Some comments and observations – Mick Dumper

Overall, both these reports are very good. The authors have shown an excellent grasp of the key issues in Jerusalem. The detailed description of the current situation and the analysis of the dilemmas facing the main stakeholders is nuanced and intelligent. The collection of interviews is broad and provides compelling evidence for many of their conclusions. I think they have done a great job.

However, within this overall positive context, I have some observations and criticisms.

1) In their analysis of the challenges to Israeli sovereignty in East Jerusalem, I think the author’s have actually overstated its strength. There are many examples, both *de jure* and *de facto*, how that sovereignty has been constrained by diplomatic tactics (particularly *vis a vis* Jordan), by international law and by the presence of strong religious hierarchies and landownership. After all, it really is very remarkable that in what is the capital city of Israel, Palestinians in East Jerusalem still have the right to vote in PNC and Palestinian Presidential elections. Drawing attention to these constraints is not to ignore the general trend which has eroded Palestinian links to the city, but to place it in context.

2) In contrast to the above, I believe that they understate the role of the international community in placing a brake on Israeli policies. I am thinking in particular of the role of the EU in upholding UN resolutions in its various Declarations and also in the detail of the Heads of Missions Reports. The authors mention these but do not draw out some of the key recommendations which, in particular in the recent set of Annex 2s, are very explicit in their objective of turning back Israeli encroachments in East Jerusalem. The critical role of the EU in this context is understood by Israeli and Palestinian policy makers but often overlooked by the media and commentators.

3) Another area which this report possibly neglects, like many others (including myself), is the ongoing criminalisation of political activity in East Jerusalem. The report refers to specific examples of arrests in relation to specific events, but the overall picture of a gendarmerie-type police operation in East Jerusalem in contradistinction to that in West Jerusalem and Tel Aviv is overlooked.

4) The report rightly compares the activities of the Israeli settler groups in and around the Old City to that of Hebron. However, the comparison does not go far enough. It is the combination of settler activities *and* their protectors – the Israeli security
services - which are the potentially destabilising dynamic. I have called this securitization of sites in East Jerusalem, the “Hebronisation of East Jerusalem” (vide Danny Seideman). It is the process by which the settlers use religious or heritage sites to establish a bridgehead and then through acts of provocation oblige the Israeli security services to increase their protection and therefore an institutional Israeli presence. The pattern is now well-established in the Old City. See my forthcoming piece on this topic. (Security and the Holy Places in Jerusalem: An Israeli Policy of Incremental Control – “Hebronisation”? Conference paper presented in January 2010 and re-written for edited volume: W. Pullan & B. Baillie (eds.) CENTRES OF CONFLICT: JERUSALEM AND OTHER CONTESTED CITIES. (Palgrave-Macmillan, 2003)

5) The authors underestimate the strategic costs to the Palestinian community of formal engagement in the Israeli municipal elections. They rightly take into account the limited influence such a move may have in the light of the subservience of the municipality to national decision-making bodies, and the lack of results in the defence of land and other rights shown by the presence of Palestinians on municipal councils in Israel. Yet they proceed to argue that in the light of the current impasse and the weak representation of the Palestinian community in East Jerusalem, participation in the Jerusalem municipal elections should be reconsidered as an option. I believe they are wrong.

There is the usual and important argument that participation would legitimize the Israeli occupation and convey a Palestinian acceptance of Israeli sovereignty over the city in a highly symbolic way. (Imagine the diplomatic coup for Israel if an East Jerusalem Palestinian who was a deputy Mayor of the Israeli municipal council was on hand, beneath an Israeli flag no less, to meet, for example, foreign VIPs such as the High Representative of the EU.) But more than this, one can also see how the daily routine of negotiating agendas, of reaching cross-party compromises, of making alliances, of public appearances, of hosting of festivals and sporting activities would both cast a mantle of normality over the occupation of East Jerusalem and also loosen the ties which connect East Jerusalem to the West Bank and Gaza even further. In addition, one could argue that supporters of participation are naive to think that Palestinians in East Jerusalem would be allowed to exert much influence over municipal provision. Putting aside the difficulty of ensuring a united Palestinian voting strategy and the likelihood of several competing lists splitting the Palestinian vote, the possibility that the Israeli state will leave important strategic decisions concerning the use of land and changes in residency to a council potentially dominated by Palestinians and their Israeli leftwing and peacenik allies is very remote. A quick glance of the powerlessness and ineffectiveness of Palestinian communities and municipalities in Israel illustrates the determination with which the Israeli state will confront that challenge. Furthermore, a Palestinian grouping in the Israeli municipal council will very quickly come under pressure from its supporters (and critics) to raise the explosive issue of the restitution of Palestinian property in West Jerusalem or to lose credibility. How, they would legitimately ask, can a Jerusalem city council with Palestinians sitting on it ignore the fact that half of the city is built on confiscated Palestinian land? If a Palestinian list ran in the municipal
elections, national issues would raise their head almost immediately and cause crises and political impasse. The reports do not sufficiently think through this question of participation.

6) While the reports are critical of the current Israeli government policies, they still subtly convey what can be construed as an Israeli perspective both through the phrasing of certain sections and through the selection of data. For example, the discussion on demographic balances and territorial exchanges (Report 134, p27) seems to imply that Palestinian demands for parity in territorial exchanges are unreasonable, when the passage could equally be re-phrased to imply that Israeli rejection of parity was unreasonable.

Some minor points

7) The authors, like many of the peace negotiators, have unrealistic expectations of UNESCO. Its capacity to act in the Jerusalem context is actually quite minimal. See my article with Craig Larkin. (M. Dumper and C.Larkin, ‘The Politics of Heritage and the Limitations of International Agency in Divided Cities: The role of UNESCO in Jerusalem's Old City’, Review of International Studies, Vol.38, No1, (Jan 2012): 25-52.)

8) The Ariel Sharon mentioned in Report 134, p 15,note 91 is not the former Prime Minister of Israel but a well-known planner who has regretted being associated with his namesake

Nevertheless, despite these comments, the reports are a significant and timely assessment of the current situation and I have been encouraging people to read them.

Mick Dumper, University of Exeter, 29th January, 2013