

# UNCLASSIFIED

## THE PALESTINIAN DEBATE

### PALESTINIAN AUTONOMY AND THE JERUSALEM QUESTION

by Larry W. Roeder, Jr., Franklin C. Marcus, Harry S. Sizer

People seeking a settlement of the Palestinian question have focused on several options during the past few years. These proposals cover a wide range of choices from annexation by Israel of the West Bank and Gaza, to a Palestinian semiautonomy in the same territories, to some kind of union with Jordan. However, the only viable proposal is an arrangement that satisfies the population most directly involved; i.e., the Palestinians. And they will be satisfied with nothing less than true independence from both Israel and Jordan for the territories occupied by Israel since 1967. Just as other "peoples" have done before them, the Palestinians today are struggling for one thing above all else: the powerful idea of "self-determination" or "sovereignty." In the twentieth century that means an independent state.

Granting the Palestinians a state in the West Bank and Gaza would give the Palestinian community a powerful stake in the outcome of any peace process. The predictable objections of the "rejectionist" Palestinian minority (those who wish the return of Israel to the Palestinian people) would be manageable.

At the same time, Israel's security concerns could be met by a wide spectrum of practical arrangements which would not violate Palestinian sovereignty as long as the essential attributes of a state (territory, a

flag, a government, exchanging ambassadors, etc.) were left intact. This would give the non-Palestinian parties in the negotiations, especially Israel, the great advantage of being able to win concrete concessions, such as the right to station security forces on the West Bank, in return for the intangible but precious concession of "sovereignty," which the Palestinians value above all else....

Any movement toward granting the Palestinians a state in the West Bank and Gaza must begin by resolving the Jerusalem question. The Jerusalem question, unlike other aspects of the Arab-Israeli dispute, goes well beyond the immediate controversy over the existence of an Israeli or Palestinian state. Its political, religious, and symbolic problems magnify the Arab-Israeli dispute and could ultimately derail any efforts to solve that dispute. Any resolution of the Jerusalem question must reconcile Palestinian aspirations for national sovereignty, Israeli settlements on the West Bank, and secure borders for Israel and its neighbors.

Jerusalem cannot be redivided. Instead, an undivided Jerusalem should serve as a dual capital for both Israel and the new Palestinian state.

The United States should inform the parties of its desire to recognize a common capital and make clear that the transfer of our embassy from Tel Aviv to Jerusalem would be contingent upon a treaty of peace negotiated between the Israelis and Palestinians. To recognize Jerusalem as the *de jure* capital of Israel beforehand would eliminate one of our few real bargaining chips with Israel and would destroy our credibility with the Palestinians.

Jurisdiction over Jerusalem's holy sites should be left to the respective religious denominations. Fortunately, no major jurisdictional Muslim-Jewish disputes exist in Jerusalem (as in Hebron), and the internecine Christian rivalries generally have been sorted out by tradition. To help reconcile other divergent interests and claims in the city, the following could be incorporated into the settlement and into a city charter:

1. Jerusalem shall be the capital of both Israel and the Palestinian state. The legislative and executive departments of both states shall be permitted to establish and conduct their business in any part of the city.

2. Jerusalem shall be governed solely by a municipal government. A legislative and an executive branch shall be elected by the city's permanent resi-

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dents on the basis of one person, one vote.\* The definition of "permanent resident" must be negotiated.

The executive branch shall be headed by an elected mayor\*\* whose nationality (Israeli or Palestinian) shall alternate with each regularly scheduled election. The negotiating parties shall establish a permanent binational judiciary.

A binational municipal police, controlled by a binational commission, will protect all Israeli and Palestinian government facilities, in addition to normal municipal security responsibilities. Municipal utilities will also be run by a bilateral commission.

3. The permanent residents of Jerusalem shall retain their full citizenship rights and obligations to Israel or the Palestinian state. They shall have free entry into Israel and the Palestinian state and free access to all parts of the city. The children of permanent residents shall derive their citizenship from their parents.

4. Jerusalem shall have distinct geographic boundaries set by the negotiating parties.

5. Everyone living within the negotiated borders of Jerusalem on a date set prior to the start of negotiations shall be termed a Jerusalemite for purposes of the final settlement.

Any Palestinian or Israeli displaced from Jerusalem (as defined above) because of war may apply within negotiated dates for resettlement into Jerusalem or compensation. A commission established by the negotiating parties shall rule on resettlement or compensation applications, and its decisions shall be final....

6. A periodic census shall be conducted by the government of Jerusalem.

After Jerusalem becomes the binational capital, a Temporary Executive Authority (TEA) with military, police, and civil administration powers should be established to supervise the critical transition to a self-governing Palestinian entity in the West Bank and Gaza....

The TEA should be governed by a civilian director-general and headquartered in the joint capital of Jerusalem. Below him or her should be three subdirectorates: Jerusalem, civil administration, and security for the West Bank and Gaza. The TEA should be financed by contributions from the United States, the negotiating parties, and other interested donors.

The transition period for both Jerusalem and the occupied territories should be five years. During this time, camps and support facilities would be established by the TEA civil administration to accept refugees and improve the life of those already living in the territories. In addition, the TEA could bolster the economy through the establishment of tariffs, taxes, licensing, etc. This period should also be used to de-

velop a native police force and national guard under the authority of the TEA security administration, though actual military and police functions would be carried out by an international peacekeeping force under the command of the TEA.

In the third year of the transition period, the inhabitants of the West Bank and Gaza should vote on an interim government with limited powers. Although final authority would remain with the TEA, this period would allow the local population to gain a feel for self-rule. Subject to the advice and consent of the TEA, the interim Palestinian government would administer the territories. Control of the national guard would remain with the TEA, while the police would operate under a joint command shared between the interim government and the TEA. These steps would allow refinement of self-rule, further the development of political parties, and build both the Palestinians' and the Israelis' confidence in the overall plan. On the eve of actual independence, the Palestinians would vote in a second election for their first national independent government.

Israeli military forces in the occupied territories should remain during the transition so as to bolster Israeli support for the plan and to protect Israeli security. However, they should be constantly withdrawing, according to a schedule set down in the treaty of peace. Israeli forces should not come under the TEA except in civil and police matters.

Concurrent with the independence of the Palestinian state, a joint commission of arbitration to negotiate future disputes between Israel and the new state and a joint inspection operation to insure compliance with the treaty of peace would begin operation.

At the same time the TEA would help establish the joint capital of Jerusalem. Although Jerusalem would remain under Israeli police and military protection during the full transition period, the TEA would supervise elections for the municipal legislature and mayor, appoint a city manager, develop the binational police force, and control the flow of refugees.

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## CAN A PALESTINIAN STATE BE MODERATE?

by Larry W. Roeder, Jr.,  
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If a Palestinian state is established on Israel's borders, the world community clearly will be taking a risk. The history of the Palestinian movement leads one to expect that such a state would be anti-Western, or even pro-Soviet, and extremist, even proterrorist, in the international arena. Furthermore, the deep divisions within the Palestinian movement suggest that infighting would render the new state highly unstable.

Is it worth taking this risk? The Israelis think not and stress this in their talks with U.S. officials. Israel, of course, would bear the brunt of any extremism and instability in a sovereign Palestine. Any serious

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\*The legislative branch might take a bicameral form. The lower house would have representatives elected by popular vote. The upper house would have an equal number of Palestinians and Israelis.

\*\*In addition to a mayor, it may be advisable to have a city manager selected from the International Association of City Managers. Such a person, especially if neither Israeli nor Palestinian, could be more effective.

student of the Arab-Israeli problem must agree that the Palestinians are markedly sour toward the West, especially the United States, and are likely to remain so for years to come. Moreover, divisions within the Palestinian ranks will not disappear with the creation of a state. Its relatively moderate leaders will certainly have to compete with the more extreme ones to control power in the new government.

However, a pro-Soviet orientation is not foreordained. Emergence of a Palestine that pursues tolerable policies in world affairs is entirely possible, as is a reasonably stable Palestine after an initial period of jockeying as the new country's power structure shakes itself down.

These developments will depend primarily on outside forces because a Palestinian state will remain dependent on external forces, especially those in the Arab world. It will initially require large doses of financial aid. Such assistance will probably come from both Right and Left Arab governments, if only because neither camp will wish the other to exert unchallenged economic leverage on Palestine. Similarly, the Egyptians and the Syrians will jockey for political influence over the Palestinian leadership. The behavior of the new government will largely reflect the way these forces work themselves out.

Precisely because of this jockeying, the United States should support early on the creation of a Palestinian state. Its eventual emergence is nearly inevitable, given the power of the concept of national self-determination and the passionate support for such a state throughout the Third World. If we and the Israelis continue to frustrate this tide, the result may in fact live up to our worst fears—an uncompromising, anti-American Palestine tied to the Soviets and committed to promoting terrorism in the midst of an Arab world that is increasingly leftist and bitter toward the United States. But, if we seize the moment, we can capitalize on the evident desire of the relatively moderate Palestinians to deal with the United States and the obvious desire of the Saudis, Kuwaitis, Egyptians, and other moderate Arabs to insure a responsible and stable Palestine.

Once a Palestinian state is established, the United States should quickly enlist Saudi, Kuwaiti, and other financial power behind the moderate Palestinians; seek ways to return Egypt to the Arab fold; and press all moderate Arab states to announce their acceptance of Israel. Such steps, extremely difficult for us now as long as we are opposed to Palestinian nationhood, could be entirely feasible if we can take credit for helping to create a Palestinian state and to resolve the Jerusalem issue.

To be sure, forces internal to the Palestinian movement will also play a role in the outcome, and we cannot expect a strongly pro-Western Palestine. Nor should the United States, in promoting a Palestinian state, capitulate to all the demands of the various Palestinian movements. To bring about a solution acceptable to the world community, Palestinians must also make concessions, most notably in respect for Israel and rejection of terrorism. However, to a degree not commonly recognized, we can greatly influence

the emergence of a moderate and stable Palestine.

The creation of a politically moderate Palestine must be accompanied by concrete physical security measures which would insure Israeli security without endangering Palestine.

Since the term "army" implies an offensive organization while "national guard" implies a defensive one, Palestine would do well to create a national guard responsible for both the national defense and internal security. Its size will have to be negotiated between Israel and the Palestinians (perhaps between 7,000 and 10,000—not so small as to make the force worthless). To supplement the guard, a small police force in charge of municipal law enforcement (including refugee camps), but not internal security, is a must. To encourage political stability, we should urge the conservative Arab states to provide funding and training for both forces....

As in Jerusalem, some sort of international peacekeeping force would be required to maintain peace during the critical transition period. The force could be a creation either of the United Nations Security Council or the negotiation process and would be headquartered in the joint capital of Jerusalem.

To encourage Israeli acceptance of the peace agreement and to provide another measure of security for Israel, the Palestinians should allow Jewish settlers to remain in the West Bank. All settlers would be guaranteed internationally recognized human rights, including the right to travel anywhere in Palestine and the right to travel to and from Israel. Such an initiative on the part of the Palestinians would be an extraordinary show of good faith to the Israelis and thus would make Israeli acceptance of the treaty of peace easier. It would also provide an excellent means for Israeli intelligence within the Palestinian state. The settlements would be allowed only defensive weapons, such as rifles and machine guns.

In recognition of the unique character of the Jewish settlements, the Palestinian constitution would allow issues of family status, religious affairs, or family disputes to be adjudicated by the appropriate religious courts. However, as residents of Palestine, the settlers would be expected to obey Palestinian civil and criminal law in all other matters. The joint commission of arbitration, established to arbitrate disputes between Israel and Palestine after the transition period, could also hear cases regarding the treatment of the Jewish settlers.

Obviously, creation of a Palestinian state would be fraught with problems that could radicalize both sides. On the frontier, the treaty of peace would limit the size and composition of armed forces, and the joint inspection teams would inspect the frontier areas of both Israel and Palestine in the posttransition period. To insure fairness, a third-country national could be invited to act as witness to the activities of the inspection teams....

By giving a political edge to the moderate forces in the Palestinian equation and by closely guarding against any pretext for military confrontation, Israel can find peace with a Palestinian state. [WV]