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Faculty of Graduate Studies

Jerusalem in the Palestinian-Israeli Negotiations

By

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This thesis was defended successfully on..... and approved by

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Declaration

The work provided in this thesis, unless otherwise referenced, is the research's own work and has not been submitted elsewhere for any other degree or qualification.

أقر بأن ما اشتملت عليه هذه الرسالة إنما هو نتاج جهدي الخاص، باستثناء ما تمت الإشارة إليه حيثما ورد،
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Dedication

To Jerusalem, its people, worship places, its old alleys, and its walls...

To the pure souls of my parents who instilled in me the love of knowledge...

To my brothers and sisters, my refuge...

Acknowledgments

I praise God, for giving me the opportunity to accomplish this work, and for granting me the ability for its successful completion.

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Abstract

This research investigates the question of Jerusalem in the Palestinian-Israeli negotiations since Madrid Conference in 1991. Focusing on the local, regional and international developments that led the Palestine Liberation Organization to enter into peace negotiations with Israel, I explore the repercussions of these negotiations on the geopolitical landscape and the future of Jerusalem. The status of East Jerusalem, a religious and national symbol for Palestinians and allegedly for Israelis, remains a core issue in the Palestinian-Israeli conflict. This study is particularly significant as it addresses one of the most complex issues in the Palestinian–Israeli final status negotiations.

The study– which consists of five chapters, conclusions and recommendations– argues that postponing negotiations on Jerusalem to the final status negotiations has helped Judaize the city by giving Israel additional time to alter facts on the ground and create a *fait accompli*, eventually making it impossible to negotiate the future of the city.

The author used a three-pronged approach: a descriptive approach to describe the positions on Jerusalem in the negotiations; a critical textual approach to analyze the Palestinian official discourse and the Israeli official discourse and their implications for the Holy City; and a historical approach to depict the Israeli policies towards the city of Jerusalem since its occupation in 1967, and the consequences of these policies on the demographic composition and geopolitical status of the city. These policies are contrasted with Palestinian/Arab indifference (lack of vision, planning and strategies).

The study found that:

- The negotiations have failed to find a solution to the issue of Jerusalem. First, the parties postponed negotiations on the city. Second, Israel rejected any solution that does not enable it maintain Jerusalem as Israel's eternal capital. Third, Israel worked carefully and systematically to create facts on the ground to blow up any possibility for establishing an independent Palestinian capital in East Jerusalem.
- The postponement of the issue of Jerusalem to the final status negotiations was disastrous for Jerusalem. The facts on the ground have enabled Israel to propose 'realistic' solutions: what is Jewish is for Israel and what is Arab is for the Palestinians, thus denying the Palestinians the right to designing or planning their spaces in East Jerusalem.

The author concluded with a set of recommendations, particularly:

- It is important for the Palestinian leadership to reconsider the counterproductive negotiation process with Israel. It is time to put the high-flying rhetoric aside and focus on the fact that East Jerusalem is a territory occupied in 1967, part and parcel of the larger Palestinian Cause. Planning for liberation and for Jerusalem as the capital of the future Palestinian state should start as soon as possible.
- It is important to consolidate the Palestinian/Arab/Islamic efforts towards practical strategic planning (against the Israeli policies) in order to support the steadfastness of the Arab Jerusalem. This could be possible through allocating adequate funds that meet the needs and challenges facing the city.
- It is necessary to develop an institutionalized unified national reference body that can consolidate and coordinate efforts at the official and popular levels against the challenges facing the Holy City.

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Chapter One

Theoretical Framework

1.1 Introduction

Time was the most functional strategy Israel employed in the Palestinian-Israeli negotiations to resolve the geopolitical future of Jerusalem as Israel's indivisible, eternal capital. Israel has used the negotiations as a political ambush and an instrument to deceive the Palestinians and gain time for gradual control over the land based on the myth of Ancient Yerushalayim. On the other side, time was counterproductive, whereby the Palestinian presence and political future in the city are now at bay. The attachment of the Arab population to the land as well as to the physical and spiritual existence in the city has been substantially shaken by negotiations that have brought forth catastrophic results for around 25 years.

When the Palestinian side agreed in 1993 Oslo Accords to postpone negotiations on Jerusalem to the final status negotiations without Israel assurances of refraining from bilateral actions, it was literally giving Israel freebies to alter the status on the ground and create compelling facts that would have implications on any future steps. The Israeli official discourse has been unwavering: "Jerusalem is the united, eternal capital of the State of Israel." This hard line position was translated into action: expediting settlement construction, increasing the number of settlers, building bypass roads and fighting the Palestinian presence through the policies of Judaization, displacement, expulsion and isolation. By the time the issue of Jerusalem was raised in the Camp David talks in 2000, Israel had gone a long way in Judaizing the city. All Israeli and American proposals were based on the legitimacy of Israeli measures and

claims of sovereignty over Al-Haram Al-Sharif, thus dealing a blow to international law and UN resolutions, and denying Arab political, religious and historical rights.

The official Palestinian position that "East Jerusalem is the capital of the future Palestinian state" slackened in Camp David when the Palestinian side accepted Israeli sovereignty over the Jewish Quarter, the Buraq Wall and part of the Armenian Quarter, as well Israel's annexation of some settlements in East Jerusalem. After the failure of Camp David, the proposals for later negotiations (such as the Moratinos Document in 2001 and the Sari Nusseibeh-Ayalon Statement of Principles in 2002) established more concessions, such as legitimizing East Jerusalem settlements and giving Israel sovereignty over Jewish neighborhoods, thus giving the Israeli occupation the right to stay in Jerusalem and the Jews the right to freely perform their religious rites in the Holy City. Worse, the Annapolis Summit proposed an international trusteeship regime in the old city without deciding on sovereignty.

When Netanyahu became Prime Minister in 2009, his government, made up of far-right religious parties, announced that it was unwilling to make any concessions in Jerusalem or even maneuver around it in the negotiations. The right-wing government moved full bore in Judaizing Jerusalem, isolating it by more settlement units inside and around and significantly accelerating the procedures that would boost a Jewish majority in Jerusalem, such that the population percentages would be the decisive factor in any future agreement on the city. By doing so, the government effectively isolated Arab Jerusalem geographically from the West Bank and eliminated any likelihood of partitioning the city.

- Israel was thus able to use time and negotiations effectively to control the city, get rid of its Arab residents, establish a Bantustans-like apartheid regime, turn the city into dismembered cantons and create a fait accompli that would make it literally impossible to establish a Palestinian capital in East Jerusalem.

1.2 Structure of the research

Chapter two is a historical background of the Arab/Palestinian–Zionist/Israeli conflict, as well as a timeline of the history of Jerusalem starting from the 3rd millennium BC until the Israeli occupation in 1967, and the ensuing policies, laws and procedures the occupier has pursued to Judaize the city. In chapter three, I discuss the local, regional and international dynamics that led the PLO to enter into the political process. Chapter four examines the status of Jerusalem in the negotiations, while Chapter five draws a comparison between Israeli policies toward Jerusalem and Islamic/Arab/Palestinian policies in the face of these policies.

1.3 Rationale

The study deals with one of the most important issues in the Palestinian-Israeli negotiations. Jerusalem is one of the core issues of the conflict, and in some accounts it is the most complex issue, with social economic, military, geographic, and demographic implications. The city is of particular political, national and religious significance- a major setting for the conflict between the Israelis and the Palestinians, with each party considering the city its homeland capital. The Palestinians, and the Arabs and Muslims worldwide, insist that the negotiations should end with the establishment of a Palestinian state with East Jerusalem as its capital, while Israel holds fast to the position that Jerusalem is its indivisible, eternal capital.

The research examines a key issue in the peace process. Being a cradle for the three great monotheistic faiths, Jerusalem has a unique spiritual and religious role for Muslims, Christians and Jews. The city also contributed to the formation and expression of the Palestinian national identity. The Palestinians, thus, need to be more aware of the atrocities the city is subject to, particularly the Judiazation policy which has revved up after the start of the peace process between the Palestinians and the Israelis. Before Oslo, Jerusalem settlers were only 146,436.¹ By 2016, the number had grown to around 310,000. Concerted efforts are thus needed to save East Jerusalem from the Judaization deliberate policies.

1.4 Problem Statement

The centrality of Jerusalem in the peace process between the Palestinians and the Israelis requires an in-depth examination of the changes in the demographic, urban and physical composition of the city since the launch of the peace process in 1991. Palestinians have of late debated over the efficacy of the peace process. The debate has given rise to two conflicting views, which represent the study problem. For the first group, the peace process– which began with the signing of the Oslo Agreement on September 13, 1993 and postponed negotiations on Jerusalem to final status issues– gave Israel the opportunity to continue the process of Judaizing the city, divide the West Bank from north to south and estrange the political and sovereign rights of Arab Jerusalemites. If these measures continue, there will be nothing to negotiate about, and the dream of having Jerusalem as the capital of the future Palestinians state will evaporate.

For the other group, putting Jerusalem on the negotiating table– albeit at a later stage– has broken the Israeli taboo on discussing the future of Jerusalem.

¹ Palestinian Central Bureau of Statistics, Palestine Statistical Yearbook 2016 (in Arabic), Ramallah-Palestine, December, 2016, p. 33.

1.5 Hypothesis

The research assumes that postponing negotiations on Jerusalem to the final status negotiations has somehow contributed to Judaizing the city by giving Israel additional time to alter facts on the ground and create a fait accompli, eventually making it impossible to negotiate the future of the city. Obviously, Israel has expedited its Judaization policies during the last two decades. When the talks were taking place, Israel was orchestrating its malicious plans against any Palestinian presence in the city.

1.6 Study Questions

The study raises and tries to answer the following questions:

- What was the status of Jerusalem in the Madrid Conference– October 1991?
- What was the status of Jerusalem in the Washington bilateral Palestinian-Israeli negotiations, which began on December 10, 1991?
- Why did Washington's two-year negotiations fail?
- Did the Palestinian negotiators consult legal experts before signing the Oslo Agreement?
- Why did the Palestinian negotiators accept to postpone the Jerusalem issue in the Oslo Agreement to the final status negotiations?
- Why did the Palestinian-Israeli negotiations fail in the 2000 Camp David negotiations?
- Is Jerusalem one of the Israeli red lines?
- What are the strategies, policies and programs carried out by Israel since 1967 to Judaize Jerusalem?
- What are the strategies and policies the Palestinians have taken against Israeli Judaization policies?

- What is the Arabs/Muslims policy against Jerusalem Judaization?

1.7 Methodology

The author used a three-pronged approach:

A descriptive approach: Describing the situation as actually is in order to identify the causes, and collecting information and data from primary and secondary sources;

Textual Analysis Approach: Analyzing the Palestinian official discourse and the Israeli official discourse, and the positions on Jerusalem, as well as critically analyzing agreements between the two sides; and

Contextual and Historical Analysis Approach: Depicting the Israeli policies towards Jerusalem, and the consequences of these policies on the demographic composition and geo-political status of the city.

The author used two types of sources. The primary sources included historical documents, international agreements, maps, statistics, and interviews with Palestinian negotiators. The secondary sources involved books, references, periodicals and scholarly refereed journals.

1.8 Literature Review

Much literature has been produced on the Palestinian-Israeli negotiations, the status of Jerusalem in those negotiations, and the agreements signed between the Palestinians and the Israelis. Some studies saw the negotiations as a historical achievement; others were against the process; and a third group described it as a sin.

Proponents*are well represented by Mahmoud Abbas, who explains the reasons and justifications for creating the Oslo negotiations channel in parallel with the Washington negotiations, which began on 20-21 January 1993 and ended with the signing of the "Declaration of Principles on Interim Self-Government Arrangements" on September 13, 1993. According to Abbas, the bitter experience during the five rounds with the Likud government in Washington continued with the Labor government in the subsequent rounds.²

With the holding of the sixth round of negotiations on August 24, 1992, an atmosphere of optimism reigned in international circles as well as in the Arab world. This was due to the victory of the political alliance in Israel, which arrived bearing a program based on the need for direct negotiations with the Arabs in accordance with Security Council Resolutions 242 and 338, and also concessions on all fronts. Yet, things took a different path, as the United States announced its approval of granting Israel loan guarantees of USD 10 billion, and allowing the Israeli government to complete the construction of eleven thousand housing units in the occupied territories Including Jerusalem. This approval came as a blow to the Palestinian side.³

Abbas also focuses on the issue of representation in negotiations and concluding an agreement with Israel. The Israelis were convinced that the hope of reaching a solution existed in

*(Mahmoud Abbas 1994, Ahmed Qurei 2006, Uri Savir 1998).

² Abbas, Mahmoud. (1995). *Through Secret Channels: The Road to Oslo, Senior PLO Leader Abu Mazen's Revealing Story of the Negotiations with Israel*. UK: Garnet Publishing, Ltd.

³ Ibid, p. 93.

Oslo, because only the Oslo negotiator was authorized to reach a deal with Israel.⁴ This was also confirmed by Ahmed Qurei, who wrote that the PLO is the only party that has the right to negotiate on behalf of the Palestinian people⁵. Both Abbas and Qurei had concerns that an alternative leadership from the West Bank and Gaza might pull the rug out from under the PLO, in a veiled reference to the Palestinian negotiating delegation in Washington.

Qurei enumerates the Palestinian trump cards in the negotiating process: Palestinian steadfastness that Israel's intimidation has never been able to break; PLO success in breaking out of the isolation imposed on it following the Second Gulf War; Israel's plight of living in a hostile surrounding; and Israel's exaggerated sensitivity to the issue of security, the holy cow that the Israelis cannot slaughter.⁶

Qurei defends the Palestinian negotiation strategy in Oslo, one that is based on gradual, step-by-step solution which aims "to achieve short-term gains in less controversial issues. This would lay the groundwork for future negotiations, and build trust between the parties in order to reach an agreement on issues that are at the heart of the conflict."⁷ For Qurei, the rationale behind the Palestinian strategy was simple: the great imbalance of power between the Palestinians and the Israelis had given the Palestinians no choice but to accept the gradual solution and the partial interrelated steps.

⁴ Ibid, p. 95.

⁵ Qurei, Ahmed. (2006). *The Complete Palestinian Account of the Negotiations: From Oslo to the Road Map*. 3. The Path to the Road Map (in Arabic), Institute for Palestine Studies, p. 148.

⁶ Ibid, pp. 78-79.

⁷ Ibid, p. 80.

On the other side, Uri Savir, former Director General of Israel's Foreign Ministry and Israeli negotiator, is surprised by the size of the concessions made by the Palestinians and the flexibility they showed in the Oslo negotiations. As Savir put it, Qurei and his team "advanced some surprisingly flexible positions, far more practical than the legalistic tangles created by the "non-PLO" delegation in Washington."⁸ Qurei's Oslo negotiation strategy, which impressed the Israeli side, would emphasize two key elements for the talks: a pragmatic progression from easier to more difficult issues, which would allow for the development of trust between the parties; and Palestinian-Israeli cooperation, mainly in the economic field. In his remarks on the process, Savir wrote: "The contrast between the two styles suggested that Arafat was sending us a definite message: the Washington talks would grind on endlessly, but in Oslo, where the PLO was officially represented, he was prepared to compromise."⁹

Savir maintains that the Palestinians were fully aware of the power imbalance, as Qurei had described it: a dwarf facing down a giant. The Palestinian accepted to keep Jerusalem outside of the self-government deal, relinquished international arbitration in controversial issues, agreed to stop 'terrorist' acts, and accepted Israel's position that its security is a red line. All these concessions led Israeli legal advisor Joel Singer to tell Perez that the Israelis would be donkeys if they didn't reach a deal with the Palestinians.¹⁰

⁸ Savir, Uri. (2010). *The Process: 1,100 Days that Changed the Middle East*. Knopf Doubleday Publishing Group, p. 6.

⁹ Ibid, p. 6.

¹⁰ Ibid.

Qurei was also aware that Israel has tried hard to obtain the most valuable trump: obtaining a public Palestinian recognition of Israel. He therefore believed that the minimal price of this step should be Israel's recognition of the Palestinian right to establish an independent state.¹¹ However, what the Palestinians received was only an Israeli recognition of the PLO as the sole and legitimate representative of the Palestinian people.

Savir construed mutual recognition in a different way. He boasts that the Israeli negotiating team was able to obtain recognition of the existence of Israel not only as a de facto power, but also as a legitimate political entity.¹²

For Qurei, the status of Jerusalem in the Oslo negotiations— making it part of the negotiations of the final status solution— is a Palestinian tour de force which broke the Israeli taboo regarding Jerusalem.¹³

Savir holds that the only Israeli concern in the negotiations was to get rid of the burden of the occupation while at the same time being able to continue defending and providing security for Israeli citizens, including tens of thousands of settlers in the West Bank and the Gaza Strip. That is why the Israeli delegation insisted that Israel's external security and the security of the self-government territory remain Israel's full responsibility.¹⁴

¹¹ Qurei, *Op. cit.*, p. 152.

¹² Savir, *Op. cit.*

¹³ Qurei, *Op. cit.*, p. 244.

¹⁴ Savir, *Op. cit.*

A far cry from the remarks by Qurei and Abbas is Akram Haniyeh's position. Haniyeh's language is more cautious—expressing a stance of a politician who knows much more about the Israeli behavior. Haniyeh reveals that the Palestinian negotiating team at Camp David (consisted of maps, land and settlements experts, and of a group of astute young lawyers who had finally found an opportunity to present the work they had been preparing for years) was not present at Oslo.¹⁵

Haniyeh points out that the most sensitive issue in the negotiations was the holy sites. “Barak and members of his delegation borrowed the hats of the most extreme of the religious Jews and came wearing them to the Summit. Suddenly, the secularist began speaking the language of the adamant religious. Suddenly, the Israeli sovereignty over the Haram was an issue that could not be discussed.”¹⁶ What was of the utmost danger was that the American officials, without hesitation or a thought of the effects of such a demand, adopted this position. “The Americans proposed a special system for the Old City that would fragment it between Palestinian sovereignty over the Muslim and Christian Quarters and Israeli sovereignty over the Armenian and Jewish Quarters as well as the Western Wall.” These proposals were turned down by the Palestinians.¹⁷ Haniyeh recalls that unlike the Palestinian negotiators in Oslo, the Palestinian negotiators at Camp David fought a tough battle with the Israeli side and successfully confronted Israeli blackmailing.

¹⁵ Haniyeh, Akram (2001). *The Camp David Papers*, (in Arabic) Al-ayam Publishing and Distribution, Ramallah, p 22.

¹⁶ Ibid. p 41.

¹⁷ Ibid. 42.

* (Munir Shafiq 1994, Mamdouh Nofal 1995, Muhannad Abd Al-Hamid 2015, Edward Said 1995, Edward Said, 2002, Hanan Ashrawi 1995, Edward Said, 1995, Rashid Khalidi, 2008).

The Oslo Accords and subsequent agreements came under fire from many prominent opponents*. According to Munir Shafiq, the Oslo Accord was a fatal mistake. The PLO, he maintains, has stumbled when it entered a settlement project which aimed at creating a self-government authority, which would supposedly lead to a state.

Criticizing Qurei's approach to the Palestinian-Israeli conflict, Shafiq argues that gradualism has never made Israel withdraw from the occupied territory, dismantle settlements or stop unilateral actions in Jerusalem.¹⁸ Madrid Conference, 11 round of negotiations in Washington and Oslo Agreement have not managed to change the Israeli position or Israeli violations in the occupied territories. "The assumption that the Oslo Agreement is a step towards achieving the Palestinian goals could not add up, even under the most limited scrutiny, not when we consider the outcome of the last two years of negotiations and the fuzzy relationships between resulting steps."¹⁹

Palestinian National Council member Mamdouh Nofal has his knives out for Oslo. He argues that the disagreements over Oslo do not negate the fact that, in terms of its direct and indirect consequences, Oslo Agreement was not less detrimental than the Balfour Declaration of 1917, the 1948 war that established Israel or the 1967 war. The Agreement was a product of balances of power as well as regional and international developments. The Agreement dealt with a small part of the land, which remained imperfectly sovereign and half independent. Our four-

¹⁸ Shafiq Munir (1994). *Oslo Agreement and its Implications* (in Arabic). Palestinian Information Center, Books and Publications, Amman, p. 44.

¹⁹ Ibid, p. 3.

decade long struggle was supposed to culminate in an independent state, not an inferior self-government²⁰.

Noufal reveals the Palestinian politics, whereby Arafat's overly authoritarian decision-making style has left nothing for the PLO Executive Committee. He says in early September 10, 1993, the Oslo Agreement was presented to the PLO Executive Committee. Some members took it seriously, believing they could make adjustments or changes to the Agreement. The meeting which convened at noon was the shortest ever. A real discussion did not take place. Opponents (Tayseer Khaled, representative of the Democratic Front for the Liberation of Palestine, Abdul Rahim Mallouh, representative of the Popular Front for the Liberation of Palestine, and Abdullah Hourani, an independent member) rejected it entirely and gave up responsibility. Yasser Arafat responded by saying it is time to separate the wheat from the chaff, those with independent national decision from those that serve agendas of Arab regimes.²¹

Muhannad Abd al-Hamid draws a comparison between the Palestinian excessively optimistic position and the Israeli position. It is particularly inexplicable how so many Palestinian leaders persist in speaking of the Oslo Agreement as a victory. Arafat called it 'the peace of the brave; Qurei described it as "unprecedented historical political achievement"; and Abu Mazen called it a "historic achievement for the Palestinian people."²² The Israelis were no less optimistic. Rabin said in a press conference on the day of the signing of Oslo that Israel will

²⁰ Nofal, Mamdouh. (1995). *The Story of the Oslo Agreement* (in Arabic). Amman: Al-Ahliya for Publication and Distribution, p. 159.

²¹ Ibid, pp. 206-207.

²² Abd Al-Hamid Muhannad. (2015). *Inventing a nation and dissolving another* (in Arabic). Ramallah: Palestinian Center for Policy Research and Strategic Studies, p. 127.

continue to control over the territories. Israel would also hold the River Jordan, the boundaries with Egypt and Jordan, the sea, the land between Gaza and Jericho, Jerusalem, the settlements and the roads. Israeli author Amos Oz told BBC “this is the second biggest victory in the history of Zionism,” while former Jerusalem deputy mayor Meron Benvenisti boasted that “The Israeli victory was absolute and the Palestinian defeat was resounding.”²³

According to Abd Al-Hamid, the Israelis even refused to mention Jerusalem in the negotiations. The Camp David negotiations in 2000 gave the Palestinians isolated neighborhoods in Jerusalem, while it gave Israel the Jewish Quarter, the Buraq Wall and its extension to the Western Wall, part of the Armenian Quarter of the Old City, and all the settlements located in and around Jerusalem, including the area beneath Al-Haram.²⁴

Edward Said wrote a lot about the Oslo Accords and other Palestinian-Israeli agreements. In his writings, Said criticized the Palestinian leadership and showed strong opposition to such agreements. He particularly criticized the Palestinian recognition of Israel as a state with the right to security and peace, against the fact that Israel has conceded nothing. Said argues that the Palestinian leadership has acquiesced to the Israeli will when it postponed the issue of Jerusalem to the final status negotiations.²⁵

Said continues his scrutiny:

The Palestinian negotiation behavior told a story of tragicomic blundering and unforgivable carelessness. For in effect without maps of their own, without the requisite detailed knowledge of

²³ Hindle, Jane. (1996). *London review of books: an anthology*, London: Verso, p 33.

²⁴ Abd Al-Hamid, Op. cit. p 130.

²⁵ Said, Edward. *Lost Essay on Jerusalem*. A paper delivered at a conference on Jerusalem held in London on 15-16 June, 1995, p 68.

facts and figures possessed by the Israelis, without a fair commitment to principle and justice, the Palestinians have yielded to Israeli and American pressures.²⁶

Said strongly criticizes the claim that the real battle with Israel has moved to the negotiating table. He maintains that since Oslo, the Palestinians have never been serious in their negotiations. Often, he says, the Palestinians would go to the negotiations without preparations, and often the negotiations would end in Palestinian surrender.²⁷

In an account on the negotiations, Hanan Ashrawi commends the Palestinian delegation behavior in Washington: holding fast to the core issues; namely the Israeli settlements, human rights, Jerusalem and refugees. Yet she criticizes the Palestinian behavior in Oslo. In her book, she says she was shocked when she read the Oslo agreement at Abu Mazin's office in Tunis. She describes the hurly-burly that reigned in the Palestinian political circles and how the Palestinian leaders were so gullible that they wanted to snap up the agreement before getting Israel to compromise on Jerusalem or the settlements.²⁸ Ashrawi writes that the leaders told her and other opponents “We will sign now, and later you will negotiate with the Israelis on the details.” Ashrawi says that by this, the leaders have given up everything.

Said also explains that the 1994 Cairo Accord (also known as Oslo 2), which the press described as an important step in the peace process, includes all possible additional restrictions on the Palestinian Authority. In the agreement, Israel retains control over the territories.

²⁶ Said, Edward. (2007). *The End of the peace process: Oslo and after*. Knopf Doubleday Publishing Group, p. 14.

²⁷ Ibid.

²⁸ - Ashrawi Hanan. (1995). *This Side of Peace, Personal Account*. A touch Stone Book Published by Simon and Schuster, New York, pp 260-261.

The dismantling or stopping expansion of the settlements, which showed in the Hebron massacre how dangerous they can be, has not been discussed. Israel continued to control water resources as well as internal and external security, while it has used every single opportunity to alter the physical status of Jerusalem.²⁹

Edward Said also sheds light on a very important subject: compensation. “There is nothing in the document to suggest that Israel will, as Iraq was required to do after it withdrew from Kuwait, compensate the victims of its policies for 45 years.” Edward Said demands that the issue of compensation be a priority for the Palestinian negotiators. The Palestinians, he wrote, can set up a Palestinian body to collect information and statistics on all Israeli violations since 1948.³⁰

Edward Said, however, was not against the peace process. In his writings, he commended the Palestinian negotiating delegation in Washington (such as Hanan Ashrawi, Faisal Husseini and Haidar Abdul Shafi). Indeed, he criticized the Palestinian approach, the authoritative decision-making on climacteric issues, and bargaining on core issues, such as Jerusalem, refugees, settlements, borders and water.

Palestinian historian Rashid Khalidi has a similar viewpoint. He pointedly criticizes the Palestinian leadership: “Nearly twenty years after the PLO had begun moving toward a two-state solution, and nearly four years after the 1988 Palestinian declaration of statehood and

²⁹ Said, Edward. (1995). *Oslo 2, Peace without Land* (in Arabic). Cairo: Dar Al-mostaqbal.

³⁰ Said (2007). *Op. cit.*, p. xxxvi.

independence, it transpired that almost nothing had been done to prepare for the moment when independence actually had to be negotiated, and statehood prepared.”³¹

By virtue of the Oslo Accords and the subsequent agreements based on them, the Palestinian leadership entered into a process under which the number of Israeli settlers in the occupied

Palestinian territories doubled; and the occupation was reinforced in myriad significant ways, making it stronger and more all-encompassing than ever before.

The Israeli military occupation’s imposition of this regime of control progressively suffocated the Palestinians by restricting their movement and their living space inside the occupied territories. Needless to say, all these measures cumulatively had a massive social impact and severely undermined their fragile economy. This impact was all the greater psychologically since this process started and began to take effect during a period when peace negotiations were ostensibly taking place. The degradation of the situation of the average Palestinian citizen accompanied stagnation in individual income: Palestinian GDP per capita declined from USD 1,386 in 1995 to USD 1,146 in 2004.³²

Much Palestinian-Israeli negotiations literature was written by non-Palestinians/non-Arabs. American journalist and author Clayton Swisher says that Camp David 2000 was remarkable, not because it called for a solution to one of the most complex conflicts between two peoples over land and sovereignty, but because it involves a fundamental issue in the definition of the three great monotheistic faiths: Judaism, Islam and Christianity. He believes that resolving

³¹ Khalidi, Rashid. (2007). *The Iron Cage: The Story of the Palestinian struggle for statehood*. Beacon Press; Reprint edition, p. 194.

³² Ibid, p. 202.

the conflict requires answers as to those who would hold Jerusalem, the holy city of the three religions.

Swisher believes that the Palestinian delegation was more open to concessions than the Israeli delegation, but Israel's repudiation of UN Security Council Resolutions 242, 338 and 194 has reduced the Palestinians concessions. Dan Meridor, the hawk negotiator in the Barak government at Camp David, had hope of annexing illegal Greater Jerusalem settlements (particularly the Ma'ale Adumim settlement), with more than 150,000 settlers, to the Israeli sovereignty.³³

Lev Greenberg looks at the peace process between the Palestinians and the Israelis from an Israeli point of view. Greenberg is aware of the Israeli mentality in using the logic of force in the negotiating process, making it an imaginary rather than a realistic peace. Greenberg maintains that the Oslo Agreement suffered a tactical failure occasioned by the imbalance of power between the two sides: an Israeli side which holds all the aces, a position that allowed Israel to continue to control the territory; and a Palestinian defenseless position, which could not pressure Israel to make any substantive concession.³⁴ This has strengthened opposition to Oslo among Israelis and Palestinians. Both Arafat and Rabin came under fire from Palestinian and Israeli opposition. Hamas called Oslo a "betrayal", while, Netanyahu, speaking to the Knesset,

³³ Swisher Clayton. (2004). *The Truth About Camp David: The Untold Story About the Collapse of the Middle East Peace Process*. Nation Books.

³⁴ Greenberg Lev. (2007). *Imaginary Peace* (in Hebrew). Tel Aviv: Resling. Translated into Arabic by Jawad Ja'bari. Ramallah: Al-Ayam for Publishing, p 229.

accused Rabin of being pro-PLO and giving up Israel's security: "Rabin and Arafat are like a conjoined twin," he said.³⁵

Greenberg says that the Declarations of Principles in Cairo, Paris and Oslo 2 were translations of the imbalance in powers between the two parties, which fueled concerns among the Palestinians over the negotiations on the permanent status agreements. Greenberg maintains that as the orthodoxies of the game theory go, Barak played at Camp David the game of either victory or victory. If the Palestinians accepted his proposals, he would come to the Israeli victorious, having made a good deal for the Israelis. If his proposals were rejected, he would say that Arafat is the culprit.³⁶

Dennis Ross reflects on the reasons for the failure of the peace process. He says that Arabs will not get used to the new state of Israel unless it is made clear to them that they cannot defeat Israel, and that Israel will continue to exist. According to Ross, peace can only be achieved when Arabs accept Israel as a fact that cannot be wiped off. The decisive force, the creation of facts on the ground, and self-reliance are part of the Israeli social structure, he boasted.

Arafat chose wrong in siding with Saddam Hussein, and his leadership was being challenged from within and without. Hundreds of thousands of Palestinians were expelled from the Gulf. The PLO was in deep financial crisis, having lost its financial base in the Gulf. Again, the Palestinians faced the upheaval of exile, with lost homes, jobs and security.³⁷

³⁵ Ibid, p 233.

³⁶ Ibid, p 420.

³⁷ Ross Dennis. (2005). *The inside Story of the Fight for Middle East Peace: The inside story of the fight for Middle East Peace*. Farrar, Straus and Giroux, P. 766.

Ross points out that the Palestinians and the Israelis went to Madrid and Oslo with different key starting points. The Palestinians have always sought to ensure that their principles are preserved, while the Israelis consistently sought practical considerations. This disparity has not only resulted in disagreements, but also in contradictory positions on the negotiations, their purpose and the tactics to be used.

The Palestinians and the Israelis have soon disagreed on the practical agreement. The Israelis envisioned a very limited Palestinian authority, not only in terms of geographical scope, but also in terms of its powers— an authority with no power to do anything regarding security or economic unless the Israelis granted it such powers. The Palestinians, on the other hand, expected a minimal Israeli intervention in the Palestinian affairs and in the operations of the PA, a symbol of Palestinian independence. Only in this sense, the PA would appear credible.³⁸

Ross explains that Jerusalem was at the heart of the conflict in Camp David negotiations. The city was described as being three cities in one. “It was a practical city that had to be governed and managed on a day-to-day basis; it was a holy city; holy to the world, holy to the three monotheistic religions, home to more than fifty-seven holy sites in the Old City alone; and it was a political city....the logic was to forge understandings on practical and functional ways to manage the city before tackling the harder questions.”³⁹

All the studies written on the status of Jerusalem in the negotiations have one thing in common: pessimism. The studies found that Jerusalem was a red line for the Israeli negotiators.

³⁸ Ibid,

³⁹ Ibid, p. 655.

Palestinian negotiators, on the other hand, were criticized for the lavish concessions they made. Samir al-Zabin and Nabil al-Sahli point out that since Israel's annexation of Jerusalem on June 27, 1967, the Eshkol government has defined its policy toward Jerusalem: extending Israeli sovereignty over the entire city. This legacy has left the successor Israeli governments, whether Labor or Likud, with a narrow margin for any contradictory action. Israel therefore has always showed that it was unwilling to reach reciprocal arrangements, except for the Holy Places, whereby Israel was ready to concede for management, but not for sovereignty.⁴⁰ For the Palestinians, Jerusalem was only an occupied territory that would be addressed based on UN Security Council Resolution 242, which calls for Israel's withdrawal.⁴¹

Abdullah Kanaan⁴² provides a survey of the actions of the Israeli governments from 1948 to 2000. When Israel captured West Jerusalem in 1948, Ben-Gurion, the first prime minister of Israel, declared that Jerusalem is the capital of Israel. The government of Levi Eshkol (1963-1969) completed the mission in 1967, when it seized East Jerusalem, annexed it and unified the two sides forcefully. The government of Menachem Begin (1977-1985) decreed that Jerusalem is the indivisible capital of the State of Israel. Begin's Knesset passed a comprehensive law to Judaize Jerusalem and make it a unified and eternal capital of Israel. That was the first time Israel spoke of an indivisible and eternal capital. The Peres-Shamir government (1985-1992) declared on June 7, 1991 that Israel would never give up any part of its capital. Even after the signing of the Oslo Accords, the Rabin government held that Israel would not give up Jerusalem. Even when the talks were taking place, the government of Ehud Barak (1999) described

⁴⁰ Zubin Samir and Nabil Al-Sahli. (1997). *Jerusalem: The dilemma of peace* (in Arabic). Abu Dhabi: The Emirates Center for Strategic Studies and Research, pp. 51-52.

⁴¹ Ibid, p. 55.

⁴² Kanaan, Abdullah. (2000). *Jerusalem from an Israeli perspective* (in Arabic). Amman: University of Jordan Press.

Jerusalem as the heart of Israel.⁴³ Despite the controversial issues between the Israeli parties regarding the internal situation, their position on Jerusalem issue was always identical.

Kamal Al-Astal describes Israel's official position towards Jerusalem: keeping it united under Israeli sovereignty, changing its demographic composition, opposing its division, keeping it outside the conflict, and turning it into a secondary city for the Palestinians, Arabs and Muslims.⁴⁴ The Israelis wanted to manage the conflict over Jerusalem; they did not want a solution. The Israelis, according to Meron Benvenisti, structured the issue of Jerusalem around three topics: the religious situation, the administrative situation, and sovereignty, the essence of the conflict.⁴⁵

The official Palestinian position, as articulated by the decisions of the Palestinian National Council and the factions of the Palestine Liberation Organization, was always consistent: East Jerusalem is the capital of Palestine.

In a study on Jerusalem in settlement projects, Mohammed Innab says that it was in Camp David that the issue of Jerusalem was first officially raised in the Palestinian-Israeli negotiations. He was surprised of the extravagant concessions the Palestinians made in the final status of Jerusalem. The Palestinian leadership, he says, has given up negotiating on West

⁴³ Ibid.

⁴⁴ Al-Astal Kamal. (2011). *Scenarios, Attitudes and Suggested Solutions for the Future of the City of Jerusalem: Internationalization- Geographical Shared-administration- Religious Solution- Municipal Solution* (in Arabic). Gaza: Al-Azhar University, p 124.

⁴⁵ Ibid, p 128.

Jerusalem and some of the territory annexed in 1967, with the area expropriated by Israel making up 94 percent of Jerusalem.⁴⁶

Na'im Baroud arrived at the same conclusion. In an article on the final status issues, he analyzed the status of Jerusalem in the Egyptian-Israeli initiative at Camp David in 1977. Then, Israel held that Jerusalem is a united and indivisible city, the capital of the State of Israel. All successor governments did not budge on the status of Jerusalem. Israeli Prime Minister Ehud Olmert bragged on June 5, 2008 that "the question of Jerusalem has never been discussed during the negotiations with the Palestinians."⁴⁷ By contrast, the Palestinians, Baroud says, accepted to postpone the question of Jerusalem to the final status issues, and the Palestinian negotiators relinquished some areas in Jerusalem, such as Sheikh Jarrah and the Armenian Quarter.⁴⁸ The postponement has helped Israel develop the model of Greater Jerusalem by building more and more settlements after Oslo.

1.9 Evaluation of previous literature

The existing body of literature has provided valuable information that helped the author put the pieces together. However, the previous works dealt with the study subject (Jerusalem in the Palestinian-Israeli negotiations) in general or in part. They did not take up the issue in details, neither did they provide a thorough analysis of the status of Jerusalem in the Palestinian-Israeli negotiations, nor did they discuss the reasons and implications of that status. Most of the existing

⁴⁶ Anab Mohammed Rashid. (2012). *Jerusalem in the Political Settlement Projects* (in Arabic). Ramallah: Dar Shaimaa for Publishing and Distribution, pp 150-151.

⁴⁷ Baroud Na'im. The right to statehood and final solution issues: Jerusalem in the final solution issues. *Islamic University Journal for Human Research*, Volume 20, No. 2, p 620.

⁴⁸ Ibid, p 627.

literature focused on the drawbacks of the process, without devising recommendations that would provide guidelines for Palestinian negotiators.

Informed by the findings of previous literature, the present study sets out to:

- Examine the issue of Jerusalem in the Palestinian-Israeli negotiations since Madrid Conference;
- Provide an analytical reading of the status of Jerusalem in the Palestinian-Israeli negotiations;
- Explore the effects and implications of that status on the political, economic, demographic, spatial and urban setting;
- Look into colonial settlement in Jerusalem and draws a comparison between the settlement activity in Jerusalem from 1967 to 1993 and the settlement activity from 1993 to the present day;
- Document the Israeli policies of Judaizing and Israelizing Jerusalem since 1967;
- Survey the Islamic/Arab/Palestinian policies as juxtaposed to Israeli policies in Jerusalem;
- Hope to be a comprehensive study on Jerusalem; and
- Make policy recommendations that could help the Palestinian negotiators be on solid ground in any future negotiations with Israel.

Chapter Two

Historical Background of the Arab/Palestinian–Zionist/Israeli Conflict

- 2.1 The Role of Christian Zionism in the Arab/Palestinian-Zionist / Israeli Conflict
- 2.2 The Emergence of the Zionist political Movement and its Connections to the Colonial Powers
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Chapter Two

Historical Background of the Arab/Palestinian–Zionist/Israeli Conflict

2.1 The Role of Christian Zionism in the Arab/Palestinian-Zionist/Israeli Conflict

The Arab-Israeli conflict is the most long-standing, most labyrinthine one in contemporary history, with wide-ranging international and regional dimensions. The world's most intriguing conflict is identified with intertwined religious and historical grounds as well as a dispute over land between two parties having different goals, narratives and aspirations, which ultimately created a state of full engagement at all levels: strategic, political, military, economic, cultural and demographic. Of particular importance is the status of the territory which is being unilaterally altered by the occupier. As it is germane to the issues of international peace and security, the conflict has spurred numerous international interventions and a myriad of initiatives.

Zionism construes its conflict in Palestine as a battle for survival rather than a dispute that can achieve immediate, short-term gains. This is a mainstream culture underpinning the Zionists fanatic behavior, which is based on uprooting the Palestinians to make room for the Jews. Israel found that this can be possible only through ethnic cleansing, genocides, politicide, spacio-cide and alienating the legitimate indigenous people. In the 1948 war, hundreds of thousands of Arab Palestinians (750,000_770,000) were expelled from their homeland and became destitute refugees, with Jewish invaders taking their place. The Palestinians lost all they had, while Zionists found everything they wanted. According to Qassoum (2004), the property of Palestinians seized by Zionists was estimated at 45,000 houses/apartments, 7,000 shops and

other facilities, 500 workshops and industrial plants, more than 1,000 warehouses and 800,000 acres of orchards and fields.⁴⁹

Related literature suggests that the conflict started with the emergence of political Zionism in late nineteenth century in Europe, when Theodore Herzl published his book *The Jewish State* in 1896. Zionism gained ground at the first Zionist conference which was held in Basel in 1897. The conference called for “the establishment of a national homeland for the Jews in Palestine.” Herzl may have been the founder of political Zionism, but the idea was by no means new; foundations of Zionist thought and Jewish aspirations about Palestine started to emerge three centuries before the first Zionist Congress.⁵⁰

The Protestant tenets set forth by the religious reform movement in Europe in the 16th century were described as "Hebrew" or "Judaism" revival, a restoration of the Old Testament, the advent of Christ and the millennial kingdom. Protestantism began to look at life as a journey to an eternal destination, an eschatological postmillennial view. These beliefs heralded Zionist thought, which started to delve into the history of the Jews to plan for the future. The Protestants then envisioned Palestine as the land of the chosen people, and the Jews became the strange dispersed ‘Palestinian people’ who must return to their homeland.⁵¹

⁴⁹-Qassoum Mufid (2004). *The Glocal Spatial Dynamics of the “ Zion’s / Israeli-Arab/Palestinian ” Conflict and its Transformation* (Ph.D. Dissertation). University of Illinois at Chicago, pp. 385-386.

⁵⁰ Sharif Regina. (1983). *Non Jewish Zionism: Its Roots in Western History*. Zed Press.

⁵¹ Qassoum Mufid(2016), *The Glocal Spatial Dynamics of the ‘Zionist/Israeli-Arab/Palestinian ’Conflict and its Transformation*, Routledge, UK, p 29.

The Protestant Puritan revolution in England in the seventeenth century– initially driven by Christian faith and the belief in the coming of the Messiah– was sympathetic with the revival of Israel and the return of the Jews to Palestine.⁵²

Yet these ideas would not have paid off had they not been economically beneficial. The idea of reviving Judaism coincided with the shift from the feudal system to capitalist mode of production in the Anglo-Saxon region. That transformation required access to goods and markets beyond traditional borders, as capitalism is based on the principle of expansion, supported by geopolitical imagination.⁵³

The British sympathy with the Jews and their relationship to Palestine was based on two motives: a commercial, colonial and military goal, and a religious goal. Oliver Cromwell, who dominated the Commonwealth of England from 1649 to 1659, was aware of the Jewish community's ability to finance British military operations.⁵⁴

The Zionist ideas resonated in Napoleon Bonaparte's expansionist agenda. In 1799, 118 years before Balfour Declaration, Napoleon issued a proclamation in which he invited the Jews to gather under his flag in order to establish a Jewish state in Palestine.⁵⁵

Until the end of the nineteenth century, Zionism was restricted to non-Jews for mere colonial reasons. The Jewish presence in Palestine became a political issue for the European

⁵²-Greatz Heinrich (1898). *History of the Jews*. Vol ,5, p 28.

⁵³ Qassoum, Op. cit., p 28.

⁵⁴-Sizer Stephen (2004). *Christian Zionists: On the Roadp to Armageddon*. Colorado: Presence Ministries International, p 11.

⁵⁵ Sharif, Op. cit.

countries, which were then trying to expand abroad and establish empires. The European religious and secular authorities used Zionist ideas to promote their pernicious intentions. Palestine found itself part of the European politics and a subject of the Eastern Question, the strategic competition between France, Britain and Russia– the major European powers of the time. Russia and France worked to partition the Ottoman Empire, hoping to get a share of its legacy, a solution disadvantageous to Britain, which was then trying to help maintain the Ottoman Empire for different reasons: warding off any competition to its interests in the East⁵⁶, securing better access to India via Syria and strengthening security in India. Britain might have seen potentials for achieving that through settling the Jews in Palestine and connecting them with the British colonial enterprise in order to safeguard British commercial, political and security interests.

Practical moves by Britain started in 1830, when third Viscount Palmerston, who was then the minister of Britain's foreign affairs, opened the first British consulate in Jerusalem first to protect Britain's interests in the East and second to encourage Jews to emigrate and settle in Palestine.⁵⁷

Modern Zionism would not have achieved its goal of establishing a Jewish state on the land of Palestine without a colonial system and an international enabling environment. The Zionist goals coincided with British colonialism and were adequately responsive to the colonialist terms. The formation of the Zionist political movement was an episode of the European expansion in

⁵⁶Atef Noman (2011). *The European role in nurturing isolationism among the Jews between 1815 and 1917* (in Arabic). Hebron: Al-Quds Open University, p 11.

⁵⁷ Sharif, Op. cit.

the 19th and 20th centuries, which then sought economic and political hegemony over other nations. The Zionist state, in addition to its repressive role and colonial structure, has become part of the global imperialist system which drains the resources of the developing countries. Herzl wanted the Jewish state to constitute “a beachhead of the industrialized, capitalist world in an underdeveloped world.”⁵⁸ Therefore, the strongest supporters of Zionism are those who assume important positions in England’s governmental departments. New Zionist historians believe that non-Jews, such as third Viscount Palmerston and Churchill, were as loyal to Zionism as Weizmann and Herzl, for the basic Zionist principles were present and clear in Palmerston’s and Churchill’s behavior.⁵⁹

2.2 The Emergence of the Zionist Political Movement and its Connections to the Colonial Powers

The First Zionist Congress, held in Basel in August 1897, marked the birth of the Zionist Organization. The Zionist leadership formulated the first political platform– later adopted by the Zionist movement in the 20th century– to establish for the Jewish people in Palestine a national homeland protected by law.

With the outbreak of World War I in the early 20th century, Zionism capitalized on the enabling international environment to establish a homeland for the Jewish people in Palestine. Though the colonial powers were bickering over the possessions of the Ottoman Empire, they all agreed on establishing a Zionist state in Palestine. Russia was impatient to expel the Jews, who

⁵⁸Rodenson, Maxim (1973). *Israel, a colonial-settler state*. New York: Pathfinder Press, p. 90.

⁵⁹Ali Muhammad Ali. *File of Documents and Papers of the Palestinian Cause, Part 1* (in Arabic). Center for Middle East Studies, p. 31.

formed the virtual population of the Zionist state. Germany's anti-Semitic incitation pushed more waves of immigration, and more funds started to flow for the early settlement enterprise. Britain and France contributed through the Sykes-Picot Agreement in putting Palestine under the British Mandate. The last episode of the show was the notorious Balfour Declaration on November 2, 1917.⁶⁰

From the early days of the British Mandate in Palestine– which began when the British forces seized Jerusalem on December 9, 1917 under the leadership of General Allenby– Britain started to consolidate British-Zionist political cooperation. In 1920, the military administration was replaced by a civilian administration headed by Zionist Herbert Samuel. The San Remo Conference in 1920 accepted the terms of the British Mandate in Palestine, and in 1922 the League of Nations formalized Britain's mandate over Palestine and recognized the Jewish Agency in Palestine.⁶¹ The appointment of Herbert Samuel as a High Commissioner played an important role in drafting the plans that facilitated the establishment of the Jewish national homeland. From the very beginning, Samuel moved full steam. He appointed pro-Zionist officials in sensitive positions. He issued several laws that facilitated the transfer of land to Jews and encouraged Jewish immigration, which all enabled the Jews to form a Zionist defense force. The Zionist Agency then beseeched the British authorities to grant the Haganah troops a legal status and supply them with weaponry in order to protect the Zionist settlements.⁶²

⁶⁰ Noman, Op. cit., p 31.

⁶¹ Mahani Ali Akram (2010). *British-Zionist Relations in Palestine 1918-1936* (in Arabic). Gaza: Islamic University, p 59.

⁶² Ibid, p 148.

In contrast, the British Mandate put in place economic and political policies which were meant to curtail the Palestinian economic base and increase the number of landless Palestinian farmers in order to increase the unemployed rate among them, and eventually force them to leave the country. The British authorities also created a system of a disproportionate balance of power between the Palestinians and their Zionist enemies, which made all the more difficult for the Palestinians to face with the Zionist military force.⁶³

The Mandate authorities denied the Palestinians the right to building their own institutions, and, in cooperation with the Zionist forces, cracked down on the Palestinian resistance in the Great Palestinian Revolt of 1936-1939. It used the iron fist to crush the revolution, killing about 5000 people and injuring more than 10,000. In total, 10 percent of the adult Arab male population was killed, wounded, imprisoned, or exiled.⁶⁴

During World War II, the Zionist movement turned its attention to the United States to support its project in Palestine. Following the alleged holocaust in Germany, the Jews held a global conference in Baltimore Hotel, New York. The conference issued a joint statement that called for unrestricted Jewish immigration to Palestine, “the only homeland for the Jews.” Following the conference, the Republicans and the Democrats gave their full support for the Jews, and the lavish American funds began to flow to the Jews in Palestine. After the war, Truman pressured the British Prime Minister Clement Attlee to grant 100,000 Jews entry to Palestine, and the latter acquiesced.⁶⁵

⁶³Kayyali Abdel Wahab (1990). *Palestine: A modern history*, Beirut, Arab Institute for Studies and Publishing, p 260.

⁶⁴Qassoum, Op. cit., p 384.

⁶⁵Suwaidan Tariq (2004). *Palestine, historical survey* (in Arabic). Kuwait: Al-ibda' al-fikri, pp 257-259.

On May 14, 1948, the British High Commissioner left Jerusalem for Britain, in preparation for the establishment of the State of Israel the following day, but the Jews did not wait. As soon as the High Commissioner flew back at 4 pm, Ben-Gurion announced the establishment of the State of Israel. Only 11 minutes later, US President Truman recognized the new nation.⁶⁶ With that announcement, Israel seized 77.2 percent of the Palestinian territories, destroyed 478 Palestinian villages, perpetrated 34 pogroms against Palestinians, and displaced around 750,000 Palestinians— the events that led to what came to be known as the Nakba, the Palestinian exodus.⁶⁷

2.3 Timeline of Jerusalem

*“It has no towns. It is smaller than a district, but bigger than many neighborhoods. It is smaller than Mecca, but bigger than Medina. It is neither very cold, nor hot. Snow rarely falls there. Its air flows are often moderate...This is how Paradise looks like.”*⁶⁸

2.3.1 The Jebusites

Archaeological excavations conducted by British archaeologist Kathleen Kenyon in 1961 unearthed 11 tombs from the early Bronze Age (3200 BC-2000 BC) on the Mount of Olives. These tombs were for Amorites who lived in the late third millennium in the vicinity of the Kidron (Hell) Valley to the east of ancient Jerusalem. Kenyon also discovered some buildings at the eastern slope of Mount Ofal. The buildings date back to the Middle Bronze Age (2000 BC-

⁶⁶ Ibid, p 274.

⁶⁷-Fischbach Michael R. The Impact of the 1948 Disaster: the Ways that the Nakba has Influenced Palestinian History. A paper for the International Symposium “The Transformation of Palestine: Palestine and the Palestinians 60 Years after the ‘Nakba’”, Berlin, March 8-9, 2010.

⁶⁸ Abi Bakr al-Maqdisi, Shams al-Din (2003). *Ahsan al-taqaseem fee ma’rifat al-aqaleem* (in Arabic). Beirut: Dar al-Kotob Al-ilmiya, p. 144.

1500 BC).⁶⁹ Kenyon saw that the Jebusite wall of the city was the same wall found in the late Bronze Age (1500 BC - 1000 BC). This proved beyond doubt that the Canaanites (who descended from the Amorites, who earlier migrated from the Arabian Peninsula to the land of Canaan in Palestine) were the founders and the first people to settle the land of Jerusalem. This also proved that the Jebusites were Arabian tribes who lived in the Arabian Peninsula, and then migrated with the Canaanite tribes and settled the land of Jerusalem in Palestine. The Jebusites, the last people to enter ancient Jerusalem, did not move to other places within Palestine. They settled only in their self-named Jebuse,⁷⁰ and stayed there till the Israelites conquered the land. The Jebusites built the historic city of Jerusalem on Mount Dahoor (Tel Ofal) overlooking the village of Silwan to the southwest of the Haram al-Sharif. The spring in Silwan helped to supply water to the population. The city was surrounded by three valleys as natural defense lines: Hell in the east, Rababah in the south and Wadi in the west. Its northern side was open, which made the city vulnerable to attacks. Therefore, most, or even all, of the military attacks on the city came from the north. The Jebusites had a full-fledged government with well-established administrative and trade systems. The Jebusite kings built castles and forts to protect the city from raids. Malaki Sadeq was the most famous Jebusite king. Apart from his political power, Sadeq was a religious leader of a group of monotheists.⁷¹

The excavators also found in Tel Amarna, Nile Delta, a letter between a group of plates dating back to 1350 BC. The letter, written in cuneiform Akkadian, was sent by a Jebusite local

⁶⁹ Almuhtadi Abia (2000). *Jerusalem History and Civilization 3000 BC-1917* (in Arabic). Beirut: Dar Nima for Printing, p 23.

⁷⁰ Al-aref Aref (1995). *Detailed history of Jerusalem* (in Arabic), 5th edition. Jerusalem: Alma'aref Printing, p 2.

⁷¹ Dabbagh Mustafa (2002/2003). *Our Country Palestine*, Part IX (in Arabic). Kafr Qare': Dar Huda, p 24.

authority man, Abed Heeba, to Thutmose I, pharaoh of Egypt, in which Heeba appealed to Thutmose to protect Jerusalem from Hebrew attacks.⁷²

2.3.2 Jerusalem Under the Israelites

The Israelites launched frequent attacks to capture Jerusalem. After around 100 of attempts, King David entered Tel Ofal in 1048 BC and changed its name into "the City of David" because he made it the seat of his kingdom. Then the conqueror built a palace on the eastern side and built houses for the Israelites in a community that expanded to Silwan Pool. When David died in 1015 BC, his son Solomon became the king⁷³. The city of David thrived, grew larger and became a commercial and industrial center. However, the joy enjoyed by the Jews was short-lived, because Solomon levied heavy excise and fees, which triggered revolutions and tribulations. When Solomon died, his son King Rehoboam was declared king in 975 BC. Rehoboam's power was not sufficient enough to stop rebellions, and thus the kingdom started to disintegrate, eventually splitting into the kingdom of Judah, with Jerusalem as its capital, and the kingdom of Israel, with Samaria as its capital. Taking advantage of the divide, King Shishak of Egypt attacked Jerusalem in 970 BC, looted its treasures before turning back to Egypt. The Israelites rule of Jerusalem lasted for only 73 years.⁷⁴

2.3.3 Jerusalem Under Islam

During its long history, Jerusalem had been occupied by the Babylonians, the Persians, the Greeks and the Romans. In 638 AD, Omar ibn al-Khattab conquered the city and changed its

⁷²Al-aref, Op. cit, p 6.

⁷³ Dabbagh. Op. cit, p 32.

⁷⁴ Ibid, p 38.

name from Iliya to Al-Quds. Since then, the city has taken its Muslim character. The Al-Aqsa Mosque, whose compound also includes the Dome of the Rock, is one of the holiest sites for Muslims. The military conflicts between the Abbasids, the Fatimids, the Qaramites and the Seljuks weakened the city, which eventually fell to the Crusaders on July 15, 1099, and remained until it was wrested from the Crusaders by Saladin in the Battle of Hittin in 1187.⁷⁵

Following the Battle of Marj Dabiq (1516) between the Ottoman Turks and the Mamluk Sultanate, Jerusalem came under the control of the Ottoman Empire. The Jews then constituted a small minority, as in 1572, the number of Jewish males in the city was only 115.⁷⁶ In the 19th century, however, the number started to grow remarkably. Astana was alerted to the Jewish interest in Jerusalem, and accordingly it took a number of measures. Palestinians were elected to represent Jerusalem in the first Ottoman parliament. In 1874, the Ottoman authorities put Jerusalem alderman under the direct supervision of Astana, and thus he reported directly to the Minister of the Interior. However, this could not stop Jewish immigration to Palestine in general and Jerusalem in particular. Yet, it was only when Jewish banker Moses Montefiore bought under an Ottoman decree a plot of land in Jerusalem in 1859 to build a hospital that the Jews started to sow the seeds of the Jewish settlement enterprise. The plot was instead used to build housing units for the Jews. Within a short period of time, many Jewish neighborhoods were built in the city. By 1892, there were eight neighborhoods and the number of the Jewish population jumped between 1840 and 1895 from 10,000 to 28,000, or 60 percent of all the Jews in Palestine.

⁷⁵Baroud Na'im (2005). Jerusalem: Settlement and Judaization (in Arabic). Gaza, Al- Azhar University, p 25.

⁷⁶Shoura Saleh Ali (2010). *Jerusalem under the Israeli Occupation and British Mandate 1911-1948* (in Arabic). Amman: Dar Konouz Al-ma'rifa for Publishing and Distribution, p 52.

Following the first Zionist congress in Basel in 1897, the number of Jews in Jerusalem reached 40,000 in 1904 and 48000 in 1912.⁷⁷

2.3.4 The British Role in Judaizing Jerusalem

The British colonial interests were well in accord with the Jewish goals in Palestine. When the Britons occupied Palestine in December 1917, the British army commander Allenby entered Jerusalem on 9 December 1917 and delivered a triumphant speech saying "Now the Crusades are over".⁷⁸

Britain started its plan of Judaizing Jerusalem when Allenby brought in the British architect William Mclean and asked him to develop the first structural plan for Jerusalem. In 1918, Mclean produced the first drawing, which was the blueprint for the subsequent plans. The scheme divided Jerusalem into four zones: the Old City and the neighborhoods around the Old City; East Jerusalem; and West Jerusalem. The plan banned the construction in the areas surrounding the Old City, placed restrictions on building in East Jerusalem, and made West Jerusalem a development zone.⁷⁹

The British government stepped up its Judaization measures and in 1931 expanded the boundaries of Jerusalem municipality to include all the Zionist neighborhoods built in the western side of the city. Only less than 1 km was included in the expansion scheme, which excluded the eastern and southern zones, including the Arab towns within the metropolis. This

⁷⁷ Ibid, pp 64-65.

⁷⁸ PASSIA (December, 2004). *The issue of Jerusalem: Historical heritage and geopolitics* (in Arabic), p 1.

⁷⁹ Sinwar Zakaria & Ali Mahani (2011). *Zionist permeation in Jerusalem 1918-1948* (in Arabic). A paper presented at the Fifth Conference, Gaza, Islamic University, p 787

arbitrary plan significantly increased the area within West Jerusalem, making it six times the area of the eastern part.⁸⁰

The Mandate government legalized its Judiazation of Palestine through laws enacted for this purpose. Some laws expressly targeted Jerusalem; others indirectly incorporated Jerusalem in the scheme for Palestine:

1 - Land Acquisition Law

When Herbert Samuel, an outspoken Zionist, arrived in Palestine and was appointed as the Mandate High Commissioner in 1920, he began to draw up the plans that facilitated the transfer of land to the Zionists. In 1926, he issued the notorious expropriation law, which gave the Mandate authorities the right to seize the land- under the guise of the public good- including Awqaf endowments in preparation for transferring the land to the Jews.

2 –The Municipal Council Act

The Mandate authority gave privileges that benefited the Jewish minority. The government formed a municipal council consisting of two Muslims, two Christians and two Zionists, one served as the deputy mayor. In 1934, the Mandate government amended the municipal law. The new amendment increased the number of Zionists to six, thus increasing the Zionist representation from one third to a half.⁸¹

From the early days of the British occupation, the Zionists took real steps to change Jerusalem demography. The Zionist Agency would encourage new immigrants to settle in

⁸⁰ Ibid, p 788.

⁸¹ Ibid, p 789.

Jerusalem. Between 1918 and 1948, they established 31 Jewish colonial settlements in Jerusalem and its suburbs. The number of Zionists in 1946 rose to 100,000, compared to 60,000 Palestinians⁸². The Zionist movement was also interested in the institutional presence, with political and religious implications (although it is a secular movement). To this end, it opened branches for some important institutions, including the Zionist Organization, the Jewish National Fund (Keren Kayemet), the Foundation Fund (Keren Hayesod), the Hebrew University, the Jewish Agency, the Hadassah Hospital, and the National Council of Lishov. The Mandate authority had, thus, created the foundation stones for the Zionist enterprise that in 1948 established the Jewish state⁸³. In contrast, the British government denied the Palestinians the right to build their institutions, strangled their livelihoods, suppressed Palestinian national resistance, and liquidated all Palestinian political and military organizations.⁸⁴

2.3.5 Jerusalem in the UN Resolutions

The idea of the partition and internationalization of Jerusalem was first proposed in 1937 by the Peel Commission, which was appointed to investigate the causes of the 1936 revolution. The Commission proposed keeping Jerusalem, Bethlehem, Lydda and Ramle outside the boundaries of the Jewish state and the Arab state⁸⁵. The partition resolution, which was adopted by the United Nations on November 29, 1947, was unjust, imbalanced and nonviable, as it gave 55.5 percent of Palestine to the Jews, who then constituted less than a third of the population and

⁸²Asali Kamel (1992). *Jerusalem in History* (in Arabic). Amman: University of Jordan Publications, p 53.

⁸³Sinwar and Mahani. Op. cit, p 781.

⁸⁴Khalidi Walid (1998). Return to the Partition Resolution 1947 (in Arabic). *Journal of Palestine Studies*, Volume 9, No. 33, p4.

⁸⁵Tafakji Khalil (1997). Settlement in the City of Jerusalem (in Arabic). *Journal of Arab Studies*, Volume 8, Issue 31, p 134.

owned less than 7 percent of the land. The Palestinians, who made up more than two-thirds of the population and owned most of the land, were given 44.5 percent of their homeland.⁸⁶

The United Nations General Assembly Resolution 181 of 29 November 1947 recommended the termination of the British Mandate for Palestine no later than August 1, 1948 and partitioning Palestine into an Arab and a Jewish state, which should retain an economic union. The paragraph on Jerusalem provided for:

A. Special regime: The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

B. Boundaries of Jerusalem: The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim; and the most northern Shu'fat.⁸⁷

However, after Britain's decision in February 1947 to transfer the responsibilities of its administration to the United Nations, the Zionist military planners began to prepare for the conquest of Jerusalem, although it was outside the borders of the territory allocated to the Jewish state. In early April 1948, the Zionists began implementing the military plan known as Plan Dalet, which aimed at carving out a corridor connecting the coast to Jerusalem, annexing as much of the city as possible to the Jewish state, and launching terrorist acts. In 1947, 250 Palestinians were slaughtered by the Irgun, a Zionist gang, in the village of Deir Yassin. Some

⁸⁶ Khalidi (1998). Op. cit, p 9.

⁸⁷ UN Resolution 181, p 2.

38 Palestinian towns west of Jerusalem were also totally destroyed, displacing 73,256 Palestinians. With this, the Zionists had controlled 84.12 percent of Jerusalem.⁸⁸

A set of resolutions were issued later by the General Assembly of the United Nations and the UN Security Council. On April 26, 1948, Resolution 185 asked the Trusteeship Council to study with the Mandatory power the suitable measures for the protection of the city of Jerusalem and its inhabitants. On May 6, 1948, the UN issued Resolution 178, which recommended the appointment of a special commissioner for Jerusalem before May 15, 1948. The Trusteeship Council was requested to write a special statute for the Jerusalem area. The statute was set to come into force no later than October 1, 1948, and to remain in force for ten years. After the elapse of that period, the residents would have been free to express by means of a referendum their wishes as to possible modifications of the regime of the city. But the resolution was rejected by both sides of the conflict, the Palestinians and the Israelis.

The United Nations General Assembly resolution 303 of December 9, 1949 expressed the UN's intention to place Jerusalem under a permanent international regime. The Resolution requested that the Trusteeship Council complete the preparation of the Statute of Jerusalem⁸⁹. However, on December 26, the Israeli government declared Jerusalem an integral part of Israel and took it as its capital. Later, the Israeli Knesset approved that declaration.

⁸⁸Jabbarin Yousef (2016). *Israeli Plans in Jerusalem: Strategies of Control and Hegemony* (in Arabic). Ramallah: Al Ayam Foundation, p 12.

⁸⁹Dweik Musa al-Qudsi (2002). *Jerusalem and International Law* (in Arabic). Jerusalem: Al-Quds University, pp 17-18.

On April 3, 1949, Israel and Jordan signed the Rhodes Armistice Agreement, under which the eastern part of Jerusalem, which constituted 11.4 percent of the city's area, came under the Jordanian rule, while 4.39 percent of the area of Jerusalem remained as a no man's land administered by the United Nations.⁹⁰

In late 1948, popular meetings were held in the West Bank, including the Jericho Conference (December 1, 1948), where hundreds of Palestinian personalities demanded unity with Jordan. On October 24, 1950, the Jordanian government officially announced its annexation of the West Bank, including East Jerusalem⁹¹ (See figure 1 in the Annexes Section), which established a legal status whereby sovereignty over Jerusalem was divided between Israel and Jordan between 1948 and 1967.

Following Israel's seizure of the East Jerusalem in 1967, the question of Jerusalem was again on the UN table, and all the ensuing resolutions considered East Jerusalem an occupied territory. On July 4, 1967, the General Assembly adopted Resolution 2253, in which the UN expressed its deep concern at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City; considered these measures invalid; and called upon Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem.⁹²

⁹⁰ Tafakji. Op. cit., p 135.

⁹¹ Al-Qudsi., Op. cit. p 18.

⁹² Misset Isam (2006). Jerusalem in the resolutions of international legitimacy (in Arabic). A paper presented at the Eighth Jerusalem Conference, An-Najah University, p 55.

Following the measures Israel put in place to Judaize Jerusalem— particularly population transfer and land confiscation, the Security Council issued Resolution 252 on May 21, 1968. The resolution considered “all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem, are invalid and cannot change that status.” The Resolution called upon Israel “to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem.”⁹³

On May 28, 1980, Pakistan’s UN representative, then President of the Organization of the Islamic Conference, sent a letter to the Security Council calling for a firm stance on Israel's violation of the provisions of the UN Charter regarding Jerusalem. In response, the Security Council issued its resolution 467 on June 30, 1980, which condemned Israel's insistence on changing the physical nature, demographic structure, institutional structure and the legal status of the Holy City. The Council expressed deep concern at the steps taken by the Knesset against Jerusalem.⁹⁴

When the *Basic Law: Jerusalem, Capital of Israel* was passed by the Knesset on July 30, 1980, the Security Council issued its resolution No. 478, which stated, inter alia, that the Security Council:

- Censures in the strongest terms the enactment by Israel of the "Basic Law" on Jerusalem and the refusal to comply with relevant Security Council resolutions;

⁹³Tamari Saleem (2002). *Jerusalem 1948* (in Arabic). Beirut: Institute for Palestine Studies, p 272.

⁹⁴ Misset. Op. cit, p 59.

- Affirms that Israel's decision on the Basic Law constitutes a violation of international law and does not affect the continued applicability of the Fourth Geneva Convention of 12 August 1949.
- Determines that all actions, legislation and actions undertaken by Israel, the occupying Power, which have changed or are aimed at changing the character of the Holy City and its legal status, especially the last Basic Law on Jerusalem, are null and void and must be rescinded.⁹⁵

Since 1980, Jerusalem has become a recurring item in the resolutions of the United Nations General Assembly's sessions on the question of Palestine, the situation in the Middle East and Israeli practices in the occupied territories. The resolutions included many sections, each was voted individually.⁹⁶

2.3.6 Israel's Policies in East Jerusalem Since 1967

In the aftermath of 1967 war, Israel captured the West Bank, including East Jerusalem, and the Gaza Strip, as well as the Egyptian Sinai Peninsula and the Syrian Golan Heights. Israeli bulldozers, and policies, started early on the process of Judaizing Jerusalem. For this, the occupier developed strategic and tactical plans to reach that goal. It began by removing the Mandelbaum Gate, the checkpoint between Israeli and Jordanian sectors of Jerusalem⁹⁷.

Three weeks after capturing the city on June 28, 1967, Israel announced its annexation and unification of the city as well as expanding the boundaries of its municipality. With the intention

⁹⁵ Misset, *ibid*, p 60.

⁹⁶ Misset, *ibid*, p 62

⁹⁷ Center for Strategic Studies and Research (2010). *Jerusalem: Studies in History and Politics* (in Arabic). United Arab Emirates, p 78.

of controlling as much of the land as possible with as few Arab inhabitants as possible, the Israeli government decided to expand the city's borders, creating randomized border lines that once stretched along topography, only to be aligned with the existing streets again. When Israel seized East Jerusalem, the city's surface area was 6.5 square kilometers. After annexation, Israel expanded the boundaries of its municipality by adding 28 Palestinian villages, towns and neighborhoods, which brought the total area to approximately 72 square kilometers. Later, it created a regime incorporating both sides of the city, thus bringing the total surface area to 108 square kilometers ⁹⁸ (See Figure 2 in Annexes Section).

Between 1967 and 1993, the Israeli authorities issued a series of laws aimed at swallowing the Arab city and its adjacent areas. The regime envisioned emptying the city of its Arab population by restricting Palestinian movement and construction, while fanatically increasing the Jewish presence in the city. This was possible through enactment a set of laws:

1. Amending the 1948 Law on State and Judicial Regulations, thus extending Israeli law and jurisdiction to Jerusalem;
2. Amending the 1967 Municipalities Law No. 6 in such a way that enabled the Israeli interior minister to enlarge, by proclamation, the area of a particular municipal corporation in Israel;
3. Enacting the Protection of Holy Places Law in 1967.⁹⁹

The occupying power also operated a myriad of laws:

⁹⁸Masarwa Iman (2003). *Settlements in Old Jerusalem* (in Arabic). Jerusalem: Jerusalem Center for Social and Economic Rights, p 133.

⁹⁹ Salem Waleed (2010). *Jerusalem: Israel's Annexation Policies and the Palestinian counter action. Palestine Liberation Organization, Department of Jerusalem Affairs, Conference on Jerusalem: Present and Future* (in Arabic). Al-Quds University, p 110.

- *The Absentee Property Law*: Under this law, all property owned by inhabitants of East Jerusalem was expropriated if left abandoned by its owner during the Israeli 1967 census; the property was reverted to the Israeli government's office of the custodian of the absentee property. The custodian was given the right to sell and lease property. This law laid the foundations for the construction of Israeli settlements in East Jerusalem beginning in 1968.
- *The 1953 Land Acquisition for the Public Benefit Law* enabled Israel to expropriate 35 percent of Jerusalem land, which was later used to build 15 Israeli colonial settlements.
- *Planning and Building Law* restricted the Palestinian urban growth. The occupier closed areas around the Old City by defining large tracts of land (around 40 percent of East Jerusalem) as green areas, where building was prohibited. These areas were considered as a strategic reserve for settlement activities. The Law has also limited Palestinian building to 75 percent of the land area, while the Jews are allowed up to 300 percent of the land area.
- *The Entry into Israel Law* deals with Jerusalemite Palestinians in accordance with 1952 Entry into Israel Law and its 1974 amendments. The law deals with Jerusalemite Palestinians as residents of Israel, but not citizens. Under this status the Jerusalemites may lose the right to stay in Jerusalem if they move to another country and stay there for seven years, obtain citizenship of another country, or apply for citizenship of another country.¹⁰⁰
- *The Law of Return* codified the Jewish claims to property in the Old City. On June 10, 1967, 5 days after its capture of Jerusalem, the Israeli military pushed out the residents of the Magharba Neighborhood, located between the Buraq Wall and the Jewish Quarter, to create a public square. Israel argued that the area is necessary for the use of the State of Israel. The military demolished the 135 houses in the neighborhood, thus displacing 3,000 Palestinian refugees who

¹⁰⁰The Emirates Center for Strategic Studies and Research, Op. cit., pp 80-81.

had been displaced from West Jerusalem and settled in the Jewish Quarter after its Jewish population left it in 1948.

- On August 24, 1968, the Israeli Knesset passed a law allowing Jews to return to their previously owned or rented homes before the 1948 Nakba, while the Arab Jerusalemites were denied the right to use the law to regain possession of their property in West Jerusalem.¹⁰¹
- Israel also gave strength to its annexation of Jerusalem through the *Basic Law of Jerusalem, the capital of Israel*, which was passed by the Knesset on July 30, 1980. The law states that Jerusalem, complete and united, is the capital of Israel and the seat of the President, the Knesset, the government and the Supreme Court. The law set forth that the government shall provide for the development of the city in different areas.

The Basic Law of Jerusalem has restricted any future political settlement of the status of the city. Any future negotiations with the Palestinians would require the amendment or rescission of that Law, which is unlikely. The current Law, which is made ‘immune’ to amendment or rescission by the Israeli extreme right, cannot be amended or abolished except by a Basic Law passed by two-thirds of the members of the Knesset.¹⁰²

Israeli planning and development institutions as well as legal agencies have put in place a wide range of procedures aiming at implementing the laws against Jerusalem. The Kulik Plan in 1970 included rules that are still used in the Israeli housing policy, particularly confiscation of Arab property, building large Jewish neighborhoods in East Jerusalem, and restricting

¹⁰¹ Abdullah Samir (2015). *The Impact of Israeli Violations on the Housing Sector in the Occupied Palestinian Territory*. Ramallah: Palestine Economic Policy Research Institute (MAS), pp 19-20.

¹⁰² Astal Kamal (2005). *The future of Jerusalem under the Israeli policies aiming at changing the physical and demographic composition of the city after 1967* (in Arabic). Gaza: Al-Azhar University, p 229.

development in Arab neighborhoods. The Israeli government confiscated 35 percent of the total area of East Jerusalem. Most of the land confiscated by the state was used to build Israeli settlements or to curtail the natural expansion of the existing Palestinian neighborhoods.¹⁰³

Israel has entrenched a colonialist regime that denies the rights of Palestinians to their own property. The central government, the local government units, the legal system, the regional councils and local planning agencies have collectively played a decisive role in promoting the expropriation of land owned by Palestinians as well as state land previously held by the Jordanian government. The Palestinians were not allowed as a group to play any role in designing or planning their spaces in East Jerusalem.

This colonization multi-tiered system Israel started to operate as early as 1967 has been more detrimental than the destructive military operations in 1948 and 1967. The occupier continued to change the geography and demography of East Jerusalem, establishing new Jewish neighborhoods across the city, thus creating human shields or geopolitical barriers designed to undermine any future division of the city, eventually eliminating forever the possibility that it may one day become the capital of a Palestinian state.¹⁰⁴

¹⁰³ Jabbarin, *Op. cit.*, p 42.

¹⁰⁴ *Ibid*, p 43.

Chapter Three

Local, Regional and International Developments that led the PLO to Enter into the

Political Process (1971-1988)

3.1 Local Developments that led the PLO to Enter into the Political Process (1971-1988)

3.2 Regional and International Dynamics leading to the Political Process (1973-1991)

3.3 American Peace Initiative

3.3.1 The Israeli Position on the Bush Initiative

3.3.2 Israeli Conditions for Entering into Talks

3.3.3 The Palestinian Position on the Bush Initiative

Chapter Three

Local, Regional and International Developments that led the PLO to Enter into the Political Process (1971-1988)

3.1 Local Developments that led the PLO to Enter into the Political Process (1971-1988)

Following the 1967 setback and the ensuing occupation of the West Bank, Gaza, the Syrian Golan and Egyptian Sinai, the UN Security Council passed Resolution 242, which called for Israel's withdrawal from the territories occupied in 1967. Israel refused to implement the resolution, especially as the resolution did not fit into the binding category of Chapter VII. The Arab states also rejected the resolution at the time, because it explicitly recognized Israel. However, later they accepted the resolution after Jamal Abdel Nasser and King Hussein accepted the resolution as a basis for negotiations via the United Nations. The international envoy, Gunnar Jarring, arrived in the region to plan for implementing the resolution. However, Israel's intransigence, its annexation of land and building settlements, as well as its denial of Arab and Palestinian rights, led to the cessation of negotiations and Jarring mission bore no significant results.¹⁰⁵

The year 1970 saw grievous Arab and Palestinian events, particularly the bloody clashes between the Palestinian resistance and the Jordanian regime, which led to driving the PLO out to Lebanon. That year also marked the death of Jamal Abdel Nasser, whose passing created political vacuum, not only in Egypt but also in the entire Arab region.¹⁰⁶ Nasser's successor, Anwar Sadat, implemented policies that created a break with Nasser's nationalistic approach and

¹⁰⁵Hussein El Sayed Hussein (2012). The Egyptian-Israeli Peace Treaty–1979 and its Impact on Egypt's Regional Role (in Arabic). *Journal of Historical Studies*, Issue 117-118., p. 450.

¹⁰⁶ Ibid, p 451.

undermined Egypt's international and Arab leading role. Sadat prioritized the narrower national interests over higher Arab nationalism and separated Egypt from the Arab unanimous attitude toward the conflict with Israel when he concluded a peace deal with the occupier. On top of Sadat's policies was the so-called openness policy. At the national level, his two-pronged approach involved openness to reactionary Islamic groups and Western-oriented social forces—both had anti-Nasserism attitudes; and economic openness to woo the private sector (comprador bourgeoisies) to create an enabling economical and political environment that would support him in the future pre-planned peace arrangements with Israel.¹⁰⁷

At the international level, Sadat embraced openness to the West in general and the United States in particular. This was supported by a state of Arab indolence, led by Saudi Arabia, created by the petrodollar age which made some Arab states central to the global financial system in early 1970, after the capitalist world survived the 1968-1974 capital accumulation crises. The capitalist countries were also hit by the first oil shock, the consequent rise in oil prices and the resulting surplus in the petrodollars countries. The Western countries planned to contain these crises, manage economic competition and undermine the Third World claims for the redistribution of power and wealth. The West has thus taken steps to redirect the petrodollars towards the western countries and create a new global political and economic system- a neoliberal system where free market forces can transcend national boundaries. To this end, some Arab and Palestinian elites were invited by Western countries to engage in this system for alleged intentions of finding a solution to the Palestinian/Arab-Israeli conflict.¹⁰⁸

¹⁰⁷Ibid, p 452.

¹⁰⁸ Qassoum, Op. cit., pp 22-23.

The PLO was driven out of Jordan in 1971. That experience taught the leadership a lesson: The Arab states cannot be taken as a base for operations against Israel. This, together with PLOs insistence that it should be the only representative of the Palestinians, played a prominent role in changing the PLO's political views and attitudes. It began to accept more peaceful, less radical solutions by adopting other forms of struggle, an attitude ushered by the resolutions of the eighth meeting of the Palestinian National Council, held in Cairo in 1971. In that meeting the leadership agreed that the armed struggle is the main but not the only option for struggle.¹⁰⁹

The shift in the PLO approach was first a tactic for cooperation and mixing things up in the turbulent Middle East. The Twelfth Session of the National Council in 1974 endorsed the "Interim Political Program" (also known as the "Ten-Point Program"), which approved the "establishment of the independent combatant national authority for the people on any part of Palestinian territory that is liberated."¹¹⁰ The change in the Palestinian approach was born from the conviction that the October 1973 War did not lead to a victory that compels Israel to withdraw voluntarily from the Palestinian territories, and that the Arab decision to use the 'oil weapon' was counterproductive for the Palestinian cause and did not force Israel to withdraw from the occupied territories.

The interim program was a radical shift in the Palestinian political approach. The PLO was excluded from participating in the Geneva Peace Conference (December 1973), attended by Jordan, Egypt and Israel under the sponsorship of the United States, the Soviet Union and the

¹⁰⁹Rashad Tawam (2013). *Diplomacy of National Liberation: The Palestinian Experience* (in Arabic). Birzeit: Ibrahim Abu Lughod Institute for International Studies, p 39.

¹¹⁰Barham Abdullah (2007). *Reforming the PLO: Problem of Structure and Program* (in Arabic). MA Thesis, An-Najah University, p 52.

United Nations. The PLO reached the conclusion that it should adopt a pragmatic stance that conforms to the official international position. This required a foreign policy based on settling the conflict through diplomacy.

The year 1974 marked a turning point in the history of the Palestinian Cause. In the Rabat conference, the League of Arab States recognized the PLO as the legitimate and sole representative of the Palestinian people. That was followed by a similar recognition by the General Assembly of the United Nations, which also called the PLO to join as an observer member¹¹¹. In late October 1974, the PLO was invited to participate in the plenary session for the deliberations of the General Assembly on the Palestinian Cause. Arafat arrived at the United Nations Headquarters in New York and delivered his famous speech (the gun and the olive branch). On August 22, the General Assembly issued its resolution 3236, which summarized all the principles and rights already adopted by the General Assembly on the question of Palestine. The resolution considered the Palestinian people a key player in building a just and lasting peace in the Middle East.¹¹²

These developments have laid the groundwork for informal dialogue initiatives between Palestinian and Israeli / Jewish personalities, often through a third party. However, these meetings were confined to a group of unofficial intellectuals, liberals and leftists who were outside the decision-making community, though the dialogs were applauded by the Palestinian

¹¹¹ Tawam, Op. cit., pp 40-41.

¹¹² Khartabeel Jameel (2009). The demise of the PLO: Individualism, hegemony, non-adherence to principles, lack of credibility in practice (in Arabic). Retrieved from <https://kanaanonline.org/articles/01659.pdf>

National Council. In its thirteenth session (1977), the Council issued a statement calling for making contacts with the Jewish parties in a manner consistent with the interests of the Palestinian people. This has ushered the start of coordination for a peace project.

With Jimmy Carter taking the Oval House office and calling for a settlement for the Arab-Israeli conflict and enabling the Palestinians to establish their homeland, the Palestinian leadership saw some hope and started some indirect talks with the US administration on the terms of US mediation to resolve the conflict. The U.S. asked the PLO to recognize the Security Council Resolution 242, while the official Palestinian position was to accept a modified version of this resolution, which was rejected by the United States.

Despite the turn in PLO's foreign policy toward peaceful methods, the Camp David Conference was designed to block the PLO and sign the 1979 Egyptian-Israeli peace treaty. The PLO considered the treaty a threat to the Palestinian Cause, arguing that it would perpetuate the occupation, abolish the right of return and self-determination, and encroach on Palestinian legitimacy.¹¹³

Following the PLO forces withdrawal from Beirut to Tunis in September 1982, the Twelfth Arab Summit (November 1982) mounted a plan embodied in the Fez Project, which included eight points, most importantly the withdrawal of Israel from all the Arab territories occupied by it in 1967, including East Jerusalem; placing of the West Bank and the Gaza Strip under the supervision of the United Nations for a transitional period not exceeding a few months; and

¹¹³ Barham, *Op. cit.*, p 57.

dismantling of the settlements established by Israel in the Arab territories since 1967. The Palestinians divided over the initiative; however, the Sixteenth Session of the National Council (March 1983) accepted the Fez Project as the minimum Arab political action.¹¹⁴

The decisions of the Sixteenth Session of the National Council were a departure from the National Charter. The political discourse turned away from the expressions typical of Palestinian national discourse, such as liberation and armed struggle, while the expression "the restoration of the national rights of the Palestinian people" was replaced with "The national legitimate rights." In 1987, the Palestinians realized that they had to rely on themselves to play it on their own. They rose up for the first intifada, the most important event in the Palestinian modern history and beyond. That intifada was a lifeline that saved the PLO from political demise. At that time, the Soviet Union was in the throes of collapsing, and the resulting decline in supporting its allies, as well as the outbreak of the Second Gulf War in which Arafat sided with Iraqi president in the invasion of Kuwait and the ensuing PLO's financial crisis as many donors suspended their aid to the Organization.¹¹⁵

The assassination of Khalil al-Wazir (Abu Jihad) on April 16, 1988 in Tunisia created three case-scenarios for the Palestinian intifada: A) transferring the management of the Palestinian Cause to Arab states, which will then represent the Palestinians in the negotiations with Israel and the United States (reminiscence of the Arab decision to abort the 1936 revolution when Arab states represented the Palestinians in the negotiations with Britain and the Jewish Agency); B)

¹¹⁴ Ahmed, Sami (2011). The Different Palestinian Stances and their Impact on the Proposed Palestinian State Projects 1967-1993 (in Arabic). *Al-Azhar University Journal*, Volume 13, No 1, pp 1273-1274.

¹¹⁵ Barham, Op. cit., p 65.

carrying on with the intifada; and C) adopting soft unarmed resistance, accepting political settlement and predisposition for mutual recognition and negotiations based on land for peace.¹¹⁶

Having to choose between three evils, the Palestinians convened the 19th Session of the National Council in Algiers, where Arafat declared November 15, 1988 the day of independence. The declaration of the state came to fill the void left by the Jordanian disengagement from the West Bank on July 31, 1988. The Council issued a political statement condemning terrorism and calling for an effective international conference for peace under the supervision of the UN Security Council. The meeting also approved UN partition Resolution 181 of 1947,¹¹⁷ which was understood as Palestinian acceptance of a state alongside the State of Israel and entering into negotiations with Israel, with many anticipated bottlenecks, most importantly the final status issues, particularly the status of Jerusalem- the subject of our study.

3.2 Regional and International Dynamics leading to the Political Process (1973-1991)

The Arab region, enjoying a pivotal geo-strategic location, has always been central to major powers strategic planning. European powers in the 19th century and early 20th century vied for dominating the region, which had to endure military, political, economic and cultural forms of colonization. After the post-World War II demise of colonialism, the newly rising American power walked into the scene, with plans for a region abundant with oil needed for industries. From the early days of the Israeli occupation, the United States maintained a close and supportive relationship with Israel. To maintain its economic interests in the region, the

¹¹⁶A personal interview with Mahdi Abdulhadi, January 25, 2017, Jerusalem.

¹¹⁷Abu Mor Anwar (2014). *The Historical Development of the Palestinian State Project 1964-1999* (in Arabic). MA Thesis, Islamic University, Gaza, p p 125-126.

United States, using its military superpower, has strengthened Israel's regional strength¹¹⁸. US annual aid to Israel is estimated at more than USD 4 billion, in addition to a wide range of financial privileges, making Israel the largest annual recipient of American aid. There is a US security commitment to Israel, helping it maintain a qualitative edge over all powers in the region and making it able to ward off any potential threat, while sustaining minimal damages and casualties.¹¹⁹

American strategic interests in the Arab region are based on the theories of American geopolitics. John McNair's theory considers the Arab region a bridge connecting the world with the south, while Alexander de Sversky's *Air power: key to survival* theory inspired the American politics to consider the Arab region part of the sphere which grants those whose control it dominance over other parts of the world.¹²⁰

The Arab region is particularly important in the geopolitical strategy of American hegemony because of its oil wealth and its peripheral weight in the global political system. "The access to oil at a relatively cheap price is vital for the economy of the dominant triad, and the best means of ensuring this guaranteed access consists in securing political control of the area."

¹²¹American dominance in the region has been supported by the hotbed of dictatorial regimes that have always resisted change, which have given way for political Islam and reactionaries in

¹¹⁸Abdul Wahab Khalid (2014). *Changes in the structure of the international system and their impact on Israeli policy towards the Palestinian cause 1985-2010* (in Arabic). Master Thesis, Al-Azhar University, Gaza, p 63.

¹¹⁹Qassoum, Op. cit, p 42.

¹²⁰Ameri Sbeih (2011). *American hegemony in the Arab region 1945-2003* (in Arabic). Ph.D. Thesis. Clemens University, Baghdad Branch, p 18.

¹²¹Samir, Amin (2004). U. S. Imperialism, Europe, and Middle East. *Monthly Review*, Vol. 56, Issue 06.

the Persian Gulf, who became typical allies of the United States, making the Arab region at the heart of world politics.

Equally important is the fact that the Arab region is economically important for the United States, the world's largest consumer of energy. The American companies increased their oil imports to more than 50 percent of all Gulf States' exports, consuming only 10 percent and selling the rest (crude or refined) to European and Japanese companies. The oil from the Arab region has, thus, been a money-spinner for American companies. Above, U.S. banks and financial firms have capitalized on the bulk of petrodollars to stimulate investment in the United States economy.¹²²

That oil is vitally important in the American strategy was well demonstrated by the US behavior after the October 1973 war. During that war, the U.S. Air Force cargo airplanes supplied Israel with weapons. Later, the Gulf States cut their monthly oil production by 5 percent to pressure Israel to withdraw its forces from all occupied territories. President Nixon, becoming aware that instability in the Middle East did not serve U.S. interests, announced the United States willingness to start a new peace process aimed at reaching an all-out, permanent solution to the Arab-Israeli conflict.¹²³ That announcement set the stage for Camp David Conference and the resulting Egyptian-Israeli treaty in 1979.

On the other side of the spectrum, the Soviet Union was a strategic supporter of the PLO. Since 1972, the Soviet Union had been the main supplier of weapons to the PLO. As of the early

¹²² Ameri, *Op. cit.*, p 28.

¹²³ *Ibid*, p 45.

1980s, however, the support began to decline following the policy pursued by Gorbachev, the final leader of the Soviet Union. Gorbachev drove the Soviet politics away from the Middle East and renounced ideological support for governments and revolutionary movements. He also started to build good relations with Israel and Arab states that maintain friendly relationships with the West. Gorbachev later facilitated the immigration of Soviet Jews and non-Jews to Israel, which created a demographic imbalance between the Israelis and the Palestinians and helped increasing the Israeli settlement expansion on the Palestinian land, leading to a new fait accompli under which the prospects for a settlement of the Arab-Israeli conflict became very fragile.¹²⁴

That was further compounded by the mid-1980s structural transformations in the Soviet Union and its client states in Eastern Europe. Those transformations turned political powers, blocs and international alliances upside down. The bipolar world system, born after World War II, became part of history. The shifts in the Warsaw Pact states were counterproductive for the Palestinian cause. The dissolution of the Soviet Union– which turned from a superpower into a country steeped in internal crises, as well as the collapse of the socialist system have created a US-controlled unipolar system which has repeatedly pressured the Palestinians to acquiesce to the Israeli terms of conflict settlement.¹²⁵

The Second Gulf War in 1990 gave the United States the opportunity to control the world politics and decide its direction. It drew the plans for a new system in the Middle East, with

¹²⁴Khatib Ghassan (2014). *Palestinian Politics and the Middle East Peace Process: Consensus and Competition in the Palestinian Negotiating Team*, Beirut, Institute for Palestine Studies, p 73.

¹²⁵Samir Ayad (2004). *The Future of the Arab Region after the Occupation of Iraq* (in Arabic). Master Thesis, University of Algiers, p p 71-72.

Israel at its center, so as to control the oil resources and the Arab economies and safeguard the Zionist enterprise, the arm of the American force in the Arab region.¹²⁶

The Gulf War in 1991 had adverse repercussions on the Palestinian cause, with some Arab states developing negative attitudes of the PLO. The Arabs had a unified position in the summits prior to that war (Rabat, Fez, Amman and Algiers in 1974, 1982, 1987 and 1988, respectively): emphasis on recognizing the PLO, terminating the Israeli occupation, resolving the refugee problem in accordance with UN General Assembly Resolution 194, as well as on the need for an international peace conference as a mechanism for reaching a just peace. Those positions changed dramatically after the Gulf War and the Arab so-called moderate axis dealt the heaviest blow to Arab solidarity, and Arab political and financial support for the PLO and Palestinian national rights eroded. More extreme punitive measures were also taken by the Gulf States when they expelled hundreds of thousands of Palestinians working there. Taken together, these conditions drove the PLO into the horns of a dilemma, where it had to choose one of two options: acquiescing to the American terms that are biased to Israel; or rejecting the American initiative, announced by George HW Bush in March 1991, to settle the Arab-Israeli conflict on the basis of land for peace, and thus bearing the consequences of such repudiation.¹²⁷

Mamdouh Noufal summarized the PLO's paradoxical catch 22 situation at that time:

"In February-March 1991, the PLO became politically exposed, hitting rock bottom in a state of turmoil. The PLO leadership was worried about where the cause was heading. The Gulf War

¹²⁶Bakhush Mustafa (2002). *Implications of International Transformations after the Cold War* (in Arabic). University of Mohamemd Biskra. Issue 3, p 5.

¹²⁷ Khatib, Op. cit., p 75.

ended with an overwhelming American victory and a resounding defeat for Iraq and all those who sided with it.”¹²⁸

In his reflection on the state of ruin, Adel Samara, a Palestinian author, told us in a personal interview:

The Arabs were weak and helpless, not only in terms of military strength, but also intellectually. At the initial stage, the Palestinian revolutionary factions construed their movement as part of a larger Arab nationalism enterprise. They assumed that the Palestinian revolution was significantly contributing to the Arab nationalist struggle against imperialist powers and reactionary regimes. However, the defeat of the national project in 1967 led to an intellectual vacuum in the Arab region, which forced Arabs to run to the Western Camp led by the United States, which wants the Arab regimes to recognize and normalize relationships with Israel, so that the occupying power remains superior militarily and economically.”¹²⁹

On the other hand, Israel was in a good shape at all levels: strategic, security, political and human resources. Israel’s Arab enemies were all exhausted by the Gulf War, quarreling with each other and unable to wage wars. The Soviet Union, once an unwavering supporter of Arabs, had been thrown into a tight corner, and thousands of Russian and Ethiopian immigrants lining up for flying to Israel.¹³⁰

The cherry on top was for the United States. A Post–Gulf War Assessment report by the Washington Institute for Near East Policy (which enjoys a privileged position by the U.S.

¹²⁸Nofal Mamdouh (1996). *The coup d'etat* (in Arabic). Amman: Dar Al Shurouk for Publishing and Distribution, p 36.

¹²⁹ A personal interview with Adel Samara, December 22, 2016, Ramallah.

¹³⁰ Nofal, Op. cit., p 43.

administration) concluded that following the Desert Storm in 1991, the United States of America gained unique strengths. Its reputation as a vector and its ability to establish a coalition have established it as a single superpower and enabled it to build strong relations with the major powers in the Middle East, especially Egypt, Israel, Saudi Arabia and Turkey. The United States can now do much more than it could do in the past, and at a lower price. With these opportunities, the region will be made safer for American interests.¹³¹

In the analysis part of the report, the authors wrote that the United States will become more dependent on Gulf Arab oil and Israel's survival— this has remained a bipartisan commitment for decades. To meet the vital American interests, it was necessary to plan a wide range of political, economic and military actions, including regional security measures, arms control and political arrangements. This falls within the global responsibilities imposed by the new international order. For these reasons, keeping things the same is not a suitable term for the stage. Rather, a US-led effort must be made to create regional security for the Persian Gulf, to negotiations-based Arab-Israeli peace and to set new restrictions on arms supply to the Middle East.¹³²

The Gulf War also had significant implications for the entire region. The United States, under the cover of international legitimacy, led an international coalition that destroyed Iraq and demonstrated to the world the extent to which America could achieve what it wanted when it wanted to. This has provoked scrutiny from different voices in the region demanding the United States to abandon the double standards. Comparisons were drawn between the Gulf crisis and the Arab / Palestinian-Israeli conflict. The United States was aware of that, and so it had to show its

¹³¹Khatib, Op. cit., p 78.

¹³²Ibid, p p 78-79.

resolve to find a solution to the Palestinian conflict, the world's longest standing, most all-important one.¹³³

Having conducted careful assessments of the conditions prevailing in the Middle East, the US administration chose March 1991 to launch a new initiative that called on the parties to the conflict to enter into a peace process. The timing was not randomly chosen; the United States was aware that it had to strike while the iron was still hot. The American administration saw a window of opportunity to use influence generated by its victory to launch the peace process. The turmoil in the region as well as the change of some regimes and alliances were quite favorable for launching successful political initiatives and operational diplomacy.¹³⁴

3.3 American Peace Initiative

It is particularly in that context that then US President George H. W. Bush announced his principles for peacemaking in the Middle East. On March 6, 1991, he delivered a speech before the Congress, outlining his administration's vision for the region based on the territory-for-peace principle and Security Council resolutions 242 and 338. The administration envisioned the achievement of peace treaty through negotiations that lead to the fulfillment of Palestinian rights and ensuring security for Israel. Guided by the initiative, the US Secretary of State, James Baker, moved to set the international and regional stage to launch the Arab/Palestinian-Israeli negotiations and convene a conference in Madrid to settle the conflict-generated issues.¹³⁵

¹³³ Al-Jarbawi Ali (1991). Assessment of the Madrid Conference: American intentions must not be trusted (in Arabic). *Journal of Palestine Studies*, Volume 2, Issue 8, p 28.

¹³⁴ A personal interview with Ghassan Khatib, December 13, 2016, Ramallah.

¹³⁵ Nofal, OP. cit., p 40.

3.3.1 The Israeli Position on the Bush Initiative

The political situation in Israel did not usher a tangible change in the Israeli policy. The Israeli Prime Minister, Yitzhak Shamir, had an apathetic attitude toward the Bush initiative and Baker's movements. Shamir was not poised for taking part in the peace process or entering into negotiations with Arabs or Palestinians. From the beginning, Shamir used his meetings with James Baker to have a reward in return for going to the negotiations table. At that time, there was talk about immigration of the Soviet Jews, and Shamir wanted the United States to help in their transportation and contributing to the costs of their settlement in Israel. Then Shamir deliberated and dictated one of two options: Arabs must acquiesce fully to his terms for talks, or alternatively he reserves the right to decline the offer to enter into negotiations, thwarts Baker's initiative and holds Arabs accountable for failure.¹³⁶

Shamir was not satisfied with Baker's oral lavish promises; he wanted them in writing. The United States responded to Israel's request and supplied Israel with a letter of assurances. The United States assured Israel that the U.S. commitment to Israel's security remains unaltered; the United States is committed to preserving Israel's qualitative advantage. The letter also outlined U.S. stand that Israel has the right to secure and defensible borders. The letter stressed that there exist various interpretations of Security Council Resolution 242 and they will be presented during the negotiations. Finally, the letter emphasized that the United States has a traditional policy of not supporting the creation of an independent Palestinian State; neither does it support the continuation of the Israeli rule or annexation of the Occupied Territories.¹³⁷

¹³⁶ Ibid, p 43.

¹³⁷ US Letter of Assurances to Israel, 18 October 1991.

3.3.2 Israeli Conditions for Entering into Talks

Israel played the game on its own terms. It gave no significant procedural or substantive concessions. Israel's position on the form of peace with the Arabs and its content as well as withdrawal from the occupied territories, including Jerusalem, is no secret, thus it refused the idea of an UN-sponsored conference with a binding character. Israel stipulated that the UN be invited as an observer with no power to impose solutions on the parties or an ability to vote on the results. Israel envisioned a conference where delegations deliver speeches and then the meetings are called off. Israel also held that any future conferences should win consent of all parties. Israel requested that Arab States must agree to enter individually into bilateral direct negotiations with Israel to reach a real peace, with resolutions 242 and 338 as a reference rather than compelling decisions.¹³⁸

Israel demanded that the Palestinians accept a two-stage solution: The first stage involves five-year transitional autonomy arrangements, while the second involves a permanent solution starting from the third year of reaching autonomy arrangements. Israel objected to an independent Palestinian delegation in the conference and demanded that the Palestinian representation be part of a joint Jordanian-Palestinian delegation. Israel also placed restrictions on Palestinian representation in negotiations with the Palestinian-Jordanian delegation: no PLO representatives, no East Jerusalem representatives, no Palestinian Diaspora representatives, allowing only representatives from the West Bank and Gaza.¹³⁹ Israel also claimed that Security Council Resolution 242 refers to Israel's withdrawal from occupied territories, not all territories,

¹³⁸Shufani Elias (2002). *The Labyrinth: The Root causes of the Crisis of the Palestinian National Action* (in Arabic). Damascus: Dar Jafra for Studies and Publishing, p 168.

¹³⁹A personal interview with Abdulsatar Qasem, November, 25, 2017, Nablus.

in return for peace, and that it implemented that resolution when it withdrew from Sinai, insolently professing it is not obligated to withdraw from the West Bank, Gaza Strip or the Golan Heights, nor does it have the intention to do so.¹⁴⁰

Israel demanded that the documents of the conference be devoid of the territory-for-peace principle. It also insisted that Jerusalem is not subject for negotiations, claiming that it is the eternal capital of Israel and should remain united under Israeli sovereignty. That is why it objected to the participation of representatives from Jerusalem, whether in the Palestinian-Jordanian delegation or in any possible arrangements for self-government¹⁴¹. Shamir spelled out Israel's position on Jerusalem in his speech before the Likud Central Committee. He said the Likud has a clear position regarding the unified Jerusalem as Israel's eternal and indivisible capital. He held that Israel cannot accept any move that would change the status of Jerusalem. Arab residents of Jerusalem, he reiterated, will not be able to participate in the political process relating to the status of the population of the West Bank and Gaza.¹⁴² Israel held fast to that position, threatening to withdraw if pressured by the United States to waive any of the aforementioned conditions.

3.3.3 The Palestinian Position on the Bush Initiative

The Palestinians were invited to the conference while they were up the creek. Kuwait drove out more than half a million Palestinians, whose remittances were a source of living for a good part of the population in the West Bank and Gaza Strip; many Arab states placed a political

¹⁴⁰ Shofani, Op. cit, p 168.

¹⁴¹ Khalifa Ahmed (1991). Peace Negotiations: The Israeli Position on the Eve of Madrid (in Arabic). *Journal of Palestine Studies*, Volume 2, No. 8, p 165.

¹⁴² Israel's Prime Minister Yitzhak Shamir Speech to the Likud Central. Committee, Tel Aviv, 12 February 1990.

blockade on the PLO, as though the Arabs were implementing an international agenda to eliminate the PLO. This coincided with Jews and non-Jew immigrant inflows to Israel, together with fanatic expansion of settlement activities in the West Bank and Gaza.¹⁴³

Therefore, unlike Shamir, the Palestinians saw a window of opportunity in the initiative and officially welcomed it on March 8, 1991. In an official statement issued by the Executive Committee, the PLO, seeing the initiative a window that could help alleviate the tension with the United States, expressed its willingness to take positive action with it and marshal all its energies for cooperation. The PLO must have envisaged positive outcomes for the Palestinians, who were then subject to ill-treatment by different countries. The PLO found in the Bush Initiative a basis for entering into negotiations. Pertinently, the principles set out in the initiative did not conflict with the decisions adopted by the 19th Session of the Palestinian National Council with the Palestinian peace initiatives of 1988. The Palestinians also believed that they could improve their position with the progress of the negotiations.¹⁴⁴

That was not an easy decision to take, as many Palestinians, individuals and factions, opposed the peace process. However, the mainstream factions agreed to enter into the process to show that the PLO was poised for peace even under the imposed preconditions. Even within the mainstream factions, there were opponents who believed the process would lead to nothing, as the Israelis were unwilling to offer the Palestinians anything.¹⁴⁵

¹⁴³ A personal interview with Hanan Ashrawi, August 17, 2016, Ramallah.

¹⁴⁴ A personal interview with Ghassan Khatib, December 13, 2016, Ramallah.

¹⁴⁵ Abdel Mon'im Bakr (1994). *State of Palestine, Peace Conference from Madrid to Oslo* (in Arabic). Beirut: Dar Al Shorouk for Publishing and Distribution, p 21.

From the very beginning, the Palestinians were aware that the peace process was an American formula, and thus by agreeing to join in, they were literally entering a dark tunnel. The PLO knew it would be negotiating at a disadvantage- a type of flogging a dead horse. Successful negotiations need a host of factors, most importantly a holding power that can strike a balance. In the preparations for the conference, Baker focused its pressure on the weak Palestinians and forced them to make concessions, particularly representation through Jordan. The Palestinians were forced to engage in two-stage negotiations and to defer the question of Jerusalem, in addition to the unfair conditions contained in the letter of invitation issued by the sponsors.

Chapter Four

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Chapter Four

Jerusalem in the Palestinian-Israeli negotiations

4.1 Invitations for the Madrid Conference

US President, George H.W. Bush, and Soviet President, Mikhail Gorbachev, extended a letter of invitation, dated October 18, 1991, to the parties to the Arab-Israeli conflict to attend the peace conference set to be held in Madrid on October 30, 1991. The bilateral direct negotiations were set to begin four days after the conference opening, while multilateral negotiations were set to begin two weeks after opening of the conference. The Conference's decision-makers wanted negotiations to focus on regional issues, such as arms control, regional security, water, refugee issues, the environment, economic development and other topics of common concern.¹⁴⁶

The invitation included Israel, Syria, Lebanon and Jordan. Palestinians were invited as part of a joint Jordanian-Palestinian delegation. Egypt and the European Community were invited to the conference as participants, while the United States and the Soviet Union were represented by their presidents. The United Nations sent an observer representing the Secretary-General. The joint Jordanian-Palestinian delegation had two seats, and was headed by Jordan Foreign Minister, Kamel Abu Jaber, and Palestinian Haidar Abdul Shafi. The conference was held at the ministerial level, with the exception of Israel, which sent its Prime Minister as head of the delegation.¹⁴⁷

¹⁴⁶ Asfahani Nabih and Ahmed Youssef Al-Qur'I (January 1992). Madrid Conference for Peace in the Middle East (in Arabic). *Al-Ahram*, No. 107, p. 105.

¹⁴⁷ Ibid, p. 105.

4.2 Jerusalem at the Madrid Conference

The Madrid Conference was more of a show than a conference intended to resolve the Arab-Israeli conflict. It had no solid foundations, with the American sponsor and the invited parties acquiescing to the Israeli conditions, especially its position on Resolution 242, the basis for a peaceful settlement. The Israeli interpretation of the resolution had blocked any prospect for reaching a common understanding. The conference was more of fabrication than true endeavors to reach reconciliation. The conference didn't have the power to impose solutions or take decisions. That was quite evident in the U.S. letters of assurances to Israel and the Palestinians.

Despite Shamir's demands to exclude Jerusalem, as a subject as well as in terms of representation, the city, being central to the conflict, was present in the Palestinian letter of invitation acceptance, in the delegations' speeches, as well as in the American letter of assurances to the Palestinians, which spelled out the American position:

The United States understands how much importance Palestinians attach to the question of East Jerusalem. Thus, we want to assure you that nothing Palestinians do in choosing their delegation members in this phase of the process will affect their claim to east Jerusalem, or be prejudicial or precedential to the outcome of negotiations. It remains the firm position of the United States that Jerusalem must never again be a divided city and that its final status should be decided by negotiations. Thus, we do not recognize Israel's annexation of east Jerusalem or the extension of its municipal boundaries, and we encourage all sides to avoid unilateral acts.¹⁴⁸

The Palestinians responded positively to the American-Russian invitation to the peace conference and the American letter of assurances. The Palestinians told the Americans and the

¹⁴⁸ US Letter of Assurances to the Palestinians, 18 October 1991.

Russians that the Palestinians will be represented by a negotiating delegation consisting of 14 members and a steering committee. The negotiators will join the Jordan delegation to form a Jordanian-Palestinian delegation side by side with other delegations to the Conference. In their letter of acceptance, the Palestinians emphasized that their position is based on the commitment of the Palestinian leadership to the right to self-determination, national unity and the right of the Palestinian people in East Jerusalem. In their response, the Palestinians reaffirmed their firm Position that East Jerusalem is an occupied Palestinian territory, and that any interim arrangements must apply to it. They communicated to the Americans that the American position of not recognizing Israel's annexation of Jerusalem or extension of its municipal boundaries means that such actions by Israel are illegal unilateral actions that must be reversed.¹⁴⁹

In order not to avert Israel's objection to raising Jerusalem issues in the negotiations, the United States proposed postponing the discussion on Jerusalem to the talks on the final settlement, three years after the autonomy arrangements. The problem of the representation of Jerusalem in the current phase of the negotiations was solved by appointing two Jerusalemites within the Jordanian delegation, which is part of the official Jordanian-Palestinian delegation, as part of a Palestinian advisory delegation accompanying the official delegation to the negotiations. Jerusalemite Faisal Husseini headed the steering committee, while Hanan Ashrawi, another Jerusalemite, was the spokeswoman for the delegation.¹⁵⁰

¹⁴⁹ *The Palestine Yearbook of International Law 1990-1991*. Martinus Nijhoff Publishers.

¹⁵⁰ Khalifa Ahmed (1991). Peace Negotiations: The Israeli Position on the Eve of Madrid (in Arabic). *Journal of Palestine Studies*, Volume 2, No. 8, p. 170.

In the letters of assurances to the Palestinians and the Israelis, the United States had elements of double standards, giving conflicting guarantees to the two parties. On the one hand, it pledged to the Israelis that it will never support the re-division of Jerusalem. In the assurances to the Palestinians, on the other hand, it emphasized that Jerusalem is part of the territories occupied in 1967 and is therefore subject to negotiation; it does not recognize Israel's annexation of Jerusalem or extending its municipal boundaries; and it told Palestinians that Jerusalemites are entitled to participating in the negotiations and in the autonomy arrangements.

Jerusalem was a central theme in the speeches of the conference delegations. In his address on the second day of the conference, Haider Abdul Shafi, who became the conference champion, succeeded in delivering the Palestinian message and legitimate demands. He conveyed to the world the Palestinian commitment to peace based on UN Security Council Resolution 242 and the territory-for-peace principle. He said the Palestinians pledge their commitment to the principle of justice, peace, and reconciliation based on international legitimacy and uniform standards- an Arab and international demand, as well. The provisions of the resolution also apply to East Jerusalem, which the resolution considered an occupied territory with enduring symbols of tolerance, magnanimity, and respect for cultural and religious authenticity. Abdul Shafi told the audience that Israel is using measures that qualify as an apartheid regime, denying the Palestinians access to the Holy City. He demanded that Jerusalem be open, for it is the symbol of Palestinian identity that can never be waived.¹⁵¹

¹⁵¹ Address by the head of the Palestinian delegation Haider Abdel Shafi at the Madrid Conference, (1991) *Journal of Palestinian Studies*, Vol 2, No 8, p 229.

Jerusalem was also present in the speech of Jordan Foreign Minister, Kamel Abu Jaber, who said that under the provisions of Article 25 of the Charter of the United Nations, the Palestinians must be enabled to restore Arab Jerusalem, with access to it ensured for the three monotheistic religions. He said it is the will of God that lent this historical city symbolic significance for the three religions.¹⁵²

Shamir was adamant in his speech at the Madrid Conference. Led by Zionist superstitions and traditions of Revisionist Zionism¹⁵³, he delivered a provocative speech, claiming with his obstinate signature that the Israelis are the only people who have lived in 'the Land of Israel' without interruption for nearly 4,000 years; the Israelis are the only people for whom Jerusalem has been a capital; and the Israelis are the only people whose sacred places are only in the 'Land of Israel'. He continued boasting, "For millennia our people repeated at every occasion the cry of the psalmist: 'If I forget thee, Jerusalem, may my right hand lose its cunning.'" For millennia we have encouraged each other with the greeting: "Next year in Jerusalem."¹⁵⁴ Shamir thus had a forethought plan of aborting negotiations before they kick off.

Therefore, the progress of the Madrid Conference was literally defined by the Israeli political structure, which is tailor-made to thwart any reasonable settlement through procrastination and

¹⁵² Abu Jaber Ibrahim (1996). *Jerusalem in the spotlight, Part II* (in Arabic). Umm al-Fahm: Center for Contemporary Studies, p 451.

¹⁵³ Revisionist Zionism is a Jewish corrective movement developed by Ze'ev Jabotinsky. It emerged in 1923 from the Zionist movement and its institutions as a result of internal Zionist disagreements over various positions among Zionist Jews. The main reason for Jabotinsky's disagreement with the official Zionist leadership was in his idea about the territorial borders of the future Zionist state. He had a vision of occupying the full territory, and insisted upon the Jewish right to sovereignty over the whole territory on the both banks of the River Jordan.

¹⁵⁴ Address by Israeli Prime Minister Yitzhak Shamir at the Madrid Conference, October 31, 1991, Abu Jaber Ibrahim, p 449.

playing for time while Israel creates a fait accompli under which it becomes impossible in few years to reach a regional settlement of the conflict.¹⁵⁵

Madrid Conference was convened in a context of Arab divide. The Arabs were idle and functionally insignificant, with little influence over the events taking place around. They went to Madrid to negotiate the key Arab cause powerless: fighting each other in the Gulf War, taking a hostile stance toward Iraq, and preferring narrower country-level interests over national Arab interests.¹⁵⁶

4.3 Jerusalem in Washington Talks

The Madrid Conference launched direct bilateral negotiations between the Arab parties and Israel. The Palestinian side engaged as part of the joint Palestinian-Jordanian delegation, before splitting into two tracks, where gradually the Palestinians and Israelis moved to independent negotiations, which were held in Washington from December 10, 1991 through April 1993.

In the course of Washington's ten rounds, the Palestinian side treated Jerusalem as part of the West Bank territory occupied in 1967. The Palestinians and Israelis exchanged drafts of three types of documents: draft agendas; description of a transitional self-governing authority; and a declaration of principles. The differences between the two sides were consistently present in all draft documents. The Palestinians understood the transitional self-governance as arrangements intended to provide basis for the second stage, which leads to full exercise of the legitimate rights whereby the Palestinian Interim Self-Government Authority enjoys full powers over all the

¹⁵⁵ A personal interview with Ali Jarbawi, November 19, 2016, Ramallah.

¹⁵⁶ A personal interview with Abdulsatar Qasem, November 10, 2016, Nablus.

occupied Palestinian territories, including Jerusalem. The Palestinian negotiators also assumed that the Palestinians in the occupied territories, including Jerusalem, have the right and the will to govern themselves according to democratic principles through free elections.¹⁵⁷

The most comprehensive Palestinian negotiating proposal in Washington was the expanded outline for Interim Palestinian Self-Government Arrangements: concepts, preliminary measures and election modalities. In the introduction, the outline stated that the Interim Self-Government Arrangements were intended to provide the basis for the second phase of negotiations on the final status of the West Bank, Including Jerusalem, the Gaza Strip and the Syrian Himah. According to the UN Security Council resolutions 242 and 338, the Fourth Geneva Convention and the Hague Regulations, these areas are occupied territories, and Israel is a belligerent occupant.¹⁵⁸

The Palestinian negotiating position was based on the premise that the areas subject to negotiations were "occupied territories" as defined by international law. The Washington team's position was fully aware of the close link between the transitional phase and the final status arrangements. A decisive benchmark for the Palestinian position in this document was the priori assumption: "The jurisdiction of the Palestinian Interim Self-Governing Authority should extend to all of the occupied Palestinian territory, including its land, natural resources, water, sub-soil,

¹⁵⁷ Abdel Mon'im Bakr (1994). *State of Palestine, Peace Conference from Madrid to Oslo* (in Arabic). Beirut: Dar Al Shorouk for Publishing and Distribution, p 58.

¹⁵⁸ Ghassan Khatib, Op. cit., p p 91-92.

territorial sea, exclusive economic zone and air space.” This by default includes Jerusalem, being part of the territories seized by Israel in 1967.¹⁵⁹

Israel considered that Resolution 242 was the basis for final status negotiations with the Palestinians, and its implementation should be as agreed by both parties, while it applies for other issues. The Israeli documents and statements were devoid of any reference to Israeli withdrawal. Israel refused to put Jerusalem on the talks’ agenda, holding fast to the position that the city was the historical capital of the State of Israel, which would “work to ensure access of worshipers to the holy places in the city.”¹⁶⁰

The framework established multilateral negotiations within five working groups. The first round of talks (May 1, 1992) was held in Geneva on water resources; another in Washington on arms control; a third in Brussels on economic development; a fourth in Tokyo on the environment; and a fifth in Okwa on the refugee problem. The Palestinian side in Washington tried to put forward the idea of establishing a working group on Jerusalem in order to protect the demographic situation of Jerusalem and to stop the Israeli settlements in the surrounding areas, but Israel aborted the motion.¹⁶¹

Though the Palestinian side was at a disadvantage militarily- as it could not dictate its terms for going to Madrid- in the Washington negotiations it was the strongest legally, morally, and popularly. According to Hanan Ashrawi, the Palestinian team prepared well for the political

¹⁵⁹ A personal interview with Ghassan Khatib, November 13, 2016, Ramallah.

¹⁶⁰ Abdel Mon'im, *Op. cit.*, p p 53-54.

¹⁶¹ *Ibid*, p 92.

battle with Israel, maintaining an unwavering position toward the key issues (Jerusalem, settlements, refugees, borders and security). They rejected the functional approach to the solution, insisting on their right to sovereignty. They also exposed the Israeli intransigence, indisposition to peace, procrastination and daily violation of human rights in the Palestinian territories. The Israelis were obviously at bay.¹⁶²

In Washington's negotiations, there was no effective alignment between the negotiating tracks in the halls of the US State Department. Coordination between delegations lacked a joint action plan and concrete tactics to link the national and regional axes. The Israeli side came to Washington with the Likud's vision of the solution, even after the Labor Party won the Israeli elections. There was no correlation between the negotiating frameworks, as while the Palestinians worked within a two-stage five-year self-governance framework, the other Arab tracks were negotiating based on resolutions 242 and 338.¹⁶³

The United States implemented a divide-and-conquer strategy in Madrid Conference: breaking up the Arab regional link to the Palestinian Cause and separating the Palestinian Cause from other issues of the Arab-Israeli conflict in order to advance the Israeli side's grip on power during negotiation, especially with the Palestinians.¹⁶⁴

¹⁶²A personal interview with Hanan Ashrawi, August 17, 2016, Ramallah.

¹⁶³Hawatma Nayef (2004). *Oslo and the other balanced peace* (in Arabic), 2nd edition. Cairo: Al Mahrousa for Publishing, Press Services and Information, p p 105-107.

¹⁶⁴A personal interview with Abdulsatar Qasem, November 10, 2016, Nablus.

4.4 Jerusalem in the 1993 Oslo Agreement

The Washington talks were not the only and main channel taken up by the Tunisia-based PLO. The PLO had concerns about creating an OPT alternative leadership that could reach a settlement with the Israeli side. It thus started back channel negotiations for Washington talks and kept that under wraps. Neither the PLO institutions, nor the delegation of Haider Abdul Shafi in Washington knew anything about that channel. The PLO leadership took a hard line with the Washington negotiations for internal propaganda, while taking a soft position in the back channel talks.¹⁶⁵

The back channel talks between the PLO and Israel started in Norway under the auspices of Terje Larsen, Norway's Foreign Minister and director general of FAFO Institute, the Norwegian Institute for Applied Social Sciences, which was preparing a report on the living conditions in the occupied territories. The Israeli side was first represented by Yair Hirschfeld, who teaches Middle East history at Haifa University, and then by Uri Savir, former Israel's Foreign Ministry director general. Another important addition was Joel Singer, an expert in international law. The Palestinian side comprised businessman and Fateh senior member Ahmed Qurei as a head and Hassan Asfour, an adviser to Mahmoud Abbas. The two sides held twelve meetings between January 21 and August 20, 1993. The talks were concluded with the Palestinian-Israeli Declaration of Principles, also known as the Oslo Accords in honor of the city that brokered the deal. The declaration agreement was signed in Washington on September 13, 1993 by Mahmoud Abbas, Secretary of the Executive Committee of the PLO and Shimon Peres, the Israeli Foreign

¹⁶⁵A personal interview with Mohammed Eshtayeh, August 25, 2016, Ramallah.

Minister. The agreement included seventeen articles, four annexes, minutes of meetings and three letters, including two mutual recognition letters between Rabin and Yasser Arafat.¹⁶⁶

What the Israeli side couldn't achieve in Washington achieved in the Oslo secret peace negotiations. To prove its good faith and build bridges of trust with the Israelis, the Palestinian side agreed to exclude Jerusalem from the framework of the autonomy dialogues and accepted deferral of discussion over its status to the permanent arrangements.¹⁶⁷

The Palestinian negotiating team considered that an unprecedented achievement, as Israel recognized that Jerusalem is a subject for negotiations, which cast doubt on its annexation and the legality of its actions in the city. There were some unimportant Palestinian attempts to raise the issue of Jerusalem, but the Israeli negotiators were never ready to hear that and always managed to evade the topic. In the first meeting, the Israelis— despite their understanding of how important Jerusalem is for the Palestinians and Israel's unwillingness to keep Arab Jerusalemites part of it— firmly spelled out their position on Jerusalem: The issue of Jerusalem will not be raised for discussion in the interim status negotiations, and the city will remain united, as in case it is brought to the negotiation table, Shas will exit the government, which will definitely bring it down.¹⁶⁸

This Israeli hard line made the Israeli negotiators threaten to choose peace with Syria over peace with the Palestinians if the Palestinian side insisted on bringing the issue of Jerusalem to

¹⁶⁶ Anab Rashid (2012). *Jerusalem in the Political Settlement Projects 1967-2000* (in Arabic). Ramallah: Dar Shaimaa for Publishing and Distribution, p 126.

¹⁶⁷ Savir, Op. cit.

¹⁶⁸ Qurei, 2006, Op. cit., p 418.

the negotiations table. The Israelis claimed that the issue of land was so complex because it would evoke the issue of settlement in the West Bank and East Jerusalem. Therefore, both sides agreed that the jurisdiction of the Palestinian Interim Self-Governing Authority will extend to all of the occupied Palestinian territory, excluding Jerusalem, which will be among the issues raised in the permanent status negotiations.¹⁶⁹

There are two references to Jerusalem in the Oslo agreement. Article 5, on transitional period and permanent status negotiations, set the timeframe for the permanent status negotiations between the Government of Israel and the representatives of the Palestinian people:

1. "Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people's representatives.
2. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and co-operation with other neighbors, and other issues of common interest.
3. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or pre-empted by agreements reached for the interim period."

The second reference was in Annex I, the Protocol on the Mode and Conditions of Elections: "Palestinians of Jerusalem who live there will have the right to participate in the election process, according to an agreement between the two sides."¹⁷⁰

¹⁶⁹ Ibid, p 425.

¹⁷⁰ Article 5, the Declaration of Principles (Oslo Agreement) on transitional government arrangements, Mamdouh Nofal, The Story of the Oslo Agreement, p 331,

Some believed that the Palestinians were able to make headway when they brought Jerusalem issue to the permanent status negotiations. However, Israel did not miss a beat in restraining the Palestinian rights in Jerusalem. For example, the Israeli authorities banned election rallies in Jerusalem on the grounds that the candidates did not obtain prior permission from the Central Committee Elections. The elections, held on January 20, 1996, produced the 88-member self-governing council, with legislative and executive powers defined by the Taba Agreement on the transitional period. The Palestinians of Jerusalem participated in these elections within the framework of restrictions set by the Taba Agreement, which, in addition to restricting electoral campaigns, set a limit on the number of polling stations (only five post offices) and stipulated that the votes counting be done within the autonomous region, i.e., outside Jerusalem's expanded boundaries. As a result of these restrictions, many people had the impression that Israel's sovereignty in East Jerusalem remained intact, and that the occupier dealt with the Palestinians of Jerusalem as though they were foreign nationals participating in parliamentary elections of their own countries, with the voting process not prejudicing the sovereignty of the host State.¹⁷¹

The Jerusalem issue was also identified with Oslo Agreement when Shimon Perez, then Israel's foreign Minister, sent a letter to his Norwegian counterpart, Holst, in October 1993, in which he pledged that Israel would not obstruct the process of building the Palestinian institutions in Jerusalem and that the government of Israel would not close down any institution operating in the city. Israel, however, broke its pledge, closing down the Palestinian institutions in Jerusalem after Faisal Hussein passing.¹⁷²

¹⁷¹ Halabi Osama, (1997) Jerusalem in Palestinian-Israeli Agreements, . *Journal of Palestine Studies* , Vol 8, No 31, p p 101-103.

¹⁷² A personal interview with Hanan Ashrawi, August 17, 2016, Ramallah.

4.4.1 Implications of the Oslo Accords on Jerusalem

The Oslo Accords made reference to the final status issues without giving any details, the discussion of which was deferred to the permanent status negotiations; nor did the Accords specify the political framework for a permanent settlement owing to the large gaps between the parties regarding the permanent status issues. Therefore, the two parties agreed to keep the options open until permanent settlement arrangements commence. The two parties also agreed that the outcome of the permanent status negotiations should not be prejudiced - or pre-empted by agreements reached for the interim period. This was never fulfilled as Israel did not comply with the agreement terms. The results of this non-commitment have immensely impacted subsequent talks and arrangements.¹⁷³

Although the demarcation of the city's borders does not prejudice the rights of either party in the final agreement, the Oslo Accords deliberately failed to mention the question of Jerusalem's borders, which was set for discussion in the final status arrangements, for each side has its own understanding of Jerusalem's geography. For the majority of the Israelis, Jerusalem means the municipal borders that were drawn in 1967, i.e., pre-1967 West Jerusalem, East Jerusalem and parts of the West Bank annexed to Jerusalem and were not within municipal boundaries when Jerusalem was under the Jordanian rule. For the Palestinians, it is East Jerusalem, which was under the Jordanian rule in 1967, and so Jerusalem neighborhoods built on the Green Line, such as Ramot and Gilo, are not part of Jerusalem; rather they are colonial settlements in the West Bank.¹⁷⁴

¹⁷³ A personal interview with Mohammed Eshtayeh, August 25, 2016, Ramallah.

¹⁷⁴ Gold Dori (1992). Jerusalem in the permanent solution (in Hebrew), translated into Arabic by Jaffa for Strategic Studies Center. *Journal of Palestine Studies*, vol. 7, No. 26. P 114.

The gaps in Oslo agreement allowed Israel to postpone the final status issues without giving assurances of keeping to the present state of affairs. The Palestinian side, being inexperienced in negotiating and with little knowledge of the occupier, assumed good faith in the Israeli side, which stepped up its measures for creating facts on the ground, which, in turn, thwarted future steps. This is a fundamental difference between the Oslo Accords and the Washington negotiations. In the latter, the Palestinians refused to postpone the core issues of the conflict.

On a different note, the Oslo Agreement's ensuing developments exposed America's collusion with Israel. The peace process sponsor behaved in a bad faith, disavowing its letter of assurances to the Palestinians- the letter which disapproves of any unilateral steps that prejudice the final status issues. The strategic relationship between the United States and Israel was brought out into open. Such relationship has distorted the peace process and perpetuated Jerusalem status as the united eternal capital of the Jewish state, thus giving the occupation the green light to expand its settlement activities in occupied Jerusalem.¹⁷⁵

Israel grabbed every single opportunity to enhance its sovereignty over Jerusalem. It continued to confiscate Arab lands, construct Jewish settlements, build bypass roads, restrict Palestinian institutions operating in Jerusalem, separate Jerusalem from the rest of the Palestinian territories, deny Palestinians access to the city, and keep tight grip on candidates running for the Palestinian autonomy council elections. Besides, the occupying power, under a special law passed by the Knesset, denied the Palestinian Authority and the PLO opening offices in Jerusalem or conducting any activity, such as a meeting or a rally in Jerusalem, before obtaining

¹⁷⁵A personal interview with Hanan Ashrawi, August 17, 2016, Ramallah.

the necessary permissions from the Israeli government¹⁷⁶. These measures are meant to achieve an underlying goal: separating the Palestinians of Jerusalem, whom Israel considers as nationals of the Palestinian Authority, from Israel-controlled Jerusalem's territory, thus making it easy for Israel to carry out its plan of expelling the Arab population in the future.

The strategic mistake PLO made in Oslo, whose price is still being paid by the Palestinians, is its waiver of Jerusalem and the core issues in return for Israel's recognition of the PLO. This is the main difference between Oslo and Washington. In Washington, the Palestinians refused to exclude Jerusalem from the geographic jurisdiction of the PA, albeit on 30 percent or even 10 percent of Jerusalem's territory.¹⁷⁷

The Oslo Agreement was a departure from Madrid plans. Israel's negotiations with the Arab tracks (Palestinians, Lebanese, Syrian and Jordanians) were supposed to run concurrently. However, Yasser Arafat's eagerness to negotiate with Israel using exclusively specific negotiators led the PLO to sign a reverse engineering agreement; i.e., settling secondary issues in the conflict and putting off core issues, such as Jerusalem, settlement and refugees. Neither the PLO institutions, nor the legal adviser knew anything before signing the first draft.¹⁷⁸

A large gap does exist between Israeli and Palestinian positions on Jerusalem. Such a gap is too substantive to be bridged within a geographical settlement. Therefore, any Palestinian or Israeli party that accepts a solution based on dividing the territorial integrity of Jerusalem will risk undermining its legitimacy and push for a religious conflict in the region.

¹⁷⁶ Halabi, p 110.

¹⁷⁷ A personal interview with Ghassan Khatib, December 13, 2016, Ramallah.

¹⁷⁸ A personal interview with Mohammed Eshtayeh, August 25, 2016, Ramallah.

The Palestinians clung to a glimmer of hope that the permanent status negotiations would lead to an independent Palestinian state on the Palestinian territories Israel occupied in 1967, including East Jerusalem. Israel, on the other hand, wanted negotiations that bury once and for all the Palestinian dream of statehood. It was the case for Palestinians that if they wanted a decent interim agreement, then they had to maintain the geographical and demographic integrity as a condition for creating their statehood. However, a well-defined mechanism to reach that goal did not exist.

4.5 Jerusalem in Camp David's Talks 1979

Israeli-Egyptian Treaty (1978) is reminiscent of Israel's refusal to discuss the issue of Jerusalem. Former American President, Jimmy Carter, convened the Camp David Conference on November 5-17, 1978. Egyptian president, Anwar El Sadat and Israeli Prime Minister, Menachem Begin, concluded the Conference with two framework agreements. The first defined the framework for peace in the Middle East, as part of the principles envisaged by the parties to the Treaty. The second laid down the framework for peace between Egypt and Israel.¹⁷⁹

The Camp David Accords had a section on the self-governing authority in the West Bank and Gaza. The framework, signed on March 26, 1979, was outlined by El Sadat and Begin in a letter addressed to Carter. The letter laid the foundation for 'autonomy' negotiations without participation of the Palestinians.¹⁸⁰

¹⁷⁹Hussein Al-Sayed Adnan (1998). *The Difficult Settlement: A Study of Arab-Israeli Agreements and Treaties* (in Arabic). Beirut: Center for Strategic Studies, Research and Documentation, p 461.

¹⁸⁰ Ibid, p 488.

The Camp David Accords did not mention the city of Jerusalem. This exclusion of Jerusalem embarrassed Sadat, who then sent a letter to US President Jimmy Carter on September 17, 1978. The letter set forth the official Arab position, as well as Egypt's position, on the issue of Jerusalem:

Arab Jerusalem is an integral part of the West Bank. Legal and historical Arab rights in the city must be respected and restored. Arab Jerusalem should be under Arab sovereignty. The Palestinian inhabitants of Arab Jerusalem are entitled to exercise their legitimate national rights, being part of the Palestinian People in the West Bank. All the measures taken by Israel to alter the status of the City are null and void and should be rescinded. All peoples must have free access to the City and enjoy the free exercises of worship and the right to visit and transit to the holy places without distinction or discrimination. The holy places of each faith may be placed under the administration and control of their representatives. Essential functions in the City should be undivided and a joint municipal council composed of an equal number of Arab and Israeli members can supervise the carrying out of these functions.¹⁸¹

The Israelis responded to Anwar Sadat's letter with a letter to Carter rejecting the Egyptian letter in its entirety. They claimed that Jerusalem is the capital of the State of Israel, one indivisible city whose fate cannot be negotiated with Israel.

4.6 Jerusalem in Wadi Araba Treaty 1994

Jordan and Israel signed the Wadi Araba Treaty on October, 26 1994. Under the treaty, each country promised respect for the sovereignty and territory of each side. The treaty adjusted land and water disputes, provided for broad cooperation in security issues, and built normal relations between the two parties. Jordan, together with Arab states, entered the negotiations following the

¹⁸¹ Grenville John (2007). *The Major International Treaties of the Twentieth Century*. Routledge, p. 733.

Madrid Conference in 1991. Its direct negotiations with Israel led to the Washington Declaration, signed by Jordan and Israel in Washington DC in July 1994. The Declaration set the stage for the Wadi Araba peace agreement with Israel. Article III of the Declaration reads:

Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.¹⁸²

Jordan explained the rationale behind the Article on Jerusalem, arguing that the Oslo Agreement between the Palestinians and Israel postponed the discussion on the issue of Jerusalem to the final stage of the peace process. That is why, the Jordanians maintained, Article 9 of the Jordanian-Israeli Peace Treaty in the Wadi Araba Agreement, required Israel to respect the current special role of the Hashemite Kingdom of Jordan in the Muslim holy shrines in Jerusalem. Israel also committed itself to give high priority to the Jordanian historic role in these shrines in negotiations on the permanent status. “The two sides pledged to act together to promote interfaith relations among the three monotheistic religions, with the aim of working towards religious understanding, moral commitment, freedom of religious worship, and tolerance and peace”.¹⁸³

The Article on Jerusalem created heated disagreement between the Palestinian and Jordanian sides. The Palestinian Authority had concerns that Israel might abandon negotiations with the Palestinians over the city of Jerusalem. Jordan, trying to appease the Palestinians, reaffirmed its position that East Jerusalem should be the capital of the Palestinian state. Jordan

¹⁸² Ibid, p. 748.

¹⁸³ Documents of the Jordanian Israeli Peace Treaty, (1994), *Journal of Palestine Studies*, Vol 5, No 20, p. 187.

had the view that the vacuum of sovereignty might tempt Israel to annex the Muslim holy shrines to its Ministry of Religions; and thus Jordan's position is placing such shrines under Jordan's tutelage to be transferred to the Palestinian state when it is established with East Jerusalem as its capital.¹⁸⁴

The Jordanian government reaffirmed its position in a decision dated July 28, 1994. The government proclaimed that Jordan will continue to be legally and administratively responsible for the Muslim holy shrines in Jerusalem, given the special attention attached to the city, the surrounding threats, and concerns over annexation by Israel, which might capitalize on the state of sovereign vacuum¹⁸⁵. Obviously, Jordan has never had the intention to annex any part of East Jerusalem, nor has it had any special goals in the holy city. The Palestinian concerns regarding the Jordanian position had been removed, and the Palestinians were reassured of Jordan's transparent role in Jerusalem. Shortly afterwards, President Mahmoud Abbas and King Abdullah II signed on March 31, 2016 an agreement in which Abbas has committed to a special Jordanian role in caring for holy shrines in Jerusalem, reaffirming the King's Custodianship over Holy Sites in the city.¹⁸⁶

4.7 Jerusalem in the Taba Accord 1995

The Taba Agreement (also known as Oslo II) is built on the foundations of the Declaration of Principles (Oslo I). The Oslo II Accord was first signed in Taba, Egypt by PLO and Israel on September 24, 1995, and then three days later (September 28, 1995), it was signed

¹⁸⁴ Al-Hadid Mahmoud (2015). *Jordan's current and future policies toward Jerusalem in light of the settlement projects*. A Master Thesis, Middle East University, p. 96.

¹⁸⁵ Ibid, p. 97.

¹⁸⁶ Abdullah Kanaan (2011). *Jerusalem and the Hashemite Dynasty* (in Arabic). Amman: Royal Commission Publications on Jerusalem Affairs. P. 195.

by the Palestinian side and the Israeli side in Washington DC. The agreement defined the relationships between Israel and the Palestinian Authority, including: security arrangements, legal affairs, economic relations, elections, and transfer of civil affairs to the Palestinian Authority.¹⁸⁷

The Taba Accord divided the West Bank into three administrative divisions. Areas A (full civil and security control by the PA) includes seven Palestinian cities (Jenin, Qalqiliya, Tulkarm, Nablus, Ramallah, Bethlehem and Hebron). Area B (Palestinian civil control and joint Israeli-Palestinian security control) includes West Bank towns and villages. Area C (full Israeli civil and security control) includes all settlements, outposts and declared state land. The agreement provided for ways that the Palestinians from the West Bank, Gaza and Jerusalem can participate in the internationally-supervised elections.¹⁸⁸

The Taba Accord set May 4, 1996 as the date for the commencement of final status negotiations on issues not addressed by the Declaration of Principles: Jerusalem, refugees, settlements, security arrangements, borders, mutual relations and cooperation with neighboring states and other issues of common concern.¹⁸⁹

Taba Agreement mentioned Jerusalem only as part of the West Bank. Paradoxically, Israel has never recognized that Jerusalem is part of the West Bank territory captured in 1967.

¹⁸⁷ Abu Nahl Osama Muhammad (2011). *The Negotiating Position of President Yasser Arafat at the Camp David Summit* (in Arabic). A Paper presented at Yasser Arafat Conference, November 15-17, Gaza, P .6.

¹⁸⁸ United Nations (2008). *The Question of Palestine and the United Nations*. Retrieved from <https://unispal.un.org/pdfs/DPI2499.pdf>

¹⁸⁹ The Israeli-Palestinian Interim Agreement (Oslo II), Article 31, Item 5.

What's more, the Accord helped Israel tighten its control over Jerusalem. Clause 6 of Article 31 therein states that neither party would be deemed to have renounced or waived any of its existing rights, claims or positions. This is unequivocally in line of Israel's position that Jerusalem is the eternal capital of Israel.¹⁹⁰ The agreement has not defined any guarantees that prevent Israel from taking action to change the status of Jerusalem. Oftentimes, Israel has grabbed every single opportunity to expropriate land and build settlements to strengthen the city's status as the capital of Israel.¹⁹¹

4.8 Jerusalem in the Beilin-Abu Mazen Document 1995

The Beilin-Abu Mazen Document (also known as Abbas-Beilin Plan) is an unofficial understanding between Palestinian negotiators headed by Mahmoud Abbas (Abu Mazen), secretary of the Executive Committee of the PLO, and Israeli negotiators headed by Yossi Beilin, a minister in Israel's Labor government at the time. The negotiations continued for around 12 months in some European capitals, sponsored by the Swedish government. The talks culminated in drafting a written document containing understandings on the core issues of the final status. The proposal was never formally adopted, because of the assassination of Yitzhak Rabin. The document was never formally published, but it found its way into circulation when Yossi Beilin avowed it in a statement published in all Hebrew newspapers on July 31, 1996. Beilin made public the elements of the plan, which was expected to serve as "the basis for further negotiations and for a final status peace deal".¹⁹²

¹⁹⁰The Israeli-Palestinian Interim Agreement (Oslo II), Article 31, Item 6.

¹⁹¹The Israeli-Palestinian Interim Agreement (Oslo II), Article 31, Item 7.

¹⁹² A personal interview with Ghassan Khatib, December 13, 2016, Ramallah.

The document dedicated an Article for Jerusalem. It acknowledged Jerusalem's unique spiritual and religious role for all three great monotheistic religions, and accordingly the parties agreed to guarantee freedom of worship and access to all Holy Sites for members of all faiths and religions without impediment or restriction. The Parties also recognized the special status and significance of the Old City Area for members of the Christian, Jewish, and Muslim faiths.¹⁹³

The document envisaged Jerusalem as an open and undivided city. The parties agreed that a reform of the current Jerusalem Municipal System and its boundaries would expand the present municipal boundaries of East Jerusalem to include Abu Dis, Eyzariya and Silwan. These will form Al-Quds, the sovereign Capital of the State of Palestine. The rest of the city– the existing municipal borders– as well as Ma'ale Adumim, Givat Ze'ev and Givon would form Yerushalayim, which the Palestinian side recognizes as the eternal capital of Israel.¹⁹⁴

The two parties agreed that the City of Jerusalem shall consist of the Joint Higher Municipal Council, two sub-municipalities– an Israeli sub-municipality, elected by the inhabitants of the Israeli boroughs, and a Palestinian sub-municipality, elected by the inhabitants of the Palestinian boroughs - as well as a Joint Parity Committee for the Old City Area. The two parties agreed that the Palestinian sub-municipality shall be responsible for the municipal concerns of the Palestinian citizens residing in the Old City Area and their local property, while the Israeli sub-municipalities shall be responsible for the municipal concerns of the Israeli citizens residing in the Old City Area and their local property. The two parties also agreed that

¹⁹³ The Beilen - Abu Mazen Document, October 31, 1995, Framework for the Conclusion of a Final Status Agreement Between Israel and the Palestine Liberation Organization, The Reut Institute, P 6.

¹⁹⁴ Ribhi Halum, (2011), The Beilen - Abu Mazen Document, Halum Journal, p p 2-3.

the two sub-municipalities would appoint a Joint Party Committee to manage all matters related to the preservation of the unique character of the Old City Area¹⁹⁵.

4.9 Jerusalem in the Wye River Memorandum 1998

Responding to the great pressures from the Arab and European countries, the United States worked to re-launch the Israeli-Palestinian negotiations, which reached an impasse following Netanyahu's win of the 1996 Knesset elections. The United States brokered a summit held from 15 to 23 October 1998 in Wye Plantation between the Palestinians and the Israelis. The summit produced a memorandum aiming at resuming the implementation of the 1995 Interim Agreement.¹⁹⁶

The agreement provided for the redeployment of Israeli forces from the West Bank. Accordingly, the PA will have complete or shared responsibility for 40 percent of the West Bank, of which it will have complete control of 18.2 percent, in exchange for Palestinian security measures and combating terrorism. Earlier, Yasser Arafat had sent Clinton a letter reaffirming that the Palestinian National Council had approved the nullification of the articles of the Palestinian Charter that incite violence or terror against Israel.¹⁹⁷

The agreement also reaffirmed Taba Accord's call for immediate resumption of permanent status negotiations on an accelerated basis. The two sides pledged to make a determined effort to achieve the mutual goal of reaching an agreement by May 4, 1999. The United States had

¹⁹⁵ Ibid, p p 7-8.

¹⁹⁶ Report by the Department of Archives and Information, Zaytouna Center for Studies and Consultations, Beirut, July 2012.

¹⁹⁷ -Carol Migdalovitz (2010). *Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy*. Congressional Research Service, p 50.

expressed its willingness to facilitate these negotiations¹⁹⁸. Again, there was a gap in the Wye River framework. Like its successors, the framework did not provide for instruments that can compel Israel to implement the earlier agreements.

4.10 Jerusalem in the Sharm El-Sheikh Memorandum 1999

Following the Labor Party's win of the Knesset elections, Ehud Barak became Prime Minister. The Palestinians and the Israelis met to break the deadlocked Israel-PA talks. They spent weeks of negotiations, which produced a memorandum (Wye II) signed on September 4, 1999. The two sides committed themselves to full and mutual implementation of the Interim Agreement and all other outstanding commitments and agreements concluded between them since September 1993¹⁹⁹. The two Sides also agreed to make a determined effort to conclude a Framework Agreement on all Permanent Status issues in five months from the resumption of the Permanent Status negotiations, and conclude a comprehensive agreement on all Permanent Status issues within one year from the resumption of the Permanent Status negotiations.²⁰⁰

To all appearances, Sharm el-Sheikh was only a reiteration of three agreements concluded before. Israel has always disavowed its commitments and planned to create time intervals between agreements, so that it could change the status on the ground and enhance its already superior stand, thus tightening the screws on the Palestinians when the final settlement negotiations commence. The agreement uses loose language about the final status issues, with no

¹⁹⁸The Wye River Memorandum, Article VI. Retrieved from <http://www.unsco.org/Documents/Key/The%20Wye%20River%20Memorandum.pdf>

¹⁹⁹Sharm El-Sheikh Memorandum, September 4, 1999. Retrieved from <http://www.jewishvirtuallibrary.org/the-sharm-el-sheikh-memorandum>

²⁰⁰-Carol Migdalovitz, Op. cit., p 50.

specific reference to the status of Jerusalem. Ehud Barak stated before the signing of the agreement that Jerusalem is the united and eternal capital for the Israelis. This statement had indeed outlined the general framework of the memorandum- what is allowed and what is not allowed.²⁰¹

4.11 Jerusalem in Camp David Summit 2000

It was at Camp David that the issue of Jerusalem was first officially raised by the parties, and it was the first time Israel allowed the Jerusalem issue to be on the negotiation table. No Israeli dared to do that: Rabin did not do that, neither Perez, nor Netanyahu, and neither did Barak before he came to power. As Jerusalem was on the agenda, the Camp David summit turned into a ‘Jerusalem summit’, with different Israeli, American, and Palestinian proposals. Based on the information drawn from Israel’s Prime Minister Ehud Barak during his meeting with US Coordinator for the Middle East Peace Process, Dennis Ross, in June 2000, the United States believed that the Palestinians and Israelis were very close to reaching a solution.²⁰²

Barak called US President Bill Clinton and told him that he would discard a number of interim steps– including withdrawal from the West Bank, release of Palestinian detainees and the transfer to Palestinian control of three villages abutting Jerusalem– if a trilateral summit (Israeli-Palestinians-American) was not convened.²⁰³ Barak thought that only by insisting on a single summit could all the necessary ingredients of success be present. The Palestinians considered the summit premature, as the gap between the two sides was still wide. However, in July 2000, US

²⁰¹Duloul Ahmed Fayege (2013). Jerusalem status in the Palestinian-Israeli Talks (in Arabic). *Al Bayan Journal*, Al Bayan Research and Studies Center, issue 319.

²⁰² Anab, Op. cit., p. 149.

²⁰³Nofal Mamdouh (2000). The Peace Process after the Second Camp David Summit (in Arabic). *Journal of Palestine Studies*, vol. 11, issue 43, p 86.

President Bill Clinton invited Israeli Prime Minister Ehud Barak and his negotiating team and the Palestinian President Yasser Arafat and his negotiating team to a series of off-the-record talks.

The US president's choice of the Camp David presidential retreat as a venue for the trilateral summit was a deliberate move for the evocation of the place that gathered U.S. President Jimmy Carter, Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin in the successful summit of 1978. Clinton also wanted to reach an agreement that concludes his second term as President of the United States. He wanted history to commemorate his name as the man who settled the most long-standing conflict in the twentieth century.²⁰⁴

Despite his predisposition to offer a lot in the summit, on the eve of his departure for Camp David, Barak resorted to the Israelis in a televised speech saying the Israeli red lines would not be transgressed: Jerusalem will remain united under Israeli sovereignty; Israel will never withdraw from all the Palestinian territories occupied in 1967; the major settlements (about 80 percent of the settler population) will be annexed to Israel; the Palestinian refugees will not be allowed to return to Israel; and no foreign army will be allowed to deploy west of the river.²⁰⁵

Arafat went to Camp David halfheartedly, for not to do so would have meant incurring America's anger; but he went doubtful of Israel's willingness to implement the signed agreements. Six years after Oslo Accords, there were more Israeli settlements, less freedom of movement, and worse economic conditions. Arafat also had mistrust of the United States as it did nothing when Barak reneged on his commitment to transfer the three Jerusalem villages to

²⁰⁴ Anab, Op. cit., p 149.

²⁰⁵ Israel's PM Barak Briefs Cabinet Prior to Camp David Summit, July 9, 2000, *Journal of Palestine Studies*, Vol 11, No 43, p 241.

the Palestinians. Moreover, Arafat's request for additional time to prepare for the summit went unnoticed. "For these reasons, Camp David seemed to Arafat to encapsulate his worst nightmares. It was high-wire summitry, designed to increase the pressure on the Palestinians to reach a quick agreement while heightening the political and symbolic costs if they did not."²⁰⁶

Before looking into the status of Jerusalem in Camp David Summit, it is important to shed light on some highlights of Jerusalem:

- East Jerusalem, subject to negotiations, has an area of 7.5 km² out of 71 km² (the area of larger East Jerusalem municipality), which comprises settlements and green zones, with Arab neighborhoods interspersed in between.
- East Jerusalem is engulfed with two settlement blocs: Jerusalem municipality with a total area of 330 km² of the West Bank area, and Jerusalem metropolis with 600 km² the West Bank land. These blocs constitute a huge reserve for future settlement expansion around Jerusalem.²⁰⁷ (See Figure 3 in the Annexes Section).
- The area of the Old City is only 871 dunums. In additions to the Holy Shrines, it has dozens of other holy sites, mosques, churches and monasteries. The holy places of a certain denomination might be in neighborhoods populated with other denominations. For example, the Way of Pain mostly runs through Muslim quarters. Approximately 210 dunums of the Old City's land is owned by the Islamic Waqf, while 250 dunums are property of Christian churches and monasteries. Around 170 dunums are state land, while 240 dunums are privately owned, mostly by Arabs (See figure 4 in the Annexes Section).

At the end of 1998, the city had a population of 32,488: 70 percent Muslims, 8.5 percent

²⁰⁶-Robert Mallegand and Hussein Agha (August 9, 2001). Camp David: the Tragedy of Errors. *The New York Review of Books*.

²⁰⁷Khalidi Waleed, (2001). *Jerusalem from the Pact of Omar to Camp David II* (in Arabic). Beirut: Institute for Palestine Studies, p 18.

Jews and 20 percent Christians. The Old City is Jerusalem's most densely populated area, and it has Jerusalem's lowest standard of living²⁰⁸.

4.11.1 The Israeli-American Alliance at Camp David

From the very beginning, and even before starting the talks, the Palestinians had in mind the sense of a bad faith Israeli-American alliance. It seemed as though Israel and the United States presented a unified front. The sense was reinforced by the fact that Clinton had acquiesced to Barak's terms for negotiations. The Palestinians were certain that Barak had enlisted the United States to his all-or-nothing approach, a peace deal for all interim and permanent issues.²⁰⁹

The composition of the American negotiating team aroused suspicion of the Palestinian negotiating delegation. The team comprised fifteen American officials, including the US president and the staff of the US State Department, with the American Jews making up two-thirds of the American delegation. Some Israelis admitted that they would have been infuriated if Arab Americans had made up two-thirds of the American delegation. Worse, many members of the delegation knew little about the Arab-Muslim world, and much less about cultural specificity.²¹⁰ Palestinians also saw the American attitude unfairly identified with the Israeli account. The Americans were in agreement with Israeli positions on most sensitive issue, such as the holy places. The Americans had always attempted to find deceptive legal frameworks for the Israeli claims without any consideration of how sensitive those issues were for Arabs and

²⁰⁸ Shragai Nadaf (2000). East Jerusalem: Jewish Settlement and Living Conditions (in Hebrew) (Elias Shofani, trans into Arabic). *Journal of Palestine Studies*, vol. 11, No. 43, p 54.

²⁰⁹ Nofal Mamdouh (2000). The Peace Process after the Second Camp David Summit (in Arabic) *Journal of Palestine Studies*, vol. 11, No. 43, p 88.

²¹⁰ Swisher, Op. cit.,

Muslims. For example, during a Jerusalem negotiating session, the Americans asked the Palestinians to allow Jews to pray inside the Islamic Waqf, which includes the Holy Shrines in the Haram al-Sharif. These proposals do not take into account the procedures generally respected by the two parties; by virtue of these procedures Jews and non-Muslims are not allowed to perform prayers in the Al- Aqsa Mosque. The Americans were not aware that non-Muslim prayers in that place may offend Muslims all over the world.²¹¹

Equally biased was the American proposal that the Palestinian abandon their frequent demand for sovereignty over East Jerusalem in exchange for Israel's abandonment of its demands for a buffer zone on the western border with Jordan.²¹²

More often than not, the Americans presented Barak's negotiating positions as rock-bottom red lines beyond which Barak could risk his political position. Clinton was following with the polls in Israel, and his concerns were revealed to the Palestinians. When they first met, Clinton asked Arafat about his minimum positions on the two hottest issues: Jerusalem and the refugees. Arafat replied that Barak must first recognize the right of return for refugees. He also said that East Jerusalem is for Palestinians and West Jerusalem is for the Israelis. Clinton replied that Israel would not give up sovereignty over East Jerusalem and that Barak has a lot of problems with Jerusalem, and as such he couldn't go back²¹³. The Americans abandoned the principles for negotiations between the Palestinians and the Israelis, so that Camp David Summit for the Palestinians was a test of will rather than a negotiation summit.

²¹¹ Haniyeh, Op. cit., p. 80.

²¹² Haniyeh, Op. cit., p 31.

²¹³ Swisher, Op. cit.,

4.11.2 The Palestinian Account on Jerusalem Status at Camp David

Palestinians demanded sovereignty over all of East Jerusalem, in accordance with UN resolutions, including the western wall of Al-Aqsa Mosque (Al-Buraq Wall), which is an Islamic Waqf. The Palestinian argument was based on the resolution reached by the British Fact-Finding Shaw Commission, established to investigate Al-Buraq revolution in 1929. The Commission acknowledged that the Wall belongs to the Muslim Waqf, while the Jews are allowed to pray by it as long as they do not use the Shofar. As a sign of showing respect for the Jewish faith, the Palestinian side at Camp David was ready to allow Jews to pray there.²¹⁴

The Palestinian position was based on the historic right to Jerusalem and the Haram al-Sharif. The Palestinian side insisted that Holy City comprises the Old City and its gates, Al-Mosrara, Sheikh Jarrah, Jabal Mukaber, Saladin Street, Wadi Al-Jawz, Al-Tur, Silwan and Ras Al Amoud. They argued that UN resolutions apply to these areas as well as to all occupied Palestinian territories.²¹⁵

For the issue of settlements in East Jerusalem, the Palestinian side demanded that these settlements be part of the land swap between the Palestinian state and the State of Israel and within a comprehensive peace deal. The Palestinians did not want a one-to-one swap (See Figure 5 in Annexes Section); the swap for them must take into account the location of the swapped land and its role in building the Palestinian national capacity and enabling the Palestinians to

²¹⁴ Abbas Mahmoud (July, 2000). A lecture on the Camp David negotiations. *Journal of Palestine Studies*, Volume 12, Issue 45-46, p. 177.

²¹⁵ A personal interview with Fuad Hallaq, October 17, 2016, Ramallah.

establish their own State.²¹⁶ “The issue of land swap was a strategic mistake by the Palestinian delegation at Camp David, because it gave Israel an excuse for settlement expansion in the West Bank and Jerusalem under the cover of land swap.”²¹⁷

The Palestinian side gave another proposal for Jerusalem: an open city with a cooperative structure of the Palestinian municipality and the Israeli municipality in terms of services and infrastructure. However, this proposal has some risks. According to Khalil Tafakji, Director at the Mapping and GIS Department of the Arab Studies Society in Jerusalem, “The open city proposal will create two problems. First, East Jerusalem economy is way behind its counterpart in West Jerusalem. Second, it is unclear which side will have sovereignty over the 1 km² Old City.”²¹⁸

4.11.3 The Israeli Position on Jerusalem Status at Camp David

The Israeli proposals put forward in the Jerusalem negotiations were all counterproductive. First, their arguments were based on myths, a theological argument that is bunk and mere fabrication. Second, Israel has yet to recognize the Palestinian right and thus failed to deal with the Palestinians as partners in peacemaking. Third, the Israelis also rejected any mention of an international reference (such as UN Security Council Resolution 242), holding on to their superstitious claims²¹⁹.

²¹⁶ International Peace and Cooperation Center (2005). *Jerusalem in the Future: Scenarios and a shared vision*, pp 46-47.

²¹⁷ A personal interview with Mustafa Barghouti, February 8, 2017, Ramallah.

²¹⁸ A personal interview with Khalil Tafakji, October 3, 2016, Ramallah.

²¹⁹ Haniyeh, Op. cit., p 38.

4.11.4 Proposals for Jerusalem at Camp David

4.11.4.1 The Israeli Proposals

The first proposal was made on July 15, 2000 by Israeli negotiator Dan Meridor, who called for maintaining Jerusalem undivided under Israeli sovereignty, while giving the Palestinians municipal powers in the Palestinian neighborhoods of the city. Israeli negotiator Gilad Sheer outlined a different Israeli proposal: Israeli Yerushalayim municipality; and Palestinian Al-Quds municipality (with Abu Dis as its capital), which includes part of the Palestinian neighborhoods in East Jerusalem (See Figure 6 in Annexes Section).

The Palestinians turned down the two proposals. They envisaged two cities: West Jerusalem as the capital of Israel under Israeli sovereignty, and East Jerusalem as the capital of Palestine under Palestinian sovereignty, including the Old City, but excluding the Jewish Quarter and the Buraq Wall, excluding the adjacent excavations. They demanded full sovereignty over Al-Aqsa Mosque, but accepted the proposal that Israel annexes the Jewish settlements built in East Jerusalem after 1967.²²⁰

Postponing the discussion of Jerusalem status to the final status issues was in Israel's favor.

Before we went to Camp David, what was Jewish belonged to Israel and what was Arab belonged to Arabs. Following Camp David in 2000, Israel was given the opportunity to escalate its colonial activities aimed at altering the facts on the ground, all within an evil-intentioned program.²²¹

²²⁰ Anab, Op. cit., p 150.

²²¹ A personal interview with Khalil Tafakji, October 3, 2016, Ramallah.

4.11.4.2 The American Proposals

On July 17, 2000, Clinton, after coordinating with the Israeli team, conveyed to Arafat his offer for Jerusalem. The Muslim and Christian Quarters of the Old City would come under Palestinian sovereignty, while the Jewish and Armenian Quarters would fall under Israeli sovereignty. A committee made up of the UN Security Council and Morocco (in its capacity as chair of the Jerusalem Committee) would grant the Palestinian state sovereign custody of the Haram, while Israel would retain residual sovereignty. The Palestinians would have functional jurisdiction in what was called the inner neighborhoods. Jerusalem's outer neighborhoods would be under Palestinian sovereignty. The offer was in exchange for ending the conflict. Arafat turned down the offer.²²²

Another American proposal came to offer the Palestinians Palestinian sovereignty over East Jerusalem, except for the Jewish Quarter. The American proposal on Jerusalem was based on the Israeli theory of “the center, the circle and the periphery”, which divides Jerusalem into three areas. The first, the center, includes the Old City within the city walls. The second, the circle, consists of the neighborhoods adjacent to the Old City within 1 km² from the center. The third area, the periphery, comprises the neighborhoods and towns outside the center and the circle. The offer gives the Palestinians self-governing sovereignty in the periphery, while Israeli retains full sovereignty over the center and the circle, giving the Palestinians only functional sovereignty as well as a corridor to the sanctuary. The Americans developed the proposal to full Palestinian sovereignty in the periphery, an extended autonomy in the circle, and a local

²²²Al-Agha Rani Abdul Karim (2013). *The Israeli right-wing predisposition and its impact on the Jerusalem Issue 2000-2011* (in Arabic). A Master Thesis, Al-Azhar University, p 135.

administration or municipality in the center, thus denying the Palestinians political sovereignty in East Jerusalem.²²³

On July 18, 2000, Clinton conveyed to the Israeli delegation, headed by Barak, his view of the status in Jerusalem: Israel's withdrawal from most of the West Bank territory; dividing the Old City of Jerusalem into two parts; shared sovereignty over the Al-Aqsa Mosque; and allowing the Jews to perform prayers at the Haram al-Sharif. For the first time since the start of the Arab-Zionist conflict, Israel's sovereignty over the Haram al-Sharif was on the table. Ostensibly encouraged by Israeli public opinion polls (which showed opposition to the division of the city), Barak turned down the proposal. On July 19, however, Barak accepted the proposal, giving the Palestinians sovereignty over the Christian and Muslim neighborhoods, with guaranteed custodianship over the Haram al-Sharif, but the proposal was rejected by the Palestinians.²²⁴

4.11.5 Clintons Parameters

Before announcing the failure of the Camp David summit, Clinton presented a final set of proposals on July 23, known as the "Clinton proposals," which went far beyond international legitimacy and its parameters in the negotiations between the Palestinian and Israeli sides, particularly with regard to Jerusalem issue.

4.11.5.1 Proposal 1

Jerusalem's outer neighborhoods would be under Palestinian sovereignty. The Palestinians would have functional jurisdiction in what was called the inner neighborhoods (Musrarah, Wadi Al Joz, Sheikh Jarrah, Ras al-Amoud, Al-Tour, Al-Suwaneh, and Salah el-Din

²²³ Anab, Op. cit., p 152.

²²⁴ Abu Nahl, Op. cit., p 17.

Street). The Muslim and Christian Quarters of the Old City would come under Palestinian sovereignty, while the Jewish and Armenian Quarters would fall under Israeli sovereignty. A committee made up of the UN Security Council and Morocco (in its capacity as chair of the Jerusalem Committee) would grant the Palestinian state sovereign custody of the Haram, while Israel would retain residual sovereignty.²²⁵

4.11.5.2 Proposal II

Palestinian sovereignty will extend to the external neighborhoods of Jerusalem and will cover the internal neighborhoods of Jerusalem, and a special system will be adopted in the Old City the details of which will be agreed on. A committee made up of the UN Security Council and Morocco (in its capacity as chair of the Jerusalem Committee) would grant the Palestinian state sovereign custody of the Haram, while Israel would retain residual sovereignty. The Palestinian side rejected these proposals and demanded Palestinian sovereignty over the Haram, pointing out that these proposals on Jerusalem contradict with the Madrid and Oslo conferences and the resolutions of international legitimacy.²²⁶

The idea of denying Jerusalem within the walls of political sovereignty- focusing exclusively on its holy character- is not new. Adnan Abu Odeh, Chief of the Royal Court in Jordan since April 1992, proposed a joint council of Jews, Christians and Muslims to run the city. He depended on the assumption that the main holy places for the three faiths are clearly delineated: the Church of the holy Sepulcher for the Christians, the Western Wall for the Jews

²²⁵ A personal interview with Fuad Hallaq, October 17, 2016, Ramallah.

²²⁶ Anab, Op. cit., p 154.

and the Haram for the Muslims. Holy Jerusalem will not be an asset of any state, or any religion. He even proposed forbidding raising national flags within the walls.²²⁷

4.11.6 Determinants of the Israeli Position on the Future of Jerusalem

All American-Israeli proposals for Jerusalem are based on a false idea of unification. The foundations are so simple: Israeli military force; disregard for international law and UN resolutions; special status for the Jews at the expense of Christians and Muslims; belief in the Zionist narrative regarding the 1948 and 1967 wars; belief in Israeli claims; reliance on the Israeli accounts of the legitimacy of whatever measures Israel has taken; disregard of the Arab moral, political and heritage rights; denying any Israeli responsibility for actions conflicting with international law; and understanding the Israeli claims of sovereignty over the Haram al-Sharif, i.e. Jerusalem has no place for the weak.²²⁸

The issue of allowing the Jews to pray at the Haram al-Sharif has become a recurring Israeli demand, while for Israel, sovereignty over that area was unquestionable, not at all. As the Palestinians were all up against Israeli sovereignty over the Haram al-Sharif, the Americans pondered on their next step and ostensibly raised the stake by proposing an international body composed of the UN Security Council and Morocco (in its capacity as chair of the Jerusalem Committee) that would grant the Palestinian state sovereign custody of the Haram, while Israel would retain residual sovereignty. Later, the Americans moved a step forward, proposing what they termed “horizontal and vertical elements of sovereignty”, with the Palestinians maintaining

²²⁷Shragai, Op. cit., p 53.

²²⁸ Waleed Khalidi, Op. cit., p p 20-21.

horizontal sovereignty on the Haram al-Sharif itself, while Israel keeps sovereignty underneath the Haram.²²⁹

It seemed as though the Israelis would do whatever it took them to get rid of the Palestinian population of Jerusalem, while retaining the Palestinian land, or at best make their life miserable, eventually forcing them to leave their holy city.

The American and Israeli proposals featured a picture of a divided and fragmented city. The proposals involved many systems in Jerusalem neighborhoods. For example, what applies to Wadi Al Jouz would not apply to the Armenian Quarter. It was a call for the fragmentation of Jerusalem, which would fall under conflicting systems, leading to constant tension. At the same time, a system close to a functional self-rule was proposed for the neighborhoods (to be defined by Israel) inside Jerusalem, including Sheikh Jarrah, Suwana, Tur, Salah El-Deen Street, Damascus Gate, Ras Al-Amoud and Silwan. Palestinians would also have sovereignty over Issaweyeh, Shu'fat, Beit Hanina, parts of Qalandia, Turi, UmTuba, West Sawahreh, Kufr Aqab and Semiramis; most of these areas are not part of Jerusalem. In another proposal, the Americans suggested a sovereign compound for Arafat near the Haram in the Old City.²³⁰

4.11.7 Clinton's Desperate Attempts

Clinton tried in every possible way to persuade Arafat to accept Israeli sovereignty over the Haram al-Sharif. Clinton offered financial incentives in return for a preliminary compromise in the Jerusalem issue. Clinton envisaged Jerusalem as the price the Palestinians had to pay in

²²⁹ A personal interview with Fuad Hallaq, October 17, 2016, Ramallah.

²³⁰ Haniyeh, Op. cit., p 43.

exchange for peace, but Arafat told Clinton, “The Arab leader who would relinquish Jerusalem has not yet been born.”²³¹

Desperate for a breakthrough, Clinton tried to line up the support of key Arab leaders for his plan. He asked Egyptian President Hosni Mubarak, Saudi Crown Prince Abdullah, and Jordanian King Abdullah II to pressure Arafat to accept the proposal. However, they assumed the position that neither the Palestinians nor the Arabs nor the Muslims would support a treaty that gives the Jews sovereignty over the Muslim Holy places in Jerusalem.²³²

The gap between the two parties made it impossible to reach an agreement at the Camp David summit. The Israeli and American proposals for Jerusalem were unacceptable to Arafat and to most of the Muslim world. Despite Camp David Summit failure, the Israeli taboo on discussing the future of Jerusalem was broken.²³³

4.12 Jerusalem in Clinton Parameters, December 2000

As the Camp David summit concluded without agreement, in late December 2000, U.S. president Clinton mounted an effort known as the Clinton Parameters to bridge the gap between the Palestinians and the Israelis. The plan, which offered proposals for dealing with the Jerusalem issue, established an outline which considered, among other things:

- The general principle is that Arab areas are Palestinian and Jewish ones are Israeli. This would apply to the Old City as well.

²³¹ Swisher, Op. cit.,

²³² A personal interview with Mohammed Eshtayeh, August 25, 2016, Ramallah.

²³³ Joel Beinin and Lisa Hajjar (2001). *Palestine, Israel and the Arab Israeli Conflict: A primer*. Middle East Research and Information Project, p 11.

- The President urges the two sides to work on maps to create maximum contiguity for both sides.
- The dispute over the Haram is related to symbolic issues of sovereignty and to finding a way to accord respect to the religious beliefs of both sides.²³⁴

Clinton also proposed two additional formulations; both involved the presence of an international force that would establish mutual confidence:

1. The Palestinians will have sovereignty over the Haram and the Israelis will enjoy sovereignty over the Western Wall and the space sacred to Judaism of which it is a part. There will be a firm commitment by both not to excavate beneath the Haram or behind the Wall.
2. Palestinian sovereignty over the Haram, Israeli sovereignty over the Western Wall and shared functional sovereignty over the issue of excavation under the Haram and behind the Wall, such that mutual consent would be requested before any excavation can take place.²³⁵

The Palestinians rejected the plan because it implicitly recognizes Israeli sovereignty beneath the Haram. Clinton's parameters tacitly give Israel the right to dig behind the wall, the same area beneath the Haram. The Palestinians wanted answers on defining the Western Wall, its borders and extensions. In 1996, the Western Wall extended to include the tunnel Israeli Prime Minister Netanyahu opened. The Palestinian response also focused on the argument that the

²³⁴International Peace and Cooperation Center (2014) Jerusalem, *Jerusalem in the Future: Scenarios and a shared vision*, p 48.

²³⁵ Clinton Parameters, December 23, 2000. Retrieved from <http://www.multaqa.org/pdfs/2000%20clinton%20parameter.pdf>

Israeli settlement policy in East Jerusalem would ultimately create Palestinian fragmented islands separated by Jewish settlements, while Israel would be able to maintain geographical contiguity.²³⁶

Clinton's parameters counted the status Israel had atrociously created for 33 years a benchmark for reaching a solution. Clinton seemed to take it for granted that the Palestinians would enter into talks on the basis that what is Jewish is for Israel and what is Arab is for the Palestinians, who were expected to accept silently, like rams, Israel's annexation and confiscation of large swaths of their land to construct illegal colonial settlements.

4.13 Jerusalem in the Moratinos Document 2001

As Camp David negotiations ran their course and reached a deadlock in July 2000, closely followed by the outbreak of the second Palestinian intifada in September 2000, the European Middle East Process envoy Miguel Moratinos and his team prepared a document after consultations with the Israeli and Palestinian sides, present at Taba in January 2001. Although the paper had no official status, it was acknowledged by the Palestinians and the Israelis as being a relatively fair description of the outcome of the negotiations on the permanent status issues (territory, Jerusalem, refugees and security) so as to find ways to come to joint positions. At the same time, the document recognized the existence of serious gaps and differences between the two sides, which would have to be overcome in future negotiations.

²³⁶Letter from Arafat to Clinton, 27 December 2000. Retrieved from https://en.wikisource.org/wiki/Letter_from_Arafat_to_Clinton,_27_December_2000

Section II of the document was devoted to the status of Jerusalem in the negotiations. The document addressed the issue from different angles:

1. **Sovereignty:** Both sides accepted in principle the suggestion of having a Palestinian sovereignty over Arab neighborhoods and an Israeli sovereignty over Jewish neighborhoods. The Palestinian side affirmed that it was ready to discuss Israeli request to have sovereignty over East Jerusalem Jewish settlements that were constructed after 1967, but not Jabal Abu Ghneim and Ras al-Amud. The Palestinian side rejected Israeli sovereignty over settlements in the Jerusalem Metropolitan Area, namely of Ma'ale Adumim and Givat Ze'ev.²³⁷

The Palestinian side understood that Israel was ready to accept Palestinian sovereignty over the Arab neighborhoods of East Jerusalem, including part of Jerusalem's Old City. The Palestinian side also understood that the Israeli side accepted to discuss Palestinian property claims in West Jerusalem. The Israeli side also understood that the Palestinians were ready to accept Israeli sovereignty over the Jewish Quarter of the Old City and part of the Armenian Quarter.

2. **Open City:** Both sides favored the idea of an Open City. The Israeli side suggested the establishment of an open city whose geographical scope encompasses the Old City of Jerusalem as well as an area defined as the 'Holy Basin' or 'Historical Basin'. The Palestinians asserted that the open city is only acceptable if its geographical scope encompasses the full municipal borders of both East and West Jerusalem.²³⁸

²³⁷ The Palestinian-Israeli Camp David Negotiations and Beyond. Source: Journal of Palestine Studies, Vol. 31, No. 1 (Autumn 2001), pp. 62-75.

²³⁸ Ben Ami shlomo (2009). *A Guide to Documents on the Arab-Palestinian/Israeli Conflict*. Brill.

3. **Capital for two states:** The Israeli side accepted that the City of Jerusalem would be the capital of the two states: Yerushalayim, capital of Israel and Al-Quds, capital of the state of Palestine. The Palestinian side expressed one concern, namely that East Jerusalem is the capital of the state of Palestine.

4. **Holy/Historical Basin and the Old City**

As for the religious sites in the Old City, the Israelis held to the unwavering stance, denying any Palestinian sovereignty. Israel proposed deploying a special police force regime, and raised its concern regarding the area conceptualized as the Holy Basin (which includes the Jewish Cemetery on the Mount of Olives, the City of David and Kivron Valley). The Palestinian side confirmed that it was willing to take into account Israeli interests and concerns provided that these places remain under Palestinian sovereignty. Another option for the Holy Basin, suggested by the Israeli side, was to create a special regime, a form of internationalization for the entire area or a joint regime with special cooperation and coordination. The Palestinian side turned down all of these ideas.²³⁹

5. **Western Wall**

Both parties accepted the principle of respective control over each side's respective holy sites (religious control and management). However, there remained a dispute regarding the delineation of the area of the Western Wall. The Israelis held that their sovereignty should cover the entire segment termed 'Western Wall'.

6. **Al- Haram al-Sharif**

Both sides reported progress on practical arrangements regarding evacuations, building and public order in the area of the compound. An informal suggestion was raised that for an agreed period such as three years, Al-Haram al-Sharif would be under sovereignty of the UN

²³⁹ Ibid.

Security Council's five permanent members plus Morocco (or other Islamic presence), whereby the Palestinians would be the "Guardian/Custodians" during this period. At the end of this period, either the parties agree on a new solution or agree to extend the existing arrangement. Neither party accepted or rejected the suggestion.²⁴⁰

4.14 Jerusalem in Sari Nusseibeh-Ayalon Statement of Principles, June 2002

On September 27, 2002, Ami Ayalon, the former Director of Israel's domestic security service (Shin Beth), and Sari Nusseibeh, PLO representative in Jerusalem and president of Al Quds University, released a set of principles for an Israeli-Palestinian peace. Their plan dealt with final status issues, such as Jerusalem, borders, refugees and security. Both sides envisaged Jerusalem as an open city, the capital of two states. Freedom of religion and full access to holy sites will be guaranteed to all. Arab neighborhoods in Jerusalem will come under Palestinian sovereignty, and Jewish neighborhoods under Israeli sovereignty. Neither side will exercise sovereignty over the holy places. The state of Palestine will be designated 'Guardian of the Haram' for the benefit of Muslims. Israel will be the 'Guardian of the Western Wall' for the benefit of the Jewish people. No excavation will take place in or underneath the holy sites.²⁴¹

The initiative dealt with Jerusalem on a geographical and demographic basis with regard to residential neighborhoods and on religious grounds in relation to religious sites. The Statement gave the Israeli occupation the right to stay in Jerusalem and the Jews the right to freely perform their religious rites in the Holy City.

²⁴⁰ -Abdel Monem Said Aly (2001). Hot Bargaining: the Middle East. *Journal of International Affairs*, Vol. 6, No. 2, p 7.

²⁴¹ Sari Nusseibeh-Ayalon Statement of Principles, 27 July 2002. Palestinian National Information Center. Retrieved from <http://info.wafa.ps/atemplate.aspx?id=4892>

4.15 Jerusalem in the Road Map 2003

The collapse of the Camp David II negotiations in 2000 and the ensuing failure to reach a formula for ending the Palestinian-Israeli conflict, the outbreak of the Palestinian intifada, and the Palestinian threatening of unilaterally declaring statehood have all changed the US administration's view of the Palestinian leadership in its interest in a permanent deal. The Americans became convinced that the Palestinian leadership— in its structure, ideology, style and political orientation— can no more serve the new American strategy of expanding alliances in the Middle East and ending conflicts that affect its national interests. The Clinton proposals at Camp David were meant to test the stated willingness of the Palestinians to go the extra mile in putting an end to the conflict. The Palestinians proved that the least they could accept is way higher than the best the Americans and the Israeli can give. What is more, the American attitude toward the Middle East, particularly the Palestinian-Israel conflict, had significantly changed following September 11, 2001.²⁴²

According to Adel Samara, the Road Map came only 3 months after the United States invaded Iraq. Voices then came from the United States calling the U.S. administration to hammer out a peace initiative that could appease the anti-American sentiment in the Arab region.²⁴³

The Roadmap for peace was articulated in a speech of U.S. President George W. Bush on June 24, 2002. The European Union, Russia and the United Nations welcomed the initiative in

²⁴² Ahmed Qusay (2009). *The United States under George W. Bush and the Democratic Transition in Palestine* (in Arabic). Beirut: Al-Zaytouna Center for Studies and Consultations, p p 116-117.

²⁴³ A personal interview with Adel Samara, December 22, 2016, Ramallah.

two ministerial statements by the Quartet. The Palestinian Authority accepted the Road Map, while the Israeli government approved the Roadmap with 14 reservations.²⁴⁴

In its reservation No. 9, Israel insisted that there will be no involvement with issues pertaining to the final settlement. Among issues not to be discussed: settlement in Judea, Samaria and Gaza (excluding a settlement freeze and illegal outposts), the status of the Palestinian Authority and its institutions in Jerusalem, and all other matters whose substance relates to the final settlement.²⁴⁵

The roadmap was a three-phase plan. The first phase of the implementation plan- ending in May 2003- calls for ending violence and terrorism, improving the life of Palestinians and building Palestinians institutions. The plan's second phase (June-December 2003) is a transitional period. In the third phase (2004-2005), the plan envisages bilateral negotiations aimed at a permanent status solution.

The road map was a general framework for the settlement of the Palestinian-Israeli conflict. The plan proposed clear phases, timelines, target dates, and benchmarks for a settlement, negotiated between the parties. This would result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel. The settlement would resolve the Israel-Palestinian conflict, and end the occupation that began in 1967, based on the foundations of the Madrid Conference, the territory-for-peace principle, UN

²⁴⁴ Malandi Maher (2009). The Roadmap: Theory and Practice. *Damascus University Journal for Economic and Legal Sciences*, vol. 25, issue 2, p. 392.

²⁴⁵ Israel's roadmap reservations, (2003), *Journal of Palestine studies*, Vol 14, No 55, p 164.

Security Council Resolutions 242, 338 and 1397²⁴⁶, and the initiative of Saudi Crown Prince Abdullah – endorsed by the Beirut Arab League Summit – calling for acceptance of Israel as a neighbor living in peace and security.²⁴⁷

For the first time, the conflict is approached on security-performance grounds. The plan depicts the conflict as a crisis of security and concerns of reforms. The root causes of the conflict– undeniably between an occupier and occupied people– were totally undermined. The international law and UN terms of reference for conflict settlement were deliberately put aside by the United States, which instead focused on the security issue, thus giving Israel good reasons to continue its violence for alleged reasons of preserving its existence. By so doing, the US administration made conflict settlement contingent on bringing about security reform and democratic transformation.

The roadmap is a plan formulated by the United States in cooperation with the European Union, Russia and the United Nations Secretariat. The Quartet was given the role of monitoring the implementation of the reforms, making progress towards the implementation of the roadmap and flow of external aid contingent on progress in the reform process and the recommendations and reports of the ad hoc commissions.

²⁴⁶Resolution 1397 was adopted on 12 March 2002 by the UN Security Council. The Council demanded an end to the violence that had taken place between the Israeli and Palestinian sides since the beginning of the Intifada in September 2000. The resolution called for a two-state solution to the conflict.

²⁴⁷The performance-based and goal-driven roadmap. Retrieved from <http://www.un.org/News/dh/mideast/roadmap122002.pdf>

Regarding the status of Jerusalem, the old plans returned in new attire. The best the roadmap could do was making references to the issue of Jerusalem in such a way that would only further the Israeli account. The roadmap calls for a negotiated resolution on the status of Jerusalem that takes into account the political and religious concerns of both sides, and protects the religious interests of Jews, Christians, and Muslims worldwide. These new guidelines might have given the Israelis the opportunity to press for additional demands that the previous UN resolutions did not give, thus weakening the Palestinian negotiating position. The plan urges Israel to reopen Palestinian Chamber of Commerce and other closed Palestinian institutions in East Jerusalem. The statement does not necessarily mean all other closed institutions, and therefore Israel can claim, for example, that this phase I item does not mean reopening the Orient House.²⁴⁸

The roadmap proposed clear phases, target dates and benchmarks aiming at progress through reciprocal steps by the two parties in the political, security, economic and fields. The plan established a timeline for implementation. However, progress will require and depend on the good faith efforts of the parties, and their compliance with obligations outlined in the roadmap. Still, it remains unclear how the Palestinians could build confidence with Israel— a party that has always failed to meet its obligations, giving blows to international law whenever it has the opportunity to do so.²⁴⁹

One of the main drawbacks of the road map was its ambiguity when it comes to delayed issues, such as Jerusalem, refugees, settlements and borders. The plan assumes that the

²⁴⁸Shikaki Khalil and Aisha Ahmed (2003). *A prelude for international trusteeship or a path towards a Palestinian independent sovereign state: preliminary observations on the Road Map plan* (in Arabic). Ramallah: Palestinian Center for Policy and Survey Research.

²⁴⁹ Malandi, Op. cit., p 396.

Palestinians are able to resolve the core issues, and as such it embroils them in a phased performance-based cooperation before settling the core issues. In hindsight, the plan should have addressed the core issues before delving into less important, peripheral details, which, if common sense was to prevail, should have been understood as supplementary to the final settlement. In doing so, the planners have undermined what counts as fundamental issues in return for interim gains.

4.16 Jerusalem at Annapolis Conference 2007

The summer of 2007 saw the US administration engaging in sustained, high-level diplomacy to address the Palestinian-Israeli conflict. US President George W. Bush extended invitations for the Annapolis Conference that was held on November 27, 2007 in Annapolis, Maryland. The Conference aimed to revive the peace process and restart negotiations on the final status issues that previous administrations had postponed for so long. Bush wanted the two parties to plan for a two-state solution: Israel and a viable Palestinians state.²⁵⁰

Yet, the Bush initiative did not take into account how much the situation has changed in Palestine, Israel and the Middle East. Not only were there few attractive diplomatic options, but the building blocks of any diplomatic effort had disintegrated. The Palestinian leadership was split. There were two rival governments, one of which rejected political negotiations with Israel; while the other, the Palestinian Authority in the West Bank, was looking forward to resuming the negotiation process, and for that it made direct steps— obviously meeting 85 percent of its commitments in the road map. Palestinian institutions were highly politicized, deeply divided,

²⁵⁰Ottaway, Marina, et. Al. (2008). *The New Middle East*. Washington: Carnegie Endowment for international Peace, p 23.

often incompetent, and frequently near collapse.²⁵¹ Israel, on the other hand, did not stop settlement activity, implemented only 13 percent of its obligations in the road map, and did not return to its pre-September 2000 deployment. And yet, the US administration mobilized its diplomacy to convince the Palestinians that the Ehud Olmert's government was an honest peace partner.²⁵²

Despite the gloomy outlook, Israeli Prime Minister Ehud Olmert and Palestinian President Mahmoud Abbas met in Annapolis and reached a joint statement in which they pledged to engage in ongoing negotiations to conclude an agreement before the end of 2008. They also agreed to develop a joint action plan and form negotiating teams to address all issues, including the final status issues. The two parties pledged to immediately carry out their obligations under the performance-based roadmap that would lead to a permanent settlement based on the two-state solution.²⁵³

Jerusalem was particularly present in Mahmoud Abbas speech at Annapolis: “It is also my duty to say that the destiny of Jerusalem is a key issue in any peace treaty we reach. We want East Jerusalem to be our capital– a capital where we will have open relations with West Jerusalem and where we will guarantee for believers of all religions the freedom to practice their

²⁵¹ Ibid, p 25.

²⁵² Hamad Jawad (November 30, 2007). The Results and Implications of the Annapolis Conference on Middle East Peace. Interview with Radio Monte Carlo.

²⁵³ Joint Statement of Understanding between Abbas and Olmert 27 November 2007. *Journal of Palestine Studies*. <http://www.palestine-studies.org/sites/default/files/uploads/files/Annapolis27-11-2007.pdf>

rituals and to have access to the holy sites without discrimination and in accordance with international humanitarian law.”²⁵⁴

Ehud Olmert told the audience that he came from Jerusalem for peace, believing that the two parties would be able to arrive at an agreement that would fulfill the vision of “two states for two peoples, a peace-seeking Palestinian state, a viable, strong, democratic and terror-free state for the Palestinian people; and the state of Israel, Jewish and democratic.” Olmert did not mention any thing about the borders of the two states, leaving the issue to the bilateral talks.²⁵⁵

The issue of Jerusalem was raised in the bilateral meetings between Ehud Olmert and Mahmoud Abbas. In a bid to negotiate a peace accord, Olmert proposed a plan to Abbas. One center piece of Olmert's detailed proposal for the final status settlement was Israel's annexation of settlements within the boundaries of annexation agreed upon as well as around Jerusalem. With regard to the Old City, Olmert suggested that it be governed by a kind of custodial committee, made up of five countries: Palestine, Jordan, Saudi Arabia, the U.S. and Israel, without any reference to the transcendental claims of sovereignty over the old city. The Palestinian side had reservations about Olmert's proposals, maintaining they would constrain the establishment of an independent Palestinian state that enjoys sovereign territorial continuity: the settlements of Ma'aleh Adumim, Giv'at Ze'ev and Jabal Abu Ghneim cut the continuity of the Palestinian state and control important water resources.²⁵⁶

²⁵⁴ Abbas Speech at the Annapolis Summit. Retrieved from <http://www.haaretz.com/news/the-full-text-of-olmert-abbas-speeches-at-the-annapolis-summit-1.234081>

²⁵⁵ Abdul-rahman Abeer (2015). The Impact of Israel's Jewishness on the Future of the Palestinian Cause. *University of Sharjah Journal*, Volume 12, No. 1, p 20.

²⁵⁶ International Peace and Cooperation Center, Op. cit.

President Bush succeeded in holding the Annapolis Conference, claiming it aimed at establishing a viable Palestinian state. The facts prove otherwise: isolated Palestinian cities/towns with corridors surrounded by settlements and bypass roads linking settlements to Israel; and an envisioned demilitarized Palestinian state linked to Israel militarily and economically and bound by constraining obligations. When he set the stage for the conference, Bush was indeed drafting support to his war against extremists, as well as courting moderate Palestinians and US-aligned Arab states. Bush saw it convenient to achieve many things at a blow: forging a plan that spares Israel violent resistance or a third intifada in the West Bank and Gaza; covering the American failure in Iraq and Afghanistan; wooing Arab states support for the Palestinian Authority's efforts to the fight against 'terrorism'; bringing security to Israel at the expense of the Palestinians; encouraging the Palestinian Authority in the West Bank to implement the road map; isolating Hamas; and turning the Palestinian-Israeli conflict into a conflict between moderate Palestinians and extremist Palestinians.²⁵⁷

Bernard Lewis²⁵⁸ wrote in the Wall Street Journal that the Americans should view the Annapolis Conference and its results only as a tactic aimed at strengthening the alliance against the Iranian threat, facilitating the fragmentation of Arab and Islamic states, and pushing the Turks, Kurds, Arabs, Palestinians and Iranians to fight each other, as America did with the Red Indians before.²⁵⁹

²⁵⁷Jawad, Op. cit.

²⁵⁸ Bernard Lewis, adviser to George H. W. Bush and George W. Bush for the Middle East, is a British Jew orientalist, the mastermind for the project that would split the 56 Arab and Muslim states into 88 smaller states based on ethnicity, religion and sects. His plan was published by the National Defense Magazine on May 20, 2005.

²⁵⁹ Al-Kilani Majid (2011). *The Cry of Bernard Lewis– Modern day Hay bin Akhtab* (in Arabic). Al-Kashif Center for Strategic Studies, p 90.

4.17 Jerusalem Under the Netanyahu Government (2009-current)

Benjamin Netanyahu was elected prime minister of Israel in 2009, and as of this writing, he has been prime minister. Netanyahu took a hard line in the negotiations on Jerusalem and final settlement issues. His approach aimed to pressure the Palestinians to acquiesce to the fait accompli, and thus his government's negotiations with the Palestinians focused only on narrower daily issues.²⁶⁰ Netanyahu's negotiating strategy is based on 'settlement without reconciliation'. He simply does not want a peace deal; he wants a process without peace, and to play this out as long as possible. He has built his career by managing a conflict he envisaged would last for ages, and digging for parallel negotiating policies that make the form and conditions of negotiations more important than reaching a deal.

Netanyahu's approach to the conflict resolution is three-fold. The first pillar is breaking the boundaries between the interim solution and the final solution. The Israeli government has mixed things up by bringing to the table both interim and final stage issues in order to evade obligations. In the 2010 talks, Israel proposed interim ideas in the form of final solutions only to shuffle off the 'final impenetrable' issues. The Palestinian state in Netanyahu's world is one that is demilitarized, with no control over its borders, while Israel annexes settlement blocs and retains Jerusalem united under its sovereignty.²⁶¹

"Jerusalem is the eternal capital of Israel, and it will remain united. Jerusalem is not a settlement; it is the capital of Israel," Netanyahu said in a speech at the Bar Ilan University on June 15,

²⁶⁰Beni Jaber Hussein (2009). *The impact of the 2009 Israeli elections on the Palestinian-Israeli peace process* (in Arabic). A Master Thesis, An-Najah University, p 90.

²⁶¹Abu-Saif, Atef and Muhannad Mustafa (2011). *The Israeli-Palestinian Negotiations: from a problem of Occupation to an Issue of Recognition*. Ramallah: Madar Strategic Report, p 29.

2011²⁶². "I often hear them accuse Israel of Judaizing Jerusalem. That's like accusing America of Americanizing Washington, or the British of Anglicizing London," Netanyahu said in his speech at the UN General Assembly on September 24, 2011.²⁶³

The second pillar is perpetuating the conflict through a management plan. The Israeli right-winged parties, represented by Netanyahu, see the permanent solution as giving up "the land of Israel." Therefore, any talks involving the division of Jerusalem would mean the collapse of his government. Netanyahu has thus devised a set of policies designed to manage the conflict instead of resolving it- wielding his policy that understands negotiations as an end. Netanyahu frequently bragged that Israel is ready to enter into negotiations with the Palestinians. However, he was brilliant in creating excuses and setting preconditions (such as refusing settlement freeze and demanding Palestinians to recognize Israel as a Jewish state) would demoralize the other party as well as the American broker.²⁶⁴

The third pillar in Netanyahu's negotiation strategy is placing insurmountable obstacles, particularly his demand of recognizing Israel as a Jewish state. Netanyahu says that he will never drop his demand that the Palestinians recognize Israel as a Jewish state under any final peace agreement. For Netanyahu, Palestinian refusal to accept Israel as a Jewish state, not Israel's occupation, is the main roadblock to peace— for Netanyahu's recognition that the crisis lies in the occupation will put him in a face-to-face confrontation with the international community. The

²⁶² Abdul-rahman, Op. cit., p 19.

²⁶³ Ibid, p 19

²⁶⁴ Abu-Saif, Op. cit., p30.

safest solution for Netanyahu and his right-wing allies is to mix up things and broaden the scope of demands.²⁶⁵

Jerusalem status is a very complex and sensitive issue. The current Israeli government is moving ahead with the Judaization and isolation of Jerusalem by building more settlement units inside and around the city. The Netanyahu government has fanatically accelerated settlement construction inside and around Jerusalem, more than any government before.²⁶⁶

The Israeli incumbent government is not prepared to make concessions regarding the division of Jerusalem, for Netanyahu knows this will dismantle his coalition, consisting of extreme secular right-wing as well as Orthodox religious parties, which strongly reject any concessions. The Likud party- headed by Netanyahu- and other extremist parties always court settlers, who make up one of the biggest electorates. The Netanyahu government is seeking direct negotiations with the Palestinian side to avoid international pressure by showing that the Israeli government is serious about reaching a deal.²⁶⁷

Netanyahu has fulfilled the extreme right-wing goals of the settlement in Jerusalem. His government was able to boost Jewish majority in Jerusalem, such that the population percentages would be the decisive factor in any future agreement on the city. The government created facts that would thwart efforts of dividing Jerusalem and estrange the Palestinian rights in the city. The eastern part of the city is now encircled with Jewish settlements, effectively eliminating any

²⁶⁵ Ibid, p 28.

²⁶⁶ Beni Jaber, Op. cit., p 90.

²⁶⁷ Ibid, p 92.

likelihood of partitioning the city and isolating Arab Jerusalem geographically from the West Bank.²⁶⁸

These measures— consistent with the government’s vision of retaining Jerusalem as the unified, eternal capital of Israel— have conveyed a message to the Palestinian negotiator to the effect that the talks would be pointless. This begs the question whether the Palestinian-Israeli negotiations are leading us anywhere. Meaningful conclusions can take hold. That the Palestinian negotiator could not make any significant gains is one. That the Israeli occupation was not serious about any proposal during the 25-year long negotiations is another. That the Israeli side has used negotiations to implement its plans of Judaizing Jerusalem and its holy sites is a third.

²⁶⁸ Al-Agha, *Op. cit.*, p 141.

Chapter Five

Israeli Policies Toward Jerusalem Since the Start of the Palestinian-Israeli Peace Process and Islamic/Arab/Palestinian Policies as Juxtaposed to the Israeli Policies

5.1 Israeli Policies Toward Jerusalem Since the Start of the Palestinian-Israeli Peace Process

5.1.1 Israeli Policies Towards Jerusalem From 1993 to 2006

5.1.1.1 The Impact of the Separation Wall on Jerusalem

5.1.2 Israeli Policies Towards Jerusalem from 2006 to 2009 (the stage of building Greater Jerusalem)

5.1.3 Israeli Policies Towards Jerusalem From 2009 to 2020 (from Greater Jerusalem to Metropolitan Jerusalem)

5.1.4 How Israeli Policies in Jerusalem Paid off

5.2 Islamic/Arab/Palestinian Policies as Juxtaposed to the Israeli Policies in Jerusalem

5.2.1 Faisal Hussein-led Action

5.2.2 Palestinian Policies After the Death of Faisal Hussein and the Closure of the Orient House

5.2.3 Palestinian Faltering Performance in Jerusalem

5.2.4 Question marks over PA's Performance in Jerusalem

Chapter Five

5.1 Israeli Policies Toward Jerusalem Since the Start of the Palestinian-Israeli Peace Process

The Madrid Peace Conference in the Middle East (October 1991) brought out in the open the occupier's policy toward Jerusalem in particular, and the occupied territories in general. Israel reckoned its catalyzed changes on the ground over 25 years of occupation were not satisfactory. Following the signing of Oslo Agreement on September 13, 1993, which deferred the question of East Jerusalem until the final status negotiations, the Likud government, with approval from the Labor Party, expedited settlement activities, thus increasing the number of settlers by 100 percent. Before Oslo, Jerusalem settlers were only 146436. Later, Israel did not miss a beat: violating Palestinian rights to development and progress, confiscating land inside and around Jerusalem and tightening the Israeli military grip on the city. These atrocities had enabled the occupier to increase its settler population within the city to around 310000 by 2016. The assumption was so simple: an imbalanced geographic and demographic fait accompli would definitely make it all the more difficult for the Palestinians to bring to the talks table an issue of a land where the Jews make up the majority of the population.²⁶⁹

²⁶⁹ Tsemel Leah & Mohammed Jaradat (1996). *The trap is closing on Palestinian Jerusalemites : Israel's demographic policies in East Jerusalem from the 1967 annexation to the eve of the final status negotiations*. Jerusalem : Alternative Information Center.

5.1.1 Israeli Policies Towards Jerusalem from 1993 to 2006

This decade saw Israel annexing additional Palestinian land in Jerusalem, as a part of the systematic policy of Judaization. Israel started moving full steam ahead on building outposts inside Arab neighborhoods, using numerous laws and methods. All Arab neighborhoods became a victim of confiscation and land takeovers by the Israeli occupation and extremist Jewish organizations, such as Yeshiva Ateret Cohanim and Elad, which are directly, or indirectly, supported by occupation authorities to seize the Arab houses in order to secure a controlled corridor between Damascus Gate and the Wailing Wall, thus invalidating any possibility of dividing the old city should a peace deal is concluded.²⁷⁰

Not only did the Israeli occupation demolish the historic Islamic Al-Magharba Quarter and replace the Palestinian citizens with Jewish settlers, but it also expelled large numbers of Arabs from Al-Bashura and Al-Silesleh Neighborhoods, and destroyed a large number of mosques, poorhouses, hospices and religious schools, all had religious and historical significance. Loan financing was also a tool Israel operated subtly to help it drive out Palestinian population. Mizrahi-Tefahot Bank has offered loans to Arab Jerusalemites to renovate their old houses under apparently preferential conditions. Defaulting helped the bank foreclose properties, which were later transferred to the Jews; in other words, properties were confiscated under a legal cover.²⁷¹

The Israeli violations in the Holy city have been too many to be estimated. Therefore, I have chosen to mention some of them in order to give a broader picture of the city's situation—

²⁷⁰Tafkaji Khalil (25-26 June, 2008). Judaization of Jerusalem - a programmed policy (in Arabic). A paper presented at the Second Jerusalem International Conference in Support of Jerusalem (Jerusalem-Beirut-Gaza), p 50.

²⁷¹Jadba Fawzi (2011). Israeli Settlement in East Jerusalem 1967-2009 (in Arabic). *Al-Aqsa University Journal*, vol. XV, No. 2, p. 114.

created by the Israeli wide-scale, systematic campaign to make Jerusalem the eternal capital of Israel, a city with Arab Minority.

Therefore, since the 1990s, with the launch of the peace process, the Jerusalem municipality proposed a plan for Judaizing the so-called ‘Holy Basin, consisting of the Old City and its adjacent territories, such as Sheikh Jarrah, Wadi al-Jawz in the north, Al-Tur Neighborhood in the east and Silwan in the south. The Israeli Judaization plan includes the establishment of a historic city simulating the one in the biblical description, which is claimed to be under Al-Aqsa Mosque, Silwan and parts of the Muslim Neighborhood in the old city²⁷². Failing to find any of Jewish sacred remains on the surface of the ground, Israel started excavating beneath the ground in an attempt to rewrite history from its perspective without historical proof. Hebrew names were given to these excavations which take place in nine different locations in the old city and its surrounding area; the most important of which are Bab al-Mughrabi, Bab al-Amud and Silwan excavations.²⁷³

Two Israeli extremist organizations, Shabad and Fahlin, manipulated the land registration process which date back to the British Mandate, which enabled them to put hand on 14.5 dunums in Ras Al-Amud Neighborhood. The construction of 133 settlement units started in 1998. Currently, construction is underway to build a mall, a Jewish synagogue, a kindergarten and a medical facility. In 2006, Israeli government began the construction of police premises on expropriated Palestinian land under ‘Public Purposes’ cover. The right-wing ‘Burkhan’

²⁷²Jad Ishaq, Rubina Ghattas et al. (2014). *Population and Developmental Needs in Jerusalem Governorate* (in Arabic). Jerusalem: ARIJ, p 74.

²⁷³Hindi Alian (2009). The Future of East Jerusalem According to the Israeli Vision (in Arabic). A paper presented at the 10th Jerusalem Day Conference, An-najah University, Nablus, p 46.

Committee made a deal with Israel Police Inspector General, Moshe Karadi, to turn the police department to a residency place. By this, the police building became the foundation stone for the new Israeli settlement Maale Davidin Ras Al-Amud Neighborhood.²⁷⁴

In July 2005, the Construction and Organization Committee of Jerusalem Municipality approved the construction of 30 settlement units and a Jewish synagogue in Bab Al-Sahira inside the Muslim Quarter of the Old City. American Jewish millionaire Irving Moskowitz, in cooperation with the Ateret Cohanim settler association, presented to Jerusalem Municipality Organizing Committee a scheme for East Jerusalem Israelization. The plan asked the Municipality to demolish Shepherd Hotel in Karm Al-Mufti Neighborhood, Sheikh Jarrah, and to build 90 settlement units, a synagogue, a kindergarten and a hotel on 40 dunums.²⁷⁵

In Silwan, south of Jerusalem, Israel drove out many Palestinian families living in 40 residential units to make a room for Israeli settlers. It also changed name of Al-Bustan Neighborhood into Ir David (The City of David).²⁷⁶

In 2005, the Israeli High Court of Justice approved the construction of an 1860-dunum Neve Zion settlement, in addition to building 475 settlement units, a hotel, a kindergarten, a shopping center, a gym, a public park and a synagogue on Jabal Al-Mukaber, and the surrounding villages.²⁷⁷

²⁷⁴ Jad, Op. cit., p p 71-72.

²⁷⁵ Ibid, p 70.

²⁷⁶ Ibid, p 73.

²⁷⁷ Ibid, p 75.

That phase aimed at isolating Jerusalem from the rest of the occupied West Bank, enhance the Israeli sovereignty over it, and create a marginalized Palestinian minority that can no longer sovereignty. The champion for that phase was Ehud Olmert, the mayor of Jerusalem. In 1993, he started planning for "Great Jerusalem" based on Jerusalem Master Plan 2000. The planners wanted to create contiguity between Jewish settlements outside the municipal boundaries to those inside the city to secure a Jewish majority of 88 percent. This physical change was meant to alter the demographic composition and cut the contiguity of Palestinian communities, ultimately establishing a *fait accompli*.²⁷⁸

This Israeli policy was translated into establishing a 'new Jerusalem' outside the city. Israel's forward escape entailed the expansion of settlement activities outside Jerusalem towards three directions:

- Northern settlements bloc is intended to separate Jerusalem from the northern West Bank. Israel built many settlements (such as Neve Yaakov, Pisgat Ze'ev and Ramat Polin) to isolate Jerusalem from Ramallah and Al-Bireh.
- Southern settlements bloc (such as Jabal Abu Ghneim and Gilo) has separated Jerusalem from the southern West Bank (Bethlehem and Hebron).
- Eastern settlements bloc (particularly Ma'ale Adumim) has strangled the city and eliminated the likelihood of Palestinian expansion to the east. Apart from these three

²⁷⁸ Tafakji Khalil (2016). The development of Jerusalem borders by expulsion and replacement (in Arabic). Retrieved from <http://www.aljazeera.net/home/print/6c87b8ad-70ec-47d5-b7c4-3aa56fb899e2/51cbb0ad-870c-4688-b655-7d8474b1ee19>

major blocs, many colonial settlements are carefully built to engulf the city from all directions.²⁷⁹

In 1994, Yitzhak Rabin, Israel's Prime Minister, announced the launch of E1, the biggest settlement enterprise in the vicinity of Jerusalem (See Figure 7 in the Annexes Section). The project established an industrial zone on 1 km², 3910 housing units for settlers, 5 big hotels (3000 rooms)²⁸⁰ and police premises. This project locked the eastern side of Jerusalem, encircled Arab neighborhoods (Anata, Tur, Hazma, Issawiya and Abu Dis) and connected eastern settlements outside Jerusalem to those inside the city through streets and tunnels, thus turning Arab villages into isolated enclaves surrounded by settlements. This project was a significant contribution to establishing Greater Jerusalem (600 km² or 10 percent of West Bank area). One goal of the project is to link Maale Adumim settlement in the east with Etzion settlement in the south-west by a highway, which swallowed all the lands along and dismembered Arab neighborhoods.²⁸¹

Through settlement, Israel seeks to create new facts that cannot be changed by a political decision; and by so doing Israel has aborted any possible solution with the Palestinians. Israel also uses settlements as a bargaining chip that gives it leverage over the Palestinians. Settlement in Jerusalem is also a practical expression of Zionist racism. New immigrants are given space in the settlements built in the West Bank, and not within Israel, which is a furtherance of a colonial enterprise.²⁸²

²⁷⁹ Baroud, Op. cit., p 607.

²⁸⁰ Masarwa, Op. cit., p 145.

²⁸¹ Baroud, Op. cit., p 608.

²⁸² Jadba, Op. cit., p 112.

5.1.1.1 The Impact of the Separation Wall on Jerusalem

The idea of building a segregation wall is very old, dating back to 1923, when Ze'ev Jabotinsky published two articles titled "The Iron Wall" and "The Need for Constructing the Iron Wall". In 2002, Israel began construction on the furthest reaching and most permanent of its physical impediments; the separation wall/barrier, extending for 850 km, including 168 km in Jerusalem, which Israel called the "Jerusalem envelope". The wall completely isolates Jerusalem from its Palestinian surroundings and creates a Jewish environment free from Arabs.²⁸³ The wall follows a winding route that sometimes separates Arab populated areas inside Jerusalem and oftentimes annexes nearby Jewish settlements. "Israel gradually created a municipal area several times its earlier size. It also established new urban settlements outside the municipal boundary to surround the city, break contiguity between East Jerusalem and the West Bank, and strengthen links between these settlements, West Jerusalem and the rest of Israel." ²⁸⁴

The East Jerusalem is an instrument designed to achieve the Judaization of Jerusalem by reducing the number of Palestinians in the city. The Wall has isolated more than 21 Palestinian villages and communities to the north-west of Jerusalem (Bir Nabala, Jadira, Jib, Beit Hanina al-Balad, Nabi Samuel, Beit Nuba, Beit Liqya, Beit Ijza, Beit Anan, Beit Sira, Khirbetah al-Mishbah, Beddu, Beit Surik, Al-Kubeiba, Beit Iksa, Qalandiya al-Balad, and Khirbat Umm al-Llahm). Some were surrounded totally by walls and fences; and people had to move through iron gates in the wall and tunnels built especially for this purpose. In the east and south, 13 Palestinian communities were encircled by the barrier (Al-'Eizariya, Abu Dis, Sheikh Saad,

²⁸³ Hindi, Op. cit., p 44.

²⁸⁴ International Crisis Group. *The Jerusalem powder keg*. Middle East Report No. 44, August 2, 2005, p.3.

Khallet al-Nu'man, Husan, Wadi Fukin, Nahalin, Jaba'a, Khirbet al-Barr, Walajah, Khirbet al-Nu'man and Rachel's Tomb).²⁸⁵

Apart from the malicious Israeli policies against Arab Jerusalemites (neglect of infrastructure, demolition of houses, closure of institutions, drug promotion among young people, and restriction of construction), the apartheid wall has exacerbated the already-declining socioeconomic conditions: increased poverty rate; spread of drug addiction; increased school dropout rate, more crimes, moral decline and decadence. Finding themselves stranded and separated from their neighborhoods, thousands of families moved to the city, which put pressure on housing units that are already suffering from high population density. People's mental health is also affected by shared, unhealthy housing, where the individual begins to lose his/her private space. Life in an overcrowded environment increases the suffering of children and family members, often leading to increased divorce, incest, delinquency and drug abuse.²⁸⁶

The Wall, which is 8 meters high and 72 kilometers long around Jerusalem, has forced many Palestinians to move and change their places of residence for different reasons: reaching work, allowing children to continue their schooling, or maintaining the privileges of the Jerusalem ID. The result was catastrophic: more than 250,000 Palestinian Jerusalemites are now living in complete isolation²⁸⁷

²⁸⁵ Hindi, Op. cit, p 44.

²⁸⁶ A personal interview with Khalil Tafakji, October 3, 2016, Ramallah.

²⁸⁷ Tafakji, Khalil (1997). Settlement in the City of Jerusalem (in Arabic). *Journal of Arab Studies*, Volume 8, No. 31, p. 61.

5.1.2 Israeli Policies Towards Jerusalem From 2006 to 2009 (the stage of building Greater Jerusalem)

According to Jeff Halper (2002)²⁸⁸, the goals of such a Greater Jerusalem were obvious: the construction of a Greater Jerusalem extending far into the West Bank could strengthen the settlement presence, secure Israeli domination over the entire central portion of the West Bank, and prevent the establishment of a viable Palestinian state. The project will expand Israel's territorial control and boost its demographic majority in order to Judaize the city ensure the inner ring would isolate the Palestinians within the city from the West Bank.

The project also aims to create Jewish neighborhoods contiguity, reduce friction with the Arabs, maintain Jerusalem's special status as the capital of Israel and as a global city, and connect settlements outside the municipal boundaries with corridors. The project will bring 100,000 secular Jews every year to live in Jerusalem (to reduce the Orthodox proportion), disrupt the contiguity of Palestinian territories and divide the West Bank into three cantons.²⁸⁹

In 1995, the Israeli government adopted the Greater Jerusalem Master Plan that includes an outer ring of Israeli settlements (Har Adar, Givat Ze'ev, New Givon, Kiryat Sefer, Tel Zion), the settlements to the east of Ramallah, Ma'aleh Adumim, Israeli buildings in Ras al-Amud, Efrat, Gosh Etzion Bloc and Beitar Illit - extending over more than 300 km² of the West Bank.²⁹⁰

Transforming Greater Jerusalem from a city into a region would create an effective wedge between the northern and southern parts of the West Bank, breaking the territorial contiguity of any

²⁸⁸ Halper Jeff (2002). The Three Jerusalem's: Planning and Colonial Control. *Journal of Palestine Studies*, Vol 13, No 52, p p 162-163.

²⁸⁹ Tafakji (1997), Op. cit., p p 49-50.

²⁹⁰ Halper, Op. cit., p 162.

Palestinian state and controlling Palestinian movement, thereby rendering a state non-viable and sovereignty a hollow fabrication. A Greater Jerusalem region would also deal a devastating blow to the prospects of an economically viable Palestinian state. While Palestinians may be granted a certain access to the city, a highly fortified Greater Jerusalem - thickly-settled by Israelis with transportation patterns and security measures planned to control rather than integrate the Palestinians - would neutralize Jerusalem as a locus of Palestinian social, cultural, and economic life. With around 40 percent of the Palestinian economy revolving around Jerusalem in the form of tourism, commercial life and industry, the removal of Jerusalem from the Palestinian realm would fatally compromise the viability of a prospective Palestinian state.²⁹¹

The Greater Jerusalem phase commenced side by side with constructing the Apartheid Wall around Jerusalem. The two projects sought the same purpose: making fundamental changes in geography and demographic composition and obliterating the Arab identity of Jerusalem. The envisaged Greater Jerusalem will stretch from Ramallah in the north to Bethlehem in the south and from the Dead Sea in the east to the Latrun Valley in the west. This would strangle East Jerusalem and cut it from adjacent Palestinian communities, thus ensuring Jewish majority.²⁹²

5.1.3 Israeli Policies Towards Jerusalem From 2009 to 2020 (from Greater Jerusalem to Metropolitan Jerusalem)

This stage comprises the construction of the Greater Jerusalem Metropolis with a huge area of 440 km², a project designed in 1998 by a government committee composed of seven general managers of Israeli ministries. The first draft was developed in 1993. Jerusalem will have boundaries stretching from the outskirts of Jericho in the east to Hebron in the south and from

²⁹¹ Ibid

²⁹² Baroud, Op. cit., p 613.

Shilo in the north to Beit Shemesh in the west. This plan aims to replace Tel Aviv-Gush Dan as the country's metropolitan with Jerusalem. The plan helped the government build the Holy Basin area through the construction of the Village of David and a national park near Silwan. The planners wanted Jerusalem to be the physical and spiritual center for the world's Jews.²⁹³

Settlement is a building block of the Zionist state, and it enjoys official support. In 2014, the Knesset Finance Committee approved additional NIS 20 million to finance security in East Jerusalem settlements. Israeli official sources estimate the cost of protecting each settler at NIS 30,000 per year. The expenditure on settlements security was NIS 7 million in 1991 and surged to NIS 51 million in 2010.²⁹⁴

The Jerusalem metropolitan project is designed to be a regional infrastructure for control over an area that would be annexed to Israel, extending beyond that to embody the occupation itself. It is part of a vast network of projects to control all the occupied territories, a testament to Israeli intentions to maintain a tight grip. About 75 percent of West Bank settlements, with major infrastructure facilities, are located within the borders of metropolitan Jerusalem.²⁹⁵

In these stages, Israel used six key strategies in East Jerusalem:

Judaization: Israel has sought to transform the physical, architectural and demographic landscape of East Jerusalem. Israel makes it almost impossible for Palestinians to get the requisite

²⁹³ Salem Waleed (2010). Jerusalem: Israel's annexation policies and the Palestinian counter action. Palestine Liberation Organization, Department of Jerusalem Affairs, Conference on Jerusalem: Present and Future, Al-Quds University, pp 123-124.

²⁹⁴ Darazi Bara'a & Ali Ibrahim (2015). *The Situation in Jerusalem 2014: A Reading in the Course of Events* (in Arabic). Beirut: Jerusalem International Foundation, p 15.

²⁹⁵ Halper, Op. cit.

construction permits, a process that might last 9 years with costs exceeding USD 20 thousand dollars. More often than not, the applications for building permits are rejected, which forces the Palestinians to build without a permit. The houses are then demolished or their owners are charged extortionate fines, often higher than the costs of construction.²⁹⁶

Israelization: The occupation has nurtured the lifestyle and culture of Israel in East Jerusalem. The occupation has Israelized the Palestinian economic, health and educational sectors in Jerusalem by linking them to the Israeli sectors. In educational institutions, Israel formed parents committees that are linked to the Jerusalem municipality and Israel's Ministry of Education.

Displacement: In an attempt to wipe out the Arab-Islamic identity of Jerusalem, the Israeli Ministry of Interior has taken many punitive measures. First, it stopped issuing permanent ID cards for Arab Jerusalemites, replacing them with temporary ID cards with an expiry date. Second, the Ministry revoked 18,824 Jerusalem ID cards between 1967 and 2012. This figure represents ID cards for family heads. Multiplied by the average family size, the true figure for all citizens is much higher. Third, tens of thousands of Arab Jerusalemites have had their permanent residency statuses revoked. In 2012, for example, residency was revoked from 4,577 persons. Fourth, applications for family reunification (spouses and children) are often rejected. In 2012, there were 809 applications for reunification (one application might include many family members), of which only 332 were accepted.²⁹⁷ Fifth, the Ministry closed down several Palestinian institutions in East Jerusalem following the Knesset passed the "Gaza-Jericho

²⁹⁶Tafakji Khalil (1994). *Israeli Settlements in the West Bank*. Jerusalem: Arab Studies Institute, p 31.

²⁹⁷Palestinian Central Bureau of Statistics, Palestine Statistical Yearbook 2014 (in Arabic), Ramallah-Palestine, December 2014, p. 193.

Agreement Implementation Law, which prohibits Palestinian political activities in East Jerusalem. Accordingly, Israel closed down 9 nine institutions, most importantly the Orient House, the Arab Chamber of Commerce and Industry, the Palestinian Prisoners Club, the Arab Society for Studies and the Jerusalem Institute for Planning.²⁹⁸

Replacement: Building new settlements and expanding existing ones on Palestinian confiscated land and vacated homes.

Isolation: Israel has operated an effective system for demeaning Jerusalemite Palestinians: employing them as cheap workers in West Jerusalem facilities; discriminating against them in services; forcing them to pay more than 20 percent of the Municipality income, while receiving only 5 percent of Municipality expenditure; maintaining a system that kept thousands of people undocumented (particularly children not registered in their parents' ID cards or spouses from the West Bank who live in Jerusalem); and isolating Palestinian neighborhoods by larger settlements.²⁹⁹

Expulsion: Israel has also operated a regime designed to drive out Arab Jerusalemites: imposing fines and levying a wide range of fees and taxes (Arnona tax, TV tax and the income tax). For the Israeli Tax Department, the City's Arab merchants are always frauds, and often the Israeli tax officials make fictitious estimates driven by racist sentiments. The estimates are based on

²⁹⁸Negotiations Affairs Department (2014). Changing the Character of Jerusalem (in Arabic), p.11.

²⁹⁹ Salem, Op. cit., pp 116-118.

unrealistic comparisons with Jewish merchants in West Jerusalem, without regard to the large gap between incomes in the two sides of the city.³⁰⁰

The occupation authorities have continued to enforce severe and discriminatory restrictions on Jerusalemites. Israel has never allowed Palestinian or Arab banks to operate in East Jerusalem since 1967. The Arab residents can hardly receive housing loans, and even when loans are available, the residents have to pay an arm and a leg for a building permit, with fees amounting to 40 percent of the cost of construction.³⁰¹

5.1.4 How Israeli Policies in Jerusalem Paid off

One of the consequences of Israeli policies was the expropriation of most of East Jerusalem. Between 1967 and 2015, Israel confiscated approximately 64 percent of the city's land. Today, about 80 percent of Palestinian Jerusalemites are criminals according to the Israeli law simply because they don't have the permits to build homes. When Palestinian Jerusalemites apply for building permits, they are rarely successful, and today there are around 44,000 Palestinian homes in Jerusalem that are illegal or unrecognized according to the Israeli law. Palestinian families pay more than NIS 50 million annually for Jerusalem Municipality as fines for unauthorized construction. Israel has taken all what it takes to change the demographic composition in East Jerusalem, and today Jews make up 43 percent of the city's population. The socioeconomic conditions of Arab population have deteriorated, and Palestinian neighborhoods are more of

³⁰⁰ The Palestinian Liberation Organization (2012). *Jerusalem: The Strategic Plan for the Development of the Arab Jerusalem* (in Arabic). Jerusalem: The Palestinian Economic Council for Development and Reconstruction, PEC DAR, p 23.

³⁰¹ Ibid.

slums– with poverty rate touching around 70 percent– very much like separate and scattered cantons with settlements dismembering the continuity of the Palestinian communities.

Geopolitically, Israel has blown up any possibility for establishing an independent Palestinian capital in East Jerusalem, which has turned into a bi-national city suffering an ongoing dispute over the Holy Basin, the Old City and the historical accounts.³⁰²

5.2 Islamic/Arab/Palestinian Policies as Juxtaposed to the Israeli Policies in Jerusalem

Jerusalem is at the center of the Middle East conflict. All Muslims, Arabs and Palestinians have spiritual connections to the Holy City. The Arab and Muslim position supports and is based on fundamental terms of reference: the PLO decisions, the Arab Summits and international legitimacy, particularly the resolutions of the General Assembly of the United Nations and the Security Council; all consider East Jerusalem an occupied territory.

Yet, ‘support’ is a very loose word. For around half a century, Arabs and Muslims have been talking so much but doing very little– all hat and no cattle. The reactions have been shy and always they would evaporate into thin air.

This state of apathy is well demonstrated by the indifference of the Organization of the Islamic Cooperation (formerly the Organization of the Islamic Conference). The Organization, consisting of 57 member states, was established on September 25, 1969, following the burning of the pulpit of Al-Aqsa Mosque on August 12, 1969 by the Zionist Dennis Rohn. The OIC has pledged to

³⁰² Jabbarin, Op. cit., pp 138-139.

support the struggle of the Palestinians and to empower them to attain their inalienable rights, including the right to self-determination, and to establish their sovereign state with Al-Quds Al-Sharif as its capital, while safeguarding its historic and Islamic character and the holy places therein. Restricting the role of the OIC to a mere support was meant to scale down any future obligations when real action against Israel might be needed.³⁰³

The 6th Islamic Conference of Foreign Ministers, held in Jeddah, Saudi Arabia from 12 to 15 July 1975, founded the Jerusalem Committee to combat Israeli policies in place to change the character of the city, Judaize it and drive out its Palestinian population. The Jerusalem Committee consists of fifteen Member States elected by the Ministerial Conference for a period of three years. The Committee convenes its meetings upon invitation of its chairman or the General Secretary. The tenth Islamic Conference of Ministers of Foreign Affairs, held in Fez from 8 to 12 May 1979, nominated King of Morocco chair of the Committee till Jerusalem is liberated. The Committee reports annually to the Islamic Conference of Foreign Ministers.³⁰⁴

The Committee has been something of a fizzle, with little to offer– a red herring that covers the failure of the Organization in dealing with the issue of Jerusalem. The Committee has failed to fulfill its minimum responsibilities. When the Committee was formed, the planners set its main objectives as studying the situation in Jerusalem; following-up with the resolutions adopted on Jerusalem by various international bodies and forums; contacting other international

³⁰³ Ohibeh Khadija (2010). *The position of the Organization of the Islamic Conference on the issue of Jerusalem* (in Arabic). A Master Thesis, University of Oran, Algeria, p 16.

³⁰⁴ Jadba Khadr (2005). *The position of the Organization of the Islamic Conference on the Palestinian Cause 1969-2000* (in Arabic). A Master Thesis, Islamic University, Gaza, p 35.

organizations that may help protect the Muslim and Christian holy places inside Jerusalem; defending the issue of Jerusalem in all international forums; preparing a full media plan showing religious, political, cultural, legal and historical significance of Jerusalem; defending the city of Jerusalem and its Muslim and Christian holy sites; and exposing the true face of the occupier: its annexation of land and property, its Judaization policies, its settlement activities inside and outside the old walls, its terror against civilians, and its policies aiming at strangling the city and clamping down on its religious and cultural heritage.³⁰⁵

The Jerusalem Committee also called on the Security Council to implement its resolutions regarding the protection of the status of Jerusalem. On August 20, 1980, the Security Council Resolution No. 476 reaffirmed that “the acquisition of territory by force is inadmissible.” It also expressed deep concern over Israel's ratification of the Basic Law on Jerusalem, and deplored Israel’s persistence on changing the physical character, the demographic composition and the legal status of the Holy City.³⁰⁶

The Jerusalem Committee called Muslim, Arab and European countries not to sign agreements with Israel in Jerusalem, not to pay the city official visits, not to conduct official talks in the city or present diplomatic credentials there.³⁰⁷

“They say with their tongues what is not within their hearts. When Jerusalem was declared the capital of Arab culture in 2009, the entire Arab and Islamic world paid USD 36 million,

³⁰⁵ Ibid, p 35.

³⁰⁶ Zuhairi Qasem (1983). Morocco and the Question of Palestine. *Dawaat Al-Haq Journal*, issue 232.

³⁰⁷ Jadba Khadr, Op. cit.

While Israel pays billions of dollars a year. They say “we stand by your side against Israel,” but this is mendacity.”³⁰⁸

The Organization of the Islamic Conference also established the Jerusalem Fund during the Seventh Conference of Foreign Ministers of Islamic States held in Istanbul on May 12, 1976 with the aims of preserving and maintaining the Arab character of the City of Jerusalem; combating the Judaization policy pursued by Israeli occupation authorities; supporting the struggle of the Palestinian people in Jerusalem and in the rest of the occupied territories; and renovating the Al Aqsa Mosque. The Fund is managed by the Jerusalem Committee and the General Secretariat of the Organization of the Islamic Conference. The administrative body raises funds from Islamic countries, contributions from the OIC Islamic Solidarity Fund and other donations. The 16th Conference of Foreign Ministers made the contributions to the Al Quds Fund and its Waqf fixed and mandatory, but many Arab and Islamic countries do not pay their shares.³⁰⁹

"The Palestinians alone cannot combat the world Zionist machine. One Jewish millionaire (Moskovic) pays to Judaize Jerusalem ten times as much as the Arab and Islamic countries do in support of Jerusalem. The Sirte Summit in 2010 pledged USD 500 million to support Jerusalem, of which only USD 34 million was disbursed.”³¹⁰

The Organization of Islamic Cooperation also pledged a financial safety net to enable the Palestinian Authority to fulfill its obligations towards Jerusalem. The fourth Islamic Summit in

³⁰⁸ A personal interview with Khalil Tafakji, October 3, 2016, Ramallah.

³⁰⁹ Ohibeh, *Op. cit.*, p 30.

³¹⁰ A personal interview with Mohammed Eshtayeh, August 25, 2016, Ramallah.

Mecca (2012) adopted a strategic plan for the development of Jerusalem, while the 12th Islamic Summit (2013), chaired by Egypt, called for an urgent donor conference to finance the development plan as well as the five-year plan (2014-2018). However, the sheer budget allocated for Jerusalem is a proof of the indifference toward the city, which casts doubt on the role of the Jerusalem Committee.³¹¹

"The Emir of Qatar pledged to support Jerusalem with USD 1 billion provided that we prepare an action plan. We spent USD 12000 for drawing an effective plan, which was later presented to the Emir and the leaders of the Islamic Nation at the Mecca emergency summit in 2012. Until now, we have not received one cent."³¹²

On the ground, the Palestinian-Israeli conflict in Jerusalem has remained asymmetrical in terms of balance of power as well as financial and military capabilities. It is a conflict between a will that is reinforced by an organized force and large financial resources, on the one hand, and attempts to survive within very modest resources, on the other— a conflict between a strong state and unarmed people with very simple means used for resilience.

The Palestinian positions have undergone many changes that have shaped the current Palestinian approaches. The early years after the occupation of Jerusalem witnessed a categorical rejection of all forms of participation and dealing with the Israeli authorities and their policies, even at the level of daily life services. The post-1990 period saw fundamental changes, with the Palestinians taking up pragmatism, based primarily on considerations of given circumstances and

³¹¹Nasser Nicola (2015). Al-Aqsa highlights the role of Morocco (in Arabic). Retrieved from <http://www.raiaiyoun.com/?p=318314>

³¹² A personal interview with Mohammed Eshtayeh, August 25, 2016.

factors toward the gradual materialization of the Palestinian presence. The Palestinians have become fully aware that what is happening in Jerusalem is a conflict which needs action: resisting Israel's policies, hindering its plans; minimizing losses; exposing Israel's racist practices and violations of human rights and the systematic infringement on United Nations resolutions; and monitoring the demographic composition of the city.³¹³

Timeline of Palestinian Anti-Occupation Policies

The first stage: 5.2.1 Faisal Hussein-led Action

The Orient House, Hussein Headquarters, was a guest house for politicians visiting Palestine. This helped portraying Jerusalem as the capital of the future Palestinian state. Hussein and his colleagues at the Orient House realized that steadfastness can only be maintained by strengthening the internal front, so they worked to solve the problems of Jerusalemites in order to maintain healthy socioeconomic conditions in the city.³¹⁴

The Orient House was an epitome of unification and a symbol of a sovereign institution—giving a home-like atmosphere for thousands of Jerusalemites seeking out support. The House extended help to the victims of the Israeli occupation, as it comprised departments dealing with as diverse issues as human rights, land and real estate, documentation of Israeli violations, youth, sports, social reconciliation, diplomacy and national forum. Overall, the House provided plans

³¹³Shabana Louay (2007). *Forty Years of Occupation, Forty Years of Aborting Development: Israeli Policies and their Impact on the Economic and Social Structure of Jerusalem* (in Arabic), Palestinian Central Bureau of Statistics, p 20.

³¹⁴Ruwaydi Ahmad (2015). Faisal Al-Husseini: A Different Jerusalem Experience in the Orient House (in Arabic). *Siyasat Journal*. Issue 33, p. 136.

and programs that could protect the educational, cultural, youth and social institutions of Jerusalem.³¹⁵

Husseini set an effective model of unified efforts. He was credited with calling for designing a sectoral development plan for Jerusalem in mid-1990s. That master plan defined the development needs of the city and the ways for sustainable development. The plan became the basis for all subsequent plans, in particular the sequel 2011 "Strategic Plan for Sectoral Development in East Jerusalem" prepared by the Palestinian Presidential Office in coordination with the European Union. The master plan has created sectoral regulatory frameworks for the Jerusalem institutions working in health, cultural, educational, social, sports, youth and economic services. Husseini's full bore efforts helped create the unified sectoral councils for development. He succeeded in linking development to political efforts in defense of land and holy sites. He also secured new funding sources from European, Arab and Islamic countries. Those funds were appropriated to support development and economic projects, buy real estate, build schools and support hospitals within the Holy City.³¹⁶ In short, Faisal Husseini led the battle for the defense of Jerusalem in theory and practice. The example that he set was remarkable and contributed much to shaping the character of Palestinian struggle in East Jerusalem.³¹⁷

The Second Stage: 5.2.2 Palestinian Policies After the Death of Faisal Husseini and the Closure of the Orient House

Faisal Husseini, a prominent national figure, died on May 31, 2001; and the Orient House, a symbol of national struggle, was closed down by Israel on August 18, 2001. These two factors

³¹⁵ Ibid, p 137.

³¹⁶ Ibid, p 138.

³¹⁷ Ibid, p 138.

marked a decline in social and political action. The resulting political vacuum led the Palestinian president to issue a set of decrees that set up national bodies and committees to manage the issues of the city.³¹⁸

The Palestinian effort at that stage was poorly organized, and direct support to the city's institutions was insignificant. The Palestinian resistance plans were way behind the action of the occupation. The Palestinian vision lacked well-defined methods, and the best the Palestinian leadership could do was high rhetoric solicitation of religious and national sentiments. A long term approach in the face of annexation did not exist, and Palestinian plans were short-term and fragmented, a form of unorganized reactions against the occupier's atrocities. Worse, some institutions implemented programs linked to external agendas. The Palestinian dereliction has given Israel a free permission to proceed with eating up the city and obliterating its Arab character.³¹⁹

5.2.3 Palestinian Faltering Performance in Jerusalem

There is much evidence that the Palestinian performance in Jerusalem was poor. The Palestinians failed to establish a unified official body of reference. Different bodies claim they have the right to represent Jerusalem, and some have conflicting views. It is the case that some people have appointed themselves curators on personal accounts. Today, there are three main bodies of reference:

³¹⁸ Razim Naela (2015). Palestinian Official Institutions and Reference Bodies in Jerusalem (in Arabic). A Paper presented at the Resistance Strategies Conference. Ramallah: Palestinian Center for Policy Research and Strategic Studies, p 281.

³¹⁹ Shabana, Op. cit, pp 21-22.

First, PLO institutions: A) The National Popular Conference for Jerusalem, which was established in 2008, B) The Department of Jerusalem Affairs, founded in 2009, holds conferences and workshops and organizes information activities on Jerusalem and its issues.

Second, PA institutions: A) The Jerusalem Governorate, established with the creation of the Palestinian Authority, whose functions are to maintain security, morality, order and security.³²⁰

B) The Ministry of Jerusalem Affairs: When Adnan al-Husseini, Governor of Jerusalem, became Minister of Jerusalem Affairs in May 2012, the Ministry and its staff moved to the governorate building in order to carry out their logistical tasks through the use of the Governorate offices, though the two bodies are supposedly administratively and financially independent. As they operate within the same building, their work is overlapped.

Third, Presidency and the Presidential Office institutions: A) The Supreme National Committee for Jerusalem, B) The former Jerusalem Affairs Unit in the President Office.³²¹

This chaos has had adverse effects on Jerusalem: giving rise to a crisis of trust between the PA and the Arab Jerusalemites and weakening Jerusalem resilience; let alone the other impediments arising from Israeli security restrictions on the PA action in the city; the lack of a well-defined national vision; and the meager budget allocated to the city.³²²

³²⁰ Masri Hani (October 26, 2016). Palestinian Performance in Jerusalem (in Arabic). A paper presented at the "Judaization of Jerusalem and the mechanisms of political and media confrontation" Workshop, Beirut.

³²¹ Razim, Op. cit, p 2.

³²² Masri, Op. cit, p 12.

5.2.4 Implications of Multiple Reference Bodies

First, the chaos has led to political and security constraints that have restricted the ability of the PA to intervene effectively in Jerusalem. This is particularly true as the PA has exaggerated commitment to the agreements signed with the Israeli side regarding Jerusalem, while Israel has always violated these agreements arbitrarily, particularly in Jerusalem.³²³

Second, it has also led to frequent presidential decrees that formed committees and bodies to manage the issues of Jerusalem. Often, these committees/bodies do not coordinate their efforts, which adversely affected the relationship between the Jerusalemites and the PNA institutions. The adverse effects on the city were categorical:

- Fragmentation of reference bodies and overlap of powers have weakened resilience of Jerusalem.
- The conflict over leadership took priority over the national issues of providing support, and the conflicting powers have started to vie for narrower powers at the expense of the main issue.³²⁴
- A crisis of trust between the Jerusalemites and the Palestinian Authority (with accusations of indifference) emerged.
- Lack of PA well-defined strategy for Jerusalem, with improvised, random efforts.
- The uncertain status of Jerusalem in the PA government structure signals the confusion in dealing with the Jerusalem file.
- Questions have been raised as to the reason why one person assumes two offices: the Governor of Jerusalem and the Minister of Jerusalem Affairs. This might create problems of

³²³ Ibid, p 12.

³²⁴ Razim, Op. cit., p 4.

responsibilities, delegation of tasks, accountability, vote of confidence/no confidence, and methods of expenditure.³²⁵

- The overlap between the Ministry and the Governorate creates administrative and financial problems, particularly in terms of operating expenses.
- At the service level, there is rising public resentment over the insignificant support the Ministry of Jerusalem Affairs allocates to the city. People have reported poor PA intervention, lack of transparency in targeting people in need and delays in providing subsidies.
- The budget allocated to support Jerusalem and its citizens is too small, while delays in disbursement are frequent.
- Housing grants given to Jerusalemites with demolished homes are insignificant and irregular.
- The process of providing housing grants and financial assistance to Jerusalemites is bureaucratic, complicated and lengthy. This is counterproductive for Jerusalem, especially in cases of emergency (land confiscation, house demolition, etc).³²⁶

Recent studies have suggested that the Palestinian population in Jerusalem should be supported in order to strengthen their resilience. The majority of Palestinian households in Jerusalem reported miserable conditions: 87 percent lack basic services, 85 percent are deprived of infrastructure development, 77 percent lack social security, and 73 percent needed jobs to build sustainable resilience. If anything, Arab Jerusalemites are trapped between Israeli arbitrary policies and poor official Palestinian intervention.³²⁷

³²⁵ Ibid, p 4.

³²⁶ Ibid, p 5.

³²⁷ Shabana, Op. cit., p 28.

5.2.5 Question Marks over PA's Performance in Jerusalem

The PA officially supports Jerusalem institutions, but many people still have questions on the mismanagement of the Jerusalem file. Zakaria Odeh, coordinator of Civic Coalition for Palestinian Rights in Jerusalem, said after meeting with senior Palestinian officials that he felt they were indifferent to the issue of Jerusalem. "The issue of defending Jerusalem has been left to individuals. This sometimes helped solve problems, but it was at the expense of more important issues, such as renouncing Jerusalem ID in exchange for Israeli citizenship."³²⁸

In an interview with Jadaliyya, a free electronic magazine, Ahmed Qurei, former Palestinian prime minister, said: "In a context where five reference bodies are responsible for Jerusalem, there is technically no reference. There is no single body responsible for Jerusalem issues and things always get confused. This is a fatal mistake."³²⁹

In addition to the problem of funding, institutions are leaving Jerusalem, and the remaining institutions are getting weaker. On the one hand, major donors have an undeclared policy of encouraging Jerusalem institutions' exodus in return for funds. On the other hand, a large part of funds from the European Union, for example, is wasted on seminars, official travels and conferences/symposia on Jerusalem.³³⁰

According to Fuad Hallaq, Israel has been creating facts on the ground since 1967. "The Palestinians should follow suit and do the same: securing housing for Jerusalemites and helping them in various areas. Israel spends billions of dollars in Jerusalem, while the funds that the PA

³²⁸ Hamdan Buthaina (2017). The Institutions of Jerusalem: A Financial embargo and poor performance by the PA and the PLO. *Journal of Palestine Studies*, Volume 28, No. 109, p. 163.

³²⁹ Ibid, p 163.

³³⁰ Ibid, p 164.

receives for supporting Jerusalem is rechanneled to other priority areas, such as Gaza. We feel sorry for Gaza, but we must understand that what comes for Jerusalem should be spent on Jerusalem.”³³¹

In an interview with Bothaina Hamdan³³², Abdul Qadir al-Husseini, Chairman of the Faisal Husseini Foundation, raised questions about funding: "Where do the funds go? "Why is Arab aid limited by boundaries, particularly when it comes to infrastructure projects that require Israeli permitting?" The city has changed dramatically. Following Oslo, he said, "Many Jerusalem institutions moved to the PA areas. Under Oslo Accords, the PA may not finance institutions operating in Jerusalem, and now aid goes directly to the PA coffers. The institutions opened bank accounts in the West Bank and they opened offices in Ramallah and Bethlehem so that they can obtain support from the PA. Worse, some Jerusalem institutions closed down due to lack of resources or because donor aid is conditional on opening bank accounts in the West Bank."

A large gap exists between the Israeli approach and the Palestinian approach to the Holy City. The Palestinian indifference is extremely terrible. First, it is quite odious to see the huge resources Israel lavishly spends to Judaize the city with the PA being that indifferent. Second, it is appalling that the PA remains silent at a time when Israel is speeding up its colonial projects within the city. While the occupation authorities allocate NIS 4 billion to Jerusalem annually, the Palestinian Authority earmarks meager NIS 25 million– the lowest budget allocated to ministries– largely to operational expenditure. Third, it is rather questionable how the PA can

³³¹ A personal interview with Fuad Hallaq, October 17, 2016, Ramallah.

³³² Hamdan, Op. cit., p 166.

neutralize the net loss arising from the Israel two-pronged approach: large spending and demolition of Palestinian homes and institutions. Fourth, the PA political discourse has fallen short of exposing the Israeli atrocities. Yet, the Arab Jerusalemites, who are being ethnically cleansed, have, without representative institutions, maintained steadfast attachment to their land and created a demographic bloc that has put a spoke in Israel's wheel.³³³

When the Palestinians signed the Oslo Accords and accepted postponing negotiations on Jerusalem to the final status talks, they had indeed released a barrage of ensuing mistakes. They failed to set Jerusalem on the PA's list of priorities, thus pushing its budgetary allocations to secondary places. Unlike PA's strict commitment to the Oslo Accords, Israel has always turned its back to that agreement. The Oslo Accords stipulate that neither side should take unilateral steps before a final agreement is reached, and yet Israel has seized every single opportunity to change the status in the occupied Palestinian territory, especially in Jerusalem. The PA had new excuse taking a hands-off approach, for under international law if a party fails to carry out its obligations under a treaty, the other party may seek from a competent international authority a declaration to the effect that the treaty has ceased to be binding upon it.³³⁴

The Palestinian leadership has taken a specific approach based on the tradition that the PA may not need to react each time Israel breaches its obligations. It appears that the leadership has reached the conclusion that what you lose in separate chunks in the interim period will be retrieved in bulk in the final stage, which was supposed to end in May 1999.³³⁵

³³³ Ibid, 167.

³³⁴ Masri, Op. cit., p 10.

³³⁵ Ibid, p 10.

The best the Palestinians can do to defend Jerusalem is calling Muslims to undertake religious journeys to Al-Aqsa Mosque. Jerusalem— a vibrant hub for art, culture, literature, politics and religion— is now only a destination for short religious visits by Muslims or for taking a picture in a historical place, and when the visit is over, they commiserate themselves with the adage “the Owner of this House is its Defender.”³³⁶

³³⁶ Hamdan, *Op. cit.*, p 163.

Findings

* The attempts to create a peace process with the potential for success and continuity must satisfy the basic conditions. The efforts must be based on honoring the rights and demands of the parties to the peace process. In this sense, it is impossible to assume that the peace between the Palestinians and the Israelis will pay off. While the PLO has recognized the existence of the State of Israel and its right to live in peace and security, the State of Israel denied the right of the Palestinians to establish their Palestinian state with East Jerusalem as its capital. The best that Israel could offer was recognition of the PLO as the representative of the Palestinian people. It is also impossible for the Palestinian side to achieve its objectives under the vast imbalance of powers with the Israelis. When the PLO decided to enter into negotiations with the Israeli side, the conditions of the negotiations were not favorable, as the PLO lacked the holding power that can force Israel to make adequate concessions.

* Israel has succeeded in detaching the peace process from its international dimension, excluding international references and denying international legitimacy, and dictating an Israeli reading of UN Security Council Resolutions 242 and 338. In their negotiations with the Palestinians, the Israelis based their demands on the Jewish mythological accounts as well as Israeli demands for security and peace. The Palestinian side was inexperienced in negotiating and lacked bargaining chips and adequate data. The negotiators were clumsy and rushed to recognize Israel before drawing out recognition of a Palestinian state with East Jerusalem as its capital. Such recognition should have been possible as all international resolutions recognize that the West Bank, including Jerusalem, and the Gaza Strip, are occupied territories.

* The Palestinian-Israeli negotiations failed to resolve the issue of Jerusalem. In the Oslo Accords, Israel managed to postpone negotiations on Jerusalem to the final status issues, in order to gain more time and opportunity for the Judaization of the city. After the Oslo Accords, Israel insisted to retain Jerusalem as its united eternal capital. In parallel, Israel worked carefully and systematically to change the physical character of the city, which would make it impossible for the Palestinians to talk about a capital in East Jerusalem.

* It was at Camp David (2000) that the issue of Jerusalem was first officially raised by the parties, and it was the first time Israel allowed the Jerusalem issue to be on the negotiations table. From the very beginning, and even before starting the talks, the Palestinians had in mind the sense of a bad-faith Israeli-American alliance. It seemed as though Israel and the United States presented a unified front (an alliance between the Zionist Movement and the Capitalist System). The Israelis wanted a favorable status for the Jews in the holy places of Jerusalem to the detriment of Arab political, religious and heritage rights in the city. The Israeli claim to the Al-Haram Al-Sharif has become a presupposition that is beyond negotiations. Worse, the Israelis also tried to convince the Palestinians of an alternative capital in the outskirts of Jerusalem (Abu Dis) with an international administration of the holy places, while Israel retains sovereignty.

* The official Palestinian position that East Jerusalem is the capital of the future Palestinian state slackened in Camp David when the Palestinian side accepted Israeli sovereignty over the Jewish Quarter, the Buraq Wall and part of the Armenian Quarter, as well Israel's annexation of some

settlements in East Jerusalem. The Palestinians proposed an open city at Camp David; yet no Palestinian knows what they meant by an open city.

* The issue of land swap was a strategic mistake by the Palestinian delegation at Camp David, because it gave Israel an excuse for settlement expansion in the West Bank and Jerusalem and ethnic cleansing against 1948 Palestinians under the cover of land swap.

* The postponement of the issue of Jerusalem to the final status negotiations was disastrous for Jerusalem. The facts on the ground have enabled Israel to propose 'realistic' solutions: what is Jewish is for Israel and what is Arab is for the Palestinians, thus denying the Palestinians the right to designing or planning their spaces in East Jerusalem.

* After the failure of the Camp David talks, the Israeli and American goals behind the peace process were to maintain Israeli security at the expense of the Palestinian people, to get the Palestinian Authority to fight 'terrorism', and to transform the conflict between an occupier and an occupied people into a conflict between moderates and extremists.

* Benjamin Netanyahu was elected prime minister of Israel in 2009, and since then, he has taken a hard line in the negotiations on Jerusalem and final settlement issues. His approach aimed to pressure the Palestinians to acquiesce to the fait accompli, and thus his government's negotiations with the Palestinians focused only on narrower daily issues. Netanyahu's negotiating strategy is based on 'economic peace' that is designed to disarm the revolutionary action, nurture a consumption culture among the Palestinians, drown them in debt and detach

them from their national cause. The right-wing government has announced that it was unwilling to make any concessions in Jerusalem or even maneuver around it in the negotiations.

* Following the Oslo Accords, which pushed the Jerusalem issue into final status negotiations, the Likud and Labor government expedited settlement activities, thus increasing the number of settlers within Jerusalem to around 310000 by 2016. Its annexation of land in and around Jerusalem left only 14 percent of the city to the Palestinians. Israel placed a tight military blockade on the city and changed its physical and demographic composition to exclude once and for all Jewish-dominated Jerusalem from any future negotiations. Judiaization efforts, meanwhile, have never stopped: building Greater Jerusalem (600 km² or 10 percent of West Bank area); planning Metropolitan Jerusalem, which aims to replace Tel Aviv-Gush Dan as the country's metropolitan with Jerusalem; and constructing the segregation wall, which has strangled East Jerusalem and cut it from adjacent Palestinian communities, thus boosting a Jewish majority.

* The geopolitical outcome of Israeli policies in Jerusalem has turned the city into dismembered cantons torn apart by Israeli neighborhoods and settlements, thwarting the creation of an ethnically harmonious Palestinian city and creating a fait accompli that would make it literally impossible to establish a Palestinian capital in East Jerusalem.

* The methodical Judaization processes were meant to establish a Jewish character in Jerusalem, making it impossible to discuss the future of the city under any future deal. The occupier has enclosed Arab Jerusalem with settlement belts designed to create economic, social and cultural barriers between Jews and Arabs in order to pressure the Arab population to leave Greater

Jerusalem, obliterate national culture and Judaize school curricula. These policies have created a demographic imbalance between the Israelis and the Palestinians and helped increasing the Israeli settlement expansion on the Palestinian land, leading to a new fait accompli under which the prospects for a settlement of the Arab-Israeli conflict became very fragile.

* The Arab and Islamic policies against Israeli policies cannot be relied upon. Arabs and Muslims have been talking so much but doing very little– all hat and no cattle. The reactions have been shy and always they would evaporate into thin air. The Jerusalem Committee is only an attempt to hoodwink the Palestinians, while the Organization of Islamic Cooperation is incapable of carrying out its minimum responsibilities.

* Many Arab countries do not pay their fixed contributions to the Jerusalem Fund, which supposedly aims at combating the Judaization policy pursued by Israeli occupation authorities.

* The Palestinian effort is poorly organized, and direct support to the city's institutions is insignificant. The Palestinian resistance plans were way behind the policies of the occupation. The Palestinian vision lacked well-defined methods, and the best the Palestinian leadership could do was high rhetoric solicitation of national sentiments. A long term approach in the face of annexation did not exist, and Palestinian plans were short-term and fragmented, a form of unorganized reactions against the occupier's atrocities. A large gap does exist between the Israeli approach and the Palestinian approach to the Holy City. While the occupation authorities allocate NIS 4 billion to Jerusalem annually, the Palestinian Authority earmarks meager NIS 25 million– the lowest budget allocated to ministries– largely to operational expenditure.

* All forms of occupation political control and sovereignty, and all the geopolitical changes that Jerusalem has experienced, will not estrange the legal sovereignty associated with the Palestinian historical rights in Jerusalem if the Palestinians are determined to combat the occupier's policies.

Recommendations

Informed by the previous findings, the study made a set of recommendations:

* It is important for the Palestinian leadership to evaluate the outcomes of the negotiations and reconsider the counterproductive negotiation process with Israel. It is time for the leadership to revisit its 20-year approach, which has proven to be unsuccessful for more than 20 years. Other options for resistance should be seriously considered.

* It is time to redress the balance of power by nurturing the spirit of resistance and supporting national steadfastness. It is important for the Palestinians to know that they are still struggling to win their legitimate rights, and that the conflict with the Zionist movement is still going on and did not stop during the negotiations. The Zionist enterprise has not fundamentally changed– a project based on ethnic cleansing, racial discrimination, politicide and strangling Palestinian space.

* The Palestinian side must deal with Israel as a state with disproportional powers, exposing the true face of the occupier. Israel has failed to carry out its obligations under the agreements, and therefore the Palestinians must understand that such agreements have ceased to be binding upon them.

* It is important to fathom the implications for the negotiations on Jerusalem. It is not enough to mechanically repeat that East Jerusalem is the capital of the state of Palestine. It is time to focus on the fact that East Jerusalem is a territory occupied in 1967, part and parcel of the larger Palestinian Cause. Therefore, planning for liberation and for Jerusalem as the capital of the future Palestinian state should start as soon as possible.

* The Palestinians have developed several strategic plans for Jerusalem, including sectoral studies. Yet, the problem lies in the mechanisms of implementation, credibility and clarity of references. Solving these problems is the first step towards a Palestinian strategy that maintains national, historical and religious rights in the city.

* The Palestinian side has access to adequate information about the political, geographical, demographic, economic, social, educational, and legal context of Jerusalem. However, it is still not fully aware of the adverse effects of this situation on the geopolitical landscape of the city. Today, the Palestinians have only 14 percent of East Jerusalem. Awareness campaigns targeting the Palestinians, Arabs, Muslims and international community are needed to expose the occupier's policies and advocate the Palestinian rights in East Jerusalem. Palestinians can build on UNESCO Resolution, which denied any Jewish connection to Al-Aqsa Mosque and Al-Buraq Wall.

* It is important to consolidate the Palestinian/Arab/Islamic efforts towards practical strategic planning (against Israeli policies) in order to support the steadfastness of the Arab Jerusalem.

This could be possible through allocating adequate funds that meet the needs and challenges facing the city.

* It is necessary to develop an institutionalized unified national reference body that can consolidate and coordinate efforts at the official and popular levels against the challenges facing the Holy City.

* It is important to empower the Palestinian institutions in Jerusalem, building on the potentials, strengths and available opportunities. It is quite encouraging that no single state in the world recognizes East Jerusalem as the capital of the State of Israel. Palestinians make up 90 percent of the population of the Old City, and their number is growing rapidly (from 255,686 in 2014 to 264,937 in 2016). Jerusalemites are strongly defending the holy places; impressive strides towards restoring Islamic holy sites have been taken; and one third of the education system in Jerusalem is still Palestinian.

* It is critical that the Palestinian leadership, the Arabs and Muslims support the Jerusalem NGOs that help in enhancing the resilience of the Arab population of Jerusalem. These NGOs (with activities in areas as diverse as education, health, pest control, combating social problems, and, to a lesser degree, in housing and renovation) are key players in the absence of any role for the Palestinian Authority.

Table of References:

Arabic References:

- 1- Abdel Wahab Kayyali (1990). *Palestine: A modern history*, Beirut, Arab Studies Institute.
- 2 - Kamal Al-Astal. (2011). *Scenarios, Attitudes and Suggested Solutions for the Future of the City of Jerusalem: Internationalization- Geographical Shared-administration- Religious Solution- Municipal Solution* (in Arabic). Gaza: Al-Azhar University.
- 3- Abdullah Kanaan. (2000). *Jerusalem from an Israeli perspective* (in Arabic). Amman: University of Jordan Press. -Abi Bakr al-Maqqdisi, Shams al-Din (2003). *Ahsan al-taqaseem fee ma'rifat al-aqaleem* (in Arabic). Beirut: Dar al-Kotob Al-ilmiya.
- 4 - Abla Almuhtadi (2000). *Jerusalem History and Civilization 3000 BC-1917* (in Arabic). Beirut: Dar Nima for Printing
- 5 -Adnan Hussein Al-Sayed (1998). *The Difficult Settlement: A Study of Arab-Israeli Agreements and Treaties* (in Arabic). Beirut: Center for Strategic Studies, Research and Documentation.
- 6- Ahmed Qurei, (2006). *The Complete Palestinian Account of the Negotiations: From Oslo to the Road Map. 3. The Path to the Road Map*(in Arabic), Institute for Palestine Studies.
- 7-Akram Ali Mahani (2010). *British-Zionist Relations in Palestine 1918-1936* (in Arabic). Gaza: Islamic University.
- 8-Akram Haniya (2001),*The Camp David Papers*,(in Arabic) Al-ayam Publishing and Distribution, Ramallah.
- 9-Ali Muhammad Ali. *File of Documents and Papers of the Palestinian Cause, Part 1* (in Arabic). Center for Middle East Studies.

- 10- Ali Saleh Shoura (2010). *Jerusalem under the Israeli Occupation and British Mandate 1911-948* (in Arabic). Amman: Dar Konouz Al-ma'rifa for Publishing and Distribution.
- 11- Aref Al-aref (1995). *Detailed history of Jerusalem* (in Arabic), 5th edition. Jerusalem: Alma'aref Printing.
- 12- Bakr Abdel Mon'im (1994). *State of Palestine, Peace Conference from Madrid to Oslo* (in Arabic). Beirut: Dar Al Shorouk for Publishing and Distribution..
- 13- Bara'a Darazi & Ali Ibrahim (2015). *The Situation in Jerusalem 2014: A Reading in the Course of Events* (in Arabic). Beirut: Jerusalem International Foundation.
- 14- Ghassan Khatib (2014). *Palestinian Politics and the Middle East Peace Process: Consensus and Competition in the Palestinian Negotiating Team*, (in Arabic) Beirut, Institute for Palestine Studies
- 15-Dweik Musa al-Qudsi (2002). *Jerusalem and International Law* (in Arabic). Jerusalem: Al-Quds University.
- 16-Elias Shufani (2002). *The Labyrinth: The Root causes of the Crisis of the Palestinian National Action* (in Arabic). Damascus: Dar Jafra for Studies and Publishing.
- 17-Ibrahim Abu Jaber (1996). *Jerusalem in the spotlight, Part II* (in Arabic). Umm al-Fahm: Center for Contemporary Studies.
- 18-Iman Masarwa (2003). *Settlements in Old Jerusalem* (in Arabic). Jerusalem: Jerusalem Center for Social and Economic Rights.
- 19-Ishaq Jad, Rubina Ghattas et al. (2014). *Population and Developmental Needs in Jerusalem Governorate* (in Arabic). Jerusalem: ARIJ.
- 20-Kamel Asali (1992). *Jerusalem in History* (in Arabic). Amman: University of Jordan Publications.

- 21 - Kamal Astal (2005). *The future of Jerusalem under the Israeli policies aiming at changing the physical and demographic composition of the city after 1967* (in Arabic). Gaza: Al-Azhar University.
- 22-Kanaan Abdullah (2011). *Jerusalem and the Hashemite Dynasty* (in Arabic). Amman: Royal Commission Publications on Jerusalem Affairs.
- 23-Khalil Shikaki and Aisha Ahmed (2003). *A prelude for international trusteeship or a path towards a Palestinian independent sovereign state: preliminary observations on the Road Map plan* (in Arabic). Ramallah: Palestinian Center for Policy and Survey Research.
- 24-Khalil Tafakji (1994). *Israeli Settlements in the West Bank*. Jerusalem: Arab Studies Institute.
- 25- Louay Shabana (2007). *Forty Years of Occupation, Forty Years of Aborting Development: Israeli Policies and their Impact on the Economic and Social Structure of Jerusalem* (in Arabic), Palestinian Central Bureau of Statistics.
- 26- Mamdouh Nofal. (1995). *The Story of the Oslo Agreement* (in Arabic). Amman: Al-Ahliya for Publication and Distribution
- 27- Marina Ottaway, et. Al. (2008). *The New Middle East*. Washington: Carnegie Endowment for international Peace.
- 28-Majid Al-Kilani (2011). *The Cry of Bernard Lewis– Modern day Hay bin Akhtab* (in Arabic). Al-Kashif Center for Strategic Studies.
- 29-Mamdouh Nofal (1996). *The coup d'etat* (in Arabic). Amman: Dar Al Shurouk for Publishing and Distribution.
- 30-Muhannad Abd Al-Hamid. (2015). *Inventing a nation and dissolving another* (in Arabic). Ramallah: Palestinian Center for Policy Research and Strategic Studies.

- 31-Munir Shafiq (1994). *Oslo Agreement and its Implications* (in Arabic). Palestinian Information Center, Books and Publications, Amman.
- 32-Mustafa Bakhush (2002). *Implications of International Transformations after the Cold War* (in Arabic). University of Mohamemd Biskra.
- 33-Mustafa Dabbagh (2002/2003). *Our Country Palestine*, Part IX (in Arabic). Kafr Qare': Dar Huda.
- 34 -Na'im Baroud (2005). *Jerusalem: Settlement and Judaization* (in Arabic). Gaza, Al- Azhar University.
- 35-Nayef Hawatma (2004). *Oslo and the other balanced peace* (in Arabic), 2nd edition. Cairo: Al Mahrousa for Publishing, Press Services and Information.
- 36-Noman Atef (2011). *The European role in nurturing isolationism among the Jews between 1815 and 1917* (in Arabic). Hebron: Al-Quds Open University.
- 37-Qusay Ahmed (2009). *The United States under George W. Bush and the Democratic Transition in Palestine* (in Arabic). Beirut: Al-Zaytouna Center for Studies and Consultations.
- 38-Rashid Mohammad Anab. (2012). *Jerusalem in the Political Settlement Projects* (in Arabic). Ramallah: Dar Shaimaa for Publishing and Distribution.
- 39-Saleem Tamari (2002). *Jerusalem 1948* (in Arabic). Beirut: Institute for Palestine Studies.
- 40-Samir Abdullah Samir (2015). *The Impact of Israeli Violations on the Housing Sector in the Occupied Palestinian Territory*. Ramallah: Palestine Economic Policy Research Institute (MAS).
- 41-Samir Zubin and Nabil Al-Sahli. (1997). *Jerusalem: The dilemma of peace* (in Arabic). Abu Dhabi: The Emirates Center for Strategic Studies and Research.
- 42-Tariq Suwaidan (2004). *Palestine, historical survey* (in Arabic). Kuwait: Al-ibda' al-fikri.

43-Tawam Rashad (2013). *Diplomacy of National Liberation: The Palestinian Experience* (in Arabic). Birzeit: Ibrahim Abu Lughod Institute for International Studies.

44-Waleed Khalidi, (2001). *Jerusalem from the Pact of Omar to Camp David II* (in Arabic). Beirut: Institute for Palestine Studies.

45-Yousef Jabbarin (2016). *Israeli Plans in Jerusalem: Strategies of Control and Hegemony* (in Arabic). Ramallah: Al Ayam Foundation.

English References:

1- Beinini Joel and Lisa Hajjar (2001). *Palestine, Israel and the Arab Israeli Conflict: A primer*. Middle East Research and Information Project.

2- Clayton Swisher. (2004). *The Truth About Camp David: The Untold Story About the Collapse of the Middle East Peace Process*. Nation Books.

3-Dennis Ross Dennis. (2005). *The inside Story of the Fight for Middle East Peace: The inside story of the fight for Middle East Peace*. Farrar, Straus and Giroux.

4-Edward Said. (1995). *Oslo 2, Peace without Land* (in Arabic). Cairo: Dar Al-mostaqbal.

5-Edward Said, (2007). *The End of the peace process: Oslo and after*. Knopf Doubleday Publishing Group.

6- Jane Hindle, (1996). *London review of books: an anthology*, London: Verso.

7-John Grenville (2007). *The Major International Treaties of the Twentieth Century*. Routledge.

8- Hanan Ashraw. (1995). *This Side of Peace, Personal Account*. A touch Stone Book Published by Simon and Schuster, New York.

9-Heinrich Greatz (1898). *History of the Jews*. Jewish Pub. Society of America.

- 10-Leah Tsemel & Mohammed Jaradat (1996). *The trap is closing on Palestinian Jerusalemites : Israel's demographic policies in East Jerusalem from the 1967 annexation to the eve of the final status negotiations*. Jerusalem : Alternative Information Center.
- 11-Lev Greenberg. (2007). *Imaginary Peace* (in Hebrew). Tel Aviv: Resling. Translated into Arabic by Jawad Ja'bari. Ramallah: Al-Ayam for Publishing.
- 12- Mahmoud Abbas, (1995). *Through Secret Channels: The Road to Oslo, Senior PLO Leader Abu Mazen's Revealing Story of the Negotiations with Israel*. UK: Garnet Publishing, Ltd.
- 13- Mallegand Robert and Hussein Agha (August 9, 2001). Camp David: the Tragedy of Errors. *The New York Review of Books*.
- 14-Maxim Rodenson, (1973). *Israel, a colonial-settler state*. New York: Pathfinder Press.
- Migdalovitz Carol (2010). *Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy*. Congressional Research Service.
- 15- Mufid Qassoum (2016), *The Glocal Spatial Dynamics of the 'Zionist/Israeli-Arab/Palestinian 'Conflict and its Transformation*, Routledge, UK.
- 16-Rashid Khalidi,. (2007). *The Iron Cage: The Story of the Palestinian struggle for statehood*. Beacon Press; Reprint edition.
- 17- Regina Sharif. (1983). *Non Jewish Zionism: Its Roots in Western History*. Zed Press.
- 18- shlomo Ben Ami (2009). *A Guide to Documents on the Arab-Palestinian/Israeli Conflict*. Brill.
- 19- Stephen Sizer (2004). *Christian Zionists: Roadmap to Armageddon*. Colorado: Presence Ministries International.
- 20- Uri Savir, (2010). *The Process: 1,100 Days that Changed the Middle East*. Knopf Doubleday Publishing Group.

A personal Interviews

- Abdulsatar Qasem, November 10, 2016.
- Adel Samara, December 22, 2016.
- Ali Jarbawi, November 19, 2016.
- Hanan Ashrawi, August 17, 2016.
- Fuad Hallaq, October 17, 2016.
- Ghassan Khatib, December 13, 2016.
- Khalil Tafakji, October 3, 2016
- Mahdi Abdulhadi, January 25, 2017.
- Mohammed Eshtayeh, August 25, 2016.
- Mustafa Barghouti, February 8, 2017.

Article

- 1-Abeer Abdul-rahman (2015). The Impact of Israel's Jewishness on the Future of the Palestinian Cause. *University of Sharjah Journal*, Volume 12, No. 1.
- 2-Ahmed Khalifa (1991). Peace Negotiations: The Israeli Position on the Eve of Madrid (in Arabic). *Journal of Palestine Studies*, Volume 2, No. 8.
- 3-Ahmad Ruwaydi (2015). Faisal Al-Husseini: A Different Jerusalem Experience in the Orient House (in Arabic). *Siyasat Journal*. Issue 33.
- 4- Ali Al-Jarbawi (1991). Assessment of the Madrid Conference: American intentions must not be trusted (in Arabic). *Journal of Palestine Studies*, Volume 2, Issue 8.
- 5- Buthaina Hamdan (2017). The Institutions of Jerusalem: A Financial embargo and poor performance by the PA and the PLO. *Journal of Palestine Studies*, Volume 28, No. 109.

- 6-Dori Gold (1992). Jerusalem in the permanent solution (in Hebrew), translated into Arabic by Jaffa for Strategic Studies Center. *Journal of Palestine Studies*, vol. 7, No. 26.
- 7-Fawzi Jadba (2011). Israeli Settlement in East Jerusalem 1967-2009 (in Arabic). *Al-Aqsa University Journal*, vol. XV, No. 2.
- 8- Fayeq Duloul Ahmed (2013). Jerusalem status in the Palestinian-Israeli Talks (in Arabic). *Al Bayan Journal*, Al Bayan Research and Studies Center, issue 319
- 9-Jeff Halper (2002). The Three Jerusalem's: Planning and Colonial Control. *Journal of Palestine Studies*, Vol 13, No 52.
- 10- Heinrich Greatz (1898). *History of the Jews*. Vol ,5.
- 11-Hussein El Sayed Hussein (2012). The Egyptian-Israeli Peace Treaty–1979 and its Impact on Egypt's Regional Role (in Arabic). *Journal of Historical Studies*, Issue 117-118.
- 12- Khalil Tafakji (1997). Settlement in the City of Jerusalem (in Arabic). *Journal of Arab Studies*, Volume 8, Issue 31
- 13-Maher Malandi (2009). The Roadmap: Theory and Practice. *Damascus University Journal for Economic and Legal Sciences*, vol. 25, issue 2.
- 14- Mahmoud Abbas (July, 2000). A lecture on the Camp David negotiations. *Journal of Palestine Studies*, Volume 12, Issue 45-46.
- 15- Mamdouh -Nofal (2000). The Peace Process after the Second Camp David Summit (in Arabic). *Journal of Palestine Studies*, vol. 11, issue 43.
- 16-Nabih Asfahani and Ahmed Youssef Al-Qur'I (January 1992). Madrid Conference for Peace in the Middle East (in Arabic). *Al-Ahram*, No. 107.
- 17-Nadaf Shragai (2000). East Jerusalem: Jewish Settlement and Living Conditions (in Hebrew) (Elias Shofani, trans into Arabic). *Journal of Palestine Studies*, vol. 11, No. 43.

- 18- Na'im Baroud. The right to statehood and final solution issues: Jerusalem in the final solution issues. *Islamic University Journal for Human Research*, Volume 20, No. 2..
- 19-Osama Halabi (1997). Jerusalem in the Palestinian-Israeli agreements. *Journal of Palestine Studies*, vol. 8, No. 31.
- 20- Qasem Zuhairi (1983). Morocco and the Question of Palestine. *Dawaat Al-Haq Journal*, issue 232.
- 21- Ribhi Halum, (2011), The Beilen - Abu Mazen Document, *Halum Journal*.
- 22- Said Aly Abdel Monem (2001). Hot Bargaining: the Middle East. *Journal of International Affairs*, Vol. 6, No. 2. 9-,
- 23-Sami Ahmed, (2011). The Different Palestinian Stances and their Impact on the Proposed Palestinian State Projects 1967-1990 (in Arabic). *Al-Azhar University Journal*, Volume 13, Issue 1.
- 24-Samir, Amin (2004). U. S. Imperialism, Europe, and Middle East. *Monthly Review*, Vol. 56, Issue 06.
- 25- Walid -Khalidi (1998). Return to the Partition Resolution 1947 (in Arabic). *Journal of Palestine Studies*, Volume 9, No. 33.
- 26-The Palestinian-Israeli Camp David Negotiations and Beyond. Source: *Journal of Palestine Studies*, Vol. 31, No. 1 (Autumn 2001).

Documents and Reports:

- 1-Abu-Saif, Atef and Muhannad Mustafa (2011). *The Israeli-Palestinian Negotiations: from a problem of Occupation to an Issue of Recognition*. Ramallah: Madar Strategic Report.
- 2-Address by the head of the Palestinian delegation Haider Abdel Shafi at the Madrid Conference, (1991) *Journal of Palestinian Studies*, Vol 2, No 8.

3-Address by Israeli Prime Minister Yitzhak Shamir at the Madrid Conference, October 31, 1991, Abu Jaber Ibrahim, p 449.

4-Article 5, the Declaration of Principles (Oslo Agreement) on transitional government arrangements, Mamdouh Nofal, The Story of the Oslo Agreement.

5-Center for Strategic Studies and Research (2010). *Jerusalem: Studies in History and Politics* (in Arabic). United Arab Emirates.

6-Documents of the Jordanian Israeli Peace Treaty, (1994), *Journal of Palestine Studies* ,Vol 5, No 20.

7-Final Status Agreement Between Israel and the Palestine Liberation Organization, The Reut Institute.

8-International Crisis Group. *The Jerusalem powder keg*. Middle East Report No. 44, August 2, 2005, p.3. 1-Palestinian Central Bureau of Statistics, Palestine Statistical Yearbook 2016 (in Arabic), Ramallah-Palestine, December, 2016.

9-International Peace and Cooperation Center (2005). *Jerusalem in the Future: Scenarios and a shared vision*.

10-Israel's Prime Minister Yitzhak Shamir Speech to the Likud Central. Committee, Tel Aviv, 12 February 1990.

11- Israel's roadmap reservations, (2003), *Journal of Palestine studies*, Vol 14, No 55.

12-Israel's PM Barak Briefs Cabinet Prior to Camp David Summit, July 9, 2000, *Journal of Palestine Studies*, Vol 11, No 43, p 241.

13-Negotiations Affairs Department (2014). Changing the Character of Jerusalem (in Arabic),

14-Palestinian Central Bureau of Statistics, Palestine Statistical Yearbook 2014 (in Arabic), Ramallah-Palestine, December 2014, p. 193.

15-Palestinian Central Bureau of Statistics, Palestine Statistical Yearbook 2016 (in Arabic), Ramallah-Palestine, December 2016.

16-PASSIA (December, 2004). *The issue of Jerusalem: Historical heritage and geopolitics* (in Arabic).

17-Report by the Department of Archives and Information, Zaytouna Center for Studies and Consultations, Beirut, July 2012. 4-The Israeli-Palestinian Interim Agreement (Oslo II), Article 31, Item 5.

18- The Beilen - Abu Mazen Document, October 31, 1995, Framework for the Conclusion of a Final Status Agreement Between Israel and the Palestine Liberation Organization, The Reut Institute.

19-The Emirates Center for Strategic Studies and Research.

20-The Israeli-Palestinian Interim Agreement (Oslo II), Article 31, Item 6.

21-The Israeli-Palestinian Interim Agreement (Oslo II), Article 31, Item 7.

22-The Palestinian Liberation Organization (2012). *Jerusalem: The Strategic Plan for the Development of the Arab Jerusalem* (in Arabic). Jerusalem: The Palestinian Economic Council for Development and Reconstruction, PECNDAR.

23-*The Palestine Yearbook of International Law 1990-1991*. Martinus Nijhoff Publishers.

1-UN Resolution 181.

2-US Letter of Assurances to Israel, 18 October 1991.

3-US Letter of Assurances to the Palestinians, 18 October 1991.

Ph D Dissertation

1-Mufid Qassoum (2004). *The Glocal Spatial Dynamics of the “ Zion ’s / Israeli Arab/Palestinian ” Conflict and its Transformation* (Ph.D. Dissertation). University of Illinois at Chicago.

2-Sbeih Ameri (2011). *American hegemony in the Arab region 1945-2003* (in Arabic). Ph.D. Thesis. Clemens University, Baghdad Branch.

Master Thesis:

1-Anwar Abu Mor (2014). *The Historical Development of the Palestinian State Project 1964-1999* (in Arabic). MA Thesis, Islamic University, Gaza.

2-Ayad Samir (2004). *The Future of the Arab Region after the Occupation of Iraq* (in Arabic). Master Thesis, University of Algiers.

3-Abdullah Barham (2007). *Reforming the PLO: Problem of Structure and Program* (Arabic). MA Thesis, An-Najah University.

4-Hussein Beni Jaber (2009). *The impact of the 2009 Israeli elections on the Palestinian-Israeli peace process* (in Arabic). A Master Thesis, An-Najah University.

5- Khadija Ohibeh (2010). *The position of the Organization of the Islamic Conference on the issue of Jerusalem* (in Arabic). A Master Thesis, University of Oran, Algeria.

6 -Khadr Jadba (2005). *The position of the Organization of the Islamic Conference on the Palestinian Cause 1969-2000* (in Arabic). A Master Thesis, Islamic University, Gaza.

7-Khalid Abdul Wahab (2014). *Changes in the structure of the international system and their impact on Israeli policy towards the Palestinian cause 1985-2010* (in Arabic). Master Thesis, Al-Azhar University, Gaza.

8- Mahmoud Al-Hadid (2015). *Jordan's current and future policies toward Jerusalem in light of the settlement projects* (in Arabic). A Master Thesis, Middle East University.

9- Rani -Al-Agha Abdul Karim (2013). *The Israeli right-wing predisposition and its impact on the Jerusalem Issue 2000-2011* (in Arabic). A Master Thesis, Al-Azhar University.

Conference Papers:

1- Alian Hindi (2009). *The Future of East Jerusalem According to the Israeli Vision* (in Arabic).

A paper presented at the 10th Jerusalem Day Conference, An-najah University, Nablus

2- Edward Said. *Lost Essay on Jerusalem*. A paper delivered at a conference on Jerusalem held in London on 15-16 June, 1995

3-Alian Hindi (2009). *The Future of East Jerusalem According to the Israeli Vision* (in Arabic).

A paper presented at the 10th Jerusalem Day Conference, An-najah University, Nablus.

4- Jawad Hamad (November 30, 2007). *The Results and Implications of the Annapolis Conference on Middle East Peace*. Interview with Radio Monte Carlo.

5-Isam Mislet (2006). *Jerusalem in the resolutions of international legitimacy* (in Arabic). A paper presented at the Eighth Jerusalem Conference, An-Najah University.

6-Khalil Tafkaji (25-26 June, 2008). *Judaization of Jerusalem - a programmed policy* (in Arabic). A paper presented at the Second Jerusalem International Conference in Support of Jerusalem (Jerusalem-Beirut-Gaza)

7- Michael R Fischbach. *The Impact of the 1948 Disaster: the Ways that the Nakba has Influenced Palestinian History*. A paper for the International Symposium "The Transformation of Palestine: Palestine and the Palestinians 60 Years after the 'Nakba'", Berlin, March 8-9, 2010.

- 8- Muhammad Abu Nahl Osama (2011). *The Negotiating Position of President Yasser Arafat at the Camp David Summit* (in Arabic). A Paper presented at Yasser Arafat Conference, November 15-17, Gaza.
- 9-Naela Razim (2015). *Palestinian Official Institutions and Reference Bodies in Jerusalem* (in Arabic). A Paper presented at the Resistance Strategies Conference. Ramallah: Palestinian Center for Policy Research and Strategic Studies.
- 10- Na'im Baroud (2005). *Jerusalem: Settlement and Judaization* (in Arabic). A working paper for the Seventh Jerusalem Conference. An - Najah National University¹⁹⁻
- 11- Waleed Salem (2010). *Jerusalem: Israel's Annexation Policies and the Palestinian counter action. Palestine Liberation Organization, Department of Jerusalem Affairs, Conference on Jerusalem: Present and Future* (in Arabic). Al-Quds University
- 12- Zakaria Sinwar & Ali Mahani (2011). *Zionist permeation in Jerusalem 1918-1948* (in Arabic). A paper presented at the Fifth Conference, Islamic University, Gaza.

Electronic Publications:

- 1-Abbas Speech at the Annapolis Summit. Retrieved from <http://www.haaretz.com/news/the-full-text-of-olmert-abbas-speeches-at-the-annapolis-summit-1.234081>
- 2-Clinton Parameters, December 23, 2000. Retrieved from <http://www.multaga.org/pdfs/2000%20clinton%20parameter.pdf>
- 3- Joint Statement of Understanding between Abbas and Olmert 27 November 2007. *Journal of Palestine Studies*. <http://www.palestine-studies.org/sites/default/files/uploads/files/Annapolis27-11-2007.pdf>

4- Khartabeel Jameel (2009). The demise of the PLO: Individualism, hegemony, non-adherence to principles, lack of credibility in practice (in Arabic). Retrieved from

<https://kanaanonline.org/articles/01659.pdf>

5-Letter from Arafat to Clinton, 27 December 2000. Retrieved from

https://en.wikisource.org/wiki/Letter_from_Arafat_to_Clinton,_27_December_2000

6-Nasser Nicola (2015). Al-Aqsa highlights the role of Morocco (in Arabic). Retrieved from

<http://www.raialyoum.com/?p=318314>

7-Sari Nusseibeh-Ayalon Statement of Principles, 27 July 2002. Palestinian National Information Center.

Retrieved from <http://info.wafa.ps/atemplate.aspx?id=4892>

8-Sharm El-Sheikh Memorandum, September 4, 1999. Retrieved from

<http://www.jewishvirtuallibrary.org/the-sharm-el-sheikh-memorandum>

9-Tafakji Khalil (2016). The development of Jerusalem borders by expulsion and replacement (in Arabic). Retrieved from [http://www.aljazeera.net/home/print/6c87b8ad-70ec-47d5-b7c4-](http://www.aljazeera.net/home/print/6c87b8ad-70ec-47d5-b7c4-3aa56fb899e2/51cbb0ad-870c-4688-b655-7d8474b1ee19)

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10-The performance-based and goal-driven roadmap. Retrieved from

<http://www.un.org/News/dh/mideast/roadmap122002.pdf>

11-The Wye River Memorandum, Article VI. Retrieved from

<http://www.unsco.org/Documents/Key/The%20Wye%20River%20Memorandum.pdf>

12-United Nations (2008). *The Question of Palestine and the United Nations*. Retrieved from

<https://unispal.un.org/pdfs/DPI2499.pdf>

Annexes:

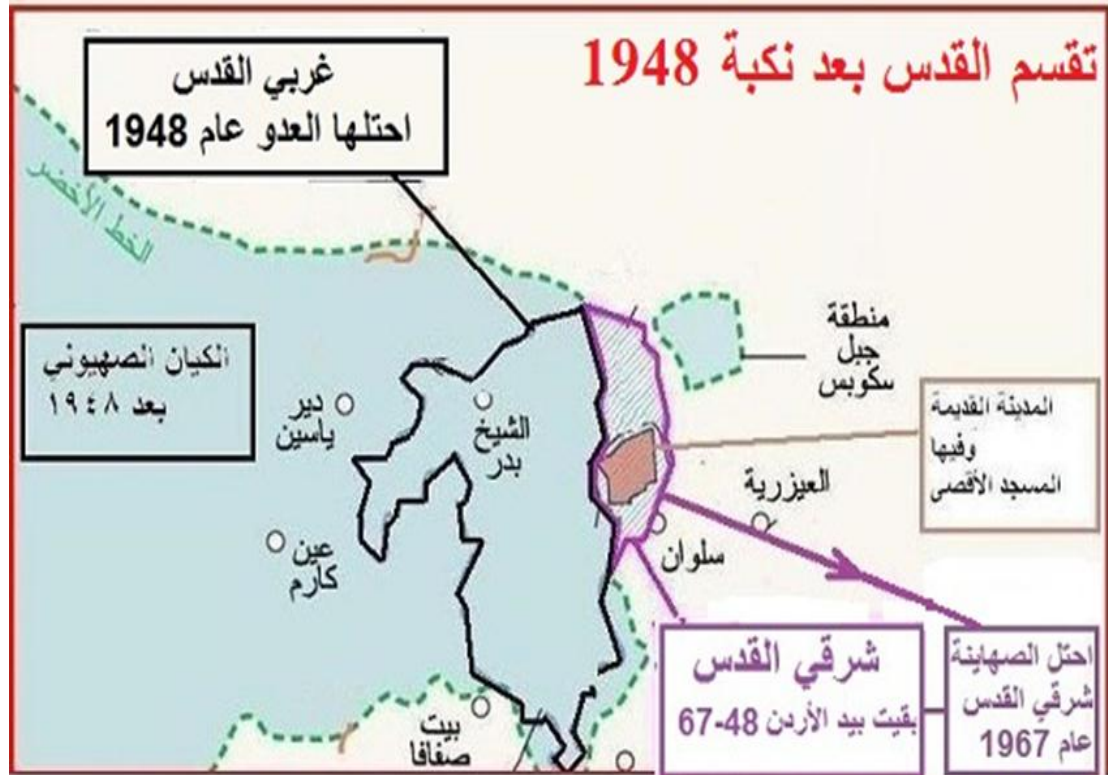


Figure 1: The borders of East Jerusalem occupied in 1967.

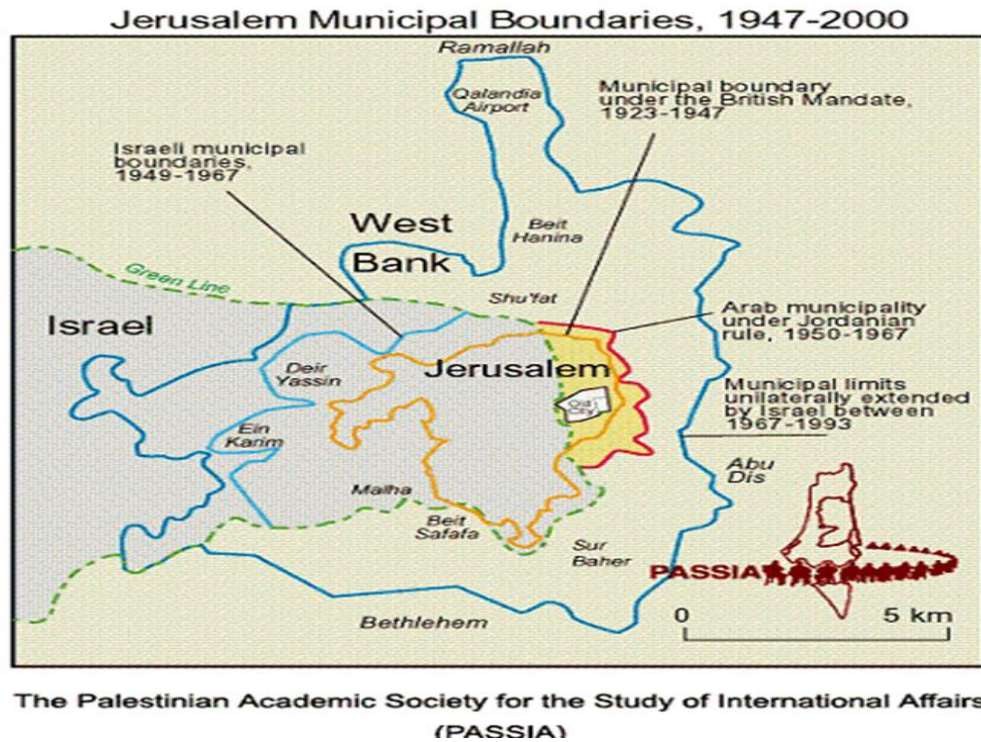
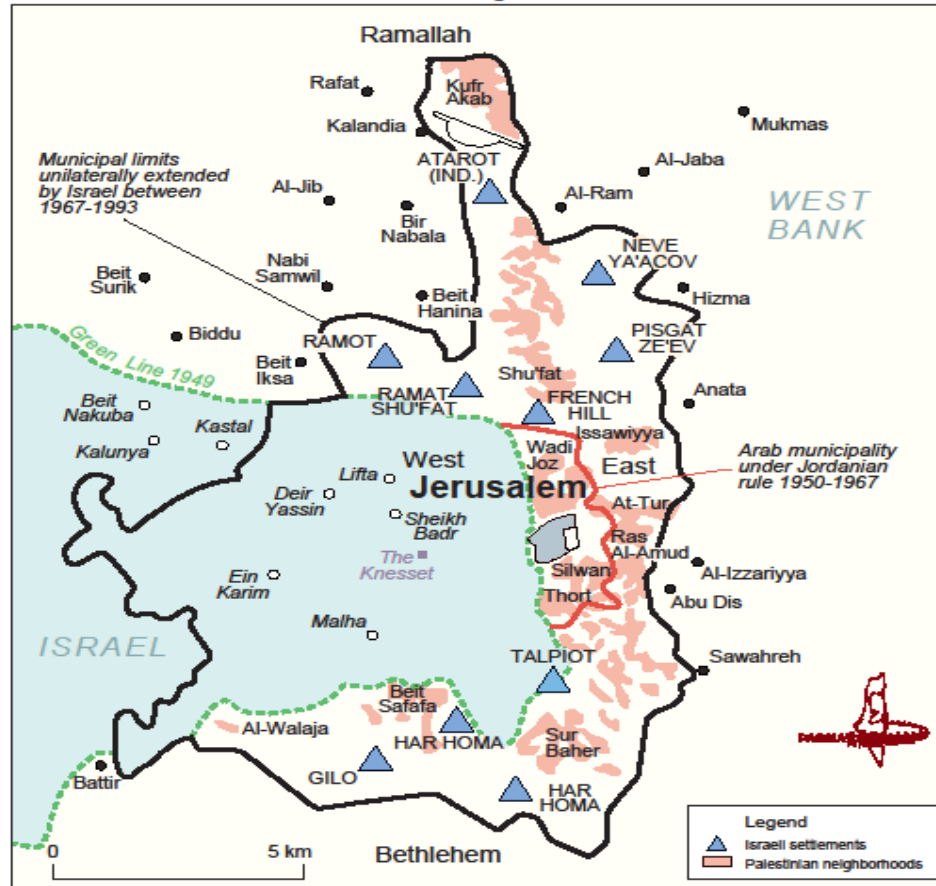


Figure 2: Map of East Jerusalem after annexation in 1967.

JERUSALEM MAPS

Israeli Settlements and Palestinian Neighborhoods in East Jerusalem, 2000



Palestinian Academic Society for the Study of International Affairs (PASSIA)

Figure 3: Israeli settlement in Jerusalem in 2000.

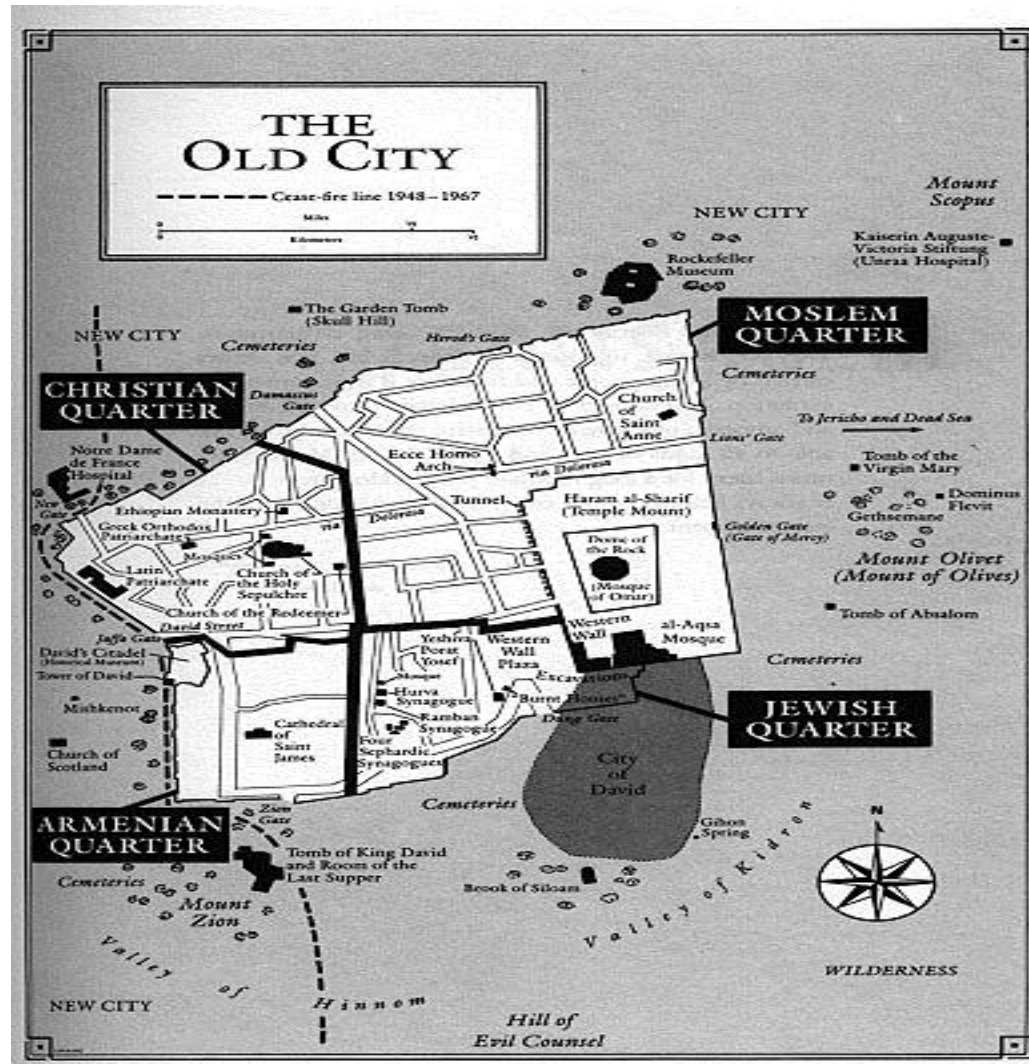


Figure 4: The Old City of Jerusalem.

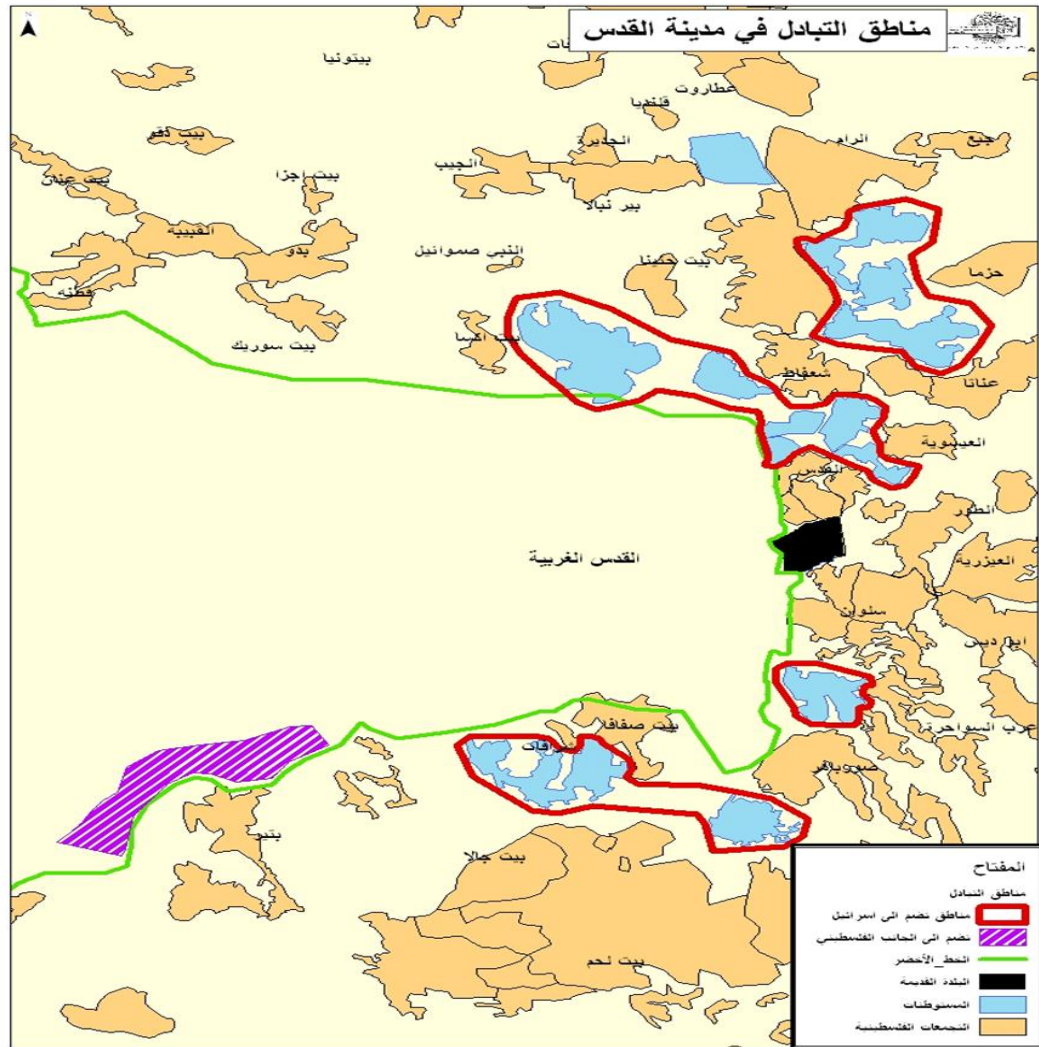


Figure 5: Proposed Camp David Swap Areas.

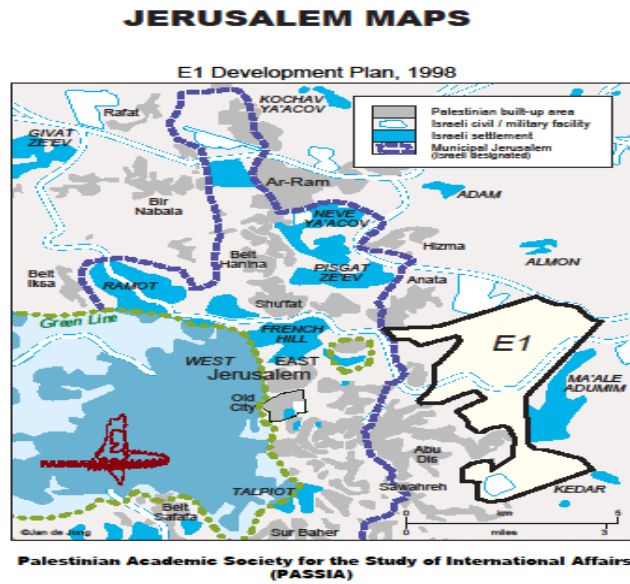


Figure 7: Jerusalem in E1 Settlement Plan.