

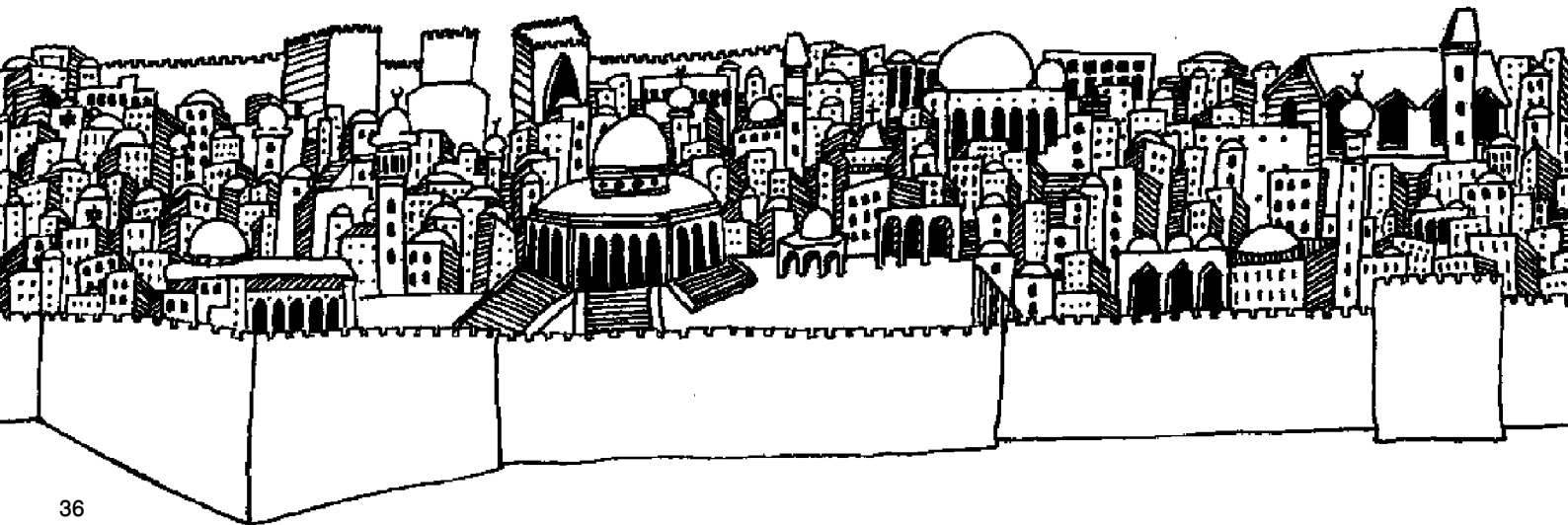
East Jerusalem

In the 1947 UN Partition Plan (See rear inside cover) Jerusalem was declared a 'corpus separatum' to be placed under a special international regime administered by the UN. The UN Partition Plan was not accepted by Palestinians, nor the larger Arab world, resulting in the 1948 war in which Israel captured up to 85% of the city, primarily in the west, while the Jordanian army held onto 11% primarily in the east. The remaining 4% was considered 'no man's land'.

64,000-80,000 Palestinians were forcibly expelled from their homes in West Jerusalem and 40 of the surrounding villages, which were destroyed by Israeli forces to preclude the return of their inhabitants. The property, homes and possessions of Palestinians who fled were considered 'left' by the previous inhabitants under Israel's 1950 Absentee Property Law and transferred to the Israeli state.

The remaining 15% of Jerusalem, including the 'Old City', remained in the hands of Palestinians until it too was captured by Israel in the war of 1967. After having 'unified' the city, Israel began to implement a complex series of policies and regulations meant to control or expel the remaining Palestinian population, so as to build a strong Jewish majority in the city.

In 1980, the Israeli government officially annexed East Jerusalem by amending the "Basic Law" to extend Israeli jurisdiction to the occupied area of the city. This act unofficially, but quite effectively, severed the remainder of the city from Palestinians living in either the West Bank or Gaza Strip. Travel to and from East Jerusalem today requires special permits from the Israeli authority which are often difficult or impossible to get for the majority of Palestinians.



'The 75 kilometre wall being built in East Jerusalem is an instrument of social engineering designed to achieve the Judaization of Jerusalem by reducing the number of Palestinians in the city'

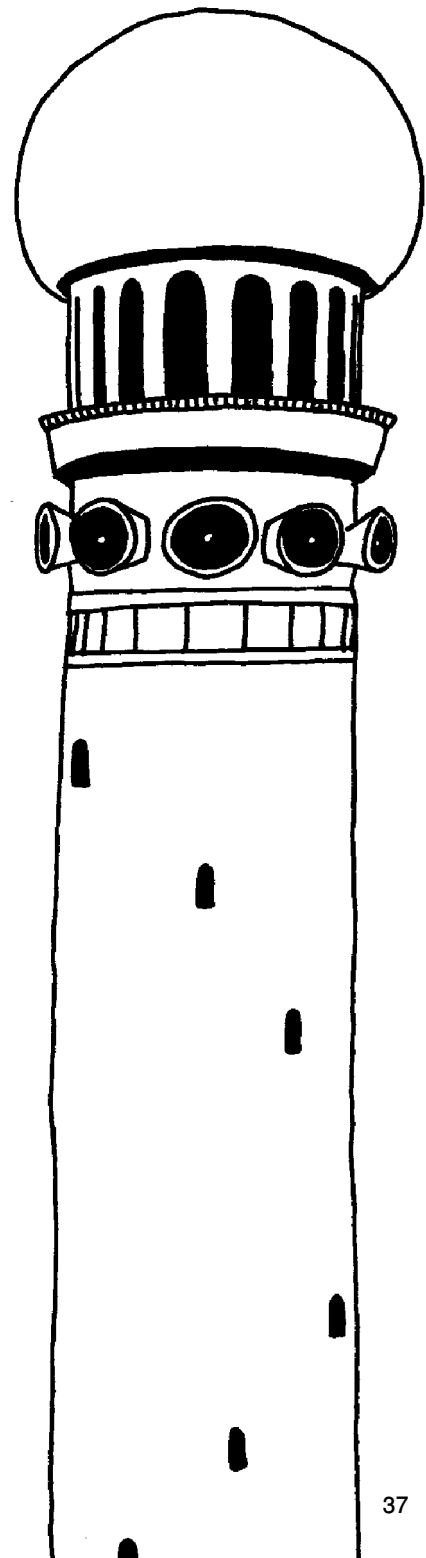
-Professor John Dugard, UN Special Rapporteur

The annexation of Jerusalem by Israel has had two important consequences for Palestinians revolving around culture and economics. Culturally and historically Jerusalem was the original capital of Islam, where the Prophet Mohammed not only began his ministry, but from where he also ascended to heaven. After the center of Islam moved to the Arabian Peninsula, Jerusalem, or 'Al Quds' as it is known in Arabic, remained its third most holy site.

Economically, the severing of Jerusalem from Palestine can be likened to the removal of the hub of a bicycle wheel. The cities of Hebron, Bethlehem, Ramallah and Nablus to name only a few, developed as suburbs over time like the spokes of a wheel - all connected to and dependant upon Jerusalem as the center of trade and commerce. The removal of the hub has left each of the spokes disconnected and economically impotent - greatly hampering the economic development of the occupied Palestinian territories.

Despite international law, and the implications that Jerusalem has for the viability of a future Palestinian state, Israel has thus far refused to put the city on the negotiating table. Many believe that this is not politically feasible in an Israeli politic in which small, extreme or religious parties are given great power in the coalition building process - powers which are effectively able to veto any negotiations or even collapse a coalition-building process as was done in October 2008.

Meanwhile it is highly unlikely that any Palestinian leader would be able to sign an accord which does not include East Jerusalem in a Palestinian state as it would exacerbate the economic challenges of state-building and deliver a heavy blow to the pride of not only Palestinians, but the entirety of the Muslim and Christian world.



Land Confiscation

THE FACTS:

**A 2006 study estimated that 62% of Palestinians in East Jerusalem live in poverty, as compared with 23% of Jewish families in East Jerusalem (22).

**In 2005 the Arab and Jewish birth-rates in Jerusalem were equivalent at 3.9 children per woman (22).

**In the first three years of occupation, Israel confiscated 18270 dunums (18,27 sq kms) of Palestinian land (4).

**By 1991 that number had reached 23378 dunums (23,4 sq kms) (5).

** By 2007, the Wall resulted in the confiscation of land belonging to 19.2% of Palestinian families in Jerusalem (6).

**From 1967 until the end of 2006, Israel had revoked the residency rights of around 8,269 Palestinian Jerusalemites (12).

In the 1949 Armistice Agreement Jerusalem was divided between Israel in the West and the Jordanian East Jerusalem. In 1950 the 'Absentee Property Law' was passed transferring all property considered 'abandoned' during the war, to the Israeli state. In the late 1980's a number of properties in Silwan and the Muslim Quarter in the Old City were turned over to the Custodian for Absentee Property, and then to a settler organization (1).

In June 1967, Israel unilaterally expanded the boundaries of Jerusalem by annexing some 70 sq kms to the municipal boundaries of the West Bank area and evicting "over 6,000 Palestinians from the Old City's Mughrabi Quarter (...) in order to create a plaza in front of Al-Buraq (the Western Wall)" (2).

Following the Six-Day War and the annexing of Palestine, Jerusalem was declared capital of Israel. This prompted the UN GA to pass a resolution (2253), which ordered Israel "to desist forthwith from taking any action which would alter the status of Jerusalem" (3). However Israel, in the first three years of occupation, confiscated 18270 dunums (18,27 sq kms) of Palestinian land (4) - by 1991 that number had reached 23378 dunums (23,4 sq kms) (5).

The construction of the separation Wall is also important in terms of land confiscation. By 2007, the Wall resulted in the confiscation of land belonging to 19.2% of Palestinian families in Jerusalem (6). Over the course of the occupation, Israel has expropriated over 60,000 dunums (60 sq kms) of Palestinian land in occupied East Jerusalem, all of which have been converted exclusively to Jewish use (7). This amounts to roughly 86,5% of the total land area of occupied East Jerusalem (8).

Demolition

According to the Fourth Geneva Convention as signed by Israel, an Occupying Power is prohibited from destroying property or making use of collective punishment. Article 53 states that; “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, to the State, to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations” (9). East Jerusalem is regarded ‘occupied territory’ by the United Nations, therefore, the practice of demolishing Palestinian houses is not legal.

Israeli law, however, differs. Construction, built without an Israeli permit is considered illegal. In large parts of East Jerusalem no building permits are obtainable due to the inability to meet the conditions required. The Municipality notes that NIS 185 million is required to “promote conditions for construction in the eastern city,” and to provide infrastructure that will enable building permits to be issued. The Municipality was given NIS 9 million, but so far, no project has been launched (10).

Many Palestinian Jerusalemites choose to construct buildings without permits, which provides the Ministry of Interior and the Jerusalem Municipality the judicial pretext to demolish their homes.

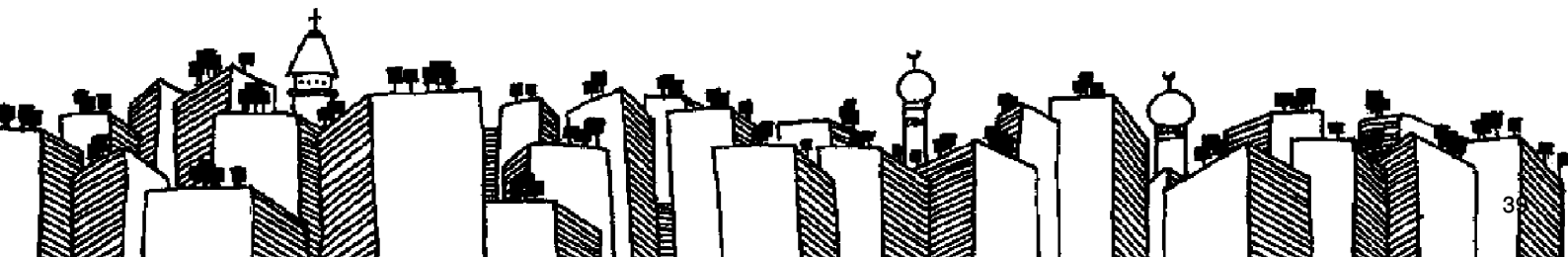
It is to be noted that illegal constructions are being built in West Jerusalem, but demolition of these are seldom carried out and “if they are actually carried out, are committed against minor structures – balconies, sheds, staircases and so on – while in East Jerusalem most demolitions are of entire dwellings and multi-storey apartment buildings(.)” (11).

Residency & ID

From 1967 until the end of 2006, Israel had revoked the residency rights of around 8,269 Palestinian Jerusalemites. Losing residency means losing the right to live in Jerusalem, access to social services and the right to travel within and out of Israel (12).

Jerusalem IDs were issued to Palestinian Jerusalemites in 1967 when they refused to accept Israeli citizenship following the occupation of East Jerusalem. This would have required them to take an oath of allegiance to the Israeli state and would have meant the de facto acceptance of the occupation (13).

Jerusalem IDs entitle Palestinian Jerusalemites to all the social and economic rights granted to Israeli citizens. They are allowed to work, travel and reside anywhere in Israel. However, Palestinian ‘permanent residents’ of Jerusalem are not entitled to an Israeli passport and they are not allowed to participate in Israeli national elections. They do have the right to participate in Jerusalem municipal elections, but most residents choose not to, as a principled protest over the Israeli controlled East Jerusalem (14).



Jerusalem under International Law

Israel unilaterally annexed East Jerusalem in June 1967 and extended Israeli law, jurisdiction, and administration to this part of the city. In 1980, the Knesset passed the Basic Law, which declared Jerusalem the Capital of Israel, including East Jerusalem (15). In response to Israel's expansion of the Jerusalem borders, UNSCR 252 of 1968 states that the Security Council "Considers that all legislative measures by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status" (16).

In response to Israel's annexing of occupied East Jerusalem, UNSCR 476 of 1980 states that the Security Council "Reconfirms that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of Jerusalem have no legal

validity and constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East" (17).

Furthermore, West Jerusalem, which was declared Israel's capital in 1949 in contravention of United Nations General Assembly Resolutions 181, which stated that; "The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations" (18). See Map on inside rear cover.

This point was further restated in UN General Assembly Resolutions 303 of 1949 (19). Despite these resolutions, the Judaization of Jerusalem and the oppression of the remaining Palestinians continues right into the present.

Jerusalem in the Annapolis Process

The issue of East Jerusalem was too controversial to be addressed in the Oslo Accords (1993) and left to be decided at a later stage. Since then we have seen the outbreak of the Second Intifada (2000-2007) and the continued expansion of settlements in occupied East Jerusalem, as well as the construction of the separation Wall, which encloses and divides Palestinian communities while incorporating illegal Israeli settlements on its western side (20).

In this current round of talks the issue of Jerusalem has remained controversial to say the least. Though we will perhaps never know what is discussed behind closed doors, the negotiators of both sides have publically admitted that the final status of the Holy City has not yet been discussed in the year since the launch of the Annapolis Peace Process. Even the rumor of Israeli Foreign Minister Tzipi Livni carrying on discussions concerning the partition of Jerusalem is said to have been part of the reason Kadima was unable to form a coalition in October of 2008, which in turn has frozen the peace process pending new Israeli elections.

Endnotes

1. Ir Amim 2005, "The Absentee Property Law in East Jerusalem: Recent Developments and their Significance".
2. PASSIA, "Special Bulletin – Jerusalem", p3, 2002.
3. United Nations General Assembly Resolution 2253, art. 2, "Measures taken by Israel to change the status of Jerusalem" July 1967.
4. PASSIA, "Special Bulletin – Jerusalem", p3, 2002
5. B'tselem, "East Jerusalem – Statistics on land expropriation in East Jerusalem", table available at; http://www.btselem.org/english/Jerusalem/Land_Expropriation_Statistics.asp.
6. Shabaneh, Luay "Palestine - Israel Journal of Politics, Economics & Culture" 2007, Vol. 14 Issue 4, p103.
7. United Nations, "Committee On the Exercise of the Inalienable Rights of the Palestinian People", The Status of Jerusalem, p22-23, 1997.
8. *ibid.*
9. United Nations, "Convention (IV) relative to the Protection of Civilian Persons in Time of War. Article 53." Geneva, 12 August ,1949. To read the full document, see <http://www.icrc.org> .
10. Margalit, Meir; "No Place like Home – House Demolitions in East Jerusalem", p18, 2008.
11. *ibid.*
12. Palestinian Ministry of State for Jerusalem Affairs 2005, Out of Gaza, Into Jerusalem: Israel's Threat to the Two-State Solution, August 2005.
13. PASSIA 2008, PASSIA Diary, p379 (chapter 14.2), 2008.
14. Ir Amim 2007, "The Civic Status of the Palestinian residents of East-Jerusalem".
15. Jerusalem Center for Social and Economic Rights, Legal Status of the Conflict, 2002. See the full article on; <http://www.jcser.org/english/legalstatus.html>.
16. United Nations Security Council Resolution 252, art. 2, May 1968. To read the full article, a pdf-version is available at; <http://www.un.org/documents/sc/res/1968/scres68.htm>.
17. Ir Amim 2007, "The Civic Status of the Palestinian residents of East-Jerusalem"
18. United Nations General Assembly Resolutions 181, Part III, A – The City of Jerusalem, November 1947.
19. United Nations General Assembly Resolutions 303, part I, December 1949.
20. Al-Haq (West Bank affiliate of the International Commission of Jurists, Geneva) 2005, "East Jerusalem Remains Occupied Territory Under International Law", June 2005.
21. UNDP, "Poverty in the occupied Palestinian territory - 2007", Development Times, issue No. 1, July 2007.
22. Haaretz, (Nadav Shragai) "Jerusalem's Palestinian and Jewish populations have equal fertility rates", 2007. Available at; <http://www.haaretz.com/hasen/pages/795793.html>.