in 1992 about sovereignty for God meant that the control over the Holy Places should be divided among the Islamic Waqf, the Synagogue and the Church.

Dr. Segal: It does not matter whose God we are talking about. Everybody believes in the same God. The important thing is to understand, and to make it clear to the other side, that we are talking about the one God and not different Gods.

Dr. Mahdi Abdul Hadi: Do you believe in the following statement: 'Without the blessings of the religious leaders, there will be no solution for Jerusalem'?

Dr. Segal: This might be true. The question is if there are religious leaders at all. Would you consider Arafat a religious leader?

Participant: I see such a study can be used by decision makers, but I ask myself, why all these efforts? How do they affect our daily lives? We here in Jerusalem have to live the day-to-day politics, such as the resolution of the American House of Representatives that defines Jerusalem as the united capital of Israel. On the one side, the US talks about peace, and then it torpedoes peace with such a resolution. Here, every day, we hear that Jerusalem is the sole and united capital

of Israel and that there will be no negotiations on the city. What has been agreed upon is not being implemented. We suffer from the fragmentation of the Palestinian society. I do not have hope for peace and I do not know who is even going to read such a study.

Dr. Segal: The value of such a study is that it provides tools for people who want to work for peace. Take the example of the US Congress: the main approach is that Jerusalem is not negotiable. The study now shows that it is much more negotiable than people thought. There is much more potential. In addition, the Palestinian position is much stronger than people might have thought. In the next step, of course, you need real, political voices that make the data public and that use this tool in lobbying. In this, we need to be creative. One of these approaches is the Jewish peace lobby, with which we try to influence politics in order to reach a lasting peace in the region.

Participant: I have to say that your study gives me new hope for the negotiations. The problem I find with it is that it lacks the definitions. For example, the Palestinians seek peace whereas the Israelis seek only a prolonged period of tranquillity. We have not even reached a definition of the notion of peace. But I want to thank you for this interesting research.

Dr. Sa'id: I am not a politician. As a researcher, it is my aim to obtain the best knowledge available. Even the two of us, we have different interpretations of the data. We do not want to impose our interpretations on you or on anyone. What we want to do is to provide you with sound information concerning views on Jerusalem. Let me tell you what was a real shock to me. While we were presenting these findings, we had a meeting with the chief negotiators, and we were surprised so discover how little they knew about realities in Jerusalem.

Participant: I think it would be interesting to follow up on the question that you asked about the durability of peace. One of the ways in which this could be done would be to conduct a second layer of interviews where you present the Israelis with the results of the Palestinian side, where you had a much higher percentage believing in the possibility of lasting peace.

Dr. Jerome Segal: I do not think that this would have a major effect on the Israeli position. Usually, people build their opinions much more on what they read in the newspapers than on opinion polls. Another question that we did not ask – and I think it would be really interesting to hear this answered - is whether the development of a genuine Palestinian democracy would affect Israeli views on the durability of peace.

A PALESTINIAN VIEW ON TOURISM IN JERUSALEM¹

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Introduction

The Palestinian National Authority (PNA) was created in May 1994. Its creation was followed by an active campaign to build national institutions and rehabilitate the local economy, and to participate in this drive was seen as a national duty for all scholars, scientists and politicians. Feeling a strong desire to become involved in the process of building the tourism sector I decided to pursue further education in tourism and hospitality management. I believe that the resurgence of the tourism sector in the areas under the jurisdiction of the PNA after 30 years of military occupation will inevitably require major contributions from every Palestinian who is capable of making a difference.

The Middle East is a region that is extremely rich when it comes to tourist sites that have a unique appeal to people all over the world. From the religious perspective, the range of attractions is of great significance to people of the Moslem, Christian and Jewish faiths. Given the enduring nature of the historical and religious attractions offered by tourism in the Holy Land, Palestinian tourism has remained a promising sector, capable of generating demand, output, employment and investment, notwithstanding the setbacks suffered by this dynamic sector since the Israeli occupation, which began in 1967. While the religious and cultural experiences are the predominant focal points in the region and particularly in the West Bank, including East Jerusalem, and to a lesser extent the Gaza Strip, the Israeli occupation over a period of 30 years obstructed the development and growth of the Palestinian industry. The impact of the peace process on the Palestinian economy is inevitable. It is projected that the tourism industry will constitute the backbone of the Palestinian economy; hence the need for institution building and improving the infrastructure of this very important sector.

¹ Presentation given at a PASSIA roundtable meeting on 15 October 1997.

Characteristics of the Tourism Industry in East Jerusalem

- ***Size of the tourism industry.*** The Palestinian tourism industry is relatively small in comparison to the tourism industry in Israel, Jordan and Egypt. Since the Israeli occupation in 1967 the tourism industry in East Jerusalem has struggled to expand in response to market demand. These efforts, unfortunately, were unsuccessful, and several tourism businesses closed down. The size of the Palestinian tourism industry in East Jerusalem is a dominating characteristic and is often a threat to its existence because of fierce competition from the Israeli tourism industry.
- ***Geographic concentration of the tourism industry.*** The majority of tourism and related services are located within the same geographic area in East Jerusalem. The concentration of hotels, tour operators, souvenir shops, and tourist restaurants within walking distance from each other is a dominating characteristic of the tourism industry in East Jerusalem. This concentration may introduce a fiercely competitive environment and may cause ill feelings among proprietors of tourism businesses.
- ***Sensitivity to the political climate of the region.*** The tourism sector is highly vulnerable to the political changes in the region. Since the signing of the peace treaties between Israel and the PLO, prospects for stability have increased despite the occasional disruptions.
- ***Seasonality.*** The number of tourists visiting the region fluctuates according to seasonal factors. Israeli hoteliers appear to have successfully managed to do well even during the low season. This can be attributed to their long experience in tourism promotion and the availability of sufficient funds to carry out aggressive marketing campaigns. On the other hand, Palestinian hoteliers seem unable to generate business during the low season and have failed to increase their market share due to the lack of expertise and funds.
- ***Family operated tourism businesses.*** The majority of the tourism businesses in East Jerusalem are likely to have been passed on from father to son. They continue to be run by their owners who in most instances do not possess any professional education in the tourism field. The business environment, which is constantly changing and highly competitive, requires a professional approach to secure business and secure a profitable future. There are very few tourism businesses that employ specialized professionals, particularly in the areas of marketing and management.
- ***Religious nature.*** The tourism industry in East Jerusalem caters mainly to a limited number of target markets. The main market segment is religious tourism due to the presence of some of the holiest sites for the three monotheistic religions. The tourism industry appears to have completely ignored other potential types of tourists who may be interested in the non-religious aspects of the city.

Factors Impeding the Development of the Tourism Industry in East Jerusalem

- **Israeli occupation.** The Israeli occupation of 1967 hindered the development and growth of the Palestinian tourism industry. The tourism industry in East Jerusalem struggled to win a market share in a highly competitive environment dominated by giant Israeli tour operators, hotels, entertainment venues, and tourist restaurants. However, restrictive and discriminatory Israeli measures since 1967 have frustrated efforts by Palestinians to develop their tourism infrastructure.
- **Municipal taxes.** The Israeli-run Jerusalem Municipality imposes a wide range of taxes on East Jerusalem tourism operators in return for fewer services than what their counterparts receive in West Jerusalem. Municipal officials have designated the areas where the majority of the hotels, souvenir shops and tourist restaurants are located as grade 'A' areas, which means that the highest rates of taxes are collected from those outlets. Municipal services in grade 'A' areas, which should be equal to those provided in the western part, are, however, non-existent.
- **Shortage of land.** Of the 70.5 square kilometers of East Jerusalem, 34 percent has been expropriated and 40 percent has been declared 'green belt' (usually a preliminary measure taken by Israel to freeze Arab construction before expropriation). The rest of the land has been utilized for residential and commercial purposes. Those wanting to invest in the tourism industry by means of building new hotels have complained of the reluctance or refusal of the West Jerusalem Municipality to grant them the necessary permits. It is believed that the slow process of granting permits is meant to impede tourism development.
- **Cost of land.** Due to the shortage of land that is suitable for tourism development projects, the estimated cost of land is very high and starts at around US\$ 400,000 per dunum. This may discourage potential investors given that the tourism industry, as it stands, is not necessarily profitable.
- **Limited expansion and development options.** The majority of the hotels in East Jerusalem were not built specifically as hotels. Most were used for different purposes and hence minor physical alterations were later introduced. Most hotels in East Jerusalem cannot add annexes to the original structure although additional services, some of which are basic to modern hotels, require such expansion.
- **Absence of institutional support.** The absence of a national umbrella institution, such as a Palestinian ministry of tourism, capable of supporting the private sector in East Jerusalem further obstructed the development of the tourism industry. The Higher Council for the Arab Tourism Industry was only established in 1993. It is understaffed and has failed to meet the demands and expectations of the tourism industry.

- *Licensing procedures.* The licensing procedures for tourism projects and particularly hotels in East Jerusalem are extremely prohibitive. The Israeli authorities deliberately impede the processing of any applications for tourism projects that involve East Jerusalem. This tedious and complicated process deterred investors and created an unfavorable climate for tourism development and expansion.
- *Israeli labor laws.* Israeli labor laws, which are imposed on East Jerusalem, do not take into account the fact that tourism outlets in this part of the city do not enjoy the same income as those in the western part of the city. The price of a hotel room in West Jerusalem is often three times the price of a hotel room in East Jerusalem, yet Palestinian hoteliers are obliged to adhere to the same salary scales or else face being brought before Israeli courts.
- *Fierce competition by Israeli hotels during the low season.* Israeli hotels compete with Palestinian hotels in East Jerusalem during the low season. The hotels in West Jerusalem are modern and equipped with the latest amenities. During the low season West Jerusalem hoteliers reduce room prices and offer discounts to travel agents and tour operators. East Jerusalem hoteliers cannot afford to offer similar advantages and thus lose their business to West Jerusalem during the low season.

Development Objectives for the Tourism Industry in East Jerusalem

- *Tourism planning.* There are few clear strategic regional or development plans for East Jerusalem that address the needs and aspirations of the Palestinian people. There is a need for the preparation of a tourism development plan, strategy and program to set forth the long-term development policies, medium-term development strategies and short-term action programs for East Jerusalem. This plan should focus on the development of tourist facilities, particularly outside East Jerusalem, in order to decentralize tourism and spread its economic benefits. In addition, there is a need to propose a plan for the physical development of facilities, attractions and infrastructure. This plan should include recommendations for the improvement of the existing hotels, restaurants, entertainment facilities and other tourism services. There are other issues that should also be incorporated in the plans such as organizational structures, environmental and socio-cultural considerations, tourism marketing techniques, and economic enhancement measures. The plan should also include assessment of and recommendations on ways to improve handicrafts and cultural activities to enrich the tourism product and increase visitor spending and enjoyment in the region. As tourism will be a major economic sector in the Palestinian economy, a parallel national tourism structure plan should be prepared as a matter of urgency to guide tourism sector development. More detailed regional plans should be prepared for priority development areas within the overall national tourism structure plan. Given the urgency of moving

forward with national tourism development, it is recommended that a master plan for tourism be prepared indicating priority areas for tourism development planning and control.

- *Tourism human resources.* The human resources element in the successful delivery of tourism services, which should involve an upgrading of the technical and managerial expertise of Palestinians engaged in the various trades of the tourism industry, is a priority. There is an urgent need to invest in a core group of motivated Palestinians from the local hotels, travel agencies, tour operators and guides to attend short intensive training courses locally and abroad to develop their skills, knowledge and attitude in tourism marketing, management, operations, and information systems. These trainees would attend short workshops on training methodology and serve as a nucleus of tutors who would take part in regular training courses, which would provide various tourism related activities with qualified personnel. Currently, general staffing levels for Arab hotels are grossly inadequate. This is primarily a result of the restrictions on the travel of Palestinians from their places of residence to their places of employment. These restrictions also have a direct impact on the access to training for prospective and existing tourism industry staff. The consequence has been a reduction in the quality of tourism services offered by Palestinian tourism businesses. Another related issue is the low level of skills of available industry workers. This problem is likely to be greatly aggravated as the Palestinian tourism sector undergoes rapid expansion. There will be serious staff shortages and vacancies will need to be filled with untrained staff, which will further affect the quality of tourism services provided. In addition, the training of new staff and upgrading of existing staff will be more efficiently achieved if training institutions are located near concentrations of tourism facilities. Training institutions will need to have the capacity to meet the anticipated increase in the number of tourism industry employees.
- *Tourism infrastructure.* Many locations in East Jerusalem are poorly served by sewage, electricity, telephone, and other basic services. Tourism development must include access to an adequate and uninterrupted supply of essential services and operate in a clean and proper environment. This is essential as tourists will not want to visit places that are ugly, despoiled, polluted or without proper sanitation. Tourist destinations in East Jerusalem that fail to provide these basic services will not be able to compete in the tourism market place.
- *Tourism industry image.* Unstable political conditions and military tension have had a detrimental impact on the number of tourist arrivals to East Jerusalem. International tourism in particular is highly susceptible to such factors, which can have a long-term impact. The peace process will assist in mitigating negative views pertaining to tourism but many segments of the tourism market put safety as a top priority when choosing a holiday destination. A major market positioning campaign will be required to change the attitude of many potential target markets. Public relations campaigns in key potential markets should be

undertaken regularly, particularly building on press reports concerning developments in the peace process. This is likely to be more effective if it involves professional planning and preparation rather than straight advertising.

- *Tourism marketing and promotion.* In order to attract new and potentially more lucrative markets, it will be necessary to undertake a range of marketing activities. Marketing and promotion will be required to create awareness and a desire to visit sites other than the more famous areas, to generate interest in planned facilities and to encourage repeat visitation. Marketing, however, should be assessed on a cost-benefit basis to ensure that over the long-term period, the required returns on marketing expenditure are achieved. This can only be accomplished through a detailed marketing plan to include the marketing activities promoting East Jerusalem as a tourist attraction towards the turn of the century.
- *Tourism product diversification.* With the expected normalization of relationships in the Middle East region, it is likely that there will be a major increase in the number of Moslem travelers to East Jerusalem from regional countries as well as from further away (Indonesia & Malaysia). Many of these tourists will be attracted for religious reasons while others will combine pilgrimage with cultural historical and other activities. At present, the capacity to absorb Moslem visitors is extremely limited with regard to accommodation, transportation and related facilities and services. It is therefore imperative that we regard as a priority the need to identify locations and develop tourist accommodation and other related facilities specifically for the Moslem market. It needs to be recognized that this market includes a wide range of travel budgets.
- *Tourism industry carrying capacity.* Accommodation supply is lacking in quantity and the range of qualities. There are approximately 1,800 hotel rooms in East Jerusalem. Because of the limited number of hotel rooms a major source of tourist expenditure is denied the Palestinian economy. Tourists spend money on their accommodation and are likely to take at least one meal each day in their hotel or nearby. Tourists are also likely to shop for gifts, souvenirs and personal items either in their hotel or at nearby retail outlets, which makes them a good potential source of direct and indirect government revenue. As an urgent priority, the number of hotel rooms should be expanded to 5,000 rooms by the year 2010. This new accommodation base should be sited, planned, phased over time and designed to meet identified potential tourist markets.
- *Tourism institutional support.* The Ministry of Tourism and Antiquities is in the early stages of development and suffers from a shortage of manpower and funds. The key to the successful development of the tourism industry in East Jerusalem is the establishment of an institutional organizational framework that readily facilitates the planning, development, regulation, marketing, and operation of the tourism sector and monitors its effectiveness in achieving its stated objectives. The establishment of an effective organization to formulate policy,

plan and regulate the development of the tourism industry should be given utmost priority. Due to past tensions, tourism has not been granted a high level of importance and accordingly, it will take time to establish an agency that has the necessary resources in terms of experienced staff. Accordingly, considerable emphasis should be placed on rectifying this factor in the very near future.

- *Tourism financial support.* During periods of uncertainty there is a reluctance to make significant capital investment in an industry such as tourism, which can witness severe fluctuations and generally requires a number of years to achieve a return on investment. In addition, investors are generally pragmatic and will seek to invest in those areas offering the greatest potential return. For as long as Israel provides capital loans, exemptions from various duties and tax holidays for investors in the Israeli tourism industry, it will remain an attractive location for investment, which will be detrimental to the development of the Palestinian tourism industry. A major obstacle to tourism development in recent years has been the comparative disadvantages with respect to the development of these facilities in Israel. Capital grants, among other incentives, for Israeli projects significantly reduce development and overhead costs. Similar capital, project construction or improvement is rarely available for Palestinians. Palestinian tourism developers and operators thus find it difficult if not impossible to effectively compete in the tourism sector under these inequitable conditions. Short-term loans and small grants are often instrumental in the success of first or demonstration projects. Immediate measures are needed to guarantee that private developers in the tourism sector have access to suitable development capital and incentive grants. 'Pioneering' tourism sector developers in particular should be encouraged with an incentives package that is backed by a development bank. This bank will have the prime function of providing short-term loans and small grants to the tourism industry in East Jerusalem.
- *Tourism entertainment activities.* The inclusion of appropriate forms of entertainment is an essential component of the attraction package offered to tourists in most neighboring countries. The Palestinian tourism industry suffers from an acute shortage of entertainment facilities. Attractions such as night clubs, folklore festivals, galleries, exhibitions, museums and sports events are extremely rare, and even when theater or cultural festivals are organized, they do not target tourists staying in East Jerusalem.
- *Tourism public awareness.* Many of the people are unaware of the potential benefits of tourism to them or of the actions and attitudes required to develop a successful tourism industry. Unless this issue is resolved, the development of the tourism industry will be impeded. A public relations initiative should be launched to inform the population about benefits of tourism in terms of employment, direct revenue generation and indirect benefits such as improvements to the infrastructure, which can be funded from tourism-related revenues. This initiative should also incorporate education regarding the preserva-

tion of sites of interest such as archaeological areas and other historical features to ensure that the people develop a desire to protect the environment.

- *Tourism private sector consolidation.* The Higher Council was established in 1993 in East Jerusalem. The council is an umbrella organization and consists of representatives from the Arab Hotel Association, the Guides Association, the Arab Travel Agents Association, the Tourism Buses Association, The Tourist Handicraft Cooperative, and the Association of Palestinian Airlines. The main responsibility of the Higher Council is the coordination of private sector activities, particularly in relation to marketing and promotion. The council is equally responsible for the harmonization of standards of service within the Palestinian tourism industry. The promotion of the interests of the private sector is another priority of the Higher Council.
- *Tourism industrial relations.* The introduction of a comprehensive industrial relations framework to regulate the relationship between the employee and the employer is a priority. In East Jerusalem Israeli labor laws are governing the relationship between the two. Until such time as the jurisdiction over Jerusalem is transferred to the Palestinians, the relationship will remain governed by Israeli labor laws. It is recommended that a comprehensive industrial relations framework be established. This could be tested in the Palestinian Authority areas before it is enacted and adopted by the tourism industry.
- *Tourism industry competitiveness.* The tourism industry in East Jerusalem is not competitive in comparison to the Israeli tourism industry in West Jerusalem. Even though East Jerusalem has been known to be a cheaper destination when it comes to tourism accommodation and related services, Palestinian travel agents prefer to lodge their groups in West Jerusalem hotels because of the modern facilities and quality of services, which are lacking in hotels in East Jerusalem. Therefore, in order for the Palestinian tourism industry to become competitive it is necessary for the hotels to improve the quantity and quality of their services.
- *Tourism database.* The establishment of a comprehensive database for the use of the public and private sector is a priority. The database could be used to identify trends in the market, forecast demand and facilitate academic research in tourism. The collection of data should be based on a scientific approach rather than predictions and estimations.
- *Jerusalem 2000.* We need to organize for this Christian celebration in order to gain the maximum benefit.

Conclusion

The peace process is critical to the development of a tourism industry that can contribute significantly to the economy. Conversely tourism in itself can contribute to the peace process through regional cooperation and understanding. Clearly, Palestine is presently unable to support the increasing number of visitors. Major tourism development initiatives will be required to meet the needs of potential tourist arrivals. It will be necessary to develop the infrastructure, accommodation, restaurants, tourist attractions, tourism services and other essential and desirable facilities to support tourism. Unless these are developed the potential for tourism growth will not be realized.

JERUSALEM AND THE PEACE PROCESS¹

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Let me start by saying that it is a pleasure for me to be here and to present to you the book I am editing on the peace process, which is entitled *Doves in the Sky of the Old City*. I have often asked myself what has been done about Jerusalem, either through negotiations or on the ground, and I am aware of the fact that others would answer that nothing has been done. Let us start, however, by agreeing that the city is deeply divided.

Secondly, on the subject of the Arab League, my conclusion is that its role in aiding the peace process has much to do with its legitimization of certain agreements between Israel and the PLO, as expressed in the Arab Summit resolutions that legitimized and recognized Casablanca 1989, the Oslo Agreements and Cairo 1996.

Thirdly, I would like to discuss the Camp David element. The Camp David model is based on the fact that negotiations on Jerusalem should be postponed until the end of the peace process. Its supporters believe that this postponement, although not solving the Question of Jerusalem, will at least allow for other issues and conflicts to be resolved, which could result in some headway being made with regard to the Jerusalem issue. Under a serious threat of losing everything and encouraged by their having reached agreements concerning other issues, the two sides will be less reluctant to make concessions involving Jerusalem and there will, eventually, be an agreement.

The problem is, however, that although the Camp David model was relevant in the Egyptian case, it is not in the Palestinian one. When the negotiations began between the Israelis and the Palestinians, there was no escape from dealing with the Question of Jerusalem. Indeed, the Question of Jerusalem became an obstacle in the talks on autonomy issues. In the correspondence exchanged between President Sadat and President Carter, there was total disagreement on the Question of

¹ Summary of a presentation given at a PASSIA roundtable meeting held on 19 November 1997.

Jerusalem, yet this did not prevent the signing of an Israeli-Egyptian peace treaty as the focus point of both sides was Sinai and the bilateral relations of Israel and Egypt.

Concerning the mediation between Israel and the PLO in the '80s, the PLO changed its stand towards Israel, but not towards the issue of Jerusalem, and although it made concessions regarding most of the issues it refused to do so with regard to Jerusalem. Even when it realized that it was paying heavily for having entered the peace talks without negotiating directly with Israel, it still refused to make any such concessions. As to Prime Minister Shamir's stance before Madrid, there were two 'nos': 'no' to negotiations with the PLO and 'no' to negotiations on the subject of Jerusalem.

The peace conference in Madrid renewed the old idea of a peace process, which was seen as a necessary solution to the *Intifada*. In 1989, Israel presented the idea of holding elections in the Occupied Palestinian Territories (OPT) and of having representatives in the peace conference. There was a major problem, however, which was widely reported, concerning the participation in the elections of Palestinians from Jerusalem. This caused a great deal of friction between the Likud and Labor parties and the coalition government eventually collapsed. On the way to Madrid, Mr. Baker found himself dealing with questions such as negotiating with Jerusalemites such as Faisal Husseini and Hanan Ashrawi, whether Jerusalem would be allowed to become the political center of Palestinians and whether the negotiating team should be allowed to maintain contacts with Tunis. In the end, the negotiations with Tunis as well as the Orient House as the political center for the Palestinians were both accepted. Prime Minister Shamir wanted neither the PLO nor the Jerusalemites represented in the peace conference, but a compromise was reached, even though neither of the two parties was allowed to be present at the negotiating table. Nevertheless, their input was evident and resulted in Prime Minister Shamir going to Madrid. Although it took some time, Prime Minister Shamir eventually recognized the need to give the PLO a behind-the-scenes role, having realized that there was no alternative to its leadership.

Prior to Oslo, official talks were taking place in Washington, but the issue of Jerusalem prevented any breakthrough from occurring. In Oslo, on the other hand, the negotiations over Jerusalem gained momentum. Prime Minister Rabin, an admirer of the American system, wanted to adopt the Camp David model and to postpone the issue of Jerusalem, but he realized that this was not possible. My conclusion is that Jerusalem is not as taboo a subject as the Israelis used to lead us to believe. The Palestinian 'yes' to postponing the issue of Jerusalem came before the idea of mutual recognition was developed, and the issue of Jerusalem was excluded from the Declaration of Principles (DoP) to allow the Palestinians to reach an interim agreement with Israel. There was a major debate at the time concerning

whether the text relating to the postponement of negotiations on Jerusalem would be included in the DoP, whether Palestinian institutions established in Jerusalem prior to the signing of the DoP would be allowed to continue to function, and the terms under which elections for the Palestinian Legislative Council (PLC) would be held in the city.

During the negotiations on the aforementioned issues, Mr. Shimon Peres wrote a letter, which includes the first mention by an Israeli politician of the term 'East Jerusalem'. Peres not only recognized East Jerusalem along with its cultural and religious institutions, but also committed himself to reaching a solution that would satisfy both parties as far as was possible. This point is very important as it shows that there was a major change in the Israeli point of view. There was also a change in the Palestinian stand inasmuch as Palestinians now accepted the idea that the final solution in Jerusalem will be different to that in the West Bank, in spite of the fact that the two areas will not be disconnected from one another.

The fact that the issue of Jerusalem was cut into small pieces in Oslo resulted in changes in the stance of both the Palestinians and Israelis – although mainly the Palestinians – and allowed the negotiations over Jerusalem to begin in earnest. Since Oslo, there have been areas of agreement and areas of disagreement and competition between Palestinians and Israelis. However, the fact that the elections took place in Jerusalem as planned is very symbolic as Jerusalem was thus institutionalized as a part of the West Bank political system, in spite of its unique nature. To gain an insight into its uniqueness, one only has to look at the socio-economic and educational backgrounds of the PLC members from Jerusalem.

HAS ISRAEL ANNEXED EAST JERUSALEM?¹

DR. IAN LUSTICK

Professor of Political Science, University of Pennsylvania

Actually, I could not be more pleased to be here, and I am honored to have such a distinguished group to speak to. I have been in the country for about 11 days and have had the chance to speak on many topics, but none are quite as important as the one I am talking about today.

I am an American professor; I am Jewish, and I first came to this country in 1969, when I wrote my first article, on 'What West Bank Arabs Really Want'. The article, which was published in a Jewish magazine in the US, said that the West Bank Arabs want a state of their own in the West Bank and Gaza next to Israel; although the PLO does not say it wants that now, it will eventually. I was surprised to find that this was what Palestinians wanted - I did not know much about the Palestinians before I came here - and from then on I have never stopped being interested in and concerned for the fate and future of both the peoples of this country. Even though my first book was on the Arabs inside Israel, I was always mainly interested in the Palestinians of the West Bank and the Gaza and their future.

I worked in the State Department in 1979-1980 as an expert on land expropriation and settlement and as an advisor. My opinion that the negotiations that were going on at the time were an Israeli trick and that the American government should abandon them, in order to be able to publicly criticize the Israeli government, was not followed quickly enough, and I published my views when I left the government. I have been a consultant ever since for every administration in Washington.

In order to understand what was happening in this country, I decided that I had to discover how states get bigger and smaller. It is very easy for states to get bigger, but it is extremely difficult for them to get smaller. In order to find out how states get smaller, I wanted to learn how France got out of Algeria and how Britain got out of Ireland, after ruling the country for hundreds of years. I went to Algiers and Ireland, and I found that the settlers, in all three cases - the Jewish settlers in the West Bank, the Protestants in Ireland, and the Pieds Noires in Algeria - were the

¹ Summary of a presentation given at a PASSIA roundtable meeting held on 5 January 1998.

crucial groups. Having discovered this, I wrote a book on the Gush Emunim, the Jewish fundamentalists in the settlements, which was translated into Arabic by The Institute for Palestine Studies, and I wrote a book on British and French settlers in Ireland and Algeria. But that was all in preparation for this book, *Unsettled States, Disputed Land*, which is a comparison of the British relationship to Ireland, the French relationship to Algeria, and the Israeli relationship to the West Bank and Gaza, and in which I carefully compare what would be the necessary and sufficient conditions for Israel to be able to do what France did in Algeria, and perhaps to avoid the problems that Britain is having in Ireland. The book, which was published in 1993, warned the Israelis that when the Israeli government attempted to leave the West Bank, the Jewish fundamentalists would try to assassinate the leaders of the country, and I argued that this was a possible crisis that the government could use in order to convince the Israeli people to leave the territories completely to avoid a civil war. The government, unfortunately, did not take my advice and tried to lie about what it was really doing, and I was actually here when Rabin was assassinated.

Part of my theory in this book has to do with the image people have of their country and shape, and how these images and the psychological images can or cannot be changed. When the Israelis talk about erasing the Green Line, and when they call the West Bank 'Judea and Samaria', they are trying to change the psychological image of the country, and I described the efforts to expand the borders of East Jerusalem as an attempt by people such as Geula Cohen and members of the extreme right to change the Israelis' feelings about Yerushalaim in order to make it impossible to ever reach an agreement with the Palestinians. Much of my work was devoted to showing the facts of the situation, so the Israelis could say, we really do not have this strong attachment to all of this area, only the parts that are Yerushalaim. As for the background to a specific article that I wrote, 'Has Israel Annexed East Jerusalem', which we are talking about today, it was published in *Middle East Policy* in Washington DC in January 1997. I am now the Chairman of the Political Science Department at the University of Pennsylvania in Philadelphia.

There are not too many things, as you know, that Palestinians and Israelis agree on, but there is one thing that the average Israeli and average Palestinian agree on, and that one thing is actually false. What they agree on is that Israel has annexed East Jerusalem. That is simply not true, and it is important that it is not true, not because legal formulas and legal processes are the solution to political problems, but because they are important weapons and tools in the political process, and not understanding the way legalities are being used puts one at a major disadvantage. So, I say annexation has not occurred, and I can tell you that even people as well-informed as Naomi Chazan, who sympathizes with the Palestinians, who is a legal scholar and who has written on the legal status of Jerusalem, are mistaken in believing that annexation has taken place. In a meeting with

Chazan, I said that Israel has not annexed East Jerusalem, and she said "*Ma pitem?* (What are you saying?) We annexed East Jerusalem in June 1967!" So I told her, okay, here are the orders, here are the documents from 1967, tell me where it says Israel annexed East Jerusalem. She looked for 15 minutes and she could not find anything, so she said, "Well, we did it in 1980, with the Basic Law." And I told her to look again. Nowhere has Israel used the word *ribonut* (sovereignty) or *sipuach* (annexation) when referring to the 70 square kilometers of expanded East Jerusalem that were added to the city of Yerushalaim in 1967.

I am now, therefore, going to argue that Palestinians and Israelis who favor a negotiated solution are making a huge mistake each time they accuse Israel of having annexed East Jerusalem. Let us look at the documents first. When Israel took over the whole West Bank in June 1967, it wanted to do something about Jerusalem, or Yerushalaim in Hebrew, but it did not want to annex the city, nor to declare sovereignty over it for three important reasons.

The first reason was that declaring sovereignty, in the 20th Century, and especially after World War II, always means you have to force citizenship on the people who live in the territory in question. This is what happened in what is called the Little Triangle, the strip of land between Um Al-Fahm and Kufr Qassem, then home to some 25-30,000 Arabs. In 1951 it was transferred from Jordan to Israel and all of the people living there who were in the population registry in 1951 were made citizens of Israel. When Israel withdrew from Nahariyim and Arava, south of the Dead Sea following the treaty with Jordan, it was removing Israeli control from sovereign Israeli territory, and because of that the Israeli government had to make a formal cabinet decision. On the other hand, when Rabin talked about getting out of the Golan Heights, or part of the Golan Heights, there was never a question of having to formally relinquish sovereignty - it did not even need a formal governmental decision or a Knesset vote - because the area was never annexed. The law says what it says in the Jerusalem case, i.e., that Israeli Law is extended to this area, but Israeli Law applies to each settlement in the West Bank too; it does not mean that the settlements have been annexed. You can withdraw from a settlement without going to the Knesset and making a formal decision. The same thing is true with regard to East Jerusalem.

The second reason was that if you annexed and declared sovereignty, you would be challenging explicitly and directly the whole international community and the Hague Regulations, which forbid changing the status of occupied territory. The Israelis were not keen to have a war with the entire international community, especially over such a sensitive issue as Jerusalem. Israel enjoyed quite a lot of good will after the Six Day War until it started doing things in East Jerusalem, when it was asked by the UN to answer the question of what it had done. A committee of ministers wrote the answer, headed by Menachem Begin, and it was

read out at the UN by Abba Eban, who was then Foreign Minister. The statement said that the measures that the Israeli government took in 1967 had nothing to do with annexation, but had been taken in order to increase the possibility of giving municipal services to the local population, and that is the only thing the Israeli government has officially ever said about the status of East Jerusalem, excluding in campaign speeches and speeches on sovereignty by various prime ministers. When Begin, whilst talking about the 1981 Golan Heights Law, was asked, "Why did you annex the Golan Heights?" he replied, "Annexation? You are using that word, but I did not use it."

The third reason why Israel did not annex or declare sovereignty over East Jerusalem in 1967 is that the area that was defined as East Jerusalem was much bigger than actual Yerushalaim because it came with a big chunk of the West Bank. In the government coalition, the National Religious Party and even in the Labor Party, there were many people who wanted to annex all of the land of Israel, which meant that if the government had annexed only part of it, thereby saying we do not believe we should be annexing all the land of Israel, the result would have been a big political argument, which the government did not want.

So what did the government actually do? It did a pretty complicated thing. Anybody who knows much about the way Israel's policies towards Arabs are developed and how they work will know that they are made so complicated, that to anybody from the outside it does not look like something deliberate has been done. There is no law, for example, that says Arabs are discriminated against in land expropriation, yet a whole set of orders and laws were created so that only Arab land would be expropriated.

With regard to Jerusalem, the government did three things, which together had the desired effect. Number one, they made a slight amendment to the 1948 law according to which the Little Triangle had been annexed. That law had said that the army could designate certain areas under its control to be transferred and or annexed to Israel, but now, the law was changed so that any part of the government could designate part of the land of Israel held by the army as a place where Israeli Law would apply, but without saying anything specific about Jerusalem. Then, they passed another law right afterwards - and this all happened within one day - which says that the Interior Minister has the right to expand the boundaries of an Israeli city, and if he wants, to appoint counselors from the population in the expanded area without having an election, but again, with no direct reference to Jerusalem. The third thing they did was to allow the Interior Minister to issue an order that read more or less as follows: "By virtue of the law amended in 1948 and by virtue of the law just passed, giving me the power to expand the municipal boundary, I hereby change the boundary of the city of Yerushalaim, and the new boundary of the city is listed on the accompanying appendix." He could not say

that the new border of Jerusalem had been expanded to that which it was in 1840 or 1940, so he simply issued a three-page list of latitudinal and longitudinal points; that is all it is.

As for people like Geula Cohen and their attempts to make other Israelis think that this huge 72 square kilometer area is their 'Yerushalaim', they do this knowing that the Palestinians will never accept to compromise on the question of Al-Quds as their capital, which is why they consider, for example, the settlement in Ras Al-Amud so important. It is not that the area is more important to them than the rest of Israel, but because they can make it seem more important to most Israelis and then destroy the possibility of a solution with the Palestinians without having to convince Israelis that Israel really should rule the whole of the Israel, which is something that most Israelis do not want.

If you read the works of the majority of Israeli writers and legal scholars, most of whom favor the absorption of the whole area into Israel, you will see that they constantly cite Israeli Supreme Court cases as proof that East Jerusalem has been annexed and that Israel has sovereignty over the entire area. But this is not true. The most famous of these cases was the Ruidi case. Ruidi was a merchant who lived in Hebron - I do not know if he is still alive - and who, in 1968, had one store in Hebron and another in East Jerusalem. When Ruidi took some of his antiquities from his store in Hebron and moved them to his store in East Jerusalem, the military governor sued him for breaking the Jordanian law against sending antiquities out of the county; remember the military governor was charged with enforcing Jordanian Law according to the Hague Regulations. The antiquities dealer went to court, where he argued a very strange argument. What he said was that since the military government had been charged with carrying out Jordanian Law on 7 June 1967, but that Israel had not issued its orders to expand the boundaries of Israeli Law until the end of June, then it did not count; he did not argue that Israel did not have sovereignty. The court decided, however, that all that mattered was that Israel had control of East Jerusalem and had Israeli Law applying there, so they found in favor of the military government. But the judges explained their decision in very detailed language, saying that this was a very worrying case, because it raised the possibility of the question of whether or not Israel had sovereignty in East Jerusalem and whether or not Israel had annexed East Jerusalem. There was never a single court decision that could be interpreted as confirmation of Israeli sovereignty or annexation.

What happened next was that Israeli scholars started citing the Ruidi case as proof that the courts had decided that Israel has annexed East Jerusalem. In the more recent Mubarak Awad case, one of the things they did was to cite the Ruidi case, but the problem was that they misnamed the Ruidi case, calling it the Kazidi case - one wonders if they actually read the case - which started a whole chain of

events, because other people who then cited the Mubarak Awad decision mis-translated Kazidi as Ravidi and Dowidi, causing a host of Israeli scholars to say that there are a number of cases where Israeli judges have said that Israel annexed East Jerusalem.

There was also the case of Yoel Davis, who Israel wanted to extradite to the US under the terms of the Extradition Convention between the US and Israel. When the court looked at the case it acknowledged that although Israel does not claim sovereignty over East Jerusalem, it actually does not matter, because what mattered for the purpose of the case was the fact that Israel has *de facto* control of the area. So, once again the court said, and it said the same thing repeatedly, that we cannot say, and will not say, that Israel has annexed East Jerusalem.

Now, from my point of view I am not arguing that there is some magical legal formula that can solve the Jerusalem problem, or that whatever is legal gets done, while what is illegal does not get done. We all know that is not true. But legalities matter as formulas that work in the political arena to convince people that a situation is no longer open to dispute and others that the situation is open to dispute, and to convince some people that justice has been done, and others that justice has not been done. It is therefore very important that the Arabs do not say that East Jerusalem or even expanded East Jerusalem has been annexed. I would note here that I do not believe that this area should even be called East Jerusalem; when I was at the State Department they were calling this whole area East Jerusalem and I insisted that all the maps be changed to read expanded East Jerusalem because the whole purpose of the expansion was to make it seem to the Israelis that the entire area was Yerushalaim.

I am going to close by giving you a very different example of how Israel thinks it can get sovereignty over this area. Yehuda Blum, in case you do not know, is a Likud right-wing lawyer who writes articles in law reviews 'proving' that Israel has sovereignty over Judea and Samaria and that the Arabs have no claims whatsoever and so on. When he made these arguments in the early 1970s, Israel's foremost legal scholar on International Law, Yoram Dinstein, said not only is Blum wrong, but it is dangerous for him to argue this way because the fact is that we, the Israelis, as well as the Jordanians, recognize the boundary between us and Jordan as the boundary between two sovereign countries, and if we give up the boundary and its legality, the only other international boundary would be the 1947 partition law, which is much worse for us. So Blum argued with Dinstein, especially about Jerusalem. At that point, Dinstein wrote another article and he said something along the lines of, "I wish Blum would stop criticizing me, because he is forcing me to say things I would rather not have to say, but since he is challenging my professional credentials as a legal scholar and what I have to say, I have to say that Israel does not have sovereignty over East Jerusalem and it did not an-

nex East Jerusalem. The only way we will get sovereignty in East Jerusalem, because sovereignty can only come now with the agreement of the international community, a treaty between two peoples, two states and granting citizenship to the people who live in the territory, is if we just wait for several generations and build and build and people just assume that we annexed East Jerusalem and have sovereignty. But for Bloom to force me to talk about the legalities will interrupt that process of letting the statute of limitations, as it were, run out." That is an article published by Dinstein in 1971, and I doubt very much if he ever intended his article to be quoted in this context.

That is my message for you today: to take seriously the Israeli legal situation so that you understand the political constraints Israel feels it is under in dealing with the issue of the future - I do not like to say the future of Jerusalem - the future of Yerushalaim and the future of Al-Quds, because those are not the same places. Thank you very much.

DISCUSSION

Dr. Mahdi Abdul Hadi: Thank you Dr. Lustick for raising some very important points, but allow me to ask you: Are you telling Netanyahu, by raising the flag of East Jerusalem, Israeli sovereignty, and the fact that East Jerusalem has not been annexed, that now is the time for him to go ahead and do it his way? Or are you implying that we should talk only about East Jerusalem and the fact that it has never been annexed, without taking into account that West Jerusalem - and remember that for Palestinians, Jerusalem is the whole city, East and West - has been controlled by the Israelis since 1947? If you would like to talk about the detailed aspects of it, you should talk about the partitioning of the city since 1947, the internationalization of the city, which nobody implemented or accepted, or the fact that East Jerusalem has been occupied territory since 1967 according to Resolution 242. Focusing only on East Jerusalem in the context of the legal definition is quite wrong from my personal perspective because this is telling the Palestinians, you should only be talking about land that has been occupied since 1967, at the same time as we still have so many rights in Israel.

Dr. Ian Lustick: It is certainly a possibility, whenever you bring into the open a vulnerability, that the other side could respond, but for Netanyahu to do what you suggested would mean that Israel would have to pay a very high cost, and I personally do not think that Israel would respond this way. Think of what would happen if it did. First of all if would be a contravention of Israel's agreement with the US, the Camp David Accords, which was never to change the legal status of any part of the territories except as the result of negotiations. That, incidentally, is another reason why the 1980 Basic Law could not be considered to have changed the status of Jerusalem. The way things are going, when it is assumed that East

Jerusalem has been annexed and Israelis lose the sense of what Yerushalaim is, you leave the possibility open for Belin-Abu Mazen types of agreements, according to which you share Jerusalem in different ways. Now when you talk about the legal aspects, why not go back to 1947, indeed, why not go back to the Balfour Declaration? Choose your time! If you believe the political possibility exists of moving the clock back to the '47 partition line, then do it, but that is a political judgment you have to make, and you have to bear the political consequences if you are wrong. But remember, we could say that the majority of Palestinians would not say that Katamond today is part of Al-Quds.

Dr. Mahdi Abdul Hadi: How do you know?

Dr. Ian Lustick: Well, that is my impression. I also know that the Israelis have changed, and that their perception of what Jerusalem is has changed over time.

Dr. Mahdi Abdul Hadi: Faisal said yesterday we want 500 licenses to build our houses in West Jerusalem.

Dr. Ian Lustick: Now that is another question. From my point of view, since Jews are building in East Jerusalem, that is a terrific tactic! More than that, I think that Palestinians living in Jordan but having property inside Israel should say we have peace now between Jordan and Israel, so the absentee property should be returned to us, or at least made accessible to us. There are many arguments that could become very useful, but I do not think that trying to talk about an international city is one of them.

Dr. Mahdi Abdul Hadi: No, not an international city, but the whole city of East and West Jerusalem. For us, Jerusalem is not only Arab East Jerusalem, it is both, the East and West, the whole city.

Dr. Ian Lustick: What I am suggesting is a minimum. I am interested in keeping alive the possibility that there would be an Al-Quds that would not include all of the city of Jerusalem. I am simply saying that the legal arguments are not *per se* the answer. You have to look at both the legal and political argument, and decide which is worth making in a political context.

Dr. Mahdi Abdul Hadi: Since you are raising this, what is the political context you are talking about?

Dr. Ian Lustick: One political context is that there was an agreement between Arabs and Israelis to divide Al-Quds in 1948. I also base my ideas on Oslo and various studies, including that of Jerome Segal and I do not know who on the Palestinian side. Segal did these interviews that showed that there is a lot of Palestinian flexibility with regard to what the Palestinians consider Al-Quds, and there is also

a tremendous amount of flexibility on the Israeli side with regard to what is seen as Yerushalaim. Let me give you an example. If you ask Israelis - and the polls have always asked them - are you willing to compromise on Yerushalaim, 95% say no; if you ask should Yerushalaim be subject to negotiations, 95% say no, because when you ask them that question they immediately think of the Jewish Quarter in the Old City; if you ask them would you return the Arab areas outside the Old City to Palestinian sovereignty, you get 40%; if you say, in order to reduce the Arab population in the city of Jerusalem, would you be willing to return Arab neighborhoods, you get 50%; and if you ask would you be willing to return specific neighborhoods, which you name, such as Shu'fat or Sur Baher, you will get an even higher percentage. I am just trying to show there is not this tremendous wall of hostility to negotiating on the subject of Jerusalem.

Ahmad Ghandour: How would you explain the decision of Congress to move the US Embassy to Jerusalem?

Dr. Ian Lustick: I have some very bad news for you. Of all the people in the US Congress, all 538 of them, maybe 30 know something about the problem, but maybe only ten care about the problem enough to act on what they know. The rest of them, the vast majority, thinks what does this mean to me? If I go against the resolution to move the embassy [which was not even put forward by the main Jewish organization, but by the far-right Likud-oriented organization], those people will be in my district accusing me of anti-Semitism, of being anti-Israel, and I'll lose some votes and contributions, but if I vote for the resolution, what have I got to lose? The answer is absolutely nothing. And that is the unpleasant truth, not only about why resolutions get passed, but why someone like Bob Dole, who in the past had spoken very sensibly about the Middle East, even about Jerusalem, upon becoming a political candidate also became the organizer of that resolution. I personally do not think the embassy will be moved until there is peace with the Palestinians, but that is my opinion. The Arab-American community has done a lousy job of mobilizing itself on these issues, and unfortunately, this is the current way in which politics work.

Ibrahim Shaban: I would like to ask you what you want to prove to us? If we are to understand that East Jerusalem has not been annexed, then what has been going on here for the past 30 years? Are we merely after words, terminology, and are we supposed to forget the creeping annexation of the Israelis? We were taught as young children the story of the hunter who was hunting on a very cold day. One of the birds saw the tears in his eyes, so he turned to another bird and said, "Look at how merciful the hunter is," to which the other replied, "Do not look at his eyes, look at his hands, he is killing us!" The Israeli annexation of East Jerusalem is null and void according to the international community, the UN etc.; the shelves are full of papers on the subject. Even a Jewish scholar, Oppenheimer, said Israel has not

one atom of sovereignty in East Jerusalem, although, of course, it has the upper hand, but that is authority, not sovereignty, and there is a huge difference between sovereignty, which gives legality, and authority, which gives power.

And let me ask you something else. Okay, if legal norms do not give solutions, how does politics draw its solutions? It is perfectly normal for us to look to international norms in determining why this annexation is null and void, and with regard to sovereignty and the right to self-determination and so on. Without the laws that are applicable in the international legal arena, any country could go wherever it wants and do whatever it likes! As far as I know, International Law says that occupation does not imply sovereignty but is temporary, and in addition, that the occupier should always strive to ensure the happiness and prosperity of the occupied people and should not interfere in their affairs.

Dr. Ian Lustick: You said that were it not for the norms of International Law, any country in the world would do exactly what it wants. But they do! What they do not do is to accurately calculate the cost. The Palestinians have been making the mistake, even since World War I, of thinking that just because something was said, it was going to be implemented. That is not the role laws play in international politics; they constitute just one piece of the political puzzle. In this particular political puzzle, where, like it or not, the Palestinians cannot throw the Israelis out, Israel is going to leave only when the Israeli population makes a decision to leave, so what the Palestinians have to do - and that was the brilliance of the *Intifada* - is to find a way not only to build up their own integrity as a people, but to force the Israeli public to see the issue differently.

This is where my analysis about Jerusalem comes in, because the problem is that the Right uses what I call the 'fetish of a huge Jerusalem' to block all roads to compromise; every time things get going, the Right calls out the flag of Jerusalem. The Left, and I make a distinction here, is prepared to accept a Palestinian capital in Al-Quds. The Jews know they are not going to get everything they want, but the problem is, they refuse to even talk about the issue of Jerusalem and will continue to refuse to do so until the myth about this huge Yerushalaim that the right-wing government has been cultivating is destroyed. Palestinians should challenge the Israelis over specific parts of the city while they struggle against Jabel Abu Ghneim, and while they struggle to build their own homes, etc.; all of these issues have to be a part of the same struggle, and then they can raise Israeli support, so that when the peace process can move forward, Yerushalaim will not be the obstacle it has been in the past. But for as long as Palestinians are saying, yes, Israel has annexed East Jerusalem, and for as long as they treat the whole thing as a catastrophe that cannot be salvaged in any way, they play into the hands of those in Israel who are using this myth to defeat all compromises.

Dr. Mahdi Abdul Hadi: I would like to emphasize something here. Abu Mazen and Belin did not speak of the Jerusalem we know, they expanded the city to the West Bank, and they claimed a West Bank village was part of Al-Quds. It is too dangerous now to look for new symbols. Jerusalem for us is not Abu Dis. The Belin-Abu Mazen agreement, in attempting to deal with the Holy Places, literally created a new Jerusalem in Abu Dis on West Bank territory.

Dr. Ian Lustick: Yes, I also agree that you cannot make Ramallah or Abu Dis Jerusalem, but the plan has more in it than that. It talks about the future of the Arab neighborhoods in a way that clearly indicates to someone who follows the situation as closely as I do that those neighborhoods are to be Al-Quds, connected to Abu Dis. That is my interpretation, based on a very careful reading of the document.

In 1990, Peres made a very interesting speech in the Knesset immediately after Bush commented on East Jerusalem, during which he said that Yerushalaim will be ours, the Jewish capital forever, with boundaries determined by the government of Israel. This implied that Israel would eventually draw boundaries that would allow the Israelis to keep Yerusahliym but whilst letting Al-Quds go. When a politician speaks that way, it means he is trying to set the stage for something he wants to develop.

Dr. Mahdi Abdul Hadi: But the Israeli politicians refuse to talk about Beit Hanina as a headquarters for the PLC, or the idea of having a Palestinian political presence in Sheikh Jarrah!

Walid Assali: How would you explain your decision to separate between Jerusalem and the West Bank in legal terms, and why are you explicitly taking Jerusalem out of the context of the West Bank? In my view this is playing around with words. It is clear to me that when Israel took control of the city, *de facto* annexation occurred.

Dr. Ian Lustick: I differentiate from the point of view of a political analyst, a political strategist, because I see that the intensity of Israeli occupation in the district they define as East Jerusalem is different to that in the West Bank. I also see that the ideological and mythological propaganda that they have trapped the Israeli public into believing about Greater Jerusalem is different and has enjoyed far more success than that concerning the rest of the West Bank.

Usama Halabi: You know, I think it is clear to all of us that we are talking about illegal occupation, and I think we need to distinguish between Israeli Law and International Law. According to Israeli Law, there is no doubt in my mind that East Jerusalem was annexed by Israel in 1967; as you say, the word annexation is not mentioned in the texts, but that does not mean that annexation did not take place. There are different points of view: you say it is occupied, Israelis say it is annexed,

united, others say it is disputed territory! Because of what you said about giving citizenship, etc., Israeli decided to create its own version of annexation: the model of East Jerusalem. In fact, at the Knesset they were talking about not only the annexation of East Jerusalem, but also about the liberation of East Jerusalem! I would also disagree with you over what you said about Peres. Prior to the elections Mr. Peres made a speech during which he said, talking about Jerusalem, that there will never be two authorities, which I think is clear enough.

Furthermore, I agree that the Palestinians made some mistakes, but it is a fact now that in the 1988 Declaration of Independence, the Palestinians limited themselves to the East Jerusalem of 1967. As for the Mubarak Awad case, you will find, in my opinion, very clear language talking about the need to annex East Jerusalem, and the need to apply Israeli Law.

Dr. Ian Lustick: I translated the Awad case from the Hebrew and I will show you what it says. The court wanted to argue that the 'Kazidi', (i.e., Ruidi) case showed that East Jerusalem had been annexed to the State of Israel. The court knew that this was false, so it made the observation "that the trend of the legislation is to bring about synchronization between the law, etc., of the State on the one hand and East Jerusalem and its inhabitants on the other. The purpose of interpretation is to give effect to this trend as far as possible and to find a basis for it in the statutory language." In other words, the judges were saying what we are trying to do is to twist the language to make it seem that annexation has occurred. That is one of the things Israel is doing to stop people thinking about the future of different parts of Jerusalem.

Look at the law they passed, supposedly in order to close Orient House. It did not mention Orient House, but said that the Palestinian Authority is not allowed to establish its institutions in Israeli territory. Now, why did not they use that law to close Orient House? One reason is because if they did, they could be sued in an international court for claiming sovereignty over East Jerusalem and they would have to formally defend that claim, which they do not want to do.

Sheikh Jamil Hamami: It is obvious that Israel is as an occupying power; even in your presentation you make it clear that the occupation is illegal. As a Palestinian Jerusalemite, what do I gain from your research, and from a researcher like you coming and saying that Israel has not annexed East Jerusalem? What you are saying does not alter the geographic, demographic and political situation in East Jerusalem. There is a *de facto* annexation with an expansion of the settlements, the Judaization of the city and its isolation from the rest of the country!

Dr. Ian Lustick: I understand. Even as a visiting Jew, I am outraged. I was here in 1969 and I thought it was a beautiful city, now I cannot stand to look around. The architecture, the horrible scale of things, is an insult to the people who live here, to

say nothing of the closures, the need to argue your whole life just to stay in your own city. It is an outrage. I feel all that, but what I fear is that outrage will lead to a paralysis and a sense of despair at many levels. Some people are capable of struggles at one level, others at another. There are various forms of struggle: political struggle, demonstrations, strikes, all of which may be crucial at certain stages, while at other stages, psychological and ideological struggles are important. I will give you an example. It took the Irish 50 years of struggle, not to get Britain out of Ireland but to get the British to see Ireland as something they were occupying and not a part of their country, another 40 years to get Britain out of most of Ireland, and they are still struggling to get Britain out of the rest! Now these things are not easy because the Irish were not strong enough to throw the British out, but if they had not engaged in this ideological, legal and psychological struggle - and terrorism was also a part of it - to help make the British public see that Ireland was different from Britain, they would never have succeeded in getting this far. So you see, it is not enough to say that this type of argument does not satisfy the man in Silwan who is afraid of living underneath Moscovitz. It is much more complicated than that.

Mazen Qupty: What is, in your opinion, the influence of East Jerusalem Palestinians applying for Israeli citizenship on the legal question of Israel's annexation of East Jerusalem?

Dr. Ian Lustick: The Israeli position is a typical trick: we allow any East Jerusalem resident who wants citizenship to apply. In fact, the law that applies to East Jerusalem residents is exactly the same law that is applied to any non-Jew anywhere in the world, whether he lives in New Zealand, or China, or Shu'fat. The only difference is whether the bureaucrats will approve the application or not. For political reasons they approve applications from Palestinians living in East Jerusalem while they do not approve applications from Palestinians living in Brazil. The Palestinian living in Jerusalem has no legal advantage to the one living outside the country.

Mazen Qupty: No, my question is, supposing ten percent of the residents of East Jerusalem became Israeli citizens, what would be the effect of this?

Dr. Ian Lustick: Look, one of the reasons why Israel was able to make the central Galilee look like Israel is that 90% of the people who live there are Arabs and the whole world, the Arabs in Israel and even the Palestinians are willing under certain circumstances to accept that the Galilee is Israel. Citizenship, even though the Palestinians living in that area were denied many rights - nobody knows that more than I do - in the world community that we live in, makes everything regular, makes it normal. So if the Palestinians in East Jerusalem start applying for and obtaining Israeli citizenship in large numbers, it could be really decisive.

Dr. Mustafa Abu Sway: You said that Palestinians living in Ras Al-Amud are afraid. It is not a case of fear. I happen to live only about a hundred meters away from the settlers, and I have no fear when I pass by the Israeli soldiers guarding the house, but deep inside me I know that they do not fit in there. That is the real issue.

Dr. Ian Lustick: I do not want to attribute fear to where it should not be attributed. I was in Hebron about four days ago, in the Tel Rumeida area, and all I can say is if I lived next to there, I would be pretty afraid.

Dr. Mahdi Abdul Hadi: I think most of us would agree that the *Intifada* managed to kill fear in Palestinian hearts, but at the same time transferred the fear to the other house, to Israel, and that we have nothing to be afraid of anymore.

Mohammed Dahleh: What do you think about Palestinians moving to live in West Jerusalem?

Dr. Ian Lustick: I think it is worth investigating the idea for several reasons. First, Palestinians need places to live inside the city. Second, and this is not a very nice thing to say about the Israelis, but one of the things that has led some Israelis to withdraw from the territories is that they do not want lots of contact with Palestinians; they are afraid of them. Let me tell you, they do not like the foreign workers being around - I was in Tel Aviv on Saturday and believe me, the place looked weird - but they still prefer them to the Palestinians. If Palestinians started using their residency rights to move into Jewish neighborhoods, I think that overall, it would be a good idea.

Hania Bitar: I think you have raised a very important point, which is the issue of myths. Israel has been trying to institutionalize many myths, such as the myth that the State of Israel was born in innocence and so on. Now we have realized that there is another myth. Do you feel the impact of such a myth on Israelis and Palestinians has been exaggerated, and could you offer suggestions on how to counter it?

Dr. Ian Lustick: Yes, first off all I am glad you mentioned it, as it is good to see it within the context of the larger myths. To be honest, many Israelis have been so drawn into the various myths that they do not have a clue what really happened in 1948. I have even spoken to Israelis - many Israelis - who thought that Kufr Qasem was an Arab terrorist attack! As an academic, I believe that if you teach people the truth, if people learn the truth, it shakes them up and gives them new ideas. One thing to do is to talk in a language that forces people to think more about what they really feel.

Let me tell you something about Jabel Abu Ghneim. You know Jabel Abu Ghneim was promised to the Haredim; well, now it is not clear, now that they have seen where it is, if they even want it because it is still not clear if it is in Yerushalaim. I

will tell you something else. There is a fence that marks where the rabbis think Jerusalem is, where you cannot carry things on the Sabbath, and almost all the Arab areas are outside this fence, which runs right between Jabel Mukabber and East Talpiot, right between Silwan and the Old City, right between Issawiya and Mount Scopus, right between Pisgat Ze'ev and the Arab neighborhoods, so this shows that there are all kinds of images within the Jewish community.

Adnan Husseini: Do you think if we are patient enough, and after all these wars, that one day, perhaps after hundreds of years, we will reach some justice for the Palestinians?

Dr. Ian Lustick: Yes, I do but it will take more than patience.

Dr. Mahdi Abdul Hadi: It seems to me that we are introducing a whole new vocabulary. Having created this new Jerusalem, Al-Quds, are we to believe that there are now three Jerusalems: one Arab, one Jewish and a third one that is considered shared?

Dr. Ian Lustick: Look at any map from this area, meaning it is in Arabic, or even in Hebrew; the word Jerusalem does not appear. The Israeli map of Falastin, here, [pointing to map] does not say Jerusalem, and if I had a Hebrew map it would only say Yerushalaim, not Jerusalem. Jerusalem is a foreign, European and American image that forces people to think of the city as one whole, which it is not.

Dr. Mahdi Abdul Hadi: But that is your personal interpretation of the map.

Ibrahim Sha'ban: I think there is a fear that if we talk about Al-Quds Ash-Sharif, holy Jerusalem, it means we are talking about the holy places only, as opposed to all the Palestinian neighborhoods.

Ahmad Ghandour: How we could benefit from your ideas. Could we, for example, use them in the negotiations with the Israelis, and if so, when?

Dr. Ian Lustick: When the negotiations start again, and they could, were the US to decide to stand up and criticize Israel, or in the event of another Gulf War or a new *Intifada* of some kind, then yes, it would be important to be able to deal with an Israeli public that understands that we are not just talking about Yerushalaim. We have to prepare the ground so that the strategy of dragging out the flag of Jerusalem during every crisis and of promoting the Israeli myth of Jerusalem cannot work again. As I said before, the Palestinians cannot throw the Israelis out, and they will only get what they need because the Israelis, for one reason or another, decide to move. You have to think about the question of incubating a new political Israeli reality, but there is, without any doubt, a long way to go.

Gabi Baramki: I am not sure that Al-Quds Ash-Sharif is very different from what the Israelis call Yerushalaim. As far as I can see, Al-Malha and Ein Kerem are as much a part of Yerushalaim as Shu'fat. For us, Jerusalem is one and we were talking about the same thing. I used to live very close to Mea Sharim, at Mandelbaum Gate, which is only one example of what we are dealing with. West Jerusalem is not Jewish, and East Jerusalem, if you want, is not fully Arab, because of the illegal actions on both parts. But this is a problem that I think we have to face, rather than say that the solution is that Al-Quds means something entirely different and therefore, we should be satisfied with Shu'fat. Would it not be wiser to consider Al-Quds, Jerusalem, Yerushalaim as being for all people, and to see it in the context of a Palestinian secular state, for all people in the area, living side by side in harmony, and not in the context of a racist state where this part is for Jews, and this part is for Arabs and Jews at the same time, because they are entitled to live where they want?

Dr. Ian Lustick: I come from the US, and it is not my place to tell Palestinians what they should strive for, what they should want, what Jerusalem or Al-Quds should mean to them. My only goal is to say that if this is what you want, this is the way to get it. If it is not what you want, if you want a secular democratic state in all of Palestine, do not use the tactics. I am not going to argue with you and tell you what you should want as Palestinians - that is not my role - but if I think that many Palestinians want what I am talking about, then it is my belief that I should not miss an opportunity to tell them what I know.

Dr. Mahdi Abdul Hadi: Thank you Dr. Lustick, I am sure that you have given us plenty of food for thought.

JERUSALEM IN THE YEAR 2000¹

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Introduction

Gershom Gorenberg: I live in West Jerusalem and my work as a journalist over the past 15 years has included a strong element of covering and tracking the radical Right in Israel and in the West Bank settlements and trying to understand the relationship between religion and nationalism in the ideological stream. Before I became a journalist I was one of the founders of the Israeli religious peace movement, 'Netivot Shalom'. During the past year, through my work dealing with the religious radical Right in Israel and particularly with the messianic, apocalyptic undertones of the various ideologies, I came into contact with Professor Richard Landes and we began to deal with the apocalyptic, millennial elements relating to Jerusalem in present day Christianity. This, among other things, resulted in a major article in *The Jerusalem Report* on the subject of 'Jerusalem in the Year 2000', and the millennial expectations it has aroused in the various religious groups.

Richard Landes: I am a Professor at Boston University and am by training a medievalist. My specialty is Europe in the 11th and 12th Centuries, and what I work on specifically is the impact of apocalyptic expectations, that is to say, expectations of a radical change of the world as we know it. The rules of the game are completely changed; we have a completely different world, generally a much better world and sometimes the end of the world entirely.

In the 11th and 12th Centuries almost all of these beliefs were based on religion. In the 19th and 20th Centuries, we also have secular versions. One thing is certain: regardless of the reasons why people choose to believe that we are on the verge of this radical transformation, the social and even individual manifestations resulting from such a belief are the same.

¹ Summary of a presentation given at a PASSIA roundtable meeting held on 14 April 1998.

One of the things about the belief that the apocalypse will occur in the near future is that it is a belief that cannot last very long. In a peculiar way, everyone who has believed that the apocalypse is imminent is wrong. The problem is how to deal with being wrong and how we as historians should deal with many great historical figures; for example, Charlemagne was an apocalyptic thinker who left behind an immense legacy. How do we remember them? Do we eliminate all the apocalyptic material because it is a mistake and embarrassing? Or do we understand that some of this may have been fundamental to the tasks that certain apocalyptic thinkers undertook?

I, as a medieval historian working on this problem, began to see certain patterns, especially concerning dates. One of the connections between Christianity and Judaism is the idea of the millennium. I worked on the first millennium, but it turns out that there are many more than just the first one and the approaching one. Christians were counting by a calendar, like the rabbis, which starts with the beginning of the world. And so the year 6000 and 7000 are also important millennium dates. Altogether, Christianity has been through at least five millennia in the course of its history. One of these was in Charlemagne's reign in 801; Charlemagne was crowned on the first day of the year 6000 by a calculation that everyone was aware of in his day, but which historians did not want to emphasize.

One of the things I became aware of first of all was that the year 2000 is building up to be a significant date amongst certain Christian populations. As a result of this work, I founded a center called The Center for Millennial Studies at Boston University. Much of the Center's work revolves around studying all the different aspects of apocalyptic expectation and millennial hopes, how people handle the disappointment and so forth. The fact that we are starting in the buildup to the year 2000 is rather appropriate as we aim to collect the material produced in this period as a way of understanding what comes after.

This has forced me to understand, as I look at the power of apocalyptic imaginings, that Jerusalem in the coming two years and for some years to come is going to be the focus of a fair amount of apocalyptic expectations. Such expectations usually take one of two forms; one is extremely dangerous and the other is very socially constructive. I hence feel that I have to come out of my ivory tower, where I can spend my time collecting material and studying it, and communicate with people concerning what kind of forces we will run into, which are the ones that work well in the long run, and which are the ones that lead to disaster and catastrophe. I also think one of the great strengths of the positive side of apocalyptic expectations is that it provides people - not only of different religions, but also of different denominations within those religions - with an opportunity to communicate about things that they would normally not discuss together.

Gershon Gorenberg: I am going to begin with a question: What will characterize Jerusalem in the year 2000? I do not just mean politically. We know what the political problems and challenges are for the next two years and I make no pretense of knowing any better than anyone else what the outcome will be. But let us remember that Jerusalem is also 'The Holy City', and one question that poses itself is, how many pilgrims are going to come to Jerusalem in the year 2000?

Israeli tourism officials told me they had calculated the number of people who could visit the Church of the Holy Sepulcher if it were open 12 hours a day and each person spent three minutes next to the tomb. They came out with a maximum figure of 800,000 people. So what will happen if two million pilgrims come to Jerusalem that year? This, of course, is in addition to the normal tourism trade. The Pope has indicated that he intends to come to Jerusalem either in 1999, or in the year 2000 as part of a visit that will include Mt. Sinai, Bethlehem and Jerusalem. If the Pope holds a mass in Jerusalem, how many people will attend, including local Christians as well?

The real question, however, is what is going to be remembered in the year 2000 in Jerusalem? Will we have a situation where we will witness unprecedented ecumenical efforts and cooperation, or unprecedented tension around places like Al-Haram Ash-Sharif, the Temple Mount? This kind of a scenario could mushroom into terrible violence in the City of Jerusalem due to the religious energies focused on the place. Those of us who live in Jerusalem know that it is an earthly city, a place of real-life problems, traffic jams and political tension. But we also know that there is another Jerusalem, a mythical Jerusalem, a location that is regarded as the center stage for the dramas of three religions. What I want to emphasize most of all is this Jerusalem, the center stage in the dramas for 'The End', 'The End of History'. I would like to quote a couple of sources, beginning with Biblical sources, which play a very large role in Judaism and Christianity.

"And in the last days, the Mountain of The Lord's House shall stand firm above the mountains, and many people shall say: 'Let us go up to the Mount of The Lord, to the House of the God of Jacob, that he may instruct us in his ways and that we may walk in his path, for instruction shall come from Zion, the House of The Lord, Jerusalem.'" (Isiah 2:3)

That is an 'end of time' expectation. A more violent version of Jerusalem in The End comes from the Book of Zechariah:

"On that day, that is to say the Day of The Lord, He will set his feet on the Mount of Olives near Jerusalem in the East, and the Mount of Olives shall split across from East to West, and one part shall shift from the North, and the other to the South, a huge gorge." (Zechariah 14:4)

I fully confess the very limited nature of my knowledge on Islam. Nevertheless, the researcher David Cook at the University of Chicago once gave me a book list of sources on the places in Jerusalem that figure in Moslem apocalyptic scenarios, and I shall give you one of them here:

“It has reached me that the Ark of the Covenant will appear at the hands of the Mahdi in the Sea of Galilee and it will be taken and placed before him in Jerusalem. When the Jews look upon it they will convert to Islam, except a few of them.”

Again, we have an expectation of Jerusalem playing a central role in the drama of The End. A very important element that runs through both the Jewish and the Islamic sources, is that at The End everyone will recognize ‘Our Truth’ and accept it. Who ‘Our Truth’ applies to depends on who you listen to. The thing to note is that the notion repeats itself. That is to say, having the fortune or the misfortune to live in Jerusalem, we live on the stage of the end of history and it is here that the dramas overlap. This was not so much of a problem when people saw The End as a distant event, something that the books talked about, which would happen in occur long after they were dead. For most of them, The End was, if anything, merely a spiritual metaphor.

However, when we live, as we do today, in an age when people from all three religions believe that The End is so near that you could reach out and touch it, who have even built their lives around it, the fact that Jerusalem is the center stage becomes an issue. I would stress here that I refer to some people from each religion. I would even assert that in some ways the apocalyptic thinkers from each of the three religions have more in common with each other in their way of thinking than they do with other members of their own religion. Likewise, people who reject the notion that the End is near have more in common with each other than the apocalyptic thinkers from their own religious group.

In any case, the expectation is focused intensely on Jerusalem, and in Christianity in particular, as Richard will explain, on the year 2000. That is why the year 2000 is an important year for Jerusalem.

Richard Landes: Yes, I would thoroughly agree with what Gershom has just said. When I speak with Jews, Christians and Moslems about the apocalyptic traditions in their own religion, they very often cannot believe what they hear. It is so foreign to them. They never heard such ideas as children, and they certainly do not feel they form a part of their religion.

Apocalypitics however, are recessive. For instance, I was interviewed on American radio and I mentioned Islam and some of the Islamic traditions that are apocalyptic. I then received an e-mail from a Moslem who was furious that I had said that

this was part of his religion. I spoke with him and put him in touch with David Cook who gave him further facts. This was strange territory for him: it was not part of what he had learnt about in the normal course of his religion. This is also true of Jews and Christians. We are thus dealing with strange, unfamiliar material for those I refer to as 'owls'.

It is important to remember that all millennial movements are part of the imagination. Until now the apocalypse has not happened, whatever idea you have about this great moment when everything is transformed. Hence we are talking about something that is the product of the religious imagination or even simply the human imagination.

Whenever people announce that this moment is near there are essentially two reactions. The first stance is that of what I call a 'rooster'. The 'rooster' is the one who is calling dawn is about to break, that the event is happening, in an attempt to wake everyone up. The language of 'awakening' is part of the arsenal of rhetoric that a 'rooster' has. If one takes into consideration how many traditions in various religions speak about our consciousness as being asleep and religious enlightenment as a form of awakening, then it is clear where these roosters obtained their rhetoric and that they are calling for a moment when we all collectively awaken. It is of course a very colorful piece of rhetoric and can stir people in different ways.

'Owls' on the other hand are people who say "Be quiet!" and caution against causing unnecessary and premature damage; historically speaking millennial movements have caused immense damage. One of the major events in Jewish history was the war against the Romans. It was an uprising and took the whole country by storm. It was eventually wiped out by the Romans in the traditional way that authoritarian, imperialistic regimes traditionally used to deal with millennial movements, causing the Diaspora that continues to exist today. This is merely an example of how disastrous it can be when you wake up the barnyard before the master is ready. Hence, 'owls' have a very important function and are in one sense the ones who prove to be right. As a historian I can tell you that it is mostly 'owls' who write the history, and thus the texts we have tend to reflect their points of view and not the 'roosters'.

I would now like to discuss the dynamics of the apocalyptic wave. How often these waves occur is still something we do not really know as we have only just begun to study them. We can say, however, that it is a periodic phenomenon, it is recessive in the religious, social culture; when it comes about, it is intense but short-lived. What you have is a wave, which starts under a variety of conditions. My impression is that you always have 'roosters': there are always people crying, "Now is the time!" However, most of the time they are ignored or the authorities say, "Thank you, fine. Keep it for later."

Gershon Gorenberg: Or they call the district psychiatrist.

Richard Landes: Or they call the district psychiatrist, and indeed, in some sense they do end up in institutions. I remember that when I started this research in medieval history, I pointed to Geoffrey of Tours and said, "This is a millennial prophet! He said he was Jesus Christ. That is the course to the second coming!" But my colleague turned to me and said, "That proves nothing. The mental institutes are full of people who say they are Jesus Christ." My answer to that is that they did not attract thousands of followers. When 'roosters' call the time it is akin to striking matches in the forest. If the forest is wet the matches go out, which is what normally happens. If, however, the forest is dry, the match starts a fire at which point all the 'roosters' come out and say that it is time to light the fire. Increasingly you have 'roosters' crowing and lighting matches. It is in this situation that the apocalyptic dimension of the culture can move from the margins of the culture towards the center, and you can have a movement that can take over public space and public discourse.

From here onwards there are many different sorts of possibilities. The movement could reach a point where it takes over public space and then subsides. It could also gain enough momentum to take over the reins of political power. I think a good example and a specifically secular is the Communist takeover of Russia in 1917. Marx, one might say, was a 'rooster' and found the match that was lit in Russia and caught fire at the beginning of this century.

At some period, a movement will lose momentum. In the period of the 'roosters' and the uprising part of the power of the movement is derived from the proof that they are right. However, as long as God does not come and resolve all the problems of the world, the movement inevitably loses its momentum, and at that point the members move into a state of what is called in psychological terms 'cognitive dissonance'. Cognitive dissonance is a state that affects someone who believes wholeheartedly in a movement, but is beginning to receive contradictory messages brought on by the reality of the situation. On the one hand these messages are saying that there is something wrong with what you believe in, but on the other hand you are too committed to go back. This state, in which your mind is working in two different ways, can of course be extremely uncomfortable.

Dr. Mahdi Abdul Hadi: Can this state of mind be found in Jerusalem now?

Richard Landes: Yes. Let us take a hypothetical case and say that there is someone who had small but nonetheless millennial hopes about Oslo. The person in question believed that the signing of the Oslo Accords was the beginning of a real change; the reason the Palestinians and Israelis had not been communicating well was because of all the political problems, and once they sat down together everything would change. At some point his heart is in this and he may even make some connections that make it seem as though it is working. However, other events start

to happen that force him to accept it is not going to happen the way that he supposed. The individual is faced with a series of decisions: How much of what he believed in was valid (very few people, it has to be said, decide to just throw the whole thing in), how can one adjust and return to apocalyptic time, etc.? This is a very uncomfortable period and generally, the more intense someone feels on entering the movement, the more uncomfortable he is later on. Naturally, most people do not want to remain in this state and look for another solution focused on a different basis. Very often we witness the transition from passive to active involvement.

The first stage of apocalyptic expectation tends to be passive: the individual believes that God is about to come and it is up to him to prepare himself and others, but not actually bring the event about. When the Messiah, God or whoever the key figure might be does not arrive, one possibility is to move towards making it happen. There are also different choices in making it happen, one of which is what I would call the coercive model.

Gershon Gorenberg: To give an example, from amongst the Israeli religious Right, there were expectations in 1948 and particularly in 1967 that The End was happening, that all God's promises to the Jewish People were on the point of being fulfilled. This notion was based mainly on the concept of territory being returned to the Jews. Thus, when peace was made with Egypt in 1979, the idea of Israel giving back land was for many people incomprehensible. Most people who felt this way then intensified their efforts to settle in the West Bank, for example. There was one very small group of people, however, who decided that in order to try and make The End occur now, they were going to blow up Al-Haram Ash-Sharif. For various purely technical reasons they did not succeed; nonetheless, the leader of that group said, "We saw ourselves as God's messengers." What these people were doing was to try to preserve The End by moving into the next stage. They thought that by doing this they would awaken all the other Jews and make them recognize it was time to build the Third Temple and to move into the messianic scenario.

Question: Does the assassination of Rabin fall into this category as well?

Gershon Gorenberg: It is very possible. Although Amir has not stated exactly what his motivation was, it is true that part of the crisis surrounding Oslo for the radical Israeli Right was that this was simply not meant to happen. This was particularly true of their scenario in which the State was seen as the instrument to take them to The End. The State was thus doing the opposite of what it was supposed to. There was an immense crisis both at the political level and at the theological level.

Richard Landes: As far as Christianity is concerned, you have millenarian movements in the terms we are talking about. The Church often begins to adopt apocalyptic rhetoric in reaction to these movements. Whereas these movements consider

themselves messianic, the Church calls them anti-Christ. The movements then respond by saying that the Church is anti-Christ. It is under these conditions that you get crusades and inquisitions.

The other point I would make is that religious and political figures enter into a dance, and each one thinks they can use the other. I feel that religious energies are far stronger and deeper and if anyone is going to underestimate the other, the political will underestimate the religious. I have just described to you the negative scenario, in which you end up with corrosive idealism, the need to take things into one's own hands and forcing morals on other people. One of the dangerous beliefs that leads to this kind of 'messianism', is that your religion has a monopoly on salvation: you can only be saved by being a member of your particular religion. Furthermore, convinced that you are one of the true believers, you also believe that you have the right to force your religion on everyone else. You have a large amount of literature and language in religious history on the subject of forcing people to be saved. Coercive millenarianism is an unmitigated disaster. Let us take a secular example: all forms of totalitarianism or secular millennial movements that have taken power try to force their solution on people, to make them 'new', and in doing so they eliminate anyone who gets in the way. That path spells death to the movement and death to the society in which it exists. Essentially, it is the 'Samson' option: "I'm going and I'm going to take as many people with me as I can."

The other extreme is what I would call the 'peace tradition'. This is the situation in which religious persuasion can only take place voluntarily, it being recognized that the only genuine expression of religion is voluntary adherence. If someone lives a life of holiness, people will follow him because they see him and want to follow his example and not because he forces them. In the context of millenarian movements, there is a moment when a movement recognizes that there is a choice between taking power or staying committed to the religious values that have brought it so far. Historically speaking, those millenarian movements that prefer not to take power have been some of the most socially constructive movements in the history of mankind. They tend to be very successful economically, integrate well with the prevalent culture and have a generally positive effect.

In a sense, the whole emergence of civil society, that is a society that resolves disputes through arbitration rather than force, is the normalization of this kind of millennial vision. In much of the discussion pertaining to the Irish and the Palestinians there is a great deal of talk of a 'modern, democratic, secular state'. Yet, part of the problem of secularization as it has been conceived in Europe, and I speak here with knowledge of US and Israeli society, is that secular is defined as 'anti-religious', that which is against religion and undermines it, regarding it as superstition. This tends to produce coercive, apocalyptic movements. If we define secular as that which welcomes all non-coercive religions, that reverses the dynamic entirely. It is then that

the most positive expressions of religion and the most socially constructive forms of secular space emerge. That is what I would like to propose as a hopeful scenario.

Gershon Gorenberg: I would like to just add a little on Jerusalem in 2000, particularly as it is perceived from outside. One of the things that it is happening is that there are all sorts of people living abroad who are focused on here and the year 2000. We are continuing with our lives and not seeing them.

I have a couple of citations from evangelical Christian leaders in the US. This is from the pastor of the Calvary Baptist Church in Michigan:

"I believe that the last generation began in 1967 when the Israelis recaptured Jerusalem." He also adds, "Jesus will return when the world is 6,000 years old. From Adam and Eve to Jesus Christ 4,000 years passed, therefore Jesus will return sometime around the year 2000."

Although his words sound completely irrational, you can see the same themes repeating themselves all over evangelical Christianity, which is a movement of tens of millions of followers in the US alone. Here is another example, this time from the Reverend Irwin Baxter, who puts out a magazine called *End Time*, which he says, "deals with world events from a Biblical perspective." He says that every 2,000 years there is a major event in the plan of God for the human race.

In 4000 BC Adam and Eve were created, in 2000 BC Abraham was born, 2,000 years later Jesus Christ was born and now he says, writing in 1996, we are only three years from the next pivotal milestone. According to Reverend Baxter, all prophetic indicators point to the nearness of the final battle of Armageddon and the return of Jesus Christ for his 1,000-year reign of peace.

One should notice the combination of elements here; he says that there will be a terrible war, which is in fact a positive thing because it is going to lead to peace. That of course is a very dangerous combination as it means that anything bad that happens is in fact validated as part of the process to peace.

There is also Mike Evans, another evangelical leader who says:

"The generation of people who saw the blossoming of modern Israel were born between 1925-1935. Their life span will be roughly 70 years; according to the Bible the end has to come within their life span."

In a direct mail letter selling the book in which this was written, it was noted that one had to buy the book as there were less than 1,000 days left until the year 2000 and we are living in the world's last days.

This may sound comical, but such books sell hundreds of thousands of copies. A colleague of Evans wrote a book entitled *The Beginning of the End: the Assassini-*

nation of Yizhak Rabin and the Coming of the Anti-Christ. In this book, Rabin's assassination is fitted into the same scheme of things. All these people are telling their flocks that the end is coming and that it is coming in the year 2000.

Very often there is an ambiguous date: around 2000, between 1995-2005, according to Evans's scenario. This is like weaving an escape path if by 31 December 2000 nothing has happened. The energy, however, is directed towards the year 2000 and the location is Jerusalem; over and over again one sees in these pieces of writing the identification of places in Jerusalem as being involved in the scenario. Jesus will reappear at the Mount of Olives, some say, and the Third Temple will be built, although it does not seem to disturb these people that the real estate is currently taken. These are very dangerous notions.

Richard Landes: The disaster scenario is very prominent in one type of apocalyptic thought. Often people will maintain that the worst of the disaster is over and that everyone is on track for the peaceful ending. When they run into problems, they explain these as further disasters and decide that there must be more disasters in store. What these people need however are spectacular disasters; an average disaster simply will not do. In this scenario you find very bizarre behavior where people are trying to trigger disasters in order to trigger the end.

Gershom Gorenberg: One example would be the fundamentalist Christian from Australia who tried to set fire to Al-Aqsa Mosque in 1969 with the aim of setting off Armageddon and to enable the building of the Third Temple. He had been certified as mad, but his madness expressed itself through his ideologies.

One of the problems here is that although the rhetoric involved can be used by someone who will not actually try to do any harm, putting that same rhetoric in the hands of the less stable can trigger things off. In this situation what you have are secular figures trying to exploit that energy for their own political purposes, which is extremely dangerous.

One of the things that happens with apocalyptic energy, is that it leaks across religious boundaries. There is a group of Jews, very small in number, but potentially very dangerous, which would like to see the Third Temple rebuilt. Its members receive a lot of support from evangelical Christians.

Sometimes it is a whole ideology that leaks across. David Cook pointed out to me the Moslem, Egyptian writer, Sayyid Ayyoub's book from 1997, *Al-Masih Ad-Dajjal*. Ayyoub writes: "The building of their temple according to their plan will begin after the destruction of Al-Aqsa Mosque and the planned date for this is the year 2000."

The interaction here is fascinating. The Jews here have been assigned a very important role in the scenario of The End.

Dr. Mahdi Abdul Hadi: I think perhaps Ayyoub did not finish the page. We have a prophetic hadith,

“Do not undertake the final hour until the Moslems have killed the Jews. Each tree, each stone shall say, ‘Oh Moslem, Oh slave of God, hiding behind me is a Jew! Kill him, unless he be under the Gharqad tree, which is one of the trees of the Jews.’ (A sound hadith from the collection of Bukhari.)”

Gershom Gorenberg: The thing that Cook asks here is very interesting: Why the year 2000? The year 2000 from the Jewish texts I have read appears to have no particular significance (although I do not claim to have read every single one), and nor does it have any significance in the Moslem Calendar. So, where does a Moslem writer get the idea of the year 2000 from?

Cook’s assertion is that you find whole stretches in Ayyoub’s writing that are borrowed from the evangelical Christian writer, Hal Lindsey, who focuses very much on the year 2000 as the crucial date. What you therefore find are borrowings and interaction between the religions; somebody in one group says something, which sets off lights in another group: “Aha, it is coming,” they say, “but not in the way they think, but in the way we know!”

Richard Landes: This of course brings us back to the idea of one man’s messiah being the other’s anti-Christ.

Gershom Gorenberg: I would also like to add the following: If there is a danger of the millennial or apocalyptic groups from each religion reflecting off each other and intensifying each other’s feelings, there is conversely also the potential for people of different nationalities and religious groups to work together to prevent the phenomenon. It is surely in the interests of everyone who does not see Armageddon as a positive option in their lives to see how they can open up the lines of communication and control or channel those energies towards more positive goals.

In each of the religions, the people who do not see this [apocalypticism] as a positive trend have more in common with each other than the apocalyptic thinkers from their own religious group. Furthermore, there are certain places where people are expressing themselves in very millennial and also ecumenical terms, and for me as a Jew, one of the most impressive of such things was the Pope’s letter in which he discusses the option of ecumenical dialogue: that is to say, taking that same energy, but using it as an opportunity for talking to each other and opening up a dialogue, as opposed to saying, “We’re going to be right and The End is coming exactly according to our scenario.”

Richard Landes: I think the point is that you cannot talk to people who are in apocalyptic movements. Once they are in what we call ‘the apocalyptic vortex’,

reason has absolutely no effect; dealing with them is similar to trying to reason with someone from a cult.

DISCUSSION

Dr. Ishaq Al-Qutub: Could you clarify the secular/sacred debate and what the signs for the approaching Day of Judgment are supposed to be.

Richard Landes: In the secular vision, we are not really talking about The End; the Center for Millennial Studies will be creating an archive that academics two centuries from now will be able to use. The point is, that the world goes on. Apocalypticism releases both constructive and destructive imaginations. The aim is to try and harness these in a way that helps society. In the end, we may not create a brand new world, but it will be a much better one. I also think that all of us are here because we believe that the world could be much better place than it is today. That is what I would call the non-coercive model.

Secularism's point is that you can do whatever you want except use force. It takes the option of force out of religion. In the US where there is a very fertile religious tradition, the separation of Church and State was agreed upon to some extent, because all sorts of people looked at each other and realized that if the other gained power it would be the end.

Surely it is better than that none of the religions gain power: if no particular religious expression gains power then we have the possibility of expressing ourselves in religious terms together. It seems to me that the same phenomenon has been emerging here over the last century. There have been a series of fanatical wars that have left a lot of people dead and wounded, both in their souls and bodies. It might be the point to ask: What are all the things that all our religious traditions are going to have to give up? It is the use of force we have to give up. The secular can be used as the custodian, preventing the use of force for religious purposes.

Another thing to remember is that people who expect The End, engage in 'apocalyptic jazz'. They are constantly improvising. I will give you an interesting example: In the Middle Ages, the description that the Church gave for the coming of The End was a Jewish anti-Christ who takes over the Temple Mount and declares himself God and forces everybody to circumcise themselves.

In 1009, Al-Hakim, the Fatimid Shi'ite Caliph in Cairo, inspired by a nova that appeared in 1006, declared himself the divinity incarnate and forced Christians and Jews to convert to Islam (a phenomenon that is very rare in Islam). The Christians said to themselves, "Ah! We got it wrong. The anti-Christ is not a Jew, he is a Moslem!" Hence, people readjust in all sorts of different ways, because what is important to them is a radical change.

One of the things that all three religions share, which I think can be seen as a positive thing, is that their visions of the New World are of a world of justice. In other words there is an acknowledgment that this world is filled with injustice and that at some moment in the near future genuine justice will exist.

Dr. Mahdi Abdul Hadi: But genuine justice is impossible!

Richard Landes: For millenialists it is not. They want the whole thing.

Sheikh Mohammed Hassan: As Moslems we do not expect that when the Day of Judgment comes, people will be frightened and afraid. There is a specific scenario for that day, the destruction of Al-Aqsa Mosque. And there is optimism. One of the hadiths of the Prophet says, "If the Day of Judgment comes and somebody has a seed, let him plant it." This is a message of hope and optimism and instruction for building the land. It is in sharp contrast with any other scenario of destruction or the end of life.

If we follow the line of the three different faiths, we see that each faith tells its followers that the Day of Judgment will arrive; this is God's will, to reward the good and punish the bad. I do not see why people should try and rush and make this date happen prematurely. In Islam no rushing, in good or bad ways, can make that day arrive. It is God's will when it comes. I wish that people would look at their faiths seriously and not try and alter their courses.

Karin Roxmar: I have a down to earth question. The year 2000 consists of 365 days, it is not just one day but rather a long period. Another fact to take into consideration is that this will not happen in a political vacuum. You will have an Israeli state and possibly a Palestinian one; we simply do not know what is going to happen in 1999. In the light of this, what kind of advice would you like to give for preparing for the year 2000?

Richard Landes: If you want some definite dates within the year, then the latest intelligence I have is that the Pope would like to be in Jerusalem for Christmas 1999, that is in effect Christmas 2000, because the incarnation starts on 25 December not 1 January.

One of the major signs in Christianity that The End is nigh, is the coming of the anti-Christ. The next two years are going to be of the greatest importance for the Christian Church.

Question: What about Islamic feasts or holidays?

Richard Landes: Christians are not focussed on Islamic dates. We should also remember that the year 2001 is also the millenium. 2000 may be the jubilee, but 2001 is in fact 2,000 years from Jesus. As for suggestions, I would emphasize that

everybody needs everybody else here. One of the classic messianic scenarios is an invasion of UFOs. The idea is that we are attacked from outside, so everyone puts aside their internal disputes to defend themselves against the enemy. What I suggest is that when we are attacked from within, we should put aside our internal disputes in order to fight something that is coming from within each of the religious traditions. We are dealing with a force that is very powerful: it can be very positive, but it can also be very negative. We need to pull together so that it will be, as economists would say, 'a win-win situation'.

Gershon Gorenberg: In terms of preparing ourselves, I think we should remember that there is a tremendous amount of expectation revolving around Al-Haram Ash-Sharif and it is extremely important for everyone to maintain calm and the *status quo*. Any shift or attempt to change the territorial division could be very dangerous. I therefore think that cooperation between the secular and religious authorities is very important. Whatever the religious differences may be, it is very important for people to start communicating, say between the Waqf and the civil authorities. People must be aware of the risks and the responsible religious leaders should be ready to talk to the people and calm them down. If there were to be an attempt by an extremist Christian group to pray on the Mount it could lead to wildfire; we should recognize that none of us want this and reject the option of violence. In Jerusalem it is in everybody's interests to be in dialogue with each other and to avoid confrontation. To pursue this policy it is important to see where lines of communication can be opened, whether between the Waqf, the Patriarchates, or the secular and religious authorities, both Israeli and Palestinian. My impression is that there are people willing to try and make that happen.

Harry Hagopian: My impression is that you are calling for some kind of dialogue between different groups and religions. If you want to try and diffuse the situation then you have to try and understand the underlying motivation that is fuelling these people to move forward, either within the movement or as part of a larger social phenomenon.

Richard Landes: I think that what Sheikh Hassan said was relevant. Why would people like to imagine a violent end? Presumably because they deplore the current situation so much that they want it to be destroyed. So, the more people perceive injustices in the society, the more susceptible they are to violent imaginings. If one reads the Book of Revelation, it is like an action movie on a cosmic level. Let us use the image Sheikh Hassan brought up, which is an image found in Christianity and Judaism as well. This is a tradition that 'owls' adhere to; a person plants a tree, the world goes on and the aim is to go up the ladder and increase the fruitfulness of the world. One of the passages from Isaiah that Gershon used depicts God judging the nations and their different traits etc. The outcome is that "Nation will not lift sword against nation, nor will they study war anymore." This is not the

end of the world, it is the beginning of a world of civil society. We can say that the UN is built upon that kind of a vision, in which people work and enjoy the fruits of their labor. I would say that the degree to which people's apocalyptic imaginings will be constructive depends upon the degree to which the current situation is fair.

Gershon Gorenberg: On the subject of dealing with such movements, during the Waco crisis an American expert on religion told the government not to confront these people as this would only confirm their scenario. Rather, one should talk to them in terms of exegesis, in terms of interpreting the Scriptures. The FBI contacted the district psychiatrist in Jerusalem to ask him if he had encountered 'Koresh', the leader of the extremist Davidian movement in Jerusalem, who had proclaimed himself the Messiah. Although the psychiatrist had not, he advised the FBI to use religious language in dealing with him.

Hence the right person to talk to an apocalyptic Christian is another Christian who can use the Scriptures to calm him down. The same thing applies to Jews, and I know many rabbinical figures who are interested in calming down messianic and apocalyptic expectations. I am much less familiar with the Moslem side, though I would imagine that the same thing applies. The right way of dealing with such a person is not to tell him that he is mad or to bring in the secular authorities. Even persuading people to put their expectations off for a certain period of time is a good method.

Richard Landes: Arguments that are peaceful and against coercion also work; telling the person involved that if he really had faith he would not find it necessary to kill someone.

Gershon Gorenberg: I think that in order for this to happen there must be ecumenical efforts from the religious groups involved. In order to create a peaceful solution not only secular leaders should be involved, for it is the religious leaders who can tap the energies in their traditions. I think the disastrous course of events since Oslo has proved this point.

Question: Do you foresee any clash between the Christian and Jewish ideologies: a conflict over symbols or places, or as a result of someone proclaiming himself the Messiah on Easter Sunday? There are, stupid as it might seem, people who would accept this and try and force their ideologies on others. Conversely, there might be a marriage of ideas, due to the fact that the one was born of the other.

Richard Landes: I would say that the last 2,000 years have represented a history of conflict in religious thought. If we take Europe in the 16th Century, we see religious wars throughout in which people used very apocalyptic language and the coercive option. In the last two millennia the idea of one man's messiah being the other's anti-Christ has repeatedly produced violent conflict. If the 21st Century is to

be different it will be because we find a solution to that problem. I have to confess to being a patriotic American and I think that the separation of Church and State, although it has caused problems, has on the whole played an immensely positive role. Pruning back religious sovereignty is an immensely valuable contribution to society. It is in that situation that you can permit anyone to be as enthused as they like about their scenario as long as they do not force it on anyone else.

Question: I do not think you answered my question. Given the current situation Judaism and Christianity are going to meet at some point. Will it be in conflict or in peace?

Richard Landes: Whether they will meet in conflict or not, nobody knows. It will depend on the attitudes of the people involved. One of the characteristics of apocalyptic Christians is that they intensify missionary activity. There are currently evangelical Christian groups in the US, literally blanket mailing Israelis with missionary data. Considering that Jews do not like to be the objects of missionary activity, this is a recipe for disaster. There needs to be some kind of discussion in order to diffuse the situation and to show Jews that all Christians are not missionaries.

Gershon Gorenberg: I thought of an interesting example of what Richard calls 'messianic jazz', which demonstrates the way in which events are interpreted. After the Rabin assassination a leading settlement rabbi, Yoel Bin Nun, became quite a dissident. He produced a speech in which he stated that Oslo was in fact part of the whole process of redemption. This was an example of religious language being used with a positive aim in mind. This opportunity was missed however, as in the aftermath of the assassination the Israeli reaction was, for very good reasons, to negate anything that had a connection with religion. This was, I believe, an opportunity that could have been exploited, not because I believe that we are in a process of redemption, but rather, because it was an opportunity to channel that energy. One can therefore affirm millennial expectations on the condition that they are willing to adhere to civil solutions. The moment someone announces that his vision includes cooperation as opposed to coercion, this is something that we can build on. This person should not be classified like the others, as a negative influence.

Mahdi Abdul Hadi: But in light of the present circumstances, it is a very big step to accept the other.

Dr. Gershon Gorenberg: In a sense we can delay accepting the other, but I would say that the present circumstances will force us to show our acceptance.

Adnan Joulani: I have two questions. There is a Palestinian professor who has conducted a study on the possibility of the destruction of Israel in the year 2022. The first question is what distinguishes an 'apocalyptic movement' from a revolution?

You have referred to the revolts against the Romans and the Communists in Russia as collective movements, when they are generally considered to be revolutions.

Secondly, it seems to me that secular figures have used apocalyptic movements, throughout history, to advance themselves. For revolutionaries, the emphasis is on violent change, while the person who seeks to maintain the *status quo* seeks to take advantage of passive apocalyptic movements. Why should the situation be different for the year 2000? What makes anyone sure that Adam was created 6,000 years ago, Jesus 2,000 years ago, and that the next event is going to take place in the year 2000 AD?

Richard Landes: With regard to the relationship between revolution and millenarianism, let us take the term revolution as it is used in modern social and political science. The French Revolution, the Russian, the Chinese, and possibly the English Civil War are what I would classify secular, millennial movements of a particular reactive type. One of the characteristics of such movements is that because they are not waiting for God to bring about the change, they undertake the task themselves. Thus, some of the most vigorous and active millennial movements are secular.

Concerning this Palestinian who focuses on the year 2022 or 2023, I would be very interested in meeting him. As Gershon has said, here is a way to calm down Jerusalem. There are still 25 years to wait, and if by that time you can create a situation where the happiness has been transformed, then when that date is actually realized it will not have that much meaning anymore.

This would of course give you a much greater period of time in which to work for a political situation than if you were to declare that the end of the world was to come in 1999.

As for the other part of the question, i.e., why should anyone believe that Adam was born 6,000 years ago and Abraham 4,000, etc., the point is that for the person who wants to believe that The End is coming, the numbers will be convincing. For 'roosters' the numbers will be compelling, for 'owls', they will not. What convinces you is the emotional stance that you take.

Gershon Gorenberg: I could give you a whole list of articles in which I have made predictions that turned out to be completely wrong. However, right after the Madrid talks, I wrote an article in my magazine, saying that for Jews who had messianic expectations, this would lead to some kind of crisis which could have violent consequences. The mistake the Israeli government made in dealing with the radicals was that they saw them as irrational and therefore irrelevant. People can have an idea that to you might seem completely irrational, but it can nonetheless motivate them in the political sphere. The most obvious example of such a case in the last

few years is that of the Israeli settler who opened fire in Hebron. His beliefs were frightening and irrational, but they still motivated him to act in a way that cost many people their lives and set off a chain reaction in extreme believers on the other side. Perhaps the most damaging thing of all to the Oslo peace process was the massacre in Hebron.

Personally, I see the year 2000 as a set of totally abstract numbers, and I cannot understand why anyone should think anything out of the ordinary is going to happen. But the fact that there are people who think differently is a vital piece of data in political terms for anyone who is living here.

Richard Landes: One of the formulae of millennial studies is that apocalyptic expectations are invariably incorrect, but are rarely inconsequential.

Paul Scham: What are the steps that should be taken in Israel and particularly in Hebron to deal with people who hold extreme views?

Gershon Gorenberg: I think we must find more openings for dialogue and dealing with the question. I certainly was not the only one after Oslo who warned of the potential for violence amongst religious extremes; this potential was simply ignored by the authorities who had some potential for dealing with it. I think there is more potential for dialogue to take place.

As far as Hebron is concerned, one is dealing with, at least on the Jewish side, the most extreme elements. Frankly I'm not sure that anything can be done except for employing control mechanisms, and I certainly cannot imagine trying to have a rational conversation with any of these people.

Richard Landes: In a way, these are the last people you will address, although at some point they will have to be addressed. The important thing is to find religious forces that are committed to this idea of non-coercive expression and to try and create a secular space that will be a counterpoint for extremist elements, rather than trying to convince them. You will not win over a Christian Zionist who believes that Armageddon is set for 1999, nor a 'Hamasnik' who believes that the only way to liberate the land is to kill as many Jews as possible. It will work however, with people interested in the creation of tolerant, public space.

THE CHALLENGES OF CIVIL SOCIETY IN JERUSALEM: AN ISRAELI PERSPECTIVE¹

PROFESSOR SHIMON SHETREET

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I am happy to be here to exchange views and to present to you the current situation within the Israeli society, including the current challenges and future challenges, not to mention the positions of the various sectors *vis-à-vis* the Jewish religion and its influence on Israeli society. Knowledge is the source of understanding whilst ignorance is the source of hate, and if we are hoping to understand each other, we must continue this exchange.

According to the established meaning of the concept 'civil society', civil society means commitment to democracy, human rights, and a structure of liberal values that assume freedom, equality, a rule of law, access to courts, and an independent judiciary.

Every society faces its own unique challenges in keeping up with the requirements of civil society. In the Israeli society, in terms of the issue of an independent judiciary and access to the courts, the standards are high. There is of course a controversy with regard to the scope of the courts in Israel, according to which some people complain that every single issue could eventually arrive on the doorstep of the court. Whether or not the court will actually intervene is an entirely different subject, but in general, every person and every organization can claim to have the right to bring a matter for adjudication in the court. In recent years, however, the religious sectors have been attacking the Supreme Court of Israel on grounds that it intervenes in religious matters, which they consider should remain in the hands of politicians and policy-makers, not those of adjudicators. These attacks, in my opinion, have had chilling effects on the independence of the judiciary. The closing down of Bar Ilan Street here in Jerusalem is one example, in my opinion, where the court tried not to adjudicate; it suggested the establishment of a committee, but the failure of the committee to find a solution resulted in the matter being returned to the jurisdiction of the courts. Generally speaking, the Israeli judiciary is independent and its standards are acceptable in international thinking and analysis.

¹ Summary of a presentation given at a PASSIA roundtable meeting held on 15 September 1998.

The Israeli society has been in conflict over the last century with the Arab World in general, and with the Palestinian society in particular, which has had an impact on what we refer to as the concept of civil society. This conflict has, for example, limited the rights of Israeli citizens in the sense that national security considerations are used to justify the government's limitation of the rights of every citizen. Examples include forcing each Israeli to go to the army, or preventing certain people, particularly Arabs, from working in certain areas. When we talk about civil society, we can say that one of the great challenges of the Israeli society is to develop an attitude toward security considerations whereby the issue is regarded not as a holy cow, but as an ordinary matter; one that is subject to public scrutiny, public debate and when necessary judiciary review.

Over the last 50 years, the idea of security considerations as something that no one could challenge or question, whether in private, in the press, in parliament or in the courts, has gradually faded. I would say that this development began in the aftermath of the Yom Kippur War when Israelis realized that the Israeli military establishment could fail, that the military intelligence analysis could fail, and that preparedness could also fail and therefore, the concept that some things are beyond public criticism or investigation collapsed. From that point on, security considerations were subjected to the type of investigation and review that other subjects were subjected to, and Israeli society was able, more or less, to overcome the weakness of not being sufficiently self-confident to review matters of national security.

Unfortunately, whereas the approach to human rights and democratic values in the civil society context underwent a positive change, the approach to religion and the impact of religion on what we call civil society is a different matter. Event today, both the approach and the impact continue to be the focal point of problems, particularly in Jerusalem.

Using as a basis the statistical analysis that I believe is representative of the generally accepted view in terms of the distribution of the Jewish population, I would say that the Israeli society is composed as follows:

- About four percent of the total Israeli population is Ultra-Orthodox.
- About 12 percent of the population define themselves as religious.
- Some 40 percent or so define themselves as traditional.
- Over 40 percent define themselves as secular.

In Jerusalem, however, the figures are different: of the total Jewish population in the city, 27 percent are *Haredim*, about 15-20 percent define themselves as religious, and about 30 percent define themselves as secular, while the rest define themselves as traditional. However, one has to bear in mind that adult *Haredim* over the age of 18 make up only 17 percent of the 27 percent total figure of *Haredim*, which means that it will not be long before the *Haredim* represent a much higher percentage of the total population.

What are the differences among these three or four groups? First of all, the *Haredim* and the religious are not the same, with the former distinguishing themselves from the latter in many ways. Ideologically the *Haredim* do not recognize the State of Israel. According to the *Halachic* view, they take part in parliament, they vote, they participate in the life of the state, etc, but they believe it is too early to establish renewed sovereignty, which, according to their interpretation of the *Halacha*, should only occur when the Messiah comes. They believe that by creating a state of renewed sovereignty, we are challenging the divine order, and therefore, they do not see the flag in the same way as the religious do.

The religious, on the other hand, have found a *Halachic* way to recognize and accept the State of Israel and the flag even from a normative point of view. *Shas*, for example, is a totally unique creation in terms of political, sociological and *Halachic* definitions. Its members call themselves not *Haredim* but *Ohaveh Hasher*, or *Ovedeh Hasher*, terms used by Rabbi Ovadi Yosef meaning 'the works of God' or 'the lovers of God'. Yosef himself recognizes the State of Israel, and about six months ago he responded to a question by saying that there is a certain prayer said on one of the holidays – perhaps Independence Day – that confirms this recognition. We can say, therefore, that there are ideological differences between the various religious parties concerning the expression of the *Halachic* point of view.

Now, the four percent actually have a great deal of power because many of the traditional vote, for example, for *Shas*. Their approach towards religion - the way they dress, the way they behave, and what they do on *Shabat* – allows us to classify them as traditional, yet they vote for *Shas*, especially those who came from North African and Middle Eastern countries. Nevertheless, in terms of their approach and attitude towards religion they are in fact traditional. What is traditional? Religious people follow the rules of religion and abide by the commandments, but politically they recognize the State of Israel and ideologically they do not accept the point of view of the *Haredim*. The traditional Jews are those who are usually referred to by other Jews as the ones who go to the synagogue on Saturday and then take the car and drive to the football stadium. I would stress here that they are Orthodox Jews; they go to Orthodox synagogues and their rabbis are Orthodox rabbis. In the past, they came mainly from Middle Eastern and North African countries, but today there are many non-*Sephardi*, that is *Ashkenazi* people, who also behave similarly. They go to the synagogue, they keep kosher, they build a *sukka*, they light the candle, they say *Kiddush* on Friday night, but they drive on Saturday.

So, this is the sociological division. The challenge now facing Israeli society and the state itself is how to balance the fact that there is commitment towards the religious characteristic of the state against the requirements of democracy and human rights, which is civil society. One major problem today concerns marriage and those people who cannot marry in religious marriages, and yet have the right to marry - particularly if they come from Russia and are not 'full' Jews, particularly if they are foreign workers and have been here for many years and

need to marry. There is also the problem of burials. Most burial societies are religious, so what should happen when someone who was born a non-Jew or whose 'Jewishness' is doubtful according to the *Halacha* dies? How can he be buried in a respectful manner? When I was Minister of Religious Affairs and the influx of Jews from Russia began, there was more than one case where a dead person remained in hospital for a week or more until we could come to some agreement over the burial arrangements, which totally violated the rights of the deceased and his family. Marriage, divorce, kosher food, and religious education: these are the four points where there was some commitment in the agreement between the various sectors, but from my point of view, it should now be modified to make it consistent with the requirements of civil society.

In West Jerusalem, there is an even more acute conflict because of the disproportionate number of *Haredim*. The elections of 1993 gave power to the *Haredim* simply because a high percentage of the *Haredim* voted whereas a high percentage of the secular stayed away, the result being that the *Haredim* secured a number of seats in the City Council that did not reflect the number of *Haredim* living in Israel, or even in Jerusalem. The *Haredim* were thereafter able to use their democratic power - legitimately from their point of view, illegitimately from the point of view of the meaning of democracy, i.e., that the majority takes into account the rights of the minority. In Jerusalem, the minority does not take into account the rights of the majority. Accordingly, the sharing of both power and resources has become unbalanced. In terms of sociological analysis, this is inconsistent with the concept of civil society and one of the major challenges in Jerusalem is how to maintain a civil society in Jerusalem given the demographic structure and the current voting patterns, especially amongst the *Ashkenazi Haredim* who go to vote in droves upon the orders of their rabbis, unlike the secular, who do not belong to structured groups and whose attitude towards voting varies from person to person.

How can we maintain the values associated with democracy and human rights? For some 13 or 14 years now, the society for secular or civil burial has been trying to obtain land in the Jerusalem area in order to carry out civil burials, but without success. Even though the Supreme Court issued an order, and even after the issuance of the Alternative Civil Burial Law, a suitable piece of land has not been obtained. The values are there, the normative statements are there and accepted, but the implementation of the values is beyond the power of those who rightfully and justifiably require it because of the fact that the other group uses delay and avoidance tactics in order to prevent implementation. So normatively, there is acceptance of the rights, but in actuality there is a problem.

In conclusion, I will say that there are still complaints with regard to the non-compliance with civil society values in the areas of security, but the main thrust of the argument, more or less, was positively responded to by the Israeli society over the past 50 years. The challenge of responding to the approach of religion and the rights that are adversely affected by religion is something else.

The situation in Jerusalem is acute because of the destruction of the social and political equilibrium that took place in recent years, and the challenge today is how to maintain a type of balance or equilibrium that for centuries allowed various religious communities to live together. The same concepts that applied to these communities have to be studied in order to deal with the intra-Jewish relations.

One way in which this issue was dealt with in the past was to develop separate neighborhoods; in the religious areas, keeping *Shabat* is no longer a problem because those wishing to keep *Shabat* were separated from those not prepared to keep *Shabat*, so we ended up with Giva'at Mordachai for the not strictly religious, Arnot and of course Mea Shearim or Ramat Shlomo for the Ultra-Orthodox, and mixed and totally secular areas for the others. Yet still today there are competitions for territory. For 50 years now there have always been struggles over the opening of a pool, as the opening of a pool has always been regarded as a reason for a struggle between the secular and the religious. Opening a new road has always been another reason for a struggle. Jaffa Street, for example, is considered a territorial border between the area that keeps *Shabat* and areas that do not keep it, but now the Ultra-Orthodox are trying their best to demarcate or redemarcate this line. This is the picture of the challenge of the Israeli civil society as I see it today.

DISCUSSION

Dr. Mahdi Abdul Hadi: Thank you very much. We will now open the floor for questions and comments but allow me to start by saying that I was at a conference about ten years ago and one of the Israeli scholars, who works with the government, stood up and said in front of many of the religious leaders of the world that Israel is not a religious state. Is he right or wrong?

Prof. Shetreet: From a normative point of view, Israel has not defined itself as either secular or religious. The French Constitution, for example, says that France is a secular republic, whereas the American Constitution gives no indication as to whether or not the US is religious or secular, and although the State and Church are clearly separated, the new president is sworn in using a Bible.

Dr. Abdul Hadi: Do you see Israel today as a religious state or as a non-religious state?

Prof. Shetreet: No, it is not religious

Dr. Abdul Hadi: Would every Israeli agree with you?

Prof. Shetreet: In my opinion, most people would agree that it is not religious. In my opinion, it is a civil society.

Prof. Akiba Cohen: I understand what Prof. Shetreet said. I think that one of the key elements in a civil society is the separation of Church and State and I believe that Israel has failed in this regard. The synagogue does not govern, the Knesset governs, but the Knesset has given the religious institutions certain

absolute monopolistic privileges in certain areas of life, such as marriage, divorce and death.

Rabbi Naftali Rothenberg: So the source of the power of religious establishments is a secular law, secular power. The right of all Knesset members, including Arabs, is to define who we are, but the matter is very complicated because the Ultra-Orthodox see the state as a secular state, the secular, of course, see Israel as a secular state, but a part of the national religious group wants to see the state encompass all the spiritual values and theologically they think that the state is a religious state.

Mr. Danny Sapir: I think it is extremely important for the Palestinians to see Israelis in a proper light *and vice versa* because there is a lot of misunderstanding on both sides.

The interesting thing is that the Zionist movement itself, the State of Israel and the establishment of the State of Israel all had religious sources, yet the establishment of the State of Israel was essentially a secular enterprise. The ironic thing is that the religious circles in Israel today regard themselves as those who are upholding the, so to speak, Zionist ideals. In the first generation it was very different, because it was the Labor movement, the predominant movement, that established the State of Israel, which to a large extent was established by people who were non-Orthodox and anti-Orthodox. So, although the issue is very complex, I think it is wrong to regard the State of Israel as the result of a religious movement.

Dr. Said Zeedani: I think that Arabs and the *Haredim* are both reluctant to distinguish between the Jews as a people and the Jews as members of a religion. For a long time the Arabs could not understand that someone could be a Jew without being religious, and the same applies to the *Haredim*, many of whom cannot comprehend the idea of someone being a Jew without him being religious in some sense or another.

I think that that you have skipped over some very basic issues, including the contradiction that exists between Israel referring to itself as a democratic state committed to human rights, liberal values and Israel as a Jewish state, according to your sense of Jewishness. That contradiction reflects adversely on the status of Palestinian Arabs inside Israel, because we are not being treated equally, not only because of security problems, but also because of the commitment of Israel to Jewish values and of the discrimination that resulted from that. So, it is not only the conflict between the religious and secular inside Israel, but also the conflict between Arabs and Jews inside Israel and the bias toward everything that is Jewish at the expense of everything that is Arab.

Something else I would like to raise is the fact that Tel Aviv is very close and you see this movement of people between Jerusalem because secular Jews living in Jerusalem feel obliged to go to Tel Aviv to enjoy themselves, because it is so difficult for them to do so in Jerusalem. Since you are running in the elections for Mayor of Jerusalem, I think you should worry about whether or

not the Arabs of East Jerusalem - if they take part in the elections - will vote for these liberal, secular Jews or if they will affiliate themselves with the *Haredim* community. I think that it is wrong to assume that the Arabs will vote for Meretz or Shimon Shetreet. If they do so now, it is only because of the absence of peace, not because of your position on social, religious and economic issues. I think you should come to terms with this fact.

Dr. Mustafa Abu Sway: I tend to agree with Said. Arab East Jerusalem is predominantly a Moslem society, and I personally would have much in common with the person who does not want to have, let's say, a casino in Jerusalem or to have nude or semi-nude pictures stuck all over bus stations. It is true that because of the political situation, I am more likely to support the party that really gives me as a Palestinian the maximum rights, but were the situation more 'normal', I think you would see the religious going along with the religious.

I once read that Ben Gurion wrote a letter in 1948 in which he basically assigned a comfort area, a comfort zone for religious institutions. Thus there is a monopoly that was initiated by the secular leadership. It is the secular leadership that gave the religious institutions a place, a role to play within Israel society, in order to guarantee support for the creation of the State of Israel. If we talk about the *Ashkenazi* and the *Sephardi* Jews and the *Halachic* position towards the blacks - the *koshi* - what can be said about the Ethiopian Jews, knowing that there is such a position towards black people *per se*?

Rabbi Rothenberg: I know nothing about this problem with the blacks.

Dr. Abu Sway: Israel Shahak spoke about this.

Dr. Abdul Hadi: But he is not recognized on this side

Rabbi Rothenberg: He is known, but his ideas do not necessarily reflect the realities.

Dr. Abu Sway: We are not talking about his ideas; he quotes from the Talmud!

Rabbi Rothenberg: May I add only one short note. You are absolutely right about Ben Gurion; later on a decision was made by the national committee and later on by the Knesset in Israel. So, the source is a secular source, but to an even greater extent it is a non-Jewish political source, because the first to establish a Jewish religious establishment was the Turkish Sultan - the *Han-bashi* - first in Istanbul and later on in Israel, in Egypt, Damascus and other places. This is the source of the Chief Rabbinate; the British adopted it and established the Chief Rabbinate in Great Britain, then the relations with Britain were cut and the Chief Rabbinate was made Israeli.

Dr. Abdul Hadi: If the *Haredim* do not recognize the State of Israel or its flag, why do they vote?

Prof. Cohen: I think that you need to make a distinction; we are talking about the *Haredim* as if they are one seemingly unified group, which is not the case.

You have the *Neturei Karta*, for example, who do not vote, who do not participate in Israeli politics or anything, and who have their own institutions. Their percentage in the population is very small, but they are the ones we mistakenly often refer to as examples of the way in which the *Haredim* behave.

Then we have the *Agudat Israel* or *Aguda*, who are members of the *Knesset*, who participate in Israeli politics, and who get more than their fair share when it comes to the allocation of budgets and so on. They do not, for example, serve in the army, whereas members of *Shas* do, and they do not stand still on Memorial Day when the sirens sound. But they have learned – and I think that this is the critical thing - that the democratic system will work for them and that is why they have adopted it, not least of all because it is the only way they can benefit from the resources that the government has to offer.

Dr. Zakaria Al-Qaq: I conducted many interviews with the late Sheikh Hassan Tahboub who told me that in late 1967 and early 1968, the *Haredim* approached him several times in order to form a kind of alliance and confront the secular on both sides.

Dr. Abdul Hadî: Who exactly are the traditional? If the religious are not the traditional and the *Haredim* are not the traditional and if the secular are not the traditional, who are the traditional?

Prof. Shetreet: The majority.

Dr. Abdul Hadî: But you said that 27 percent are *Haredim* and 30 percent are religious.

Prof. Shetreet: I am more optimistic than you appear to be regarding the joining of forces between the civil societies in both parts of the city, because I believe that the traditional Islamic society would follow more or less the moderate, let's say, Moroccan Jewry or Iraqi Jewry or Turkish Jewry that lived within an Islamic society, given that the middle class would be strong enough to maintain certain social and economic rights. Assuming that the Palestinian society has the power to maintain a middle class, its commitment to education, and its commitment to free enterprise gives me hope that the middle class will remain in a position to be the leader of the trend and that the civil societies of both our societies will join together, even after the peace issue is settled.

Dr. Abdul Hadî: In our lifetime?

Prof. Shetreet: Yes, I believe that it will take place in our lifetime because I know what we thought ten years ago; I was in the Rabin government when Rabin shook hands with Arafat, and I know what we talked about in the Labor Party and I know what changes took place. Assuming that we will be able to pass the peace stage, I am hopeful that the civil society on both sides will be able to join with the other and develop a partnership. You asked who is traditional.....I am.

Dr. Abdul Hadî: Define traditional.

Prof. Shetreet: I will give you an example. The people who came to establish the *kibbutzim* at the beginning of the century did not bring with them the Torah, nor did they establish synagogues in the *kibbutzim*, not because of negligence, but because of a conscious decision to revolt against what was considered to be old. These pioneers were consciously secular.

Later on, however, a compromise was reached between the group that was consciously secular and the group that was religious, which resulted in a middle of the road result in matters of religion. What many Palestinians have failed to understand is the dual nature of the Jewish people - that at the same time, there is religion and there is nationality. Many of the things that are accepted by the social consensus in the Israeli society are accepted not as religious matters, but as matters of social heritage. The Jewish religion or the Jewish nationality is color blind - there are black Jews and white Jews and yellow Jews, but the colors do not count. There are, however, problems associated with defining who is a Jew. The Ethiopian Jews were not considered Jews until Rabbi Ovadia Yosef decided that they should be, but the same thing could happen with Jews who are white, and in some cases there would still be a question mark hanging over their 'Jewishness'. But once they are accepted, then there is the nationality aspect and the religious aspect. If you look at Judaism from the dual concept perspective, then you must admit that it can be totally secular, albeit with certain characteristics that could be considered the result of the national heritage of the Jewish people. Many of the things that are maintained from a religious point of view are maintained by social consensus, which is based on the national concept - that is we look at certain things, such as marriage or keeping kosher or *Shabat* because there is national heritage, which is not necessarily religious. This is why you see the traditional going to the synagogue on *Shabat* in the morning, coming back home, praying, resting a little, then taking the keys and driving to the football stadium, and without any fear that they will be expelled from the synagogue the following Saturday.

Why do I say that there are some common patterns of behavior amongst traditional Moslems and traditional Jews, according to which certain patterns of conduct are tolerated? Some Moslems fast and some do not, some drink wine, the majority do not, but nevertheless, those that drink are not expelled from the community. When Jews were expelled in European countries the result was Reform Judaism and Conservative Judaism and look what happened. The unity in the Eastern, Middle Eastern, and North African Jewish communities was a result of the tolerance and this unity was maintained because of the tolerance and not because of the fanaticism. Where there was radicalism and fanaticism, you had divisions, whereas where there was moderation, there was unity. This gives me hope that the traditional community in the Israeli society can serve as the bridge to solve the problem that we are currently facing.

Yousef Al-Harimi: Academically, I would say that many Palestinians would be easily convinced that Israel is a Jewish state rather than a religious one and that there is a need to compromise on this. But when you talk about the layman in the Palestinian state, I do not think that he is fully aware of these divisions

amongst the four sectors of Israeli society, and even if he is, he will still believe that there is something like an unleashed Israeli organized policy that is very aggressive, specifically towards the religious sides, especially in Jerusalem. What I am trying to say is yes, probably the State of Israel is not exactly a religious state, but isn't the Israeli policy towards Jerusalem a religious policy, especially when it comes to the infrastructure, services to the Old City etc.? Are you saying that you strongly reject the idea that Israel's policy in Jerusalem and East Jerusalem is a religious policy?

Prof. Shetreet: It has to be recognized that there is inequality. It is a fact of life that when you go from the Talpiot area where it is nicely paved 200 meters down to the area of Jabal Al-Mukabber, you find no pavement, no road, no proper infrastructure. I do not think that the point is to give it a color in terms of conceptual definitions. Is it Jewish or is it religious? I cannot tell you.

Jawad Boulos: Why didn't the Labor Party finish what is set out to do in 1948 and finish building the civil secular society in Israel? This dual situation that you spoke about - the national and the religious - helped the Labor Party to rely on the religious claims in order to justify so many other claims, such as that of the right to establish the state. The Jews' historical right in this land was, after all, the main claim of those who came here, even though they were secular. Members of the Labor Party never attempted to disconnect themselves from this argument, and it is hard to talk about civil society in Israel unless its members disconnect themselves from this concept. This is on the ideological level and we can add also the political games - the coalitions - whereby people pushed themselves into the game in order to gain money. Such games will only serve as a barrier in front of developing a real democratic civil society in Israel.

Prof. Shetreet: There could be an Islamic society that is civil but respectful of religion or that uses religion as the basis of certain laws.

Dr. Abdul Hadi: Are you talking about Syria?

Prof. Shetreet: I am not talking necessarily about Syria. I can give examples on the theoretical level without giving a territorial example. This does not make that country illegitimate or in need of change. The fact that Israel is respectful of its national heritage or religious heritage doesn't make it objectionable. The more you can accept that the Israeli society is a civil society in spite of the fact that it has a respect for a certain Jewish heritage, the better it is for understanding. At least we should understand that the word secular is not a magical word for something that is very good. The term civil society is better, in my opinion, if we want to indicate the values we want to exist because France defines itself as secular, but in France a girl who wanted to wear a scarf to school was prevented from doing so. In England, there is no separation between the State and the Church, but there is freedom of religion. In the US, there is separation, but on the dollar there is 'In God We Trust' and in Congress, they start with a prayer. Israel is a secular state according to the ordinary meaning, yet it is also respectful of the Jewish heritage and culture. Does that

make it insufficiently secular? No, it doesn't; it is still democratic and there is no contradiction, according to my analysis, if it maintains certain aspects of a national heritage or Jewish heritage. From my perspective, the word secular is something that if misunderstood had and continues to have the potential to erase Judaism from the nature of the State of Israel. Some Western writers looked at Islamic countries in a critical way, which I find unacceptable because there is no one way of democratic style; some countries respect democratic rights and it does not make them less respectful of civil society concepts.

Sheikh Jamil Hamami: Israel is a Jewish religious state – this is not a secret. Mr. Beilin who is from Moledet gave a speech on behalf of the Israeli Government in which he said that he supported the building of the temple where Al-Aqsa Mosque stands now.

According to my understanding, the State of Israel was established on a religious basis and the Zionist movement used religious belief to regroup Jews from all over the world and to bring them to Palestine. Menachem Begin and various other Israeli statesmen always confirmed the fact that they supported the idea of the State of Israel as a Jewish state with a pure Jewish character, and as far as I can see, Israel has done everything it can to remain a religious state.

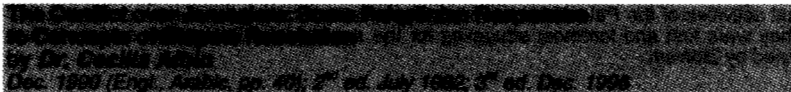
Prof. Shetreet: The idea is not necessarily that each one of us will agree with the other; the idea is to listen and to learn. I hope that I have been able to convey my optimistic analysis and that we will have the opportunity to meet again. Thank you very much.

APPENDICES

PASSIA PUBLICATIONS ON JERUSALEM 1990-1998



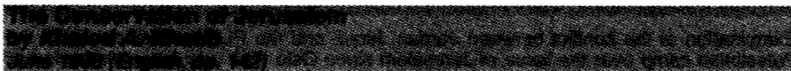
Aspects of Israel's annexation of Jerusalem, including its legality under International Law and Israel's position in this regard and well-documented discussion concerning the legal situation of Jerusalem residents after annexation, the effect of the annexation on the rights and duties of Arab Jerusalemites and the role of Jerusalem in the *Intifada*.



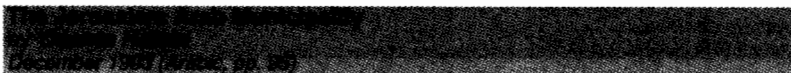
Examination of the claims and concerns regarding Jerusalem, and analysis of the positions, interests, strategies and options that arise when negotiating over Jerusalem as an indivisible entity, taking into consideration its historical, religious and political significance to many peoples and three faiths, as well as its own ethnic diversity, which have made it a city fraught with a unique mixture of conflicts.



US policy towards Jerusalem before 1948; US and UN policy towards Jerusalem between 1948-50; the US, Arab and Israeli positions toward the city; Israeli settlements; and the Jerusalem policies of US presidents Reagan and Bush.



Focus on the conservation of the important religious monuments in the Moslem Quarter and the living conditions in that most neglected area of the Old City. Chapters deal with social structure and geography, undesirable features of residence, and maintenance and restoration work. A case study of the Chain Gate Road and a look at the future possibilities for improvement are also included.



Comprehensive picture of the role of the Jerusalem Arab Municipality since its foundation in 1863 until the end of the British Mandate (laws and precedents, duties and responsibilities, council appointments, elections and compositions): the divided city (1948-1967) in the eyes of International Law; the debate on the internationalization, and the

notion of two municipalities; Israeli occupation of East Jerusalem in 1967 and the dissolution of the Arab Municipality (loss of land and property, arrests, Israeli efforts to make Palestinians leave the city); re-establishment of the Arab Municipality; and current Palestinian thinking and planning about the future of the city.

Jerusalem: Palestinian Urban Movements and Changes, 1967-84
April 1995 (English, pp. 61, and Arabic, pp. 84)

Discussion of the role of the Palestinian community in determining the structure of Jerusalem since 1967, based on theories of urban movements, transformation of cities and local development. Examines Palestinian strategies of resistance to Israeli 'Judaization' attempts.

The Role of Women in the Palestinian Civil Sector, 1948-1967
April 1995 (English, pp. 61, and Arabic, pp. 84)

Based on the Arab press of the day, British government documents, interviews, memoirs and pamphlets, the author shows that the civil sector under the British Mandate opened employment opportunities for educated women, thereby allowing them to emerge from the shadows. The paper describes the background, emergence and political activities of the Palestinian women's organizations during this time, concluding that they were first and foremost struggling for the survival of a Palestinian society threatened by Zionism.

Religious Aspects of Jerusalem
April 1995 (English, pp. 61, and Arabic, pp. 84)

Papers presented at a symposium on religious aspects of Jerusalem (Nusseibeh on Jerusalem's significance to Islam; Sabella on Jerusalem from a Christian point of view; and Reiter on the city's significance for Jews). The papers include suggestions on what a future solution will have to entail and present encouraging evidence that interfaith and Palestinian-Israeli dialogue can take place on the issue of Jerusalem.

The Conflict Between Jordan, Israel and the PLO
By Dr. Sami F. Al-Shaykh
April 1995 (English, pp. 61, and Arabic, pp. 84)

Examination of the conflict between Jordan, Israel and the PLO as well as within the Palestinian camp over the issue of Jerusalem since Oslo. The way in which the Israeli Government attacks Palestinian institutions in Jerusalem is described in detail, as are the tensions that arose between the Palestinians and the Jordanians following the Israeli-Jordanian peace treaty. Practical suggestions for reaching a peaceful and fair solution for the issue of Jerusalem are also given.

Dr. Kamel Al-Assali's Work and Contribution to the Palestinian Library
April 1995 (English, pp. 61, and Arabic, pp. 84)

In recognition of the importance of Dr. Kamel Al-Assali's work and contribution to the Palestinian library through studies, translation and documentation, PASSIA held a seminar reviewing his achievements. The proceedings of the seminar provide a comprehensive reading of Assali's writings and studies on Palestinian history and heritage, in particular

with relation to Jerusalem. Numerous renowned researchers and scholars contributed to this book, dealing with specific topics.

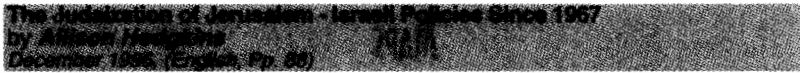
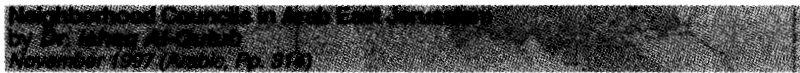


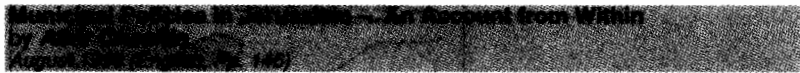
Illustration of how successive Israeli governments have set out to implement the vision of Jerusalem as the "eternal, undivided capital of the Jewish state", including recent measures (opening of the Hasmonean tunnel, the construction of Har Homa): analysis of Israeli national and municipal policies and their effects on Jerusalem, supported by interviews with Israeli and Palestinian officials and activists. The appendix includes maps, statistics and documents.



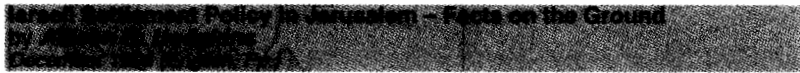
Comprehensive resource work containing the full texts or extracts of more than 340 statements, documents and resolutions concerning the Question of Jerusalem, arranged by their source of origin (e.g., Moslem, Christian, Jewish, Palestinian, Israeli, Arab, US, UN, and European positions) to illustrate how the different attitudes towards the city have evolved throughout history. Included are an index, a comprehensive chronology of Jerusalem's history from ancient times until today, a selected bibliography on the topic of Jerusalem and maps.



Historical background of the civil administration up to the end of the British Mandate; roots, establishment and basic infrastructure of the organizations for the indigenous inhabitants; the Municipality of Jerusalem and the evolution of neighborhood councils; social development of the Jerusalemite community; Israeli settlements; housing and cooperative housing societies; and examples of Palestinian Jerusalemite communities involved in communal development. The book is supported by numerous tables on the Palestinian citizens of Jerusalem, land use and housing issues, a bibliography, and an appendix describing an international conference on neighborhood councils in the US.



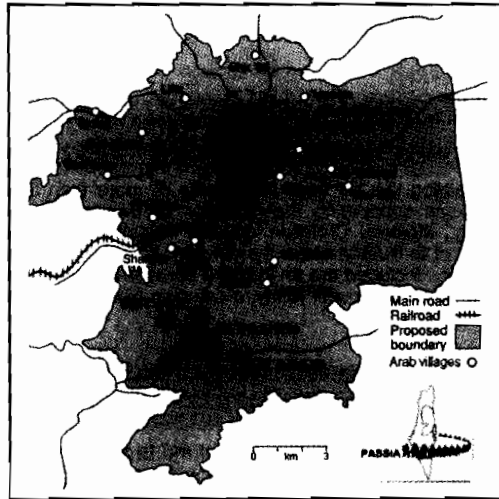
Highly informative and frank account of Israeli policies in relation to planning and building in East Jerusalem, the status of East Jerusalem residents, services, settlements and settlers by former Mayor's Advisor on Arab Affairs, Amir Cheshin. Provides a valuable insight into the real intentions of both the Israeli Government and the West Jerusalem Municipality.



Documentation of the injustices suffered by the Palestinian residents of Jerusalem at the hands of the Israeli Government in the name of Israeli settlement and tipping the demographic scales in Israel's favor. Intended as a 'guidebook' for those wishing to visit some of the more controversial sites in Jerusalem, it includes a detailed map and background material for each location.

MAPS

JERUSALEM



Jerusalem Pre- and Post 1967

