



Mandate Elements
for the
Old City Special Regime

February 2010

Mandate Elements for the Old City Special Regime

The Old City encompasses all aspects of the Israeli-Palestinian conflict. With overlapping claims, systemic distrust, multiple stakeholders, deep religious divides and the impracticability of physical division, we believe options splitting Old City governance are problematic. We do not believe agreement on sovereignty is likely in the foreseeable future, although we would prefer agreement between sides to this end.

Yet, if there is no sustainable, practical solution to the problem of Old City governance, there will be no peace between Israelis and Palestinians. We are therefore proposing, as a transitional mechanism, a Special Regime, led by a Chief Administrator, operating under the authority of a Palestinian/Israeli based Governance Board and responsible to it.

Core elements of the Old City Special Regime include:

- The Old City as a distinct unit with a distinct legal personality under the executive authority of a single Chief Administrator accountable to a Governance Board.
- The Governance Board as the oversight authority of the Special Regime.
- The Chief Administrator appointed for a fixed renewable term by the Board, the latter consisting of senior representatives of the Israeli and Palestinian governments and select other countries and institutions as may be agreed by Parties.
- Special Regime responsibility for specific aspects of governance including policing, heritage, archaeological oversight, access, planning, zoning, property registration and transfer and ensuring equal status for all residents and visitors.
- Chief Administrator consultations, as appropriate, with.
 - a Religious Council which will provide guidance and facilitation related to management of ritual worship, access, and Holy Sites;
 - international advisory bodies on cultural heritage, in close co-ordination with Palestinian and Israeli authorities and institutions;
 - expert committees to develop legal and regulatory frameworks;
 - Palestinian and Israeli intelligence and security authorities;

- the governments of Israel and Palestine and the municipalities of Al Quds and Yerushalayim.

- All powers not specifically allocated to the Special Regime being the responsibility of the Parties.
- Direct Palestinian and Israeli responsibility for particular functions respecting civil matters affecting their respective nationals *inter alia* education and family law.
- Israeli and Palestinian residents to carry either Israeli or Palestinian citizenship, with their political rights secured through participation in the political processes of their country of citizenship.
- Freedom of worship secured and guaranteed, according to established practice.
- A Police Service with a Chief of Police, heading a unified command structure accountable to the Chief Administrator; members of the service recruited individually according to a list of countries agreed by the Parties.
- Israelis and Palestinians to participate in the Police Service as “community liaison officers”.
- Police Service responsibilities to include maintenance of public order, counter-terrorism, entry and exit control to and from the Old City, enforcement of criminal and specific civil laws, security and intelligence responsibilities and community policing.
- Close Police Service liaison with Israeli and Palestinian police and security services.
- The Old City as a “weapons-free” zone, excepting the Police Service.

We recognize that the Special Regime will not fully satisfy all the objectives of the Parties, but are convinced such a Regime can go a considerable way to accommodating their respective needs and ensuring a secure and sustainable future.

There continues to be variance among both our local and international partners respecting components of the plan. Our goal has been to encompass as many common elements as possible and add to them, or modify them, only where we believe sustainability, the *sine qua non* of success, would be otherwise compromised.

The documents published by the Jerusalem Old City Initiative since its inception reflect the evolution of our thinking. This Mandate paper is the most recent expression of our ideas. We have taken the view that our work is best understood as a kind of “rolling draft” subject to change as new ideas come to the fore and as circumstances require.

Our efforts have been greatly enhanced by David Cameron of the University of Toronto and Arthur Hughes, formerly of the US State and Defense Departments, and currently the Initiative's Washington Coordinator, who skillfully drafted the document which follows.

Michael Bell, John Bell, Michael Molloy
Windsor, Canada
February 2010

Mandate Elements for the Jerusalem Old City Special Regime

Rolling Draft: February 2010

1) The Peace Treaty

- a. In their peace treaty the Parties (Israel and Palestine) will create a Special Regime to govern the Old City (that part of Jerusalem within and including the existing walls both above and below ground) as a single entity.
- b. The Special Regime will not prejudice the claims of either party regarding sovereignty over the Old City.
- c. The Special Regime will replace Israeli governance.
- d. The Treaty provisions (including the associated documents) together with a UN Security Council resolution of endorsement will be the Source of Authority and constitute the Mandate for the Special Regime.
- e. The Treaty will create a Governance Board to be the oversight authority of the Special Regime. The Board will appoint a Chief Administrator as executive authority.
- f. The Parties will agree to fund the Special Regime with assistance from the international community.
- g. The parties will agree that neither will attempt in any way, by action, verbally or by means of a third party, to assert or implement their respective sovereignty.

2) The Special Regime

- a. The Special Regime is the practical means by which the Parties will jointly address their responsibilities and interests without prejudice to their respective claims of sovereignty over the Old City.
- b. The Special Regime will have its own legal personality.
- c. The Special Regime will have a Chief Administrator with specific authorities and powers, appointed by the Governance Board, to ensure effective and just governance and administration of the Old City, the rule of law and equality under the law for its residents and visitors, as well as security, public order and safety.
- d. The Old City will be a weapons-free area, except for the international members of the Old City Police Service.

- e. Freedom of religion and worship will be guaranteed by law.
- f. The Special Regime will work closely and actively with religious groups and institutions to:
 - protect and preserve the religious sites;
 - maintain decorum and public order;
 - uphold the status quo and agreed customary practice;
 - promote religious tolerance and respect.
- g. The existing arrangements, roles, and responsibilities of the religious authorities and custodians of the religious sites will continue as provided by the Parties in their peace treaty.
- h. The Special Regime will be responsible for security, public order and safety, city planning and zoning consistent with the preservation of the character of the Old City, real property registration and transfer, environmental protection, archeology, including the preservation of historical sites, the provision of essential public services and any other domains as the Parties may decide.
- i. All powers and functions not specifically allocated to the Special Regime shall be the responsibility of the Parties, including education, family law, religious practice, health, tourism promotion, culture, contract law and commercial law, except insofar as they involve security matters.
- j. The Special Regime will have its own distinct legal personality limited to the mandated responsibilities enumerated in 2) h. above and will work with Israel and Palestine to ensure that their legal systems, and that of the Special Regime, constitute a coherent overall legal framework for the Old City.
- k. Residents will be invited to form advisory bodies to provide information and counsel to the Special Regime on the issues affecting them which fall under the authority of the Special Regime.
- l. Citizens of Palestine and Israel who are resident in the Old City will exercise their political rights by means of participation in the political processes of their countries of citizenship.

3) The Governance Board

- a. The Governance Board will be the oversight authority of the Special Regime.
- b. Palestine and Israel will create the Board within 90 days of signature of the peace treaty between them.
- c. The Board will consist of representatives of the Parties and of such other states and international organizations as may be agreed by the Parties.

- d. Membership will be for three years, renewable.
- e. Within 90 days of the creation of the Board, it will appoint a Chief Administrator as its agent and representative to exercise the executive and regulatory powers of the Special Regime. The Board may seek suggestions for this position from the international community.
- f. The Board will also:
 - hold the Chief Administrator accountable for the execution of the Mandate contained in the peace treaty;
 - require the Chief Administrator to appear before it on matters affecting interpretation of the Mandate;
 - approve the legal regime proposed by the Chief Administrator and exercise decision-making authority over any modification of the legal regime recommended by the Chief Administrator;
 - be available to the Chief Administrator;
 - exercise specific other authority as specified in the Mandate such as the approval of the appointment of the Deputy Administrator, the Police Service Chief and the Police Monitoring Board;
 - undertake the financing of the establishment and operation of the Special Regime, funding to begin upon appointment of the Chief Administrator;
 - approve the annual budget of the Special Regime;
 - have the authority to replace the Chief Administrator, should it so choose.
- g. The Governance Board will not involve itself in the day-to-day operations of the Special Regime nor in the direct governance of the Old City.
- h. All decisions of the Governance Board will be taken after discussion and deliberation among all members of the Board. Decisions relating to the authority and Mandate of the Special Regime, as stipulated in the Treaty and associated documents will require the agreement of the Parties (constitutive decisions). Other decisions (management decisions) will require a simple majority vote of the members of the Governance Board.
- i. Any member may delay voting once on any issue until a subsequent board meeting that may be held only after 15 days have passed.
- j. Each member will have one vote. A quorum will be a majority of the membership including both Parties.
- k. The Board will decide its procedural rules and the Parties will provide administrative and technical support.

4) The Chief Administrator

- a. The Chief Administrator will be appointed by and be accountable to the Governance Board.
- b. The Chief Administrator will be responsible for implementation of the Mandate contained in the peace treaty, its associated documents and the related UN Security Council resolution. He shall also be responsible for the direction and functioning of the Special Regime in the fulfillment of its responsibilities to the Parties and of those to the residents, visitors and institutions of the Old City.
- c. He will be guided by the principles articulated in the entirety of the treaty.
- d. He will have executive and regulatory powers.
- e. He will present formal reports to the Board semi-annually regarding the functioning of the Special Regime. Such reports will include a review of the operations of the Special Regime in the reporting period, annual outside audits of the finances and internal controls, and annual proposed budgets. Governance Board decisions related to these matters will be regarded as management decisions, as described in 3) h. above.
- f. The Chief Administrator will appear before the Board upon its request and it will meet with him at his request.
- g. The Chief Administrator will not be a citizen of Israel or of Palestine.
- h. The term of office will be five years, renewable for one additional term.
- i. The Governance Board may replace a Chief Administrator before the end of a term.
- j. The Chief Administrator is authorized to make and enforce regulations, to establish the Police Service and administrative apparatus and to engage staff, to institute legal proceedings, to contract, to acquire and dispose of property and to take whatever other actions as may be necessary and proper in fulfillment of his responsibilities.
- k. The Chief Administrator may, as appropriate, invite the establishment of advisory bodies composed of residents and others who have ongoing links with the Old City. Such bodies will be invited to offer advice that the Chief Administrator may take into account as he carries out his executive and regulatory responsibilities.
- l. The Chief Administrator may consult and cooperate with members of the international community, including diplomatic missions accredited to Palestine and Israel, on matters of interest or concern to the Old City, its institutions, and to its residents and visitors.
- m. The Chief Administrator will appoint, with the agreement of the Governance Board, a Deputy Administrator who, in the absence of the

Chief Administrator from Palestine, Israel and the Old City, will have the authority of the Chief Administrator. The Chief Administrator will notify Israel and Palestine in advance on the occasions when such a transfer of authority will occur.

- n. The Chief Administrator will appoint, with agreement of the Governance Board, the Chief of the Police Service.

5) Religious Matters

- a. Freedom of access, religion and worship for all residents of and visitors to the Old City will be guaranteed by law, with appropriate access to the Holy Sites, based on customary practice. These rights shall be subject to the requirements of security, safety, public order and decorum.
- b. The Special Regime in itself will not affect existing bilateral or international agreements of the Israeli or Palestinian authorities regarding religious matters, nor the present arrangements for residency of religious persons within the Old City.
- c. The Special Regime will have no responsibility for the internal management of the Holy Sites, but will be responsible for security, ensuring respect for customary practice, public order and safety, including the structural soundness of the sites.
- d. Management of the sites will remain the province of the custodians and religious groups and communities they represent and serve.
- e. Religious groups, communities and authorities will be invited to establish an Advisory Religious Council to foster cooperation and development of constructive relations among them and to coordinate matters of common interest with the Special Regime administration.
- f. The Special Regime will maintain close discussions and liaison with the Council on appropriate matters pertaining to religious affairs in the Old City, including security, preservation, maintenance of access to and sanctity of the Holy Sites, and planning for major religious observances and festivals.
- g. The Special Regime shall work closely with the Council and other religious institutions to promote tolerance.

6) Security, Public Order, Safety

- a. The Old City will be a weapons-free area except for Old City Police Service officers. Any divergence from this will require permits from the Police Service.
- b. Israel and Palestine will ensure that the Old City is weapons free upon entry into force of the Special Regime.

- c. The Special Regime will have an Old City Police Service responsible for enforcing laws, regulations, ordinances and directives in effect in the Old City.
- d. The Police Service will have full authority to investigate, question, arrest, detain and transfer to the appropriate Palestinian and Israeli authorities suspects in accordance with law, accepted international norms and human rights standards.
- e. As soon as possible after his appointment, the Chief Administrator will appoint, with agreement of the Governance Board, a Police Service Chief.
- f. The Police Service Chief will not be Israeli or Palestinian.
- g. The Police Service Chief will report directly to the Chief Administrator.
- h. The Police Service Chief will design and recommend a Police Service to the Chief Administrator with emphasis on neighborhood policing with community partnerships and the ability to monitor and control entry into and exit from the Old City, in close cooperation with Israeli and Palestinian services.
- i. The armed Police Service will consist only of international officers, thereby excluding citizens of Israel and Palestine. These international officers will be recruited by the Special Regime from countries agreed by the Parties.
- j. The Special Regime will recruit Palestinians and Israelis to serve alongside their international colleagues as unarmed Community Officers. All will be under the command of the Police Service Chief.
- k. Palestinian and Israeli police, security and intelligence services will have no authority within the Old City. The Old City Police Service will have a cooperative relationship with those services and will work closely with them on matters of interest to them.
- l. The Parties will agree to post Israeli and Palestinian liaison officers at Old City Police Service headquarters and establish real time communications protocols to ensure close cooperation and effectiveness.
- m. The Police Service will maintain close liaison with services of relevant countries and of international organizations such as INTERPOL.
- n. The Police Service will give special attention to ensuring respect for the sanctity of the Holy Sites in cooperation with the custodians of the sites.
- o. The Police Service will have integral rapid reinforcement capability, including expert units for special circumstances. The Police Service will also have criminal, counter-terrorism, intelligence, explosives training and support units.

- p. The Chief Administrator, on the advice of the Police Service Chief and with agreement of the Governance Board, may conclude agreements for special units that could be called in should the Chief Administrator and Police Service Chief determine the existence of extraordinary requirements not manageable by integral Police Service units.
- q. When requested by the Chief Administrator, the Parties will agree to facilitate entry into staging areas and movement of these units with their arms and equipment through their territories to the Old City.
- r. The Chief Administrator will establish, with agreement of the Governance Board, a Police Board to monitor the Police Service and its operations. Monitoring will include public meetings and independent assessments.
- s. The Parties agree to provide fire safety and first responder services to the Special Regime, including specifically ambulance, rescue and firefighting capability. These functions will be coordinated by means of the Israeli and Palestinian liaison at Police Service Headquarters.
- t. The Parties will ensure that incitement or actions against the Special Regime and the Old City will not occur from their territories.

7) The Legal System and Civil Issues

- a. The Parties will have jurisdiction over their respective citizens for all matters not falling under the authority of the Special Regime.
- b. For third country nationals, the law of the country from which persons enter the Old City will apply, with the exceptions specified in section 7) d. below.
- c. With the endorsement of the Governance Board, a distinct legal personality for the Special Regime will be established by the Chief Administrator and apply to those matters falling under the Special Regime Mandate listed above in section 2) h.
- d. The legal system will include a mechanism to determine jurisdiction in cases involving citizens of both states, cases involving Old City residents and third country nationals, and cases involving exclusively third country nationals.
- e. In developing the legal system for the Old City in the areas of responsibility specified in section 2) h. above, the Chief Administrator will appoint a panel of Palestinian, Israeli and international experts. In selecting members of the panel, the Chief Administrator will give full consideration to suggestions from the Parties.
- f. The panel will develop, for recommendation to the Chief Administrator, a legal system based on existing law, Palestinian law and international law as appropriate.

- g. During the interim period, that is the time between appointment of the Chief Administrator and entry into force of the distinct legal system of the Old City, existing legislation deemed relevant by the Chief Administrator and the Governance Board will continue to apply.
- h. Existing legislation prejudicial to the interest of either Party such as that pertaining to absentee property, residency and the annexation will become inoperable within the Old City on the coming into force of the peace treaty.
- i. Under his authority and responsibility for public order and safety, the Chief Administrator will develop dispute resolution mechanisms, utilizing existing mechanisms as appropriate.
- j. The Chief Administrator will develop regulations for residency and presence in the Old City. Denials for either Palestinians or Israelis will require advance consultation with appropriate officials of the relevant Party.
- k. Changes in the Special Regime legal system may be required from time to time. Such changes will be formalized on the decision of the Chief Administrator and the endorsement of the Governance Board.

8) Archeology and Excavation

- a. The Chief Administrator will develop and enforce regulations, procedures and institutions to include standards, consultative processes, assessment applications for licensing, monitoring and excavation and, if necessary, suspending such activity.
- b. The Chief Administrator will appoint a panel of experts to provide analysis and advice based on UNESCO and other established international standards.

9) Planning, Zoning and Property

- a. Prior to the establishment of a distinct legal system for the Special Regime there will be no property or land purchases, change of usage or transfer of ownership without the approval of the Chief Administrator, who will establish a committee of experts to advise him. Those aspects of the legal system affecting these issues should be developed on a priority basis.
- b. The Chief Administrator will develop and implement, subject to the concurrence of the Governance Board, a comprehensive urban development and conservation plan for the Old City that balances the needs of residents, improves living conditions, addresses environmental concerns, conserves heritage buildings and structures, maintains an appropriate commercial environment and accommodates pilgrims, tourists and other visitors.

- c. The Chief Administrator will create a multidisciplinary planning and zoning department. Under his direction that department will assume responsibility for the issuance of building permits, structural safety inspection, heritage protection and environmental standards enforcement. It will advise the Administrator respecting urban infrastructural and utilities issues.
- d. The Chief Administrator will consult the various stakeholders to determine the feasibility of creating an Old City property registry.

10) Urban Services, Utilities, Infrastructure, Environment

- a. The Special Regime will cooperate with Palestine and Israel and their respective municipalities to ensure that effective public services, utilities and infrastructure are constructed, maintained, updated and provided on a reliable basis.
- b. Operations and annual and long-term capital and maintenance budgets will be prepared jointly by the Parties and the Special Regime.
- c. The Parties will meet the costs of such budgets.
- d. The Special Regime will ensure environmental regulations and practices of a high standard.

11) Administration, Economic Matters, Liaison and Facilitation

- a. The Special Regime will not apply duties on goods and services entering or leaving the Old City.
- b. Licenses, charters, permits and other authorizations issued by Palestine and Israel for banks, insurance companies, law firms and attorneys, notaries, guilds, labor unions, chambers of commerce and other institutions necessary for economic activity will also be valid in the Old City;
- c. Palestinian and Israeli currency will be legal tender within the Old City.
- d. The Parties agree that their respective authorities and agencies will cooperate fully with the Chief Administrator and his staff in the fulfillment of Special Regime responsibilities. To this end they will designate appropriate officials to act as interlocutors with the Chief Administrator and his staff.
- e. The Chief Administrator will establish a liaison system to ensure prompt and ongoing dialogue, collaboration and cooperation with appropriate officials of the Parties and their respective municipalities.
- f. The Parties will facilitate the work of the Chief Administrator and Special Regime, *inter alia*, by facilitating passage through their territories to and from the Old City of Special Regime staff and contractors.

- g. The Parties will provide radio and television frequencies at no cost both for the internal use of the Special Regime and for public service broadcasting.
- h. The Parties will assist with the importation of equipment including arms and special equipment for the Police Service.
- i. The Parties will not restrict the entry of goods, including letter and package mail for Special Regime use and that of its staff and direct contractors.
- j. The Parties will not levy taxes, fees or any other charge on purchases including imports by the Special Regime for use by the Regime or any of its staff or its direct contractors.
- k. Postal and telecommunications services will be offered by the Parties or their licensees and Israeli and Palestinian post offices will be open for public use.
- l. The Parties shall make available to the Chief Administrator public property, facilities, records, and archives within or relevant to the Old City as requested by the Chief Administrator to fulfill his mandate.
- m. The Chief Administrator will establish his office and if possible, the greater part of the Special Regime administration within the Old City. Because of space constrictions and special needs, such as for Police Service training and other facilities, the Chief Administrator may also acquire facilities including housing outside the Old City within Palestine and Israel. The Parties agree to facilitate such acquisitions, which will be free of all taxes, fees, levies and assessments.
- n. The Chief Administrator will reside within the Old City.
- o. The Chief Administrator may establish administrative and support systems to provide for and sustain the operations of the Special Regime. This may include a vehicle fleet registered and licensed by the Special Regime and a procurement system based on best practices and transparency. The Chief Administrator will seek to focus purchases in Israel and Palestine but there will be no quotas, and purchasing will be conducted according to the norms of tender law.
- p. The Chief Administrator and his staff and direct contractors of the Special Regime will enjoy privileges and immunities in accordance with common international diplomatic practice, including while outside the Old City within the territories of Israel and Palestine. The Chief Administrator will issue appropriate identification documents for this purpose and notify Palestine and Israel accordingly. Such persons' entry into and exit from Palestine and Israel and passage into and out of the Old City will not be hindered in any way by the Parties.

- q. All premises of the Special Regime whether in the Old City or within Palestine or Israel will be inviolable.

12) Entry into Effect

- a. The Special Regime will assume authority ____ and remain in effect until such time as the Parties may agree on successor arrangements for the Old City.
- b. The Parties will invite all members of the international community to acknowledge the unique role and status of the Special Regime and to offer support to Palestine and Israel to ensure their ability to provide the services to the citizens of the Old City for which they are responsible.

Annex A: Contributors

PRINCIPAL AUTHORS

David Cameron is Professor and Chair of the Political Science Department at the University of Toronto. Dr. Cameron is a former Deputy Minister of Intergovernmental Affairs in the government of Canada and an associate of the Forum of Federations.

Arthur Hughes is an Adjunct Scholar at the Middle East Institute in Washington, DC. He is a former Director General of the Multinational Force and Observers in Sinai and a former Deputy Assistant Secretary of State for Near East Affairs and Deputy Assistant Secretary for the Near East in the US Defence Department.

JERUSALEM OLD CITY INITIATIVE MANAGEMENT TEAM

John Bell is the Director for the Middle East and Mediterranean Program at the Toledo International Centre for Peace. He was Middle East Director for Search for Common Ground and served as political advisor to the Personal Representative of the Secretary General of the United Nations for southern Lebanon.

Michael Bell teaches at the University of Windsor. Former chair of the Donor Committee of the International Reconstruction Fund Facility for Iraq, he spent 36 years in the Canadian foreign service, serving as ambassador to Jordan (1987–90), Egypt (1994–98), and Israel (1990–92 and 1999–2003).

Michael J. Molloy was Special Coordinator for the Peace Process (2000–03), Canada's Ambassador to Jordan (1996–2000), and Senior Advisor to the Canadian delegation to the Refugee Working Group (1993–96).

Tom Pierre Najem is Chair of the Political Science Department at the University of Windsor, and Associate Professor of International Relations and Comparative Politics. He has held previous academic appointments in Morocco and at the University of Durham.



Governance Discussion
Document:
A Special Regime
for the Old City of Jerusalem

November 2008

ACKNOWLEDGEMENTS

The ideas in this document are based, in part, on our collective study and varied experiences in dealing with the Palestinian-Israeli conflict. More importantly they incorporate the thoughtful comments and direction we have received from the many people who shared their time and insight with us over the four years of this undertaking. They include individual Palestinians and Israelis, as well as international experts, members of academia, practitioners, and policy makers. We are further thankful to those officials and public figures who provided advice, but asked not to be identified.

This undertaking would not have been possible without the generous financial assistance and support of the Canadian Department of Foreign Affairs and International Trade, as well as the Canadian International Development Agency, the International Development Research Centre, the Centre for International Governance Innovation, the Woodrow Wilson School for Public and International Affairs at Princeton University, Search for Common Ground, and the Toledo International Centre for Peace. For the support of all these institutions, we are most grateful.

We benefited enormously from the support of the University of Windsor, which houses this initiative, and in particular from the head of the University's Political Science Department, Tom Najem, who is our project manager. He and his staff, Rachelle Badour, Derek Barker, Crystal Ennis, Jonathan Nehmetallah, and Shayna Zamkanai, did much of the hard slogging for which we are also most grateful. Our thanks are also extended to the dean of arts and social sciences, Cecil Houston, for his unwavering support of the Jerusalem Old City Initiative.

Our core team was composed of Ambassador Art Hughes, our Washington coordinator; Jodi White, president of the Public Policy Forum; constitutional expert David Cameron of the University of Toronto; Marshall Breger, professor at the Columbus School of Law at the Catholic University of America; and Michael Dumper professor at Exeter University. They and our other partners are listed in Annex B. The many papers we commissioned, which have greatly aided our efforts, are listed in Annex C with their authors. Full texts are available at www.uwindsor.ca/jerusaleminitiative.

The pioneering work of the Initiative's Security Working Group, led by General John de Chastelain, Roy Berlinquette, and Art Hughes, needs to be acknowledged, as does the policy advice we received from a self-styled "Caucus Group" consisting of Gilead Sher, Jibril Rajoub, Pini Maidan-Shani, Ambassador Manuel Hassassian, Yaser Dajani, and Moty Cristal. We also benefited immeasurably from the astute policy and legal observations of Hiba Hussein and Mazen Qutty. Two outstanding Jerusalemites, Danny Seideman and Nazmi Jubeh, provided knowledge and profound insights regarding the complexities of Jerusalem past and present, along with constant encouragement. The constructive criticism and kindly interest of two fine scholars, Menachem Klein and Salim Tamari, are deeply appreciated. The sharp pen and policy acumen of Lara

Friedman contributed immeasurably to the structure, and, we trust, clarity of the paper. We are deeply indebted to Ambassador Dan Kurtzer and Shira Herzog for their wise council and longstanding interest in the Initiative.

We also acknowledge, with thanks, the kindness, support, and advice of the Canadian embassies in Tel Aviv and Washington, the Canadian High Commission in London, and the Canadian Representative office in Ramallah, whose staff opened doors and provided encouragement, often when we most needed it.

For editorial support, we turned to Bronwyn Drainie, the editor of the *Literary Review of Canada*, and Madeline Koch of Toronto, whose skills and experience have resulted in a clear, readable, and cogent document. We are most thankful for their patience in deciphering our hieroglyphics. We also note with gratitude the participatory contribution of two long-serving Foreign Service spouses, Jo Molloy and Linda Bell. Aside from never-ending patience, they contributed real value to the research and drafting phases of our undertaking.

We have often described the Jerusalem Old City Initiative as an exercise in creative political imagination. In the process of writing this document we have had to imagine a new governance vision for the Old City of Jerusalem. We have benefited from the thoughtful advice and patience of those named above and many more; the strength of this document is founded on wide consultations over a long period. In describing a governance system that has no precise precedents we have had to make critical choices along the way. Some of these choices were widely supported by those who worked with us. Some were not. In the end, we take full responsibility for the contents of this document.

Michael J. Molloy, Michael Bell, and John Bell
Windsor, Ontario
November 2008

EXECUTIVE SUMMARY

The Old City of Jerusalem is the central focus of the national aspirations of both Israelis and Palestinians. This small, densely populated space embodies every aspect of the Israeli-Palestinian conflict, including overlapping political, demographic, security, economic, social, and religious claims. The area is also a central focus for Jews, Muslims, and Christians worldwide. Palestinian and Israeli negotiators will have to deal with and master the complexities of Old City governance if they are to achieve a viable, comprehensive solution to the Israeli-Palestinian conflict. To do so will present extraordinary challenges, including overcoming the systemic distrust that pervades the Palestinian-Israeli relationship.

The heart of the problem is this: Israelis and Jews see the Old City of Jerusalem as their birthright from the time of King David some 3000 years ago. The Temple Mount within the Old City with its Western Wall is the holiest site in Judaism, and the Wall is the most sacred place of Jewish worship. Muslims also see Jerusalem as their birthright dating from the first Muslim presence in the seventh century. The Haram al Sharif is their third holiest site, the place from which they believe Mohammad ascended into the heavens. Both vigorously dispute ownership of the Haram/Temple Mount and its foundation wall, all of which are overlapping parts of the same construction. Given the overwhelming importance of this common sacred space and its place in religious and national narrative, neither side shows any willingness to concede to the other's claims, for to do so would undermine their own legitimacy. Although the city today is less of an issue of religious and political contention for Christians, they also look to Jerusalem as the centre of their faith, the place of the crucifixion and the resurrection of Jesus.

These challenges demand special governance arrangements. Based on extensive consultations and study, the Jerusalem Old City Initiative has concluded that the optimal solution is an Old City "special regime," founded on agreed norms of international law, established at the direction of both Palestine and Israel. The envisioned mandate would remain in force until the parties achieve a negotiated agreement that establishes a new system of governance for the Old City.

The proposed Old City Special Regime would neither resolve nor seek to resolve competing claims to sovereignty over the Old City and its Holy Sites. Rather, it is designed to permit the achievement of a peace agreement even in the absence of such a resolution — facilitating the smooth functioning of life within this highly contested space without prejudicing the sovereignty claims of either side. To be sure the special regime would not be assigned sovereignty but would be tasked by the Israeli and Palestinian governments to perform specific functions on their joint behalf. Establishment of this special regime would require the full approval and participation of both Israel and Palestine — something that

would not be achievable unless both sides were convinced that the envisioned arrangements would be open to the resolution of sovereignty claims in the future.

KEY CHARACTERISTICS AND FUNCTIONS OF THE SPECIAL REGIME

The proposed special regime, headed by a Chief Administrator, would be responsible for the efficient and equitable management and governance of the Old City, including ensuring the sanctity of and access to the Old City's Holy Sites. In doing this, it would have to take into account the needs, interests, aspirations, and sensitivities of all stakeholders — including not only residents but also workers and business people living outside the Old City walls, as well as tourists and religious pilgrims.

The regime's mandate would extend to those aspects of life that are, by their nature, uniquely grounded in the Old City: security and policing, entry and exit, movement and access within the Old City and to its Holy Sites, heritage and archaeology, residency and property ownership, zoning and planning, and environmental regulation. Aspects of life linked to nationality (e.g., political rights, education, family law) would be the province of the national authorities, Palestinian and Israeli. That said, to the greatest degree possible the special regime would need to preserve the urban fabric connecting the Old City and the rest of Jerusalem, meaning that arrangements for the Old City should not be divorced from Jerusalem as a whole. Moreover, some functions — including legal, environmental, and those related to infrastructure and utilities — would involve a degree of shared authority, requiring ongoing coordination between the special regime and the relevant national and municipal authorities.

To meet these responsibilities, the special regime would require an empowered autonomous bureaucracy — one whose leadership has the confidence of both Israel and Palestine and one that is vested with both the authority and the capacity to administer, manage, and police specific aspects of the Old City and its inhabitants.

Our discussions have shown that the Israelis express their concerns mainly in terms of security while the Palestinians frame their concerns in terms of fairness and equity. To be sustainable, the special regime would have to balance both. Given the importance of security concerns in the Israeli-Palestinian arena, a key function of the Special Regime this regime would be to ensure equity, law, and order. Security will be the test of any peace agreement: if order in the Old City breaks down, any Israeli-Palestinian peace agreement itself will be at risk. Moreover, equity and security are the *sine qua non* for sustainable governance: no regime can be sustained if it cannot provide both, including, in the special case that is the Old City, ensuring access to Holy Sites for residents and visitors. In terms of equity, the special regime must ensure equality of treatment for all residents and visitors to the Old City in all its functions. Furthermore, the structure and nature of the executive authority will need to respect and preserve the dignity and rights of all residents and visitors.

Thus, the Old City Special Regime would require a robust security force, with the capacity both to deliver even-handed law enforcement and justice and to confront successfully large-scale security threats, including potential efforts by extremists from the various camps seeking to undermine an Israeli-Palestinian peace agreement. Substantial third-country participation in such a force would be vital, helping to overcome the deep mistrust that exists between the sides. Close liaison and coordination with Palestinian and Israeli police would also be crucial. The special regime would also have an independent legal system and dispute resolution mechanism for specified issues of adjudication and resolution.

The proposed special regime would require substantial financial support from Israel and Palestine, as well as from the international community, to fulfill the mandate. While the regime would have some fundraising capacity (through taxation, fees, and bonds), it would not, on its own, have sufficient resources to carry out all its responsibilities. International support for the special regime would be all the more imperative given the Old City's meaning and symbolism worldwide and the threat to any peace agreement that would ensue were the regime to fail.

The characteristics and functions of the special regime are more fully explained in parts I and III of this document.

GOVERNANCE STRUCTURE OF THE SPECIAL REGIME

The special regime would be created and supported by the parties themselves — Palestine and Israel — with the support of the international community. Structurally, the regime would be anchored in an Old City board, consisting of senior representatives of the Israeli and Palestinian governments, as well as representatives of select other countries agreed to by the parties. The principal functions of the board would be to appoint, on behalf of the Israeli and Palestinian governments, the special regime's chief administrator and to maintain oversight of the application of the mandate.

The chief administrator, an experienced and internationally respected individual who is neither Israeli nor Palestinian, would be the special regime's executive authority. The chief administrator would have overall independent responsibility for policing and security and also specified public administration and governance functions. This authority would extend to appointing a police chief, accountable to the chief administrator, and establishing offices to liaise with the Israeli and Palestinian authorities at the senior and working levels. The chief administrator and staff would also work with existing and new local and international bodies, representing the stakeholders. Prominent among these would be the advisory religious council, to provide advice on the management of the Holy Sites.

Other bureaucratic bodies (see Annex A) would develop organically under the authority of the chief administrator, in order to respond to the various needs of

the stakeholders. When the special regime is initially put into place, it is recommended that the chief administrator establish specialized transitional commissions the administrator believes warranted.

The full governance structure of the special regime is detailed in Part II of this document.

CONCLUSION

Traditional thinking about solutions for the Old City has been restricted to zero-sum options (i.e., either Israeli or Palestinian sovereignty over the entire area) or unwieldy plans to divide sovereignty (e.g., the Clinton parameters, the Geneva Accord). In this document, the Initiative is offering another option.

Typically analysis of possible solutions to the conflict over the Old City of Jerusalem looks at three options: 1) sovereignty and control in the hands of Israel, 2) sovereignty and control in the hands of the new Palestinian state, and 3) the division of the Old City between the parties as, for example, in the Clinton parameters and the Geneva Accord. Options 1 and 2, where sovereignty and control are exclusively in the hands of one party or the other, will not result in a peace agreement. Option 3, a simple division of sovereignty within the Old City, given the unhappy history of cooperative efforts by the parties and the legacy of a century of conflict, would, in our view, be untenable as well, for the foreseeable future.

Recognizing that it is very difficult for governments to undertake this kind of study, this discussion document represents our best attempt to present a “fourth option” for the Old City, neither control by one party at the expense of the other nor split governance. While we are convinced the prospects for peace and reconciliation exist and can be realized with good will and hard work, we do not believe that the Old City can be governed effectively by the two parties alone until trust builds over time with the successful implementation of the peace treaty.

Our proposed solution, which grants full control to neither party and leaves sovereignty questions open, is based on two things: 1) the recognition that zero-sum options are incompatible with a peace agreement, and 2) the firm belief that it is impossible, for the foreseeable future, to divide sovereignty and governance within this small, densely populated area, with its overlapping sacred spaces. Short of a peace agreement that resolves, to the satisfaction of all stakeholders, competing claims to the Old City and its Holy Sites, we believe this proposal is the best and perhaps only option that will permit the achievement of peace.

Indeed, a key advantage of this option is that, if adopted, it would ensure that Palestinian-Israeli peace would not be held hostage to the final resolution of claims to the Old City and its Holy Sites. The importance of this point should not be underestimated. Given the national and religious sentiment attached to the Old City and its Holy Sites by both the Palestinian and Israeli communities, it is

likely that even the most promising peace negotiations could easily fall apart over these issues.

Finally, our proposal would give any resulting peace agreement the breathing room it needs to succeed. It would provide time for peace between the two peoples to be consolidated so that when the parties try, at some future time, to find a permanent solution for the Old City, they can do so in an environment of shared interests and trust and with a much greater likelihood of success.

RATIONALE

For decades the Israeli-Palestinian conflict has taken lives, destroyed opportunities, and hindered the national development of Palestinians and Israelis. It has obstructed the acceptance of Israel as a legitimate and integral member of the Middle East state system and blighted its relations with much of the international community. It has delayed the entry of Palestine as a recognized and viable state into the international community. Resolution of this conflict is critical to relations among the Islamic, Jewish, and Christian worlds.

Jerusalem and its Old City in particular, is the central focus of Israeli and Palestinian national aspirations. At its very core, the conflict is about control over Jerusalem's Holy Sites, the most important of which, the Haram al-Sharif/Temple Mount, the Kotel/Western Wall, and the Church of the Holy Sepulchre, are located within the stone walls of the Old City. Most importantly, the sacred space of the Haram al-Sharif and Temple Mount are physically overlapping and indivisible.¹ These sites are powerful religious, cultural, and emotional symbols that must be administered with fairness and equity if the profound needs of stakeholders are to be met. Without the sustainable, effective, and equitable management of the Old City's status, enduring peace between the Palestinians and Arabs, on the one hand, and Israelis, on the other, will be unattainable.

The Old City of Jerusalem is a microcosm of the Palestinian-Israeli conflict, encompassing political, demographic, security, economic, social, religious, territorial, and environmental elements, among others. The search for a solution to the conflict is complicated by the systemic distrust that exists between the sides, in particular with respect to Holy Sites, their surroundings, ownership, security, access, and human dignity. Israeli and Palestinian negotiators will have to master the complexities of Old City governance if they are to achieve comprehensive peace.

1 Old City Holy Sites are often referred to interchangeably by their Arabic, Hebrew, or English names. We recognize the sensitivities inherent in using one term over another, and must stress that the usage in this document in no way represents a bias. We have thus chosen the terms most common in academic literature. We elected to use the term "Western Wall" to refer to the Kotel (Hebrew)/Al Buraq (Arabic), and the terms "Temple Mount" and "Haram al-Sharif" (Arabic) instead of the lesser known term "Har ha-Bayit" (Hebrew).

The Jerusalem Old City Initiative was established to develop creative governance and management options for the Old City, based on a two-state solution and two national capitals in the Jerusalem conurbation. For over four years we have worked in close consultation with Palestinian, Israeli, regional, and international experts and advisors to this end. The recommendations in this document are intended to provide negotiators, political leaders, and policy planners with creative ideas for practical solutions that can bridge gaps and spark imagination. Our recommendations contained in this document aim to offer workable solutions. They are based on preliminary ideas first formulated in “The Jerusalem Old City Initiative Discussion Document: New Directions for Deliberation and Dialogue,” published in late 2004 and available on our website at www.uwindsor.ca/jerusaleminitiative.

As a result of our research and our consultations, we have come to believe that governance solutions based on the notion of dividing the Old City between Israelis and Palestinians are problematic, given overlapping claims and aspirations coupled with their charged history. With an area of just 0.9 square kilometres, the Old City is too small, too densely populated, too architecturally linked, and too riven by systemic distrust to be managed viably by a number of separate authorities that would carry, perforce, a legacy of acrimony and be imbued with mutual suspicion and distrust.

The attachment to religious and national symbols is so intense and the wounds so deep that they will require a very long time to heal. We see no evidence that ingrained bias, resentment, and prejudice will erode in the near term simply by the act of signing a peace agreement. Changing human and community behaviour patterns requires the effort and experience of decades.

We believe, however, in the context of a two-state solution, sustainable governance arrangements can be agreed upon by both sides, treating the Old City as a single entity under a special regime led by a chief administrator. The Old City Special Regime proposal is designed to offer negotiators a detailed, realistic, integrated model for addressing the myriad challenges of Old City governance. The solutions offered in the proposal would ideally be adopted as a whole — which we believe to be the optimal solution — but could also be adopted in parts or in some combination, according to the needs and preferences of the negotiators.

We envisage the parties — Palestinians and Israelis — constituting the chief administrator’s source of authority. It is they who would determine the special regime’s mandate and they who would choose the administrator. The arrangement we propose is unique because it is the parties themselves who will create the governance mechanisms.

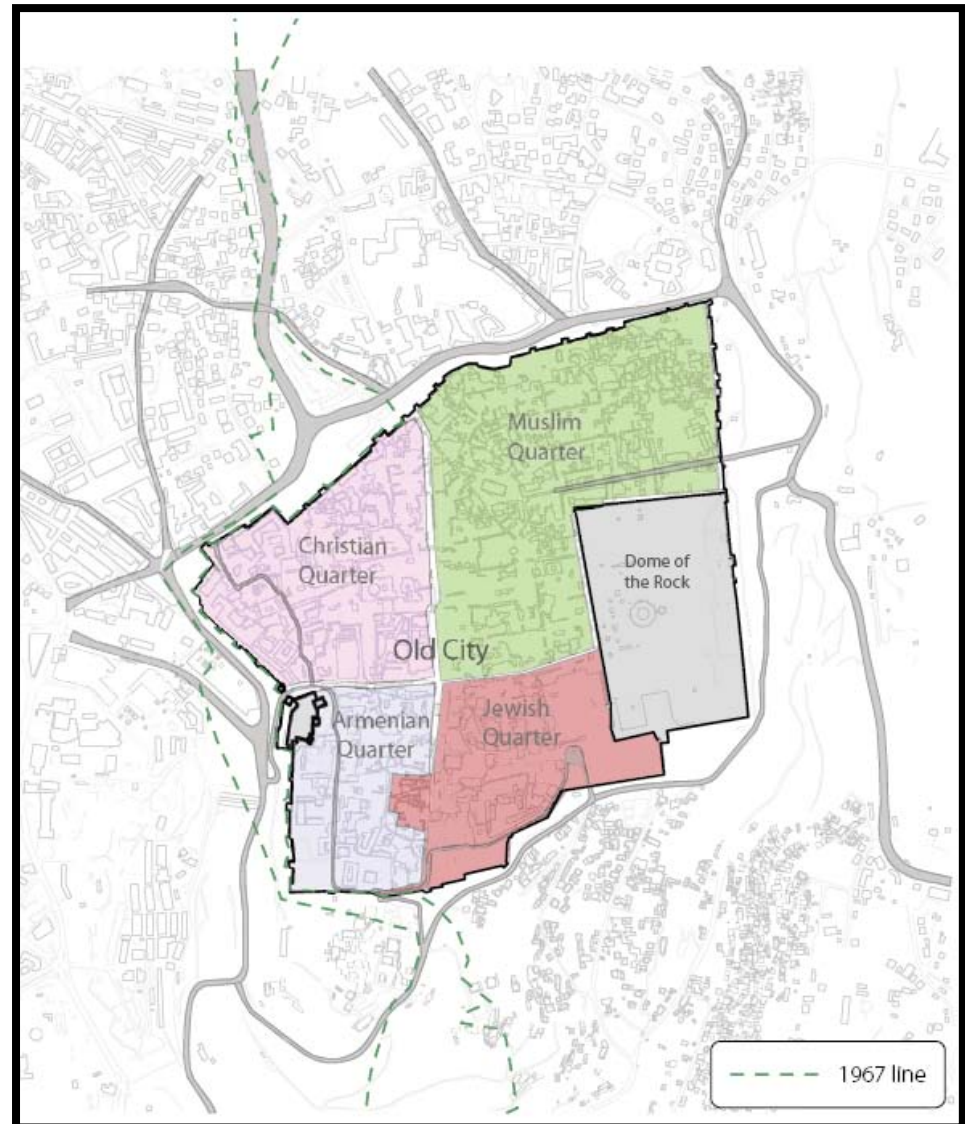
To ensure fair and appropriate access to the Holy Sites for Muslim, Jewish, and Christian believers, access, movement, safety, and security requirements must, in our view, be met by a single impartial authority so that rights can be exercised equitably without fear of retribution or intimidation.

Virtually every issue today has the potential to develop into a serious crisis among differing individuals, believers, and communities. Sustainable arrangements must create peace, order, and good governance by ensuring that a single, impartial authority, in this case the chief administrator, enjoys a clear mandate from the parties and the strong support of the international community, thereby enabling the incumbent to ensure orderly access, equitable law enforcement, and public order. The administrator should be made responsible for ensuring the rights and dignity of all.

The Old City Special Regime will necessarily exist as a separate governance entity surrounded by Israel's capital in West Jerusalem, Yerushalayim, and Palestine's capital in East Jerusalem, al-Quds. The need, however, to maintain the urban fabric and contiguity of the Jerusalem conurbation as a whole is also critical. The nature of governance in such a complex, intertwined, urban area would, of course, require close coordination on municipal and broader issues with the two national and municipal governments concerned.

The discussion developed herein is the culminating document in a series of papers detailing the characteristics of the special regime and examining various possibilities and arrangements within that framework. Earlier documents examine and propose a variety of possible solutions focused on this concept. In particular, the "Jerusalem Old City Initiative Security Assessment," released by our Security Working Group in November 2007, lays out in considerable detail the requirements for law enforcement and security systems. The "Jaffa Gate Crossing Facilities Study" by Saya Architecture and Consultancy provides innovative ideas for implementing an efficient security system at one of the Old City's busiest gates. These and other research and policy papers are available online at www.uwindsor.ca/jerusaleminitiative. It is from them and from innumerable meetings, workshops, and conferences that we have developed our proposals. To all those who contributed, we owe a great debt of gratitude. Responsibility for the conclusions drawn in the document, however, and for any errors, rests with the authors alone.

MAP OF THE OLD CITY OF JERUSALEM



PART I: OVERVIEW OF THE OLD CITY SPECIAL REGIME

1.1 Core Features

Any successful special regime must take into account the needs, interests, aspirations, and sensitivities of all stakeholders. It must put in place a system that can effectively manage and facilitate the normal functioning of the Old City and protect residents, visitors, Holy Sites, and other symbolic venues. It must be capable of coping successfully with crises and it must do this in a manner that is effective, fair, and equitable, and is seen by the parties, Israel and Palestine, to be so.

The Old City Special Regime should contain the following key characteristics:

- a. ***Israeli/Palestinian Ownership*** A regime for the Old City would have to be created and embraced by both Israel and Palestine, the source of its authority. The special regime and its mandate should, in our view, be integral parts of a peace treaty between Palestine and Israel. These two parties, acting together, would need to create what we have called an Old City board to which the Chief Administrator would ultimately be accountable.
- b. ***Mandate*** The mandate, which would be the basis of the special regime, would be drafted and issued by the parties as an integral part of a peace treaty and its associated documents. The mandate would lay out the functions of the special regime and invest authority in the chief administrator, stipulating agreed-on functional limits. The peace treaty would establish the Old City board and delineate its functions.
- c. ***Relevance under Different Sovereignty Scenarios*** We recognize the significance of physically overlapping sovereignty claims by the two parties to territory and sacred space within the Old City. Agreement on the primordial question of sovereignty would clearly be the most desirable outcome of any negotiation. We consider, however, that the prospect of early resolution is remote.

We believe that existing claims to sovereignty are so exclusive and based on such deeply felt national and religious identities and community narratives that bilateral Palestine and Israel governance options cannot be realized except through the role of an interim third party. Through the third-party presence, with growing trust and experience, confidence between Israelis and Palestinians can be established and reinforced over time, making feasible what today seems impracticable.

In the unlikely event that the parties are able to reach agreement on sovereignty, this will not mean that suspicion, distrust, competition, and prejudice would disappear. It seems likely to us that, particularly in the initial years, provocateurs and spoilers may do their worst in the hope of promoting the collapse of the agreement. If a bilateral system were to break down over issues

such as archaeological excavation or tunnelling, let alone access to and conduct at Holy Sites, the entirety of any peace treaty could fall apart. Such is the emotive force of sacred space. Therefore, a special regime with appropriate modifications and scaled to the magnitude of its responsibilities might still remain the optimal system for the interim management of the most contentious elements involved. We believe that conclusive Palestinian-Israeli agreement on sovereignty over the Old City would be optimal, yet even in this case, a third party role would still be necessary to ensure stability.

For the purposes of this document, however, we have assumed the more complex scenario of a special regime installed in a situation where the assignment of sovereignty within the Old City has been postponed. Under this scenario, our research conducted by the Jerusalem Old City Initiative suggests a special regime would have to take on a broader range of functions than if most sovereignty issues were resolved.

- d. ***Third-Party Support and Participation*** A strong third-party role would be central to the regime's ability to meet the legitimate equity and justice, safety and security, emotional and psychological, and religious and material needs of the Old City's stakeholders. We realize that this third-party element may raise concerns respecting perceived or real impacts on sovereignty. We thus emphasize again that our proposals do not seek to resolve, or in any way prejudice, sovereignty claims, which remain within the total purview of the parties. The special regime, as we conceive it, will be created and owned by the parties, who will appoint the chief administrator and issue the mandate. This mandate would assign specific tasks or functions to the special regime, but not sovereignty. What is more, the special regime would be sustained by the participation of Israel and Palestine in the Old City board. Such an arrangement would be unique and would in no way constitute internationalization or a *corpus separatum*, concepts we reject.²
- e. ***Sustainability and Legitimacy*** To be effective, the special regime's governance arrangements would need to strike a careful balance between sustainability, which requires autonomy of decision making for the chief administrator, on the one hand, and coordination and consultation with the parties, on the other. The administrator would require clear and unimpeded lines of authority and management, coupled with the capacity to maintain public order and react rapidly and effectively in case of crisis. Given conflicting national aspirations and claims, the profound, systemic distrust between the parties, the almost inevitable activity of "spoilers," and other factors, including the Old City's complex and diverse society, any successful administration by a third party would also

2 "Internationalization," to us, implies that the Old City would be governed by an external authority under an international jurisdiction, for example a commissioner appointed by and accountable to the United Nations or some other outside body. The *corpus separatum* designed under UN auspices in 1948 to exclude Jerusalem from both Israeli and Arab control, called for in Resolution 194 of the United Nations General Assembly, is an example of an internationalization model.

require ongoing support and active participation by local representatives of the Old City's existing social, religious, and institutional bodies. The chief administrator would have to establish consultative mechanisms to this end. The regime's legitimacy would begin with the fact that its mandate is rooted in the Israeli-Palestinian peace agreement, and in the fact that Palestinians and Israelis would shape the rules that guide it. Support from the international community, including a supportive United Nations Security Council resolution, would strengthen that legitimacy. However, in the end, the character and skills of the individual chosen as chief administrator will be critical.

- f. ***The Urban Fabric*** To the greatest degree possible the special regime would need to preserve the urban fabric that connects the Old City to the rest of Jerusalem. Arrangements for the Old City cannot be divorced from the Jerusalem conurbation as a whole. Relatively few residents live their lives strictly within the confines of the walls; most have family, social, and economic relations beyond. Conversely, many of those who earn their living in the Old City reside elsewhere. The walled city's symbolism, as well as its infrastructure, economic, and social realities, and the legions of tourists and pilgrims eager to visit their Holy Sites, make it inseparable from Jerusalem as a whole. Very few stakeholders — Jerusalemites, Israelis, Palestinians, Muslims, Christians, or Jews — will accept the Old City as an isolated enclave. Meaningful and strong linkages with the Israeli and Palestinian capital cities Yerushalayim and al-Quds are therefore both natural and necessary. The participation of the special regime in any future arrangement to coordinate services, infrastructure, standards, and utilities would be imperative.
- g. ***Focus on Place*** The Old City, defined by its walls, demands special governance arrangements. However, such arrangements must recognize that the inhabitants are part of larger communities extending beyond the walls, and that these communities already have and will have in place legal, social, and cultural structures to address many aspects of their daily lives. Residents of the Old City would overwhelmingly be citizens of the new Palestinian state or of Israel.³ In many cases, in civil matters Palestinian residents would be subject to Palestinian law, Israeli residents to Israeli law. A workable special regime must thus seek to focus more on place — and critical issues of friction related to place — than on people. It should address those functions that are quintessentially of the Old City, for example the security of the Holy Sites and worshippers. It should leave undisturbed natural linkages, including national political rights, education, and family law, which would remain the domain of a resident's country of citizenship, Palestine or Israel.

³ We recognize, of course, that a number of foreigners have lived, do live, and will continue to live in the Old City. Special arrangements already exist for them. Responsibility for them would be transferred to the special regime.

1.2 Guiding Principles for Place and People

Functions and activities within the Old City can be divided into two categories: place and people. The relation of the special regime to each function and activity should depend on and be governed by this categorization.

- a. ***Place Functions under the Authority of the Special Regime*** Place functions include all those related to Holy Sites, heritage, and archaeology, as well as all aspects of security and policing (see section 1.4 below). Because of their highly contentious nature and their inter-linkage, these functions must be under the authority of the chief administrator. Indeed, successful oversight and management of these functions is the core mission of the special regime. Beyond this there are other requirements, which, due to their location-based connection to the Old City and their potential to generate conflict, would best be placed under the authority of the special regime.

The extent of this authority should, in part, reflect the extent to which issues of sovereignty have or have not been resolved by the parties. These could include issues such as residency permits, planning and zoning, and local infrastructure and services — areas that will likely remain matters of political contention between the parties and whose management affects peace and security. In many of these cases, there is a need for degrees of reference to and coordination with national and municipal bodies.

- b. ***People Functions under the Authority of National Governments*** People functions include those grounded not in the Old City itself, but in the approximately 35,000 people who inhabit it, as well as those who work in it, or visit it. Under the proposed special regime, most residents would be citizens of either Israel or the new state of Palestine, and they would exercise their political and social rights and duties in the context of their own states and national capitals. Israeli residents would vote in the national and municipal elections of Israel and of their capital, Yerushalayim. Palestinian residents, who are currently permanent residents of Israel, would normally become citizens of the Palestinian state. They would participate in the elections of that state and of their capital, al-Quds. People aspects of the lives of residents including education, family matters, health, social programs, and religious practice would fall under the authority and jurisdiction of national governments and the laws and regulations of their respective states.

Following the Israeli occupation of East Jerusalem in 1967, Palestinians in that part of the city were accorded Israeli “Permanent Resident Status,” unlike those in the West Bank and Gaza. This status carries with it access to Israeli welfare and health insurance benefits as well as freedom to travel and access to employment on a level denied to other Palestinians. Like Israelis, Palestinian Jerusalemites pay for these

services through taxes. These services are highly valued and consequently place Palestinian Jerusalemites in a privileged position.

Some of our Israeli and Palestinian research partners involved in the Initiative have recommended that the special regime create an alternative to the National Insurance program for Palestinian residents in the Old City. We have reservations. This is a Jerusalem issue, with important ramifications for both Israel and the new Palestinian state; it is not an Old City issue. It is doubtful that the international community would be willing to fund a program that privileges one small portion of the Palestinian population at the expense of the rest. Furthermore, this is an issue that has stability, security, and legitimacy implications for any two-state solution and must be addressed within the context of final status negotiations. The challenge of how to handle situations of this sort equitably, taking into account not only people's expectations but also the rights they accrue from contributing over time to pension and health insurance funds, for example, is one where there are considerable international experience and a wealth of examples to draw on.

1.3 Mandate, Geographic Scope, and Duration

Certain defining elements would need to be specified in the agreement between the parties that creates the special regime, as follows.

1.3.1 The Mandate

The mandate issued by the parties to the chief administrator would establish responsibility for the management and administration of matters of particular sensitivity and friction, especially policing and law enforcement, access to the Old City and the Holy Sites, and protection of the Holy Sites and worshippers, along with heritage protection and archaeological oversight. On the assumption that sovereignty issues are deferred, the chief administrator would be assigned responsibility for residency permits for inhabitants living within the Old City. The mandate would also include a regulatory role respecting planning, zoning and construction permits, property matters, infrastructure, environmental, and safety issues. The special regime should have a basic legal system including dispute resolution mechanisms to resolve disagreements. Agreed norms of international law will act as a foundation for this system.

1.3.2 Geographic Scope

The special regime is designed specifically to meet the challenges of the Old City. Limiting the application to the Old City, within and including the walls, has significant practical advantages, including well-defined boundaries and a clear capacity to control exit and entry into the area.

If the two sides were to agree, it might be possible to expand aspects of the system beyond the Old City to other sites of substantial friction and religious claims, such as the Mount of Olives and the City of David settlement in the

Palestinian village of Silwan. There is no reason to rule this out *a priori*. After much consideration, however, we have concluded that such an extension may be difficult to manage and sustain, given the challenge of defining clear authority for the special regime in this larger area and the differences that would arise between the regime authorities and sovereign governments. The many Holy Sites outside the Old City can be managed, we believe, through other creative options, including the application of World Heritage Site regulations, similar to those applied inside the walled city today.

1.3.3 Duration

The duration of the special regime has been the subject of continuous debate through the life of this project. Recommendations range from as little as five years to centuries. The critical factor is that the special regime must be in place for sufficient time to permit a comprehensive peace agreement to be consolidated, or until the parties jointly come to another solution. Although some of our partners had differing views, we believe that the parties need to consider the advantages of a mandate that would remain in force for a generation, giving sufficient time for peace between the two peoples to become a reality and also sufficient time to discourage efforts by elements on either side from attempting further land grabs at the expense of the other. The special regime could continue thereafter, pending agreement by the parties to an alternative. Indeed, it could be ended sooner, if the parties agree on an alternative arrangement. The special regime is the creation of the two parties, and should not impede possible further agreements regarding sovereignty.

1.4 Equity, Justice, and Security

1.4.1 The Importance of Equity

After decades of mistrust and violence, a special regime must be capable of delivering equitable, even-handed law enforcement and a justice system that would provide safety to all, based on the rule of law rather than national agendas. Equally importantly, it must provide equitable treatment to all residents and visitors and respect their dignity in all aspects of its functions. It must not be perceived as merely replacing one occupying authority with another. Thus, the role of the third party and the implementation of its mandate are critical in terms of equity for all residents and visitors to the Old City.

1.4.2 Security as the *Sine Qua Non* for Sustainable Governance

In the absence of an equitable, reliable, effective security system that has the confidence of the parties and their citizens, no Old City governance arrangements will be sustainable. Both Israel and Palestine require a system that offers the best possible security and safety for their citizens, for the Holy Sites, and for tourists and pilgrims. The system must ensure that the Old City will not become a base of operations or incitement against the parties or the peace agreement. Nor can it

become a haven for criminal activity. Governance arrangements must ensure that treatment without bias or favour is accorded all residents and visitors.

1.4.3 Security as the Test for Any Peace Agreement

There is a broader context within which a security system that protects all residents must be viewed. A comprehensive peace agreement between Palestine and Israel will almost certainly be a package deal in which the parties will make compromises and agree to tradeoffs among core issues, including the Old City. Under any peace agreement, if security in the Old City breaks down, the agreement itself will be at risk.

PART II: GOVERNANCE STRUCTURE

2.1 Overview

The special regime would be composed of the following central elements.

2.1.1 The Old City Board

As an integral part of their peace treaty and its related documents, the parties would create an Old City board consisting of senior representatives of the Israeli and Palestinian governments and representatives of select other countries agreed to by the parties. The principal functions of this board would be the appointment, on behalf of the Israeli and Palestinian governments, of the Old City special regime's chief administrator and the oversight of the regime's mandate.

2.1.2 The Chief Administrator

Executive authority would be vested in a chief administrator, an experienced and internationally respected individual appointed by and reporting to the Old City board. The administrator would have overall independent responsibility for assuring equity, security, and specified public administration and governance functions. The requirement for fair-minded legitimacy means the chief administrator should *not* be a citizen of either Israel or Palestine because of the mistrust and expectations this would create. The administrator should be appointed for a fixed, renewable term.

2.1.3 Inter-Authority Liaison

Effective liaison between the special regime and national and municipal governments is fundamental to successful operation. There should be rapid access and consultation in case of crisis. Liaison offices should be established for this purpose. Senior-level liaison officers would facilitate direct and immediate communication between the chief administrator and the Palestinian and Israeli presidencies, prime ministries, and key ministries responsible for security and defence along with the mayors of the two capitals. Working-level liaison officers

would connect the various departments of the special regime with their national and municipal counterparts.

2.1.4 The Old City Police Service

The chief administrator would have responsibility for establishing and overseeing an internationally staffed police service functioning under a unified command structure. The service would be headed by a police chief to whom all on the force will be accountable. In turn, the police chief would be accountable to the chief administrator, who would appoint the police chief with the concurrence of the Old City board. To ensure stability, fairness, and equity, the police service's mandate would include community policing, the maintenance of public order, counter-terrorism, Old City entry and exit control and monitoring, the enforcement of civil and criminal laws, security, and intelligence. The police service would liaise closely with Palestinian and Israeli security services as well as with community groups functioning within the walls. The Old City would be a weapon-free zone except for the Old City police.

2.1.5 Old City Legal and Dispute Resolution Systems

The special regime would include a basic, independent legal system and a dispute resolution mechanism for specified issues of adjudication and resolution.

2.1.6 Transitional Commissions

At the outset the chief administrator would establish a number of specialized transitional commissions to review more complex issues and make recommendations on frameworks for their management.

2.1.7 Consultative Councils and Bodies

The chief administrator would also work with existing and new local and international councils and bodies, representing the various stakeholders. Of critical importance would be the Advisory Religious Council, independent from the special regime, which would provide advice on the management of the Holy Sites and related issues. The composition of this body should take into account the views of the existing Council of Religious Institutions of the Holy Land and the heads of the various religious communities and institutions resident in the Old City.

2.2 The Old City Board

2.2.1 Definition

The Old City board would be established jointly by the Israeli and Palestinian governments and embedded in or appended to their peace treaty. The board's primary purposes would be to appoint the chief administrator, maintain oversight of the mandate, and be the administrator's formal point of contact with the

parties. Each party would designate a senior official or officials as its representatives on the board.

2.2.2 Composition

The inclusion of outside members, selected by the parties, could help bridge differences and resolve issues, as distrust between Israeli and Palestinian members may be considerable. Furthermore, third parties on this board could help defuse political pressure on Palestinian and Israeli representatives and their governments, particularly from elements within their own countries including domestic constituencies. In addition, international membership would underpin the legitimacy of the special regime and enhance the parties' ability to raise funds and recruit technical expertise and personnel for the regime's operations. The presence of selected outside representatives is not intended to detract from the responsibility of the parties — the signatories to the peace agreement — but rather to support them. The outside members should direct their efforts to reinforcing confidence between the two sides.

The structure and composition of the board would be decided by the parties in their peace negotiations to avoid possible disagreement during implementation. Various options have been considered regarding the structure of the board. While the board should be small enough to be manageable, its size should be determined by the parties. Membership would consist of equal numbers of representatives of the Palestinian and Israeli governments and representatives of a small number of additional countries and/or institutions acceptable to them and chosen by them. Old City board meetings would include all members; however, decisions should require the concurrence of the two parties to ensure their continuing ownership of the process.

2.2.3 Functions

The primary purpose of the board would be to provide Palestine and Israel with a mechanism to recruit and appoint the chief administrator, to oversee the mandate and act as the authority to which the administrator would be accountable. In addition, the board's role would include ratification of the chief administrator's nominee for police chief.

During the start-up phase, the board would be consulted regarding the structure and establishment of special regime institutions and the resources required for them, the mandating of any transitional commissions, the review and confirmation of recommendations issued by those commissions, and establishment of the legal framework including guidelines for heritage, archaeology, and conservation, along with residency and property. Once the special regime is in place, the board would review and approve the annual operating budget, review the chief administrator's annual reports, and take the lead in fundraising to support the regime's operations. *In extremis* the board would have the power to remove and replace a chief administrator for reasons of misconduct or incapacity. It must be stressed, however, that the board should not

be involved in the day-to-day operations of the special regime, as otherwise the mandate we envisage could not be fulfilled.

2.3 The Chief Administrator

2.3.1 Definition

The special regime model we are proposing calls for the recruitment and appointment of an internationally respected individual as chief administrator. The administrator would be appointed for a fixed, renewable term of five years. Any shorter period would inhibit the occupant's ability to ensure continuity in practice and policy and ultimately could affect the quality of the peace.

2.3.2 Authority

The chief administrator would have executive responsibility and authority, rooted in the mandate negotiated and adopted by the parties. Such authority is a requirement to enable the administrator to manage responsibilities equitably and to react effectively and rapidly to ensure the security and stability of the Old City, for the benefit of its inhabitants and visitors, as well as other stakeholders, most particularly Palestine and Israel. The chief administrator must be empowered to act quickly and decisively in the face of threats to public safety, to Holy Sites and heritage sites, and to the peace treaty as it applies to the Old City. In the absence of an empowered administrator, relatively small problems would have the potential to become major crises with consequences for the Old City, Israeli-Palestinian relations and beyond.

2.3.3 Responsibilities

In order to ensure that the core of the special regime's mandate is fulfilled, the chief administrator and authorized officials should possess authority over several key areas. Regarding security, these responsibilities should include monitoring and, when necessary, controlling access and egress through the gates, delivering effective security and equitable police and justice services, protecting lives, property and public order, and detaining suspects and making arrests.

Regarding the key issue of heritage sites and Holy Sites, the chief administrator should have the authority to protect the Holy Sites and those using them, and ensure appropriate access, to license, inspect, and, if necessary, suspend archaeological excavations, and to regulate construction, repair, and restoration especially where heritage buildings and structures are concerned.

Furthermore, other key areas of contention would require that the chief administrator have authority over planning, zoning, building permits, building and environment inspection, and land and property transfers. As well, the administrator and staff would regulate, monitor, and contract for urban services and utilities.

2.3.4 Reporting Relationship

During the initial period, it would be useful for the chief administrator and the board to meet frequently to discuss the setting up of the special regime's institutions. Once the special regime is up and running, the chief administrator should meet formally with the Old City board on an annual basis and consult with the board as required on issues the administrator believes advisable. The chief administrator should submit an annual formal report that includes an external financial audit.

2.3.5 Personal and Professional Qualities

To satisfy the requirements for transparency, impartiality, accountability, and sustainability in this new governance arrangement, it will be important that the chief administrator establish legitimacy by demonstrating exemplary values and ethics, proven leadership skills, excellent interpersonal abilities, respect for diversity, and sensitivity to real or perceived conflicts of interest. Strong management and communication skills and financial prudence would be essential. Given the small size of the Old City, the chief administrator's capacity to establish cordial personal relationships with residents is critical. The administrator should reside within the walls and be a visible presence in the Old City community. To assure the perception and reality of impartiality, the administrator should not be either Palestinian or Israeli; distrust is too deep to permit mutual confidence in equitable governance.

2.4 The Liaison Function and Consultative Bodies

2.4.1 Rationale

The chief administrator and staff should coordinate as appropriate with Israeli and Palestinian national authorities and with authorities from the Yerushalayim and al-Quds municipalities. Certain issues, such as protection of Holy Sites, would fall under the authority of the special regime, in close consultation with the advisory religious council. Other functions, such as the provision of health and education services to inhabitants, would fall wholly under national or municipal authorities. There would be other issues involving, for example planning and zoning standards or common municipal utilities and infrastructure, where the interests of all would be served by cooperation and coordination. It is important that such communication not impede but rather facilitate the resolution of issues, the priority being to provide equitable governance.

2.4.2 Liaison Offices

Each of the parties should establish liaison offices with required staff to act as links between the chief administrator and the special regime with the national and municipal governments. This would ensure rapid access for the chief administrator and staff to authorities in case of a crisis as well as during the normal course of events. Similar liaison would be required with the

municipalities over aspects of zoning, planning, property, and infrastructure, although these functions most often should be at the technical level. There should be close liaison and cooperation among the respective security and police services.

2.5 Legal Provisions

The exploration of the legal aspects of the special regime has been particularly challenging. One option is presented here but more work should be done to yield a design that reflects more fully the views of the number of legal experts whose opinions were sought in the course of the present exercise. This design will be further developed through specific legal workshops organized by the Initiative in the near future.

The underlying principle guiding this present proposal is that the special regime should function with as few changes as possible to current practice. Rather than create a comprehensive legal system that would address every aspect of the Old City residents' lives, the jurisdiction of the special regime should, in our view, be limited to matters that concern the unique or essential characteristics of the Old City fabric, particularly those that are issues of friction and contention.

Legal provisions that would be developed would therefore address such administrative matters as archaeological excavation and heritage protection, planning, zoning, and construction permits, whereas education, family law, and health would fall under the respective municipal jurisdictions of Yerushalayim and al-Quds or the national jurisdictions of Israel and Palestine as appropriate. The special regime would also have to create the necessary legal mechanisms that would guarantee the full and equitable application of the law.

In our view, a special transitional law reform commission should be created for these purposes. This commission, appointed by the chief administrator, would establish the criteria that would serve to determine jurisdiction and law under the special regime, as well as the legal mechanisms needed to implement the new system. It would be composed of a number of Israeli, Palestinian and international legal experts.

2.5.1 Application of Law

In most cases, Palestinian and Israeli national courts would enjoy *ratione personae* jurisdiction, i.e., personal jurisdiction. Accordingly, Israeli law would apply to Israeli nationals residing in the Old City, while Palestinian law would apply to Palestinian nationals. With the exception of crimes listed below such as inter-ethnic crimes or "crimes against the Old City," an Israeli who committed a crime in the Old City would be brought to court in Israel and a Palestinian in Palestine.

The Transitional Law Reform Commission would have to define those exceptional matters over which the special regime would enjoy *ratione materiae* jurisdiction, i.e., subject-matter jurisdiction. Special regime courts of special

jurisdiction would be created to this end and would apply special regime law, as opposed to Israeli or Palestinian national law.

Special regime law would be necessary to resolve cases involving “crimes against the Old City” (see below), regulatory and administrative disputes arising as a result of the application of the regime, and labour disputes arising between the special regime and its employees. Both a special regime criminal court and a special regime administrative court should therefore be established. The decisions pronounced by these courts would be subject to appeal to a special regime court of appeals that would have both a criminal and an administrative section.

One of the main priorities of the special regime would be to establish clear jurisdiction regarding the above-mentioned subject matters to which the parties would agree. However, due to the inherent sensitivity of many of those matters, conflicts of jurisdiction between special regime courts and Palestinian or Israeli national courts would inevitably arise. For example, both courts could consider themselves competent to hear the same case, or either of the two could consider the other not to be competent.

Consequently, it would almost certainly be necessary to create a competence tribunal that would pronounce on these conflicts as well as on inter-ethnic crimes. The competence tribunal could be composed of five judges or legal experts (two Israelis, two Palestinians and an international) who would apply international private law norms in order to determine jurisdiction. We recommend that the decisions of the tribunal be adopted by qualified majority voting, i.e., four out of five votes, under the condition that the vote of the international judge be one of the four votes required. This modality has the advantage of avoiding a decision without the consent of at least one Palestinian and one Israeli judge. The tribunal’s decisions would not be appealable.

The commission should also develop dispute resolution mechanisms that could be resorted to voluntarily. These mechanisms should comply with international mediation and arbitration norms and could be used when the dispute is civil or commercial in nature, or when it concerns the jurisdiction of the special regime.

2.5.2 *Ratione Materiae* Jurisdiction and Special Regime Courts of Special Jurisdiction

The special regime would have full or partial jurisdiction in the following matters.

- a. ***Crimes Committed against the Place*** The transitional law reform commission would establish an exhaustive list of crimes that would be defined as “crimes committed against the place.” Cases involving such crimes would be heard by the special regime criminal court. The commission would determine both the procedural and substantive rules that the court would have to adhere to. In case of a conflict of jurisdiction arising between the special regime criminal court and an Israeli or

Palestinian national court, the competence tribunal would determine which has jurisdiction.

- b. ***Inter-Ethnic Crimes*** Cases involving inter-ethnic crimes would be referred to the competence tribunal, which would determine jurisdiction according to international private law norms. We suggest that inter-ethnic crimes of a particularly sensitive nature be defined as “crimes committed against the place” (e.g., attacks against a specific religious or ethnic group of the Old City) and therefore subject to the jurisdiction of the special regime criminal court.
- c. ***Crimes Committed by Third-Country Nationals*** Crimes committed by third-country nationals would be subjected to the law of the gate of entry regardless of the nationality of the victim. Accordingly, a third-country national who entered the Old City via Israel and subsequently committed a crime would be subject to Israeli law and such a case would be heard by an Israeli court. However, if the victim of a crime is Israeli and the “gate of entry” Palestinian, or vice versa, the question of the application of the law of the “gate of entry” despite the nationality of the victim should be studied further.

Crimes committed by third-country nationals against the place would constitute an exception to the application of the “gate of entry” law and would fall under the jurisdiction of the special regime criminal court, which has *ratione materiae* jurisdiction.

- d. ***Municipal and Local Matters*** Matters such as constructing a building in the Old City without a license or excavating without a permit would fall under the jurisdiction of the special regime courts. Parking tickets, local taxes, and the sale of prohibited materials or other issues related to public health in the special regime area should also fall under special regime court jurisdiction.
- e. ***Civil and Commercial Disputes*** Except for those cases where those involved in a civil or commercial dispute decide to resort to one of the dispute resolution mechanisms created by the special regime, we recommend that civil and commercial matters continue to fall under the jurisdiction of Israeli and Palestinian courts. In case of a conflict of jurisdiction, the competence tribunal would determine jurisdiction.
- f. ***Property-Related Disputes*** As we suggest in section 3.4.2b, a transitional commission composed of Palestinian, Israeli, and international experts could be established to design a framework to oversee and deal with property transactions and disputes. Due to the complexity of these issues, we recommend that, at least initially, the responsibility for dealing with property transactions and disputes rest with an expert committee established by and responsible to the chief administrator.
- g. ***Disputes Related to the Application of the Special Regime*** Disputes related to the application of the special regime would be administrative

in nature, involving the special regime on the one hand and the residents of the Old City on the other (e.g., planning or zoning decisions), or arising between the special regime and its employees (e.g., application of a special regime employment contract).

The special regime administrative court would have *ratione materiae* jurisdiction over those administrative matters that would be defined as falling under the jurisdiction of the regime (e.g., planning and zoning regulation). The commission would determine what regulatory law norms would apply to these cases. In addition, the administrative court would have *ratione materiae* jurisdiction over labour-related disputes arising between the special regime and its employees. The commission would have to develop separate labour laws that the court would apply.

2.5.3 Appeal to the Special Regime Court of Appeals

The decisions pronounced by the different special regime courts would be subject to appeal to the special regime court of appeals. This court would have both a criminal and an administrative section and would be composed of five judges (two Israelis, two Palestinians, and an international) who would resort to qualified majority voting.

2.5.4 Dispute Resolution Mechanisms

The main advantage of dispute resolution mechanisms in a context of mutual mistrust between the two parties to the peace treaty — as well as with regard to misunderstandings and distrust among local citizens and regime employees, on the one hand, and the special regime, on the other hand — is that they allow for a free choice of law regarding both procedure and substance, in addition to the free designation of the arbiters or mediators. This flexibility is particularly attractive for parties to a civil or commercial dispute, but could be particularly useful in the resolution of disputes related to the application of the special regime, where efficient governance requires fast solutions.

The commission would therefore develop dispute resolution mechanisms that those involved in a dispute could voluntarily decide to resort to when the dispute is civil or commercial in nature, or when it concerns the application of the special regime.

We plan to commission further work in these areas shortly.

2.6 The Transition from Status Quo to Special Regime

The transition from existing arrangements will pose considerable challenges, requiring careful planning and preparation. The actual transfer would occur in phases while establishing confidence, on both sides, in the special regime's efficacy and purpose. Suspicion and distrust will be high after the many failures of phased approaches in the past. Many of the steps suggested below should therefore proceed concurrently so that the concerns of all sides can be addressed in a balanced and effective manner. Given other instances, such as the Israel-

Egypt peace treaty that provided for full implementation within three years of signature, there needs to be adequate time to arrange these matters.

Below is an illustrative list of steps required:

- Agreement between Israel and Palestine to establish the special regime.
- Negotiation of the terms of the mandate.
- Issuance of the mandate and establishment of the Old City board.
- Appointment of the chief administrator.
- Initial mobilization of international political, technical, and financial support.
- Creation of preliminary rules and guidelines to be effective as of the dates of the appointments to the Old City board and of the chief administrator, allowing for a reasonable interval to create more comprehensive provisions.
- Establishment of bilateral and multilateral linkages between the special regime and the Old City's religious communities and custodians of the Holy Sites, including the advisory religious council.
- Establishment of transitional commissions to identify options, standards, and regulations for the management of complex issues.
- Consultations with Old City community leaders regarding preferred methods of consultation with the special regime and the chief administrator.
- Establishment of the special regime's infrastructure including the police service.
- Establishment of a coordinated process of transition from Israeli control to special regime control, particularly regarding security and access.
- Establishment of preliminary legal and dispute resolution mechanisms.
- Decisions on the recommendations of the transitional commissions.
- Formalization of coordination and liaison mechanisms with national governments and municipalities.

In marshalling international funding and expertise and in the interests of sustainability, it is important to recognize that at present conditions of parity do not exist between the parties. There is no al-Quds municipality and the body of trained Palestinian urban planners, city administrators, and the like is small. Therefore, particular consideration should be given to international support for capacity building on the Palestinian side so that the Palestinian national government and the al-Quds municipality develop the abilities necessary *inter alai* to support and participate in the special regime.

PART III: FUNCTIONS OF THE SPECIAL REGIME

3.1 Security and Law Enforcement

3.1.1 The Jerusalem Old City Initiative Security Assessment

Over the past three years, the Security Working Group of the Jerusalem Old City Initiative, working with Palestinian and Israeli experts, has developed “The Jerusalem Old City Initiative Security Assessment,” containing concepts, ideas, and detailed proposals for a comprehensive security system. (The full report is available at www.uwindsor.ca/jerusaleminitiative.) The security arrangements described in that assessment are designed to ensure freedom of worship, dignity, access, and equity. This point cannot be emphasized enough, given the experience of some who view the word “security” as indicative of repression rather than as a service for the community. While no arrangement can absolutely guarantee security, a sound system is achievable through coordination and the commitment of Israeli and Palestinian authorities.

3.1.2 The Old City Police Service

The security system should take the form of an Old City police service along the following model:

- a. **Structure and Authority** The police service should be headed by a chief of police appointed by the Chief Administrator, with agreement of the Old City board. The authority of the police service should be rooted in the mandate the parties entrust to the chief administrator. Under this arrangement, the Old City would be a weapon-free zone, except for the armed elements of the police. A police board would hold the chief and the police service publicly to account. Public meetings and independent assessments including public opinion surveys would assist the police board in monitoring police service performance against public expectations and an annual policing plan.
- b. **General Responsibilities** The police service would work to ensure the safety and security of the Old City, including routine policing, entry and exit monitoring and control, and public-order rapid response. It would be responsible for enforcing laws, ordinances, and directives of the Old City Special Regime. Neighbourhood policing would be a major function, with neighbourhood partnerships an important element. The police service would need a public-order rapid deployment unit to deal directly and quickly with disturbances.
- c. **Resources** An effective and respected police service would require significant resources, financial, personnel, training and equipment from the international community.
- d. **Composition** The police service would, at least initially, include only international officers, given the lack of trust that exists between the

parties. However, officers seconded from Palestine and Israel, serving as community relations officers, would perform a variety of functions to assist third-party police officers in specific neighbourhoods. They would initiate the active development of community partnerships at the neighbourhood level. This could include community meetings, the assessment of community needs and wants, and advice on local contacts and partners. As trust develops, regular officers could be recruited from the parties, at the discretion of the chief of police and the chief administrator.

- e. ***Area of Operation*** The police service's area of operation would be within the confines of the Old City's walls, with two exceptions:
 - The police would need to operate entry and exit facilities, bearing in mind that, due to space limitations at the gates, some facilities would need to be at least partially located outside the walls.
 - There would have to be periodic and unchallenged police inspections of the exterior of the walls.
- f. ***Special Responsibilities*** The police service would have particular responsibility for the protection of the Holy Sites and for the safety of pilgrims, worshippers, and visitors. The chief administrator and the chief of police would work closely with the parties, the religious communities and institutions, and the advisory religious council to establish measures to guarantee appropriate access while maintaining public safety and order. They would also work closely with these groups to define the conditions under which armed police service units would have the authority to enter Holy Sites with care, respect, and appropriate sensitivity. In a broad sense, while the special regime would have authority over all institutions in the Old City, regarding the Holy Sites its focus would be to support the religious authorities and custodians as they meet their responsibilities.

Physical security of the Holy Sites would begin at the gates to the Old City. The police role in monitoring and controlling access at the gates *inter alia* needs to be understood in that context. The degree of control would depend on the special regime's current threat assessment and would be designed to be minimally intrusive.

Given the centrality of Holy Sites and the issue of access to them by both locals and third-country nationals, a special Holy Sites police unit seems essential. The unit would maintain close relations with the religious authorities at key sites and with the advisory religious council. The composition of this unit and the special training of its members require careful consideration. We do not envision that police service offices would normally be stationed within the Holy Sites.

- g. ***Criminal Operations and Intelligence Units*** The police service would need criminal operations and intelligence units. Both would work closely

with Israeli and Palestinian police and intelligence services. Both would include seconded Palestinian and Israeli intelligence officers working in the Old City police service headquarters in order to facilitate effective communication and information sharing. The police service would maintain ties with the relevant agencies of other countries and with Interpol, and would have its own training, logistics, and administrative capabilities.

- h. ***Maintaining Public Order*** The police service should also have capabilities for responding on short notice to crises and would maintain a public-order rapid deployment unit. Various alternatives exist for reinforcing this unit and are explored in greater detail in the Security Working Group's Security Assessment.
- i. ***Residency in the Old City*** For reasons of security, special residency cards may be required that, under specific situations, would be verified by the Old City police service, especially at points of access.

3.2 Holy Sites

3.2.1 The Problem of Defining Holy Sites

A key to the special regime's success would be its ability to protect, preserve, and maintain the Holy Sites, manage heritage preservation and archaeological activity, and provide security and safety for visitors and residents. Given conflicting claims, the special regime should adhere to a definition of Holy Sites that is clear and flexible.

Our commissioned reports have confirmed previous research demonstrating that simply defining a Holy Site can be contentious. Many sites are defined as holy by one community but not recognized as such by others or by secular authorities. Furthermore, the number of sites identified by the various communities as holy to them has proliferated over time, at least partially in response to political developments. Today, estimates of the number of sites in the Old City claimed as holy by one or more communities range from 225 to more than 300.

3.2.2 A Functional Approach to the Holy Sites

The special regime should consider Holy Sites in terms of security, heritage, and archaeological significance. Rather than entering into the debate of which site is deemed holy by which community and how that designation is justified, the chief administrator and the chief of police should view their responsibilities through the lens of public order and safety. Sites that are contested or most frequented would be the sites of particular concern; less contested or less frequented sites would normally require less focus.

3.2.3 Responsibilities toward the Holy Sites

The challenges to meeting the special regime's mandate regarding Holy Sites include the following.

- a. ***Ensuring Respect for Sanctity*** Maintaining the sanctity of all sites deemed holy by particular faiths involves ensuring that whoever gains access follows established customs with regard to decorum and treats the site with the respect its custodians require. This includes ensuring that any excavation, maintenance, conservation, or repair undertaken in or adjacent to these sites is carried out after consultation and in accordance with international benchmarks. It also means managing, through careful coordination and exercise of authority, activities or forms of worship by one community that may be perceived by another as impinging on the sanctity of the site or the rights of other worshippers.
- b. ***Protecting Access*** Access routes must be open to worshippers and visitors who must not face intimidation or harassment. This entails establishing effective mechanisms to accommodate rituals, pilgrimages, and processions to and from the sites on particular festival days. It also requires the realization that there is often a tension between access and sanctity in the minds of believers, and that access is not an absolute right. There are times, places, circumstances, and occasions where public order and safety may require restrictions, as is already the case at certain Holy Sites elsewhere. This would be a matter for close consultation between the special regime and custodians of Holy Sites.
- c. ***Preserving the Status Quo*** Technically, the term "*status quo*" refers only to the arrangements established by the Ottoman authorities in the 18th and 19th centuries.⁴ Because of the long history of disputes over the control and use of the Christian Holy Sites, a series of understandings evolved (or were imposed) to regulate use, access, and decorum. This was recognized in diplomatic agreements and was enshrined in the law of British Mandate Palestine after World War I. However, the term is often used more loosely to describe the entire body of rules, customary practices, and understandings that govern issues of access and usage with regard to the Holy Sites including those sacred to Jews and Muslims. Taken together, this body of arrangements and understandings permits the differing faiths and religious communities to operate in the Old City and its Holy Sites with a significant degree of order and predictability. The role of the special regime should be to ensure that these arrangements are respected and equitably administered. Any evolution of their scope and form over time must be peaceful and respectful of differing interests.

4 Scholars consulted during our research prefer to confine the term "*status quo*" to its original meaning and utilize the term "*modus vivendi*" or "*modus operandi*" to describe the contemporary body of rules, including those put in place under Israeli rule since 1967, and which apply today to the Holy Sites, Christian, Jewish, and Muslim. Some scholars apply "*modus operandi*" only to the rules that apply to Muslim and Jewish sites.

- d. ***Building Tolerance and Trust*** It will be important to pre-empt trends toward intolerance and radicalization by fostering a culture of respect for the three faiths and the development of the Holy Sites as inspirational symbols of faith, spiritual growth, and religious harmony.

3.2.4 The Relationship between the Special Regime and Religious Communities

In exercising executive authority, the chief administrator would liaise actively with a range of religious and secular authorities. Supporting the chief administrator in delivering these core mandate functions would be the Old City police service along with a religious affairs department and a heritage and archaeology department integral to the regime. These departments would be responsible for liaison with:

- the advisory religious council,
- the relevant ministries in the Palestinian and Israeli governments and in the municipalities of al-Quds and Yerushalayim on matters of national or municipal relevance,
- the Old City's religious communities including the formal custodians of the Holy Sites, and
- international religious and cultural heritage organizations.

3.2.5 The Management and Security of Holy Sites and Heritage

The model we propose has five components for the management and security of the Holy Sites and heritage, which are described here.

- a. ***The Advisory Religious Council*** The religious communities and their leaderships have a legitimate interest and concern about how a Holy Site's management and security framework would be established and operated. The existing coordination mechanism for the three religions is the Council of Religious Institutions of the Holy Land. To ensure inclusiveness, we anticipate that this council would play an important role in establishing the advisory religious council as a vehicle for communication and coordination.

However, to avoid deadlock and politicization of every issue, decision-making authority would rest with the special regime. The chief administrator and the relevant departments of the administration would inform and consult with the advisory religious council on all matters pertaining to the religious affairs in the Old City, including special planning related to holidays and festivals. The council would also participate in training for the Holy Sites police unit and would act in an advisory capacity to the police force. The council would also liaise with national and international religious and cultural heritage organizations

over the development of the Old City as a place for spiritual growth and religious harmony.

- b. ***The Existing Custodians of the Sites*** Holy Sites should remain under the authority of their existing custodians and their duly appointed successors. The internal management of Holy Sites should remain the exclusive province of those custodians and the communities they represent and serve.
- c. ***Relevant Departments within the Special Regime*** The chief administrator would be responsible for facilitating respect for the sanctity of the Holy Sites, including, by supporting the Sites' custodians. The chief administrator would also ensure access to the Sites, to the satisfaction of the religious communities subject to the requirements of public order.

The relevant departments within the special regime, in particular the religious affairs department and the heritage and archaeology department, would be the primary instruments through which the chief administrator would liaise with the custodians and the advisory religious council to monitor whether this responsibility is being met. While the chief administrator would be the primary point of contact with the advisory religious council, the religious affairs department would interact directly with the appropriate religious institutions and their respective Holy Sites custodians at the working level. The religious affairs department would also liaise with counterpart organizations within national governments as appropriate.

- d. ***The Old City Police Service*** The police service would be responsible for protection, as needed of the Holy Sites and for ensuring the access and safety of pilgrims, worshippers and visitors. A unit within the police service would be dedicated exclusively to the Holy Sites.
- e. ***Mechanisms for Special Issues*** Our research has identified five areas where enhanced coordination on Holy Sites and religious activity would be desirable:
- the exchange of information on religious activities,
 - the improvement of the aesthetics of Holy Sites and religious properties in the Old City,
 - the promotion of tolerance and respect,
 - the coordination of heritage maintenance and archaeological activity, and
 - the facilitation of dispute resolution between religious communities.

A further Initiative discussion paper on Holy Sites is forthcoming.

3.3 Heritage and Archaeology

In Jerusalem, the past is often recruited into the service of conflicting political agendas. Excavations and maintenance of archaeological sites can represent real or perceived attacks on the sanctity of another community's heritage and religious and national patrimony. Such situations can rapidly deteriorate. The responsibilities and activities of the special regime must be developed accordingly.

3.3.1 Responsibilities of the Special Regime

- a. ***Managing Archaeology*** To manage points of friction, the chief administrator will need a professional heritage and archaeology department that would work initially with a heritage and archaeology transitional commission, staffed by Palestinian, Israeli, and international professionals. The commission would establish a framework of rules and best practices to guide the activities of the chief administrator and staff. The heritage and archaeology department would inventory and review ongoing archaeological and heritage projects and practices. It would be responsible for establishing priorities, procedures, and criteria to ensure that the evaluation, licensing, and monitoring of projects meet UNESCO standards including the relevant Hague and New Delhi conventions. This department would develop institutional relationships with Israeli and Palestinian professional and academic institutions and with UNESCO and other relevant international bodies.
- b. ***Preserving Heritage*** In recent years there have been controversies resulting from damage to various ancient structures as a result of climatic, environmental, and human factors. In the context of a peace agreement and the urban development and increased pilgrimage and tourism that will follow, the need to monitor the stability and safety of the walls and buildings takes on a new urgency. Working with the religious institutions, property owners, heritage organizations, UNESCO, and other appropriate bodies, the heritage and archaeology department should ensure regular inspection of structures. These inspections should be designed to detect and address maintenance, conservation, and safety problems and to identify sources of expertise and appropriate technical assistance. The department should also undertake to ensure that UNESCO be consulted and involved where appropriate. It should ensure that any material alteration at or adjacent to Holy Sites takes place only after extensive consultations and conforms fully to international norms.
- c. ***Authority*** The chief administrator should have the authority to license archaeological excavations and the repair, renovation, or reconstruction of archaeological and heritage sites. The administrator should have the authority to suspend or terminate such activities if they fail to comply with appropriate norms or when, in the judgement of the chief administrator, they constitute an actual or potential threat to public order

and inter-communal harmony. These provisions include tunnelling of whatever sort.

3.4 Planning, Property, and Infrastructure

3.4.1 Planning and Zoning

- a. ***The Current Situation*** Our research suggests that the complex political struggle for control over the Old City, the unequal application of laws and regulations, and chronic overcrowding, especially in the Muslim quarter, have resulted in *ad hoc* and extra-legal construction, degradation of ancient buildings and structures, and overtaxing of inadequate infrastructure, not to mention destructive pressures on families and communities. In many cases it is difficult, if not impossible, to provide definitive evidence of property ownership. Many holdings over 200 years old have neither title nor deed and are passed on without documentation. Other property is divided among various parties informally. This has significant implications for property ownership, zoning, planning, public health, taxation, and the environment.
- b. ***The Responsibilities of the Special Regime*** The administration should create and implement a comprehensive urban development and conservation plan that strikes a balance between meeting residents' needs and improving living conditions, addressing environmental concerns, maintaining an appropriate commercial environment, preserving heritage, and accommodating pilgrims, tourists, and other visitors.
- c. ***The Old City Planning and Zoning Department*** The chief administrator would need a small, highly professional, multi-disciplined planning and zoning department, bringing together qualified international, Israeli, and Palestinian city-planning experts under an international chief planner. This department's priority would be to create an urban development plan for the Old City. The planning process would require substantive consultations with the relevant units of the adjacent municipalities, and also with the inhabitants, the major property owners, including the religious institutions, and the business community. The planners will also need to create institutional linkages with UNESCO and organizations such as the International Council on Monuments and Sites (ICOMOS) to ensure that international standards are applied.
- d. ***Mandate of the Special Regime's Planning and Zoning Department*** This planning and zoning department should take the lead in creating an urban development plan wherever possible in coordination with the planning and development programs of al-Quds and Yerushalayim. It would assume responsibility for the issuance of building permits, and no building or renovation would be allowed without a permit from the chief administrator. The special regime would also take responsibility for the enforcement of zoning, heritage, construction, environmental, and safety

standards, which would be carried out by a small, empowered, internationally supervised team of inspectors.

3.4.2 Land and Property Registry

- a. ***The Current Situation*** The Old City has no independent land or property registry recognized by the parties. The majority of buildings have neither title nor deeds. In many instances, this has not prevented normal patterns of property purchase or rental, or the resolution of disputes and claims in the courts. There are, however, cases of claims that derive from or affect the national conflict, which will have to be addressed directly by the special regime.
- b. ***The Role of the Special Regime*** At first glance it would seem sensible to remedy what appears to be a chaotic situation by creating a land registry. Those of our advisors with the most direct experience in property issues have advised strongly against this. Since, however, land and property issues are among the most complicated and contentious matters and since a perception of corruption in property transfers exists among some, we do not believe the matter should be allowed to lie. Rather, we advise that during the initial phase of the special regime there should be no property or land purchase, change of usage, or transfer of ownership allowed without approval from an expert committee established by and responsible to the chief administrator. This would serve to regulate and legitimize property transfers. It would, moreover, be a means of maintaining order and controlling politically motivated property changes that could threaten stability, while still allowing flexibility. This subject requires further study and is a case where the administrator may wish to establish a transitional commission to study the situation and recommend a set of rules for regulating future property transaction.

3.4.3 Utilities and Infrastructure

- a. ***The Current Situation*** The provision of services and maintenance of basic infrastructure are uneven and inconsistent, and are provided by a mix of private and public entities. In general, the Jewish Quarter enjoys much higher standards in terms of services provided by the existing municipality, compared to the rest of the Old City. The need for the creation of a more equitable situation is self-evident in consolidating a peace agreement between a Palestinian state and Israel and in enhancing the Old City as an asset to both countries and communities.
 - **Services Provided by the Municipality:** The current Jerusalem Municipality is responsible for sanitation, including street cleaning and trash removal (usually through private contractors), the water network, and the sewage system. In general the quality of water and sewage service to the Jewish Quarter is of a high standard. Elsewhere, lack of investment in infrastructure, poverty, and

overcrowding result in considerable leakage and unknown damage to the ancient layers below the streets. Access to safe water for domestic uses is a serious issue. Our research indicates that the sewage system, which connects to the current municipal system, needs major renovation. The rainwater drainage system covers only parts of the Old City and the resultant run-off is responsible for serious structural problems. The current municipality maintains, cleans, and repairs the parts of the road system that are used by vehicular traffic and walkways that are used by the public.

- **Services Provided by the Private Sector:** Currently the Jerusalem Municipality plays no direct role in the provision of electricity in the Old City. Rather, electricity is provided by two private companies: JEDCO, which serves the Muslim, Christian, and Armenian quarters, and IEC, which serves the Jewish Quarter. JEDCO's infrastructure is said to be in serious need of upgrading. It has an inadequate number of transformers. The public lighting system is substandard. Telephone, television, and internet services to the entire Old City are provided by the Israeli firm Bezeq.
- b. ***The Responsibilities of the Special Regime*** The chief administrator would establish a utilities department, responsible for issuing contracts or licences, as appropriate, to providers of services to the Old City, and would seek to privatize service provision wherever feasible. This could include contracts for street cleaning and trash removal, electricity, telephone, and cable/internet services. In addition, the utilities department of the special regime would be responsible for ensuring that contractors and licensees meet their obligations through monitoring, inspections, and public consultations. The department would also need the authority to sanction service providers who fail to meet agreed standards or contractual commitments.
 - c. ***Sharing Responsibility for Infrastructure*** Infrastructure, including roads and water as well as sewage and rainwater drainage systems, require considerable upgrading and ongoing maintenance and repair. The question of formal responsibility over this infrastructure is a difficult one. The special regime would need a considerable source of funding to assume such responsibility over the long term and would need the authority to float bonds to finance infrastructure improvements.
 - d. ***Coordinating Mechanism*** If the decision is made to create two capitals out of the present city of Jerusalem, there may be a requirement to create an effective coordination mechanism to plan and oversee common utility, service, and infrastructure projects and processes, not to mention the economically critical issue of tourism planning, promotion, and services.

PART IV: FINANCE AND ECONOMICS

4.1 Finance

A model must be developed that recognizes that the special regime will never have sufficient resources to fulfill its mandate through the Old City's own resources, even though the Old City Special Regime would have some fundraising capacity through taxation, fees, and bonds. Good governance will require substantial support from Israel and Palestine, as well as the international community.

Support from the global community is all the more imperative, given the Old City's meaning and symbolism worldwide and the threat to the Israeli-Palestinian treaty that would ensue were the special regime to fail in discharging its mandate. In the wake of an agreement by Palestine and Israel to create the special regime, the Old City board would need to organize a donors' group to ensure necessary resources and funds.

4.2 Economics⁵

General estimates indicate that, as a result of a peace agreement that includes the recognition of two capitals in Jerusalem by the international community and the implementation of a special regime, the situation would yield more than 9,000 new jobs in the Jerusalem conurbation. This situation would result from increased international involvement and a stable environment in Jerusalem. Approximately two thirds of these jobs would, we estimate, go to local residents, with each new job in turn fuelling the local economy through the consumption of goods and services. Using a multiplier of two, more than 18,000 jobs would be created for Jerusalemites in the service sector. The total number of new jobs for the local population would be close to 24,000, an approximate 10 percent increase in employment for the conurbation. New jobs as a result of construction have not been factored into these estimates, since a building boom would be less predictable in duration. Specifics of anticipated growth include the following.

4.2.1 Diplomatic Representation

The economic impact of the movement of 85 existing embassies from Tel Aviv to Jerusalem, establishment of full embassies to the new Palestinian state in al-Quds and the opening of new embassies from Arab and Islamic countries in the wake of a peace agreement could result in as many as 150 embassies, 3,000 foreign diplomats and dependants, and as many as 5,000 new jobs for Jerusalemites.

5 Economic issues have been studied in detail by Joseph B. Glass and Rassem Khamaisi in the "Report on the Socio-Economic Conditions in the Old City of Jerusalem," available at www.uwindsor.ca/jerusaleminitiative. We have based our preliminary estimates on the results of this work.

4.2.2 Old City Administration

The establishment of a special regime would involve the arrival of several hundred expatriates, a concomitant requirement for accommodation, goods, and services, and as many as 500 new jobs for local inhabitants.

4.2.3 Tourism

Our research points to the arrival of between 3 and 5 million tourists in the Holy Land annually once peace is established. The Israeli Ministry of Tourism calculates that each additional million tourists create 45,000 new jobs. If the 5 million figure is realized the Jerusalem share could be as high as 28,125 new jobs.

4.2.4 Impact

The growth that can be anticipated with the signing of a peace agreement would include several essential improvements — to the existing and planned road and rail systems, to infrastructure in East Jerusalem and the Arab sections of the Old City, and to effluent management systems — as well as expansion of the water distribution system and the electrical grid. Taken together these pose serious planning and environmental challenges, which would require the creation of new coordinating mechanisms between the states and the municipalities. They also would demand serious investment and create additional employment.

PART V: CONCLUSION

Typically analysis of possible solutions to the conflict over the Old City of Jerusalem looks at three options: 1) sovereignty and control in the hands of Israel, 2) sovereignty and control in the hands of the new Palestinian state, and 3) the division of the Old City between the parties as, for example, in the Clinton parameters and the Geneva Accord. Options 1 and 2, where sovereignty and control are exclusively in the hands of one party or the other, will not result in a peace agreement. Option 3, a simple division of sovereignty within the Old City, given the unhappy history of cooperative efforts by the parties and the legacy of a century of conflict, would, for the foreseeable future be untenable as well.

Recognizing that it is very difficult for governments to undertake this kind of study, this discussion document represents our best attempt to present a “fourth option” for the Old City, neither control by one party at the expense of the other nor split governance. While we are convinced the prospects for peace and reconciliation exist and can be realized with good will and hard work, we do not believe that the Old City can be governed effectively by the two parties alone until trust builds over time with the successful implementation of the peace treaty. When that time comes – earlier or later – we believe that a third party role, scaled to the tasks it is assigned, would still be needed to assist the Parties to implement their agreement.

The area within the walls goes to the heart of the Muslim, Jewish, and Christian belief systems. An atmosphere of systemic distrust has dominated issues, as in the whole of the Middle East conflict. The significant difference in the walled city is that sacred space is indivisible, whereas territories that have been the subject of dispute between Israel and Egypt, or between Israel and Jordan, for example, are divisible — and have been divided — by borders. Elements among the parties can therefore be expected to expend considerable effort to profit at the expense of the rights and needs of the other for some time after a peace agreement is signed.

The Old City is seen by each national community as the centre of its identity. We recognize that to invite outside participation in governance within the walls requires great trust and flexibility. We fear that without such a fair-minded governance mechanism, the Old City would soon be at risk and any peace agreement with it.

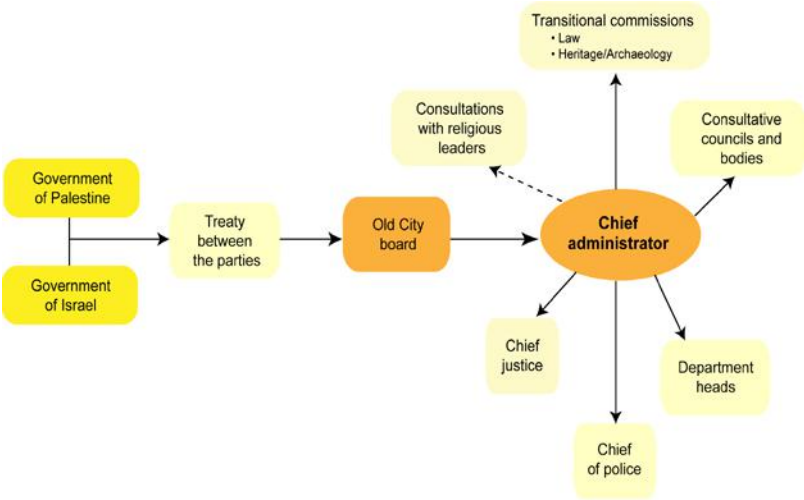
We also realize that many on both sides would prefer a string of joint consultative mechanisms to protect and maximize their interests as issues arise. This, as well, we understand. We believe, however, that in the absence of a clear-cut decision-making authority, where responsibility is recognized and untrammelled, no system will be sustainable and no comprehensive peace achievable. For this reason, we put forward what we believe to be a creative option for both sides and for those across the world interested in stability and tolerance in this most sensitive of places.

It should be reiterated that while we consider the option of the special regime is best taken in its entirety, this proposal is designed in such a way that it can be used in whole or in part. Rather than an explicit blueprint, it offers a model that can be followed or adjusted as seen fit by the parties.

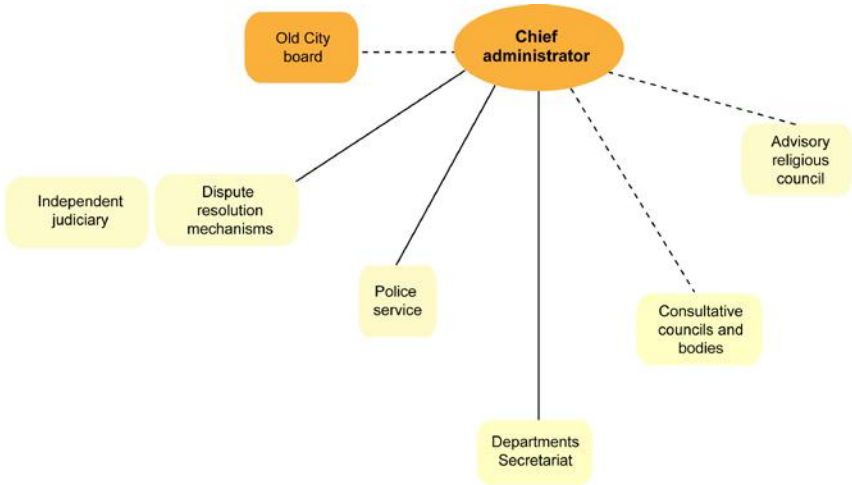
Further study is required regarding the complex issues of property ownership and the legal system; however, we believe this document provides the details and options under such a model, especially regarding critical matters of security, the Holy Sites, and the overall governance structure of an Old City special regime.

ANNEX A: ORGANIZATION CHARTS

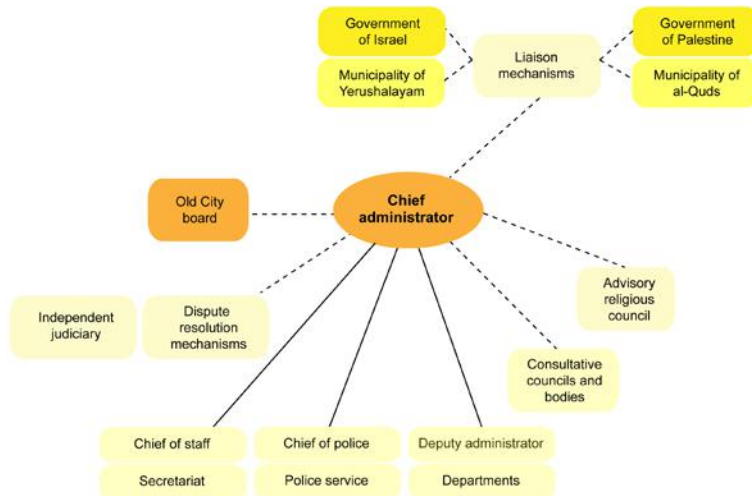
Establishing the Old City Special Regime



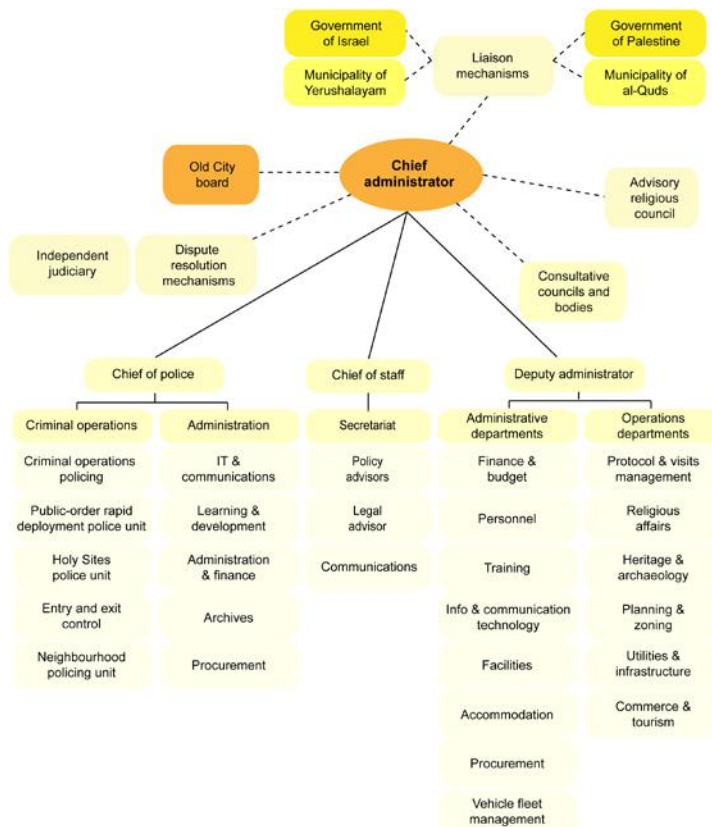
OVERVIEW



Final State Overview



Final State Detailed



ANNEX B: CONTRIBUTORS

Jerusalem Old City Initiative Management Team

Michael Bell (*Co-director and Chair, Security Working Group, Jerusalem Old City Initiative*) teaches at the University of Windsor. Former chair of the Donor Committee of the International Reconstruction Fund Facility for Iraq, he spent 36 years in the Canadian foreign service, serving as ambassador to Jordan (1987–90), Egypt (1994–98), and Israel (1990–92 and 1999–2003).

Michael J. Molloy (*Co-director and Chair, Governance Working Group, Jerusalem Old City Initiative*) was Special Coordinator for the Peace Process (2000–03), Canada’s Ambassador to Jordan (1996–2000), and Senior Advisor to the Canadian delegation to the Refugee Working Group (1993–96).

John Bell (*Director, Jerusalem, Jerusalem Old City Initiative*) is the Director for the Middle East and Mediterranean Program at the Toledo International Centre for Peace. He was Middle East Director for Search for Common Ground (2005–08) and is a former Canadian and United Nations diplomat who served as political advisor to the Personal Representative of the Secretary General of the United Nations for southern Lebanon (2000–01).

Tom Pierre Najem (*Manager, Jerusalem Old City Initiative*) is Chair of the Political Science Department at the University of Windsor, and Associate Professor of International Relations and Comparative Politics. He has held previous academic appointments in Morocco and at the University of Durham.

Governance Working Group International Team

Marshall Breger, Professor of Law at the Columbus School of Law at the the Catholic University of America

David Cameron, Professor and Chair of the Political Science Department at the University of Toronto

Michael Dumper, Professor of Middle East Politics at the University of Exeter

Lara Friedman, Government Relations Director for Americans for Peace Now

Ambassador Arthur Hughes, Adjunct Scholar, Middle East Institute; former Director General, Multinational Force and Observers, Sinai; and former Deputy Assistant Secretary of State for Near East Affairs and of Defence for the Near East

Jodi White, President of the Public Policy Forum; former Chief of Staff to the Right Honourable Joe Clark

Contributors and Advisors

Ora Aheimer, Director General for the Jerusalem Institute for Israel Studies

Tamara Al Khoury, Project Associate at the Toledo International Centre for Peace

Nazmi Al'Ju'beh, Professor of History and Archaeology at Birzeit University and Co-director of RIWAQ: Centre for Architectural Conservation

Roy Amore, Professor of Political Science at the University of Windsor

Reuven Berko, former Advisor for Arab Affairs to the Israeli Ministry of Police

Roy Berlinquette, member of Canada's Military Police Complaints Commission and the Office of the Oversight Commission on the Reform of the Police Service of Northern Ireland

Moty Cristal, Fellow at the Institute for Counterterrorism at the Herzliya Interdisciplinary Center

Yaser Dajani, Middle East and Africa Consultant at Control Risks in London and former Palestinian security consultant for the Negotiations Affairs Department, Palestine Liberation Organization

Anwar Darkazally, political advisor with the office of the United Nations Special Representative for the Occupied Territories

John de Chastelain, Head of the International Commission on Decommissioning in Northern Ireland; former Chief of the Canadian Defence Staff; former Canadian ambassador to Washington

Tim Donais, Professor of Political Science at Wilfrid Laurier University

Jonathan Gillis, chair of Bizchut, the Israel Human Rights Center for People with Disabilities; former senior associate at Aaronsohn, Sher, Aboulafia, Amoday and Co., Law Offices

Peri Golan, former Head of Counter-Terrorism in the Shin Bet

Leonard Hammer, Lecturer on Law and International Human Rights in Israel at Bar Ilan University, Ramat Gan Law College and Rothberg International School

Manuel Hassassian, Ambassador, Palestinian General Delegate to the United Kingdom

Paul Heinbecker, Director of the Laurier Centre for Global Relations and Distinguished Fellow at the Centre for International Governance Innovation

Shira Herzog, Executive vice-president for the Kahanoff Foundation

Rosemary Hollis, Director, Olive Tree Scholarship Programme at City University, London and former Director of Research for the Royal Institute of International Affairs, Chatham House

Hiba Hussein, managing partner of the law firm Hussein and Hussein; chair of Al-Mustakbal Foundation

Issa Kassassiyeh, Deputy Chief of Staff to the President of the Palestinian Authority

Israel Kimhi, member of the Jerusalem Institute for Israel Studies; former municipal planner for the city of Jerusalem

Menachem Klein, Professor of Politics at Bar-Ilan University; Senior Research Fellow at the Jerusalem Institute for Israel Studies

Ambassador Daniel Kurtzer, S. Daniel Abraham, Professor in Middle East Policy Studies Princeton University; former American ambassador to Egypt and Israel

Ruth Lapidoth, Professor Emeritus of International Law at the Hebrew University, Israel; member of the Jerusalem Institute for Israel Studies

Pini Maidan-Shani, Counterterrorism expert; former foreign policy advisor to Prime Minister Ehud Barak

Mazen Quity, lawyer, expert on legal issues relating to the Old City and advisor to various Christian churches.

Jibril Rajoub, former National Security Advisor for the Preventative Security Service of the President of the Palestinian Authority

Yitzhak Reiter, Professor of Political Science of Ashkelon Academic College and Research Fellow at the Jerusalem Institute for Israel Studies and the Harry S. Truman Research Institute for the Advancement of Peace

David Rosen, President of the International Jewish Committee; Director of the Department for Interreligious Affairs; Director of the Heilbrunn Institute for International Interreligious Understanding of the American Jewish Committee

Daniel Seideman, lawyer and expert on Jerusalem's municipal operations, urban planning and residency rights and legal advisor to Ir Amim

Gilead Sher, senior partner at ASAA & Co. Law Offices; and former Chief of Staff and Policy Coordinator of Israel's Prime Minister and Minister of Defense

Abdel Salam Sidahmed, Professor of Political Science at the University of Windsor; former Director for the Middle East at the International Secretariat of Amnesty International

Salim Tamari, Professor of Sociology at Birzeit University; Director of the Institute for Jerusalem Studies

Shadia Touqan, architect, urban planner and director of the Old City of Jerusalem Revitalization Project at the Welfare Organization

Mitna Tajdin, Resident Representative for the International Development Law Organization, Kabul, Afghanistan

ANNEX C: REFERENCES

Jerusalem Old City Initiative Publications

- Bell, Michael, Molloy, Michael J., Bell, John, and Evans, Marketa. *The Jerusalem Old City Initiative Discussion Document: New Directions for Deliberation and Dialogue*. 2005.
- Bell, Michael, Molloy, Michael J., Bell, John, Cameron, David, and White, Jodi. *The Jerusalem Old City Initiative Guiding Assumptions. Rolling Draft*. 2005; updated in 2007 and 2008.
- Berlinquette, Roy, de Chastelain, John, and Hughes, Arthur. *The Jerusalem Old City Initiative – Security Assessment*. 2007.

List of Commissioned Papers

- Al Mustakbal Foundation. *Old City Governance*, 2007.
- Breger, Marshall. *International Law of Holy Places in the “Old City” of Jerusalem*. 2008.
- Dajani, Yaser, and Bakri, Jibrin. *Security Arrangements in the Old City of Jerusalem*. 2007.
- Dumper, Michael. *International Norms and the Preservation of Culture and Heritage in the Old City of Jerusalem: A Study of the Role of UNESCO*. 2008.
- Dumper, Michael. *Jerusalem Old City Initiative: A Security and Management Framework for the Holy Sites of the Old City*. 2008.
- Greenfield-Gilat, Yehuda, Bar-Sinai, Karen Lee, and Saya Architecture and Consultancy. *Jaffa Gate Crossing Facilities: Spatial Study*. 2007.
- International Peace and Cooperation Centre. *Challenges for an International Administration of Urban Functions in the Old City of Jerusalem*. 2007.
- Jubeh, Nazmi, and Seidemann, Daniel. *Mapping Factors of Stabilization and Destabilization in the Old City*. 2006.
- Jubeh, Nazmi, and Seidemann, Daniel. *Conflict Resolution in the Old City Past and Future*. 2008.
- Khamaisi, Rassem, and Glass, Joseph B. *Report on the Socio-economic Conditions in the Old City of Jerusalem*. 2006.
- Kassissieh, Issa, and Jubeh, Nazmi. *Jerusalem Security Principles: The Old City*. 2006.
- Meidan-Shani, Pini, Amit, Arie, and Cristal, Moty. *Security Mechanism in the Holy Basin*. 2005.
- Meidan-Shani, Pini, Golan, Peri, Berko, Reuven, and Cristal, Moty. *Security Mechanism in the Holy Basin – Phase II*. 2006.

- Meidan-Shani, Pini, Golan, Peri, Berko, Reuven, and Cristal, Moty. *Security Mechanism in the Holy Basin – Phase II/2*. 2007.
- Meidan-Shani, Golan, Peri, Berko, Reuven, and Cristal, Moty. *Security Mechanism in the Holy Basin – Phase II/3*. 2007.
- Oliel, Michelle. *Property Rights and Ownership in the Old City of Jerusalem*. 2006.
- Qupaty, Mazen. *The Legal Framework for a Special Regime: The Old City of Jerusalem*. 2007.
- Qupaty, Mazen. *Dispute Resolution under the Special Regime of the Old City of Jerusalem*. 2008.
- Reiter, Yitzhak. *Options for the Administration of the Holy Places in the Old City of Jerusalem*. 2007.
- Seidemann, Daniel. *Events Surrounding the Mugrabi Gate: 2007 Case Study*. 2007.
- Sher, Gilead, Gillis, Jonathan, and Kadari, Amir. *The Legal Parameters of the Old City of Jerusalem Special Regime*. 2005.
- Sher, Gilead, Gillis, Jonathan, and Vestfrid, Naomi. *A Plan for Governance in a Special Regime in Jerusalem*. 2007.
- Sher, Gilead, Gillis, Jonathan, and Vestfrid, Naomi. *The Adjudicatory Regime and Dispute Resolution Mechanism*. 2008.



The
Jerusalem Old City Initiative
Security Assessment

15 November 2007
Revised as of 27 February 2008

Roy Berlinquette · John de Chastelain · Arthur Hughes

FOREWORD

1. Over three years ago, we concluded that an exclusive preoccupation with the Intifada and its consequences was insufficient, if the ultimate goal for Israelis and Palestinians remained a fair-minded, comprehensive peace. Despite the disappointment and bitterness that many experienced during that troubled time, we felt that a fresh examination of core issues was warranted and, indeed, necessary. Since then, political developments on the ground have further convinced us that neither community's needs could be met by today's political *status quo*.
2. We determined that our varied experiences with the Israeli/Palestinian conundrum might allow us to engage in a positive dialogue with academics, policy experts, officials, and civic leaders and that, by enlisting partners with functional expertise, creative ideas could be developed. We hoped that the experience, knowledge and understanding of our partners would guide us well. We have not been disappointed.
3. Our goal in the Jerusalem Old City Initiative has been to develop creative options for the governance and management of the Old City which we hope will spark the imagination of negotiators and political leaders, once final status issues are again on the table. Consequently we have developed a modular needs-based approach integrated into special governance arrangements, treating the Old City as a single unit under a single administrator, having executive authority.
4. We do not believe an Old City, geographically divided between Israel and Palestine, to be sustainable; indeed we are concerned that it would threaten the viability of any comprehensive peace, given the mosaic of Holy Sites within it, their intense symbolism and the potential for confrontation over them. Our view has been that the wounds of war do not permit a divided Old City, particularly when sacred space therein is indivisible.
5. In December 2005, with the publication of "New Directions for Deliberation and Dialogue," the Initiative held a project launch in Istanbul attended by an array of Palestinian and Israeli experts and thinkers. There was naturally a wide variety of opinion respecting our ideas, but there was universal accord that options for the Old City had to be explored in detail hitherto absent, if there was to be any hope of a negotiated settlement.
6. The problem of exactly where to start had been a dilemma for us: governance, Holy Sites, property ownership, economic and social needs, a legal framework, the list seemed endless. But in Istanbul, there was unanimity that security was paramount.
7. We therefore looked for a top flight team of experts who could take the lead, with our Israeli, Palestinian and other partners, in pooling their collective wisdom and authoring a study with integrity and merit. We found them in John de Chastelain, former Chief of the Canadian Defence Staff and

currently Chief Arms De-commissioner for Northern Ireland; Roy Berlinquette, a former Deputy Commissioner of the Royal Canadian Mounted Police; and Ambassador Art Hughes, a former Director General of the Multinational Force and Observers in Sinai.

8. We could not have been more fortunate. Working effectively as volunteers, they spent hours, weeks and months, meeting, talking, debating, researching and exploring this most complex of issues. Their dedication and good humour made working with them immensely satisfying. The result is exactly what we hoped it would be: incisive, comprehensive, and deeply informed.
9. Herein is a package of suggested security arrangements for the Old City of Jerusalem which, we are convinced, can become a critical tool for political leaderships in seeking the peace agreement we all hope for.

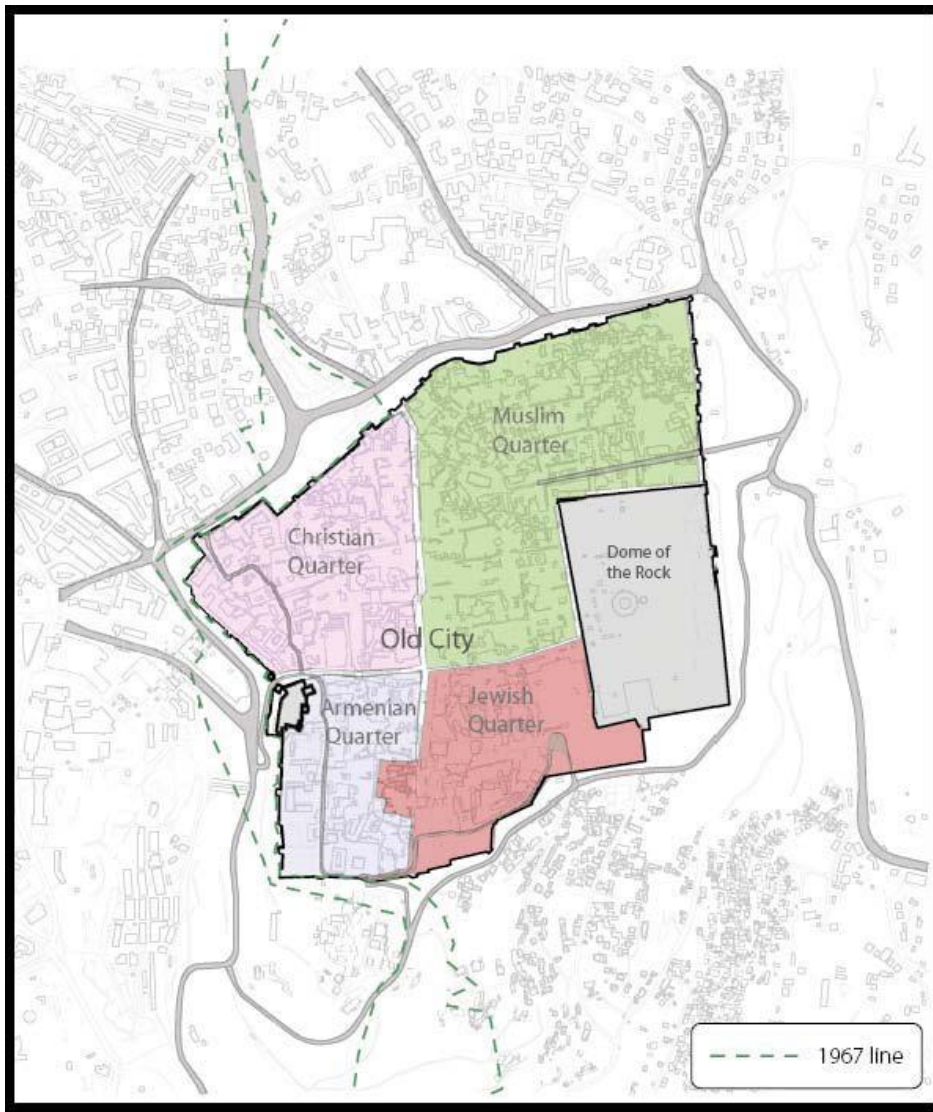
Michael Bell, Michael J. Molloy, John Bell
Project Directors, Windsor, Ottawa,
Jerusalem November 2007

EXECUTIVE SUMMARY

1. The Old City of Jerusalem is the central focus of the national aspirations of both The Old City of Jerusalem is perhaps the most contentious issue in the Arab-Israeli conflict. Its sovereignty, administration and control are questions of great dispute, and its holy sites resonate powerfully in the hearts and minds of Muslims, Jews and Christians. If questions respecting the Old City remain unresolved, stability in Jerusalem cannot be assured and peace between Israelis and Palestinians will be impossible.
2. The Jerusalem Old City Initiative aims to develop creative options for the effective governance and management of the Old City, including security arrangements addressed in this paper. This goal is predicated on ensuring the integrity of the Old City and its holy space; the area is too small, densely populated and architecturally linked to be managed viably by a mix of different authorities and police forces.
3. Special governance arrangements are therefore proposed (dealt with in detail in a separate governance paper), treating the Old City as a single unit under an Administrator with executive authority, accountable to a Governance Board composed of the parties themselves and international stakeholders acceptable to both. These arrangements would be within the framework of an agreement between the parties, with two national capitals, Al Quds and Yerushalayim. It should be stressed that this initiative is not designed to resolve the conflicting claims of the parties respecting sovereignty over the Old City and in no way prejudices them. Rather, the initiative outlines practical mechanisms which can be implemented under various sovereignty options.
4. These proposed security arrangements are designed to address the fundamental security and law enforcement needs of the Old City and its residents, while ensuring freedom of worship, dignity, access, and equity of treatment for all stakeholders. They require close coordination with Israeli and Palestinian authorities. Indeed, their success will depend on the ability of Israelis and Palestinians to agree on the implementation of such special governance arrangements and to develop conditions that permit coexistence in this most contested and sacred of cities.
5. Within such a framework, and after careful consideration of the recommendations of Israeli and Palestinian security experts, the following security recommendations have been developed:
 - a. The Administrator should be accountable to an international governance board composed of international stakeholders and the Parties themselves;
 - b. A single Old City Police Service should be established, reporting to the Administrator, who should have ultimate responsibility for security arrangements in the Old City;

- c. The Administrator should be responsible for naming a Chief of Police, in consultation with the international governance board, to serve for a fixed period of service;
 - d. The police service should function under a unified command structure headed by a Chief of Police to whom all on the force will be accountable;
 - e. The police service should be professional, effective, impartial, accountable and integrated, and composed of international officers from countries acceptable to the Parties and with clear hiring criteria consistent with international standards. The issue of whether Palestinians and Israelis should be taken into the police service should be examined by the Administrator and the Chief of Police in the context of the satisfactory implementation of the agreement and the establishment of trust between the Parties. Their deployment should be determined by the Chief of Police;
 - f. Police responsibilities should include community policing, enforcement of civil and criminal laws, implementation of security arrangements affecting movement and access to and through the Old City, security and intelligence functions, counter-terrorism, and protecting the rights of all the City's residents and visitors. The police service should be organized and staffed to be able to deal with all contingencies;
 - g. The police should have the authority to investigate, question, arrest and detain suspects in conformity with accepted international norms, and to remand them to the custody of Israeli or Palestinian authorities, or, in appropriate cases to be defined, to an Old City judicial system;
 - h. The police service should, by necessity, coordinate its efforts closely with Israeli and Palestinian security authorities, including in matters of "pursuit" and access control to the Old City;
 - i. A special emphasis should be placed on learning, training and development, as keys to achieving professionalism and performance success in the police service, given the unusually complex and sensitive environment; and
 - j. Arrangements touching on the sanctity of holy sites and access to them should be dealt with to the satisfaction of the religious communities, subject to the requirements of public order. Special security arrangements should be developed for these sites in close coordination with advisory religious and heritage bodies.
6. From our reading of the papers produced by Israeli and Palestinian partners, and our consultations with them, we are aware that there is not full agreement respecting these proposals. It is our strong belief however that the points of difference are resolvable and an effective, fair-minded and sustainable security system for the Old City is achievable.

7. It is possible that a situation of major unrest could occur that includes the complete breakdown of the Palestinian Authority in the region prior to any agreement being reached to set up the special regime for the Old City that we are proposing in this paper. We believe that such a circumstance would make it extremely unlikely that the special regime could be activated, and it is not considered further here.



GLOSSARY

CCTV	Closed Circuit Television
CLO	Community Liaison Officers
CROPS	Criminal Operations Unit
DCOP-Adm	Deputy Chief of Police - Administration
DCOP-Ops	Deputy Chief of Police - Operations
EECU	Entry and Exit Control Unit
EOD	Explosive Ordnance Disposal
ERF	Emergency Reserve Force
EU COPPS	European Union Co-ordinating Office for Palestinian Police Support
HSPU	Holy Site Police Unit
ILCTU	Intelligence, Liaison and Counter Terrorism Unit
JOC	Joint Operations Centre
JOCI	Jerusalem Old City Initiative
LTD	Learning, Training and Development
NPU	Neighbourhood Policing Unit
PORDU	Public Order Rapid Deployment Unit
PSNI	Police Service of Northern Ireland
RCMP	Royal Canadian Mounted Police

THE JERUSALEM OLD CITY INITIATIVE SECURITY ASSESSMENT

INTRODUCTION

1. This assessment examines security, the core issue in the challenge of how Jerusalem might be addressed in the final status negotiations between Israel and Palestine (known as the Parties). Without an equitable, reliable and sustainable security arrangement for the Old City, we believe that no final status agreement is possible. This assessment is the result of our study, examination and discussion of what such a security arrangement might be. We were guided by a desire to be comprehensive -to offer detailed proposals where possible and to flag other issues that would need further consideration -and also by the conviction that any security system for the Old City could work only if it were part of a governance arrangement created and supported by the Parties themselves. This paper does not address the issue of sovereignty. However, we believe that this assessment constitutes a useful resource for policy planners, negotiators and decision makers as they deal with the single most difficult and contentious issue among the myriad questions relating to Jerusalem.
2. The Old City of Jerusalem and its holy sites resonate powerfully in the hearts and minds of Muslims, Jews and Christians around the world. The Jerusalem Old City Initiative's approach to the Jerusalem conundrum is to recognize the full range of factors that affect resolution, including security, the symbolic importance of the Old City, the strong religious feelings of Jews, Muslims and Christians around the world, economic sustainability, the needs of the Old City's residents, and the interests of the Palestinians and Israelis more broadly. Fundamentally, we believe that a special governance system -what we call the Old City Special Regime (henceforth called the Regime) involving an international role fully agreed by Israel and Palestine -is required to achieve equity and long-term sustainability in this most sensitive of locales. Indeed, an agreed international presence in the Old City may also serve as a disincentive for the Parties to turn national mechanisms into instruments for territorial gain or struggles for power.
3. Any security mechanism within such a system must take full account of Jerusalem as the focal point of individual and group identities, and the sensitivities and mistrust this engenders. Taken together, these physical and symbolic factors make the Old City a soft target for those seeking to disrupt Muslim-Jewish and Israeli-Palestinian co-existence. Disruptions could range from provocative political action to outright terrorism, which would not only cause death and suffering, but also threaten their bilateral political agreements and indeed the general peace.
4. The Israelis and Palestinians taking part in this process of engagement on the Old City, while they may differ on specific issues, share the view that,

without guarantees of a fair-minded security mechanism, no agreement respecting the Old City will be sustainable.

THE PROCESS

5. The Jerusalem Old City Initiative (JOCI) has been engaged in consultations and studies on this question for over three years. Today, the initiative is pursuing a series of papers and studies focusing on governance (including the management of holy sites), security measures, symbolic issues and the political economy of the Old City. This paper looks specifically at the security dimension assessing options for negotiations between the Parties.
6. The importance to all stakeholders of security, in perception and actuality, and the potential urgent needs of decision-makers, have led the JOCI to pursue security first. The ideas presented will, however, ultimately be contingent on administrative and governance arrangements, especially regarding the holy sites. These will be presented in detail in subsequent documents to be published in the near future.

AIM

7. The aim of this paper is to assess the factors that members of the Security Working Group believe should form the basis of a security system for Jerusalem's Old City, under the authority of an Old City Special Regime.

OUTLINE

8. This assessment will be structured under the following headings:
 - a. Background;
 - b. Premise and Source of Authority;
 - c. Mandate;
 - d. Duration;
 - e. Organization;
 - f. Command and Control;
 - g. Operations;
 - h. Learning, Training and Development;
 - i. Infrastructure;
 - j. Administration and Logistics;
 - k. Oversight; and
 - l. Conclusion

BACKGROUND

9. This document's authors have extensive professional experience in the areas of policing, diplomacy, the operation of international policing organizations and military and peacekeeping operations. None of us is an expert on Jerusalem's security requirements, but we have each spent considerable time familiarizing ourselves with the situation in the Old City. It is not for us to decide what security system should be adopted by the Old City Special Regime. Nevertheless, we have examined the special nature of the security requirements in Jerusalem's Old City, and we have been informed by detailed papers prepared on the subject by Israeli and Palestinian experts and by comprehensive consultations with individuals on both sides (For details, see References.) Based on their opinions, as well as on our experience, we have identified what we believe are some important factors to consider in establishing a security system under the Regime.
10. We accept that the security situation in the Old City of Jerusalem presents special challenges. But while some of them are unique to the Old City – particularly with regard to the holy sites – some of them are also found in conflict situations elsewhere. We have paid close attention to the setting up of new police services in post-conflict circumstances in Northern Ireland, Bosnia and East Timor, and we have attempted to apply lessons learned from these situations, where they apply, to the concept of a new security system for Jerusalem's Old City.
11. We start from the belief that no security system can provide one-hundred percent assurance of inviolability. The system existing in the Old City today is as effective as any, yet security incidents still occur. But we believe that once the Parties have agreed to establish a special Regime in the Old City, with an internationally-mandated responsibility to provide security for residents, worshippers and visitors, a security system – one that merits the confidence of the people and that has a good chance of success – can be put in place. The chances of success will be enhanced if:
 - a. The Regime is created and sponsored by the two Parties and supported by the members of the Security Council, as well as other major nations;
 - b. Israeli and Palestinian, as well as international, involvement in the security system will demonstrate the will to make it work;
 - c. The existence of two national capitals in West and East Jerusalem, with all their accruing international recognition and financial advantages, serves to boost the Old City's prestige and economic prospects; and
 - d. The knowledge that failure of the Regime will likely cause a breakdown in the Israel-Palestine Treaty -and also spell a return to violence and a loss of hope for the future – elicits support from those initially sceptical of the process.

12. In making this assessment we have put special emphasis on the Learning, Training and Development (LTD) component of the security system and we include a special annex on this subject (Annex C). In the annex, we discuss how the LTD component is not an end in itself, but represents a key long-term investment to achieve policing professionalism and performance success.
13. The context of the creation of this LTD process presumes a fundamental change in the socio-political relationship between Israel and Palestine, which is also the basic concept on which the establishment of the Old City Special Regime is predicated. The intention of the two Parties must be to make the Regime (and hence the Old City Police Service) work. It will involve the beginning of interdependency between the communities in the Old City and the police officers who serve them. It is a determination to create community-led, partnership-policing based on a firm commitment to the investigation, detection and prevention of crime, the enforcement of the rule of law, the maintenance of peace and order, and the protection of life and property. Implicit in this commitment is the need to protect and respect human rights. The goals, core values, and principles of such an approach permeate the suggestions in this study.

PREMISE AND SOURCE OF AUTHORITY

14. The Jerusalem Old City Initiative (JOCI) has developed a set of working assumptions, premised on a framework that envisages two independent states, Israel and Palestine, with the city of Jerusalem divided along an agreed line into Al Quds and Yerushalyam, with the Old City the subject of a special governance system. This Old City Special Regime, or the Regime, will be based on a formal agreement between Palestine and Israel and endorsed by the United Nations Security Council in a manner to be agreed by the Parties. The Regime will be administered by an Administrator who is neither Israeli nor Palestinian, appointed for a fixed renewable period by a Governance Board (with functions to be further defined) composed of members agreed to by Israel and Palestine, to which the Administrator will be accountable.
15. The Parties will prepare the mandate and issue it to the Administrator. The mandate will delegate to the Administrator authority over many Old City matters, including a security system.
16. The security system should be constituted in the form of an Old City Police Service, (henceforth called the Police Service), headed by a Chief of Police appointed for a fixed period by the Administrator, with the agreement of a Governance Board composed of representatives of the parties themselves – Israel and Palestine – and international stakeholders acceptable to both. It will be critical for the Police Service to have a close ongoing cooperative relationship with police as well as intelligence and other relevant agencies of Israel and Palestine. This can best be done by having attached Israeli and

Palestinian liaison officers seconded to Police Service Headquarters in the Old City. In addition we believe that the Administrator and Chief of Police should establish formal cooperative relationships with the security agencies of other countries and with Interpol.

MANDATE

17. The mandate for the security system, issued by the Parties to the Administrator, should be to preserve law and order in the Old City and to ensure the equal and fair treatment of all who live or visit there. This mandate should be confined to the area of the Old City – a universally accessible city, indivisible within the walls – whose gates lead directly into Israel or Palestine. But allowance should be made for the security system's members to operate in those areas outside but close to the walls, where the implementation of effective entry and exit security measures make such exceptions necessary. Consideration should also be given to allow periodic inspections of the exterior of the walls by Police Service members.
18. Given the existence in the Old City of holy sites of great importance to the three Abrahamic religions, special concerns relate to security within the walls. The security system should be based on a Police Service charged *inter alia* with carrying out conventional day-today policing functions and enforcing the law. It should also provide the measures necessary to ensure access to, and the security of, the holy sites as well as response to potential mass demonstrations and violence related to those sites. To ensure the protection of, and access to, the holy sites, the methods in effect now should be continued until new procedures, made in consultation with the religious authorities, can be effected. At the point during the handover period when the Old City Police Service has a preponderance of personnel in position and taking charge of security roles, we envisage the Police Service taking control of the security of the holy sites from the Israelis, working in conjunction with whatever traditional security elements are agreed to have a continuing role in them.

DURATION

19. As long as the Regime continues to exist, its security system will have to exist also. Given the proposal that the mandate continue for an indefinite period pending agreement by the Parties on an alternative arrangement, consideration of tour length will become an important factor.
20. It is clearly advantageous to have security system members remain in place for as long as possible, as effectiveness in their role will improve with experience. On the other hand, countries may be unwilling to release their nationals for service in the Police Service for lengthy periods, and independent individuals seeking involvement may not wish to engage in lengthy contracts. In particular, training requirements for members will have to be tailored based on anticipated tour lengths and these will be discussed

below under Learning, Training and Development. As a rule, however, we believe that to provide an effective security system in the Old City, tour lengths for its members should be open-ended, but members must commit to serve for a minimum of three years after training has been completed.

ORGANIZATION

21. **General** The security system will be headed by the Chief of Police who will report to and receive direction from the Administrator, who will be responsible to the Governance Board.
22. **Old City Police Service** The basis of the Old City security system should be an Old City Police Service. This service should be designed to carry out a number of functions necessary for the safety and security of the Old City, including routine policing, protection of the holy sites, entry and exit control, and public order rapid response. The Police Service should be responsible for enforcing laws, ordinances and directives of the Administrator. While neighbourhood policing will be one of its major functions, the Police Service should also have:
 - a. A Criminal Operations Unit (CROPS) to address serious crimes such as murder, organized crime, drug operations, smuggling and kidnapping;
 - b. A viable intelligence organization, well connected to the intelligence organizations of the two Parties -by means of seconded officers from those organizations -that is capable of alerting the Administrator to potential threats or difficulties in a timely fashion;
 - c. Close connections with other national intelligence agencies and with Interpol; and
 - d. An internal training division as well as a logistical and administrative organization, capable of addressing the needs of the Service's members and their dependents.
23. **Structure** In Annex A we include an organizational chart depicting our assessment of how the Police Service could be structured to meet or exceed international standards of policing. While it will be the Chief of Police and his advisers who recommend the final organization of the Police Service to the Administrator – including its suggested size and structure – we believe that the outline offered in Annex A can provide the basis for initial planning.
24. We suggest that the Chief of Police should have two deputies, a Deputy Chief of Police Operations (DCOP-Ops) and a Deputy Chief of Police Administration (DCOP-Adm). The Chief of Police should have his own legal section reporting directly to him, as well as a public relations unit emphasizing outreach. All functions required to make the Police Service workable should be grouped under the two DCOPs.

25. The structure we propose is intended to take account of fundamental policing needs as well as potential security threats in the Old City. There are several aspects to this goal:
- a. **Public Order** The objective is to have police contribute to a sense of normality, taking account of the special nature of the Old City with its holy sites, and the need, at times, to monitor entry and exit into and out of the two neighbouring states. It anticipates the possibility of having to react at short notice to unexpected events, and includes a full-time Public Order Rapid Deployment Unit (PORDU) within the Police Service for this purpose;
 - b. **Extreme Emergency**
 - 1) Given the potential volatility of crowds during religious occasions, the large numbers that can be involved in such events, and the history of violent reaction to incidents on or around the holy sites, we believe there will be an on-call requirement to increase the strength of the security forces within the Old City, at relatively short notice, by a factor of three or four;
 - 2) The role of such an Emergency Reserve Force (ERF) will be to provide the necessary trained manpower to flood the Old City with security forces and maintain this heightened presence for a period of up to several days. While in the short term, numbers can be provided by deploying the complete strength of the Police Service simultaneously, such a measure cannot be maintained for long. Hence the need for large numbers of additional reserves;
 - 3) Clearly, such a large formation in place full-time would be prohibitively expensive as well as difficult to maintain when not required. But we think it is important that such an element – intended for operations only within the Old City – should be available to be drawn from outside sources rather than from existing units and resources belonging to the Parties. This formation will not be part of the Police Service and will be called on only when an emergency makes its presence necessary, at which point it will deploy to Jerusalem (into staging areas agreed by the Parties) and come under command of the Chief of Police for operations in the Old City only;
 - 4) We believe that the Administrator and the Chief of Police should consider how best to provide for this requirement. One option might be to make arrangements with one or two countries acceptable to the Parties, and that are deployable within two to three hours (such as Italy and Turkey), to earmark trained and professional units for emergency intervention. Another option might be to call on formed maneuver units already deployed in the Mediterranean, such as NATO.

- c. The need to anticipate events that may require the deployment of the PORDU - or the ERF - makes it essential that the intelligence apparatus within the Police Service be structured and maintained at a consistently high level and that it have access to existing outside intelligence sources;
 - d. Since such problems described above could originate outside the Old City but within the territories of the two Parties, it is essential that the Parties be committed to energetic and constructive action to preclude such developments;
 - e. It is possible that a situation of major unrest could occur that includes the complete breakdown of the Palestinian Authority in the region prior to any agreement being reached to set up the special regime for the Old City that we are proposing in this paper. We believe that such a circumstance would make it extremely unlikely that the special regime could be activated, and it is not considered further here.
26. ***Organizational Steps*** We envisage several steps in the deployment and development of the Police Service. At the outset we foresee the employment of professional police officers from countries agreed to by the Parties. These officers will undertake an initial familiarization course and then assume responsibility from the Israeli security forces. In the second step, international candidates will be recruited and trained to the basic level of qualified police officers. Third, these newly qualified officers will be introduced into the Police Service while the international officers brought in at the beginning – with the exception of some in leadership roles – will be successively relieved of their duties. The culmination of this process will be a police service almost entirely composed of international members specifically recruited and trained for the Old City Police Service.

27. Police Service Composition

a. Concept

- 1) Our initial conception of the Old City Police Service was that, once fully established, it would incorporate not just international candidates but Israelis and Palestinians recruited specifically for the Service. We believed that doing so would give both Parties a feeling of greater involvement in the policing of the Old City and would pave the way for whatever security system is put in place once the Regime's mandate expires. However, we were advised of the difficulties that would arise from employing Israelis and Palestinians as police officers in the Police Service at an early stage in the operation of the Regime, and we have adjusted our thinking accordingly. Nonetheless, we believe that at some future time, in the context of satisfactory implementation of the Israeli-Palestinian agreement and the building of mutual trust, the Administrator should re-examine this option with the Parties;

- 2) Our agreed conception therefore is that the Police Service should include international police officers only, but with trained and qualified unarmed Israeli and Palestinian Community Liaison Officers (CLOs) engaged as part of the Police Service. The CLOs will be assigned to the Police Service stations throughout the Old City and will work closely with the international police officers in the neighbourhoods and with their various ethnic and religious groups. As we see it, the need to get the Police Service up and running as swiftly as possible – once the decision is made to adopt it – requires that it be initially made up of experienced international police officers. These will have to undergo a course that familiarizes them with the special circumstances of the Old City. Once deployed, they will be accompanied by CLOs, either Israeli or Palestinian, as circumstances warrant.
- b. ***Recruits*** While the trained international police element is providing security in the Old City, international police recruits will undertake basic police training to prepare them to take their place as qualified police officers in the Police Service. Candidates will be recruited from countries agreed to by the Parties and will need to reflect an appropriate mix of responsible international players. As this latter group completes its training and is deployed into active police service, the original international contingent may, with the exception of some leadership elements, be gradually drawn down, decreasing the burden placed on the initial contributing countries;
- c. Our recommendation that the Police Service be composed solely of international police officers is not an argument against attaching Israeli and Palestinian intelligence and counter-terrorism officers, seconded from their respective services, to the Police Service. Indeed, we feel that such an attachment is vital to the effective functioning of the Police Service. The subject is discussed below in connection with the establishment of a Joint Operations Centre.

COMMAND AND CONTROL

28. All members of the Police Service will be under the command of the Chief of Police who will report to the Administrator. As mentioned earlier, we believe the Chief of Police should appear regularly before the Governance Board, either at the Board's or the Chief's initiative. We believe the ability of the Chief of Police to have regular access to the members of such an organization, and they to him, is essential to the efficient conduct of the police services and security role in the Old City.
29. Other factors relating to command and control within the Police Service include:
 - a. ***Seconded Israelis and Palestinian Police Officers*** The Liaison, Intelligence and Counter-Terrorism Unit should be grouped under the

DCOP-Ops and it is here that we envisage the secondment of experienced members of the Israeli and Palestinian police organizations needed for these roles. While these officers will work closely with the Police Service during their secondment, they should remain under the command of their parent organizations;

- b. ***Access to Other Intelligence Agencies*** The Police Service will need assured access to the Israeli and Palestinian police and other relevant agencies, by means of a formal liaison system;
- c. ***Special Status*** Whether or not members of the Police Service should have some form of special status conferred by Israel and Palestine, as presumably other members of the Regime will have, is something that should be determined during the planning stage of the Regime;
- d. ***Ease of Movement*** A number of Police Service units (e.g. Logistics and Training) and their headquarters will be located outside the Old City. The PORDU and the ERF (when deployed) will also be located outside the walls. Some of these units may be stationed in Yerushalyam and some in Al Quds, as agreed between the Administrator and the Parties. Regardless of their location, it is essential that these units be given unimpeded access in and out of the Old City in the performance of their duties.

30. Headquarters Location

- a. We envisage Command of the Police Service being executed from an Old City Police Service Headquarters located within the Old City, with subordinate headquarters or stations located where necessary to control the different functions of neighbourhood policing, holy site security and entry and exit control;
- b. We see the DCOP-Ops exercising command from his headquarters located in the Old City, with most of his units' headquarters located there also. We see the DCOP-Adm. exercising command from his headquarters located outside the Old City, with all of his units located there in areas to be negotiated by the Administrator with the Parties;
- c. We see the PORDU being located outside the Old City but with easy access to it;
- d. The ERF (Emergency Reserve Force), when deployed, will be placed temporarily in holding areas to be negotiated in advance with the Parties to conduct operations it will be deployed into the Old City.

OPERATIONS

31. General

As mentioned earlier, we envisage the Police Service being formed and readied for operation in several stages:

- a. First, the Chief of Police and his principal commanders will do the preliminary staff work to set up the organization including deciding on structures, determining the required numbers, acquiring the necessary equipment, infrastructure, communications and supplies, and setting up the necessary recruiting and training apparatus;
 - b. Second, the experienced international police officers who will initially comprise the Police Service will commence familiarization training that prepares them to take over policing in the Old City from the Israeli security forces. Simultaneously, prospective international candidates will be recruited and start basic training courses, and the Israeli and Palestinian CLOs (Community Liaison Officers) will be recruited and trained;
 - c. Third, the trained international police officers will take over the security of the Old City from the Israeli security elements, and CLOs will be deployed with them as necessary. As recruits complete their training and become qualified police officers, they will be introduced into the active Police Service. To minimize the time between the Regime's formation and the start of Police Service operations, it is likely that the numbers of trained international police personnel initially deployed will be high. As more recruits are trained and take their place, the initial numbers of trained international police personnel can be reduced;
 - d. The Chief of Police will undertake to form Local Neighbourhood Policing Partnerships. Their purpose will be to provide the Chief of Police and the neighbourhood police commanders with views on matters concerning the policing of local areas. Implicit in this concept is that it will build co-operation and increase trust between the police and area inhabitants, encouraging the latter to assist in maintaining law and order where it most concerns them.
32. ***Standard Operating Procedures*** The Chief of Police should be responsible for all operations conducted by the Police Service. To this end he will approve the operational structures needed to exercise his mandate. He should also be responsible for developing the necessary procedures to permit the Police Service to function. These procedures will have to take account of procedures already being followed in the Old City – e.g., holy site security (see also below) – so that disruption of day-to-day life resulting from the change of security systems is minimized. The procedures will be particularly essential given the various international elements that make up the initial structure of the Police Service. Firmly enforced procedures will be necessary to ensure that officers from different national police services operate as a cohesive organization from the outset. Separate procedures will also have to be established for each of the Service's personnel, administrative and logistics units.
33. ***Operational Handover*** Of particular importance will be the way in which the handover of the security operation in the Old City is managed between the

Police Service and the Israeli Security Forces. There will need to be an agreed period of time between the establishment of the Regime and the point at which the Police Service is ready to assume the complete security operation from the Israeli security elements. In that interim period the latter should continue to maintain control of security operations in the Old City and gradually hand over responsibility to the Police Service as its personnel and units become ready to assume it. The Chief of Police must be responsible for advising the Administrator of the length of time this interim period will take, and for making the appropriate phasing arrangements with the Israeli security authorities.

34. **Policing Division** The Policing Division should be responsible for routine policing in the Old City, for holy site security, for entry and exit security, for Rapid Deployment, for Intelligence, Liaison and Counter-Terrorism and for serious crime prevention.

a. Routine Policing

1) **The Neighbourhood Police Unit** (NPU) will be responsible for the enforcement of routine policing within the Old City. We envisage this function being sub-divided into responsibilities for different neighbourhoods within the Old City, with foot patrols being the preferred method of maintaining law and order and of contributing to a sense of security among inhabitants and visitors;

2) **Patrol Composition**

i. We believe such patrols should involve international Police Service officers, along with Israeli or Palestinian CLOs to demonstrate the special nature of the Police Service's mandate as well as the determination of the Administrator and the Parties to see that it works. The patrols' composition should follow principles of equity in the treatment of residents and visitors alike, and should be put together according to the demographic needs of the various Old City areas. When necessary, these patrols will allow for arrest of inhabitants or visitors in the most effective and efficient way possible;

ii. No matter the nationality of the individual involved, officers of all nationalities should be available to act in the most effective way possible and as required by the circumstance. For example, if there is an incident in an Israeli home, we envisage that international officers and Israeli CLOs will engage directly with the residents involved. If there is an incident in a Palestinian home, we envisage that international officers and Palestinian CLOs will respond;

iii. **Serious Crime** Routine policing must include the investigation of serious crime, which will be conducted by the Criminal Operations Unit.

b. *Holy Site Policing*

- 1) The matter of the holy sites will be the subject of a separate study. In general, however, the Holy Site Policing Unit (HSPU) will be responsible for policing sites within the Old City. We envisage that the present procedures for protecting the sites should continue pending review by the Administrator and the Governance Board. This function should include assuring undisturbed access to the sites and preventing incidents or damage to them;
- 2) Crucial to such policing will be the need to maintain close relations with the religious authorities that currently have responsibility for the sites, and to involve them to the degree considered appropriate in executing the task;
- 3) While special attention will have to be paid to the most sensitive of these sites, including the Haram al Sharif/Temple Mount and the Western Wall/Kotel, the HSPU should consult with religious authorities to catalogue and prepare plans for the protection of all sites considered at risk;
- 4) Particular consideration should be given to specially composed detachments of the Police Service for the Temple Mount/Haram al Sharif/Western Wall/Kotel. The nature of these sites and global attachments to them are such that the symbolic value of the carefully chosen and trained police units to be deployed at them needs to be seriously assessed;
- 5) One method of dealing with these most sensitive sites might be to have two concentric rings providing security there. The inner ring would be composed of unarmed Muslims at the Temple Mount/Haram al Sharif and unarmed Jews at the Western Wall/Kotel. The outer ring, further back but readily available to intervene if necessary, would be composed of armed Police Service officers – presumably international officers accompanied by Palestinian CLOs at the one, and international officers accompanied by Israeli CLOs at the other.

c. *Entry and Exit Policing*

- 1) Concept
 - i. We understand that there is inherent conflict between normal access to a city with free and unhindered entry and exit, and the imposition of security checks. Nonetheless, an unavoidable part of providing security in any confined location is the requirement to control entry and exit there when necessary;
 - ii. After an evolutionary period to build confidence and experience and within an atmosphere of orderly implementation of the

Israel-Palestine Treaty, we believe that security checks will become minimal;

- iii. The two Parties will have a significant interest in ensuring that persons of ill intent do not enter the Old City from their respective territories, and one can posit that the two will act decisively to ensure that does not happen since serious disruption of the Regime would have highly negative consequences for treaty implementation.

2) **Control Points**

- i. The Entry and Exit Police Unit (EEMU) will be responsible for supervising and controlling entry into and exit from the Old City. This task requires control points at each of the seven open gates, with special attention at those gates allowing both vehicle and pedestrian traffic;
- ii. We envisage one control point at each gate, with members of the EEMU and representatives of the appropriate Party being colocated. While the Parties have indicated that they do not envisage individuals passing from one state to another through the Old City, we expect that they will wish to have their own agents located at their respective gates in the event there is a dispute over exit from, or re-entry into, their countries;
- iii. The EEMU's aim must be multifaceted: to build confidence among the inhabitants and to ensure minimum interference with the flow of pedestrian and authorized vehicle traffic, while taking account of the security needs of the moment. To this end a system that will allow a range of control measures, from minimum or no checking, to strenuous personnel and vehicle monitoring, should be put in place. Suggestions as to how this might be accomplished – at the Jaffa Gate, for example – are included in Annex B. Similar suggestions can be developed for other gates as considered necessary by the Parties and the Administrator.

3) **Residents** We believe that the Administrator, in concert with the Parties, will be responsible for determining who is a resident of the Old City and for issuing identity cards to them. These cards will facilitate exit or entry by Old City residents;

4) **Passage Time** In normal circumstances we anticipate that a pedestrian will transit entry/exit points in a matter of seconds.

- d. **Public Order Rapid Deployment** The PORDU will be responsible for rapid response to incidents or events beyond the ability of routine policing units to handle. It will maintain a level of readiness commensurate with this requirement and be deployable in anticipation of

such events. The unit will be trained in special tactics including riot and crowd control and will have the arms and equipment necessary for its role. The Explosive Ordnance Demolition (EOD) capability of the Police Service will be located in the PORDU. While the PORDU should be located outside the walls to accommodate spatial limitations and facilitate deployment, it may have advance elements permanently stationed at sensitive locations such as holy sites and the main access gates.

e. ***Intelligence, Liaison and Counter-Terrorism***

- 1) The Intelligence, Liaison and Counter-Terrorism Unit (ILCTU) will function as the Police Service's intelligence and liaison unit as well as the planning unit for counter-terrorism measures. It will also be responsible for carrying out risk assessment on a daily basis. While for the most part the unit will be composed of international Police Service officers, it is here that we envisage experienced Israeli and Palestinian police and counter terrorism experts being seconded;
- 2) The unit will establish regular communication with other international intelligence services and will provide the main liaison function between the Police Service and the Israeli and Palestinian police organizations. Its location will be determined by the Chief of Police and the DCOP-Ops and may include sites both within and, with the Parties' concurrence, outside the walls;
- 3) While it will be for the Chief of Police to decide how he will organize his resources to best meet his mandate, we believe he will want to consider setting up a Joint Operations Centre (JOC) which will be the focal point for controlling and planning all operations conducted by the Police Service, and the Emergency Reserve Force if deployed. The seconded Israeli and Palestinian officers, and the liaison chain to outside police and other security elements, will be optimally placed in a JOC;
- 4) We recommend that the Chief of Police and other senior officers of the Police Service keep in frequent contact with their Israeli and Palestinian counterparts.

f. ***Arrest and Handling of Suspects***

- 1) ***Authority*** The Police Service will have full authority to investigate, question, arrest and detain suspects in accordance with law and accepted international norms. The arrest and handling of suspects will normally be carried out by Neighbourhood Policing Unit officers assisted by Community Liaison Officers. We believe that suspects should normally be turned over to the appropriate national authorities as soon as possible, or, in exceptional cases, to the Old City's judicial system. They can be held temporarily in the Old City at one of the police stations in the appropriate neighbourhood.

Further work on the judicial system will be developed in the JOCI study on governance;

- 2) ***Israelis and Palestinians*** While the exact judicial process remains under study, we believe that the judicial process for Israelis and Palestinians arrested in the Old City and brought to trial will normally take place in either Israel or Palestine, as appropriate. Another option that remains under study is to develop some judicial capacity for the Governance Board;
 - 3) ***Others*** Suspects arrested in the Old City who are neither Israeli nor Palestinian will be handled by the Police Service in accordance with accepted international standards. The question of which courts will be used to deal with cases involving such individuals will be determined by the Administrator in consultation with the Parties;
 - 4) ***Pursuit*** We expect that there will be occasions when suspects in the Old City may flee Police Service officers seeking their apprehension in accordance with law. Such individuals may attempt to leave the Old City. However, every Old City gate will have control posts staffed by Police Service and Israeli or Palestinian authorities. These can take the fugitive into custody pending arrival of the pursuing Police Service officers. If for some reason the fugitive is able to flee the Old City, consideration should be given to authorizing pursuit jointly by Police Service officers and the Israeli or Palestinian national police. Alternatively, those who flee could become the object of the Old City Special Regime's judicial arrest warrants and sought by the Palestinian or Israeli police as appropriate. Similar arrangements could be made for circumstances where fugitives from Israel or Palestine seek refuge in the Old City;
 - 5) ***Old City Police Service Officers Giving Testimony*** While members of the Police Service will have no jurisdiction outside the Old City, we believe that those officers who are involved in arrests should be able to appear in court outside the Old City in an official capacity to give evidence.
- g. ***The Carriage of Arms*** We believe that Police Service officers on duty within the Old City should be armed in a manner to be determined by the Chief of Police and they should be the only individuals permitted to own or carry arms inside the Old City. The Old City free of weapons in private hands is critical to calm and stability. We believe that Israel should work with the Administrator and the Police Service to ensure the turnover of a "weapons free" city to the Regime.

LEARNING, TRAINING AND DEVELOPMENT

35. **General** The Learning, Training and Development strategy we propose is based on a philosophy of learning that emphasizes core themes including human rights, situational training, continuous learning culture, and international experience. These themes are cornerstones to implementing a successful training strategy that will develop a new police service, one that is all-inclusive when dealing with different cultural backgrounds, and that promotes policing in cooperation with the community in its neighbourhood policing approach. For recruiting to be successful, service in the Old City Police Service must be seen to constitute a satisfactory and rewarding experience, with remuneration at internationally recognized rates and with work conditions that compare favourably with those in use elsewhere. This must be the case both for the trained international contingents brought in to start the process, and for those individuals recruited for long term service.
36. **Transition Team** As mentioned earlier we envisage a staged deployment of police units or squads in the Old City each of which will have its own training requirements. Details of the proposed Police Service training program are included in Annex C, but in general we anticipate a two-month period of conversion training for the Transition Team of trained police officers who will constitute the initial deployment of the Police Service. This conversion training will include an introduction to the rule of law that will govern the Old City, instruction in the special circumstances of its religious and cultural differences, and some basic language training for those with no knowledge of Arabic or Hebrew. We do not anticipate lengthy language training for either these or the follow-on members of the Police Service. We feel that each should have some very basic instruction at the outset, and for those who will spend longer periods in the Police Service, additional courses can occasionally be given to improve capacity and fluency. At the same time as the Transition Team undergoes its conversion training, we envisage a course for the Israeli and Palestinian Community Liaison Officers. The CLOs would be recruited on an individual basis and trained in the basic function of the Police Service and their role in it, and they would be deployed with the Transition Team as appropriate from the outset.
37. **Follow-on Members** The follow-on, individually recruited international candidates should undergo a six-month introductory program that mirrors basic police training. The program should include some elemental language training for those who need it, to be followed by a six-month period of probationary Police Service deployment, with each new officer participating in an international police tutor program, i.e. under the watchful eye of a trained international police officer.
38. **Steady State** Such a training program envisages that once the decision to establish the Regime is made, there will be at least a two-month preparation period before the initial international police deployment begins and – at the earliest – a subsequent four-month period before the first of the recruits start

being introduced into the system. As more newly qualified officers complete their probation, more and more of the initial international cohort can be replaced, although there will continue to be a need to retain some officers at the more senior supervisory levels. Once a steady state has been reached, there will be an ongoing requirement to run training courses for a variety of purposes including basic training for new recruits to address attrition, as well as advanced and specialty courses. In the latter case it is envisaged that officers who already have specialty qualifications, such as Explosive Ordnance Disposal (EOD), should be recruited directly at the outset to fill the required positions.

INFRASTRUCTURE

39. The Police Service will require ‘bricks and mortar’ infrastructure to support its operational, training and administrative functions. Arrangements will have to be made to acquire this infrastructure immediately after the decision to form the Regime so that the initial deployment of Police Service staff and training personnel can commence their work. Such infrastructure needs will be determined by the Chief of Police and the DCOP-Adm., but they will likely include:

- a. Operational Infrastructure Within the Old City
 - 1) A main headquarters to be located in the Old City;
 - 2) Substations located in each of the different neighbourhoods with temporary holding facilities in each;
 - 3) A number of police posts located within the Old City from which detachments can be dispatched at short notice to deal with incidents. In conjunction with the use of electronic measures such as Closed Circuit Television (CCTV), this system will allow swift reaction to problems requiring police attention;
 - 4) Specialized pedestrian and vehicle installations at certain gates to control access to and exit from the Old City.
- b. Operational Infrastructure Outside the Old City
 - 1) A Police Service training and education centre;
 - 2) Offices for the various branches of the Police Service;
 - 3) A Quartermaster facility, including a magazine;
 - 4) Facilities for the PORTU;
 - 5) Facilities for EOD and other specialist organizations.
- c. Non-Operational Infrastructure Outside the Old City
 - 1) Quarters for single officers;
 - 2) Married quarters for Police Service officers and their families;
 - 3) Recreation facilities.

ADMINISTRATION AND LOGISTICS

40. ***The DCOP-Adm*** will be responsible for planning and implementing the administrative and logistic organizations needed to support the activities of the Police Service. In the possible structure proposed in Annex A is a suggested outline of these organizations. It will be for the DCOP-Adm to ensure they are manned with appropriately trained personnel from the beginning of operations. Procurement contracts should be let on the basis of open bidding with no fixed quotas. The Police Service should actively seek local vendors in conformity with procurement regulations issued by the Administrator. The Police Service personnel and training branches will each be responsible for the recruiting and training of the Police Service personnel and for providing the administrative services necessary for them and their families.
41. ***Uniforms*** An important issue is the subject of visual identity. It is vital that Police Service officers are easily identifiable to residents and visitors within the Old City, and it may also be considered important that each individual carries some identifying symbol of his or her country of origin. It will be up to the Chief of Police to make recommendations to the Administrator regarding this subject.
42. ***Equipment, Arms and Facilitations*** The Police Service will require free, uninhibited and unrestricted entry into its operational area of equipment, arms, and communications and other items needed to carry out its functions, exempt from all duties and taxes. The same should apply to personal mail, including packages for personal use, by Police Service members. No charges shall be levied by the Parties for any of the above.
43. ***Communications*** The Parties shall commit to assign radio frequencies to the Police Service in accordance with its requirements. The Police Service may also wish to install cable or low-power television transmitters for use in training and recreation. The Parties' execution of this commitment should be reviewed by the Governance Board, with input from the Administrator and the Police Service.
44. ***Financing*** There will be considerable costs in developing and implementing the operation of the Police Service. While financing is not a part of this study, we expect that such costs will be agreed to as part of a final status agreement between Israel and Palestine, and that the international community will fund the set-up of the Police Service and the Emergency Reserve Force.

OVERSIGHT

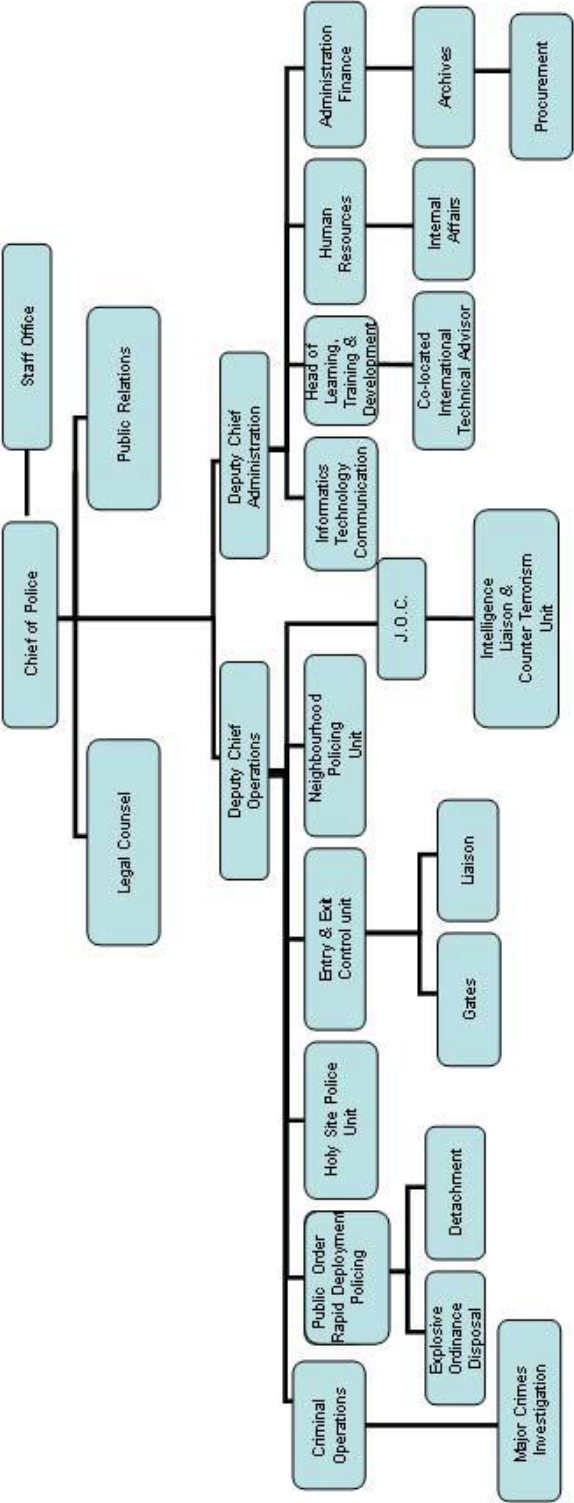
45. As mentioned earlier we believe that a Police Board should be established to oversee the operation of the Police Service and its members. We believe that the Administrator should appoint a representative to be Chairman of the Board – which could be done on a rotational basis – and that the Board might include:

- a. Members from the Old City neighbourhoods;
 - b. Representatives from each of the Abrahamic religions;
 - c. Representatives from each of the Israeli and Palestinian authorities.
46. To be effective, and to build public confidence in the operation of the Police Service, we believe that the Police Board should meet on a regular basis, with the Chief of Police called to attend and to respond to questions from members, and that the proceedings should be open to the public.

CONCLUSION

47. The concept of the Old City Special Regime and its security system depends on agreement being reached between Israel and Palestine to authorize its creation and to determine its functions and duration. The purpose of this assessment has been to outline what our experience and our knowledge up to this point leads us to believe are factors that could contribute to the successful operation of a security system in the Old City as part of the Regime.
48. From our reading of papers produced by our Israeli and Palestinian partners, and our discussions with each of them singly and together, and with many others, we are aware that there is not total agreement on a number of the issues, but that there is agreement on some. It is our belief that the points of difference are capable of resolution. We believe that an effective security system to address the special circumstances of the Old City is achievable.

OLD CITY POLICE SERVICE



OPTIONS ON ENTRY AND EXIT CONTROL IN THE OLD CITY

PROPOSED SYSTEM FOR JAFFA GATE

INTRODUCTION

1. We believe that one of the key aspects of security in the Old City will be the importance of controlling entry and exit to and from it. The ability to prevent undesirables (terrorists, criminals, etc) from entering the Old City, and the ability to arrest those who have committed crimes there, will call for security measures tailored to the special circumstances of the Old City and potential threats to it. Balanced against this requirement is the need to preserve an atmosphere of normality and to provide for the unhindered access and egress of the regular inhabitants and visitors. A further consideration is that in making whatever adjustments to existing infrastructure that may be considered necessary, care has to be taken not to interfere with the historic and aesthetic nature of the Old City's gates and thoroughfares.
2. To examine the challenge of providing security in the Old City during periods of low to high security threat-levels, we concentrate on examining the provision of appropriate security measures at the Jaffa Gate, given its key location as a major pedestrian and vehicle entry and exit point. While we focus in detail on the Jaffa Gate, we also look at general requirements for control over entry and exit across the whole of the Old City.
3. We endorse the need for a similar study to be conducted on a gate leading into what will be Al Quds and the State of Palestine. We have not attached the *Jaffa Gate Crossing Facilities Study* as an Annex to this paper given its length, but it should be referred to as an integral part of the work of the Security Working Group. The study is available on the Jerusalem Old City Initiative website: www.uwindsor.ca/jerusaleminitiative.

AIM

4. The aim of this annex is to cover some of the key points concerning the physical and architectural aspects of entry and exit into the Old City, with particular reference to the Jaffa Gate, and the conclusions we draw from them.

OUTLINE

5. The discussion will address the following issues:
 - a. Threat;
 - b. General Principles;
 - c. The Gates;

- d. Entry and Exit Options;
- e. Vehicle Policy;
- f. Architecture.

THREAT

- 6. As we noted earlier, the Old City is a key focus for those who wish to disrupt Israeli-Palestinian co-existence as well as Jewish-Muslim interaction. Events within the Old City can attract interest from political and religious factions around the world and lead to attempts to incite violence or attack religious sites within the City. Religious or political-based terrorism is therefore a major potential threat. Similarly, the location of important religious sites within the City attracts large numbers of pilgrims at various times of the year. Massive crowding within the constrained area of the City, coupled with the limited pedestrian and vehicle routes inside the walls, pose particular problems for crowd control and the danger of injury caused by panic.
- 7. These threats to safety and security must be met by the ability, when necessary, to impose an escalating range of control measures over those entering or leaving the city. Planning must allow for the worst case scenario, and measures and infrastructure must be put in place to counter it. Other measures must be planned to cater to diminishing threat levels, so that in a steady state, the minimum disruption to pedestrian and vehicle traffic is imposed. While the ideal would be to have a minimum threat level posture as the steady state (Condition Green, say), there must be an ability to move rapidly into the most severe threat mode (such as Condition Red). It is taken as a given that since the Regime will be in place at the agreement of the Parties, both will do all they can to assist the Police Service in foiling any attempt to pose a threat to, or disrupt the running of, the Old City.

GENERAL PRINCIPLES

- 8. Since entry to and exit from the Old City involves the two Parties as well as the Regime, we have examined the subject based on four general principles:
 - a. Entry and exit points into and from the Old City should be staffed by the Police Service with the presence of the authorities of the state involved;
 - b. In order to facilitate movement into the Old City, each Party should take such measures at the entry point in its territory as to ensure the preservation of security in the Old City. The Police Service will monitor the operation of the entry and exit points;
 - c. Citizens of either Party and tourists may exit the Old City only into the territory of the Party for which they possess valid authorization to enter;
 - d. Residents of the Old City, or special permit holders, will be able to enter with special checking regulations. A special procedure for such

individuals will be defined by the Administrator, based on advice from the Parties, in an independent protocol.

THE GATES

9. Of the eight gates in the Old City, seven are open and are used to enter and exit. Five of the gates (Dung Gate, Zion Gate, Jaffa Gate, New Gate and Lion's Gate) have some access to vehicles and all, including the pedestrian-only Damascus Gate and Herod's Gate, are widely used year-round.
10. Of note is the existence of the ring road around the Old City – which leads into the five gates that have vehicle-access – and the area between the road and the walls. A suggestion has been made that this area be regarded as a “buffer zone” in which the Regime shares responsibility with the authorities of the appropriate Party. While we do not fully agree with this suggestion, we do agree that in certain cases, where the architecture of the security apparatus controlling exit and entry into the Old City calls for it, the Police Service should have the ability to operate there in the execution of its access-control mandate and given the need to inspect the exterior walls. The infrastructure we propose for the Jaffa Gate extends beyond the walls and Police Service officers will be required to work there.

ENTRY AND EXIT OPTIONS

11. We have looked at various levels of providing security at the gates and considered a number of options as to how that may be achieved depending on the status of the threat at the time. One option is the procedure used at many airport terminals, with passengers presenting their passport -or pass -upon entering or leaving the country. This latter system provides as little restriction as possible to local citizens and visitors alike, and is the most likely to facilitate tourism and pilgrimage into the Old City.
12. Under whichever system is finally accepted, special arrangements will have to be in place to treat full-time residents of the Old City with appropriate consideration. Also, if the system is to work smoothly and to best advantage, there will need to be particular emphasis on co-operation between the Police Service and agencies of the two Parties in their exercise of control at the gates. It seems to us that ultimately the Administrator will have to decide what documentation will be required that will provide the least impediment to ease of movement but at the same time assure the necessary level of security. As mentioned above, the study we commissioned considers a variety of options and we believe it should be up to the Administrator, in concert with the Parties, and based on advice from the Chief of Police, to decide how they wish to address this issue.

VEHICLE POLICY

13. Some suggestions have been made that all vehicles should be excluded from entering the Old City. Other suggestions are that only official Regime and

Police Service vehicles (including emergency vehicles) should be allowed access. We believe that none of these suggestions is advisable. As we have mentioned elsewhere, we consider it important that a state of normality be encouraged in the Old City under the Regime and excluding or placing restrictions on a majority of vehicles – other than in a situation of heightened security – would not support that end. That said, we see the need for putting in place some measures to control the vehicles that are permitted to enter (e.g., emergency vehicles, commercial vehicles, Regime and Police Service vehicles, and some private vehicles).

14. Under present arrangements, vehicles entering the Jaffa Gate must exit through the Zion Gate or the Dung Gate. While there is space available to locate security control installations for vehicles entering the Jaffa Gate, there is no such space available for similar installations to check vehicles exiting at the Dung Gate. A compromise, whereby public transport vehicles only will enter and exit by the Dung Gate, traveling as far as the roundabout, while some public transport will also use the Jaffa Gate for both entrance and exit, might be considered. Private vehicles could enter by the Jaffa Gate and exit by the Zion Gate and emergency vehicles could both enter and exit by the Jaffa Gate (see Appendix 1). In both cases the infrastructure at the three gates mentioned will have to allow for the checking of both vehicles and passengers or pedestrians.

ARCHITECTURE

15. In proposing the necessary infrastructure for security control at the Jaffa Gate, we have underlined the importance of installations that provide the required capability to check the various categories of vehicle traffic entering or exiting there (e.g., private, commercial and emergency), as well as the various categories of pedestrians or passengers (e.g., inhabitants, visitors, business personnel, worshippers, pilgrims, tourists, etc). At the same time we have emphasized the importance of avoiding structures that might mar the appearance of the Gate itself and the surrounding walls, and we have noted that special efforts should be made to preserve those parts of the area that have archaeological significance.
16. Proposed vehicle security control arrangements for the Jaffa Gate are shown at Appendix 2, which also demonstrates why the controlling infrastructure must be located outside the wall. It is for this reason that we recommend the Police Service be given authority to operate outside the walls in such control situations.

CONCLUSION

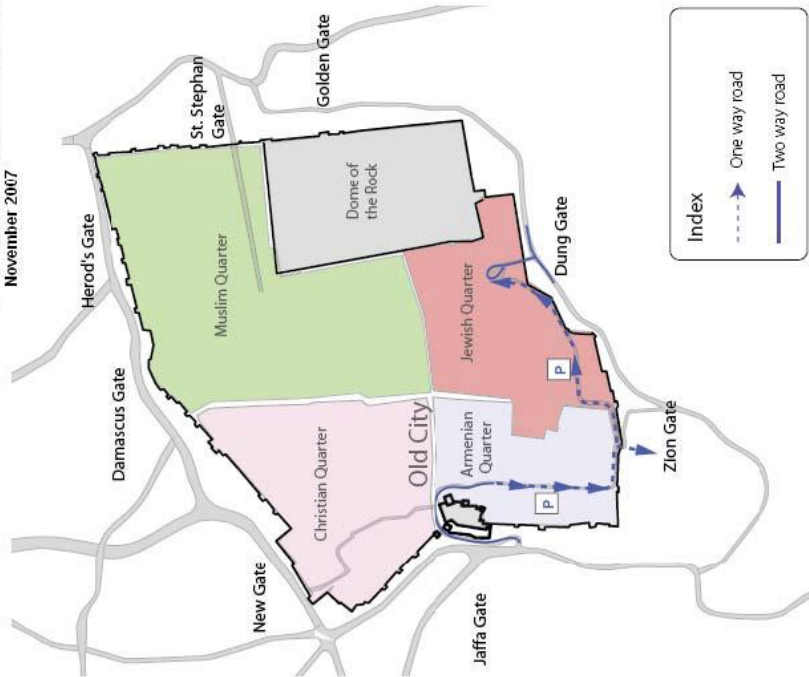
17. We have examined the various challenges in providing security-control measures for those entering and exiting the Old City and considered options for meeting those challenges. We believe there are a number of workable ways in which measures can be put in place to provide security control at the

**[Old City Special Regime
D. The special regime and the gates]**

2. The OC border regime: The vehicle policy

Although this study recommends applying strict restrictions on vehicle entering and exiting the Old City, there still remains a need for a coherent vehicle security policy regarding security maintenance of permitted vehicles within the Old City. The illustration describes the current vehicle movement system between Jaffa Gate and Dung Gate. Both gates have a two-way entrance to a roundabout. From that point the roads narrow dramatically and become a one-way roads. Nowadays, traffic enters the Old City through Jaffa Gate and exits either through the narrow Zion Gate or through Dung Gate.

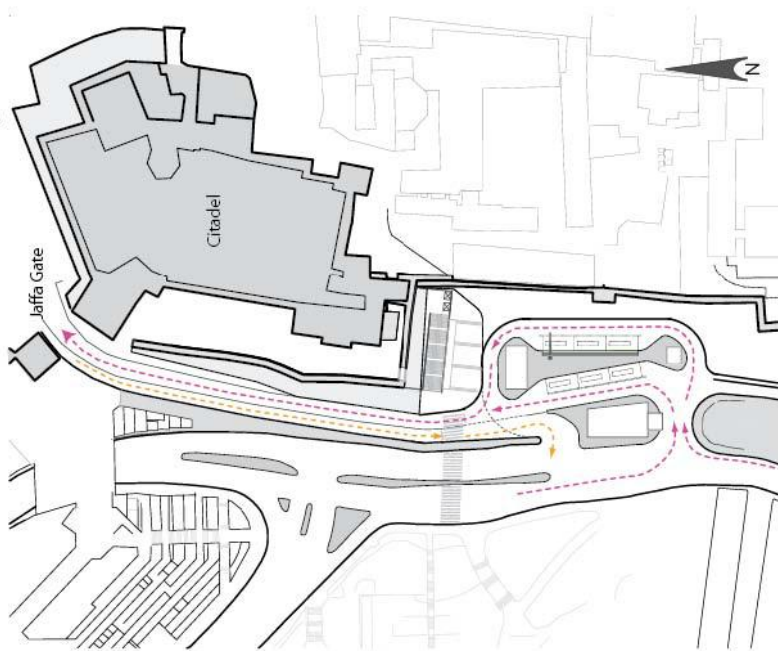
There are a few options for future organizing traffic movement within the Old City. These options largely depend upon the security procedure for entering or exiting vehicles. The study therefore focuses on identifying a proper space near the gate. In the current traffic scheme there is a possibility for inspecting vehicles once they enter through Jaffa Gate, but no vacant space for such a facility in the Dung Gate exit.



Jaffa Gate Study

C. Jaffa Gate vehicle entrance

This illustration describes the facility's general layout. Entrance (scarlet arrow) will be available to all permitted vehicles. The exit, however, will be restricted to OCSP (Old City Social Police) and public transportation only (orange arrow). The permitted vehicles exit will take place at Zion Gate or Dung Gate, depending on the final transportation scheme.



General Introduction

Old City special regime

Jaffa Gate Study

LEARNING, TRAINING AND DEVELOPMENT STRATEGY FOR POLICING JERUSALEM OLD CITY POLICE SERVICE

INTRODUCTION

1. The Learning, Training and Development (LTD) strategy for members of the Old City Police Service is to produce officers capable of providing an effective police service that meets the special requirements of Jerusalem's Old City. Principal factors among the special requirements are dealing with the different backgrounds and sensitivities of residents, protecting the sanctity and availability of the holy sites, and controlling and assisting the varying numbers of tourists, worshippers and pilgrims who visit the Old City on a regular basis. While the protection and recognition of the human rights of all who live in or visit the Old City is a major part of the Police Service's function, the primary role will be enforcing law and order in the Old City.
2. It will be up to the Old City Chief of Police and his training experts to define the LTD strategy needed to produce a police service equal to the requirements. We believe that the Police Service should comprise officers of exemplary integrity who can enjoy broad public support and whose discretion and skills in negotiation, reasoning and mediation are sufficient to ensure an environment in which public safety and respect for human rights are maintained. The LTD strategy adopted by the Police Service should be designed accordingly.

AIM

3. The aim of this annex is to outline the factors we believe the Chief of Police and his staff should consider when developing the training program for Police Service members.

OUTLINE

4. This annex is organized as follows:
 - a. A general assessment of the requirements;
 - b. The goals and needs of policing in the Old City;
 - c. Core themes of policing;
 - d. Guiding principles of effective and accountable policing;
 - e. Community policing;
 - f. Core competencies;
 - g. Organizational structure;
 - h. Training functions, including:

- 1) Familiarization training;
- 2) Basic training;
- 3) Field training;
- 4) Management and executive training;
- 5) Outside agency training;
- 6) Diversity and language training.

i. Evaluation.

GENERAL ASSESSMENT OF THE REQUIREMENTS

5. In any context there are complexities associated with policing. These are even more apparent in setting up a policing organization in the circumstances envisaged for Jerusalem's Old City Special Regime, where the pace of change is increasing, restructuring is constant, established practices are being subjected to critical analysis, and new technology and equipment are being introduced. Moreover the volume of legislation is at times overwhelming, while front-line operational performance is subject to constant scrutiny. The LTD process will require careful planning, effective policy development, structured implementation plans and adequate resources if positive benefits are to be fully realized.

GOALS AND NEEDS

6. A comprehensive and coherent LTD strategy, linked directly to the goals and needs of policing the Old City, will:
 - a. Cultivate community policing and partnership policing;
 - b. Demonstrate that stakeholders are getting the best value possible for their investment in police service training;
 - c. Inculcate continuous learning and knowledge-development as the basis for maintaining a dynamic learning organization;
 - d. Imbed throughout the learning organization the appropriate values, attitudes and behaviours;
 - e. Ensure a continuous improvement in the quality and performance of Police Service members and training staff;
 - f. Demonstrate and imbue the organizational cohesion necessary for a successful police service.

CORE THEMES

7. The LTD process will promote core themes throughout its curriculum that emphasize the importance of:

- a. Human rights theory and practice;
- b. Community policing;
- c. Community safety;
- d. Diversity and professional practice;
- e. Problem-solving policing;
- f. Professional standards and ethics;
- g. Health and safety;
- h. Best practice, best value.

GUIDING PRINCIPLES

8. The pursuit of the core themes in LTD will greatly assist in meeting the guiding principles that ensure Police Service officers function professionally and accountably:
 - a. In a way that actively promotes and protects human rights in accordance with all relevant internationally recognized rules and practices, by ensuring that respect for human rights is emphasized in training curricula and is imbedded in all courses given by the Police Service;
 - b. With integrity, impartiality, courtesy, compassion and courage, through the alignment of LTD under one philosophy delivered in support of core competencies;
 - c. Treating everyone fairly, regardless of ethnic origin, political or religious belief, gender, sexual orientation, disability, age or social background, with the LTD strategy designed to reflect the organization's vision and aspirations for the future;
 - d. Efficiently and effectively through partnership and in concert with the two governments and the Jerusalem Old City Administration, with the LTD strategy shaped by the vision of community policing that implies internal and external partnerships and problem-solving at the front line of policing;
 - e. In a way that is adaptable and – through consultation – reflects local priorities acceptable to local communities and partners, with LTD emphasizing the processes of “how to learn” and “problem-solve” to the benefit of the communities that the police serve;
 - f. In dealing speedily and transparently with police wrongdoing in cooperation with the Police Board, with the concept imbedded in the LTD curriculum that there are consequences to all police actions;
 - g. Respecting and safeguarding the right to life and the protection of property with an LTD strategy based on life-like situations and the reality of the circumstances in the Old City and the Region.

COMMUNITY POLICING

9. One of the fundamental principles of community policing is to gain the trust of community members and to engage them in helping to develop a situation in which law and order prevails, with the community assisting in keeping it that way. Foremost is the need to assure the community that the police will be firm in the enforcement of the law, and will do so in a fair and impartial manner. The community also needs to be convinced that the recognition of human rights will be respected and applied equally to all members.
10. It follows, therefore, that in addition to training members of the Police Service in the basic elements of law enforcement, training in human rights standards must be fully integrated into the LTD process at all levels: in cadet training at the Police College, in field training, and during other in-service training courses and exercises. The respect of human rights must be included in training in the use of force and the use of firearms, as well as in exercises that demonstrate its application in life-like situations peculiar to the Old City. Special training in this area will be necessary for members of the Public Order Rapid Deployment Unit (PORDU), whose deployment will normally be in response to incidents where the usual methods of law enforcement have been insufficient to meet the need.

CORE COMPETENCIES

11. The training program for the Police Service will provide the cornerstone for building an effective relationship between the police and the Old City community (and in this sense the “community” comprises the visitors and pilgrims as well as the residents). To be effective in building the confidence necessary for effective community policing, certain core competencies should be included in the training program.

These include:

- a. Integrity;
- b. Leadership;
- c. Client-orientation and service-delivery, including cultural sensitivity;
- d. Action-management;
- e. Thinking skills;
- f. Continuous knowledge enhancement.

ORGANIZATIONAL STRUCTURE

12. To deliver the LTD strategy that we are proposing requires a broad organizational structure, based on modern international police services that can be amended to suit the circumstances, a structure that we believe can meet the training requirements of the Police Service. In view of the complexity associated with developing the infrastructure for the delivery of

the LTD strategy, we are recommending that a suitably qualified International Technical Advisor be co-located at the senior level of the Police Service training structure. His or her function would be to serve as a senior advisor to the Head of Learning, Training and Development and provide the expertise to meet commitments. See the organizational chart included in Appendix 1 to this annex. In Appendix 2 are details of some of the terms used in the chart and an explanation of the roles and responsibilities envisaged for the Police Service training structure.

TRAINING FUNCTIONS

13. We believe the training model should have curricula and course standards based on the core competencies. The model should involve a problem-oriented approach that includes theory, as well as situational exercises stressing the importance of problem identification based on the complex Jerusalem Old City reality. Exercises that emphasize team problem-solving, negotiation, mediation, consensus building, and role-playing activities should be included. The Police Service should adopt a model used by a number of major police services worldwide. In this so-called SARA Model, problem solving incorporates a sequential Scanning, Assessing/Analysing, Response, and Assessment approach (SARA). We believe that such training can go a long way to provide the candidates with required core skills as well as an understanding of the fundamental concepts of policing within the community.
14. As in any large organization, training must be designed to reflect the organization's vision and purpose. In this case, it must also take into account that Police Service members will initially be taking over responsibility for policing in the Old City from the Israeli Security Forces, at the same time as developing untrained international recruits to serve as full-time officers. As mentioned in the main paper, this process will involve the initial deployment of a cadre of trained professional international police officers who assume responsibility for policing in the Old City until the main element is trained and ready to deploy. This cadre, though consisting of trained professionals, will still require a familiarization course to inform its members of the special circumstances of the Old City as well as the structure and procedures of the organization in which they will serve.
15. To meet this one-time requirement it will be necessary to have the initial cadre undergo familiarization training at the same time as the basic course starts for the newly recruited international candidates and the Israeli and Palestinian CLOs. Thus the training structure will be required to cater temporarily to an unusually large number of personnel, but only for as long as the familiarization course is run. Once the initial cadre has finished its familiarization training and deployed to its role in the Old City, the training structure can be adjusted to the level required by a steady-state recruit training intake.

16. We believe that an Old City Police Service Police College should be the organization that delivers the main elements of the LTD program. We recommend it be located outside the Old City, since space for lecture-rooms, student accommodation, logistical needs and training area requirements will not be available within the Old City's perimeter. The College's sole role will be to train Police Service personnel; its staff and students will have no police powers outside the Old City's walls. We also see an advantage to locating the PORDU with the school, both to share accommodation and, if appropriate, to assist in the training role. The steady-state student capacity of the Police College will depend on the approved strength of the Police Service - a responsibility of the Administrator, based on recommendations from the Chief of Police - but we envisage it to be in the region of 300 to 350 students at a time.
17. The types of courses or programs we suggest will be needed to meet the Police Service's requirements are as follows:
- a. ***Familiarization Training Course*** This should be designed to introduce trained international police officers to the special circumstances of the Old City as well as to inform them of the Chief of Police's Standard Operating Procedures. We believe the course should last about two months. While it will be given by the Police College Training Staff, it would benefit from the involvement of some Israeli and Palestinian instructors. The aim will be to prepare the international cadre to take over responsibility for policing in the Old City from the Israeli security elements;
 - b. ***Basic Training Program*** This should be approximately six months long, providing candidates with the introductory training necessary to reach the level of basically-trained police officers, while incorporating the topics covered in the Familiarization Course. The aim is to prepare candidates to carry out policing duties under supervision in the Old City;
 - c. ***Field Training Program (Field Coach Program)*** We believe that Police Service field commanders should be responsible for conducting this program, including its delivery, monitoring, assessment and evaluation. During the first six month period in which newly trained officers are deployed in the Old City, they will be supervised by trained superiors as they put into practice the knowledge and skills learned in the classroom;
 - d. ***Management and Executive Training Program*** This program should focus on core competencies and knowledge of the environment, public policy trends and skills related to leadership. It should promote unity of purpose and a working environment committed to service, teamwork, innovation and creativity, professionalism, and accountability. While senior management courses will be given at various levels of command or authority, we believe they should each address the issues of:

- 1) Leadership;
 - 2) Managing human resources;
 - 3) Managing fiscal resources;
 - 4) Managing information and technology;
 - 5) Managing the External Environment, e.g., neighbourhood relations, community policing, and public order restorative policing.
- e. ***Outside Agency Training*** Even though we envisage that most of the training of Police Service personnel will be given in-house, it will be necessary to send some officers for specialist training that is either not available within the Police Service's resources or not cost-effective to develop there. This training might be available using Israeli or Palestinian resources or in other countries that support the Regime's work. The LTD program should take account of such requirements. Indeed, it should be arranged that each officer spend some time in both Israel and Palestine (i.e. outside of Jerusalem) to become fully acquainted with the culture of each nationality as well as to become familiar with each nation's security and intelligence agencies.
- f. ***Diversity and Language Training*** A central LTD objective should be to educate Police Service personnel in working with and providing police services to people of diverse national, religious and social backgrounds. All Police Service officers must learn to understand the differing relationships that exist within the Old City as well as the differing community needs. This requires a course curriculum informing officers of these challenges and equipping them to meet them effectively. While each officer cannot be expected to be fluent in the different languages that are used within the Old City, a good understanding of English and some understanding of key phrases in both Arabic and Hebrew is important to develop good relations as well as to communicate. Time should be set aside in courses at all levels for language training.

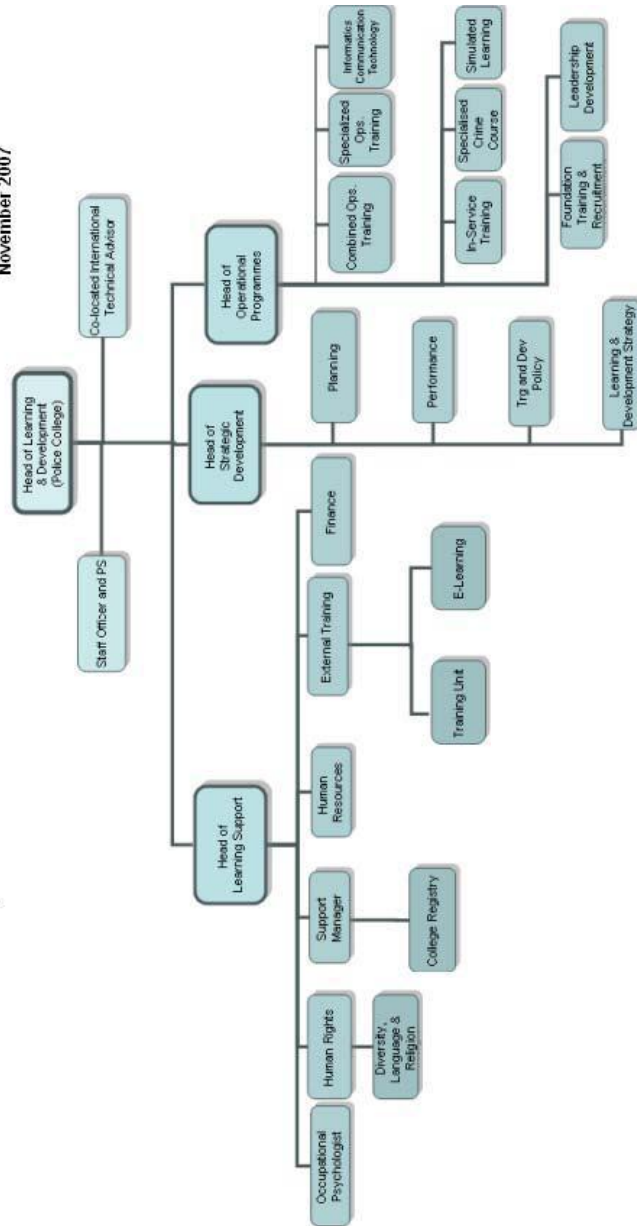
EVALUATION

18. Evaluation of the effectiveness of training within the Police Service should be carried out regularly by Police Service staff, with the Chief of Police establishing measures to achieve this aim. These performance measures should seek to define not only quantitative but qualitative indicators. It is important to have in place qualitative measures related to effectiveness of the LTD programs and how the training is transmitted to the community by front line policing. We believe that other measures such as the conduct of public attitude and opinion surveys, as well as occasional validation visits from outside police services invited by the Chief of Police for that purpose, could be helpful in evaluating the success of the Old City Police Service training program, and suggesting improvements where appropriate.

CONCLUSION

19. The introduction of the Jerusalem Old City Police Service will constitute a new beginning for the more than thirty-five thousand residents of the Old City. In our assessment of the requirements for a security system to provide effective policing in the Old City we have gone to some lengths to demonstrate our belief in the importance of portraying the Police Service as a “Service” rather than as a “Force”. We believe it is important that the Police Service officers be viewed by the Old City’s residents and visitors as trained professionals whose role is to maintain law and order and to provide them with assistance and advice when needed. We believe that success will follow once the Police Service is viewed as having the ability to investigate, detect and prevent crime, protect property and persons and arrest and hold in custody perpetrators of crime. While the principal role of Police Service members must always be to enforce the law within the Old City, we believe this training program will help ensure they do so in a manner that will win and then keep the confidence and respect of the people there.

LEARNING, TRAINING AND DEVELOPMENT



LEARNING, TRAINING AND DEVELOPMENT ORGANIZATIONAL STRUCTURE

1. The intention of this proposal is to suggest a broad organizational training infrastructure for the Police Service. It is a proposal that can be altered or amended for effectiveness or for efficiency reasons.

AUTHORITY

2. All LTD programs will be the responsibility of the Head of LTD who will report to the Deputy Chief-Administration and Support (DCOP-Adm), who will chair a Training Policy Group that will incorporate organizational needs and, more importantly, the Police Service's operational side.

ARCHITECTURE/METHODOLOGY

3. The proposed LTD strategy is designed to meet the needs of the Police Service through a systematic and consistent approach to LTD services organizationally and strategically as well as at an individual and team level. To make optimal use of training time, technology and alternative means of delivery should be employed, including classroom-based training, distance learning packages, internet and intranet focus on interactive computer-based training, video presentations, pre-read materials, on-the-job training, problem-based scenario training, and partnership development training with other police services and emergency services as well as other criminal justice and social agencies in the community. Most importantly, the LTD should be focused on workplace problems related to the Old City's unique environment.
4. To ensure a firm link between Police Service's goals and the LTD's capacity to meet those goals, a continuous evaluation process should focus on future needs, while performance indicators are developed to measure the relationship between training and Police Service performance.
5. The organizational chart in Appendix 1 reflects a structure we believe capable of delivering an effective LTD strategy. Based on modern international police service structures, it is flexible enough to be amended to suit the special circumstances of the Police Service. A number of positions central to this structure are explained in the following sub-paragraphs:
 - a. **Head of Learning, Training and Development** This position will report to the DCOP-Adm. and will be responsible for Police Service organizational LTD policy development. This area of responsibility will need the right people with expertise in LTD to develop timely and standardized training policy.
 - b. **Head of Learning, Training and Development (Police College)** It is our contention that the Head of LTD will also serve in this position, thereby

assuming responsibility for the operations of the Police College. This allows for one policy centre and eliminates redundancy. The College will be responsible for basic foundation training, in-service training and specialized training programs.

- c. **Branches** There will be three branches reporting directly to the Head of the Police College including:
 - 1) Learning support;
 - 2) Strategic development;
 - 3) Operational programs.
- d. Head of Learning Support. This position will be responsible for the following support areas:
 - 1) Human resources (College Registry) and finance (Budget Comptrollership);
 - 2) Occupational psychology;
 - 3) Human rights and diversity;
 - 4) Culture and language training;
 - 5) External training (outreach programs to other institutions);
 - 6) E-learning programs.
- e. Head of Strategic Development. This position will be responsible for LTD organizational policy incorporating 'best value training' with 'best practice training' to meet the Police Service's institutional and operational requirements. There are four major components under strategic development, including:
 - 1) Planning;
 - 2) Evaluation, performance, measurement and quality assurance;
 - 3) Training needs, assessment and development policy;
 - 4) LTD strategy.
- f. Head of Operational Programs. This position will be responsible for combined operational training, including areas such as firearms training, first aid training, public order policing, tactical training, close protection unit and driver training. He will also be responsible for:
 - 1) Familiarization training;
 - 2) Basic training;
 - 3) Leadership development;
 - 4) Simulated learning (Information and communication technology training);

- 5) Specialist operation branch training (evidence and disclosure training, photography, and surveillance techniques etc.).

FUTURE CONSIDERATIONS

6. The Old City Police Service Police College, in addition to being the institution that provides the development and training programs required by Police Service members might conceivably be developed at some stage to become a Law Enforcement Training Centre providing courses for non-Police Service members of the Old City Special Regime. Consideration might eventually be given to inviting representatives of other nations with an interest in the Israeli-and Palestinian-supported Old City special initiative, to attend lectures and seminars at the College. The latter might constitute a practical approach to convince other nations to support and provide resources for this initiative.

REFERENCES

1. *Joint Assessment Mission, The Government of Timor-Leste, UNMISET, UNDP and Development Partner Countries for the Timor-Leste Police Service*, January 2003.
2. *National Police of Timor-Leste, PNTL Training Model*, June 2003.
3. *Amnesty International - Briefing to Security Council, Members on Policing and Security in Timor-Leste*. 2003
4. *Capacity Building in Bosnia: The Role of the United Nations Civilian Police*. 2003.
5. *Monitoring of the Police Service of Northern Ireland Training, Education and Development Strategy*, Policing Board of Northern Ireland, August 2003.
6. *Police College of Northern Ireland Prospectus, 2004-05*.
7. *Summary Proceedings of the South Caucasus and Central Asia Consultations*, September 2001.
8. *The Jerusalem Old City Initiative Discussion Document: New Directions for Deliberation and Dialogue*, Michael Bell, Michael J. Molloy, John Bell and Marketa Evans, November 2005.
9. *Jerusalem Security Principle: The Old City*, Issa Kassissieh and Nazmi Ju'beh.
10. *Mapping Factors of Stabilization and Destabilization in the Old City*, Nazmi Ju'beh and Daniel Seidemann.
11. *Security Mechanism in the Holy Basin: Guidelines for the Security Elements of the Old City Special Regime (OCSR)*, Pini Meidan-Shani, Arie Amit and Moty Cristal, September 2005.
12. *Palestinian Civil Police Development Programme, Transformational and Operational Plans*, EU COPPS, 2005-2006.
13. *Security System in the Holy Basin – Phase II*, Pini Meidan-Shani, Peri Golan, Reuven Berko and Moty Cristal, November 2006.
14. *Northern Ireland Policing Board Report - Monitoring Human Rights of the Police Service of Northern Ireland*, 2006.
15. *Police Service of Northern Ireland, Learning and Development – Monitoring Framework Reporting Areas*, David Strudley, October 2006.
16. *Royal Canadian Mounted Police Training Strategy*, 2006.
17. *Changing the Guard: Developing Democratic Police Abroad*, David H. Bayley, Oxford University Press, 2006.
18. *Centrex, Course Portfolio, Developing Policing Excellence, 2005-2006 Northern Ireland Policing Board Policing Plan*, 2007-2010.
19. *Jerusalem Old City Initiative Governance Working Group, Palestinian Paper (Skeleton) For Discussion Purposes – First Draft*, Yaser Dajani, February 2007.

20. *Jerusalem Old City Initiative – Guiding Assumptions. Rolling Draft.* Michael Bell, Michael J. Molloy, John Bell, David Cameron and Jodi White. 17 April 2007 (Updated).
21. *Security System in the Holy Basin – Phase II, Part 2.* Pini Meidan-Shani, Peri Golan, Reuven Berko and Moty Cristal, April 2007.
22. *Palestinian Paper: Security Arrangements in the Old City.* Dajani and Bakri, May 2007.
23. *Jaffa Gate Crossing Facilities Study. The Old City Initiative.* SAYA Architecture & Consultancy. Yehuda Greenfield-Gilad and Karen Lee Bar-Sinai. May 2007.
24. *Office of the Oversight Commissioner for the Police Service of Northern Ireland, Report 19,* May 2007.
25. *The Events Surrounding the Mugrabi Gate – 2007: A Case Study.* Daniel Seidemann. June 2007.
26. *Security Mechanism in the Holy Basin – Phase II (Part 3):* Pini Meidan- Shani, Peri Golan, Reuven Berko and Moty Cristal, August 2007.
27. *United Nations Civilian Police Principles and Guidelines.*
28. *United Nations Civilian Police Handbook.*
29. *United Nations Police Peace-keeping Operations.*
30. *The Royal Canadian Mounted Police – Cadet Training Program – Cadet Training Handbook.*
31. *The Royal Canadian Mounted Police International Training Services.*

ACKNOWLEDGEMENTS

Our assessment of the factors we believe could form the basis for an appropriate and successful security system in the Old City of Jerusalem, should Israel and Palestine agree to the creation of a special regime there, is based on our individual professional experience and on the generous and informed assistance we have received from a number of individuals and institutions during the past year and a half.

Attempting such an assessment would not have been possible without a first-hand knowledge of the geography of the Old City, its rich but often turbulent history, both as a central focus of the world's three Abrahamic religions, as well as the events that have caused the future of the Old City to remain an important issue for early and acceptable resolution. For giving us such a comprehensive insight into these two areas we owe much to Nazmi Ju'beh and Daniel Seidemann. The hours that each of these two very knowledgeable individuals spent with us touring the Old City and those areas of the holy sites which are outside the walls, gave us a clear understanding of the historical, religious and political imperatives that will govern any attempts to seek a satisfactory outcome to the Old City's future status.

Given that the focus of our study is security in the Old City, it would have been impossible for us to have contemplated making a meaningful assessment without the expert advice of those from both Parties for whom security has been a lifelong issue. We are greatly in debt to the team of Israeli security advisers which included Pini Meidan-Shani, Peri Golan, Reuven Berko and Moty Cristal. These professionals have unparalleled experience and knowledge of the security issues affecting all of Jerusalem, including the Old City, and their comprehensive and forward-looking papers on these issues were essential in formulating the proposals in our assessment. Similarly, the written and verbal advice we received from Colonel Jibrin Bakri and Yaser Dajani, based on their extensive personal experience in security and the law, was essential to our understanding of the Palestinian view on security in the Old City, as was the advice and encouragement we received from Jabril Rajoub and his colleagues during our several visits to Ramallah.

We have been greatly assisted by advice from numerous police sources and individuals. The Royal Canadian Mounted Police (RCMP) has been of particular assistance. The force's long experience of training police officers for work in domestic and international policing, as well as in counter-terrorism and peace-keeping operations, has been of great help in assessing the organizational, operational and training proposals we feel could be applicable to a security organization for the Old City. We would make particular mention of contributions by former Commissioner Phil Murray, Assistant Commissioner Bruce Rogerson, Staff Sergeant Glen MacPhail and others from the RCMP International Policing and International Training Branches. We also acknowledge the very helpful advice we received from the Police Service of Northern Ireland (PSNI) and the EU Coordinating Office for Palestinian Police Support, (EU

COPPS). We owe particular thanks to Paula Gow, the Human Resources Researcher at the Northern Ireland Policing Board; Chief Superintendent Ken Henning, Head of Police College; Chief Superintendent Jonathan McIvor of the PSNI, who was until recently the EU COPPS Head of Mission; and Henrik Stiernblad, the former Deputy Head of Mission/Programme Director of EU COPPS.

This Security Working Group Assessment is only one part of the overall Jerusalem Old City Initiative (JOCI) and it must conform to aspects of the work of the Governance Working Group, the Holy Sites Working Group and others. We have benefited from the informed and expert advice we have received from JOCI leaders Michael Bell, Mike Molloy and John Bell. Their extensive diplomatic experience in and around Israel and Palestine, and their up-to-date knowledge of the political situation there, have given us an essential sounding board against which to test our ideas, and their editing skills have helped us avoid inadvertent errors while maintaining the format of reports from other working groups.

In completing our work we have received advice and assistance from a number of other individuals, without whom we would not have been able to complete our work on time. Principal among these are members of the University of Windsor's Political Science Department, including Professor Tom Najem, who heads the Department, and Derek Barker and Rachelle Badour who work on behalf of the JOCI there. We are also grateful to Shayna Zamkane who, until she left to complete post-graduate studies in Jerusalem, provided us with both advice and administrative assistance. Finally we are grateful to members of Canada's Department of Foreign Affairs for advice and assistance and in particular Ambassador John Allen in Tel Aviv, Canadian Representative David Viveash in Ramallah, and Counsellor Allen Brown at the Canadian Embassy in Washington.

While this paper reflects our professional assessment of a potentially successful security system for a special regime in the Old City of Jerusalem, and while we have received much expert informational and editorial advice from a number of quarters, any errors or omissions in the text are purely our own.

AUTHOR BIOGRAPHIES

Roy V. Berlinquette is a consultant on policing and public safety. He is currently a member of the Canadian Military Police Complaints Commission, and Senior Advisor to the Jerusalem Old City Initiative's Security Working Group. He is Vice-President of BMCI Investigations and Security Ltd. in Ottawa. He has held a number of senior posts including member of the Office of the Oversight Commission for Reform of the Police Service for Northern Ireland (2001-2007). He retired after a successful and rewarding thirty-six-year career in the Royal Canadian Mounted Police. His last posting was as Deputy Commissioner for the provinces of Manitoba, Saskatchewan and Alberta as well as the Northwest Territories and Nunavut (1997-2000). Prior to his final posting he was Commanding Officer for the RCMP Provincial, Federal and Municipal Policing in the Province of New Brunswick (1993-1997). He has a broad understanding of corporate, operational and administrative areas of policing and government. He has taken successful leadership of, and been a member in, a number of high-profile major initiatives in the RCMP and private sector. His leadership positions include Vice-Chair of the National Traffic Committee for the Canadian Association of Chiefs of Police and board member of the International Association of Chiefs of Police, State and Provincial Division. He presently chairs the board of the RCMP National Memorial Cemetery Project and is a board member of the Federal Superannuates National Association, Ottawa Division.

John de Chastelain is a soldier and diplomat whose thirty-nine year career as an infantry officer in the Princess Patricia's Canadian Light Infantry was spent predominantly in Canada and Germany and with the United Nations Force in Cyprus. He was twice Canada's Chief of the Defence Staff, during the period of the First Gulf War and at the end of the Cold War, and he served as Canada's Ambassador to the United States. He was one of three International Chairmen involved in the Northern Ireland Peace Process which led to the Belfast (Good Friday) Agreement of 1998, and since 1997 he has been Chairman of the Independent International Commission on (Arms) Decommissioning in Northern Ireland. Since 2006 he has been a member of the Jerusalem Old City Initiative Security Working Group.

Arthur Hughes is Adjunct Scholar at the Middle East Institute in Washington, D.C. since 2004. He had left public service that year after a forty-year career in peacekeeping, diplomacy and the military. Hughes was Director General of the Multinational Force and Observers, the peacekeeping operation between Egypt and Israel, 1998-2004, and was a career American Foreign Service officer from 1965 to 1997. His most senior positions there were United States Ambassador to Yemen, Deputy Assistant Secretary of Defence for the Near East and South Asia, Deputy Assistant Secretary of State for Near East Affairs and Deputy Chief of Mission at the U.S. Embassy in Israel. Prior to the Foreign Service, Hughes served as a Lieutenant in the U.S. Army in Germany and is a graduate of the Infantry and the Intelligence Schools. Among Hughes' awards are a Presidential

Distinguished Service Award, Secretary of Defence Medal for Meritorious Civilian Service, State Department Career Achievement Award, United States Information Agency Director's Award for Superior Achievement and a University of Nebraska Alumni Achievement Award. He has also been a University of Nebraska Master.

