

From Diversity to Racial Segregation and Domination

Palestinians in Jerusalem

Civic Coalition for Palestinian Rights in Jerusalem: www.civiccoalition-jerusalem.org



Two events in the past 100 years have shaped Palestinian lives in Jerusalem more than anything else: the comprehensive ethnic cleansing of the city's western neighbourhoods and adjacent villages by Israel in 1948, and the Israeli occupation and annexation of the eastern parts of the city in 1967.

Jerusalem under British rule (1917 – 1948)¹

- As elsewhere in the Palestine, ethnic division and inter-communal conflicts were common in Jerusalem, mainly due to efforts of the Zionist movement—supported by the British Mandate-- to achieve political control over the country through the acquisition of land and the settlement of large numbers of European Jewish immigrants.
- The size of the Jewish population in Jerusalem increased rapidly, but most of the land remained in the ownership of the indigenous, predominantly Arab Palestinian citizens.

Urban Jerusalem	Arab & other	Jewish
Population (1922)	28,112	33,971
Population (1946)	65,010	99,320
Land ownership (1947)	11.2km ²	4.8km ²
Jerusalem western villages, (Lifta, Deir Yassin, Ain Karim, al Malha)		
Population (1947)	9,600 (est.)	n/a
Land ownership (1947)	27.7km ²	3.2km ²

Jerusalem, however, was also a city with considerable social mobility. Ethnic diversity and the coexistence of diverse religious and secular trends gave it a cosmopolitan character.

- A growing Palestinian Arab urban middle class had left the crowded Old City and built homes in new neighbourhoods, such as Talbiya, Baq'a and Katamon, in the south-western parts of town. Adjacent western Arab villages, such as Lifta, Deir Yassin, Ain Karim and al Malha, were increasingly integrated into the city's economy and labour market. Communal, inter-ethnic conflict was tempered by mutual dependence and local solidarities, as neighbourhoods, businesses and real estate were also shared by Palestinian Muslims, Christians and Jews, in particular in and around the Old City, home of a community of indigenous Jews. The life of this Jerusalem was cut short in 1948.

Racial separation and domination: Jewish-Israeli West Jerusalem (1948 – 1967)

The Nakba (catastrophe) in Jerusalem

- **1947:** the United Nations debates the status of Palestine after the withdrawal of the British Mandate regime. Although it recommends partition of the country into a Jewish and an Arab state, it also recommends that Jerusalem should remain undivided and come under international control (UN Resolution 181, 29 November 1947).
- **November 1947:** indigenous Palestinians reject and protest the division of their country by the United Nations. Internal armed conflict starts in Palestine. It turns into war in May 1948, when five Arab states intervene in response to the declaration of the establishment of the state of Israel.
- **December 1947 - July 1948:** Zionist militias massacre 100 Palestinian villagers in Deir Yassin. Before and during the war, almost the entire Arab Palestinian population is expelled from the city's western neighbourhoods and villages to make space for Israeli-Jewish Jerusalem. Up to 80,000 Palestinians from the area of Israeli municipal (West) Jerusalem become refugees, seeking shelter mainly in the eastern

¹ Based on Salim Tamari (ed), *Jerusalem 1948. The Arab Neighbourhoods and their Fate in the War*, Institute of Jerusalem Studies and Badil Resource Center, 2002, citing official British and UN sources.

parts of the city, elsewhere in the West Bank, and in Jordan. Israel confiscates their properties, including some 10,000 urban homes and 35km² of land (equal to 60-80% of Israeli municipal Jerusalem after 1948), and allocates them to its Jewish population.²

- **July 1948:** the Jordanian army expels the entire Jewish community (up to 2,500 persons) from the Old City to Israeli West Jerusalem. Their property, including 192 homes and other real estate, mainly in the Jewish Quarter of the Old City, is seized by the Jordanian Custodian of Enemy Property.³
- **December 1948:** the United Nations calls for the return of all persons displaced in the war, restitution of property and compensation (UN General Assembly Resolution 194). A UN register of most of the properties and their owners is completed in 1964.

Israel immediately adopted a series of discriminatory laws in order to make the ethnic cleansing of 1948 and Jewish-Israeli domination permanent*

These laws, which remain in force until today,

- Strip Palestinian refugees of their citizenship, making them stateless with no right to return
- Grant superior civil status ("Jewish nationality) to Israel's Jewish citizens; define Israel as the state of "Jewish people"
- Allow systematic and irreversible confiscation of Palestinian property; transfer it to the permanent ownership to the state and the Jewish National Fund (JNF)
- Grant official status and functions to private Zionist organizations, such as the JNF, that cater to and develop land for the "Jewish people"

Including, among many others: Israeli Citizenship Law (1952); Law of Return (1950); Basic Law: The Knesset (1958), Amendment 9 (1985); Absentees' Property Law (1950); Development Authority (Transfer of Property) Law (1950); Land Acquisition for Public Purposes Ordinance (1943, incorporated British Mandate law); Basic Law: Israel Lands (1960); World Zionist Organization-Jewish Agency "Status" Law (1952); Keren Kayemet Le-Israel Law (1953); Covenant with Zionist Executive (1954). See, Adalah: <http://adalah.org/eng/Israeli-Discriminatory-Law-Database>

Jordan's treatment of Jewish property in eastern Jerusalem

- Eastern Jerusalem came under Jordanian rule after the war. Vacant Jewish homes were used to house Palestinian refugees from western Jerusalem. The Jordanian Custodian issued contracts of protected tenancy for this purpose, and Palestinian tenants had to pay rent to the Custodian. Jordan preserved, thus, the property title of the Jewish owners and their right repossession.

Colonization and racial domination: occupied East Jerusalem (1967 – present)

Premeditated: the claim for sovereignty in all of Palestine was legislated into Israeli law in 1948.⁴ An Israeli military government for the West Bank was ready by 1964.⁵

June 1967: Annexation of occupied East Jerusalem

- Israel annexed the eastern Jerusalem neighbourhoods together with land of 28 Palestinian communities in the adjacent West Bank – in total approximately 70km² of occupied Palestinian territory that became known as East Jerusalem.
- Israel incorporated this area into the boundaries of its (West) Jerusalem municipality and extended its domestic law into it. On 30 July 1980, Israel adopted a Basic Law declaring that, "Jerusalem, united and complete, is the capital of Israel".

² Terry Rempel, "Dispossession and Restitution in 1948 Jerusalem", in S. Tamari (ed.), supra, p. 213, 216-217. See also: Civic Coalition-Jerusalem, *Fact Sheet: Lifta*, http://www.civiccoalition-jerusalem.org/system/files/the_case_of_lifta_village_final.pdf

³ Nazmi Ju'beh, "Focus, Jewish Settlement in the Old City of Jerusalem after 1967", *Palestine-Israel Journal*, Vol. 8, No.1, 2001.

⁴ Area of Jurisdiction and Powers Ordinance, No. 29 of 5708-1948

⁵ Tom Segev, *1967. Israel, the War, and the Year that Transformed the Middle East*, Metropolitan Books, 2007, p. 458.

- The Israeli annexation deprived Palestinians in occupied East Jerusalem of the protections of the Fourth Geneva Convention. They became subjected to the same discriminatory Israeli laws that had been used for the permanent transfer and expropriation of the 1948 expelled Palestinian population of western Jerusalem.
- Israel, the state, also gained control of the pre-1948 Jewish properties in East Jerusalem that had been administered by the Jordanian Custodian of Enemy Property.

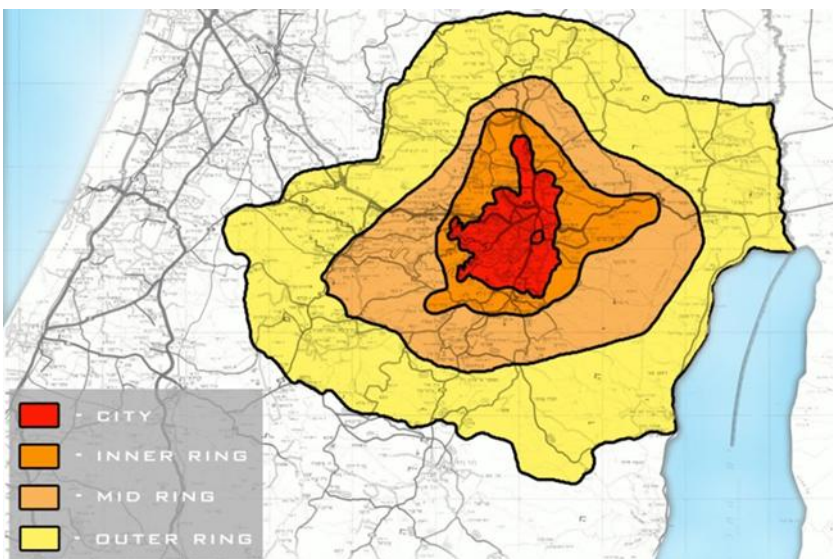
1967 - Today: Systematic population transfer

- East Jerusalem was populated exclusively by Palestinians in 1967. Since then, all Israeli authorities have worked to change its demographic composition and establish Jewish-Israeli domination, through expropriation and forced transfer of Palestinians, and the establishment of Jewish settlements.
- Population transfer is systematic, premeditated and deliberate. Based on the official doctrine of “demographic balance” formulated by the Inter-ministerial Committee to Examine the Rate of Development for Jerusalem (Gafni Committee) in 1973, Israel defines the ratio of 30% Palestinians and 70% Jews as its policy objective in “united” (West and East) Jerusalem.⁶

47 Years of Israeli Population Transfer	
Jewish settlers in East Jerusalem	
<i>Number (est.)</i>	200,000 = 45% of the population
<i>Location</i>	16 large urban settlements; 2,000 in and around the Old City
Jewish settlers in “Greater Jerusalem”, West Bank	
<i>Number (est.)</i>	152,000 = 30% of the population in West Bank districts of Jerusalem and Bethlehem
<i>Location</i>	The “settlement blocs” of Giv’at Ze’ev, Kokhav Ya’akov, Ma’aleh Adumim and Gush Etzion

1994 – Today: Annexation *de facto* of “Greater Jerusalem” in the occupied West Bank

- Since the beginning of Israeli-Palestinian peace negotiations, Israel has established “Greater Jerusalem”, a Jewish-Israeli metropolitan area extending from Ramallah in the North, to the Dead Sea in the East, and Hebron in the South.
- This area has been annexed *de facto* to Israel by: the establishment of four large clusters of Jewish settlements (“settlement blocs”); application of Israeli law in the settlements; construction of the Wall and a network of highways that tie the settlements into West Jerusalem and Israel.



Israeli map of “metropolitan Jerusalem” (unofficial)
<http://www.jerusalem5800.com/>

“Greater Jerusalem” (mid ring) is predominantly located in the occupied West Bank

⁶ B’tselem, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem*, 1995, p. 30 – 38, 45 – 48. Also: Civic Coalition-Jerusalem, “Jerusalem Master Plan 2030: Implications and Threats to the Palestinian presence Jerusalem”: www.aidajerusalem.org/uploadss/01_07_10986663827.pdf

Today, it is universally recognized that East Jerusalem is part of the Israeli-occupied West Bank and Gaza Strip where sovereignty belongs to the Palestinian people.

Since 1967, the United Nations has --in vain-- urged Israel to rescind its annexation and population transfer, which contradict the UN Charter, are serious violations of international humanitarian and human rights law, and result in war crimes.

All states have been called to:

- Abstain from assisting these Israeli violations, and,
- Cooperate in order to bring them to an end.

Private companies have been reminded of their duty to respect international humanitarian and human rights law and terminate business involvement in the illegal Israeli activities in occupied East Jerusalem.

See, for example: UN Security Council Resolutions 465 and 478 (1980); ICJ Advisory Opinion on the Israeli Wall (9 July 2004) adopted by the UN General Assembly on 20 July 2004; the Report of the International Fact Finding Mission on the Israeli Settlements endorsed by the UN Human Rights Council on 22 March 2013

Consequences for Palestinians in occupied East Jerusalem:

Persecution through systematic deprivation of fundamental human rights and forced transfer

Deprived of land, homes and heritage: home demolitions and forced evictions

- At least one third of the Palestinian land has been expropriated, mainly under the Absentees' Property Law and for alleged "public" purpose.⁷ Even where Palestinians still own land, they cannot build on it. Under the pretext of "urban planning", Israel restricts Palestinian development to 13% of the area of East Jerusalem. Thousands of Palestinians have been evicted and Palestinian homes and heritage destroyed, as their land has been allocated for Jewish-Israeli urban infrastructure, settlements and sites of tourism and worship.
- In the Old City after the 1967 war, entire Palestinian neighbourhoods were destroyed and the land expropriated. Several thousand Palestinian inhabitants, including many 1948 refugees, were evicted to create space for Jewish worshippers and the new, expanded Jewish Quarter.⁸
- Today, in Palestinian neighbourhoods adjacent to the Old City (Sheikh Jarrah, Silwan, Issawiya, Al Tour) Israeli settlers, authorities and courts collude in evicting Palestinians and destroying their homes and heritage for the development of Israeli-Jewish "national parks" and tourist sites – often taking advantage of an Israeli law that allows claims for pre-1948 properties in East Jerusalem - but not in West Jerusalem where the properties of the refugees are located.⁹
- In the outskirts of East Jerusalem, Palestinian homes and communities (Beit Hanina, Shufat, Beit Safafa, Bedouin communities) are destroyed to make space for Israeli settlements and highways constructed in expropriated land for Israeli "Greater Jerusalem" in the occupied West Bank.¹⁰
- Palestinian structures built without permits are systematically demolished.¹¹ In 2009 – 2013 alone, Israel demolished 370 Palestinian structures, mainly homes, forcibly displacing 909 persons.¹²

⁷ Usama Halabi, *Israel's Absentees' Property Law: Application of the Law in occupied East Jerusalem*, Civic Coalition-Jerusalem, 2013.

⁸ Civic Coalition-Jerusalem, Submission to the International Fact Finding Mission on the Israeli Settlements, October 2012.

⁹ Civic Coalition-Jerusalem, *Fact Sheet: Silwan*: http://www.civiccoalition-jerusalem.org/system/files/silwan_factsheet_2_2014.pdf
Fact Sheet: Sheikh Jarrah: http://www.civiccoalition-jerusalem.org/system/files/sheikh_jarrah_2_2014.pdf

¹⁰ Civic Coalition-Jerusalem, *Update and Urgent Appeal: Beit Safafa*: <http://civiccoalition-jerusalem.org/press-releases/israeli-supreme-court-rules-allow-completion-illegal-israeli-settlement-highway-throu>

¹¹ UN OCHA Fact Sheet: East Jerusalem, Key Humanitarian Concerns, December 2012:

http://www.ochaopt.org/documents/ocha_opt_Jerusalem_FactSheet_December_2012_english.pdf

¹² OCHA Displacement Working Group.

Stripped of all civil status and rights in their city

- Approximately 30,000 Palestinians, residents of the Israeli-annexed area, were absent at time of the 1967 Israeli population census, including many displaced persons. Israel did not record them and excluded them from its Jerusalem population register. In Israeli terms, they—and their descendants—do not exist; they have no legal status and no right to return to the city.¹³
- The right to establish a home in Jerusalem is denied to almost the entire occupied Palestinian population of more than 4 million, because Israel grants lawful residence only to Palestinians recorded in its 1967 East Jerusalem census and their descendants.
- Since the early 1990s, the more than 4 million occupied Palestinians have also been denied free access to city from the West Bank, even for short term visits for reasons of business, medical care, education, worship or other, because Israel has institutionalized a discriminatory “Jerusalem closure policy” composed of military orders, magnetic cards, access permits, checkpoints and the Wall.

Jerusalem Palestinians, “foreigners” subject to deportation

Palestinians recorded in the 1967 East Jerusalem census are designated as “Jerusalem Arabs” by Israel. They are registered in the municipality’s population register and permitted to stay in East Jerusalem.

- These Jerusalem Palestinians are, however, deprived of both, their Palestinian nationality and secure civil status in their hometown. The status of “permanent residents” (blue Israeli ID cards) accorded to them under the Entry to Israel Regulations (1974) is usually granted to foreigners on long-term stay in Israel. It entitles to Israeli social benefits, public services and participation in municipal elections, but does not convey unconditional rights to stay, register children or unite with relatives in Jerusalem. For “permanent residents”, these are privileges subject to the discretion of the Israeli interior ministry. 317,844 Palestinians held such “permanent resident” status in Jerusalem in 2012.
- Permanent residency is revoked, if the ministry believes that a Jerusalem Palestinian does not have his/her “center of life” in Jerusalem but lives in the occupied West Bank or elsewhere, or has stayed abroad for 6 years or obtained residency/citizenship of another country. Since 1967, Israel has revoked the Jerusalem resident status of at least 14,300 Palestinians, removing them from the population register and abolishing their right to return under Israeli law.¹⁴

Divided Palestinian families, unregistered children

- Residency permits for children born outside of Jerusalem, or spouses and children who are



¹³ Badil Resource Center for Palestinian Residency and Refugee Rights, *Eviction, Restitution and Protection of Palestinian Rights in Jerusalem*, 1999.

¹⁴ <http://www.hamoked.org/Document.aspx?dID=Updates1285>

not residents or citizens of Israel, are also frequently denied. Unregistered Palestinian children in East Jerusalem are forced to live in legal limbo and forgo free public health services and education.

- Since 2003, family reunification in Jerusalem between Jerusalem Palestinians and their spouses and children from the West Bank or Gaza Strip is prohibited under Israeli law.¹⁵ Many Palestinian families leave Jerusalem to avoid forced separation.

Denied adequate public housing, health and education services

Jerusalem Palestinians depend upon Israeli authorities for essential services. They do not have access to the public services of the Palestinian Authority (PA), because the PA is prohibited under the Oslo agreements from operating in the Israeli-annexed East Jerusalem. Israeli municipal and national authorities cater to Jerusalem's Jewish population in particular the settlements, deprive Palestinians of their rights to adequate housing, health and education, and induce forcible displacement.

- Systematic underfunding of East Jerusalem schools has resulted in a chronic lack of class rooms, facilities and equipment. Qualified Palestinian teachers from the West Bank are prevented from teaching in East Jerusalem schools by the Israeli "closure" policy.
- Practically no public housing is made available for Palestinians. Home demolitions, combined with the the severe housing shortage, force many Palestinian families to seek housing in the East Jerusalem neighbourhoods behind the Wall or to leave the city entirely.

Persecuted for resisting De-Palestinization

Under the Oslo agreements, Israel is to apply the Palestinian school curriculum in occupied East Jerusalem, and to permit political participation of Jerusalem Palestinians in Palestinian public affairs, including activities of PLO (but not PA) institutions. In reality, Israel systematically oppresses Palestinian freedom of expression and assembly.

- Israeli authorities deprive East Jerusalem youth of the right to learn about their history, heritage and identity as Palestinians by imposing censorship on Palestinian school books, and by exerting pressure on Palestinian schools to adopt the Israeli curriculum.¹⁶
- Israeli laws prescribe sanctions for boycotts and Nakba commemorations.¹⁷
- Israeli authorities have instigated a climate of repression and fear by regularly stifling public conferences and cultural events; issuing (threats of) summons and fines against Palestinian organizers, hosts and suppliers; and by tolerating Jewish settler violence against Palestinians, including children.¹⁸
- At least 31 Palestinian institutions have been ordered closed since 2001 under the pretexts of security and affiliation with the PA. Many Palestinian institutions and associations have relocated from occupied East Jerusalem due to fear of Israeli persecution.

Persecution of Palestinians through systematic and severe deprivation of human rights and forced transfer are serious violations of international law, as are the Israeli annexation and settlement enterprise in occupied Palestinian territory. Carried out with the intention to maintain and expand Jewish-Israeli domination, they are indicative of a system of apartheid and colonialism.

Sources: Russell Tribunal on Palestine, Capetown Session (2011); CERD Concluding Observations, Israel (2012); Reports of the UN Special Rapporteurs on Human Rights in the OPT: A/HRC/4/17 (29 Jan 2007), A/HRC/25/67 (13 January 2014)

¹⁵ <http://adalah.org/eng/Articles/1556/Family-Unification>

¹⁶ Civic Coalition-Jerusalem, Briefing Note regarding De-Palestinization of Education in occupied East Jerusalem (February 2014): http://www.civiccoalition-jerusalem.org/system/files/note_on_de-palestinization_of_education.pdf

¹⁷ The Anti-Boycott Law and the "Nakba Law" passed in 2011; see, Adalah, Discriminatory Law Database.

¹⁸ http://www.ochaopt.org/documents/ocha_opt_ej_settlements_factSheet_april_2012_english.pdf