



THE JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY
RICE UNIVERSITY

VIDEO BRIEFING TRANSCRIPT

FINAL STATUS: JERUSALEM AND REFUGEES

BY

SARI NUSSEIBEH, PH.D.
DIANA TAMARI SABBAGH FELLOW IN MIDDLE EASTERN STUDIES
JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY
RICE UNIVERSITY

DECEMBER 19, 2007

Video Briefing Transcript: Final Status

THE FOLLOWING OPINION PIECE WAS WRITTEN BY A RESEARCHER, FELLOW OR SCHOLAR. THE RESEARCH AND VIEWS EXPRESSED IN THIS OPINION PIECE ARE THOSE OF THE INDIVIDUAL(S), AND DO NOT NECESSARILY REPRESENT THE VIEWS OF THE JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY.

© 2007 BY THE JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY OF RICE UNIVERSITY

THIS MATERIAL MAY BE QUOTED OR REPRODUCED WITHOUT PRIOR PERMISSION,
PROVIDED APPROPRIATE CREDIT IS GIVEN TO THE AUTHOR AND
THE JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY.

The following video transcript, with additional questions and answers, has been edited.

Q: Why have the Israelis and the Palestinians been fighting?

A: Well, in the course of the establishment of the state of Israel back in '47 and '48 there was fighting between the Israelis and the Palestinians, and the Palestinians did not accept the idea of the creation of the State of Israel, and so there was fighting between the Israelis and Palestinians with each side wanting to force its will over the other side. At the end of the day, Israel was able to establish itself, but in doing so it came to control something like 78 percent of the territory that the Palestinians considered to be theirs. And in that process also, a number of Palestinians were displaced — about 700,000 people had to leave their homes were either expelled or forced out, or they were terrified and had to leave. So there's this displacement which in fact is the origin of the Palestinian refugee problem.

Q: Why should the world care?

A: Well ideally speaking the world shouldn't care, and ideally speaking perhaps if the Israelis and the Palestinians want to go on killing themselves they should be left, or we should be left, that is to say, to do this. But this can't happen because the fighting that goes on in the Middle East immediately has impact on other parts of the Middle East, and in those other parts, there are strategic interests for the rest of the world. Now the least such interest is of course the oil interests in the Middle East, the stability, the economic interests of the various countries in the Middle East, and any kind of fire that can be ignited in that particular region can very quickly spread throughout the region. And in a way, you know, if you look at, for example, the way the war now is evolving in Iraq, and the tensions [that] are also mounting in Iran, you will find if you look closely that in fact they are related at some level or another to the whole conflict between the Israelis and the Palestinians, or the conflict between the Jewish nation on the one hand and the Arab world on the other. So if one is able to address that particular problem, Israeli-Palestinian conflict, and if one is able to basically transform the paradigm that exists today in that area — so that instead of having war between the Israelis and the Palestinians, or between the Jews and the Muslims — and if instead of this you create a paradigm of cooperation, of peace, of stability, then this can actually reflect itself in stability and peace in the rest of the region, and therefore also in the rest of the world.

Video Briefing Transcript: Final Status

Q: What is the guideline for a two-state solution?

A: The Israelis wish to have a Jewish state for themselves, and the Arabs primarily want a state for the Arabs. Now the guiding line for establishing two states' borders is the resolution that was passed by the United Nations back in '67, called United Nations Security Council Resolution 242 which basically says, "Let's go back to the 1949 armistice line or the '67 line, and let's use that as the basic line dividing between a Jewish state to the west of this line, Israel, and a Palestinian state in the West Bank and Gaza," which is the remaining territory of Palestine.

Q: What are the issues involved?

A: But the problem with this of course, is that first of all, that territory is approximately 23 percent of the entire land that the Palestinians regard as their own; also it doesn't address the refugee problem — the millions of the Palestinians that are outside now, the descendants of the refugees that had been forced to leave or simply fled; and it doesn't settle that other major issue which is of major emotional value, which is Jerusalem — how do you deal with Jerusalem? And so although the plans are out there, in general, that maybe this is the only practical solution if it's not the perfect solution, nonetheless there are still these issues that are left on the table that have to be dealt with once again, namely: how do we deal with Jerusalem? And how do we deal with the refugees, in addition, of course, to problems like the settlements, the Israeli settlers who have settled in the West Bank and Gaza now, together with the people that have come to live in the Jerusalem area, maybe number about just under half a million people, so what do you do with them? These are the main questions that need to be addressed.

Q: Is there a compromise from the Palestinian standpoint?

A: Now what I'm suggesting is that there be a tradeoff, a tradeoff between the one issue, the refugees, and the other, Jerusalem, in the following way. That although on the one hand the refugees are an important issue from the Palestinian point of view, I suggest that they may be able to cede on that particular issue by being offered something somewhere else, namely in Jerusalem, because if the Palestinians were to be able to claim back East Jerusalem with the supervision over the holy areas and the religious areas for the Muslims and the Christians, from their point of view, that would be sufficient compensation.

Video Briefing Transcript: Final Status

Q: What's the compromise for the Israelis?

A: Likewise, from the Israeli point of view, of course the issue of Jerusalem is very important. But, on the other hand, if they were to be able to guarantee for themselves the Jewish nature or character of the state of Israel, then maybe they would be prepared to cede or give way on their position on Jerusalem in return for preserving the Jewish character of the Israeli state, which they can do if the Palestinians would accept not pushing for returning the refugees into or inside Israel. So the trade-off is basically between, on the one hand, the Palestinians accepting to take over East Jerusalem in general in return for them accepting not to insist on returning the refugees into Israel proper.

Q: What would a solution look like?

A: There would be two states; the Palestinian refugees would return to the Palestinian state only. Of course, there can be compensation, but they would return to the Palestinian state only. Now as far as Jerusalem is concerned, it can be shared; it can be an open city; the Clinton Parameters can apply. Namely that Arab neighborhoods could come under Arab sovereignty and together constitute the East Jerusalem which would be the capital of the Palestinian state, whereas you know Israel would continue to have West Jerusalem as the capital of Israel, in addition to the Jewish neighborhoods that have been built since 1967, including the area in the Jewish quarter. Now this seems to me to be a good compromise. As for the one-square-kilometer area, which is the area where the Wailing Wall Plaza and the Noble Sanctuary Plaza are, my suggestion, since there is dispute over this, [is] to have the area be declared as falling under the sovereignty of God, while giving the Israeli side the ability to continue operating the Wailing Wall Plaza on the behalf of the Jewish people as it has been doing, and giving the Palestinian side the ability to operate the al-Haram Plaza on behalf of the Muslims, as it has been doing. So there you don't have to have sovereignty by either side of this area but for all intents and purposes you can continue having the rights, the religious rights of the Jews and Muslims as they have been in the past.

Q: Is there any popular support for your recommendations?

A: I think there is a kind of predisposition on the part of both publics, the Israeli public and the Palestinian public, at some level to support such an agreement if it were to be signed by the two

Video Briefing Transcript: Final Status

leaderships. In other words, they can come back, and present this draft declaration, if you like, to their respective constituencies and propose that they can run for elections on the basis of this declaration as a political platform, and, in doing this, public debate can be generated on both sides, and my feeling is that if a democratic debate is generated, in the final analysis, we will find support on both sides for such an agreement.

The video transcript concludes here. The following is an edited transcript of additional questions and answers.

Q: Has the international community intervened to help stop the fighting?

A: Well, the international community — right at the beginning of the 20th century — tried to set up some kind of compromise or agreement. So, for example, they tried the Balfour Declaration; Balfour, [who was] the foreign minister of Britain at the time, came up with a declaration saying, “Let’s set apart a Jewish state, a Jewish homeland, for the Jewish people in Palestine side-by-side with the Palestinians.” There were other proposals that were made at the time, and so it went on with the Palestinians basically resisting and rejecting any influx of Jews into Palestine and resisting and rejecting the whole idea of establishing a state in that part of the world. Until finally the fighting broke out properly with the United Nations declaring the creation of the State of Israel in 1948, and the fighting broke out until finally a cease-fire was reached between the two sides in 1949, and the situation remained as it was until 1967, when the fighting broke out again, and Israel was once able again to win the war against the Arab countries, and in that victory was able then to take over the rest of the territory that was originally part of Palestine. So since that time and until now Israel has been in control of this entire territory, Palestine, which the Palestinians regard as theirs by right. In addition there’s always been the problem of the displacement of the Palestinians, the Palestinian refugees; they began by totaling something like 700,000 people, now they total something like 7 million people, outside of Palestine. And the fighting is really between the two sides to try and see how to settle this conflict between, on the one hand the Jewish people who are already there, [and have] created their state, and on the other hand the Palestinian people who are also [there], but they’re there now mostly under occupation and some of them — a large portion — are displaced outside of their country unable to return to their own homeland.

Video Briefing Transcript: Final Status

Q: What are the key principles that would guide an agreement on Jerusalem?

A: I believe there are four basic principles. And for short, I call them the SODA principles as an acronym [sharing, openness, divine sovereignty, and armistice line]. Now the first one is the sharing principle: that Jerusalem should be a shared capital for the two states; now there are two options to pursue in that direction, because that means either that we have one capital (then the two states can share in that capital as one capital), or we have two capitals in the same geographic space with the two capitals coordinating between them for the two states. So that is the first principle, sharing, a basic principle. The second principle I suggest is the open city. The open city means that you have to have free access into the city, so that anybody and everybody wishing to enter 1) into the city can do so and therefore have access to the religious places for their religious performances, rights and 2) within the city, so if you are moving around from one part of the city to another, there should also be free access for the transfer of goods and services and personnel also. The third principle is something I already mentioned, namely the principle of providing for the one-plus-square-kilometer area of the religious heartland of the old city, giving that sovereignty to God, having the two sides concur, that we will accept that this piece of land will have God's sovereignty. Now this is important because it's very hard, I believe, for a religious Muslim to accept, to cede, Jewish sovereignty over one part of this area even if this was done in exchange for Jewish ceding of Muslim sovereignty over the other part, and vice versa. It would be hard if not impossible from a Jewish religious point of view to accept giving or ceding sovereignty over the other part to Muslims, even in exchange for Muslims accepting that you have sovereignty over the part that is on your side. So the best way to get around this is to say that neither side has sovereignty, that sovereignty is God's, but that each side then continues to operate the holy places as they had been doing, so that's the third principle. Now the fourth one is to apply the parameter, the so-called Clinton Parameters, which in this context is the following: that Jewish neighborhoods are under Jewish sovereignty and Arab neighborhoods are under Arab sovereignty, to apply these parameters starting from the 1949 armistice lines as a launching point for the negotiation, because that way while Israel on the one hand can then have at least the Jewish neighborhoods attached in terms of sovereignty to the western part of the city to an Israeli capital, the rest of the territory that was occupied by Israel in 1967 can at least be returned to the Palestinian side in which they can then — the Palestinian side — develop their own side of the

Video Briefing Transcript: Final Status

capital, and that's the armistice line being used as the launching points. So these are the four principles as I see them for the city.

Q: If you have an open city how can security be maintained?

A: If you have an open city it means basically that anybody coming into the city shouldn't be stopped because I said that it should be an open city, so people should just have free access, but you can have monitoring points on the exit as people are leaving the city. So as they are leaving the city either into Israel or into Palestine the people can be monitored to see whether in fact [they have] the right passports or the right papers to go into that particular territory. Now secondly, how do you maintain security within the city, [can] anyone come in from one side or the other and blow everybody up? Well, the assumption is that once you have peace that is acceptable between the two sides, then that is the basic foundation for building up security because, if you have peace and total acceptance of the agreement by the two sides, then the next thing you do is you have cooperation between the security apparatus on the Israeli side with the security apparatus on the Palestinian side. And if you have cooperation at that level between the two security organizations, then at least you can cut down or minimize or prevent security threats to a minimum.

Q: What about Hamas? Can Hamas be contained?

A: If and when a declaration of principles, like the one I have in mind, is signed by the Palestinian leadership, then the Palestinian leadership should come back to the Palestinian people, including the people who support Hamas, and they should tell the people that we have this political program, and we want to set up new elections, and everybody should be invited to participate in those elections, including Hamas and supporters of Hamas and others. In other words, the Palestinian leadership with that political program will be able to win a majority, and you will be able to win over the people who supported Hamas in the last election, so most of them [will come] back to the folds of the leadership, there being a tangible state and tangible political benefits as a result. So you cannot get rid of Hamas as such, but you can make it weaker by winning over the people to your side and making them support your program rather than theirs.