

A Palestinian Offer to Share Jerusalem

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Brief Analysis

January 17, 2018

The Arab-Israeli peace process limps forward at best, but is more appropriately described as being paralyzed to the extent that it calls for immediate intensive care with the United States as its only broker. President Trump surprised all parties by announcing Jerusalem as the capital of Israel in violation of international legitimacy and UN resolutions, some of which were supported until recently by the United States itself.

We Arabs have a saying that translates roughly to, "Your friend indeed is the one who honestly advises and corrects you as and when he spots something wrong in your words or deeds, and not the one who believes or praises your opinion or deeds irrespective of their rightness or wrongness." I hope things will not go astray; wisdom necessitates making the so-far fruitless peace process into something blossoming. I believe that sincere efforts could turn this problem into an opportunity to pave the way for the parties to swing into serious negotiations with well-defined terms of reference and a budgeted timeframe.

In this context, and specifically concerning Jerusalem, I comfortably support the document of January 17, 2000, which contains a set of principles I have personally played a role in negotiating under the auspices of the Rockefeller Foundation with a group of international academics and practitioners, including Israelis, Palestinians, Jordanians, Egyptians, Americans, and others who then entrusted a smaller group—Prof. Edward Perkins, the former U.S. ambassador to the UN and then-director of the University of Oklahoma's International Programs Center; Dr. Joseph Ginat and Gen. Shlomo Gazit of Israel; Dr. Manuel Hassassian and myself—to hand over the same to Ehud Barak and Yasser Arafat.

Both gave encouraging remarks and comments for the commendable job we had done by addressing a thorny problem like that of Jerusalem and by agreeing upon making West Jerusalem a capital of Israel and East Jerusalem a capital of an independent Palestinian state. Hence it might be beneficial to quote at this juncture the first two major principles of that document with the hope of building upon them and not going back to square one:

1. Neither the imposition of annexation nor the partition of Jerusalem could serve as a basis for the final status of the city. Jerusalem is to be the capital of both Israel and Palestine in Jewish West and Arab East of the city respectively and on equal footing.
2. Palestinians and Israelis shall be sovereign over their respective capitals as stipulated in the first principle above.

In keeping with international legitimacy, UN General Assembly Resolution 63/30 of 2009 states that "any actions taken by Israel...to impose its laws, jurisdiction, and administration on the Holy City of Jerusalem are illegal and therefore null and void." The UN Security Council has passed a total of six resolutions on this matter, including Resolution 478, which affirmed that the enactment of the 1980 Basic Jerusalem Law declaring a unified Jerusalem as Israel's eternal capital was a violation of international law.

The Security Council in particular, along with other organs of the UN in general, has consistently affirmed the position that East Jerusalem is an occupied territory subject to the provisions of the Fourth Geneva Convention. In 2004, the International Court of Justice issued an advisory opinion describing East Jerusalem as occupied Palestinian territory. That is why the Palestinians joined the international community in rejecting Trump's move in the most unambiguous terms, and equally rejected any attempt to sugarcoat it as manifested in their refusal to receive U.S. vice president Mike Pence.

Palestinians are reevaluating and holding a session of the PLO Central Council to unfold new strategies and measures for the preservation of inalienable Palestinian national rights. These rights would nullify all unilateral measures and see the aforementioned two principles through to concurrently recognize, on equal footing, West Jerusalem as a capital of Israel and East Jerusalem as a capital of Palestine. This is the only way to preserve both our national rights and the cause of lasting peace with Israel and the region. ❖

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