



Jerusalem Factsheet: Toward a Negotiated Solution for the Holy City

Introduction: Competing Claims and Prospects for Peace and Stability

The city of Jerusalem has religious and political significance for both Israelis and Palestinians and its holy places are sacred to Jews, Christians and Muslims worldwide. What takes place in Jerusalem reverberates far beyond the city's borders. It is a core issue in the Israeli-Palestinian conflict and has implications for regional stability and U.S. national security interests. Today, Israel claims Jerusalem as its undivided capital and Palestinians seek East Jerusalem for the capital of a future Palestinian state. Both peoples and the three faiths have claims to the Old City, located in East Jerusalem, with its different quarters (Jewish, Armenian, Christian and Muslim) and its numerous holy places. A negotiated resolution for the city, as part of a two-state solution with a secure Israel living in peace alongside a viable and contiguous Palestinian state, would make a significant contribution to Middle East peace and stability. Currently, Jerusalem is Israel's largest city with the Jewish population standing at 66 percent. Jerusalem is also the hub of Palestinian economic and cultural activity and one third of Jerusalem's residents are Palestinians. A shared capital for Israel and the future state of Palestine would enable international recognition of Israel's capital in Jerusalem and would give legitimacy to the new state of Palestine in the eyes of its people and the larger Arab and Muslim world. The RAND Corporation has made the point that "without a credible sovereign presence in Jerusalem, the new state of Palestine will suffer a serious legitimacy deficit". Peace between Israel and the Palestinians, and a comprehensive Israeli-Arab peace, requires a negotiated resolution of the city's status.

Historical Significance

Jerusalem was a Canaanite (Jebusite) city for over 1000 years before it was conquered by King David, probably around 1000 B.C., and made the capital of the Hebrew state. The Babylonian conquest and destruction of Jerusalem and Solomon's Temple in 586 B.C. was followed by Persian rule and the return from exile in Babylonia of the Judeans who built the Second Temple in 516. With the conquest of Judea by Alexander the Great in 332 B.C., the Hellenistic era began and lasted until the Roman general Pompey captured the city in 63 B.C. The teaching of Jesus Christ and his crucifixion in Jerusalem took place under Roman rule. In 70 A.D., the Romans destroyed Jerusalem and the Second Temple which had been rebuilt by Herod. The Church of the Holy Sepulchre was built in 335 A.D. during the Byzantine period. The Muslim period began in 638 A.D. and, except for the Crusader era (1099-1187), Jerusalem remained under Muslim rule until the defeat of the Ottoman Empire. The Muslims' Dome of the Rock was built in 691-692 A.D. on the place where Abraham is believed by Jews and Christians to have bound his son Isaac for sacrifice and is also the site of the first and second Jewish temples.

Modern Political History

Britain administered the League of Nations Mandate for Palestine from 1917 until the Arab-Israeli war in 1948. In 1947, the UN partition plan (UNGA Resolution 181), recommended that Palestine be partitioned into an Arab state and a Jewish state, with the city of Jerusalem belonging to neither state, but rather internationalized in a "corpus separatum." This internationalization never came to pass because in the course of the 1948-1949 war, the new state of Israel seized the western portion of the city, declaring it their capital, and Jordan seized the eastern portion, eventually annexing East Jerusalem and the West Bank in 1950. Neither of these actions received international recognition and it soon became clear that the internationalization of the city was not going to be a viable option due to the Israeli and Arab claims to a political role in the city. Between 1948 and 1967 Israelis were not given access to their holy sites in the Old City. Following the 1967 war, Israel annexed East Jerusalem and redrew the municipal boundaries of the city, making Jerusalem an area roughly 2.5 times the size of pre-war West and East Jerusalem combined. In 1980, the Israeli government made this formal by passing legislation stating that "Jerusalem, complete and united, is the capital of Israel". No country, including the United States, recognizes Israel's annexation of Jerusalem or has its embassy located in Jerusalem. The future of Jerusalem remains a final status issue to be negotiated as part of a comprehensive Israeli-Palestinian peace agreement.

Spiritual Meaning and Religious Freedom

Jerusalem is a holy city for Jews, Christians and Muslims. For Jews, it is the site of Abraham's near sacrifice of his son, the first Temple built by Solomon and the second Temple built after the Babylonian captivity. The Temple Mount/Western Wall (a retaining wall of the plateau on which the Temple stood) is the holiest site for the Jewish people. During prayers, Jews everywhere face Jerusalem. For Christians, Jerusalem is the city where Jesus lived and died, the city of his trial, passion, crucifixion and resurrection. Pilgrims have been visiting the Church of the Holy Sepulchre, the place of Jesus'

burial, since the 4th century. For Muslims, Jerusalem is the place from which the prophet Muhammad ascended to heaven. The Haram al Sharif or "Noble Sanctuary", the area from which Muslims believe Muhammad departed, includes the Dome of the Rock and the Al-Aqsa Mosque, the third holiest shrine in Islam. There are those on both sides who have claimed Jerusalem as exclusively theirs, and with these claims, have often delegitimized the religious history or claims of the other. Because of the profound religious significance of Jerusalem for the three monotheistic faiths, religious freedom and full access to holy sites must be a key component to any agreement on Jerusalem. Jews must have access to their holy places, unlike the situation between 1948 and 1967 when Jerusalem was divided with Jordanian rule over the Old City. Palestinian Christians and Muslims must be able to reach their religious sites. For many this is impossible because of Israeli settlements, the route of the separation barrier and closures and checkpoints, which also sever the natural connection between Bethlehem and Jerusalem, thereby disrupting the Christian narrative in the Holy Land.

U.S. Policy on Jerusalem

In a letter to Churches for Middle East Peace in January of 2005, then Ambassador to Israel, Daniel Kurtzer, clearly stated the United States' position on Jerusalem: "Mutual agreement and direct negotiations between the parties are required for final status issues, including the status of Jerusalem." While the US initially supported the "corpus separatum" in the UN it quickly recognized, along with many other countries, the Israeli and Arab claims to the city. Since then it has opposed all unilateral actions to decide the fate of the city (by both Jordan and Israel), including Israel's annexation of East Jerusalem in 1967. Since the 1967 war, the US has maintained that the future of the city must be decided by final status negotiations, not unilateral actions, and that it should be a "united city" meaning not divided as it was between 1948 and 1967. While subsequent US administrations have adhered to this policy, although not necessarily acting to block unilateral actions by Israel, Congress has taken a different approach. In 1995, identical bills were introduced in the House and Senate, passed and became public law 104-45, stating that US policy should recognize that Jerusalem is the undivided capital of Israel and that the US embassy in Israel should be moved to Jerusalem. The bill also provided a Presidential waiver if moving the embassy was contrary to US national security interests. Both President Clinton and Bush have said that they favored moving the embassy but both have exercised the waiver. The Executive Branch maintains that moving the embassy would prejudice the city's status because it would be seen as endorsing Israel's claim over the entire city. In June 1999, Clinton exercised the Jerusalem Embassy Act waiver, stating that "Israelis and Palestinians have agreed to include Jerusalem among the issues to be covered in their permanent status negotiations. ... the United States should not be taking steps of its own that prejudice those negotiations and make them more difficult."

Current Issues Affecting Jerusalem and a Durable Two-State Solution

Jerusalem is where many of the key issues of the conflict intersect, including security, settlements, the separation barrier, borders and the question of the city's status itself. Jerusalem has been the sight of numerous suicide bombings. Today East Jerusalem is being separated from its West Bank environs by settlements and the route of the barrier which harm the health, livelihood and education of Palestinians, prejudice a negotiated two-state solution and undermine Israel's long-term security interests and the position of Palestinian moderates. A report by the International Crisis Group in August 2005 gave a detailed analysis of the issues affecting Jerusalem. The report argues that, "Israel has legitimate security concerns in Jerusalem, where Palestinian attacks since the intifada have led to hundreds of dead and more than 2,000 wounded... But the measures currently being implemented are at war with any viable two-state solution and will not bolster Israel's safety." The Bush Administration has raised concerns about activities that could predetermine the city's future, "We expect, in particular, that [the Israelis] are going to be careful about anything - route of the fence, settlement activity, laws - that would appear to prejudice a final status agreement. And it's concerning that this is where it is and around Jerusalem" (Condoleezza Rice, Secretary of State, March 2005). The RAND Corporation has stated that "from a security perspective, Jerusalem can be the capital for both Israel and Palestine." Any solution for Jerusalem must consider both Israel's security needs and the centrality of East Jerusalem in Palestinian life.

Christians on Jerusalem

One of Churches for Middle East Peace's guiding principles is to promote the sharing of an undivided Jerusalem by the two peoples -- Israelis and Palestinians -- and by the three religious communities that call it sacred. CMEP supports U.S. policy that the future of the city should be decided through negotiations. In a January, 2007 letter to President Bush, Christian leaders from a wide range of traditions appealed "for [President Bush] to work with Israelis, Palestinians and the international community to guarantee access to Jerusalem's Holy Places and religious liberty for all peoples. Resolving the status of Jerusalem is key to achieving a workable two-state solution." While the (Roman Catholic) Holy See takes no specific position on the questions of territory and sovereignty, it points to negotiations that satisfy the aspirations of both sides as the best way to resolve Jerusalem's future. The Holy See believes there should be "international guarantees" for the religious dimensions of any final status agreement and has sought "a special statute" for Jerusalem to "preserve the unique religious character of the Holy City, and to secure the rights of the living religious communities there." The church leaders in Jerusalem also speak of a "special status" for Jerusalem due to its "unique character" which "surpasses any local political sovereignty" and call for the question of Jerusalem to be "decided by common agreement."

Possible Options for Sharing Jerusalem

Various solutions have been proposed that envision the “sharing” of Jerusalem and lay out different, yet complementary, formulations. There are a number of issues at hand: the sharing or division of the city territorially between Israel and the Palestinians, the question of sovereignty and how it should be arranged and the religious dimension including the control of the holy places in the Old City. Key negotiations and peace proposals to date, including the Clinton Parameters, Taba negotiations, Geneva Accords and People’s Voice Initiative, have proposed that Jerusalem be the “capital for two states”. All of these peace plans invoke the general principle that Arab areas would come under Palestinian sovereignty and Jewish areas under Israeli sovereignty, with the Geneva Accord detailing the two capitals and providing contiguity for both. Some of the plans specify an “open city” with no physical divisions. The Clinton Parameters put forth a proposal for the most controversial holy places with Palestinian sovereignty of the Haram al-Sharif/Temple Mount and Israeli sovereignty over the Western Wall. Some plans do not propose sovereignty in the Old City. The People’s Voice Initiative proposed that “neither side will exercise sovereignty over the Holy places.” A 2006 report by the Jerusalem Institute for Israel studies laid out five different options for the Old City, favoring some sort of international involvement, mainly in the area of security and preservation and supervision of the holy places. While it is not clear what the exact contours of a final settlement in Jerusalem will look like, it is evident that the groundwork has been laid. Over ninety-nine papers and proposals were formulated during the twentieth century regarding Jerusalem’s future according to Shaul Areli, a former Israeli security official and initiator of the Geneva Accord. When the parties finally sit down at the negotiating table they will have well-established principles from which to work. Meanwhile, no actions should be taken by any party that would prejudice a negotiated solution.

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