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Fecha:

ISRAELI POLICIES IN OCCUPIED EAST JERUSALEM

APRIL 2009

In 1988, the Palestinian National Council adopted the strategic compromise of advocating a two state solution based on UN Resolutions 242 and 338 with East Jerusalem as the capital of the Palestinian state. Now, twenty one years on, the very possibility of realizing the two state solution is being jeopardized. The international community can no longer afford to avoid investing the political capital that is required to maintain prospects for peace. If a two-state solution is to remain tenable, Israeli policies in occupied East Jerusalem can no longer be allowed.

East Jerusalem is the natural socio-economic and political center for the future Palestinian state given its wealth of religious sites, its commercial vitality, its historical significance, and its geographic centrality (it functionally connects the northern and southern parts of the Palestinian territory). The development of East Jerusalem and control over its vital interests is crucial to the regeneration of the rest of the West Bank and the Gaza Strip.

Israel's policies are quickly, and in many respects, eliminating prospects for establishing two viable states. The establishment of an unviable Palestinian state would perpetuate Palestinian sub-standard living conditions, fall short of Palestinian political and national aspirations, and make such a state perpetually dependent on Israel and the international community, thus perpetuating the conflict. In short, without East Jerusalem as a capital of a Palestinian state there can be no viable Palestinian state, and therefore the Israeli policies are denying Palestinians any real independence or sovereignty, an option Palestinians cannot accept.

Israel's goal with respect to it's policies in occupied East Jerusalem have been clearly, and repeatedly, stated as maintaining the Jewish demographic majority in Jerusalem. The goal was first officially

stated in 1973 in a report by the inter-ministerial Committee to Examine the Rate of Development for Jerusalem . In this report the recommendation was made that the *“demographic balance of Jews and Arabs must be maintained as it was at the end of 1972.”* The balance at that time was 73.5% Jews, and 26.5% Palestinian. Since that time, this policy goal has been restated numerous times in Israeli policy briefs, news releases and even formal development plans. However, it should be noted that regardless of the power of the Israeli government to legislate and implement discriminatory policies, the current system of preserving a Jewish majority is both unstable and unsustainable. Population growth figures for 2007 indicate that the Palestinian population is outpacing the Jewish population by 3.3% a year to 1.2% a year respectively. As of 2007, Palestinian population reached 260,000 or 33.3% of the total population in Jerusalem .

In order to pursue this goal, systematic actions have been taken by the Government of Israel throughout the last 42 years of occupation through measures intended to reduce the Palestinian population and transfer Jewish population into the area for strategic nationalistic purposes. These policies build upon the physical displacement of nearly the entire Palestinian population from Western Jerusalem in 1948.

Further details on some of these Israeli measures in occupied East Jerusalem are listed below.

I. Israeli Land Expropriations and Settlement Expansion

Over the past 42 years of occupation, Israel has employed numerous strategies to control Palestinian lands in East Jerusalem by manipulating urban planning and restricting building permits. In furtherance of these strategies, Israel unilaterally and illegally expanded its own municipal boundaries of Arab East Jerusalem from the original 6.5 square kilometers during Jordanian rule to 72 square kilometers, reaching far deeper into the West Bank. Of this expanded area, Israel has thus far expropriated 47% of Palestinian land for exclusive Israeli settlement use, settler roads and infrastructure, designated 40% of undeveloped land as “Green Areas”, leaving only 13% of those 72 square kilometers for Palestinian use. In addition, from an almost negligible Jewish population in 1967, illegal settlement

construction has raised the Jewish population in occupied East Jerusalem to over 185,000.

The Israeli policy to control Palestinian land in East Jerusalem was outlined by the occupation municipality “Master Plan 2020,” which goals as pronounced in the executive summary of the plan is “to secure an absolute Jewish majority in the city by creating a framework to proceed with the development of the city of Jerusalem as a capital for the “Jewish” state and a seat for its government, and, “to achieve a long term goal which reflects the future vision for the city as conceived by the city’s ‘fathers.’”

A. Settlement Expansion and Planning

Even as settlement construction intensified on the ground, Israeli authorities continued to authorize and plan for thousands of additional housing units throughout the West Bank, particularly in and around occupied East Jerusalem, which is anchored by three settlements Betar and Efrata in the South, Maale Adumim in the East, and Givat Zeev in the north that are currently being linked together by the Wall and an elaborate road system. The dual purpose of these settlements and the Wall installations is to maximize Israeli contiguous territory with a minimum Palestinian population within the city’s boundaries and territorially separate Jerusalem from the Palestinian West Bank.

- In 2008 alone, during the Annapolis process, Israeli authorities have advanced plans for some 9,617 housing units in Israeli settlements in occupied East Jerusalem. Of these:
 - Town planning schemes for 4,370 housing units in East Jerusalem settlements have been approved and are ready for immediate implementation, including in East Talpiot (620 units), Har Homa (2,653 units), Pisgat Ze'ev (759 units), Ramot (338 units) and Gilo (hotels and residences).^[1]
 - An additional 5,247 units were submitted for public review and are awaiting final approval, including the settlements of East Talpiot (104 units), Giv'at HaMatos (3,150 units), Neve Ya'acov (393 units) and Ramot (1,600 units).^[2]
- The occupation municipality is also planning to move forward with the expansion of Neve Ya'acov. The planned

expansion is in the northeast of Neve Ya'akov in order to link it with the nearby settlement Geva' Binyamin (Adam), located outside Israel 's self-declared municipal line and east of the Wall. A detailed plan for the area (240/3), which calls for the construction of 1,200 additional housing units, first surfaced in March 2007.

B. Settlements Inside Palestinian Communities in the Old City and its Environs

In order to offset the massive demographic imbalance and to justify claims for sovereignty in this area, Israeli policy makers together with settler organizations are creating an arc around the Old City of Jerusalem, stretching from Sheikh Jarrah – from the Border Police headquarters, through Shimon HaTsadik, the Shepherd Hotel, the Israeli Police Headquarters, the Israeli Interior Ministry centre, Beit Orot, Kidmat Zion, Maale Zeitim and the Mount of Olives Police station, Nof Zahav to the City of David settlement in Silwan. It also includes the Burj al Laqlaq and the Omar Ibn Khattab square proposed settlements in the Old City .

Among privately-funded projects, settlement construction is continuing in several locations in and around the Old City in East Jerusalem :

□ Construction on the first 100 of the total 400 units planned at Nof Zahav, in the Palestinian village of Jabal Mukabber , are nearly complete and ready for occupancy.

□ Construction is also ongoing for an additional 66 housing units in the Ma'aleh HaZeitim settlement in East Jerusalem 's Ras al-Amud area.

□ Another settlement is planned near Jaffa Gate in Omar Ibn Khattab square where Ateret Cohanim, a settler group alleges that it purchased two hotels from the Greek Orthodox Church and is currently trying to take over these two hotels. Israel is trying to consolidate its control over the square extending from the Citadel through the Armenian Quarter to the Jewish Quarter.

□ “Flower Gate” project is a proposal for 21 housing units for settlers and a synagogue on 4 dunums near Burj al Laqlaq in

the northeast corner of the Old City . The Local Planning Committee approved the project but is still pending with the Regional Planning Committee of the Israeli Ministry of Interior. To date, ten structures have been demolished and six houses received demolition orders in the area of which one was demolished on 8 April, 2009.

□ In November of last year, Israeli authorities forcibly expelled the Palestinian Al-Kurd family from their home in East Jerusalem , in which they had lived since 1956 after becoming refugees in 1948. The Al-Kurd house, located in the neighborhood of Sheikh Jarrah, is the first of 28 Palestinian houses designated for eviction to make way for a new settlement known as “Shimon HaTsadiq”. A plan for the settlement, consisting of 200 housing units on 18 dunams, has already been submitted to the Jerusalem Local Planning and Building Commission. While Israelis continue to be permitted to repossess allegedly former Jewish property in East Jerusalem, Palestinians are denied that same right,^[3] even though Palestinians own more than 70% of the properties in West Jerusalem .^[4] More recently, Palestinians managed to obtain authentic documents dated back to the Ottoman times debunking the settlers’ claim of owning the properties in that area, and proving that the property belongs to the Palestinian families. Despite that, the Israeli authorities rejected the Palestinian claims and continue to threaten to evacuate the Palestinian families from their houses.

If completed, the new settlement would create geographic contiguity between the Border Police headquarters and the Old City , further severing Palestinian East Jerusalem from the rest of the West Bank .

- Excavation work is continuing on three tunnels adjacent to the Al-Aqsa Mosque compound (Haram al-Sharif) in the Old City of Jerusalem and the neighborhood of Silwan:
 - A 100-meter tunnel is being excavated in the Haman El Ein area of the Muslim Quarter of the Old City towards the Haram compound.
 - In addition, excavations are being carried out in the existing Wailing Wall tunnel underneath the Haram compound which, according to eye witness reports, have resulted in structural damage to several adjacent properties, including the Al-Jawaliyy School, Al-Manjakiy

School, Ribat al-Kurd, Al-Uthmaniy School and Al-Tankazi School.

- **Another new 600-meter tunnel being excavated under ‘Ain Silwan Mosque and private Palestinian houses in the Silwan area by the El’ad Foundation, under the supervision of the Israeli Antiquities Authority, to connect Israeli settlers in Silwan with the Haram compound. At present, some 200 meters of the tunnel have been completed, with an additional 400 meters remaining.**

Israeli settlements inside Palestinian communities in the Old City and its Environs by radical Jewish settler groups are not only illegal under international law but extremely provocative. Coerced property takeovers by these settler groups, daily harassment of Palestinians by settlers, and the constant presence of private security forces contribute to a militarization of the conflict and create a Hebron-like scenario where a few Israeli settlers control the movement and development of the majority Palestinian population.

□ **A new plan has been submitted to the occupation municipality to obtain permission to build a new Jewish settlement consisting of 90 housing units to include six buildings of 8 floors each, as well as a synagogue, a kindergarten and a park for children in the Palestinian neighborhood of Sheikh Jarrah in East Jerusalem . The settlement is slated to be built on the location of the Shepherd Hotel next to the Israeli police headquarters and the Hyatt hotel (also built on confiscated Palestinian land).**

The whole complex will be approximately 10,000 square meters in size. Only part of the former hotel dating back prior to 1945 will be preserved, the rest of the building will be destroyed for the creation of the settlement. The new settlement will provide homes for up to 500 new settlers.

The Shepherd Hotel was the home of the late Haj Amin Hussein, the Jerusalem Mufti, who was deported to Lebanon in 1948, and the house was therefore known as “Karm Al-Mufti”. The house had a tenant by the name of Matia Maroum when it was confiscated by the Israelis in 1967 as “absentee property” following the occupation of East Jerusalem . The tenant remained in the building although title was then illegally

transferred to an Israeli company “Amidar” which in turn sold it to Irving Moskovitz in 1985. The hotel was subsequently rented for a period of seven years to the Border Police for use as a base.

If constructed, the Shepherd Hotel will mark a major new Israeli settlement in the heart of a Palestinian neighborhood. The settlement will act as a bridge between the Shimon HaTsadik settlement and the Israeli Police headquarters located nearby.

□ Mamilla Cemetery is the burial place for many Palestinian Jerusalemite dignitaries from many different periods in Jerusalem’s history. The site consists of a cemetery and a pool which was used as part of the city’s water supply linked to the Old City through an underground aqueduct. The cemetery belongs to the Islamic Waqf but ended up in Israeli-controlled West Jerusalem after the 1948 war.

What little is left of the historic Muslim Cemetery, it is now going to be further threatened by the construction of a new Israeli complex called the “Museum of Tolerance”. The complex will cover 12 dunums, or 3 acres and join both ends of Hillel Street and will cost \$150 million.

The original site of the cemetery consisted of 168 dunums of land (42 acres), the resting place of some 15,000 souls. Today the area contains less than a hundred graves, as most of the historic cemetery was bulldozed in 1967 for the construction of Israel’s “Independence Park”. Thousands of Muslim graves were desecrated by the construction of Independence Park. Of the remaining graves left in the cemetery, the majority of them have been vandalized since Israel took control of the area. As a result, despite the age (some dating as far back as 1289), sanctity, and beauty of the tombstones, few remain intact today.

C. Settlements Roads and Infrastructure

Large-scale settlement infrastructure projects are also continuing, most notably in and around East Jerusalem. The most prominent of these include:

- Work is continuing on the northern section of the Jerusalem Ring Road (Rd. # 20), cutting through Beit Hanina toward Pisgat Ze'ev and Hizma before connecting to the eastern ring road via the newly built settler bypass road around `Anata and Az-Zaim. Most sections of the massive settler road are now complete, with the exception of a 11.5 km-long stretch of the eastern ring road (running southward from Az-Zaim to Sur Bahir, and then westward along the southern edge of Har Homa and Giv'at HaMatos settlements).
- Work is ongoing on the first phase of the Jerusalem Light Rail, which is aimed at linking the settlements of Pisgat Ze'ev, Neve Ya'kov and French Hill with West Jerusalem . Construction on the project, which began in 2003, is currently concentrated in the Shu'fat and Shaykh Jarrah areas.
 - Road and infrastructure preparation also continued in the E-1 expansion area between East Jerusalem and Ma'ale Adumim settlement, particularly in relation to the newly constructed police headquarters in the eastern part of E-1, which was officially inaugurated in May, 2008. The new police station, the second to be built inside the E-1 area, replaced the one located in Ras al-Amud neighborhood in East Jerusalem , which in turn was handed over to settler groups for their use.

II. Israeli ID Card Confiscation

ID card confiscations by the Israeli authorities deprive Palestinian Jerusalemites living outside the city (in the West Bank or abroad) of their Jerusalem resident status and may permanently prevent their ability to return to their homes and place of birth in East Jerusalem . According to Btselem, an Israeli human rights organization, 8,269 ID cards have been confiscated since 1967 affecting well over 18% of the Palestinian families in occupied East Jerusalem . In 2006 alone, 1,363 ID cards were confiscated, an increase of 500% compared to 2005 ID card confiscations. This is the highest number of revoked permanent residency permits since the “center of life” policy was introduced in 1995 by the Israeli Interior Ministry.

This policy is compounded by the fact that many Jerusalemites are inclined to live outside Jerusalem if they are married to non-

Jerusalemite Palestinians, due to Israel 's prohibition on Palestinian family reunification.

III. Palestinian Housing Shortage and Overcrowding

There is a chronic lack of housing in Palestinian areas of occupied East Jerusalem and a high level of overcrowding. Restrictions on building and the small amount of space allowed for Palestinian development, combined with the influx of Palestinians who return to Jerusalem in order to preserve their residency rights, have caused overcrowding to become a major problem in many Palestinian areas in Jerusalem .

In 2007, the average housing density per room was twice as high as among Jews, and the problem continues to be compounded. The illegal settler population of occupied East Jerusalem consisting of 185,000 settlers lived in 55,000 housing units. However, the indigenous Palestinian population of 260,000 was forced to live in only 40,000 housing units.

This population crowdedness, coupled with Israeli severe restrictions on Palestinian construction, forces Jerusalemites to build houses without construction licenses. In the recent years, the overall construction average in East Jerusalem in one year reached 1,200 housing units, including an average of 90 housing units that were licensed by the occupation municipality. The average amount of fines imposed by the occupation municipality on unlicensed construction in East Jerusalem in one year was more than 25.5 million shekel or what equals US\$6.5 million.

In regard to the size of the area, the Palestinian population in occupied East Jerusalem represents 58% of the population and lives on 13% of an area of 72 km² of Jerusalem municipality area according to Israel 's definition, compared to the settlers who form 42% of the total population and occupy 35% of the same area. As evidence of partial impact of this policy, according to Israeli National Bureau of Statistics, Palestinians leaving East Jerusalem were 1,740 in 2002, 1,390 in 2003, 910 in 2004, 920 in 2005 and 1,150 in 2006.

IV. Demolition of Palestinian Homes

The demolition of Palestinian homes in occupied East Jerusalem by the Israeli authorities has continued to dispossess Palestinian families and change the landscape of Jerusalem . According to the Palestinian Central Bureau of Statistics 94 Palestinian houses were demolished in the Israeli defined municipality in 2005, 83 in 2006, 78 in 2007 and 87 in 2008.

It is estimated that more than 3,000 homes have been destroyed since 1967, including several historic and religious sites such as the destruction of the historic Moroccan Quarter in the Old City of Jerusalem. This policy of demolitions continues as is evidenced by hundreds of pending house demolition orders and the ongoing plans for the destruction of homes in Silwan (88 units), Ras Khamis (55 units), and Al Thuri (32 units).

These demolitions have left thousands of Palestinians without homes and contribute to their forced eviction from occupied East Jerusalem .

V. Impact of Israeli Military Closure and the Wall around Jerusalem

While an average of one million tourists a year from around the world come to visit occupied East Jerusalem , the only group forbidden to enter the holy city is the Palestinians in the occupied territory just outside its borders. The Israeli military closure has continued to obstruct the ability of Palestinians to enter occupied East Jerusalem and has worsened since the closure was made permanent in March 1993. With the ongoing illegal construction of the Wall in and around occupied East Jerusalem, Palestinian access rights to and ability to live in Jerusalem are continually eroded and have become increasingly difficult as the closure and the Wall became a *de facto* (albeit non-recognized) Israeli imposed border. This Wall, most of which has been completed around occupied East Jerusalem, is being used to consolidate and expand Israel's hold on Palestinian land in order to facilitate further settlement expansion. It will also serves to physically and functionally sever the northern and southern West Bank .

One of the immediate implications of Israel 's policy was and remains the prevention of three million Christian and Muslim Palestinians from accessing their holy sites and places of prayer located in occupied

East Jerusalem. Moreover, the closure and the Wall have also severely limited trade and commerce in, through and around Jerusalem by disconnecting the northern and southern parts of the occupied West Bank, thereby preventing the movement of goods and people to and from the traditional Palestinian economic center of occupied East Jerusalem.

VI. Jerusalem Institutions

Since the parties renewed their respective commitments under phase one of the Road Map at the Annapolis Conference on 27 November 2007, Israel has failed to implement any of its Road Map obligations including the reopening of the 10 Palestinian institutions in occupied East Jerusalem . In 2008, Israel 's Minister of Internal Security Avi Dichter has twice renewed the closure of all 10 Palestinian institutions that were closed in August 2001, including Orient House, first on February 8, 2008 and again on August 5, 2008. Since the closure of these institutions there have been no bodies to provide services to Jerusalemites.

In addition, on March 21 2009, the Israeli Minister of Internal Security issued an order prohibiting any events related to the cultural event entitled "Jerusalem : Capital of Arab Culture 2009". The title of the event stems from the city's designation as Arab Cultural Capital for 2009 by the 22-member League of Arab States in concert with UNESCO's Cultural Capital Program.

VII. Conclusion

Israel's strategic goal underlying its policies in occupied East Jerusalem has been clearly and repeatedly stated as maintaining the Jewish demographic majority in Jerusalem. All these policies in occupied East Jerusalem come in violation of International law, previous agreements with the Palestinians, and UN Security Council Resolutions 242, 252 and 478, among others. The United Nations, the International Court of Justice, and the overwhelming majority of states share this view, given the clear provisions of the Fourth Geneva Convention, namely:

Article 147 of the Convention prohibits extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

- **Article 49 of the Convention prohibits the "forcible transfer" of protected persons within the occupied territory, as well as their deportation to places outside occupied territory. This prohibition is absolute, and applies "regardless of their motive."**
 - **Article 49 of the Convention further prohibits the Occupying Power from transferring parts of its own civilian population into the territory it occupied.**
 - **Article 53 of the Convention provides that "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons ... is prohibited, except where such destruction is rendered absolutely necessary by military operations."**

In Addition, Israeli policy in occupied East Jerusalem violates the Universal Declaration of Human Rights (signed by Israel), namely:

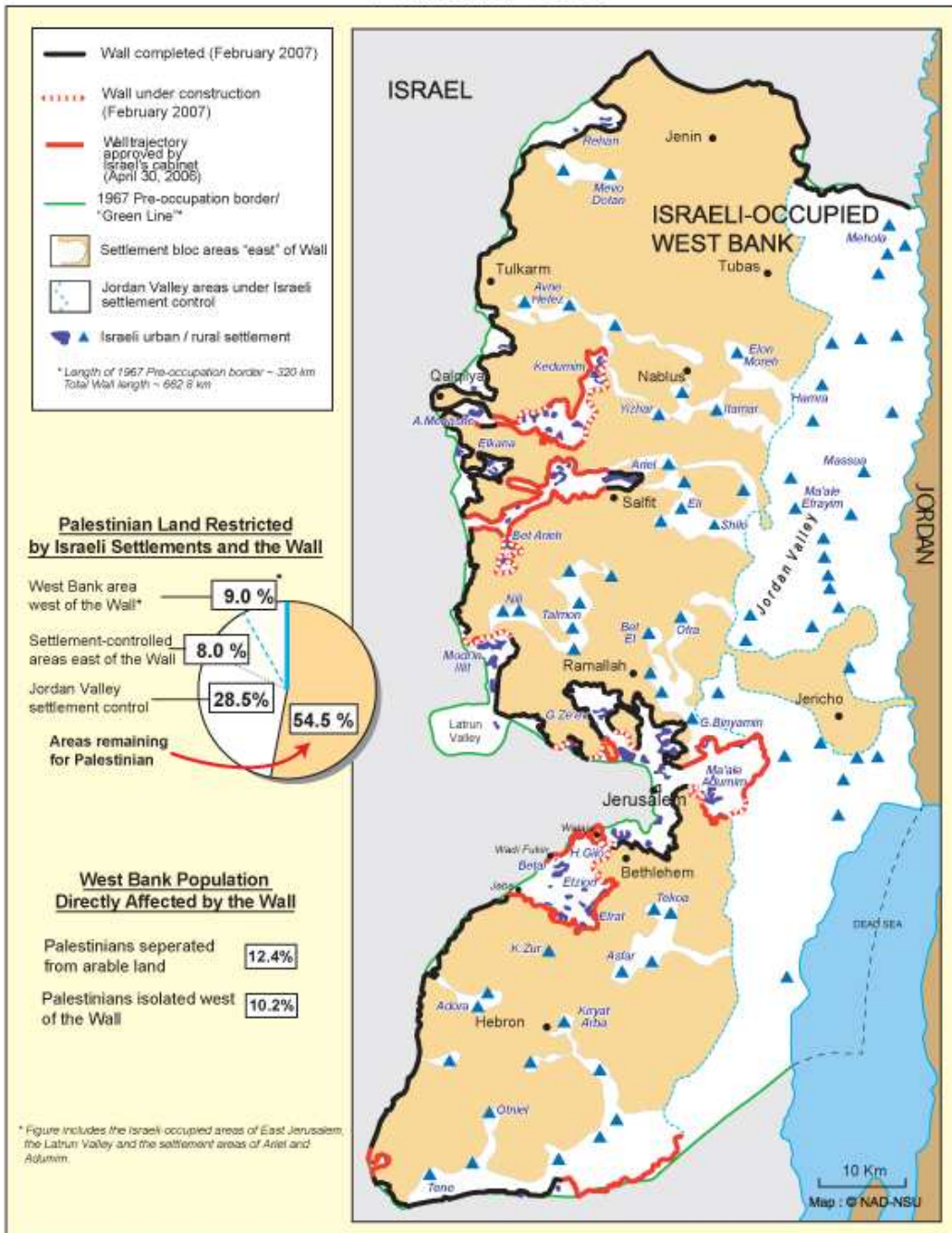
Denial of equal protection under the law (Article 7)

- **Arbitrary arrest, detention, or exile (Article 9)**
- **Denial of the right to return to one's country (Article 13)**
- **Arbitrary expropriation of personal property (Article 17)**
- **Interference with religious worship and observance (Article 18)**

Where there is a political will, there is a way to reach a negotiated solution on Jerusalem. However, Israeli policies in occupied East Jerusalem and attempts at forcing a Jewish majority in all parts of the city and undermining Palestinian presence have prejudiced and will continue to prejudice the outcome of a negotiated solution. Regardless of the impact of Israel 's policies in altering the geographic and demographic realities of Jerusalem , any political settlement over the future of Jerusalem must incorporate both Palestinians' basic rights and their national aspirations of having East Jerusalem as the capital of the Palestinian state, without which the two state solutions will not be attainable.

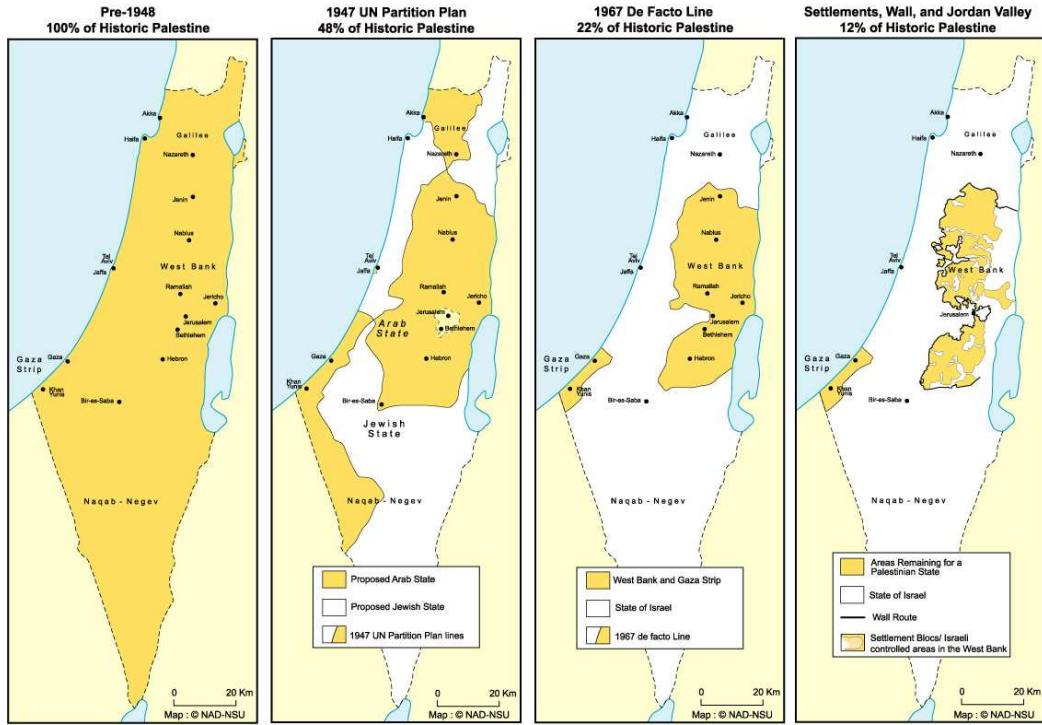
ISRAEL'S WALL AND SETTLEMENTS (COLONIES)

FEBRUARY 2007

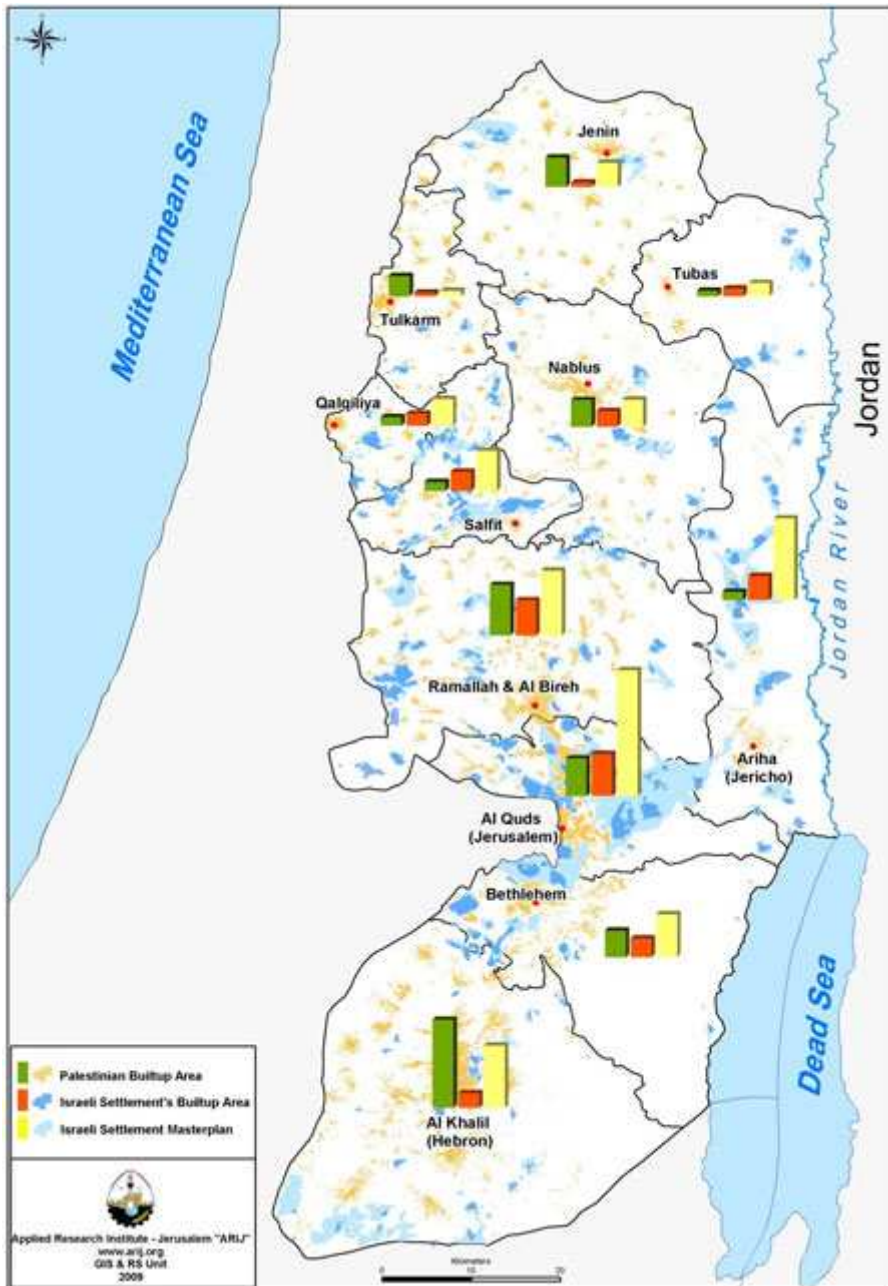


DESTROYING THE TWO-STATE SOLUTION

JULY 2005

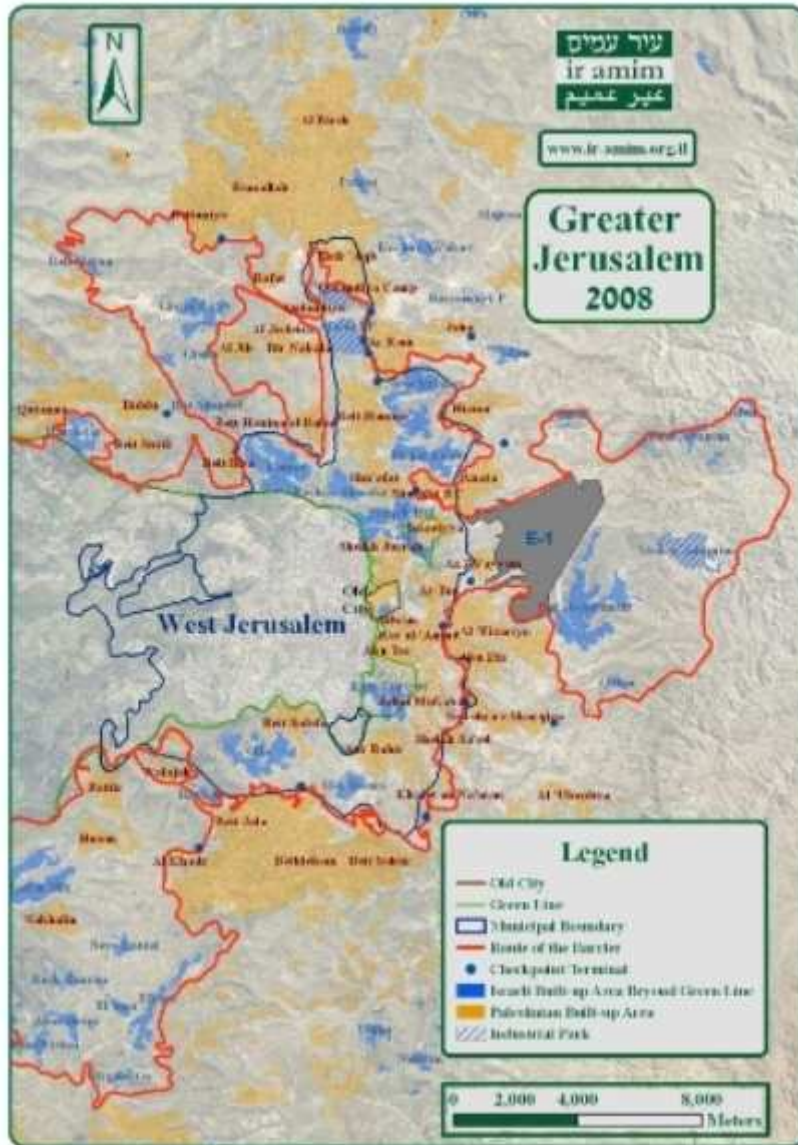


These maps are for illustrative purposes only. Boundary representations are not authoritative.



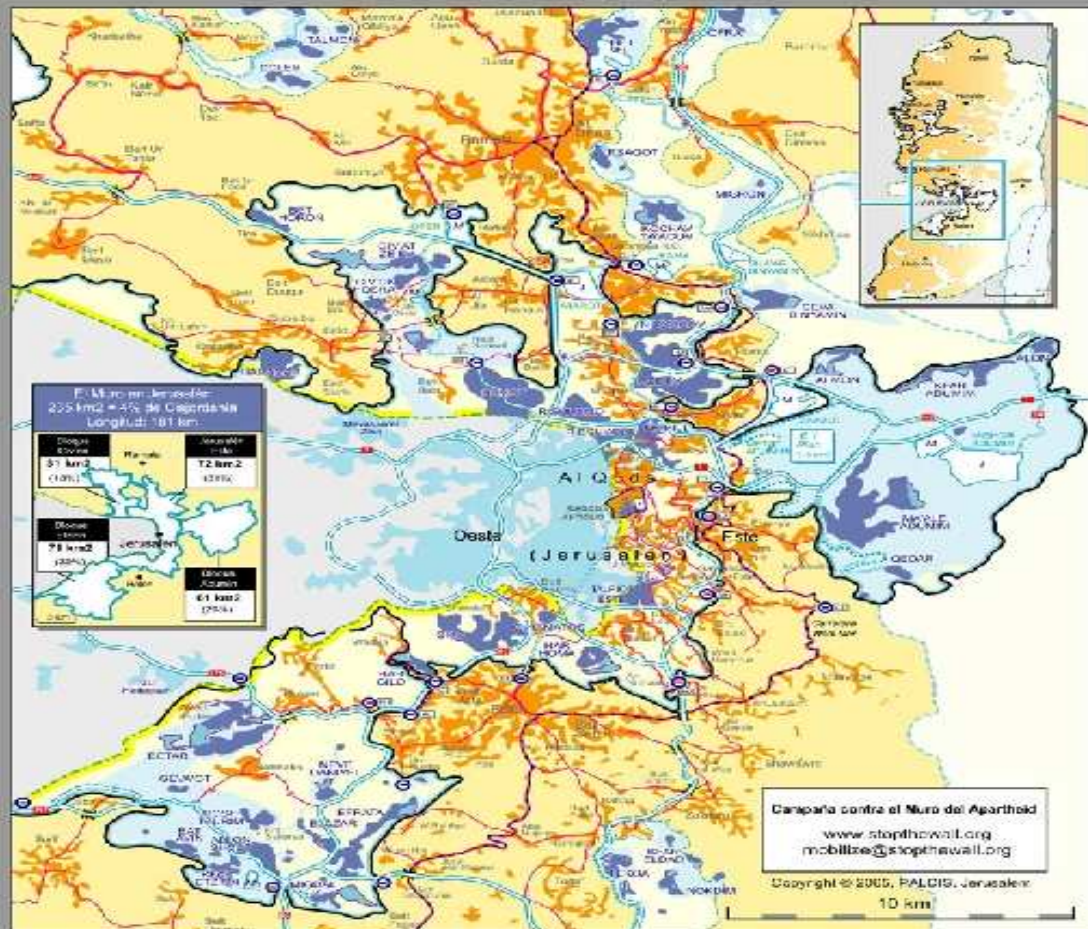


The Wall , West Bank and Jerusalem



El Muro en Jerusalén

Aislamiento, Ghetto y Expulsión

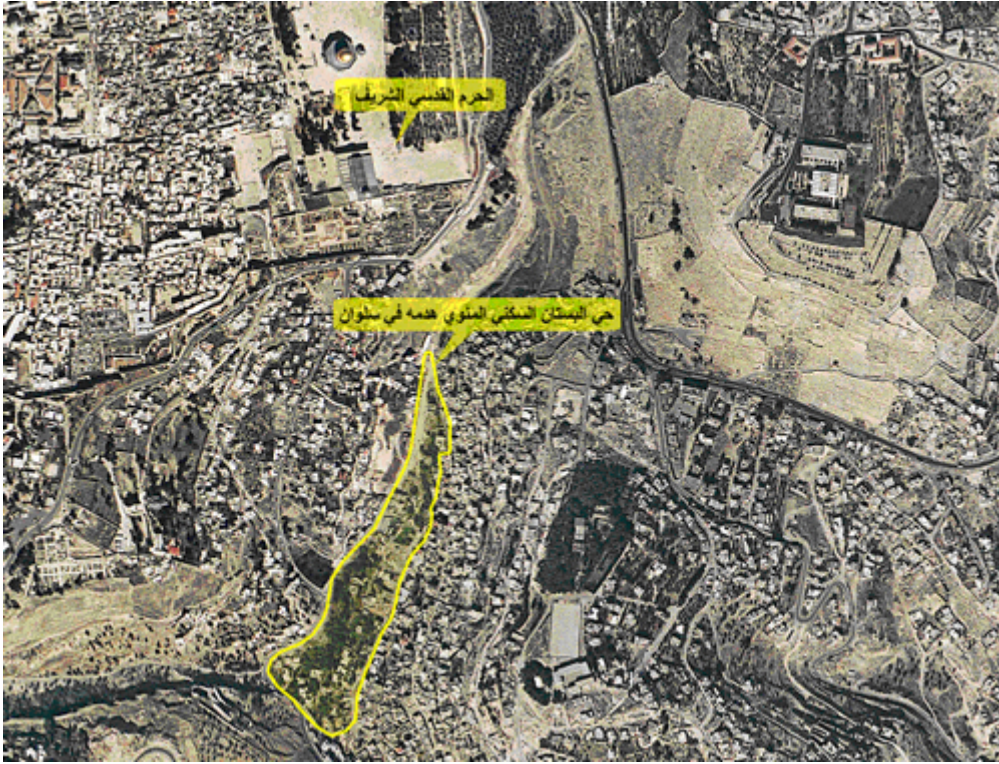


LEYENDA

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|---|--|---|
| El Muro del Apartheid (distrito de Jerusalén y GILBO) | Áreas controladas por israelíes arabs | Carreteras regionales y locales. Puntos de control y Puertos |
| Áreas de la zona | Áreas de expansión de la UNRWA en el Muro de Jerusalén | Edificios de carácter social o religioso / Carreteras para colonos proyectados o en construcción. |
| Asentamientos israelíes. Construcción / En construcción | Sitios de parques y recreación palestinos | Puntos de control israelíes, arabs, o proyectados, para carreteras locales. |
| Asentamientos israelíes. Villajes Industriales | Diques de minería petrolífera, carreteras regionales y locales proyectadas | Principal canal "Internacional" Norte-Sur para palestinos proyectado por UNRWA |

Puntos de control y Puertos del Muro en Jerusalén

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|--------------------|-----------------------|
| Actuales | En proyecto |
| RL- Ramallah | SH- Shuafat- HC |
| BC- Be'er Sheva | AN- Anatot |
| BT- Beitunya | TZ- Tur- Zofim |
| BD- Biddu | LZ- Latasus |
| RT- Ramat | SR- Sawa'ra |
| QJ- Qalunya Iyot | CT- Carlinot |
| AT- Alot | NZ- Nazariya |
| OT- Othvat al-Said | PS- Paso 300 |
| AD- Adam | RI- Ramat Jibna EICCO |
| HZ- Hemo | BL- Beit Jala |
| | KH- Khade |



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