

**EXTREME MAKEOVER? (I): ISRAEL'S POLITICS OF  
LAND AND FAITH IN EAST JERUSALEM**

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## **EXTREME MAKEOVER? (I): ISRAEL'S POLITICS OF LAND AND FAITH IN EAST JERUSALEM**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

Jerusalem no longer is the city it was in 2000, when Israelis and Palestinians first negotiated its fate. In the interval, much has changed, complicating the task of unscrambling the Jerusalem egg based on the formula presented by President Clinton in December of that year: what is Jewish would be Israeli; what is Arab would be Palestinian; and a special regime would govern sites holy to the three monotheistic religions. It has become commonplace in some quarters to decree that partitioning is now unfeasible given the pace and shape of settlement construction. Feasibility is an inexact science and, in theory at least, willing mapmakers and determined policymakers still could implement the same principle, if not draw precisely the same line, as twelve years ago.

Yet, two things are incontrovertible. First, expansion of Jewish settlements or neighbourhoods in East Jerusalem raises the political price of partition and thus lowers its likelihood. The upshot is that the international community, and notably the U.S., will have to pressure Israel to limit further alteration to Jerusalem's physical landscape; this challenge is particularly acute today in light of recent settlement announcements that many see as potentially fatal to any two-state solution. The second, less tangible but equally consequential reality is that changes in Israel and the region have intensified religious and historical claims to the city. Whenever negotiations resume, each side will need to acknowledge the other's ties to Jerusalem and its religious sites, and both sides will have to be open to creative solutions in tune with this new, emerging climate.

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Since Clinton offered his parameters, the Jewish population of East Jerusalem has grown significantly in each of the three belts – an outer belt that defines Greater Jerusalem, a middle belt that surrounds the city centre, and an inner belt that runs through the city's core – that structure Israeli settlement in and around the city. The good news is that, so far, much of the increase has been in previously built-up areas. The bad news is that settlement construction over the past 45 years has been so extensive as to make even minor developments in strategic locations highly detrimental to prospects of one day dividing the city. This report, the first of two issued simultaneously, examines this evo-

lution. Part II, *Extreme Makeover? (II): The Withering Away of East Jerusalem*, looks at the emaciation of Palestinian political life in the city.

There are several critical territorial flashpoints. Particularly significant are two horizontal bands – one each in central and southern Jerusalem – that would extend a Jewish continuum from west to east across the entire municipality and beyond. Planning for residential units in the central band (dubbed “E-1”) and in the southern band (including a new settlement, the first in Jerusalem since Har Homa in 1997, known as Givat HaMatos) – both of which have been on hold for several years owing to international pressure – has now resumed. E-1 is widely perceived as particularly damaging, because it would all but disconnect East Jerusalem from a Palestinian state and sever its urban expanse. In southern Jerusalem, new Israeli construction threatens to completely envelope some Arab neighbourhoods. These are only two of the disquieting settlement projects that the Israeli government has pushed forward following the 29 November 2012 UN General Assembly resolution declaring Palestine a non-member observer state. Whether international pressure will stop these developments, and for how long, is yet unclear.

Of all developments in the city, potentially the most explosive lie within the inner core, where Jewish settlement within dense Palestinian neighbourhoods has accelerated. A ring of national parks, which open lands to Israeli usage and limits it for Palestinians, is being built around the city's historic core. Within these parks, Israel has licensed archaeological and educational projects; the largest, the City of David in the Palestinian neighbourhood of Silwan, has become one of Israel's most successful tourist attractions, with over 400,000 visitors a year. At the centre of contestation stands the Holy Esplanade – Har HaBayit (The Temple Mount) to Jews and al-Haram al-Sharif (The Noble Sanctuary) to Muslims – which has an outsized effect on the conflict. Potent political-cum-theological developments in Israel over the past fifteen years have prompted demands for Jewish worship on the plateau, a potentially explosive issue that will constrain the kinds of political solutions Israel someday might pursue.

A parallel evolution has taken place on the Palestinian side. The weakening of the non-Islamist national movement coupled with Hamas's greater influence almost certainly will hamper the search for an accommodation on this matter. It is early days still, but there is reason to suspect that the rise of the Muslim Brotherhood – notably in Egypt – and the enhanced role of public opinion throughout the region will make it more difficult for Arab leaders to endorse solutions that opponents can portray as inconsistent with Islamic principles.

The implication of all this is not clear. Some critics of Israel's Jerusalem policy believe that accelerating settlement in the inner core, the encroachment of Jewish settlements into Arab areas in the middle belt and the quickening of planning for E-1 and its corresponding belt along the southern rim threaten the viability of a Palestinian state. Others contend that whatever has been built by acts of political will ultimately can be un-built by acts of political will.

There is truth to both contentions. Viability is a highly amorphous concept, a subjective political judgment passing for objective reality. Claims that the Israeli-Palestinian conflict has reached a territorial tipping point repeatedly surface without empirical backing or persuasive data. But the notion that whatever has been done can be undone is misleading. It underestimates the far greater political cost entailed in evacuating or destroying a settlement than in establishing or expanding one. The more settlers in sensitive locations, the higher the cost to Israel to evacuate them and the less likely that any Israeli prime minister will be willing to pay it – particularly given a 2010 law requiring the approval by popular referendum or a two-thirds Knesset majority of any withdrawal from East Jerusalem. However difficult it would have been for then Prime Minister Ehud Barak to implement a deal dividing Jerusalem in 2000, it is exponentially more so today and will become ever harder tomorrow.

It may be argued that little of this matters, that these challenges are purely theoretical since there are no negotiations in play and – although President Obama's re-election conceivably might change that – no serious diplomacy in sight. Many, probably most, Palestinians have come to believe that the entire Oslo model is defunct. Many, probably most, Israelis are persuaded that the Palestinian national movement is in no mood, and in no shape, to contemplate the necessary concessions. Some prominent politicians are convinced that if Israel simply sits tight, Palestinians eventually will give up on the city.

Reasons for pessimism abound, as do obstacles on the path to an agreement. Yet, it would be a mistake for the international community simply to throw up its hands and give up. Even as it labours to reconfigure the peace process – as Crisis Group has urged – it remains imperative to pre-

vent settlement construction in E-1, protect the territorial foundations for Jerusalem's ultimate soft partition and prepare the ground for a mutual recognition of claims.

A negative diplomatic agenda of this sort – preventing harmful developments – is important but cannot suffice. Nor is it likely to be sustainable; over time, it will erode. Also needed is a more positive vision. It is not too early to dust off old proposals for the city, updating them in light of what did not work over a decade ago and what has changed since. Nor is it too late to more assertively support the Arab presence and specifically residential construction in the eastern part of the city, as opposed to simply opposing Jewish building there. The international community, including Jordan, should push for an increase in Arab residential development, in the form of both new neighbourhoods – not a single one has been permitted in the past 45 years – and new housing in existing ones. This is not simply a matter of housing rights, but rather a fundamental political issue of improving Palestinians' ability to remain in the city and protect Arab Jerusalem.

## RECOMMENDATIONS

*In order to protect the viability of a two-state territorial solution*

### **To the Government of Israel:**

1. Freeze approvals and any ongoing construction and infrastructure work in E-1 as well as in and between settlements in southern Jerusalem (Har Homa, Givat HaMatos, Gilo and Givat Yael).
2. Cease construction of new settlements and stop expanding existing settlements beyond their current built-up boundaries.
3. Change Jewish worship arrangements on the Holy Esplanade only in agreement with the Palestine Liberation Organisation and the Jordanian Waqf (the Jordanian government agency charged with managing assets for charitable and religious purposes in East Jerusalem).
4. Ease living conditions for Palestinian Jerusalemites, consistent with legitimate security concerns, by ensuring easy crossing of the Separation Barrier for people and goods and minimising restrictions to and from the West Bank.
5. Halt the unilateral promotion of national parks around the Old City, or at a minimum include international bodies such as the UN Educational, Scientific and Cultural Organisation (UNESCO) to monitor conservation of historic sites and ensure that it does not impinge disproportionately on the lives of local residents.



6. Construct the Separation Barrier only along the Green Line, and in particular refrain from extending it around Maale Adumim and forego its eastern portion around Gush Etzion.

**To the Jerusalem Municipality:**

7. Zone, plan and build Arab neighbourhoods in cooperation with East Jerusalem's Arab population and Palestinian civil society.
8. Continue providing access to Jerusalem and municipal services for all Jerusalem residents, including those on the east side of the Separation Barrier.
9. Solve residential needs in West rather than East Jerusalem through urban regeneration, urban infill (denser and higher construction) and westward expansion.
10. Permit, in any area of Jerusalem beyond the Separation Barrier where the Israeli municipality stops providing services, a Palestinian Authority municipal body to act in coordination with Israel's Civil Administration.

**To the Palestinian Authority and Palestinian Liberation Organisation:**

11. Refrain from denying Jewish history in the city, including the existence of the Temple, and condemn it when it occurs.
12. Declare that all sites holy to Jews in an independent Palestinian state will be open to Jews.
13. Re-evaluate the boycott strategy and consider various forms of possible participation in East Jerusalem governance, per the recommendations in the simultaneously issued companion report.

**To the Hashemite Kingdom of Jordan:**

14. Empower the Waqf to maintain tranquility and head off potential flare-ups on the Esplanade by launching an inclusive, consultative process encompassing Palestinians from Israel, Jerusalem and the West Bank and Gaza, as well as Arab states.

**To Members of the Quartet (the European Union, Russia, U.S. and UN Secretary-General):**

15. Insist, including through public and diplomatic pressure, that Israel refrain from building new settlements or expanding Jewish neighbourhoods in East Jerusalem.
16. Make clear that any unilateral moves in East Jerusalem, including ending provision of municipal services to Arab neighbourhoods or establishing or expanding new settlements or Jewish neighbourhoods, will not be allowed to prejudice the outcome of negotiations.

17. Discourage the extension of urban and transportation infrastructure to planned Jewish settlements to the same extent as housing, as an act that prejudices final status negotiations.

18. Urge Israel to find residential solutions in West rather than East Jerusalem and consider providing technical support for this purpose to Jerusalem's municipality on matters of urban regeneration, densification and planning.

**To the European Union:**

19. Continue preparing annual Heads of Mission reports on Jerusalem and allocate through the Foreign Affairs Council (member-state foreign ministers) the required political and financial support to facilitate implementation of recommendations.

**Jerusalem/Brussels, 20 December 2012**

## EXTREME MAKEOVER? (I): ISRAEL'S POLITICS OF LAND AND FAITH IN EAST JERUSALEM

### I. INTRODUCTION

#### A. JERUSALEM TODAY

Differences between Israelis and Palestinians over Jerusalem are fundamental, beginning with the name each gives the city. Israeli Jews call the city Yerushalayim (Abode of Peace), a word typically used to refer to its post-1967 municipal boundaries – which include both the western areas controlled by Israel before 1967 and the significantly larger territory to the east (70 sq km) that was subsequently added. Palestinians call Jerusalem al-Quds (The Holy), an ambiguous term that sometimes refers to its modern boundaries (west and east of the 1949 armistice line), sometimes specifically to Arab or East Jerusalem as defined by the city's contours when it was ruled by Jordan (6 sq km) and sometimes only to the walled Old City.<sup>1</sup>

For both peoples the city is part of a larger metropolitan area. For Palestinians, it historically has been the link between Bethlehem and Ramallah, serving as the urban and administrative core of the West Bank. Within the system of governorates of the Palestinian Authority (PA), the Jerusalem Governorate covers, north to south, the entire area between Ramallah and Bethlehem and stretches eastward to the Dead Sea's northern shore.

For Israelis, Jerusalem is the country's easternmost extension into the mountains of biblical Judea and Samaria and is at the centre of a group of suburbs shaped like four leaves of a clover, with the Israeli city of Mevaseret Zion to the west and three settlements to the east: Givat Zeev in the north, Maale Adumim in the east and Gush Etzion in the south. This area, known as Greater Jerusalem, is home to some 80 per cent of Israeli settlers. For both peoples, the Holy Esplanade – which Palestinians and Muslims refer to as the Haram al-Sharif (the Noble Sanctuary) and which Jews call the Temple Mount – is of outsized importance,

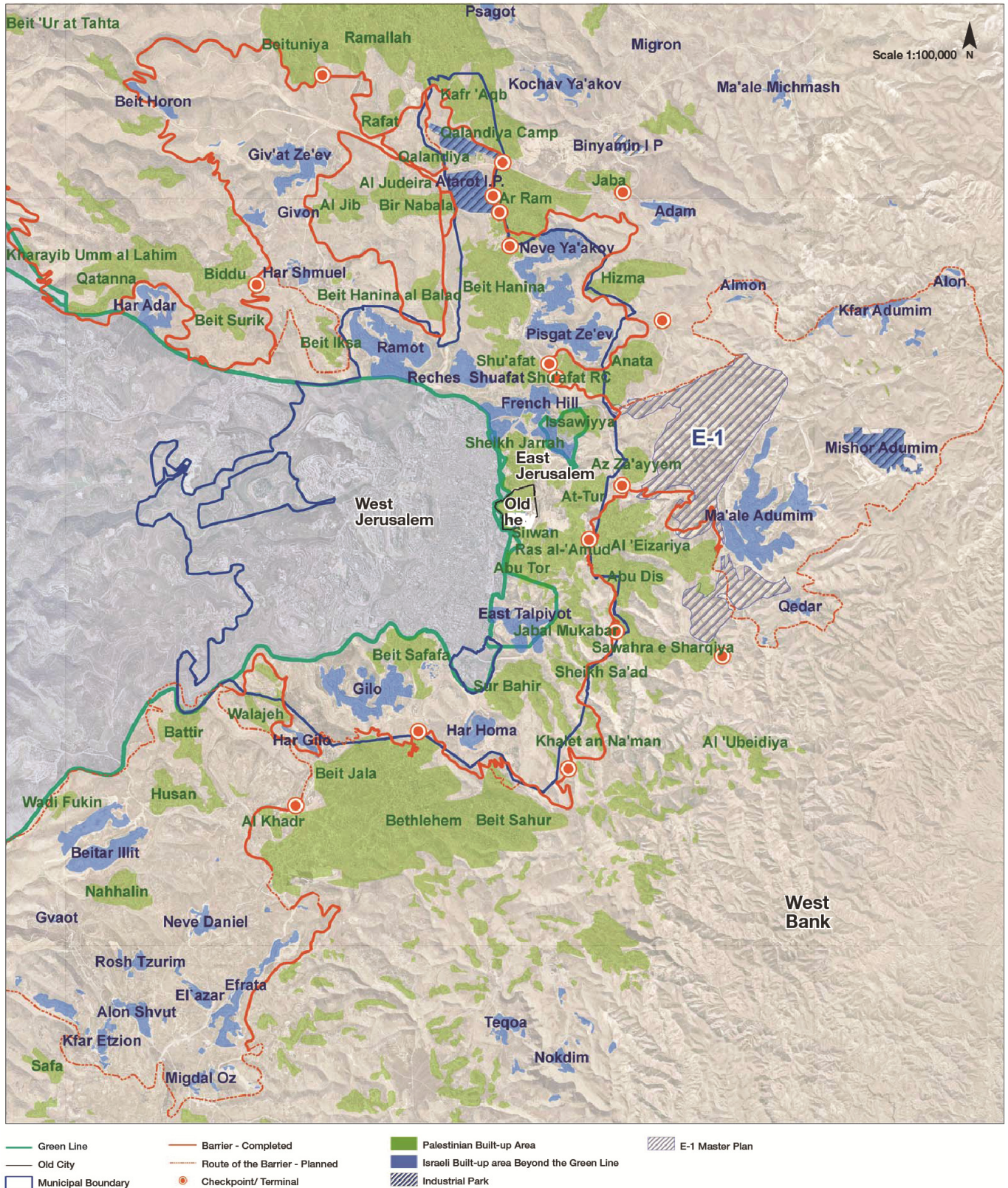
lying at the core of their territorial claims and national as well as religious identities.

Journalists and diplomats stress the divide between East and West Jerusalem, a dichotomy that conceals a more salient and geographically messy distinction: that between areas inhabited by Jews and areas inhabited by Arabs. While the city's Jewish population is economically and religiously varied, Jews in the west and east share the same bus network, experience the same policing and – perhaps most crucially – participate in the same political system. Life in a Jewish neighbourhood west of the Green Line – the old Israeli-Jordanian armistice line – or in a Jewish settlement to its east is essentially identical, so much so that a clear majority of Israeli Jews have no qualms referring to virtually all Jewish inhabited areas in the east as “neighbourhoods” rather than “settlements”; many have only a vague idea where the Green Line runs. (Small clusters of Jewish families living within Palestinian areas are an exception, called “settlements” even by many Israeli Jews).

<sup>1</sup> Traditionally, only inhabitants of the former Jordanian city are called “*Maqdisi*”; those residing in other parts of Jerusalem's municipal boundaries nevertheless are Jerusalemites in the administrative sense. Crisis Group interviews, Palestinian East Jerusalemites, Jerusalem, August 2010, September 2011.



Jerusalem and its Environs



Source: Terrestrial Jerusalem.

This map's nomenclature is that of its designers and does not necessarily reflect Crisis Group's nomenclature.



By contrast, life in the Arab parts of Jerusalem, nearly all of them east of the Green Line,<sup>2</sup> is more similar to Amman than to Tel Aviv. Not only is Arabic spoken in the streets, but social and economic conditions are vastly inferior to those in the west. East Jerusalem has a shortage of public services, playgrounds, parking lots, sidewalks, paved roads and schools. Residents face enormous obstacles in obtaining construction permits, forcing many to address the needs of the growing population by building homes without them, as a result of which there are roughly 20,000 standing demolition orders in East Jerusalem.<sup>3</sup> Arab East Jerusalem is on average poorer, less economically productive and less educated than the Jewish parts of the city,<sup>4</sup> though compared to the West Bank, it generally fares better in these categories.<sup>5</sup>

Israeli law applies in East Jerusalem, obliging, for example, residents to apply for Israeli construction permits when building a house. Overall, however, jurisdiction is a hybrid of Israeli, PA and Jordanian rule resulting from the application of Israeli law in 1967, the delegation of some functions to the Palestinian Authority during the 1990s<sup>6</sup> and the Israeli-Jordanian peace agreement of 1994 that granted the Hashemite Kingdom certain prerogatives over East Jerusalem Islamic sites, most notably on the Holy Esplanade. Israel prevents the PA and certain other Palestinian actors from filling the gaps that result from this amalgam, thereby creating pockets of lawlessness, poverty and delinquency.

The city's Jewish population carries Israeli citizenship while Arab East Jerusalemites by and large hold the sta-

tus of permanent residents. After Israel occupied East Jerusalem in 1967, it never formally annexed the conquered territory<sup>7</sup> but rather extended the city's municipal boundaries to include 70 sq km of the West Bank (comprising 6 sq km of East Jerusalem's municipal boundary from 1948 to 1967 plus an additional 64 sq km of West Bank territory) and passed legislation authorising the application of Israeli law in these areas.<sup>8</sup> The population of East Jerusalem was not obliged to take Israeli citizenship and was instead given the choice between citizenship and "permanent residency" – a status that conferred certain rights, including to social security and voting in municipal (but not national) elections, as well as obligations such as the payment of municipal tax (*armona* in Hebrew).<sup>9</sup> The vast

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<sup>2</sup> Half of the southern neighbourhood of Bayt Safafa, which was under Israeli rule between 1948 and 1967 and whose Arab inhabitants thus became Israeli citizens, is the main exception.

<sup>3</sup> Crisis Group interview, Israeli Committee Against House Demolitions activist, Jerusalem, September 2010.

<sup>4</sup> 60 per cent of non-Jews compared to 23 per cent of Jews in the Jerusalem municipality fall below the poverty line as defined in Israel; 48 per cent of Jews compared to 38 per cent of Arabs participate in the labour force; Maya Choshen et al., *Jerusalem: Facts and Trends: 2012*. There is a 50 per cent school dropout rate in Arab East Jerusalem compared to just over 7 per cent in Jerusalem's Jewish areas. "Background Information on East Jerusalem Education", Association for Civil Rights in Israel website, 4 September 2008.

<sup>5</sup> For example, in 2004 the Jerusalem governorate's poverty rate was just under 4 per cent, the lowest of anywhere in the Occupied Territories (where the rate ranged from some 18 per cent to almost 60 per cent). Palestine Human Development Report 2004, Birzeit Development Studies Program, 2005, p. 180.

<sup>6</sup> The PA continues to oversee matriculation exams in Arab high schools, provide water and electricity to some but not all Arab East Jerusalem neighbourhoods, and play a role in the administration of religious sites. (In the case of religious sites, it is the Palestine Liberation Organisation (PLO), not the PA, that nominates Jerusalem's Grand Mufti).

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<sup>7</sup> Avraham Harman, the Israeli ambassador in Washington at the time, insisted his government's "steps do not constitute annexation but only municipal fusion". Gershom Gorenberg, *The Accidental Empire* (New York, 2006), p. 63. The U.S. accepted that position, which is why it abstained on GA resolutions in July 1967 demanding that Israel reverse its moves on Jerusalem. "The U.S. position was that Israel need not reverse what it had never done". Ibid. "I think Israel should formally annex East Jerusalem. I do not know why we haven't done this already. Neglect of East Jerusalem increases the gravity of the problems we will eventually face in a [formally] united Jerusalem – health problems will become more expensive and difficult to resolve, it will be more difficult to put in place proper infrastructure, etc". Crisis Group interview, Knesset Member Rabbi Daniel Hershkowitz, science and technology minister, Jewish Home Party chairman (a national-religious party), Jerusalem, March 2011.

<sup>8</sup> To achieve this, the government amended two pre-existing statutes (the "Law and Administration Ordinance" and the "Municipal Corporations Ordinance"), and the interior minister made an administrative declaration ("The Jerusalem Declaration, 1967"). See details in Ian Lustick, "Yerushalayim, al-Quds, and the Wizard of Oz: Facing the Problem of Jerusalem after Camp David", *The Journal of Israeli History*, vol. 23, no. 2, Autumn 2004, pp. 200-215.

<sup>9</sup> Though termed "permanent", residency can be revoked in a variety of circumstances, most notably when a resident can no longer prove that his or her "centre of life" is in Jerusalem. "East Jerusalem: Key Humanitarian Concerns, Special Focus", UN Office for the Coordination of Humanitarian Affairs – occupied Palestinian territory (OCHA-oPt), March 2011. Since 1967, 14,000 East Jerusalem Palestinians – just under five per cent of the current total – have had their residency status revoked, approximately half of them since 2005 when a sharp increase occurred, a policy referred to by Israeli human rights organisations as "quiet deportation". "Israel continues its 'quiet deportation' policy", HaMoked: Centre for the Defense of the Individual, 3 March 2011. Israel maintains this policy today though revocations have dropped dramatically: in 2008 the interior ministry revoked the residency of nearly 4,600 East Jerusalem Palestinians while in 2010, the number dropped to less than 200. Ibid, 31 July 2011 Ibid. The ministry claimed that most of the revocations resulted from relocation abroad in which the individual in question was granted citizenship or permanent residency

majority has refused to become Israeli citizens – in the last decade less than 7,000 out of a population of 293,000 have applied.<sup>10</sup>

## B. ISRAELI OBJECTIVES: TERRITORY AND DEMOGRAPHY

Israeli Jews experienced the capture of East Jerusalem and particularly the Old City – the site of the Jewish people's most revered religious and national symbols – in quasi-ecstatic, messianic terms.<sup>11</sup> The Israeli government – adopting a policy that Prime Minister Netanyahu still pursues today<sup>12</sup> – immediately set about ensuring that the holy sites and the surrounding territory would remain in Israel's hands. The government expanded Jerusalem's municipal boundaries with two sets of objectives in mind. The first was territorial: to incorporate the Old City and adjacent Jewish historical sites into Israel; to establish borders easing the defence of the city that until 1967 was precariously located on the country's eastern frontier; and to render a future division of the city more difficult, expensive and improbable. The second goal was demographic: establishing a solid Jewish majority in the city.

Forty-five years later, Israel's territorial goals more or less have been accomplished while its demographic objective

has not. What Palestinians and most of the world call settlements are, for Israelis of all political stripes, established towns and neighbourhoods, firmly rooted in the Israeli consciousness as Jewish and so deeply woven into the fabric of Jerusalem and Israel writ large that their ultimate disposition is taken for granted. More broadly, for many Israelis the enlarged borders of municipal Jerusalem – which included the Jordanian city plus an additional 28 Arab villages – have been infused with the Holy City's sacred and timeless character, even though they were added only in 1967 on the basis of military and political logic.<sup>13</sup>

But Israel's demographic objective – defined as a Jerusalem 70 per cent Jewish and 30 per cent Palestinian<sup>14</sup> – largely has failed. After the municipal boundaries were expanded, the Arab population was roughly a quarter of the city's total. Since then, it has grown to some 36 per cent of the city's population (over 290,000).<sup>15</sup> Faced with these num-

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by another country. Revocation of Residency in B'tselem, East Jerusalem: Statistics on Revocation of Residency Rights, [www.btselem.org/english/Jerusalem/Revocation\\_Statistics.asp](http://www.btselem.org/english/Jerusalem/Revocation_Statistics.asp).

<sup>10</sup> Crisis Group Middle East Report N°135, *Extreme Makeover? (II): The Withering of East Jerusalem*, p. 21.

<sup>11</sup> On 7 June 1967, Defence Minister Moshe Dayan said at the Western Wall, "we have reunited the dismembered city ... We have returned to our most holy places, returned in order never to be separated from them again". Chief Army Rabbi Shlomo Goren at the same spot declaimed: "This is the most exalted moment in the history of the [Jewish] people", describing the conquest as 'heralding redemption'. Such were the reactions among secular Jews as well. Gershon Gorenberg, *The Accidental Empire*, (New York, 2006), pp. 37, 84, 210.

<sup>12</sup> Netanyahu echoes both the religious and security arguments made by his predecessors. At a Jerusalem Day celebration on 20 May 2012, he said, "Israel without Jerusalem is like a body without a heart. And our heart will never be divided again ... There are those who believe that if we only divide Jerusalem, and that means giving up the Temple Mount, they believe we will have peace. I am doubtful, to say the least, that if we deposit that square of the Temple Mount with other forces, that we won't quickly deteriorate to a religious sectarian war". *The Times of Israel*, 20 May 2012. "Jerusalem was a city of the Bible, Jerusalem will be a city of the Bible. Today, we will make a series of decisions that will enable us to build Biblical sites in the city that will enhance and explain our link to the Land of the Bible, to Zion, and also allow millions of people, no less, millions of people to have a direct appreciation of Israel's heritage as it finds expression in the Bible. This will be Jerusalem and this is very important". [www.israpundit.com/archives/46113](http://www.israpundit.com/archives/46113).

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<sup>13</sup> This is why, Meron Benvenisti wrote, "the ultimate arbiters of the character of the Holy City were not the mayor, the municipal council, town planners, architects and historians, but government ministers". An early post-war development plan for Jerusalem announced: "Any area in the city that is not populated by Jews is in danger of being cut off from Israeli jurisdiction and coming under Arab rule. Hence the administrative delineation of the municipal boundary must be translated into the language of deeds by building throughout the entire area, especially its farthest reaches. Jewish neighborhoods must not be left isolated: this consideration dictates the drastic reduction of open spaces in the city". *City of Stone* (California, 1996), pp. 154, 156.

<sup>14</sup> On Israeli demographic goals, see Nadav Shragai, *Demography, Geopolitics, and the Future of Israel's Capital: Jerusalem's Proposed Master Plan* (Jerusalem, 2010). Palestinians typically refer to efforts to shape the population balance as "Judaisation", a term once used by Israel to describe official policy but which today is mainly used by its critics.

<sup>15</sup> *Jerusalem: Facts and Trends: 2012*, op. cit., pp. 7-8. From 1967 to 2010 Jerusalem's Jewish population grew by 155 per cent while the Arab population grew by 314 per cent. Ibid, p. 9. The construction of the Separation Barrier – which cuts through the city – has affected where within Jerusalem's municipal boundaries Arab Jerusalemites live, but it has not drastically changed their overall number. Initially many Arab Jerusalemites who had ended up on the eastern side of the Barrier moved to the western side since they feared the potential loss of residency status and the rights its grants. Estimates of those who did so range from 25,000 to 60,000. Ken Ellingwood, "Change cast in concrete", *Los Angeles Times*, 4 June 2007. This generated high vacancy rates and sent housing prices tumbling in the abandoned areas while greatly inflating costs in Arab neighbourhoods on the western side. Once it became clear that Jerusalem's municipal boundaries would not be altered imminently, these same areas again filled with Arab Jerusalemites enticed by proximity to work and family in the West Bank. (Some 55,000 Arab Jerusalemites live on the eastern side of the Barrier.) "East Jerusalem: Key Humanitarian Concerns, Fact Sheet", UN Office for the Coordination of Humanitarian Affairs – occupied Palestinian territory (OCHA-oPt), December 2011.

bers, the Israeli government's target seems to be changing. The Jerusalem Master Plan 2000<sup>16</sup> – which has yet to be officially approved but nevertheless serves as the basis for urban planning – holds that the original goal is unachievable and that even a more modest 60:40 majority could be achieved by 2020 only on the basis of uncertain assumptions.<sup>17</sup> Yet, even though the demographic plan has not succeeded, it has had significant effects on Palestinians who live under Israel's control. As seen in the second, simultaneously published report, Arabs in the city today are unprecedentedly disempowered and isolated from Palestinian national institutions. This could prove to be every bit as important for the city's ultimate disposition as the territorial consequences of Israel's settlement policies.<sup>18</sup>

### C. JERUSALEM TOMORROW

Palestinians demand that Jerusalem be divided, with the portion of the city occupied by Israel in 1967 as the capital of their independent state.<sup>19</sup> International opinion supports dividing the city (although not necessarily along the lines desired by Palestinians) and has predicated any eventual peace agreement on such an outcome.<sup>20</sup> Indeed, the two-state solution – whether as mooted at the 2000 Camp David Summit or since – envisages an Israeli Jerusalem (Yerushalaim) that is Israel's capital and a Palestinian Jerusalem (Al-Quds), contiguous with and integrally linked

to the West Bank, that is the capital of the Palestinian state (including Gaza) in all senses.

Israel's diplomatic position on Jerusalem has evolved over the past twenty years even as its actions on the ground have remained relatively consistent. Whereas for decades after 1967 it was an article of faith, across the entire political spectrum, that Jerusalem remain united under Israeli control, the Oslo Accords committed Israel to negotiate the city's final disposition as part of a peace agreement.<sup>21</sup> Throughout the 1990s, it seemed even in unofficial talks that Israel would go no further than turning over Arab villages on the edge of the city. At Camp David, then Prime Minister Ehud Barak agreed that Jerusalem's outer neighbourhoods would be transferred to Palestinian sovereignty while many inner neighbourhoods in East Jerusalem would have a kind of autonomy.<sup>22</sup> The Clinton Parameters – which famously proposed that in Jerusalem, Jewish areas should go to Israel and Arab areas should become Palestinian – pushed the envelope further; this formulation was largely agreed at the subsequent 2001 Taba talks, though which Jewish settlements Israel would annex remained an issue.<sup>23</sup>

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<sup>16</sup> The Jerusalem Master Plan is a municipal plan [*tochnit mitaar mekomit*], which regulates zoning, building, roads, parks and other features of urban planning. A municipal plan is derived from a regional plan [*tochnit mechozit*] and a national plan [*tochnit mitaar artzit*]. A municipal plan must work within the parameters set out by the latter two plans. The Master Plan was authorised in 2007 by the Local Planning Committee (composed of elected municipal politicians), in 2008 by the District Planning Committee (composed of urban planners and public officials), and in 2009 by Jerusalem Mayor Nir Barakat. Final approval would require action by the interior minister, who opposes the plan for reasons specified below.

<sup>17</sup> "Local Master Plan Jerusalem 2000" (in Hebrew), Jerusalem Municipality, p. 26.

<sup>18</sup> While the territorial and demographic are intertwined, this report deals with the former; the concurrently published Crisis Group Report, *Extreme Makeover? (II)*, op. cit., treats the latter.

<sup>19</sup> President Abbas said, "there is no solution without East Jerusalem, the capital of a Palestinian state . . . Without it there will be no peace and no stability in the Middle East". *Al-Ayyam*, 31 August 2012. Hamas demands, in exchange for a truce (*hudna*), that Israel withdraw to the 1967 line without any territorial adjustments. This would mean that the entire Old City and most Jewish holy sites would pass to Palestinian control. Crisis Group interview, Hamas officials, May 2010.

<sup>20</sup> According to certain peace plans, portions of the city – for instance the Old City or what some call the "Holy Basin" – could remain accessible to both sides under a special regime.

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<sup>21</sup> [news.bbc.co.uk/2/hi/in\\_depth/middle\\_east/israel\\_and\\_the\\_palestinians/key\\_documents/1682727.stm](http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682727.stm). By making Jerusalem a final status issue, the Declaration of Principles removed East Jerusalem from Oslo's interim self-government regime in the West Bank. The Palestinian delegation to the Madrid negotiations had been unwilling to make this concession, arguing that East Jerusalem was inseparable from the Occupied Territories and could not be postponed until final status talks: "[The US asks us to] wait until the permanent status negotiations before raising the question of Jerusalem. You will understand that this is totally unacceptable to us, all the more so in view of Israeli acts on the ground which are predetermining both the interim arrangements and the final status, and the repeated declarations by Israeli leaders concerning Jerusalem which run contrary to long-standing U.S. policy". Faisal Hussein's response to U.S. Secretary of State Warren Christopher quoted in Allegra Pacheco, "Flouting Convention: The Oslo Agreements" in Roane Carey, ed., *The New Intifada* (Verso, 2001) p. 188.

<sup>22</sup> There is virtually no disagreement over the basic facts of the discussion about Jerusalem, though there is considerable contestation over their interpretation. See for instance Dennis Ross, *The Missing Peace: The Inside Story of the Fight for Middle East Peace* (New York, 2004); Clayton E. Swisher, *The Truth about Camp David* (New York, 2004); Robert Malley and Hussein Agha, "Camp David: The Tragedy of Errors", *New York Review of Books* (9 August 2001).

<sup>23</sup> "The Palestinian side affirmed that it was ready to discuss [the] Israeli request to have sovereignty over those Jewish settlements in East Jerusalem that were constructed after 1967, but not Jebel Abu Ghneim [Har Homa] and Ras Al-Amud. The Palestinian side rejected Israeli sovereignty over settlements in the Jerusalem Metropolitan area, namely of Ma'ale Adumim and Givat Ze'ev". "The Moratinos Document", [www.peacelobby.org/moratinos\\_document.htm](http://www.peacelobby.org/moratinos_document.htm).

In 2008, Prime Minister Ehud Olmert and President Abbas explored familiar terrain. Olmert, like his predecessors, offered to divide Jerusalem between its Jewish and Arab neighbourhoods, although the two leaders found themselves at loggerheads over the southern Jerusalem settlement of Har Homa.<sup>24</sup> Olmert insisted on retaining Maale Adumim<sup>25</sup> as well as the E-1 area;<sup>26</sup> Abbas's response to Olmert on this issue in private talks is not clear, but in a parallel set of negotiations, with teams headed by Fatah leader Ahmed Qurei and Foreign Minister Tzipi Livni, the Palestinians rejected Israel retaining Maale Adumim and Givat Zeev.<sup>27</sup>

As for the "Holy Basin" – a metaphor employed due to the bowl-shaped topography of the Old City and surrounding area that includes key historic and religious sites of the monotheistic religions – Olmert proposed that neither state would exercise sovereignty,<sup>28</sup> the area would be administered jointly by Saudi Arabia, Jordan, Israel, the Palestinian state and the U.S.<sup>29</sup> He and Abbas disagreed not over who would control the zone but rather its size and contours. According to Bernard Avishai, who interviewed both leaders, the Israeli prime minister wanted, in addition to the Old City, to include the Mount of Olives, the City of David, and "a considerable part of the Arab neighbourhood of Silwan". Abbas insisted on confining the arrangement to the Old City itself.<sup>30</sup>

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<sup>24</sup> Bernard Avishai, "A Plan for Peace That Still Could Be", *The New York Times*, 7 February 2011.

<sup>25</sup> Ibid.

<sup>26</sup> Crisis Group interview, Jerusalem expert, 15 December 2012.

<sup>27</sup> Crisis Group interview, former Palestinian negotiator, Ramallah, November 2012. The negotiator added, however, that he suspected this position might have changed had the talks continued "and grown more serious".

<sup>28</sup> Olmert said, "I, the mayor of Jerusalem, the man who stood in the front line advocating how the city was the one, undivided, eternal capital of the Jewish people, was the first to propose unambiguously not only the division of the city, which [Prime Minister Ehud] Barak did in a way, but to give up sovereignty over the entire Holy Basin. This is not something I did with joy; this is something I did with a broken heart". Quoted in Avishai, op. cit.

<sup>29</sup> "Ehud Olmert Still Dreams of Peace", *The Australian*, 28 November 2009. Bernard Avishai wrote that Abbas believed Egypt and the Vatican might also be involved. Avishai, op. cit. For more on the Olmert-Abbas talks, see Crisis Group Middle East Report N°95, *Tipping Point? Palestinians and the Search for New Strategy*, 26 April 2010.

<sup>30</sup> Avishai, op. cit. In the parallel negotiations led by Livni and Qurei, the Palestinians reportedly "insisted that the status of East Jerusalem should be identical to the rest of the Palestinian territory in the West Bank and Gaza Strip", suggesting discomfort with the vague and potentially overly expansive notion of the Holy Basin. "The Political Situation in Light of Developments with the U.S. administration and Israeli Government and

Israel's negotiating positions notwithstanding, policy momentum as well as the quotidian demands of a growing population led to continued territorial expansion. Periodically this was tempered by government restraint – most notably during a seven-month period from March 2010 to November 2010 – but from the beginning of Oslo in 1993 to 2010, the Jewish population of the east side more than tripled to 474,000.<sup>31</sup>

In parallel, as seen in the companion report, Israel's policies heightened the frailty of the city's Palestinian communities. The Arab Jerusalem of today has been cut off from the West Bank and territorially, politically, socially as well as economically constrained, to the extent that in practical terms it no longer serves as the de facto capital of the West Bank. No less important are changes in how Israeli Jews perceive their city. Over the past twenty years, Israel has built roads and other infrastructure that have deeply integrated the Jewish residential areas and their immediate surroundings into the city-wide urban fabric. The changed experience of the city, combined with the belief that no Palestinian partner exists and that the security threats that emerged from the Arab areas of the city during the second intifada remain ever present, have discouraged Israeli concessions.

Despite all these changes, it remains theoretically possible to reach the kind of political agreement on Jerusalem that has been widely promoted by members of the international community: the ethnic division of the city with a special regime for sharing the holy sites. This is because while Israel has extended its territorial footprint in the city – including in some strategic locations – most construction has occurred in previously built up areas. Though it might now be more difficult to draw a line of partition, and more complex to agree on a Holy Basin, it could still be done.

But negotiations should not be a theoretical exercise. Should talks resume, Israelis and Palestinian could continue their conversation in the terms that were defined in 2000-01 and continued in 2008 – but that does not mean it would be wise to do so. The parties repeatedly have failed to come to agreement on those terms; there is no reason to expect the result to be different next time around. Even without additional settlement construction, the gaps are already wide – a reality that was apparent even when the mood was far more conciliatory than it is today.

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Hamas's Continued Coup d'Etat", PLO Negotiation Affairs Department, December 2009, on file with Crisis Group.

<sup>31</sup> *Jerusalem: Facts and Trends: 2012*, op. cit., p. 9.

## II. JERUSALEM'S THREE BELTS

In consolidating control over the eastern part of the city, Israel created three relatively concentric belts of Jewish presence. Some of these areas are outside Jerusalem's expanded municipal boundaries, though all fall on the western side of the planned route of the West Bank Separation Barrier that Israel began constructing in 2002.

Given Israel's overwhelming domination of the Jerusalem area, it is tempting to believe that urban planning in the city results from a coherent plan and agreed blueprint. Indeed, as seen above, there was a national consensus that Israel should root itself in the city's east and, as will be seen below, there are elements of the urban infrastructure built in accordance with a far-reaching vision. No less important, however, are the infighting, rivalries and competition among various political and bureaucratic actors that have rendered Israeli settlement policy more chaotic and internally contentious than is often imagined. In this mix, the Jerusalem municipality is relatively weak, a characteristic that dates to the period between the world wars, when the mandate authorities, confronted with a city deeply riven between Arabs and Jews, transferred power away from the mayor and paralysed municipality to the British regional governor.

Those powers eventually were inherited by the Israeli interior ministry, which still plays a major role in the city, as do other ministries.<sup>32</sup> Joint ventures by government and municipality also provide a way for national authorities to exert influence over developments in the city.<sup>33</sup> With the municipality's planning capacities constrained but its responsibility for delivering services (to Jews and Arabs

alike) undiminished, city hall traditionally has favoured a "compact" city with a focus on the development of its core areas,<sup>34</sup> whereas the national ministries are known to push for a "horizontally extended" city.<sup>35</sup>

Internal rivalries notwithstanding, the sum total of this manoeuvring after some four and half decades is an East Jerusalem map comprised of three belts:

The outer belt, which circumscribes a purported Greater Jerusalem, comprises three "fingers" of suburban settlement, each of which extends roughly 10 km from the city's municipal boundaries into the West Bank: Givat Zeev in the north, Maale Adumim in the east, and Gush Etzion in the south.<sup>36</sup> While Israelis debate whether Jerusalem ought to be divided in an eventual future agreement,<sup>37</sup> there is a broad Israeli consensus that regardless of the outcome, the three main Greater Jerusalem settlements should be incorporated into the State of Israel.<sup>38</sup>

The middle belt is comprised mainly of large residential settlements within the municipal boundaries. These were among the first settlements; in the late 1960s/early 1970s, Israel built a chain of new neighbourhoods – Givat Hamivtar, Maalot Dafna, Ramat Eshkol and French Hill – that connected West Jerusalem with the East Jerusalem area of Mount Scopus, a UN-protected Jewish enclave from 1949 to 1967. The middle belt was expanded in the 1970s/early 1980s, when the Ring Neighbourhoods (Neve Yaacov, Gilo, East Talpote, Ramot Alon and Pisgat Zeev) were established with the intention of encircling the Jew-

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<sup>32</sup> Michael Dumper points out that the foreign affairs ministry is concerned with the status of Christians in the country; the religious affairs and defence ministries play central roles in the status of, and access to holy sites; and the housing, trade and industry as well as absorption ministries ensure space for their own development projects. See *The Politics of Jerusalem since 1967* (New York, 1997), p. 46. Israel's National Planning Council acts under the aegis of the interior ministry and is composed of representatives from the housing, transportation, agriculture, trade and industry as well as tourism ministries plus representatives of various cities and relevant national institutions. The result, predictably, is gridlock. The District Planning Commission – which has veto power over municipal proposals – is plagued by many of the same problems. *Ibid.*, p. 99.

<sup>33</sup> An example is the Company for the Reconstruction and Development of the Jewish Quarter. The Israel Lands Administration, a national institution, also plays a major role in the city. It is the city's largest landlord, having acquired 10,000 dunams (10 sq km) in 1948 and three times as much in 1967. The body is integrated with the Jewish National Fund, which means that land it controls must be used exclusively for the benefit of Jews. *Ibid.*, pp. 101-102.

<sup>34</sup> See *ibid.*, pp. 47, 100-101.

<sup>35</sup> Israel's housing ministry, which sits on the district planning commission, is one of the main vehicles for settlement expansion. Mayor Nir Barkat has taken the municipality's traditional position favouring a compact city to an extreme, arguing that outlying Arab – but not Jewish – neighbourhoods should be excised from the municipal borders.

<sup>36</sup> Maale Adumim and Beitar Illit's populations are more than 35,000 and Givat Zeev has more than 11,500 residents. "Kovetz Yishuvim 2010", Central Bureau of Statistics.

<sup>37</sup> The left-of-centre Labour and Meretz parties formally support the city's division as part of a peace agreement. They call for Jerusalem to be the capital of two states, with the division based largely on the principle "what is Arab should be Palestinian" and "what is Jewish should be Israeli". Former Prime Ministers Ehud Olmert and Ehud Barak have supported such contours in negotiations, which originated with the parameters presented by President Clinton in December 2000.

<sup>38</sup> Prime Minister Netanyahu left no question about where he stands: "Efrat and Gush Etzion are an integral, fundamental and evident part of greater Jerusalem . . . They are the southern gates of Jerusalem and will always be part of the State of Israel. We are building them with enthusiasm, faith and responsibility". Xinhua 28 August 2012.



ish and Arab city centres.<sup>39</sup> In spite of the Oslo process – or arguably because of it<sup>40</sup> – two additional settlements, Ramat Shlomo in the north, Har Homa in the south, were established during the 1990s to fill prominent gaps in the ring, leaving a small gap in the east between Mount Scopus and Jabel Mukabir as the only significant opening to the West Bank. Since then, construction in this belt has focused on expanding and thickening the Jewish residential presence.

The innermost belt, which encircles the Old City and its surrounding basin, includes the revered historical and holy sites. The prime agent of settlement activity is not the government, but settler groups, including non-governmental organisations and yeshivas (institutes of religious learning), that enjoy government backing and the support it provides their archaeological, educational, and touristic projects. In addition, the NGOs are building a contiguous ring of Jewish settlements around the Old City in the hope of preventing a withdrawal from the city's core in any eventual settlement.<sup>41</sup> The firewall would be composed of Jewish housing (“micro-settlements”<sup>42</sup> and “East Jerusalem's outposts”)<sup>43</sup> and settler-operated national parks. These settlements are small but require an expansive se-

curity footprint that constrains Palestinian life there; the parks require more land. The inner ring extends slightly beyond the Holy Basin, reaching the Palestinian neighbourhoods of Sheikh Jarrah in the north and Jabel Mukabir in the south, as well as the peak of the Mount of Olives in the east.<sup>44</sup>

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<sup>39</sup> Menachem Klein, “Jerusalem as an Israeli Problem: A Review of Forty Years of Israeli Rule over Arab Jerusalem”, *Israel Studies*, vol. 13, no. 2, summer 2008, p. 56.

<sup>40</sup> Some argue that anticipation of a final status agreement encouraged the Israeli government to quicken the pace of settlement activity. Crisis Group interview, Israeli analyst, Jerusalem, November 2010.

<sup>41</sup> In a particularly blunt and oft-quoted statement, Adi Mintz, an Elad (a settler NGO) board member, said, “our goal is clear: To get a foothold in East Jerusalem and to create an irreversible situation in the holy basin around the Old City”. *Haaretz*, 23 April 2006. Yoni Ovadia, a settler spokesman in Nahlat Shimon [Sheikh Jarrah], explained the importance of Jewish residence in the area by pointing to “territorial continuity to Maale Zeitim and Mt. Scopus”, Channel 10, HaMakor, 10 November 2010. Matti Dan, chairman of the Ateret Cohanim Yeshiva, said, “the Kidmat Zion neighbourhood in Abu Dis can be seen from the Palestinian parliament. This neighbourhood will prevent all the [Yossi] Beilins and all the [Yasir] Arafats from turning Abu Dis into a mini-Gaza. The entire world wants to divide Jerusalem, including the United States. They do not even recognise the fact that Ramot [a residential settlement in the middle belt] belongs to us. The soft belly of East Jerusalem is the Old City, the Mount of Olives and its East. Jewish settlement in these places is a more significant human shield than any wall or fence”. Hagit Rotenberg, “Liberating Jerusalem Every Day”, *BeSheva*, 13 May 2004. Yossi Beilin is a former Israeli cabinet minister active in seeking a negotiated settlement.

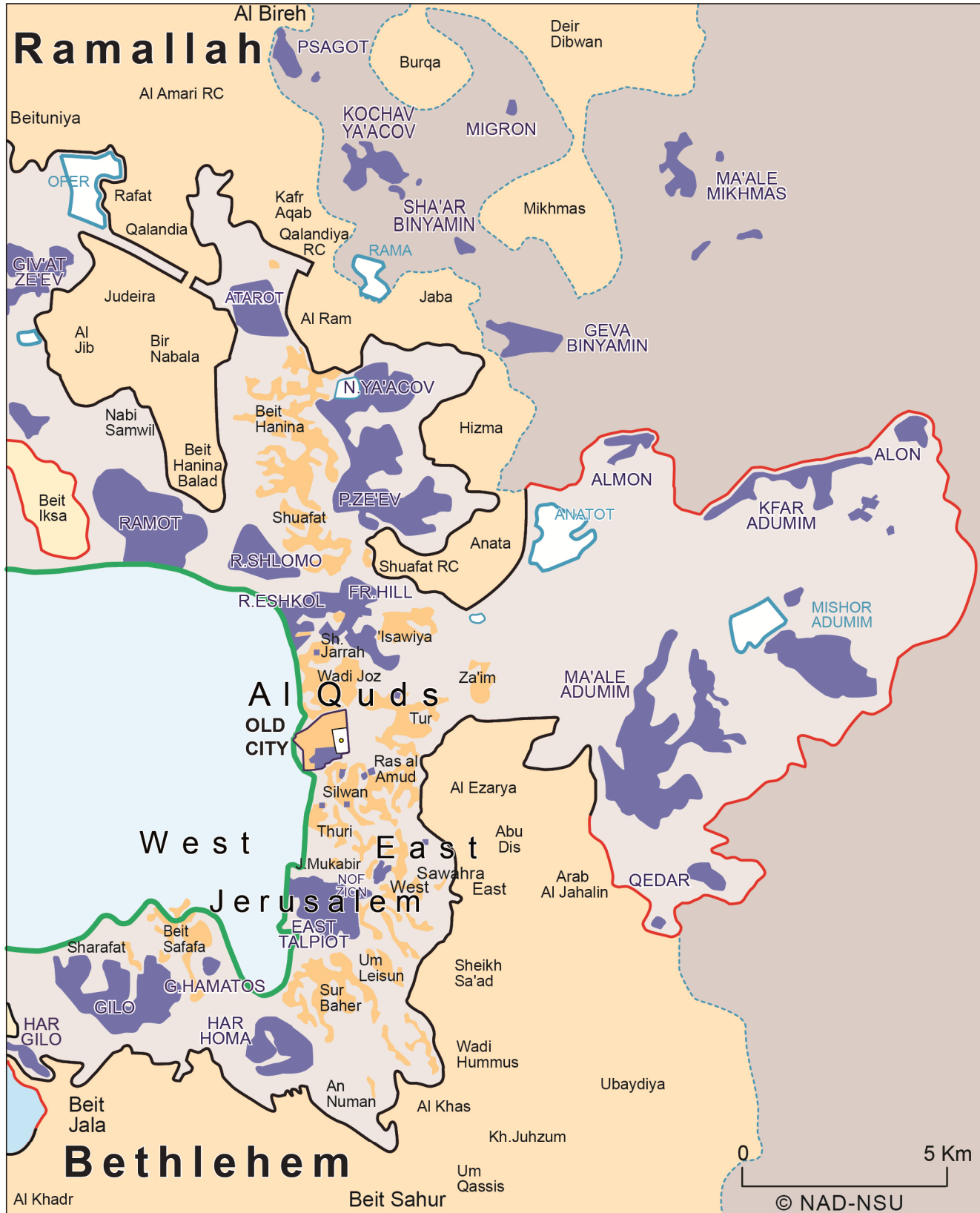
<sup>42</sup> Crisis Group interview, staff of Peace Now (an Israeli non-governmental organisation that promotes a two-state solution), Jerusalem, September 2010.

<sup>43</sup> Crisis Group interview, U.S. official, Jerusalem, September 2010.

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<sup>44</sup> An Israeli activist described an arc of settlements around the Old City that includes, from south to north: Beit Yehonatan and Beit Hadvash in Silwan, the Ir David archaeological park in Silwan, the Nof Zion settlement in Jabel Mukaber, the Kidmat Zion settlement in Abu Dis, the Maale Zeitim and Maalot David settlements near the Jewish cemetery on the Mount of Olives, the Shaar HaMizrah settlement in Shuafat, the Beit HaHoshen settlement at the very top of the Mount of Olives, the Beit HaOrot yeshiva on the northern end of the Mount of Olives, the Tzurim Valley National Park on the Mount of Olives and, finally, the Shimon HaTzadik compound in Sheikh Jarrah. “If you connect the dots, you quickly realise that they are trying to create Jewish territorial continuity around the Old City”. Crisis Group interview, Israeli Committee Against Home Demolitions activist, Jerusalem, September 2010.

Occupied East Jerusalem



- 1967 Boundary ("Green Line")
- Palestinian territory west/east of the Wall
- Israeli settlement built-up area
- Israeli Wall**
- constructed
- Palestinian territory under Israeli settlement control
- Israeli military base
- approved or planned

Source: Negotiations Support Unit – Negotiation Affairs Department.  
 This map's nomenclature is that of its designers and does not necessarily reflect Crisis Group's nomenclature.

## A. THE OUTER BELT: CONSOLIDATING GREATER JERUSALEM

A chief Israeli goal in creating an expanded metropolitan Jerusalem area, particularly since 1980, has been to transform its capital from a frontier city, bordered by Arab territory on three sides, into one with an Israeli hinterland.<sup>45</sup> Like Tel Aviv's Gush Dan and Haifa's Krayot, the environs would afford strategic depth by "alleviating the city's vulnerable position as an Israeli finger surrounded by Arabs".<sup>46</sup> Maale Adumim, Givat Zeev and other settlements in the outer belt were built on high ground to protect the road network surrounding Jerusalem and to block hostile land approaches to the city from the north, east and south. As time passed, economic considerations came to figure as prominently as those related to security, notably the provision of low-cost housing.

In order to give one of Israel's most densely populated cities further room to grow, some advocate formally expanding the municipality's boundaries to encompass the Greater Jerusalem settlements as well as Israeli cities to the west of Jerusalem. Some territory was added to Jerusalem's municipal boundaries from Israel proper in 1993,<sup>47</sup> but since then, further growth has been thwarted by the resistance of wealthier neighbouring Jewish cities and settlements, which do not want to "pay higher taxes because of Jerusalem's poverty";<sup>48</sup> by Jerusalem's powerful environmental lobby that opposes westward expansion in order to protect the adjacent forest; and, of course, by the

threat of international condemnation.<sup>49</sup> Thus, though lobbying efforts advocating the "Greater Jerusalem Law" have grown, it is unlikely to be passed anytime soon.<sup>50</sup>

However, what has not been achieved in law, the Separation Barrier possibly could implement in practice. One of its explicit aims was to improve security; another aim, which purposefully was obscured, was to shape Israel's eastern border, including in the Jerusalem region.<sup>51</sup> Thus far the Barrier has incorporated Givat Zeev, and though its planned extensions around Maale Adumim are on hold, construction around Gush Etzion reportedly will resume before the end of 2012. Integrated with the route of the Barrier is the Jerusalem Eastern Ring Road, a 15km transportation arc that links East Jerusalem's Jewish settlements while bypassing Palestinian communities and separating them from each other.<sup>52</sup> Should the complex of walls,

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<sup>45</sup> Givat Zeev, Maale Adumim and Efrat – located outside Jerusalem's municipal borders – were established in 1982. The Rabin and Netanyahu governments both resolved in the mid-1990s to establish a super-municipality that would include the Greater Jerusalem settlements, though the decision was never implemented. Nadav Shragai, *Protecting the Contiguity of Israel: The E-1 Area and the Link*, Jerusalem Center for Public Affairs, May 2009.

<sup>46</sup> Crisis Group interview, former Israeli National Security Council member, Jerusalem, March 2010. A former Director of the Jerusalem District of the housing ministry stated: "We have made enormous efforts to locate state lands near Jerusalem and we decided to seize them before ... the Arabs have a hold there ... [I]t guarantees living space for the future generation. If we don't do it today, our children and grandchildren will travel to Jerusalem through a hostile Arab environment". Quoted in Dumper, p. 117.

<sup>47</sup> The Kovarsky Committee – established in 1986 to examine expanding the municipal borders – recommended enlarging the city to the west, "to strengthen and shore up the status of Jerusalem as Israel's capital through increasing its [Jewish] population and expanding its economic base". Quoted in Benvenisti, op. cit. p. 51. Following its recommendation, the interior minister added 17,000 dunams (23 sq km) to Jerusalem's municipal boundaries.

<sup>48</sup> Crisis Group interview, Mevaseret Zion city councillor, Mevaseret Zion, January 2011.

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<sup>49</sup> Former Jerusalem City Engineer Uri Shitreet argued, "There is no other direction for Jerusalem's expansion but westwards ... Talk of expansion to the east comes from those who haven't internalised the fact that there is no more public land in East Jerusalem and that one can no longer expropriate land as before due to the geopolitical situation in Israel and in the world". Besides, he continued, expansion to the east "will be a drop in the sea. In the best case scenario it will provide 4,000 residential units whereas Jerusalem's needs are ten times that". Orit Bargil, "Everything in the Name of Demography", *Globes*, 29 September 2005

<sup>50</sup> Crisis Group interviews, Kadima and Likud Knesset members and their political advisers, Jerusalem, September-December 2010. That said, parliamentary support is not negligible and includes Knesset members from Kadima, Israel Beitenu, Likud and Shas. One of the law's chief advocates, Arie Hess, Chairman of the Movement for Strengthening Jerusalem, argued it would constitute "an Israeli answer to a unilateral Palestinian declaration of statehood". Crisis Group interview, Jerusalem, January 2011.

<sup>51</sup> Crisis Group interviews, Israeli officials, Jerusalem, July-December 2010.

<sup>52</sup> The road runs from Maale Adumim southwards to Har Homa and Gilo and northwards to Pisgat Zeev, Neev Yaacov and the Atarot Industrial area. It originally was conceived in the early 1990s as a way to reduce traffic in West Jerusalem and expedite movement between settlements in the eastern part of the city. When Prime Minister Sharon was confronted with claims that this project might sever the northern from the southern West Bank and damage a future Palestinian state's "viability", the road was reconfigured to provide "transportational contiguity" – via four bridges and three tunnels – for Palestinians. In the southern part of Jerusalem, the road will pass west of the Barrier and hence likely will be closed to West Bank Palestinians, who will continue to have to use a circuitous bypass road some 8km further east. This is the infamous Wadi al-Nar [Valley of Fire/Hell] Road, so perilous because of its sharp gradient and poor quality that "many have simply given up on travelling to the other half of the West Bank because they refuse to drive on it". Crisis Group interviews, Palestinian residents of Ramallah and Bethlehem, March 2011.

fences and roads become the border, it would reduce Jerusalem's Arab population by at least 50,000, sever Jerusalem from the West Bank and all but separate the north of a putative Palestinian state from its south.<sup>53</sup>

As a result, the international community has pushed Israel to refrain from extending the Separation Barrier, by and large completed in the Jerusalem area, around Maale Adumim and Gush Etzion.<sup>54</sup> A related but separate project, the construction of a new settlement in the "E-1 zone" that runs from Jerusalem to Maale Adumim,<sup>55</sup> figures prominently in the Greater Jerusalem plan and could have the same damaging effect on a Palestinian state, as previously reported by Crisis Group: it would separate East Jerusalem from the West Bank and create a thick tentacle into the West Bank all but splitting its urban continuum in half.<sup>56</sup> Although some activity has gone forward at the site, including the paving of wide roads, establishment of public

infrastructure and construction of a large police station,<sup>57</sup> international efforts so far have impeded construction of planned residential units.<sup>58</sup>

That may be about to change. In reaction to the 29 November 2012 General Assembly resolution that upgraded Palestine to a non-member observer state, Israel announced plans to build 3,000 new residential units in East Jerusalem and the West Bank<sup>59</sup> and restart frozen planning processes, notably at E-1.<sup>60</sup> The latter project is widely perceived in

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<sup>53</sup> Crisis Group interview, former Israeli National Security Council member, Jerusalem, March 2011.

<sup>54</sup> As of July 2011, more than 60 per cent of the Barrier had been built, about 8 per cent was under construction and 30 per cent had not been started. In addition to the gap that has been left to accommodate E-1, the two main sections that remain to be built, but for which governmental authorisation has yet to be given, are in the Beit Iksa enclave in the north and the Gush Etzion block in the south. "The Humanitarian Impact of the Barrier Fact Sheet", UN Office for the Coordination of Humanitarian Affairs – occupied Palestinian territory (OCHA-oPt), July 2012. IDF representatives told the Supreme Court in July 2012 of plans to recommence the Barrier's construction around Gush Etzion in late 2012 and to erect the section around Maale Adumim during 2013. Lobbying by Gush Etzion's leadership against the Barrier's construction brought Netanyahu to declare a review of the Barrier's path, indefinitely delaying construction. Yishai Karov, "Netanyahu: 'We will re-examine barrier path'", *Arutz 7*, 27 August 2012.

<sup>55</sup> The plan calls for a new settlement (Mevaseret Adumim) to be built on four hills north of Maale Adumim. The intended route of the Separation Barrier plan suggests that the area will include not only the new settlement but also a large swath of land containing additional settlements to the north, east and south, some of which, like Kfar Adumim, are as much as 7km deeper into the West Bank than Maale Adumim.

<sup>56</sup> Crisis Group Middle East Report No 44, *The Jerusalem Powder Keg*, 2 August 2005. Describing E-1, Israeli journalist Nir Hasson wrote: "The area has a general master plan, from which another five master plans are derived: two residential, one industrial, one for hotels and one for a water reservoir called Katef Tzofim. The employment zone plan is for 1,340 dunams [approximately 335 acres], including ten hotels with 2,152 rooms and another 260 housing units. The residential plans are split into two regions: south, for which 1,250 housing units are planned on 935 dunams [about 234 acres], and east, with 2,400 housing units on 1,250 dunams [about 313 acres]". "What is E-1 anyway?" *Haaretz*, 4 December 2012.

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<sup>57</sup> Wide access roads – ranging from two to six lanes – have been built, including a bridge linking the yet-to-be-built settlement with Maale Adumim; water, electricity and sewage infrastructure have been installed and large signposts inform passersby that a settlement called Mevaseret Adumim will be established on the site. Only two elements have been erected there so far: the Border Police's Metzudat Adumim base – a compound of over 100 buildings that also houses the Border Police's Jerusalem Envelope headquarters opened in November 2003 and is currently undergoing expansion; and the large SHAI (the Hebrew acronym for the biblical Judea and Samaria) District Police Headquarters, at the eastern edge of E-1, which was inaugurated in 2008. Hilltop youth (young, hard-line settlers) attempting to establish a makeshift outpost in the area in May 2011 repeatedly were evicted by the police. On 17 August 2011, during the "social justice" summer protests, Maale Adumim residents held their own protest, demonstrating in the area to call for moving forward with construction. Crisis Group observations, May 2010 and June 2011; Crisis Group interview, Maale Adumim resident, March 2012.

<sup>58</sup> In 2004 then Secretary of State Condoleezza Rice received assurances from Israeli Prime Minister Ariel Sharon that Israel would not build in E-1; since then, U.S. administrations have been active at the highest levels to prevent work from advancing. Crisis Group interview, U.S. official, Washington, November 2012. The Israeli government never gave up on resuscitating the project and bided its time. In 2010, a Knesset Foreign Affairs and Defence Committee member said, "the U.S. made clear they will not accept it. But perhaps the right moment will present itself. It is all a question of timing". Crisis Group interview, Jerusalem, November 2010.

<sup>59</sup> "Look at the map and do the math: more [than] 14,000 new units – many in areas of vital importance to the viability of the two-state solution – are careening towards implementation. This is no routine surge, or tactical parrying. It is a strategic, decisive thrust in determining Israel's borders unilaterally in a way that by all empirical benchmarks, and in terms of cumulative impact, is unprecedented since 1967". "Latest Developments 17/12/2012", Terrestrial Jerusalem, t-j.org.il/LatestDevelopments/tabid/1370/currentpage/1/articleID/627/Default.aspx.

<sup>60</sup> Jerusalem expert Danny Seidemann explained the process that will follow: "A 'public review' of the Specific Town Plans is a prerequisite for their final approval. This involves depositing the plans for public review (ie, publication of the plans in the press and public gazette) and the solicitation of formal objections to the plans within a 60-day period. A hearing procedure ensues to deal with any objections, and once objections are either rejected or integrated into the plans, they may be signed into law. Once signed into law, building permits may be issued and the lands

the international community as a potentially fatal blow to the two-state solution, because it would all but disconnect East Jerusalem from the West Bank and sever the urban expanse linking the city with Ramallah, Jerusalem and Bethlehem in any future Palestinian state.

Developments on the southern side of Jerusalem are disquieting as well. The planned new settlement of Givat HaMatos, near Gilo, would cut off Beit Safafa and Sharafat, rendering them a Palestinian enclave.<sup>61</sup> Another new settlement, Givat Yael, is being advanced by business groups for the south-west tip of Jerusalem, near the Arab town of Beit Jala. Along with Har Homa on Jerusalem's south-east edge, the three settlements would form a long Jewish continuum severing Bethlehem's urban continuum from Palestinian Jerusalem (Al-Quds). Some call the plan a "mini E-1" or a "southern E-1", because, like the original E-1, it would greatly encumber Palestinian movement in and around Jerusalem.<sup>62</sup>

The reaction – particularly from Europe – has been quick and relatively severe; the U.S. also has expressed opposition.<sup>63</sup> In spite of diplomatic efforts,<sup>64</sup> less than a week af-

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marketed to building contractors for development and construction". Seidemann described this step as tantamount to a rubber stamp: "The approval of Governmental plans brought before this committee is a foregone conclusion. Given the fact that the Master Plan for E-1 has already been approved and withstood judicial scrutiny in the past, the prospect of a successful legal challenge is remote". "The E-1 Crisis: This is Not a Drill" at [t-j.org.il/LatestDevelopments/tabid/1370/articleID/625/currentpage/1/Default.aspx](http://t-j.org.il/LatestDevelopments/tabid/1370/articleID/625/currentpage/1/Default.aspx)

<sup>61</sup> The Palestinian villages of Wadi Fukin, Battir, Husan, Walajeh, Nakhlin would find themselves cut off in an enclave. For this reason, Israeli proposals during the 2007-2008 Abbas-Olmert Annapolis negotiations for sovereignty over the Gilo-Gush Etzion road encountered categorical Palestinian rejection. Crisis Group interview, former Israeli negotiator, Jerusalem, March 2011.

<sup>62</sup> Crisis Group interview, Israeli Jerusalem expert, Jerusalem, September 2010. A former Israeli negotiator said that during the Annapolis negotiations, Har Homa was the only East Jerusalem settlement that the PLO demanded be dismantled, arguing that it disrupted the Jerusalem-Bethlehem link. Crisis Group interview, Jerusalem, March 2011. Although it is somewhat harder to say the same about "southern E-1" than about the original E-1, U.S. officials have weighed in against the construction of both. Crisis Group interview, U.S. official, Washington, September 2010. A former Israeli defence official took issue with the claim that the southern version would preclude a viable Palestinian state but acknowledged that the road poses another concern: it would surround the villages of Beit Safafa and Sharafat with Jewish settlements, increasing the likelihood that they would end up as a part of Israel. Crisis Group interview, Jerusalem, May 2011.

<sup>63</sup> European states issued unusually harsh public condemnations and several summoned Israeli ambassadors for explanation. Fourteen of the fifteen UN Security Council members, includ-

ter the General Assembly vote, the Civil Administration's Supreme Council for Planning approved two construction plans that together include 3,246 housing units within the E-1 area;<sup>65</sup> the Jerusalem District Planning and Construction Committee approved 1,500 units in Ramat Shlomo;<sup>66</sup> and other approvals appear imminent.<sup>67</sup> Whether pressure might dissuade Israel from moving ahead with construction, and if so for how long, is unclear.<sup>68</sup>

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ing all its European members (the UK, France, Germany and Portugal) condemned the Israeli moves; the U.S. blocked an attempt in the Council to issue a Presidential Statement on the matter, which requires consensus. "UN Security Council members blast Israel over settlement construction plans", Haaretz, 19 December 2012. That said, U.S. State Department spokeswoman Victoria Nuland said: "We are deeply disappointed that Israel insists on continuing this pattern of provocative action. These repeated announcements and plans of new construction run counter to the cause of peace. Israel's leaders continually say that they support a path towards a two-state solution yet these actions only put that goal further at risk". The Guardian, 19 December 2012. International frustration stems in part from the fact that the EU and U.S., in the days before the General Assembly vote, specifically asked Israel not to build in E-1 as a response. "The E-1 Crisis", op. cit. They also felt that they had strongly backed Israel during the November 2012 Gaza conflict, and this was not how they expected to be thanked.

<sup>64</sup> Israeli ambassadors were admonished by friendly host governments. Some European governments accelerated legislation to mark and boycott settlement-manufactured commodities. Crisis Group interview, European diplomat, Jerusalem, 5 December 2012.

<sup>65</sup> Amihai Attali, "Plans Approved for Construction in E-1", *Ma'ariv*, 6 December 2012.

<sup>66</sup> "Israel approves construction of 1,500 homes in East Jerusalem", *Haaretz*, 17 December 2012

<sup>67</sup> Givat HaMatos A (2,610 units) has won the approval of the local planning committee, and Givat HaMatos B (549 units) has won that of the regional planning committee; Givat HaMatos D (1,100 hotel rooms) is on the latter's agenda for January 2013. The regional planning committee rejected Givat HaMatos C. The interior ministry's planning committee is scheduled to consider the construction of 1,100 units in Gilo Slopes, a new neighbourhood of Gilo, on 20 December 2012. For a comprehensive list of new units under consideration, see [t-j.org.il/LatestDevelopments/tabid/1370/currentpage/1/articleID/627/Default.aspx](http://t-j.org.il/LatestDevelopments/tabid/1370/currentpage/1/articleID/627/Default.aspx).

<sup>68</sup> An Israeli Jerusalem expert argued that Netanyahu is keen to make the plans a reality; if international pressure remains bearable, therefore, Israel may well go ahead in the belief it will have to incur only the temporary cost of rhetorical condemnations. Crisis Group interview, Jerusalem, 6 December 2012. Others attributed the wave of settlement announcements and decisions to the Israeli election campaign; some Likud figures suggested that while the moves play well with the party's base, it is not yet clear that all will be implemented after the January elections. "Likud Sources Admit: Construction Permits are Our Election Campaign", *Maariv*, 19 January 2012.

## **B. THE MIDDLE BELT: JERUSALEM'S RESIDENTIAL SETTLEMENTS**

Israel as a whole faces a housing shortage,<sup>69</sup> but the crisis in Jerusalem is considerably worse<sup>70</sup> owing to the higher birth rates of the Jewish ultra-orthodox and Arab-Muslim populations.<sup>71</sup> City planners and elected ultra-orthodox municipal officials looking for residential solutions found common cause with Israel's national parties, which by consensus (until the mid-1990s) embraced the notion of a "united Jerusalem". Each for their own reasons found the tracts of open land in East Jerusalem irresistible,<sup>72</sup> as have the Israelis, often younger or poorer, who live there. The middle belt has played a key role in this process: it has served as the main area for absorbing the expanding population of Jews in the city, which has more than doubled since 1967.<sup>73</sup> (Now that the middle belt is well established and housing there itself has become more expensive, the

outer settlement belt is proving increasingly attractive for the socially or economically disadvantaged, including the young and the ultra-orthodox.)

Powerful interests have blocked the search for residential solutions on the west side of the city. The environmental lobby killed the 1998 Safdie Plan – named for its drafter, architect and urban planner Moshe Safdie – to build some 20,000 housing units at the expense of large sections of the Jerusalem Forest, the city's only "green lung".<sup>74</sup> For religious reasons, the ultra-orthodox tend to frown on the "Shabbat elevator",<sup>75</sup> which makes high-rises unattractive to a substantial segment of the population and complicates efforts to increase residential density in the city.<sup>76</sup> Tourism and heritage preservation, given Jerusalem's unique nature, are key concerns for policymakers at both national and municipal levels, often leading to the prioritisation of conservation over high-density housing, especially in the city centre.<sup>77</sup> Given the high price of land in the city, con-

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<sup>69</sup> According to the housing ministry, by one key measure the price of flats in Israel is 44 per cent higher than the Organisation of Economic Cooperation and Development (OECD) average. Einat Paz-Frankel, "138 Salaries needed to purchase a four-room apartment in Israel", *Globes*, 11 March 2012. The mass protests in Israel in mid-2011 focused initially on Israel's housing crisis, bringing the nearly half a million demonstrators to the streets – the most in the country's history. Protester leaders argue the housing crunch is even more severe than the government admits. Crisis Group interview, protest leader, Tel Aviv, September 2012.

<sup>70</sup> A year after protests began, government policies had lowered national housing costs by an average of more than 1 per cent, yet Jerusalem still experienced a 2 per cent rise. "Government [Land] Appraiser: Moderate Decrease in Flat Prices", *NRG (Maariv)*, 13 November 2011.

<sup>71</sup> An average Jewish family in Jerusalem has just over four children, compared with three for Israelis in general, as a result of the higher proportion in the city of ultra-orthodox women, who have an average of 6.5 children each. *Jerusalem: Facts and Trends: 2012*, op. cit., p. 13. The city's Jewish population thus continues to increase, despite average annual net emigration of 5,000-7,500. From 2001-2011, a third of those leaving the municipal boundaries of the city moved to the Tel Aviv area and over half to Jerusalem's periphery, including settlements. *Jerusalem: Facts and Trends, 2012*, op. cit., p. 20.

<sup>72</sup> Jordanian policy in the Jerusalem area from 1949 to 1967 (as during the British Mandate), by restricting urban expansion and the construction of new neighbourhoods, helped protect land reserves from which Israel has profited over the past 45 years. Benvenisti, op. cit., pp. 152-153. That said, East Jerusalem under Jordan did sprawl in certain directions, particularly along the route leading north to Ramallah and south to Bethlehem, which resulted in Israel absorbing more Arabs into Jerusalem in 1967. Dumper, op. cit., pp. 92-93.

<sup>73</sup> The Jewish population of the city increased from 197,700 Jews in 1967 to 504,200 in 2012. *Jerusalem: Facts and Trends, 2012*, op. cit., p. 8. This despite the fact that by 1967, virtually all land reserves on the west side of the city had been exhausted. Dumper, op. cit., p. 97.

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<sup>74</sup> "The key to the success of the 'Sustainable Jerusalem' [the environmental coalition that fought the Safdie plan] struggle was showing there were housing alternatives within the municipal boundaries and hence no need to take down the forest". Crisis Group interview, Naomi Tzur, Yerushalayim Tatzliach (Hebrew for "Jerusalem shall succeed"), Mayor Nir Barkat's faction], Jerusalem deputy mayor and former chairperson of the Sustainable Jerusalem coalition, Jerusalem, November 2010. She argued that there is space for some 40,000 residential units within the municipal boundaries, the majority of which would be located in the eastern half of the city. The Jerusalem Master Plan foresees some 46,000 additional units by 2020 for Jews in the city (both west and east), more than twice as many resulting from new construction than from expansion and densification of existing Jewish neighbourhoods ([www.jerusalem.muni.il/jer\\_sys/publish/HtmlFiles/13029/results\\_pub\\_id=13161.html](http://www.jerusalem.muni.il/jer_sys/publish/HtmlFiles/13029/results_pub_id=13161.html)).

<sup>75</sup> A "Shabbat elevator" is designed to enable observant Jews to use it without violating the religious rules for activity on the Sabbath. Not all rabbinical authorities endorse such a circumvention.

<sup>76</sup> Crisis Group interview, ultra-orthodox city councilor, Jerusalem, September 2010.

<sup>77</sup> Crisis Group interviews, Israeli construction engineer and urban planner, Jerusalem, October, December 2010. Jerusalem's current mayor, Nir Barkat, driven by the objective of increasing the annual 2 million tourists to 10 million, approved the Jerusalem Master Plan 2000 in early 2009 after introducing two significant changes. First, he defined areas built before 1948 as "the historic city" in order to promote conservation and tourism, which limited population density in these areas and narrowed the municipality's options for expanding housing. Second, he defined a large Palestinian area just south of the Old City – within Silwan's Wadi Hilweh neighbourhood – as a "special planning zone", which gives priority to tourism projects in the already densely populated Arab area. Crisis Group interview, Efrat Cohen-Bar, Bimkom, Jerusalem, September 2011. Interior Minister Eli Yishai has refused to open the plan for public comment and to issue a final authorisation since he contends that it reserves too much land for Palestinians and that affordable housing – as opposed to conservation – should receive more priority than it does. Crisis

tractors are far more likely to build luxury housing for Jerusalem's elites than affordable housing for lower income brackets.<sup>78</sup>

Without any domestic constituency to oppose construction on the east side of the city, by contrast, housing solutions since 1967 have emphasised the middle belt of settlements, where ample land has been available.<sup>79</sup> East Jerusalem has absorbed nearly 200,000 (300,000 if one includes Greater Jerusalem) Israeli Jews over the past 45 years, almost half of the city's entire Jewish growth.<sup>80</sup> Of these, some two thirds live in the middle belt. To facilitate their quality of life, the city laid the first of seven planned light rail lines to connect north-east Jerusalem to West Jerusalem, in the process ignoring the Green Line and passing through the large Palestinian neighbourhood of Shuafat.<sup>81</sup> An Israeli urban planner commented:

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Group interview, Naomi Tzur, Yerushalayim Tatzliach, Jerusalem deputy mayor, Jerusalem, November 2010.

<sup>78</sup> Mayor Barkat's efforts to counter this trend, for example by compelling real-estate entrepreneurs to allocate 20 per cent of the flats in each new building to students and young couples, has apparently made little headway so far. Crisis Group interview, ultra-orthodox city councilor, Jerusalem, September 2010.

<sup>79</sup> Construction in East Jerusalem, rather than westward suburbanisation to towns along the Jerusalem–Tel Aviv road, likely will remain the default option as long as Israel seeks to maximise the Jewish majority in the city. "The drive to build is not primarily about keeping up with natural growth, it's about keeping up with the Palestinian womb. If you grow up in Tel Aviv and want to live there, can you? Not necessarily – housing there is limited and you can only live there if you can find something you can afford. A rational housing market will only emerge in Jerusalem after the demographic war is over, which means after a political division of the city". Crisis Group interview, attorney and Jerusalem expert Danny Seidemann, Jerusalem, August 2012.

<sup>80</sup> East Jerusalem's Israeli Jewish population has grown by about 193,000 and West Jerusalem by 114,000. *Jerusalem: Facts and Trends, 2012*, pp. 7-8. Housing costs in East Jerusalem often are lower than in the west because construction in East Jerusalem is state-initiated, as a result of which both land and infrastructure are subsidised. In West Jerusalem, by contrast, construction is initiated by private contractors. Crisis Group interview, Jerusalem construction contractor, Jerusalem, June 2012. Some municipal officials are pushing for more building within the middle belt: in the north, they wish to establish an ultra-orthodox settlement in place of the Atarot Industrial Zone, adjacent to the Qalandiya checkpoint; in the southwest, they want to establish a settlement called Givat Yael; in the southeast, east of Har Homa, a settlement called Mazmura; and in the east a 300-unit neighbourhood called Kidmat Zion (next to Abu Dis). The municipality has yet to embrace any of these options. Crisis Group interview, Jerusalem municipal councilor, May 2012.

<sup>81</sup> Jerusalem Mayor Nir Barkat said of the light rail, "If you want long lasting peace, not on paper, you have to realize that not one split city in the world ever worked". When asked if there was a policy to unite the city so it can't be divided, he replied:

This suggests poor prioritisation by the municipality. It is ridiculous. We are building more settlements, with disastrous consequences for our image among Palestinians and the world. We should be promoting urban regeneration more vigorously – even though the financial cost is high – and expanding the city to the west, even at an environmental cost. If you look at the broader picture of Israel's wellbeing, the financial and environmental costs pale in comparison to the political ones.<sup>82</sup>

Arab construction in East Jerusalem is constrained in a variety of ways. Over one-third of East Jerusalem's total territory has been expropriated for Israeli settlements while only 13 per cent of the land – much of which is already built-up – has been zoned for Palestinian construction.<sup>83</sup> Obtaining construction permits within the zoned areas is complex, time-consuming and expensive; as a result, many Palestinian Jerusalemites have built without them, leaving their homes vulnerable to demolition and themselves to displacement. In no small part due to U.S. pressure, in 2009, Jerusalem Mayor Nir Barkat declared a major reform to address this issue. Adopting a model the state has employed in the Negev with Bedouins, he proposed not legalising the Jerusalem houses by granting them retroactive permits but rather defining more than 70 per cent of them as "gray houses", meaning that the municipality will not enforce various regulations against them.<sup>84</sup>

The Jerusalem Master Plan 2000, yet to receive final approval, intends to go one step further: it would legalise much of the unlicensed construction, though not authorise enough building to keep up with natural growth.<sup>85</sup> There also is a marked shortage of public buildings in Arab Jerusalem:<sup>86</sup> for example, school overcrowding led the Israeli

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"It's not the policy, it's the reality. Jerusalem has to be a united city. It has to be a united city. Nothing else will ever work". *60 Minutes* (U.S. television program), 17 October 2010.

<sup>82</sup> Crisis Group interview, Jerusalem, July 2012.

<sup>83</sup> "The Planning Crisis in East Jerusalem: Understanding the Phenomenon of 'Illegal Construction'", UN Office for the Coordination of Humanitarian Affairs – occupied Palestinian territory (OCHA-oPt), Special Focus, April 2009, p. 2.

<sup>84</sup> Nir Hasson, "After U.S. pressure, Barkat to halt 70% of East Jerusalem demolitions", *Haaretz*, 29 June 2009. Once a house is declared "gray", the municipality will collect taxes from the owner, who will be entitled to sell it legally. The municipality's proceeds are supposed to be invested in East Jerusalem. *Ibid.* In later statements Barkat spoke of expanding the reform to 99 per cent of illegal houses. Omri Maniv, "Barkat: Relinquish All Territories Beyond the Fence", *NRG (Ma'ariv)*, 13 December 2011.

<sup>85</sup> For an assessment of the Master Plan on Arab construction in East Jerusalem see "East Jerusalem: Key Humanitarian Concerns, Special Focus" UN Office for the Coordination of Humanitarian Affairs – occupied Palestinian territory (OCHA-oPt), March 2011, pp. 32-33.

<sup>86</sup> Because virtually no permits are issued in East Jerusalem, unlicensed construction most often has occurred without regard



Supreme Court on 6 February 2011 to order the construction of 1,100 classrooms by 2016; only 33 were built during the 2011-2012 school year, however.<sup>87</sup>

With much available territory in the middle belt already developed, Jews and Palestinians often live in close proximity. In several areas, this has yielded surprisingly intermingled populations: some Arab Jerusalemites – given the housing pressure in their own neighbourhoods – have begun to move into Pisgat Zeev and French Hill. There have been more predictable consequences as well: violent clashes on the boundaries between Jewish and Arab areas, though not common, are not exceptional either. Relations between Jewish Ramat Shlomo and Palestinian Shuafat have been particularly fraught,<sup>88</sup> as have been those between French Hill and Issawiya.<sup>89</sup>

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to urban planning principles. People have built houses on any land possible, without allocating space for public use (parks, schools, clinics, parking lots, etc). Crisis Group interview, Israeli Jerusalem expert, Jerusalem, March 2012.

<sup>87</sup> “Failed Grade: East Jerusalem’s Failing Educational System”, Ir Amim and Association for Civil Rights in Israel, Jerusalem, August 2012.

<sup>88</sup> Ramat Shlomo is an ultra-orthodox settlement north of the Green Line, adjacent to Shuafat, a large Palestinian-Arab neighbourhood. Youth clashes, which include throwing of stones and at times even of Molotov cocktails, result from a mix of national animosity and delinquency. A group of yeshiva students from Ramat Shlomo explained, “Bored ten-year old kids from Ramat Shlomo on occasion go into Shuafat, throw stones at windows and run back into Ramat Shlomo. Then the eighteen-year old Arabs, angry about their broken windows, come on horses into Ramat Shlomo. About three months ago they threw Molotov bottles at our yeshiva. Luckily no one was injured”. The students also recounted another incident when young boys from Ramat Shlomo stole a donkey from Shuafat, after which Palestinian youth came into Ramat Shlomo and threw stones. Crisis Group interviews, Jerusalem, November 2010. See also “Haredim [ultra-orthodox] Stone Shuafat Arabs”, Ynet, 1 September 2012. A planned eastern expansion of Ramat Shlomo would further encroach on a 2km-long grove of trees that currently serves as a buffer between the two communities and likely increase friction between them.

<sup>89</sup> After a 2002 suicide bombing in the Hebrew University café just next to the French Hill, Israel separated the university from Issawiya and in effect prevented vehicle traffic between them. French Hill’s Jewish citizens have since blocked attempts by Issawiya to rezone adjacent land for construction. Crisis Group interview, Efrat Cohen-Bar, Bimkom, Jerusalem, January 2010. Tensions occasionally flare, especially at the gas station that sits between the two. Crisis Group interview, Jewish French Hill residents, Jerusalem, January-May 2010.

### C. THE INNER BELT: ISRAEL’S HOLY BASIN

The area in and around the Old City includes some of the three monotheistic religions’ most revered historic and religious sites. Israelis refer to this area as the “Holy Basin” or “Historic Basin”,<sup>90</sup> an area without precise delineation that encompasses roughly 1.5 sq km, including the Old City and the Mount of Olives (the site of a large Jewish cemetery through which, according to Jewish tradition, the Messiah will come), Gethsemane (a garden where Jesus is said to have prayed the night of his arrest), Mount Zion (the site of David’s Tomb) and Silwan (under which the City of David is located).<sup>91</sup> Palestinians fear that the notion of a “Holy Basin” is little more than a pretext for an Israeli land-grab, since many of these historic sites are located within densely populated Palestinian neighbourhoods; the Basin, moreover, in most Israeli definitions, does not extend to important Palestinian holy sites on the west side of the city, such as Mamilla Cemetery.<sup>92</sup>

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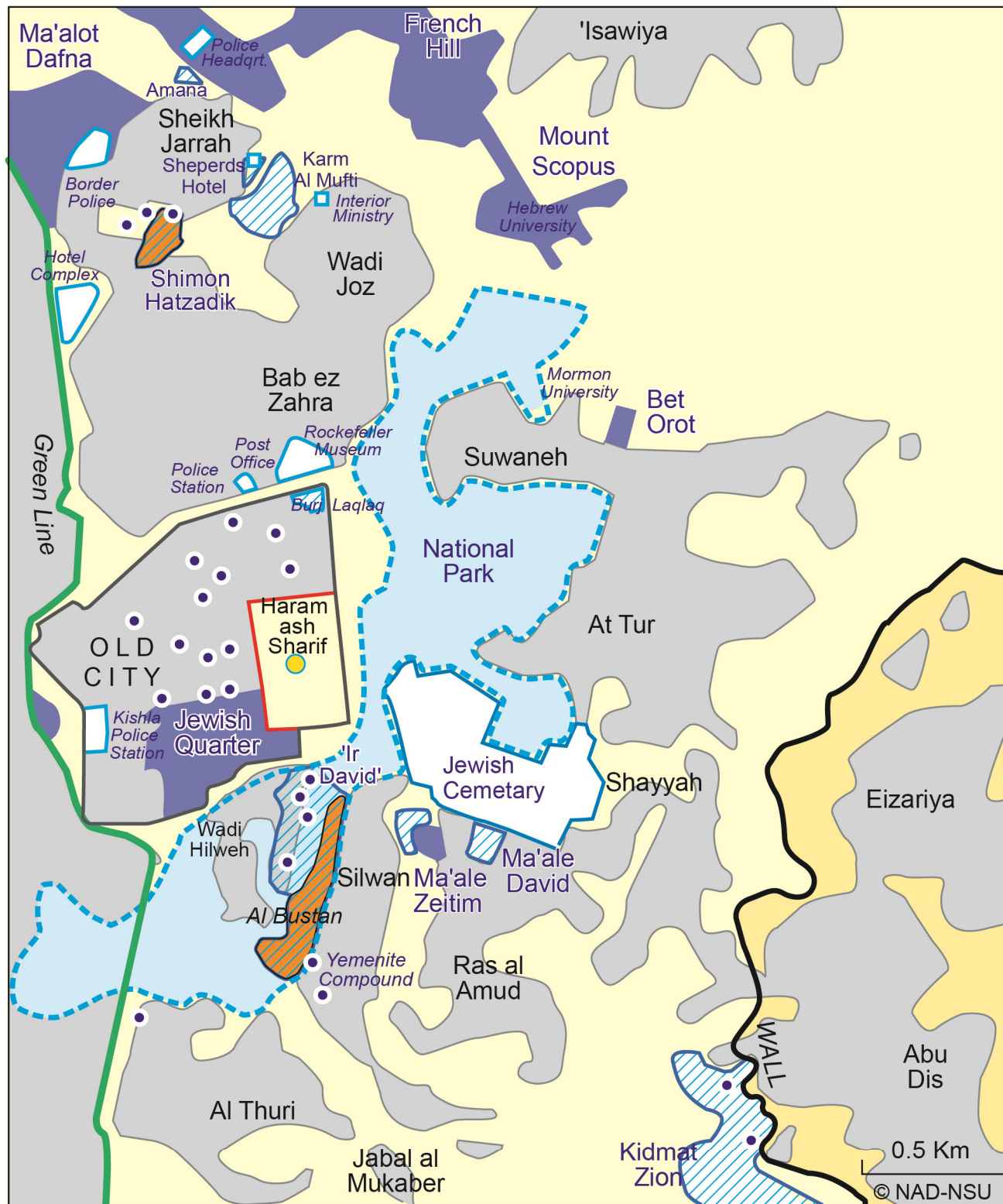
<sup>90</sup> This report uses the contested term “Holy Basin” to describe Israel’s negotiating position and should not be understood to imply advocacy of any particular political stance.







<sup>91</sup> For an historical analysis of the development of the Holy Basin concept, see Wendy Pullan and Maximilian Gwiżdza, “The Development of Modern Sacred Geography: Jerusalem’s Holy Basin 1917-1974”, *Conflict in Cities Working Paper no. 19*. The term has long been suspect to Palestinians. In 1973, Ariel Sharon, among others, authored a development plan whose implicit goal was to reduce the Arab population in the “Old City basin”. The plan aimed to thin out the “overcrowded” Muslim Quarter and limit the population of the Old City as a whole while significantly expanding the Jewish population in the immediately surrounding area. Simone Ricca, *Reinventing Jerusalem: Israel’s Reconstruction of the Jewish Quarter after 1967*, (London, 2007), p. 33.

<sup>92</sup> A former Palestinian negotiator said, “Israel defines the so-called ‘Holy Basin’ or ‘Historical Basin’ to include sites only on our side of the line. Of course we don’t accept that”. Crisis Group interview, Jerusalem, September 2010. A former Israeli negotiator pointed out that his government’s definition of the Holy Basin in fact includes Mount Zion, which lies west of the Green Line. Crisis Group interview, former Israeli negotiator, Jerusalem, March 2011. He also explained that Israel narrowly construes the Basin in order to place as many Palestinians as possible within a future Palestinian state; for instance in the Palestinian neighbourhood of Silwan, only a portion of the neighbourhood would be included within the Basin.



East Jerusalem's Inner Core



- |  |  |   |
|--|--|---|
|  Israeli settlement/outposts            |  Israeli Wall                       |  Palestinian neighbourhoods            |
|  Approved or Planned Israeli Settlement |  Israeli-defined national park area |  Threatened Palestinian neighbourhoods |

Source: Negotiations Support Unit – Negotiation Affairs Department.  
 This map's nomenclature is that of its designers and does not necessarily reflect Crisis Group's nomenclature.

Israeli changes to the Holy Basin date back to the earliest days after the 1967 War, when the government sought to “overcome an unnatural rupture in Jewish history”<sup>93</sup> – that is, the nineteen years of Jordanian rule during which Israeli Jews were unable to visit their most important religious and historic sites<sup>94</sup> and when 3,500 Jews were displaced from,<sup>95</sup> and more than 40 synagogues were destroyed in,<sup>96</sup> the Old City. With generous government funding, the Company for the Reconstruction and Development of the Jewish Quarter in the Old City (a government-owned entity established in 1969 to restore and develop the Jewish Quarter) undertook massive archaeological excavations, established institutes of learning (yeshivas, museums, etc.) and provided support for commerce.<sup>97</sup>

The focus during this period was on Jewish reconstruction, particularly in the Jewish Quarter – an agenda for which Palestinians sometimes paid the price, as with the destruction of homes to facilitate the Western Wall’s renovation and the confiscation of Arab homes to expand the Jewish Quarter.<sup>98</sup> Yet by and large, a status quo policy reigned during the occupation’s first two decades in the other three quarters of the Old City – Muslim, Christian, and Armenian – which inhibited their development but also largely protected them from Jewish encroachment.<sup>99</sup>

In the 1980s, as the consequences of the Likud’s 1978 victory over Labour began to be felt, government policy toward Jerusalem, and particularly the inner neighbourhoods, changed. After the Knesset in July 1980 defined Jerusalem – within its expanded, post-1967 War boundaries – as Israel’s capital, the government allocated greater funds for the city’s development. It allowed and at times encour-

aged the establishment of Jewish settlements in the city’s historic core beyond the confines of the Jewish Quarter.<sup>100</sup> This was done in cooperation with new non-governmental settler organisations that became important drivers of the settlement project. These include the Ateret Cohanim Yeshiva (and its sister organisation, Torat Cohanim), established in 1983<sup>101</sup> and Elad, registered in 1986.<sup>102</sup> Such groups, which worked closely with government ministers,<sup>103</sup> focused in their early years on establishing residential footholds in Arab neighbourhoods in the Holy Basin,<sup>104</sup> acquisitions that were enabled by significant relationships forged during this period with foreign Jewish donors, especially from the U.S. and UK.<sup>105</sup>

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<sup>93</sup> Crisis Group interview, former Netanyahu adviser, Jerusalem, January 2010. He added, “in 1967 we liberated Jerusalem from a harsh reality that denied the Jewish presence”.

<sup>94</sup> Pursuant to the Israeli-Jordanian armistice agreement, access to the holy sites was to be arranged by a special committee charged with resolving outstanding issues. However, the committee was paralysed by an inability to agree on the agenda. For Israel, the main concern was access to Mount Scopus and the Western Wall, while for the Jordanians the most pressing concern was the return of Palestinian refugees who had left their homes in West Jerusalem. Benvenisti, *op. cit.*, p. 30.

<sup>95</sup> Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge: 2004), pp. 119, 392.

<sup>96</sup> Crisis Group interview, Western Wall Rabbi Shmuel Rabinowitz, Jerusalem, October 2011.

<sup>97</sup> [www.jewish-quarter.org.il/chevra.asp](http://www.jewish-quarter.org.il/chevra.asp).

<sup>98</sup> Perhaps best known is the destruction of the Moroccan Quarter, with a population of 650, to make way for the Western Wall plaza. In all, about 5,500 Palestinians (among them long-time residents, refugees, immigrants and squatters) were evicted from the areas that became the Jewish Quarter. Simone Ricca, *Reinventing Jerusalem*, *op. cit.*, pp. 51-52.

<sup>99</sup> Crisis Group interview, Israeli Jerusalem expert, Jerusalem, September 2010.

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<sup>100</sup> Israel did not and does not fund the acquisition of such residential settlements. However, once an acquisition is made and Israeli citizens move in, the housing ministry funds private security.

<sup>101</sup> Mati Dan, chairperson of Ateret Cohanim, said in an interview that a meeting held at the yeshiva in 1983 led to the establishment of Torat Cohanim, a non-profit dedicated to “redeeming Jewish property in Jerusalem”. “Liberation of Jerusalem on a Daily Basis”, *Besheva*, vol. 92, 13 May 2004.

<sup>102</sup> Elad (the Hebrew acronym for “To the City of David”) is an Israeli association that in January 2011 described its commitment (at [www.cityofdavid.org.il/en/The-Ir-David-Foundation](http://www.cityofdavid.org.il/en/The-Ir-David-Foundation)) to “continuing King David’s legacy and strengthening Israel’s current and historic connection to Jerusalem through four key efforts: archaeological excavation, tourism development, residential revitalization and educational programming”. [www.cityofdavid.org.il/en/The-Ir-David-Foundation](http://www.cityofdavid.org.il/en/The-Ir-David-Foundation).

<sup>103</sup> For instance, in the early 1990s Ariel Sharon, then the housing minister, began allocating funds for private security guards to protect Jewish settlers living in Palestinian neighbourhoods. Such financing continues today. In 2011, 81 million NIS (almost \$22 million) were allocated for this purpose. “Israel allocates NIS 5 million for security of Jewish East Jerusalem residents”, *Haaretz*, 4 January 2012.

<sup>104</sup> Then Prime Minister Yitzhak Shamir (who served two terms, 1983-1984 and 1986-1992) described Beit Orot Yeshiva at its opening ceremony as “a lone Jewish house in its area” but added, “We are certain that it will not remain for long a lone solitary Jewish house . . . . Around it . . . will be founded a large Jewish neighbourhood”. Audio recording on Beit Orot’s website. ([beitorot.org/content.asp?pageid=198](http://beitorot.org/content.asp?pageid=198)).

<sup>105</sup> A useful layout of such donors appears in Michael Dumper, *The Politics of Sacred Space: The Old City of Jerusalem in the Middle East Conflict* (Boulder, 2001), especially chapter 3, “The Jewish Community: The Role of Israeli Settler Groups”, pp. 39-74. A particularly detailed account of the scope and origins of donations promoting settlements concludes that “From 2002 through 2008, a network of at least 171 United States tax-exempt organizations (116 private foundations and 55 public benefit ‘charities’) raised over \$236.6 million to support the settlement enterprise. The amount spent during that period increased every year, going from \$21.6 million in 2002 to more than \$40 million in 2008”. \$26 million went directly to pro-settlement non-profits operating in East Jerusalem. Michael Several,

The scope of non-governmental settler activity continued to expand in the 1990s and especially after 2000, when the collapse of the Camp David talks and the eruption of the second intifada empowered rightist Israeli governments – at both the national and municipal levels – which allocated greater financial resources to pro-settler organisations that focused their activities mainly, though not exclusively, on the city's historic core. In some cases these groups have been able to advance their agenda from within policy-making bodies with which they share an ideological affinity.<sup>106</sup> A municipal councilor said, “settlers and municipal decisionmakers ate from the same *mesting* [steel plate] in the army. Virtually everyone in the [municipal] coalition, religious or not, shares a social background that leads them to believe in a Greater United Jerusalem”.<sup>107</sup>

Settlements in the Holy Basin, with their heavy security footprint, have turned Palestinian neighbourhoods in which they are located into virtual garrison communities<sup>108</sup> and generated enormous tension, as senior Israeli security officials admit.<sup>109</sup> The expansive security apparatus includes government-funded private guards,<sup>110</sup> civil and border

police, and undercover units. Palestinian youth in turn express resentment by throwing stones and sometimes Molotov cocktails at Jewish settlers and police; as a result, use of rubber bullets, tear gas and stun grenades has become common. Deaths – as when a private security guard killed Silwan resident Samer Sarhan on 22 September 2010 – remain rare, though everyone agrees that the neighbourhood has become a tinderbox.<sup>111</sup>

During the first half of the past decade, settlers' activities were constrained by the second intifada, but since then, they have focused on three interrelated areas: housing, heritage and education.

**Housing.** Housing is acquired through the particularities of Israeli law – most notably the absentee property law (1950),<sup>112</sup> which serves as the legal basis for transferring to the state property of Palestinians who were not present on their land on 1 September 1948 and enables Jews to reclaim homes that they owned prior to that year – as well as through individual home purchases from Palestinians, at times with a well-compensated Arab middleman as the buyer.<sup>113</sup> As opposed to elsewhere in Jerusalem, acquisitions within the densely populated Arab neighbourhoods are guided as much by opportunity as by planning, resulting in a largely scattered distribution of properties which together form a discontinuous arc of houses around the Old City. In numerical terms, there are relatively few Jews living in the midst of Palestinian communities; in and around the Old City, a total of just over 2,000 settlers (of

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“The Strange Case of American Tax-Exempt Money for Settlements”, *Palestine-Israel Journal*, vol. 17, no. 1, 2011, p. 21.

<sup>106</sup> Specific examples appear in Anshel Pfeffer, “He Holds the Temple Mount”, *Haaretz*, 21 February 2007. A Peace Now leader regretfully said, “We leftists don't seek positions in the government because we are so critical of it. Instead we go to the private sector or to civil society. We've given up Israeli officialdom to the right without a fight”. Crisis Group interview, Jerusalem, December 2012.

<sup>107</sup> Crisis Group interview, Meir Margalit, Meretz Jerusalem city councilor, Jerusalem, October 2010. He specified that the Israel Antiquities Authority, the National Nature and Park Authority, the army, the police, the municipality and the different governmental ministries “are all staffed by people who believe in pushing this agenda”.

<sup>108</sup> “When a Palestinian I know climbs to her roof, she is confronted by settlers with questions like, ‘What are you doing here? Climb back down!’ As if she had no right to climb up her own roof! The border police's solution was that she coordinate with them. But why should she have to coordinate climbing up to her own roof with the police? The settlers have turned her into a ‘security threat’ in her own home”. Crisis Group interview, Old City resident, Jerusalem, October 2010.

<sup>109</sup> Speaking of Silwan in a briefing to the Knesset's Foreign Affairs and Defence Committee, Israel Security Agency Director Yuval Diskin said, “as a result of Jewish residence, friction has been created and there is violence”. *Ynet*, 18 January 2011. Attorney Danny Seidemann terms the growing tension the “Hebronisation” of Jerusalem, by which he means the insertion of Jewish settlers into densely populated Arab neighbourhoods, as in the West Bank city Hebron, such that the two groups live “cheek and jowl” in areas of high religious and national significance and represent volatile security threats to one other. Crisis Group interview, Jerusalem, August 2012.

<sup>110</sup> In 2007 there were 350 private guards in East Jerusalem. *The Marker*, 15 June 2007. Private security guards are mandat-

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ed only to protect settlers, though they are authorised to detain Palestinians for up to three hours if the guards “believe that [a Palestinian] is about to attack a member of the security forces or a [Jewish] resident of the area”. Crisis Group interview, private security guard, Silwan, May 2011.

<sup>111</sup> Violence that begins in Silwan does not necessarily end there. After Sarhan was killed, Palestinian youth threw stones near the Western Wall and blocked roads with burning tires and garbage dumpsters. An Israeli was stabbed on the Mount of Olives, settlers in Silwan were attacked and Molotov bottles were thrown at the nearby Beit Orot Yeshiva. Attempts to disrupt prayers and possibly harm worshipers at the Western Wall were pre-empted by the police, who also stopped a group of Palestinians seeking to torch a nearby forest. In clashes in the Palestinian neighbourhood of Issawiya, the police made massive use of tear-gas grenades, reportedly possibly causing the death of an asthmatic baby. Nadav Shragai, *Israel Hayom*, 15 October 2010.

<sup>112</sup> [unispal.un.org/UNISPAL.NSF/0/E0B719E95E3B494885256F9A005AB90A](http://unispal.un.org/UNISPAL.NSF/0/E0B719E95E3B494885256F9A005AB90A). Several attorneys general objected to use of the law in East Jerusalem but it has continued. Crisis Group interview, Israeli Jerusalem expert, Jerusalem, October 2012.

<sup>113</sup> Crisis Group interview, former Ateret Cohanim activist, Jerusalem, December 2010. On the nuances of application of the absentee property law in Jerusalem, see [www.ir-amim.org.il/eng/\\_Uploads/dbsAttachedFiles/Absenteesagainsttheirwill.pdf](http://www.ir-amim.org.il/eng/_Uploads/dbsAttachedFiles/Absenteesagainsttheirwill.pdf).

whom 600 are yeshiva students) live in Arab neighbourhoods populated by tens of thousands.<sup>114</sup>

**Heritage.** The municipality is working to integrate the holy sites and their surroundings into the West Jerusalem urban fabric and, in this sense, into Jewish national consciousness. In 2005, the government allocated 480 million NIS (about \$107 million) to a multi-year program to restore, conserve and develop the Holy Basin.<sup>115</sup> A committee of senior officials from several ministries drafted a plan to knit the Old City – which many Jews still see as a dangerous frontier zone into which they dare not venture – into the West Jerusalem downtown area.<sup>116</sup> An esplanade, a pedestrian bridge and commercial development projects now link the Old City's Jaffa Gate with West Jerusalem's downtown; more broadly, the plan calls for Jerusalem's urban design to convey the sense that the Holy Basin lies at the heart of the city.<sup>117</sup>

Israel also is establishing a ring of nine “national parks” – connected open areas in East Jerusalem – to surround the

Old City and link it to the Mount of Olives.<sup>118</sup> A former Jerusalem official noted that protecting the holy areas by a “green belt” has long been a goal of city planners, dating back to the British mandate.<sup>119</sup> The designation of these areas as parks has important consequences for planning and construction, chiefly in that it prevents Palestinians from building or otherwise exploiting the areas for their own benefit. This allows the state to forbid building while holding the land in reserve for future designation as Jewish housing.<sup>120</sup> Three of the planned parks already are zoned as such, with functioning tourist attractions.<sup>121</sup>

Within these zones, archaeological, touristic and educational projects that promote Jewish heritage are proliferating. Cooperation between the government and groups advancing these projects is strong though not unlimited or without tension;<sup>122</sup> of these groups, Elad perhaps is the most

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<sup>114</sup> “Unsafe Space: The Israeli Authorities' Failure to Protect Human Rights amid Settlements in East Jerusalem”, Association for Civil Rights in Israel, Jerusalem, September 2010. Within and around the Holy Basin, three settlement clusters, each housing more than 100 settlers, have formed. There are two private residential blocs of more than 100 residential units each (Nof Tzion on Jabal Mukabir in the south and Maale Zeitim on the Mount of Olives in the east) in addition to the 350 settlers sparsely scattered around the City of David archaeological park in the Wadi Hilweh area in northern Silwan, just below the Al-Aqsa Mosque. Plans to establish two several hundred unit residential complexes – Nahalat Shimeon in Sheikh Jarrah and Kidmat Tzion at the edge of Jabal Mukabir – are advancing, though sluggishly, owing to the lack of authorisation and funds. Crisis Group interview, Israeli analyst, Jerusalem, May 2012. Nir Hasson and Akiva Eldar, “Jerusalem Mayor aims to establish a new settlement in East Jerusalem”, *Haaretz*, 3 April 2012. In the Christian and Muslim quarters of the Old City itself, there are some 80 Jewish families. “Unsafe Space”, op. cit.

<sup>115</sup> See Israel's Cabinet Resolution 4090, 9 August 2005. By 2010 the Jerusalem Municipality had allocated an additional 144 million NIS (\$38 million) for the same activities (Jerusalem Development Authority website. [www.jewish-quarter.org.il](http://www.jewish-quarter.org.il)) and on May 2012 a further grant of 350 million NIS (\$88 million) was allocated for 2013-2019. ([www.pmo.gov.il/MediaCenter/SecretaryAnnouncements/Pages/govmes200512.aspx](http://www.pmo.gov.il/MediaCenter/SecretaryAnnouncements/Pages/govmes200512.aspx)).

<sup>116</sup> Crisis Group interview, Jerusalem city council member, Jerusalem, October 2010.

<sup>117</sup> The plan treats the Old City and its surroundings as one block in order to facilitate open panoramic views of the Old City sites. Crisis Group interview, Jerusalem Development Authority official, Jerusalem, June 2012. A Barkat adviser explained the municipality is seeking to renovate the West Jerusalem city centre (including the Mamila commercial area) as a “seam” linking the areas of the city inhabited by its three major sub-groups: ultra-orthodox Jews, secular Jews and Arabs. Crisis Group interview, Jerusalem, 23 May 2012.

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<sup>118</sup> The chain of parks is planned to begin in the north on the slopes of Mount Scopus and encompass the Tzurim Valley National Park on the Mount of Olives, the Garden Tomb and Zedekiah's Cave to the north of the Old City, the Old City's walls themselves and Ir David/Silwan – including the controversial King's Garden/al-Bustan neighbourhood – and Mount Zion in the south. Crisis Group interview, Israeli Jerusalem expert, Jerusalem, December 2010.

<sup>119</sup> Crisis Group interview, Jerusalem, October 2012. A Palestinian analyst countered that Israel built settlements on lands that had been protected by the British and Jordanians while insisting that areas in Arab sections of the city remain “green”. Crisis Group interview, Ramallah, October 2012. An Israeli analyst observed that municipal and national conservation activities in areas around the Old City are inherently controversial – irrespective of environmental logic – because they are located east of the Green Line and therefore violate international law. Crisis Group interview, Jerusalem, November 2012.

<sup>120</sup> Crisis Group interview, Meir Margalit, Jerusalem city council member, Jerusalem, December 2010. There is precedent for such manoeuvring. Lands on which Har Homa and Ramat Shlomo were built were first zoned as “green areas” and therefore off-limits for Palestinian building; later they were redefined as residential area for Jews. Crisis Group interview, former adviser to Jerusalem's mayor, Jerusalem, October 2010. In addition, some argue that Elad has been purchasing houses with greater ease within and around the national parks it operates. Crisis Group interview, Israeli peace activist, Jerusalem, January 2010. An Israeli analyst argued that criticism of the zoning regulations is overstated given the number of other restrictions Arab Jerusalemites face: “Palestinians cannot get construction permits anyway so what does it matter how the land is zoned?”. Crisis Group interview, Jerusalem, August 2012.

<sup>121</sup> These are the City of David Park, which includes the Old City walls in their entirety and extends some 400 metres to the south into the Palestinian neighbourhood of Silwan; the Hinom Valley; and a third in Tzurim Valley.

<sup>122</sup> Settlers complain that the government does not play an active role in the acquisition of houses; at times freezes Israeli construction and prevents Israeli construction in certain areas that are deemed too risky rather than, as they say, “increasing secu-

influential. It operates a number of the national parks on the government's behalf, including the City of David in Silwan,<sup>123</sup> at the centre of which sits an archaeological site.<sup>124</sup> Since the Israel Nature and Parks Authority and the Jerusalem municipality turned over management to Elad in 1998, the site has become one of the most popular tourist destinations in Israel, drawing over 400,000 visitors a year.<sup>125</sup>

Elad's perceived reluctance to discuss how the group was (and is) able to acquire and take over land within a densely populated Palestinian neighbourhood<sup>126</sup> has fuelled suspicions of questionable practices, which have been elaborated in investigative reports.<sup>127</sup> and confirmed in a few in-

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city". Crisis Group interview, settler leader, Jerusalem, August 2012. They also aim their criticism at government bodies that have found certain methods of acquisition illegal (eg, the 1992 Klugman Committee, named after the then director general of the justice ministry, which ended a set of suspicious acquisition practices. Meron Rapaport, "Shady Dealings in Silwan", *Ir Amim*, May 2009).

<sup>123</sup> International attention on Elad has focused on the City of David in Silwan, but the organisation also works on the Mount of Olives and the Armon Hanatziv Ridge (the southern strip of the Palestinian neighbourhood of Jabel Mukabir). At the former, it operates a "Temple Mount Sifting Project" at which visitors can sift dirt for artifacts and trace the footsteps of famous visitors. "None of this existed twenty years ago. They are transforming the Mount of Olives from a Palestinian neighbourhood to a Jewish tourist site". Crisis Group interview, Israeli Jerusalem expert, Jerusalem, November 2010.

<sup>124</sup> Jawwad Siyyam, a community organiser in Silwan, said that local residents did not object to the early digs and, to the contrary, were happy for the employment opportunity they provided. "It wasn't political", he said, "It was work". Quoted in Adina Hoffman, "Archaeological Digs Stoke Conflict in Jerusalem", *The Nation*, 18 August 2008. Excavations have taken place on and off at the site since 1867.

<sup>125</sup> Crisis Group interview, Elad leader, Jerusalem, December 2010.

<sup>126</sup> The justice ministry's registrar of non-profit organisations reportedly allows Elad donors to keep their identity confidential. Rapaport, "Shady Dealings in Silwan", op. cit. Crisis Group interviews, Jerusalem experts, Jerusalem, 19 December 2012. Exactly how this confidentiality is maintained is unclear. Some claim that Elad discloses its donors' identities to the registrar who, exceptionally, does not disclose them publicly; others claim that the registrar does not require Elad to disclose its donors' identities at all. Ibid. A Silwan settler explained this is done to protect the donors' safety. Crisis Group interview, Jerusalem, January 2011. That said, Crisis Group noted that the names of donors are displayed at the City of David site. Crisis Group observation, August 2012.

<sup>127</sup> Rapaport, "Shady Dealings in Silwan", op. cit. This seminal report on Elad describes three types of alleged collaboration with the government over three broad periods: expropriation of Palestinian land, on the basis of the absentee property law, subsequently transferred to Elad via the Jewish National Fund (1986-

stances by the Israeli judicial system.<sup>128</sup> Some within the Jerusalem municipality attribute its cooperation with Elad to financial need,<sup>129</sup> but with concerns about transparency<sup>130</sup> and its relationship to the municipality and National Park Authority,<sup>131</sup> opaque, critics charge that the state essentially has outsourced settlement activity<sup>132</sup> to a private and unaccountable group that operates with little regard for local resident welfare<sup>133</sup> and whose archaeological projects are motivated more by nationalism than by science.<sup>134</sup>

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1992); Elad's purchase of land and homes from Palestinian owners, at times using methods of questionable legality (1992 onwards); and the government's granting Elad management of the site, to the detriment of local residents (mid-1990s onwards).<sup>128</sup> Fake documents were used in some of the transactions; the court ruled at least one deal was based on a false deposition. "Inheritance of the late Ahmed Yassin Musa el-Abbasi and others against Development Authority and others", TA 895/91. Rapaport, "Shady Dealings in Silwan", op. cit.

<sup>129</sup> "The main reason for Elad's success in securing the management of the Ir David excavations and park is their ability to fund some 95 per cent of the costs. The Israeli national and municipal systems are unable to resist the temptation of securing resources for excavation in such historically important sites". Crisis Group interview, Jerusalem municipal adviser, Jerusalem, September 2010.

<sup>130</sup> According to Israel's registrar of non-profit organisations, Elad raised \$7 million in 2005. According to *Haaretz*, the registrar was "considering demanding the dissolution of Elad", since it refused to disclose its donors publicly. Hoffman, op. cit.

<sup>131</sup> Israel's Supreme Court ordered the revision of a February 2012 agreement between the Park Authority and Elad on the operation of the City of David National Park. The Court called on the District Court to examine whether and which aspects of the site's operation require a tender and to narrow Elad's role in the management of the site, leaving it only its daily operation. "Court: Re-examine Agreement for City of David's Management", *News1*, 28 August 2012.

<sup>132</sup> In 2006, an Elad spokesman reportedly said that his organisation's goal was "to get a [Jewish] foothold in East Jerusalem and to create an irreversible situation in the holy basin around the Old City". Quoted in Hoffman, op. cit.

<sup>133</sup> Silwan residents claim that Elad excavates underneath Palestinian homes, usually without notification, in some cases leading to floors cracking open. Crisis Group interview, Silwan resident, Jerusalem, September 2010. Moreover some of Elad's archaeological excavations are allegedly done in secrecy, not allowing people to enter and monitor. Crisis Group interview, Silwan resident, Jerusalem, September 2010.

<sup>134</sup> In early October 2011, Eilat Mazar – a Hebrew University archaeologist who has conducted extensive work at the City of David site in cooperation with both Elad and the Israeli Antiquities Authority – claimed that neither body evinces "any commitment to scientific archaeological work" and that a certain excavation at the site was "nothing more than a 'tourist gimmick'". *Haaretz*, 11 October 2011. Mazar's charges carry particular weight since she is one of the lead archeologists at the site. A lawyer for Elad claimed her critique was "an attempt to stop legitimate and vital work being carried out by our client,

**Education.** Key to consolidating territorial gains on a national scale is the educational component of these activities. An official in the strategic affairs ministry argued, “this is the cradle of our civilisation and our children need to know this, especially at a time when Arabs call us ‘colonialists’, deny our historical presence here and deny the veracity of basic truths like the existence of the [First and Second] Temples. We need a platform for showing Israelis and non-Israelis that these things are true”.<sup>135</sup> Education Minister Gideon Saar recently launched a 15 million NIS (\$3.8 million) program to bring every Israeli pupil to Jerusalem at least three times during his or her education.<sup>136</sup> These educational projects are part of a political agenda, an Israeli pollster and critic of such activities argued:

Once news stories about Silwan are routinely presented with its Hebrew name “Ir David“, and once Ir David becomes associated with normal things like school visits rather than with terror attacks, Israelis will be much more likely to see the area as part of their “Yerushalayim“. In this sense, the programs of the education ministry are making the already difficult exercise of finding a creative solution to the conflict much harder.<sup>137</sup>

Educational tours, according to some, for the most part emphasise Jewish connections to the site while ignoring those of Muslims and Arabs.<sup>138</sup> A Knesset member explained that “Zionist education, which emphasises the importance of the Historical Basin to Jews and to Israel, is crucial for our struggle against the Palestinians. Tourism is a particularly powerful tool to prove justice is on our side“.<sup>139</sup>

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for reasons of ego and credit only, camouflaged as pseudo-professional complaints”. Ibid.

<sup>135</sup> Crisis Group interview, Jerusalem, December 2010.

<sup>136</sup> Efrat Zemer, “Saar on Increase of Visits to Jerusalem: Education for Values”, *Maariv*, 27 October 2009. Teachers of fifth grade pupils are presented with three tour options, one focusing on King David (ie, the City of David and Mount Zion). “Na’aleh LeYerushalayim”, education ministry, 2009 (meyda.education.gov.il/files/noar/nalejerusalem.pdf). In 2011, almost 60,000 students visited the City of David, out of a total of 550,000 who visited Jerusalem. *Maariv*, 29 August 2012.

<sup>137</sup> Crisis Group interview, Israeli pollster, Jerusalem, December 2010.

<sup>138</sup> Crisis Group interview, Israeli school teacher who attended an Elad City of David tour, Jerusalem, December 2010. That said, there have been some changes. An activist with Emek Shaveh, an Israeli non-profit group of archaeologists and community activists, said, “Elad at first had a timeline that ignored Christian and Muslim history, as if the Maccabees were immediately followed by the Zionists, but our public criticism brought them to their senses”. Crisis Group interview, Jerusalem, July 2012.

<sup>139</sup> Crisis Group interview, Kadima Knesset member, Jerusalem, December 2010.

### III. TEMPLE MOUNT ACTIVISM

At the heart of the city lies what Jews know as the Temple Mount (“Har Habayit”). For years, Israel followed what it called a “status quo“ policy on the plateau,<sup>140</sup> limiting its activities and Jewish worship in deference to Arab and Muslim sensitivities, and negotiating day-to-day management variously with Jordan, Egypt, the PA and Turkey.<sup>141</sup> Today, this policy faces new pressures that are less a product of government decision than of the increasingly religious flavour of the conflict, particularly in Jerusalem,<sup>142</sup> and of theological developments that are straining the fragile modus vivendi atop the plateau as never before.

Repairs on the Esplanade (supervised by the Jordanian-controlled Waqf)<sup>143</sup> and the surrounding area (supervised by Israel) have been a recurrent source of tension. Israel by and large has exercised restraint. After the ramp leading

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<sup>140</sup> Immediately following its occupation of East Jerusalem in 1967, Israel, fearful of angering the international community and especially the Islamic world, agreed that administrative control of the Holy Esplanade would remain unchanged (with the exception of the Mughrabi Gate, through which non-Muslims enter the plateau, to which Israel now holds the key and which it partially manages). Jordan exploited this opening to try to maintain its influence as the self-professed “custodian” of the site and more generally among Jerusalem’s elites. The Supreme Muslim Council – which had existed during the British Mandate – re-established itself after the war as a political address for Jerusalemites, along with the Higher Committee for National Guidance. Israel deported officials serving on these bodies, after which a re-constituted Muslim Council adopted a more conciliatory approach.

<sup>141</sup> The 1994 Israel-Jordan peace treaty accorded the Hashemite Kingdom a special role in managing the site. As the Oslo process advanced, the PA took on certain responsibilities, though its relationship with Jordan was strained. A Jordanian official commented, “In the end the PA can’t do any real work in Jerusalem because of the occupation. [Yasser] Arafat appointed his own mufti, but he had no real impact. It was a political game. Arafat liked playing one side against the other, so when he wanted to poke at Amman, he appointed an Egypt-trained mufti. Abu Mazen [President Mahmoud Abbas] doesn’t play that game with us. He knows that Jordan is his biggest supporter and that Jordan’s efforts in Jerusalem are in the Palestinian interest”. Crisis Group interview, Amman, July 2012.

<sup>142</sup> A leading authority on Jerusalem said that there has not been a change in government policy, but “there has been decay in decisionmaking. In the past there was a clear address. Now, decisions are made by the commander in a police station, at the operational level. We used to have the finest minds in the country deciding such things”. Crisis Group interview, Jerusalem, August 2012.

<sup>143</sup> Waqf (pl. Awqaf) is a religious endowment, a trust that manages assets for charitable or religious purposes. The Jerusalem Waqf refers to the Amman-controlled body that does so on the Holy Esplanade as well as on nearby properties.



to the Mughrabi Gate – the only entrance for non-Muslims – partially collapsed in 2004, the government formulated a plan to build a substantially longer ramp to replace it. The proposed change to a longstanding reality – as opposed to repairing the ramp as it originally stood – provoked protests from Palestinians, the Muslim world, the international community, and Israel leftists – a Jewish expert on the city called it “the product of a megalomaniac vision”<sup>144</sup> – prompting the government to put it on hold.

Today, the temporary structure built in 2007 is still in place, despite populist calls to move forward with the expansive renovation<sup>145</sup> and the Jerusalem city engineer’s order to demolish the temporary structure. This largely is due to pressure from Jordan and Egypt, which foresaw dangerous domestic ramifications should the work go ahead,<sup>146</sup> as well as to warnings from the Israeli Security Agency, to which even senior ministers defer when it comes to policy on the Esplanade.<sup>147</sup> The Ministerial Committee on the Temple Mount, which in theory plays a key role regarding the plateau, is known to be reluctant to challenge security officials on such matters.<sup>148</sup>

The same cautious approach has been manifest in the Israeli government’s response to the Waqf’s renovation project at the Dome of the Rock. This involves erection of massive scaffolding and construction equipment apparently

sitting directly atop the very rock that, according to Jewish tradition, is the “foundation stone” from which the world was created and on which Abraham bound Isaac, and from which, according to Muslim tradition, Muhammad ascended to heaven.<sup>149</sup> This prompted the Temple Mount Faithful (a political movement founded to promote the establishment of a Third Temple on the Esplanade) to petition the Supreme Court to clarify whether Israel’s Antiquities Law – which requires government supervision of such works – applies to the Holy Esplanade. Attorney General Yehuda Weinstein declared on 17 July 2012 that it did, but he added that – due to the site’s special nature – the government should apply Israeli law pragmatically and with “extra sensitivity”.<sup>150</sup> The police, for their part, have downplayed the event, saying, in effect, that reality is not as bad as pictures suggest.<sup>151</sup>

However, the importance of these developments pales in comparison to shifting attitudes of national religious Jews and their rabbinic and political leadership toward Jewish prayer on the Temple Mount. Over the past decade, increasing numbers are ascending to the Esplanade to pray, a religious development that could have profound political effects. For centuries, Jewish rabbinical authorities have forbidden entry to the Temple Mount since, according to Jewish law, the spiritually unclean – which includes all Jews today insofar as ritual purification requires sacrifice of a red heifer, now extinct – are prohibited from access to the site. In addition, the Temple’s precise dimensions have been lost, and with them the exact location of the Holy of Holies, access to which is strictly forbidden to all but the high priest on the annual Day of Atonement.<sup>152</sup> This view was affirmed by Israel’s leading rabbis in August 1967, two months after Israel’s conquest of the Old City.<sup>153</sup>

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<sup>144</sup> Crisis Group interview, Jerusalem, August 2012.

<sup>145</sup> “MK Danon: Open the Temple Mount to Jews”, *Arutz 7*, 12 December 2011.

<sup>146</sup> Crisis Group interview, Jerusalem expert, Jerusalem, 2 August 2012. Quiet discussion between Israel and Jordan did not yield an agreement about the ramp, leading Jordan to request that UNESCO send an envoy to supervise Israel’s action on the Esplanade. *Haaretz*, 17 October 2012. Jordan also occasionally protests Israeli moves in other Jerusalem locations, particularly the Mount of Olives, such as the government’s plan to develop the Seven Arches Hotel (*Haaretz*, 16 December 2010) and to build a military academy there (Petra News Agency, 1 November 2012).

<sup>147</sup> “The orders come from the top. The current prime minister is particularly apprehensive because he has the experience of the [1996 opening of the] tunnels in the back of his mind”. Crisis Group interview, Rabbi Yehuda Glick chairman of the Temple Heritage Fund, Jerusalem, 17 July 2012. In 1996, during Prime Minister Netanyahu’s first term, Israel opened the northern end of the Western Wall tunnels, located under the Muslim Quarter, leading to violent clashes with Palestinians who believed that it was tunnelling under the Holy Esplanade and thereby threatening the foundations of the Al-Aqsa Mosque. Over 70 Palestinians and fifteen Israelis were killed in what became known as the “Tunnel Intifada”. In 2012, the Temple Mount was closed to Jews on the Tisha Be’ Av (the ninth day of the Hebrew month of Av, when Jews mark the destruction of the Temples), because the security services were in possession of intelligence suggesting provocations were being planned by both Jews and Arabs. Jewish Telegraphic Authority, 29 July 2012.

<sup>148</sup> Crisis Group interview, Knesset adviser, Jerusalem, July 2012.

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<sup>149</sup> For pictures of the work, see “Shualim Hilchu Vo” [“Jackals Prowl Upon It” (Lamentations 5:18)], *Shvii*, 11 July 2012, pp. 8-12.

<sup>150</sup> Melanie Lidman, “A-G: Israeli Law is applicable on Temple Mount”. *Jerusalem Post*, 17 July 2012. Some nevertheless took his statement as an assertion of Israeli sovereignty, stirring anger among a number of Arabs and Muslims. “Islamic official: Al Aqsa belongs to Muslims, not Israel”, *Maan*, 17 July 2012. The Israeli Supreme Court rejected an emergency suit about the matter. *Arutz Sheva*, 28 August 2012.

<sup>151</sup> Rivki Goldfinger, “Petition to Supreme Court: Stop the Works on the Foundation Stone”, *Besheva*, 12 July 12, p. 15.

<sup>152</sup> Entry of non-Muslims to the Esplanade under Ottoman rule was forbidden until the middle of the nineteenth century. Jewish rabbis in Jerusalem reacted to the change by forbidding ascent. Crisis Group interview, national-religious rabbi, Jerusalem, December 2010.

<sup>153</sup> Since 1967, Israel’s chief rabbinate has argued consistently that the sanctity of the Temple Mount precludes entry and that Jews should pray at the Western Wall. *Ibid.* Two former chief rabbis of Israel, Shlomo Goren and Mordechai Eliyahu, deviated from the majority ruling, albeit solely in their private capaci-

In recent years, the rabbinical consensus has begun to unravel. What once was deemed clearly forbidden by all but a small fringe is now hotly debated, with most national-religious rabbis arguing that, within bounds, Jews can and should ascend to the Holy Esplanade.<sup>154</sup>

The key development occurred in 1996, when the Yesha Rabbis' Council – an association of West Bank-based national-religious rabbis established in 1990 to provide spiritual support to settlers during the first intifada – ruled that accessing the Temple Mount's periphery is not only permitted but desirable.<sup>155</sup> The ruling was issued by a small but significant group including Rabbi Dov Lior of Kiryat Arba, one of the country's most influential national-religious authorities; Rabbi Haim Druckman, another top figure, signed onto the ruling in 2007 and, today, some 300 mainstream national-religious rabbis explicitly support ascension to the periphery.<sup>156</sup> Coming during the period of the Oslo accords, the ruling was designed to counter “the facts the Arabs are establishing on the ground” and thwart Palestinian control,<sup>157</sup> the visit of Ariel Sharon (then opposition leader) in September 2000, which helped ignite

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ties, arguing it is permissible to ascend to the Temple Mount's periphery as it is a later addition, built by King Herod when he expanded the Second Temple, and therefore cannot be the site of the Holy of Holies. Motti Inbari, *Jewish Fundamentalism and the Temple Mount* (Albany, 2009) pp. 23-24.

<sup>154</sup> Crisis Group interview, national-religious rabbi, Jerusalem, December 2010. A minister and national-religious political leader asserted, “Today the halachic [Jewish legal] disagreement has changed. [For many] it is no longer about whether one can ascend or not, but rather about where on the top of the plateau one can be. The classical approach is to be stricter and rule that no entry to the Temple Mount at all is allowed. The other approach goes courageously against the wind”. Crisis Group interview, Rabbi Daniel Hershkowitz, science and technology minister and chairperson of Jewish Home Party, Jerusalem, 22 March 2011.

<sup>155</sup> The Yesha Rabbis' Council accepted Rabbi Goren's ruling allowing ascent to the Mount's later additions. Inbari, *Jewish Fundamentalism and the Temple Mount*, op. cit., p. 25.

<sup>156</sup> The Temple Institute maintains a website list of prominent national religious rabbis who endorse ascension. See [www.temple.org.il/har.asp?id=31706](http://www.temple.org.il/har.asp?id=31706). They include chief rabbis of cities and the majority of rabbis leading *yeshivot hesder* (yeshiva programs that combine religious studies with military service). Crisis Group interview, Rabbi Yehuda Glick, chairman of the Temple Heritage Fund, Jerusalem, July 2012. Many of these rabbis are state officials. Crisis Group phone interview, Dr Menachem Klein, expert on religion and politics in Israel, 15 October 2012.

<sup>157</sup> Inbari, *Jewish Fundamentalism and the Temple Mount*, op. cit., p. 25. A veteran Temple Mount activist commented that the 1996 ruling was guided by fear that Israel's own leaders, often secular, would misinterpret the absence of Jewish worship as an indication that compromise over the site's sovereignty was possible. Crisis Group interview, Jerusalem, May 2012.

the second (or “Al-Aqsa”) intifada, can be seen in the same light.<sup>158</sup>

The rabbinic ruling essentially was rendered moot when the Israeli government barred non-Muslims from the plateau at the outbreak of the second intifada for safety reasons. In late 2003, however, after Sharon was re-elected prime minister (he had been first elected in 2001), access was restored and the number of visiting Jews rose dramatically. From virtually none in the late 1980s,<sup>159</sup> today the monthly average stands roughly at 1,000.<sup>160</sup>

This number represents only a small percentage of the religious public and ascension still is fiercely resisted by nearly all ultra-orthodox rabbis, including the state's most senior formal rabbinical authorities.<sup>161</sup> Their hegemony, however, is being eroded. They are being forced to defend their positions publicly, the Temple Mount activists have

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<sup>158</sup> Sharon wrote of his visit: “[I]n order to achieve true conciliation, the Palestinians must recognise the historical right of the Jews to their capital, and particularly to the Temple Mount. Freedom of access and religious worship would never be denied to Americans, Europeans, or Arabs in their own respective capitals and countries. It should never be denied to Jews in their one, eternal capital”. Ariel Sharon, “Jewish Rights on the Temple Mount”, *The Jerusalem Post*, 3 October 2000.

<sup>159</sup> In 1987 and 1988, probably fewer than 30 religious Jews ascended to the Temple Mount. Crisis Group interview, Rabbi Yehuda Glick, chairman of the Temple Heritage Fund, Jerusalem, July 2012.

<sup>160</sup> The police report some 9,000 Jews visited during 2011, compared with 370,000 tourists. 1,119 Jews visited during January 2012. Cited in Arnon Segal, *Makor Rishon*, 16 December 2012. A prominent Temple Mount activist argued the police data also shows 12,000 entries a year by religious Jews (the figure accounts for total visits, not the number of individuals) and that data held by Temple activists shows that 10,000 Israeli religious Jews have ascended at least once. Crisis Group interview, Rabbi Yehuda Glick chairman of the Temple Heritage Fund, Jerusalem, 17 July 2012. Activists estimate that entries will total 15,000 for 2012. “Temple Mount Faithful: From the fringes to the mainstream”, *Haaretz*, 4 October 2012.

<sup>161</sup> These include Chief Rabbis Shlomo Amar and Yona Metzger; the late Rabbi Yosef Elyashiv (the spiritual leader of the Askenaz Haredi) and Rabbi Ovadia Yosef (the spiritual leader of Shas). National religious opposition to ascension is led by Rabbi Zvi Tau, president of Har Hamor Yeshiva; Rabbi Shlomo Aviner, who founded the Ateret Cohanim Yeshiva; and Rabbi Avraham Shapiro of the Mercaz HaRav Yeshiva. These rabbis hold most of Israel's formal rabbinical posts, but their position is under attack. Around Jerusalem in the weeks preceding Passover 2011, their supporters – apparently for the first time on such a scale – felt it necessary to sponsor billboards across the city, bearing the signatures of prominent ultra-orthodox and national-religious rabbis, urging Jews not to ascend and reminding them that it was forbidden. Prohibition on entry is no longer the default. Crisis Group observations, Jerusalem. April 2011.



mounted a broad public outreach campaign;<sup>162</sup> and the ranks of national-religious political parties that endorse worship on the plateau are growing.<sup>163</sup>

So are tensions. On 2 October 2012, during the Jewish holiday of Sukkot, eight Temple Mount activists were detained on the Esplanade for provocative activities, including Likud's Moshe Feiglin – the leader of Manhigut Yehudit [Jewish Leadership], a faction of that party that promotes a fundamentalist, theocratic Israel – who prostrated himself in prayer. Twenty Muslims were arrested that same week, during the holiday, for allegedly planning attacks on Jews entering the compound.<sup>164</sup> The brewing clash finally erupted on 5 October when Palestinians worshipping at the Al-Aqsa Mosque hurled stones at Israeli security forces prepositioned at Mughrabi Gate in case Jewish worshippers at the Western Wall – numbering tens of thousands because of the holiday – came under attack. Palestinians on the Esplanade mistakenly believed that the police had gathered to forcibly escort Jewish worshippers into the compound.<sup>165</sup>

The Israeli government is caught between the Dome of the Rock and a hard place. Courts have recognised the right of Jews to pray on the Esplanade but also have given the security establishment leeway to manage the exercise of that right<sup>166</sup> in the interest of maintaining calm.<sup>167</sup> Political

leaders, no less concerned than the courts, have rebuffed legislative initiatives aimed at facilitating Jewish prayer.<sup>168</sup> Still, the government is facing substantial political pressure and the status quo is slowly evolving, with greater access for religious Jews than previously. Waqf officials state that visits by religious Jews are more frequent and that larger numbers are permitted to enter at once.<sup>169</sup> In 2012, the government for the first time approved access for Jews to the Temple Mount during Ramadan (on Tisha B'Av, the day commemorating the destruction of the First and Second Temples), though permission was rescinded at the last minute when the security services reported that both sides had planned provocations.<sup>170</sup> Since 2011, the

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three key Jewish festivals (Passover, Shavuot and Sukkot); to lay the corner stone of a Third Temple; and to place Hebrew signs and distribute brochures on the Esplanade. Fearing these sorts of activities could precipitate violence, the police limits Jewish worship even when it does not seem to pose a concrete danger to life and forbids ascension of Temple activists who they claim were responsible for such “provocations”. Since late 2010 the number of banned activists has increased: in June 2012 some twenty individuals were forbidden to ascend though the number fluctuates. Amihai Rubin, ‘Incredible: Rabbi Israel Ariel indefinitely distanced from the Temple Mount’, *Srugim*, 21 June 2012; Shlomo Pioterkovsky, ‘Rabbi Ariel allowed to return to the Temple Mount’, *Besheva*, 20 September 2012. Temple activists argue they were banned because of their ideas, not any particular action. Crisis Group interview, Rabbi Yehuda Glick chairman of the Temple Heritage Fund, Jerusalem, 17 July 2012. Asked about the likelihood of Palestinian violence breaking out on the esplanade, a former Israeli Security Agency official replied, “Why are you asking what the Palestinians will do there? You should be asking me about Jews. Palestinians didn't try to blow up the Dome of the Rock; Jews did. And they could try to do it again”. Crisis Group interview, Jerusalem, October 2010. He noted that there have been some two dozen attempts by Jewish messianic groups to blow up the Dome of the Rock.

<sup>168</sup> Knesset member Arie'el Eldad (National Union) drafted a bill that would mandate separate times for Jewish and Muslim prayer on the Esplanade. *The Jerusalem Post*, 12 August 2012. Knesset member Zevulun Orlev (Jewish Home) proposed a Basic Law (the Israeli equivalent of a constitutional amendment) to protect a future Third Temple from legal or other challenges. *The Times of Israel*, 20 July 2012.

<sup>169</sup> A Waqf official commented, “We can see where this is heading. Israel is going to do to the Haram what they did to the Ibrahim Mosque in Hebron: first it's just visits, then it's taking over the site completely and imposing their rules”. Crisis Group interview, Jerusalem, September 2012. A Jordanian diplomat argued “the entry of radical settlers” is today “the main problem in terms of the Haram's management”. Crisis Group interview, Ahmed Abbad, ambassador to the PA, May 2011.

<sup>170</sup> *Ynet*, 27 July 2012.

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<sup>162</sup> Volunteers conduct educational activities about the Temple in schools and with youth movements. Some 50,000-60,000 people participate in such activities every year. Crisis Group interview, David Schwartz, Temple Mount Institute executive director, Jerusalem, July 2012. He added “We need to reach people's hearts. The Temple is not a matter for extremists. It is for all Jews”.

<sup>163</sup> Virtually all national-religious Knesset members advocate increased freedom of worship for Jews on the Esplanade, as do groups within the Likud. Most national-religious Knesset members ascend to the plateau's periphery. Crisis Group interview, national-religious Knesset adviser, Jerusalem, February 2011.

<sup>164</sup> *Haaretz*, 4 October 2012.

<sup>165</sup> *Al-Ayyam*, 6 October 2012.

<sup>166</sup> That said, twice a year, a small, select group of Temple Mount activists (some 70 people) is allowed to pray in a small room in the forward section of the Israeli police building that protrudes into the Esplanade. Through the iron bars worshippers can catch a glimpse of the golden dome (under which stands what they believe is the Foundation Stone) and pray while facing it. [thetemple.blogspot.co.il/2012/09/blog-post\\_3066.html](http://thetemple.blogspot.co.il/2012/09/blog-post_3066.html).

<sup>167</sup> In 2006, the Israeli Supreme Court decided that “Jewish prayer should not be prevented unless there is concrete information about actual danger to life” or the security of worshippers. *Haaretz*, 4 October 2012. Today, like other non-Muslim tourists, Jews are allowed to enter the Esplanade but forbidden from publicly worshipping there – and therefore are precluded from carrying a bible or even moving their lips in prayer. Activists repeatedly have tried – so far without success due to police intervention – to sacrifice a lamb on the plateau on the

Temple Mount has been an option for school children on their mandatory visits to Jerusalem.<sup>171</sup>

Heightened controversy over the site undoubtedly will further complicate efforts at finding a solution to what arguably already is the most contested final status issue. A Temple Mount expert said, “the number of Jews who actually ascend to the Esplanade is not the most important thing. Some still will not do so for fear of the halachic consequences. But more and more Jews are strongly supporting the rights of those who do ascend”.<sup>172</sup> A former Israeli negotiator noted that the Camp David negotiations failed to resolve disposition of the site when Temple Mount activists were less mobilised, and it was less prominent in national-religious consciousness. The possibilities entertained then – such as a vertical division of sovereignty in which the Palestinian state would control the Esplanade and Israel the area below it – “would now be a harder sell”.<sup>173</sup> The few national-religious figures who support a two-state solution and whose support would be key to achieving one demand that any agreement provide for a Jewish presence on the Temple Mount. Then-Kadima Knesset member Otniel Shneller said:

There will not be peace without a place for Jewish worship on the Temple Mount. So far people have been afraid to say this because of the international considerations. But [Jewish] prayer at the Temple Mount does not harm the Palestinians. What's the problem affirming the historical Jewish link to the site and agreeing to Jews' worshipping there? It's necessary for peace.<sup>174</sup>

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<sup>171</sup> In 2011, students visited the Temple Mount for the first time. “More than 30,000 students for the first time tour the Temple Mount”, *Maariv*, 29 August 2012. This provoked a backlash among some in the ultra-orthodox community. “Students and teachers need to refuse to participate”, said an activist. “This isn't a heritage program but a defilement program” *Maariv*, 30 August 2012.

<sup>172</sup> Crisis Group telephone interview, Dr Motti Inbari, 29 June 2010.

<sup>173</sup> Crisis Group interview, former Israeli negotiator, Jerusalem, September 2010.

<sup>174</sup> Crisis Group interview, Jerusalem, October 2010. During the Camp David talks in 2000 the possibility of establishing a location for Jewish worship on the plateau was raised. The Palestinian reaction was immediate – and furious. It was not raised again. Jeremy Pressman, “Visions in Collision: What Happened at Camp David and Taba?” *International Security*, vol. 28, no. 2 (Fall 2003), p. 19; and Akram Haniya, “Camp David Papers”, August 2000, pp. 41, 83. [www.miftah.org/Display.cfm?DocId=23163&CategoryId=8](http://www.miftah.org/Display.cfm?DocId=23163&CategoryId=8). The current National Security Council head published a critique of the Geneva Accords (an unofficial agreement by prominent Israeli and Palestinian figures) that characterised awarding sovereignty over the Temple Mount to the Palestinians as its primary disadvantage. He argued that this represented “the most extreme version of giving up on any histor-

#### IV. TERRITORIAL CHANGES AND THE CONCEPT OF VIABILITY

East Jerusalem no longer is what it was in 1967. More significantly, perhaps, it is not what it was in 2000, when, for the first time, the fate of Jerusalem was negotiated by Israeli and Palestinian officials. In the twelve years since, the city has seen both tangible and intangible changes. These have sown doubts in many quarters as to whether the egg that is Jerusalem can still be unscrambled according to the principles first explored at Camp David: dividing the city along ethnic lines, with a special regime for the holy places

As seen, territorial changes indeed have been significant. But they have not (yet) been radical enough to prevent determined mapmakers from delineating a line separating the two populations or, arguably (though this is more controversial), determined policymakers from implementing such a division. This is largely because – with some significant exceptions that could have outsized consequences – much of the construction has been in previously built up areas.<sup>175</sup>

As for the territorial alterations: Outside the municipal boundaries, the lands that fall under the control of Maale Adumim and Efrat have expanded and been partially developed, further complicating the continuity of a putative Palestinian state. This does not yet include residential construction in the E-1 corridor, which many consider would be a fatal blow to the two-state solution. Yet, even before the approval of 3,000 new units in East Jerusalem and the West Bank and particularly the resumption of E-1 planning in the wake of the General Assembly's upgrade of Palestine's status, there already was plenty of reason for concern: much of the infrastructure had been completed, such as roads, sewerage, electricity and parking lots, in addition to a police station. The country's leaders make no bones about their intention to ultimately build on the site and are moving ahead rapidly in spite of uncommonly strong international condemnation. It is unclear whether continuing pressure can yet halt the process and if so for how long.

Within Jerusalem, the number of Jews living in core Arab neighbourhoods has almost doubled, to 2,200,<sup>176</sup> all of whom probably would have to be evacuated in the event

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ic claim to Eretz Israel”. General (res.) Yaacov Amidror, “Geneva Accords: The True Meaning”, Jerusalem Center for Public Affairs”, December 2003.

<sup>175</sup> Crisis Group interviews, Israeli and Palestinian participants in the Geneva Initiative, Jerusalem and Ramallah, May-August 2011.

<sup>176</sup> This includes some 600 yeshiva students, who are temporary residents.

of an agreement. Gilo has crept beyond its former boundaries and Ramat Shlomo has further encroached into the lands of Shuafat, thereby “welding” together the two communities and complicating the delineation of a border between them.<sup>177</sup> The new settlement of Givat HaMatos,<sup>178</sup> approval of which has been fast-tracked, within eighteen months could render the Arab neighbourhoods of Beit Safafa and Sharafat an isolated enclave.<sup>179</sup> Nearby Har Homa was barely three years old in 2000; today Israelis consider its permanence, and that of its 20,000 residents, to be a foregone conclusion.<sup>180</sup> The settlement has continued to expand eastward, sundering the urban continuum between Bethlehem and Jerusalem and forcing Palestinians travelling north to south in a putative new state to abandon the traditional road that used to link the Arab cities and instead detour into the desert to the east. An Israeli expert on Jerusalem and former negotiator said:

Har Homa will stay in its entirety. An Israeli Prime Minister cannot be expected to sell the evacuation of more than 100,000 settlers and evacuating Har Homa would push the total number over this amount. The Palestinians will accept Har Homa, and if they don't, there will not be an agreement.<sup>181</sup>

Palestinians consistently have demanded the evacuation of Har Homa since its establishment;<sup>182</sup> its expansion would be particularly difficult for them to swallow. “Building there is like sticking our finger in their eye”, said a former Israeli negotiator.<sup>183</sup> A similarly obstructive proposal has been advanced for the northern part of Jerusalem: building an ultraorthodox settlement at Atarot, just on the Jerusalem side of the Qalandiya checkpoint. Were it someday to be considered and approved, it would further rupture

the traditional Jerusalem-Ramallah linkage, already sharply impacted by the Separation Barrier.

Beyond settlement building, other developments may affect the shape of the Jerusalem municipality. Mayor Nir Barkat has moved to excise Arab neighbourhoods on the east side of the Separation Barrier while consolidating control over those on the west side.<sup>184</sup> When criticised by right-wing Knesset members and municipal councillors<sup>185</sup> for whom Jerusalem's present borders are inviolable, he repackaged his initiative as a strictly administrative adjustment whereby – pending a final political agreement – the military's Civil Administration would replace the municipality in providing services to the neighbourhoods in question beyond the Separation Barrier.<sup>186</sup> Opponents

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<sup>184</sup> Yakir Segev, Jerusalem city councillor from Barkat's municipal list who then held the East Jerusalem Portfolio, said, “the State of Israel has given up.... [The neighbourhoods] are outside the jurisdiction of the state, and certainly the municipality. For all practical purposes, they are Ramallah.... Outside the half delusional right wing camp, I don't know anyone who wants to enforce Israeli sovereignty over this area [beyond the Barrier]”, *Haaretz*, 1 August 2010. Likewise, a Jerusalem municipal councillor said, “why should we invest in these areas [beyond the Barrier]? In the end they will not be part of Israel”. Crisis Group interview, March 2012.

<sup>185</sup> Some ministers privately supported the idea, but electoral considerations precluded public endorsement of dividing what many Israelis consider their eternal, united capital. Redrawing the city's boundaries would require significant political capital, which could only be marshaled in the context of a broad political agreement; any changes to the municipal boundaries would need to be made in accordance with the 2010 Referendum Law, which requires approval either by a two-thirds majority in the Knesset or by a popular referendum. Crisis Group interview, Likud Knesset members, Jerusalem, August 2012. For details on the Referendum Law, see “Knesset mandates referendum to withdraw from annexed land”, *Haaretz*, 23 November 2010.

<sup>186</sup> When Mayor Barkat backtracked, he called to limit municipal service provision to the Israel side of the Barrier, thus de-facto transferring those parts of Jerusalem that lie on its east side to the responsibility of the Civil Administration while taking on responsibility for areas, even outside the municipal boundaries, that lie west of the Barrier. “Barkat: ‘Give up on all areas outside of the fence’”, *Maariv*, 13 December 2011. While many – in both Israel and the international community – saw his proposal as an attempt to change the demographic balance in the city, for Barkat it was no less about consolidating service provision to what he believes should be Israeli Jerusalem. An Israeli analyst commented: “Barkat's agenda is at base municipal. He wants a united Jerusalem, minus the Arab neighbourhoods, with a high standard of living. He's using all the tools at his disposal to achieve that. These include limiting municipal service provision beyond the fence, which makes sense given that the municipality can barely operate there; increasing the municipal budget and support from the national government; cooperating with national religious political groups so that he can ensure the ultra-orthodox do not win the next election; drawing in more

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<sup>177</sup> Terrestrial Jerusalem, “East Jerusalem Settlements and the Imminent Demise of the Two-State Solution”, January 2012, [www.t-j.org.il/Portals/26/images/Imminentdemise\\_MR.pdf](http://www.t-j.org.il/Portals/26/images/Imminentdemise_MR.pdf).

<sup>178</sup> Givat HaMatos is slated to include some 2,600 residential units for Jews and 1,400 for Arabs. “New Jerusalem neighborhood beyond Green Line set to win approval”, *Ynet*, 24 October 2011.

<sup>179</sup> “East Jerusalem Settlements and the Imminent Demise of the Two-State Solution”, Terrestrial Jerusalem, January 2012, [www.t-j.org.il/Portals/26/images/Imminentdemise\\_MR.pdf](http://www.t-j.org.il/Portals/26/images/Imminentdemise_MR.pdf).

<sup>180</sup> An Israeli Jerusalem expert and participant in the Geneva Initiative – which promotes the Geneva Accords – said that while the agreement provided for the evacuation of Har Homa, today within the Initiative “we talk about Har Homa as staying [in Israel]. It is lost”. Crisis Group interview, Jerusalem, October 2012.

<sup>181</sup> Crisis Group interview, Jerusalem, October 2012.

<sup>182</sup> Clayton Swisher, *The Truth About Camp David: The Untold Story About the Collapse of the Middle East Peace Process* (New York, 2004), pp. 139-140.

<sup>183</sup> Crisis Group interview, Jerusalem, October 2012.

on the Right who protested the move did so because they believe it portends the division of the city; critics on the Left saw it as the first step toward unilateral partition on terms dictated by Israel. The plan still awaits government approval.

Whether all this means that a sustainable solution no longer is in the cards is a matter of some debate. The question of viability is not an exact science: what is built today potentially could be evacuated in the future should the political climate shift. Under this view, the problem is lack of political will rather than the number of residential units. What is not in doubt is that the greater the rate of growth of settlements the greater the political cost to Israel of dividing the city and thus the less likely it will occur – or the less likely it could occur on a basis acceptable to Palestinians. Even in 2000, Israeli and Palestinian negotiators could not find common ground on Jerusalem, so increasing the costs Israel would have to pay, many argue, could put a solution permanently out of reach.<sup>187</sup>

Indeed, even among those who believe that partition remains possible, there is concern that this is unlikely to remain so for long. E-1 is the most prominent but not the only threat. Also detrimental would be construction of the southern continuum of settlements. “We are at two minutes to midnight”, said Attorney Danny Seidemann, a leading expert on the city. “If Israel keeps building at the rate that it is today, the clock will soon strike twelve”. He called the E-1 plan a “heart attack for the two-state solution” and its southern iteration “a fatal clogging of the arteries”.<sup>188</sup>

Settlement expansion in Jerusalem will be all the more difficult to deal with at the negotiating table if, as Palestinian negotiators now assert, land swaps must be not only equal across the board but also within Jerusalem itself: for every square kilometre desired by Israel in East Jerusalem, they stated during the 2007-2008 Annapolis talks, they will insist upon a sq km in Jerusalem west of the Green Line, something to which it is very difficult imagining Israel acquiescing.<sup>189</sup>

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tourists; fostering jobs and academic institutes in Jerusalem to reverse the trend of elites leaving to Tel Aviv, etc. Excising the Arab neighbourhoods is about demographics, but it's also about more prosaic municipal concerns: doing so will allow him to focus on what he sees as municipal priorities”. Crisis Group interview, Jerusalem, October 2012.

<sup>187</sup> Crisis Group interview, Jerusalem, August 2012.

<sup>188</sup> Crisis Group interview, Jerusalem, August 2012. For a comprehensive set of maps illustrating Seidemann's assertion, see “East Jerusalem Settlements and the Imminent Demise of the Two-State Solution”, [www.t-j.org.il/Portals/26/images/Imminent demise\\_MR.pdf](http://www.t-j.org.il/Portals/26/images/Imminent%20demise_MR.pdf).

<sup>189</sup> “All areas should be equal; in other words, all areas included in the swap should be in the same area (that is, land in Jerusalem

## V. CONCLUSION: CAN THE EGG BE UNSCRAMBLED?

What this means is that, for those committed to a two-state solution as traditionally envisaged, it is imperative to stop the clock. If the international community, and especially the U.S., is serious about partitioning the city, it will have to spend political capital now to maintain this as a viable outcome. In the past, the Israeli government on occasion has responded to judicious regional and wider international pressure – in practice if not in its public pronouncements. The stoppage of work on E-1 and the Mughrabi Gate, the sharp reduction in home demolitions,<sup>190</sup> and the seven-month settlement moratorium in Jerusalem all came about as a result of external intervention.

The most important priorities today are preventing any further development of E-1 and along the city's southern rim, in addition to halting settlements – including their associated archaeological and tourist projects – in Arab neighbourhoods that have become tense garrison communities, with explosive potential.<sup>191</sup> The U.S. of course has the most

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for land in Jerusalem)”. “Meeting Minutes: Borders with Erekat, Qurei and Livni”, 4 May 2008. According to these minutes, Ahmed Qurei said, “If annexation was in [the] Jerusalem area then [the] swap will take place in [the] Jerusalem area”. Samih al-Abd then added, “I do not wish to have land in the Dunhiyyeh desert area for land in Jerusalem, for example”. [transparency.aljazeera.net/en/projects/the-palestinepapers/20121823285937752.html](http://transparency.aljazeera.net/en/projects/the-palestinepapers/20121823285937752.html). An Israeli negotiator offered his take on the conversation: “They told us the swaps have to happen in a way that exchanges a piece of land for an equal one in a nearby area. The example they gave us for this was Jerusalem, but the principle holds across the board from their perspective. They said this is necessary for explaining the swaps to their public. They had maps to show how this would be done. They didn't include the land they want to the west of the [Green] line but they did indicate which settlements could stay”. Crisis Group interview, Jerusalem, October 2012. Whether this was a mere negotiating posture or a firm stance remains to be seen.

<sup>190</sup> Since U.S. Secretary of State Hillary Clinton's March 2009 visit to Jerusalem, the number of home demolitions has decreased markedly. At a meeting with Jerusalem Mayor Nir Barkat, she demanded that they stop, but shortly after leaving his office, she received a phone call from a Jerusalem city councillor informing her that a demolition was about to proceed. She immediately returned to Barkat's office and pointedly reiterated her message. A prominent Israeli figure who followed this process said, “don't misunderstand this story. It wasn't because she intimidated Barkat. He doesn't intimidate easily. The real reason is that she intimidated Bibi [Netanyahu]. Ever since her visit, he's blocked the Border Police from deploying to secure home demolitions. Clinton screamed at Barkat; Bibi got scared”. Crisis Group interview, Jerusalem, July 2012.

<sup>191</sup> In addition to heritage projects in Arab neighbourhoods, the Israeli government recently approved a potentially more controversial proposal: to build an IDF college on the Mount of

leverage with Israel, but given Israel's long cooperation with the Jordanian Waqf and recent changes in the region, Amman's importance as an interlocutor – and consequently its influence with Israel – also is significant.<sup>192</sup> Importantly, regional and international pressure should be directed as well at the Palestinians, who should be pushed to stop denying Jewish connections to, and history in the city.

Even assuming sustained international intervention, there is good reason to doubt its effectiveness in the longer term, a consideration that policymakers ought to bear in mind. Over time, in the absence of an overall diplomatic settlement, Israeli actors, governmental and non-governmental alike, likely will find ways to chip away at constraints, circumvent pressure and incrementally change reality on the ground. U.S. and European incentives – and determination – to maintain pressure might well gradually abate, as illustrated by the inability to convince Israel to extend the ten-month settlement moratorium<sup>193</sup> and, more broadly, by the international community's very mixed track record in this regard over the years. Washington and others will be reluctant to spend limited political capital on something that – by blocking rather than producing an outcome – has no visible, immediate reward, involves constant monitoring and hectoring, and inevitably would provoke tensions (in some cases entailing a domestic political cost) with an ally.

Besides, viability is not merely a *territorial* question. It also, and increasingly, has become a political and even psychological one. Indeed, if territory long has been seen as the chief limitation on the viability of an independent Palestinian state, today the question of the political viability of negotiating Jerusalem looms large. Israel's political spectrum has shifted to the right. The ascendant parties have pushed questions of Jewish identity and heritage to the fore and boosted the prominence of national-religious groups, which today are influencing the government's agenda from the inside. Jewish archaeological and educational sites in densely populated Arab neighbourhoods have grown; the single largest, The City of David in the Palestinian neighbourhood of Silwan, has grown into one of Israel's most popular tourist attractions. Temple Mount activism – and particularly the demand for Jewish worship on the Holy Esplanade – has increased, constraining the kinds of political solutions that an Israeli prime minister could pursue.

These developments have increased quotidian tensions in the city's inner core. Palestinians, often but not always without justification, have been fiercely critical of Jewish archaeological activities; regardless of the truth of the matter, the resulting tensions pose a danger to calm in the city. Israel occasionally has acted to dispel fears, as it did at the Mughrabi Gate, where it posted webcams and hosted Turkish and UN delegations to verify the absence of tunnelling under the Esplanade. The international community should recognise the positive contribution that such steps make and urge Israel to act with similar transparency at other controversial sites. Given the universal importance of the holy sites, Israel should appropriately represent Islamic and Christian history, which could be facilitated by the inclusion of international agencies such as the UN Educational, Scientific and Cultural Organisation (UNESCO).

Events on the surface of the Esplanade are most explosive. Jordan and Israel coordinate to try to ensure calm, but a dedicated crisis management body would be an important addition. Pending a final agreement, the Waqf could serve as a useful address. Already an interlocutor for Israel, it could increase its sway by bringing together Palestinian representatives from Israel, Jerusalem, the West Bank and Gaza, in addition to Arab states, to keep protests peaceful and head off a potential flare-up. This would require a more inclusive, consultative process by the Waqf itself – which has often found itself competing with various Palestinian groups – as well as by Israel.<sup>194</sup> An Israeli prime minister undoubtedly would face pressure not to defer to a multi-lateral entity, but given the explosive possibility of an escalation on the Esplanade, Netanyahu (and successors) should refrain from unilateral changes. The international community should make clear that any unilateral change would be prejudicial not only to stability but also to a final status agreement, so should not happen without PLO and Waqf consent.

Meanwhile, changes also have affected the Arab world, with uncertain consequences. Regimes on which Washington relied to advance the peace process have been overthrown or find themselves under pressure. The current big winner of the uprisings, the Muslim Brotherhood, has a substantial interest in the fate of Jerusalem's historic core and in particular its Islamic holy sites. Popular opinion in the region, overwhelmingly hostile to Israel and the peace process, arguably will gain in importance. For now, the Arab Peace Initiative appears to still be on the table, though

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Olives. A leading expert on Jerusalem suggested that the U.S. inform Israel that its personnel would not enter the building, as its construction on occupied territory makes it illegal. Crisis Group interview, Jerusalem, September 2012.

<sup>192</sup> Crisis Group interview, Israeli Jerusalem expert, Jerusalem, August 2012.

<sup>193</sup> The settlement moratorium lasted ten months overall, seven months in Jerusalem.

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<sup>194</sup> An Israeli expert on the city said, "there has been a decay in [Israeli] decisionmaking. In past there was a clear [political] address for me to work with. Now, decisions are made on the security side, often by a commander in a police station, at a relatively low operational level. We used to have the finest minds in the country contemplating these issues".

for how long and how seriously is an open question.<sup>195</sup> A Western diplomat said:

The single biggest sticking point [in discussion on Jerusalem] is sacredness of sovereignty, which Palestinians feel is owed to them. But it's not only the Palestinians' views on this that matter. Think in terms of concentric circles: the closer you get geographically to the target [Jerusalem in general and the Holy Esplanade in particular], the more ardent the feelings are. In Morocco the feelings are less intense than Cairo. But the Palestinians are not the only Arabs with a veto.<sup>196</sup>

As a result of these changes, both at home and in the region, Israel's current leaders have a different set of concerns than their predecessors who sat at the table with Palestinians, particularly with regard to security, national heritage, and Jerusalem's inner neighbourhoods. Dividing the city, many Israelis believe, risks exposing the country's main population centre along its eastern frontier<sup>197</sup> and, given regional transformations, weaken its ability to defend against the feared re-emergence of an eastern front.<sup>198</sup> In terms of

urban activity, since 1967 municipal Jerusalem has been endowed with a Jewish hinterland; many among the political elite reject the reversion of this regional hub to the tip of a narrow finger, as do a large number of Israelis.<sup>199</sup> Heritage preservation has been spearheaded by Netanyahu himself, who established a dedicated program in his office. As a result, religious and historic sites – throughout Israel and the Occupied Territories including in Jerusalem – are being normalised as firmly Jewish.

A former Netanyahu adviser went so far as to assert that, taken together, these developments render the conflict over Jerusalem intractable: "From past negotiations, we know that the maximum Israeli offer, which this government will not give, does not satisfy the Palestinian minimum. The differences with the Palestinians can't be bridged".<sup>200</sup> Many Palestinians agree. The gap has long been clear from Hamas's perspective; when specifying conditions for a truce with Israel, it repeatedly has demanded an Israeli withdrawal from the entire east side of the city, including the entire Old City.<sup>201</sup>

More recently and for a wider slice of Palestinian society, Jerusalem has become a perfect example of the problem with the peace process. Scepticism about reaching an agreement on the city is a function not only of facts on the ground but also of a more abstract political feeling about the futility of negotiations. This, in turn, has had the effect of hardening Palestinian positions on Jerusalem; in the face of hopelessness on the peace front, identifying specific solutions for particular obstacles seems misplaced. Asked about the fate of Har Homa/Jabal Abu Ghneim in a future agreement, a prominent Palestinian expert on Jerusalem said, "that's not the issue right now. We are in a different world. The whole Oslo paradigm is no longer relevant. We can't even agree on the most general principles so how are we going to agree on the specifics?"<sup>202</sup> A Palestinian analyst cautioned against "getting caught in the weeds", which he described as harmful because it deceives policymakers and others into thinking that the current approach

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<sup>195</sup> The September 2012 Non-Aligned Movement Summit in Tehran endorsed the Arab Peace Initiative, as did the March 2012 Arab League meeting in Baghdad. [abna.ir/data.asp?lang=3&Id=345733](http://abna.ir/data.asp?lang=3&Id=345733); [www.europarl.europa.eu/meetdocs/2009\\_2014/documents/d-iq/dv/d-iq20120529\\_05\\_/d-iq20120529\\_05\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-iq/dv/d-iq20120529_05_/d-iq20120529_05_en.pdf). That peace proposal, first put forward by the Arab League in 2002, offers normalisation of Arab relations with Israel in exchange for a Palestinian state on the 1967 borders (with its capital in East Jerusalem) and a "just" resolution to the Palestinian refugee question. Full text at [news.bbc.co.uk/2/hi/middle\\_east/1844214.stm](http://news.bbc.co.uk/2/hi/middle_east/1844214.stm).

<sup>196</sup> Crisis Group interview, interview, September 2012.

<sup>197</sup> Current National Security Council head argued that Israel's main population centre is topographically vulnerable to anyone controlling "the ridge from the Gilboa [a mountain in the lower Galilee] through Jenin and Hebron to the Dead Sea". Holding Greater Jerusalem would allow Israel to wage the war on the ridge by spreading northwards and southwards or by retaking the eastern slopes of the ridge. It is therefore very important, he argued, to link up Maale Adumim with Jerusalem. General (res.) Yaacov Amidror, "The Security Dimension of Jerusalem In Are We Truly Safeguarding Jerusalem?", *Begin-Sadat (BESA) Colloquia on Strategy and Diplomacy* (Hebrew), no. 25, December 2008. Knesset Speaker Reuven Rivlin said, "today's Jerusalem is mixed – Jews in the East, Arabs in the West – we are all mixed together. The division of Jerusalem will turn it into Belfast. People will come from Salah al-Din Street [in East Jerusalem], kill in Jaffa Street, and run back to Salah al-Din. And vice versa. These things are totally unacceptable". Interview with blogger Dimi Reider, June 2010. Full Hebrew transcript at [tinyurl.com/cvabjyp](http://tinyurl.com/cvabjyp).

<sup>198</sup> A former Israeli defence official argued that Jerusalem needs to be protected in the event of a future Arab-Israeli war on its eastern front by retaining Israeli control over Nebi Samuel in the north, Gush Etzion in the south and Maale Adumim in the east. The U.S. withdrawal from Iraq and the influence that Iran

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maintains there have stirred fear in Israel that a threat could re-emerge. So too have concerns about the Arab uprisings spilling into Jordan, which would cost Israel the buffer that it believes critical to its strategic depth. Crisis Group interview, Jerusalem, August 2011.

<sup>199</sup> As explored in the companion Crisis Group Report, *Extreme Makeover? (I)*, op. cit., just as Israel might feel that it requires a "Greater Yerushalayim", Palestinians believe in a "Greater al-Quds" that would return the Bethlehem-Jerusalem-Ramallah axis to its traditional role as the spine of the West Bank.

<sup>200</sup> Crisis Group interview, Jerusalem, August 2012.

<sup>201</sup> Crisis Group interview, senior Hamas leader, Gaza, November 2010.

<sup>202</sup> Crisis Group interview, Jerusalem, October 2012.

could yet yield a resolution whereas, he claimed, an entirely new paradigm is necessary.<sup>203</sup>

In preparing for eventual negotiations, policymakers would be well advised not to simply recycle previous ideas but rather take into account a number of factors, some old, some new:

- **Territory.** Without preserving the territorial basis for a Palestinian capital in the city, none of the other nuances matter. To say that what is built can be taken down is overly simplistic: the amount of political capital that would be required to demolish or evacuate is far greater than what is required to build. If the good news is that the overall Israeli settlement footprint has not radically expanded in the past twelve years, the bad news is that it has changed so radically over the past 45 years that even a relatively small amount of construction in strategic locations – such as E-1 or along the city's southern rim – at this point could be all but fatal for the prospect of a divided Jerusalem.
- **Identity and heritage.** The current Israeli government – like the vast majority of Jewish citizens – is particularly sensitive to Palestinian denial of Jewish history and religious heritage in the city. It is hard to imagine garnering Jewish buy-in for a two-state settlement, or indeed for any kind of solution, without that changing. By the same token, it is difficult to imagine what kind of agreement could be found so long as many Israeli Jews – including the current government coalition – believe that Jewish history trumps Arab history and that Palestinians do not have a legitimate claim on the city as their national capital. A future agreement would need to reflect reciprocal recognition of historical and political claims, not mutual denial.
- **Special regime for the Holy Sites.** The notion of a “Holy Basin” has proven controversial. In talks, Palestinians have indicated a willingness to consider the idea but have balked at what they see as the disproportionate price they would have to pay, since most definitions place the Basin predominately on the eastern side of the city.<sup>204</sup> The cost to the two sides could be equalised by expanding the Basin into the west of the city as well, thereby rendering the notion more acceptable to Palestinians.<sup>205</sup>
- **Willingness to consider new, creative solutions.** In theory, it will always be possible to roll back territorial changes and divide the city, but this notion itself could become self-defeating should it lock negotiators into

unsuccessful paradigms and constrain their thinking. A diplomat involved in recent track II talks, for instance, suggested that given the changes explored in this report, the “special regime” considered for the Holy Basin might be expanded to cover a greater part of Jerusalem, which would be open and accessible for both Israelis and Palestinians.<sup>206</sup> Whether or not this is a feasible concept, it points in the right direction: challenging conventional wisdom and keeping an open mind to new ideas.

For some, incorporating these elements into the political process will be seen as moving the goal posts because they further complicate a heretofore irresolvable issue by introducing a new array of issues and actors. To the extent that this is true, it is necessary because past efforts did not succeed. But many of today's troublesome issues are not new at all; they have been present, if neglected, all along. Arafat's denial at Camp David that the Temple existed on the Esplanade provoked great consternation among the Israeli delegation, just as the Israeli suggestion of Jewish prayer on the Esplanade provoked a vitriolic Palestinian response. Likewise, ignoring the Arab world in 2000 was costly then and would be costly now.

**Jerusalem/Brussels, 20 December 2012**

<sup>203</sup> Crisis Group interview, Ramallah, November 2012.

<sup>204</sup> Crisis Group interview, former diplomat, Jerusalem, September 2012.

<sup>205</sup> Ibid.

<sup>206</sup> In past talks, this has been considered only for the Old City or the Holy Basin. A similar model could be considered for a broader swath of the city. For work on the Old City, see [www.uwindsor.ca/joci](http://www.uwindsor.ca/joci).



APPENDIX A

MAP OF ISRAEL AND THE OCCUPIED TERRITORIES





## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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**December 2012**

## APPENDIX C

### CRISIS GROUP REPORTS AND BRIEFINGS ON THE MIDDLE EAST AND NORTH AFRICA SINCE 2009

#### *Israel/Palestine*

*Ending the War in Gaza*, Middle East Briefing N°26, 5 January 2009 (also available in Arabic and Hebrew).

*Gaza's Unfinished Business*, Middle East Report N°85, 23 April 2009 (also available in Hebrew and Arabic).

*Israel's Religious Right and the Question of Settlements*, Middle East Report N°89, 20 July 2009 (also available in Arabic and Hebrew).

*Palestine: Salvaging Fatah*, Middle East Report N°91, 12 November 2009 (also available in Arabic).

*Tippling Point? Palestinians and the Search for a New Strategy*, Middle East Report N°95, 26 April 2010 (also available in Arabic and Hebrew).

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*Squaring the Circle: Palestinian Security Reform under Occupation*, Middle East Report N°98, 7 September 2010 (also available in Arabic and Hebrew).

*Gaza: The Next Israeli-Palestinian War?*, Middle East Briefing N°30, 24 March 2011 (also available in Hebrew and Arabic).

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*Palestinian Reconciliation: Plus Ça Change ...*, Middle East Report N°110, 20 July 2011 (also available in Arabic and Hebrew).

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*Light at the End of their Tunnels? Hamas & the Arab Uprisings*, Middle East Report N°129, 14 August 2012 (also available in Arabic).

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*Reshuffling the Cards? (II): Syria's New Hand*, Middle East Report N°93, 16 December 2009 (also available in Arabic).

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*Nouvelle crise, vieux démons au Liban : les leçons oubliées de Bab Tebbaneh/Jabal Mohsen*, Middle East Briefing N°29, 14 October 2010 (also available in Arabic).

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*Popular Protest in North Africa and the Middle East (VI): The Syrian People's Slow-motion Revolution*, Middle East

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*Lebanon's Palestinian Dilemma: The Struggle Over Nahr al-Bared*, Middle East Report N°117, 1 March 2012 (also available in Arabic).

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*Iraq's Provincial Elections: The Stakes*, Middle East Report N°82, 27 January 2009 (also available in Arabic).

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*U.S.-Iranian Engagement: The View from Tehran*, Middle East Briefing N°28, 2 June 2009 (also available in Farsi and Arabic).

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<b>Kim Campbell</b>	<b>Todung Mulya Lubis</b>	<b>Christian Schwarz-Schilling</b>	
<b>Jorge Castañeda</b>	<b>Allan J. MacEachen</b>	<b>Michael Sohlman</b>	
<b>Naresh Chandra</b>	<b>Graça Machel</b>	<b>Thorvald Stoltenberg</b>	
<b>Eugene Chien</b>	<b>Jessica T. Mathews</b>	<b>Leo Tindemans</b>	
<b>Joaquim Alberto Chissano</b>	<b>Nobuo Matsunaga</b>	<b>Ed van Thijn</b>	
	<b>Barbara McDougall</b>	<b>Simone Veil</b>	
	<b>Matthew McHugh</b>	<b>Shirley Williams</b>	