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THE LEGAL STATUS OF JERUSALEM AS A KEY TO  
MIDDLE EASTERN CONFLICT RESOLUTION

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# THE LEGAL STATUS OF JERUSALEM AS A KEY TO MIDDLE EASTERN CONFLICT RESOLUTION

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## I. THE PALESTINE MANDATE

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Jerusalem with an area of 126.3 sq. Kilometres counts just over 700.000 inhabitants. Approximately 66% are Jewish, just under 240,000 are Arabs and a small minority of just over 12.000 are Christians. In terms of size and economic output, and when compared to modern cities, for instance in China, Jerusalem would be an insignificant municipality. The city nevertheless is the focal point of the most protracted international conflict in modern times.

Two distinct nations claim Jerusalem as their capital city. According to Israeli law united Jerusalem is the capital of the State of Israel. This was originally so proclaimed by Prime Minister David Ben-Gurion in the Knesset (Israel's parliament) which approved in 1949 that Jerusalem was an 'inseparable part of the State of Israel' and its 'Eternal Capital'.<sup>1</sup> It is currently so enacted in the 1980 "Basic Law: Jerusalem, Capital of Israel". This law states in Sec. 1 that 'Jerusalem, complete and united, is the capital of Israel', and in Sec. 2 that it is 'the seat of the President of the State, the Knesset, the Government, and the Supreme Court'.

Likewise, in October 2002 the Palestinian Legislative Council adopted the Law on the Capital, which stipulates, in Sec. 1, that Jerusalem is the capital of the Palestinian State, the main seat of its three branches of government. Under the terms of Sec. 5 this statute can be amended only with the consent of two-thirds of the members of the Palestinian Legislative Council. The most recent authoritative articulation of the Palestinian claim is contained in Article 2 (III) of the Arab Peace Initiative adopted by the Arab summit of 2002. The text refers to: "The establishment of a sovereign independent Palestinian state on the Palestinian territories occupied since June 4, 1967 in the West Bank and Gaza Strip, with East Jerusalem as its capital".

In international law the seat and control over a capital city is considered an essential attribute of statehood. In civil wars, faction that succeeds in holding on to or conquering the capital city, is the one that is eventually recognized internationally as the representative and legitimate government.

The conflicting claims in respect of Jerusalem, by Israel and Palestine, are irreconcilable and result in a reciprocal denial of statehood. Statehood is the most fundamental concept of international law, and it is made up of the notions of territory, population, and effective authority and control over both, by a government that is seated in a state's capital city. The international legal order and international balance of power and security rest upon the

notion of statehood. The concept of territorial statehood allows for the most basic of all international norms, or in Kelsen's terms, the *Grundnorm* of international law, which is the presumption of equal sovereignty of all states. This explains why every peace initiative concerning the Israel – Palestine conflict including the so-called Camp David summit in 2000, eventually failed over the question of the legal status of Jerusalem,

Besides the conflicting claims of sovereignty, the further consideration that justifies concern over Jerusalem is that the city is considered holy by the adherents of the World's three major monotheistic and therefore kindred religions. The city is home to the Holy Places of Christianity, since according to Christian tradition Jesus was active in various locations in Jerusalem. In Jerusalem he also died and came back to life at the Holy Sepulchre and later ascended to heaven from the Mount of Olives. Under the Islamic tradition, the Al-Aksa Mosque and the Dome of the Rock as well as the Temple Mount (Haram al Sharif) on which they are situated are Holy Places. Muslims believe that the Al-Aksa Mosque is the Farthest Mosque mentioned in the Holy Koran. For the Jewish people the entire city is holy, in particular the Temple Mount (Har Habayit), because of the divine presence (the Shechinah), and because the two Jewish temples stood there.

The paramount religious importance of Jerusalem led to proclamation of the Ottoman *Firman*<sup>2</sup> of 1852, over one and half centuries ago. According to this edict, the main holy places were accorded protection and the various religious denominations were given special powers and rights thereto.<sup>3</sup> This eventually became known as the *Status Quo*<sup>4</sup> and received international recognition in the 1856 *Treaty of Paris*<sup>5</sup> followed by further recognition in the 1878 *Congress of Berlin*.<sup>6</sup>

When the Ottoman Empire was carved up by the British-French Sykes Picot Agreement as a consequence of World War I,<sup>7</sup> Jerusalem was placed under international jurisdiction, subsequently formalized as a League of Nations mandate, given to Great Britain. The trilogy of the great monotheistic religions have a legitimate interest in not allowing the residents of Jerusalem and in the territories surrounding the Holy City, to jeopardize and possibly destroy Jerusalem as the most important religious and spiritual focus point on Earth.

Coming from South Africa, I want to suggest that the legal aspects of the Mandate for Palestine, granted to Great Britain on 24 July 1922 by the League of Nations,<sup>8</sup> are not so unique often as some writers would have it. The former territory of South West Africa, which became the independent state of Namibia on 21 March 1990, also had at its inception the status of a League of Nations mandate, under Article 22 of the League of Nations. The mandate in respect of Namibia was a Class C mandate, whilst the mandate in respect of Palestine was a Class A mandate. The essential difference in terms of article 22 was that Class C referred to communities were "best administered under the laws of the Mandatory as integral portions of its territory" whereas Class A mandates applied to communities that were considered to "... have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory." What is important however that in both cases, but even more so in the case of an A Class mandate, the mandated power was bound by an international law obligation, towards the League of Nations and all its member states, to act only in the presumed best interests of the communities concerned, on the basis of a "sacred trust".

It is clear that Great Britain did not discharge her duties under the Palestine Mandate in an even minimally proper and acceptable manner, when it allowed for the unilateral declaration of the establishment of an Israeli State on mandate territory on 14 May 1948. Britain's unilateral withdrawal without handing over authority to any authority or lawful successor betrayed the mandate entrusted to Great Britain by the League of Nations. The unresolved status of Jerusalem today is the consequence of the tragic errors then committed.

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## II. CURRENT LEGAL QUALIFICATIONS

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Just before the declaration of Israeli statehood in May 1948, the United Nations as the successor organisation of the League of Nations, through the UN General Assembly, passed Resolution 181 (III) of 29 November 1947<sup>9</sup> proposing an internationalisation of Jerusalem, by placing the city under a special regime denominated *Corpus Separatum*<sup>10</sup> to be administered by the United Nations. UN GA Resolution 181 III became known as the Partition Plan.<sup>11</sup> It envisaged the creation of two states (one Jewish and one Palestinian) with Jerusalem as an internationalised zone to be administered by the United Nations with the Trusteeship council being designated as administrator over the City. However, in 1950, Israel officially rejected it by declaring Jerusalem the capital city of the just proclaimed State of Israel. In response, Jordan adopted a resolution of their own, declaring the entire city to have been incorporated into the Hashemite Kingdom. Even further away from the immediately conflicting communities, and universally, the UN plan failed to gain support.<sup>12</sup> In 1967, the entire Jerusalem was annexed Israel following the six day war.

Current legal doctrine can be summed up by listing 4 alternative interpretations of the consequences of the 1967 annexation of Jerusalem.

The first view, most prominently defended by *Lauterpach*,<sup>13</sup> suggest that Israel would have acquired lawful sovereignty over Jerusalem already in 1948, as the abandonment of Britain would have created a “vacuum”, or a sort of “terra nullius” that would have been free for anyone to appropriate, and in those circumstances, whilst acting in self defence, the new State of Israel would have been entitled to occupy and incorporate Jerusalem.

A second interpretation, as proposed by *Prince Hassan Bin Talal*, reasons that in the absence of any international consensus, no effective incorporation of Jerusalem can be assumed, and sovereignty over Jerusalem remains suspended, until a comprehensive settlement agreement can be reached.<sup>14</sup>

Thirdly, according to *Cattan*<sup>15</sup> and many others, the Arab People of Palestine never lost and still have legal sovereignty over the whole of their territory since the ending of the Palestine Mandate, including Jerusalem.

The fourth formal legal view, as defended by the eminent scholar *Cassese*,<sup>16</sup> holds that the status of Jerusalem is still subject to the UN General Assembly resolution of 1947, which recommended the establishment of a corpus separatum under a special international regime and administered by the UN. Cassese, for example, argues that there is no evidence to show that after 1952, the UN ever endorsed Israeli sovereignty over Jerusalem. This author states that “UN silence on the question between 1952 and 1967 cannot amount to acquiescence of a legal title...it can only mean that the world organisation accepted and acquiesced in de facto control of Jerusalem by Jordan and Israel.” He further suggested that mere silence does not convert de facto authority into fully-fledged sovereignty, and one should not assume that the UN expressed its consent on such a complex and explosive matter by keeping silent. Cassese also notes the actions of a number of the member states, all pointing to the fact that the UN did not express consent on the issue of sovereignty. This view, most importantly, is supported by the European Union. In 1999 the Ambassador in Israel of the Federal Republic of Germany—at that time holding the presidency of the EU—wrote in a diplomatic note: ‘...The EU reaffirms its known position concerning the specific status of Jerusalem as a corpus separatum...’<sup>17</sup>

International state practice regarding Jerusalem is less ambiguous as might seem. The international community has not recognized the sovereignty of either Jordan (in the past) or Israel over Jerusalem at any point. Moreover, since 1967, the UN, including the UN Security Council, has repeatedly stated that East Jerusalem is occupied

territory subject to the 1949 Geneva Convention IV. When Jordan in 1980 requested that the Old City and its walls be entered on the World Heritage List,<sup>18</sup> this request was granted.

The attitude of the US administration was expressed, inter alia, in the context of the Camp David Accords in a letter sent by President Carter to both Egypt and Israel. The President wrote that the position of the US remained as stated by Ambassador Arthur Goldberg at the UN General Assembly in 1967 and subsequently by Ambassador Charles Yost in the UN Security Council in 1969. There is, however, a difference between the speeches of the two ambassadors. Although they both emphasized that the actions of Israel in Jerusalem were merely provisional and that the problem of the city's future should be settled by negotiations, Ambassador Yost added that east Jerusalem was occupied territory to which the 1949 Geneva Convention IV applied. The US government has continued to act in accordance with this view, despite several attempts by the American parliament to force the US government to adopt a state practice that would have been more favourable to Israel. The Jerusalem Embassy Act adopted by the US Congress in 1995 called for the recognition of united Jerusalem as the capital of Israel, and requested the Administration to move the US embassy from Tel Aviv to Jerusalem by 1999. However, the US President was authorized to delay the implementation of this statute by periods of six months if in his opinion it 'is necessary for the national security interests of the United States' (at Sec. 7 (a) (1)). So far the US President has consistently used this power of suspension.

Even Israel itself has acted with some ambiguity, at least in respect of East Jerusalem, by allowing, for instance, in 1996 and again in 2005 and 2006 for a vote by Palestinian residents for the Ra'ees and for the Legislative Council of the Palestine Authority.

Finally, the all important 2004 Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory referred to East Jerusalem as "occupied Palestinian territory".<sup>19</sup>

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### III. THE UNITED NATIONS AS TRUSTEE OF THE RESIDUAL MANDATE GUARANTEES

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During his several interventions at the occasion of the last Summit of the League of Arab States in Sirte on 27 March 2010, UN Secretary General Ban Ki-moon summed up and re-iterated what the United Nations have upheld since 1947, namely that the international community and the United Nations remain seized with the responsibility for Jerusalem, and in particular support the Arab Peace Initiative of 2002. Specifically, Ban Ki-moon stated at the Opening Session on 27 March 2010:

*"Jerusalem's significance to all must be respected and it should emerge from negotiations as the capital of two states".*<sup>20</sup>

The noble idea of a condominium where two sovereign states would share one and the same capital was never a realistic prospect, nor will it become a likely scenario in the foreseeable future. The remark by Secretary General Ban Ki-moon is however an unequivocal reminder of the real determination of the World not to endorse and not acquiesce to the forceful and unilateral positions and acts embarked upon by Israel.

**The only secure assertion thus remains the scholarly view in 1979 by Hassan Bin Talal,<sup>21</sup> namely that no new sovereignty has been established effectively over Jerusalem, and its sovereignty remains suspended until an agreed solution can be adopted, with the full endorsement of the United Nations and the international community.**

State practice is the motor of all international legal norms. The establishment in 1975 of the United Nation's General Assembly Committee on the Exercise of the Inalienable Rights of the Palestine People (UNISPAL) is part of such state practice. So are the over 60 years of refusal by the international community to recognize conflicting and exclusionary claims of statehood and regarding the status of Jerusalem as a capital city.

But we cannot pick and chose the state practice that suits our own beliefs and aspirations. Part of the relevant state practice is the development that has over time accorded universally recognized statehood to Israel, despite the 1967 war, and despite the unresolved status of Jerusalem. Despite all the reservations of the international community against Israel's conduct, this nation has nevertheless not been prevented by the six veto powers in the United Nations Security Council to produce nuclear fuel and to use it not only for scientific and peaceful purposes but also for its military objectives. No State has yet formally demanded the nuclear disarmament of Israel, nor has any international organisation moved to take actions against Isreal for its nuclear engagement. Israel has been allowed, over the past decades to become not only a powerful state, but even more so a military superpower in the Middle East.

At the same time, Israel has not been able to prevent Palestine from establishing itself as a nation and as a state.

This means that calls for the annihilation of Israel or for a return to the status quo before 1948, or for the integration of the Palestine people into Jordan and Syria and maybe other states in the region, do not find any support in the practice of states over the past 60 years and conflicts over unresolved issues, such as the status of Jerusalem, should not be escalated, but should remain limited and confined to their actual and true dimension.

Regarding the responsibility for whatever currently happens in Jerusalem, the International Court of Justice in its Advisory Opinion of 21 June 1971 on the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) offers valuable and clear guidance. In it the International Court of Justice found that -

*118. South Africa, being responsible for having created and maintained a situation which the Court has found to have been validly declared illegal, has the obligation to put an end to it. It is therefore under obligation to withdraw its administration from the Territory of Namibia. By maintaining the present illegal situation, and occupying the Territory without title, South Africa incurs international responsibilities arising from a continuing violation of an international obligation. It also remains accountable for any violations of its international obligations, or of the rights of the people of Namibia. The fact that South Africa no longer has any title to administer the Territory does not release it from its obligations and responsibilities under international law towards other States in respect of the exercise of its powers in relation to this Territory. Physical control of a territory, and not sovereignty or legitimacy of title, is the basis of State liability for acts affecting other States.*

*119. The member States of the United Nations are, for the reasons given in paragraph 115 above, under obligation to recognize the illegality and invalidity of South Africa's continued presence in Namibia. They are also under obligation to refrain from lending any support or any form of assistance to South Africa with reference to its occupation of Namibia, subject to paragraph 125 below.*

These principles remain valid, and are applicable to the current situation of Jerusalem. The welfare of all people living in Jerusalem is the responsibility of Israel, for as long as Israel refuses to engage with the United Nations and Palestine on the future status and administration of Jerusalem.

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#### IV. THE FUTURE OF JERUSALEM AS THE KEY TO MIDDLE EASTERN CONFLICT RESOLUTION

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Conflicts become the primary cause for political stagnation and lack of development and progress in the internal affairs of the conflicting parties. Every failure, including corrupt practices, lack of good governance and the denial of basic freedoms and rights can easily be blamed on the conflict and its resulting external threats.

Modern conflict management and conflict resolution requires more than good intentions and good wishes. Without wishing to detract from the complexity of the Middle Eastern conflict, I can share a few of the most important experiences that I have made as the principal author of the Mozambique General Peace Accord of 4 October 1992, which became the foundation of lasting peace and one of the most successful episodes of conflict resolution in Africa today.

The particularity or the “magic formula” of the Mozambique peace process was that the final Peace Agreement was put together in a piece by piece, or piecemeal approach. The Mozambique General Peace Accord is but a solemn re-affirmation of 11 prior Agreements; each recorded and signed in a separate Protocol, over a period of 27 months of negotiations.<sup>22</sup>

Six features were of particular relevance and proved to be highly beneficial:

- the Mozambique Peace Accord identified and sought an agreed statement on the causes and issues of the conflict at the outset, without seeking a ceasefire agreement first, accepting that nobody wants to lay down weapons without knowing what will be obtained in exchange for those weapons;
- the compromises, one by one, on how to overcome the identified conflict issues became the basis for the implementation of a subsequent general cease fire, rather than being seen as a *consequence* of a cease fire agreement;
- several protocols established agreed minimal standards for democratic and good governance and fundamental human rights, as a basis of future stability;
- all demobilization of existing forces, was agreed to happen on the basis of reciprocity and at agreed ratios so as to foster the implementation of confidence building procedures and measures.
- a further protocol ensured the financial sustainability of the agreed transformation procedures and access of to equitable funding by all parties.
- the final Accord bundled the 11 successive Protocols, determined their joint date of commencement and assigned to the United Nations (UN) not only an observer or verification mission, but provided moreover for the active involvement of the UN as the guarantor of the implementation of the Peace Accord on the basis of explicit powers to “control and supervise” the transition process.

If one were to consider the “piecemeal” approach that succeeded in Mozambique, negotiations on the status of Jerusalem could become a separate negotiable issue, to be pursued irrespective of the conflict as such.

A compelling starting point in the case of Jerusalem would be a re-consideration of the original and historic guarantees of the Palestine Mandate. Current international state practice, including the educational policies and measures in place in Jerusalem under Israeli authority, confirm that the original concerns that brought about the Ottoman Edict of 1852, remain relevant.

These essential provisions of the Palestine Mandate were:

*Article 13*

*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 ... 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 15*

*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.*

*Article 16*

*The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.*

Whilst it continues to be impossible for the conflicting parties to agree on an overall Peace Agreement for Palestine, the above guarantees could and should be restated and become a joint commitment and guarantee in respect of Jerusalem alone, to be underwritten by both Israel and Palestine. Possibly such joint undertaking could evolve over time to include shared procedures for the good and modern administration of the areas to be respected, preserved and protected, and shared responsibilities and cooperation in respect of security.

The goal of such an exercise would be a modest one. Instead of endeavouring to forever consolidate and protect power and control, a modern conflict resolution approach would attempt to find a balance between the need to ensure long term developmental planning and progress, and the universal desire of our new generations to grow and indigenize the rule of the constitutional state, so that *the rule of law shall replace the rule of men.*

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 ENDNOTES:

<sup>1</sup> Record of the Knesset Proceedings, December 1949 vol. 3 220–26 and 281–87.

<sup>2</sup> A Firman is an official edict or decree

<sup>3</sup> Ruth Lapidoth 'Jerusalem and the Peace Process' (1994) 28 Israel Law Review 402 at 403



- <sup>4</sup> The status quo originally applied to the Church of the Holy Sepulchre, the rooftop monastery of Dayr al Sultan, the Sanctuary of the Ascension, the Tomb of the Virgin and the Church of the Nativity the temple mount and the western wall were incorporated at a later stage. See Chad F. Emmett 'The Status Quo Solution for Jerusalem' (1997) 26 *Journal of Palestine Studies* 16 at 21.
- <sup>5</sup> The 1856 Paris Peace Convention Treaty ended the Crimean war and stated that the joint European powers would safeguard the holy places.
- <sup>6</sup> The congress was a gathering of European powers to settle the problems regarding the Balkans and the Near East following the war between Russia and Turkey in 1877. [http://www.jewishvirtuallibrary.org/jsource/judaica/ejud\\_0002\\_0003\\_0\\_02704.html](http://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0003_0_02704.html) last accessed 3/5/2010.
- <sup>7</sup> Available at [http://www.jewishvirtuallibrary.org/jsource/judaica/ejud\\_0002\\_0019\\_0\\_19421.html](http://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0019_0_19421.html) last accessed 3/5/2010.
- <sup>8</sup> See text at <http://domino.un.org/UNISPAL.NSF/db942872b9eac454852560f6005a76b/2fca2c68106f11ab05256bcf007bf3cb>.
- <sup>9</sup> Resolution Adopted on the report of the Ad Hoc Committee on the Palestinian Question, 181 (III). Available at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/88/IMG/NR003888.pdf?OpenElement> last accessed 21/04/2010.
- <sup>10</sup> Meaning a "separate body" is the term that refers to a city or region which is given a special legal and political status different from its environment.
- <sup>11</sup> See also: UN General Assembly Resolution 303(IV) adopted on the 9<sup>th</sup> of December 1949, available at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/051/22/IMG/NR005122.pdf?OpenElement> last accessed on 5/5/2010.
- <sup>12</sup> Charles Bryan Baron, Esq. 'The International Legal Status of Jerusalem' (1998) 8 *Touro International Law Review* 1 ff 9.
- <sup>13</sup> E. Lauterpacht *Jerusalem and the Holy Places* (Anglo-Jewish Association London 1968 reprinted by Anglo-Jewish Association London 1980).
- <sup>14</sup> H. Bin Talal *A Study on Jerusalem* (Longmans London 1979), pp 24-27.
- <sup>15</sup> H. Cattani *Jerusalem* (St Martin's Press New York 1981).
- <sup>16</sup> A. Cassese 'Legal Considerations on the International Status of Jerusalem' in H. Koechler (ed) *The Legal Aspects of the Palestine Problem with Special Regard to the Question of Jerusalem: Papers of the International Conference on the Legal Aspects of the Palestine Problem, in Vienna (5-7 November 1980)* (Braumüller Wien 1981) 144-53.
- <sup>17</sup> R. Lapidot, "Jerusalem" in *Max Planck Encyclopedia of Public International Law: Jerusalem*, para. 41, [www.mpepil.com](http://www.mpepil.com), accessed 15-01-011.
- <sup>18</sup> Established under the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage ([adopted 16 November 1972, entered into force 17 December 1975] 1037 UNTS 151).
- <sup>19</sup> [2004] ICJ Rep 136 para. 78); see: M. Hirsch 'The Legal Status of Jerusalem Following the ICJ Advisory Opinion on the Separation Barrier' (2005) 38 *IsL.R.* 298-315.
- <sup>20</sup> <http://english.aljazeera.net/news/middleeast/2010/201032813161429837.html>.
- <sup>21</sup> See above note 14.
- <sup>22</sup> For the official English text of the "Rome Accord" see: United Nations Security Council, Document S/24635, 8 October 1992. The Portuguese text is gazetted in Mozambique as Act 13/92 of 14 October 1992 (BR No 42, 1. Supl.) and is available at <http://www.lexmoc.com>. On the Mozambique Peace Process see: A. Thomashausen, "Politics of Identity and Exclusion in Africa: Mozambique, a Case Study", in: Konrad-Adenauer-Stiftung, ed., *Politics of Identity and Exclusion in Africa: From Violent Confrontation to Peaceful Cooperation*, Johannesburg 2001, pp 97-109 and A. Thomashausen, "Preventive Diplomacy in the Mozambique Transition", in: H. Solomon, ed, *Towards Sustainable Peace: Reflections on Preventive Diplomacy in Africa*, Pretoria (Africa Institute of South Africa), 2003, pp270-309, both at <http://www.scribd.com/athomashausen>.