

**Will there be a lasting peace in Jerusalem?**

# **Will there be a lasting peace in Jerusalem?**

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*Summary:*

*What are the prospects for peace in the Arab-Israeli conflict?*

*If 2020 has seen a shock presentation of a "Trump Plan", giving the impression to some actors that it is the only possibility, are there no other possibilities for the future?*

*This study starts from the different causes and proposes to mitigate several of them in order to reach a normalized situation.*

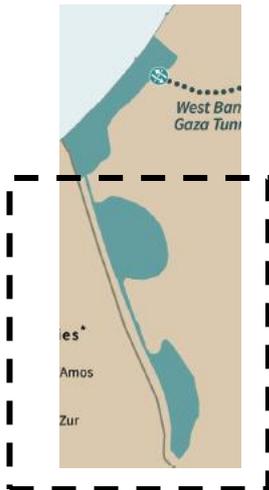
*The reader is invited to offer his or her own analysis by identifying the causes on which to act, in his or her opinion, in order to achieve peace.*

# Will there be a lasting peace in Jerusalem?

## INTRODUCTION

### The Trump Plan

The "Trump Plan" went through here. Should we laugh about it or cry about it? I confess I started by laughing at this little piece of the "Trump Plan".



If one recognizes Gaza, one wonders what this road parallel to the Egyptian border and these two "pockets" are doing in the middle of a desert.

In all seriousness, it is explained that in order to compensate for the areas taken by Israel in the West Bank and in order to return an area at least equivalent to the whole of the West Bank, those territories that leave Gaza without being on the Egyptian border are returned to the Palestinian Authority as compensation.

What could the Palestinian Authority do with these pieces of desert, cut up in such a way that they are not contiguous to Gaza, do not border Egypt completely and, above all, are not subdivided in such a way that they do not form a coherent whole. Why not directly expand the territory of Gaza, contiguously?

As far as I am concerned, I laughed about it, not even understanding that someone dared to consider such a scheme. Others are already crying about it and it may end in "blood and tears".

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This should not lead us to conclude that everything that is "Peace to prosperity" is meaningless. That would be a bit of an unfair caricature. More than two-thirds of this initiative concerns the economic steering wheel that would follow an Israeli-Palestinian peace and describes, as called for in the Oslo Accords, a kind of Marshal Plan that has no equivalent in this document.

Military victory is the best known way to make peace, the "Trump Plan" starts from Israel's dominant military position to propose a solution : the victory, as seen by Israël, is the scheduled Peace.

Not only is there the Israeli-Palestinian conflict, but there is also the Israeli-Syrian conflict and a remnant of the Israeli-Lebanese conflict. Even if the negotiations seem impossible in the short term, particularly in its Syrian dimension in view of the situation in Syria, one or more initiatives will one day get off the ground. Before or after the next war? Whatever! One day we will have to overcome this status quo, this mutual blindness that leads to nothing but the next war.

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### Who has never asked the question about Israel and its neighbours: will they ever live in lasting peace?

For most of us, the war between Israel and its neighbours began before we were born, and we are entitled to ask ourselves whether peace will be a reality before we die.

When we look at the history of Jerusalem, we can legitimately ask ourselves whether peace in Jerusalem will not be anything more than a parenthesis. Jerusalem has known many masters: some for decades, others for centuries, but they have been Jews, Christians or Muslims. In 3 millennia, this city has been Israeli, Babylonian, then Jewish again, then Roman, Jewish, then Muslim, Christian, Ottoman, then British, Jordanian, and finally Jewish again. But how long will it stay that way?

Does anyone want us to believe that this city will be forever Israeli, or Palestinian?

It's hard to believe in the history of the past centuries. It is more realistic to say that there will always be Jews, Muslims and Christians. If "Always", as seen by Israël, means a few decades, it is a very "relative" eternal.

Jerusalem is a fascinating and disturbing reality. Fascinating because several monotheistic religions: Jewish, Christian, Muslim worship it and have holy places there. Disturbing, because the present is struggling to make us see a sustainable future.

It is a challenge to build a lasting peace as a balance achieved and maintained over the centuries to come. We must look beyond the present and the near future.

Peace is the achievement of a balance in which everyone benefits. In order to achieve Peace, we need ideas, negotiators and peoples who recognize themselves in the future that is being built.

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In order to build Peace, it is necessary to think and implement another balance than the one that exists at present, so we must start by imagining new paths, expressed by a few ideas.

An idea alone cannot bring about peace. It is also necessary that those directly affected by this conflict feel so involved in their future that they can participate in the definition and implementation of a solution that seems "sustainable" to them. An idea can help to catalyse goodwill, even if its author never participates in any negotiations. An idea is simply a drop of oil that allows to unseal a gear, but if there is no gear, the drop of oil falls on the sand and cannot make a project succeed. It therefore requires attempts at negotiation that appear to be blocked in order to unblock them. If there is no attempt, there will be no unblocking.

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### Are there negotiations to limit, to avoid this next war?

There is no negotiation between Israel and one of the three most likely components of the war, namely Hamas, Hezbollah and Iran. The only negotiations under way concern a component that is not preparing for war and has no authority over the other components: the Palestinian Authority.

It is not certain that the outcome of negotiations between Israel and the Palestinian Authority will have a real effect on the other components if there is no coordination between the Palestinian Authority and Hamas.

And then this choice will not just be the choice of Israel and its neighbours. Peace will require more than indirect talks between the Palestinian Authority and Israel. This may help but it will not be enough: other initiatives will have to be launched and there will therefore be a need for other good wills to move towards a full settlement of the Arab-Israeli conflict.

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## IN SEARCH OF THE CAUSES OF THE ARAB-ISRAELI CONFLICT

### Some Dates and Events

Date	Event
1004 BC	King David conquers Jerusalem and makes it the political and religious capital of David's kingdom.
957 BC	The Temple of Jerusalem is completed
586 BC	The king of Babylon, Nebuchadnezzar, besieged and destroyed Jerusalem, including the Temple. Prophets keep alive the hope of the return and rebirth of Jerusalem
565 BC	Inauguration of the rebuilt Temple. The king of Persia, Cyrus, after defeating Babylon in 539 BC, allowed the exiled Judeans to return home.
44 BC	Reconstruction by Herod of a Temple that seemed too modest.
70	Destruction of the Temple. Following the Jewish revolt against the Roman occupation, Jerusalem is destroyed from top to bottom (First Judeo-Roman War of 66-73).
	The Temple was never rebuilt and for 18 centuries Judaism was a religion of exile. Jerusalem, although destroyed, remains the holy city which the Jews hope to rebuild and which remains at the heart of Judaism.
1896	Publication by Theodor Herzl of "The Jewish State".
1897	Foundation of the World Zionist Organization
1901	Establishment of the "Jewish National Fund" which will purchase and manage land in Palestine.

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Date	Event
1917	Balfour Declaration. The United Kingdom supports the establishment in Palestine of a national home for the Jewish people.
April 4 to 7, 1920	The Jerusalem riots occur in the Old City of Jerusalem. During the religious festival of Nabi Moussa, clashes between the Jewish and Arab populations. 5 dead and 216 injured among Jews, 4 dead and 23 injured among Arabs. These riots prompted the Jews to develop their own defense organization, the Haganah.
Spring 1921	Arabs attacked Jews in Jaffa and Jewish self-defense groups retaliated, resulting in the death of 47 Jews and 48 Arabs and the injury of 146 Jews and 73 Arabs.
August 1929	After Arab attacks against Jews in Jerusalem on 20 August, various massacres took place in Palestine, including Safed (18 dead) and Hebron (67 dead). From 1930 to the Six Day War of 1967, there was no Jewish population in Hebron.
November 1947	Plan for the partition of Palestine into two independent states
30 November 1947- 1 <sup>o</sup> April 1948	Civil war following the announcement of the partition plan for Palestine
May 15, 1948 - 20 July 1949	After the proclamation of the creation of Israel on May 15, 1948, the first Arab-Israeli War
October 29, 1956	Suez War
June 5, 1967	6 Day War
October 6, 1973	Yom Kippur War
September 17, 1978	Camp David Agreements
March 26, 1979	Israeli-Egyptian Peace Agreement

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Date	Event
6 June 1982	Israeli War in Lebanon
December 9, 1987	First Intifada or "stone war".
September 13, 1993	Oslo Agreements
March 26, 1994	Israel-Jordan Peace Agreement
September 28, 2000	Second Intifada following Ariel Sharon's visit to the Esplanade of the Mosques in the Old City of Jerusalem
6 June 2004	Gaza disengagement plan adopted by the Israeli government
July 12, 2006	Second Israeli war in Lebanon
December 27, 2008	Israeli-Palestinian war with Hamas in Gaza: Operation "Cast Lead".

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## The different causes

### Zionism

There is no doubt that if there had not been Zionism and the will to create a Jewish state in Palestine, there would never have been an Arab-Israeli conflict. Zionism is therefore one of the causes of this conflict. The emergence of Zionism was favoured by the anti-Semitism that prevailed in Europe and Russia in the 19th century. (Poland, Russia and also the Dreyfus case in France).

Zionism is a Jewish nationalist political and ideological movement that advocates the return to Zion, a hill in Jerusalem, to resurrect the ancient State of Israel.

The Zionist movement was founded in 1897 at the Basel Congress. The Zionist movement was preceded by other organizations (Lovers of Zion). The founder of the Zionist movement is Theodor Herzl, who in 1896 published "The Jewish State"<sup>1</sup>. The Zionist movement will be at the origin of the Jewish National Fund for the Purchase of Land in Palestine, a fund that still exists today.

Thus, Jews began to buy land from the Turks until 1918. Most often it was uncultivated land, but the idea was there: to buy land to sketch out the future Jewish territory.

The Jewish settlers who continue to settle in Israeli settlements today perpetuate this movement: from the moment they settle there, they consider it to be part of Jewish territory and therefore part of Israel.

From 1918 to 1948, the Jewish population in Palestine rose from 83,000 to 650,000. This growth was mainly due to high immigration due to anti-Semitism in Europe.

There will be no Peace between Israel and its neighbours without putting an end to Zionism in its original form. It would certainly be possible to encourage Jews and Israelis to

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<sup>1</sup> "Der Judenstaat"

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implement development islands in neighbouring countries, in order to contribute to the development of these countries (Syria and Palestine), but if these islands are a pretext for extending the State of Israel, the solutions will only be temporary and will only postpone the solution to a later date.

If Zionism were to become the possibility for Jews to take a few years' stay in Israel in turn, this would not be a problem. If Zionism remains the right to extend the State of Israel, once land has been bought or taken (whether by mutual consent or by expropriation), the misunderstanding will remain.

The Balfour Declaration of 1917 which promised the creation of a "Jewish National Home" in Palestine reinforced Zionism. This did not necessarily imply a State, but set in motion a dynamic that could only lead to a militarily organized Jewish entity, inasmuch as coexistence proved problematic and was punctuated by riots and massacres leading to the establishment of self-defense militias that gradually became organized.

### **How to minimize this cause: Zionism?**

1 - to have a pro-Semitic policy in countries where the Jewish population is present. Zionism and emigration to Israel are fuelled by local anti-Semitism.

2 - to allow Israeli or Jewish settlements only on leased land (long-term lease of the type that may exist in Great Britain or Estonia - 50 or 100 years)

It is illusory to believe that Zionism will stop for good, it is more realistic to promote its transformation in a form that is not a permanent source of problems for the future, such as a right for Jews to inhabit the region, without an exclusive right to the land.

### **Biblical Historical Rights**

It is not politically correct to point to the interpretation of the Bible by part of the Jewish community as the cause of this conflict, but it is realistic to point it out. This concerns first and foremost Jerusalem and the West Bank.

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If the justification of historical rights is based on a divine right, it is a cause. It is non-negotiable to other humans, because of its biblical origin.

The problem is that out of 3 religions that read the same texts, only one religion makes such an interpretation with regard to land rights.

### **How to minimize this cause: the historical right of the Jews over Eretz Israel?**

This cause is not directly negotiable diplomatically, but is culturally questionable. It is up to the Jews to come back to this subject, to reinterpret these texts. It is paradoxical to give more weight to what happened 2000 years ago than to what happened in the last century. In wanting to implement their myth of Return to Palestine, the Jews create a new myth: that of the Return of the Palestinians. There is no reason why the Palestinian people should not perpetuate this myth for years and centuries to come.

The Jewish community could understand that reawakening wounds that are centuries or millennia old will lead to other wounds that could last for centuries and make the problem insoluble. Like an eternal restarting of a Return from one to the other. First the return of the Jews, then the return of the Palestinians, then again the return of the Jews, etc...

### **Palestinian refugees**

Successive wars since the creation of Israel have created many refugees.

These refugees are the consequence of the first Arab-Israeli wars. These refugees cannot be considered as causes of the conflict. However, they may become a cause of the unresolved conflict and should be considered as a cause of the current conflict.

Resolution 194 (III), adopted by the General Assembly on 11 December 1948 :

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"« ...

*11. Decides that refugees who so desire should be allowed to return to their homes as soon as possible and to live in peace with their neighbours, and that compensation should be paid for the property of those who decide not to return home*

... »

Resolution 194 has not yet been implemented, and we have not made any progress on the matter.

It will not be possible to have all Palestinian refugees and all the Jews of the Earth living on the same territories.

### **How to minimize this cause:**

A solution will have to be found and the refugee status will have to be ended. The right of return is justified for all those who can return with continued economic activity in the Palestinian state. This right to return cannot be systematic.

The refugees' right to return has a similar justification to Zionism: both multiply those who claim to have a right to return to Palestine. It is a cause of the perpetuation of this conflict and a future cause of the resumption of the conflict if its settlement does not take it into account.

Palestinians might say that they have been given the same fate as the Jews a few millennia ago, but both should put their historical rights into perspective if they are to live in peace.

It is not a cause at the origin of the conflict, but a consequence of the initial conflict which becomes a cause that must be taken into account in the settlement of the Israeli-Palestinian conflict, in order to avoid its continuation.

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## The perpetual postponement of the recognition of an Arab state in

### Palestine

At the end of the First World War, France and the United Kingdom shared the spoils of the Ottoman Empire. The United Kingdom obtained Palestine, France obtained Syria-Lebanon. The Palestinians expressed their legitimate desire for independence of the Arabs of Palestine (The Charter of the League of Nations expressed the right to self-determination of peoples). This desire for independence should have come to fruition. It wasn't.

The 1947 Palestine Partition Plan created two independent states: one Jewish, the other Arab (Arab State of Palestine), while the territory of Jerusalem is under UN control. The Jewish agency had accepted this partition plan, while the Arab states refused it.

The paradox of the present situation is that the only international legitimacy of the State of Israel is based on the partition of Palestine in 1947. And this division also provided for an Arab State of Palestine.

The 1947 Palestine Partition Plan can be considered as the legal basis for the creation of the State of Israel and thus the Arab State of Palestine.

Paradoxically, the Palestinian State was created in 1947 and more than 70 years later the international community is acting as if this event never happened and if we could envisage the creation of a Palestinian State!

A distinction must be made between the "legal" creation of this State, which can be considered to have taken place in November 1947, and its recognition, which has not yet taken place.

The recognition of an Arab state in Palestine has always been postponed: neither the international community nor the Jewish community agreed to implement what they accepted

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in 1947. Without the agreement of the Jewish community to this two-state reality, Israel would probably never have come into being and its creation would have no recognized international basis.

If Israel and the Jewish community like to give the impression that their state was born of their own free will, the facts must be recalled. It would be good if one day the Jewish community would remember what they said. In order to make the State of Israel a reality, the Jewish community accepted the Palestine Partition Plan which provided for two states. Was it the sense of military superiority that changed the Jewish community's mind? Or is there another reason? Isn't a "memory duty"?

Why this perpetual postponement? This is one of the strangest phenomena of this conflict: it's like looking for a past event in the future and everyone acts as if it never happened. A distinction must be made between a "legal" creation of States, as was the case in 1947 with the partition of Palestine, and its application and recognition. Implementation took place for Israel in May 1948 but has not yet been achieved for the Arab State of Palestine.

It is said that the Palestinian State would be a danger to the State of Israel, but it is a fact that the creation of the State of Israel prevented the creation of the Arab State of Palestine and not the other way around.

It was the Arab states themselves that refused to create the Arab state of Palestine. The Arab states could say: "We accept the creation of the Arab State of Palestine in 1947, whose legal value is the same as that which allowed the creation of the State of Israel, and to give the future of the region a chance, we agree to amend the original 1947 territories to the 1967 borders. If the State of Israel and the international community refuse, we will abide by the terms of the 1947 Partition of Palestine. »

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I am not a lawyer, but it seems to me that from a legal point of view this is justifiable.

However, it is necessary to amend the 1947 Palestine Partition Plan in order to hope for a lasting peace between the states of the region.

### **How to minimize this cause:**

By recognizing a Palestinian state from the one legally established in 1947.

### **Refusal of the creation of the State of Israel**

This refusal was a cause of the Arab-Israeli conflict.

Is it still a cause? There is still a cause for movements like Hamas. Israel is a recognized reality, although contested by some parties.

### **How to minimize this cause:**

First by finding a peace settlement accepted by all parties. Secondly, if there was true peace, Israel should belong to regional organizations such as the Arab League. Israel must be regionally anchored and be part of regional bodies, whatever their name may be today or tomorrow.

### **The land claims of the various parties in conflict**

Claiming the same territory for everyone is a classic cause of war.

There are actually several causes:

- Israel's claims to Jerusalem and the West Bank
- The Palestinian Claim to Jerusalem
- Israel's claims on the Golan Heights
- A territorial dispute with Lebanon

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## **How to minimize this cause:**

Achieving borders that are accepted and recognized by the parties.

The difficulty today is that the negotiators are acting as if it depended solely on the direct interlocutors, ignoring what was originally admitted, as in the Palestine Partition Plan, or in the various UN resolutions. The only map that defines the borders between the two states is the one that was annexed to the partition of Palestine in 1947. The armistice of 1948 did not change these boundaries, it simply defined the temporary limits of the forces involved.

## **Jerusalem**

This city claimed and governed successively by Jews, Christians and Muslims is a historical point of fixation between these communities.

It is always the strongest who has the last word, but never forever, no matter what the strongest of the moment says.

Its simultaneous claim by Israelis and Palestinians, especially for the historic Old City, is a major cause of non-settlement.

## **How to minimize this cause:**

His future is at once Christian, Jewish and Muslim. Anchoring it to just one of the two states would be a mistake. The question is whether this concerns only the Old City of Jerusalem or a wider area.

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## Jewish settlements in Palestinian territory or the Golan Heights

This is one of the main current sticking points in the Israeli-Palestinian negotiations. The Israelis continue to build in the West Bank.

International diplomacy should commend Israel for its continued policy of construction in the occupied territories.

Why? Because Israel is thus building, free of charge, housing for Palestinians.

Legally, expropriations have no legal basis. The former owners still own the land and if someone who does not own the land builds on land that does not belong to them, then the buildings simply belong to the former owners.

Palestinians should encourage Israel to continue its building policy, including in Jerusalem, and thank the Israelis for building such housing free of charge. It should be added that it goes without saying that all these constructions will not give rise to any compensation.

If an Israeli state and a Palestinian state coexisted, there would inevitably be Palestinians living and working in Israel and vice versa.

As long as it's not, it's a fixing point.

### **How to minimize this cause:**

This is probably one of the most complex issues in the negotiations between the parties. Israel is acting as if the continued development of settlements gives it rights. Which is more illusion than reality.

We'll have to distinguish:

- Jewish colonies that help local development. There are certainly kibbutzs useful for agricultural development, including in the Golan Heights.

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Those settlements must be identified and their continuation considered, which could help the Syrians and Palestinians to develop.

- Historic sites where the Jewish presence is natural and unavoidable. For example Hebron. There has always been a Jewish community present in Hebron (except from 1929 to 1967). Such a presence must be possible, under optimal security conditions.
- Constructions that could be legalized.

As for the rest, it will either have to be restored to its original state, or simply given away, or negotiated between the parties. Not enough has been said in Israel that those who invest and buy in the occupied territories do so at their own risk and peril, and that they are thanked in advance for their gift to the Palestinians.

### Security of Israel

It is undeniable that Israel does not believe that the Palestinians can ensure their security, and that this is a pretext for prolonging the occupation.

It is also true that the Golan Heights have been regularly used by the Syrians to shell nearby Israeli territories.

### How to minimize this cause:

In the case of the Golan Heights, this would imply demilitarization of the Golan Heights.

In the case of the Palestinians, this would imply a demilitarization of the Palestinian state and the implementation of effective security services.

### Economic asphyxiation

The perpetual blockade of Gaza is a cause of perpetuating the conflict in Gaza. Giving Gaza the only prospect of economic non-development can only prolong the war.

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2020 note : in february started in the west Bank a new attempt of economic asphyxiation by Israeli settlers and israeli authority. What are they looking ? A third Intifadah and a new war ?

### How to minimize this cause:

First, to allow goods developed to be re-exported quickly to enable them to live. It's just a matter of organization. There is no danger for Israel to transit goods from Gaza or West Bank to other countries. But Israel's inability to do so within a given time frame is causing asphyxiation, the only consequence of which is the continuation of the conflict and the search for an armed solution.

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## How important is each cause?

The principle of analysis is as follows: it is necessary to identify the different causes, recognize those that can be acted upon, give weight to the main causes, recognize the limits of action and the residual weight that will remain after negotiation.

Once this analytical work has been done, it is necessary to set an objective of reducing the causes of the conflict and to choose those on which to act in order to achieve the objective, in order to reduce all the causes to something that will make it possible to live in peace.

Each cause cannot be completely resolved and will retain a residual weight

<b>C#</b>	<b>Cause</b>	<b>Party concerned</b>	<b>Is there anything we can do?</b>	<b>Current weight</b>	<b>Residual weight after action</b>
C0	Antisemitism	All countries	Action specific to each State		
C1	Zionism	Jewish Community	Indirectly	++++(4)	++(2)
C2	Biblical Historical Rights	Jewish Community	Indirectly, but not through diplomatic negotiation...	+++ (3)	++(2)
C3	Palestinian refugees	Palestinians	Yes, complex and expensive	++++(5)	++(2)
C4	Recognition of the Palestinian State	All	Yes	++++(6)	++(2)

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C#	Cause	Party concerned	Is there anything we can do?	Current weight	Residual weight after action
C5	Rejection of the creation of Israel	Some Palestinian components	Yes	+++ (3)	++ (2)
C6	Land claims on the West Bank	Israel, Palestine, UN	Yes, but not just between Israelis and Palestinians...	++++ (5)	++ (2)
C7	Golan Heights Land Claims	Israel, Syria	Yes, must be negotiable between the two parties.	++++ (4)	+(1)
C8	Territorial dispute with Lebanon	Israel, Lebanon, Syria	Yes	+++ (3)	+(1)
C9	Jerusalem	Israel, Palestine, UN	Yes	+++++++ (7) Blocking	+++ (3)
C10	Jewish settlements	Israel, Palestine, Syria	Yes	+++++ (5)	++ (2)
C11	Security of Israel - Golan	Israel, Syria	Yes	+++ (3)	+(1)
C12	Security of Israel - West Bank	Israel, Palestine	Yes	+++++ (5)	+++ (3)
C13	Economic asphyxiation	Israel, Palestine	Yes	+++ (3)	+(1)
				Total = 56	Total = 24

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We will therefore only be able to act, at best, on 60% of the causes of war. Knowing that some are not directly negotiable, it must be possible to take real action on half of the causes.

Recognition of the Palestinian State, Jerusalem, land claims and Jewish settlements represent more than half of the causes that can be addressed.

These are the ones that need to be addressed first.

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### And you, what causes would you act on?

Here you have a table where you can list the causes, according to you, and you can describe the possible actions. Beware, if you are a party to the conflict, unconsciously you will reject everything on others and you will present an asymmetrical vision.

Complete this chart and send it to [naej.draner@gmail.com](mailto:naej.draner@gmail.com).

It will update this document taking into account the diversity of opinions received.

C#	Cause	Party concerned	What action?	What will be the effect of the action?

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### RECOGNITION OF THE PALESTINIAN STATE

Today, the negotiations are presented as if this recognition of the Palestinian state should be the consequence of the negotiations and would therefore depend on Israel. The international community seems to have forgotten that the decision to create the two states of Israel and the Arab State of Palestine was its own.

Admittedly, this decision was rejected in 1947 by the Arab States, when they proposed the partition plan for Palestine [PLAN OF PARTITION WITH ECONOMIC UNION (RESOLUTION 181) page 84], which is perhaps the reason for the omission.

The plan for the partition of Palestine was accepted by the Jewish community in 1947. This is worth remembering.

The text of the Partition of Palestine is attached at the end of the book. His reading confirms that the Arab State of Palestine was created in 1947, perhaps only on paper, but no other paper will carry more weight than the original text. The layout attached to this text of the Partition may be an obstacle to its official recognition, but it would be sufficient to amend it.

It would be interesting to ask international lawyers what the legal value of that text was. This text is the only text that can justify the creation of the State of Israel, and since it makes explicit reference to an Arab State of Palestine, it is difficult to admit that what is true for the State of Israel is not also true for the Arab State of Palestine, which is simply the Palestinian State that has existed on paper since 1947.

It is astonishing, moreover, that Palestinians have not exploited this text to the point of absurdity.

I agree with those who think that the creation of a Palestinian state is useless, since legally it was created in 1947.

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Do the states that accepted the Palestine Partition Plan in November 1947 remember what they accepted?

These states are:

- United States of America,
- Australia,
- Belgium,
- Bolivia,
- Brazil,
- Belarus,
- Canada,
- Costa Rica,
- Denmark,
- Dominican Republic,
- Ecuador,
- France,
- Guatemala,
- Haiti,
- Iceland,
- Liberia,
- Luxembourg,
- Netherlands,
- New Zealand,
- Nicaragua,
- Norway,
- Panama,
- Paraguay,

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- Peru,
- Philippines,
- Poland,
- Sweden,
- Czechoslovakia,
- Ukraine,
- Union of South Africa,
- U.S.S.R,
- Uruguay
- Venezuela.

To each of these states, starting with the United States, we could ask the question:

"On that day, your country accepted the Palestine Partition Plan. Do you remember that it included the explicit reference to two states and that, on that day, your country accepted the creation of a Jewish state and an Arab state of Palestine. There is no doubt about the Jewish State that was created as a result of your decision (i.e. the State of Israel), but do you remember that your State accepted the creation of an Arab State of Palestine (i.e. a Palestinian State) on November 29, 1947? »

"How is it that your State acts as if the creation of this state never took place and still speaks in 2020 as if another state had to be created when its creation was accepted in 1947. What else will a new text bring?"

Don't these states give the impression that they did not accept Resolution 181 on 29 November 1947?

"Could you therefore confirm whether or not your State has accepted Resolution 181 and explain clearly what it meant? »

The Palestine Partition Plan of Resolution 181 is attached on page 84.

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If either country regretted the decision it had taken that day, the only possibility would be to propose an amendment to the partition plan for Palestine and have it accepted by United Nations bodies. Although all the reference texts are listed on page 118, none of them can be considered as an amendment to resolution 181. Even the Oslo Agreements cannot be considered as an amendment to this text. A text signed between the protagonists (i.e. the State of Israel and the Arab State of Palestine, i.e. the Palestinian State) could only be considered a valid amendment to Resolution No. 181 after the UN General Assembly has accepted it in the form of a resolution. This is not the case, i.e. there is no UN text that explicitly states that the Arab State of Palestine is called into question by the 1947 partition plan for Palestine. Thus, the Arab State of Palestine was legally created in 1947 and in 2020, the question of its official recognition by the States that accepted the partition of Palestine by Resolution No. 181 is still relevant.

It's a bit odd that 73 years after a decision they accepted, the states, including the United States, have not yet found the means to implement it.

It goes without saying that any treaty accepted between the parties since 1947 could be presented to the United Nations as a valid amendment. For example, the Israeli-Egyptian treaty, or the Israeli-Jordanian treaty. This must therefore lead to a review with Lebanon, Syria, Egypt and Jordan so that the amendment reflects what has already been accepted between the parties.

On the other hand, there is no Israeli-Syrian, Israeli-Lebanese or Israeli-Palestinian treaty that allows an acceptable amendment to be tabled on the Syrian, Lebanese or Palestinian side.

What is disturbing, in all the reference texts you will find on page 118 that the international community does not really consider itself concerned by the resolutions accepted.

## Will there be a lasting peace in Jerusalem?

In case these texts have been misunderstood, including the Partition Plan for Palestine which you will find on page 84 could these States explain themselves on the text they accepted in 1947 through Resolution No. 181 and the interpretation they make of it today?

Reading the text attached on page 84, why is there still talk in this day and age of the future creation of a State that was legally established in 1947?

What does Israel have to do with this decision? The Palestine Partition Plan created two states: a Jewish state and an Arab state of Palestine. Neither the Jewish State nor the Arab State of Palestine were decision-makers in this decision. Why would we now want to consider the Jewish State as a decision-maker in the creation of the Arab State of Palestine and why should we not, for the sake of reciprocity, make the Arab State of Palestine a decision-maker in the creation of the Jewish State? Of course, it would be better if the two States spoke to each other and recognized each other, but neither can claim to be the decision-maker in the creation of the other.

To think that the Arab State of Palestine never existed and could perhaps exist, if the Jewish State accepted it, is an abuse of law that does not correspond to any international legal reality.

Is this not a repressing mechanism that makes us forget past decisions and gives the impression that we are looking for a past event in the future?

In any case, a lasting settlement will require a review of all the texts drawn up on this subject, the first of which concerns the partition of Palestine in 1947 and which has no amendment recognized by the United Nations.

# Will there be a lasting peace in Jerusalem?

## JERUSALEM

### History of Jerusalem in a few episodes

The History of Jerusalem is made of joy, blood, repeated destruction, it is a story of the ephemeral and the parenthesis of the powerful who feel eternal but none of which lasted more than a few centuries.

The human occupation of the Jerusalem area dates back to 3500 BC.

In the time of the pharaohs, the city of Jerusalem is mentioned several times. It is a small town of 3 or 4 ha with about 1500 inhabitants and a political importance greater than its size.

The first Israelites are identified around 1200 BC. The number of sites grew to 250 by 1000 BC. At that time, sedentary Canaanites and sedentary nomadic Israelites coexisted.

Around 1004 B.C. the city of Jerusalem is taken by King David. It becomes the "City of David", the political and religious capital of the Kingdom of Israel. Judaism, a nomadic religion, becomes sedentary.

His son Solomon built "The Temple of Jerusalem" there, completed in 957BC.

### The Babylonian Period

In 587 B.C. Nebuchadnezzar, king of Babylon, takes the city, plunders the Temple. A few years later, a revolt led to a new siege and a little later, the city was retaken, the Temple and the city walls were destroyed. Prophets - Isaiah, Jeremiah, Ezekiel - keep alive the hope of the return and rebirth of Jerusalem.

# Will there be a lasting peace in Jerusalem?

## The Persian period

After the Persians defeated the Babylonians, Cyrus the Great authorized in 539 BC. the Jews to return to Judea. The Temple is rebuilt.

## The Greek period

The conquest of the Persian Empire by Alexander the Great, who came from Macedonia, in 332 BC. It does not affect the status of Jerusalem and the freedom of religion of the Jews.

## The Hasmonaean period

Following the revolt of the Maccabees, the Hasmonean dynasty is established in the land of Israel. After a long war, Jewish independence was recognized in 141 BC.

## The Roman and Byzantine period

As a result of internal dissensions and the Romans' request for arbitration, Pompey's troops penetrated Jerusalem in 63 BC.

Following the Jewish revolt against the Roman occupation, Jerusalem is destroyed from top to bottom (First Judeo-Roman War of 66-73). The Temple is destroyed.

Pagan temples are built, Jews are forbidden to stay in the city for almost two centuries.

Then it's the Byzantine period until 638...

## The Arab Period and the Crusades (638-1516)

Jerusalem was conquered by the Arabs in 638. It was at this time that the Dome of the Rock was built, and later the Al-Aqsa Mosque. Access to the holy places is guaranteed to Christians, allowing the development of pilgrimages.

## Will there be a lasting peace in Jerusalem?

In 1078 the Seljuk Turks control the city. They refused the passage of Christian pilgrims during the following decades, provoking the first crusade in 1095. This first crusade led to the capture of Jerusalem on 15 July 1099.

Saladin seized Jerusalem on October 2, 1187.

Jerusalem became Frankish again in 1229. It was open to Christians until 1244 and came back under Muslim control.

### Ottoman Period (1516-1917)

Jerusalem came under Ottoman rule on December 30, 1516, after Selim 1<sup>o</sup> entered Jerusalem.

### British Mandate (1917-1948)

In December 1917, the town came under British mandate and remained so until 1948.

### From 1948 to the present day

Following the first Arab-Israeli war, the city of Jerusalem was divided in two, the Old City of Jerusalem being controlled by Jordan.

In 1967, following the Six Day War, Israel took control of the whole of Jerusalem.

## What future for Jerusalem?

### What solutions are proposed?

- The Israelis claim the whole of Jerusalem, claiming its indivisibility and making Jerusalem the "eternal<sup>2</sup>" capital of the Jewish State.

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<sup>2</sup> If you have understood the history of Jerusalem, its "eternal" aspect leaves you doubtful.

## Will there be a lasting peace in Jerusalem?

- Palestinians demand a return to the 1967 borders, dividing the city of Jerusalem, which they want to make their capital.
- Proposals made by the Americans aimed at attaching the Jewish quarters of the Old City of Jerusalem to the State of Israel.
- The plan for the partition of Palestine provides for Jerusalem to be under the effective control of the United Nations. This proposal was reaffirmed in resolution 194 of 11 December 1948.

## Another proposal for Jerusalem?

The Old City of Jerusalem belongs to the Jewish, Christian & Muslim religions. Its historical and international value should be preserved from the states surrounding it. Its "international" management is one option, but isn't there something else that would keep the old city indivisible and shared between the Palestinian and Jewish states?

The old town is made up of 4 districts: a Jewish district of about<sup>3</sup> 3,000 inhabitants, a Muslim district of about 30,000 inhabitants, an Armenian district of 2,000 inhabitants and a Christian district of about 5,000 inhabitants.

It reminds us of Andorra,<sup>4</sup> which is divided into 7 parishes. Andorra has twice as many inhabitants as the old city of Jerusalem. If we take into account the proportion of inhabitants, this means that a neighbourhood in Jerusalem is roughly equivalent to a parish in Andorra (apart from the larger geographical area for Andorran parishes).

In 1278, a treaty established the shared sovereignty of Andorra between the Count of Foix and the Bishop of Urgell in Catalonia. It is since that time that the small principality of Andorra has had its original political form.

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<sup>3</sup> The population figures for each community vary widely by author and over time.

<sup>4</sup> Andorra is a principality of 468 km<sup>2</sup> and 94,000 inhabitants, located on the border between Spain and France, without access to the sea.

## Will there be a lasting peace in Jerusalem?

Nowadays, the co-princes are the President of the French Republic and the Bishop of Urgell.

This "trimming" regime of 1278 has thus survived more than 6 centuries. Andorra became an independent state in the 20th century. This means that Andorra's shared sovereignty has lasted six centuries without it really being a state.

And so we can imagine a similar status for Jerusalem.

Jerusalem would be a territory shared between Israel and the Palestinian state, without being an independent state. An Israeli leader and a Palestinian leader could be the co-leaders of Jerusalem.

Each neighborhood elects representatives to the Jerusalem Council, which proposes an executive officer to the co-leaders who confirm him or her in this function.

This proposal is a simple adaptation of the status of Andorra.

It is important to understand that this is a status very close to something that has worked for centuries.

This status could only be achieved and retained if this text reached the communities of the Old City of Jerusalem and appropriated it to the point of presenting it to the Israeli and Palestinian Governments. An attempt to negotiate this status directly with Israeli and Palestinian diplomats and negotiators should initially provoke its rejection, as the subject is passionate and gives rise to entrenched positions. We should then return later to a more reasoned discourse.

The viability of this project depends on the communities living in the Old City of Jerusalem to date.

What is important is to ensure that the communities of the Old City of Jerusalem are aware of it and discuss it among themselves before politicians take up the subject in a

## Will there be a lasting peace in Jerusalem?

probably polemical form. It is up to them to then go and propose this status to Israel and the Palestinian Authority.

The communities in Jerusalem must be helped to think about this. The communities of the Old City of Jerusalem could thus become the keystone of a regional balance.

This status of Jerusalem will require determination and great constancy on the part of the communities in Jerusalem in the face of politicians and negotiators in order to succeed.

Today, the negotiators are trying to solve all the problems except this one. We should try to start with that one, but not leave it to the official Israeli and Palestinian negotiators alone, who will have to intervene at the right time in cooperation with the various communities of the Old City of Jerusalem.

This negotiation can be conducted by a "group of diplomats or independent citizens or representatives of Christian, Jewish or Muslim communities capable of activating local networks". It may also be conducted by a diplomacy or diplomats determined to find a solution. Its success will be facilitated by germinating this idea on the spot in Jerusalem and then allowing it to mature for some time before turning it into formal negotiations.

The direct presentation of this proposal by diplomacy to the Israeli Prime Minister or the President of the Palestinian Authority is unlikely to have any effect.

The presentation to the Israeli Prime Minister by a dignitary from the Jewish community, representing the Jerusalem community, will have an "interesting" effect.

The same goes for the presentation to the Palestinian Authority by Muslim and Christian dignitaries representing the Jerusalem community.

Depending on the interest found locally, this status could be extended around the Old City of Jerusalem, but this would require a real motivation of the population of Jerusalem, which remains to be demonstrated, as the initial proposal is limited to the Old City of Jerusalem.

## **Will there be a lasting peace in Jerusalem?**

If this proposal were to be accepted by the parties (i.e. the four communities of the Old City of Jerusalem, the Jewish community, the Christian community, the Armenian community, the Muslim community, as well as the Israeli and Palestinian authorities, and finally the United Nations, which had been entrusted with the management of Jerusalem in the 1947 partition of Palestine), then Part III of the Agreement on the Partition of Palestine devoted to the City of Jerusalem would have to be amended accordingly (see page 110).

Will there be a lasting peace in Jerusalem?

# Proposal for Status of the Old City of Jerusalem<sup>5</sup>

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<sup>5</sup> These pages were written in 2001 in the form of a "presentation" to indicate the essentials and use it as a vehicle for initial communication and discussion.

Will there be a lasting peace in Jerusalem?

# Issue

- **A historic city**  
→ **Jews, Christians, Muslims**
- **A world cultural and historical heritage**
- **A city that is claimed by both Israel and the Palestinians.**
- **The partition of Palestine in 1947 provided for Jerusalem and its surroundings to be under international control.**

## The solutions usually proposed

## Will there be a lasting peace in Jerusalem?

- **Attachment to the State of Israel**  
→ unacceptable
- **Attachment to the Palestinian State**  
→ unacceptable
- **A city under international control**  
→ solution that will not be supported by the parties
- **A city shared district by district between 2 states**  
→ the city will be permanently disfigured and unmanageable...

# Principles

- **Indivisibility of the old town to maintain unity and its historical heritage**
- **City co-led by Israel and the Palestinian State**  
→ Israelis and Palestinians are assured that no irreversible decision on Jerusalem can be taken without them.
- **Establishment of neighbourhood councils that will enable each neighbourhood to safeguard its specificity.**

Will there be a lasting peace in Jerusalem?

## Where's the border?

- **Solution 1 - The old city is simultaneously on each state  
→ with a specific status**
- **Solution 2 - The old town is a jointly managed neutral zone  
→ specific international status**
- **Solution 3 - The Old City is a city managed by a community of states  
→ the need for Community institutions which can be extended to other States**

**In all cases, the status is predominant.**

## The proposed status

- **The authority of the Old City of Jerusalem is the undivided authority of the Israeli Prime Minister and the Palestinian Chief Executive, who are co-leaders.**
- **Elected representatives per neighbourhood with strict local management powers in the neighbourhood**
- **A Jerusalem council made up of elected neighborhood officials**
- **A Jerusalem executive appointed by the Palestinian and Israeli co-leaders on the proposal of the Jerusalem Council**

# The status

- **Must make it possible to keep security, infrastructures, roads, the Temple Mount and other historical monuments undivided.**
- **Must be able to manage day-to-day business in the event of persistent disagreement between the co-leaders (which would result in immobility that should not prevent the functioning of a local government)**
- **Should allow certain laws of a state to be applicable on a neighbourhood basis. It would be better if the laws were unique, but it is not possible to create specific legislation.**

# Will there be a lasting peace in Jerusalem?

## BORDERS

### The Golan Heights

In principle, the Israeli-Syrian negotiation should be simpler and healthier. There has never been a confirmed Israeli-Syrian agreement and the history of their relationship is not littered with multiple, contradictory, unimplemented agreements. It's a blank page on which you can try out some new ideas.

The return of the Golan Heights will probably be the result of the negotiation and not its precondition. Prior to the Israeli occupation, there were regular Syrian shelling over the area from the Golan Heights. Without addressing and resolving the security aspects, it is unlikely that the Golan Heights will be returned.

The preconditions and reminders of past negotiations seem to express the lack of will to succeed on both sides.

Some of the Jewish settlements in the Golan Heights are an economic asset for local development. We must identify them, give them a chance, and see how they can integrate into Syrian territory.

Negotiations should be organized, on a regular basis, even if they are not immediately fruitful.

### The Palestinian State

#### One or two states?

This is a politically incorrect but realistic question. Since July 2007 and the seizure of power in Gaza by Hamas, there are two distinct entities. One in Gaza, controlled by Hamas, the other in the West Bank controlled by the Palestinian Authority. An agreement on Gaza, negotiated with the Palestinian Authority, will never be implemented if there is no

## Will there be a lasting peace in Jerusalem?

coordination between the Palestinian Authority and Hamas during the negotiations. An agreement on the West Bank, negotiated with the Palestinian Authority, will not be recognized by Hamas and can only be implemented if the democratic majority that emerges from the West Bank ballot box is not Hamas'.

There is therefore a problem of representation of the Palestinian Authority, and this may lead to the consideration of creating not one state but two states if no majority is required. In any case, two disjointed territories forming a single state will be a problem, even with a communication corridor. If it were to be a single state, it would be better to have a "federal" state with separate executives.

If the negotiations with the Palestinian Authority were to succeed, it would be realistic to consider that its application would be possible only for the West Bank and, given that the Palestinian Authority should have been re-elected<sup>6</sup>, its legal representativeness could be challenged.

### The Gaza Strip

The borders of the Gaza Strip do not seem to be disputed. The problem of Gaza is not really one of borders, but rather of the blockade that prevents Gaza from living and developing, as well as of the permanent tension caused by those who hold the real power in the territory of Gaza. This problem could have been addressed outside the borders. He's not. Gaza is in a vicious circle: the power of Hamas pushes Israel to a strict blockade and the blockade reinforces the hold of Hamas. Special negotiations would be required and it does not seem that the Palestinian Authority is currently in a position to be a Hamas-recognized representative of Gaza.

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<sup>6</sup> The Oslo Accords provided that all temporary decisions and organisations would have a maximum lifetime of 5 years from the signing of the Oslo Accords. The Palestinian Authority would therefore have the right to define right now a constitution and rules different from those resulting from the various agreements that followed the Oslo accords.

## Will there be a lasting peace in Jerusalem?

And there is nothing to indicate that the concerns of indirect negotiations between Palestinians and Israelis via American or Arab diplomats are the same.

### The West Bank and Jerusalem

The real problem in the border negotiations between Israel and the Palestinian state will be there.

And this problem will have to be approached from different angles in order to succeed.

In order to achieve a result close to the pre-1967 Six-Day War borders, it would be desirable to start from the borders defined in the 1947 Palestine Partition Plan, which would show the generous concessions made by the Palestinians to the Israelis. But the Israelis have understood that the 1967 borders are internationally acquired and therefore hope to use these 1967 borders as a starting point for further concessions.

If the Israelis are now relying on their military force to impose a settlement that they consider favourable, including on Jerusalem, they are ignoring their legal right, which is much weaker. Their only legal achievement is the borders of the 1947 Palestine Partition Plan. A majority of Palestinians and Arab states would accept borders on the basis of the 1967 borders, which would be a major concession to the 1947 partition plan. The absence of a solution will provoke radicalization that could lead to the questioning of the 1967 borders and even challenge Israel's right to exist.

Beyond that, the Palestinian-Israeli agreements, whatever they may be, are generally not applied. It is enough to take stock of the Oslo Accords: there was never a final negotiation, and if some people think that the Oslo Accords could have amended the agreements on the partition of Palestine, it is enough to recall that the Oslo Accords considered that all the measures taken had a maximum lifespan of 5 years to request the

## Will there be a lasting peace in Jerusalem?

nullity of all the agreements resulting from the Oslo Accords and the negotiations that followed.

The nullity of the Oslo Accords, as desired by part of the ruling Israeli right, means that the only existing legal framework is that of the partition of Palestine of 1947. Of course, an agreement between the Palestinians and the Israelis would be an automatic amendment to this Palestine Partition Plan, but it would require an agreement of the Palestinian Authority supported by Hamas for this to have any value at all, and we are a long way from that.

The international parties that accepted or rejected the 1947 Palestine Partition Plan should redetermine and amend it in a common and unambiguous manner. This will facilitate a comprehensive settlement and could lead to the determination of legal boundaries, in case of persistent disagreement between the parties directly concerned. The Palestinian-Israeli bilateral negotiations alone should not be the only way to definitively establish the borders. The international community must also remember its actions and the fact that it was the international community that created two states in 1947.

## Will there be a lasting peace in Jerusalem?

### ISRAELI SETTLEMENTS IN ARAB TERRITORY (SYRIAN OR PALESTINIAN)

#### Overall problem of Israeli settlements

Israeli settlements in Palestinian or Syrian territory have several origins:

- Zionism: since the end of the 19th century, the Jewish community has been in the habit of buying Arab land and settling Jewish settlers on it. This phenomenon began long before the creation of the State of Israel and has continued ever since. The Zionist community is thinking of building and expanding Israel in this way. Some settlers of the 21st century continue to believe that by colonizing part of a Palestinian territory, they are granting themselves an inalienable right to a territory that is, for them, Israeli.
- The Jewish community has always been present in Palestine: because of the holy places (Jerusalem, Hebron) and its history, there has always been and always will be a Jewish community in Palestine.
- The development of the State of Israel has favoured collective forms such as kibbutz

Recent history tends to group together in the form of "Jewish settlements" all forms of land settlement in Syrian or Palestinian territories. These Israeli settlements in Palestinian or Syrian territory will be subject to settlement, both in the framework of an Israeli-Palestinian settlement and in the framework of an Israeli-Syrian settlement.

# Will there be a lasting peace in Jerusalem?

## Israeli settlements that will remain in Palestinian or Syrian territory

### Some Israeli settlements may remain

It is desirable that certain Israeli settlements should be allowed to remain in these territories.

The reasons are:

- either religious (e.g. Hebron)
- or development: some stands can be an aid to local development. It would be preferable for these stands to remain and be enhanced.

It is difficult to admit this at the beginning of the negotiations, but there will certainly be a time when it will be possible.

### **The remaining Israeli settlements will be in Palestinian or Syrian territory.**

Property acquired by Israelis since 1967 has no value, no matter how it was acquired. The right to property obtained during the period of Israeli occupation cannot be a justification for a territory that is Israeli.

Moreover, in the territorial negotiations between Israel and the Palestinian State, the territories must be continuous and no island of one State could be in the other.

If they stay, they will be in Palestinian or Syrian territory.

# Will there be a lasting peace in Jerusalem?

## Possibility of conversion of title to a long-term lease

It is desirable that the Israeli settlements that will remain in Palestinian or Syrian territory should have a long-term lease, similar to the land tenure system in the United Kingdom. A property can be divided into two parts:

- 1 - land (which is subject to a long-term lease, for example 50 or 100 years)
- 2 - the buildings that belong to those who built it

To avoid eternal claims, the former owners of these lands would retroactively enter into a long-term lease with the Israeli settlements.

This would have the advantage of removing ambiguity about the territorial ownership of the settlements. This would also make it possible to settle the possible difference between the former owners who were dispossessed by expropriations or any other process that dispossessed them of their property and these Israeli settlements.

This possibility of converting title to a long-term lease would not be automatic. This is a possibility whose modalities will have to be defined.

## Selection and regularization by external party

It would be desirable for the countries that are going to be involved in helping the development of the Palestinian and Syrian States to identify Israeli settlements in the West Bank and the Golan Heights as local development aid. Once these Israeli settlements have been identified, this regularisation should be allowed to take place. If there is a retroactive lease to be implemented, paying that retroactive lease to today could be done by these outside parties.

The European countries that provide the most aid to these countries could be a driving force.

# Will there be a lasting peace in Jerusalem?

## What does such a solution require?

This would first require that the parties concerned (Palestinians, Israelis and Syrians) consider such a solution as possible and then it would be necessary to :

- ensure that local legislation (Palestinian or Syrian) allows it to do so
- define the modalities of implementation (e.g. when Israeli settlements and former owners have reached an agreement)
- define the modalities of local security measures to ensure the security of these Israeli settlements in Palestinian or Syrian territory.

Will there be a lasting peace in Jerusalem?

**Israeli settlements<sup>7</sup>**

**at**

**Palestinian Territory**

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<sup>7</sup> This presentation was written in early 2001. It had been written in the hope of making a presentation and involving European diplomats. There has never been a presentation and the question marks on stakeholders have not been replaced since that time.

# Why Israel claims Palestinian territories

- Because there are Israeli settlements that are there because part of their history is there...
- Because Israel doesn't believe that a Palestinian state can ensure their security

*If it were possible for Israelis to live safely in Palestinian territory, perhaps they would not claim these territories as Israeli.*

Will there be a lasting peace in Jerusalem?

## How do you do it?

- **Legal: First of all, there** should be a legal status that can never be changed at a later date.  
→ *the idea of a long-term lease where eviction is not possible even at the end of the lease (unless the occupants decide to do so)*
- **Security: A credible Palestinian security arrangement** should be put in place initially.

# Legal

- **Property titles following evictions have no legal value.**  
An Israeli settlement can only be viable and defensible if there is an agreement between the former owners and tenants in the form of a lease.
- **Ensure that the resulting lease cannot be challenged by the former owners.**

Will there be a lasting peace in Jerusalem?

# Security

- **Define special security forces attached to the mission to protect Israeli settlements**
- **Define a monitoring and inspection system capable of intervening in the training, recruitment and implementation of these special forces.**

# Principles of implementation

- 1. Palestinian law. First of all, this would require a Palestinian law with a long-term lease (10 or 20 years). The term must be sufficient to ensure that the buildings are depreciated over the term of the lease.  
→ in theory the current structures of the Palestinian Authority and the embryonic Parliament are sufficient, without even prior negotiation with the Israelis**

- 2. Communication The principles selected and adopted should be explained in such a way that former owners and current settlers are aware of them.  
→ The principle must be accepted that any former colony which is regularized by lease shall remain and only those.**
  
- 3. Arbitration: the Palestinian Authority does not choose and negotiate with Israel the remaining settlements but determines the legal criteria for regularisation.  
→ Define an accrual target (percentage)**

Will there be a lasting peace in Jerusalem?

4. **Economic criteria**: the lease must correspond to the reality of the land at the time of expropriation, adjusted to current conditions.
  
5. **Retroactive regularization**: The lease replaces the title of ownership on the date of eviction.

## Potential difficulties

- **The Palestinian state is not a state governed by the rule of law and its leaders may not understand all that this implies.  
→ This requires legal assistance (under Arab law, if possible) and policy advice to make the institutions for defining these laws work.**
- **This requires an organisation capable of managing the whole, colony by colony, over a period of at least 6 months.  
→ This would require a functioning Palestinian administration that is not asphyxiated by the present.**

# Will there be a lasting peace in Jerusalem?

## SAFETY? BUT WHAT SECURITY?

### Reality or consequence of Israel's diplomatic impasses?

Security is put forward for the settlement of the Arab-Israeli conflict. The paradox in this 21st century is that the Israeli Goliath is worried about the Palestinian David.

Since September 11, 2001, terrorism has been on everyone's mind. Terrorist acts cannot bend a state and call into question its foundations, but they can make the life of any state so rotten that its security is at stake.

Moreover, the multiplication of rockets in southern Lebanon and Gaza makes it a real threat and the real danger for Israel in the next war, should it take place. Without having an army in the strict sense, it may be enough, not to win a war and occupy Israel, but to do considerable damage. It is a power of nuisance that cannot triumph by occupying enemy territory but which is sufficiently worrying to enter into a logic of security and all its excesses that we see in this conflict.

The lack of serious progress in the Israeli-Palestinian and Israeli-Syrian negotiations has given considerable importance to Iran, which still wants to annihilate Israel and is giving itself the means to do so through Hezbollah, Hamas and its own missiles.

If there was a real settlement of the conflict, Iran would have no leverage. Israel's fixation against Iran and its refusal to make the necessary concessions is pushing the Region into a potentially explosive situation. Iran is merely a catalyst for the absence of hope and a champion against the flippancy of States and international organizations that have shared Palestine but have never succeeded in implementing it in a humane and just manner.

In Lebanon, it is not the Lebanese army that should be feared, but Hizbollah's defence system that is the best protection and deterrent against Israel. The problem is that

## Will there be a lasting peace in Jerusalem?

the decision to engage will not be taken by the Lebanese government, but by Hezbollah and/or the Iranian leadership.

Syria is playing the game, and the Israelis are turning the problem upside down. The real prospect of the return of the Golan Heights would probably lead Syria to loosen its ties with Iran and stop militarily reinforcing Hezbollah. To hold out the prospect of negotiations on the Golan Heights, with no promise of restitution, in the event of Syria's prior abandonment of its privileged relations with Hezbollah is, at best, naïve and, at worst, suicidal.

Israel still has this need to present itself as a martyr of the situations it creates for itself by maintaining impasses that it tries to present as threats to its existence.

Is it not the consequence of the lack of a diplomatic perspective that radicalises the actors in the region and gives so much importance to Hamas and Iran?

## Lack of intra-Palestinian security cannot be a guarantee of Israel's security

In past negotiations, Israel has often demanded such a low level of Palestinian security forces that they will never be able to control even the slightest serious riot, let alone a pitched battle between settlers and Palestinians.

Since its withdrawal from Gaza, and even before Hamas took power, Israel has regularly attacked Palestinian security forces. It is not very surprising that they were unable to counter Hamas, as Israel had managed to weaken them.

Destroying the Palestinian security forces, or keeping them at too low a level, will mean that the resulting insecurity in the Palestinian territories will also be a source of insecurity against Israel.

The only effective way to deal with the Kassam rockets would be to have reinforced Palestinian services capable of round-the-clock patrolling and organized accordingly to

## Will there be a lasting peace in Jerusalem?

prevent such rocket fire. But if the Palestinians in Gaza, starting with Hamas, see their salvation only in such rockets, it will be difficult to have such Palestinian services without a complete change of policy on the part of both the Israelis and the Palestinians themselves.

If such services came into being, the first thing Israel would do is destroy them. And for the Palestinian leadership in Gaza to be concerned about such a possibility, they would need something other than permanent economic asphyxiation that would push them to find a way to hurt Israel enough to change its attitude.

### The eventual evolution of Palestinian security services is more important than their immediate strength.

If there were a "monitoring and control system" for the Palestinian security forces, the necessary developments would be identified and could be taken into account over time.

This would be a form of "continuous safety improvement system". This requires few resources (a few dozen inspectors with the role equivalent to that of a police force), and can only work if it leads to action at the highest level as well as at the lowest: it must be truly integrated into the Palestinian power for it to be effective.

Although it does not exist in this form, developments in the West Bank in recent months have been moving in this direction: Palestinian security services are improving somewhat. We're still a long way from where we need to be, but it points in the right direction.

Palestinians naturally tend to consider their security services as "paramilitary" services that they use more as a substitute for the army than the police force.

The natural Palestinian trend is not corrected by a "monitoring and control system" that would gradually evolve the security system. Such a "monitoring and control system" is

## Will there be a lasting peace in Jerusalem?

not a system of foreign observers, and it can only work if the "inspectors" know the local language and are able to go and see everywhere other than where they would like to go.

Israel will have to rethink security other than thinking that its soldiers or security forces are the only ones who can provide security. With such an attitude of exclusive superiority, they are counterproductive and become sources of insecurity, through their permanent desire to destroy any security system other than their own.

## Gaza: a textbook case to be resolved as soon as possible

The security situation in Gaza has become a pretext for abnormal behaviour. These Palestinians have the right to live, and it is not by demeaning them economically, humanely, that Israel will make allies of them to help it ensure mutual security.

If the fear of Kassam rockets were to justify a perpetual blockade, the consequence of the blockade would only strengthen Hamas' hold and its will to arm itself.

It would be quite simple to set up a logistics platform on Israeli territory that would be large enough to check all goods entering and leaving Gaza in less than 24 hours, or even less for perishable data. It is only a question of means and organization.

There is no such logistical platform for the transit of goods. Instead, the vexatious and arbitrary regime is in force: perishable goods entering or leaving can be blocked until they are unusable, no transit time is guaranteed, which kills a large part of the economic activities that could be developed.

From time to time, Israel makes a humanitarian gesture by authorizing this or that convoy? But this remains an exceptional regime and not a normal flow of goods. It is possible to have a secure flow of goods by putting the means to it. A few authorized humanitarian convoys don't solve anything.

## Will there be a lasting peace in Jerusalem?

Is it really so serious to be so condescending when the essentials are no longer there? Gaza is a territory for which neither the Palestinians nor the Israelis seem to have any territorial claim other than the current de facto borders. But each one rots the life of the other as much as possible, justifying his behaviour by that of the other. Great prospect for the future!

Direct or indirect negotiations with the Palestinian Authority are unlikely to yield anything on Gaza, and even if they did yield something, its implementation is hypothetical. There would have to be another round of negotiations.

### **Palestinians must think of their security system as a modern security system, not just a substitute for the army.**

So far, this has been an ongoing problem on the Palestinian side. It has been almost impossible to get Palestinians to run their own security service in the Palestinian camps in Lebanon without external control of their camps by militias or the army.

Unarmed, mobile and well-organized riot control forces are indispensable elements of a modern security system. Such forces are beginning to appear on the Palestinian side of the West Bank. It would take as much in the West Bank as it does in Gaza.

The Palestinians should think of their security system as something other than potential support for a guerrilla war that will lead them to the same impasse as Israel: a vision of a martyred people that thinks of its future only in the hypothetical victory of a future war.

There are better things to do on both the Israeli and Palestinian sides.

The problem will not be solved by international forces. One can also take the case of Hebron with international observers: they had no effect and the voluntary maintenance of undersized Palestinian security forces did not provide security but maintained insecurity.

## Will there be a lasting peace in Jerusalem?

As for portraying the Palestinian security forces as so ineffective that only Israeli security forces would be able to provide security is a bit of a big string. With time, training and patience, it must be possible to implement Palestinian security services like those of any state.

### Safety conclusion

On the one hand, we have a State that declares itself the champion of security but which becomes a source of insecurity in the inability to bring out competent security services. On the other hand, there are Palestinians who have never been champions of security and have a cultural and historical problem on the subject.

And some outside negotiators apply clichés: international forces, NATO, etc. ... which are not what should be done. The emergence of competent and effective security services must be favoured and thought must be given to ways of achieving this other than through the usual few clichés of questionable effectiveness.

On this subject, there is still much to be done and built upon. In the West Bank, the current Palestinian Prime Minister is moving in the right direction. Will it be able to go all the way and put in place a core of future security services for the Palestinian state?

## Will there be a lasting peace in Jerusalem?

### PRINCIPLES FOR SETTLING THE ISRALEO-PALESTINIAN

#### CONFLICT

*The text of this chapter was written at the beginning of 2001, it was slightly modified during the writing of the manuscript, but without upsetting the initial ideas. It represents a basic framework fairly close to various initiatives, supplemented by some of the particularities developed in this book, such as the status of Jerusalem.*

*For the final agreement to hold, the parties will have to take ownership of it. This ownership will be reflected in a more detailed development to be done by the parties.*

*The framework was devised in 2001 for both the Israeli-Palestinian and Israeli-Syrian sides. It could be the same text signed by all three parties. This will depend on the future development of the negotiations.*

# Will there be a lasting peace in Jerusalem?

## The States

The 1947 declaration of partition of Palestine provided for 2 states: a State of Israel and an Arab State of Palestine. These two states have the same legitimacy to exist. The Arab State of Palestine will be referred to as the Palestinian State.

Because the partition of Palestine has defined these 2 states, the creation of a Palestinian state is useless. The Arab State of Palestine was created in 1947 by the United Nations on the same basis as Israel. The plan for the partition of Palestine was voted on 29 November 1947.

## Determination of the borders between the two States

The initial division of Palestine is amended to the 1967 pre-6-day war borders, itself amended by exchanges of territory that the parties will accept, except for Jerusalem, to which a specific status applies.

## Exchanges of territory<sup>8</sup> (applicable to both the Israeli-Palestinian and Syrian-Israeli conflicts)

The principle of exchanging territories is based on the principle of equivalence. Territories with construction can be exchanged for territories with construction. Agricultural land must be exchanged for agricultural land.

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<sup>8</sup> In May 2010, the press reported on the acceptance of an equivalent principle between Palestinians and Israelis in the indirect talks.

## **Will there be a lasting peace in Jerusalem?**

Any non-equivalence must be compensated for (either by making these territories equivalent by constructing or converting them into agricultural land, or by other financial compensation).

The territories for which one of the Parties requests the exchange shall be precisely described and annexed to the Declaration of Principles. A distinction must be made between exchanges agreed between the Parties in a specific Annex which will be binding for the application of the principles of settlement and requests not yet agreed in another specific Annex but which cannot be considered binding for the implementation of the Agreement.

An exchange can only take place in a contiguous zone of the State that claims it (for example, the State of Israel cannot claim to exchange a territory that is an island within the Palestinian territory or vice versa).

An exchange cannot take place if the continuity is simply ensured by a narrow path (e.g. a communication route) or splits the other territory into disjointed pieces.

### **Amendment of the 1947 partition of Palestine**

The amended 1967 borders of the exchange of territories accepted under the free consent of the parties will have to give rise to an amendment validated by an international conference in the presence of a representative of the United Nations.

# Will there be a lasting peace in Jerusalem?

## Jerusalem (Israeli-Palestinian specific)

We have to distinguish:

- The old town
- East Jerusalem
- West Jerusalem

### The old town

**Both Israel and the Palestinian State will exercise sovereignty over the Old City of Jerusalem as a whole.**

In concrete terms, **the Israeli Prime Minister and the Palestinian Head of State are jointly and undivided co-leaders of Jerusalem.**

### Jerusalem Council

Each district of the Old City of Jerusalem has a democratically elected representative who sits on the Jerusalem Council.

### Head of the Jerusalem Executive (or Mayor of the Old City of Jerusalem)

An Executive Officer of the Old City of Jerusalem is appointed, on the proposal of the Jerusalem Council, by the co-leaders, who may disqualify him.

## **Will there be a lasting peace in Jerusalem?**

The Jerusalem Executive has dedicated security forces (Israeli and Palestinian, in joint or separate units *to be specified*).

The intervention of external armed forces must have the joint approval of the co-leaders, with the exception of unarmed riot forces, which may be mobilized at the request of the head of the Jerusalem Executive.

### **The head of the executive of the Old City of Jerusalem must distinguish:**

- 1) ordinary decisions that it can take without the approval of the co-leaders
- 2) joint decisions that can only be enforced with the formal approval of the co-leaders

Example: land works on public roads, public buildings or holy places are of this order (*Specify these cases*)

**The Old City of Jerusalem is both a Palestinian and an Israeli city with a specific status.**

Only the specific status is applicable to the Old City of Jerusalem. In particular, a Palestinian or Israeli law can be applicable only if its application has been specifically accepted by the co-leaders, which may be applied by district or as a whole.

*Refer to the presentation on the status of Jerusalem. This wording should be sufficient to be unambiguous. If there are items considered to be needing to be*

## Will there be a lasting peace in Jerusalem?

*completed now, list them as items to be considered later. Possibly annex the presentation of the status of Jerusalem or another that would be unanimously agreed upon. Don't go into too much detail now.*

### East Jerusalem

Attached to the Palestinian State

### West Jerusalem

Attached to the State of Israel

*It would be advisable to add an element on coordination between East and West Jerusalem and the Old City, in particular Security. The idea is that the cooperation bodies defined should be able to prevent any upheavals that might occur and prevent incidents that might occur from turning Jerusalem into a city at war.*

## State capitals (Israeli-Palestinian specific)

The location of a Capital within a State is a sovereign decision of each State on the territories that have been recognized following the recognized actualization of the partition of Palestine. Each State is free to change them at a later date without further agreement, with the exception of the perimeter of the Old City of Jerusalem. Palestinian or Israeli administrative buildings may only be erected there with the approval of the co-directors. The same applies to foreign embassies that would set up in the Old City of Jerusalem.

# Will there be a lasting peace in Jerusalem?

## Israeli settlements (in the Palestinian State or in Syria)

*See the chapter on this subject*

*This paragraph remains to be written more precisely in accordance with the principles that will be negotiated.*

## Palestinian airspace control

It will be carried out by Palestinian or Palestinian-approved controllers for a period of 6 years but in an Israeli air traffic control centre. Beyond this period, air traffic control can only be transferred to the Palestinians if an air traffic control centre exists and has provided all the necessary approvals.

The "royalties" paid by the airlines for Palestinian airspace will have to be paid in full to a specific account. 50% will be paid to pay for the common air traffic control infrastructure used by Palestinian controllers and the remaining 50% will be paid to the Palestinian State, which will be able to use it to finance its controllers and future capital expenditure.

*It should be pointed out that the definition and implementation of an air traffic control centre is a lengthy operation that takes place over several years. Use of existing infrastructure is desirable. It is always possible to define in a control centre specific areas that are delegated to Palestinian controllers. The question to be seen*

## **Will there be a lasting peace in Jerusalem?**

*is whether Israeli air traffic control is purely military or civilian. In the first case, a military cooperation agreement will be required.*

# Will there be a lasting peace in Jerusalem?

## Security

There are two parts to this security section:

The internal security of the Palestinian State

The external security of the Palestinian State

### The internal security of the Palestinian State

It is carried out by the Palestinian security forces alone. No Israeli armed forces are authorized to intervene in these territories unless they have freely agreed to do so.

### External Security of the Palestinian State

The Palestinian state has no army as we understand it.

*This has been interpreted by the Israelis as meaning that if there was no army it was theirs that served as the army. There's a deep misunderstanding. First of all, there is a state in Central America that has hardly ever had an army, which means that a state can survive without an army. Second, if there is a possibility of military alliances, this would require free consent by treaty. The Palestinian state can live without an army and without another army being present.*

## Will there be a lasting peace in Jerusalem?

### International control of the borders of the Palestinian State

It will be carried out by international forces whose role will be limited to the control of those borders.

At airports and ports, an international presence will have to be ensured in such a way that it is verified that no heavy weapons are entering the Palestinian State.

*The role of these international forces is strictly limited to borders. However, it is possible that some borders such as those between Israel and the Palestinian state do not require such international forces. This is to be negotiated and clarified.*

*The reason why there are no proposed international forces in the Palestinian state is that such forces are rarely effective anywhere other than on borders (e.g. Hebron and South Lebanon, where observers have not prevented any incidents, except when they are dealing with only one border).*

# Will there be a lasting peace in Jerusalem?

## Palestinian right of return

2 cases arise:

1) right of return of the Palestinian population to the territories of the State of Israel. They can only be exceptional and in any case lower than the number of refugees registered in 1948 (see UN figures. The subsequent demographic proliferation that would have multiplied these initial refugees cannot be taken into account in any way.

This number of initial refugees will be reduced by the number of people who can be housed in the former Jewish settlements that would be returned to the Palestinian State.

2) right of return of the Palestinian population to the Palestinian State  
It will depend on the economic performance of the Palestinian State and its capacity to absorb these refugees. Any refugee who can justify a successful economic venture and who could be transferred to the Palestinian State cannot be denied the right of return to the Palestinian State.

### 3) Moratorium

At the latest at the time of the updating of the Partition of Palestine in international bodies, a definitive moratorium without the possibility of further appeal should be proposed and accepted. At the very least it will have to offer financial compensation for those who do not exercise their right to return, but in any case it will be final even for those who refuse the financial compensation offered.

*Objectively, if one were to ask how many people are eligible to return to Palestine, one would have to count all the Jews in the land and all the expatriate*

## Will there be a lasting peace in Jerusalem?

*Palestinians. How much? Maybe 10 million? Maybe more. Is it realistic to hold out the hope that they will all come home? A final settlement must lead to the end of refugee status for all Palestinians who are still refugees... unless the Palestinian state works economic miracles, then there will be a problem. The problem is, moreover, the same for the Israelis: it would probably be necessary to link the end of the right of return for the Palestinians to a regulation of Zionism which tends to accumulate in Israel a population that is tending to expand. When will there be a moratorium on Zionism? The problem is true for both states and they cannot separate it. Some Israeli settlements remain in the West Bank and some Palestinians will go to Israel. The relationship between the two must be balanced.*

## Will there be a lasting peace in Jerusalem?

### BEYOND THE REGULATION: REGIONAL COOPERATION

We can imagine a settlement that would be achieved through an Israeli-Palestinian and then an Israeli-Syrian settlement. It would be better for them to be finalized at the same time so that the last one to negotiate is not the one left behind.

Previous separate negotiations have not been conducive to a comprehensive settlement and there is always the fear that the last one to negotiate will end up alone.

Beyond this regulation, all agreements made since November 1947 will have to be reviewed. Amending the 1947 Partition of Palestine and taking stock of the various treaties and armistices that have marked this Arab-Israeli conflict is necessary to start on new bases and build the future by going beyond the past.

Beyond all this, the future of the region will not be built on the signing of a settlement, whatever its form, but on the dynamic that will be created between all the players. Regional cooperation will be crucial.

The text of the 1947 Partition of Palestine was very ambitious in its plan for a Palestinian Economic Union.

Perhaps we should start with something simple and meaningful for as many countries as possible.

For example, the problem of water across the Jordan River involves Israel, the Palestinian state, Syria, Lebanon and Jordan. There is a real regional need for cooperation on water.

A larger economic community among all these countries, including Egypt, could be an economic argument for Israel to accept territorial concessions more easily. How can you seriously consider regional economic cooperation if Jerusalem is only Israeli? But will Israel accept this prospect without a clearly defined regional future? These are questions that

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regional negotiations will have to answer. Beginning to build such regional cooperation, which will only be effective after the other problems have been solved, may have an influence that should not be overlooked.

Israel's short-term problem is that it hopes for such an economic community of which Israel would be the main beneficiary, without making territorial or other concessions: Israel seems motivated by such a prospect: it should be used as a parallel negotiation which will not be finalised before an agreement with Syria, the Palestinians and Lebanon.

For peace to be lasting, regional cooperation will have to be created. We have to be pragmatic by taking into account the real regional needs. It is necessary to accept to think big but to do small in order to avoid these large political and economic unions whose regional actors are customary but which are not followed by realisation to the level of initial hopes.

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## FROM THE PROJECT TO ITS REALIZATION

Imagine that a country or a group of countries decide to send a human being to the planet Mars. Between the time such a decision is made and the time a human being reaches Mars, it will take years, with thousands of humans working towards this achievement. It is possible that all the way to the end, during all these years devoted to this rather crazy project, there may be doubts and that it will not be able to be carried out in the form envisaged.

The problem of peace is a bit the same. If these countries decide to build Peace, between the moment when they decide together to make Peace and the moment when Peace will be a reality other than a façade, it will take several years and hundreds or thousands of people building this project during these years. They will doubt for a long time whether this will become a lasting reality. They will not be reassured until several years after it has become a reality.

It will not be enough for Israelis and Palestinians to agree on a text for peace to become a reality.

The same will be true between the Israelis and the Syrians.

This document contains only a few ideas that would require maturing if stakeholders are interested, in the form presented, or in another form that might emerge from the discussion of these ideas. Having an idea and presenting it is not conducting a negotiation. It will take something else to turn either track into tomorrow's reality.

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Even if the Oslo agreements did not succeed as hoped, it was a small country, Norway, that was the driving force behind these agreements, which were an important step, even if they did not produce a definitive solution.

Let us pay tribute to this small country that has done more on its own than all the countries of Europe put together. And if what followed the Oslo agreements may have discouraged other countries, we need other Oslo's to move forward, as well as diplomats and anonymous people who are actors other than waiting for their governments and institutions to move and get off the beaten and beaten track.

The media give us the impression that any diplomacy or any evolution depends on only one Man, magic, mediatized. The reality is different: it is never one person who makes things happen, but many people, most of whom remain anonymous, with one person officially confiscating the work of all the others.

The idea contained in this book on Jerusalem does not require many means to succeed. Above all, it is necessary to be able to reach the 4 communities of the Old City of Jerusalem: Jewish, Christian, Armenian and Muslim. In this way it would be possible to test the idea and to ask themselves whether it is worthwhile and to communicate it to their governments.

An idea is nothing without those who transform it and appropriate it to the point of making it a reality.

We must dare to shake up preconceived ideas and go beyond the present to dare to imagine a future. There will be lasting peace in Jerusalem if present and future generations decide to build a future and invest in it. Of course, no idea on such sensitive subjects can be accepted without discussion.

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Let these ideas follow their path! An idea can be transformed into another, different from the initial idea, by being the source of a reflection that takes another direction. What matters in the end is what local actors will do and what they will succeed in building.

If this book has simply shaken up preconceived ideas and directly or indirectly opened up other avenues, then its goal will have been achieved, but do not believe that the idea will become a reality without others acting. It's easy to launch ideas, harder to make them a reality, and it's something else than just stirring up a few ideas.

Good luck to Israel and its neighbors!

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### PLAN OF PARTITION WITH ECONOMIC UNION (RESOLUTION

### 181)<sup>9</sup>

On 29 November 1947, the UNSCOP partition plan for Palestine was approved by the UN General Assembly in New York. It proposes the division of Palestine into three states, one Jewish, the other Arab, and Jerusalem under international control.

The division and creation of the three States (Jewish State, Arab State and State of Jerusalem under international administration), were voted by 33 votes to 13 with 10 abstentions (The decolonization process had barely begun and the United Nations had only 57 members then, compared to 192 today).

Voted in favour: United States of America, Australia, Belgium, Bolivia, Brazil, Belarus, Canada, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Ecuador, France, Guatemala, Haiti, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Sweden, Ukraine, Union of South Africa, U.S.S.R., Uruguay and Venezuela.

Voted against: Afghanistan, Cuba, Egypt, Greece, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, Yemen.

Abstaining: Argentina, Chile, China, Colombia, El Salvador, Ethiopia, Honduras, Mexico, United Kingdom, Yugoslavia.

Did not take part in the vote: Siam

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<sup>9</sup> The text summarizing the vote on resolution 181 and the text of the Partition of Palestine are from the non-aligned network <http://www.voltairenet.org/fr>. In case of publication, a donation will be made to this organization.

# Will there be a lasting peace in Jerusalem?

## Part I: Future Constitution and Government of Palestine

### **A. TERMINATION OF MANDATE<sup>10</sup>, PARTITION AND INDEPENDENCE**

~~1- The Mandate for Palestine shall terminate as soon as possible and in any case not later than August 1, 1948.~~

~~(2) The armed forces of the mandatory Power shall be progressively withdrawn from Palestine; the withdrawal to be completed as soon as possible and in any case not later than 1 August 1948.~~

~~The mandatory Power shall advise the Commission, as far in advance as possible of its intention to terminate the Mandate and to evacuate each area.~~

~~The Mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a seaport and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than February 1, 1948.~~

3- Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be as described in parts II and III below.

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<sup>10</sup> Everything that was to be applied before the end of the United Kingdom's mandate has been crossed out: it is no longer relevant and does not need to be updated, in case the 1947 Division of Palestine is updated in the years to come.

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4. The period between the adoption by the General Assembly of its recommendation on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

### B. STEPS PREPARATORY TO INDEPENDENCE

1. A Commission shall be set up consisting of one representative of each of five Member States. The Members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.
2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission; which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.

In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

~~The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly.~~

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3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in part II of this plan are to be modified in such a way that village areas as a rule will not be divided by state boundaries unless pressing reasons make that necessary.

4. The Commission, after consultation with the democratic parties and other public organizations of The Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.

5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulation.

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6. The Provisional Council of Government of each State acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence.

7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.

8. The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.

This armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.

9. ~~The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold elections to the Constituent Assembly which shall be conducted on democratic lines.~~

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for this election shall be persons over eighteen years of age who are: (a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

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Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council of Government appointed by the Commission. The constitutions of the States shall embody chapters 1 and 2 of the Declaration provided for in section C below and include inter alia provisions for:

a. Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature;

b. Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered;

c. Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity of political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

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d. Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association;

e. Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security, provided that each State shall control residence within its borders.

11. The Commission shall appoint a preparatory economic commission of three members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in section D below.

~~12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the mandatory Power in Palestine shall maintain full responsibility for administration in areas from which it has not withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying out of these functions. Similarly the mandatory Power shall co-operate with the Commission in the execution of its functions.~~

~~13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in the charge of the Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a progressive transfer, from the mandatory Power to the Commission, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the mandatory Power have been withdrawn.~~

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The Commission shall be guided in its activities by the recommendations of the General Assembly and by such instructions as the Security Council may consider necessary to issue.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission has previously received contrary instructions from the Security Council.

The Commission shall render periodic monthly progress reports, or more frequently if desirable, to the Security Council.

15. The Commission shall make its final report to the next regular session of the General Assembly and to the Security Council simultaneously.

### C. DECLARATION

A declaration shall be made to the United Nations by the provisional government of each proposed State before independence. It shall contain inter alia the following clauses:

#### General Provision

The stipulations contained in the declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

### *Chapter 1: Holy Places, Religious Buildings and Sites*

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

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2. In so far as Holy Places are concerned, the liberty of access, visit and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens of the other State and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order and decorum.

Similarly, freedom of worship shall be guaranteed in conformity with existing rights, subject to the maintenance of public order and decorum.

3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government may call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.

No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

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5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community with respect to such places, buildings and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

### *Chapter 2: Religious and minority rights*

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.
2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex.
3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.
4. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.
5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or

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charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.<sup>3/</sup>

8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State) shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

### *Chapter 3: Citizenship, international conventions and financial obligations*

1. Citizenship. Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become

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citizens of the State in which they are resident and enjoy full civil and political rights.

Persons over the age of eighteen years may opt, within one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State, providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jew residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will be taken to include the wives and children under eighteen years of age of persons so opting.

Arabs residing in the area of the proposed Jewish State and Jews residing in the area of the proposed Arab State who have signed a notice of intention to opt for citizenship of the other State shall be eligible to vote in the elections to the Constituent Assembly of that State, but not in the elections to the Constituent Assembly of the State in which they reside.

2. International conventions. (a) The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

(b) Any dispute about the applicability and continued validity of international conventions or treaties signed or adhered to by the mandatory Power on behalf of Palestine shall be referred to the International Court of Justice in accordance with the provisions of the Statute of the Court.

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3. Financial obligations. (a) The State shall respect and fulfil all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory Power during the exercise of the Mandate and recognized by the State. This provision includes the right of public servants to pensions, compensation or gratuities.

(b) These obligations shall be fulfilled through participation in the Joint economic Board in respect of those obligations applicable to Palestine as a whole, and individually in respect of those applicable to, and fairly apportionable between, the States.

(c) A Court of Claims, affiliated with the Joint Economic Board, and composed of one member appointed by the United Nations, one representative of the United Kingdom and one representative of the State concerned, should be established. Any dispute between the United Kingdom and the State respecting claims not recognized by the latter should be referred to that Court.

(d) Commercial concessions granted in respect of any part of Palestine prior to the adoption of the resolution by the General Assembly shall continue to be valid according to their terms, unless modified by agreement between the concession-holder and the State.

### *Chapter 4: Miscellaneous provisions*

1. The provisions of chapters 1 and 2 of the declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the

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General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this declaration shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

### **D. ECONOMIC UNION AND TRANSIT**

1. **The Provisional Council of Government of each State shall enter into an undertaking with respect to economic union and transit.** This undertaking shall be drafted by the commission provided for in section B, paragraph 1, utilizing to the greatest possible extent the advice and co-operation of representative organizations and bodies from each of the proposed States. It shall contain provisions to establish the Economic Union of Palestine and provide for other matters of common interest. If by 1 April 1948 the Provisional Councils of Government have not entered into the undertaking, the undertaking shall be put into force by the Commission.

#### **The Economic Union of Palestine**

2. The objectives of the Economic Union of Palestine shall be:

a. A customs union;

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- b. A joint currency system providing for a single foreign exchange rate;
  
  - c. Operation in the common interest on a non-discriminatory basis of railways; inter-State highways; postal, telephone and telegraphic services, and port and airports involved in international trade and commerce;
  
  - d. Joint economic development, especially in respect of irrigation, land reclamation and soil
  
  - e. Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities.
3. There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The foreign members shall be appointed in the first instance for a term of three years; they shall serve as individuals and not as representatives of States.
4. The functions of the Joint Economic Board shall be to implement either directly or by delegation the measures necessary to realize the objectives of the Economic Union. It shall have all powers of organization and administration necessary to fulfil its functions.
5. The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

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6. In the event of failure of a State to take the necessary action the Board may, by a vote of six members, decide to withhold an appropriate portion of that part of the customs revenue to which the State in question is entitled under the Economic Union. Should the State persist in its failure to co-operate, the Board may decide by a simple majority vote upon such further sanctions, including disposition of funds which it has withheld, as it may deem appropriate.

7. In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem, in the event that Jerusalem is directly involved in the development project.

8. In regard to the joint currency system the currencies circulating in the two States and the City of Jerusalem shall be issued under the authority of the Joint Economic Board, which shall be the sole issuing authority and which shall determine the reserves to be held against such currencies.

9. So far as is consistent with paragraph 2 (b) above, **each State may operate its own central bank, control its own fiscal and credit policy, its foreign exchange receipts and expenditures, the grant of import licenses, and may conduct international financial operations on its own faith and credit.** ~~During the first two years after the termination of the Mandate, the Joint Economic Board shall have the authority to take such measures as may be necessary to ensure that--to the extent that the total foreign exchange revenues of the two States from the export of goods and services permit, and provided that each State takes appropriate measures to conserve its own foreign exchange resources--each State shall have available, in any twelve months' period, foreign exchange sufficient to assure the supply of quantities of imported goods and services for~~

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~~consumption in its territory equivalent to the quantities of such goods and services consumed in that territory in the twelve months' period ending 31 December 1947.~~

10. All economic authority not specifically vested in the Joint Economic Board is reserved to each State.

11. There shall be a common customs tariff with complete freedom of trade between the States, and between the States and the City of Jerusalem.

12. The tariff schedules shall be drawn up by a Tariff Commission, consisting of representatives of each of the States in equal numbers, and shall be submitted to the Joint Economic Board for approval by a majority vote. In case of disagreement in the Tariff Commission, the Joint Economic Board shall arbitrate the points of difference. In the event that the Tariff Commission fails to draw up any schedule by a date to be fixed, the Joint Economic Board shall determine the tariff schedule.

13. The following items shall be a first charge on the customs and other common revenue of the Joint Economic Board:

(a) The expenses of the customs service and of the operation of the joint services;

(b) The administrative expenses of the Joint Economic Board;

(c) The financial obligations of the Administration of Palestine consisting of:

(i) The service of the outstanding public debt;

(ii) The cost of superannuation benefits, now being paid or falling due in the future, in accordance with the rules and to the extent established by paragraph 3 of chapter 3 above.

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14. After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent and not more than 10 per cent to the City of Jerusalem; the residue shall be allocated to each State by the Joint Economic Board equitably, with the objective of maintaining a sufficient and suitable level of government and social services in each State, except that the share of either State shall not exceed the amount of that State's contribution to the revenues of the Economic Union by more than approximately four million pounds in any year. The amount granted may be adjusted by the Board according to the price level in relation to the prices prevailing at the time of the establishment of the Union. After five years, the principles of the distribution of the joint revenues may be revised by the Joint Economic Board on a basis of equity.

15. All international conventions and treaties affecting customs tariff rates, and those communications services under the jurisdiction of the Joint Economic Board, shall be entered into by both States. In these matters, the two States shall be bound to act in accordance with the majority vote of the Joint Economic Board.

16. The Joint Economic Board shall endeavour to secure for Palestine's export fair and equal access to world markets.

17. All enterprises operated by the Joint Economic Board shall pay fair wages on a uniform basis.

### Freedom of transit and visit

18. The undertaking shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations; provided that each state and the City shall control residence within its borders.

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### Termination, modification and interpretation of the undertaking

19. The undertaking and any treaty issuing therefrom shall remain in force for a period of ten years. It shall continue in force until notice of termination, to take effect two years thereafter, is given by either of the parties.

20. During the initial ten-year period, the undertaking and any treaty issuing therefrom may not be modified except by consent of both parties and with the approval of the General Assembly.

21. Any dispute relating to the application or the interpretation of the undertaking and any treaty issuing therefrom shall be referred, at the request of either party, to the international Court of Justice, unless the parties agree to another mode of settlement.

### **E. ASSETS**

1. The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Allocations should be made by the United Nations Commission referred to in section B, paragraph 1, above. Immovable assets shall become the property of the government of the territory in which they are situated.

2. During the period between the appointment of the United Nations Commission and the termination of the Mandate, the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal or encumbering of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State lands or any other asset.

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## F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

When the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, as envisaged in this plan, have been signed by either of them, sympathetic consideration should be given to its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

## Part Two: Boundaries

### A. THE ARAB STATE

The area of the Arab State in Western Galilee is bounded on the west by the Mediterranean and on the north by the frontier of the Lebanon from Ras en Naqura to a point north of Saliha. From there the boundary proceeds southwards, leaving the built-up area of Saliha in the Arab State, to join the southernmost point of this village. Thence it follows the western boundary line of the villages of `Alma, Rihaniya and Teitaba, thence following the northern boundary line of Meirun village to join the Acre-Safad sub-district boundary line. It follows this line to a point west of Es Sammu'i village and joins it again at the northernmost point of Farradiya. Thence it follows the sub-district boundary line to the Acre-Safad main road. From here it follows the western boundary of Kafr I'nan village until it reaches the Tiberias-Acre sub-district boundary line, passing to the west of the junction of the Acre-Safad and Lubiya-Kafr I'nan roads. From south-west corner of Kafr I'nan village the boundary line follows the western boundary of the Tiberias sub-district to a point close to the boundary line between the villages of Maghar and Eilabun, thence bulging out to the west to include as much of the eastern part of the plain of Battuf as is necessary for the reservoir proposed by the Jewish Agency for the irrigation of lands to the south and east.

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The boundary rejoins the Tiberias sub-district boundary at a point on the Nazareth-Tiberias road south-east of the built-up area of Tur'an; thence it runs southwards, at first following the sub-district boundary and then passing between the Kadoorie Agricultural School and Mount Tabor, to a point due south at the base of Mount Tabor. From here it runs due west, parallel to the horizontal grid line 230, to the north-east corner of the village lands of Tel Adashim. It then runs to the north-west corner of these lands, whence it turns south and west so as to include in the Arab State the sources of the Nazareth water supply in Yafa village. On reaching Ginneiger it follows the eastern, northern and western boundaries of the lands of this village to their south-west corner, whence it proceeds in a straight line to a point on the Haifa-Afula railway on the boundary between the villages of Sarid and El Mujeidil. This is the point of intersection.

The south-western boundary of the area of the Arab State in Galilee takes a line from this point, passing northwards along the eastern boundaries of Sarid and Gevat to the north-eastern corner of Nahalal, proceeding thence across the land of Kefar ha Horesh to a central point on the southern boundary of the village of `llut, thence westwards along that village boundary to the eastern boundary of Beit Lahm, thence northwards and north-eastwards along its western boundary to the north-eastern corner of Waldheim and thence north-westwards across the village lands of Shafa 'Amr to the south-eastern corner of Ramat Yohanan'. From here it runs due north-north-east to a point on the Shafa 'Amr-Haifa road, west of its junction with the road to I'Billin. From there it proceeds north-east to a point on the southern boundary of I'Billin situated to the west of the I'Billin-Birwa road. Thence along that boundary to its westernmost point, whence it turns to the north, follows across the village land of Tamra to the north-westernmost corner and along the western boundary of Julis until it reaches the Acre-Safad road. It then runs westwards

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along the southern side of the Safad-Acre road to the Galilee-Haifa District boundary, from which point it follows that boundary to the sea.

The boundary of the hill country of Samaria and Judea starts on the Jordan River at the Wadi Malih south-east of Beisan and runs due west to meet the Beisan-Jericho road and then follows the western side of that road in a north-westerly direction to the junction of the boundaries of the sub-districts of Beisan, Nablus, and Jenin. From that point it follows the Nablus-Jenin sub-district boundary westwards for a distance of about three kilometres and then turns north-westwards, passing to the east of the built-up areas of the villages of Jalbun and Faqu'a, to the boundary of the sub-districts of Jenin and Beisan at a point north-east of Nuris. Thence it proceeds first north-westwards to a point due north of the built-up area of Zir'in and then westwards to the Afula-Jenin railway, thence north-westwards along the district boundary line to the point of intersection on the Hejaz railway. From here the boundary runs south-westwards, including the built-up area and some of the land of the village of Kh.Lid in the Arab State to cross the Haifa-Jenin road at a point on the district boundary between Haifa and Samaria west of El Mansi. It follows this boundary to the southernmost point of the village of El Buteimat. From here it follows the northern and eastern boundaries of the village of Ar'ara, rejoining the Haifa-Samaria district boundary at Wadi'Ara, and thence proceeding south-south-westwards in an approximately straight line joining up with the western boundary of Qaquun to a point east of the railway line on the eastern boundary of Qaquun village. From here it runs along the railway line some distance to the east of it to a point just east of the Tulkarm railway station. Thence the boundary follows a line half-way between the railway and the Tulkarm-Qalqiliya-Jaljuliya and Ras el Ein road to a point just east of Ras el Ein station, whence it proceeds along the railway some distance to the east of it to the point on the railway line south of the junction of the Haifa-Lydd and Beit Nabala lines, whence it proceeds along the southern border of Lydda airport to its south-west corner, thence in a

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south-westerly direction to a point just west of the built-up area of Sarafand el'Amar, whence it turns south, passing just to the west of the built-up area of Abu el Fadil to the north-east corner of the lands of Beer Ya'Aqov. (The boundary line should be so demarcated as to allow direct access from the Arab State to the airport.) Thence the boundary line follows the western and southern boundaries of Ramle village, to the north-east corner of El Na'ana village, thence in a straight line to the southernmost point of El Barriya, along the eastern boundary of that village and the southern boundary of 'Innaba village. Thence it turns north to follow the southern side of the Jaffa-Jerusalem road until El Qubab, whence it follows the road to the boundary of Abu Shusha. It runs along the eastern boundaries of Abu Shusha, Seidun, Hulda to the southernmost point of Hulda, thence westwards in a straight line to the north-eastern corner of Umm Kalkha, thence following the northern boundaries of Umm Kalkha, Qazaza and the northern and western boundaries of Mukhezim to the Gaza District boundary and thence runs across the village lands of El Mismiya, El Kabira, and Yasur to the southern point of intersection, which is midway between the built-up areas of Yasur and Batani Sharqi.

From the southern point of intersection the boundary lines run north-westwards between the villages of Gan Yavne and Barqa to the sea at a point half way between Nabi Yunis and Minat el Qila, and south-eastwards to a point west of Qastina, whence it turns in a south-westerly direction, passing to the east of the built-up areas of Es Sawafir, Es Sharqiya and Ibdis. From the south-east corner of Ibdis village it runs to a point south-west of the built-up area of Beit 'Affa, crossing the Hebron-El Majdal road just to the west of the built-up area of Iraq Suweidan. Thence it proceeds southwards along the western village boundary of El Faluja to the Beersheba sub-district boundary. It then runs across the tribal lands of 'Arab el Jubarat to a point on the boundary between the sub-districts of Beersheba and Hebron north of Kh. Khuweilifa, whence it proceeds in a south-westerly direction to a point on the Beersheba-Gaza main road two kilometres to the north-west of

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the town. It then turns south-eastwards to reach Wadi Sab' at a point situated one kilometre to the west of it. From here it turns north-eastwards and proceeds along Wadi Sab' and along the Beersheba-Hebron road for a distance of one kilometre, whence it turns eastwards and runs in a straight line to Kh. Kuseifa to join the Beersheba-Hebron sub-district boundary. It then follows the Beersheba-Hebron boundary eastwards to a point north of Ras Ez Zuweira, only departing from it so as to cut across the base of the indentation between vertical grid lines 150 and 160.

About five kilometres north-east of Ras ez Zuweira it turns north, excluding from the Arab State a strip along the coast of the Dead Sea not more than seven kilometres in depth, as far as Ein Geddi, whence it turns due east to join the Transjordan frontier in the Dead Sea.

The northern boundary of the Arab section of the coastal plain runs from a point between Minat el Qila and Nabi Yunis, passing between the built-up areas of Gan Yavne and Barqa to the point of intersection. From here it turns south-westwards, running across the lands of Batani Sharqi, along the eastern boundary of the lands of Beit Daras and across the lands of Julis, leaving the built-up areas of Batani Sharqi and Julis to the westwards, as far as the north-west corner of the lands of Beit Tima. Thence it runs east of El Jiya across the village lands of El Barbara along the eastern boundaries of the villages of Beit Jirja, Deir Suneid and Dimra. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Beit Hanun the line runs south-west to a point south of the parallel grid line 100, then turns north-west for two kilometres, turning again in a south-westerly direction and

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continuing in an almost straight line to the north-west corner of the village lands of Kirbet Ikhza'a. From there it follows the boundary line of this village to its southernmost point. It then runs in a southerly direction along the vertical grid line 90 to its junction with the horizontal grid line 70. It then turns south-eastwards to Kh. el Ruheiba and then proceeds in a southerly direction to a point known as El Baha, beyond which it crosses the Beersheba-El 'Auja main road to the west of Kh. el Mushrifa. From there it joins Wadi El Zaiyatin just to the west of El Subeita. From there it turns to the north-east and then to the south-east following this Wadi and passes to the east of 'Abda to join Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh, Wadi Ajrim and Wadi Lissan to the point where Wadi Lissan crosses the Egyptian frontier.

The area of the Arab enclave of Jaffa consists of that part of the town-planning area of Jaffa which lies to the west of the Jewish quarters lying south of Tel-Aviv, to the west of the continuation of Herzl street up to its junction with the Jaffa-Jerusalem road, to the south-west of the section of the Jaffa-Jerusalem road lying south-east of that junction, to the west of Miqve Israel lands, to the north-west of Holon local council area, to the north of the line linking up the north-west corner of Holon with the north-east corner of Bat Yam local council area and to the north of Bat Yam local council area. The question of Karton quarter will be decided by the Boundary Commission, bearing in mind among other considerations the desirability of including the smallest possible number of its Arab inhabitants and the largest possible number of its Jewish inhabitants in the Jewish State.

### **B. THE JEWISH STATE**

The north-eastern sector of the Jewish State (Eastern) Galilee) is bounded on the north and west by the Lebanese frontier and on the east by the frontiers of Syria and

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Transjordan. It includes the whole of the Hula Basin, Lake Tiberias, the whole of the Beisan sub-district, the boundary line being extended to the crest of the Gilboa mountains and the Wadi Malih. From there the Jewish State extends north-west, following the boundary described in respect of the Arab State.

The Jewish Section of the coastal plain extends from a point between Minat et Qila and Nabi Yunis in the Gaza sub-district and includes the towns of Haifa and Tel-Aviv, leaving Jaffa as an enclave of the Arab State. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area comprises the whole of the Beersheba sub-district, including the Negeb and the eastern part of the Gaza sub-district, but excluding the town of Beersheba and those areas described in respect of the Arab State. It includes also a strip of land along the Dead Sea stretching from the Beersheba-Hebron sub-district boundary line to Ein Geddi, as described in respect of the Arab State.

### **C. THE CITY OF JERUSALEM**

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem. (See Part III, Section B, below).

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## Part Three: City of Jerusalem

### 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 THE CITY

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 (including also the built-up area of Motsa); and the most northern Shu'fat, as indicated on the attached sketch-map (annex B).

### C. STATUTE OF THE CITY

The Trusteeship Council shall, within five months of the approval of the present plan, elaborate and approve a detailed Statute of the City which shall contain inter alia the substance of the following provisions:

1. Government machinery; special objectives. The Administering Authority in discharging its administrative obligations shall pursue the following special objectives:

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(a) To protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;

(b) To foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. Governor and administrative staff. A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen whenever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. Local autonomy. (a) The existing local autonomous units in the territory of the city (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of a special town units consisting

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respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. Security measures. (a) The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the protection of the Holy Places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. Legislative organization. A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

6. Administration of justice. The Statute shall provide for the establishment of an independent judiciary system, including a court of appeal. All the inhabitants of the City shall be subject to it.

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7. Economic union and economic regime. The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decision of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City.

The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all members of the United Nations and their nationals.

8. Freedom of transit and visit; control of residents. Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the city for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. Relations with the Arab and Jewish States. Representatives of the Arab and Jewish States shall be accredited to the Governor of the City and charged with the protection of the interests of their States and nationals in connexion with the international administration of the City.

10. Official languages. Arabic and Hebrew shall be the official languages of the city. This will not preclude the adoption of one or more additional working languages, as may be required.

11. Citizenship. All the residents shall become ipso facto citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed notice of intention to become citizens of the Arab or Jewish State respectively, according to part I, section B, paragraph 9, of this plan.

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The Trusteeship Council shall make arrangements for consular protection of the citizens of the City outside its territory.

12. Freedoms of Citizens. (a) Subject only to the requirements of public order and morals, the inhabitants of the City shall be ensured the enjoyment of human rights and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and press, assembly and association, and petition.

(b) No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.

(c) All persons within the City shall be entitled to equal protection of the laws.

(d) The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

(e) Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

(f) The City shall ensure adequate primary and secondary education for the Arab and Jewish communities respectively, in their own languages and in accordance with their cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the City may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

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(g) No restriction shall be imposed on the free use by any inhabitant of the City of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

13. Holy Places. (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the City. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

14. Special powers of the Governor in respect of the Holy Places, religious buildings and sites in the City and in any part of Palestine. (a) The protection of the Holy Places, religious buildings and sites located in the City of Jerusalem shall be a special concern of the Governor.

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(b) With relation to such places, buildings and sites in Palestine outside the city, the Governor shall determine, on the ground of powers granted to him by the Constitutions of both States, whether the provisions of the Constitutions of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected.

(c) The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community in respect of the Holy Places, religious buildings and sites in any part of Palestine.

In this task he may be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

### D. DURATION OF THE SPECIAL REGIME

The Statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to re-examination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall be then free to express by means of a referendum their wishes as to possible modifications of the regime of the City.

## Part Four: Capitulations

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection, as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce

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any right pertaining to them to the re-establishment of such privileges and immunities in the proposed Arab and Jewish States and the City of Jerusalem.

Source United Nations (General Assembly)

# Will there be a lasting peace in Jerusalem?

## REFERENCE TEXTS<sup>11</sup>

- UN General Assembly Resolution 181 (29 November 1947): Partition plan for Palestine.
- UN General Assembly Resolution 194 (11 December 1948): inalienable right of return of Palestinians.
- UN Security Council Resolution 237 (14 June 1967): Return of Palestinian refugees.
- UN Security Council Resolution 242 (22 November 1967): Illegality of the occupation of the territories invaded during the 1967 war.
- UN General Assembly Resolution 2649 (30 November 1970): legitimacy of the struggle of subjugated peoples to recover their rights by all means.
- UN Security Council Resolution 338 (22 October 1973): Cease fire at the end of the 1973 war.
- UN General Assembly Resolution 3236 (22 November 1974): Inalienable rights of the Palestinian people.
- UN General Assembly Resolution 3379 (November 10, 1975): qualification of Zionism.
- UN General Assembly Resolution 3240/B (2 December 1977): Day of Solidarity with the Palestinian People.
- Camp David Agreement (17 September 1978): preparation for separate Israeli-Egyptian peace.

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<sup>11</sup> The list of reference texts is taken from the non-aligned network <http://www.voltairenet.org/fr> . In case of publication, a donation will be made to this organization.

## Will there be a lasting peace in Jerusalem?

- UN Security Council Resolution 446 (22 March 1979): Illegality of settlements in the Occupied Territories.
- UN Security Council Resolution 478 (20 August 1980): illegality of the annexation of Jerusalem
- UN General Assembly Resolution 46/86 (16 December 1991): withdrawal of the qualification of Zionism.
- Oslo Agreement (13 September 1993)
- Mitchell Report (May 21, 2001)
- Security Council Resolution 1397 (13 March 2002): Call for the establishment of a Palestinian State.
- Arab Peace Initiative presented by Prince Abdullah bin Abdul-Aziz (27-28 March 2003): two-state solution.
- Quartet Roadmap (30 April 2003)
- The 14 Israeli reservations to the roadmap (25 May 2003)
- Letter from Ariel Sharon to George W. Bush (April 14, 2004)
- Letter from George W. Bush to Ariel Sharon (14 April 2004): recognition of the territories conquered by Israel.
- UN General Assembly Resolution ES-10/15 (20 July 2004): Illegality of the Wall built in the Occupied Territories
- Israeli-Palestinian Annapolis Declaration (27 November 2007)

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