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### East Jerusalem

## Providing a Voice

#### Background

The 1947 UN Partition of Palestine designated Jerusalem as a *corpus separatum* - an international city under UN administration. However, Israel annexed West Jerusalem after the 1948 war, ethnically cleansed some 80,000 Palestinians and destroyed some 38 Palestinian villages in the Jerusalem district. East Jerusalem remained under Jordanian control until 1967.

After the 1967 Six Day War, Israel unilaterally annexed East Jerusalem and the surrounding land with 28 Palestinian villages, all of which it subsequently added to the Municipality of Jerusalem. That de facto annexation contravenes international law and is not recognised. Successive UN resolutions have stated that all legislative and administrative measures taken by Israel to alter the character and status of Jerusalem are null and void and must be rescinded. Declarations by Israel that Jerusalem is its undivided capital have no validity under international law. Tel Aviv is already Israel's acknowledged capital with all foreign embassies housed there.

Since 1967, Israel determined to alter the status of East Jerusalem by demolishing 125 houses and expelling residents to make way for the Western Wall plaza, began confiscating land, building illegal settlements and the separation wall. By amending the "Basic Law" in 1980, Israel effectively annexed East Jerusalem to extend Israeli jurisdiction to the occupied area of the city. This act severed the remainder of the city from Palestinians living in the West Bank and 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.

#### Israeli colonisation to Judaise the city

Illegal settlements on confiscated Palestinian land now form an outer ring housing some 340,000 Jewish settlers with more to come in the heart of built-up Palestinian neighbourhoods.

These settlements have been integrated into the city via settler-only highways and a light railway built by French multinationals while Palestinian areas remain severely underdeveloped with deteriorating sewerage and drainage systems and failing amenities – a visible manifestation of Israel's apartheid policies.

Now settler organisations are looking at taking over the so-called "Holy Basin" area to create an "inner" layer. Settlers have either broken into Palestinian homes to take them over or used 'legal' means to get Palestinians evicted as was the case with families in Sheikh Jarrah who lost the homes that were given to them by the United Nations when they were made internal refugees.

**Archaeology** is another pretext which settler organisations use to create public space out of Palestinian-owned land. In Silwan, on the east side of the Old City, 88 Palestinian houses await demolition to make way for the 'Gardens of the City of David'. Tunnelling under Palestinian homes has also caused some of them to collapse. A government-sponsored 'Open Spaces' project will expand this domain.

Palestinian Jerusalemites with separate residential status in East Jerusalem - the centre of Palestinian political, commercial, religious and cultural life and its medical and educational services – are being cut off and isolated from their West Bank hinterland while Palestinians living outside are cut off from their traditional central hub intended to be their capital city.

Israel's discriminatory permit regime -

- restricts access to East Jerusalem
- restricts permits to pedestrian passage through four checkpoints and for a limited time only
- isolates the Palestinians
- creates obstacles for teachers and students with West Bank ID cards to reach educational facilities
- hampers non-medical staff and patients' access to six specialist hospitals
- prevents Palestinians from exercising their right to worship in Muslim and Christian holy places.

## Separation wall used to isolate and redraw boundaries

Israel's illegal separation wall is effectively re-drawing the geographical boundaries by -

- separating East Jerusalem from the rest of the West Bank
- re-locating communities outside the East Jerusalem municipality while including illegal Jewish settlements in the greater Jerusalem area
- separating rural communities from their agricultural resources and livelihoods
- cutting off the West Bank cities of Ramallah and Bethlehem and other West Bank neighbourhoods and suburbs from East Jerusalem with which they have had social, family and economic ties
- creating residency problems for those working, studying and marrying outside East Jerusalem, with many having their Jerusalem IDs rescinded - this being another method of discriminating against Palestinians in order to remove them from East Jerusalem.

## Residency status revoked to change demographics

Palestinians who hold permanent residency status can have their ID cards revoked if they cannot prove that their 'centre of life' lies within the Israeli-defined municipal boundary. Restrictions on 'family unification' and difficulties in registering children prevent families of 'mixed residency' status from conducting normal lives in East Jerusalem. Some 8,269 residency revocations occurred between 1967 and 2006 with the highest number occurring in 2008 with 4,577 residency revocations.

## House demolitions, evictions, displacement discriminates against Palestinians

Over one third of the territory annexed has been expropriated for construction of Israeli settlements. Only 13 percent of this area is currently zoned for Palestinian construction. Few building permits are granted to Palestinians, which invariably leads to "illegal" construction and inevitably demolitions and displacement. According to the UN some 60,000 Palestinians risk losing their homes and may have to pay large sums of money to have demolition orders postponed. It is virtually impossible for those made homeless to find new homes in Jerusalem

**The Jerusalem Local Outline Plan 2000 ('MasterPlan') seems designed to preserve a demographic majority of Jews vis-à-vis Arabs. The Israeli authorities have openly stated that the Palestinian population should not exceed 30%. It is currently 36%. This explains many of the discriminatory planning policies being practised in the city, such as: zoning 'green tourist areas' to contain Palestinian neighbourhoods; absence of infrastructure; denial of building permits and simultaneously allowing much higher density of building with better infrastructure in Jewish only neighbourhoods.**

## Inadequate education and reduced access to health services

Chronic shortage of classrooms and substandard conditions of existing facilities means Palestinian pupils are often accommodated in rented structures that do not meet basic educational and health standards. Many parents cannot access free education and are forced to resort to fee-paying alternatives. Other pupils are not enrolled in any school or fail to complete secondary school

Jerusalem ID holders do have access to health services, but Palestinians in the Occupied Territories are often unable to reach the hospitals in East Jerusalem because the permit regime, checkpoints, the separation wall and the blockade of Gaza make access difficult or well nigh impossible. Staff from six Palestinian hospitals in East Jerusalem also have difficulties reaching their workplaces.

## Israel's violations

As an occupying power, Israel is responsible under international humanitarian and human rights law for ensuring that the humanitarian needs of people under its occupation are met, including in East Jerusalem. Further, that Palestinian residents are able to exercise their human rights, including the right to freedom of movement, work, housing health, education, and to be free from discrimination. Israel is also responsible for ensuring that East Jerusalem remains an integral part of the West Bank and that the entire Palestinian population has the right to reside in and access the city, including for specialised health and education, work, social, cultural and family relationships and for worship at the Muslim and Christian holy places. On all these counts Israel is found wanting and has deliberately employed policies that discriminate in favour of Jewish Israelis and serve to divide Palestinians from each other while severing Palestinian ties to the city.

## REFERENCES

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