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The Jerusalem Joint Authority

**An Israeli-Palestinian Proposal:
Special Regime for the Old City
of Jerusalem**

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An Israeli-Palestinian Proposal:

Special Regime for the Old City of Jerusalem

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Foreword

Jerusalem has unique historical, emotional and spiritual value; it is a holy place for the three monotheistic religions and has importance for hundreds of millions of people worldwide. The city lies at the heart of the national and religious identities of Israelis and Palestinians, and at the center of the conflict between the two peoples. The resolution of the issue of Jerusalem is therefore crucial for the overall success of efforts to resolve the Israeli-Palestinian conflict.

In light of this, we, a group of Israelis and Palestinians, established a joint group to think carefully and creatively about the questions pertaining to Jerusalem. We were guided by the understanding that the issue of Jerusalem cannot be ignored. The current state of neglect is damaging the city and hurting its residents; it is an untenable situation that must be addressed.

Although we come from two different nationalities with different narratives, aspirations, and ties to the city, we saw ourselves as a joint group of experts and practitioners who care about the city and its future, and share a desire for peace between the two peoples. Rather than bargaining over Jerusalem as two rival groups, we studied together the different stakes, issues and sensitivities of both sides in order to enrich the conversation about future alternatives for Jerusalem.

We decided to focus our efforts on the question of the Old City, the heart of the issue of Jerusalem. We formulated a very delicate solution for joint administration of the Old City, as detailed in the following document. Our proposal, which presents the administration of a “Jerusalem Joint Authority,” takes into account questions pertaining to urban services, legal arrangements, holy sites, police and security, economic arrangements, and national symbols and public assembly.

This document, a joint effort of two independent think tanks: the Jerusalem Institute for Policy Research and al-Mustakbal Foundation, is intended for Israeli, Palestinian and international decision-makers. It is aimed to assist them in understanding the issue of Jerusalem as well as to share with them ideas about the options and alternatives for this city. We hope that the model presented here will be useful for future negotiations.

Our group has been working together for over three years. We have met on 50 different occasions, which included several consultations with external experts.

Our meetings took place at the Jerusalem Institute for Policy Research and the International Peace and Cooperation Center in Jerusalem. We want to thank all of those who helped us and enabled us to work on this issue and to those who have contributed with thoughtful ideas and advice on this document.

We believe that peace is achievable, and that a solution for Jerusalem is a real option. We call upon decision-makers from both sides and from the international community to work inclusively toward peace in Jerusalem, in light of the words of the prophet Haggai: “And in this place, I will grant peace,” and the words of the Qur’an, “And if they incline to peace, then incline to it [also].”

We hope this work will assist decision-makers in the challenge of bringing peace to Jerusalem and we are committed to providing support in this endeavor.

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Introduction

Jerusalem has historical, universal and emotional value; it is central to the three monotheistic religions and has importance to hundreds of millions of people around the world as a spiritual and cultural center. It lies at the heart of the national and religious identity of Israelis and Palestinians and it is one of the most sensitive and complex of the core subjects on the agenda for permanent status negotiations. Indeed, finding answers and solutions to the questions pertaining to Jerusalem is crucial for the overall success in resolving the Israeli-Palestinian conflict. These questions – and concomitant disputes – were among the major obstacles to reaching an agreement during the history of the peace negotiations and remain so today.

It was against this backdrop that our joint Israeli-Palestinian team decided that there is a crucial and urgent need to create a working group that will address the question – or rather, questions – pertaining to Jerusalem, and to find creative yet wholly practical ideas to deal with them. In past negotiations, Jerusalem was viewed as an obstacle and it was not discussed in an open and substantive way compared to other core issues. We believe that the issue of Jerusalem cannot be ignored; this is hurting and damaging the city and its residents, and the ongoing situation on the ground must be addressed. We see Jerusalem as an opportunity, not an obstacle, and we hope that the model presented here will help and facilitate the negotiations in the future.

It should be noted that while we have included in our work the widely held belief that Jerusalem serves as a religious and national symbol for both sides, our work is also based on the assumption that any solution for Jerusalem must acknowledge and address the interests of the city and its residents and the different aspects of the fabric of life in the city – the political, the economic, the functional, the security, the religious and the historical.

The model we are proposing strives to ensure Jerusalem's pluralistic and diverse durability for both peoples. We also consider the universal value of the city, the fact that it has many people who hold it dear, even if they do not live here or participate in its day-to-day activities. This can be said too for different states, organizations and communities around the world. They are all nevertheless

stakeholders as well, and can contribute in many ways that dovetail with their own interests.

One of the main goals of the group was to engender a broad and detailed discussion about the options for Jerusalem, particularly developing the Old City as an ‘open city.’ This notion of the ‘open city’ was raised in past negotiations but was never explored seriously or examined in depth by the two sides.

Our group is challenging the concept of physical division in the Old City; we believe this option is not viable, that it is against the interests of the city and its residents and that it will cause damage to the Old City area.

Aware of the religious, historical, national, spiritual and emotional attachment of Christians, Jews and Muslims to the Old City of Jerusalem, the group was looking for a structure which will enable the city to be a center of spirituality for all, where individuals and communities of all faiths will be able to enhance and freely practice their beliefs, and we have found the ‘open city’ in the Old City as the best option to realize the rights of these communities.

We decided to outline and detail the structure and content of an ‘open-city regime’ in the Old City and we have called it the Jerusalem Joint Authority (JJA). The JJA – an Israeli-Palestinian joint management regime – can be adapted to be compatible with any structure on sovereignty that may be agreed upon between the parties. The proposal of our group is to set aside the question of sovereignty in the Old City for the time being but we are working on the assumption that elsewhere in the city sovereignty would be divided, that is, Israeli sovereignty over Jewish neighborhoods and Palestinian sovereignty over Arab neighborhoods.

Our model for the Old City can be a basis for a discussion on the feasibility and practicability of expanding the regime to other areas in Jerusalem. This of course will require modifications of the structure of the model.

Our model is based on an assumption that there will be an Israeli-Palestinian peace agreement on all of the other core issues. We acknowledge the important work that was done by others, including the Geneva Initiative and the Jerusalem Old City Initiative.

The paper begins with an outline of the principles for agreement in Jerusalem and our vision of the JJA regime and its structure. A more detailed discussion on the main issues – municipal aspects, security and law enforcement, legal and economic issues– is then presented in the subsequent chapters.

Chapter 1: The Jerusalem Joint Authority

1. 1 Principles for Agreement in Jerusalem

The model presented here is based on an assumption that there will ultimately be an Israeli-Palestinian peace agreement. This agreement will include the recognition of two capitals for two states and a special joint administration of the Old City of Jerusalem. The agreement will be based on, inter alia, the following principles, guided by the UN Charter and international law:

1. UNSC Resolutions 242 and 338.
2. Two states for two peoples; two capitals for two states.
3. Lasting peace, security, stability, and end of conflict.

The model is based on a final status agreement on Jerusalem that includes the following principles:

1. Agreed borders: Israeli sovereignty over Jewish neighborhoods and Palestinian sovereignty over Arab neighborhoods.
2. Jerusalem (Yerushalayim) the capital of the state of Israel and Jerusalem (Al-Quds) the capital of the state of Palestine. Special joint Israeli-Palestinian management regime in the Old City.
3. JJA will be created jointly by Israel and Palestine as an international organization with a distinct legal personality.
4. International and inter-Arab recognition.
5. Freedom of worship and free access to holy places.
6. Two municipalities – Israeli and Palestinian – in the city, with strong cooperation and coordination between the two.
7. Economics and infrastructure:
 - 7.1. Trade arrangements between the two capitals to achieve economic prosperity.

- 7.2. Agreed construction and improvement of common and connected infrastructure.
- 7.3. The capitals will be regional trade centers and have strong affinities to the hinterland.
- 7.4. Attracting foreign economic support, entrepreneurship and foreign investments.
8. Ease of movement of persons and goods between the two capitals.
9. Availability of multicultural education for students in the Jerusalem schools; all schools will be encouraged to foster education for tolerance and peace.
10. Encouragement of collaboration and dialogue between people to people.
11. Mutual municipal development and urban growth issues.
12. Cooperation in protecting of the environment.
13. Mutual support in dealing with natural disasters and damage to infrastructure.

1.2 Principles for Agreement in the Old City

For the purposes of this agreement, the Old City of Jerusalem will consist of the area within the existing walls (hereinafter, “the Old City”).

In the Old City, both sides will agree on the establishment of a new entity – the Jerusalem Joint Authority (JJA). The Israeli-Palestinian peace agreement will be the source of authority of the Jerusalem Joint Authority. The JJA will be based on the following:

1. A joint and shared authority.
2. A distinct legal personality.
3. Involvement of third parties.
4. Freedom of movement within the Old City.
5. Freedom of access to the holy places and freedom of worship.
6. Freedom of entry/exit movement from Israel and Palestine to the Old City.
7. Maintenance of the “status quo” in the Holy Places.

8. Equality and universality.
9. Tolerance and openness.
10. Joint police force to maintain law and order, overseen by a multinational command.
11. Only police officers will be allowed to carry weapons.
12. The JJA can be adapted to be compatible with any solution on sovereignty to be agreed on between the parties; the proposed option is to set aside the question of sovereignty in the Old City for the time being.
13. Special legal arrangements.
14. Israel and Palestine will continue to regard the area of the JJA as falling under their respective national jurisdictions. However, both parties agree that there will be mutual restrictions on the exercise of their jurisdiction.
15. Maintenance of the character and the unique architectural value of the city.
16. Israel and Palestine will develop efficient public transportation infrastructure to facilitate movement and access to and in the Old City, in cooperation with the JJA.

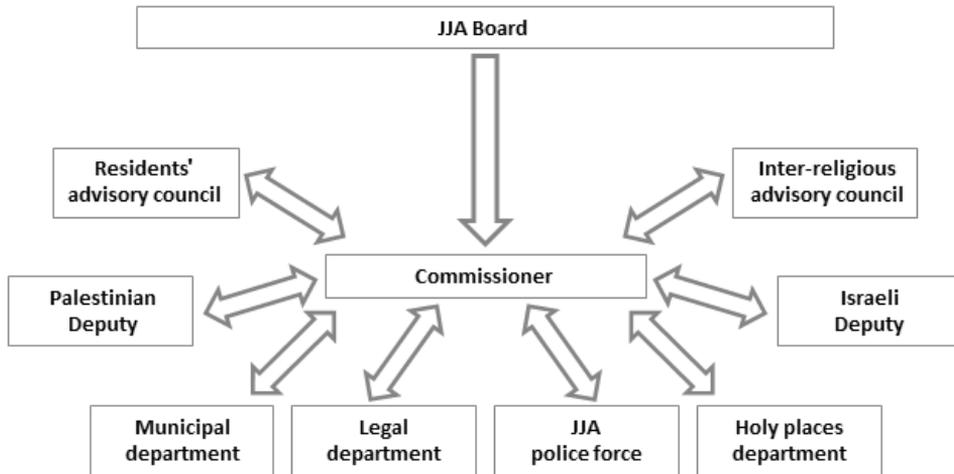
1.3 JJA Mission Statement

The JJA will be the governing regime in the Old City. It will be responsible for managing this area by: addressing municipal issues, providing services for its residents, guaranteeing free access to and freedom of worship at the holy sites, enforcing law and order, maintaining peace and security, promoting economic prosperity and tourism, and preserving the historic, pluralistic, and universal character of the Old City. Ultimately, the JJA will serve as a symbol of Israeli-Palestinian cooperation.

1.4 Structure of the JJA

In this section, we will present the structure of the JJA and its different components:

JJA Structure



The JJA will be composed of the following:

1. The JJA Board

The Board will have the authority to make decisions concerning the policy of the JJA. It will appoint the Commissioner, the Chief of the Police and the heads of the departments and has the right to remove them. It will also approve the annual budget of the JJA.

The Board will be composed of representatives of Israel, Palestine and international members/the third parties (see below) and the decisions will be made by consensus. If there is no understanding reached, the governments of both sides will have to negotiate and solve the issue.

The Board will consist of nine members:

1. Three Israeli members, including the mayor of Yerushalayim, one minister from the Israeli government, and one Israeli resident of the Old City.
2. Three Palestinian members, including the mayor of Al-Quds, one minister from the Palestinian government, and one Palestinian resident of the Old City.

3. Three international representatives of the Quartet (US, UN, EU, Russia). The role of the international members will be to represent and protect the universal value and different international interests in the Old City, to provide consultation and to mediate and bridge gaps in case of disagreement.

2. The JJA Commissioner

The Commissioner – the head of the administration – will be responsible for managing the JJA regime and operating its mandate in day-to-day life. The Commissioner will be appointed by the Board and s/he will not be an Israeli or a Palestinian. S/he will have two deputies – one Israeli and one Palestinian. The Commissioner and the deputies should be appointed for an initial period of five years, which can be renewed for one further period of five years.

3. JJA Departments

1. Urban services department: The urban services department will ensure the provision of public services (education, commerce, transportation, etc.) to the Old City residents and it will maintain the physical infrastructure (see chapter 2).
2. Legal department: The legal department will address legal questions related to residents, visitors, institutions and others in the Old City (see chapter 3).
3. Police force: The police force will be a strong and efficient body that will be responsible for security and law enforcement (see chapter 5).
4. Holy places department: The holy places department will address issues of protection and access to holy places (see chapter 4).

4. The Residents' Advisory Council

The Residents' Advisory Council will be responsible for representing the interests and the needs of Old City residents. The Council will directly advise the Commissioner. The Council will serve as a channel of communication and coordination between the residents and the JJA. The Council will consist of representatives from each of the four quarters of the Old City: Muslim, Jewish, Christian, and Armenian, which will be elected by all permanent residents of the respective quarters.

5. Inter-religious Council

The JJA will establish an Inter-religious Advisory Council that will include representatives from the different religious communities, groups and institutions. The Council will advise the JJA on issues related to the holy sites and other religious issues and will promote inter-religious dialogue, coordination and cooperation. The representatives will represent the main religious institutions from the three monotheistic religions within the Old City. The special status of Jordan in relation to the Muslim Holy Sites is reflected in Chapter 4.

In the following chapters we will discuss the different functions of and bodies in the JJA regime. Chapter 2 focuses on the urban services issues, Chapter 3 outlines the legal arrangements, Chapter 4 discusses the subject of the holy sites, Chapter 5 describes the JJA police force, Chapter 6 the economic arrangements, and Chapter 7 the national symbols and public assembly.

1.5 The JJA budget

The JJA budget will be based on the following sources:

1. The JJA Board's members – Israel, Palestine and the international members – will contribute to the total budget.
2. An international foundation will be established in order to support the JJA and promote Jerusalem in general and the Old City in particular as a world asset and a symbol of economic cooperation. The foundation will encourage contributions from private citizens, organizations, international organizations and states.
3. The JJA will be allowed to issue municipal bonds and raise other funds for the renewal of the area (housing & infrastructure).
4. Municipal taxes from the Old City's residents.
5. Special annual agreed allowances from the Yerushalayim and the Al-Quds municipalities.
6. Special fees and taxations related to tourism.

The budget of the JJA will be prepared by the Commissioner and will be subject to the approval by the Board.

Chapter 2: Urban Services Department

1. There will be two municipalities in the city of Jerusalem with agreed borders: Yerushalayim Israeli municipality and Al-Quds Palestinian municipality.
2. The unique character of the Old City as a religious, cultural, and historic center will require the implementation of a robust municipal structure capable of safeguarding the rights of all concerned parties while ensuring the city's continued vitality. It will be the job of the JJA urban services department to meet the needs of an extremely diverse community of residents, to support a massive tourism sector, and to encourage and regulate the development of a regional center for commerce, all while ensuring the careful preservation of the Old City's unique character and cultural and physical condition. The urban services department will be based on the following assumptions:

2.1 Basic assumptions

1. JJA will establish an urban services department.
2. The urban services department will cooperate in all matters with the municipalities of Yerushalayim and Al-Quds.
3. The urban services department will be responsible for providing public services (education, commerce, transportation, etc.) to the Old City residents and will maintain the physical infrastructure.
4. The residents of the Old City will be able to use public services outside of the Old City according to their citizenship.
5. The level of the public services provided by the JJA will be equal to those of the two municipalities.
6. The urban services department's work will be based on the rules and regulations set by the JJA Board in cooperation with the municipalities.

2.2 Mandate of the JJA Urban Services Department

1. Providing public services and infrastructure including physical and social services.

2. Preserving the character and heritage of the Old City.
3. Planning, zoning, licensing and building inspection (improvement of housing condition).
4. Improving environmental conditions.
5. Encouraging commerce and craftsmanship.
6. Promoting tourism (accommodations transport, maintaining historical sites etc.).
7. Establishing and maintaining land and property registry.
8. Maintaining the public areas (roads, public gardens, the walls and the gates).
9. Providing services to and working in cooperation with the religious institutions.
10. Levying and collecting urban taxes.

2.3 Urban Services

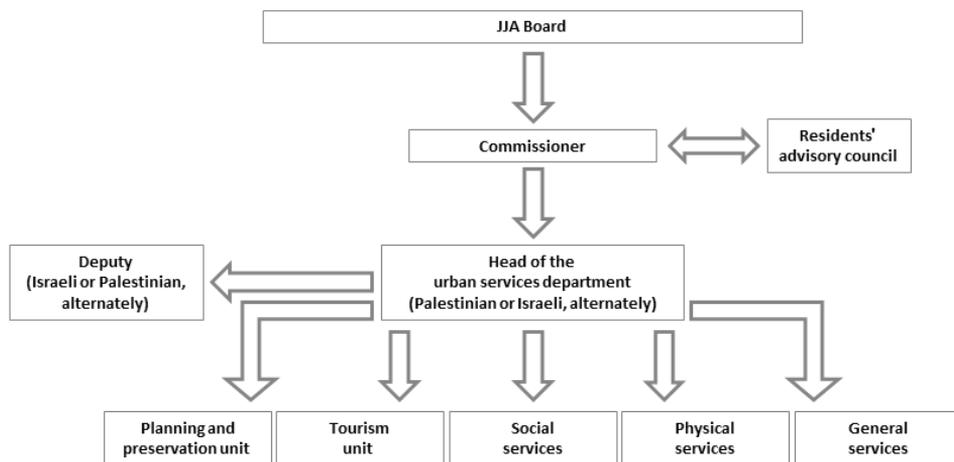
The JJA urban services department will contain the following units and provide the following services:

1. Physical services unit – Road maintenance, street illumination, water network, sewage system, drainage, landscaping, trash removal, street cleaning, public lighting system, planning & licensing, building inspection, environmental issues.
2. Social services unit – education, welfare, public health, community services, culture.
3. General services unit – urban tax collection, licensing for urban activities, commerce and economic development, and transportation. The urban services department will coordinate and inspect services delivered by suppliers in the JJA, like electricity, communication (TV companies, cable/internet, telephone etc.).
4. Planning and preservation unit – planning, preservation and architecture.
5. Tourism unit– encouraging, managing, regulating, administering and promoting tourism.
6. Archaeology unit–Archaeology excavations, management of antiquities and coordination with UNESCO.

2.4 Structure and Powers of the Urban Services Department

1. The head of the urban services department will be appointed by the JJA Board. This position will rotate every two years between a Palestinian and an Israeli. When the head of the department will be a Palestinian, he will have an Israeli deputy to be appointed by the Board, and vice versa.
2. The urban services department will be composed of experts and professionals in the relevant issues with an equal number of Israelis and Palestinians.
3. The JJA will establish different units to take care of different municipal issues and services such as education, culture, health and welfare. Each unit will cooperate with the parallel departments in the two Jerusalem municipalities.
4. The number of employees in the JJA urban services department will take into consideration the proportion of the residents in the Old City and meet the needs of the administration. There is no need for all employees to reside within the JJA area.
5. A director and deputy director to the different units in the department will be nominated by the head of the urban services department – one Israeli and one Palestinian – who will serve on a rotation basis every two years.
6. The urban services department will issue instructions, rules, and directives for public assembly, traffic, and other urban service functions.

The Urban Services Department Structure



Chapter 3: Legal arrangements

The establishment of a special regime requires a legal framework that supports its functions and regulates its activities and arrangements related to residents, visitors, institutions, the status of international personnel, and others in the Old City. Israel and Palestine shall each have exclusive criminal jurisdiction over its nationals and persons entering from its respective state. The JJA legal arrangements will be based on the following principles:

1. Israel and Palestine will continue to regard the area of the JJA as falling under their respective national jurisdictions. However, both parties agree that there will be mutual restrictions on the exercise of their jurisdiction.
2. Unless agreed to otherwise, Israel and Palestine courts shall maintain jurisdiction over their respective nationals and residents.
3. In order to enable the effective operation of the JJA within the Old City, and for the benefit of the residents, the parties have agreed to grant jurisdiction in specific matters to the JJA legal authorities as set out below.

3.1 Civil Jurisdiction

Personal Jurisdiction:

Unless otherwise agreed, Israel will exercise civil jurisdiction over Israel nationals within the area of the JJA and over all persons entering the area of the JJA from Israel (Hereinafter “persons under Israeli jurisdiction”).

Unless otherwise agreed, Palestine will exercise civil jurisdiction over Palestinian nationals within the area of the JJA and over all persons entering the area of the JJA from Palestine (Hereinafter “persons under Palestinian jurisdiction”).

Subject Matter Jurisdiction:

The JJA Judicial Authority will maintain subject matter jurisdiction over the following civil law areas:

1. Jurisdictional disputes where all parties are residents of the Old City and do not fall under the same national jurisdiction and a party petitions the JJA Judicial Authority for a jurisdictional determination.
2. Real property disputes involving property located within the Old City; however, no cause or matter in connection with the Holy Places or religious buildings or sites or the rights or claims relating to the different religious communities in the Old City shall be heard or determined by the JJA Judicial Authority.
3. Civil disputes involving the JJA as a party:
 - 3.1. Tort or contract claims against the JJA.
 - 3.2. Labor disputes involving JJA.
 - 3.3. Administrative matters.
4. Municipal and local matters.

Civil Disputes:

Unless falling under the jurisdiction of the JJA, Israeli Courts will maintain jurisdiction over any civil dispute involving only persons falling under Israeli jurisdiction.

Unless falling under the jurisdiction of the JJA, Palestinian Courts will maintain jurisdiction over any civil disputes involving only persons falling under Palestinian jurisdiction.

Where a dispute involves persons under different jurisdictions, default jurisdiction will be with the courts of the defendant's state. The law to be applied will be as determined by the customary rules of Private International Law. Regardless of the nationality of the parties, either party shall, within a finite time period to be determined, have the right to petition the JJA Judicial Authority for a jurisdictional determination in their case. In making its jurisdictional determination, the JJA Judicial Authority may, in the interest of justice, refer jurisdiction to a national court which is not the default jurisdiction, with the exception of disputes concerning interests in real property situated in the Old City.

3.2 Criminal Jurisdiction

The respective state courts will exercise jurisdiction over crimes committed within the area of the JJA.

Israel will exercise criminal jurisdiction over all cases where the defendant is an Israeli national or a third-country national who entered the area of the JJA from Israel and subsequently committed a crime.

Palestine will exercise criminal jurisdiction over all cases where the defendant is a Palestinian national or a third-country national who entered the area of the JJA from Palestine and subsequently committed a crime.

The JJA Judicial Authority will not have the authority/jurisdiction to make jurisdictional determinations in criminal cases.

3.3 JJA Judicial Authority

The Judicial Authority will hear matters involving legal issues within the jurisdiction of the JJA, jurisdictional petitions, and handle administration of justice issues within the Old City.

Special procedural rules will need to be developed to govern JJA Judicial Authority proceedings. This could be done by combining existing procedural frameworks from Israeli and Palestinian courts and rectifying differences. Unique substantive laws will also need to be developed for the isolated areas where the JJA maintains complete jurisdiction.

The Judicial Authority could also include the below-mentioned alternative dispute resolution mechanisms which Old City residents could opt into or be required to utilize in certain situations.

Structure of the Judicial Authority:

1. Three to five member tribunal comprised of equal parts Israeli and Palestinian judicial officers with the additional of a non-national jurist to be agreed between the parties.
2. Jurists from the respective States should be appointed or nominated by the States in the same manner that those States appoint/elect/nominate judges within their jurisdictions.

3.4 Administration of Justice in the Old City

JJA or its Judicial Authority will cooperate with Israeli and Palestinian judicial authorities in enforcing judgments within the jurisdiction of the JJA. The JJA police task force will cooperate in this. This entity will also assist in service of process.

Law Enforcement Cooperation: Framework for cooperation between Israeli, Palestinian, and JJA police to be developed.

Legal framework for Urban Services Department

1. The Commissioner of the JJA has the authority to issue urban rules and regulations subject to the approval of the Board. Prosecution or violation of such rules and regulations will be within the jurisdiction of the respective national courts.
2. Laws governing municipal functions.
3. Contracts entered into by JJA.

JJA Dispute Resolution Mechanisms: The JJA will develop Alternate Dispute Resolution mechanisms as an option for Old City residents not wishing to take disputes to Israeli or Palestinian courts.

Land Registry: The JJA shall register all property rights in a JJA Land Registry. A dedicated JJA land “tribunal” will be formed to adjudicate disputes and develop law. It is suggested that real property laws be based as far as possible on laws common to both the Israeli and Palestinian legal systems.

Foreign Corporations: Any non-Israeli or non-Palestinian incorporated or non-incorporated entity wishing to carry out commercial or non-commercial activity in the JAA must be registered or incorporated in Israel or Palestine and will be considered as being under Israeli or Palestine jurisdiction accordingly.

- ▶▶ JJA may impose licensing requirements for purposes of monitoring businesses in JJA area and bringing in revenue.

Judicial Review Body: There will be a JJA judicial review body with appellate jurisdiction over JJA Judicial Authority decisions and original jurisdiction over challenges to JJA Land Registry decisions and disputes arising from acts or omissions of JJA officials.

The judicial review body shall consist of one Israeli and one Palestinian judge, each to be appointed by the parties, and a third judge to be appointed by the Commissioner of the JJA. The judicial review body shall apply both Israeli and Palestinian law and, in cases of divergence between these bodies of law, shall apply relevant law principles common to legal systems of both Israel and Palestine.

Chapter 4: Holy sites

Jerusalem is a holy city for the three monotheistic religions and for many believers across the world. This highlights the importance and the sensitivity of the city and the need to find delicate arrangements regarding the status of the holy sites. The Old City contains many historic and religious sites of great significance, including the Temple Mount/al-Haram al-Sharif, the Western Wall, and the Church of the Holy Sepulcher. The holy sites, and particularly those venerated by more than one religious group, have been at times the center of conflicts, frictions and tensions. Therefore, it is important that any future arrangements regarding the holy places will be based on dialogue and cooperation and should be part of the vision of Jerusalem as a city with universal value, as well as a religious and spiritual center.

The arrangements in the holy sites under the regime of the JJA will be based on the following principles:

1. Recognizing the sanctity of Jerusalem to the three monotheistic religions and to many believers across the world.
2. Recognizing the city's universal and spiritual value, and its importance to the various civilizations that existed in Jerusalem throughout history.
3. Recognizing the historical, national, cultural and religious importance of the holy sites in Jerusalem for the two peoples, and their attachment to the respective holy sites.
4. As part of the agreement to set aside the question of sovereignty in the whole Old City for the time being, the sovereignty over the holy places will not be defined.
5. The status quo of the holy places shall be preserved.
6. Without prejudice to the above principle, freedom of access to holy sites and of religious worship shall be maintained.
7. Recognizing and respecting the special role of the Hashemite Kingdom of Jordan in the Islamic holy sites.

JJA's role and authorities in the holy places:

1. The JJA will establish a holy places department for the holy places affairs. The JJA authorities will monitor freedom of access and religious worship. They will have the authority to create special arrangements for exceptional cases and special events (such as holidays) subject to requirements of security and public order.
2. The JJA will adopt and implement regulations regarding renovations and archaeological excavations; there will be no renovations or archaeological excavations at the holy sites without a permit from the JJA.
3. The relevant religious communities and institutions will have administrative autonomy regarding religious affairs in their respective holy sites subject to the supervision of the JJA, and they will work in coordination with JJA's holy places department.
4. The procedures of visiting the holy places will be outlined in cooperation between the JJA's holy places department and the relevant religious institutions.
5. The JJA's holy places department will investigate any issue raised with it by a religious community or institution. If the issue cannot be resolved to the satisfaction of the community or institution, they may bring it to the attention of the Commissioner. A decision of the Commissioner can be appealed to the Board.
6. The JJA will establish an inter-religious advisory council that will include representatives from the different religious communities and institutions. The council will include representatives from Jordan and other states to be agreed upon by Israel and Palestine.

The Council will advise the JJA on issues related to the holy sites and other religious issues and will promote inter-religious coordination and cooperation.
7. The JJA police will be responsible for protecting the holy sites and ensuring security and public order for worshipers and visitors. The activity of the JJA police at the holy sites will be conducted in cooperation and coordination with the local religious institutions.
8. The JJA will ensure that the historic sites and the holy sites will be protected and preserved and will not be damaged or desecrated. The JJA will work together with UNESCO to preserve these sites.

Chapter 5: The JJA police

Due to the importance and the sensitivity of the Old City, it must be secure and stable. The JJA should have a strong and efficient body that will be responsible for security and law enforcement. It will serve as a basis for mutual cooperation, respect and trust. The security arrangements under the JJA are outlined in this section.

5.1 Security Objectives

1. Guaranteed peace and general security for all of the Old City's residents, visitors and tourists.
2. Freedom of worship for all religious believers.
3. Protection of the holy sites and ensured security and public order for believers and visitors.
4. Enforcement of law and order in the Old City.
5. Prevention and response to terrorist or criminal activity inside the Old City.
6. Guaranteed unobstructed access from both states to the Old City.
7. Prevention of disorderly conduct on the border of the Old City from and towards Israel or Palestine.

5.2 Principles

1. JJA will establish the JJA police.
2. The JJA police will ensure that the Old City remains peaceful and stable.
3. The JJA police will be charged with maintaining the peace, and ensuring the safety of all inhabitants and visitors and grant freedom of religion and of worship to all.
4. The JJA will determine and will formulate policy and procedures regarding the work of the JJA police.

5. Only JJA police officers will be permitted to carry weapons in the Old City.
6. JJA police will work in strong and continuous cooperation and coordination with the Israeli police in Yerushalayim and the Palestinian police in Al-Quds.
7. The activity of the JJA police in the holy sites will be conducted in cooperation and coordination with the local religious institutions.
8. The JJA police will prevent the entry into the Old City of persons when there is reason to suspect that they will pose a threat to the public order in the Old City. The JJA Board will draw up regulations in this respect.

5.3 Mandate of the JJA Police

1. Perimeter

- 1.1. In the Old City and on its perimeter.
- 1.2. In the holy sites: policing and coordination with local religious institutions.

2. Details and scope of mandate include:

- 2.1. Policing.
- 2.2. Arrests.
- 2.3. Prevention of criminal activity and disturbances in Old City.
- 2.4. Enforcement of law and order in the Old City.
- 2.5. Close coordination and liaison with both sides – Israel and Palestine – on intelligence, operations, training and briefings.
- 2.6. Traffic police.
- 2.7. Securing the boundary crossing in the gates.
- 2.8. Search and Rescue – basic capacities and cooperation with Israel and Palestine for quick response in emergency situations.
- 2.9. Duty to “report and observe” as a mechanism for problem solving and conflict resolution.

5.4 Modes of Operation

1. Inside the Old City

- 1.1. Maintaining patrols and presence in the Old City.
- 1.2. Enforcing law and order.
- 1.3. Crime prevention and policing.
- 1.4. Enabling access to and use of religious sites by all.

2. Boundary Control

- 2.1. Boundary crossings manned by Israel and Palestine respectively and by the JJA police.
- 2.2. Entry points between Al-Quds and the Old City will be manned by Palestinian and JJA police. Entry points between Yerushalayim and the Old City will be manned by Israeli and JJA police.
- 2.3. All entrances to Old City will be physically manned, enabling 24/7 access in/out.
- 2.4. Exiting the Old City will always be to the state from which the person entered.
- 2.5. Entrance of vehicles only for local services, officials and businesses holding relevant permits.
- 2.6. While maintaining unobstructed access to the Old City, there will nevertheless be security checks at all entrances to the Old City. Security checks for exits from the Old City will be at the discretion of the respective states.
- 2.7. Israel and Palestine will be responsible to prevent or ban elements from both states that are disruptive to peace in Old City, in accordance with each state's domestic law.
- 2.8. Ensure Old City does not become a point for smuggling between both states.

3. Coordination

- 3.1. Coordination with both sides on daily issues regarding one/both sides, including criminal law matters.

3.2. Conferring with local religious authorities.

3.3. During times of crisis – assistance from Israel and Palestine.

5.5 Equipment

1. The JJA police officers will carry weapons and policing equipment in the Old City.
2. No firearms in holy sites in times of routine.
3. Helicopters – for patrols, transport and search and rescue.
4. Ground-based and airborne surveillance systems.
5. Technology of Smart City with a common control center post for the three parties operation officers.

5.6 Police Force Characteristics and Powers

The police will consist of one unified force with clear and defined command under the JJA regime. We believe that a joint Israeli-Palestinian force under international professional command will ensure the best performance. The process to achieve this structure may involve two stages. The move between the stages will be based on the performance of joint function. Below is a description of the two stages:

Stage 1: An international force, from states or companies agreed upon by both sides, with Israeli and Palestinian liaison officers.

Stage 2: A joint Israeli-Palestinian force, under international/professional command.

Any option must be based on professional and experienced manpower, joint training procedures and facilities. The police will be adequately trained in policing and in the necessary regional nuances, tradition, culture, and etiquette. They will be required to have basic language skills in Hebrew, Arabic and English in order to regularly work with the residents, visitors and tourists.

Logistics: The headquarters of the police will be located in the Old City.

Command

1. The head of the JJA police will have extensive policing and international experience; his nomination has to be agreed upon by all parties; and he will be in charge of budget, policy, training, skills, etc.
2. Local deputies will be nominated from both sides (1 Israeli, 1 Palestinian) in advisory capacities, responsible for liaison and coordination with both sides and with the local communities in the Old City.

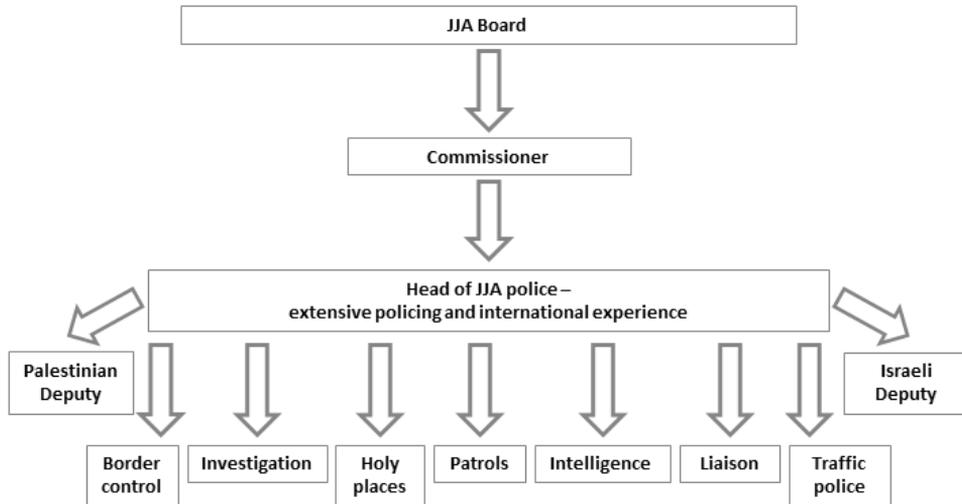
Police Powers

Arrests: “Planned” arrests should be made by a JJA police task force member of the same nationality as the person to be arrested. These arrests should be made pursuant to the law, Israeli or Palestinian, which applies to the person to be arrested.

Exigent Arrests: Exigent arrests, or emergency arrests, may be made by any member of the JJA police task force. However, where possible, arrests should be made by a JJA police task force member of the same nationality of the person to be arrested. Suspects may be detained under either Israeli or Palestinian laws regardless of whether the suspect is Palestinian or Israeli. This will be done in the interest of maintaining law and order within the jurisdiction of the JJA. The suspect may then be arrested pursuant to the laws applying to the suspect once they are identified as falling under either Israeli or Palestinian jurisdiction.

Requiring Identification: JJA police officers may require persons present within the JJA zone to provide identifying documents where the officers have reasonable suspicion (standard to be agreed) that the individual has, or is currently, engaged in criminal activity within the JJA zone.

Structure of JJA police



The JJA Board, the Commissioner and the head of the JJA police should formulate a clear policy and rules concerning the following issues: rules of engagement, concept of operation and level of force equipment; regulations for entry into the Old City and type of ID necessary; policy of quotas for special events; level of security checks and other regulations; policy on smuggling, with cooperation between the Israeli and Palestinian police forces; and other challenges including enforcement of municipal rules, property, ownership and interference of other interested actors.

Chapter 6: Economic arrangements

The Old City requires special economic arrangements that will guarantee and promote economic cooperation, shared development, and prosperity. The economic regime of the JJA will be based on the following principles:

1. The Old City will be one integrated and distinct economic unit.
2. The economy of the Old City should be aimed at promoting economic cooperation and shared prosperity.
3. The JJA's economic regime is based on the principle that economic relations between Israel and Palestine will be governed by a free-trade agreement or customs union.
4. Israeli and Palestinian currencies will be respected and will be the legal tender in the Old City.

The economic arrangements under the JJA regime:

1. The Old City's residents will pay state taxes to their state authorities – Israelis to Israel and Palestinians to Palestine. Both parties will consider the possibility of granting a reduction in income tax or other economic incentives to permanent residents of the Old City. Residents will pay municipal taxes to the JJA authorities.
2. Some municipal services (sewage, sanitation, water, public utilities) will be domestically supplied (e.g. sanitation), while others will be supplied by Israel or Palestine (e.g. electricity).
3. The Old City will be a tax-free zone ("duty free" for products, not services) and local businesses will enjoy tax benefits. The parties may agree on special arrangements for "tax sensitive" products (e.g. cigarettes, alcohol).
4. The JJA will cooperate with the Israeli and the Palestinian police on issues of customs control.
5. Any non-Israeli or non-Palestinian incorporated or non-incorporated entity wishing to carry out commercial or non-commercial activity in the Old City

must be registered or incorporated in Israel or Palestine and will be considered as being under Israeli or Palestinian jurisdiction accordingly.

6. The JJA will decide on special arrangements for registration and taxation of holy sites and religious institutions.
7. The JJA will work together with Israel and Palestine to draft a tourism program that will outline steps and tools in order to promote tourism in the Old City while preserving the special character of the Old City and the needs of the residents.

Chapter 7: National Symbols and Public Assemblies

The Old City is a symbol to the national aspirations of two peoples, the nexus of three religions, and place of great significance to the international community. Therefore, the JJA must establish regulations that will maintain the character of the place and outline rules concerning symbols and activities in the public space, ensuring that they will not be a point of tension and friction.

7.1 Flags

1. A new flag will be created representing the JJA regime.
2. All official and public buildings of the JJA shall display the JJA flag. Should the JJA decide to raise a national flag on a public building, it must raise both national flags.
3. There will be no prohibition on displaying any or all of those three flags in the public space or on private property. The JJA will establish municipal regulations on the matter of flags in the public space concerning size limitations and aesthetic considerations.
4. No national flags will fly on holy sites.
5. Each side will be able to raise national flags during public festivals with coordination with the JJA. However, these flags cannot be permanently raised.

7.2 Official languages

1. There will be three official languages: Arabic, Hebrew and English.
2. All JJA signs, official forms, advertisements and court records will be in the three languages.

7.3 Religious and national symbols

1. Israel and Palestine will incorporate the JJA municipal regulations concerning symbols in the Old City into their respective domestic legal systems.
2. There will be no prohibition on displaying symbols in the public space or on private property as long it does not constitute incitement or represent a threat to public order.

7.4 Public assemblies

1. Each religious community will have the right to practice its prayers and ceremonies in the Old City according to its own beliefs and traditions in accordance with existing custom.
2. In every case of a planned public assembly or demonstration, a request to the JJA should be submitted in advance with details on the event.
3. The JJA will have the right to set limitations on the number of participants in the event or other limitations when there are concerns of danger to the security and public order.
4. On special dates and holidays the JJA will have the authority to assign a quota limiting the number of persons allowed to enter from each side.

Closing Remarks

We, the Israeli and Palestinian authors of this document, initiated this joint working group on the issue of Jerusalem out of deep commitment to the pursuance and contribute to the achievement of peace for our two nations.

We do not hold any political position or authority, nor do we formally represent any of the sides; rather, we have comprehensive and deep knowledge and understanding about Jerusalem and its significant role in the Israeli-Palestinian conflict. We also maintain true commitment to a better future for our two nations and we believe and hope that one day, an agreement will be reached and peace will be attained.

We, Palestinians and Israelis, have succeeded in building deep trust and awareness of the sensitivities of each party within our joint working group by putting the future of our nations, humanity, and peace first, and by choosing dialogue and rejecting violence.

Our approach is not the only way to address the issue of Jerusalem. The model we built stems from our keen desire to propose a realistic approach to a complex issue; other options may be developed. We welcome contributions and thoughts that would further develop or enhance our model for a genuine contribution to fostering the end of conflict.

The most significant aspect of this work is our unique and shared experience. Through the joint drafting of this document, we became more and more convinced that Israelis and Palestinians who work together and are committed to peace will succeed in finding ways to bring the conflict to an end.

We call upon the leaders of both nations to commit themselves to the future of their people, and to invest their time and energy in intensive dialogue in order to bring peace to our city and to our land.