

The Battle for Jerusalem

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By all accounts the contested status of Jerusalem was at the heart of the breakdown of negotiations at Camp David last July, thus triggering the current Palestinian uprising and daily confrontations with the Israeli army at the borders of Palestinian towns, excessive Israeli force, and a tragic loss of human life, mostly Palestinian. In the process, both the physical and political landscape have been transformed and almost all of the fundamental issues in the half-century Palestinian-Israeli conflict have re-emerged. We will try in this schematic editorial to trace the progression of the events leading to this breakdown and their consequences.¹

¹ These pages are condensed from a larger essay written by Rema Hammami and Salim Tamari on the Second Intifada that appears in the *Journal of Palestine Studies* (Washington, February 2001).

The story begins with a failure within the framework of the Oslo agreements, and ends, at least at this writing, with a profound challenge to the framework itself. With the transitional phase already extended past several deadlines, the anticipated third re-deployment of the Israeli armed forces, stipulated in the Oslo Accords, never took place. Rather, Israeli Prime Minister Barak insisted on moving directly to final status talks, held at Camp David in July 2000. The Palestinian Authority was thus forced to negotiate permanent status issues when the Palestinian leadership was fully in control (area A) of only about 18% of the occupied Palestinian territories, constituting the urban centers of the West Bank and most of the territory of the Gaza Strip, and in joint control (area B) of 24%, largely the built-up areas of West Bank villages, altogether comprising about 42% of the occupied territories. More fundamentally, Israel's failure to withdraw represented the final outcome of the massive imbalance of power between the two sides that has defined the logic of Oslo. The original understanding that Israeli withdrawal from the vast majority of the occupied territories would be undertaken as a pre-requisite to final status, was now transformed into the imperative for major Palestinian concessions on final status issues as a pre-requisite for Israeli withdrawal.

Palestinian Red Lines

Here it should be noted that the political discourse of the Palestinian leadership has consistently, if sometimes implicitly, made a distinction between concessions that the Palestinians were forced to make over

transitional arrangements (such as internal mobility, by-pass roads, economic agreements and water sharing) and the need to insist on firm stances when final status talks would commence (particularly in terms of a strict interpretation of UN Resolution 242). Thus the initial failings of Oslo were presented as imposed contingencies, driven by the need to bring the PLO home from exile and to consolidate an autonomous Palestinian entity before the leadership could embark on the protracted struggle for statehood from its new home base.² As the failures during the transitional period continued to mount, logically the leadership would be forced to adhere ever more strongly to these Palestinian "red-lines" when it came to final status talks.³

Thus on one level, the breakdown of Camp David is the product of the clash of these two contending logics - whereby Israel expected Palestinian concessions on final status issues in return for greater land area, and, conversely, the Palestinian leadership, having lost much during the transitional period, found itself unable to make significant concessions on final status.

² The most elaborate discussion of this position can be found in Mamdouh Nofal's *Qissat Itiffaq Uslu* (The Story of the Oslo Agreement), Ahliyyeh Publishers, Amman 1995. See especially "Peace or Settlement?" pp. 289-298.

³ In a lecture given by MK Azmi Bishara on 24 October 2000 (Ramallah, Muwatin Institute; reported by *al-Hayat al Jadida* on 25 October) he pointed out that "Palestinian red lines" (*al-Thawabit al-Filistiniyya*) a term often repeated by both Arafat and his opponents as guidelines for peace negotiations, were never taken seriously by the Israelis, and were seen as mere rhetoric, particularly where Jerusalem and settlements were concerned.

Views of Camp David

However, there are major differences of opinion surrounding what happened at Camp David. In the immediate aftermath, the official Israeli view (also voiced by the Clinton Administration) dominated. According to this highly publicized version, Barak made "first-time generous offers" which the Palestinian leadership rejected. The specific reason for the breakdown was over the issue of Jerusalem - and the specific cause was an Israeli demand that Israel have some form of sovereignty over the Haram al Sharif. This last issue was the backdrop to Ariel Sharon's fateful visit there in early October. More recently, a range of different analyses are emerging about the content of Israeli offers, the causes of the breakdown of talks, and most important, about the larger strategies underlying Israel's behaviour at the talks.

The Contested City

Although at the end of September Barak announced in a public interview that he favored the creation of two capitals for two states in Jerusalem,⁴ a reading of the essence of the Israeli offer for Jerusalem shows his real intention.⁵ According to Menahem Klein, advisor to chief Israeli negotiator Shlomo Ben Ami, Israel would annex the main bloc of settlements in East Jerusalem to Israeli territory⁶, and would expand the Greater Jerusalem area as far south as Gush Etzion near Hebron.⁷ The

outlying Arab suburbs of East Jerusalem would be divided into an outer ring with full Palestinian sovereignty while the Arab neighborhoods immediately outside the Old City would comprise an 'inner ring' which would receive only an expanded form of autonomy.⁸ In addition, Muslim and Christian holy sites and the Arab neighborhoods inside the Old City, would receive this 'expanded form of autonomy but Israel would remain the hegemonic power'--that is, would retain overall sovereignty.⁹ Within this arrangement, Metropolitan Jerusalem would be divided into an Arab and an Israeli municipality, and would remain an open city, with no international borders and checkpoints between the ethnic boundaries of the city.¹⁰ This, in essence is Barak's stated support for "two capitals."

Akram Haniyyeh, among the Palestinian advisors at Camp David, provides a different version of these positions. The crucial difference in the "American filtered version of the Israeli proposals"¹¹ received by Palestinian negotiators was that the Old City would not have the same expanded autonomy status as the "inner ring" neighborhoods. Instead he relates that the Americans posed a special status for the Old City in which Palestinians have sovereignty over the Christian and Muslim

⁸ The outer ring includes Shu'fat, Beit Hanina, and Walajah, while the inner ring would include Sheikh Jarrah, Wadi al Joz, and Silwan.

⁹ Usher, *ibid.*

¹⁰ Usher, *ibid.*

¹¹ Azmi Bishara suggests that these Israeli proposals were made through the American conduit and not directly in order to retract them in case the Palestinians rejected them. More intriguingly, he suggests that it may have been in case Palestinians accepted them and an Israeli rightwing backlash were to develop against the Barak government. Bishara, *op. cit.*

⁴ Quoted in *al-Quds* newspaper, 24 September 2000.

⁵ These details are based on a interview with Menahem Klein by Graham Usher, published in *Publico*, (Lisbon), 14 September 2000

⁶ Ramot, Givat Zeev, Maaleh Adumim, French Hill, Pizgat Ze'ev, Gilo and Har Homa

⁷ Which may remain a separate district, but part of Israeli territory.

Quarters, while Israel would have sovereignty over the Jewish and Armenian Quarters.¹²

Haniyyeh and Klein's versions of events dovetail on three main issues. First, Arafat's rejection of anything short of full sovereignty in all Palestinian areas of East Jerusalem. Second, the fact that proposed Israeli sovereignty over the Haram area was a critical element in the ending of the talks. And finally, they agree on the contents of the Israeli proposal in terms of the latter issue: joint sovereignty, or 'vertically divided' sovereignty, in which the Muslims would control the surface areas, while the Israelis would control the area below surface.¹³ The idea of "shared" sovereignty was stunning given that no previous Israeli administration (Labour or Likud) had ever advanced such a notion. And according to Klein, "It was on this point that the summit ended."

Settlements

In terms of settlements, there were three components of the Israeli offer which were unacceptable to the Palestinian side.¹⁴ The first was the inclusion of the massive Etzion bloc of settlements mentioned earlier; in addition, Israel proposed to include within its final boundaries two other settlement blocs on West Bank territory, which would thus intrude considerably into the boundaries of the proposed Palestinian state. Altogether these three blocs include over 400,000 settlers (including some quarter million in the Jerusalem area alone) who would retain Israeli citizenship, with an additional 80-100,000 Palestinians who would be disenfranchised.¹⁵ Most problematic was the legiti-

mation of the complete encirclement of East Jerusalem with vast expanses of new and newly-expanded settlements such as Maale Adumim towards the East, and Har Homa (Jabal Abu Ghneim/Har Homa) in the South. The integration of these three blocs would mean that Israeli territory would reach in a long line from the eastern outskirts of Jericho westward to Beit Sahour, effectively splitting the West Bank in two. It would also seal the city of Jerusalem from its Palestinian hinterlands.

Refugees and the End of Conflict

But behind the crucial issue of Jerusalem loomed the more problematic third issue of refugees. On offer were largely symbolic gestures of returning a few thousand refugee families from Lebanon over a 15 year period under the guise of "family reunification." and the formation of an "international" fund to for refugee resettlement in the countries in which refugees live or as compensation. In return, the Israelis expected an "end of claims" or

¹² Akram Haniyyeh, *The Camp David Papers*, Ramallah: 2000, al-Ayyam Publishers, pp. 42-43 (Arabic edition). Additionally, some of the villages included in the outer ring were different as well as the to some degree the neighbourhoods included in the inner ring.

¹³ Usher, op. cit. According to Klein, "...but Arafat refused to compromise over the Arab neighbourhoods in East Jerusalem. He demanded full Palestinian sovereignty over each neighbourhood, including the Muslim, Christian and Armenian Quarters in the Old City. Above all, he insisted on full Palestinian sovereignty over the Haram el Sharif/Temple Mount compound. For him, this is an entirely Arab Muslim site with no links to Jewish history or Judaism. It must come under Palestinian sovereignty, full and period". Also see Haniyyeh, op.cit.

¹⁴ For a detailed discussion see Haniyyeh, op. cit, pp. 711-82

¹⁵ Or as Israeli commentator Nahum Barnea delicately expressed it, they "would vote for the Palestinian parliament while living in Israeli territory".

"end of conflict" statement from the Palestinian negotiators which would release them from all further claims on any of the final status issues. In the context of the refugee issue, this would mean that any implications of Israeli responsibility for Palestinian refugees would be forever and finally buried. A major consequence of such a clause would include establishing a wedge between Arafat and the diaspora Palestinian communities, which he would no longer be able to represent.

It was this demand, perhaps more than the issue of control over the holy places that constituted the main obstacle to the success of final status negotiations under the terms set in the Camp David negotiations. Akram Haniyyeh, expressed it in these terms:

...at that moment [in Camp David] the Israeli-American objectives became clear: to impose an agreement that would restore to the Palestinians part of the occupied territories, and would keep to Israel security control over the border areas; a solution to the refugee problem through re-settlement and compensation; functional suzerainty in Jerusalem, and control over the Haram area...in return for these 'concessions' the Israelis would gain the golden signature from the Palestinians: an end to the conflict and final legitimacy and recognition of Israel.¹⁶

A key Israeli analyst, Uzi Benziman, confirms this position. Contrary to all

major sources he also suggests that it was refugees, not Jerusalem, that was the major stalemate at Camp David.¹⁷ "There is a growing impression" he writes, "that even if Barak had agreed, at Camp David, to leave sovereignty over the Temple Mount in the hands of the Palestinians, the question of the right of return would have remained open, and in any event Arafat would have refused to sign a peace agreement that contained a statement declaring the end of the conflict and the renunciation of mutual claims."¹⁸

An Exit Strategy for Barak?

While there were clearly a range of major obstacles to agreement along the way, commentators on both sides point to the "end of conflict" clause as the point at which the breakdown in talks actually occurred; significantly, the crisis over the issue of the al Haram Compound occurred in its aftermath. If this scenario is credible, and the talks had already collapsed - then why at the last moment was there an Israeli demand for shared sovereignty over the Haram? There are three theories. One is that Barak wanted to offer a palliative to

¹⁶ Haniyyeh, op. cit., p. 43

¹⁷ For example, Menahem Klein--like many analysts--makes a cursory mention of refugees as being a problematic area, and does not mention in as an obstacle to the 'end of conflict' formula.

¹⁸ Uzi Benziman, "Corridors of Power--Battle Fatigue", *Haaretz*, 3 November 2000. There are other interesting details in this article. Later he says: "...Israel did not hear an authoritative announcement from Arafat that he was designating the Palestinian state alone (and not Israel) as the place where the refugees would be absorbed. Worse, Israeli and Palestinian sources confirm that Arafat made it clear that he would not sign an agreement declaring the end of the conflict as long as the right of return was not realized. At most, he would be ready to sign a statement declaring that there were no more claims on the subjects regarding which agreement had been reached." (p. B2)

the religious right in order to keep Shas in his crumbling coalition. Such a demand (which clearly the Palestinians would reject) would at least offer a high profile face-saving finale for Barak that might compensate for the backlash emerging once his concessions to the Palestinians were leaked. A second explanation is that at some point Barak got cold feet and decided to introduce an element in the negotiations, which he consciously knew would lead to a Palestinian rejection of the deal.¹⁹

The third theory (and the one believed by most of the Palestinian negotiators) is that Barak went to Camp David with the intention from the outset of bringing about its failure. Believing that he would be unable to survive after giving limited acceptable concessions to the Palestinians, he opted to let them provide him with an exit from an agreement. According to a recent analysis by an Israeli historian, the actual purpose of the Israeli participation in Camp David, was to create a crisis that will undermine the results by inviting a Palestinian rejection.²⁰ This is suggested by a scenario outlined by Dan Margalit, a journalist close to the Israeli leadership, who wrote on 10 July, one week before the commencement of the Camp David talks:

This is what should happen with the Palestinians: Barak should present them with proposals, which stipulate that he is willing to make concessions that are very difficult for Israel. If they are rejected, both the Arab and Western worlds will understand that Arafat is no different from Asad, for at the decisive moment, he pre-

*ferred the convenience of the routine conflict to the audacity of bringing about peace.*²¹

The resemblance of this scenario to the actual unfolding of events is uncanny. While the actual content of Israeli concessions may seem stingy, Barak's public relations victory after the talks posed Israeli generosity against Palestinian intransigence. More intriguing is Margalit's suggestion, in the same article, that: "Whoever advocates a national unity government must internalize the need to set two conditions for its establishment: generous Israeli proposals, and Palestinian refusal."²² But of course, the conclusion of a national unity government (with the Likud's Sharon) would result in the entire ending of peace negotiations and would bring the Israeli Labor Party into a conflict with the Americans. Such a coalition would only be possible and acceptable to the Americans, if the Palestinians became belligerent.

Whatever the intention, Israel's proposal for shared sovereignty over the Haram area represented a critical moment in the negotiations in which the religious issue, specifically the sensitive issue of control over a highly contested sacred site, was articulated and then tossed into the public arena. By raising it, and then granting a police permit and protection to Ariel Sharon in order to visit the site, the Israeli govern-

¹⁹ This would explain why members of his cabinet, reportedly Yossi Beilin and Shlomo Ben Ami, were against the idea of shared sovereignty over the Haram area.

²⁰ Amnon Raz-Krakotzkin, "Different Aspects of the Bloody Events", in *Between the Lines* (Jerusalem), November 2000, pp 10-14

²¹ Quoted by Raz Krakotzkin, *ibid.* p. 12

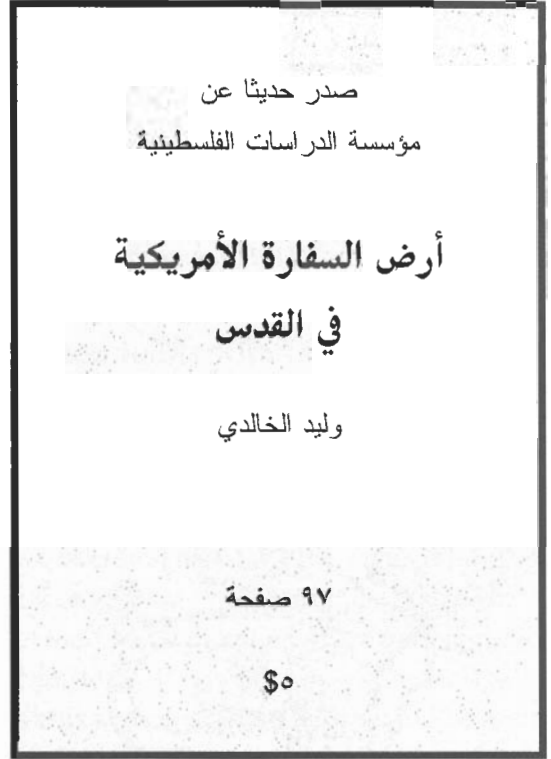
²² *Ibid.*

ment linked the humiliating process and proposals of Camp David -- and the Oslo period as a whole -- to a very actual event that galvanised the Palestinian street. In this process, it was inevitable that protests would take on the religious character that permeated this conflict.

Bridging Proposals: A Recipe for Future Conflict?

As of this writing, the bridging proposals suggested by outgoing President Clinton, and the tentative acceptance by Barak and Arafat of these proposals have not significantly altered the contours that precipitated the crisis over Jerusalem in September. One can see some amelioration of these conditions from the Palestinian perspective -- namely enhanced control over the Arab neighbourhoods in the immediate vicinity of the Old City. But the main stumbling blocks remain: Israel's continued control over the ring of Jewish colonies around Jerusalem, the significant inclusion and expansion of Ma'aleh Adumim to the approaches of Jericho, and the insistence of the Israelis (with some American backing) that the al-Haram area be jointly controlled. This is a recipe for disaster. Even if the Palestinians are compelled to accept it under duress, it does not augur well for the future. For it allows for the dismemberment of the West Bank into two zones, thus undermining the geographic continuity of the future state, and plants the seeds of another round of religious conflagration.

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