Jerusalem Reconsidered

Two Capitals, One Undivided City

Yerushalayim
(Israeli Capital)

Al Quds
(Palestinian Capital)
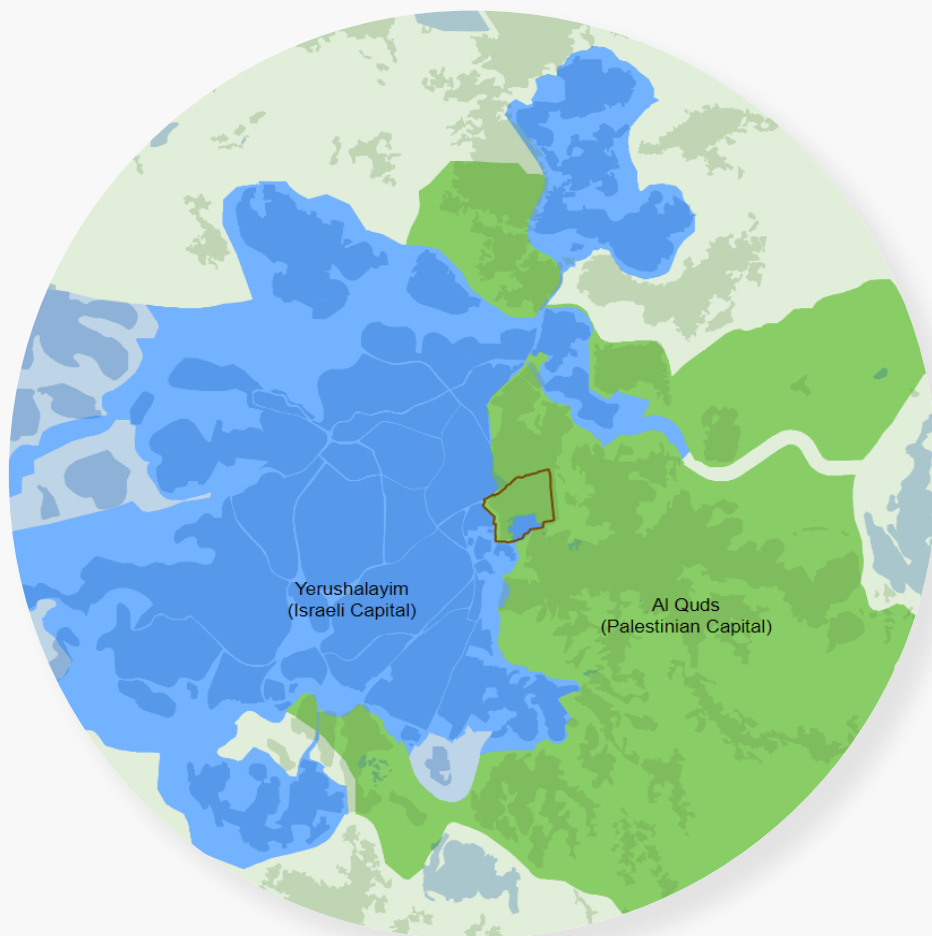
A joint paper authored by Israeli and Palestinian
members of the Geneva Initiative

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The content of the paper does not necessarily represent the Geneva Initiative's official position on Jerusalem as detailed in the original 2003 Geneva Accord, nor does it aim to replace the 2011 annexes. It aims to offer an alternative approach which can be used to spark a wider discussion.

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Executive Summary

Almost two decades have passed since the Geneva Accord – a joint track II effort that led to the creation of a unique permanent status agreement – was signed in 2003 by leading figures in Israeli and Palestinian society. The Accord's proposal for Jerusalem was based on dividing the city into two independently functioning capitals, as part of a two-state solution framework and based on a series of adjustments. The Old City was to be a special entity situated between the two sovereign states, with unique border crossing arrangements.

Already, back then, dividing a conurbation that had become accustomed to functioning as one entity was viewed as no mean feat. The Geneva Accord Annexes, completed in 2011 in conjunction with the SAYA architecture agency, made some headway towards transportation and border-crossing solutions that would allow for connectivity between the two cities without rupturing the urban fabric. The situation on the ground, however, has continued to evolve, and implementation has become increasingly challenging.

The physical, political and demographic reality in Jerusalem and its environs has undergone substantial changes. New Jewish settlements and neighborhoods beyond the Green Line have altered the fabric, interrupting Palestinian contiguity. The lack of economic opportunity in East Jerusalem, its chronic underinvestment, fractured urban landscape and insufficient public services, has created an unequal interdependence between the two sides. A common infrastructure network, including transportation links, traverses the city.

We note recent normalization agreements between Israel and some of its neighbors, and while acknowledging their limitations, we appreciate the principles upon which they rest. The Abraham Accords seek to emphasize normalization between peoples and the removal of the walls that continue to divide us, and therefore provide a helpful template for an Open Jerusalem.

While a number of concrete visions for Jerusalem have been presented over the years by civil society organisations, politicians and researchers, they have tended to focus on either dividing the city or leaving it under Israeli control. Typically, these proposals have adopted unilateral thought processes, and have not adequately reflected the needs of both sides. To address this, Israeli and Palestinian experts of the Geneva Initiative saw a need to present a joint alternative to the Jerusalem model proposed in 2003. This paper,

Jerusalem Reconsidered, explores the possibility of an Open Jerusalem, one comprising two open capitals for Israelis and Palestinians, set within a two-state solution. It aims to spark a wider discussion and lay the groundwork for further studies by establishing the parameters for an open city.

The paper is not exhaustive. Nor does it shy away from confronting the more challenging matters like security. It does, however, acknowledge the complexity of the issues it addresses, and outlines areas that necessitate further study, such as legal issues and the role of third parties in dispute resolution. Throughout, it interweaves comparative examples of international divided cities in conflict to emphasize best practice for application in the Jerusalem context. We acknowledge that the current political situation is not ripe for the immediate implementation of the model, but we believe it offers a template for the future in which mutually agreed upon solutions for Jerusalem will be explored.

At the outset, the authors outline the four core problems that call for reconsideration of the GI Jerusalem concept: (1) the practical problem of border crossings due to the sheer volume of vehicle and pedestrian traffic between the two sides; (2) Israel's unilateral expansion eastwards, which impedes the ability to build a hard border; (3) the growing awareness among both Israelis and Palestinians of the importance of keeping Jerusalem open, and (4) that physically dividing Jerusalem would necessitate huge and costly infrastructure.

Underpinning the paper lie a series of fundamental principles. Rather than adopting an open-ended approach that characterized the Oslo process, Open Jerusalem would begin with the well-defined goal of two open cities and take gradual steps towards achieving this. It champions a city-led rather than a state-led perspective, privileging the needs of city dwellers above notions of national sovereignty. Moreover, it takes an urban outlook which looks beyond the boundaries of a historical or religious site.

Each chapter addresses a different sphere and offers a set of recommendations (some exhaustive, others less so). **Chapter 1**, on the economy, suggests a model that enables the free movement of goods, people, and capital. It recommends establishing a special international fund to support the implementation, in particular strengthening the institutions in Al-Quds (the proposed future Palestinian capital established alongside the Israeli capital of Yerushalayim) It touches on three relevant frameworks – bilateral economic agreements; special economic zoning; and a model reflective of the Gulf Cooperation Council – that should be explored by the parties.

Chapter 2 expands on possible infrastructural arrangements, encompassing electricity, water, sewage, cross-border transportation, and environmental systems. As attempts to disconnect the systems would be technically problematic and expensive to administer, our overarching recommendation is a gradual and coordinated separation of management.

For policing procedures, we undertook a review of the Old City Policing Unit, proposed in the original accord. In **chapter 3**, our suggestion is for a joint command team with special legal status to synchronize cross-sovereignty operations. Each state will assume responsibility for maintaining law and order alongside the joint mechanism. The subject requires further study, and there is value in drawing best practice from international cases, on command hierarchy, locational jurisdiction and security arrangements as they relate to legal arrangements.

In **chapter 4** on cultural heritage, as suggested within the parameters of a two-state solution, all cultural heritage properties within Israeli territory will fall under Israeli jurisdiction and vice versa. The reciprocity principle of free access, maintenance and respect for each side's narratives will guide. Further recommendations include: expanding the Jerusalem World Heritage site to include the open city; establishing a joint cultural heritage council with UNESCO participation; returning all artifacts previously excavated in the territory of the other side to its original place; and enhancing a cultural heritage management system.

Turning to state borders in **chapter 5**, the Israeli side will preserve Jewish neighborhoods and settlements as depicted in the GI map for Yerushalayim, and as such, the Palestinians assume the authority to constitute the municipal boundaries of Al-Quds. A new map to depict this was created. It is at the discretion of both sides to determine if the Open Jerusalem boundaries will reflect the municipal lines or will be set within them.

In **chapter 6,** on the institutional structure, we recommend that the two sides give maximum power to the separate municipalities. As reflected in the GI accord of 2003, the two sides should form a Jerusalem Coordination and Development Committee (JCDC) to oversee cooperation. During the creation of the body, and learning from international examples, the following issues should be addressed: structures and responsibilities related to the desired level of coordination; a dispute settlement mechanism; monitoring and evaluation of implementation; the criteria for appointing delegates to the shared institution.

Previous proposals for an open city have come under criticism for failing to deal with non-negotiable security concerns for Israelis. In **chapter 7,** we propose a series of technological

solutions that could help to mitigate the risks and that also account for the context of peacetime; which aims to focus on lessening the physical imposition of hefty checkpoint infrastructure. Annex II offers three options: biometric cameras, voluntary location-sharing and smart identification procedures.

As for the location and nature of border-crossing, rather than having one central terminal located in the heart of a city as was proposed in the GI annexes, in the context of an open city it would be more desirable to have a series of crossing points dotted along the agreed-upon location. Several possibilities for location are suggested. Jerusalemites will have maximum and easy movement and will not require a visa for access between the two sides.

In **chapter 8**, we provide a set of steps that can be undertaken during the negotiation process. Most significantly, we recommend that negotiations over Jerusalem should not be postponed until other components of the agreement have been completed. In order to build trust, the two sides should implement the areas that have been agreed upon, while discussion on other issues continue. Alongside this, there should be a freeze on the building of Israeli settlements in East Jerusalem and on house demolitions, and a prohibition on land confiscation in East Jerusalem. Other recommendations for strengthening Palestinian Jerusalemites' representation are explored.

Finally, in **chapter 9**, we offer a set of guidelines and recommendations for the transition period when the city will move from one municipality to two.

Preface

This paper is based on the assumption that a peace agreement between Israel and Palestine is possible and that a two-state solution is achievable, but that previous attempts at arriving at these goals have failed for reasons that have much to do with Jerusalem. Within this framework, sovereignty over the city would be divided between a Palestinian and an Israeli state. The 2003 Geneva Initiative of which we were members proposed a detailed plan for two cities, "Israeli Jerusalem'', Yerushalayim, and "Palestinian Jerusalem", Al-Quds, which would form two separate municipalities, with strong coordination mechanisms and crossings at the heart of the city.[1]

Since the drafting of the Geneva Accord, the reality on the ground has undergone significant changes. New Jewish settlements and neighborhoods have sprung up in East Jerusalem, while more Palestinian East Jerusalemites now live or work in the West. Increasingly complex infrastructure knits together both halves of the city. Yet this growing interdependence is offset by inequality. Public services, housing and education are unevenly distributed between East and West Jerusalem, leading to significant disparities in economic opportunity and quality of life.

Amid shifting geopolitics, the unique significance of Jerusalem for both our peoples remains constant. Acknowledging this and many other sensitivities, while also not viewing the situation as intractable, we set out here to revisit the model we proposed in 2003 and explore the possibility of a different Jerusalem.

Over the years, various formulas for an Open Jerusalem have been devised, including that proposed by experts Yiftachel and Yacobi in their plan for a bi-national capital, as well as the Jerusalem Old City Initiative (JOCI), which suggests the establishment of a Special Regime in the Old City with a significant role for third-parties.[2] This paper, Jerusalem Reconsidered, draws on these ideas among others and proposes an open city model for Israelis and Palestinians that respects the need for two sovereign states, offers a framework for shared municipal arrangements and acknowledges security as a sine qua non. Our approach aims to spark a wider debate and provide a series of concrete recommendations for achieving this purpose. We do not shy away from the more challenging issues, but have demarcated the areas that necessitate further study.

The project began prior to the release in January 2020 of the Trump administration's Peace

[1] Menachem Klein, 'A Possible Peace Between Israel and Palestine: An Insider's Account of the Geneva Initiative.' New York: Columbia University Press, 2007

[2] Yiftachel, Oren & Yacobi, Haim. (2002). Planning a Bi-National Capital: Should Jerusalem Remain United?. Geoforum. 33. 137-144. Michael Bell et. Al., 'Jerusalem Old City Initiative', University of Windsor, 2003-2014: link

to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People. That plan does reference the creation of a Palestinian state, but the vision for such a state put forward therein is one of divided autonomous areas, with Jerusalem held in its entirety by Israel. The two-state solution that we refer to hereafter is based on international law and previous rounds of Israeli-Palestinian negotiations.

Yet Jerusalem has not been removed from the negotiating table, as Trump previously noted. Indeed, without addressing it in all its complexity, a sustainable negotiated final status agreement will not be possible. The Trump administration acknowledged this in its December 2017 statement on Israel and Palestine: "We are not taking a position on any final status issues, including the specific boundaries of the Israeli sovereignty in Jerusalem, or the resolution of contested borders. Those questions are up to the parties involved." Under President Joe Biden, negotiations may resume; if and when they do, Jerusalem is likely to become an ever more central issue.

Over the years, Palestinian and Israelis leaders from across the political spectrum, have declared their intent to keep Jerusalem an undivided and united city[3]. For the most part, these avowals have reflected the maximalist views of the Israeli right. Our proposal establishes the mutually beneficial parameters in which this remains a realistic and implementable option.

Building on previous rounds of Israeli-Palestinian negotiations, and in light of current realities, we believe that Jerusalem remains critical to achieving and sustaining a two-state framework, and that without addressing it adequately, a negotiated final status agreement will not be possible. This does not mean the city should be seen as an obstacle to peace, but rather as a catalyst for reconciliation. Rather than deferring discussion on Jerusalem until the end of negotiations, as has been common in the past, we believe that it might be helpful for both sides to explore potential solutions on some of the most sensitive issues in Jerusalem prior to the detailed negotiations, and on interrelated issues like borders and security. Reaching a common understanding on the core principles can increase the chances of success so that both sides can be encouraged and enabled to make further progress.

We also take heed of recent regional developments, namely the signing of normalization agreements, known as the Abraham Accords, between Israel and a number of Arab States. While in their present form the accords do little to solve the principal conflict between Israelis and Palestinians, the pillars upon which they rest – peace, coexistence, and

[3] Israeli Defense Minister, Benny Gantz said that, "Jerusalem must remain united — but with a place within it for a Palestinian capital" (in an interview with Sharq al-Awsat, December 2020); Palestinian President Mahmoud Abbas said, "we don't want to re-divide Jerusalem. We would leave the city open, and have two municipalities with one governing body above them. This is the meaning of coexistence," (2014); Former Israeli Mayor of Jerusalem, Nir Barkat said, "Jerusalem has a role as a united city, whole, not divided into tribes, That is the DNA we have to develop because nothing else will work," (2013); he also wrote an article for the Wall Street Journal in 2012 entitled 'A divided Jerusalem will not stand." Among additional statements.

interfaith understanding – have broader implications for an Open Jerusalem. Acknowledging the imperfections of them, the solution we propose in this paper is compatible with the spirit of the agreements, which seeks to emphasize normalization between peoples and the dismantling of the barriers, physical and psychological, that continue to divide us. Moreover, it provides new room for these states to play a role in contributing to finding a solution to Jerusalem.

Introduction

During the 2001 Taba Peace Talks between the Palestinian Liberation Organization (PLO) and Israel, Miguel Moratinos, EU special representative to the Middle East peace process, reported that

> "both sides favored the idea of an open city. The Israeli side suggested the establishment of an open city whose geographical scope encompassed the Old City of Jerusalem and an area defined as the holy basin or historical basin. The Palestinian side was in favor of an open city on the premise that continuity and contiguity were preserved. The Palestinians rejected the Israeli proposal regarding the geographic scope of the open city and asserted that it was only acceptable if the geographical scope encompassed the full municipal borders of both East and West Jerusalem."[4]

This disagreement continued during the Annapolis Talks 2007-8. There, the Palestinian delegation suggested:

> "A joint development council, composed of an equal number of representatives from both sides [that] will be established by the Parties to oversee cooperation between Israel and Palestine in both parts of Jerusalem, including with respect to planning and zoning, water, waste-water and the environment, roads and industrial zones."

The Palestinians added that

> "a central objective of such cooperation shall be to minimize, and hopefully overcome altogether, practical impediments to the free movement and access of people, vehicles, services and goods arising from the international

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[4] European Union , 'Moratinos' Non-Paper on Taba Negotiations', January 27, 2001, link

boundary running through the heart of the city."[5]

On the matter of the border regime, the Palestinian delegation suggested it should

> "correspond to the general border regime arrangements between the two states, while taking into consideration the special character of Jerusalem and the Old City, and with a view to facilitating free and uninhibited movement of persons, vehicles, services and goods between the two parts of the city."

Preferring a hard border with total control, the Israeli delegation opposed this concept of free movement.

The 2003 Geneva Initiative is more aligned with the Israeli position. It proposed that under a two-state solution with sovereign states living side-by-side in an agreement based on pre-1967 lines, Jerusalem would be physically divided, except for the Old City, which would remain without barriers between the Israeli and Palestinian sections. Border crossing checkpoints, established just outside of the Old City walls and along the seam line, would control the movement between the cities and the two states (see below). At the time, this idea – two dynamically connected, yet independently functioning capitals – was viewed as the most practical approach.

Map 01 2003 Geneva Initiative proposed solution for Jerusalem, GI Annexes
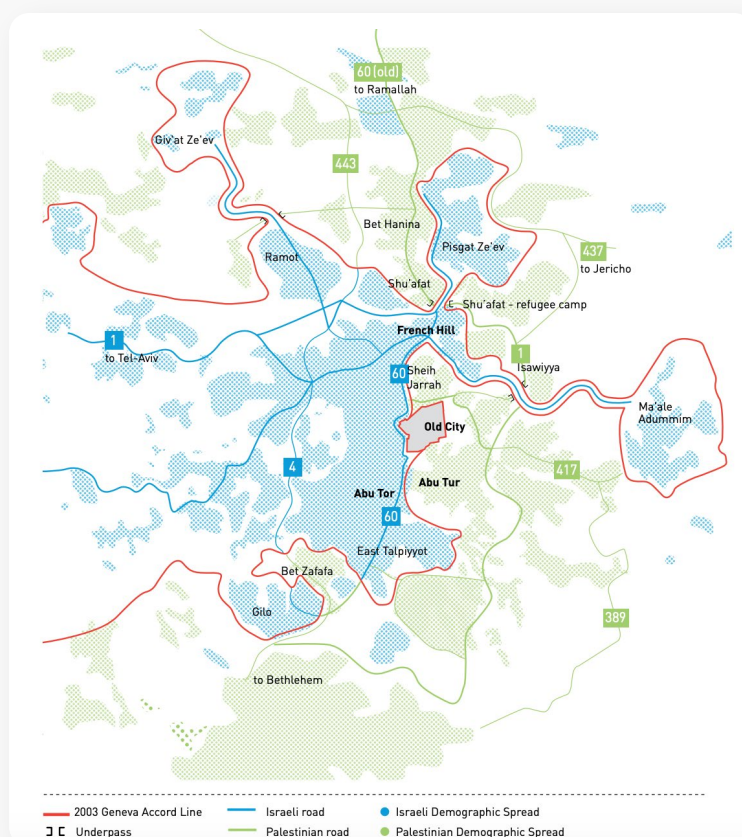
[5] Palestinian Vision for Jerusalem, unpublished. See also; Lior Lehrs, Jerusalem on the Negotiating Table: Analyzing the Israeli-Palestinian Peace Talks on Jerusalem (1993-2015)', Israel Studies 21, 3 (2016), pp. 179-205.

Almost twenty years later, political, demographic and infrastructural developments have created a new set of circumstances on the ground. The fabric of the city today is more tightly woven than it was in 2003, calling into question the feasibility of a divided capital.

The 2003 Geneva Initiative's plans for Jerusalem were comprehensive. This paper offers an alternative approach, aiming to spark wider discussion and lay the groundwork for further studies by establishing the parameters for an Open Jerusalem.

We have identified four core problems that call for the reconsideration of the Geneva Initiative's original plan for Jerusalem and suggest that an open city approach may be more realistic in light of changed conditions on the ground.

First, there is the practical problem of border-crossing.

The 2003 Geneva Initiative suggested building two sizable border crossing terminals: one in north Jerusalem, near the French Hill area, the other to the south, near Rachel's Tomb between Jerusalem and Bethlehem. These large crossing points would serve both pedestrians and vehicles. At the American Colony Junction, the 2003 Geneva Initiative suggested building a smaller terminal for pedestrians only. In addition to these large crossing points, six smaller crossings would check those exiting the Old City (see map below).

Northern Border Crossing
Pedestrians and vehicles

Central Border Crossing
Pedestrians

Southern Border Crossing
Pedestrians and vehicles
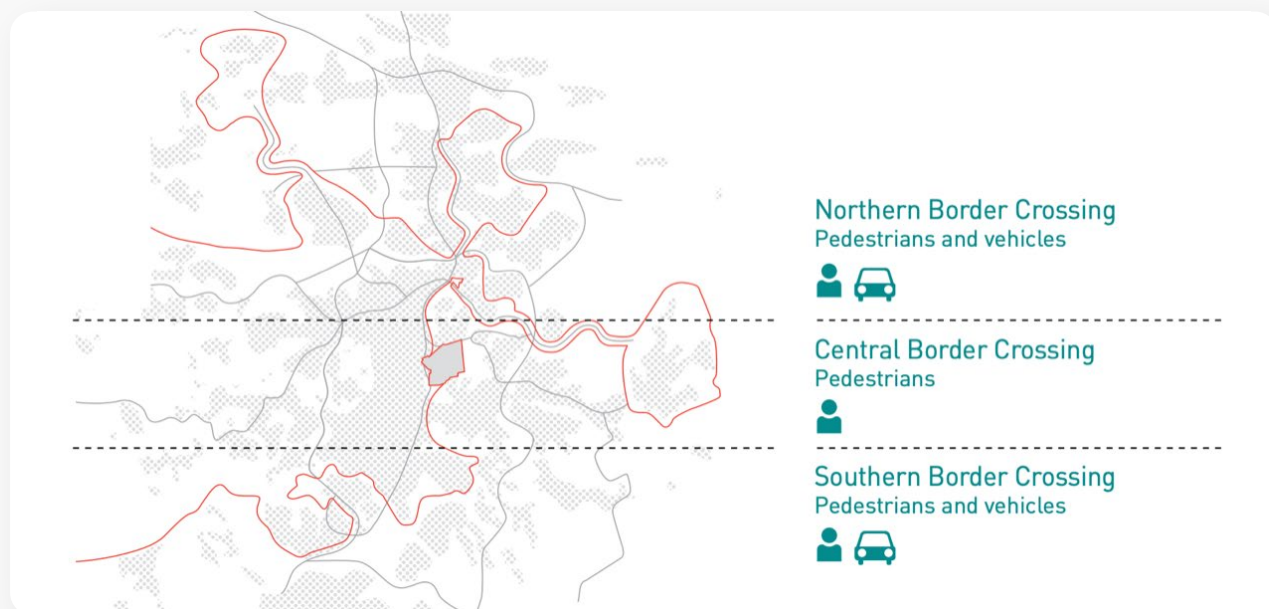
Map 02 Depiction of Jerusalem border crossings in 2003 Geneva Accord, GI Annexes

As outlined in the original Geneva Initiative, whilst Jerusalem would be divided by a physical border, the Old City would remain undivided, with special arrangements for border management. Entrance to the Old City from either the Palestinian or Israeli sides would be unrestricted in this area. However, the Old City gates would not be usable for those wishing to enter the rest of Israel or Palestine beyond Jerusalem. Those using the crossing would therefore have to return through it, presenting a special document enroute, i.e. a Jerusalem residency document or special pass for Israelis and Palestinians, or a visa for internationals.

Three gates would fall under the jurisdiction of the State of Palestine: Damascus and Herod's Gates would be allocated for pedestrian crossing only; St. Stephen's Gate would also serve vehicles. The four gates that would control the entrance to Israel would be Jaffa, Zion and the New Gate, where both pedestrians and vehicles would be permitted to cross. The Dung would serve only pedestrians.[6] Such procedures, if enacted, would seriously slow the flow of people, vehicles and goods entering and exiting the Old City.

For example, Damascus Gate, with its transportation terminals, connects two of East Jerusalem's commercial and business centers: Salah al-Din Street, opposite to the gate, and the Old City Bazaar, the main East Jerusalem market that also serves nearby rural areas.
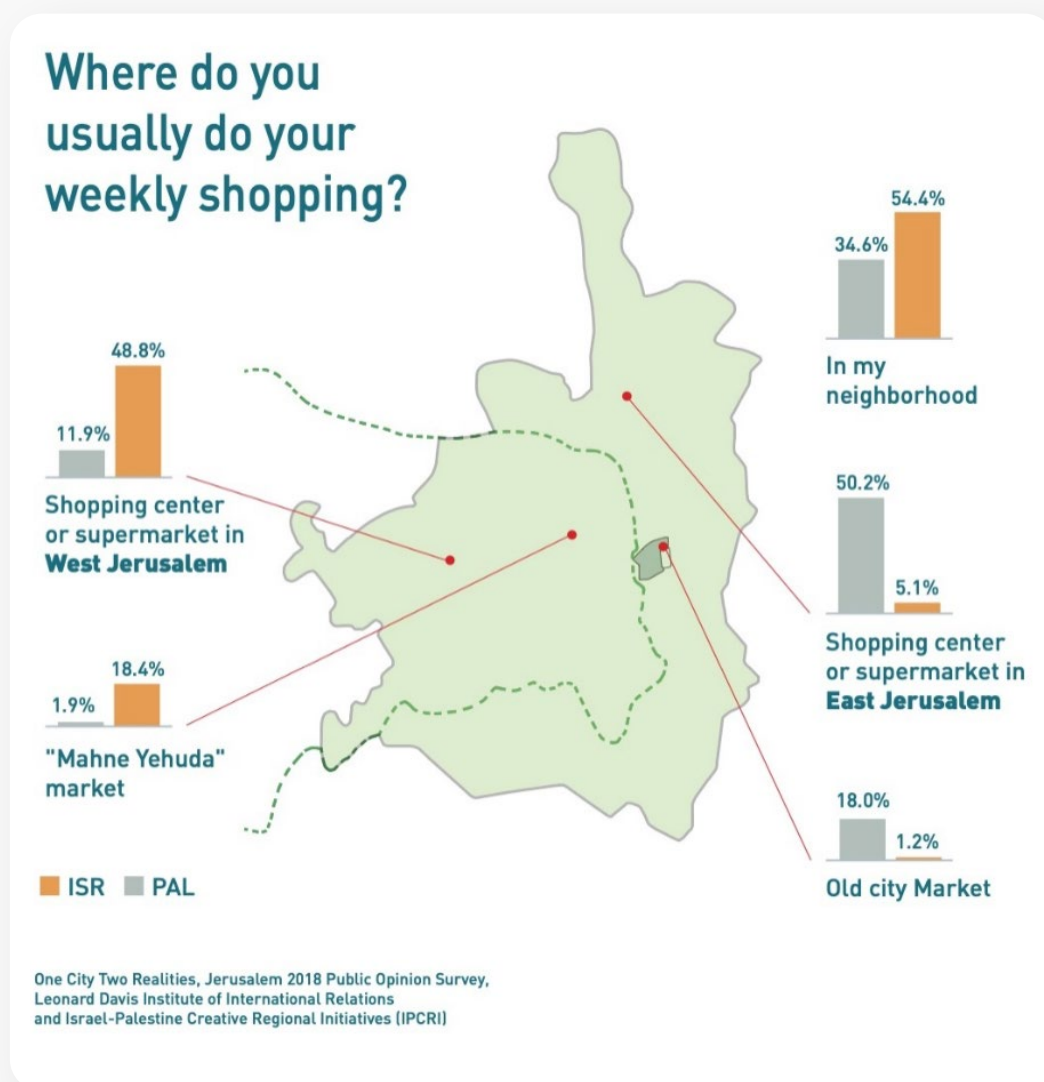

Map 03 Gates in the Old City of Jerusalem as depicted in the 2003 Geneva Initiative, GI Annexes
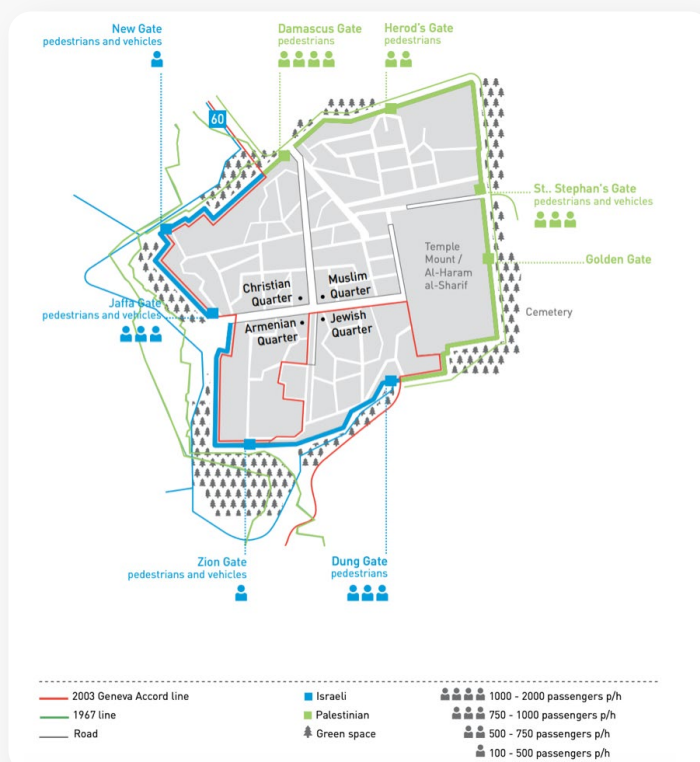
[6] The Geneva Initiative, 'Annex 5: Jerusalem: Urban Challenges and Planning Proposals', 2003, link

According to a 2018 opinion poll, two-thirds of Palestinian East Jerusalemites do their weekly shopping outside of their neighborhoods. According to this poll, 12% shop in West Jerusalem, 50% shop outside the Old City, and 18% in the Old City market.[7] In addition to these shoppers, Jews and visitors cross Damascus Gate to the holy sites and tourist attractions. Hundreds of thousands of Muslims pass through this gate, as well as St. Stephen's Gate, for Friday and holiday prayers at the Haram al-Sharif. The same problem arises for Jews visiting the Wailing Wall during Jewish holidays, and for other Old City visitors. It would be difficult, if not impossible, to check such a large volume of people in such a short period.

Where do you usually do your weekly shopping?

Shopping center or supermarket in **West Jerusalem** — 11.9% PAL, 48.8% ISR

"Mahne Yehuda" market — 1.9% PAL, 18.4% ISR

In my neighborhood — 34.6% PAL, 54.4% ISR

Shopping center or supermarket in **East Jerusalem** — 50.2% PAL, 5.1% ISR

Old city Market — 18.0% PAL, 1.2% ISR

ISR PAL

One City Two Realities, Jerusalem 2018 Public Opinion Survey, Leonard Davis Institute of International Relations and Israel-Palestine Creative Regional Initiatives (IPCRI)

[7] Leonard Davis Institute of International Relations and Israel-Palestine Creative Regional Initiatives, One City Two Realities: Jerusalem 2018 Public Opinion Survey, 2008, cited in link

Yet even if it were physically possible to build border crossing terminals next to the small Damascus Gate, as proposed in the original Geneva Accord, doing so could seriously harm the commercial activity and bazaar trading that are critical components of the Palestinian Jerusalem economy. According to the UN Conference on Trade and Development, "[The] East Jerusalem economy has become largely dependent on the retail and wholesale trade, car repair and the service sector that includes accommodation, food, administrative services, education, healthcare and social work."[8] The contribution of these sectors to East Jerusalem's GDP increased from 55% in 2000-2002 to about 77% in 2014-16.[9] In particular, border crossing checkpoints could negatively affect the area next to the Jaffa and Damascus Gates that today constitute an indispensable part of the city's commercial hub.

Preliminary surveys undertaken by Dr. Yaakov Garb in 2007 on entering and exiting through the Jaffa and Dung Gates clearly highlights the limitations of the Geneva Initiative's model of a hard border with checkpoints next to the Old City gates. The high volume of pedestrian and vehicle traffic is a central problem. Garb's surveys show that during peak hours on Easter Sunday in the middle of Passover, more than 30,000 pedestrians cross Jaffa Gate, 2,500 persons on a regular Sunday. The vast majority are tourists, followed by religious Jews, then Palestinians. More Palestinians use Jaffa Gate on a regular Sunday than on Easter Sunday.

Source: Survey on pedestrian and traffic flow into the Old City of Jerusalem, Yaakov Garb (2007)
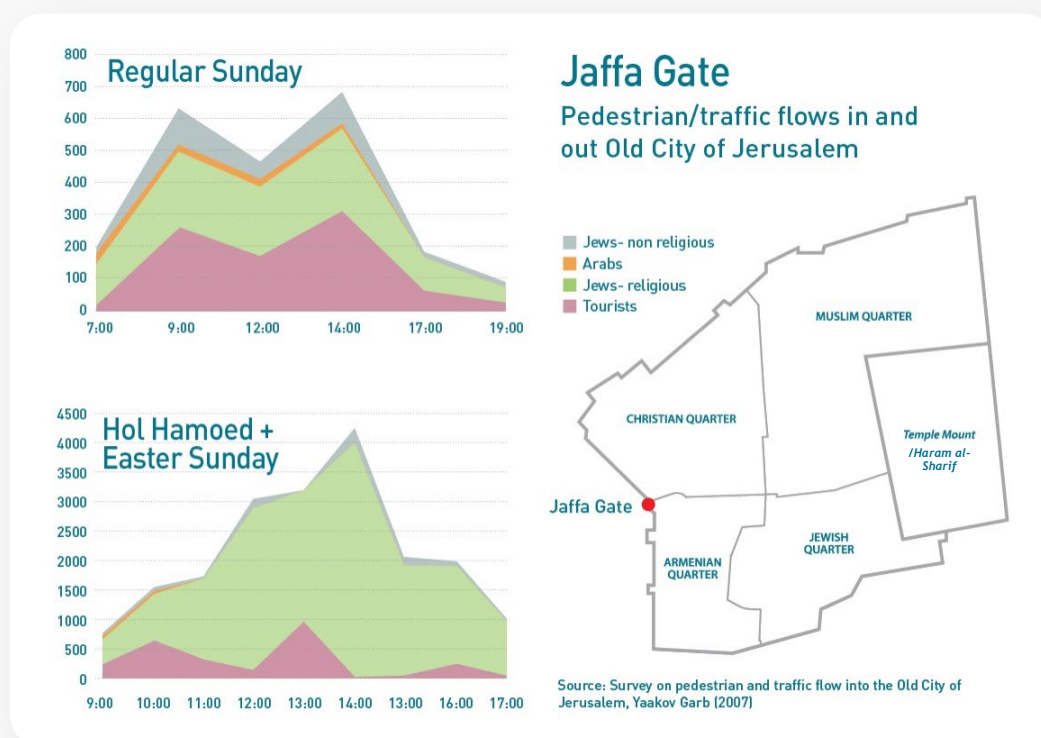
[8] UN Conference on Trade and Development, UN Conference on Trade and Development, 'The Palestinian economy in East Jerusalem: Enduring annexation, isolation and disintegration', 2013, link

[9] Mahmoud Jafari and Samir Abdullah, 'East Jerusalem's Economic Cluster Report', 2019, link

As for the Dung Gate, 4,000 people pass through it on Easter Sunday and on the first day of Passover, in comparison to 600-700 on a regular Sunday. Religious Jews enter through this gate more than tourists do, in particular on Jewish holidays, when the number of tourists entering at peak hours is only about 100. Between 500 to 600 Palestinians enter the Old City through the Dung Gate during a regular Sunday.

As for vehicles, around 500 enter the Old City through Jaffa Gate during peak hours on a regular Sunday, in addition to the 1,500 – 1,700 entering through the Dung Gate. About 1,200 cars exit Jaffa Gate at that time, whilst more than 2,000 exit through the Dung Gate. Of course, the numbers are higher during the first night of Passover, and on Easter Sunday. About 2,000 vehicles enter Jaffa Gate during peak hours, compared to 12,000 through the Dung Gate. While the number of vehicles leaving through Jaffa Gate during that time and on that day is the same as those entering, the number of those exiting through Dung Gate is higher: 14,000, versus the 12,000 that entered.[10]
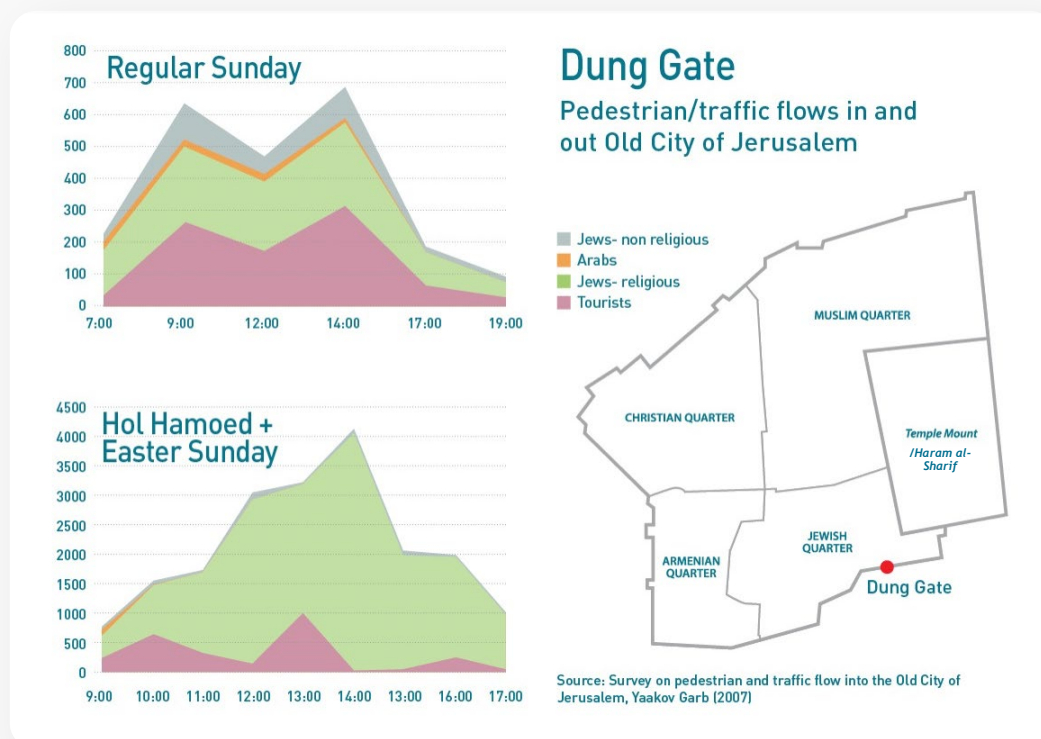
*Hol Hamoed refers to the intermediate days of the Passover week, between the first and last days of the holiday

Although his survey does not include Damascus Gate, Dr Garb extrapolates that the hourly volume of traffic passing through there on an ordinary Sunday afternoon is around 2,000

[10] Today, far fewer vehicles are permitted to use Jaffa Gate. Only vehicles with special permission are permitted to use it 8am-6pm, and there are no restrictions during the night unless there are feasts.

people, about twice as many as through Jaffa Gate. Moreover, he assumes that the flow of Palestinians through Damascus, Herod's and St. Stephen's Gates could rise considerably under an independent Palestinian state. Establishing security and visa checkpoints will likely interrupt the flow of people and vehicles, in particular during religious holidays. These issues were underestimated in the 2003 Geneva Initiative, for the sake of signing a comprehensive model agreement with full Israeli control of the hard border.

Secondly, since 2003 Israel has accelerated its unilateral expansion eastwards to prevent the division of sovereignty in Jerusalem.

Legend
- The Old City
- 1967 Lines
- Jerusalem Municipal Boundary (Israeli-defined)
- Israeli Barrier - Completed
- Israeli Barrier - Planned
- Palestinian Neighborhoods / Towns
- Israeli Settlements and Neighborhoods
- Industrial Park
- Israeli Localities in pre-1967 Israel
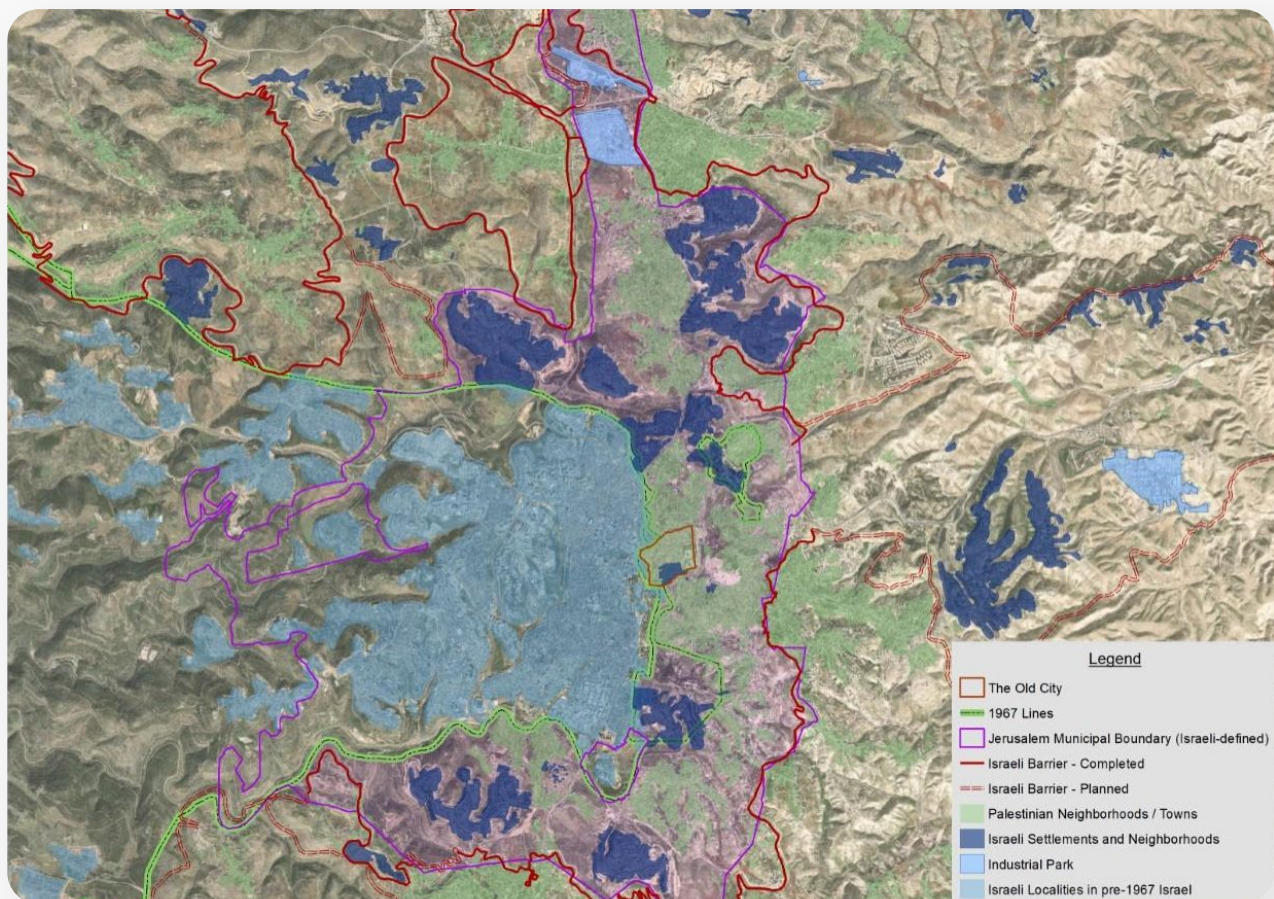
Map 04 Depicts the present situation of Israel's unilateral expansion eastwards, Israeli settlements and neighborhoods beyond the Green Line and Separation Barrier

The impact of this has been to heighten the mutual dependency of Jerusalem's Jewish and Palestinian sections. With these changes taking place on the ground, it is now almost impossible to build a hard border, particularly in areas where geographical distance no longer exists between Jewish and Palestinian residential areas. While we oppose further Israeli unilateral expansion, the fact that it has not been prevented to-date, means that these realities on the ground now need to be accounted for and considered as part of future negotiations.

This is the case in the Jewish neighborhood of Ramat Shlomo and its adjacent Palestinian neighborhood of Shuafat, as well as in the Palestinian areas of Beit Safafa and Sharafat, bordered in the south by the Israeli settlement of Gilo. The southeast Israeli settlement of Nof Zion, located in the middle of the Palestinian neighborhood of Jabel Mukabber, there are plans to expand the number of residential units from 13 to almost 200. Meanwhile in the Atarot settlement that borders the Palestinian town of Kafr Aqab, a construction plan for 11,000 residential units is being pursued.[11]

The Geneva Initiative of 2003 suggested dividing Beit Safafa along pre-1967 lines, when it was split between Israel and Jordan, and erecting a hard border along the uninhabited land between Gilo and Sharafat. The difficulty of effecting this plan today, however, is that the whole area is one urban fabric with a connecting road system. The 1,257 housing units Israel plans to build in Givat Hamatos, as well as the inseparability of the Jewish and Palestinian parts of Abu Tor, makes the Geneva Initiative model more impractical. Moreover, the Initiative proposed creating a Palestinian enclave on Mount Scopus and an Israeli one for Sheikh Jarrah ministries, each surrounded by a physical border that would cut into the urban fabric. Yet in both Abu Tor and Sheikh Jarrah/Mount Scopus, it would be impossible to live peacefully next to a patrolled hard border running between buildings.[12]

In addition to neighborhood expansion, new transportation infrastructure has been constructed since 2003, including highways and a tramline connecting East and West Jerusalem. A second tramline, currently under construction, will connect Mount Scopus to West Jerusalem, and will be expanded towards the south of the city. Highways such as Begin Road have been expanded, crossing Beit Safafa and the Jewish neighborhood of Malha, leading to the Etzion Bloc settlements. Meanwhile, a new road has been constructed connecting the east Etzion Bloc to the Israeli neighborhoods of Har Homa and Talpiot. All of this makes dividing the area more challenging.

[11] Terrestrial Jerusalem rep, http://www.t-j.org.il/LatestDevelopments/tabid/1370/articleID/935/currentpage/1/Default.aspx ; link

[12] The Geneva Initiative, 'Annex 5: Jerusalem: Urban Challenges and Planning Proposals', 2003, link

Lastly, since the publication of the Geneva Initiative, Israel has established smaller settlement enclaves in populated Palestinian neighborhoods such as Silwan, Sheikh Jarrah, Ras al-Amud, and the Mount of Olives, as well as within the Christian and Muslim quarters of the Old City. Although these settlements are not sizable, they comprise around 2,000 people, and may grow or become more populous over time, posing a further obstacle to the future division of the city.

Thirdly, physically dividing Jerusalem in the manner the Geneva Initiative originally suggested necessitates massive infrastructure that will take a long time and large amounts of money to establish.

The intricate process of untangling Jerusalem, particularly considering the aforementioned impediments, would allow spoilers who oppose the agreement to obstruct the process. In the 1990s, amid Oslo negotiations, actors on both sides seeking to sabotage the process took advantage of the interim arrangement. It is therefore in both sides' interests to shorten this transition period - during which, it should be noted, life along the border line would become virtually unlivable.

Fourthly, there is a growing awareness among both Israelis and Palestinians of the importance of conserving Jerusalem as an open city.

Residents acknowledge that dividing Jerusalem would go against their interests by turning Al-Quds and Yerushalayim into near lifeless and dead-end cities. Results from a 2018 public opinion survey conducted in East Jerusalem revealed that 97% of Palestinian residents and 63% of Jewish residents oppose a division of the city via a hard border that prevents free access to both sides. Even a division of the city that would permit access between the two sides is opposed by 43% of Palestinians and 69% of Jews; 30% of Palestinians and 23% of Jews surveyed neither opposed nor supported the prospect; 23% of Palestinians and 8% of Jews supported it.[13]

Historical and geographical studies, as well as the history of Jerusalem between 1949 and 1967, reveal that divided cities are often neglected and have a greater propensity for conflict. In their 2012 briefing paper 'Rethinking Conflict Infrastructure', Conflict in Cities and the Contested State (CinC) write that

> "conflict infrastructure contributes to the wider topographies of conflict
> that affect large portions, if not all, of the city. This may result in 'frontier

[13] Leonard Davis Institute of International Relations and Israel-Palestine Creative Regional Initiatives, One City Two Realities: Jerusalem 2018 Public Opinion Survey, 2008, cited in link

urbanism', which emerges when civilian groups are made to confront each other, deliberately using urban architectural settings and structures. The radicalization and extreme conditions normally associated with border areas often shift to the center of contested cities."

They add that,

"cities, by nature, are located where diverse peoples come together. It is relatively easy to divide a city, and in cases of severe violence and loss of life, this may seem to be the best solution. However, temporary solutions – employing, for example, walls and buffer zones – often become permanent, and it is extremely difficult to reunite cities once they have been divided."

Thriving cities require diversity, exchange and openness. Building a hard border in Jerusalem contradicts these values. It also swims against an international current, one we've seen in the movement towards free movement in the EU, and in the lengths to which Britain and Ireland have gone to prevent the return of a Northern Ireland border after Brexit. Historical and geographical studies, as well as the history of Jerusalem between 1949 and 1967, reveal that divided cities are often neglected and have a greater propensity for conflict.[14] In their 2012 briefing paper 'Rethinking Conflict Infrastructure', Conflict in Cities and the Contested State (CinC) write that

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They add that,

"cities, by nature, are located where diverse peoples come together. It is relatively easy to divide a city, and in cases of severe violence and loss of life, this may seem to be the best solution. However, temporary solutions – employing, for example, walls and buffer zones – often become permanent, and it is extremely difficult to reunite cities once they have been divided."[16]

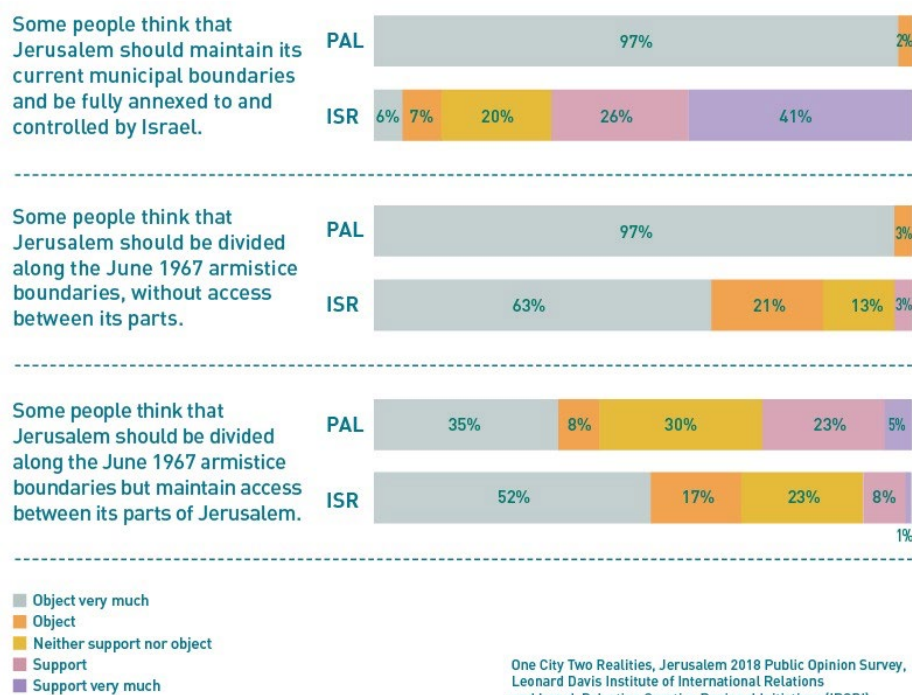[14] Leonard Davis Institute of International Relations and Israel-Palestine Creative Regional Initiatives, One City Two Realities: Jerusalem 2018 Public Opinion Survey, 2008, cited in link

[15] Conflict in Cities and the Contested State (CinC), 'Briefing Paper 2: Rethinking Conflict Infrastructure: How the built environment sustains divisions in contested cities', 2012, link, p.3.

[16] Ibid, pp2-3.

Thriving cities require diversity, exchange and openness. Building a hard border in Jerusalem contradicts these values. It also swims against an international current, one we've seen in the movement towards free movement in the EU, and in the lengths to which Britain and Ireland have gone to prevent the return of a Northern Ireland border after Brexit.

If Israelis and Palestinians will reach an agreement, please mark if you support or object to each of the following scenarios.

Some people think that Jerusalem should maintain its current municipal boundaries and be fully annexed to and controlled by Israel.

	Object very much	Object	Neither support nor object	Support	Support very much
PAL	97%	2%			
ISR	6%	7%	20%	26%	41%

Some people think that Jerusalem should be divided along the June 1967 armistice boundaries, without access between its parts.

	Object very much	Object	Neither support nor object	Support	Support very much
PAL	97%				3%
ISR	63%	21%	13%	3%	

Some people think that Jerusalem should be divided along the June 1967 armistice boundaries but maintain access between its parts of Jerusalem.

	Object very much	Object	Neither support nor object	Support	Support very much
PAL	35%	8%	30%	23%	5%
ISR	52%	17%	23%	8%	1%

■ Object very much
■ Object
■ Neither support nor object
■ Support
■ Support very much

One City Two Realities, Jerusalem 2018 Public Opinion Survey, Leonard Davis Institute of International Relations and Israel-Palestine Creative Regional Initiatives (IPCRI)

An unequal co dependency

Demographically, religiously, and geographically, Jerusalem is the biggest and most important city in Israel-Palestine. Since 1967, East Jerusalem has remained underdeveloped and fully dependent on resources from the West of the city, a trend that has grown stronger since the building of the separation wall in 2003-2005, cutting East Jerusalem off from the rest of the West Bank.
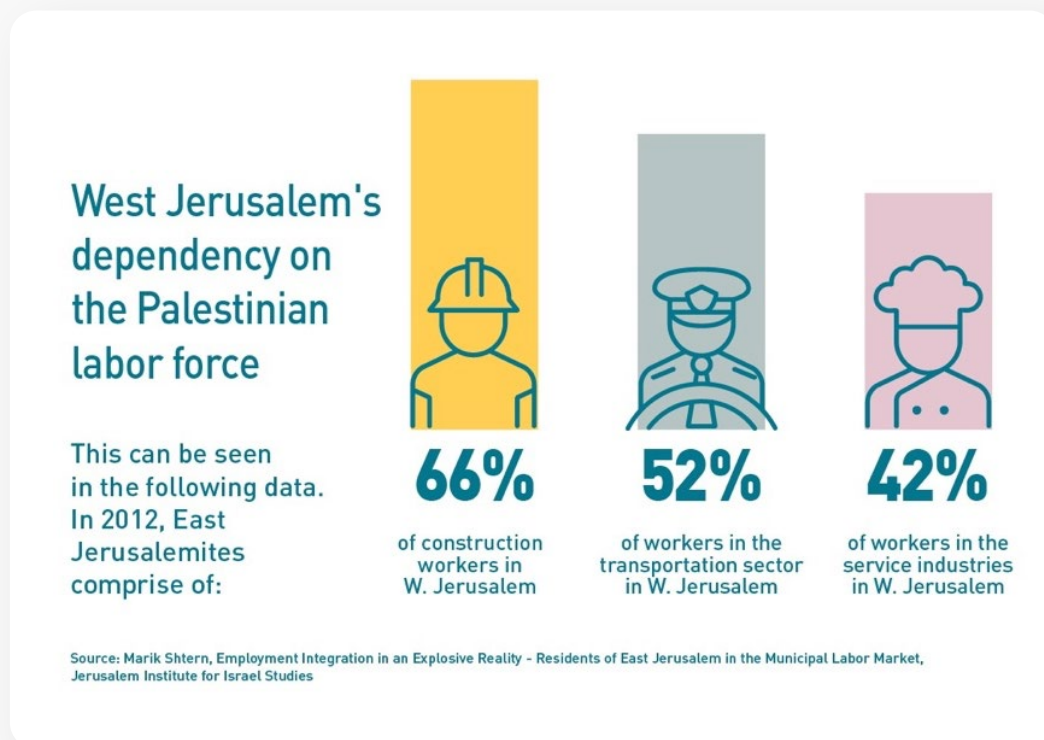
Nonetheless, West Jerusalem's economy is highly dependent on workers entering from the East. In 2010–2011, East Jerusalemite Palestinians working in West Jerusalem and other Israeli cities accounted for 47% of the city's Palestinian workforce, mostly in construction, administration, cleaning, low-tech industries, transport, hospitality and other services. In 2012, 66% of construction workers in West Jerusalem, 52% of workers in the transportation sector, and 42% of workers in the service industries came from East Jerusalem.[17] This means that almost half of East Jerusalem's Palestinian labor force works in Israeli areas, with most of them working in West Jerusalem. Unemployment in the Palestinian Authority Jerusalem Governorate, which covers large villages and small towns outside of East Jerusalem, has gradually declined in recent years (from 19% in 2014 to 11.6% in 2017), owing to an increase in the employment rate in the Israeli labor market for male workers.[18]

Unemployment rates in the PA Jerusalem Governate

Unemployment rates in the Palestinian Authority Jerusalem Governorate, which covers large village areas and small towns outside of East Jerusalem, have seen gradual declines in recent years: due to an increase in the employment rate in the Israeli labour market for male workers

19% 2014   **11.6%** 2017

East Jerusalem's Economic Cluster Report 2019 (Palestine Economic Policy Research Institute & PLO NAD)

[17]Marik Shtern, 'Towards 'ethno-national peripheralisation'? Economic dependency amidst political resistance in Palestinian East Jerusalem', Urban Studies 56, 6 (2018), pp.1129-47.

[18]Jafari and Abdullah, p.10

Since 2010, therefore, East Jerusalem Palestinians are more dependent on income from West Jerusalem. More than ever, East Jerusalem Palestinians go to West Jerusalem to visit their shopping centers, use their public transport, enjoy their recreational facilities and, notably, to study in their universities and colleges.[19] In the 2019 academic year, 474 students from East Jerusalem registered into pre-academic classes in West Jerusalem institutions, in preparation for studying at Israeli universities.[20]

West Jerusalem's dependency on the Palestinian labor force

This can be seen in the following data. In 2012, East Jerusalemites comprise of:

66% of construction workers in W. Jerusalem

52% of workers in the transportation sector in W. Jerusalem

42% of workers in the service industries in W. Jerusalem

Source: Marik Shtern, Employment Integration in an Explosive Reality - Residents of East Jerusalem in the Municipal Labor Market, Jerusalem Institute for Israel Studies

The connections between East and West Jerusalem runs deep: more and more East Jerusalemites are employed in, or benefit from, Israeli pharmacies, clinics and hospitals, both in East and West Jerusalem, while several hundred East Jerusalemites rent apartments in Jewish neighborhoods or settlements in East Jerusalem.

Nor is this interdependence between the two halves of the city informal: more East Jerusalemites are receiving Israeli citizenship. Between 2014-2017 they submitted 4,682 applications, but only 290 were approved. This policy of limiting access to citizenship started to change in 2019, when Israel approved around 1,200 applications from East Jerusalemites.[21] Following a court ruling in November 2020, the Interior Ministry will now publish guidelines that will allow an additional 7,000 Palestinian residents of East Jerusalem aged 18-21 to receive Israeli citizenship each year.[22]

[19]Marik Shtern and Haim Yacobi, 'The Urban Geopolitics of Neighboring: Conflict, Encounter and Class in Jerusalem's Settlement/Neighborhood' Urban Geography 40, 1 (2019), pp.1–21.

[20]Ibid (Hebrew version), forthcoming, note 9.

[21] Dov Lieber, 'Surge of East Jerusalemites getting citizenship still leaves lion's share in limbo', The Times of Israel, August 28, 2017, link ; Nir Hasson, 'Israel Picks Up Pace, Grants Citizenship to 1,200 East Jerusalem Palestinians, Haaretz, January 13, 2020, link.

[22] Nir Hasson, 'Israel Eases Path to Citizenship for 20,000 East Jerusalem Palestinians', Haaretz, November 25, 2020, link

As we outline above, however, interdependence has not precipitated equality. In 2019, 72% of families from East Jerusalem and 81% of the Palestinian children in East Jerusalem were documented as living below the Israeli poverty line. The average income of a Palestinian worker is about 70% lower than that of a Jewish worker.

This disparity can be partly attributed to the Separation Wall that Israel began to construct in 2003, disconnecting East Jerusalem from the West Bank.[23] The wall, which fosters slum conditions in East Jerusalem and an asymmetric interdependence between it and West Jerusalem, prevents either side from reaching its full potential. Removing the wall, creating an independent Al-Quds municipality and maintaining freedom of movement between it and Yerushalayim would, we believe, benefit both capitals. Freed from Israeli control over sectors such as tourism, planning, and housing, East Jerusalemites would see substantial improvements in their quality of life.[24] In order to upgrade Al-Quds and its society, however, sizable and strategic investments are needed, including from Israel.

General principles

1. Our model adheres to the Geneva Initiative's concept of **two fully independent sovereign states based upon the proposed borders, with two capitals:** Al-Quds and Yerushalayim. Thus, Open Jerusalem will be built upon the framework of a two-state solution – not of a binational state, nor the Trump Administration's plan for Palestinian autonomous areas on the outskirts of East Jerusalem, which would remain largely under Israeli control. Huge gaps exist between the Trump Plan and the Geneva Initiative model. Although the Trump Plan uses the term "Palestinian State", it defines the said state as much less than that. The plan asserts that Israeli security "necessarily entails the limitations of certain sovereign powers in the Palestinian areas (henceforth referred to as the "Palestinian State")." Moreover, the plan denies Palestinian national attachment to the land and to Jerusalem, and confines the Palestinian capital to just a handful of peripheral neighborhoods in East Jerusalem that fall outside of the present separation wall (see map below).[25] The Trump Plan also appears to upend the delicately-balanced status quo that was re-agreed in 2014 between Israel's prime minister Benjamin Netanyahu, Jordan's King Abdullah, and Secretary of State John Kerry regarding the Temple Mount/Haram al-Sharif. Our model for Open Jerusalem will observe this longstanding approach that permits non-Muslims to visit the site, but not to pray.

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[23] The Association for Civil Rights in Israel, East Jerusalem Fact and Figures 2019 in link
[24] Jafari and Abdullah, ibid, chapters 3 and 4
[25] The White House, Peace to Prosperity, January 2020 as cited in link
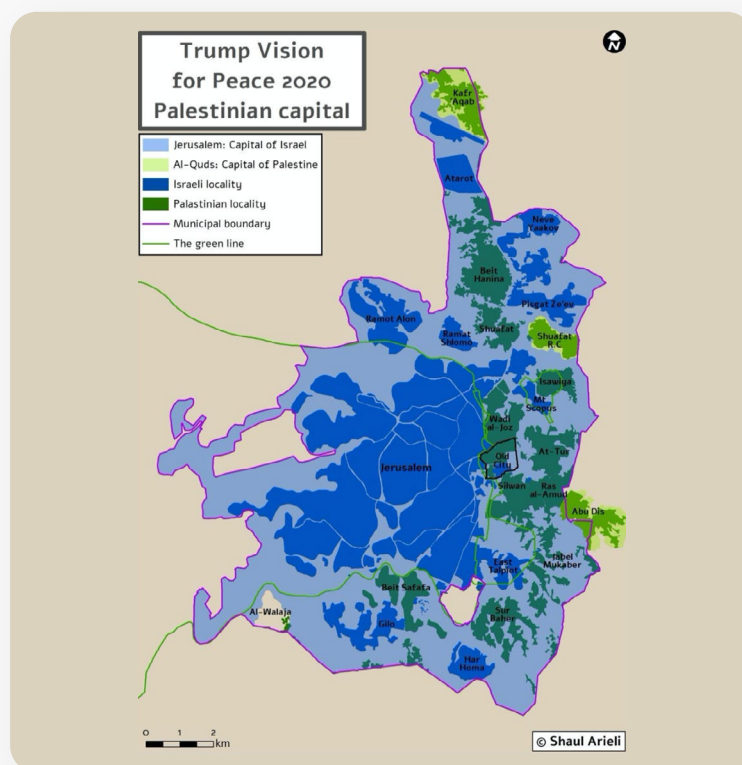
Map 05 A future Israeli (Jerusalem) and Palestinian capital (Al-Quds) as proposed by Trump's Vision for the Middle East, January 2020

2. We adhere to original Geneva Initiative principle that stated that the parties will

> "**recognize the universal historic, religious, spiritual, and cultural significance of Jerusalem and its holiness enshrined in Judaism, Christianity, and Islam.** In recognition of this status, the Parties reaffirm their commitment to safeguard the character, holiness, and freedom of worship in the city and to respect the existing division of administrative functions and traditional practices between different denominations. The Parties shall establish an inter-faith body (Muslim, Christians and Jews) consisting of representatives of the three monotheistic faiths, to act as a consultative body to the Parties on matters related to the city's religious significance and to promote inter-religious understanding and dialogue."[26]

3. East Jerusalem suffers from a lack of significant investment in infrastructure and services, including roads, water, waste, education, health, cultural institutions, and industrial zones.[27] After more than two generations of annexation, sudden separation into two separate yet interconnected capitals would be difficult.

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[26] 'The Geneva Accord: A Model Israeli-Palestinian Peace Agreement', 2003, link

[27] See reports from Ir Amim, link ; Safa Husni Dhaher, 'The impact of the current situation on the human rights of the vulnerable Palestinian groups In East Jerusalem ; Heinrich Böll Stiftung and Jordan Office, February 3, 2017, link

A gradual process is required, but not one that mirrors the open-ended and uncertain Oslo transition process. Instead we propose a roll-back strategy, with the well-defined, agreed-upon goal of two open capitals as its starting point.

4. A **state- and institutions-led perspective is different from a city view**. State agencies deem that the most important political problems are resolved once national sovereignty is established. City dwellers, however, are more concerned with what happens on the ground, the access and opportunities available to them. State establishments are more interested in borders and security than in city dwellers' everyday lives. In previous Israeli–Palestinian negotiations, the state-led perspective took precedent, to the detriment of local interests. We recommend that local interests should be accounted for at all levels. Take trust-building: at state level, trust is built between high-level officials; at city level, through quotidian encounters between citizens. On the one hand, Jerusalemites express their trust in sharing public space, despite a lack of trust between Israeli and Palestinian leaders, or between the two nations. On the other, this national mistrust is reflected in the reluctance of both sides to relinquish their access to the whole city. In both cases, it would be most advantageous to keep Jerusalem open.

5. An **urban perspective looks beyond the immediate boundaries of a site.** Rather, it looks at the urban landscape that serves and is influenced by that specific site, both of which constitute one interwoven fabric. Open Jerusalem proposes ways to preserve this urban landscape around the Old City instead of severing it from its environs. Urban wellbeing, openness, inclusivity and sustainability guide this perspective. This does not necessitate making the city less secure: on the contrary, it contributes to its security, and should not be neglected or subordinated to the state perspective.

6. The **United Nations New Urban Agenda of 2016,** to which Israel is a signatory, presented a vison for a better and more sustainable future in which all people have equal rights and access to the benefits that cities can offer. It states that "cities can be a source of solutions to, rather than the cause of, the challenges that our world is facing today." It sets out standards and principles for the planning, construction, development, management, and improvement of urban areas in five main areas: national urban policies, urban legislation and regulations, urban planning and design, local economy

and municipal finance, and local implementation.[28] It is driven by the values of inclusivity, accessibility, prosperity, and a good quality of life for all. We recommend incorporating these standards and principals into the framework of an Open Jerusalem.

7. That said, it should be noted that the two parts of Jerusalem are not simply urban entities, but also capital cities, and therefore the respective states have a unique role to play in their affairs. This creates the **need for continuous negotiations between each city and its central government.**

8. We recommend **building Open Jerusalem on two complementary levels.** The two states will agree, for instance, on visa policy matters, security issues, and the economy, which should include an easy crossing for Jerusalemites moving between the two cities. At the municipal level, systematic cooperation will be established on areas encompassing emergency and health services, higher education, transportation, environmental protection, tourism, religious sites and festivals, archeological sites, energy, and water. We recommend that the process of establishing such joint arrangements begins with the areas that offer the greatest potential benefit to the maximum number of citizens, such as transport and tourism.

9.   A joint **binational committee should be established in order to monitor the implementation of the peace agreement** in Jerusalem, and to solve any disagreements that may arise at the municipal level. The role of a third party may be considered, based on the model suggested in the Geneva Initiative for the Old City. Accordingly, an Old City Policing Unit (OCPU) will be established, comprised of third-party nationals who will liaise with, coordinate between, and assist Palestinian and Israeli police forces. In also performing policing duties in locations specified in, and according to, operational procedures, this OCPU will defuse localized tensions, including by resolving disputes that the parties are unable to resolve themselves.[29] Such disputes could include that between a Palestinian shop-owner and an Israeli consumer, or over the use of a multipurpose building e.g. where the ground floor is a Palestinian shop, the floors above, Jewish residences. Over time, these ad-hoc coordination and cooperation arrangements should transition towards a more permanent joint umbrella framework.

[28] United Nations, 'New Urban Agenda', 2016, link
[29] The Geneva Accord, 2003, link, For details, see the annexes: link

Economy

The full sovereignty that Al-Quds and Yerushalayim will enjoy under our plan should be reflected in enabling the free movement of goods, people, and capital. An international fund should be established to support the requirements of the two capital cities. The fund will focus on addressing Al-Quds' need to build up its institutions, upgrade its underdeveloped infrastructure and services, and renovate its urban landscape. In Open Jerusalem, the residents of Al-Quds will continue to enjoy Israeli insurance benefits based on the number of years that they have paid for.

Three relevant economic approaches can be applied to an Open Jerusalem. The first and the last are not specific to Jerusalem, but relate to the overall economic relations to be agreed upon by Israel and Palestine. The models are as follows:

a) A **bilateral economic agreement between Israel and Palestine,** including free trade and the use of the two national currencies. This is based on a model formulated by Aix Group, the economic working group used to supplement the Geneva Initiative model, where Israel and Palestine will have a free trade area, coordinated fiscal policy (including VAT, income and other taxes), labor flows, and legal currency. Aix Group concludes that the recovery of the Palestinian economy can only be achieved through an uninterrupted flow of goods, persons, and fiscal transfer from the start of its establishment.[30] Even if this model is rejected by the two states, it is relevant to Jerusalem. Open Jerusalem must keep a uniform set of tariffs and taxes, including with respect to goods from third countries, as expressed in the subsequent option.

b) The creation of a **Special Economic Zone.** This would be similar to Jordan's Aqaba free trade zone or the Suez Canal Economic Zone in Egypt, where special economic arrangements are implemented in order to attract international cooperation. A further, more focused study should be undertaken to explore ways to adapt this Special Economic Zone from a one-state to a two-state reality.

c) A broader model for consideration is the **Gulf Cooperation Council (GCC), including a** free trade zone; economic regulations to ease commerce and infrastructure planning; and economic agreements connecting Jerusalem to international economic blocks e.g. the EU and NAFTA. This option could be combined with elements of the aforementioned models.

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[30] Aix Group, 'Economic Dimensions of a Two-States Agreement between Israel and Palestine', November 2007, link

Infrastructure

Infrastructure is a multifaceted and interdependent area. It is not limited to electricity and water; it includes, and is inseparable from, transportation, sewage, and environmental protections. Each of the aforementioned areas does not end at the border (water resources or air pollution, for instance) and therefore calls for close cooperation between the two parties. In some areas, as we demonstrate below, attempts to disconnect the infrastructure would be both technically problematic and too expensive to administer in one move. It is, however, both possible and more practical to separate the management of the infrastructure between the two sides. Where full separation is possible, we recommend it, but with full coordination between the two parties.

Currently, Israel is the sole supplier of electricity for both parts of the city, though two systems administer it, one Israeli and one Palestinian. Meanwhile, an Israeli agency currently supplies approximately 80% of East Jerusalem's water needs, with the Ramallah-based company supplying the remaining 20% to the north Jerusalem Palestinian neighborhoods of Beit Hanina and Shuafat (in this area, there is a dual pipeline system). However, part of the water supplied by the Ramallah company comes from the Israeli national water system.[31] Any effort to separate the water infrastructure would therefore be both costly and time intensive. A water agreement that splits the management between the two sovereign municipalities, but gives Palestinians ownership of the infrastructure in East Jerusalem, Israelis ownership of the infrastructure in the West, is the only practical solution in the short term. This should be implemented as part of a transition period, during which management separation is gradual and coordinated.

The implementation of infrastructure will be based on the following stages:

a) The infrastructure networks will remain intact, ensuring continuous accessibility and service delivery. Citizens of one city who make use of services in the other city, or of the state water grid, will continue to use it for a transition period of 10-15 years, as agreed upon by both sides. The side that manages the service and receives payments will be responsible for maintenance and repair of the infrastructure. After the Palestinian municipality establishes its utility companies, the parties can discuss the possibility of a Palestinian company supplying services to Israelis, and vice versa.

b) During the transition period, citizens of Yerushalayim or Al-Quds will pay their respective state providers for their services, who will then settle accounts with the other side's

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[31] The Palestinian Authority does not have control over most of the underground water resources in the West Bank, therefore the Palestinians are buying the water from the Israeli authorities.

provider based on agreed-upon tariffs. For example, an Israeli neighborhood that receives electricity from the Jerusalem Electric Company (the Palestinian entity) will pay the Israel Electric Company, which will then settle accounts with the Jerusalem Electric Company. It is important that the Al-Quds/Palestine infrastructure companies upgrade their capacities and develop beyond the present limitations imposed on them by Israel.

c) During the transition period, each municipality will construct its own infrastructure, so that towards the end of this phase, the networks can be disconnected. Throughout the period, there will be ongoing consultation and synchronization between the two sides.

d) It is also possible for the two sides to continue to share infrastructure beyond the transitional period, if both desire it.

Environment

East and West Jerusalem are mostly facing the same environmental challenges, and neither should face them alone. It is in the interest of both parties to formulate a bilateral environmental arrangement and establish a joint committee to create and implement a shared environmental protocol.

Sewage

The current sewage system is hybridized. The waste from Palestinian neighborhoods such as Beit Hanina, Shoafat, and Beit Safafa, together with that from Israeli towns such as Ramot, Ramot Eshkol, Beit HaKerem, and Kiryat Yovel, all flows westwards, where it is treated in the Sorek Valley. The wastewater from city center Israeli neighborhoods, such as Mea Shearim, and most of the sewage from East Jerusalem, including the Old City, Sheikh Jarrah, and Jabel Mukaber, flows eastwards towards the Kidron Valley in the West Bank. The wastewater that flows east is not treated, causing irreversible pollution and contamination. Technically, separation of the sewage systems is achievable, but it would be costly, and come with additional ecological problems. A sewage agreement is required that does not change the direction of the waste but takes into consideration the environmental context. The arrangement should include a systematic sewage treatment plan that uses new methods to reuse treated water for agricultural purposes or energy production. Procedures for drainage and solid waste management will also be needed.

Cross-border transportation

It is difficult to imagine that anyone traveling from one side of the city to the other will need to change to a different transport network. An integrated and accessible cross-border transportation system should therefore aim to support the city's economy and ease the livelihoods of citizens and visitors alike. An arrangement should be formulated to enable free and easy cross-border transportation.

Policing

While each state will be responsible for maintaining law and order within its sovereign area, both will commit to cooperation on security, safety, and policing. However, given the unique circumstances of an Open Jerusalem, it will require more than this. We call upon the parties to consider forming a joint command team with special legal status to regulate and synchronize cross-sovereignty operations in order to solve the policing problems that will inevitably arise, including within the Old City. This joint mechanism will allow for the coordination of safety measures and vital information exchange. Such an approach will also help to identify community concerns and increase public confidence.

Further operational issues between the two sides will be decided upon by police high commissioners. The fundamentals – relating to jurisdiction on patrol, investigation, and arrest – will be clarified by the relevant legal experts. The sides may also build on the CCTV system that Israel currently operates in the Old City.

It is worth undertaking a more detailed adjustment of the Geneva Initiative's model for Old City policing and applying it to Open Jerusalem. The original model was relevant to a small area, inhabited by fewer people. It is less applicable to Greater Jerusalem. The size of the land and its growing population (currently around 1 million) calls for an improved solution, and a more tailored policing strategy.

This subject calls for further study, including on matters related to the command hierarchy, in particular how this relates to the national police force in both states, as well as the locational jurisdiction of police operations, as it relates to security arrangements and legal systems.

Cultural heritage

Jerusalem and its environs constitute a rich and highly sensitive cultural heritage zone of local and international value, including many archaeological sites, active holy places, monuments, and artifacts. They should be preserved for future generations. As suggested within the parameters of a two-state solution, all cultural heritage properties within Israeli territory will fall under Israeli jurisdiction, and the same shall apply to the Palestinian side. Cultural heritage sites of one side that fall under the sovereignty of the other will be treated fairly, and in accordance with the national laws of each territory. Reciprocal principles of free access, maintenance and respect should guide any arrangement.

In addition, the following principles will be adhered to:

1. Expand the Jerusalem World Heritage site to include the open city and apply the internationally accepted regulations and bylaws.

2. Establish a joint cultural heritage council, with UNESCO participation both on municipal and national levels, to enhance bylaws, and jointly compile a list of sensitive cultural sites (see annex I for an initial primary list). The joint committee will take into consideration the national and religious importance of cultural heritage sites to both Palestinians and Israelis, as well as accounting for the international dimension. Where sites have significance to more than one religion (e.g. Mount Zion, which is holy to the three monotheistic religions), or are located in residential areas (e.g. the Jewish cemetery in the Mount of Olives), special arrangements will be formed. This will include free and fair access to those sites according to accepted regulations, such as capacity, safeguarding, security, religious practices, and decorum.

3. In order to ensure maximum respect for heritage sites and monuments, we recommend both parties work according to the UNESCO Operational Guidelines for the Implementation of the World Heritage Convention, to which both Israel and Palestine are signatories (with particular reference to paragraph 15, pages 11-12). We also recommend the parties involve UNESCO from the earliest stage, and delegate to it as much arbitration power as is possible.[32]
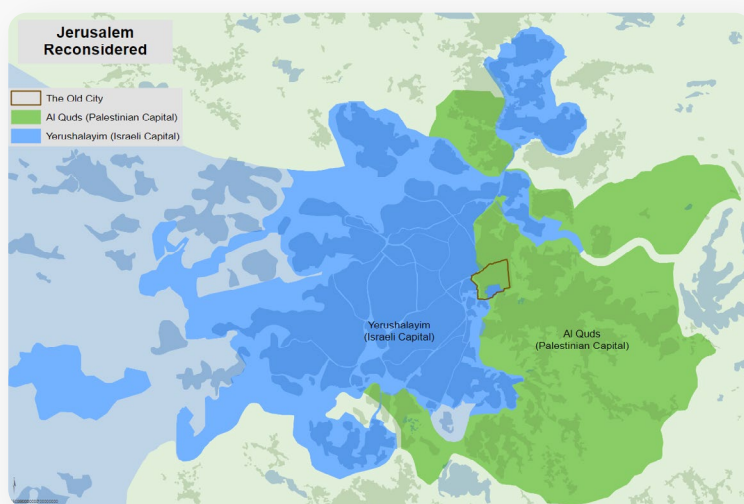
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[32] UNESCO, 'The Operational Guidelines for the Implementation of the World Heritage Convention', 2019, link

4. We suggest the parties pay attention to UNESCO's 2019 Recommendation on the Historic Urban Landscape that deals, among other issues, with historic urban areas and cultural diversity, policies linking culture with urban development, and promoting cultural diversity in historic urban areas.[33]

5. All artifacts previously excavated and transported from the territory of the other side will be returned.

6. Accomplish and enhance a cultural heritage management system in accordance with the abovementioned UNESCO documents.
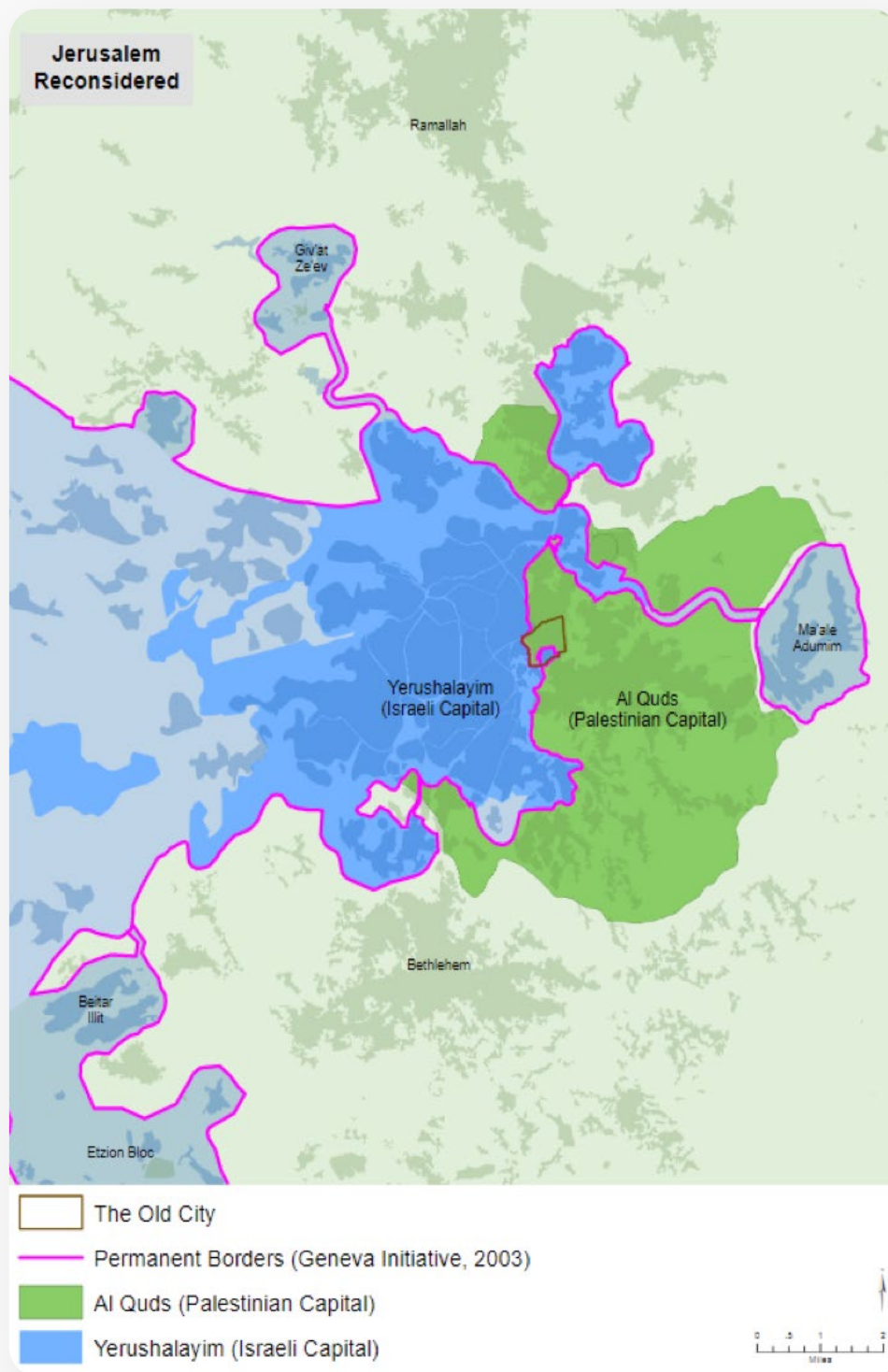
State Borders

Since 1967, Israel has unilaterally decided Jerusalem's municipal boundaries. Taking into consideration that the Israeli side will preserve Jewish neighborhoods and settlements as they are depicted in the Geneva Initiative map, the Palestinian side will have the authority to determine the municipal boundaries of Al-Quds. The maps below illustrate where the future boundaries of Al-Quds could lie alongside those of Yerushalayim. Both sides must decide if Open Jerusalem's boundaries should be identical to the municipal ones, or be set within them – meaning that Open Jerusalem could be smaller than the two municipalities, yet it will expand beyond the Old City that the Geneva Initiative suggests keeping as an open area. Both sides will need to define the space according to its character, topography, and urban needs, as well as its economic and security requirements.

Map 06 Municipal boundaries of Yerushalayim and the proposed municipal boundaries of Al-Quds depicted along the 2003 Geneva Initiative line

[33]UNESCO, 'Recommendation on the Historic Urban Landscape', 2019, link

Jerusalem Reconsidered

Ramallah

Giv'at Ze'ev

Ma'ale Adumim

Yerushalayim (Israeli Capital)

Al Quds (Palestinian Capital)

Beitar Illit

Bethlehem

Etzion Bloc

☐ The Old City

━━ Permanent Borders (Geneva Initiative, 2003)

🟩 Al Quds (Palestinian Capital)

🟦 Yerushalayim (Israeli Capital)

0   .5   1   2
Miles

Map 07 Municipal boundaries of Yerushalayim and the proposed municipal boundaries of Al-Quds depicted along the 2003 Geneva Initiative line

Zoning and planning along the state borders

Areas that exist in close proximity on opposite sides of the border must be treated sensitively. No party should have absolute liberty to develop their respective side without consulting with their neighbor. Both should agree upon land use along the border. Coordination on zoning and planning should be implemented in a way that maintains the harmony between the two sides of Jerusalem, and preserves its unique character, status and historical core. Third-party involvement, at both municipal and national level, will help to ensure political issues don't hinder progress.

This process can draw lessons from joint planning between rival parties in other divided cities. One relevant example is Nicosia, a city that was partitioned between Greek Cypriots and Turkish Cypriots in 1974. Despite the hard partition and ongoing conflict, the city's two communities, with the help of the United Nations Development Programme (UNDP), created the Nicosia Master Plan. The plan included special consideration for the preservation and rehabilitation of the walled city at the heart of Nicosia.[34] It was used as a framework to formulate a common planning strategy for the divided city, one that was completed under conditions of ongoing conflict, and with no peace agreement, but with an absence of violence on the ground. In addition, the Bi-communal Technical Committee for Cultural Heritage in Cyprus, composed of representatives from both sides, with the support of the EU and UNDP, undertook a procedure of conservation, repair, and protection of heritage sites on both sides of the border. This project can also serve as a relevant model for Al-Quds and Yerushalayim.

[34] Anita Bakshi, 'The Nicosia Master Plan: Planning Across the Divide', in Annika Björkdahl and Lisa Strömbom (eds), Governing Contested Issues in Divided Cities, 2015, pp.198-99.

Institutional Structure

Yerushalayim, Al-Quds and their environs comprise a complex geopolitical region. We therefore recommend that their respective states devolve maximum power to the two municipalities for the benefit of their citizens. In the Geneva Initiative, we discussed a municipal coordination option.[35] Accordingly, the two municipalities should form a Jerusalem Coordination and Development Committee (JCDC) to oversee cooperation and coordination between them. For issues related to implementation of the agreements and for any disputes that may arise, a third party could be beneficial.

A joint steering committee will be co-chaired by the two parties and composed of an equal number of representatives from Palestine and Israel. Each side will appoint expert members of the JCDC and its subcommittees in accordance with its own modalities. The JCDC will ensure that the coordination of infrastructure and services best serves the residents of Al-Quds and Yerushalayim, promoting the economic development of the city to the benefit of all. The JCDC will encourage cross-community dialogue and reconciliation.

The subcommittees of the JCDC will deal with planning and zoning; hydro-infrastructure, including matters related to drinking water delivery, drainage, wastewater collection and treatment; transportation, including the compatibility of the two road systems; environmental issues, including solid waste management; economic development of joint interest, including commerce and tourism; police and emergency services; holy places; and care of the border zone.[36] In addition to this, it will deal with matters of gas and electricity use; expanded environmental protection, including forestation, landscape and nature preservation; and the coordination of archaeological digs and conservation.

When devising the JCDC's structure and responsibilities,
the following issues should be addressed:

- The desired level of coordination (which demands minimum intervention) and cooperation (which demands more).
- Mechanisms for managing and settling disputes.
- The monitoring and evaluation of the implementation.
- The timetable and stages which takes into consideration the urban reality, the relations between the two sides both within and beyond the city, and the security requirements.
- The criteria for appointing delegates to shared institutions, whether by appointment

[35] The Geneva Initiative, Chapter 5, article 11, pp. 27-28, link.
[36] Ibid.

or election by the relevant municipalities or states.

- A results-based management system, including a plan for publishing periodic reports with clear indicators of success and failure.

The discussion about the JCDC structure and operational model can draw lessons and insights from other models of divided or bi-national cities that adopted cooperation mechanisms for two municipalities in divided cities.

One example is the international proposal that was formerly presented as a solution for the city of Mitrovica - a divided city in Kosovo which became a symbol of the conflict between the Serbs and the Albanians in Kosovo. In 2007, UN Special Envoy

Martti Ahtisaari presented a comprehensive plan for the final status of Kosovo as well as a solution for Mitrovica. According to his model, the two municipalities – Mitrovica North and Mitrovica South –would establish a Joint Board that was to include five members from each municipality, in addition to an international chair. The joint board would "carry out functional cooperation in the areas of their own competencies as agreed-upon by the municipalities."[37]

The usage of models that were proposed for other cases should be based on acknowledging the similarities, and the common aspects, but at the same time recognizing the differences and the unique characteristics of each case. Both Jerusalem and Mitrovica are contested cities in ongoing conflicts, in which each side is dominant in one part of the city. The differences, however, relate to the context of the conflict. In Mitrovica, for example, the whole city is located in Kosovo and is not divided between Serbia and Kosovo. The dividing line did not serve as an international border according to the Ahtisaari Plan.

The discussion on the structure can also learn from models of cooperation that were developed over the years in other divided cities in areas that completed the transformation process from conflict to warm peace, like in Europe. Such examples can serve as a long-term vision for Jerusalem. For example: the model of Eurode, that combined Herzogenrath (Germany) and Kerkrade (The Netherlands).

Herzogenrath and Kerkrade established a joint council, with eight members from each city, and a joint executive committee. Each mayor functions as the head of

[37] Gallucci, Gerard M. 'The Ahtisaari Plan and North Kosovo.' Trans Conflict, 10 November (2011).

the council for two years by rotation.[38] Another example is Eurocity, which includes Haparanda (Sweden) and Tornio (Finland). Haparanda and Tornio created a council with five members from each municipality and established joint working groups on

issues such as business and tourism, training and education, community structure, city planning, environmental issues, social services and health care, and culture and youth. Dissimilar to the current context in Jerusalem, these models emerged in the post-1945 peaceful conditions of Western Europe. The cooperation in these cases, however, evolved gradually over decades in parallel to the political and diplomatic developments. Studying the steps and phases in these processes could assist cases such as Jerusalem and can contribute to building a multi-stage plan for other cases of divided cities.

Safety and Security

For East and West Jerusalemites, and the citizens of Palestine and Israel, security will remain paramount. In Open Jerusalem, the security arrangements will reflect the new reality of peacetime, allowing citizens to benefit without compromising their safety. This issue also encompasses the spheres of policing, border crossing, authorization, combating threats, and the preservation of law and order.

New technologies – such as biometric cameras, voluntary location-sharing, and smart identification – provide a solid basis for implementation in Open Jerusalem, and should be considered in full (see the options outlined in Annex II). Technologies like these, which did not exist in 2003 when the Geneva Initiative was first formulated, offer ways of overcoming the shortcomings of our original model. Most significantly, they do not require the building of bulky terminals to facilitate border crossings – the experience could mimic that of entering or exiting a parking lot – thereby reducing the imposition effect, including the psychological impact. New technologies can also contribute to the monitoring of people within each city, which can serve as an additional security element alongside existing smart city technologies.

In addition to the options outlined in Annex II, further study aided by additional high-tech personnel is required to identify the right solutions to the challenge of scanning luggage

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[38] N. Ehlers, "The Utopia of the Binational City." GeoJournal 54:1 (2001), 25.

[39] 'Tornio-Haparanda – a Unique Result of City Twinning,' a position paper presented for the 4th NRF Open Meeting in Oulu, Finland and Luleå, Sweden, October 5-8, 2006

and vehicles. Israeli security authorities have already expanded the use of scanning technology at West Bank and Gaza border crossings; Open Jerusalem can go even further in easing movement while maintaining high security standards.

Location and nature of border crossing

In the Geneva Initiative annexes completed in 2011 in conjunction with the architecture studio SAYA, three crossing points were proposed: the first located in central Jerusalem, for pedestrians only; the second located in northern Jerusalem near French Hill mainly for pedestrians and authorized vehicles; the third in southern Jerusalem near Rachel's Tomb, for pedestrians, vehicles and merchandise trucks (see depiction of crossings below). The latter two crossing points would be situated outside of the central business district on the outskirts of the city, and were originally intended to serve more as routes for the transportation of supplies and merchandise.

While the SAYA model was tailored to a physically divided Jerusalem, an open city has different requirements. To have only one central terminal located in the heart of Open Jerusalem, as in the above approach, would be problematic. Having all pedestrian traffic pass through one station continuously could cause high levels of congestion, and an unmanageable bottleneck. The large size of the terminal would also be a physical burden, and an eyesore. It is preferable and more desirable to have a series of smaller crossing points dotted along the agreed-upon location (as discussed below), manned by new technological options. This would minimize the visual impact, prevent the need for heavy construction and most importantly, dilute the flow of traffic, allowing for greater ease of access.

Several options for the location and nature of the crossing points should be considered, and as part of our assessment, we drew on previous works, including Dumper's proposals for an open city "security zone."[40] The first option is to establish crossing points along the sovereignty dividing line (as outlined in Map 1 below). The second is to establish the points outside of the built-up areas of Jerusalem and Al-Quds (outlined in Map 2 below), thus dividing between the two capitals and their respective hinterlands, or somewhere in-between these two lines. A third option is to have no visible border at all, per the EU's Schengen model.

The structure of the crossing points will be determined by its functions and users, for instance registered cars and buses with biometrically identified passengers. Those

[40] Michael Dumper, Jerusalem Unbound: Geography, History, and the Future of the Holy City. New York: Columbia University Press, 2014, p222-232

who are not pre-registered will be asked to cross through an old immigration control system outside of the cities or in the respective city center. In either scenario, a hard or heavily fortified border is the least preferable option, given its physical, visual, and psychological imposition.

It is desirable that under any circumstances, residents of Jerusalem will have maximum and easy movement inside the city and not require a visa for access to the other side. After a number of years, and with the establishment of a stabilized peace, the two states may consider removing visa requirements for citizens who reside outside of the city, too. Finally, it should be noted that political, security, economic, and environmental borders might not necessarily be identical

This discussion on the border-crossing procedure, in the context of Open Jerusalem, can benefit from the model that was discussed in 2007 on Kashmir during the negotiations between India and Pakistan. According to the proposal, the line of control that divides Kashmir between the states was to be invisible, and the residents would have free movement inside the Kashmir area.[41] This model is similar to the idea of keeping Jerusalem as an open city but with a physical border between the city and the two states of Israel and Palestine.

Comparison to other international cases reveals that there are various models along the spectrum of an "open" border regime, as in the case of Haparanda (Sweden) and Tornio (Finland), and "close" border regimes, as was with Berlin during the Cold War. An example for an in-between model can be seen in Nicosia, Cyprus, between the Greek city and the Turkish city, which transitioned to a more open border regime in 2003 from a hard border regime. Today, people are able to move freely between the two sides of Nicosia upon the presentation of a passport or an identity card and after crossing through the two checkpoints.[42] Although crossing is available, the experience in this case is of a divided city with a border crossing, and a buffer zone under UN supervision. For Open Jerusalem, we do not recommend this approach as the vision for the city.

[41] S. Coll, The Back Channel, The New Yorker, 2.3.2009.
[42] D. Jacobson, B. Musyck, S. Orphanides and C. Webster, The Opening of Ledra Street/Lockmaci Crossing in April 2008: Reactions from Citizens and Shopkeepers (Nicosia: PRIO Cyprus Centre, 2018).

East Jerusalem social security rights and healthcare rights

Any agreement should preserve the social security and healthcare rights of Palestinian Jerusalemites. The two sides can agree that those who are entitled to Israeli services up to the day that a final status agreement is implemented will continue to enjoy those services for the period for which they have been paid. This will be employed with appropriate provisions to avoid gaps in coverage for East Jerusalemites as they transition to the Palestinian social security and healthcare systems.

Policy recommendations for present implementation and during the negotiation

East Jerusalem suffers from a lack of significant investment in infrastructure and services, as well as the absence of a leader or collective institution that represents it and expresses the needs of the municipality. The following steps can be taken immediately when talks on Jerusalem open, i.e. before achieving an agreement:

1. Jerusalem's Palestinians will be granted the right to select representatives outside of the Israeli municipality. Each neighborhood will select 3-5 representatives. The selected individuals will meet regularly in a certain location, such as the Orient House, which Israel will reopen. Here, for instance, they can coordinate and take collective decisions as a voluntary and representative council. A small professional and technical staff will provide support for the council members. The council will represent the Palestinians vis-à-vis the Israeli municipality and negotiate with them on their community's needs and rights.

2. Israel will be asked not to block the selection process, nor to interfere in the representatives' free activities, and will permit them to consult with PA or PLO members in Ramallah.

3. The selected entity will open a bank account in Israeli East Jerusalem and/or with the Palestinian Bank Dahiyat al-Barid, located outside of the Israel-annexed area of Jerusalem. It will thereby be able to receive donations from abroad to serve the needs of its community members.

4. Resolving Jerusalem should not be postponed until other components of a peace agreement have been agreed upon or implemented. Jerusalem must be discussed first, not last. This will provide an opportunity to deal with all aspects related to Jerusalem, including the stages needed to move from the present situation to the end goal of an open city. This approach requires a deeper assessment to understand the necessary requirements and conditions that ensure it is both practical and helpful.

5. In order to build trust over a period of time, and to show that the city is moving in a better direction, it is suggested that the matters agreed upon by the two sides will be implemented while negotiations on other issues continue, and notwithstanding agreement on all issues.

6. No new Israeli settlements in East Jerusalem should be built during this period. This means no building on uninhabited land beyond the neighborhood or settlement boundaries, though the construction of infrastructure within an already built-up area, e.g. house extension, would be permitted.

7. Israel will freeze house demolitions during this period and bring no new cases to administrative demolition committees.

8. No land confiscations in East Jerusalem by the Israeli authorities may take place during this period.

Transition Period

Any agreement on Jerusalem will require a transition period to prepare and implement arrangements in the city. The transition period is especially critical for successfully operationalizing an Open Jerusalem. Below are guidelines for such a period. Based on the needs and requirements on the ground at the time of implementation, the transition period will last between three and five years, unless extended by both parties. It should be noted that, unlike the Oslo transition period, which was open-ended, we suggest the opposite, i.e. rolling back this period from the end goal of Open Jerusalem. In effect, starting with the agreed-upon end goal and taking incremental steps as part of a defined process to achieve it.

The transition period should include the following steps:

1. **Transition from one municipality to two:** Since 1967, under Israeli unilateral annexation, only one municipality (Israel) has governed the city. During the transition period, the new Al-Quds municipality will be established in order to meet the needs of Palestinian Jerusalemites that were inadequately met until now. This will require institutional and professional capacity-building, authority transfer from the Israeli municipality to the new Palestinian one, and elections for an Al-Quds city council and mayor. At this stage, using minimum joint institutions will prevent the recreation of colonial-style relations between Yerushalayim and the developing Al-Quds.

2. **Transfer control of the infrastructure to the respective management authorities:** Based on the infrastructural procedures outlined in the previous section.

3. **The establishment of a "Marshall Plan" for East Jerusalem:** In order to upgrade the East Jerusalem slums and its non-existent infrastructure and services, a Marshall Plan should be established. The Gulf States that have signed normalization agreements (Abraham Accords) with Israel can be integrated into this framework which, rather than waiting for the conclusion of peace, should be implemented immediately.

4. **Changing how the separation wall operates:** The role of the wall will gradually transition from severing East Jerusalem from the West Bank to connecting the two sides. However, East Jerusalemites will maintain their ties to the West Jerusalem employment, goods and service markets because of a dependency on the West, itself due to under-development in the East. In the long term, it is expected that the gap between the cities will narrow, allowing for a more balanced approach. This calls for careful planning, taking into consideration both security and economic requirements.

5. **Security and border arrangements:** Preparing to transform from the current security regime to the new one, agreed between the two parties.

6. **Reserving Palestinian residents' rights up until the period they paid to receive Israeli health and welfare services.**

7. **International recognition:** The international community will recognize the two capitals for two states, and will move their embassies to Jerusalem during the transition period in order to contribute to a sense of momentum towards the successful completion of the process.

Legal issues for further study

The following legal issues call for further discussion:

1. The protection of privacy rights when using biometric technology for border-crossing and data-sharing.

2. The individual rights of East Jerusalemites as Israeli citizens and residents. If they choose to remain in Israel once Palestine, with Al-Quds as its capital, has been established, their status (Israeli resident, citizen of Israel, or citizen of Palestine) should be mutually determined.

3. How to solve legal disputes between citizens of different states (Israel or Palestine), and which courts those citizens will use and be bound by.

4. The legal basis for prosecution of cross-sovereignty crimes, including an agreement on extradition, investigation, arrest, the seizure of evidence, and mutual legal assistance.

5. Legal matters related to the movement, infrastructure, and management of cross-border services such as the light railway and other transport systems.

6. How residency and property ownership in both cities will constitute a sovereign right of each state, and how this will work according to the laws and regulations. Confiscated properties, and properties that fell under the Custodian for Absentees' Property, must be agreed separately. Further questions should relate to the time frame: for how many years following a peace agreement will residency rights on either side be accessible to both peoples? It should be noted that this issue relates directly to settlements and refugees, issues on which Israel and Palestine have agreed to negotiate.

7. Issues related to confiscated private property ownerships, such as the Jewish and Mughrabi quarters in the Old City and elsewhere.

8. It is worth studying the EU system, where free movement between countries is possible, and where states coordinate security policy on some of the matters mentioned above.

Annex I – Sensitive cultural heritage sites in Jerusalem: a primary list

1. The Old City of Jerusalem and its Walls (as stated in the UNESCO's World Heritage List and List of World Heritage in Danger). This includes all of the components of the Haram al-Sharif/Temple Mount and the Church of the Holy Sepulchre. Listing all of the sites in the Old City includes tens of sites and requires clearer definitions. It should be undertaken as part of a further study.

2. The outer walls enclosing the Haram al-Sharif/Temple Mount compound

3. The archaeological park to the south of the Haram al-Sharif/Temple Mount

4. Givati Parking Lot

5. Ophel/City of David

6. The Spring of Silwan/Siloam Spring

7. The Pool of Silwan/Siloam Pool

8. The historical cemeteries in Jerusalem: Jewish cemetery on the Mount of Olives and the Hellenistic tombs in the Kidron Valley, the Jewish cemetery in the Hinnom Valley, the Muslim cemetery Bab al-Rahma and the Yusufiyya cemetery along the eastern wall of the Old City, the Muslim Mamilla cemetery, the Muslim Bab al-Sahira cemetery, the Christian cemeteries on Mount Zion and the Christian cemetery in Kidron Valley.

9. The Tomb of David on Mount Zion including the adjacent Christian holy sites

10. The complex of underground tunnels beneath, and outside of the Old City

11. The Tombs of the Kings at Salah ad-Din Street

12. Several sites on the Mount of Olives, including: the Dome of the Ascension (Qubba t al-Su'ud), Rab'a al-'Adawiyya Tomb/The Tomb of Hulda the Prophetess/St. Pelagia Tomb, a number of churches at the top of the mountain and on its western and southern slopes.

Annex II – Alternative technological and security solutions to a physical border crossing

Below we present a menu of technological approaches that could be applied in an Open Jerusalem as an alternative to a physical border crossing. We explore to what extent facial recognition systems, smart identification tools, and voluntary location sharing provide adequate solutions to security requirements, and note the general need for risk calculation and management when applying such technology to security needs. For the examples that follow, we assume that it is in the joint interest of Palestinians and Israelis to keep the level of risk similar to the present level.

Although this is a technological review, it is important to note that the legality of continuous surveillance operating is unclear. There is an inherent tension between security needs and the protection of privacy and individual freedom – one that has led some cities, such as San Francisco, to ban facial recognition technology – and the decision to implement the systems described below would need to seriously consider this.

A) Facial recognition

Background
Surveillance and facial recognition technology has progressed significantly in recent years due to developments in the fields of machine learning and neural networks. In many airports, as well as at land border crossings, there are border control systems that allow entrance and exit on the basis of presenting a passport and facial recognition. "Smart city" systems have surveillance capabilities using multiple cameras and analysis of the footage. It can also be used as a means of self-identification, for example with the use of cell phones or laptops.

Facial recognition technologies are based on measuring proportions between parts of the face. A computer algorithm then integrates the "facial imprint." However, the approach may be prone to bias due to its dependence on the database of faces used to train the algorithm. For example, it has been found that facial recognition databases lack racial diversity, such that facial recognition systems exhibit inferior performance in recognizing ethnic minorities.

The American National Institute of Standards and Technology (NIST), together with the US Defense Department, have for many years held a competition between facial recognition

algorithms; this is, in fact, the global industry standard. There has been a recognizable improvement in authentication (1:1) in controlled conditions, and therefore this method can be found in border control. In the competition, two kinds of errors are measured: incorrect identifications and missed identification, i.e. false positives and false negatives. It is possible that one can minimize the number of incorrect identifications in exchange for an increase in the number of missed identifications. It is also customary to give an indication of the degree of "confidence" the system has in the result; it is possible to demand a high level of confidence, so that results for which the required level has not been achieved will be marked as such. When surveillance conditions are not controlled, for example the subject's head is at a challenging angle or they are wearing a mask, the system's performance drops accordingly.

In cases of facial recognition through video, for example recordings from street security cameras, facial recognition performance drops significantly; the subject may be wearing a visor, their head may be facing downwards because they are reading messages on their phone. When lighting conditions are poor, or there are significant shadows, facial recognition will be challenging, and errors of both types likely.

Application
The use of facial recognition technology in the context of Open Jerusalem will require the construction of "mandatory crossings" with self-operating stations, similar to those found in some airports and border crossings throughout the world. The person crossing will self-identify with an ID (some kind of smart card) and be validated through facial recognition. The system will generally know how to deal with moderate changes in appearance: a beard, changes in age, prescription glasses, etc. Joint enforcement bodies will specify the level of performance required by the system in accordance with risk management; the specifications will include the security level of the system in the identification results, as mentioned above. When the level of the system's security is lower than the requirements, the person will be asked to move to a work stand for a manual check. Only in this way will it be possible to achieve the level of performance required by the sensitive situation in Jerusalem.

Using facial recognition technology to identify people while they are driving will not be possible, as surveillance conditions will result in unacceptably poor system performance. Even identifying passengers within a stationary vehicle will be challenging, requiring an array of cameras to photograph passengers from different angles.

Facial recognition for border control already exists at several airports and border crossings. However, the matter requires the citizen to self-identify using ID and be photographed in optimal conditions. Facial recognition of a large, moving crowd, without friction or identification, will yield results below the minimum standard for border control.

Supervising a crowd passing freely through the street without friction will not meet the minimal security standard required by the current situation in Jerusalem, at least in the near future; it is possible that a few years from now, or during peacetime, the risk assessment will allow for dependence on facial recognition technology.

B) "Smart" identification

Background

In many countries, it is customary for the state authority to issue citizens with a passport and, if necessary, an identification card. Due to widespread fraud, such states have developed a number of technological measures to make counterfeiting very difficult. The reasonably high assurance that an ID is unlikely to be fake allows, for example, for crossing borders without friction under supervision of a human border inspector. The passenger presents a "smart" or biometric passport to a designated device, along with biometric identifiers such as their fingerprint or face.

Biometric technology makes it possible to digitally measure human characteristics (known as biometric identifiers). This measurement allows for the calculation of a unique value for the biometric identifier which is then stored in a chip form within the biometric document, and can be used for verification.

An important feature of such biometric documents, which include passports and "smart cards", is their ability to store information digitally which can be read either by a physical connection or by a wireless transmission-receiver. Advanced smart cards contain a chip that allows for greater storage space, data protection, and the option for wireless reading, usually in a technology called radio-frequency identification (RFID). RFID allows for transmission of data via electromagnetic induction, meaning the card does not need a battery. Examples include a swipe card for public transport, or the card an employee uses to enter and exit the office.

The use of smart cards with biometric identification has been criticized by information security experts and privacy rights advocates. This is based on the fact that the issuing authority creates a database of the entire population during the issuing process. Beyond

demographic information, the database also contains data such as fingerprints, sometimes first-degree family connections and more, dependent on what is required by the country in question. Recent history has shown that databases cannot be completely protected, and that there is always a risk of leakage. While information contained within the chip on the identity card or passport is supposed to be encrypted and protected, information security experts have shown that there are a number of methods to overcome this. Another risk is the wireless transmission used to read information on the card. Here, too, protection mechanisms exist, but are not impenetrable. The decision to implement this technology must therefore take into account the risk of privacy violations, and weigh the level of encroachment upon individual rights. If implemented carefully, "smart" methods of identification such as biometric data can have many advantages in authenticating ID.

<u>Application</u>
Smart cards can be part of frictionless border control points, although they will still require a "necessary crossing." The traveler identifies with a form of ID containing a chip in which biometric data is stored. This ID is then verified using a biometric feature such as a fingerprint or facial recognition. For the vast majority of travelers, this concludes the process, and the traveler continues on his or her way. It is to be hoped that only a small minority will be unable to continue and be directed to a manual checkpoint.

Another challenge that needs to be addressed is locating anyone undertaking illegal activity. For this purpose, additional security measures must be established, as well as manual checkpoints. All those who do not wish to or cannot use a smart card, as well as those who have not been approved for free passage, will pass through these manual checkpoints. The security measures at these checkpoints will focus on identifying those who are not innocent civilians.

Allowing individuals to opt out is one possible means of addressing privacy concerns. Many citizens may prefer not to carry a smart card for reasons outlined above, and alternatives should be available. Concerns over privacy should be thoroughly explored before implementation. The disadvantage of this solution is the need to establish "necessary crossings" which, solely for the purpose of illustration, resemble the entrance to a large metro station, with a continuous flow of people presenting smart cards to designated devices that permit or deny entry.

<u>Thoughts on a complementary solution</u>

A few years ago, the American Transportation Security Administration (TSA) presented a solution to the problem of shortening waiting times at US Airports through TSA PreCheck. Long wait times were mostly the result of security protocols introduced after 9/11. The solution the TSA found was based on a voluntary process that the traveler carries out while still at home. First, the passenger is asked to fill out a form and provide information about themselves. Then they are invited to a short meeting with a TSA official. The service is offered for a fee. Based on the information provided, a decision is made by the relevant authorities about whether to allow this passenger a quick passage through some of the checkpoints. It should be assumed that after submitting the form, a risk assessment process is carried out for the passenger and the security check process eased accordingly.

A similar solution can be developed by Israelis and Palestinians. Those wishing to move relatively freely between parts of the city will be invited to undergo a voluntary, free-of-charge process, one whose details must be agreed upon. This process will allow the vast majority of travelers to receive significant security reprieves when moving between parts of the city. The transit permit will be valid for a period of time agreed upon in advance and will need to be renewed. The "smart card" reviewed above will serve as a means of verifying the citizen's identity and the security reprieves she or he enjoys.

There are two main drawbacks of this approach. The first is that those who use the service voluntarily give up their privacy by exchanging personal information for security reprieves, and not everybody will wish to do this. The second is that inevitably, the state will not wish to permit everybody to use the service, meaning some travelers (hopefully a relatively small percentage) will need to be directed to manned border crossing stations.

Smart identification, i.e. ID that is difficult to forge and contains additional information such as biometric data, is widely used and can serve as a technological component in a comprehensive system aimed at increasing civilian security in Jerusalem's urban environment. The way it is used, and the "weight" of the overall array of tools, should be defined through a risk management process. A complementary solution that should be considered is to provide an option for those wishing to partake in a preliminary process with the authorities, the result of which in most cases, will be a smoother and freer passage between parts of the city.

C) Location-sharing

<u>Background</u>

The use of location-sharing depends on the goodwill of the user, who will be asked to both install an application and carry a cell phone. The app will be similar to those that have been used for containing the spread of coronavirus. Given the potential privacy implications of such an app, the decision to install it must be voluntary. Additionally, the method is susceptible to many types of manipulation (for example, giving the phone to another person) and therefore cannot be used as the only means of increasing civilian security.

A significant proportion of Israelis and Palestinians use smartphones, i.e. phones connected to a cellular network that enables internet connection. Nearly all smartphones are equipped with a GPS receiver and therefore "know" their own location with an accuracy of at least ten meters. Not everyone has a mobile phone, and non-smart mobile phones (also known as "dumb phones") do not have the capabilities described above. The rest of the review will focus on solutions that make use of the capabilities of smartphones; for those with dumb phones or without mobile phones altogether, different solutions will be required. The applicability of the solution is therefore dependent on the percentage of smartphone owners in the overall population. This figure must be checked, although it is also likely to increase over time.

This process would include an application that the user installs voluntarily and to which the user gives access rights to the phone's data connection and location (GPS). An example of this is Google Maps, which allows you to save all the locations the user has been. The accuracy of the position depends on many variables, the most important being that the device should "see sky", in order to ensure the GPS receiver picks up signals from the device. In certain buildings, underground car parks, elevators and elsewhere, there is no GPS reception, making it impossible to calculate the location. One possibility for addressing this limitation is the use of a system of cameras in such indoor settings.

In a densely populated urban environment, the accuracy of GPS can be compromised by the difficulty of receiving communications from several satellites simultaneously, for example due to concealment. Additional physical challenges are also liable to decrease accuracy.

Another method of pinpointing the location of a cell phone is through cellular network data. The network is divided into cells with an antenna in each cell. It's possible to know

which telephones are receiving service from a particular antenna at any given moment, and therefore to know the location of the device. This method is less accurate, but its accuracy can be improved by a variety of means and it does not require the consent of the user; all that is required is access to certain components in the cellular network. In light of this, we will not discuss it here.

Other methods for finding the location of a mobile phone include the device's WiFi connection or Bluetooth connections. These methods can be combined in an application to improve the accuracy of a location, or in places where GPS signal is poor, however they are usually not sufficient in isolation.

<u>Application</u>

Location-sharing can increase civilian security and be part of the answer to frictionless border crossings. A voluntary location-sharing system may not meet the minimum-security threshold required by Jerusalem, as the only solution, at least in the present, due to limited accuracy susceptibility to user manipulation. It is possible that after several years have passed and with experience of using the method, risk assessment will allow for greater reliance on this technology.

Schematic description of the solution:

The solution is based on a designated application that the user installs voluntarily. After installation, the user will enter demographic details about him/herself, including a picture and fingerprint or another biometric identification mechanism, such as facial recognition. Upon installation, the user will receive a confirmation that she or he has been successfully identified and can use the application. Those who are not approved will receive an individualized response for those who have not received approval.

Registered and approved users whose identity the app has biometrically verified will move between parts of the city freely. The application will report to the call center when they move between parts of the city without friction. If a need arises for a physical meeting of the user with border control personnel or the police, the user can be contacted by phone or located using the location-sharing feature. In this way, it is possible to provide a solution for the vast majority of the population, who are of course law-abiding. The solution needs to be accompanied by one for those who do not own a cell phone or are not willing to share their location at all times.

Another challenge to be addressed is locating anyone undertaking illegal activity. For this purpose, additional security circuits must be established as well as physical border checkpoints. Those who do not want or cannot make use of the application will pass through these transit stations, as well as those for whom the service center has not approved free passage. The security circuits at these positions will focus on pinpointing the locations of those who are not innocent civilians.

In conclusion, a voluntary location-sharing solution based on the GPS capabilities of mobile devices allows for partial application of frictionless border control. This kind of solution is offered at airports around the world, and allows the passenger to perform all flight-related processes without the assistance of a ground crew member. However, complementary measures are required to reach the required level of security. In addition, questions arise regarding the availability of smartphones among the population, as well as their willingness to share location data.