Jerusalem's Final Status:

What Will Be Left to Negotiate?

The future of Jerusalem is at crisis point. This issue, which Palestinian and Israeli negotiators at Oslo agreed to defer to the final status negotiations scheduled to start next year, is being decided now, on the ground, by the Israeli government and its United States supporters.

The accelerated construction and settlement of Israeli Jews in the areas around the city over the past two years have been given a further boost by new expropriations of 130 acres of land in Palestinian East Jerusalem in early May of this year, an action currently in "suspension." In addition, Congress is attempting to force the current United States administration to move its embassy from Tel Aviv to Jerusalem in defiance of international law and the general international consensus that an agreement should be reached over the future of Jerusalem before Israeli sovereignty is recognized. Finally,

By Michael Dumper

Palestinian political activity in East Jerusalem is being increasingly restricted as part of the Israeli government's policy to assert Israeli control over the city prior to the final status negotiations.

The current situation, in the eyes of Palestinians, is like trying to negotiate a cup of coffee with someone who is drinking it at the same time. By 1996 -- what will be left to negotiate, they ask? That question is being put with particular poignancy to Christians in the West by the indigenous Christians in and around Jerusalem.
About This Issue

Since its military take-over of East Jerusalem in 1967, Israel has confiscated over 18,000 acres of Palestinian land. On it the Jewish State has built 38,500 housing units, all of which are exclusively for Jews. Prior to 1967, when the Holy City was divided, West Jerusalem was 100 percent Jewish while East Jerusalem was 100 percent Arab. Today West Jerusalem is still 100 percent Jewish while East Jerusalem is 48 percent Arab.

Israel's plan to judaize the Holy City is working.

Americans, whose billions of foreign aid dollars to Israel make all of this possible, are slow to protest. And when they do, they often face charges of anti-Semitism, as when Cardinal Keeler and other church leaders recently sent a letter to President Clinton urging him "to press Israel to stop expanding its presence in Jerusalem." Immediately, the sincerity of all their earlier pronouncements against anti-Semitism were cast into doubt by the World Jewish Congress Secretary-General Yisrael Singer.

Jerusalem will come up again in September 1995 when Israel launches a multi-million dollar "Celebration of the 3,000th Anniversary of King David's Kingdom." The European Council has recommended that member countries not support the festivities and, to date, the Vatican and Britain have officially informed Israel they will not participate lest it be seen as recognizing Israel's illegal annexation of Jerusalem and its illegal confiscation of Palestinian lands.

Our author, Michael Dumper of Exeter University in England, will offer a Jerusalem Studies course this fall as part of the University's M.A. Program in Middle East Studies. The course, like this issue of The Link, is intended to provide the religious, historical, legal and demographic background on Jerusalem, whose fate is scheduled to be discussed next year in the peace negotiations--if indeed, as Dumper concludes, there is anything left of Jerusalem to negotiate.

For details on how to contact Dr. Dumper about his program, please see page 13.

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Imagine standing on the Mount of Olives during the early part of the British Mandate period and that the city of Jerusalem lies before you. The Ottoman walls of the city would be standing proud and firm in a largely rural countryside. The majority of the population would be living within the walls whose gates would still close at nights. You would see new building, mainly Christian and Jewish, in the western parts of the city as huge hostels for pilgrims and small colonies for immigrants were being erected. To the north and southwest, Palestinian Arab housing, well spaced in large gardens, would be under construction as employment opportunities in the city brought greater wealth. Estimates of the population vary, but higher estimates do not go much above 70,000 people in 1922. Of this, approximately half was Jewish.

Seventy years later, the view from the Mount of Olives is much different. The Ottoman walls are still there, but swirling highways and congested housing diminish their height and impact. All around you on every horizon is new construction where the city has jumped its ancient bounds and spread along the valleys and hills surrounding the holy sites. The population is now over half a million and divided 28 per cent Palestinian Arab and 72 per cent Israeli Jew.

How has this happened?

Jerusalem has always been a city of religious significance, but it was not until the mid-nineteenth century that it acquired a distinctive legal status both as a city and a district. Following the Ottoman Turk withdrawal from the region as a result of the 1914-18 War, British military control over Jerusalem was legitimized through the establishment of a British Mandate for Palestine by the League of Nations.

British policy towards political change in Jerusalem was contradictory. On the one hand, they were sympathetic to Palestinian claims that as the capital of Palestine, Jerusalem should have a Palestinian mayor. However, they allowed the official demographic balance in the city to tilt in favor of the Jewish community.

Gerrymandering Under Mandate Skews Electoral Politics

By agreeing to a certain degree of gerrymandering of the municipal borders, as many new Jewish neighborhoods as possible were incorporated into the city boundaries while nearby Arab villages were excluded. This is particularly obvious in the way the western border forms a kind of hook to take in the more distant Jewish neighborhoods of Qiryat Moshe, Bet HaKerem and Beit Vegan but the eastern borders run tight along the Old City walls to avoid taking in Silwan, Ras al-Amud, Abu Tor and A-Tur. (See map on this page.) The Jewish population of the city increased in this way and had an impact upon the electoral politics of the city. The argument for Palestinian dominance of the council, therefore, became harder to sustain against strenuous Jewish opposition.

In 1947 Britain invited the United Nations to resolve the issue of the future of Palestine. The
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United Nations accordingly appointed the United Nations Special Committee on Palestine (UNSCOP).

The majority report recommended the partition of Palestine and the creation of an international enclave for the Jerusalem area. (See map on page 3.) Jerusalem would be demilitarized and exist as a corpus separatum under the aegis of a United Nations "Trusteeship Council." The Council would draft a "Statute" which would lay down the administrative structures of the enclave. These would remain in force for 10 years, after which there would be a re-examination by the Council and a referendum by the inhabitants.

It is important to note that the "existing rights" of the Holy Places were confirmed and a United Nations governor was to ensure that no taxation was levied on any Holy Place and was given powers to adjudicate in the event of any disputes between the different religious communities. These proposals were passed by the United Nations General Assembly in November 1947 and became known as the United Nations Partition Plan. The plan was rejected both by the Palestinian Arabs and by the Arab states since it was perceived as an attempt by the Western powers to prevent the self-determination of the Palestinian Arabs. The withdrawal of British forces led to open hostilities between Jewish paramilitary groups and the newly formed Israeli army on one side and the armies of the neighboring Arab states and Palestinian irregulars on the other. A cease-fire was agreed in November 1948 and in April 1949 an armistice agreement was signed between the Hashemite Kingdom of Jordan and the newly proclaimed State of Israel. These agreements resulted in the division of Jerusalem into an eastern part held by King Abdullah of Jordan and a western part held by Israel.

The armistice lines hold a central role in the debates over the future status of Jerusalem. They became the basis of Security Council Resolution 242 in which Israeli armed forces are requested to withdraw from the territories they occupied in 1967. However, they had no legal bearing on the status of the Partition Resolution of 1947 itself, or on the whole question of the internationalization of the city put forward in that plan. They were military agreements which led to the de facto division of the city. States dealing with Jordan and Israel found themselves in the position of having to qualify their dealings with them when it came to Jerusalem. Finally, the failure of Jordan and Israel to agree on access to the Holy Places strengthened the argument for the necessity of international supervision in some form over the Holy Places to ensure rights of access to them. Most suggested solutions to the problem of Jerusalem comprise some element of "extraterritorialization" of the Holy Places.

Status of East Jerusalem Under Jordan, 1949-67

Like the rest of the West Bank, East Jerusalem was annexed to the Hashemite Kingdom of Jordan in 1950. There are two key points to note in the legal and administrative developments of this period. First, despite the unilateral political action taken by Jordan as a result of the termination of the British Mandate, Jordanian claims over the eastern part of Jerusalem were not recognized by any state, even those like Britain which recognized its annexation of the rest of the West Bank. Its claims had no status in international law. The United Nations continued to press for internationalization.

Jordanian policy was primarily concerned with integrating the West Bank and East Jerusalem into the Hashemite Kingdom of Jordan on the East Bank. A military governor remained in place until April 1949 after which date he was replaced by a civilian regime. By December 1948 a municipal council for the eastern part of the city had been formed. The borders of the municipality were extended to six square kilometers to include the surrounding villages of Siwan, Ras al-Amud, Aqabat al-Sawana, 'Ard al-Samar and the southern portions of Shufat.

While the municipal council was given powers of taxation and responsibilities for issuing construction permits and the provision of services, the government insisted on the transfer of former Mandate departments, such as education and agriculture, to the capital in Amman, curtailing the political status and employment prospects for the city. In the new political circumstances, Jerusalem's religious prestige as a Muslim and Christian center of devotion, learning and pilgrimage was not a strong enough reason for it to also acquire a new political status within the Hashemite Kingdom. Indeed, the rivalry between the Husayni family and its supporters based in Jerusalem and the Hashemite family added to the disadvantages of giving Jerusalem any special political status.
There was, however, belatedly some acknowledgment of the special political circumstances of East Jerusalem. In 1959 East Jerusalem was granted the status of amana and became the Second Capital of Jordan. Since there was no corresponding increase in the powers of the municipality or any permanent location of institutions of national importance, this move remained largely cosmetic.

1948-67: Israel Tightens Grip on West Jerusalem

The lack of international recognition given to Jordan over its control of eastern Jerusalem also applied to Israel and its control over the western sectors. However, Israel proceeded to include West Jerusalem in the areas covered by one of the first measures promulgated by the new state: the Law and Administrative Ordinance. This stated that all areas under the control of Israeli military forces were from that time subject to Israeli jurisdiction. Since this included areas of Jerusalem designated by the United Nations as part of the corpus separatum, the extension of jurisdiction was not recognized by the international community. Western powers such as the United Kingdom and United States were able to acknowledge de facto Israeli authority in those areas it controlled, but withheld formal de jure recognition pending a final determination of the status of the area.

Despite the international response to its actions, Israel was determined to consolidate its control over western Jerusalem. As early as 1949, while the Armistice Agreement was still being negotiated, government ministries began to be transferred from Tel Aviv to Jerusalem, culminating in the establishment of the Israeli legislative chamber, the Knesset, in West Jerusalem in December 1949. In January 1950, the Knesset declared Jerusalem to be the capital of Israel. These transfers were partly intended by the Israeli government to place pressure on Western governments to recognize Israeli title to West Jerusalem. Most countries kept their embassies in Tel Aviv.

Approximately half of the Israeli Municipality of West Jerusalem during the partition period was comprised of land not owned by Jews and nearly 34 per cent was Arab owned.

The implication of these figures is not so much to explain the Palestinian difficulty in accepting Israeli sovereignty even over parts of West Jerusalem, although it is true that many Palestinian Jerusalemites living today still recognize their family homes in West Jerusalem. Of more importance is the understanding that through a network of legislation passed by the Israeli Knesset, this Arab-owned land was transferred to Israeli Jewish organizations, such as the Jewish National Fund, and the state's own land-holding bureaucracy, the Israel Lands Administration. Development and settlement of this land is reserved exclusively for Jews, underlining the Israeli government's determination to establish West Jerusalem as a Jewish city.

The Post 1967 Period: Moving on E. Jerusalem

Following the occupation of Jordanian East Jerusalem by Israeli military forces in June 1967, the Israeli government passed legislation which incorporated East Jerusalem and adjacent parts of the West Bank into Israel. The legislation was designed in such a way as to avoid forming it annexation, but semantic ambiguity did not obscure the fact of annexation.

On 27 June, 1967, the Knesset passed an amendment to the Law and Administration Ordinance which stated that "the law, jurisdiction and administration of the state shall extend to any area of Eretz Israel designated by the Government by order." The next day, the Israeli government issued an order applying this amendment over an area of 7,500 acres of East Jerusalem and the West Bank, stretching from Qalandia airport in the north to the area of Sur Bahir in the south, and including the Old City of Jerusalem. The Jordanian East Jerusalem municipal boundaries had comprised approximately 1,500 acres and the Israeli West Jerusalem municipality approximately 10,000 acres. The new municipality comprised approximately 17,500 acres.

A second no less important amendment was passed on the same day which enabled the Israeli Municipality of West Jerusalem to extend its boundaries over exactly the same area to which the Law and Administrative Ordinance was applied. On the following day, June 29, the Jordanian East Jerusalem municipality was ordered to cease activity and was dissolved. In these ways Israel was able to side-step the issue of annexation and its ambassador at the United Nations was able to term its actions as "the integration of services." In practice, these steps were a form of annexation.

One of the most delicate questions confronting Israel was administering the Haram ash-Sharif, also known as the Temple Mount. During the 1967 War, Israeli troops occupied the Haram area and placed an Israeli flag on the roof of the Dome of the Rock. Aware of Muslim sensitivities, the Israeli Chief of Staff, General Moshe Dayan, ordered its removal and kept Israeli soldiers out of the compound pending a final decision over the future administration of the Haram area. He did, however, confiscate the keys of the main southeastern gate, Bab al-Magharib, and stationed troops at the entrance.

The Israeli government was in a quandary. On the one hand, euphoric Israelis were discussing the possibility of building a synagogue beside or on the site of the Dome of the Rock or al-
The annexation of Jordanian East Jerusalem and some adjacent parts of the West Bank and their incorporation into an enlarged Israeli Jerusalem municipality presented Israel with a demographic dilemma. The addition of a large Palestinian Arab population diluted the Israeli Jewish demographic dominance and constantly undermined Israel's claims that the city was both an Israeli city and a Jewish city. Jewish demographic superiority in the city required encouragement of a high rate of immigration. At a specially-convened municipal council meeting in August 1967, Israeli Mayor Teddy Kollek stated that, "If we take into account the balance of forces as of today, which is 200,000 Jews and about 70,000 Arabs, plus the natural growth rate of the Arab population, which is about twice as high as the already high one in (West) Jerusalem, we must make great efforts to draw further [Jewish] inhabitants to the city."

It was not sufficient simply to encourage Jews to settle in the eastern side, as Meron Benvenisti, a former deputy mayor of Jerusalem, points out in his 1976 book, "The Torn City," since that would result in the simple transfer of the Jewish population from west to east. An absolute increase in the Jewish population was necessary. The answer was to increase the Israeli Jewish population to such an extent that it would outstrip the Palestinian Arab population.

For a quarter of a century the Israeli government has been pursuing this policy. An elaborate program of providing housing and services, buttressed by low or interest free mortgages, was initiated to attract immigrants to the city. To increase the proportion of the Jewish population, Palestinian Arab growth was constrained through zoning and restriction of construction permits. Between 1967 and 1993, the Israeli Jewish population doubled in absolute terms under these policies, from 198,000 to 393,000, while—quite significantly—the Palestinian Arab population more than doubled, from 69,000 to 152,000. The percentage of the Palestinian Arab population in the city has remained much the same over the past 25 years, between 25 percent and 28 percent. Indeed, the municipality concluded that:

"If Israel doesn't want to lose the demographic race, she must 'run faster.' She must create conditions which will enable the Jewish population of Jerusalem to grow at a faster rate than in the past."

A demographic explosion is in the making among Palestinian Arabs in Jerusalem because 50 percent of this growing population is below 18 years of age—on the verge of the peak child-producing years. This underlying trend, which is poised to jeopardize Israeli demographic dominance, explains the alarm frequently expressed in government circles. The basic dilemma of the Israeli government remains unresolved.

Another feature in the demography of Jerusalem is the rapid growth in the religious and orthodox Jewish communities in Jerusalem. Estimates of their numbers in the 1980's range from 20 to 38 percent of the Israeli Jewish population of the city. Up to 70 percent live in religious areas or more strictly defined orthodox neighborhoods. Their religious beliefs lead them to forcefully impose their views on culture, entertainment and Sabbath and Holy Days laws on their secular neighbors, contributing to out-migration of young professional secular couples from the central areas of West Jerusalem to the annexed areas or the coastal plain. Thus the section of the population which contributes in the most sustainable way to the natural growth of the Israeli Jewish population is that section which also has a negative effect on the efforts of the government to attract and retain more Jews to the city.

"And dare I say frankly that we have to do everything within our power to make Greater Jerusalem the largest Jewish city in the world, a real Jewish city, both in terms of the population numbers and in giving a permanent Jewish character to the whole city."—Rabbi Cohen, Deputy Mayor of Israeli Municipal Council of Jerusalem, 1957.

These trends in the growth of the Israeli Jewish population of Jerusalem—low natural growth, outflow from the central to peripheral areas, and out migration to other parts of Israel—present Israel with what has been termed a "demographic nightmare." Despite continual Jewish immigration, the migratory balance for the Jewish population of Jerusalem was a negative 6,000 between 1982 and 1989. Municipal officials blamed this drift from Jerusalem to the settlement policies of the govern-
During the same period the Palestinian Arab population both in and around Jerusalem continued to rise. In addition, from 10,000 to 20,000 Palestinian Arabs were estimated to be unregistered with the Israeli authorities and living illegally within the municipality boundaries. By 1993, the total population of Jerusalem was estimated to be 670,000, including 400,000 Israeli Jews and between 150,000-170,000 Palestinian Arabs.

An important feature of this current position is the increased Jewish population in the annexed areas. Statistics based upon estimates made in 1990 reveal that 135,000, or over one-third, of the Israeli Jewish population of Jerusalem lived in estates and neighborhoods in the annexed areas, compared to 155,000 Palestinian Arabs. By the end of 1993, the Israeli Jewish population in the annexed areas exceded the Palestinian Arab population.

The spatial distribution of that growth is of paramount importance. If growth of the Jewish and Palestinian Arab populations had occurred within their pre-1967 areas, that is Jewish West Jerusalem and Arab East Jerusalem respectively, the political future of Jerusalem would not be as imperiled as it is today. It is because Jewish growth has occurred in the eastern sectors of the city that the political aspects of demographic change in Jerusalem are so critical to its future.

The short-term demographic contest is at a near impasse. The demographic balance between Israeli Jews and Palestinian Arabs is much the same in 1994 as it was in 1967.

However, in the medium-term, two key factors point to a problematic outcome for the Israeli government. First, the high natural growth rate of the orthodox Jewish community is changing the character of Jerusalem and neutralizing efforts by Israel to attract and retain the young skilled and productive workforce the city needs. The out-migratory trend is set to increase and will only be partially offset by a higher natural growth rate among orthodox Jews. Second, by the turn of the century, space for new housing, industry and service provision will be exhausted and Israel will be obliged to consider further expansion of the municipal borders. To expand westward again after the recent expansion in that direction in 1992 would send the wrong political signals not only to the Palestinians, the Arab states and the international community, but also to the Israeli Jewish population in Jerusalem. But to expand eastwards, northwards or southwards would mean absorbing at least 100,000 Palestinian Arabs into Jerusalem in contradiction of all of the efforts and policies of the Israeli government since 1967.

Risking whatever interpretation might be placed on their actions, Israel proceeded in May of this year—amidst continuing negotiations on the Oslo Accords—to expropriate 130 acres in East Jerusalem for Jewish housing and a police station. A Security Council Resolution, which termed the seizure "invalid" and a violation of the Geneva Convention protecting civilian property in occupied territories, failed only because the United States used its veto to override the other 14 Council nations.

The expropriation was subsequently "suspended" by the Knesset when the Likud, seizing a chance to bring the Labor Government down, cynically cast aside their hawkish views on land matters to join with Arab legislators seeking a no-confidence vote on the expropriation issue. Labor backed off. It is unlikely the "suspension" will last. Jerusalem Mayor Ehud Olmert has spoken of the May expropriation as a "first stage" to be followed by others.
By March 1995 the dwindling proportion of indigenous Christians in the total population of Jerusalem compelled Cardinal William Keeler, President of the National Conference of Catholic Bishops, to send an unprecedented letter to President Clinton. Speaking on behalf of leaders representing the National Council of Catholic Bishops, the Greek Orthodox Archdiocese of North and South America, the Episcopal Church, the Evangelical Lutheran Church, the American Friends Service Committee, World Vision, and the Catholic Conference of Major Superiors of Men's Institutes, Cardinal Keeler called on the President “to press Israel to stop expanding its presence in Jerusalem ... for the sake of the Christian population ... whose historic presence has dwindled so dramatically in recent years.”

So public a pronouncement critical of Israel from such a prominent church figure is rare, a tribute to Israel’s careful cultivation of the indigenous and foreign Christian hierarchies, particularly following the 1967 war. Aware then that Christian churches could be the source of opposition to its annexations and occupation, Israel saw three reasons to work toward harmonious relations with the different Christian communities:

- First, it did not wish to encourage a united Christian front against it. The maintenance of divisions between the different hierarchies was part and parcel of this approach. One denomination could be played off against the other to the government’s advantage.

- Second, it was of paramount importance that a Christian-Muslim coalition against Israeli sovereignty should not be formed. The Palestinian nationalist sentiments of many of the indigenous Christians were countered by the Israeli government’s courting of senior foreign clergy.

- And finally, the government was anxious to acquire or lease church-owned property in East and West Jerusalem. For this it needed not only good relations but a degree of leverage over ranking clergy. Thus the granting of visas to church leaders abroad, discretion over the imposition of property taxation and permission for new religious buildings were made contingent upon the churches’ cooperation in selling property to the Israeli government and eschewing involvement in Palestinian nationalist affairs.

Since the 1980’s church-state relations have taken on a keener political edge. A key factor has been the growing demands by the Palestinian laity for the “Palestinianization” or “Arabization” of the clergy. The growing sense of a Palestinian identity replaced the previous more sectarian view and led to further scrutiny of the clergy’s stance on the social and political issues.

The appointments of bishops such as Laufi Lahom for the Greek Catholics, Samir Kafity for the Arab Episcopalians (Anglicans) and Michel Sabbah for the Roman Catholics projected politically aware, articulate and internationally well-connected individuals to the heads of these churches. In addition, these men were the leaders of churches who, in the main, had close contact with and were respected by their congregations.

After decades of uncoordinated bilateral relations with the Israeli government, these men were able to draw together all the leaders of the churches in Jerusalem to issue a series of statements highly critical of the Israeli government and its policies during the intifada. On April 27, 1987 a strongly-worded statement was issued by the "Heads of the Christian Communities in Jerusalem" which declared:

It is our Christian conviction that as spiritual leaders we have an urgent duty ... to make known to the world the conditions of life of our people here in the Holy Land. In Jerusalem, on the West Bank and in Gaza our people experience in their daily lives constant deprivation of their fundamental rights because of arbitrary actions deliberately taken by the authorities. Our people are often subjected to unprovoked harassment and hardship ... We protest against the frequent shooting incidents in the vicinity of the Holy Places .... We demand that the authorities respect the right of believers to enjoy free access to all places of worship on the Holy Days of all religions .... We request the international community and the U.N. to give urgent attention to the plight of the Palestinian people , and to work for a speedy and just resolution of the Palestinian problem.

That the Greek Orthodox Patriarch, the most politically conservative and pro-Israeli of the Heads of Christian Communities, signed these statements was highly significant.
Another key factor in the changes in church-state relations has been the shift in the locus of real influence among the various Israeli officials and institutions dealing with the Christian community. After the election of the Likud coalition in 1977, hawkish and religious nationalists were appointed to key positions in the Israel Lands Administration, the Ministry of Justice, the Ministry of Religious Affairs and the Ministry of Housing.

In the past, these bodies had been content not to antagonize or provoke the Christian community while extracting piecemeal advantage for the Israeli government wherever possible. They became the most important ministries and departments in the Likud government’s strategic program of ensuring an irrevocable Israeli Jewish dominance over the city. The Likud appointees showed less sensitivity to the churches’ concerns and gradually began to override the earlier cooperative and consultative relationship.

Illustrative of the new attitude was the government’s response to a series of arson attacks and vandalism perpetrated against church property by Jewish extremists in 1979 and 1980. The Dormition Abbey on Mount Zion, the Christian Information Center near Jaffa Gate, and the Protestant Bible Bookshop were all damaged and a Baptist church in West Jerusalem was burned down. While the police investigated and some people were charged, the government was perceived as disinterested. [See "Shrine Under Siege," in The Link, Vol. 17, 4, August-September 1984.--Ed.]

Official encouragement of groups such as the International Christian Embassy in Jerusalem and other fundamentalist supporters of Israel has greatly disturbed the established Christian communities and their clergy. Israeli settler groups first made their presence felt in the Old City in the early 1980s. Although their activities were primarily directed at sites of Jewish association in the Old City, the churches learned that some of the settler groups received support from organizations such as the Temple Mount Foundation which had Christian support.

As the settler groups became increasingly emboldened by covert and overt government funding, their attention turned to potential sites in the Christian quarters. The complex weave of ad hoc understandings and personal guarantees that constituted the structure of relationships between the churches and the government and municipality was put under great strain.

This shift in the locus of state power came to a head in April 1990 when the Ateret Cohanim settler group broke into St. John’s Hospice, a historic building owned by the Greek Orthodox Patriarchate, and set up a yeshiva and residence for its members. They claimed the property had been sold to them by an Armenian tenant via a Panamanian company.

The attempt by the Patriarch Diodorus to enter and restore Greek Orthodox control over the building led to a physical confrontation and the Patriarch himself was pushed to the floor.

The public humiliation of the Patriarch symbolizes the political changes taking place in Christian-state relations in Jerusalem. The leader of the most ancient Christian community in Jerusalem had allowed himself to be paraded by municipal officials as the authentic Christian response to Israeli rule. The Patriarch had cooperated with the Israeli government and Israeli officials at some risk to himself, acceded in the sale and leasing of precious land in Jerusalem, and for many years had successfully obstructed any concerted Christian opposition to Israeli sovereignty. Here he was treated by some North American roughnecks as if he were of no consequence whatsoever, without the government attempting to restore his dignity and status. The occupation of St. John’s Hospice remains at an impasse while the matter is being dealt with by the Israeli courts.

The incident marks the declining influence of those in the government and the municipality who have sought to maintain the status quo arrangements and the rise of those committed to a chauvinistic Israeli Jewish agenda for Jerusalem. It has also prompted a realignment of the Greek Orthodox community behind the more nationalist church leaders in the Roman Catholic, Greek Catholic and Anglican churches. There has been a reassessment of the cooperative relations with the Israeli government in the light of the forcible loss of this property and a near breakdown in official relations as evidenced by a bitter public exchange between the Patriarch and the President of Israel, Chaim Herzog. From the Patriarch’s point of view, there is little incentive to maintain a cooperative relationship with the government against the wishes of the lay Palestinian community if those relations do not serve to preserve the property of the church and its influence in government and municipal policy.

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The Taking of Jerusalem

(Continued from page 9)

Aqsa mosque. On the other hand, Israel was anxious to assuage the Western world’s fears over the rights of access to the Holy Places in order to deflect any further attempts to internationalize the city. The Ministry of Religious Affairs studiously avoided its pronouncements any mention of how the Haram area was to be administered. In fact, no law or ordinance has been passed concerning the status of the Haram area and a Muslim Council supervises its activities under a tacit understanding.

The result was a quasi-autonomous Jordanian-Palestinian enclave in the heart of an Israeli-controlled city in which funding, appointments and major administrative decisions emanated from Amman.

International Response: Consistent Disapproval

The response of the international community to the Israeli annexation and subsequent actions has been consistent disapproval. A 14 June, 1967, Security Council resolution calls upon Israel to respect the Geneva Conventions in the areas under Israeli military occupation. In July 1967 the General Assembly passed two resolutions, the first asking Israel to rescind measures affecting the status of Jerusalem. The second resolution led to the United Nations Secretary General sending a Personal Representative, Ernesto Thalmann, to examine and report back on the situation. He was informed by the Israeli government that the integration of East Jerusalem into Israel was "irreversible and not negotiable."

Subsequent resolutions by both the Security Council and the General Assembly were concerned with maintaining the validity of Jerusalem as a corpus separatum. Other United Nations bodies, such as the Educational, Scientific and Cultural Organization and the Commission on Human Rights of the Social and Economic Council, also stressed Israel’s obligation to rescind any measures which altered the physical and legal character of Jerusalem.

Disputes over the implications and the legality of Israel’s actions have continued. Any kind of diplomatic protocol which could be construed as conferring international recognition of its annexation, such as the location of embassies in Jerusalem, has been avoided.

The Israeli government has sought to consolidate its position not only by infrastructure alterations, but by administrative practice. The Israeli Supreme Court, for example, moved into the commercial district of East Jerusalem. Furthermore, in August 1980 the "Basic Law: Jerusalem" was passed which asserted that "complete and united Jerusalem is the capital of Israel" and "the seat of the President of the State, the Knesset, the Government and the Supreme Court." Its main purpose, however, was political rather than juridical. It underlined the political reality of the existing Israeli legislation but did not legislate changes. The Israeli government, accordingly, moved some of its offices to East Jerusalem.

Security Council Condemns Basic Law on Jerusalem

The law was seen by the international community as a further attempt to prevent and forestall United Nations recommendations on Jerusalem. It also killed the post Camp David negotiations between Israel and Egypt over Palestinian autonomy, which in the Egyptian view was to include the future of East Jerusalem. The Israeli Member of Knesset who tabled the bill, Guela Cohen, affirmed that, "This Bill is designed to ensure that there will never be any compromise over the sovereignty of Jerusalem."

The United Nations Security Council passed a strongly worded resolution condemning the Israeli action as a violation of international law and urged those remaining countries which had diplomatic representation in Jerusalem to remove their embassies.

Israel Determined To Consolidate Hold

Despite this reaction Israel has remained determined to secure control over both sides of Jerusalem. The overriding aim of absorbing and integrating the eastern annexed areas into

Palestinian Christians

There is some indication that this severe deterioration in relations with the dominant Christian community in Jerusalem has led the Israeli government to a tilt towards the Vatican. Mutual recognition between Israel and the Vatican has certainly led to the prospect of closer relations. The possibility that the Vatican may break ranks in exchange for some advantage over the other Christian communities has caused considerable anxiety in those communities.

However, given the precedent for greater coordination in political matters between the churches and the unpredictability of the peace process, it is unlikely that the Vatican or the present Catholic Patriarch of Jerusalem would depart from the loose consensus. Instead it is more likely that the ranks will continue to be closed against what is now perceived as hostile anti-Christian elements in the Israeli government. Acquiring property in the heart of the Christian quarters is the most challenging threat to the Christian presence in Jerusalem and has been taken very seriously indeed. ■
the West Jerusalem municipality is demonstrated clearly in the location of new housing settlements, the direction of immigrants, the introduction of services and infrastructure, and the allocation and distribution of resources.

When Israel occupied East Jerusalem and incorporated it and parts of the West Bank into the state, it offered citizenship to the 65,000 Palestinians located within the new extended borders of Jerusalem which were counted in the 1967 census. Very few took up the offer since it also required forfeiting Jordanian citizenship. To this day only approximately 1,500, or 1 percent of the Palestinian population, have availed themselves of this opportunity.

To overcome the problem of having within the new borders of Israel a large community of non-citizens, Israel was obliged to regard them as permanent residents. Palestinians in Jerusalem were therefore issued Israeli identity cards and allowed to vote in municipal elections. The possession of an Israeli ID proved attractive since it entitled the bearer to medical, old age, unemployment and other welfare benefits.

Palestinian participation in municipal elections has been a highly contentious issue. Communal and political leaders have argued that by doing so Palestinians would confer a legitimacy upon Israeli rule in the incorporated areas which should be denied to the occupiers at all costs. Some Palestinians, particularly those who work for the municipality (approximately 1,500), argue that Palestinians should see the elections as local contests over the equitable allocation of services.

Kollek’s Settlement Support Factor in Fall from Power

In 1969, the first elections after the 1967 War, of the 25,000 eligible Palestinians, only 7,150 voted. Since that date no more than 20 percent of the Palestinian electorate has voted and the proportion has steadily declined. There is no doubt that had the Palestinians voted in larger numbers they would have had a considerable impact upon the city’s electoral politics. While the gradual decline in support for Kollek’s One Jerusalem List is partly attributed to the rise in the Jewish orthodoxy and ultra-orthodox population, there can be no doubt that Kollek benefited from the Palestinian vote. Disillusionment with his support for the construction of Israeli settlements in East Jerusalem played a significant factor in Palestinian abstention in municipal elections and contributed to his ouster in 1993.

A major problem confronting Israeli planners has been the scarcity of land to promote the Jewishness of the city. By the late 1980’s it became clear that the area of the Israeli municipality would not be sufficient for the city’s projected needs. The lack of land would stymie the government’s attempts to outpace the Palestinian Arab population growth in the eastern parts of the city and, without development space for industry, would further weaken the economic base of the city.

It also was recognized that following a peace agreement with the Arab states and the Palestinians, Israel would receive de jure recognition for Jerusalem as its capital. This would lead to a great demand for space for the construction of embassies and the offices of international institutions.

In 1988, the Israeli government set up the Kibbush Committee which was instructed to examine the options for enlarging the borders of the Jerusalem municipality. It is significant that the committee’s brief was restricted to considering options only on the western side of the armistice lines.

Despite the urban planning and demographic advantages in an extension northwards and eastwards, the many disadvantages ruled out consideration of this option. In the first place there were too many Palestinians in these areas and too little of the land was owned by Jews. An expansion in this direction would alter the demography of the city to the detriment of the Israeli Jewish population. Secondly, the international reaction to such a move could damage Israel’s attempts to obtain recognition for Jerusalem as its capital. As a result of these discussions, in February 1992 the boundaries of the municipality were enlarged westwards by 2,750 acres.

Departing Annexed Area ‘A Nigh Impossibility’

Notwithstanding the recommendations of the Kubursky Committee, the future expansion of Jerusalem will also be determined by wider strategic factors relating to the peace process. The commitment of the present Labor government to the Israeli settlements in the metropolitan area of Jerusalem to the north, east and south has been asserted too frequently and consistently to be mere rhetoric.

Having been obliged to surrender the Gaza Strip and parts of the West Bank, it is likely that the current government will do its utmost to make an Israeli withdrawal from the annexed parts of Jerusalem a nigh impossibility.

The future territorial needs of the municipality for its functional operations and the political commitment of the government to a wide belt around Jerusalem may be combined to produce an additional blurring of the borders. This could be a blurring where the official political borders of the municipality are one area but the functional borders another, where the Holy Places are administered autonomously but where de facto control is Israeli, and where the Palestinian inhabitants of the city are made permanent residents of a greater Jerusalem but not citizens of any state. ■
Four critical trends will need to be accommodated in any political settlement on the future of Jerusalem:

- First, the unique religious nature of the city will continue to provide the city with its economic raison d'être. The inappropriateness of Jerusalem as a large manufacturing center will combine with the persistence and tenacity with which religious movements and institutions will continue to base themselves in Jerusalem.

Dr. Dumper's
Conclusions

The Future
of Jerusalem

In the event of a peace agreement which will allow greater freedom of access to Jerusalem, particularly to residents of Muslim countries, the institutional religious interest in Jerusalem will increase dramatically. There will be a considerable growth of pilgrimages, study tours and tourism to the city. Links between Jerusalem and religious communities regionally and internationally, will take institutionalized forms and seminaries, religious universities and other forms of symbolic presence will be established. These need to be recognized and accommodated in any peace agreement on Jerusalem. At the same the limited absorptive capacity of the city may require that some regulation be introduced.

- Second, international interest in the city will continue. To some extent this will be part of the religious trend just mentioned, but secular interest in Jerusalem will also have its separate concerns. The unfolding of Israel’s integration into the Middle East region will continue to be a chaotic uneven affair with many crises and confrontations between Israel and its neighbors. Jerusalem's role as both symbol and microcosm of that process will continue to draw heightened international interest. The combination of the unique religious nature of the city and the international interest in it will continue to create pressures to place significant jurisdictional curbs on whatever secular authority is established and this should be accepted rather than marginalized inappropriately.

- Thirdly, the issue of political sovereignty cannot be sidestepped. Palestinian aspirations for part of Jerusalem as their capital will need to be addressed before any settlement will be deemed acceptable. Israelis and the international community will need to understand that Palestinian proposals along the lines of an Israeli withdrawal and joint sovereignty and municipal administration do not mean the return to a divided city with closed borders. In the same way, Israeli concerns over rights of access to religious sites and personal and military security are based upon their experiences since 1948 and should not be dismissed.

The point that needs to be grasped is that an agreement need not be at the expense of one or the other of the party’s objectives. International recognition of political sovereignty has strong attractions for both sides. By conceding perhaps a qualified form of political sovereignty to the Palestinians, the Israelis may attain international acceptance of an amended version of theirs.

It is also worth asking whether there can be some compromises over the actual geographical area of Jerusalem. Which areas do Israelis and Palestinians have in the minds when they refer to Jerusalem? As Abu Odeh puts it:

Is it the Jerusalem of 1850, of 1910, 1948, 1967 or of 1992? Like other important cities Jerusalem is a living entity that has grown over time, both through natural progress and prosperity and as a result of an increase in population.... Is every hectare now called Jerusalem to be considered holy? Does every hectare annexed to the city, due to natural growth, thus become holy?
Ian Lustick asks the same sort of questions in a ground-breaking article where he dissect what he calls the Israeli "fetish of Jerusalem." [See "Reinventing Jerusalem," Foreign Policy, Winter 1993-94—Ed.] He is able to collate considerable evidence which points to a measure of official and unofficial Israeli ambiguity over the importance of the current borders. It may be that both Palestinian and Israeli demands for political sovereignty over either all or part of the city can be reduced to a smaller core which could satisfy both, provided that access to the Holy Places and across the city can be ensured.

- The final, and probably foremost point for consideration in any formula on Jerusalem, is this: In the absence of any extreme action of the Israeli government involving the transfer of the Palestinians around Jerusalem to other distant locations, the demographic growth of the Palestinians in the metropolitan area will compel the Israelis to accept the inclusion of Palestinians in the administration of the city in some way. The manner of inclusion may range from the substantive to the nominal. It will depend upon the degree of cooperation established between any Palestinian self-governing authority or state on the West Bank and both the Israeli and Jordanian governments.

Whether the inclusion leads to the evolution of some form of Palestinian political sovereignty in the city will also depend upon factors such as the degree of international support for that development and the economic and political strength of the new Palestinian authority.

It is clear that the Israeli government policies hitherto—their accelerated building and settlement program during the interim phase of negotiations and their publicly avowed aim of securing the city's hinterland under Israeli control—is not conducive to a durable peaceful resolution of the Jerusalem issue. The temptation to take advantage of their current political domination of Palestinian weakness, of their support from the United States, and the disarray in the Arab halves of the city, but the issue of Jerusalem as a Palestinian, an Arab, a Muslim and Christian city will remain in the architecture, the literature, the religious ceremonies and rituals, and the non-Jewish demographic growth.

With Jerusalem forming the financial and commercial center of the Palestinian economy in the West Bank and Gaza Strip, with its geographically strategic location in the center of the West Bank, as well as its historical, religious and political importance, an Israeli imposed solution which does not accommodate these aspects will not only jeopardize the achievements of the peace process so far but also strengthen the arguments of those political and religious groups who argue that a Palestinian and Israeli state can only exist at the expense of the other. Anti-Israeli sentiment in the Arab and Islamic worlds can only be exacerbated in this way. On the other hand, a generous and magnanimous Israeli offer over the future of Jerusalem would help to seal any peace agreement between Israel and the PLO and Arab states.

The current policy of creating facts on the ground in and around Jerusalem ahead of the final status negotiations is reducing the variables which can be negotiated.

To Contact the Author

Link readers wishing to know more about the Jerusalem Studies course at the University of Exeter should contact Dr. Michael Dumfer at the Department of Politics, University of Exeter, Devon, EX4 4RJ, United Kingdom, Tel: 44/1392-263167; Fax: 44/1392-263305; E-mail: m.r.t.dumfer@exeter.ac.uk.
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- **The Mufti of Jerusalem**
  Political biography of one of the most controversial figures in the Arab-Israeli conflict.

- **A History of the Arab Peoples**
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- **Jerusalem in History**
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<table>
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<th>Video Title</th>
<th>Duration</th>
<th>Production Year</th>
<th>Description</th>
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<tr>
<td>Christian Families of Palestine</td>
<td>34 min.</td>
<td>1993</td>
<td>This video documents two families—known from Boit Sahour, where shepherds first heard of Jesus' birth. The film shows how Israeli settlers are steadily encroaching on the ancestral land of these Christians, forcing many to leave. Good for church groups, Bible classes, and people preparing to visit the Holy Land.</td>
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<tr>
<td>Disabled for Palestine</td>
<td>20 min.</td>
<td>1993</td>
<td>A Palestinian neurosurgeon presents, in graphic detail, some of the 100,000 Palestinian civilians who have been maimed for life by Israeli bullets, beatings, and tear gas. Intended for Middle East advocacy groups, human rights organizations, peace activists, and social science classes.</td>
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<tr>
<td>Inside God's Bunker</td>
<td>41 min.</td>
<td>1995</td>
<td>This illuminating video presents Palestinian women wearing traditional costumes and accessories, with commentary tracing their designs back to Canaanite times.</td>
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<tr>
<td>Palestinian Costumes and Embroidery</td>
<td>38 min.</td>
<td>1990</td>
<td>This video highlights Palestinian women wearing traditional costumes and accessories, with commentary tracing their designs back to Canaanite times.</td>
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<tr>
<td>Golani Heights: Facts and Fiction</td>
<td>51 min.</td>
<td>1992</td>
<td>This video focuses on Israel's 1967 occupation and later annexation of Syria's Golan Heights. Interviews with Syria's President Hafez Assad, U.S. Admiral Thomas Moorer, former Chairman of the Joint Chiefs of Staff (who calls Israel's attack on the U.S.S. Liberty deliberate), and U.S. Ambassador James Akins (who explains why Israel started the 1967 war).</td>
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<tr>
<td>Jordan's Stormy Banks</td>
<td>30 min.</td>
<td>1991</td>
<td>Good introduction to the Palestinian-Israeli conflict, including the role that U.S. financial aid to Israel has played.</td>
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<td>Golan Heights: Our Story</td>
<td>68 min.</td>
<td>1991</td>
<td>Interviews with U.S.S. Liberty survivors during their 20th anniversary reunion. Includes footage of Israel's attack that killed 34 of their shipmates and wounded 171 others.</td>
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<td>U.S.S. Liberty Survivors: Our Story</td>
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<td>Suspended Dreams</td>
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<td>Documents the ravages of Lebanon's 16-year civil war and the growing realization of its people that the alleged Christian-Muslim enmity that fueled the war was a lie used by their own leaders and exploited by foreign powers. Also looks at Lebanon's new environmental challenges, especially the impact of Israel's occupation of southern Lebanon on its vital water resources.</td>
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