

# Israeli Policies vis-à-vis Palestinian Authority Activity in Jerusalem

Aug 11, 1999



## Brief Analysis

Israeli police acted swiftly yesterday to seal the gateway to the Haram al-Sharif (Temple Mount)--the compound that houses Islam's third holiest shrine--one day after the Muslim Waqf (religious endowment) began construction on the compound's southern wall. This was the latest in a series of developments involving Palestinian activity in Jerusalem. On July 25, 1999, the Israeli daily Haaretz reported that Jerusalem District police commander Yair Yitzhaki had submitted a review to Minister of Internal Security Shlomo Ben-Ami, asserting that Palestinian Authority (PA) activity in Jerusalem "has become more sophisticated and elegant." Yitzhaki's report claimed that the PA attempts to present its activities "in a legal and innocent guise," with the goal of "establishing strongholds and facts on the ground as a bargaining chip in the final status arrangements."

Israel argues that PA institutions in Jerusalem are a breach of Article XVII (1a) of the September 1995 Interim Agreement ("Oslo II"). The agreement states that, "In accordance with the DOP [Declaration of Principles], the jurisdiction of the [PA] Council will cover West Bank and Gaza Strip territory as a single territorial unit, except for . . . issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations, and Israelis." In January 1997, the PA reaffirmed, in the Note for the Record of the Hebron Protocol, that "exercise of Palestinian governmental activity, and location of Palestinian governmental offices, will be as specified in the Interim Agreement." The agreement signed at Wye River on October 23, 1998, confirmed that the steps described in the memorandum "are subject to the relevant terms and conditions of the prior agreements and do not supersede their other requirements."

PA Activities in Jerusalem. According to Israel, PA offices operating in Jerusalem include

- the Palestinian Housing Council, an arm of the PA Housing Ministry;
- the Palestinian Small Business Project, a branch of the Palestinian Ministry of Trade and Industry;
- Wafa, the official Palestinian News Agency, which is subordinate to the Palestinian Ministry of Information;
- the PA Ministry for Religious Affairs, located on Shalshet Street at the entrance to the Temple Mount; and
- the Office of the Mufti of Jerusalem, also located on the Temple Mount, and which constitutes the main office of Mufti Ikrama Sabri, whom Arafat appointed and who receives his salary from the PA.

In addition, officers from at least five branches of the Palestinian Security Services (PSS)--Jibril Rajoub's Preventive Security Service; the General Intelligence Service; the Presidential Guard ("Force 17"); Jamil Othman Nassers Jerusalem District Security; and the Military Intelligence Service--have been accused by Israel of operating in Jerusalem. Between February 1996 and May 1997, Israel detained at least seventy-six Palestinian security agents for activities in Jerusalem that included intelligence gathering, enforcing strikes, threatening journalists, and abducting

suspects wanted by the PA. PA security agents currently working on the Temple Mount protect the PA-appointed mufti, and the Palestinian civilian police have in recent months conducted operations against prostitution and drug dealing.

Israeli authorities have protested these activities, describing them as infringements on Israeli sovereignty over Jerusalem. As a result, the presence of Palestinian security agents has become less obtrusive, and has since concentrated on gathering information on collaborators and land dealers.

Israeli Policies from Rabin to Barak. Following a call in May 1994 by then-Prime Minister Yitzhak Rabin to limit Palestinian institutions in the city, the Israeli government issued strict new guidelines for handling Palestinian activities in Jerusalem. Rabins policy was called into question in June 1994, however, with the disclosure of an October 1993 letter from Foreign Minister Shimon Peres to the Norwegian foreign minister, the existence of which the Israeli government had previously denied. In that letter, Peres confirmed that "the Palestinian institutions of East Jerusalem . . . are of great importance and will be preserved. . . [W]e will not hamper their activity; on the contrary, the fulfillment of this important mission is to be encouraged."

On December 26, 1994, the Israeli Knesset (parliament) passed a law outlawing Palestine Liberation Organization (PLO) political activity in Jerusalem. Then-Police Minister Moshe Shahal said this law would enable the government to act against the illegal offices in eastern Jerusalem, yet he reassured that he would not try to prevent foreign dignitaries from coming to Orient House "for a cup of coffee."

In February 1996, Shahal, in his new capacity as Minister for Internal Security under then-Prime Minister Peres, reiterated earlier plans to use his powers "to prevent the PA from turning Orient House into its de facto foreign ministry." On March 22, Israeli police surrounded three buildings, including Orient House and the Ambassador Hotel, to prevent a scheduled Palestinian conference on the future of Jerusalem from taking place.

Soon after he was elected prime minister, Binyamin Netanyahu convened a committee to determine an Orient House policy. At the committee meeting, Netanyahu--a vocal proponent of shutting down Orient House--reportedly was advised to allow offices at Orient House to remain open, but to take firm action to stop the political activities carried out there. In August 1996, the prime minister linked progress in negotiations with the Palestinians to an end of PA violations in Jerusalem and said that "in every instance we will act to close down offices operating illegally in Jerusalem."

In early 1997, the Israeli government seemed determined to act more resolutely against alleged PA violations in Jerusalem. In January, for example, Israeli officials said they would not receive foreign ministers who had visited PLO offices at Orient House. In February, police raided several Palestinian offices, and the subsequent month, the government ordered four Palestinian offices--the Association for Welfare and Development, the Office of National Institutions, the National Islamic Committee for the Struggle Against Settlements, and the Institute for the Wounded--to stop operating.

Less than a month before the general elections, on April 26, 1999, PA representatives were invited to Jerusalem police headquarters where they received official notification that three offices--one monitoring Israeli settlement activity, an office of international relations, and Faisal Hussein's personal office--would be closed at Orient House. Hussein rejected a compromise solution offered by Minister for Internal Security Avigdor Kahalani, whereby Hussein's office would remain at Orient House while the other two offices would be relocated to Abu Dis. On May 11, 1999, the Israeli High Court of Justice ruled that the offices--which had already received closure orders by the police--could remain open until after the May 17 general elections.

In late July 1999, after Ehud Barak took office as prime minister, Israeli newspapers reported that new Internal Security Minister Ben-Ami intended to recommend to the Israeli cabinet not to close Orient House, thus reversing

Netanyahu's policy. In a round of talks between Hussein and Ben-Ami, the two had reached an understanding that Orient House would be spared provided that the Palestinians refrained from turning it into a political center of the PA.

Conclusion. PA activity in Jerusalem is extensive and multifaceted. It involves--but is by no means limited to--institutions directed, controlled, or financed by the PA as well as activities by various branches of the PSS. With regard to these activities, Israeli policies from Rabin to Netanyahu were relatively constant. All three issued verbal protests, but the Labor and Likud leaders acted in an ambiguous and at times even contradictory manner.

Palestinian reactions to the Israeli accusations have also been contradictory. On several occasions, PA chairman Yasir Arafat has mentioned the Peres letter to justify the existence of Palestinian institutions in Jerusalem. Yet, Hussein and other officials have repeatedly denied the existence of any PA institutions in Jerusalem.

With Jerusalem expected to be a key agenda item when final-status talks ultimately resume, the Barak government seems eager to show determination when sensing that its sovereignty over Jerusalem is compromised. Hence the speedy deployment of police on the Temple Mount. At the same time, the new government appears keen to avoid being trapped into a Jerusalem-fueled escalation of tensions, as indicated by Ben-Ami's pursuit of a compromise solution on Orient House. Once negotiations actually begin, balancing these twin imperatives will be an even more sensitive task.

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