

STUDENT CONTRIBUTION

Jerusalem: Legal Status, Condominium and Middle East Peace

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Any diplomatic process that is serious about achieving a lasting peace between Israelis and Palestinians must provide an answer to the question: what to do about Jerusalem? The city is ground zero for the Middle East conflict. It is holy to the world's three great monotheistic religions—Judaism, Christianity and Islam. Moreover, with a new U.S. president committed to tackling the Middle East peace process, the question of how to deal with Jerusalem is rendered all the more pertinent and timely. A lesser-known proposition for solving the Jerusalem question is based on an idea in international law called condominium. The purpose of this Article is to analyze the condominium model as a solution to the Jerusalem question. The conclusion of this Article is that, in the present circumstances, the condominium model is not a compelling template for resolving the territorial dispute over Jerusalem.

Keywords

Jerusalem, Condominium, Middle East, Holy Places, Judaism, Christianity, Islam

I. Introduction

Any diplomatic process that is serious about achieving a lasting peace between Israelis and Palestinians must provide an answer to the question: what to do about Jerusalem?

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The city is ground zero for the Middle East conflict. It is holy to the world's three great monotheistic religions – Judaism, Christianity and Islam. And, with a new U.S. president committed to tackling the Middle East peace process,¹ the question of how to deal with Jerusalem is rendered all the more pertinent and timely. A lesser-known proposition for solving the Jerusalem question is based on an idea in international law called 'condominium.' The purpose of this Article is to analyze the condominium model as a solution to the Jerusalem question. Notably, there is a dearth of scholarship evaluating the condominium plan for Jerusalem.² Therefore, this Article aims to fill a gap in the literature.³

This Article is divided into four broad sections: Part One discusses the legal status of Jerusalem and the history of legal disputes over the city since the beginning of the British Mandate; Part Two explains what is meant by condominium and why it is relevant to a discussion about the future of Jerusalem; Part Three provides an overview of the case to be made for establishing a condominium in Jerusalem; and Part Four explains why the condominium model, at least in the present circumstances, is not a compelling template for trying to settle the territorial dispute over Jerusalem.

II. Jerusalem: History and Legal Status since the British Mandate

The legal status of Jerusalem is disputed. In 1917, the British captured Jerusalem, a city which had been part of the Ottoman Empire for hundreds of years. That same year, British Foreign Secretary Arthur James Balfour issued a formal statement in what became known as the Balfour Declaration, which provided that the British government "view with favour the establishment in Palestine of a national home for the Jewish people." However, the Balfour Declaration was silent on the subject of the legal status of Jerusalem.⁴

¹ See e.g., The White House Office of the Press Secretary, *Remarks by the President on A New Building, Cairo* (June 4, 2009), available at http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-Cairo-University-6-04-09 (last visited on Feb. 10, 2010).

² This Article addresses and critiques many of the arguments in John V. Whitbeck, *The Future of Jerusalem: A Symposium: The Road to Peace Starts in Jerusalem: The "Condominium" Solution*, 45 CATH. U.L. REV. 781 (1996).

³ The debate over what to do about Jerusalem touches on several other principles of international law such as self-determination and territorial integrity. However, the purpose of this Article is to focus on condominium and its application to Jerusalem. As a result, it is beyond the scope of this Article to discuss international law principles such as self-determination and territorial integrity and their impact on the future of Jerusalem.

⁴ Ruth Lapidoth, *Jerusalem: The Legal and Political Background*, 3 JUST. MAG. (1994), available at

In July 1922, the League of Nations approved the terms of the British Mandate of Palestine. Throughout the British Mandate, Jews and Arabs were given increasing authority to administer their own affairs. However, the terms of the British Mandate, like the Balfour Declaration, did not make reference to Jerusalem.⁵

On November 29, 1947, the United Nations General Assembly approved the United Nations Partition Plan for Palestine,⁶ which would divide Palestine into two separate states: Arab and Jewish. The Partition Plan also provided that Jerusalem “be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.”⁷ The Jewish Agency, representing the Jewish population in Palestine at that time, accepted the plan, while the Arabs rejected it. The United Nations Security Council did not take further action. Accordingly, the plan to partition Palestine and to establish Jerusalem as a “*corpus separatum*” never took legal effect.

On May 14, 1948, Israel declared its independence. Egypt, Iraq, Syria, Jordan, Saudi Arabia and Lebanon invaded the nascent country. Although Israel defeated the invading armies, the war resulted in a divided Jerusalem with Israel controlling West

<http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Jerusalem+Legal+and+Political+BackgrBac k.htm> (last visited on Feb. 10, 2010).

⁵ Although the terms of the British Mandate did not make reference to Jerusalem, Articles 13-15 addressed the question of the Holy Places, providing the British with their responsibility.

Article 13 provided that: “all responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.”

Article 14 provided that: “a special commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.”

Article 15 provided that: “the Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief. The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.”

⁶ G.A. Res. 181(II), U.N. Doc. A/RES/181(II) (Nov. 29, 1947). See also Schedule B.

⁷ G.A. Res. 181(II), III, U.N. Doc. A/RES/181(II) (Nov. 29, 1947). *Corpus separatum* is the Latin term for “separated body.” See also Schedule C.

Jerusalem and Jordan controlling East Jerusalem.⁸

In 1949, Israeli Prime Minister David Ben-Gurion proclaimed Jerusalem the capital of Israel and established Israel's parliament in West Jerusalem. In 1950, Jordan announced the annexation of the West Bank and Jerusalem. However, Israeli claims of sovereignty over West Jerusalem and Jordanian claims over East Jerusalem were not recognized by the international community.⁹

In June 1967, war broke out again in the Middle East. Israeli Prime Minister Levi Eshkol wrote to King Hussein of Jordan saying that Israel "shall not engage ourselves in any action against Jordan, unless Jordan attacks us."¹⁰ Jordan nonetheless initiated violent attacks against Israel, which led to battles over East Jerusalem.¹¹ The result: Jordan lost, and Israel secured control over East Jerusalem.

On November 22, 1967, the United Nations Security Council adopted Resolution 242. The resolution provided for "[w]ithdrawal of Israeli armed forces from territories occupied in the recent conflict."¹² This particular language had important repercussions. To be precise, the resolution did not call for withdrawal of Israeli forces from 'all territories' or 'the territories.'¹³ Thus, it was held that the resolution did not explicitly call on Israel to withdraw from any part of Jerusalem.

In 1980, Israel passed the Basic Law: Jerusalem, Capital of Israel, which provided, *inter alia*, that "Jerusalem, complete and united, is the capital of Israel."¹⁴ However, this was condemned by the United Nations Security Council as "a violation of international law."¹⁵

In 1988, the Palestine National Council of the Palestine Liberation Organization (the "PLO") announced the establishment of Palestine with Jerusalem as its capital. The council declared: "[t]he Palestine National Council, in the name of God, and in the name

⁸ See also Schedule D.

⁹ Pakistan was the only country to recognize Jordan's annexation of both the West Bank and Jerusalem. Great Britain recognized the annexation of the West Bank.

¹⁰ Letter from Levi Eshkol, Prime Minister of Israel, to King Hussein of Jordan (June 5, 1967), available at <http://www.mfa.gov.il/MFA/Foreign%20Relations/Israels%20Foreign%20Relations%20since%201947/1947-1974/16%20Message%20from%20Prime%20Minister%20Eshkol%20to%20King%20Huss> (last visited on Feb. 10, 2010).

¹¹ See *The Six Day War*, available at <http://www.mfa.gov.il/MFA/Foreign+Relations/Israels+Foreign+Relations+since+1947/1947-1974/THE+SIX-DAY+WAR+-+INTRODUCTION.htm>, (last visited on Feb. 10, 2010).

¹² U.N. Doc. S/RES/242 (Nov. 22, 1967).

¹³ According to George Brown, former British Foreign Secretary, "[t]he proposal said 'Israel will withdraw from territories that were occupied,' not from 'the territories,' which means that Israel will not withdraw from all the territories." Arthur Goldbedrg, former U.S. Ambassador to the United Nations in 1967 wrote that: "I never described Jerusalem as occupied territory....Resolution 242 in no way refers to Jerusalem, and this omission was deliberate." Dore Gold, *Jerusalem in International Diplomacy*, (Jerusalem Center for Public Affairs), available at <http://www.jcpa.org/jcprg10.htm> (quoting George Brown and Arthur Goldberg), (last visited on Feb.10, 2010).

¹⁴ Basic Law: Jerusalem, Capital of Israel, art.1.

¹⁵ Prompted by the UN Security Council's call on member nations to withdraw their embassies from the city, thirteen countries did so. In 1982, the Embassy of Costa Rica returned to West Jerusalem. El Salvador followed.

of the Palestinian Arab people, hereby proclaims the establishment of the State of Palestine on our Palestinian territory with its capital Jerusalem (Al-Quds Ash-Sharif).¹⁶ However, the Palestinian attempt to claim sovereignty over Jerusalem failed because it has not been recognized by the international community as having any legal effect.

In 1995, the U.S. Congress adopted the Jerusalem Embassy Act, recognizing Israeli rule over East Jerusalem. The Act provided that: “(1) Jerusalem should remain an undivided city in which the rights of every ethnic and religious group are protected; (2) Jerusalem should be recognized as the capital of the State of Israel; and (3) the United States Embassy in Israel should be established in Jerusalem no later than May 31, 1999.”¹⁷ However, the Act also included a provision enabling the President of the U.S. to postpone the law’s application should it be in the interests of U.S. national security.¹⁸ Indeed, U.S. presidents have invoked this provision since Congress adopted the legislation. Thus, despite the Jerusalem Embassy Act, the U.S. government has not officially recognized Israel’s claim of sovereignty over Jerusalem by setting up its embassy in that city.

On September 13, 1993, Israel and the PLO signed the Declaration of Principles (“the Oslo Accords”). The primary object of the Oslo Accords was to “establish a Palestinian Interim Self-Government Authority ... for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on the Security Council Resolutions 242 and 338.”¹⁹ The Oslo Accords also provided that “[p]ermanent status negotiations will commence as soon as possible...these negotiations shall cover remaining issues, including: Jerusalem...”²⁰

In July 2000, at the Camp David talks on the final status agreement, the U.S. suggested that the Armenian and Jewish Quarters of the Old City be placed under the sovereignty of Israel and that the Christian and Muslim Quarters fall under the sovereignty of a future Palestine. Israeli Prime Minister Ehud Barak offered to consider the suggestion — and others — as a basis for negotiation, on the condition that Yasser Arafat, Chairman of the Palestinian Authority (“PA”), did the same. However, Arafat rejected the offer outright.²¹

¹⁶ Palestinian Declaration of Independence (Nov. 15, 1988).

¹⁷ Jerusalem Embassy Act of 1995, Pub. L. No. 104-45, S. 1322 (1995).

¹⁸ Section 7 of the Jerusalem Embassy Act of 1995 provides that “[t]he President may suspend such limitation for an additional six month period at the end of any period during which the suspension is in effect under this subsection if the President determines and reports to Congress in advance of the additional suspension that the additional suspension is necessary to protect the national security interests of the United States.”

¹⁹ Declaration of Principles on Interim Self-Government Arrangements, Israel — PLO (Sept. 13, 1993), available at http://www.knesset.gov.il/process/docs/oslo_eng.htm (last visited on Feb.10, 2010).

²⁰ *Id.*

²¹ Instead, Arafat demanded an arrangement for Jerusalem in accordance with the Arab interpretation of Resolution

On June 24, 2002, U.S. President George W. Bush outlined the “Roadmap for Peace.” Phase III of the plan called for “final, permanent status resolution in 2005, including on borders, Jerusalem, refugees settlements.”²² However, nothing materialized.

On November 27, 2007, the U.S. hosted the Annapolis Conference to address core issues such as Jerusalem. Despite efforts to conclude an agreement before 2008,²³ no agreement was reached. Hence, the debate over the legal status of Jerusalem persists.

III. Condominium and the Future of Jerusalem

A. What Exactly Is Condominium and How Does It Differ from Traditional Sovereignty?

The concept of condominium can be confusing. It has been described variously as: (1) “joint sovereignty by two or more nations;”²⁴ (2) “joint undivided sovereignty;”²⁵ (3) “division of sovereignty, or joint sovereignty, or both;”²⁶ (4) a “piece of territory consisting of land or water...under the joint tenancy of two or more States, [with] these several States exercising sovereignty conjointly over it, and over the individuals living thereon;”²⁷ (5) “territory placed under the joint authority of two or more states and thus subject to the different states’ rules, which have been issued by a joint organ;”²⁸ and (6) “the status of a territory where the enjoyment and exercise of the competences...belong to a partial international community characterized by the juridical and functional equality of the member states; this community exercises its competences with the help of particular international organs, immediate or mediate.”²⁹

242, which reads the words “all” or “the” into the text of the resolution, thereby calling for the Israeli withdrawal of “all” (or “the”) territories occupied in 1967, including those territories in Jerusalem. See Dore Gold, *Jerusalem in International Diplomacy: The 2000 Camp David Summit, The Clinton Plan, And Their Aftermath*, (Jerusalem Center for Public Affairs) (2001), available at <http://www.jcpa.org/jl/vp447.htm> (last visited on Feb.10, 2010).

²² The BBC News, *The Roadmap: Full Text*, available at http://news.bbc.co.uk/2/hi/middle_east/2989783.stm (last visited on Feb.10, 2010).

²³ George W. Bush, President of the U.S., Remarks at the Annapolis Conference (Nov. 27, 2007) available at <http://www.haaretz.com/hasen/spages/928652.html> (last visited on Feb.10, 2010).

²⁴ Black’s Law Dictionary (8th ed. 2004).

²⁵ John V. Whitbeck, *The Future of Jerusalem: A Symposium: The Road to Peace Starts in Jerusalem: The “Condominium” Solution*, 45 CATH. U.L. REV. 781 (1996).

²⁶ Vincent P. Bantz, *The International Legal Status of Condominia*, 12 FLA. J. INT’L L. 77 (1998) (citing the definition of condominium by Hersh Lauterpacht).

²⁷ *Id.* (citing the definition of condominium by Lassa Oppenheim).

²⁸ *Id.* (citing the definition of condominium by Alfred Verdross).

²⁹ *Id.* (citing the definition of condominium by Alain Coret).

To gain a better understanding of what condominium means, it is helpful to contrast condominium with the concept of full sovereignty. Sovereignty generally refers to the “autonomous control of that territory.”³⁰ It is often understood to mean full and exclusive jurisdiction.³¹ In the *Island of Palmas (Miangas) Case*, the Permanent Court of Arbitration defined sovereignty as follows:³²

Sovereignty in the relations between States signifies independence. Independence in regard to a portion of the globe is the right to exercise therein, to the exclusion of any other State, the functions of a State. The development of the national organization of States during the last few centuries and, as a corollary, the development of international law, have established this principle of the exclusive competence of the State in regard to its own territory in such a way as to make it the point of departure in settling most questions that concern international relations...

In sum, it can be said that sovereignty signifies exclusive jurisdiction,³³ while condominium signifies a territory belonging to more than one particular authority. Accordingly, for the purposes of this paper, condominium will be defined as “joint sovereignty.”

B. What Proposals Have Been Made Concerning the Possibility of a Condominium in Jerusalem?

The conventional proposal for bringing peace to Jerusalem is to divide the city into two: West Jerusalem would serve as the capital of the State of Israel and East Jerusalem would serve as the capital of a future Palestinian state. A lesser known proposition has been to place Jerusalem under a condominium. For example, John V. Whitbeck has argued that the only conceivable solution for Jerusalem is condominium, meaning “joint sovereignty over an undivided city. In the context of a two-state solution, Jerusalem could form an undivided part of both states, constitute the capital of both states...”³⁴ Hady Amr and Joel H. Samuels have similarly contended that the solution for Jerusalem is shared sovereignty.³⁵ In 2007, Amr and Samuels wrote about a “closed-door gathering of former Israeli and Palestinian negotiators” in which “one of the concepts

³⁰ JOHN H. CURRIE ET AL., *INTERNATIONAL LAW: DOCTRINE, PRACTICE & THEORY* 281 (2007).

³¹ *Id.*

³² *Island of Palmas case (Neth. v. U.S.)*, 1928 P.C.A. 2 U.N. Rep. Int'l Arbitral Awards 829.

³³ Currie et al., *supra* note 30 at 283.

³⁴ Whitbeck, *supra* note 25.

³⁵ Hady Amr & Joel H. Samuels, *For Jerusalem, Shared Sovereignty*, *THE WASHINGTON POST* (July 21, 2007), available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/20/AR2007072001816.html> (last visited on Feb.10, 2010).

that was rapidly and relatively easily agreed upon was the idea of ‘shared’ sovereignty over the Old City of Jerusalem -- known in international law as a ‘condominium.’”³⁶ We shall now turn to a discussion of historical examples of condominium in order to better appreciate what it means.

C. Historical Examples of Condominium

1. *Hittite-Egyptian Condominium*

The first recorded example of condominium is said to have taken place between the Hittite Empire and Egypt in the thirteenth century B.C.³⁷ The Hittites and Egyptians were at war for several years in Asia Minor, and they agreed to establish a condominium in order to resolve their territorial disputes. Unfortunately, the details on the disputed territory and the Hittite-Egyptian condominium are sparse as limited documentation exists.³⁸ However, there are more recent examples to which we can turn.

2. *Moresnet*

A condominium is said to have been established from 1816 to 1919³⁹ over the territory of Moresnet, which lies a few kilometres from where the borders of Germany, the Netherlands and Belgium meet.⁴⁰ Both Prussia and the Netherlands claimed sovereignty over Moresnet. To settle their territorial dispute, Prussia and the Netherlands established a condominium. As the village of Moresnet became Dutch, and Neu-Moresnet became part of Prussia, a condominium was established over the zinc mine and the village of Kelmis, which surrounded the mine. Both parties were responsible for the joint administration of the territory.

When Belgium gained independence from the Netherlands in 1830, it took over the Netherlands’s role in the condominium. The kings of Prussia and Belgium were placed in charge of the condominium. The condominium was administered by a mayor, two deputy mayors and a ten-member town council.⁴¹ In 1919, the short-lived condominium came to an end. Article 32 of the Treaty of Versailles recognized “the full sovereignty of Belgium over the whole of the contested territory of Moresnet.”⁴²

³⁶ *Id.*

³⁷ See Joel H. Samuels, *Condominium Arrangements in International Practice: Reviving an Abandoned Concept of Boundary Dispute Resolution*, 29 MICH. J. INTL L. 727 (2008).

³⁸ *Id.* at n. 26.

³⁹ *Id.*

⁴⁰ *Id.* See also Schedule G.

⁴¹ Bantz, *supra* note 26.

⁴² *Id.* (quoting Article 32 of the Treaty of Versailles). In World War II, Germany briefly annexed Moresnet. Aside from that brief period during the war, however, Moresnet has remained under the sovereignty of Belgium.

Interestingly, during the period of condominium, only 500 original residents remained in Moresnet. These residents were joint citizens of Prussia and Belgium, and were not compelled into military service of either state. Those who commuted to work in Moresnet were subject to the criminal laws of either Prussia or Belgium, depending upon their citizenship. Policing duties in the condominium were carried out by police commissioners of both Prussia and Belgium. Civil disputes could be settled in “either the Belgian Tribunal of Verviers or the Prussian Tribunal at Aix-la-Chappelle,”⁴³ depending upon the choice of the litigants.

3. *New Hebrides*

A condominium is also said to have been established in the New Hebrides, an island group in the South Pacific that was colonized by both France and the United Kingdom in the late 19th century. Through the Pacific Order in Council in 1893, the British High Commissioner of the Western Pacific Court was given jurisdiction to decide cases influencing British citizens according to the British law.⁴⁴ In 1900, French law was introduced for French people in the New Hebrides. Article I (1) of the 1906 Treaty on the New Hebrides stipulated that “the subjects of the two Powers would enjoy equal rights of residence, personal protection and trade, and each of the two Powers will retain jurisdiction over its own subjects.”⁴⁵

On August 29, 1907, the General Instructions to the British and French High Commissioners provided that “[t]he desire of the two Governments is to secure the exercise of their paramount rights...in the New Hebrides. The two Powers, who were mutually bound not to intervene separately in the New Hebrides, now agree to intervene there together...the two countries jointly assume jurisdiction in the islands...”⁴⁶ In terms of jurisdiction, Article VIII(3) of the 1914 Protocol on the New Hebrides provided that “the High Commissioners and Resident Commissioners shall have authority over the native chiefs, [and] they shall have power to make administrative and police regulations binding on the tribes, and to provide for their enforcement.”⁴⁷

Both the British and French government had sovereignty over their nationals living in the New Hebrides. The indigenous people of the New Hebrides were governed jointly by the British and the French.⁴⁸ Legal procedures were administered by a Joint Court, which was comprised of a British judge, a French judge and a third

⁴³ Samuels, *supra* note 37.

⁴⁴ Bantz, *supra* note 26.

⁴⁵ *Id.* (quoting Article I (1) of the 1906 Treaty on the New Hebrides).

⁴⁶ *Id.* (quoting the General Instructions to the British and French High Commissioners).

⁴⁷ *Id.* (quoting Article VIII(3) of the 1914 Protocol on the New Hebrides).

⁴⁸ Samuels, *supra* note 37.

party.⁴⁹ Government services, such as health and public works, were paid for by the British and French governments. Local revenues paid for government services.⁵⁰ The police force was divided into a British unit and a French unit. Native officers served in both forces. Each unit took responsibility for its nationals.⁵¹

The New Hebrides condominium was terminated in order to allow the native population to achieve independence. In 1979, the New Hebrides became an independent republic renamed Vanuatu.⁵²

4. *Andorra*

From 1278 to 1993, the Principality of Andorra, located between France and Spain, was under condominium. Andorra was first under the sovereignty of Bishop of Urgell in Catalonia and the Comte de Foix of southern France.⁵³ In 1589, the King of France was granted the French rights over the territory. After the French revolution, France held rights as the co-sovereign of Andorra. However, Spain was never granted co-sovereign rights over Andorra from the Bishop of Urgell. As a result, it has been pointed out that Andorra was not really a condominium *per se*.⁵⁴ The territory was jointly-administered, yet “[t]he power of administration was not shared by two States; rather, it was held by the leader of a State (France) and an individual (the Bishop of Urgell in Spain).”⁵⁵ In 1993, the indigenous peoples of Andorra sought self-determination and achieved sovereignty.

D. Common Features of Condominium

Considering the foregoing historical examples, it can be said that the common features of condominiums are that they (a) are used as legal mechanisms to resolve territorial disputes⁵⁶ and (b) have an impermanent and transitory nature.⁵⁷ Indeed, the typical trajectory of a condominium can be traced as follows. First, dispute between two or more parties under whose sovereignty the territory falls. Second, the territorial dispute leads to the establishment of a condominium. What happens in the third stage depends

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² See also Schedule E.

⁵³ Samuels, *supra* note 37, at n. 35. See also Schedule F.

⁵⁴ See Samuels, *supra* note 37, at n. 41.

⁵⁵ *Id.* at n. 41.

⁵⁶ This was true of the Hittite-Egyptian dispute, the Prussian-Netherlands dispute over Moresnet, the British-French dispute over the New Hebrides, and the dispute over Andorra between the Bishop of Urgell and France.

⁵⁷ The notable exception is Andorra. However, Andorra was arguably not a condominium since it did not fall under the sovereignty of two states. See Samuels, *supra* note 37 at n. 41.

on the nature of the condominium — specifically, whether the condominium is a frontier condominium or a colonial condominium.⁵⁸ In the case of a frontier condominium, one state eventually incorporates the entire disputed territory into its own. This happened in the case of Moresnet, which was eventually claimed in whole by Belgium. In the case of a colonial condominium, colonial states first act as co-sovereigns of the disputed territory. However, the colonial condominium comes to an end when the indigenous peoples seek and ultimately attain sovereignty. This was true in the New Hebrides.

To summarize, the establishment of a condominium has failed to provide a lasting and comprehensive solution to territorial disputes. We shall now turn to examining the condominium model as a solution to the Jerusalem question.

IV. The Case for Condominium in Jerusalem

As noted by John V. Whitbeck, there are several arguments that could be made in favour of placing Jerusalem under condominium. First, the condominium plan could provide both the Israelis and the Palestinians with a fresh vision for the city because the plan has not been officially rejected by either group.⁵⁹ Moreover, the idea of a united Jerusalem serving as the capital of two independent states could potentially present an inspiring vision for reconciliation and integration.⁶⁰

Second, it is possible that a united Jerusalem under the condominium of Israel and a future Palestine could provide both the Israelis and the Palestinians international recognition of sovereignty. Israel and the Palestinians could both finally welcome embassies to the Holy City.⁶¹

Third, sharing Jerusalem under a condominium could mean that neither Israel nor a future Palestine would have to worry about the implementation of the Security Council Resolution 242,⁶² the interpretation of which is disputed by both parties.⁶³ Under the

⁵⁸ A frontier condominium is one that “borders on all of the condominium partners” and a colonial condominium is one that “does not border on the condominium partners.” See Samuels, *supra* note 37.

⁵⁹ Whitbeck, *supra* note 25.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² U.N. Doc. S/RES/242 (Nov. 22, 1967).

⁶³ The Israeli side has argued that it is entitled to “secure and recognized borders” and only required to withdraw from ‘territories’ as opposed to ‘the territories’ or ‘all territories.’ See Dore Gold, *Jerusalem in International Diplomacy: The 2000 Camp David Summit, The Clinton Plan, And Their Aftermath* (2001), available at <http://www.jcpa.org/jl/vp447.htm> (last visited on Feb.10, 2010). In contrast, the Palestinian side has argued that Israel should be withdrawn from all

Israeli interpretation of Resolution 242, the Palestinians could theoretically be shut out of Jerusalem altogether. Under the Palestinian interpretation, the Israelis would have to give up all of East Jerusalem conquered as a result of the June 1967 war, including the Old City. The establishment of a condominium would render this legal and political debate moot. It would be one less political and legal challenge for both parties to resolve.

Fourth, dividing or ‘giving up’ parts of Jerusalem has been a point of contention in prior negotiations between Israel and the PA. However, under the condominium arrangement, both sides would be able to keep all of Jerusalem.⁶⁴ The Israeli government could assure its citizens that Jerusalem would remain the “undivided and eternal capital of the State of Israel.” The PA could also guarantee that placing Jerusalem under a condominium is fully in line with the 1988 Declaration proclaiming “the establishment of the State of Palestine on our Palestinian territory with its capital Jerusalem (Al-Quds Ash-Sharif).”⁶⁵ Moreover, neither side would have to worry about losing Jerusalem to a third party, such as the international community, as envisaged under the corpus separatum plan of 1947.

Fifth, since both the Israelis and Palestinians would very likely be concerned about not having proper representation at the municipal level of government, a condominium arrangement could allow for Jewish Jerusalemites to be primarily represented by Jews, and for Arab Jerusalemites to be primarily represented by Arabs.⁶⁶ This could be achieved by delegating responsibility for the administration of the city to local district councils as well as an umbrella municipal administration.⁶⁷ Since neighbourhoods in Jerusalem are for the most part not integrated, Jews would not have to worry about being represented by Arabs at the district council level, and *vice versa* — as long as the boundaries of districts were determined in accordance with the current configurations of neighbourhoods. In other words, Jews could vote for and elect Jews in their districts, and Arabs could vote for and elect Arabs in their districts.⁶⁸ In order to ensure a balanced umbrella municipal council, Israelis and Palestinians could agree in advance that representation of both communities should be set at pre-determined fixed levels. Moreover, the umbrella municipal administration could be run by a mayor, to be elected by both Jewish and Arab Jerusalemites. To ensure balanced representation at the

territories occupied in the war, including East Jerusalem, noting “the inadmissibility of the acquisition of territory by war.” See <http://www.palestine-pmc.com/pissue/summary.asp> (last visited on Feb.10, 2010).

⁶⁴ Whitbeck, *supra* note 25.

⁶⁵ Palestinian Declaration of Independence (Nov. 15, 1988).

⁶⁶ See Whitbeck, *supra* note 25.

⁶⁷ *Id.*

⁶⁸ *Id.*

senior levels of the municipality, the parties could agree to elect two mayors or one mayor and one deputy mayor. There could be a requirement that one position be filled by a Jewish Jerusalemite and another by an Arab Jerusalemite.

Sixth, placing Jerusalem under a condominium would mean that Israelis and Palestinians could avoid dealing with the challenge of determining borders because the city would not be divided. To provide just one example of the complexity of dividing the city and determining borders, two major Israeli institutions lie on Mount Scopus in East Jerusalem: the Hebrew University of Jerusalem and Hadassah Hospital. In a Jerusalem divided by East and West, securing access to these two institutions would be tremendously challenging and likely to be a very difficult point of contention in negotiations. Placing Jerusalem under a condominium would circumvent this challenge.

Seventh, safety and security could be achieved under a condominium by precluding Israeli and Palestinian military forces from entering the city. An integrated joint Israeli-Palestinian police force could be established to ensure security in the city. If necessary, both parties could have their own police services to patrol their own districts. Moreover, Israelis and Palestinians could create a special integrated unit to protect the holy places in the Old City and to ensure free access to places of worship.

V. The Case against Condominium in Jerusalem

Despite the foregoing benefits of placing Jerusalem under the joint undivided sovereignty of Israel and a future Palestinian state, there are several reasons why the plan is problematic and not a particularly effective template for bringing a lasting peace to Jerusalem.

A. Condominiums Are Often Fragile, Unstable and Unsustainable

The condominium model appears to be inherently unstable and fragile.⁶⁹ Moreover, most condominiums have not been sustainable.⁷⁰ Accordingly, Israelis and Palestinians would be wise to take heed of the fact that the majority of condominiums do not work out in the long term. The last thing both parties want is greater complexity, chaos and disorder. Applying a legal mechanism such as condominium, which has the tendency to break down, is not ideal for attempting to solve the significant territorial dispute that

⁶⁹ See *e.g.*, the condominium in Moresnet and in the New Hebrides.

⁷⁰ As discussed above, the notable exception is the Principality of Andorra, which is arguably not even a condominium. See Samuels, *supra* note 37, at n. 41.

exists with regards to Jerusalem. Moreover, there is a lack of precedent for establishing a sustainable condominium over a frontier territory that has the political, religious and historical significance of Jerusalem.

It is reasonable ask: if the condominium model is so unsustainable, how was the so-called condominium in the Principality of Andorra able to last for 700 years? The answer is not clear. However, it is worthwhile to point out that: (a) it is arguable that a real condominium did not exist in Andorra because the two states were not co-sovereigns;⁷¹ (b) Andorra became its own state with its indigenous people seeking self-determination instead of being swallowed up by one of the states on its borders; and (c) Andorra is relatively remote and unimportant in international affairs, and does not exert significant emotional, historical, political or religious influence over the French and the Spanish. Indeed, the so-called condominium over Andorra may have been maintained for so long because the territory was simply not important enough to France and to the Bishop of Urgell to merit fighting. In contrast to Andorra, as well as to the few condominiums that still exist,⁷² Jerusalem does assume emotional, historical, political and religious significance for many people in the world. That France and the Bishop of Urgell were able to agree on establishing a condominium in 1207 in a remote area of the world does not persuasively suggest that Israelis and Palestinians will be able to follow suit in Jerusalem.

B. Jurisdictional Challenges

A condominium in Jerusalem would present immensely complex jurisdictional challenges for Israel and a future Palestinian state. Indeed, all possible jurisdictional arrangements are highly complicated and raise further questions and potential difficulties.

The first possible arrangement would be to adopt a set of laws distinct from the Israeli or Palestinian legal systems.⁷³ However, this raises several questions: how would these laws be determined? Would these laws be based on common law, civil law, Jewish law or Shariah law (Islamic religious law)? Such questions could not be overlooked by Israeli and Palestinian negotiators.

A second possibility would be to apply Israeli law in the predominantly Jewish districts of Jerusalem, and Palestinian law in the predominantly Arab districts.⁷⁴ This

⁷¹ Samuels, *supra* note 37 at n. 41.

⁷² One example is Pheasant Island, which is under the joint sovereignty of Spain and France. The island is only 2000 square metres. Another example is the Gulf of Fonseca, a gulf in Central America, which is under the control of Honduras, El Salvador and Nicaragua.

⁷³ Whitbeck, *supra* note 25.

⁷⁴ *Id.*

would be problematic, too. Indeed, it would require doing what the condominium model was supposed to circumvent: drawing borders (albeit for districts rather than for two independent states). Determining legal jurisdiction based on districts would be exceptionally difficult in some areas of the city. Let us consider the Old City, for example, which is only one square kilometre and currently divided into Jewish, Christian, Armenian and Muslim quarters. Would the Old City constitute one district? Would it be divided into two districts, one Israeli and one Palestinian? Or would it be comprised of four districts to correspond to its four quarters? In such a case, Israeli law could presumably cover the Jewish Quarter, and Palestinian law would cover the Muslim Quarter. However, which law would apply over the Christian and Armenian quarters? Which law would apply to the Temple Mount — the holiest site for Jews and Muslims?

A third possibility has been proposed to create “a more flexible system whereby the law applicable in any specific instance would depend on the subject matter, the parties involved, and the municipal district in which the issue or dispute arises.”⁷⁵ This already takes place to a certain extent with respect to marriage laws in Israel. Israeli law currently does not provide for civil marriages in Israel; religious law exclusively governs the laws of marriage.⁷⁶ Thus, for example, Jewish law governs marriages between Jews, and Muslim law governs marriages between Muslims. This is based on the Ottoman Millet system, in which each individual is subject to the religious laws of his or her community.⁷⁷ However, this current system is not without challenges or controversies, which are based in part on the notion of applying different laws to different people.⁷⁸

It has been suggested that legal experts could determine when to apply civil or criminal law, Israeli or Palestinian law.⁷⁹ Moreover, it has been argued that a mixed panel — comprised of Israeli, Palestinian and international jurists — could be created, which parties could resort to in the event of a jurisdictional question.⁸⁰ This concept has great challenges. The Israeli legal system has been influenced by common law, civil law and Jewish law (and even Islamic law, to a much lesser extent, as a result of being part

⁷⁵ *Id.*

⁷⁶ Yuval Merin, *The Right to Family Life and Civil Marriage Under International Law and its Implementation in the State of Israel*, 28 B.C. INTL & COMP. L. REV. 79 (2005).

⁷⁷ Ilan Saban, *The Legal and Socio-Economic Status of Arab Citizens in Israel: Contribution: Minority Rights in Deeply Divided Societies: A framework for Analysis and the Case of the Arab-Palestinian Minority in Israel*, 36 N.Y.U. J. INTL L. & POL. 885 (2004).

⁷⁸ See Seth Freedman, *Marriage and intolerance in Israel: Israel is a bad country to marry a Jew in, if you're not Jewish yourself. And the rabbis disagree about who is Jewish*, Guardian (Aug. 13, 2009), available at <http://www.guardian.co.uk/commentisfree/belief/2009/aug/13/religion-judaism> (last visited on Feb.10, 2010).

⁷⁹ Whitbeck, *supra* note 25.

⁸⁰ *Id.*

of the Ottoman Empire for four hundred years).⁸¹ Furthermore, Hamas seeks to establish Shariah law in the Palestinian territories,⁸² which is vastly different from the Israeli legal system. Determining which legal system should be applied to each district could be a very complicated endeavour. This “flexible system” could be most difficult to apply in the Old City, which is so condensed and small. Finally, and very significantly, this option would likely be deleterious for Jerusalem’s economy as the sheer complexity of such a legal arrangement may discourage business in the Holy City.

C. Governing Challenges

Determining how to compose the municipal government in Jerusalem under a condominium would present another challenge. Would there be one mayor, to be elected by both Jewish and Arab Jerusalemites? Would there be two mayors, one to represent Jewish Jerusalem and another to represent Arab Jerusalem? Or should there be one mayor and one deputy mayor, the assumption being Jewish Jerusalem would be represented by one and Arab Jerusalem being represented by the other? These questions could not be neglected and would present significant challenges during negotiations over the terms of the condominium.

D. Security of Holy Places

Under a condominium, security responsibilities would almost certainly have to be shared by the co-sovereigns. However, this could be problematic under a condominium because there have been several indications that the Palestinians are not reliable partners for sharing the responsibility of ensuring the safety and security of all holy places in Jerusalem. Several examples demonstrate this point. First, in 1995, Israeli Prime Minister Yitzhak Rabin and PA Chairman Yasser Arafat reached an agreement that Rachel’s Tomb would remain under Israeli control.⁸³ Due to concerns that the tomb would be attacked by terrorists, Israel decided in 1996 to fortify the site. In response, the

⁸¹ See Shlomo Guberman, *The Development of the Law in Israel: The First 50 Years* (June 19, 2000), available at <http://www.mfa.gov.il/MFA/History/Modern+History/Israel+at+50/Development+of+the+Law+in+Israel+The+First+50+Yea.htm> (last visited on Feb.10, 2010).

⁸² *The Covenant of the Islamic Resistance Movement*(Hamas Charter), art. 11 (Aug. 18, 1988), available at <http://www.mideastweb.org/hamas.htm> (last visited on Feb.10, 2010).

⁸³ For more than 1700 years, the tomb, which lies at the outskirts of Southern Jerusalem and northern Bethlehem, has been identified as belonging to the Biblical matriarch Rachel. See Nadav Shragai, *The Palestinian Authority and the Jewish Holy Sites in the West Bank: Rachel's Tomb as a Test Case*, (Jerusalem Center for Public Affairs), Dec. 2, 2007, available at <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&TMID=111&LNGID=1&FID=377&PID=0&IID=1923>, (last visited on Feb.10, 2010).

Palestinians claimed that the tomb was on Islamic land,⁸⁴ and rioters, led by PA-appointed governor of Bethlehem, Muhammad Rashad al-Jabari attacked the tomb. Kifah Barakat, the presidential guard of Yasser Arafat, was also part of the mob. There were more attacks on December 4, 2000. This time the attacks were carried out by members of the Palestinian security services.⁸⁵

Second, in October 2000, Israel agreed to withdraw its military troops from Joseph's Tomb, situated in the West Bank town of Nablus, which is considered to be the burial place of the Biblical figure Joseph. In return, Palestinian police committed to protect the tomb. Yet Palestinian police stood by while a Palestinian mob destroyed the site and burned holy books. Although the mayor of Nablus said that the site would be repaired, there have been reports that workers have been painting the top of the dome green, the colour of Islam.⁸⁶

Israel's conduct with regard to the holy sites has been markedly different. Israel vowed in its Declaration of Independence that it "guarantees freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations."⁸⁷ In July 1948, Prime Minister David Ben-Gurion gave an order to "prepare a special, loyal and disciplined force...to open fire mercilessly on any Jew who might attempt to rob or desecrate any holy site, whether Christian or Muslim."⁸⁸ Following the Six-Day War, Israel prohibited Jews from worshipping at the Temple Mount — the holiest site in Judaism — in order to avoid conflict. On June 27, 1967, Israel passed the Protection of Holy Places Law, which provided that "[t]he Holy Places shall be protected from

⁸⁴ Nadav Shragai, *The Palestinian Authority and the Jewish Holy Sites in the West Bank: Rachel's Tomb as a Test Case*, (Jerusalem Center for Public Affairs), Dec. 2, 2007, available at <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&TMID=111&LNGID=1&FID=377&PID=0&IID=1192> (last visited on Feb.10, 2010).

⁸⁵ In that year, Palestinians began referring to the Tomb as the "Bilal ibn Rabah mosque." Bilal ibn Rabah was known as one of the Prophet Muhammad's greatest companions and who served as the first muezzin, the one who leads the call to prayers. The PA claimed that Islamic tradition holds that Muslim conquerors named the mosque after Bilal ibn Rabah. This claim was made despite the fact that the Ottomans in the early nineteenth century decreed that Jews were entitled to access to the site and the fact that Islamic tradition recognizes the tomb as Rachel's burial place. See Shragai, *supra* note 84.

⁸⁶ There are other examples as well. On the eve of the Jewish New Year in 2000, Palestinian crowds threw stones down upon Jewish worshippers at the Western Wall, who had to be evacuated as a result. In October 2000, an ancient synagogue in Jericho was looted and the holy books inside were burned. This occurred despite Article 15 of Annex II of the Gaza-Jericho Agreement signed by Israel and the PA in May 1994, which provided that "the Palestinian Authority shall ensure free access to all holy sites in the Gaza Strip and the Jericho Area."

⁸⁷ The Declaration of the Establishment of the State of Israel (May 14, 1948), available at http://www.knesset.gov.il/docs/eng/megilat_eng.htm (last visited on Feb.10, 2010).

⁸⁸ Nadav Shragai, *Jerusalem: The Dangers of Division: An Alternative to Separation from the Arab Neighborhoods* (Jerusalem Center for Public Affairs), Oct. 2008, available at <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&TMID=111&LNGID=1&FID=582&PID=0&IID=2646> (quoting Prime Minister David Ben Gurion) (last visited on Feb. 10, 2010).

desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places.”⁸⁹ Moreover, it stipulated that “[w]hosoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years” and that “[w]hosoever does anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places shall be liable to imprisonment for a term of five years.” To this day, Israel maintains a strong police presence in the Old City and maintains ongoing contact with Muslim authorities to ensure protection of all holy places.⁹⁰

As a consequence, the failure on the part of Palestinians to safeguard Jewish holy sites has weakened the chance that Israelis and Palestinians can work together within a condominium framework to ensure that all holy places are protected. Moreover, there is not sufficient support to suggest that a legal mechanism such as condominium can be used to overcome these significant challenges and adequately address the issue of protection of holy places.

E. Threat to Israeli Security

Establishing a condominium would require the delegation of important security responsibilities to Palestinian authorities. Because of several acts of terrorism perpetrated by Palestinians in East Jerusalem and throughout Israel,⁹¹ Israelis would likely be reluctant to withdraw their military in favour of establishing a joint police unit. Indeed, replacing the Israeli Defence Forces with a joint police force in Jerusalem may not be regarded by Israel as sufficiently effective for protecting public safety in Jerusalem. This factor alone may preclude the establishment of a condominium over Jerusalem.

⁸⁹ Protection of Holy Places Law, 1967, (Isr.), available at <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Protection+of+Holy+Places+Law.htm>, (last visited on Feb.10, 2010).

⁹⁰ See Shragai, *supra* note 84.

⁹¹ In 2003, a report by the Israeli Prime Minister’s Office highlighted the activity of Hamas among East Jerusalem Palestinians and the significant role played by East Jerusalem Palestinians in the execution of terror attacks in Israel. More recently, in March 2008, a Palestinian from East Jerusalem killed eight students at the Merkaz Harav yeshiva in Jerusalem. On July 2, 2008, a Palestinian from East Jerusalem killed three Israelis and wounded 45 others in West Jerusalem with his bulldozer. Donald Macintyre, *Bulldozer terror rampage in Jerusalem*, THE INDEPENDENT (July 3, 2008), available at <http://www.independent.co.uk/news/world/middle-east/bulldozer-terror-rampage-in-jerusalem-859110.html> (last visited on Feb.10, 2010). Three weeks later, another Palestinian from East Jerusalem used his bulldozer to attack civilians, wounding 15 people. Etgar Lefkovits, *16 hurt in bulldozer attack in Jerusalem*, JERUSALEM POST, July 22, 2008.

F. Potential to Exacerbate the Conflict

Placing Jerusalem under a condominium may exacerbate rather than soothe tensions between Israelis and Palestinians. The example of the former Yugoslavia, although not a condominium, demonstrates that the peaceful coexistence of different ethnic groups is sometimes not attainable. Indeed, the ethnic tension between the Serbs, Croats, Albanians and Slovenes became so severe that Yugoslavia had to be divided up into pieces. A bi-national Jerusalem may also end up satisfying neither party, leading only to further conflicts and hostilities.

G. The Influence of Hamas

The presence of Hamas⁹² as a powerful group in the PA would likely preclude the establishment of a condominium in Jerusalem. First, it is doubtful that Hamas would agree to such an arrangement. Establishing a condominium over Jerusalem would in fact be a violation of the Hamas charter, which provides that "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it"⁹³ and that "[t]here is no solution for the Palestinian question except through Jihad. Initiatives, proposals and international conferences are all a waste of time and vain endeavours."⁹⁴ Second, it is likely that Israel would refuse to place Jerusalem under a condominium unless it could be ensured that Hamas and other terrorist groups would be precluded from entering municipal politics and organizing slates of candidates to hijack the district councils and an umbrella municipal council.

VI. Conclusion

In the current political climate, the condominium model would not be an effective template for resolving the Jerusalem question. First, the condominium model appears to be unstable and fragile. Second, placing Jerusalem under a condominium would present immensely complex jurisdictional and administrative challenges for Israel and a future

⁹² Hamas is a recognized terrorist entity in much of the Western world, including in Canada, the European Union and the U.S. On January 25, 2006, Palestinians elected Hamas to a majority government, with Hamas winning 74 out of the 132 seats in the Palestinian Legislative Council. Moreover, in June of that year, Hamas took control of the Gaza Strip, defeating Fatah, the rival political group.

⁹³ Hamas Charter, *Introduction* (Aug. 18, 1988), available at <http://www.mideastweb.org/hamas.htm> (last visited on Feb.10, 2010).

⁹⁴ *Id.* at art. 13.

Palestinian state. Third, determining how to compose the municipal government in Jerusalem would present significant challenges during negotiations over the terms of the condominium. Fourth, the failure on the part of Palestinians to safeguard Jewish holy sites has weakened the chance that Israelis and Palestinians will agree to work together within a condominium framework to ensure that all holy places are protected. Fifth, there would be reluctance on the part of Israel to delegate important security responsibilities to Palestinian authorities, which would likely be required under a condominium. Sixth, placing Jerusalem under a condominium may exacerbate tensions between the Israelis and Palestinians rather than soothe them. Seventh, the presence of Hamas as a powerful group in the PA would likely preclude the establishment of a condominium in Jerusalem. Eighth, there is a lack of precedent for establishing a condominium in a territory as unique as Jerusalem. Ninth, there is not a clear understanding of what condominium means and what it entails under international law, which makes the task of establishing a condominium in Jerusalem even more difficult.

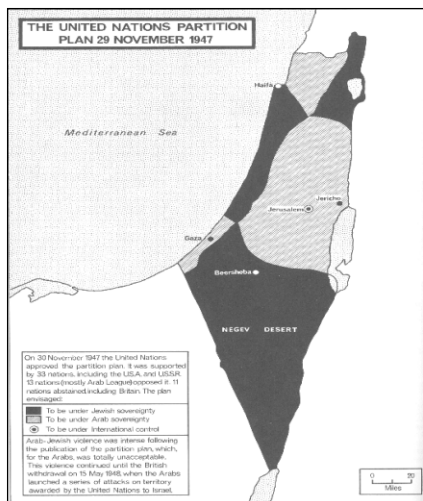
Finally, any plan that aims to bring peace to the Middle East must be rooted in reality. In order for a condominium plan to work, there must be trust between Israelis and Palestinians. There must be confidence that agreements will be respected, holy places will be protected, and terrorism will not be tolerated. This would require no less than Hamas abolishing its charter, which calls for the destruction of Israel, and trading in suicide belts for olive branches. Until such time, it is not likely that placing Jerusalem under a condominium would bring a lasting peace to the Middle East.

Schedule A: The State of Israel, 2009



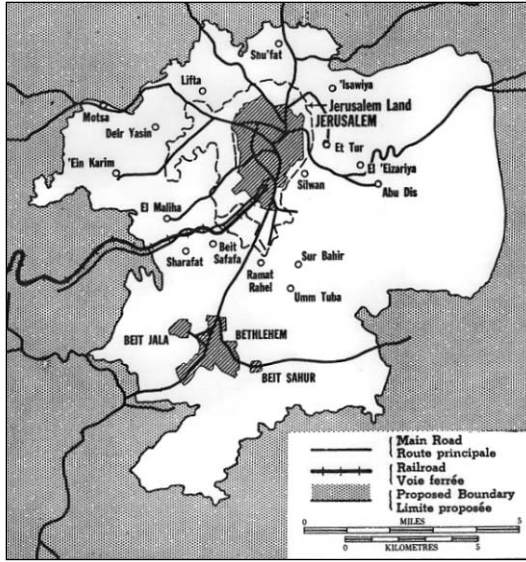
Source: <https://www.cia.gov/library/publications/the-world-factbook/geos/is.html>

Schedule B: The United Nations Partition Plan, 1947



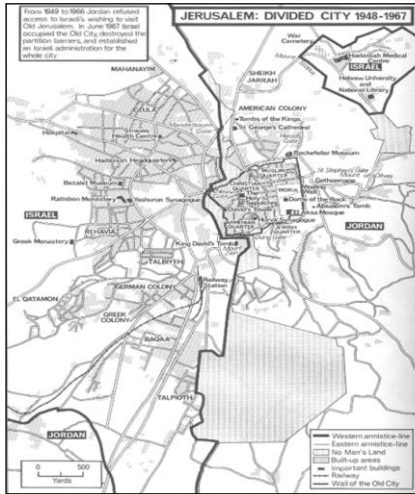
Source: MARTIN GILBERT, THE ATLAS OF JEWISH HISTORY 108 (1993)

Schedule C: Jerusalem as Corpus Separatum



Source: <http://domino.un.org/unispal.nsf/cf02d057b04d356385256ddb006dc02f/3f1bd9477022a0c285256cc500530c1f/Body/0.3E6!OpenElement&FieldElemFormat=gif>

Schedule D: Jerusalem, 1948-1967



Source: MARTIN GILBERT, THE ATLAS OF JEWISH HISTORY III (1993)

Schedule E: Vanuatu



Source: <https://www.cia.gov/library/publications/the-world-factbook/geos/nh.html>

Schedule F: Andorra



Source: <https://www.cia.gov/library/publications/the-world-factbook/geos/an.html>

Schedule G: Moresnet



Source: *Tourist Map Belgium* [map]. 1:400:000. VCGT - OPT Brussels 1991.