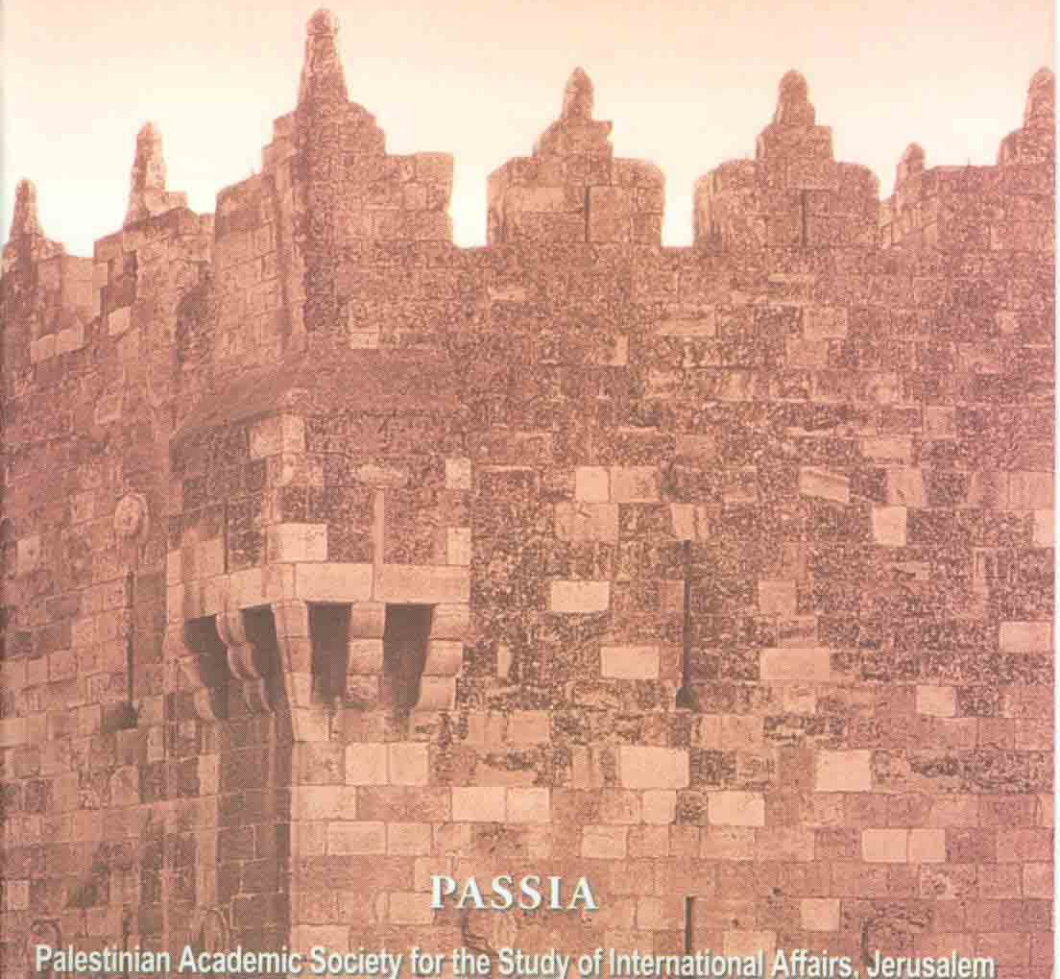


*Cecilia Albin*

# **The Conflict over Jerusalem**

**Some Palestinian Responses  
to Concepts of Dispute Resolution**



**PASSIA**

Palestinian Academic Society for the Study of International Affairs, Jerusalem

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**PASSIA**, the Palestinian Academic Society for the Study of International Affairs, is an independent Palestinian non-profit institution, not affiliated with any government, political party or organization. PASSIA seeks to present the Question of Palestine in its national, regional and international contexts through academic research, dialogue and publication. PASSIA endeavors that research undertaken under its auspices be specialized and scientific and that its symposia and workshops, whether international or intra-Palestinian, be open, self-critical and conducted in a spirit of cooperation.

**Cecilia Albin** presented this paper initially at two PASSIA seminars in 1990, while a PhD candidate in International Relations at the Paul H. Nitze School of Advanced International Studies at the John Hopkins University in Washington, DC. Today, Albin is a Professor of Peace and Conflict Research at Uppsala University. In 2004, she has added a prologue to the original version of her paper, examining the transformation of the Jerusalem conflict since 1993.

The views presented in this book are personal, and do not necessarily represent the views of PASSIA. The publication of this book was kindly supported by the **Friedrich Ebert Stiftung (FES), Jerusalem**.

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Tel: (02)626 4426 • Fax: (02)628 2819

E-mail: [passia@palnet.com](mailto:passia@palnet.com) • Website: [www.passia.org](http://www.passia.org)

PO Box 19545, Jerusalem

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## **PROLOGUE TO THE FOURTH EDITION:**

### **The Transformation of the Jerusalem Conflict Since 1993**

**M**uch has changed in the conflict over Jerusalem since 1990, when the PASSIA seminars discussed in this paper were held. Back then, no serious negotiations on Jerusalem had ever taken place between Palestinian and Israeli officials. The conflict resolution strategies debated at PASSIA at times seemed hypothetical, in a situation in which actual negotiations were not taking place and the questions about how to get the parties to the table were many. Over the past ten years, however, Jerusalem and sovereignty over the city have become a core agenda issue in the Middle East peace process and the subject of intense negotiations, both official and unofficial ones. It reflects a departure from the earlier belief - particularly held on the Israeli side - that the issue could or should not be resolved through dialogue and compromise because the differences in values and interests were too great to be bridged. Specifically, dual Palestinian and Israeli capitals in Jerusalem as the framework for a solution has today won widespread international agreement.

These turning-points are well worth highlighting here in some detail. They point to the continued, perhaps increased, importance of the type of problem-solving tools and creative options for a solution which the PASSIA seminars examined.

## ► The Jerusalem issue becomes officially negotiable

Under the terms of the Oslo Declaration of Principles signed in September 1993, Israel and the Palestine Liberation Organisation (PLO) agreed to settle the thorny issue of Jerusalem in the final stage of permanent status negotiations. This marks the first official recognition by the key parties of Jerusalem's *negotiability*. What exactly was negotiable and to be negotiated about the issue was not yet specified or agreed, on paper or otherwise. A predominant view outside of Israel was that negotiations must cover the core question of sovereignty. But before signing the Oslo Accords in Washington Simon Peres, then Foreign Minister, stressed Israel's recognition of Jerusalem's *religious* significance to other groups and its continued commitment to securing freedom of access to and worship at the holy sites for all faiths.<sup>1</sup> The Israeli government under Prime Ministers Rabin, Peres and Netanyahu alike all continued or stepped up the policy of establishing a strategic presence on the ground through land confiscations and Jewish settlement. It thus sought to undermine the Palestinian claim to a capital in the Arab sector, and to pre-empt future negotiations on divided rule over the city. It made clear that Israel plans to stand by its traditional position that the city is the exclusive capital of the Jewish state: What would be discussed were solely "matters pertaining to united Jerusalem under Israeli sovereignty."<sup>2</sup> As reflected in the 1994 Israel-Jordan peace treaty, the Israeli government aimed to reduce the problem to a religious one involving Christian-Jewish-Muslim relations and the management of the holy sites. According to this view the permanent status negotiations would consider a religious solution for Jerusalem, with

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<sup>1</sup> Remarks by Foreign Minister Shimon Peres before the Israeli Knesset, 9 September 1993.

<sup>2</sup> Interview with Israeli Prime Minister Yitzhak Rabin on Israel Radio, 9 June 1994. Rabin made similar remarks on Israeli TV (Channel 2) on 1 August 1994. A resolution of the Israeli Cabinet Secretariat of 28 May 1995 affirmed its intention to "act to strengthen the status of united Jerusalem as the exclusive capital of Israel" and to "fight any attempt to impair this status."

the participation of both the Palestinians and representatives of "all the other religions."<sup>3</sup>

► **The sovereignty of Jerusalem becomes negotiable and a core agenda issue**

The Oslo formula's staged approach held that interim negotiations first be held, not covering or prejudicing the settlement of Jerusalem as a final status issue. They were to result in Israeli military withdrawal from Jericho and the Gaza Strip, the transfer of power to a nominated Palestinian National Authority, and the beginning of a five-year transitional period of Palestinian self-government under this Authority. The Palestinians would elect a Council and achieve early "empowerment" (self-government) in five spheres in the rest of the West Bank. The Jerusalem issue inevitably arose in these negotiations, however, because of its close connection to the questions on the table. In January 1996 East Jerusalemites participated in the elections for the Palestine National Authority and a new 88-member Palestinian Council, in which they came to hold seven seats. This prompted the Israeli government to point out repeatedly that with Oslo it had not committed itself to negotiate or share political rule over Jerusalem. During his first year in office, Israeli Prime Minister Ehud Barak repeatedly upheld the long-standing position that Jerusalem should never be redivided. He even specified that Arab East Jerusalem would permanently remain under Israel's sovereignty as its capital.

The Israeli-Palestinian negotiations at Camp David during 11-24 July 2000 mark therefore a significant turning-point, if not a watershed. This was the first time ever that Israel officially engaged in

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<sup>3</sup> Press briefing by Israeli Deputy Foreign Minister Yossi Beilin on the establishment of diplomatic relations between Israel and the Holy See, Jerusalem, 15 June 1994. See also "Israelis push holy formula for Jerusalem," *The Times*, 15 July 1994; and "Treaty of Peace between The State of Israel and The Hashemite Kingdom of Jordan, 26 October 1994," Jerusalem: Ministry of Foreign Affairs, 1994.

bargaining over the *sovereignty* of Jerusalem with the Palestinians. It was also the first time since 1967 that an Israeli prime minister officially considered agreeing to a political redivision of the city. Originally the Israeli team had reportedly not planned on making significant concessions on sovereignty in the city's core areas, such as within and around the Old City (Gold, 2001). The negotiations soon came to focus exactly on this area, however, and particularly the most sensitive Temple Mount/*Al-Haram Al-Sharif* site. In the words of Prime Minister Barak's adviser on Jerusalem at the time, the Camp David summit "became a 'Jerusalem summit', perhaps even a 'Temple Mount summit'" (Amirav, 2002). PLO leader Yasser Arafat insisted that the entire site fall within the boundaries of the Palestinian sovereign capital, and Barak insisted that Israel retain partial sovereignty over it. US President Bill Clinton led the attempts as mediator to bridge the positions. He put forward elaborate proposals for dividing sovereignty between the two parties over the Temple Mount, the Old City and the city as a whole, and even for dividing the function of sovereignty itself. Significantly, Barak proved willing to consider these as a basis for further talks while Arafat rejected them completely. Thus the Camp David summit collapsed, largely as a result of failure to reach agreement on sovereignty in Jerusalem (see Amirav, 2003). Nonetheless, it is very significant in marking three matters: An end to the long-established Israeli official position that sovereignty in Jerusalem is non-negotiable, official US and Israeli recognition of Palestinian political interests in the city and hence of the conflict's bi-national character, and the Temple Mount area as the most intractable issue in it.

### ► **International endorsement of dual capitals in Jerusalem**

President Clinton's diplomatic initiative with a new plan for Jerusalem in December 2000 again underscored these developments. It moved much further toward the Palestinian claims, with Palestinian sovereignty suggested for the entire Temple Mount Area and the rest of the Old City apart from the Jewish quarter. Both the Israeli



and Palestinian leaderships are reported to have seriously considered and, with significant reservations, accepted the plan, minimally as a basis for further talks. This was despite the outbreak of the second Palestinian uprising, the "Al-Aqsa Intifada", three months earlier and ongoing violence in Jerusalem. These talks continued until Ariel Sharon became Israel's new prime minister in February 2001. A later US-led initiative in the Middle East, the so-called Road Map of May 2003, marked another step. Worked out by the US, the United Nations, Russia and the European Union, the plan calls for a negotiated solution to Jerusalem based on the political and religious concerns of both Palestinians and Israelis and their respective states.<sup>4</sup> Thus it provides a framework rather than a blueprint. With the broad support it has won in the world community, it signifies nonetheless an international endorsement of dual Israeli and Palestinian capitals in Jerusalem.

#### ► The relevance of the concepts explored in this paper

How relevant then are the concepts of dispute resolution today, which this PASSIA study first set out in 1990? Israelis and Palestinians are now formally recognised – by each other and the international community – as the two parties who will determine the future political status of Jerusalem through negotiation. The city has become officially negotiable, and sovereignty as the core issue and dual capitals as the solution have won widespread agreement. In the view of Barak's former Jerusalem advisor, sovereignty over the Temple Mount is the only issue on which real disagreement still exists (Amirav, 2003). Despite this staggering progress, the official process does not seem to have been accompanied by a real "change of heart" among significant parts of the Israeli and Palestinian communities. This makes concessions on sensitive issues such as sovereignty over the Temple Mount/*Al-Haram Al-*

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<sup>4</sup> "A performance-based roadmap to a permanent two-state solution of the Israeli-Palestinian conflict" available from the United Nations' official website at <http://www.un.org/media/main/roadmap122002.html>

*Sharif* extremely difficult, and indeed any agreement potentially unstable. The collapse of the Camp David summit in 2000 and the start of the second *Intifada* were early warning signs that the Jerusalem problem might again become intractable. Certainly, the Jerusalem dispute and the larger Israeli-Palestinian conflict are now cast increasingly in non-negotiable and religious terms and less as a political-national dispute open to compromise (see further Telhami, 2001). The Israeli government's decision in 2002 to build the security barrier in the West Bank confirmed this change in the eyes of many. The barrier stands to cut off tens of thousands of Palestinians there from access to Jerusalem, and keeps fuelling violent protests.

The official negotiation record, and the continued spiral of violence and unilateral actions taking place on the ground, stand in sharp contrast to unofficial dialogues and initiatives undertaken by the two sides over the past years. These reflect the use and usefulness of the type of approach set out here – e.g., recognition of interdependence in achieving essential interests, reframing of perceptions of the other side, analysis of interests and needs underlying formal positions, and integration of core concerns into new creative alternatives for a solution. The now most noted among these efforts are the secret talks held between Yossi Beilin, then Israel's Deputy Minister of Foreign Affairs, and Mahmoud Abbas (Abu Mazen), a high-ranking Palestinian official and negotiator. These finally resulted, rather sensationally at the time, in a detailed informal agreement in 1995 on all the final status issues. The so-called Geneva Accords of December 2003 – an unofficial peace agreement launched by Yossi Beilin with Palestinian Information Minister Yasser Abed Rabbo – are very similar to the 1995 document. Two essential stipulations are sole Palestinian sovereignty over the Temple Mount/*Al-Haram Al-Sharif* and Palestinian concessions on the right of return for refugees.<sup>5</sup> De-

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<sup>5</sup> The Geneva Accord (Beilin-Abed Rabbo Document), available at <http://www.informationclearinghouse.info/article5019.htm>.

spite the bold and detailed nature of these and other clauses, the Accords have received some support in the Israeli and Palestinian communities (the exact extent is unclear from different polls). From the UN, the US, Europe and much of international community, they have received much attention and support.

At the time of this writing, the Israeli-Palestinian peace process lies again in ruins. Once more negotiations as a way out of the abyss seem very remote. Yet there is no viable alternative. Looking back on the past few years, we also know now that unofficial dialogue and problem-solving between representatives of parties are needed to complement formal negotiations and to change public policy. As one Palestinian participant in the 1990 PASSIA seminars on Jerusalem put it: "If you have a model like this, being thought out and worked out and dreamed about, and discussed, and published, then that eventually facilitates political negotiations. The very fact that parties are brought to think through and discuss the problem, and compare options, will facilitate, and then the academic process is no longer separate from the political process."

*31 August 2004*

*Cecilia Albin  
Professor of Peace and  
Conflict Research  
Uppsala University*

## INTRODUCTION

Jerusalem's historical, religious and political significance to two peoples and three faiths, and its ethnic diversity, have shaped it as a city fraught with a unique mixture of conflicts. At the international level, events in the Holy City have been the subject of heated debate in the United Nations Security Council and in the United States Senate. At the regional level, Islamic and Arab organizations, including the Islamic Conference Organisation and the Arab League, frequently deliberate over developments in Jerusalem perceived as threatening the interests of their members. At the local and communal levels, competition for influence and control among ethnic-religious and political groupings is reflected in an array of disputes.

These local disputes include such diverse questions as custodianship over properties (for example, rights of the Egyptian versus Ethiopian Coptic churches in the Church of the Holy Sepulchre), observance of religious laws (for example, controversies between ultra-orthodox Jews and secular Jews over-entertainment and transportation on Shabbat) and budget allocations and building permits for East Jerusalem Palestinians. The last-mentioned issue has in recent years intensified the conflict between Israelis and Palestinians in the city. On a different level, this issue has also sharpened long-standing tensions between the Jerusalem Municipality and the Israeli national government.

Bitter as many of these struggles are, the most essential and seemingly intractable one remains the question of sovereignty over Jerusalem. The centrality of this issue in the Israeli-Palestinian dispute and the overall Israeli-Arab conflict has been underscored over the last year by a series of controversies. Rooted in the question of the city's negotiability and future status, these

controversies include the possible participation by East Jerusalemites in peace talks with Israel, Jewish settlements or neighbourhoods beyond the 1967 Green Line, and the settlement of a small number of Jews in the Muslim and Christian Quarters of the Old City. Even in the midst of the Gulf crisis, set off in August 1990 by the Iraqi invasion of Kuwait, the primacy of the question of Jerusalem's political status in the Palestinian-Israeli struggle has remained salient. The violence arising from it reached a level unprecedented in the post-1967 period with the 8 October 1990 clashes at Al-Haram Al-Sharif, in which 17 Palestinians were fatally shot, and which resulted in a cycle of reprisals by individual Palestinians and Israelis.

In the light of these developments, one may find reason to reassess both the wisdom and the practicality of pursuing the traditional approach to the Jerusalem issue; namely, postponing any discussion of it until the final stages of a comprehensive negotiation process. The recent Baker, Mubarak and Shamir proposals - and many others before them - tried to either revive or sustain the momentum in the Middle East peace process without mentioning anything of substance regarding Jerusalem. In the wake of the past year's controversies over the issue, some voices in academic and local political circles now advocate immediate, unofficial exploration of options for Jerusalem without waiting for the start of actual negotiations. Moreover, these voices call for early consideration of at least some aspects of the Jerusalem problem once negotiations are underway. Unilateral Palestinian initiatives have also been proposed recently - for example, the creation of an independent Palestinian municipality - so as to prepare the ground and serve as a catalyst for negotiations over the city's future status.

In the academic field of negotiation and conflict resolution, the case of Jerusalem has been the focus of increased attention. Scholars attempt to develop new concepts and methodologies which may help resolve the Jerusalem dispute and other conflicts which appear to be similarly intractable and zero-sum in nature.

This paper will present a small segment of the work being developed and analyse its "real-world" applicability to the conflict over Jerusalem. The focus will remain on mainstream Palestinian and Israeli views and proposed solutions.

Most importantly, the paper seeks to recapture the essence of two seminars which I conducted at PASSIA in April and October 1990. About 15 Palestinians, mostly academics and political activists from East Jerusalem, attended each seminar. They were promised anonymity and cannot be identified. The seminars aimed at evaluating the validity and usefulness of concepts which I have developed in analysing the Jerusalem conflict, and, in the process, encouraging discussion about Palestinian views of Jerusalem. To date, these views have been relatively unarticulated in the academic literature and documentary materials. For this reason, participants were specifically asked to provide their perspectives on the presented work as Palestinians rather than as detached analysts. Interviews with other prominent Palestinians and Israeli academics and policy-makers were also made for this paper, some of which are listed in the bibliography.

My thanks go to Dr. Mahdi Abdul Hadi, President of PASSIA, and to Dr. Bernard Sabella, Academic Assistant at PASSIA, for providing such a stimulating forum for exchanging ideas. I hope that this paper might shed some further light on the issues we discussed.

## **I. CLAIMS AND CONCERNS REGARDING JERUSALEM**

**W**ithout a negotiated agreement on Jerusalem, a permanent peace between Israelis and Arabs seems inconceivable, yet movement towards negotiations over Jerusalem is currently indiscernible, if not non-existent. Parties immersed in an ethnic conflict, as Israelis and Palestinians are in Jerusalem, would be unlikely to regard dialogue as a worthwhile undertaking unless the negative perceptions they typically maintain of each other and the dispute are first modified. Not only must the opponent become viewed as a reliable partner in negotiation, but key concerns on both sides must also be reconceptualized as potentially compatible in order to motivate exploration of a negotiated solution. In the words of a former Deputy Mayor of Jerusalem, Meron Benvenisti, the dispute over the city will remain insoluble "[a]s long as the conflicting parties maintain their subjective perceptions of the reality and remain entrenched in their unyielding position" (Benvenisti, 1985).

### **1. Analysing Positions, Interests and Needs**

One approach to dispute resolution, named "integrative", calls upon parties to redefine their conflict in terms more conducive to a stable and mutually beneficial solution. One integrative method urges parties to begin by analysing their stakes in the conflict at different levels of importance, and particularly at levels beneath stated claims. These levels will here be referred to as positions, interests and needs.

Positions, interests and needs can be viewed as a hierarchy of stakes in a conflict, from the positions on the "surface" and the interests they incorporate, to the psychological needs at the four-

dation of the structure. Positions are the official stances in a conflict which parties bring to the negotiating table. They are claims which include parties' central interests and vital needs, as well as high aspirations, bargaining chips and items aimed at influencing and garnering support from constituencies at home and on the other side. While positions rarely reveal fundamental concerns or priorities, they typically reflect what parties hope to get under the best of circumstances. Indeed, conventional wisdom holds that good negotiators adopt rigid positions which remain ambiguous regarding what items can be compromised upon, at least until a negotiation process is well underway.

Underlying and ultimately motivating positions are basic human needs and values, including identity, security, recognition, control, justice and meaning. The value of having or keeping such fundamental concerns fulfilled is impossible, or very costly, to compromise upon. On the other hand, these intangible needs may be possible to meet in a number of ways, and the fulfilment of one party's needs does not have to impede upon, and may even enhance, that of another (Burton, 1984). For example, one nation's physical security may be increased if its neighbours perceive that their own security needs are sufficiently met and pursue policies premised on such a perception.

However, parties in conflict typically view their needs as mutually exclusive and therefore rule out the option of negotiation. This zero-sum perception, and the threatened or unfulfilled needs stemming from it, is at the root of many ethnic conflicts, including those in the Middle East, Cyprus and Northern Ireland (Burton, 1984, 1985; Azar, 1983, 1984). In the case of Jerusalem, the majority of Israelis and some Palestinian groups believe that recognizing the other's fundamental concerns in the city on an equal basis - for example, accepting that the other side equally requires the exercise of independent political control - would entail an unacceptable sacrifice upon or threat to their own needs.



Between positions and needs are interests, which parties seek to achieve or preserve; for example, control over territory, use of vital resources, self-determination, maintenance of the political status quo and stability, demographic superiority, economic development and strategic strength. Sometimes interests are pursued as an end in themselves and the resulting competition between nations is frequently seen as the basic cause of international dispute. By contrast, in academic analysis and in the observations of actual parties to ethnic conflict, interests become viewed as institutional options or methods for serving needs underlying the dispute. Unlike the needs, these interests are negotiable. However, it will be argued here that in some cases, such as Jerusalem, parties may perceive an unbreakable linkage between a certain interest (e.g., control over territory) and an underlying need (e.g., recognition or identity). Possible ways of meeting a particular need may then be quite limited so that a certain interest - for example, some kind of control over or access to a specific piece of land - becomes non-negotiable.

Moving up the hierarchy toward the positions, stakes in the conflict become more institutional-political and tangible, and are thus less flexible in terms of how they can be met. By contrast, moving down the hierarchy towards the needs, concerns tend to become more communal/personal and psychological/abstract, and therefore more flexible as to how they can be fulfilled. Positions do not distinguish between fundamental concerns or priorities among them, and peripheral interests or wishful thinking regarding the outcome of a conflict. Therefore, positions often become too exclusive to serve as the basis for a negotiated agreement: a split-the-difference solution will simply require too costly concessions for either side. Indeed, the commonly used method of compromise intrinsically encourages the adoption of overly demanding positions. Already knowing each others' positions and the sacrifices that an agreement would require, parties may not bother about coming to the negotiating table at all.

Probing beneath positions rather than taking them at face value enables the creation of new and more flexible building blocks for developing, comparing and evaluating alternatives for a resolution. It is also a way of making sure that any resulting agreement is stable in the sense of addressing the roots causes of conflict. This method would tend to do so more extensively than compromising because it has identified and at least partially integrated fundamental concerns on both sides of the conflict. A central premise of the approach is that the analysis and integration of underlying concerns will eventually change initial positions sufficiently to permit a negotiated solution.

## **2. Claims and Concerns in the Jerusalem Conflict**

Below is an example of how a "positions-underlying interests-underlying needs" framework could be applied to mainstream Palestinian and Israeli claims and concerns regarding Jerusalem.

Clearly, the Palestinian and Israeli positions are mutually exclusive if taken at face value. Any negotiations would most likely result in stalemate, or at best in a costly compromise agreement, because of the concessions that would be required to inch towards an agreement on the basis of the positions - and this is taking into account only two of the parties to the Jerusalem conflict. In addition, reaching a stable solution through compromise is particularly difficult when, as in the case of Jerusalem, parties and their claims are asymmetrical: One asks for virtually all of the cake, the other for half, and dividing or sharing a quarter of it will certainly appear an unfair outcome, particularly to the party that initially demanded less. Thus the risks are greater that such an arrangement will eventually be undone, if and when the opportunity presents itself. A seminar participant, a mainstream Palestinian activist in East Jerusalem, put it as follows:

*"We are starting each side from a different set of positions. While the Israeli side starts from the position that they have sovereignty and control, and exclusiveness, we talk about sharing, a two-state solution, an open city, [a physically] undivided city...however, with two separate national identities preserved. We talk about sharing while they talk about exclusive control, and here probably the only point of agreement is that we don't want the city to be [physically] divided..."*

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## THE CONFLICT OVER JERUSALEM

**FIGURE:**  
**An Application of a "Positions-Interests-Needs"  
 Framework to Palestinian and Israeli Claims and  
 Concerns Regarding Jerusalem**

ISRAELI	PALESTINIAN
<b>Position</b>	
Yerushalayim (all of Jerusalem) is the eternal capital of Israel	Al-Quds (East Jerusalem) is the capital of the Palestinian State
<b>Interest</b>	
Maintain self-determination	Achieve self-determination
Keep the city physically united	Gain sovereignty over / secure total freedom of access to and worship at Muslim, Christian holy sites
Keep sovereignty over / secure free access to Jewish holy sites	
Preserve (enhance) the Jewish character of Jerusalem, including maintaining-increasing its Jewish majority	Prevent further (gain political control over/dismantle) Jewish settlements in East Jerusalem

<p>Ensure security / control over / expand Jewish neighborhoods in East and around Jerusalem</p> <p>Ensure order, safety, freedom of movement and residence, and overall sense of normality in the entire city</p> <p>Attract new immigrants and facilitate their absorption</p> <p>Promote cultural autonomy, coexistence under Israeli sovereignty; increase tourism</p> <p>Secure international recognition of city as Israel's capital</p>	<p>Preserve the Arab character of Jerusalem: bolster Arab institutions, keep up/ increase size of city's Arab population</p> <p>Keep city divided along the 1067 Green Line to protect the <i>status quo</i> undivided in the context of a negotiated settlement</p> <p>Right of return for all Palestinians, including to Jerusalem</p> <p>Promote coexistence, economic and other cooperation only in the context of a negotiated solution involving divided or shared sovereignty</p> <p>Secure international recognition of city as dual, binational capital</p>
<b>Needs</b>	
<p>Security, identity, control, recognition</p>	<p>Recognition, control, equality, identity</p>

How could an analysis of underlying concerns facilitate a resolution of ethnic or other needs-based conflicts?

Briefly, representatives of parties would, in an informal, private and non-binding context, begin by listing the interests and needs underpinning their official stances in the conflict. They would exchange information and detailed explanations regarding each of their concerns - their meaning, context and possibilities of fulfilment. Such exercises not only train a party to understand the concerns, perceptions and misperceptions of the other side, but also to re-examine its own concerns and old assumptions embedded in its traditional stances and policies. On a more general level, parties' consciousness and understanding of the deeper roots of the conflict, including on their own side, are bolstered. In the process, by distinguishing a number of concerns which are much less exclusive than the positions they underlie, and which are sometimes similar or even shared, parties obtain more, and more compatible elements, to work with in thinking about and designing alternatives for a solution.

To mention only one example regarding Jerusalem, this type of dialogue could help settle the dispute over the relationship between undivided/divided sovereignty and an undivided/divided city: It could enhance Palestinian awareness of the extent to which Israeli reluctance to concede on sovereignty is grounded in genuine fears that it would lead to physical redivision. In turn, it could enhance Israeli understanding of the extent to which Palestinians' current efforts at redividing the city stem from fear that Israel will not only continue to deny the legitimacy of their national claims, but also further expand in and eventually take over all of Arab Jerusalem (including the Mosque area). The 8 October 1990 events at Al-Haram Al-Sharif made it painfully obvious how the conflict in Jerusalem is fuelled by each side's misperceptions and suspicions regarding the other's intentions and policies. In an interview with Dr. Sari Nusseibeh, a leading Palestinian spokesman and academic, this phenomenon was likened to "a tragedy" in which each party's

role is based upon the perceived stance of the other, and both parties choose to slide into catastrophe rather than question the assumptions underlying their actions (*The Jerusalem Post*, 9 November 1990).

More specifically, the analysis of interests and needs underlying formal positions permits the use of a range of strategies for combining fundamental concerns in a conflict, elaborating new alternatives for a solution, and evaluating the extent to which proposed options address the concerns that have been identified. The second part of this paper will discuss a range of such integrative strategies in more detail. In particular, it will be shown how the integrative approach can be used to help resolve a conflict in which at least one of the parties places high value on keeping the disputed good undivided (physically), and how it is already reflected to some extent in proposals for Jerusalem.

### **3. Palestinian Jerusalemites Respond**

The framework for analysing positions, interests and needs was presented to a group of Palestinian academics, political activists and journalists at PASSIA on 22 April 1990. Much of the round-table discussion which followed centered around the way in which the framework categorizes parties' stakes in a conflict, particularly as applied to the case of Jerusalem.

#### ***Distinctions Between Positions, Interests and Needs***

There was a general agreement that positions and most interests are the more political, inflexible stakes in a conflict; and that needs, by contrast, are the more psychological, diffuse concerns which may be met in a number of ways. Another reflection was that positions are generalized statements without information content, to which interests and needs grant substantive meaning at different levels:

*"A position is a slogan in the sense that it is a generalized statement. It does not have information about content. 'Jerusalem is the capital of Palestine'... What does this mean? What is the content, the substance? The substance of the statement is reflected as we go further down [in the hierarchy of stakes]..."*

But why is the Palestinian concern about self-determination and about sovereignty over East Jerusalem an interest and a position, respectively? The many questions raised in the discussion about the differences between "interests" and "positions" point to the need for making clear-cut distinctions between categories empirically, on a case-by-case basis, rather than attempting to do so conceptually. Key questions to ask in identifying a party's position are: Is this the official stance, or overall demand, that the party would bring to the negotiating table? Does it include all essential elements distinguishing it from other parties' stances in the conflict? Or is it just one of many demands (i.e., an interest)? Along these lines, Israel's concern about secured access to the Jewish holy sites in the Old City could be viewed as one of several important interests underpinning its official position - that Jerusalem must remain physically and politically unified under its sovereignty.

***Needs: Fulfilled vs. Unfulfilled, Priorities, Specific Meaning***

While the framework tends to portray needs as universal and similar for all groups, they often differ substantially. Participants held that, particularly in the Jerusalem conflict, there is a fundamental difference between needs that remain to be fulfilled (e.g., the Palestinian quest for independent control), and needs whose fulfilment is to be protected and consolidated (e.g., Israeli-Jewish identity needs in Jerusalem).

There may also be an essential difference in the way parties prioritise their needs, often reflecting their divergent conditions. For example, Palestinians clearly prioritise the value of achieving in-

dependent control, while Israelis, already enjoying this right, place high value on physical security. Even if parties appear to hold needs in common - e.g., control and security - their understanding of them may differ to such an extent that the needs are the same only semantically. Participants argued that from a Palestinian point of view, sovereignty over East Jerusalem is a function of their needs for recognition and control yet to be fulfilled even in the most limited sense. For Israelis, they said, sovereignty over this part of the city would rather be the completion of a process which has long since fulfilled their basic needs for control and recognition.

Finally, parties may understand each other's needs very differently. For example, identity - political and cultural - may be viewed as being at the core of the Jerusalem conflict. However, according to a seminar participant, Israeli plans tend to define Israeli-Jewish identity needs in Jerusalem as demanding independent political control, but Palestinian needs as requiring only cultural autonomy:

*[Jerusalem Mayor] Teddy Kollek comes and says, 'I know what your needs are... you have to go to pray on Friday and Sunday'. Perhaps I have other needs, too. So how do we define my needs for me ?"*

In order to move towards a solution, parties must find a mutually acceptable concept of what each party's needs entail. This is indeed a centerpiece of the integrative problem-solving method here discussed.

### ***Concerns May Overlap Categories***

Some concerns of parties in conflict may overlap all the categories. In addition, some interests (such as political control over certain areas) may be perceived as unique in meeting an underlying need (such as recognition); they are irreplaceable and non-negotiable. Thus, control over and access to Al-Haram Al-Sharif and the Jewish



quarter in the Old City could be viewed as vital to the fulfilment of Palestinian and Jewish identity needs, respectively.

Several seminar participants argued that the crucial importance of land to Palestinians makes it at once a position, an interest and a need, and that territory is a core issue in the Jerusalem conflict at all these levels. Around Jerusalem and in its eastern part, new Jewish settlements or neighbourhoods have been built steadily since 1967. Palestinians see a crucial need for holding on to - and, in some cases, recovering - what they view as their territory. All other concerns - about identity, political control, sovereignty and so forth - are, it was argued, defined by or stem from this fundamental concern. Land gives Palestinians identity and security. Land is not one of many options, but the only or overriding option for meeting such needs on the Palestinian side:

*"I would stress again and again and again the issue of territory. I don't see it limited to interests as such. It is THE issue."*

A similar argument was made that, on the Israeli side, the concern about security (e.g., individual and communal security, security arrangements) may be found in all the categories.

### ***The Value of Probing Beneath Positions***

While calling for sharper distinctions between and better justifications for the choice of the three categories, participants found the basic idea of delving beneath positions to examine underlying concerns - whatever the specific "layers" may be, or how these may differ between cases and parties - very useful. One prominent Palestinian activist noted that such analyses could help people entrenched in a conflict to look at the problem more objectively "from above", and to think through alternatives for a solution.

A more specific comment was that if key interests underlying more extreme positions in a conflict were singled out and met, the positions could start changing. For example - in response to a point about Israel's fears of Palestinian groups which still have not recognized its right to exist - some participants argued that if the interest in self-determination in Arab Jerusalem was met (in the context of mutual guarantees and security arrangements addressing fears on both sides), the positions of those who claim all of Jerusalem as part of a secular or Islamic Palestine may recede.

## **II. STRATEGIES AND OPTIONS IN THE JERUSALEM CONFLICT**

**T**here is widespread agreement among Israelis and Palestinians - as well as other direct or indirect parties to their conflict, including Egypt, the only signatory to a peace treaty with Israel, the Vatican, and the United States - on one point regarding the future of Jerusalem: The city must not be redivided physically. Israelis speak about a "united" Jerusalem under their sole sovereignty, while Palestinians speak about an "undivided" Jerusalem with divided or shared sovereignty. Yet mainstream political leaders and activists on both sides concur that a return to the type of situation prevailing from 1948 to 1967, when Jerusalem was partitioned with barriers and access to its holy sites severely limited, would not be an integrative solution.

This "indivisibility" of Jerusalem poses important and interesting questions for theorists - and practitioners - of dispute resolution. To date, the prevailing assumption behind models of negotiation and conflict resolution has been that disputed resources are divisible and/or numerous: The problem is for parties to agree on some principle for splitting and allocating the goods between them. But what is to be done when the dispute concerns a single good which would lose most or all of its value or utility to one or more parties if divided? Applying this question to the case of Jerusalem, what would be some ways of reaching a solution that preserves the city's physical unity?

### **1. Resolving Conflicts Over Indivisible Goods**

A recently elaborated model identifies three types of indivisible: core needs and values which cannot be compromised upon (e.g.,

identity, security); goods which are physically indivisible by nature (e.g., ceramics, a car, a painting); and divisible goods which become indivisible and highly valued because of their linkage to core needs and values (e.g., a holy city). The model develops a set of strategies permitting parties to negotiate over the functions of the goods while preserving its physical integrity and meeting any core concerns linked to it. These functions are various forms of ownership (e.g., sovereignty, municipal powers), and use (e.g., access to holy sites, use of natural resources) of the good. In employing so-called exchange strategies, parties prioritise their interests and trade concessions on any functions valued differently by them; for example, sovereignty in exchange for expanded self-government in Jerusalem. For similarly and highly valued interests, parties attempt to reach an integrative agreement by applying a functional strategy; for example, share, divide or delegate sovereignty over all or part of Jerusalem (Albin, 1991, 1997).

The model identifies an essential pre-condition for the successful use of these strategies: those perceptions which parties typically have of each other and concerns at stake in the conflict must have been modified so that there is a willingness to explore the possibility of a negotiated solution. Analysing positions, interests and needs is one essential method which helps build confidence in the option of negotiation. However, special conditions (further discussed below) may discourage parties to attempt any new analysis of the conflict in the first place; for example, one party may already control the indivisible good, or the dispute over the indivisible may be an integral part of a larger, ongoing conflict. The model also describes how expanding resources in a conflict in terms of amount (e.g., extending Jerusalem's municipal boundaries), kind (e.g., providing military and economic aid for concessions) and usage (e.g., redefining concepts of a capital or sovereignty), can facilitate the application of the strategies.

In the framework for analysing claims and concerns in a conflict, the positions correspond to the functions which parties initially

claim as necessary to fulfill their concerns with regard to the good, given that it cannot be physically divided. The interests and needs are the underlying reasons for which these functions are perceived as so important. For example, Israel may claim sovereignty over all of Jerusalem because of the concerns about avoiding physical redivision of the city and securing free access to the holy sites.

In working with the exchange and functional strategies, parties would re-examine how their initial claims to various forms of ownership and use of the good can be reconciled in view of their key interests and needs. For example, Israel may think of other ways of meeting its concerns about the city's physical openness and free access than exclusive sovereignty - particularly if convinced that these concerns are shared by the Palestinians. Similarly, Palestinians may reassess whether the claim to sovereignty over all of East Jerusalem, including the Old City - i.e. the call for divided sovereignty along the 1967 Green Line - is, in view of Israel's fears of redivision and impeded access to its holy sites, the most promising one in terms of its chances of actually bringing about self-determination in areas captured by Israel in 1967, including East Jerusalem.

Virtually all tangible goods can be divided if need be. The point is that to one or more parties, the sum of the worth of the good's parts, when separated physically, is far less than the value of its whole. Thus a good is indivisible as soon as at least one party perceives great losses from dividing it, and remains committed to preventing such an outcome (and to another party for whom the good is divisible, maintaining its physical unity does not necessarily entail a cost or a bias). Therefore, an integrative solution to a conflict over such a good must preserve its physical unity. If the catch-words for more classical models of international relations and conflict resolution have been "interests," "power" and "competition," the key terms describing the model here presented are "needs" or "values," "joint problem-solving" and "integration." It assumes that a mutually beneficial, lasting solution must meet

parties' fundamental concerns in the conflict - e.g., security and recognition - irrespective of their current power relations.

Of course, even the most integrative, negotiated solution will be influenced by the way in which parties perceive their competitiveness and relative power (in the widest sense, including their ability to do without a negotiated agreement). The model does not assume any particular power relations between parties as these change from conflict to conflict, over time, and in the perceptions of parties which often disagree what relevant power is in their particular dispute. However, the way parties come to use the suggested strategies will be affected by their perceptions of their relative power both inside and outside of the negotiating room.

## **2. Negotiating Over Jerusalem as an Indivisible Entity**

### ***The Indivisibility of Jerusalem***

Both Israelis and Palestinians view Jerusalem as an integral part and symbol of their peoples' land, history and ethnic identity. They link the city to the preservation or achievement of a distinct identity, full recognition and other fundamental concerns which cannot be compromised upon. In addition, as a holy city Jerusalem's physical unity has a symbolic and spiritual value to Muslims, Jews and Christians alike, which is difficult, if not impossible, to compromise upon. Freedom of movement in the city as a whole, and particularly free access to its sacred sites, are key interests of all parties. These values make Jerusalem an indivisible of utmost worth: No party will regard either a physically separated piece of good (Jerusalem), or a solution denying it any kind of ownership or use of it, as fulfilling its essential concerns.

Specifically among mainstream Israelis, Jerusalem's physical indivisibility is equated with political indivisibility. For a number of reasons, concessions on exclusive sovereignty in the city are viewed as impossible or very costly. The experience of the pre-

1967 period, when divided rule brought about a de facto division, is certainly a key element behind the Israeli belief that two sovereignties cannot exist in the same city without in fact creating physical obstacles to freedom of movement and access (Chessin, 1990; Padon, 1990; Kollek, 1988/89, 1990a). Mayor Teddy Kollek recently stated that two sovereignties in Jerusalem, with two sets of laws and police forces, would be "...an invitation to a boundary, and ...to a wall" (Kollek, 1990a). Further, in view of the proclaimed goals of some militant Palestinian factions, Israel fears that conceding on unilateral control may create a dynamic which eventually calls into question its sovereignty anywhere in the city and beyond.

Among Palestinians, the primary concern is certainly to achieve self-determination, including in Arab Jerusalem. Meanwhile, they seek to keep the city as divided as possible in all spheres of life so as to underscore that the status quo is unacceptable and untenable. Even in the context of an ultimate solution, preserving Jerusalem's physical integrity is not such a high priority as on the Israeli side, at least not explicitly. Arab governments and organizations outside the immediate region, including the PLO leadership in Tunis, tend to refer to the future of East Jerusalem in the general context of the other Israeli-occupied territories. Nevertheless, more specific suggestions for Jerusalem, many of them made by Palestinian political activists in East Jerusalem, clearly place a high value on avoiding redivision in a negotiated settlement (Husseini, 1990; Nusseibeh, 1990; Siniora, 1990; Abu Zayad, 1990; Kamal, 1990). The objective is to set a model in Jerusalem for a resolution of the overall conflict based on coexistence between two sovereign nations. According to these activists, physical barriers would only perpetuate or worsen, and never erase, underlying tensions between the two communities. Indeed, an open-city solution in Jerusalem is viewed as a key to local and regional peace.

There is also widespread agreement among parties that irrespective of how sovereignty in Jerusalem is to be allocated, a

physical redivision along any continuous line, including the 1967 Green Line, would be very difficult practically. This difficulty largely results from the physical development and expansion of the city under Israeli rule since the 1967 annexation of East Jerusalem. These facts created beyond the Green Line are frequently denounced as null and void; yet, irrespective of their illegality or legality, they are likely to have a considerable impact on any future negotiations over and resolution of the Jerusalem issue.

### ***Exchange and Functional Strategies in Proposals for Jerusalem***

The discussed strategies for negotiating indivisible goods are already reflected to some extent in proposals for Jerusalem. More specifically, it is possible to discern the implicit use of two kinds of exchange strategies - compensation and linkage of issues - and three kinds of functional strategies - sharing, division, and delegation.

The strategy of compensation leads to an agreement in which one party exercises a function of the good in exchange for giving the other another function or item it values as much or more (e.g., access to or use of the good). Mayor Teddy Kollek's vision for Jerusalem's future reflects this scheme, which seeks to enhance Arab self-government in the city as far as is seen possible under Israeli sovereignty. Given that sovereignty is viewed as impossible to divide geographically without in fact dividing the city physically, the idea is to give its Arab inhabitants greater elements of substantial or "functional" sovereignty in the areas of local administration and culture (e.g., education, physical planning and physical maintenance). This is to be achieved through the Palestinians' right to vote and run for office at the municipal level, and some system like the *minhalots* at the neighbourhood level (Kollek, 1988/89; Salzberger, 1990). Proponents of the Kollek scheme argue that it will work and meet Arab concerns better than under any other sovereignty, at least in the context of progress



towards an overall Israeli-Palestinian settlement. Critics hold, by contrast, that Palestinians will never consider such cultural and administrative autonomy in Jerusalem relevant compensation. Thus, it cannot be a substitute for a political solution, which must divide or share sovereignty in the city.

The strategy of linking issues, whereby parties bring in other outstanding questions in their conflict to facilitate an agreement, is most clearly found in proposals connecting Jerusalem to the issue of a Palestinian state. For example, a plan by Shmuel Toledano, a former Arab affairs adviser to the Israeli Prime Ministry, aims at overcoming the Palestinian claim to sovereignty in Jerusalem by providing for an independent state in the West Bank and Gaza, as well as an independent Arab municipality in the city (Toledano, 1990a, 1990b). While many analysts believe that this is the greatest concession regarding Jerusalem that could ever be accepted by Israeli public opinion, Palestinians view East Jerusalem as an inseparable part of the West Bank which must fall under their sovereignty.

The tactics of sharing and division lead parties to exercise the same function of the indivisible jointly and separately, respectively, as it is assumed to be similarly and highly valued (unexchangeable). These tactics are applied implicitly to the issue of sovereignty in mainstream Palestinian plans for Jerusalem. Most of these proposals divide sovereignty along the 1967 Green Line, as in the 1988 Declaration of Palestinian Independence, or between zones in the city which are not necessarily contiguous geographically (Nusseibeh, 1990). However, a few plans provide for joint sovereignty over all or parts of Jerusalem (*Al-Fajr*, 12 February 1990; Amirav, 1990a). In these strategies and proposals, the dispute over Jerusalem is viewed as a microcosm of the Israeli-Palestinian conflict which can only be resolved with a two-state solution. They are opposed by Israel which already exercises de facto sovereignty in all of the city, and feels that the rights and concerns of all its inhabitants are best met under Israeli rule.

The strategy of delegation, which permits an outside actor to exercise a function of the good, is incorporated in the 1947 partition resolution placing Jerusalem and its surroundings under a UN-administered *corpus separatum*. More recent proposals have called for delegated control (mostly internationalization) over parts of the city, such as the Old City or the Holy Sites. While endorsed repeatedly by the Vatican, delegation on a larger scale is rejected by Israelis and Palestinians alike who view the exercise of sovereignty in itself as essential to their interests in the city.

In one and the same plan for Jerusalem, elements of several strategies are often reflected. For example, the Kollek plan essentially exchanges sovereignty for municipal powers and increased self-government; yet, on a different level, municipal powers are also to be shared by Israelis and Palestinians. Any future solution in Jerusalem would be likely to make extensive use of these tactics, implicitly or explicitly, for different components of the problem. One recent Israeli proposal does so in suggesting for Israelis and Palestinians divided sovereignty in metropolitan Jerusalem, joint sovereignty over the holy sites, separate municipalities in the Arab and Jewish parts of the city, and a joint roof municipality rotating the chairmanship between Arab and Jew (Amirav, 1990a). The plan as a whole has reportedly been received favourably by PLO officials and Palestinian political activists in the territories (*Al-Fajr*, 12 February 1990).

### ***Modification of Perceptions Regarding the Jerusalem Issue***

It is difficult to envision that any particular proposal for Jerusalem - however ingenious or evenhanded - can work until Israelis and Palestinians have developed new confidence in each other as negotiating partners, and in the possibilities of finding a satisfactory solution.

The regional climate prevailing at any given time has a considerable impact upon perceptions regarding Jerusalem and the feasi-

bility and desirability of a particular strategy or plan. For example, distinctions could be made between options which are possible without, and only within, progress towards a comprehensive settlement. Part of the problem of Jerusalem - particularly the issue of sovereignty - is the fact that parties view the future in terms of the past and the larger conflict - wars, occupation, Intifada, denied and abused rights. Within the context of progress towards an overall solution, perceptions of the other side and the nature of the conflict - and, as a result, parties' demands - would no doubt become more positive-sum. Some issues such as free access to the city and the holy sites for all faiths and nationalities - denied to Jews between 1948 and 1967, and to most Muslims and Christians in Arab countries since 1967 - could be resolved almost automatically in the context of a comprehensive solution.

Without any progress towards an overall solution in sight, the alternative becomes - short of doing nothing - to try to move on any malleable aspect of the problem. One option is to attempt to engage parties in cooperative efforts towards more limited goals which they both value highly but can only achieve jointly. Such cooperation, when possible, tends to reduce tensions between parties (Sherif, 1958); thus, it could pave the way for later dealing with difficult, disputed issues successfully in negotiations. Today, however, most Palestinians reject such small-scale cooperation in Jerusalem until the political ends of the Intifada have been reached. Another alternative, further discussed below, is then for either party to undertake unilateral measures which may ripen the climate for negotiations.

### **3. Palestinian Jerusalemites Respond**

The framework for resolving conflicts over indivisible goods was presented to a group of Palestinians at PASSIA on 11 November 1990. This was a period of great tension in Jerusalem following the 8 October events at Al-Haram Al-Sharif. The animated discussion

that followed covered a range of issues arising from the theory's applicability to the Jerusalem conflict and recent events in the city.

### ***The Concept of Indivisibility***

All of Jerusalem is clearly indivisible physically and politically to the overwhelming majority of Israelis. This is enough to make the city a problem of indivisibility for all. But to what extent does the concept capture Palestinian concerns regarding Jerusalem today and in future negotiations?

The participants agreed that the major Palestinian activists, especially in East Jerusalem, still believe is the value of keeping the city physically undivided in any solution. However, the pre-1967 situation should still serve as the starting point for negotiations. These activists also favour cooperation and coordination - for example, economic and municipal - between the Israeli and Palestinian capitals to be represented in Jerusalem.

The seminar discussion and additional interviews made it clear that the average East Jerusalemite today, by contrast, wants maximum, permanent separation from Israel. This desire, intensified by the 8 October 1990 events, has grown out of acute fears and suspicions regarding Israeli intentions and policies in the city. The continuous expansion of Jewish settlements/neighbourhoods there is viewed as a threatening process of surrounding the city as a whole, separating Arab areas and taking over more and more of Arab Jerusalem. Thus physical division is viewed as the best guarantee of preserving Arab life and achieving Palestinian rights in the city. Compared to these fundamental concerns, the interest in having contact with or access to West Jerusalem in the context of an open-city solution is negligible indeed.

The vision of an undivided Jerusalem which prominent Palestinian activists harbour would gain increasing credence and become prevalent among the population at large, according to a seminar

participant, once the former could point to concrete gains from progress toward coexistence with Israel and an open-city solution. One such key achievement would be to leave the responsibility of Al-Haram Al-Sharif completely in the hands of the Muslims themselves. Thus restrictions often imposed by Israeli border police regarding entry into the Mosque area - particularly since the 8 October 1990 events - would be lifted and, in the eyes of Palestinians, an important element of sovereignty - symbolic as well as substantial - gained.

### ***The Applicability of Exchange and Functional Strategies to Jerusalem Plans***

A seminar participant argued that the plan of Jerusalem Mayor Teddy Kollek and other similar Israeli proposals do not reflect a serious trade. In exchange for exclusive Israeli sovereignty in Jerusalem, they offer Palestinian cultural rights and autonomy, equal municipal services, and the right to participate in a municipality in which Israel has carefully ensured that a Jewish majority remains. According to the participant, authors of these plans know that what they offer in the exchange is token, in their own as in Palestinian eyes. The suggested "exchange" is rather for domestic and international consumption; a tactic to help secure recognition of the political status quo. A serious trade could, the participant argued, involve some Palestinian acceptance of new facts created in the city since 1967 (e.g., permitting residents of Jewish settlements/ neighbourhoods in East Jerusalem to remain there under Palestinian sovereignty) in exchange for rebuilding Palestinian villages destroyed in the Jerusalem area in 1948 and 1967.

Generally, the discussion pointed to the Palestinian concern that the principles of mutual recognition and equality between the two sides form the basis of any consideration of Jerusalem's future, as is the case in most functional strategies and plans. One Palestinian political activist commented as follows on the presented strategies:

*"I call a solution for Jerusalem a confederation ... to use the appeal of sharing and division for both sides. In a confederation you can have division - separateness, especially of the identity - and, in order to make things work functionally, sharing schemes [e.g., municipal]. In a two-state solution, Jerusalem could be a reflection of what could develop later... between the two nations."*

Of course, many Israelis are sceptical of proposals for sharing or dividing sovereignty in view of the fact that some Palestinian groups do not recognize Israeli rights in any part of the city. In response to this comment, a participant argued that the majority of the Palestinians, as reflected in the PLO position today, call for a two-state solution with East Jerusalem as the capital of the Palestinian state. While insisting that this state was not a step towards something else, he added that "... one can still go on hoping that at some time in the future ... people on both sides will overcome the need to have nation-states, and ... integrate them". When one of his colleagues specified that this hope was the idea of a secular, binational and democratic state, a concern about preserving the two people's separate national identities in a future solution was again voiced by another participant.

### ***Creating a Willingness to Negotiate over Jerusalem***

The discussed analyses of claims and concerns in a dispute, and ways of negotiating indivisible goods, do not focus on the problem of how to get parties to look at their conflict in these terms in the first place. At the same time, participants held that a principal problem in moving towards a solution of the Jerusalem issue today is the fact that one (and the more powerful) party - Israel - does not perceive any need or gains to be had from opening up the city's political status to negotiations. Apparently disillusioned by this situation, a Palestinian professor in the seminar asked:

*"The strategies you are proposing in conflict resolution ... are they really workable in Jerusalem? This is what differentiates the academic from the practical. Part of my disap-*

*pointment with models... is that they propose hypothetical solutions in a situation in which actual negotiations are not taking place. So of what use are the models?"*

By contrast, another Palestinian academic, who is also a key political activist in East Jerusalem, commented that the model, like any academic analysis - irrespective of whether specific recipes for overcoming obstacles to beginning negotiation are included - are fruitful if they can only encourage the conflicting parties to discuss the problem informally using suggested concepts. Without specifying how parties could become willing to sit down and do so in the first place, he said that such exercises with and between parties are in the long run "educational," and increase the chances that actual negotiations will get underway at some point:

*"If you have a model like this, being thought out and worked out and dreamed about, and discussed, and published, then that eventually facilitates political negotiations. The very fact that parties are brought to think through and discuss the problem, and compare options, will facilitate, and then the academic process is no longer separate from the political process."*

What then are the options from a Palestinian perspective? Is it necessary to simply wait for progress towards a solution of the overall Palestinian-Israeli conflict, or for Israeli public opinion to reconceptualize the issue of Jerusalem as negotiable? Or can any smaller steps be taken in the near future that would favour progress towards negotiations over the city's status?

The major alternative discussed in the seminar was a unilateral step on the part of Palestinians - to create an independent municipality in the city, in the context of resumed municipal elections in the West Bank and Gaza. This move would help reinforce the idea of Jerusalem as a binational capital both conceptually - as an Arab mayor would symbolize the legitimacy and parity of Palestinian national claims in the city - and on the ground - as Pales-

tinians would take their daily affairs into their own hands. In the process, Palestinians would consolidate and make more visible their institutions and presence in Jerusalem, and become increasingly independent from Israeli institutions and services. The creation of an independent municipality would be part of an overall strategy of gaining greater and greater elements of practical and symbolic sovereignty - initially by unilateral moves and later, once relations between parties and improved and become more equitable, through negotiation. Said one participant:

*"Put aside sovereignty...put aside these hard issues. Take practical steps to prove the sharing role [on the part of Palestinians] in Jerusalem ... I want to see Palestinians have their own municipality, to clean their own houses, get building permits, not pay taxes to the Israeli municipality. This is 'creeping sovereignty', sovereignty step-by-step."*

Some argued that this option would be realistic if Palestinians united and stood firmly behind it. A consensus among Palestinians could in turn be created if the idea of a municipality was linked to the goal of the Intifada; that is, presented as a step in a political process which aims at changing the status quo. Other participants argued that such an initiative would provoke insurmountable Israeli opposition, unless it was accompanied by unequivocal Palestinian acceptance of continued, exclusive Israeli sovereignty in the city.

Still another view, from outside the seminar, was that Palestinians should use temporary participation in the current municipality to lay the foundations for a genuinely independent and functioning municipal body in East Jerusalem. Such a body could in turn serve as a solid foundation for a sovereign capital there (Amirav, 1990b). Most Palestinians express opposition to participation in the current municipality for implying a de facto recognition of the Israeli annexation of East Jerusalem. Many hope instead that outside pressures, including on the part of the United Nations, will eventually force Israel into negotiations over Jerusalem and the other areas captured in 1967 (e.g., Kamal, 1990).



## CONCLUSION

**A**n integrative, stable solution to the Jerusalem problem must ultimately combine essential Palestinian and Israeli concerns and aspirations in the city. Such a solution would be likely to include segments of several of the strategies and proposals here discussed. These elements could include provisions for a physically open city; division and/or sharing of sovereignty in areas to be agreed upon in negotiations (possibly in geographically scattered areas); guaranteed free access to the holy sites for all faiths and nationalities; coordination and cooperation between any Palestinian and Israeli sovereign zones and/or independent municipalities; and expansion of the city's boundaries to facilitate an agreement.

Recent events have painfully underscored the urgency of progressing towards a solution in Jerusalem, and at the same time the apparent remoteness of any such progress. On the one hand, attempts to maintain the status quo will ensure that an invisible wall of fear and hatred will eventually divide the city as sharply as in the 1948-1967 period. On the other, it is highly unlikely that any particular plan can be implemented in the near future, especially one that is satisfactory to the Palestinians.

A lasting solution to the Jerusalem dispute, as to the overall conflict, has to be created in several stages, by a far-sighted, practical strategy which looks to the long-term gains. Each stage would build some further agreement and confidence, and at the same time prepare for the next step. From a Palestinian viewpoint, the initial stages - whether entailing the creation of a Palestinian municipality in Jerusalem and/or other steps - would want to bring about a more powerful Palestinian presence in the city (that is, leverage in favour of negotiations) and halt the creation of new facts beyond the 1967 Green Line. From an Israeli perspective, the

later stages in particular must provide built-in guarantees regarding security and peaceful relations locally and regionally, and mechanisms for escape from the agreement in case of violations.

Some of the necessary initial steps by Palestinians might become viewed in a few circles as a de facto recognition of Israeli control. If so, they would be part of an overall strategy aiming at a goal which all Palestinians share and which rejects exclusiveness in Jerusalem. The question to ask is whether there is a realistic alternative to such step-by-step tactics. Habib Bourguiba once stated with regard to the Tunisian national liberation movement that a shrewd strategy accepts a partial deal when all cannot be obtained at once, and then uses this deal as a *'point d'appui'* (stepping-stone) from which more can be obtained at an opportune moment (Hourani, 1962: 366). This was certainly part of mainstream Zionists' thinking in accepting, for example, the 1947 UN Partition Resolution as a crucial step toward statehood, despite their objections to the plan's provisions for borders and the status of Jerusalem. In the view of some PASSIA seminar participants, such tactics have been the element most seriously lacking in Palestinian strategic thinking about ways of reaching the goal of an independent state with East Jerusalem as its capital.

One would hope that rather than waiting for progress towards an overall solution, parties will draw the same conclusion as one seminar participant who called for flexibility and practicality in view of the deteriorating situation in Jerusalem:

*"What's the alternative [to a stage approach]?" This is a very, very serious question. When we look down the road now, we can see Arab Jerusalem as a ghetto ... Palestinians in Jerusalem leading a ghetto-like life. We are living in a tragedy ...and because it is tragedy, we MUST be flexible. This means that there has got to be a very serious discussion among us Palestinians about what our options realistically are."*

This paper has presented concepts for analysing parties' stakes in a conflict at different levels. It has outlined various types of strategies for combining rather than compromising upon essential concerns, particularly in conflicts in which one or more parties place high value on keeping the disputed good undivided. Applied to the case of Jerusalem, these concepts provide criteria for categorizing proposed solutions in terms of tactics they incorporate implicitly, and for evaluating these proposals in view of the extent to which they meet concerns at stake. The concepts are also meant to be useful in elaborating and assessing new integrative options for Jerusalem and other conflicts with similar characteristics.

These ideas represent a small segment of the research pursued in academia which attempts to provide specific tools for examining conflict situations analytically and expanding the options for a resolution. This research still has a long way to go before becoming practically useful as opposed to being merely interesting in theoretical terms. Just how long it will take to develop to that stage will be determined considerably by the opportunities available for academics and actual parties to conflicts to exchange insights and experiences. Still, if it is true that - in the words of a PASSIA seminar participant - the application of this type of conceptual work even at such an early stage can succeed in encouraging informal dialogue with and between parties in useful directions, one important objective will already have been achieved.

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