



INTERNATIONAL CONFERENCE ON THE QUESTION OF JERUSALEM*

Jerusalem at the heart of the peaceful settlement of the question of Palestine

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CHECK AGAINST DELIVERY

PLENARY III

Searching for solutions: scenarios for Jerusalem

Preserving the two-State solution: the centrality of Jerusalem

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Jerusalem

Jerusalem's Future
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Jerusalem is the microcosm and the nucleus of the entire Israeli Palestinian conflict. Jerusalem is much more than a city, more than a physical space. It is a transcendental phenomenon encompassing the emotional energy that has propelled this conflict into violence for generations. Conventional wisdom throughout the years of the peace process has always been to leave Jerusalem until the end. Jerusalem is the issue on which the Camp David talks of July 2000 exploded. Jerusalem is where the second intifada erupted, where the latest round of violence began and centered around and Jerusalem has been the constant source of strife in all of the past years. I have always believed that Jerusalem should have been the first issue on the agenda. If we can resolve Jerusalem, everything else will be easier.

That is why in August 1989 I launched the first Israeli Palestinian working group of experts on the future of Jerusalem. It was quite evident even then that Jerusalem would be a focal point of any future Israeli Palestinian negotiations. Without finding a peaceful solution for Jerusalem which would enable both sides to have their national capital in the city there could be no peace. That has not changed.

In 1992, after three years of intensive monthly meetings and an additional six long weekends together, we (IPCRI) published our first plan for sharing Jerusalem. It is important to note that I speak about sharing Jerusalem, not dividing it. The words in Hebrew are quite similar but their different meanings are diametrically opposed - לחלק - את ירושלים - to divide Jerusalem, as opposed to - להתחלק בירושלים - to share Jerusalem.

The plan was presented to Mayor Teddy Kollek a year before Oslo and still remains as the most viable solution for the future of Jerusalem. As part of the exercise in exploration for solution, we prepared a map of the city color coded by population groups within the city. It was strikingly clear that Jerusalem was a very segregated city; I believe the most segregated city in the world. Israelis and Palestinian live in separate areas. There are no common areas in the city. This observation immediately led to the understanding that sovereignty in Jerusalem could be assigned to different neighborhoods on the basis of demography. We called this dispersed sovereignty. In the end of 2000 President Clinton, in his parameters for peace that he presented to Israeli and Palestinian negotiators created the terms of reference "what is Jewish for Israel, what is Arab for Palestine".

Another principle that our 1992 plan shared with Clinton was that Jerusalem must remain one open city without physical boundaries - walls and fences - preventing free movement within the city. Jerusalem after all is an urban space where hundreds of thousands of people live and walls and fences dividing the city into small piece would kill the city and make it an impossible place to live and work in. This obviously presents a lot of challenges because there is no peaceful solution for Jerusalem without dividing the sovereignty of city, but both sides must at the same time guarantee that the city would remain physically united and open.

The separation wall that was built around the city in the south, east and north, was constructed to keep Palestinians out of the city. The law of unintended consequences resulted with an influx of some 60,000 Palestinians back into the city after its construction. These people, over the years

from 1967 moved out of the city, mostly to the north where housing was available and cheaper than in Jerusalem. They moved back into the city out of fear of being cut off and possibly losing their rights to live in Jerusalem.

There are some 360,000 Palestinians living in Jerusalem, the overwhelming majority of who are not Israeli citizens, but are residents of Jerusalem. According to Israeli law, inherited from the British, as residents they have the right to run in municipal elections and to vote in them. The Palestinians in the city boycott those elections, rejecting Israel's claim to sovereignty over the whole city. They are nonetheless, subject to Israeli policies and laws and also enjoy some of the benefits of being residents of the State of Israel – mainly freedom of movement, national insurance and access to Israel's health services. Despite the benefits, most Palestinians in Jerusalem demand to be part of the Palestinian state and for Jerusalem to be its capital. This is not only because Palestinians in Jerusalem suffer from significant discrimination. There are arguments regarding the statistics of how many of Jerusalem's Palestinian residents really would prefer to be part of the Palestinian state and how many would prefer to remain in Israel. What is clear is that none of them agree to Jerusalem being physically divided and no one agrees to having a second class status in Jerusalem.

Israel has claimed since 1967 that Jerusalem is the eternal, united, undivided capital of the State of Israel and the Jewish people. But Jerusalem is very divided, definitely not united and is not recognized by any government in the world as the capital of Israel. There is not one country in the world that recognized Israel's sovereignty over all of Jerusalem.

Before the establishment of the Palestinian Authority Jerusalem was the center of Palestinian life – economically, culturally, educationally, religiously and politically. Today, Jerusalem remains center only in the area of religion. Jerusalem has been cut off from Palestinians and Palestinians have been cut off from Jerusalem. The physical border established by Israel after Oslo cuts Jerusalem off from Palestinians in the West Bank and Gaza. Israel cynically exploited Palestinian agreement to leave Jerusalem as a final status issue to prevent the Palestinian Authority from having any access or input in Jerusalem. Israel refused to implement its obligations under the Road Map for Peace of President George W. Bush which required Israel to reopen Palestinian national institutions in Jerusalem – primarily the Orient House and the East Jerusalem Chamber of Commerce. Palestinians have no official role in Jerusalem.

Since the death of Faisal Husseini in 2001, Jerusalem has been void of local leadership which could unite the people and Israel has strongly enforced a “divide and conquer” mode of operation in the city to prevent the emergence of new leadership. Israel has ignored development in most of the Palestinian areas and even the police only enter those areas when engaged in anti-terrorist activities, leaving a largely lawless zone within Israel's eternal undivided capital. Jerusalem is not united and there is no validity to the claim that united Jerusalem is the eternal capital of Israel.

Today both parties claim Jerusalem as their national capital. Israel asserts that Jerusalem is the cradle of Jewish civilization, the holiest city for Jews and the focal point for Jewish existence. Jews all over the world turn towards Jerusalem in prayer and inside of Jerusalem face the Temple Mount in the heart of Jerusalem's Old City.

The first direction of Muslim prayer was Jerusalem, but later changed to Mecca. It is from Jerusalem where the Prophet Mohammed ascended to heaven. Jerusalem is spoken about in Islam as al Aqsa – the distant mosque and Beit al Maqdas – the holy house, in reference to the Holy Temple. Jerusalem is the third most holy city in the world for Muslims and according to their tradition the obligation of Haj – pilgrimage - is not complete until after Mecca and Medina the pilgrim completes the journey with a visit to Jerusalem.

The positions between the parties in Jerusalem are diametrically opposed and seem to be unbridgeable. The official policy of the Israeli government is that Jerusalem is and will always be the eternal undivided capital of the Jewish people and the State of Israel. Jerusalem will never be divided again, as it was for almost 19 years between 1949 at the end of Israel's war of independence and the Palestinian Naqba (the catastrophe) and the June 1967 war. In March 1949 King Abdallah I of Jordan annexed East Jerusalem and the West Bank of the Jordan river to the Hashemite Kingdom and walls and barbed wire fences divided Jerusalem right through the middle of the city, cutting the Old City of Jerusalem and the Jewish Holy places off from Israel and the Jewish world. After the lightning speed six days victory in 1967 the Jewish state tore down the walls and fences and reunited the city vowing that it would never be divided again. Israel then annexed all of East Jerusalem and expanded its borders in the east and placed the entire city under Israel's sovereignty and law. Like the Jordanian annexation in 1949, Israel's annexation was rejected by the international community and view it in contravention to International law.

The Palestinians' position is that all of East Jerusalem, the territory occupied by Israel in 1967 must become the capital of the State of Palestine. This position officially includes more than 250,000 Israelis who now live in that area in neighborhoods built by Israel since 1967 on what formerly Palestinians consider to be their land. The Palestinian position is that the entire Old City of Jerusalem, including the Jewish Quarter and the Jewish Holy places will be under Palestinian sovereignty in a peace agreement.

There are three concentric circles of issues in Jerusalem that need to be resolved. The closer to the center, the more difficult to resolve, nonetheless, there are solutions for all of the issues of Jerusalem. The outer circle is the issue of the neighborhoods all around the city. The center circle is the Old City. The heart of the hearts is the Temple Mount/Haram A-sharif.

The neighborhoods, already mentioned above are easiest to deal with because there are no really mixed neighborhoods. Every neighborhood is either Israeli or Palestinian and the borders of the neighborhoods are equally clear. It is relatively easy to assign sovereignty to all of the neighborhoods. There are a few problematic areas which could be dealt with on an issue to issue basis – such as Palestinian enclaves on the French Hill and Gilo, a Muslim cemetery on Mount Zion, Beit Safafa where half of the neighborhood are Israeli citizens (although Palestinian) and the other half are Palestinians without Israeli citizenship. There are also the special cases of Israeli settlements that have been built inside of Palestinian neighborhoods – such as in Ras al Amoud and Nof Zion. Har Homa is also problematic because it was built after Oslo and the Palestinians have not accepted that it will be included in the annexed areas by Israel (part of the 4-5% annexation), but today Har Homa is already too large to reverse. Palestine will be sovereign over all of the Palestinian neighborhoods and Israel will be sovereign over all of the

Israeli neighborhoods. This is perhaps unprecedented in the world, but Jerusalem is unique and requires unique solutions.

Municipal government in the city could be either through completely separate municipalities with coordination between them, or even one municipal council representing both cities. Other models have been examined from other parts of the world including Brussels and even New York City with its borough system of government. The municipal governance issues are the easiest to resolve in Jerusalem and like the Brussels model, it would be recommended to adopt that principle of trial and error – nothing is etched in stone. The purpose of municipal government is to serve the day to day life needs of the people within the municipality. In Jerusalem there must be coordination between both sides on issues of infrastructure, transportation, sewage, waste control and treatment, water and electricity supply, and of course on issues of economic development – tourism, antiquities, physical development, zoning, planning, etc.

The Old City of Jerusalem is certainly the heart of the city and the center of the focal point of conflict between Israel and Palestine. This area, less than one square kilometer is a powder keg of nuclear proportions in terms of its volatility and potential for disaster. There are four quarters in the Old City: Armenian, Christian, Muslim and Jewish. It could be possible to adopt the Clinton parameters to the Old City as well so that the Jewish Quarter would be under Israeli sovereignty and based on demography, the other three quarters would be under Palestinian sovereignty. It could also be possible to adopt the kind of proposal the Prime Minister Olmert offered in 2008 in which an international body composed of Israel, Palestine, the United States, Jordan and Saudi Arabia would govern the Old City on behalf of its residents. Another similar proposal was made by a group of Jerusalem experts working with the University of Windsor in Canada (<http://www1.uwindsor.ca/joci/>) in which an international management company would administer the Old City.

In the center of the heart, the heart of hearts, is of course, the Temple Mount/Haram a-sharif (the Noble Sanctuary) – 145,000 square meters of Holy space. This, the most holy place for Jews in the world and the third most holy place for Muslims and Palestinians see themselves as the protectors of al Aqsa – mentioned in the Quran and referred to as the distant mosque. For Muslims, the entire mount, and not only the buildings on the mount are al Aqsa, the place where they believe that the Prophet Mohammed ascended to heaven on the **Isra** the part of the journey of Mohammed from Mecca to Jerusalem and once in Jerusalem - the second part of the journey, the **Mi'raj** (an Arabic word that literally means "ladder"), where he toured the seven stages of heaven, and spoke with the earlier prophets such as Abraham ('Ibrāhīm), Moses (Musa), John the Baptist (Yaḥyā ibn Zakarīyā), and Jesus (Isa). According to Islamic tradition, God instructed Muhammad that Muslims must pray fifty times per day; however, Moses told Muhammad that it was very difficult for the people and urged Muhammad to ask for a reduction, until finally it was reduced to five times per day. Moshe Dayan understood very well the potentially volatility of the site when he ordered that an Israeli flag raised on the Dome of the Rock be immediately removed. Israel then understood that if it attempted to change the status quo there it could bring about an explosion throughout the Middle East and the Muslim world. In those days, we were all very fortunate because the overwhelming majority of mainstream Rabbis, including the official chief Rabbinate of the State of Israel determined that since we did not know the exact location of the Holy of Holies, Jews should not ascend to the Temple Mount at all. According to Jewish

tradition, when the Messiah comes, the Temple will be rebuilt and then Jews could once again pray on the Temple Mount.

In recent years, more Jews combining deep religious beliefs with extreme nationalism have decided that Jews should retake the Mount even before the Messiah comes, perhaps as a way of speeding up his coming. The demand of Jews to be allowed to pray there is understandable both from the position of religious importance and as an assertion of the rights of free access to all holy places. If there was no conflict between Israel and Palestine it could even be possible to imagine the day when it could happen peacefully. There is no prohibition in Islamic law – shari’ah - to people of other faiths praying on the Haram a-sharif. But in the situation of conflict where the Muslims, in Palestine and in the Muslim world, are convinced that Israel’s intentions are to remove the mosques, prevent Muslims from praying there and rebuild the Temple, the Israeli Palestinian conflict instantly becomes transformed from a political conflict into a religious war. This is the most dangerous scenario possible and too risky to support. The status quo must be maintained and if it is to be changed, it should only be done through negotiations and agreements and not imposed by force.

So the political solution for the Temple Mount/Haram al Sharif is to formalize the current status quo whereby the Muslims control the Temple Mount/Haram a-Sharif on top and Israel controls the Western Wall below outside of the Mount where Jews now pray as close to the Mount as possible. Both parties would agree to limit their sovereignty and control by not tunneling, constructing, digging or damaging in anyway the entire compound without mutual agreement. If after the Messiah comes, God should desire to change the arrangement – everything would be possible. For the time being, the makings of an agreement are possible.

Can it work?

So now, we are left with two main questions – how can the city of Jerusalem be divided on the basis of demography and still function; and when should the issue be negotiated? The only way that Jerusalem can survive as an urban space where real people live and work is for it to remain physically united and open. Jerusalem will die if it is torn to pieces with walls and barbed wire fences. The pre-condition for Jerusalem to be undivided physically and open is for there to be real personal security within the city. But this is a pre-condition for all aspects of Israeli-Palestinian people. Real security in Jerusalem will have to include three main components: (1) each side’s security and police forces will have to take full responsibility for security and law and order within the territory under its own domain. (2) There will be a need for very robust and active cooperation, including joint forces between the Israeli and Palestinian security and police forces in Jerusalem. (3) And lastly there must be a significant third party monitoring component ensuring that both parties are fully implementing their obligations as well as assisting in building the trust necessary for the joint missions and providing a real-time, on –the-ground dispute resolution mechanism.

Lastly – when should Jerusalem be negotiated – at the end or in the beginning of the negotiations? Going against conventional wisdom, I have always advocated putting Jerusalem on the table up front. Borders cannot be negotiated without arriving to Jerusalem. Land swaps are meaningless without dealing with the delineation of borders of sovereignty in Jerusalem. Security arrangements have little validity without confronting security in Jerusalem where the

most terror attacks took place during the second intifada. National symbols and holy places cannot be dealt with anywhere in the area without dealing with Jerusalem. Jerusalem is the microcosm of the entire conflict and the most sensitive issue on the table. If the issues in conflict in Jerusalem can be resolved in negotiations, all other aspects of the negotiations will be easier. If Jerusalem cannot be resolved, there can be no Israeli-Palestinian peace.

Since most aspects of the Jerusalem issue have been negotiated in the past and since there have been so many workable proposals designed for Jerusalem by Israeli and Palestinian experts who have worked together on finding them, it is more possible to reach an agreement on Jerusalem than most people believe. The solutions as described above enable both sides to have their national capitals in Jerusalem. Jerusalem will remain an open city united for all to come and visit while clearly designating separate sovereignties on maps and on the ground. Jerusalem's holy places will be open with free access to all and each community will retain its control over its most sacred spaces while enabling dreams and future aspirations to remain within the realm of prayer.

Peace in Jerusalem is the key to Israeli Palestinian peace – that key is on the table and waiting to be used. Jerusalem has the potential to become the one place in the world where civilizations do not clash, but learn to appreciate each other through dialogue, through mutual respect and through mutual and collective celebration.

Jerusalem's uniqueness is its spiritual calling and its rich human resources. The wealth of Jerusalem comes from those who hold it dear and from those whose lives are connected to it. The fostering of conflicts in the city and about the city through the empty political slogans on billboards on bus-sides cheapens Jerusalem's value. The competition over Jerusalem's meager land resources increase the ugliness and the rudeness of the city's character and outer face.

Jerusalem's history is a huge burden. That burden has been the weight that has reduced Jerusalem's glory to a primitive tribal feud which has driven too many good people out of the city. When Jerusalem's present and its future potential outshines its past, without losing respect and appreciation of its past, then Jerusalem will be a magnet, instead of being a burden.

Lastly, it must be said here, at a conference sponsored by the United Nations that the recent decision made by UNESCO that essentially erased any Jewish connection to Jerusalem is neither educated nor scientific. It was outright ignorance and wrong. UNESCO and the entire United Nations becomes a hindrance to peace and not an enabler when it decides to ignore the Jewish history and presence in Jerusalem. It would be more than wise for the United Nations to reverse that decision and it would be extremely intelligent if it was the delegation of Palestine to the United Nations that led that decision.

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