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COMPROMISE ON JERUSALEM

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COMPROMISE ON JERUSALEM

At the July 2000 Camp David Peace talks, in a hurried attempt to make peace, Palestinian leader Yasser Arafat and Israeli Prime Minister Ehud Barak pressed forward with eleventh-hour negotiations on many of the key issues that separate both sides. Despite last minute offers and attempts at compromise, the talks failed. The tenuous peace between the Israelis and Palestinians unraveled, and once again, both sides are locked in violent conflict. The potential for this renewed violence to destabilize the region is real and significant. It presents a threat not only to Middle East security but to U.S. national security as well. [\[1\]](#)

Of the key issues that stand in the way of lasting peace in the Middle East, perhaps the most difficult and divisive one is that of control over Jerusalem. Not only do both sides have historical, religious, cultural and national interests in the city, other Middle Eastern nations and actors do as well.

Regional stability notwithstanding, reaching a satisfactory solution on Jerusalem is also of interest to many in the international community. This paper outlines the issue of sovereignty over Jerusalem, examines the viability of several possible solutions, and proposes a way ahead for compromise.

The Context

There is no other place in the world like Jerusalem. Named al-Quds by Muslims, the city is at the heart of the identity of all three of the world's monotheistic religions. For Jews, it is the location of their ancient temples, and the place where God tested their patriarch Abraham by asking him to sacrifice his son Isaac. For Christians, it is the site of the resurrection of Jesus, the central event of their faith. For Muslims, Jerusalem is where the prophet Mohammed ascended to heaven on his Night Journey; it is their third most sacred holy place.[\[2\]](#)

For centuries, Jerusalem has been at the crossroads of

conflict between empires and religions, and the object of conquests by Byzantine and Crusader Christians, as well as Arab and Ottoman Muslims. For three hundred years, various status quo arrangements determined control of the major religious sites and the city itself.[\[3\]](#)

The founding of the state of Israel in 1948 began a new chapter in the struggle over control of the Holy City. From 1948 to 1967, Jerusalem was divided. For nineteen years, concrete walls and barbed wire sealed off one part of the city from the other. Its eastern section, including the Old City, was annexed by Jordan, and ruled from its capital, Amman. The western sector of Jerusalem became Israel's capital. Israel captured East Jerusalem in the 1967 war and annexed it in a move the international community refuses to recognize. In its Security Council Resolution 242, the United Nations called on Israel to return to its pre-1967 border and withdraw from the West Bank and East Jerusalem. Israel has yet to

comply.

Jerusalem is at the core of Israeli statehood. At the same time, it is central to Palestinian national identity. Israel continues to assert that Jerusalem should be its undivided capital. The Palestinians want East Jerusalem as the capital of a future independent Palestinian state.

In addition to sovereignty, access and control of the holy sites is the other key point of contention. Israelis claim they have allowed Christians and Muslims free access to the holy sites since they took control of Jerusalem in 1967. Palestinians disagree, and say the only way to guarantee access is if they have full control.

For Jew and Muslim, alike, ground zero of the holy sites is the Temple Mount. Known to the Muslims as Haram as-Sharif, it is sacred to both faiths. The Temple Mount is where Solomon built a huge temple to house the Ark of the Covenant. It was destroyed by the Babylonians, rebuilt, and destroyed again - apart

from one wall, the Western Wall, which is a key Jewish shrine. The Temple Mount, upon which the al-Aqsa mosque stands, is the location of Mohammed's ascension.

At the center of the al-Aqsa mosque is a massive limestone rock that also figures prominently in Jewish tradition. It is known in Hebrew as Even ha-Shetiyah, the Foundation Stone from which the whole universe was created. It is where the idea of the nexus between Heaven and earth originates within the Jewish tradition.

It is precisely these conflicting historical, political, and religious interests that make this issue such a difficult one to resolve. While maintaining the status quo is unacceptable, finding a suitable compromise solution has proven to be elusive.

Partial Control for the Palestinians

During the 14-day Camp David peace summit, in an unprecedented diplomatic move, Barak offered the Palestinians sovereignty over some predominantly Arab neighborhoods in East Jerusalem. Until the Camp David summit, Israel's position was "no sovereignty in Jerusalem at all for the Palestinians" as this would divide the city. While Barak seemed to have moved off this principle, he had steadfastly refused to take steps that might appear that he was about to hand over the Temple Mount – a move that would (and did) cost him a great deal of support in the Israeli Parliament.

Barak's proposal fell short of granting Palestinian sovereignty over Jerusalem's walled Old City.

Moreover, it only offered the Palestinians access to, not control of, the al-Aqsa mosque. Arafat flatly rejected the offer.[\[4\]](#)

Ceding control over the Palestinian neighborhoods of East Jerusalem is a red line for many Israelis, and sovereignty over the Temple Mount is non-negotiable.

So much so that Barak went to great lengths to insist he would not sign any document that gave the Palestinians sovereignty over the prized hill. As for the Palestinians, their historic territorial claims on Jerusalem's Old City (based on the Jordanian control until the 1967 war), and the presence there of the Islamic holy sites, make the issue a red line not only for Palestinians, but for the entire Arab world as well. [\[5\]](#)

Even if the neighborhoods of Jerusalem could be split, the crux of the problem is the Old City. One suggestion has been that the Jewish and Armenian quarters - which are next to each other - should belong to Israel, and the Christian and the Muslim quarters should belong to the future Palestinian state. Both sides reject this.

Two Capitals: Virtual Sovereignty

With Arafat's rejection of Barak's offer of partial control, the idea of creating two capitals was

explored. In general terms, this solution would retain Jerusalem for Israel and establish an adjacent municipality, al-Quds, for the Palestinian state. In implementing this course of action, the boundaries of the city would be redrawn, with some West Bank Israeli settlements incorporated into Jerusalem and some Palestinian parts of East Jerusalem, Shu'afat, Beit Hanina and part of Qalandia, integrated into the West Bank. The Palestinians would be granted sovereignty over this new area.[\[6\]](#)

Barak conceded that this option amounted to only "virtual sovereignty," and he recognized that the proposed Palestinian capital would be located outside the existing Jerusalem city boundary. Furthermore, Palestinian access to the Temple Mount would be via an Israeli controlled route. The Palestinians, who regard East Jerusalem and the holy sites of Haram-al-Sharif as being illegally occupied by Israel since their capture in the 1967 Six Day War, find this option unacceptable.

Arafat's bottom line throughout the Camp David negotiations was sovereignty over the al Aqsa mosque. Barak's offer of full access to it for Palestinians through a specially built tunnel or bridge would not be enough. The Palestinian leader, backed by much of the Arab world, rejected the offer.[\[7\]](#)

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Vertical Partition

With the partial control and two-capital options rejected, President Clinton reportedly suggested an unconventional compromise that would give the Palestinians sovereignty over the Islamic sites at the top of the hill and give the Israelis sovereignty of the Jewish sites beneath, including the Western Wall of the temple.

Theoretically, it could make sense to divide the site vertically, with the lower, underground section in Israeli hands and the upper portion in Palestinian hands. Unfortunately, apart from the obvious difficulties of dividing up ground in this unusual

way, Haram al-Sharif and Temple Mount are important religious symbols, as a whole, both to Palestinians and Israelis. Religious claims notwithstanding, these sites are also national symbols. As neither side has accepted the principle of giving the other side full sovereignty over any part of the site, this option is neither feasible nor acceptable.

Open City

Another proposal has Jerusalem put under the control of the UN or an international body. While this solution seems to make the most sense to outside observers, it fails to take into account what the two sides want most - sovereignty and exclusive control over at least part of the city. Thus, this is an idea that appeals neither to the Israelis nor to the Palestinians.

International control was first discussed as an option for Jerusalem in 1947, when the UN was trying to divide what was then Palestine into a partitioned,

part Arab, part Jewish state. The UN partition plan proposed putting the city under temporary international control. After ten years a referendum would have been held to consult the residents of Jerusalem on their city's future.

An unusual corollary proposal from the Roman Catholic Patriarch Michel Sabbah is to hand over sovereignty of the holy sites "to God" and make them available to the worshippers of the world. While this "Vaticanized" solution seems feasible, it fails to resolve the basic claims of sovereignty over the city, nor does it adequately address the responsibilities of civil administration of the sites themselves.

Academics from both sides have discussed similar types of models, although Israeli and Palestinian officials have denied they have officially considered these. Both sides want Jerusalem as their capital, and both would rather have part of Jerusalem under their exclusive control than to share it or to internationalize it.[\[8\]](#)

This is partly an issue of national pride, as sovereignty is hugely symbolic to both sides. But it is also about who runs the city on the ground. Tens of thousand of Jews pray in this area on Fridays, and hundreds of thousands of Muslims visit Haram al-Sharif at Ramadan. Security and crowd control is a necessity. Additionally, some jointly recognized organization would still be required to manage administrative operations and services for the sites. There remains a great deal of animosity within the diverse population of Jerusalem, with its history of clashes, shootings and bombings. The Israelis have said they do not trust anyone else to look after it from the security point of view. The Palestinians feel the same.

The primary reason the Israelis are so reluctant to hand over any parts of the Old City to non-Israeli rule is that between 1948 and 1967, when it was under Jordanian control, almost all the synagogues and Jewish sites in the Old City - as well as 38,000 tomb

stones on the Mount of Olives - were destroyed. Also, in practice it would be nearly impossible to set up a secure international border along the labyrinthine alleyways of the Old City.

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Conclusions

Should there come a day when a Palestinian national entity is established side by side with Israel, and knowing that both peoples claim the city as holy and their capital, the two nations must eventually agree on how to share Jerusalem. Because of the problem's complexity, however, resolution of this issue cannot among the first that the two sides attempt to solve. Even when lesser issues have been satisfactorily addressed, and a modicum of trust and confidence reestablished, a move towards solving the Jerusalem issue must occur in incremental, gradual steps. At least for now, none of the compromise solutions seem acceptable to either side. At some point, a further escalation in violence and bloodshed will

bring both sides back to the table. In the end, the only viable solution will include a partitioning of the city's neighborhoods by nationality, with control of the old city left to an international or joint body. Furthermore, demarcation must be based on current realities and not on past possession. If issues of past possession are considered, there will never be resolution.[\[9\]](#)

What role should the US play in solving the Jerusalem issue? Ideally, the Israelis and Palestinians should decide the issue of control between themselves, because they are the ones who best know the facts on the ground and will have to live with the solution. However, their inability and unwillingness to compromise to date requires mediation by a third party that is generally respected and has some influence with both sides, particularly, Israel. That third party is the United States. Leaving the Israelis and Palestinians to solve the problem on their own will certainly result in failure, continued violence, and

risks escalation and intervention by other states in the region. The US's choice seems clear, it can either continue to engage, or pay the price later.

Questions

Can there be lasting peace between the Israelis and Palestinians without reaching agreement on sovereignty over Jerusalem?

Control of Jerusalem is an especially emotional and difficult problem, one that seems to offer little room for compromise. Is resolution on control of Jerusalem essential to achieving peace in the short to mid-term or is it an issue that can be/should be delayed for later discussion?

How important is a decision on Jerusalem when compared with other key issues such as control of the West Bank and Gaza or the right of return of the Palestinian refugees?

From the Palestinian point of view, what is the desired endstate with respect to Jerusalem? What is the acceptable endstate?

From the Israeli point of view, what is the desired endstate with respect to Jerusalem? What is the acceptable endstate?

There are a number of proposed compromise solutions with respect to control of Jerusalem (Partial Control, Partitioning, Separate Capitals, UN Control). Why are these not acceptable solutions?

Is there a role for the United States in helping to solve this issue?

Is there a role for others?

Because Jerusalem is often thought of as an

"international city" should the international community have any say in a final settlement?

[1] Carol Greenwald, "Can Arabs make peace with Israel?" *Middle East Quarterly*, vol. VI, no. 3 (Sep 1999), 35-40.

[2] Chad F. Emmett, "The Status Quo Solution for Jerusalem," *Journal of Palestinian Studies*, XXVI, no. 2, (Winter 1997), 16-28.

[3] Many of these status quo agreements were formalized in international treaties such as the 1856 Paris Peace Convention Treaty, the 1878 Treaty of Berlin, the 1919 Versailles Peace Treaty, and the British Mandate governments 1922 Palestine Order-in Council.

[4] Janine Zacharia, "Barak Offered Arafat Control of Parts of East Jerusalem," *The Jerusalem Post*, 25 July 2000, 2.

[5] Emmett, 26-27.

[6] Moshe Ma'oz, "From Conflict to Peace? Israel's Relations With Syria and the Palestinians," *The Middle East Journal*, (Summer 1999), 8.

[7] Applied Research Institute - Jerusalem, "The Status of Jerusalem Reconstructed: Israel's Unilateral Actions Determine the Future of Jerusalem," vol. 26 (August 2000), 11-15.

[8] Zacharia, pg 2.

[9] Emmitt, pg 26-27.