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"RESOLVING JERUSALEM?"

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Trygve Lie Center for Peace, Security & Development
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TRANSCRIPT
edited by IPI

Chair:
Warren Hoge, *Vice President for External Relations, the International Peace Institute*

Speakers:
John Bell, *Director for the Middle East and Mediterranean Program, the Toledo International Center for Peace and former Canadian diplomat*

Michael Bell, *Paul Martin (Snr.) Senior Scholar in International Diplomacy, University of Windsor and former Canadian Ambassador to Israel, Egypt, and Jordan*

Michael J. Molloy, *Former Canadian Ambassador to Jordan and former Canadian Coordinator for the Middle East Peace Process*

Warren Hoge:	If you could all take your seats, I think we'll begin in about two minutes here. Good afternoon. I'm Warren Hoge, IPI's Vice President for External Relations, and I'm happy to welcome you here to this policy forum featuring presentations by the three authors of a study from the University of Windsor, Ontario, called Jerusalem Old City Initiative. The authors are all former Canadian diplomats and we are pleased that co-hosting this discussion with IPI is their Permanent Mission of Canada to the United Nations, and I would like to note the presence in the room of the Permanent Representative of Canada to the United Nations, John McNee, always happy to have you here, John. Also copies of the study are on your chairs and a color coded map of the Old City is on both sides and above

me. Also this meeting is being recorded and photographed and will be posted next week on IPI's website, www.ipinst.org.

Now, in confronting the passionately contested problem of the final status of Jerusalem, this study departs from the traditionally heavy focus on sovereignty and explores instead a special regime for Jerusalem whereby governance of the city would be overseen a giant body of Israelis and Palestinians and managed by a third party commissioner appointed by the two countries. Now, you'll notice I said two countries. All this would come about only after the adoption of a two state solution. Resolving the status of Jerusalem, of course, is the centerpiece of any possible accord in the Middle East. The Middle East peace process is also at the heart of our work here at IPI where our president, Terje Rød-Larsen, has such long and tested experience in the region by the way for two of those years advised by John Bell on my right. Terje incidentally cannot be here today because he's on IPI business in Geneva. Many of you will have been present at our forum in this room a little over two weeks ago when Terje moderated a frank and public exchange on the peace process between Israeli Deputy Prime Minister Dan Meridor and Palestinian Chief Negotiator, Saeb Erakat. May I say we took particular pride in hosting that direct conversation between high ranking Israeli and Palestinian officials at a time when officially Israelis and Palestinians are communicating only indirectly.

In another IPI initiative, Terje and Senior IPI Policy Analyst, Nur Laiq, are currently working on a documentary history of the Middle East peace process to be published by the Oxford University Press next year. The book will include an analysis of both structural and substantive issues and the future of Jerusalem will figure prominently in it. So IPI tries to be in the thick of the Middle East peace process and in that context, I'm delighted to introduce you to these three former Canadian diplomats and authors of the Jerusalem Report whom I mentioned at the outset, John Bell, Michael Bell and Michael J. Molloy. Their full CVs are attached to the list of guests that you have and you will see that the biographies attest to the wealth of knowledge and judgment they bring to today's subject. Our meeting comes at a point of impasse in the peace process. More than two decades have passed since the 1991 Madrid Conference and we're in dire need of creative solutions for negotiations to move forward. As we all know in the Middle East today, we are not facing simply a local conflict, but one with both region and global implications, so too the final status of the city of Jerusalem and we look forward to hearing suggestions for the ways forward. Michael Bell will be the first to speak, followed by John Bell and then Michael Molloy, and after that we will be open for questions and comments from the floor. So, Michael, the floor is yours.

Michael Bell: Thank you very much. What I'll try to do is just give a brief overview of how this idea originated and how we pursued it and then John will talk about the processes we've developed to allow us to get to the point of publishing this document and Mike will talk about the substance of our findings. We, some seven, eight years ago, having Michael and I both retired from the Foreign Services having spent a substantial amount of time in the Middle East, we were wondering what we would do with the rest of our so-called professional lives and at the time John Bell was a colleague and I had worked with him and then he worked for Terje Rød-Larsen with the U.N. and John was too impatient with the Department of Foreign Affairs, so he left to do other more meaningful things. And he was very interested in this project, so the three of us decided to team together and see what kind of contribution we could make.

We decided on the Old City of Jerusalem because in exploring options as to what we might look at, we came to the conclusion that another survey of how peace could be made in global terms, boundaries, refugees and what have you, was simply too large to have the kind of impact we wanted our work to. So we decided on one very specific problem and that is the Old City of Jerusalem. We decided on that subject because of the sacredness of the sites within that Old City. Most particularly, the Haram Al Sharif, the Al-Aqsa and the Temple Mount and the wall. Now, some contest as to how long the Jewish people -- whether the temple was actually there. I mean, I spent nine years in Israel and seven years in the Arab world close by. There's no doubt in my mind from what I've seen that it's there regardless. It is the holy site for Jews, and nothing's going to change that just as it is a holy site – a very important holy site for Muslims, and nothing's going to change that belief, which is deeply embedded in the cultural, social, historic, geopolitical and mystical consciousness of both parties.

The problem has been -- in talking about a two state solution, based grosso modo more or less on the 1948 cease fire lines, that -- or the pre-'67 lines -- has been the question of sovereignty over Jerusalem. And, specifically, sovereignty over these holy sites. We think that the ideas that we developed would be applicable, even if the two sides were to agree on horizontal sovereignty or vertical sovereignty or something, within this city, which you see which is less than one square kilometer in size and houses somewhere about 32,000 people. It is very, very important, even though it is very, very small because of its message of redemption and hope for all believers. So what we decided to do is try to find a way to get through or to cope with the question of sovereignty and we thought that the Geneva Accords, which have some very useful ideas as to how the Old City might be governed, was dependent on an agreement on sovereignty and dependent on the maximum good will of both parties to work. In other words, it had co-governance, it had separate governance, it had a number of international bodies that were very limited in what they could do and we thought -- and as we began to talk to Israelis and Palestinians, a lot of whom, incidentally were involved in the security services of both sides, we came to the conclusion that this system had to be fail safe. It had to guarantee people respect and dignity and their rights. If it did not, and if it could not withstand the challenges that it would meet from the enemies of a peaceful resolution, then this would, in itself, bring about a new conflict, new wars and threaten a comprehensive agreement. We see this very much as part of a comprehensive agreement possibly with the refugee situation, but perhaps even more so the heart of a resolution and we've tried to develop a system of governments that will satisfy Israeli and Palestinian requirements and yet provide for a sustainable solutions in the midst of this systemic distrust which at best is going to take decades to overcome. So on that note, I will hand it over to John, who will talk a little more about the process and then Mike, about the substance of our findings.

John Bell: Thank you. First of all, thank you to IPI and to the permanent mission of Canada for hosting us here. I would like to talk to everybody about how we did this, how we managed to get to this point in this initiative. We, the two Mikes and the two Bells, as we're known to many, although we're only three people, began this about seven years ago. And by the way, Michael Bell is not my father. And I've said that I think enough times maybe I'm beginning to doubt it.

Michael Bell: No, it was by an earlier marriage.

John Bell: Oh, that's it. We began this initiative in last 2007, and as Michael just said, it was very much spurred by two things. One was the failures of Camp David, which was, as we all know, very much over Jerusalem partly, but very much that, and,

secondly, by the Geneva Accords. We looked at them and they have a lot of merits, the Geneva Accord, and we started to get an idea that maybe there was another approach to the Old City of Jerusalem. We -- one of the words that -- as Michael has just said in a way that is a hallmark of what we've tried to do and build into this is sustainability. We had some doubts as to whether what was offered in Geneva was, in fact, sustainable. It would look to us a bit too complex. We're not really here remarking about the sovereignty arrangements. We're talking about the functional arrangements. So we had an embryonic early idea that the Old City should remain integrated, one unit and that it was necessary to have a single third party managed key and critical and contentious functions in the Old City. So with that basic idea, our first step after some homework in Canada, was to set off to Jerusalem. And we went there in May 2004 and we did a heavy set of consultations. We, frankly, met with almost everybody we could meet. Experts, former officials, officials on -- on the question of Jerusalem and it was tough going. It was this trip was in the wake of the intifada, so people were not in the mood for these ideas. And second, frankly, at that time they thought that such ideas like the ones we were introducing were just illusory. So we were not deterred though for whatever reasons. We can get into that a bit later and we kept going in the process. We also found over time that there's something about the ideas that Michael Molloy will present to you that are attractive. There's a certain logic to them, a certain rationale. And we found that by presenting these over and over again to hundreds of people, frankly, many, many hundreds, that there's a certain attraction to them at a certain level. This -- it's an imperfect solution. We're not suggesting that everybody is going to jump to it, but there's a logic that has permitted the idea survive a lot of critique over six or seven years now.

Now, what are the basic -- what was the basic nature of our process? It's clearly a track two policy development process. That's the generic term for it, but it's a slightly odd one. We're not -- we are based at a university for this project, but we're not researchers. The three of us are diplomats, so we had to make some adaptations. We brought our diplomatic skill set, but we also brought in the research capacity and so we effectively carried it like a tool box, a very flexible one of research, one on one consultations, workshops and large meetings. And that combination has proved to be one of the secrets of the success of this process, frankly. It has given us maximum flexibility because we've always, as diplomats, had to adapt to political context. Even though what we are doing is for a final status negotiation, as you could imagine, people were not always in the mood to discuss what we wanted to discuss and sometimes it was frankly, plain old taboo to talk about it with us, especially at official levels. So we had to constantly adjust to the mix of the toolbox according to context.

For example, in Summer '06, there was a lot of trouble in the Middle East. We had to go to research, heavy research based. At other periods like Annapolis, despite its failure, there was a lot more room for advocacy for one-on-one meetings and using the range of people or partners to great effect and, frankly, that's the other one of the success factors that we've had in the initiative is the people who've worked with us. We've had -- we've been very lucky in a sense. We've had a tremendous array of Israelis, Palestinians, and internationals -- experts in their fields, experts in Jerusalem that have helped write, shape and lead the process. So we're really the framers of this thing. We guided and moved it on, but the input has been from dozens and dozens of people.

We've gone through three major phases. In the first, we sketch the ideas of a possible special regime according to a needs-based approach for all interested parties. We created something called the Discussion Document which was the

sketch and then we brought together what's been described as the A-Team on Jerusalem and Istanbul in late 2005 to discuss it. We were all nervous. We were new to the scene of the issue of Jerusalem, but we were surprised that this A-Team, these excellent experts, found the document useful and wanted the initiative to proceed. Now, something came out of that meeting, which was from the participants, which is a desire to focus on security in the Old City, what would it look like? So that was our Phase II. We had three teams -- an Israeli team of security experts, Palestinian team and an international team. The Israel and Palestinian team produced papers and the international teams synthesized and produced their own out of those two which is the part of the book that you'll have on your desk -- one of the reports within it. The third phase was to do -- and you would think it would be the first -- was to do with governance, the actual overall governing framework of a special regime. And that is also in your document. The same general process -- we use the same general process to produce that. We are in a possibly final phase as we're doing right now. It involves raising awareness about the findings, completing some unfinished work on economics, archeology and property -- very complex issue of property. And also, and not unimportantly, considering Jerusalem is reaching out and having a dialogue with religious leaders in Jerusalem, get their input on what do they think of the idea, what's missing, what do they need, hoping to get some support, but that's not the only goal. It's to complete the picture.

Now, it's been a long road and can't say it was easy and we've had many what I would describe as useful tensions along the way, in fact, three of them that I'd like to describe to you because they -- these tensions propelled the way forward, but at the same time made compromises absolutely necessary. The first tension is the most obvious and that's the one between Israelis and Palestinians. Even though it's obvious, the fact is that Israelis and Palestinians have a very different political relationship to the Old City. Israelis control it, the Palestinians don't and want to. And we -- that has a lot of impact on their starting points, on what they can accept, on the timing of declarations and on ultimate acceptance and whether and how they can accept these ideas. The two sides as I'm sure many of you know, has vastly different political cultures. And that meant operating in very different ways between the two sides. But that very tension over control over the Old City between the two has been something we've had -- it's a tight rope that we've had to walk between the two all the way through.

The second one, and probably the one that led to the most active debate, is the one between how much or what functions of the Old City are under third party control and what are under national control -- remain under national control, meaning Israeli and Palestinian? That was -- a huge amount of time was spent by our group with all our experts to shake that out. It wasn't always easy, frankly, to decide on what should be under which category.

Now, the third one is the most contentious. Michael's already talked a little bit about it and that's sovereignty. Sovereignty versus what we like to describe as functionality, which is sort of the hallmark of what we're offering. Being Canadians, I think it's a natural hallmark is that it's a functional regime. We've put a lot of work into making it functional. We don't say a lot about sovereignty and that's intentional. Our own view, debatable, is that our proposal is sovereignty neutral, meaning it could be applied under a situation of divided sovereignty of the Old City, deferred sovereignty or no agreement whatsoever. That's our view. Others have debated us on this. They say that what we're proposing does have implications and in that sense, very frankly, considering this special regime may not be the first choice of either Israelis or Palestinians, it could be a good fallback should sovereignty prove to be a massively difficult

issue as it was in 2000. So what you see here in the book and what Mike is about to present to you is a distillation of all these tensions. We've had to work them with our partners over years and this is the best we could put forward having listened to all that.

The final thing I'd like to comment on are some lessons we've learned about the process on Jerusalem and on the Old City. The first thing is it's been a long term project. I mean we've been at this for six or seven years. Very frankly, if the funding had been there, we probably could have completed this earlier -- the core findings. However, related to the second issue, which is complexity, the necessary complexity demanded time. So in a sense, we don't regret the amount of time we've taken because it's taken us a lot of time to understand the issues, have people contribute to them and to see the range of possibility among our partners. So it's a long policy development process, but a worthwhile one. So the second issue is complexity. I don't think this could have been an official track 1 activity nor a pure track 2. We've straddled between track 1, track 2, track 1.5 and mixed it into the research world into heavy diplomatic consultations that's complexity was absolutely essential.

Now, the last point is maybe the most important and that is that my sense especially is that after all this work on Jerusalem, I think that it is unavoidable to have an international dimension in the resolution of the city. Now, this is one proposal. There are others. And I think one can look at the negotiations that have happened between the Israelis and Palestinians even if they haven't succeeded and see that there is a kind of inevitable direction to have some degree of special arrangement, special regime for critical areas in the Old City. There is inevitability in the talks that go that way. And I think that's an important dimension, one that should not be ignored, should be emphasized. This is one proposal. In the end, it's obviously up to the parties to decide what suits them. We've simply done our best to do the best job we can with this exact idea and make people aware of it. Thank you very much.

Michael J. Molloy: Well, thank you very much. It's a -- always a great pleasure to be in New York and to be with friends like our Ambassador to the U.N. who's an old friend and an old Middle East friend as well. So we're very delighted to be here today. One just -- one small point I'd like to make at the beginning. This initiative was funded largely by various components of the government of Canada, abut it is not an official Canadian government initiative. The government has been extremely, well, you know, slow, but extremely generous in funding us, but we have never actually had one word of advice, direction, criticism, regarding the content of what we wanted to do. I think the Department of Foreign Affairs in Canada has said, you know, let these guys run as far as they can, see what they come up with and so we've been very, very grateful for that, but as John intimated, they were generous, but occasionally slow and there were some summers we only operated because we managed to take all our beer bottles back to get enough money for the next step.

As was mentioned by both my colleagues, as we started our work on this project, the Geneva Accords were released and we really admire what the Geneva group have done, but they follow the conventional logic of the peace process, which is to divide everything, and our point of departure was that the Old City of Jerusalem merits an exception to the rule that you physically divide up the land, the air, the water, et cetera, et cetera. We think the Old City is far too precious to have a hard wall running through it and having managed with -- or in that way. We're diplomats, but we had to learn some academic habits and one of the first things we did was to review every single proposal that's ever been made on

Jerusalem going back to the 20's and 30's. There are close to 70 such proposals and one of the interesting things we found was that more than half of them talk about -- come to the sovereignty issue and conclude something special is needed. The United Nations Corpus Separatum, the Appeal Commission's sort of Special Crown Colony, a variety of U.N. international third party solutions have been mentioned, but very few of previous plans have actually gone in to describe or try to develop what these concepts mean. And so our contribution we hope was to develop the special regime idea in detail in hopes that future negotiators might find something in our work that would be useful.

Now, the initial question that we faced as Michael said is, you know, what are we going to study all of Jerusalem? And, in fact, initially started up as kind of intermediary phase because around the Old City if you follow the bouncing ball, there's a zone called either the Historic or Holy Basin and we originally called ourselves the Holy Basin Project until we walked the ground. And then we realized that we could just spend seven years just trying to define it, because, you know, when you get up to the top of the hill, across the way from the Temple Mount, there's another holy site on the other side. So you, you know, the next thing you know is you're practically in Tel Aviv. And so we decided that let's focus on the Old City itself. It has, first of all, the wonderful definition provided by the walls, no doubt about what it is, it contains the most important contentious and internationally resonant overlapping sacred space, the Haram Sharif Temple Mount, which happens to be the same thing and to just make matters more interesting, there is a population of Israelis, Palestinians, Christians, Jews, Muslims, Armenians, all living in those walls -- about 32 to 35,000 people now, who add a certain human interest to the very -- the importance of the place in the religious imagination of probably more than close to two billion people for whom Jerusalem is a kind of magic holy place.

The -- in designing the -- thinking about how we were going to do the governance, John said that it was very, very complex, very, very difficult, and but in my mind at least, the critical moment came when one of our associates asked a question that went something like this. Is this special regime about the mix of people living within the Old City's walls or is it about the place itself and the unique and explosive hold that place has on the religious imagination of a couple of billion people? If we were talking about a place where there were Israelis and Palestinians living close together, it might be an interesting political problem, but because this place is, as one of our collaborators called it, an atomic fuse, when you put the wrong things together in the wrong place in the Old City, it resonates right around the globe, it's the place, it's not the people. And once we decide -- we manage to sort that out in our minds -- and it took a long time, that it was the place, that then had a great deal of impact on what it was we -- on the choices we were able to then make. Is doing this or that about the specialness of the place, or is it just a function of the fact that there's a lot of people living there in close proximity? And our decision to focus on place and avoid positioning the special regime between the people who live there and their own governments, has a lot to do with what I'll describe to you next. Okay?

Our proposal starts out with the idea that the special regime has to come out of the treaty between the two peoples. It can't be imposed from the outside. It can't be dropped in by the U.N. or anybody else. It's gotta be organic to their peace process. And in our view, the treaty needs to have -- include a mandate for the special regime and its administrator embedded therein and the idea the special regime is created by the two sides and their friends. The -- and whether the treaty divides up the Old City and from a sovereignty point of view or whether as we think more likely it decides to just simply cap it and leave the sovereignty

issues on the table, but not necessarily resolved, we think is the more likely outcome, the special regime treats the city as a single entity. It does not get into dividing it up with colored walls or signs or barbed wire or anything like that.

The first thing that comes out of the treaty in our vision of this is an oversight authority we call the governance board, which consists of representatives of the Israeli and the Palestinian states as well as outside members the two sides choose and invite to become part of the oversight mechanism. The governance board is the mechanism that permits the two parties to protect their interest in the Old City, but we were very, after a lot of argument and a lot of consideration, we concluded that an exclusively Israeli and Palestinian board, given the systemic distrust that a hundred years of conflict has built, was simply not sustainable, and there needed to be other entities, other governments, representatives on the board to provide the lubricating that would be needed -- the cooling effect that would be needed in order to move beyond the situation we have today and to make the thing sustainable. It's important to see that the board has an institution that kind of allows both sides to declare victory. Nobody has lost the Old City and it can be explained by saying, well, it's so sacred and so important we have something special going there that we are a part of that we own, and it avoids chopping it into a couple of pieces. The board's mandate as far as we're concerned includes appointing what we call for lack of a better term the chief administrator -- and you use the term commissioner, we love that term, but it goes back to the mandate and it's poison in the region. Somebody else on the team likes to call it the governor. You can call it the chief poobah, the main thing is the person who's in charge and he administers the site.

The board also has to approve a legal regime, approve the hiring of the key executives, for example, of a police chief for the Old City -- we'll get to that in a minute -- and has to figure out how to finance the operation. The chief administrator is sort of the kind of mini mayor of this point nine of a kilometer of explosive state. The administrator and the regime manages issues and points of friction within the Old City. So these include public safety, access, religious and ancient sites, archeology, property matters and the assurance of religious freedom and the equitable status of the people entering, living, working in or visiting the Old City. We had long discussions about whether the chief administrator should be elected, whether the chief administrator should be a committee, whether the chief administrator should be accountable to a council elected by the inhabitants. But in the end of the day, we had decided against these and for an empowered executive position with real authority, both executive and regulatory, accountable through the board to the Israeli and Palestinian states. And this is kind of a bit authoritarian, but if the peace is going to hold, you need to have somebody -- some institution in the Old City that can deal firmly, decisively and conclusively with those events and individuals who try to use the Old City as a way of upsetting the peace between the two countries.

The first chief administrator will have to be a combination of Nelson Mandela and, you know, a super bureaucrat. The job of that person will have to be designed and established -- a police service, a small civil service and a commission to design the legal frame work and to set up a number of consultative boards that I will talk about. And he or she will have to manage the transition from direct Israeli rule over the Palestinian inhabitants while not getting stuck between the Israeli and Palestinian residents and their own authorities. So a kind of a trick political navigation is going to have to go on there. Just a couple of other words about the person that holds this office. We don't believe that this person should be either Palestinian or Israeli. We believe that that person should actually live in the Old City so that they're accessible and seen to be accessible

and should -- the term of office probably five to seven years. That seems a sensible amount of time. It's a serious job. It takes while to grow in it. And the board, obviously, needs to have the authority to remove someone in this position for cause.

Justifications for something as unique as a special regime rests with the Old City's status as a sacred site for all these people, but the special regime's function is not about holiness. It's about safety, security and public order. Access -- we believe the treaty must guarantee a freedom of religion and worship within the appropriate customs that have grown up over the years. And the holy site remains the responsibility of the current custodians. In other words, you don't try to mange -- sending outsiders to manage the Wall or the Church of the Holy Sepulchre or the Al-Aqsa Mosque. The custodians of those places need to be the ones that are responsible for the internal management. But religious rights there as everywhere else are subject to public safety and security and decorum issues and that's where the special regime comes in. It doesn't determine what's holy, but it is responsible for the security, including the security and safety of the sites and the buildings themselves, which is quite often a problem given the pushes and pulls that take place there. And essential to this religious dimension, is something we are calling the Advisory Religious Council, which the heads of the religious communities -- Jewish, Christian and Muslim -- would be asked to setup, and this council would be the mechanism whereby the special regime and the religious communities could coordinate things like special observances, maintenance, conservation, innovations of any sort. The big enemy of peace in the Old City is surprise, and so you need something that is designed to ensure there's a place to take surprises to talk about before they happen.

On the security front -- and this was the first thing we designed because you have enormous problems in dealing with Israelis if you haven't thought the security issues through -- we were really extremely fortunate to get an amazingly well qualified team of Canadian, American, Israeli and Palestinian security experts who really knew their stuff and who developed a certain *esprit de corps* and began to work together to figure out how to solve this, and it was really interesting and quite gratifying to see how they came together and how difficult first meetings facilitated a growing understanding of the security challenge and what the smart security solutions to those were. And they, somewhat to our surprise, conceived of a police service that recruited from countries acceptable to both, but largely international, largely international, because they concluded in the period while peace is taking hold, the first 10 years or so, you needed to have an international force there. You didn't want to have armed Israelis and Palestinian, young men with guns bumping into each other in the back alleys even if they were wearing uniforms. And particularly on the Israeli side there was a great deal of discontent of the joint patrols and what not that had happened at a certain stage. So they said international police. But two important Israeli Palestinian interventions. One, at the headquarters you have liaison officers who make sure there's a rapid immediate exchange of intelligence and information between the Old City police service and the Israeli and Palestinian authorities, and second, they came up with the idea of what they call community liaison officers who would be unarmed police people attached to the -- who are a part of the Old City force to deal with the community issues. You don't want a bunch of -- pardon me -- you know, innocent young Norwegian policemen blundering into a family fight in the Armenian quarter. You need Armenians to go in and deal with that. And same elsewhere. So you would have people from the community as sort of constables attached who would deal with this. But guns would be held by the internationals. In addition, we would place -- our proposal calls for special

attention to be paid for the training and the doctrine relating to that part of the Old City police force that is -- or service rather -- police service -- the Mounties kept telling us service. It's not a force. Service. That you needed to have a special training for those who are assigned to the perimeters of the holy sites. You don't want -- you need people who really understand what's going on in those sites who understand the religious sensitivities and are able to interact with the security people within those sites in ways that are completely acceptable to everyone. So those would be some very special people.

The legal system for this was in some way the most difficult part that we tackled. Neither of us are lawyers -- none of the three of us are lawyers, which allowed us to make an enormous amount of progress, but then eventually, you know, we -- then eventually we came into barriers, but we have some ideas. It's important to stress though this -- we're -- this is not -- we're not setting up the State of Andorra. We're not setting up the Vatican. Anything not assigned to the special regime remains the province and the responsibility of Israel and the Palestinian state. Okay? So these people do not become citizens of something different. They are citizens of Israel. They are citizens of Palestine. They vote in their national elections. They vote in the municipal elections. They hold their own citizenship. They go to their own proper schools. They have their own practices, health departments, pensions, et cetera, all those things. Those remain the province of their individual countries. We're not trying to get people to have positions special regime between these citizens of those countries and their governments, but rather to stay out of the way.

But thinking -- going back to the sort of the basics of the legal regime, the states will have jurisdiction over citizens in all but a very narrow band of things that relate to the special characteristics of the Old City. And simply stated, an Israeli committing a crime against an Israeli will be put before an Israeli judge outside the Old City and dealt with. It's the same on the other side. It's the cross-community crimes and it's the crimes that are committed or that the victims are people from the outside that you have to have special mechanisms for and we have some ideas about that ,which you'll find in the book. But we did a little bit of a cop out there. We said the, you know, the first thing that happens if the Israelis and Palestinians have to decide to go down this road, they have to set up a commission, international Israel-Palestinian to sort of deal with these things and decide what's in, what's out. Basically people should live under their own law. The Israelis under Israeli law, Palestinians under Palestinian law, but, you know, if you want to decide to extend your house into the church next door, you run into the special regime. And it's in those kinds of issues we get in.

Now, the other function aside from the straight policing and security issues, has to do with managing points of friction and that's why you need a kind of a small civil service. Weapons in the struggle for Jerusalem in the Old City include archeology, antiquities laws, planning, building permits, things of that nature. And these in the context of peace between the two peoples and the context of peace between two states, these things -- planning, zoning, antiquity laws, archeology -- have to be taken out of the arsenal of weapons that are available to the two sides and they have to be turned over to the special regime to manage. For that reason, we believe that oversight and licensing and control of archeological activities and the modification of historic sites needs to go to the special regime and it needs to be carried out under rules to reflect the best practices of the Old City's status as a world heritage site. It needs to be managed as if it were a world heritage site using those rules rather than national rules or others.

In addition, we think the special regime needs to create an urban development plan, a conservation plan that is coordinated with Al-Quds and Yerushalayim but distinct to protect the uniqueness of the Old City, and which aims to improve living condition, conserve heritage buildings, looks after ancient sites, addresses environmental concerns, promotes the commercial life, which is, you know, the Old City is the goose that lays the golden eggs for both Israel and Palestine and Jordan, if the truth be known. So you don't want to do anything to damage the vibrant economic possibilities of that city. And, of course, you need to have a plan that accommodates the needs of the two to three million pilgrims and visitors that come to that place every year.

Just a couple of other things. The Old City must take over responsibility for building permits. These have been used by one side to disadvantage the other all along. You need to have building permits that are issued on the basis of the law. And of standards that are technically and scientifically acceptable. Finally, the only other part we need to talk about things like urban utilities and that sort of thing. All the discussion that has taken place about creating the two capitals always refers to the idea as some kind of a super municipal board, you know, because water and sewage only flows in one direction. So it doesn't matter what, you know, the borders don't, you know, they don't care about borders. So there's certain things are going to have to be coordinated and those kinds of the things for the Old City could be accommodated in that with the special regime having a seat on the board.

And a final point I would make because I've talked too long already is about duration. How long would the special regime be in place? The short answer is until the time is right and the two states have something better to replace it with. And how long would that be? Well, some of our partners have said three to four years, some of our partners have said three to four centuries, some people talk about a couple of millennia, and when you talk about Jerusalem, those are not terribly unreasonable time spans. But our view is that the special regime would be needed probably until a full generation of Israelis and Palestinians have grown up and lived in pace with each other. Thank you very much.

Warren Hoge: Both Michaels, both Bells, thank you very much. It occurred to me, Michael, just a little while ago, you were talking about the chief administrator needing to be a combination of Mandela and the big bureaucrat. When the San Francisco Charter Convention faced that problem, it came up with the title "secretary-general."

Michael Bell: Yeah.

Warren Hoge: I'm impressed at how very many questions you have raised it the course of going about answering them, but I suspect there may be some more questions. I hope there will. So raise your hand and when the microphone gets to you, please identify yourself.

Amine Chabi: Good afternoon everybody. I'm Amine Chabi, First Counselor of the Mission of the Kingdom of Morocco to the United Nations. I would like first of all to thank the speakers for this initiative and I'm all the more happy that one of them is not here, and he was my former professor, Tom Pierre Najem. It is thanks to him that I discovered many facets of the Middle East and its complexity, although we are part of the Middle East in the Kingdom of Morocco and we have played a historic role in bringing together Israelis and Palestinians to broker a just and lasting peace. Second of all, there was a United Nations seminar on the 6th and the 7th of July in Rabat on the issue of the future of Jerusalem, and we brought

together people from academia, people from the Palestinians, Saeb Erakat was there, people from the different Israeli political parties -- Kadima, Likud, Labor -- and what transpired was very interesting and quite similar to what you have proposed, so I'm wondering if there was no coordination between the two.

But I would like just to say that there was the idea of an open city -- an open city. Jerusalem/Al-Quds as an open city that didn't dwell into the modalities that you have expressed in very detail, but the idea was there. But there are some parameters that we need to bear in mind. First of all, Jerusalem is a permanent status issues and I like to say that Jerusalem is as much a city of peace as much as it can be a city of perpetual conflict if it is not resolved. So Jerusalem and its status cannot be taken off as long as we don't have a treaty of peace and a solution of two states and with Jerusalem/Al-Quds as capital for both the Palestinians and the Israelis. The third parameter is that during the negotiation process between the Israelis and the Palestinians, both parties need to display realism and a spirit of compromise. This is fundamental. Otherwise if we stay, if we go back to the Bible, if we go back to the Qu'ran, if you go back to whatever source that each party will bring up in order to legitimize its presence, we will not end in viable solution. So it is very important to bear in mind that an important proposal was made, the Arab Peace Initiative, that there is a road map. And that at Camp David we were very close to brokering a peace deal, but it failed because of the Mount Temple and the Al-Aqsa issue. So the positive aspects that are retained from this initiative is that it builds on a succession of initiatives. As you mentioned, there were 70 initiatives and all of them tried to tackle this, but here -- let me try to bring an experience that we had in Morocco because Morocco was the unfortunate --

Michael Bell: Could I answer some of your questions first because I forget them?

Amine Chabi: No, you should just let me finish on the experience side because --

Michael Bell: Okay.

Amine Chabi: -- because we've had in Tangier, an international city. Morocco is the unfortunate child of two colonizations -- the French and the Spanish -- and Tangier was an international city from the '30s until 1956. And when you mention the board of administrators, we had exactly that regime in Tangier. So we had like what you would call a secretary general, but you would have also countries that were administrators of the city and the city had its own taxation, its own police, its own security arrangements and it seemed to work. It was a sort of I don't know how to call it -- a mixture of Hong Kong, of Shanghai, of different cities. It was a mixture of a lot of people. So it is very important that we keep Jerusalem/Al-Quds a city open to all nationalities because it is not only about the Israelis and the Palestinians, it is about a lot of countries who follow very closely what's happening in Jerusalem. So I think that this initiative is very, very important and I think that what we need right now is to test it on the parties and see what is their feedback. So this is my question. Have you tested it, not on the people who are in the Geneva Accords, but on Binyamin Netanyahu, on Mahmoud Abbas and on other stakeholders? And the stakeholders are the Arab League, the IC, and what is their feedback? So thank you very much.

Warren Hoge: Michael?

Michael Bell:	Yes. I just wanted to make one comment and then I'll add another one and turn it over to my colleagues. The idea of Jerusalem as a whole being an open city is a very attractive one in principle, and I know that Saeb Erakat among others holds that view. As he's explained it to us it's that he thinks that the intrusion of Israeli settlements into East Jerusalem has made the separation out of Jewish Jerusalem or West Jerusalem and East Jerusalem impossible. My own take on this is that certainly this is a major challenge and he and others are right to be concerned about it. There is, however, no way, having spent the considerable amount of my career in Israel, that in my view is Israelis are going to agree to a security barrier outside of the Jerusalem conurbation, greater Jerusalem and show their passports and ID cards in order to get to their parliament. And, therefore, I think also the enforcement of security in this broader zone would require a lot of good will. Where does one mandate begin in an open city and another mandate end? Who makes the arrests, et cetera, et cetera. I think our conclusion is that however, difficult, there has to be some kind of separation out for the Old City, appreciating, however, that the settlements in East Jerusalem complicate this task enormously. And I turn it over to my colleagues for other comments.
John Bell:	About the testing out question. It has been tested out, but government officials change and so it probably needs further testing. The advocacy side of this has been a constant process. We've been touching base with officials on both sides and beyond in the Arab world throughout in various degrees of intensity depending on the politics. I mean I would suggest that today is not the best time to go test it out. So timing is essential in the testing, but we have talked to many officials on both sides and beyond. Look and many times they will just listen. They are not in a position to -- they're too sensitive to stay. We don't get a sense that this is a complete nonsense for officials except maybe more extreme positions. Maybe not exactly this version, but some form of this is not impossible.
Michael J. Molloy:	If I could just say one more thing about the closed city, open city divided city thing and what it means for you project. Just let me get up here and show you something. This dotted line is the famous green line which marked the division where the fighting stopped in 1948. This side is West Jerusalem, recognized as Israel. This side is held by the Jordanians, and it's now West Bank, occupied territory. For us to really complicate things, I mean, if it was agreed by the two sides that this whole city would have markers, but essentially people could go freely -- come and go everywhere, and, you know, without too much difficulty moving from one side to the other as was the case not that long ago, that makes the business of securing this very simple because it's all part of one agreed on security zone. But if the city is divided and if that hard border follows the green line more or less as it is, then that means that the gates that flow on here are ports of entry, are border crossing points from Palestine into Israel and the gates that run around here are border crossing points into Palestine or other Palestine. And so that makes the business of setting up the security regime much more complex. Now, whenever we came to a conundrum like this, you'll see in the book we designed for the hard challenge. When we talk about what the security force would do, it's assuming these are ports of entry. These are not simply gates from one neighbor to another. You come out of here, you leave the special zone and you enter Israel. Who's coming in? Do we care? I don't know. If I was running it I wouldn't care that much. Who's coming out? I'm sure there are people on this side who are going to care a great deal as well as people on this side care who's coming in. So it's a great question and one that we'll have profound implications for how this thing is situated.

John Bell:	And another quick comment. Another way of saying what Michael said -- Michael Bell, look the open -- I lived in Jerusalem and the idea of an open city is very attractive for obvious reason, but there has to be a question answered, which, frankly, people who support it don't, which is where's the border, I mean between Israel and Palestine. You can't have a hole effectively between the two states and I think whoever proposes an open city, it's incumbent upon them to propose a border with it.
Naomi Weinberger:	Hi. Naomi Weinberger from Columbia University. I'm interested in the security arrangements. It seems to me, just trying to think this through without having seen your report, you know, there are so many asymmetries in any kind of security regime between Palestinians and Israelis in which Palestinians have always been at a severe disadvantage, whether it was in the joint patrols, whether it was in Israel trying to control the arrangements for Palestinian police in all of these years since the Oslo Accords. So it seems to me that even though you're talking about an international police force, you know, remembering, the very unfortunate experiences, the temporary international presence in Hebron where the international had basically only been able to take notes and record --
Michael Bell:	Right.
Naomi Weinberger:	-- violations, and ultimately, the Israelis, you know, have maintained control and it's been very, very contentious. So I'm just wondering about the liaison mechanisms, you know, which would give this police force a way of dealing meaningfully especially with the Palestinian authorities. And the second question would be in terms of looking at a security regime for the Old City sort of as a self contained entity, seems to me that the way negotiations so far have been going, it would be a separate entity within -- it would be a special regime within a special regime because the whole question of security arrangements certainly for Jerusalem in the two state solution probably will be special for what has been the enlarged municipal area of Jerusalem anyway and having to deal with this question of both sides claiming it as the capital. And so you would really be having a special regime within a special regime. I mean after all, Palestinians say that since the Israelis, you know, three weeks after the '67 war enlarged municipal boundaries of Jerusalem, it's basically been one third of the West Bank and it virtually cuts off the North Palestine from South Palestine. So, you know, it just seems to me, you know, you have sort of layers upon layers of special arrangements which is not neat, not that anything here is likely to be neat.
Michael Bell:	Just let me say a few words before I pass this on to my colleagues, but it does seem to me on security matters that we tried or very best to be as realistic and hard nosed as possible. And the three people that wrote the security report in here are John de Chastelain, who is the twice head of the Canadian -- Chief of the Canadian Defense Staff, Ambassador Washington and with George Mitchell, the Co-Chair of the Northern Ireland Peace Process and is now the Chief Arms Commissioner in Northern Ireland, Roy Berlinquette, who is the Deputy Commissioner of the Royal Canadian Mounted Police and was one of the three individuals who set up the successor in Northern Ireland to the Royal Ulster Constabulary. And Art Hughes, who is a former American Ambassador who served as Deputy Assistant Secretary for the Near East in both the State Department and the Defense Department. What we really envisaged is the opposite of a TIP because a TIP was the Temporary International Presence in the Hebron was just a cover. It didn't have enough authority. This would be one authority that had the authority to arrest and detain individuals. It would be the only armed authority. It would be solely -- it would be accountable, of course, but

it would be the sole agency responsible for security and its recruitment would be based not on national contingents in the U.N. where the -- country X or Y contributed 20 a year or what have you, there would be a list of countries that is Palestinians and Israelis would say Country X is find, you can recruit from Country X or -- but not Country Y. So then the chief of police would go out and he would recruit individuals from that country as an employees, direct employees of the special regime and they would come there not as serving Norwegian officers or what have you, but as a particular Norwegian hired by the special regime and responsible solely to the chief administrator who in turn would be responsible to the governance board. In other words, it would be a tightly functioning cohesive body we hope.

Michael J. Molloy: But just one other thing. The lack of symmetry runs through whole piece and one of the pieces that the Palestinian kept reminding of is yes, you're talking about the relationship between the Old City and Yerushalayim and Al-Quds, but remember there is no Al-Quds. There are no longer any great number of municipal employees that are Palestinians, and so that whole thing is going to have to be built up. And we have a liner too in there. They wanted us to write chapters on it, but we said, look, we're not in the business of building Al-Quds, but we have to recognize that in all areas there will be great capacity on one side and none on the other and that's going to have to be the business of the international community. We also have some really interesting problems related to the particular status of Jerusalemites -- of Arab-Jerusalemites and Palestinian-Jerusalemites who have a very distinct status from other Palestinians whether inside Israel or elsewhere, where they are permanent residents of Israel with all sorts of privileges that go with that -- access right into the Israeli social welfare system, unemployment system, pension funds, healthcare, all those sorts of things and we had a lot of pressure to say well, you have to setup a special system in -- you know, for people living in the -- that's one of the reasons we said no, we're not about people, we're about place. It's a big problem, but it's not an Old City problem, it's a Jerusalem problem to figure out how the new state of Palestine deals with the fact that a chunk of its people are permanent -- are landed immigrant or resident aliens of the neighboring state. It's very, very complex to deal with.

Warren Hoge: Thanks.

S.B. Karmakar: My name is S.B. Karmakar. I'm associated -- we are an NGO, Non-governmental organization called International Community Keeper Arab-Israeli Reconciliation. We're associated to the ECOSOC and by that capacity, we take part in different conferences, meetings between Palestinians and Israelis and since 1987 we have the peace plan on Jerusalem. It is something like that that Jerusalem since the old [INDISCERNIBLE] establishment of Israel, and liberation of Palestine, the city is called -- I'll designated as Old Jerusalem. And since then it has expanded. This offers a challenge for the solution of Jerusalem. We advocate that Jerusalem should be divided in to three administrative components, which is the Old Jerusalem we'll call Jerusalem, eastern side, or East Jerusalem, west side, West Jerusalem. The Old Jerusalem will have a special status and it will be -- the administrator of Jerusalem will be called governor and administrator and he will be elected by the people of Jerusalem and Old Jerusalem appointed both by the Arabs or the Palestinians and the Israelis. Now, alternatively, at one time there will be one governor from either the Arab side or Palestinian side and another time a governor will be from Israeli side or Jewish to be [INDISCERNIBLE]. And the problem with Jerusalem we think is not between Israelis and the Palestinians is the problem between Muslims and the Jews because this city is so much sentimentally attached between two

groups, so it will be -- our view should be that religious context that is that each settlement should be between the Muslims and the Jews not merely between Israelis and the Palestinians. Thank you.

Michael Molloy: I'd like to speak to you after and take a look at your papers. Okay? If we could to see if -- and I suspect we'll probably find a certain amount of common ground. Thank you.

S.B. Karmakar: A lot of things we think alike.

Warren Hoge: Please.

Eliav Lieblich: Hi, my name is Eliav Lieblich, I'm from Columbia Law School and a native of Jerusalem, so this is all relating personally to me. Two things that I would like to hear your comments about. First, you know, you mentioned sovereignty as a functional thing and my question is how we -- do we diffuse issue of sovereignty as symbolism because in our region sovereignty is symbolism above all. And the second comment is about the international police force. How do we prevent it from being viewed by the population, in particular the Palestinian population, as a new occupation?

Michael Bell: Actually we didn't -- well, I didn't say that the sovereignty is functional. That's a tension. In other words, those are opposing issues. The desire for a classicatorial sovereignty -- what you're describing as which has a symbolic component is in a way in our work we found it to be in tension with a functional approach. So they're not congruent. They're actually problematically -- in other words, to make it simpler, we can find functional solutions for almost anything in the Old City, except the symbolic, and the symbolic has many dimensions to it. Our discussion with the religious side has interesting contributions regarding that issue because, you know, this is a huge debate, but the classic territorial sovereignty demands in Jerusalem are not just purely legal. They are also based on heritage and understandings of heritage -- very, very complex emotional issues. We don't have answers to that side, that bundle, the symbolic. We don't. We have intentionally, consciously did not tread there because we feel actually that that's ultimately an answer for the negotiators themselves. I mean those are decisions for national bodies. We really concentrate on the functional.

Michael J. Molloy: So if we -- I'm sorry. If I could just say if we had tried to divide sovereignty between the parties or whatever, I think our efforts would have been a failure. Yeah. Because there is no formal that both sides can agree on that is sustainable. That is sustainable. And that therefore, we thought that it's not a question of giving up your claims to sovereignty, assertions of sovereignty, it's a question of holding those if you like in abeyance, the implementation in abeyance, perhaps in perpetuity, perhaps for 5 years, 10 years. I tend to be myself perhaps a bit focused on the difficulties and the mistrust between the parties and what have you. So I think it would be some considerable time. On the question of the international police or the special regime police to be more accurate, being seen as occupiers, I suppose there is a danger of that, although they would be trained and a lot of money would be put into seeing that they were -- they behaved and conducted themselves as partners, if you like with, the citizens of the Old City or inhabitants of the Old City. From my own experience, I'm sure there would be a radical difference in approach towards Palestinians policing in the Old City if one were to move towards this kind of arrangement.

Michael Bell: And the other -- just one other point on that and that's how this came out of our police advisors, that idea of the community liaison officers being attached. W were talking to some of the -- one of the designers of that the other day and he said, look, you have a patrol going through the old -- a particular neighborhood. Depending on which neighborhood it is, you would have two unharmed Palestinians going in there and two internationals with guns and the face that the Palestinian on the -- say on the Palestinian quarter would see would be those Palestinian faces backed with the force of the internationals. And the other component on this would be absolutely very, very different from anything you find in that area and again, our Deputy Commissioner of the RCMP who worked with us -- fellow who's been active in Northern Ireland, said you have to have a police board with members from the community so that when things -- when the community notices something in the actions or the decorum or of the police that they don't like, there's an immediate way of getting that to the management of the special regime and you have a place where you can deal with it and it would be -- to me absolutely critical that little problems could be dealt with immediately and in a highly visible way before they get out of hand. But time and again people say, well, the crusaders are back. But they could be, you know, crusaders from Kazakhstan or Korea, you know, they don't really look like the old crusaders.

John Bell: We had actually originally designed an Israeli-Palestinian International Police Force because we were worried exactly about what you said, but the idea did not hold rigorous analysis by the security people on both sides, but I would introduce another notion. Well, there are two notions. One is that you can start with an international force and go towards over time more national involvement. That's one possibility if it's possible. But the keyword, and it came up to be in the study, is liaison. The key is the liaison between the international police service and the two national authorities and not just operational leaders on, but intelligence leaders on, et cetera. That's a key aspect of their function.

Warren Hoge: The gentleman in the back of the room and then Neclâ. Thank you.

Amr El-Sherbini: Thank you. My name is Amr El-Sherbini I'm from the Permanent Mission of Egypt and I want to touch on the issue of sovereignty because it's a very good work and creative, but I think it's very difficult to implement on the ground. I'm coming from the region. I served in the region for four years and I'm doing Middle East here for four years. So it's 11 years experience with the issue. I think it's very difficult to implement on the ground. You need to go to the deal with the issue of sovereignty. You need to go to deal with the core issue, which is you have a status of occupation, an illegal status. It's heritage, but it's illegal also. You need to deal with that dimension and if the east side will be an open or -- I'm sorry -- would be an asset to use international character, so where will be the Palestinians, the capital of the Palestinian states because we are talking about Jerusalem as capital of two states, so where's the Palestinians would have their own capital? In Abu Dis? And regarding the gates. Who will control the gates? And the people who will get in and will get out? Do they will need to have visas, required pass to go in and out and how we can present the idea for the problems that when you go to Jerusalem it's not just a Palestinians issue, it's a Palestinian and Arabs and Islamic and Christian. It's much more complicated. So how can we present to the majority in the Islamic world that they have to [INDISCERNIBLE] these things they have?

So another thing I said before regarding the heritage, I think it's much more legal than heritage or an issue of -- it's much more legal dimension and you need to address this dimension.

Michael Bell: Okay. Then problem is challenging if the parties could agree on sovereignty, that would be wonderful, but for us to start giving our views on who should be sovereign where and what have you, it would compromise us completely because as things stand in terms of the articulated positions of both sides, they're mutually exclusionary. So if we say we're going to try to solve a problem that has existed for many, many years with no prospect of a solution, we then end up being seen to take sides -- the side of one party against the other, which simply means that one party will not participate in the process. If it seemed to benefit the Palestinians at the Israeli expense, then the Palestinians won't participate. And we can talk all we like about international law. Essentially it's what the needs of the people are and their sense of belonging to the city that has to be satisfied. They have to be secure with the arrangements, both sides for this to work and I don't see sovereignty other than by a mutual agreement and very specific plans as to how this -- and sustainable plans, as to how this would be implemented as possible. I mean international law, and I'm not denigrating it, but I think they're very important principles here. But if we become a slave to those principles, we're going to, in effect, and ask for the immediate resolution of these issues under international law, we're just going to stay where we are now with the continuing Israeli building in the West Bank, building in East Jerusalem, et cetera. So there's some hard choices that have to be made. Just like having the international police service composed of outsiders is not desirable, but there's no practical alternatives because of the degree of mistrust that exists. At least that's been our reasoning.

Michael J. Molloy: The question of the gates and how they're dealt with is really interesting. You know, if you go to Jerusalem today, you, you know, you'll find that there's almost nobody on the gates. There's no officials on most of the gates. There's people moving back and forth freely. And we wouldn't see that changing a great deal. What you need though, is the capacity that if things go wrong in the Old City that the people who live there and work there have a card, a biometric or something that allows them to pass immediately, quickly in and out and you scan other people that are coming and going. But you'll see in the security study a great deal of attention as to that, and I would point you as well to our website and on the website, take a look at something called the Gate Study, which was a really detailed. Effort to figure out how at a particular gate one would have the capacity to actually screen people coming and going if you needed to do so without in any way interrupting the beauty of that gate as an ancient site. And we had quite an amazing result from it to the point where we have been told that after [Ehud] Olmert took a look at it, he sent people up to the gate with tape measures to check the calculations that our consultants did about how a particular gate could be turned into a checkpoint on the day when it's needed. But he wouldn't do this. Normally -- you know, this is not about disconnecting the Old City from its environs. This is about making sure that the explosive elements of the Old City are managed firmly.

John Bell: Also about the issue of the Palestinian capital, I don't see that this is in any way in contradiction to there being a Palestinian capital in East Jerusalem. The Old City is the core of Jerusalem especially because of the holy sites, frankly. But there is a lot of East Jerusalem beyond the Old City and we don't have to go to Abu Dis to discuss the Palestinian capital. So I don't see that it is automatically in contradiction to a Palestinian capital in East Jerusalem. What it does it provide either a fallback to a failed negotiation over the Old City -- a fallback, or two, functional arrangement to manage a site that is extremely sensitive and of interest to Israelis, Palestinians and to billions across the globe. I mean that's more the approach rather than trying to remove the right of Palestinians to have a capital.

Warren Hoge:	Okay. We have time for two more questions. We're going to take them back to back. Neclâ and then Ann Phillips.
Neclâ Tschirgi:	Thank you. Neclâ Tschirgi, formerly of the IDRC in Ottawa. I used to head the peace building program in the 1990 and we were grappling with these issues then and we're still grappling with them now. I found both your methodology and your conclusions very compelling and I'm certainly going to review them further. But I'm not sure I quite understand why you did not look at the option of treating the entire city as an entity -- an internationalizing it. I'm sure you've discussed it many times, but if you could sort of identify reasoning for going exclusively for the Old City.
Ann Phillips:	First of all, I want to thank you all for this amazing presentation. Thank you. I think you heard me. This is an amazing presentation and I thank you. There was -- obviously, I mean I can't begin to conceive of the time and effort and thought that went into this effort on your part and it's a wonderful contribution. The question I have I guess it's a little bit not petty, but detailed and perhaps you didn't go into details for a reason and if you don't want to respond for the same reason, please don't. But you just sort of described what the governor or whatever he's going to be called would be and very superficially you said that it couldn't be Palestinian or Israeli, that he had to live in the Old City. And I don't quite understand whether there are other qualifications. I mean does it -- I mean there obviously must be. Would it come from a nation -- a third nation? Would there then be qualifications for that kind of nation, one that has a history perhaps -- other enmity with one or either the Palestinians or Israelis could present a problem or the role of the manner they played perhaps diplomatically with the third? As I said, this is a lot of details. I'm just curious to see how you broke this down and how one would select it. It's much more complicated than it appears to be on the surface.
Warren Hoge:	You can go ahead and answer the question.
Michael Bell:	Okay. The question of Jerusalem as a single entity to me it's resembles the question of whether you have two states or one state. You have a Jewish city, in effect, you have an Arab city or a Palestinian city, and the cultures, the sociological dynamics, the belief systems of one to the other, even without the systemic distrust, are vastly different, I, you know, it doesn't prove anything, but I spent 19 years between Tel Aviv, Cairo and Amman. I'm only 39. It just looks like I'm older. I don't see these peoples wanting to or being able to live together. Let's take one example of the ultra religious -- ultra Orthodox in Israel. Are the Palestinians going to accept that they can't drive down certain streets on the Jewish Sabbath and that if they do they'll have stones thrown at them? Are the Palestinians going to accept that in an apartment building the elevators have to be preprogrammed to stop at every floor because ultra orthodox members of the Jewish community don't believe that you can even push a button on the Sabbath? I don't think so. It's the whole question of narrative and school system. The Palestinian narrative is very different than the Israeli narrative. That's not to take sides between them, but these -- these things -- each group or sociological entity -- each nation if you like has to find its own way and that's why I prefer to talk about the needs of communities rather than the dictates of international law. Both communities have to be assured their survival in one way or another that's compatible with the survival and prospering of the other. And I do take it as a given that the overwhelming force the Israelis exert because of the occupation creates a very asymmetric situation, which is really unfortunate and it's part of what this exercise is all about.

Warren Hoge:	Who would like to respond to that?
Michael J. Molloy:	There -- yes. I think there will be a few more qualifications for this person and I suspect the first one is going to really have to be looked at with ridicule. I've often thought of, you know, maybe you'd recruit him from the particularly troublesome American city that -- because you have all the skill set you need in a person for something like that. But you, obviously, somebody who is culturally very, very adept and mainly political I would think initially. You know, you would hire a police chief, you'd hire an assistant administrator to deal with the day to day running of things. But what you really need is someone with very, very good diplomatic and communication skills, very adept, very capable of not only dealing with the governments and donors no doubt, but also capable of going into the duwans of the different Muslim communities in the Old City and sitting down with the elders of those families and talking about their problems that they're having and being able to do the same thing in the Jewish quarter. This is a very -- it's -- well, it's a -- you need a diplomat with a little bit of civic skills and there are not that many of us I would think, but then there are people out there that can do it, but you'd need someone that's very, very strong, very, very tough, very, very sensitive and ultimately really good judgment and willing to push hard when it's necessary to push because -- and push back because there will be an enormous -- you just have to imagine the daily life of say the commissioner general of UNRA and the amount of pushing and pulling that that person experiences from underneath and from the donor governments and the host governments and the Israeli government, and yet people are willing to take those jobs. And you probably get a very nice house in the Old City to go with it, so I think we could find someone, but if you're looking for the job, take my name off the list because I think you're looking -- you'd probably be looking for a younger -- somewhat younger person with a lot of experience. In other words, sort of a 50-year-old person with 80 years of experience in the Middle East. Something like that. But it would take a special -- particularly the first one, the one who's having to establish the credibility to mold the police, to mold the relationships with the various communities. When I was there, did you know there's an African Quarter in the Old City? 52 families. And that's just one of many, many sub groups in the Old City that exists and this person is going to have to be able to -- to have a relationship with them, understanding that he is not governing them. They're being governed by Israel. They're been governed by Palestine in their daily life. But it's when they want to knock down that wall into the neighboring synagogue, so you have to come in and say excuse me there are rules for this and the rules will be obeyed and I've got some big healthy Finns and two Gurkhas to make sure that happens.
Warren Hoge:	We have 30 seconds and I have one last question in the back.
Michael J. Molloy:	The board will have to be the -- the board will have to setup a search committee and then the board, Israel, Palestine and whatever people where they put on the board, they will -- he's gotta be their creature or she's gotta be their creature.
Yousef Zeidan:	I don't want to keep everyone for very long, but I did think there was a question that did come up. My name is Yousef Zeidan and I'm from the Mission of Palestine here at the U.N. So we were talking a little bit about the legality particularly, you know, the occupation, the green line, but when it comes to violations of the two states, assuming that you get the two states to agree to this mechanism, this special regime, what if one side knocks down a wall, comes across the Old City walls and decides to knock down a wall? What is the

	mechanism for that? Is there going -- is there inclusion of that security arrangement somewhere in -- in your plan or is that something you're planning on facilitating in the future? Thank you.
Michael J. Molloy:	John, you take it. We always throw -- when in doubt, throw in John.
John Bell:	No, it's -- look, it's designed exactly to avoid or resolve that kind of issue. So if one of the sides decides to knock down part of the wall of the city, which is not a minor issue and would require considerable machinery, I would think they would now about it first quite a while ahead and the administrator would have in the book you will see -- in his mandate -- her mandate, the control over that issue. The states will have given him the right to have authority over such an issue, therefore, he can prevent it legally. Now, if one of the states decides to preempt that or to override, well, that basically means a special regimes over, frankly. No, but I mean they would be breaking their own agreement with the special regime. So at the end of the day, like anything, like any politics, it will come to the willingness to be bound by agreement that they've committed to. I mean there's no way that you can have *force majeure* from special regime against the states except for issues inside the city where the police service is the only force with weapons. But in theory, and we hope in practice, they're bound by agreement exactly to permit the chief administrator to rule over those issues. I mean in, in fact, let's say somebody was knocking down a wall or something trying to expand their property within the Old City, I mean the -- the security authorities physically stop them and detain them and there would be a mechanism for the judicial system to deal with this.
John Bell:	You mean as state action against it? The state -- no, that means the whole -- I mean that means the exercise is moot.
Michael Bell:	I mean it's -- but I think there's a point here. The state of Israel and the state of Palestine will have other than through governance board and the mandate, and the right to fire or hire the chief administrator will have nothing to say about the chief administrator's decision to block this demolition. They may howl about it and complain, but it's simply not in there mandate. It's in the mandate and if they don't like it and they say this chief administrator is biased and in favor or the Palestinians or vice versa, then it's their -- they can fire him or her as the case may be.
Zeidan:	Not instantly.
Michael Bell:	Not instantly, but ultimately.
Warren Hoge:	I have to end this on the promise that we were going to let you out at 2:45. I'll say one last thing that's gone unstated, but I suspect it's felt by all the people on this panel. I, as a long time foreign correspondent, have been in cities in 80 or 90 different countries. There is simply no city more magical, more enchanting, more compelling, than the Old City of Jerusalem. I think we all agree on that. Thank you so much for coming here and bringing us this fascinating study.