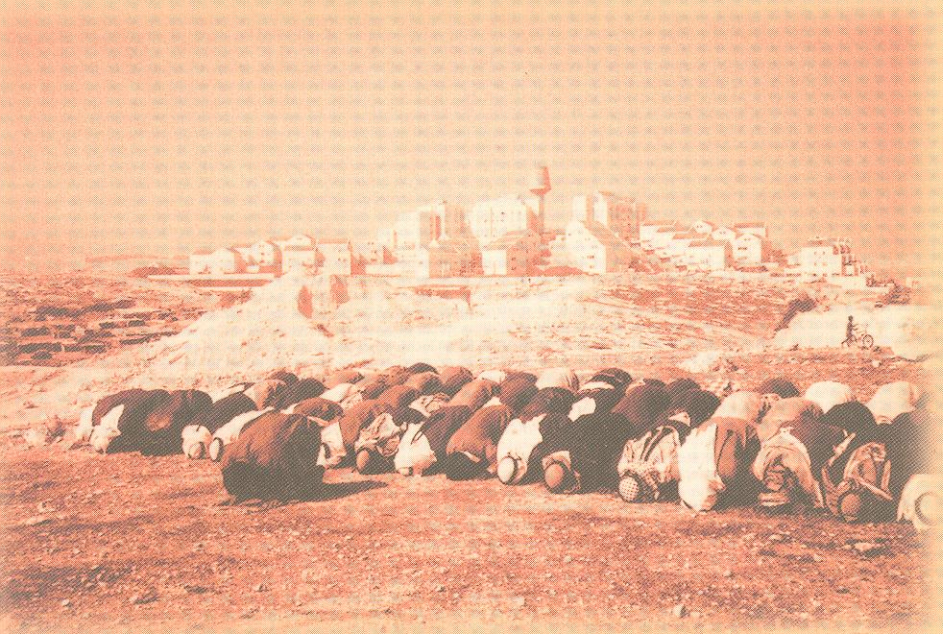


Allison B. Hodgkins

THE JUDAIZATION OF JERUSALEM



◆ Israeli Policies Since 1967 ◆

PASSIA

Palestinian Academic Society for the Study of International Affairs

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PASSIA
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Jahalin Bedouins at prayer; in the background: Ma'ale Adumim Settlement.

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Tel: 972-2-6264426 ♦ Fax: 972-2-6282819
E-mail: passia@palnet.com
P.O.Box 19545 ♦ Jerusalem

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Introduction

Last September, Israel, under cover of darkness and armed guard, opened the second entrance to the Hasmonean tunnel. In doing so, they directly undermined the sanctity of both Moslem (the Haram al Sharif) and Christian (the Via Dolorosa) holy sites in the city. When the Palestinian National Authority (PNA) and the international community appealed to the Likud government to reseal the tunnel's new entrance, the new right wing government flatly refused. Israeli Prime Minister Benjamin Netanyahu was reported to have compared the request to close the tunnel with a request to the American government to dismantle the Washington monument.¹ Revealed in the Prime Minister's remarks is the underlying Israeli perception of Jerusalem as an exclusively Israeli-Jewish city. According to this perception, Israeli sovereignty in the city and the sole right of Israel to make decisions about the city's future are beyond question. Although the Prime Minister's remarks give the impression that this perceived right extends from time immemorial, Israel's current stranglehold over the holy city has been the result of a carefully planned and scrupulously enacted Israeli policy to secure exclusive control in Jerusalem.

Since 1967, Israel's objectives in Jerusalem have been to establish irreversible and exclusive control over the holy city. Policy decisions were made on the city's future in the aftermath of the 1967 war which have been systematically pursued over the last twenty-nine years.

On the national and municipal level, Israeli policy makers have consistently sought to implement strategies which would ensure Israel's physical domination of the

¹ CNN International, 30/9/96.

city while minimizing dissent from within and from abroad. Policies have been developed and implemented in order for Israel to create geographic integrity and demographic superiority in favor of a Jewish Jerusalem. Concomitant with their actions on the ground, Israel has run a pervasive public relations campaign designed to secure national and international legitimacy for both their practices in East Jerusalem and their sole sovereignty over the whole of the city. They have succeeded in altering the geographic and demographic layout of the city and made tremendous strides in promoting their actions as a legitimate part of the democratic governing of the city. The acceleration of Israeli actions since the signing of the Oslo accords, and particularly since the election of Benjamin Netanyahu demonstrate that the Israeli government considers the issue of Jerusalem closed. Furthermore, the dearth of public protest and the ease with which the general public accepts the conversion of East Jerusalem into exclusively Jewish developments indicate that the Israeli government has been successful in legitimizing their actions, at least at home. If current Israel plans are brought to fruition, the final status of Jerusalem will have been settled long before the Palestinians arrive at the negotiating table.



Evolution of Israeli Policy on Jerusalem

In the 1996 Israeli elections, the party platforms of Meretz, Labour, Yisrael b'Aliyah, Likud, the N.R.P. and Moledet all call for Jerusalem to remain a "united" city under Israeli sovereignty. All evidence suggests a broad consensus in Israel supports the dominant vision of Jerusalem as the "eternal and undivided capital." All Israeli governments since Levy Eshkol have pursued policies which would ensure Israel's continued hold on all of Jerusalem. While Labour and Likud have differing opinions on the overall philosophy of land for peace, both parties categorically regard Jerusalem, as defined by the 1967 boundaries, as an integral part of the Jewish state. Israeli policies on Jerusalem were clearly defined immediately preceding the 1967 war and have been carefully and consistently implemented by subsequent national and municipal governments ever since. Consistent with Zionist strategies in the pre-state period, as well as strategies in the in the rest of the Occupied Territories, Israeli policy in Jerusalem has evolved over the past 29 years out of a perceived need to establish irreversible facts which would cement their claim to the city.

The principle of a "unified" Jerusalem under exclusive Israeli control pre-dates the conquest of East Jerusalem in 1967. In the aftermath of the 1948 war, the Israeli government took immediate action to consolidate their hold on West Jerusalem and lay the foundations for the eventual conquest of the East. Speedy political maneuvers were made to legitimize control of the West. A rapid series of resolutions and legislation ratified by the Knesset in 1949 and 1950 revealed Israeli intentions for the city. The Knesset rejected all calls for internationalization after the war and declared that "Arab aggres-

sion" invalidated their obligation to implement the partition plan. On 2 February 1949, Ben Gurion declared that Israeli-held Jerusalem was no longer occupied territory but an integral part of the state of Israel. However, in an important distinction, Ben Gurion expressed a willingness to establish the UN sanctioned *corpus separatum* over the Old City.¹ The seemingly magnanimous gesture on Ben Gurion's part represented a clear desire to delegitimize Jordan's hold over the Old City while at the same time removing Israel's own territorial acquisitions from debate.

After insisting on the unrestricted exercise of exclusive sovereignty over West Jerusalem, Israel then accelerated the process of making Jerusalem its capital. In 1950, the Knesset formally declared Jerusalem to be the capital of the Jewish state - retroactive to the date of the declaration of independence-, and began the hasty process of transferring all government ministries from Tel Aviv. By July of 1953, all government ministries, including the Foreign Ministry had been moved to Jerusalem.² These early unilateral maneuvers on the part of the Israelis to preempt any discussion over their control over the Western part of the city, in retrospect, can be viewed as harbingers of Israel's treatment of East Jerusalem once captured in 1967.

The situation after the 1948 war was clearly viewed as temporary by many key figures in Israeli politics. In a 1949 address to the Knesset, Ben Gurion proclaimed that

¹ Howard M. Sacher, *A History of Israel*, Vol. II (Alfred A. Knopf, New York, 1993), pp. 432-3.

² By 1954, both the American and the British ambassadors presented their credentials in Jerusalem, demonstrating a modicum of success in securing legitimacy for their hold on West Jerusalem.

"We cannot lend ourselves to take part in the enforced separation of Jerusalem, which violates... the historic and natural rights of a people who dwells in Zion."³

The awkward configuration of the cease-fire lines largely drawn by Moshe Dayan attest to the perceived impermanence of Jerusalem's boundaries.⁴ Despite the construction of the Givat Ram campus of the Hebrew University, Israel went to great lengths to maintain their presence on Mount Scopus relying on bi-weekly UN convoys to re-staff and re-supply the Israeli enclave. In 1965, newly elected Jerusalem mayor Teddy Kollek shelved plans for the construction of a new city hall to be located far away from the cease-fire lines. Kollek defended his decision on the grounds that "by staying on the frontier, we [are] giving expression to our faith in the eventual unification of Jerusalem."⁵ On the eve of the 1967 war, Rabbi Kook⁶ declared in his annual sermon celebrating Israeli independence that leaving the holy sites of the Old City in the hands of the "goyim" to be a sin.⁷ Israel persists in perpetuating the popular perception of the defensive nature of the 1967 war. However, the speed with which East Jerusalem was captured by war reflects the long standing desire to "reunify" the city under exclusive Israeli rule. After the 1967 war, the thrust

³ Mark Tessler, *A History of the Israeli-Palestinian Conflict* (Indiana University Press, 1994), p. 318.

⁴ Anecdotal history recounts that Moshe Dayan and Abdullah al-Tal demarcated the cease-fire lines between Israel and Jordan by driving a jeep between the two armies' final positions with a map and a purple marker pen. Frustrated with the tedious nature of the task the two future generals stopped in a bombed out structure on the tiled floor and hastily drew the rest of the cease-fire lines. Anomalies in the lines, such as sharp straight lines, reportedly result from the pen being stuck in the seams between the tiles. The informal manner in which the cease-fire lines were drawn indicate an assumption on both sides that the current situation was temporary. Dr. Paul Liptz, Department of Middle Eastern History, University of Tel Aviv.

⁵ Teddy Kollek, *For Jerusalem*, (New York: Random House, 1978), p. 18.

⁶ Rabbi Kook was the Chief Ashkenazi Rabbi of Palestine during the British Mandate and became one of the first Ultra-Orthodox supporters of the secular Zionist movement.

⁷ Karen Armstrong, *Jerusalem* (Alfred A. Knopf, New York, 1996), p. 397.

of both policy and rhetoric over Jerusalem shifted from "reclamation" of the city's Eastern half to preservation of the lands taken by force of arms.

One of the first acts undertaken by the Israeli government after the city's conquest was to redefine the municipal boundaries of Jerusalem. The Jordanian municipal boundaries, comprising 6,5 square kilometers, were expanded to include an additional 70,000 dunums. The drawing of the new municipal boundaries - now 71 square kilometers, was a classic example of racial gerrymandering. The purpose of this new configuration of municipal Jerusalem was to include the maximum contiguous territory with the minimum non-Jewish population into the city's boundaries. That same principle used in determining the boundaries for the city, has defined Israel's treatment of East Jerusalem since 1967. Israeli policy in Jerusalem was developed and enacted with one goal in mind: to prevent any possible re-partition of the city by ensuring territorial integrity and a Jewish demographic majority. In the minds of Israeli decision makers, national policy in regards to Jerusalem has been remarkably consistent. Differences between Labour and Likud exist in regards to emphasis, attitude and overall strategy. Nevertheless, when in power, both parties have pursued the physical annexation of East Jerusalem. Any perceived difference between the Labour and Likud positions vis-à-vis Jerusalem are erroneous, as both parties have been equally aggressive in ensuring that Israel maintain exclusive sovereignty over the city. At the national level, settlement plans or 'land for peace' formulae have always treated the territory in and around Jerusalem as a non-negotiable part of Israel.

L1 National Policies for Jerusalem

It was the Labour government of Levi Eshkol which set the precedents for complete Israeli sovereignty over a "united" Jerusalem. In a flurry of legislative maneuvering similar to 1949, East Jerusalem was immediately accorded a status different than that of the rest of the Occupied Territories. On June 28, 1967 the Knesset amended the law of 1950, which proclaimed Jerusalem as Israel's capital, to reflect the newly defined municipal boundaries. This legislation officially extended Israeli law to the Eastern part of the city, an act which differentiates it from the rest of the West Bank. It was clear from the standpoint of the Labour policy makers that Israel did not consider itself an occupying power in East Jerusalem. In the eyes of the Eshkol government, the application of Israeli law to East Jerusalem was no different than the application of Israeli law to any of the territory in Israel which was not included in the 1947 United Nations partition plan.⁸ This legislation set the precedent for the difference between Labour and Likud in regards to the territories as a whole, but also marked the beginning of a clear stance on Jerusalem as an issue beyond negotiation.

The Allon plan outlines the Labour party's settlement strategy toward the occupied territories. Settlement efforts were to emphasize security, chiefly in the Jordan Valley and Greater Jerusalem. The Allon plan also called for settlement of the highlands along the north-western portion of the West Bank which was deemed strategically desirable for settlement. Security and Jerusalem were the two fundamental aspects of the plan. Israeli settlement activity in the period from 1967 to 1977

⁸ *Jerusalem: A Background Paper*. State of Israel, Government Press Office, June 1994.

reflected the principles of the Allon plan, with the notable exceptions of Elon Moreh and Kiryat Arba. These two exceptions, however, were more the result of political pressure on the part of Gush Emunim⁹ than overall government strategy. When Likud came to power in 1977, the settler population of the West Bank was a mere (by today's numbers) 5,000. The settler population of East Jerusalem, however, was already 150,000¹⁰. The Allon plan demonstrates that Jerusalem, more specifically, Greater Jerusalem, including the Etzion Bloc, is unquestionably part of Israel from the perspective of the Israeli Labour party. Settlement of Greater Jerusalem was an established national priority long before the ascendance of the Greater Israel philosophy to the Israeli mainstream.

The focus of the Likud governments' overall settlement policy differed from Labour in regards to differing positions of land for peace. While Labour's obsession lay in the preserving of a Jewish demographic majority in the territories already in Israeli hands, Likud's focus was on creating a demographic majority to hold more territory. The subtle difference between these two ideologies was clearly reflected in the differing settlement plans proffered by the two parties. As previously stated, Labour settlement plans were designed to "avoid swallowing to many Arabs", when acquiring territory.¹¹ Likud, however, felt the creation of a Jewish majority a more viable solution than withdrawing from captured territory. Likud's settlement effort expanded to include the whole of the "Land of Israel." The declared objective of Likud's settlement strategy was to facilitate the annexa-

⁹ Gush Emunim, Bloc of the Faithful, the religious settlers' movement. This group represents some of the most hardline and most fanatical Israeli settlers.

¹⁰ Joseph Alper, *Settlements and Borders* (Jaffe Centre for Strategic Studies, Tel Aviv), p. 10.

¹¹ Quote attributed to Moshe Dayan by Yitzhak Rabin in conversation with Prime Minister Eshkol. *Report on Israeli Settlements*. Winter 1991-1992, p. 6.

tion of the Territories into Israel by creating geographic and demographic facts which would prejudice the status-quo in favor of the Jewish state.¹² Ariel Sharon, the chief architect of Likud era settlements, sought to fragment the continuity of Palestinian communities by settling hill-tops around all Palestinian population centers in the West Bank. Jerusalem was, like Hebron, of special religious significance, but was in no means regarded having a separate status from the rest of the Occupied Territories. Without question, there was significant building in Jerusalem under the Likud governments. All available territory would be annexed into Greater Israel on the basis of a religious-historical imperative.¹³ Nevertheless, the majority of the Likud era settlement was confined to land expropriated in the early 1970s and in accordance with plans approved by Labour governments. Jerusalem area settlements were no exception.

The Begin government did differ from Labour in its willingness to run the risk of international criticism in blatantly pushing a united Jerusalem as the official capital of Israel. It was under Begin that many government offices were moved to areas in East Jerusalem. Most prominent among these was the National Police Headquarters. This office was moved into a pre-existing building in Sheikh Jarrah which the Jordanian government had intended for a hospital. Furthermore, throughout the Camp David negotiations, Israel repeatedly reiterated its stance that Jerusalem was an integral part of the state.¹⁴ In July 1980, the Begin government ratified the Basic Law on Jerusalem, declaring Jerusalem "whole and united", and Israel's permanent capital, over which

¹² Joseph Alper, *Settlements and Borders*, op.cit., p. 10.

¹³ *ibid.*

¹⁴ In a letter to Egyptian Prime Minister Mustafa Khalil, Prime Minister Begin stated that "Jerusalem, the united, the one and only, is the capital of Israel. It will never be divided." Howard M. Sacher, *A History of Israel*, op.cit., p. 88.

Israel exercised exclusive sovereignty.¹⁵ In addition to codifying the physical annexation of the lands conquered in 1967, the Basic Law also obligates the national government to give the city preferential treatment in the allocation of resources and funds.¹⁶ These actions led to international protest, including UN Security Council Resolution 478 which declared the new Basic Law null and void. However, international censure at the diplomatic level had little tangible effect in blocking settlement activity in Jerusalem under Likud alignment governments.

Despite the great hopes proffered by the election of Labour in 1992 and the assumed promises implicit in the Declaration of Principles signed on 13 September 1993 between the PLO and Israel, settlement construction and land expropriations continued unchecked under the Rabin government. Jerusalem was a prime target of this policy. Even prior to the signing of the Oslo Accords, the Rabin government escalated the battle for Jerusalem. In March of 1993, Prime Minister Rabin imposed a general closure on the West Bank and Gaza Strip which has effectively required all Palestinians to obtain special permission to enter Jerusalem. The closure created a *de facto* border between the population of the West Bank and the population of Jerusalem. Once the Oslo accords were ratified, particular energy was focused on ensuring the future of Jerusalem would be settled prior to the commencement of final status talks. Even though

¹⁵ Ian Lustick, "Reinventing Jerusalem", in *Foreign Policy*, No. 93 (Winter 1993/94), pp. 43-44.

¹⁶ The Basic Law on Jerusalem was actually submitted by Geula Cohen of the now defunct Techiyah party. The draft law was submitted to the Knesset in the midst of the Camp David autonomy negotiations as a means of forcing Begin to "put his vote where his ideology was." After a brief period, Begin announced his intention to support the bill if there was a "broad national consensus behind the measure." This classic example of political brinkmanship forced the hand of the Labour bloc, then under Peres, to prove their commitment to the "integrity of Jerusalem". The bill passed with overwhelming, bi-partisan support. M. Sacher, *A History of Israel*, op.cit. p. 117.

the city was, ostensibly, included as a final status issue and, therefore, negotiable, the Rabin government was always clear on Jerusalem. On 18 June 1993, Rabin told the Knesset Foreign Affairs and Defense Committees that "Palestinian Autonomy will not include Jerusalem."¹⁷ Order 360 which supposedly called for a freeze on settlement construction conveniently excluded Jerusalem. In addition to supporting the construction of new settlements such as Har Homa (see Appendix IV) and sanctioning major expansions in Pisgat Ze'ev and the Greater Jerusalem area, the Rabin government, in coordination with the Jerusalem Municipal Planning Department, approved plans to construct two major roads around Jerusalem designed to sever Jerusalem from the Palestinian communities in the West Bank while simultaneously linking up with the Greater Jerusalem settlements. The Rabin government's late construction policies are proceeding in the spirit of the plans announced in 1990 when Ariel Sharon was Housing Minister.¹⁸ During Rabin's tenure as Prime Minister, housing policy in Jerusalem was clearly based on eliminating the possibility of a loss of Israeli sovereignty over the annexed part of the city during the final status negotiations.¹⁹

The settlement strategy of the Rabin/Peres government, called the Sheeves plan, was designed to consolidate Israel's hold on select parts of the Occupied Territories and Jerusalem in line with the final status configurations provided for in the Allon Plan. By December of 1992, the Rabin/Peres government had formally approved the Sheeves plan which carefully re-packaged government sponsored settlements as national guidelines for public and private sector investment in Israel. The plan

¹⁷ Yifat Susskind, "Political Settlement of Settlement Plan: Israeli Policy Since Oslo," Alternative Information Center, Jerusalem, June 1995, p. 17.

¹⁸ *Report on Israeli Settlements*, July 1995, p. 1.

¹⁹ *ibid.*, p. 5.

essentially takes Israel and the Occupied Territories as one unit and then classifies areas on the map in accordance with government priorities for development. This distinction allowed the Rabin/Peres government to claim they had cut off direct government benefits to the settlements, while channeling the money via grants to private development initiatives. This distinction was sufficient for the US government to reinstate the \$10 billion in loan guarantees. Areas of national privilege, or Zone A, have the highest priority and receive the largest amount of national assistance. East Jerusalem and the settlement in the Greater Jerusalem area are all designated as Zone A according to the Sheeves plan.²⁰

In line with the tenets of the Sheeves plan, Labour Minister of Housing and Construction Ben-Elizar described the settlement effort between 1992 and 1996 as the battle for the "destiny of Jerusalem." On May 4, 1995, Ben-Elizar announced that during the next five years Israel will construct 30,000 housing units in Jerusalem targeting mainly Shu'fat area, Airplane Hill and Har Homa (Jabel Abu Ghaneim). Ben-Elizar repeatedly recommended massive expropriations from Palestinian land owners in Beit Hanina, Wallaje, Beit Safafa, Beit Sahour, Um Tuba etc. in order to hasten the settlement process in advance of the final status negotiations.²¹ It was clear government policy to limit settlement activity "to the areas [the Israelis] were going to keep", chiefly Jerusalem and the Jordan Valley.²² It appeared that Labour viewed the inclusion of Jerusalem in the Oslo negotiations as more of a bargaining chip than an actual item for negotiation. Labour posture and settlement activity

²⁰ *Clever Concealment - Jewish Settlement in the Occupied Territories under the Rabin Government: August 1992-September 1993*, Jerusalem: Palestine Human Rights Information Centre (PHRIC, 1994), pp. 4-10.

²¹ Former Housing Minister Ben-Eliezar, *Report on Israeli Settlements*, July 1995, pp. 5-7.

²² Larry Derfner, "By-Pass Surgery," *Jerusalem Post: Money Supplement*, July 31, 1996, p. 7.

during the negotiations seem to imply that the more "generous" the territorial concessions in the West Bank, the more restrictive the solution on Jerusalem. It seemed that Labour was hoping to, in theory, trade East Jerusalem, possibly Greater Jerusalem, for more contiguous concessions on the West Bank.

Shortly after the election of Netanyahu, the settler magazine *Nekuda*, released the text of an interview with Ya'ir Hirschfeld, one of the original architects of the Oslo accords. In the interview, Hirschfeld detailed understandings that he had reached while negotiating a final status agreement with the knowledge and consent of the Labour government. The agreement detailed an arrangement for Jerusalem where the Israelis would enjoy recognized sovereignty in West Jerusalem and *de facto* sovereignty over East Jerusalem and the Old City. The Palestinian capital, to be called Al-Quds, as opposed to Jerusalem, would be located outside of the municipal boundaries of Jerusalem in Abu Dis. While a Palestinian flag would fly over the Haram al-Sharif, and Palestinians in East Jerusalem would have limited autonomy, effective sovereignty over Jerusalem would remain in Israel's hands.²³ In a related article published in the *Jerusalem Post*, Labour MK Yossi Beilin confirmed Hirschfeld's account of the final status agreements as being "a blueprint for a peace agreement in the future."²⁴ This version of a final settlement clearly demonstrates that the Labour government never had any intentions of making any real concessions over Jerusalem at any time during the Oslo process. Quite the contrary, as their settlement strategies attest, they were determined to secure as maximalist an interpretation of Jerusalem as possible before the negotiations were closed. Little more proof is

²³ *Jerusalem Post*, Wednesday, July 31, 1996, p. 2.

²⁴ *Jerusalem Post*, Thursday, August 1, 1996, p. 12.

required beyond the fact that the settler population of East Jerusalem grew from 148,000 to 200,000 during the first two years of the Rabin government.²⁵ With the return to power of the right wing, it seems apparent that there will be little left to negotiate for when and if the subject of Jerusalem is brought to the negotiating table.

The guidelines of the Netanyahu government are very clear in regards to the final status of Jerusalem. Jerusalem is the undivided capital of Israel and will remain, forever, under sole Israeli sovereignty. In his victory speech on June 2, 1996, Netanyahu declared that:

"We will keep Jerusalem united under Israeli sovereignty. I declare this here tonight in Jerusalem, the eternal capital of the Jewish people which will never be divided. The government will thwart any attempt to undermine the unity of Jerusalem and will prevent any action which is counter to Israel's exclusive sovereignty over the city. The government will allocate special resources to speed up building, improve municipal services and reinforce the social and economic status of the Jerusalem metropolitan area."²⁶

The expansion of existing settlements and the establishment of new ones in the Jerusalem area are a foregone conclusion for the Netanyahu government. In addition to the opening of the Hasmonean Tunnel along the Haram al-Sharif, Netanyahu has linked the promised withdrawal from Hebron with a the closure of all Palestinian institutions in Jerusalem.²⁷ Furthermore, as the dramatic increase in the number of housing demolitions in recent months affirms, Jerusalem's right wing municipality feels empowered by the presence of the Netan-

²⁵ *Report on Israeli Settlement*, March 1996, p. 7. The settler population grew at an annual rate of 10% as a whole in the entire period.

²⁶ *Report on Israeli Settlements*, July 1996, p. 5.

²⁷ *The New York Times*, International Section, Thursday, August, 22, 1996, p. A10.

yahu government.²⁸ In the absence of international pressure, which does not appear forthcoming, or a national crisis on the Palestinian front, it is clear that Netanyahu has the resources and the political capital to cement exclusive Israeli rule over East Jerusalem and to make the extension of Israeli control over all of Greater Jerusalem a *fait accompli*.

1.2 Municipal Government Policies in Jerusalem

Strategies for ensuring Israel's objectives on Jerusalem have been, by in large, developed and enacted on the municipal level. While the national government offered unconditional support, the municipality is the engine driving the incorporation of East Jerusalem into Israel proper. Without question, the architect of the Israeli master plan for Jerusalem was former mayor Teddy Kollek. Using the principles of the early Labour government as a mandate, the Kollek municipality pursued planning policies intended to cut Greater Jerusalem off from the West Bank and facilitate its easy annexation into Israel proper. Official documents of the Jerusalem municipality and statements made by the city's policy makers show that Jerusalem's urban development was dictated by national considerations intended to strengthen Israeli control in all parts of the city. In a letter to former Mayor Kollek, written in 1975, Deputy Mayor Yeshoshua Atza stated that the "political national considerations must be the cardinal one [in regards to planning] and only then the urban consideration."²⁹ In addition to controlling the land, demography became

²⁸ The late Deputy Mayor Shmuel Meir expected the Netanyahu government to finance plans to support additional expansion of Pisgat Ze'ev and other East Jerusalem settlements, *The New York Times*, International Section, Sunday, June 9, 1996, p. 3.

²⁹ Eitan Felner, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem*, B'Tselem, Jerusalem, May 1995, p. 30.

the cornerstone of planning in Jerusalem. The city's growth and the preservation of the demographic balance among its ethnic groups was a matter decided by the government of Israel.³⁰ As he would proclaim at a later date, Kollek saw his role very clearly. "I am seeing to the Jewish majority... that is why we are here, to see to [the Jewish majority]."³¹ The impact of the policies developed under his administration, detailed in the coming sections, will demonstrate his commitment to this goal. Kollek used his tenure in office to cement an exclusively Israeli vision over the pre-1967 geographic and demographic realities. It was his hand which drafted the settlement and demographic policies being strategically carried out until this day.

Former Mayor Kollek revealed his intentions for the future of Jerusalem within days after the defeat of Jordan in 1967. On the very day of conquest, Kollek approached Moshe Dayan and promised that he would personally supervise the clearing of No Man's Land. The impetuous behind these immediate actions was to start the process of "creating facts" that would establish a permanent Jewish presence in the Holy City. On the night of Saturday, June 10, after the armistice had been signed, the 619 inhabitants of the Maghrebi Quarter were given three hours to evacuate their homes. The historic quarter adjacent to the Wailing Wall was demolished in order to create a huge plaza to accommodate the presumed influx of Jewish pilgrims.³² In this first brutal act, former Mayor Kollek established a precedent for the remainder of his long tenure in office. Plans and policies were developed from the first years of the occupation

³⁰ Yisrael Kimchi, *The Population of Jerusalem and Region: Growth and Forecasts*, The Jerusalem Municipality, Municipal Plan Department, Planning Policy Section, authored by Yosef Schweid.

³¹ Teddy Kollek, meeting of the Jerusalem Municipality Council, 25 January 1988, Report 42, pp. 11-12 (quoted in Eitan Felner, *A Policy of Discrimination*, op.cit.).

³² Karen Armstrong, *Jerusalem*, op.cit., p. 402.

designed to impose exclusively Jewish facts in occupied Jerusalem at the expense of the indigenous Palestinian population. Under the guise of protecting the city from the dangers of re-division, Kollek enacted a long series of policy initiatives designed to irreversibly integrate East Jerusalem into one city united under Israeli sovereignty.

The operating perception of the Kollek municipality when they began to plan for a "re-united" city remained one of siege. From their perspective, the aftermath of the 1967 war left the Palestinians with the upper hand in both numbers and the area of land in their possession. "It is necessary" claims former municipal planner Yisrael Kimchi, "to point out who [was] occupying who."³³ Using maps drawn in 1968, Kimchi indicates how the Palestinians had encircled Jewish Jerusalem. Demography was a key element in the perceived imbalance between Jewish and "non-Jewish" residents of the city. Former mayor Kollek continually enunciated his concern about the growth of the Palestinian population in and around Jerusalem.³⁴ Making the city more conducive to Jewish settlement was seen as the appropriate remedy to the situation. As the western side of the city was without any room available for expansion it was deemed necessary to look across the green-line. The Kollek administration viewed the events of 1967 as opening up new possibilities on what was termed as "completely vacant land owned by Jews or Arabs from outside [or] the [Jordanian] government."³⁵ With the backing of the Knesset, Kollek era planners set to fill open spaces with Jewish facts. The fact that the majority of

³³ Interview with Yisrael Kimchi, Jerusalem Institute for Israel Studies, July 1995.

³⁴ Teddy Kollek, Municipal Council Meeting, June 17, 1984, Report 11, p. 8 (quoted in Eitan Felner, *A Policy of Discrimination*, op.cit.).

³⁵ Interview with Yisrael Kimchi, Jerusalem Institute for Israel Studies, July 1996.

this vacant territory had Palestinian owners was not an overriding municipal consideration.

Kollek was also eager to stave off any potential criticism by marketing his actions in Jerusalem as both benevolent and democratic. At the beginning of his tenure, Kollek coined the philosophy that Jerusalem was a "mosaic" united under a democratic Israeli rule. However, as former city planner Sara Kaminker points out, the "mosaic" terminology was "a beautiful marketing ploy for selling segregation".³⁶ The Kollek administration made a concerted effort to cloak the discriminatory methods employed in meeting these goals in easily digestible and justifiable terms. Actions taken by the municipality were promoted as having the best interests of the "Arab residents" in mind. For example, the lands expropriated in East Jerusalem are consistently referred to as vacant or unused, even when private ownership is admitted. The discriminatory policies of the Kollek government were advertised as providing badly needed housing by expanding into vacant areas "without inflicting harm."³⁷ There is an equal level of adamancy in insisting that the municipality did everything possible to ensure that West Jerusalem city planners took every measure to provide for the Palestinian residents. Israelis will continually point out examples of population growth in the Palestinian sector. Even in regards to housing, they will deny a shortage and, conversely, argue that they provided as much housing as possible. In 1967, claims Yisrael Kimchi, there were only 5,130 housing units for Palestinians in East Jerusalem. Kimchi proudly credits the efforts of West Jerusalem city planners in providing an additional 5,700 units over the past 29 years.³⁸ From the

³⁶ Interview with Sarah Kaminker, French Hill, July 1996.

³⁷ Interview with Yisrael Kimchi, Jerusalem Institute for Israel Studies, July 1996.

³⁸ Mr. Kimchi was adamant in pointing out how much he personally did to improve the quality of life for the Palestinians when he was in the municipality. The disparity is not the result of inadequate effort on his behalf, but the inability of Palestinians to

standpoint of the Kollek municipality, every possible measure was taken to provide for the Palestinian minority who are residents of the "united city." The perception persists that the critical element in the continued progress for Jerusalem is for Israel to retain control of the city.

Despite the careful packaging the objectives of the Kollek municipality remained to ensure geographic integrity and demographic superiority. He focused his efforts within his domain, as established in 1967, even when it clashed with settlement plans at the national level. Kollek made his vision of Jerusalem explicitly clear in a 1984 municipal council meeting when he expressed his objections to what he considered the premature establishment of Ma'aleh Adumim.

"I think it is a mistake to establish it before we have filled Jerusalem. In another five years, we will fill Jerusalem and then we will go there [to Ma'aleh Adumim]. In Jerusalem we took upon ourselves, as Jews, a very difficult urban task, in that we received distant neighborhoods, and we had to connect them; Ramot Neve Ya'akov, and Gilo, for example. It will take us years before we can swallow all that."³⁹

Municipal policies and strategies which were devised as early as 1968 created a framework for the gradual integration of East Jerusalem into Israel proper and its complete separation from the West Bank.

When Ehud Olmert won a surprise victory from Teddy Kollek in 1992, there was significant trepidation on be-

plan. He refers to Abu Ghosh, claiming that after 50 years of "traditional paralysis between three Arab families fighting over control ... the Interior Ministry put a Jew in charge" and made planning possible. Interview with Yisrael Kimchi, Jerusalem Institute for Israel Studies, July 1996.

³⁹ Municipal Council meeting, June 17, 1984 (quoted in Eitan Felner, *A Policy of Discrimination*, op.cit.), p. 35.

half of the Palestinian population of the city and the Israeli left wing. Without question, Olmert and the Ultra-Orthodox deputies who govern with him, represent a distinct shift to the religious-nationalist right of Israeli politics. From the very beginning of his tenure as mayor, Olmert expressed his intentions to expand the city "to the East, not to the West", and to "make things happen on the ground to ensure the city will remain under Israeli sovereignty for eternity."⁴⁰ However, it is important to recognize that Olmert's policies vis-à-vis settlements and the Palestinian population are an unabashed continuation of the plans conceived by his predecessor.⁴¹ Former municipal planners Yisrael Kimchi and Sara Kaminker are in agreement that there is "no tangible difference between Kollek and Olmert" in terms of objectives in East Jerusalem, other than the perception that Olmert may be "smarter" in carrying out his plans.⁴² Already, there is a belief within the Palestinian community that Olmert is stepping up efforts to pacify Palestinian Jerusalemites by providing improved services.⁴³ Recent requests to the Ministry of Interior for more than NIS 10 million in funding for the development of the city's "Arab areas" support this belief.⁴⁴ Olmert's policies and strategies are widely viewed as being consistent with the strategies developed by Kollek.

Israeli policy in Jerusalem has been dominated by one overriding purpose: to secure and maintain exclusive Israeli sovereignty over all parts of the city. The conquest of the city in 1967 was viewed by the vast majority of

⁴⁰ Karen Armstrong, *Jerusalem*, op.cit., p. 418.

⁴¹ Where Teddy Kollek favored the settlement of any Jews in East Jerusalem, the considerable power of the Orthodox factions in the Olmert municipality dictate that he settle more Orthodox Jews in East Jerusalem. It is doubtful, however, that Palestinian landowners have a preference as to the whether the settlement built on their lands is zoned for a secular or religious Jewish presence.

⁴² Interviews with Sarah Kaminker; French Hill, June 25, 1996, Jerusalem and Yisrael Kimchi; Jerusalem Institute for Israel Studies, July 11, 1996, Jerusalem.

⁴³ Interview with Usama Halabi, Quaker Legal Aid Society, Jerusalem, July 1996.

⁴⁴ *Jerusalem Post*, 4/11/96, p. 12.

Israelis as the culmination of the natural progression of Jewish history. Retaining Israeli control was viewed as a moral imperative. This nearly unanimous national consensus concerning Jerusalem assured policy makers that any action they took towards this end would not be criticized or questioned by the Israeli-Jewish public. Consistent with Zionism roots, where the moral claim to the land is justified through settlement, a broad series of policy initiatives were promulgated to create irreversible facts on the ground. National governments, Labour and Likud alike, kept Jerusalem as a national imperative and supplied the city with necessary resources and support to met the desired objective. This strong backing allowed the municipal government to force new geographic and demographic realities onto East Jerusalem. Fueled by the Israeli paranoia that any weakness in their hold on Jerusalem will result in the city's division, the national and municipal governments are still building a geographic and demographic wall around East Jerusalem.⁴⁵ The following sections will detail how the Israeli policy objectives of creating geographic integrity and demographic superiority in Jerusalem has translated into new realities on the ground.



⁴⁵ Moshe Amirav, *Israel's Policy in Jerusalem Since 1967*. (Stanford University, 1992), pp. 12-15.

Geographic Integrity

One of the first actions taken by the Israelis in the aftermath of the 1967 war was to redefine the municipal boundaries of the city. Although a flagrant violation of international law¹, these new boundaries became the framework within which the Israeli government would alter the existing layout of the city and the surrounding villages in an attempt to physically secure their control over the city. Policies were developed and implemented, primarily through the municipal planning committees, to establish geographic integrity between West Jerusalem and the additional lands captured in 1967. From the first days of the occupation of East Jerusalem, Israel set out to place facts on the ground in order to prevent the re-division of the city. Over the past 29 years, Israel has employed numerous strategies to control Palestinian lands in East Jerusalem. Through discriminatory zoning practices and complex planning stipulations, Israel has managed to block Palestinian development of available land leaving it vacant until it is expropriated for "public purpose." However, the key element in Israel's plan to completely integrate occupied East Jerusalem into pre-67 Israel has been the construction of more than 15 settlements in and around the boundaries illegally established in 1967. These settlements, constructed in four major phases, have created a chain of settlements separating East Jerusalem from the West Bank. The strategic placement of each new "neighborhood" on the map of East Jerusalem unquestionably reflects a desire on the part of the municipal

¹ According to Article 55 of the Hague Regulations regarding Conventions Respecting the Laws and Customs of War on Land (which Israel has accepted) explicitly prohibits the occupying power from impairing or altering the substance or character of the occupied areas.

planners to met the national objective of manufacturing geographic integrity for the "undivided capital of the State of Israel."

2.1 Land Control

Securing control of the undeveloped lands in East Jerusalem has been an essential element in Israel's race to create irreversible facts in the city. Israel has been able to bring about a near total reversal of the 1967 situation. At this point, numerous sources indicate that only 9,400 dunums are available for Palestinian development.² According to Palestinian cartographer Khalil Tufakji, the breakdown of land distribution in East Jerusalem is as follows: 34% expropriated for "public"³ use, 40% Green Areas, 7% unzoned, 6% roads and infrastructure, 3% frozen and 10% for Palestinian use. Furthermore, the remaining 10% is almost completely utilized. This almost complete subjugation of the Palestinians' ability to maintain control of their lands was achieved through a series of quasi-legal methods, enacted mostly on the municipal level. Direct confiscation or expropriation of land has been but one tool utilized by Israeli planners in dominating the landscape of East Jerusalem. Palestinian development has also been prevented through a series of discriminatory zoning policies. Planning and permit requirements demanded by the Israeli municipality have made it nearly impossible for Palestinian owners to utilize their land. The municipal planners followed a strict policy of keeping Palestinian lands in East Jerusalem empty until they could be expropriated

² Former municipal planner Sarah Kaminker recently completed an intensive review of all of the available area and current sport plans; her analysis indicates that in reality only 10% of the land of East Jerusalem remains in Palestinian hands. Furthermore, this 10% is almost completely built-up. Interview with Sarah Kaminker, Jerusalem.

³ In terms of land expropriation public use almost always synonymous with exclusive Jewish use.

for the construction of housing and infrastructure for the exclusive use of Jewish-Israeli residents.

2.2 Land Confiscation

Land expropriation occurred in 5 main phases since 1967. The first phase occurred immediately after the city's conquest when the Israelis confiscated over 120 dunums of land in the Old City. More than 5,000 Palestinian residents of the Old City were evicted and lost their property.⁴ The second phase began in January of 1968, when 4,000 dunums of prime real estate were taken from the Palestinian neighborhoods and villages of Sheikh Jarrah, Shu'fat, Lifta and Issawiya. In the third phase, which took place in the early 1970s, 14,000 dunums were taken from Malha, Sur Baher and Beit Jala, as well as additional territory from Lifta and Shu'fat. In March of 1980, the fourth phase began with the confiscation of 4,500 dunums from Beit Hanina and Hizma.⁵ The fifth, and most recent phase, occurred in 1991 with the expropriation of an additional 2,000 dunums from Um Tuba, Sur Baher, Beit Sahour, Bethlehem, Beit Safafa and Beit Jala. To date, Israel expropriated a total of 24,000 dunums of Palestinian land in East Jerusalem for the construction of Jewish settlements. Once again, this figure amounts to 34% of the total available land in East Jerusalem. At this point, an additional 6,000 dunums, 8.5%, is slated for expropriation, primarily in the south of Jerusalem. This brings the total of land confiscated to 30,000 dunums.⁶ Thus, Israel has been able to obtain direct control of 42.5% of the land in East Jerusalem for settlements or road construction.

⁴ Ibrahim Mattar, *To Whom Does Jerusalem Belong?* (Center for Policy Analysis on Palestine, Washington, DC, 1994), p. 7.

⁵ *Ibid.*, 12.

⁶ *Report on Israeli Settlements*, July, 1995, p. 5.

Israel achieved these dramatic results through employing a series of quasi-legal methods to expropriate land from Palestinian land owners in East Jerusalem. Israel could have, conceivably, acquired all the available lands in Jerusalem by virtue of their military conquest in 1967. However, the desire to foster international legitimacy for their claims prompted them to utilize what they defined as legal methods of transferring Arab lands to Jewish ownership. The legal strategies used to expropriate Palestinians land in Jerusalem are similar methods used by Israel to confiscate land taken in 1948, as well as in the West Bank as a whole. Appendix II offers a detailed list of the series of statutes and military orders Israel has employed to "legally" acquiring Palestinian land and negate obvious Palestinian ownership. The Jerusalem Master Plan of 1968, for example, plainly states that the lands needed for development in Jerusalem were privately held by Palestinian land-owners.

The majority of the municipal land reserves that are amenable to development are in private [Palestinians] hands. The effective development of the city will require the expropriation of substantial areas.⁷

In Jerusalem specifically, the "Land Ordinance; Acquisition Public Purposes" of 1943 authorizes the Finance Minister to issue expropriation orders for land that is privately owned if a public purpose exists which justifies its expropriation. This ordinance defines a public purpose as "any purpose the Finance Minister approves as a public purpose." Since 1967, 23,500 dunums have been expropriated from Palestinians land owners in Jerusalem under this ordinance.⁸ These methods of transferring

⁷ Jerusalem Master Plan, 1968 vol. 1. p. 34, as quoted in Eitan Felner, *A Policy of Discrimination*, op.cit.

⁸ Ibid, 45.

lands into the Jewish National Fund guaranteed, in the eyes of the Israeli state, that Jews will have an inalienable right to the land in the future.⁹ While these methods have been employed throughout the Occupied Territories, the Palestinian land owners of Jerusalem have been particular targets of Israeli acquisition schemes.

2.3 Blocking Palestinian Development

While a useful tool, land expropriations had to be consistent with municipal development plans. Other tools were needed to prevent the Palestinians from creating their own facts on the undeveloped lands in East Jerusalem. In addition to expropriation, Israel managed to control major portions of the land in East Jerusalem through a series of discriminatory municipal ordinances designed to block Palestinian development. Upon close examination, municipal planning and zoning restrictions are carefully drafted to facilitate Jewish plans while thwarting Palestinian construction. Israel has relied upon zoning restrictions, Town Planning Schemes and tight control of building permits to keep Palestinian lands undeveloped until the time was "ripe" for the construction of a Jewish settlement.¹⁰ One of the most effective municipal strategies toward this end is the practice of zoning large tracts of Palestinian land in East Jerusalem as "Green Areas" where any development other than agriculture is strictly prohibited. Planning maps for the Jerusalem district are color coded to indicate different zoning designation. On these maps, large

⁹ Raja Shehadeh, *The Law of the Land: Settlements and Land Issues Under Israeli Military Occupation*, PASSIA, Jerusalem, 1993, pp. 56-77.

¹⁰ In a 1991 meeting of the Municipal Finance Committee, former mayor Kollek stated that the zoning designation of *shetah nof patuch*, or Green Area, was used to prevent Palestinian until municipal resources allowed for settlement construction. This statement is recorded in the protocol of meeting. Interview with Sara Kaminker.

areas are colored green and labeled as *setach nof patuch*: unobstructed view. Areas with this designation are, in theory, to be planted and to serve as public open spaces. However, in reality this designation has been used to block Palestinian development of these key land reserves. Currently, a total 31,000 dunums in East Jerusalem are zoned as "Green Areas" meaning that all construction is prohibited, and 44% of East Jerusalem is, effectively, off limits to the Palestinian owners.

While the "green" designation effectively prohibits Palestinian development, the situation changes if the land is needed for the expansion or creation of a Jewish settlement. In the event that the land in question is required for the construction of a Jewish settlement than the zoning restriction is simply lifted. In practice, "green areas" mean that those lands are slated for settlement construction and will be eventually confiscated.¹¹ The building of Ramot in 1973 marked the first time a green area was rezoned to enable the construction of a Jewish settlement.¹² For example, 500 acres from Shu'fat village were designated as green area in 1968. The area was planted with cypress trees and left untouched for many years. The zoning was suddenly changed in 1994 and the settlement of Reches Shufaat, comprising 2,500 units, was built as new neighborhood for religious Jews.¹³ Another, more immediate example is the case of Jabal Abu Ghaneim [sic] Har Homa, south of Jerusalem. Since 1968, these large tracts of land between Bethlehem and Jerusalem had been zoned as green areas, prohibiting all development activities by

¹¹ Miloon Kothari and Jan Abu Shakrah, *Planned Dispossession: Palestinians, East Jerusalem and the Right to a Place to Live*, COHRE, Occasional Paper No. 4, (Geneva, September 1995), p. 6.

¹² David Kroyanker, *Jerusalem - Planning and Development 1982-1986: New Trends*. Jerusalem Institute for Israel Studies, Jerusalem, March 1995, p.17. Former city planner Yisrael Kimchi comments that the decision to build on the Green Area was regrettable, however, higher demand necessitated building on this site.

¹³ *The Jerusalem Times*, July 5, 1996, p. 7.

the rightful owners. In 1991, an area of nearly 2,000 dunums were made available by the municipality for the construction of at least 6,500 units for exclusive Jewish use. These lands, which constitute the only available space for the natural expansion of Beit Sahur, Um Tuba and Sur Baher, unusable for over 20 years, were immediately expropriated. According to Yisrael Luberboim, an aide in the office of Interior Minister Eli Suissa, there is an national consensus on building this "new neighborhood" in order to alleviate the severe housing shortage [for Jewish residents] in the city. The Har Homa site is critical as "there are no other large open spaces like this left for construction in Jerusalem"¹⁴. Mr. Luberboim's statement clearly shows that Israeli planners and politicians view the Green Areas in East Jerusalem not as nature reserves, but as land reserves for the development of Jewish settlements when the time is appropriate.

It is important to note how the Israeli power structure has skillfully disguised and justified these policies as being part of the city's democratic governance. Green Areas are portrayed as a necessary means of preserving the natural beauty of the city, not a mechanism to disenfranchise Palestinians. According to Yisrael Kimchi, it was the intention of the municipal government to maintain a green-belt around the city.¹⁵ This would preserve the classic image of *Yerushalaim, saviv la harim*: Jerusalem surrounded by hills.¹⁶ Kimchi is quick to indicate that Green Areas also exist on the western side of Jerusalem. However, the small number of public parks and valleys maintained as open spaces are pale in comparison to the broad swaths of green areas sur-

¹⁴ Jacob Dallal, "One Signature Away," *In Jerusalem: Supplement to Friday's Jerusalem Post*, July 12, p. 1.

¹⁵ Interview with Yisrael Kimchi.

¹⁶ Interview with Sara Kaminker.

rounding Palestinian communities. Mr. Kimchi attempted to refute the classic statement attributed to former Mayor Kollek, where he publicly admits that the "green" designation is applied in order to prevent Palestinian construction¹⁷ as "a complete misrepresentation." Mr. Kollek, Kimchi affirmed, would have wanted all these areas to remain open. However, when "needs" change it is much easier to "eat" the open spaces than focus on already existing built-up areas.¹⁸ The propaganda tool of appropriate municipal planning has also been used to plant huge hurdles in the way of any independent Palestinian development initiative. The lengthy set municipal requirements that must be met for any type of development and the near impossibility of obtaining the necessary building permits have effectively quashed any chance of Palestinians establishing counter facts in East Jerusalem.

One of the most effective municipal planning strategies utilized by the Jerusalem Municipality is the Town Planning Scheme (TPS). The Israeli municipality will not issue the required building permits in Jerusalem without a complete and approved TPS. The TPS is an extensive and expensive 10-step process which requires a high level of coordination and cooperation with the municipal authorities (see Appendix III for details of the process).

Under ordinary circumstances, the purpose of the TPS is to supervise the development of an area in accordance with its zoning designation, expected population growth, housing needs and infrastructure requirements. TPS include provisions for the installation of water supply, electricity, telephone services and allocate land for

¹⁷ This statement is recorded in the protocol of the October 1991 meeting of the Municipal Finance Committee convened to approve the re-zoning of 1,262 dunums from Green Area to a new neighborhood settlement.

¹⁸ Mr. Kimchi did note, however, that this development was regrettable in his opinion, for the city as a whole.

road ways and open spaces. The TPS will also allocate sites for public education, health care, recreation and religious observance.¹⁹ In short, a TPS will ensure adequate and efficient development of an area in line with the overall planning goals of the municipality. Unfortunately, in the case of East Jerusalem, TPS have been used as a means of restricting Palestinian development by minimizing the scope of TPS in Palestinian areas, delaying their implementation or simply failing to draw up a TPS for the majority of Palestinian land in East Jerusalem.

In 1974, a planning order was issued which declared all of Jerusalem as one regional planning unit. This order obligated the municipality to complete a comprehensive TPS for the entire area by 1978. However, the "political level [of the Jerusalem municipality] tended not to implement the planning procedures involved in preparing town planning schemes and specifications" for East Jerusalem.²⁰ For the 13 new Israeli neighborhoods in East Jerusalem the TPS have been an efficient and successful exercise in urban planning, as the Israeli government shoulders the burden for the planning process. The state takes the responsibility for re-parcelling the lands, allocating funds, as well as hiring the planners and architects necessary to put the TPS together.²¹ However, for development projects in Palestinian neighborhoods, all costs and resources needed to draw up a TPS fall on the Palestinians themselves.²² Furthermore, the policy of requiring a TPS exacerbates many of the internal obstacles to Palestinian development in East

¹⁹ Eitan Felner, *A Policy of Discrimination*, op.cit., p. 62.

²⁰ Jerusalem Municipality, Municipal Planning Department, Planning Policy Section; Development Plan for the Arab Sector, Jerusalem 1986, p. 2 (quoted in Eitan Felner, *A Policy of Discrimination*, op.cit.).

²¹ Initially, the Housing Ministry would also finance the construction. At this point, bids for an approved TPS are now solicited from local contractors who complete the TPS.

²² Interview with Gershon Baskin, IPCRI, Jerusalem, July 1996.

Jerusalem. For example, a TPS requires the written permission of all landholders whose property will be included in the parcel of land slated for development. If one small portion of the parcel belongs to a landowner who refuses to give his permission or is absent, or if the ownership of the land cannot be proved to the satisfaction of the Israelis then the entire TPS is nullified.²³ Given the traditional patterns of land ownership in Palestinian society and the enormous problem of absentee landowners, this one requirement makes it nearly impossible for an independent Palestinian TPS to be eligible for municipal approval.

However, even when a local initiative was successful in submitting a complete TPS, the municipality has consistently dragged its heels in approving the plans. Since 1978, only 13 plans have been approved which have any bearing on Palestinian neighborhoods.²⁴ The Local Committee of the municipality is obligated, by law, to approve or reject a TPS within 3 years. Nevertheless, excessive delays have been the hallmark in regards to TPS approval for Palestinian neighborhoods. The Israeli municipality has invariably delayed and/or dramatically minimized TPS for Palestinian neighborhoods. For example, it took 13 years to approve a TPS for Shu'fat. When the plan was initially submitted, it called for 17,000 Palestinian housing units. While awaiting approval, the plan was pared down to 7,300 units. Now, under the directive of Eli Suissa, only 500 units are included in the plan.²⁵ Planning procedures which began in Beit Safafa in 1977 also took 13 years to reach approval in 1990. Final approval for a plan in Abu Tor took 12 years and a plan submitted in 1987 for Ras al-Amud has not received fi-

²³ Interview with Ghassan Andoni, Beit Sahour, July 1996.

²⁴ Eitan Felner, *A Policy of Discrimination*, op.cit., p. 64.

²⁵ Interview, Usama Halabi, Quaker Legal Aid Society, Jerusalem, July 1996.

nal approval.²⁶ Even when a TPS is approved, it is often not implemented. The Development Plan for the Arab Sector of 1986 directed the building of 13,523 units for Palestinians to be built between 1986 and 1991. In the end, fewer than 2,100 units were built within the target period.²⁷ Israeli planners shrug off these discrepancies as "exaggerations." They point to the building that has been completed and speak of "tremendous growth"²⁸ in Palestinian East Jerusalem since 1967.

However, many of the housing projects designed for Palestinians touted by the municipal government are actually aimed at re-settling Palestinians outside of the Jerusalem municipal boundaries. The Housing Ministry built a row of 56 dwellings outside of these boundaries for Arab families evacuated from the Maghrebi Quarter in 1967. The Kollek administration also attempted to thin out the great density in the Moslem Quarter on a number of occasions, by offering public housing outside the city limits with very favorable terms. The most famous of these was the 1973 Kollek Administration initiative known as the "Build your own home in al Izzariyah." This plan especially targeted the residents of the Shu'fat refugee camp, an area of strategic importance to future Israeli settlement plans.²⁹ The municipality enticed Palestinian residents out to al-Izzariyah by extending National Insurance benefits to Palestinian Jerusalemites who live outside the city. By 1984, however, new restrictions were enacted which explicitly excluded those same Palestinian Jerusalemites who had taken advantage of

²⁶ Eitan Felner, *A Policy of Discrimination*, op.cit., pp. 67-68.

²⁷ *Ibid*, 68-69.

²⁸ Interview with Yisrael Kimchi.

²⁹ Mohammed Abed Rabbo, "Eastern Gate Swallows up Shufat," *Jerusalem Times*, July 5, 1996, p. 7.

the "Build Your Own House" scheme from the National Insurance.³⁰

The only tangible example of municipal planning and development of housing for Palestinians are the Nusseibeh buildings located on the Ramallah-Jerusalem road. While these units have provided a modicum of desperately needed housing in East Jerusalem, their construction has been used in reinforcing the mythology of the benign nature of Israel actions in Jerusalem. Former city planner Yisrael Kimchi points to the Nusseibeh buildings as the exception which proves the rule of Israeli attempts to meet the housing needs of Palestinian Jerusalemites. Because the "Arab" refusal to coordinate with Israeli planners it was necessary to hide Israeli involvement, financial or otherwise, in the project.³¹ If the financing had not been secret, the development would have been a failure.³² Thus, the Israelis are able to point to the Nusseibeh developments as evidence that they tried to meet the needs of Palestinians, yet failed due to Palestinian intransigence.

A review of the various TPS for the Palestinian neighborhoods in comparison with those for Jewish neighborhoods indicates a glaring discrepancy in density restrictions. Jerusalem planning codes stipulate a variety of housing zones which range from low density zones of 15% to high density zones of 200%. The maximum allowance is made for high density housing in Jewish neighborhoods while the capacity is sharply curtailed in Palestinian neighborhoods.³³ For example, an unapproved TPS for Um Tuba and Sur Baher limits the housing density

³⁰ Lea Tsemel and Ingrid Jaradat, *The Trap is Closing on Palestinian Jerusalemites*, AIC Memorandum no. 1/96, Jerusalem, February 1996, p. 10.

³¹ Interview with Yisrael Kimchi, Jerusalem Institute for Israel Studies, July, 1996.

³² *Ibid.*

³³ Sara Kaminker, "East Jerusalem: A Case Study in Political Planning," *Palestine-Israel Journal*, (Vol. II No. 2, 1995), p. 61.

to 0.6 for every dunum, yet the plans for Har Homa, a planned settlement for Ultra-Orthodox Jews in the same area, allow for a housing density of 3.5 per dunum.³⁴ In a discussion held in February of 1993 by the Local Subcommittee which dealt with the TPS for Um Tuba and Sur Baher, city engineer Elinor Barazaki stated that:

"There is a government decision to maintain the proportion between the Arab and Jewish populations in the city... The only way to cope with that ratio is through the housing potential. The growth potential is defined on this basis and the [housing] capacity is a function of that here as well."³⁵

It is clear that the capacity of Palestinian neighborhoods is determined on the basis of how it will impact Israel's ability to meet its policy objectives of a "unified" Jerusalem, and not on the future housing needs of the Palestinian residents. The Israeli Central Bureau of Statistics estimates that there are currently 22,860 existing housing units for Palestinians in East Jerusalem. General consensus holds that an additional 21,000 units are needed to alleviate the housing shortage plaguing the Palestinian population. Israel controls all building in Jerusalem via a complicated system of building permits. On the average, the municipality grants the Palestinians only 150 building permits per year.³⁶ As a result of zoning restrictions, recalcitrance on approval of TPS, and the sheer difficulty of the planning process required by the municipality, it is virtually impossible for a Palestinian landowner to obtain the necessary building permits to legally utilize their land for housing.

³⁴ Eitan Felner, *A Policy of Discrimination*, op.cit., p. 70.

³⁵ Minutes of the Subcommittee meeting for Planning and Building, February 22, 1993 (quoted in Eitan Felner, *A Policy of Discrimination*, op.cit., p. 71).

³⁶ Stephanie Tashkoff, Settlement Tour with Middle East Council of Churches, July 27, 1996.

The Israelis have also taken harsh measures to prevent Palestinians from creating their own "facts on the ground." When a Palestinian landowner, driven by desperation, decides to build on his land regardless of the "green" designation or lack of an appropriate permit, the structures are liable for demolition. Demolitions of Palestinian homes in East Jerusalem are carried out by municipal and Interior Ministry officials on the premise that the house was built on land not zoned for construction and without the required permits from the Israeli authorities. The Palestine Human Rights Information Centre (PHRIC) has documented over 210 Palestinian homes demolished by the Israeli authorities in East Jerusalem since mid-1986 for permit violations. Demolitions in East Jerusalem have been carried out at an average rate of 50 per year in the last decade. The municipality claims that that hundreds of Palestinians homes have been built without licenses and could, therefore, be demolished at any time.³⁷

The number of housing demolitions has been on a consistent climb since the beginning of the Madrid Conference. In 1992 and 1993, 49 houses were demolished in East Jerusalem for permit violations. An additional five homes were demolished during these years for undisclosed "security reasons." During the Rabin/Peres administration, a total 97 Palestinian homes were demolished regardless of the Oslo process.³⁸ Since the election of Netanyahu, the number of housing demolitions has increased dramatically. In August, 12 homes in the Pale-

³⁷ Kothari and Abu Shakrah, *Planned Dispossession*, op.cit., pp. 6-7.

³⁸ Nabeih Aweidah, *Main Israeli Aggression in East Jerusalem Since 1967*, (Orient House Press Office, Jerusalem, October 1996), p. 5. While the orders for housing demolitions in Jerusalem are issued by the municipality and could be attributed to the city's right wing mayor, housing demolitions in the West Bank also continued at an accelerated rate. As these orders are issued by the Defense Ministry, there can be no question as to the ultimate culpability of the Rabin/Peres administration in the continued pace of housing demolitions in Jerusalem and the remainder of the Occupied Territories.

stinian village of Sur Baher in southern Jerusalem received demolition orders. In September, Jerusalem Mayor Ehud Olmert ordered the demolition of eight homes in Issawiya village in northern Jerusalem and oversaw the demolition of the second story of a home within the Armenian Quarter of the Old City. By the middle of October, Issawiya had received 13 new demolition orders, five more notices went to homes in Shu'fat and Beit Hanina, and Ras al-Amud in Eastern Jerusalem received orders that three homes would be demolished after a 24-hour grace period.³⁹ In a particularly provocative move, the municipality demolished the Old City facility of a non-governmental organization which provides services to the handicapped in late August. While charges were circulated that the NGO was demolished due to links to the Palestinian National Authority, the official justification given by the municipality was lack of the appropriate building permit.⁴⁰ Housing demolitions represent the most brutal incarnation of Israeli policies in Jerusalem. While often justified as necessary measures to ensure "appropriate municipal planning" in the city⁴¹, there is little doubt of that housing demolitions are utilized to prevent the Palestinians from creating facts on lands desired for the settlement construction by the city's municipal authorities.

2.4 Settlement Construction

As mentioned in the previous section, the majority of the undeveloped land in East Jerusalem was expropriated for Jewish use by 1968. Land expropriation, however, was only the first step in reaching Israel's objective of securing the geographic integrity of the city. Since

³⁹ LAWE Press Release, 13/9/96, 19/9/96 & 19/10/96.

⁴⁰ LAWE Press Release, 27/8/96.

⁴¹ Pamela Cohen, assistant to the Mayor's Office, 19/11/96.

the first days of the occupation, plans for development put forward by the municipal council have been based on the political criterion of safeguarding the city's "re-unification" after the 1967 war. Plans that were drafted as early as 1969 set out to capture strategic points around the city and settle them with Jewish neighborhoods.⁴² Since 1967, the municipality has planned and overseen the construction of 13 major Jewish settlements in East Jerusalem. These settlements or "neighborhoods" as Jerusalem city planners refer to them, have completely altered the landscape of East Jerusalem. If the additional settlements current on the municipalities agenda are built, East Jerusalem will be completely separated from the West Bank and completely integrated into Israel's vision of a unified city.

Like the land expropriation in East Jerusalem, settlement construction also occurred in a series of phases. The first occurred immediately after the 1967 war and targeted areas primarily in the Old City and the area surrounding the Mount Scopus campus of the Hebrew University. In the second phase, which began in the 1970s, the municipality commenced the formation of a barrier between East Jerusalem and the West Bank. The following two phases planned the establishment of an outer ring of settlements further surrounding the city. The plans for the final phase, mostly revealed during the Rabin administration, will constitute a closing of gaps between the key settlements in the north and the south and thereby completing the chain of settlements around the Palestinian neighborhoods of the city. Concomitant to the East Jerusalem settlements, the establishment and expansion of the Greater Jerusalem settlements further demonstrate the overall Israeli objectives for a Jewish Jerusalem whose metropolitan limitations would reach

⁴² Uri Ben-Asher, Jerusalem City Planner, *Occupation Set in Stone*, Palestine Housing Rights Committee, 1995.

to Ramallah in the north and beyond Bethlehem in the south. Despite promises in the Oslo Accords that Israeli would not enact changes in the status quo of Jerusalem, settlement construction in East Jerusalem has accelerated dramatically since the beginning of the peace process.

The very first phase of settlement activity in Jerusalem reflected an attitude of historical vindication on the part of the Israeli government. Actions taken to restore access to the Wailing Wall, rebuild the Jewish quarter and establish a settlement bridge from West Jerusalem to Mount Scopus were perceived by the Israeli public as an attempt to heal the rent in the urban fabric that had been created by the situation between 1948 and 1967.⁴³ In addition to the destruction of the Maghrebi Quarter, 160 dunums were expropriated in April of 1968 in the area of the Old City that Western sources refer to as the Jewish Quarter. The expropriation was defended in a Supreme Court challenge on the basis of "public utility" in order to rebuild the Jewish Quarter.⁴⁴ Under the premise of rectifying the Jordanians' destruction of the Quarter, the Israelis were able to gloss over the fact that Palestinians had also lived in this quarter. This drive for vindication also extended to the Mt. Scopus area. Immediately after 1967, there was a governmental push for the enlargement of the East Jerusalem campus of the Hebrew University. The first official new "neighborhoods", French Hill and Ramat Eshkol, were established in this period in order to secure a land bridge between the Mount Scopus campus and the Western part of the city.⁴⁵ Within a year after the conquest of East Jerusalem, the Israelis set the precedent that the confiscation

⁴³ Interview with Danny Zeidman, Ir Shalem, Jerusalem, July 1996.

⁴⁴ Albert Aghazarian, *Occupation Set in Stone*. Palestine Housing Rights Committee, 1995.

⁴⁵ Interview with Danny Zeidman.

and settlement of private Palestinian land for the Jewish public was justifiable in order to prevent the revision of the city.

The second phase of settlement construction began in 1970 with the establishment of the Atarot settlement. The strategy of this phase of construction was to control the heights and begin the process of territorial consolidation.⁴⁶ Consistent with this attitude, an analysis of municipal planning written in 1985 explains the beginning of the settlement process as follows:

Since 1967, two rings of new residential neighborhoods built around the city center have created new "ramparts" [emphasis original] designed primarily as a political barrier against any possible repatriation of the city.⁴⁷

During this phase, which lasted until 1975, four major settlements were established: Gilo in the south, East Talpiot and Neve Ya'akov in the north, and Ramot to the west (see Appendix I). The strategic placement of these four settlements formed the key links of the inner ring of settlements between East Jerusalem and the West Bank.

The perceived impetus for the third phase was to consolidate control of the north eastern portion of the city and to link Neve Ya'akov with Kalandia Airport and the new West Bank/Greater Jerusalem settlement of Givat Ze'ev. In 1967, Israel seized land from Shu'fat, Beit Hanina, Hizma and Anata.⁴⁸ Then, in 1985, the establishment of Pisgat Ze'ev on these same lands led to an unwieldy archipelago in the north of Jerusalem.⁴⁹ The

⁴⁶ Ibid.

⁴⁷ David Kroyanker, *Jerusalem*, op.cit., p. 82.

⁴⁸ *Jerusalem Times*, July 5, 1996, p. 7.

⁴⁹ Interview with Danny Zeidman.

neighborhoods constructed in this phase were not intended to be bedroom communities like the earlier settlements, but rather self-supporting communities. Pisgat Ze'ev was planned with one side commercial and one side residential. Municipal plans in the 1980s also called for the introduction of hotels and offices in an attempt to stimulate commerce.⁵⁰ Under the Labour government, Pisgat Ze'ev continued to grow at a rapid pace. Former Housing Minister Ben-Elizar authorized 1,100 additional units for Pisgat Ze'ev in 1995. According to one contractor, future plans for the settlement include expanding over the hillside to the south east and towards the north west. A technological garden is now slated for the valley extending into the village of Hizma. In accordance with the Jerusalem master plan, Construction in Pisgat Ze'ev will eventually meet with Neve Ya'akov to the north and Reches Shufaat in the south. This construction will complete the north-eastern wall between Jerusalem and the West Bank.

In 1991, the municipality began a fourth phase of settlement construction in Jerusalem which was clearly aimed at completing the isolation of Palestinian Jerusalem from the West Bank. The plans approved in 1990 for Reches Shufaat, the Har Homa and Airplane Hill complex represent the fulfillment of Israel's desire to ensure geographic integrity for the borders they defined in 1967. The center pieces of this huge thrust in the settlement of Jerusalem were the planned construction of two entirely new Jewish "neighborhoods" in strategic locations in East Jerusalem. The first of these new settlements, Reches Shufaat, is well on the way to completion. This settlement, slated for upwards of 2,300 units and constructed on land confiscated from the Palestinian village of Shu'fat, will, ultimately, close the gap

⁵⁰ David Kroyanker, *Jerusalem*, op.cit., p. 85.

between Ramot, West Jerusalem proper and Ramat Eshkol. These new settlements also marked a significant departure from previous strategy of building in disconnected areas without ever revealing the overall plans. It is as if the Israeli government has reached a point of confidence in regards to the irreversibility of the unification of the city. Future settlement plans can be pursued openly and aggressively with little concern over its impact on public opinion in Israel, the Occupied Territories or beyond.

The second major settlement provided for in the 1990 plan will close the remaining green spaces in the south of the city. The Har Homa settlement will entail the construction of 6,500 housing units on 1,851 dunums of land confiscated from the Palestinian communities of Um Tuba, Sur Baher and Beit Sahour. Ultimately, it is expected that this settlement will house 30,000-40,000 Ultra-Orthodox Jewish settlers. The strategic nature of the placement of this settlement is obvious. The construction of Har Homa drives a wedge between the West Bank Palestinian town of Beit Sahour and the East Jerusalem village of Um Tuba, which is already blocked to the north by the settlement of East Talpiot that was established in the early 1970s. Furthermore, the Har Homa development completely precludes any possibility of Palestinians creating any contiguous settlement of their own.

On its own, Har Homa represents the last of the key anchor settlements in the Israeli archipelago around East Jerusalem. However, Israeli geographic strategy is completely evident when three other components are included in the equation. First, there is the proposed construction of 2,000 units on Airplane Hill, west of Har Homa and East of Gilo. Second, there is stage II of Har Homa which would extend further East onto Kiryat Mazmo-

ryah. Finally there is recently cut Bethlehem "Patrol Road", which runs from Beit Sahour to Beit Jala and effectively demarcates the southern limits of the Israeli-defined municipal boundaries in asphalt.⁵¹ These smaller scale projects would effectively form a chain of settlements from the Malha mall, through Gilo, east to Har Homa and northeast to East Talpiot. The patrol road will provide the necessary traffic artery to connect these settlements and their commercial infrastructure with each other and with the rest of Jerusalem.

There is further information which suggests that the Israelis plan to use a portion of the confiscated land near Bethlehem as part of an integrated tourism complex in the vicinity of the Har Homa settlement. This tourism complex would include hotel services and would be used to provide Israeli owned services to the thousands of Christian tourists who visit the holy sites in Palestinian Bethlehem.⁵² If these "neighborhoods" are completed along the approved timetable, the southern boundary of Jerusalem will have been completely settled in advance of any negotiated solution. In order to prevent the construction of this critical settlement, the Palestinian and Jewish landowners have been involved in a protracted legal battle which has succeeded in stalling the settlement for six years.⁵³ However, given recent political developments, the construction of this "neighborhood, appears imminent as well.

⁵¹ Plans have been made to build an additional 4,500 housing units and possibly a prison on Khyrbat Mazmoryah, a plane to the east of Abu Ghaneim and Abu Also-khour mountains (the sites expropriated for Har Homa). The land in these areas is totally owned by Palestinians from Beit Sahour and has not yet been expropriated. "Summary of the Abu Ghaneim Case", publicity flyer, Palestinian Centre for Rapprochement Between People, Beit Sahour.

⁵² Middle East Advocacy Press Release, *transmitted* by Martin Bailey, 7/5/96.

⁵³ Interview with Danny Zeidman of Ir Shalem which sponsored the case through the Israeli courts.

The Olmert Municipality won the approval from the Ministries of Housing and Finance for what has become known as the Eastern Gate scheme in the spring of 1993.⁵⁴ Like Reches Shufaat and Har Homa, this new string of settlements is also designed to connect existing settlements and form a physical barrier between Jerusalem and the West Bank. The proposed plan, will swallow up vast tracts of lands of Shu'fat Village in the areas of Ras Shehadeh and Ras Khamis. The immediate intent of the plan is to link the settlement on French Hill with Pisgat Ze'ev on the northern side. Some 2000 settlers are expected to be brought into the area to create a continuous Jewish residential area north of the eastern flank of the city.⁵⁵ Commercial interests, Jewish-only housing and parks would be constructed, thereby isolating Shu'fat entirely from its neighboring villages in the West Bank, and creating nearly a solid wall of settlements from Jerusalem north to Ramallah.⁵⁶ Furthermore, this settlement will become the "Eastern Gate" to Jerusalem when it is connected to route #45, or the proposed ring road which will link this area with the Gush Adumim bloc before connecting with the southern side of the city at Har Homa.⁵⁷ On November 19, 1996, city officials revealed that 800,000 NIS had been allocated for the first stages of the Eastern Gate plan.⁵⁸

Once the plans on these three settlements are complete, East Jerusalem will be completely surrounded by a vast wall of settlements. The new ring road will allow Israelis free movement between Tel Aviv, the settlements encircling Jerusalem and the Greater Jerusalem settlements to the east and south. This ring road, which

⁵⁴ *Report on Israeli Settlements*, May 1993, p. 4.

⁵⁵ *The Jerusalem Times*, July 5, 1996, p. 7.

⁵⁶ LAWE Press Release, July 5, 1996.

⁵⁷ Interview with Khalil Tufakji. Orient House, Jerusalem, July 1996.

⁵⁸ *Jerusalem Post*, 20/11/96, p. 12.

would have been an infrastructure asset in peace time, will only serve as the "way out" for Palestinians of East Jerusalem.⁵⁹ It is only a matter of years, before all of the remaining green areas in Palestinian East Jerusalem are filled with Israeli settlements and by-pass roads.⁶⁰

In the period since the signing of the Oslo agreements Israel has also begun targeting plots of land for settlements within the Palestinian neighborhoods of East Jerusalem. This represents a strategic shift from the previous settlement patterns which focused on encirclement. Furthermore, many of the buildings slated for construction in these areas are commercial rather than residential. Many of the approved projects are planned as tourists facilities designed to further facilitate Israel's ability to host western, Christian tourists who are expected to flock to Jerusalem in the year 2000. In Silwan, the municipality has plans for constructing a tourist park with the Silwan Spring as a centerpiece. The plan is to extend from the spring to the Garden of Gethsemane on land owned by the Muslim Waqf and private Palestinian owners.⁶¹ In addition, groups of radical settlers have tried to forcefully occupy several homes within Silwan under the pretense of prior purchase. There is a huge tourist complex planned for 40 dunums expropriated from al-Izzariyah which will provide accommodations for up to 2,500 tourists. There are also three hotels planned for the area of the Mandlebaum Gate⁶², including a park adjacent to the American Colony Hotel in Sheikh Jarrah.⁶³ Most recently, the Ateret Cohanim group occupied a building opposite the American Consulate in East Jerusalem. Ateret Cohanim acquired

⁵⁹ Interview with Usama Halabi.

⁶⁰ Interview with Sara Kaminker.

⁶¹ John Tyler, "Finishing Jerusalem", *Challenge* (November-December 1994), p. 15.

⁶² *Ibid.*, 15-17.

⁶³ Attorney Danny Zeidman of Ir Shalem is highly confident that this project will be stopped via pending litigation.

the building via an illegal land purchase utilizing a holding company based in the British Virgin Islands.⁶⁴ National Infrastructure Minister Ariel Sharon personally issued the eviction notices to the Palestinian families who owned the building.⁶⁵ Palestinian geographer Khalil Tufakji refers to this policy as "transfer without media." These measures can be interpreted as a shift in municipal strategy towards the demographic situation in Jerusalem and acceleration of moves to drive Palestinians out of the city. The pace of new construction in and around the Palestinian neighborhoods in Jerusalem has ominous implications for the future potential of these areas.



⁶⁴ Bill Hutman, "Ateret Cohanim Group Temporarily Reclaims East Jerusalem Building", *Jerusalem Post*, November 4th, 1996.

⁶⁵ LAWE Press Release, 19/10/96.

Demographic Superiority

The 1973 Interministerial Committee to Examine the Rate of Development in Jerusalem, commissioned by Golda Meir, determined that it was vital to the future of Jerusalem to ensure "the relative proportion of Jews and Arabs [in Jerusalem] as it was at the end of 1972."¹ At that point in time, the population figures indicated a Jewish majority of 73.5% and a Palestinian minority of 26.5%.² The subtext of this decision was a desire on the part of the municipal government to implement strategies for combating the higher rate of natural growth among the Palestinian population and ensure a Jewish majority in the city. In 1992 the Kubersky committee, commissioned by the Ministry of the Interior, restated the needs of the government to take measures to ensure a Jewish majority in Jerusalem.³ While the municipal governments have planned and built the Jerusalem area settlements, the national governments have made every effort to facilitate their settlement with Jewish Israelis. In hand with increasing the Jewish population of the city, the Israeli government has actively sought to limit the number of Palestinians living in the city. In addition to the serious restrictions on housing and development facing Palestinian Jerusalemites, Israel enacted a series of restrictive policies regarding residency rights in the city. These policies serve a two-fold purpose; first, of separating Palestinian Jerusalemites from the Palestinians in the West Bank, and second,

¹ Interministerial Committee to Examine the Rate of Development for Jerusalem, *Recommendation for a Coordinated and Consolidated Rate of Development*, Jerusalem, August 1973, p. 3.

² Felner, Eitan, *A Policy of Discrimination*, op.cit., p. 32.

³ In 1992, the growth rate of the "non-Jewish" population of Jerusalem was 2.7% compared with the Jewish growth rate of 2.1%. *Jerusalem Statistical Yearbook*, 1994/95, p. 28.

providing means of preventing Palestinians from "legally" residing in the city. Israeli strategies for "preserving" the 1967 demographic ratio have fostered a series of discriminatory housing and residency policies designed to actively curtail the growth of the Palestinian population.

3.1 Encouraging Jewish Immigration

The massive construction of settlements in East Jerusalem has done more than alter the geographic layout of the city. Since 1967, Israel has managed to completely reverse the demographic realities in East Jerusalem. In July of 1993, an official Jewish majority was declared in East Jerusalem; at that time, the official figures reported 154,000 Palestinian residents and 168,000 Israel residents in East Jerusalem.⁴ Two years later, the number of Israeli settlers had grown by more than 30,000 bringing the total to 200,000.⁵ At the current date, sources estimate the Jewish population of East Jerusalem to be 240,000. Furthermore, the national blueprint of the Interior Ministry has made ambitious projections, calling for a Jewish majority of 77% for the Jerusalem region by the year 2020.⁶ This dramatic change in the demographic realities of Palestinian East Jerusalem was the result of a concerted effort on the part of the Jerusalem municipality, with the support of the Knesset, to encourage Israeli Jews and new immigrants to populate Jerusalem's new "neighborhoods." Policies were developed to provide substantial economic incentives to prospective residents. New "neighborhoods" were aggressively marketed as affordable alternatives to the crowded conditions in the urban centers that offer a tremendous im-

⁴ *Report on Israeli Settlements*, February 1994.

⁵ *Report on Israeli settlements*, March 1994.

⁶ Kothari & Abu-Shakrah, *op.cit.*, pp. 2-3.

provement in the quality of life. In addition, steps were taken to promote the growth of industry in several of the larger settlements in East Jerusalem in hopes providing further impetus for new Jewish immigrants to settle permanently in Jerusalem. While some aspects of these policies were less effective than others, the overwhelming result has been a massive influx of Jewish settlers who largely view themselves as residing comfortably in convenient, affordable suburbs of Jerusalem.

Knesset law-makers have consistently made funds and resources available to the settlement efforts in and around Jerusalem. Since 1981, 83% of all government investment in the Occupied Territories has been directed to the bedroom communities in and around Jerusalem and Tel Aviv.⁷ Over the years, the Israeli government has provided subsidized housing for more than 70,000 Jewish families in East Jerusalem.⁸ When Pisgat Ze'ev was settled in the late 1980s, the national government provided favorable apartment purchase terms in order to make rapid occupancy possible.⁹ In the fall of 1990, plans were adopted by the Ministerial Immigration Committee to provide housing for the influx of immigrants from the Soviet Union in Jerusalem. The plans, released under the headline of "On the Way to a Jewish Majority in Jerusalem", offered a 100% government guarantee against losses to contractors willing to work on the project. The Jerusalem municipality also contributes to the massive subsidies for Israeli settlers in the form of tax breaks. For example, new Jewish settlers are exempted from the *amona*, municipal tax, for a period of 5 years, after which they are charged at a reduced rate.¹⁰ Under the Sheeves plan, the Rabin government

⁷ Howard M. Sacher, *A History of Israel*, op.cit., p. 154.

⁸ Sara Kaminker, "Housing and Community Development Through Land Reclamation," in Kothari and Abu Shakrah, op.cit., p. 9.

⁹ David Kroyanker, *Jerusalem*, op.cit., p. 110.

¹⁰ Kothari and Abu-Shakrah, op.cit., p. 8.

continued to subsidize construction in Jerusalem in spite of the Oslo accords. Pisgat Ze'ev, the key settlement anchor in northern Jerusalem, received development loans in excess of \$33,000 in order to encourage the faster purchase of homes.¹¹ These subsidies have greatly facilitated the settlement of an enormous number of Jewish Israelis in the Jerusalem area settlements.

In addition to tax-breaks and subsidies, the Jerusalem area settlements have been aggressively marketed. The municipality invested tremendous effort in marketing the settlements as Jewish bedroom communities which offer a high quality of life. These settlements were promoted by the municipality as being equipped with a modern infrastructure; electricity, water, sewage, telephones and parking. New immigrants, young couples and veterans were specifically targeted in the various advertising schemes.¹² Advertisements offer "quality", "luxury" and "affordably" as the main reasons to invest in settlements such as Gilo or Pisgat Ze'ev.¹³ Real estate agents promote the settlements in terms of their "close proximity to downtown" and their community environment. Zionist ideology is simply not a factor needed to sell apartments in the Jerusalem area settlements. They are promoted as integral suburbs of Jerusalem and offer prospective residents no reason to question their choice. As former Housing Minister Ben-Elizar was fond of pointing out, "half of Meretz lives in Givat Ze'ev."¹⁴ In a recent field exercise conducted by a group of American students in Givat Ze'ev, the vast majority of settlers interviewed in street surveys identified themselves as residents of Jerusalem. They cited affordability and quality of life as the main reasons for their choice of residence.

¹¹ *Report on Israeli Settlements*, March 1994, p. 6.

¹² David Kroyanker, *Jerusalem*, op.cit., p. 110.

¹³ *Report on Israeli Settlements*, May 1993, p. 5.

¹⁴ *Report on Israeli Settlements*, January 1996, p. 5.

The self-perception of these settlers attest to the overwhelming success of the aggressive marketing campaigns put forth in order to fill the Jerusalem area settlements with thousands of Israeli settlers.

These measures clearly demonstrate how the settlement of Jewish-Israelis in East Jerusalem is a key component in Israel's battle to ensure demographic superiority. Current foreign policy advisor to Benjamin Netanyahu, Dore Gold, elucidated the demographic aspect of the settlement policy as follows:

"This situation [Palestinian majority in Jerusalem] can only be avoided if Israeli governments plan on strengthening Jerusalem's periphery to offset the continued growth of the Palestinian Arab population. In the past, the Israeli government focused on municipal Jerusalem itself. It maintained the approximate ratio of Jews and Arabs through extensive, state-sponsored housing initiatives, and with the benefits of an infusion of Russian Jewish Aliyah."

However, immigration was never regarded as the only solution. There is a great fear among national policy makers and municipal planners that settlement would be insufficient to ensure the demographic superiority of Jews in Jerusalem. There is a fear that once the available land for Israeli population growth has been exploited, the growth of the Israeli population can be expected to decline.¹⁵ As a result, Israeli policy makers have sought other avenues for maintaining a Jewish majority in Jerusalem.

¹⁵ Dore Gold, *Jerusalem*, (Jaffe Center for Strategic Studies, 1995), p. 38.

3.2 Attacks on Palestinian Residency Rights

Israel municipal policy-makers were aware early on that measures would have to be taken to prevent the rapidly growing Palestinian population from taking root in East Jerusalem. In 1994, the growth rate of the "non-Jewish" [Palestinian] population of Jerusalem was 3.4% while the growth rate of the Jewish population reached only 1.3%.¹⁶ Despite huge Jewish immigration and the numerous discriminatory housing policies which have created a massive Palestinian housing shortage in East Jerusalem, the natural growth of Palestinian Jerusalemites still outstrips the growth of the Jewish population. In order to maintain the desired demographic ratio in the city, Israel has relied upon a series of discriminatory bureaucratic methods to deprive Palestinian Jerusalemites of their "rights" to live in the city. These policies stem from the two-tiered system of ID cards imposed upon Palestinians after the 1967 war. The blue ID cards denoting Jerusalem residency, were originally imposed upon Palestinian Jerusalemites as a means of separating them from Palestinians in the West Bank and integrating them into Israel proper. In addition to serving this end, the issuance of ID cards also gave the Israeli Ministry of Interior *de facto* control over who had the "right" to reside in the city. The system of laws concerning residency of Palestinians in East Jerusalem has been converted into a key mechanism for restricting the number of Palestinians living in the city.

The Israeli population census conducted in 1967 recorded 66,000 Palestinians living in East Jerusalem. 44,000 of those were living in Jerusalem as per the Jordanian municipal boundaries and 22,000 were living in the areas Israel annexed into Jerusalem. These 66,000 were

¹⁶ *Jerusalem Statistical Yearbook, 1994/1995.*

classified as "permanent residents of Israel" according to the Law of Entry to Israel (1952).¹⁷ While Palestinian Jerusalemites were offered Israeli citizenship, few have chosen that option recognizing that accepting citizenship is tantamount to a recognizing Israeli sovereignty in the city. Nevertheless, Israeli policy towards the Palestinians in East Jerusalem has been built on the assumption that they would sooner or later accept their integration into the Jewish state.¹⁸ This distinct designation for Palestinian Jerusalemites served the Israeli objectives on Jerusalem in two ways. First, the smart package of privileges and benefits which accompany Jerusalem residency are a distinct means of separating Palestinian Jerusalemites from Palestinians in the West Bank.

Second, the fine print behind the 1974 Entry to Israel Regulations, grants the Ministry of Interior a long series of bureaucratic methods to deprive Palestinians of their right to live in their home town. Under the Law of Entry to Israel, residence in Israel is a privilege subject to numerous qualifications and restrictions. When Israeli law was applied to annexed Jerusalem, Palestinian residents of the city became subject the tenets of this law. The practical implication of this law is that the Ministry of the Interior has legal authority in determining who receives and is allowed to maintain Jerusalem residency rights. For example, all Palestinian Jerusalemites wishing to travel abroad must obtain an Israeli re-entry visa. Failure to do so forfeits the Palestinians right of return. In addition, Jerusalem residents who live abroad for more than 7 years automatically lose their residency right. Furthermore, Palestinian residency, unlike citizenship, does not automatically extend to the resident's family. Palestinian Jerusalemites marrying spouses from the rest of

¹⁷ Lea Tsemel and Ingrid Jaradat, *The Trap is Closing on Palestinian Jerusalemites*, AIC Memorandum no. 1/96, February 1996, p. 7.

¹⁸ Moshe Amirav, *Israel's Policy in Jerusalem Since 1967*, op.cit., p. 38.

the Occupied Territories must apply for Family Reunification in order to legally reside together in Jerusalem. In 1994, 109 out of 136 documented applications for Family Reunification submitted to the Ministry of Interior were flatly rejected. Furthermore, the Law of Entry into Israel does not oblige the authorities to give any justification or reason when an application is turned down.¹⁹ Finally, the Interior Ministry will only register children as Jerusalem residents if the father holds a valid Jerusalem ID card. Children born to families where only the mother holds Jerusalem residency will be considered residents of the Occupied Territories and excluded from the benefits incumbent on Jerusalem residency such as access to public health services and the right to enroll in a Jerusalem public school.²⁰ These restrictions have allowed Israel to maintain strict control on the numbers of Palestinians who legally reside in the city. These bureaucratic mechanisms are all part of Israel's desire to maintain demographic superiority in Jerusalem.

Since the beginning of the Oslo process, the Ministry of Interior has been part of a dramatic attack on Palestinian residency rights in Jerusalem. This new rise in the revocation of Jerusalem residency rights can only be viewed as a means of lowering the number of Palestinian residents in advance of the final status talks. Despite assertions that they have not changed their policies, the Ministry of Interior has begun to require that Palestinian Jerusalemites prove that their "center of life" is within the municipal boundaries of the city.²¹ Over the course of the current year, hundreds of Palestinians have had

¹⁹ There is also a distinct element of sexism and racism in the Ministry of Interior's policies. Until 1994, no applications were accepted from female Jerusalemites on the grounds that a traditional Arab woman would go and live with her husband family and would, therefore, not be residing in Jerusalem. Tsemel & Jaradat, *op.cit.*, pp. 8-10.

²⁰ *Ibid.*, p. 9.

²¹ *The Economist*, 23/11/96, p. 57.

their Jerusalem residency rights revoked.²² This restriction has been stringently applied to Palestinians who hold a foreign passport in addition to Jerusalem residency. Prominent Palestinian Journalist Daoud Kuttub was recently informed by the Ministry of the Interior that he had a "choice" between his American passport and his Jerusalem ID card.²³ Furthermore, Palestinian Jerusalemites who have been forced to seek housing outside of the municipal boundaries have also had their residency rights revoked under the "center of life" requirement, even though Israel does not explicitly recognize the West Bank as a foreign country.²⁴ This stipulation on residency rights has serious implications for Palestinian Jerusalemites, particularly considering that more than 12,000 Palestinians now live outside of the municipal boundaries as a result of the housing shortage also resulting from discriminatory Israeli policies.²⁵

In response to a substantial internal and international protest to the increase in the number of Palestinians having their residency rights revoked, the Israeli Foreign Ministry issued the following response to its consulates and embassies:

Palestinian residents of Jerusalem, who subsequently take up residence elsewhere, forfeit their right to residency in Jerusalem. Citizens may reside wherever they wish; residents can only reside in one place at one time. One can be a citizen of Israel and reside in France or be a French citizen and reside in Israel; but one cannot be a resident of Israel and reside elsewhere...²⁶

²² AIC Press Release, 8/11/96.

²³ Discussion with Lucy Nusseibeh, PCDE, Jerusalem, 13/11/96.

²⁴ Tsemel and Jaradat, *op.cit.*, p. 16.

²⁵ Bernard Sabella, "Emigration from Jerusalem" (quoted in Kothari and Abu-Shakrah, *op. cit.*).

²⁶ AIC Press Release, 8/11/96.

Despite the fact that the final status of Jerusalem is yet to have been negotiated, despite the fact that the majority of the world, including the United States, does not recognize Israel's annexation of East Jerusalem, and despite the fact that the Fourth Geneva Convention explicitly prohibits the individual or mass transfer of residents from occupied territories, Israel has launched an all out assault on the Palestinian population of Jerusalem. In a particular display of arrogance, Israel places the blame for the loss of residency rights squarely on the Palestinians. As Yossi Beilin put it in a recent interview on CNN, "Those Palestinians who refused citizenship and left the country have a problem with their residence in the State of Israel." In blind determination to enforce its exclusive rule in Jerusalem, Israel has waged an extensive and effective demographic war in Jerusalem.



Legitimization of Sovereignty in Purpose and Practice

The quest for legitimization of Jewish claims to reside in the holy land has been a key component of Zionist strategies since before the founding of the Jewish State. Israel's self-perception as a democratic beacon in the authoritarian Middle East has become an essential part of garnering legitimacy for its practices. Furthermore, the image of Israel as a benevolent democracy has become a core founding myth among Israeli Jews. Public relations strategies which cloak discriminatory Israel practices have become a key element in the battle for Jerusalem. Historical and legal justifications are the major components of Israel's mission to legitimize the Judaization of the city. Israeli propaganda has consistently portrayed the capture of East Jerusalem as the obvious redressing of past wrongs and the natural evolution of holy the city. Furthermore, Israel has been frighteningly successful in disguising its policies of disenfranchising the Palestinians both legal and part of their benevolent, democratic governance of the city.

In March of 1995, Mayor Olmert revealed the plans for a 16-month and \$11-million celebration marking the 3,000 anniversary of Jerusalem as "the Undivided Capital of Israel." This celebration, which included an enormous fireworks display immediately after Netanyahu's election, is perhaps the most ostentatious example of Israel's need to justify the continued occupation of East Jerusalem in religious and historical terms. The Israeli propaganda machine has expended considerable effort in providing copious amounts of evidence and in-

¹ Kothari and Abu-Shakrah, *op.cit.*, p. 9.

formation attesting to the exclusive Jewish character of Jerusalem's history and spirituality. The genuine centrality of Jerusalem to the Jewish faith is cynically used for political legitimization. Countless hours of rhetoric have been spent reciting biblical quotations and segments of Jewish prayer as a preface to why Israel cannot loosen its grip on the city. Contained in the emphasis on the inherent Jewishness of Jerusalem is a blatant negation of the city's importance to the other monotheistic religions who regard the city as holy. The Government Press Office describes the religious importance of Jerusalem as follows:

The observation that "Jerusalem is holy to three religions" tends to mislead, since Jerusalem is holy to Jews, Muslims and Christians in fundamentally different ways. Jerusalem contains sites holy to Muslims and Christians, and is one of many locations of religious significance to them. To Jews, however, it is the city itself which is uniquely holy, only Jews have a religious prescription to live there.²

The tacit assertion is that because Jerusalem is uniquely holy to Jews and because only Jews, by their assessment, have been religiously commanded to live there, then only Jews have a legitimate religious right to live in the city.

Information packets put forward by various Zionist lobby groups and the Israeli Government Press Office always start the history of Jerusalem with King David, ignoring the fact that Jerusalem was a Jebusite capital whose settlement pre-dated David by roughly 2000 years.

² The same document goes on to explain how for Christians, Jerusalem's significance is Heavenly, therefore precluding the need to live there. Furthermore, the document points out how Muslims hold Mecca and Medina as more sacred than Jerusalem. Thus, the assertion is that the Muslim claim to the city is diminished. The irony that a place holding a less than preeminent claim somehow less vital is particularly biting given the current Israeli intransigence over Hebron or Rachel's Tomb. *Jerusalem: A Background Paper*, Israeli Government Press Office, June 1994, p. 2.

Continuity of Jewish residence in Jerusalem since David "except for very few periods, when they were forcibly barred from the city by *foreign* conquerors"³, is used to cement modern Jewish claims to exclusive sovereignty in the city. Zionist propaganda and Israeli sources also point to the existence of a Jewish majority during the Ottoman period as further evidence that Jerusalem was always a Jewish city. Most Israeli sources point to 1844 as the date when the Jewish majority "returned" to Jerusalem. However, the one source which provided actual figures, carefully separated the Moslem population from the Christian population in order to demonstrate the Jewish majority. The long periods of the city's history when Jerusalem was ruled by other peoples are consistently referred to as periods of conquest by foreigners whose presence in the city was both detrimental and temporary aberrations. For example:

*Despite numerous conquests and reconquests over the centuries - by Byzantines, Persians, Arabs, Crusaders, Turks and others - and the persecution that accompanied these events, the Jews tenaciously maintained their existence in Jerusalem. But although Jerusalem has always been the heart and soul of Judaism and the Jewish nation, the city's numerous foreign conquerors generally treated it as nothing more than a provincial backwater.*⁴

Once again, the history of Jerusalem is recounted in exclusively Jewish terms. Furthermore, this metaphor of temporary "foreign" control is directly applied to Jordanian rule in the city and the possible threat of any other "Arab" regime.

³ *Jerusalem: A Background Paper*, State of Israel Government Press Office, June 1994, p. 2.

⁴ "Israel: the Record, Jerusalem Capital of Israel". Permanent Mission of Israel to the United Nations in Geneva.

Perhaps the greatest gift given to the writers of Israeli propaganda on Jerusalem was the desecration of Jewish holy sites in the Old City. Zionist publications and history texts as well as Israeli tour guides constantly hammer the number of synagogues and Jewish gravestones destroyed by the Jordanians. Israeli sources describe Jordanian rule of the city as "medieval"⁵. Jordanian Jerusalem is described as a neglected backwater, lacking in services or resources in a perpetual state of underdevelopment. This selective portrayal of Jerusalem's condition under Jordan fails to indicate that the Israeli side of Jerusalem was in an equal state of neglect and disrepair. While tourism flourished on the Jordanian side and brought in large amounts of investment and foreign currency, the economy on the Israeli side was largely stagnant.⁶ The neighborhoods on the cease-fire lines, most notably Musrara, were filled with impoverished Jewish immigrants from Middle Eastern countries and were widely regarded by more affluent Israelis as slums.⁷ Nevertheless, Jordanian rule of the city is habitually vilified and held up as an example of how Jerusalem would fare under Palestinian rule. Israeli policy makers suggest that any hint of territorial compromise on Jerusalem would ultimately result in a return to the pre-1967 situation in Jerusalem, where Jews were banished from the city by, yet another, foreign occupier.⁸

A key element in Israel's self-legitimization is the promotion of Israeli democracy. The image of Israel as a democracy in tandem with Israel's reliance on quasi-legal methods of disenfranchising the Palestinians, allows Isra-

⁵ *One Jerusalem*. Publicity Flyer, (World Zionist Organization, Jerusalem, no date).

⁶ Mark Tessler, *A History of the Israeli-Palestinian Conflict*, (Indiana University Press, 1994), p. 324.

⁷ Armstrong, Karen, *op.cit.*, p. 393.

⁸ Dore Gold, *op.cit.* p. 26. "With the Western Wall under Arab sovereignty, it would be extremely difficult to prevent a reversion to past practices that strictly limited Jewish religious freedom ..."

el to continually exculpate itself from blame. In Jerusalem, the argument of democratic governance is used as a double edge sword against the Palestinians. First, Israel's municipal authorities to justify discriminatory policies such as zoning restrictions and permit requirements, as standard municipal practice. Second, it allows Israel to blame the Palestinians for their own situation for not taking advantage of the democratic process offered them by Israel. Finally, municipal authorities continually attempt to demonstrate how their democratic rule of the city has benefited the Palestinian population. By focusing on few small examples of urban development in East Jerusalem, such as the previously mentioned Nusseibeh buildings, Israeli municipal leaders seek to prove that they did their best to develop East Jerusalem in the face of deep seeded "Arab" intransigence.

As demonstrated in previous chapters, Israel relies heavily on quasi-legal methods to implement its policy objectives. In the case of Jerusalem, permit restriction, green zoning and land expropriations are justified as part of a legitimate, democratic, process of meeting the needs of the city's public. As former municipal planner Yisrael Kimchi asserts, because the "Arab sector" lacked the necessary wherewithal to carry out directed planning initiatives for development of East Jerusalem, it was necessary for the Israeli sector to take responsibility.⁹ Without question, elements of city planning are legitimate tools used by a government to most effectively allocate the available resources to the community. However, democratic municipal planning pre-supposes that resources will be distributed under principles of equality and that the entire citizenry will benefit, either directly or by being part of the collective good.¹⁰ Thus,

⁹ Interview with Yisrael Kimchi.

¹⁰ Sara Kaminker, "East Jerusalem: A Case Study in Political Planning", *Palestine-Israel Journal*, Vol. II, no. 2, 1995), p. 59.

when the municipal government collects taxes or expropriates lands as part of its responsibility to provide for the city's public, the assumption is that the public, as a whole, will benefit from the city's actions. Unfortunately, in the case of Jerusalem, this is simply not the case. For example, in all democratic societies, citizens pay a certain proportion of taxes and expect an equal proportion of services in return. In Jerusalem, however, Palestinian Jerusalemites contribute 26% to the city's operating budget while only 5% of the same budget is spent on services in East Jerusalem.¹¹

The definition of "public" in terms of resource redistribution in Jerusalem is inherently two-tiered. In all cases of land expropriation in East Jerusalem, Palestinians are included in the definition of public. More often than not, Palestinians are the only segment of the public represented when land is to be expropriated for public use. However, when the public is defined as recipients of the housing or infrastructure planned for the expropriated areas it is almost always exclusively Jewish. A perfect example of this is the case of the planned settlement of Har Homa south of Jerusalem. Lands were expropriated from the Palestinian communities of Um Tuba, Sur Baher and Beit Sahour, as well as from a private Israeli company called Micor, for the construction of a settlement that would eventually provide housing for as many as 40,000 Ultra-Orthodox Jews.¹² Counter plans submitted by the Micor company and the Palestinian landowners for joint Israeli-Palestinian development of the area in question were flatly rejected. In response to numerous letters of protest concerning the construction of this settlement, the office of then Prime Minister Shimon Peres, confirmed the racist definition of public in

¹¹ Kothari & Abu-Shakrah, *op. cit.*, p. 9.

¹² "Summary of the Abu Ghaneim (Har Homa) Case", Palestinian Centre for Rapprochement Between People, Beit Sahour.

terms of who receives the resources "re-allocated" by the municipality and the state.

Jerusalem, as a thriving dynamic city, continues to grow and it is the responsibility of the municipal and state authorities to provide housing and infrastructure to its residents (Letter's full text in Appendix V).

Without question, the residents referred to by Mr. Peres are Jewish residents alone. Former Mayor Kollek was perhaps more blatant in revealing how public was defined in terms of the receipt of municipal services. At a January 1988 meeting of the Jerusalem Municipal Council, Kollek exclaimed: "I am seeing to the Jewish majority... that is why we are here."¹³

The perception of democratic governance is further used to place the blame for the disparity between the Jewish and Palestinian sectors squarely on the Palestinians. Time and time again, the assertion is made that if the Palestinians would only take advantage of the rights bestowed upon them by Israeli democracy than their situation would be dramatically different. Whereas the operating assumption is that unification of Jerusalem is beyond question, it is the fault of the Palestinians for not maximizing their rights within the municipal system. The following quote by former Mayor Teddy Kollek illustrates the skillful use of the Palestinian absence in the Municipal Council as a further means of justifying discriminatory policies:

"I deeply regret that there are no Arabs on the City Council. [Even though] under Israeli law, citizens of other countries residing in Israel have the right to vote in municipal elections. This sorry situation means that either I or a colleague in my One Jerusalem coalition must represent the Arab population and

¹³ Felner, Eitan, *A Policy of Discrimination*, op.cit., p. 30.

look after its interests. My argument is that the Arabs are tax payers. But we are a poor city with very limited resources, and each faction on the Council tries to obtain a maximum of the resources for its constituents. Arab councilors, vociferously stating their demands, would paradoxically help return the peace and quiet we need and make it easier to obtain resources for the Arab sector, including new housing.¹⁴

First, Kollek reaffirms that Palestinian residents of Jerusalem are, from his perspective, residing in Israel, thus implying a unified city under Israeli sovereignty. Then he indicates Israeli magnanimity in allowing these "citizens of other countries" the right to vote in Israeli municipal elections. Finally, he offers conclusive proof that the disparity in housing and services is not the fault of discriminatory policies, but a regrettable side effect in the failure of the Palestinians to exploit their given rights.

Members of the Israeli right and left alike continually call for Palestinians to "take advantage" of their right to serve in the municipal council. From their perspective, the Palestinians could use the bi-weekly Council meetings as a platform to protest the occupation and denounce the city's discriminatory policies.¹⁵ Without question, the Palestinians could have used the City Council to achieve modest gains for the Palestinian population of Jerusalem.¹⁶ The fear is that any move to enter into the municipality would result in one or two seats on the Council and no real power in terms of affecting municipal policy. The municipality would, however, be able to use the presence of these few Palestinian councilmen as a legitimization of Israeli sovereignty over the city as

¹⁴ Teddy Kollek, "Jerusalem", *Foreign Affairs*, July 1977, p. 162. Most Palestinian Jerusalemites were issued Jordanian citizenship between 1948 and 1967; hence, Kollek's reference to citizens of other countries.

¹⁵ Interview with Gershon Baskin, IPCRI-Jerusalem, July 1996.

¹⁶ Interview with Hanna Siniora, *Jerusalem Times*, Jerusalem, July 1996.

defined in 1967.¹⁷ Given the success Israel has had with using the participation of Israeli-Arabs in the Knesset as proof of their true democratic intent, the risk of entering the Municipal Council is great.

Israeli municipal authorities push the democratic argument one step further by repeated claiming that the Palestinians have ultimately benefited from Israeli rule. Despite purported intransigence on the Palestinian side, Israeli authorities claim that they make every effort to develop the Palestinian community in East Jerusalem. Kollek has gone on record on countless occasions to attest to all of his efforts to improve the quality of life for Palestinian Jerusalemites. According to his accounts, the municipality has provided East Jerusalem with proper sewage facilities, running water, health clinics and libraries. When tax moneys were insufficient, Kollek asserts that he sought private funding for projects dedicated to the "Arab" sector.¹⁸ However, in a famous statement made in the aftermath of the 1990 massacre on the Haram al-Sharif, Kollek candidly admits the reality behind all of his "efforts" to provide the Palestinians equal services:

"Idiocy, fairy tales! I did nothing over the last 20 years. For Jewish Jerusalem I have done things. For East Jerusalem? Nothing? Stop babbling about sidewalks, cultural centers. Nothing! Absolutely nothing! Actually, we did build the sewage system and improved the water system. And do you know why? I'm sure you think we did it for their benefit. No way! We did it because we heard about cholera cases, and the Jews feared the spread of an epidemic."¹⁹

¹⁷ Interview with Ghassan Andoni.

¹⁸ Teddy Kollek in *The Jerusalem Post*, August 12, 1994.

¹⁹ *Ma'ariv*, October 10, 1990 quoted in Amirav, p. 40.

Nevertheless, the current municipality relies upon the same faulty arguments to explain the disparity between the Palestinian and Israeli sectors of the city. The following quotation by Deputy Mayor Lupalanski again demonstrates the standard contention that the municipality has done everything it can to meet the needs of the Palestinian population:

[In the Palestinian sector] there is a problem of mentality that we cannot change. They are used to being in a family house and are not used to living in a modern context. Therefore, when we prepare plans and present to the housing committee a plan to solve the housing problem for 3,000 families, they will not take advantage of the plan.²⁰

Lack of adequate housing in the Palestinian neighborhoods is simply not the fault of the municipality. Quite the contrary, the municipality contends it has done everything possible to meet the needs of the Palestinian population. The figures, however, speak for themselves. Since 1967, an excess of 64,000 houses have been built for Israeli-Jews in Jerusalem. In that same time span, only 8,800 houses have been built for Palestinian Jerusalemites. Furthermore, of the city's 900 sanitation workers, only 14 are assigned to Palestinian neighborhoods.²¹ Israeli claims of benevolent democratic rule in Jerusalem are only a thin veil used to justify their ultimate objectives of securing exclusive Israeli sovereignty over the city.



²⁰ Interview, Deputy Mayor Uri Lupalanski, Safra Square, Jerusalem, July 15, 1996.

²¹ Karen Armstrong, *Jerusalem*, op.cit., p. 418.

Conclusions

Since 1967, successive Israeli governments have set out "with conviction, with motivation, with determination, with stamina..."¹ to eradicate all other visions of the Holy City that conflict with the vision of Jerusalem as the 'eternal, undivided capital of the Jewish State'. The question then persists, why, if the Israelis are so determined to make no concessions on Jerusalem and have expended so much energy and resources in establishing Jewish superiority in the city, did the government agree to settle its final status during the Oslo process? Given the Israeli preoccupation with the rule of law and their need for international legitimization the answer is fairly obvious. By negotiating the final status of Jerusalem in the context of a peace process sponsored by the international community Israel can finally secure unquestionable legitimacy for its exclusive rule over the holy city. The frenetic pace of settlement activity since the beginning of the peace process attest to Israel's quest to implement as many irreversible geographic and demographic facts on Jerusalem's soil in advance of the negotiations. If Israeli policies for Jerusalem continue to be implemented at the current pace, there will be little left for the negotiators to decide upon. Without question, Israel views the final status of Jerusalem as an issue that has already been settled.

However, the fundamental fact remains that without a just and equitable solution to the question of Jerusalem there will never be a lasting peace in this region. As the clashes in late September clearly demonstrated, continued Israeli aggression in Jerusalem will only result in further bloodshed. At a peaceful demonstration outside the Israeli Interior Ministry, Faisal Husseini indicated that

¹ Albert Aghazarian, *An Occupation set in Stone*, op.cit.

it would be foolish to discount the Palestinians' anger over the dual standards that currently govern the Oslo process, especially in regards to Jerusalem. "The Israelis", argues Mr. Hussein, "say we must be creative about the 400 Jewish settlers in Hebron. We want the same creativity for the 160,000 Palestinians who live in East Jerusalem."² Regardless of the dramatic success of Israel's Jerusalem policy in altering the geographic and demographic realities of Jerusalem, the basic rights of the Palestinian residents cannot be ignored. Any political settlement over the future of Jerusalem must incorporate both the basic rights and the national aspirations of the Palestinian people.

Hope, as always, may come from unexpected places. As demonstrated in this paper, much of the success Israeli governments, in particular the Jerusalem municipality, have enjoyed in pursuing their discriminatory policies in the city, have stemmed from the broad, Israeli consensus concerning the city's future. However, there are serious chinks in the Israeli consensus that can be opened to give Palestinian Jerusalemites a chance to pursue their aims. While the vast majority of Israelis would say it is an absolute must that Jerusalem remain united, few can define exactly what that means. Field research conducted in the fall of 1995 showed that less than 50% of Israeli Jerusalemites surveyed could correctly define the municipal boundaries. Furthermore, only 6% of the Israeli-Jerusalemites could name more than 9 of the Palestinian neighborhoods in East Jerusalem. Finally, 53% of those surveyed had no objections to the idea of an independent Palestinian municipality.³ A recent survey scheduled to be published in the Israeli daily *Ma'ariv* shows that a slight majority of Israelis favor

² "Living with the Occupation," *The Economist*, (November 23, 1996), p. 57.

³ Benjamin Woolin, "Jerusalem the Unresolvable," Research Paper, December 1995, p. 25.

moving the capital to Tel Aviv.⁴ While Israel clearly has the upper hands in terms of physical power, there is no reason it must continue to win the public relations war. At this critical juncture, Palestinians must be vigilant in making their legitimate rights to the city widely known and respected, not only in the international community, but in Israel as well.

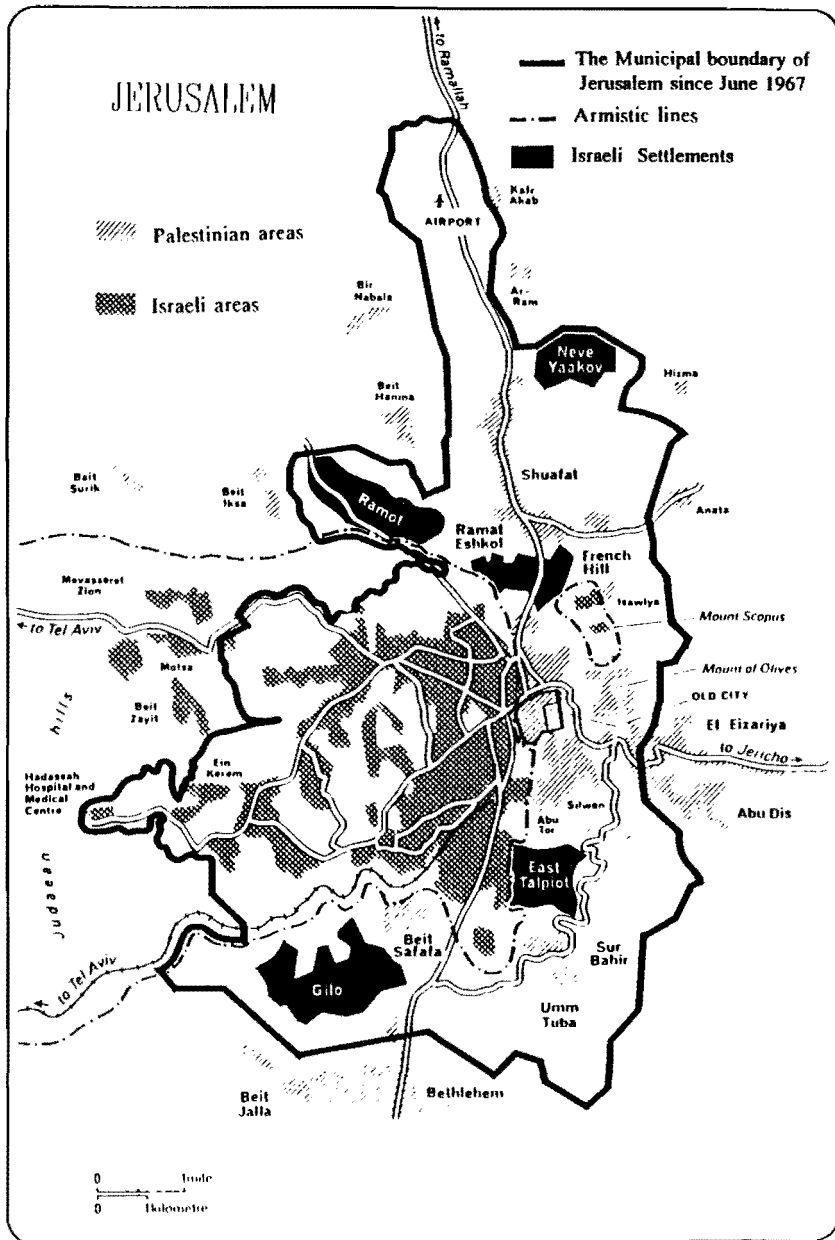
Where there is a political will, there is a way to reach a negotiated solution for Jerusalem. However, Israeli settlement construction and attempts at forcing a Jewish majority in all parts of the city have prejudiced and will continue to prejudice the outcome. The onus is currently on Palestinian Jerusalemites to present a united front with concrete development plans to ensure their aspirations for Jerusalem will be met in a satisfactory manner.



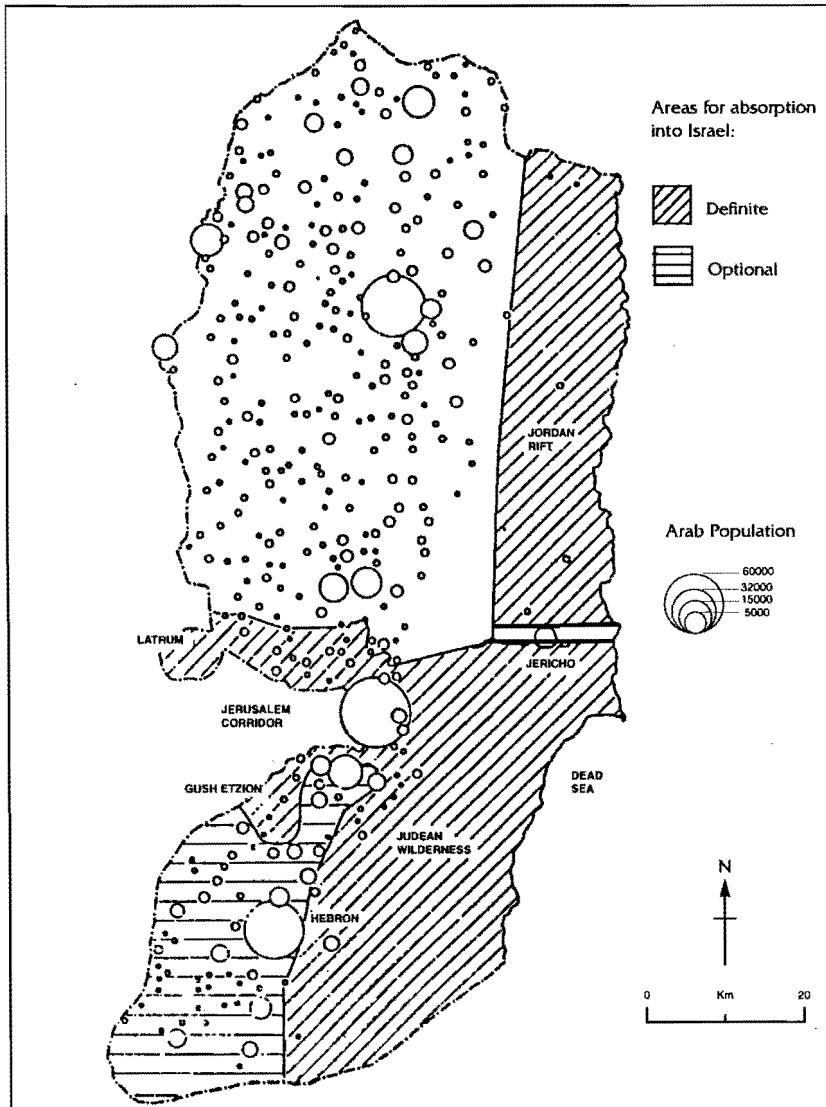
⁴ The reporter refused to give exact figures, stating that it was a slight majority. *The Jerusalem Post*, 21/11/96, p. 1.

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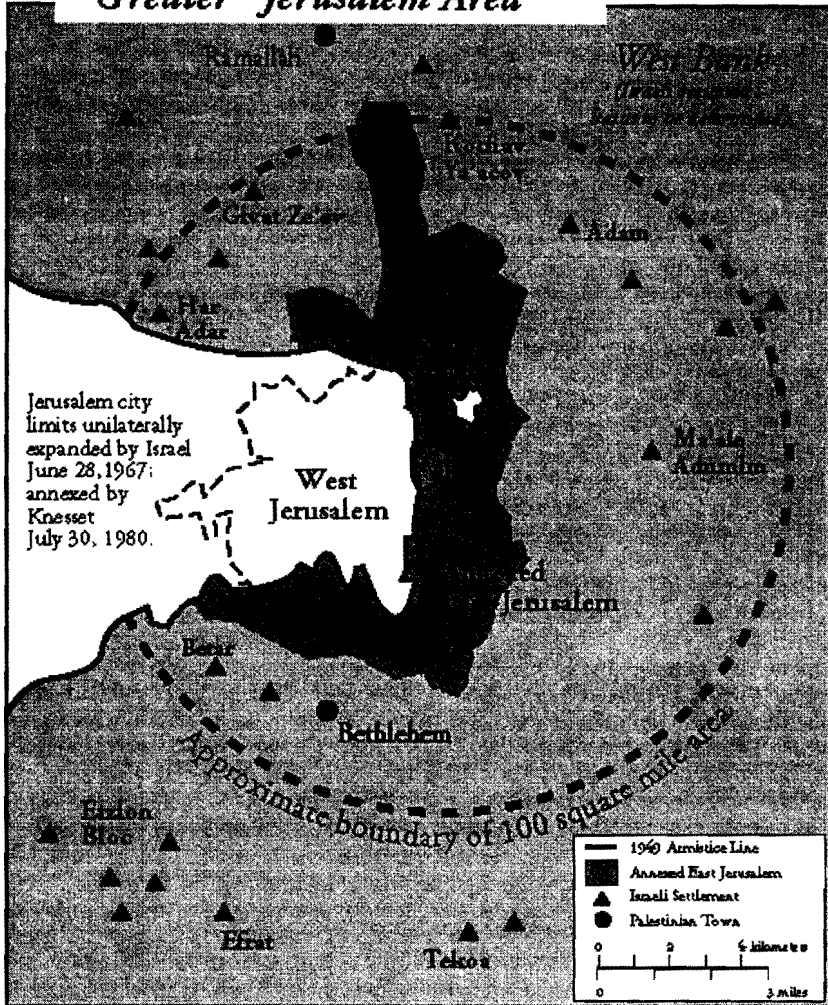


AREAS FOR ABSORPTION INTO ISRAEL AS PER ALLON PLAN



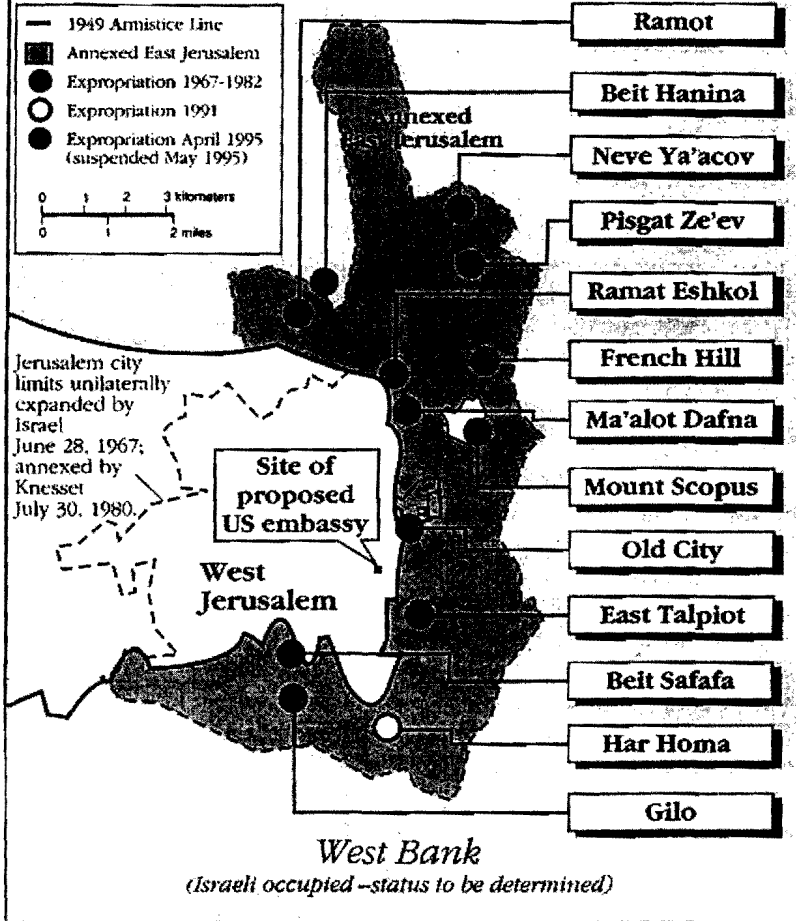
SOURCE: Peter Demant, "Plough Shares Into Swords." *Israeli Settlement Policy in the Occupied Territories 1967-1977* University of Amsterdam, Holland, June 1988

"Greater" Jerusalem Area



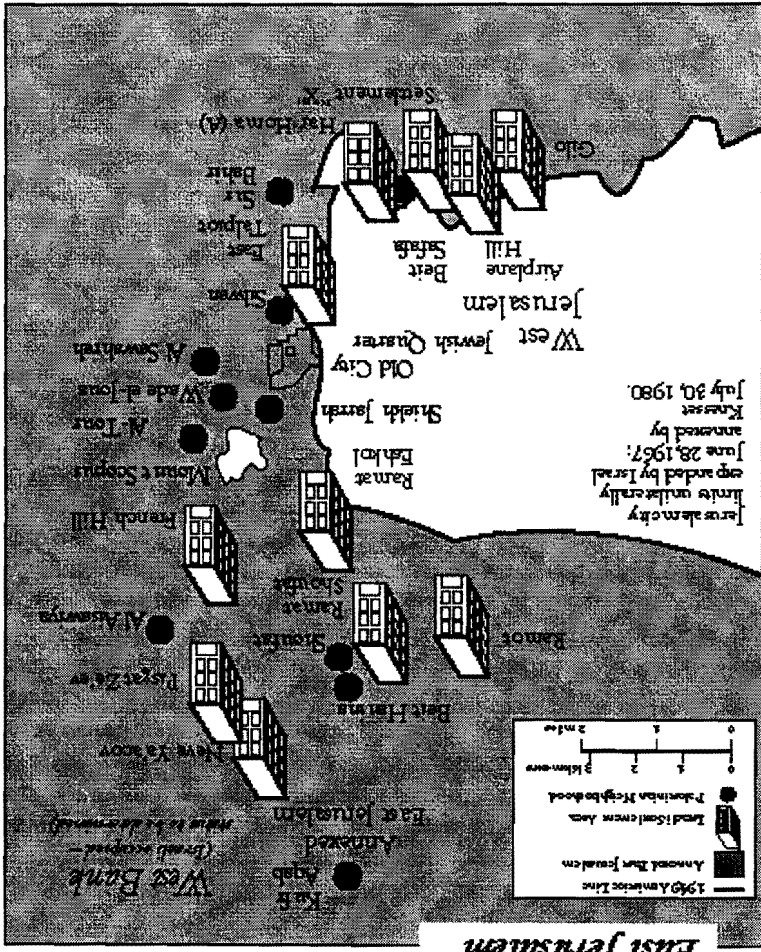
SOURCE: Foundation for Middle East Peace.

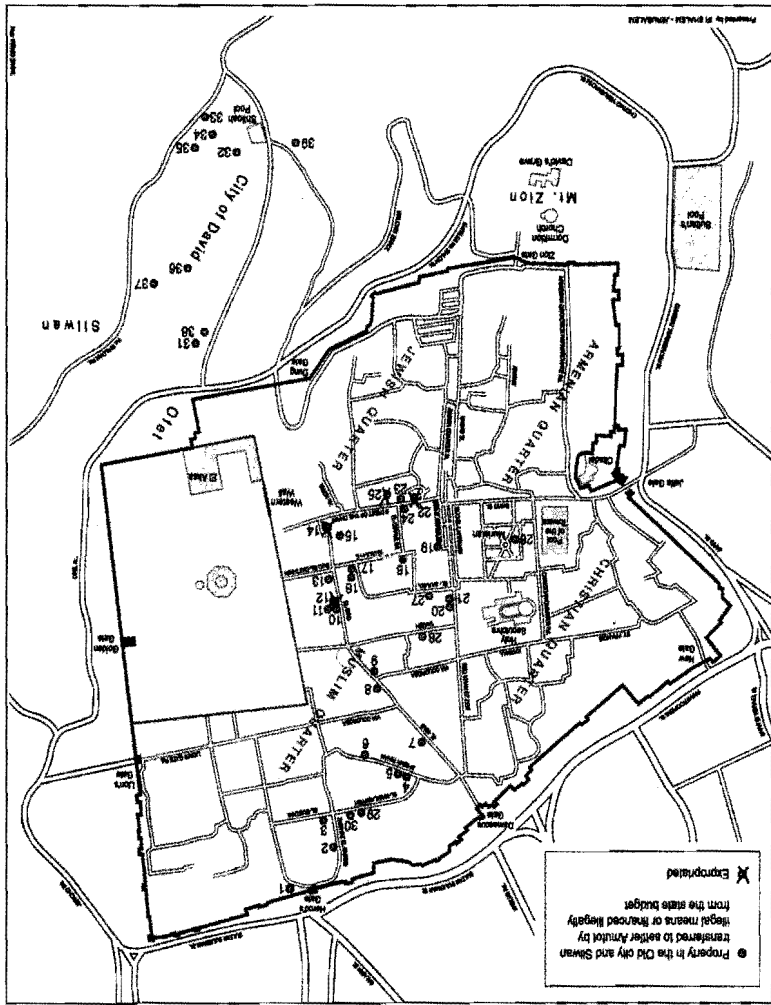
— East Jerusalem: Land Expropriations — 1967-1995



SOURCE: *Financial Times*

SOURCE: Foundation for Middle East Peace.





Jewish Settlement in the Old City and Silwan

East Jerusalem: Statistical Data

Total Population:	578,800	
Jewish/Israeli:	411,900	(71.2%)
Palestinian:	166,900	(28.8%)

Total Land Area: 123,000 dunums¹

Jerusalem Area Settlements:

Date Est.	Settlement	Land Expropriated from	Area/dunums	on	Units	planned units
1968	French Hill	Shu'fat, Issawiyah	3,345	14,600	4,326	468
1968	Ramat Eshkol	Lifta	675	4,600	1,000	-----
1968	Jewish Qtr.	Old City	175	2,100	345	-----
1970	Atarot	Beit Hanina A-Ram	1,158		Industrial Zone	
1971	Gilo	Malha, Beit Jala, Shu'fat	2,700	36,000	3,896	670
1972	Neve Ya'acov	Beit Hanina Hizma	1,016	19,300	4,202	120
1973	Ramot	Shu'fat, Lifta	2,961	37,900	5,870	561
1973	East Talpiot	Sur Baher	2,240	15,000	3,896	670
1977	Givat Ze'ev	Al-Jib, Beitunia	1,233	7,200	1,800	1,300
1985	Pisgat Ze'ev	Hizma, Beit Hanina	4,400	30,000	7,157	4,327
1991	Har Homa	Um Tuba, Sur Baher, Beit Sahur	1,850	-----	-----	6,500
1991	Givat HaMatos	Beit Safafa Beit Jala	137	5,000	caravans	3,000
1991	Givat Arba (Settlement X)	Bethlehem, Beit Sahur	unverified	-----	-----	2,000
Total			23,982	193,700	36,992	25,816

Source: A Policy of Discrimination: Land Expropriation and Building in East Jerusalem, B'Tselem, 1995; Israeli Settlements in Jerusalem, Palestinian Geographic Center, 1994; Report on Israeli Settlement

¹ 1 dunum = 1,000 square meters or 1/4 of an acre.

Status of Palestinian Neighborhoods in Jerusalem

Neighborhood	Housing Units	Population
A-Tur	1,726	14,124
Abu Tor	280	2,240
Atarot	1,015	5,360
Bab a-Zahra	407	4,227
Beit Hanina	2,385	17,423
Beit Safafa	1,068	4,227
Al Issawiyah	625	4,843
Old City	4,052	26,701
Ras al-Amud	1,733	9,896
Sheikh Jarrah	533	2,474
Shu'fat	2,227	19,072
Silwan	1,773	6,598
Sur Baher/Im Tuba	2,652	23,431
Wadi al-Joz	736	6,186
Wadi Hilwah	82	2,474
Other	186	6,495
Total	21,480	156,286

Source: Statistical Yearbook, Jerusalem, 1993

Israeli Methods of Confiscating and Expropriating Palestinian Land

Military Orders

Military Order 70 (1967):

Disallows landowner from entering their land by declaring it a "closed military area." *Justification:* Security.

Military Order 150 or Absentee Property Law (1967):

Land belonging to Palestinians who were not physically present when Israel conducted a census after the 1967 war is declared state land. "State land" is almost always liable for expropriation for Israeli settlement construction.

Military Order 271 (1968):

This order refers to land areas which Israeli authorities deem as potential sites of future battles or necessary for military maneuvers. One fourth of the land area of the West Bank has this classification.

Military Order 291 (1968):

Terminated the process of modern land registration that had been underway in the West Bank prior to the 1967 war. After 1948, the Jordanians began a process of official registering all private lands under a title and deed system to replace the old Ottomans system. Only one-third of Palestinian lands had been officially registered under the Jordanian system by the outbreak of the war. This order exacerbated Palestinian attempts to prove land ownership in Israeli courts.

Military Order 321 (1968):

Grants the Israeli Civil Administration the right to confiscate any land for "public use." This order has been used extensively with the setting up of roads.

Military Order 1091 (1980):

This order compounds order #291 by declaring all unregistered land as "State Land." This means that Palesti-

nian landowners who had not registered their land with the Jordanians prior to 1967 no longer have any means of proving ownership of their lands to the Israeli authorities. This order has allowed the confiscation of more than 800 km² of Palestinian land, most of which was continuously cultivated. For example, the Efrat settlement, boasts that it was only built on "State Land."

Order 360 (1992):

"Freeze" on Settlement construction issued by the Rabin government after the Oslo Accords. In reality, the ban only applied to new settlements and made provisions for the "natural expansion" of existing settlements. A 40% increase in settlements took place with this ban in place.

Steps in Town Planning Schemes (TPS)

The local TPS goes through the following stages before its final approval:

- 1) *Preparing the Plan:* the Local Planning and Building Committee decides that a TPS is required for a certain area and entrusts its preparation to experts.
- 2) The plan is conveyed to the Local Planning and Building Committee, which either recommends or rejects its deposition.
- 3) The plan goes to the District Planning and Building Committee for deposition.
- 4) *Deposition of the Plan:* Publication in the Official Gazette in three daily newspapers and on the public bulletin boards in the particular neighborhoods. Two-month window allowed for submission of objections to the District Committee.
- 5) Hearing of objections by the Local Committee.
- 6) Discussion of the objections by the District Committee.
- 7) Discussion of objections by the District Committee.
- 8) Approval of the plan by the Local Committee and the District Committee.
- 9) TPS approved by the Minister of the Interior.
- 10) Publication of notice of approval, granting of legal validity to the plan. Upon final approval, the TPS will be published in local papers, the Official Gazette and posted on neighborhood bulletin boards.

Source: B'Tselem

Following are excerpts from a response to a letter addressed to Prime Minister Shimon Peres regarding Jabel Abu Ghaneim:

Prime Minister's Office

משרד ראש הממשלה

May 2, 1996

Ms. Allison Hodgkins
Academic Director
Middle East: Peace and Conflict Studies
School for International Training
11 C Alkalai, Talbiya
Jerusalem

Dear Ms. Hodgkins,

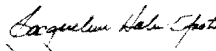
On behalf of the Prime Minister, Mr. Shimon Peres, thank you for your fax of April 24, 1996.

Israel is committed to the full implementation of the Declaration of Principles by both signatories. The agreement however does not stipulate a moratorium on the building of new neighborhoods in Jerusalem, nor, indeed, in the territories as a whole.

Furthermore, Har Homa is not a settlement on the outskirts of Jerusalem, as you allege, but rather a new neighborhood within the city limits of Jerusalem, situated between the existing neighborhoods of Talpiot Mizrach, Gilo and Ramat Rachel. The vast majority of the land has been expropriated from Jewish hands, although some Arab land has been expropriated as well. The government has earmarked funds to compensate the owners for their property. The matter was brought before the Supreme Court which ruled in favor of the government's position.

Jerusalem, as a thriving dynamic city continues to grow and it is the responsibility of Municipal and State authorities to provide housing and infrastructure to its residents. The Prime Minister has in the past supported and continues to support the Har Homa development project.

Sincerely yours,


Jacqueline Hahn-Efrati
Public Affairs Department

ר"ד 798 | 3. הקרייה. ירושלים 91919 טל: 705565

3 Kaplan St. Haldrya, Jerusalem 91919, Israel, Tel: 972-2-705565

UN Security Council Resolutions on Jerusalem

UN Security Council Resolution 252 Concerning The
Application Of Israel Law, Jurisdiction And Administration
To East Jerusalem, 21 May 1968.

The Security Council,

Recalling General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967,

Having considered the letter of the Permanent Representative of Jordan on the situation in Jerusalem (S/8560) and the report of the Secretary-General (S/8146),

Having heard the statements made before the Council,

Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures and actions in contravention of those resolutions,

Bearing in mind the need to work for a just and lasting peace,

Reaffirming that acquisition of territory by military conquest is inadmissible,

1. *Deplores* the failure of Israel to comply with the General Assembly resolutions mentioned above;
2. *Considers* that all legislative and administrative measures and actions taken 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;
3. *Urgently calls upon* Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;
4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution.

Adopted at the 1426th meeting by 13 votes to none, with 2 abstentions (Canada and USA).

UN Security Council Resolution 271 Concerning Arson At
Al-Aqsa Mosque And The Status Of Jerusalem,
September 15, 1969.

The Security Council,

Grieved at the extensive damage caused by arson to the Holy al-Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel,

Mindful of the consequent loss to human culture,

Having heard the statements made before the Council reflecting the universal outrage caused by the act of sacrilege in one of the most venerated shrines of mankind,

Recalling its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively,

concerning measures and actions by Israel affecting the status of the city of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolutions 252 (1968) and 267 (1969);
2. *Recognizes* that any act of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem or any encouragement of, or connivance at, any such act may seriously endanger international peace and security;
3. *Determines* that the execrable act of desecration and profanation of the Holy al-Aqsa Mosque emphasizes the immediate necessity of Israel desisting from acting in violation of the aforesaid resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem;
4. *Calls upon* Israel scrupulously to observe the provisions of the Geneva Conventions and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem, including any co-operation that Council may desire from countries with predominately Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem;
5. *Condemns* the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions;
6. *Reiterates* the determination in operative paragraph 7 of resolution 267 (1969) that in the event of a negative response or no response, the Security Council shall convene without delay to consider what further action should be taken in this matter;
7. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report thereon to Security Council at the earliest possible date.

Adopted at the 1512th meeting by 11 votes to none, with 4 abstentions (Colombia, Finland, Paraguay, USA).

Security Council Resolution 446 on Settlements March 22, 1979

The Security Council,

Having heard the statement of the Permanent Representative of Jordan and other statements made before the Council,

Stressing the urgent need to achieve a comprehensive, just and lasting peace in the Middle East,

Affirming once more that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

1. *Determines* that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1969 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;
2. *Strongly deploras* the failure of Israel to abide by Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 298 (1971) of 25 September 1971 and the consensus statement by the President of the Security Council on 11 November 1976 and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, 32/5 of 28 October 1977 and 33/113 of 18 December 1978;
3. *Calls once more upon* Israel, as the occupying Power, to abide scrupulously by the 1949 Fourth Geneva Convention to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories;
4. *Establishes* a Commission consisting of three members of the Security Council, to be appointed by the President of the Council after consultation with the members of the Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem;
5. *Requests* the Commission to submit its report to the Security Council by 1 July 1979;
6. *Requests* the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission;
7. *Decides* to keep the situation in the occupied territories under constant and close scrutiny and to reconvene in July 1979 to review the situation in the light of the findings of the Commission.

UN Security Council Resolution 465 Concerning
The Application Of The Fourth Geneva Convention
And The Prohibition To Establish Settlements In The
Territories, Including Jerusalem, 1 March 1980.

The Security Council,

Taking note of the reports of the Commission of the Security Council established under resolution 446(197) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in documents S/13450 and Corr.1 and S/13679,

Taking note also of the letter from the Permanent Representative of Jordan (S/13801) and the Permanent Representative of Morocco, Chairman of the Islamic Group (S/13802),

Strongly deploring the refusal by Israel to co-operate with the Commission and regretting its formal rejection of resolutions 446 (1979) and 452(1979),

Affirming once more that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

Deploring the decision of the Government of Israel to officially support Israeli settlement in the Palestinian and other Arab territories occupied since 1967,

Deeply concerned over the practices of the Israeli authorities in implementing that settlement policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab Palestinian population,

Taking into account the need to consider measures for the impartial protection of private and public land and property, and water resources,

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

Drawing attention to the grave consequences which the settlement policy is bound to have on any attempt to reach a comprehensive, just and lasting peace in the Middle East,

Recalling pertinent Security Council resolutions, specifically resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271(1969) of 15 September 1969 and 298(1971) of 25 September 1971, as well as the consensus statement made by the President of the Security Council on 11 November 1967,

Having invited Mr. Fahd Qawasmeh, Mayor of Al-Khalil (Hebron), in the occupied territory, to supply it with information pursuant to rule 39 of the provisional rules of procedure,

1. *Commends* the work done by the Commission in preparing the report contained in document S/13679;
2. *Accepts* the conclusions and recommendations contained in the above mentioned report of the Commission;
3. *Calls upon* all parties, particularly the Government of Israel, to co-operate with the Commission;
4. *Strongly deplores* the decision of Israel to prohibit the free travel of Mayor Fahd Qawasmeh in order to appear before the Security Council, and requests Israel to permit his free travel to the United Nations Headquarters for that purpose;
5. *Determines* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth 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;
6. *Strongly deplores* the continuation and persistence of Israel in pursuing those policies and practices and calls upon the

Government and people of Israel to re-scind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

7. *Calls upon* all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories;
8. *Requests* the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution.
9. *Requests* the Commission to report to the Security Council before 1 September 1980, and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

Adopted unanimously at the 2203rd meeting.

**UN Security Council Resolution 478 Following The
Enactment Of The Basic Law On Jerusalem, Calling
Upon Member States To Withdraw Their Diplomatic
Missions From Jerusalem, 20 August 1980.**

The Security Council,

Recalling its resolution 476 (1980),

Reaffirming again that the acquisition of territory by force is inadmissible,

Deeply concerned over the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security,

Noting that Israel has not complied with resolution 476 (1980),

Reaffirming its determination to examine practical ways and means, in accordance with the relevant provisions of the Charter of the United Nations, to secure the full implementation of its resolution 476 (1980), in the event of non-compliance by Israel,

1. *Censures* in the strongest terms the enactment by Israel of the "basic law" on Jerusalem and the refusal to comply with relevant Security Council resolutions;
2. *Affirms* that the enactment of the "basic law" by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem;

3. *Determines* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, are null and void and must be rescinded forthwith;
4. *Affirms*, also that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;
5. *Decides* not to recognize the "basic law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon:
 - a. All Member States to accept this decision;
 - b. Those States that have established diplomatic missions at Jerusalem to withdraw such mission from the Holy City;
6. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution before 15 November 1980;
7. *Decides* to remain seized of this serious situation.

Adopted at the 2254th meeting by 14 votes with 1 abstention (USA).

