

# ‘Quiet transfer’ in East Jerusalem nears completion

by Elodie Guego

**Israel is close to implementing a long-term plan to transform the demographic structure of annexed East Jerusalem. Policies to revoke the residency permits of Palestinian Jerusalemites and to Judaise the city have been described as ethnic cleansing.**

After victory in the 1967 Six Day war, Israel annexed East Jerusalem – that part of the city that had been under Jordanian rule since the end of the British Mandate in 1948 – together with an additional 64 square kilometres which had been part of the West Bank. Jerusalem thus became Israel’s largest city and was declared to be its ‘united and eternal capital’. The international community, led by the UN, has continuously denounced this act of unilateral annexation, arguing it is a violation of the fundamental principle in international law prohibiting the forcible acquisition of territory. The international community has consistently considered East Jerusalem to be an occupied territory, thus akin to the West Bank and Gaza.

Their support of the Palestinian claim to East Jerusalem was bolstered by the fact that at the time of occupation Palestinians constituted the majority of residents in this sector of the city. Israel has engaged in a demographic battle to secure Israeli sovereignty over the whole city. For almost four decades successive governments have implemented policies designed to transform the city’s population structure and ensure the numeric superiority of Jews. Until the construction of the Wall in and around East Jerusalem, these objectives were pursued through a series of discriminatory regulations to reduce the Palestinian population by rendering their lives increasingly intolerable and encouraging the growth of Israeli settlements in Palestinian neighbourhoods. Today the approximately 230,000 Palestinian Jerusalemites represent around 30% of Jerusalem’s total population.

Under the post-1967 plan designed by Israeli military commanders, heavily populated Palestinian areas were not included, but land belonging to several Palestinian villages was incorporated into Jerusalem. Those who were left outside the new municipal boundaries, or who happened to be outside Jerusalem in 1967, remained residents of the West Bank and, as such, subject to military rule. The Israeli government conducted a census of the Palestinian population living within the city’s new administrative boundaries and granted permanent residency status to the Palestinians residents of the annexed areas. They were entitled to become Israeli citizens provided they agreed to swear allegiance to the State of Israel. Mass refusal to recognise Israeli sovereignty over occupied Jerusalem meant that only 2.3% of Palestinian Jerusalemites became Israeli citizens. The others became permanent residents of Israel subject to Israeli law and jurisdiction, just as foreigners who voluntarily settle in Israel.

Jerusalem permanent residency status differs significantly from citizenship. Permanent residents of Israel are entitled to live and work in Israel without special permits, to receive social benefits from the National Insurance Institute and to vote in local elections. Permanent residency is not automatically granted to the holders’ children or spouses, however, and permanent residents, unlike Israeli citizens, do not enjoy the right to return to Israel at any time.

Between 1967 and 1994 Israel confiscated 24.8 square kilometres of land in East Jerusalem, 80% of it belonging to Palestinians. Land

expropriation is continuing. Today a mere 7% of the area of East Jerusalem remains available to Palestinians. Confiscated land has mostly been used for the construction of Jewish settlements and settlers’ bypass roads, in violation of international humanitarian law prohibiting an occupying power from transferring part of its own population into territory it has occupied. The Jerusalem Municipality has expediently used zoning restrictions to establish ‘green areas’, supposedly set aside for environmental and recreational purposes, but actually deployed as a tactic to remove the land from Palestinian use and create a reserve for Jewish housing.<sup>1</sup>

The Town Planning Scheme (TPS), another key instrument of ‘quiet transfer’, restricts building permits in already built-up areas, the only areas available for Palestinian use. TPS has been used to restrict the development of Palestinian neighbourhoods. Palestinians are only permitted to build one- or two-storey buildings while adjacent Israeli housing units may have up to eight floors. Palestinians must go through a complex and time-consuming administrative process to obtain a building permit. These cost around \$25,000 – a considerable obstacle as Palestinian incomes are significantly below those of Israelis. Palestinians obtain a disproportionately small percentage of the building permits issued every year by the Jerusalem Municipality. Only 7.5% of the homes legally built during the period 1990-1997 belong to Palestinians.

## Centre of life

In 1995 the Israeli Interior Ministry introduced a new regulation requiring Palestinian residents to prove they had continuously lived and worked in Jerusalem during the preceding seven years. The standard of proof demanded is so rigorous that even persons who have never left

Jerusalem have difficulties in meeting it. Palestinians who fail to prove that their 'centre of life' is Jerusalem risk having their residency status revoked and their requests for family reunification and child registration rejected. The number of Jerusalem residency ID cards confiscated after promulgation of the 'centre of life' policy rose by over 600%. Suburbs on Jerusalem's outskirts, to which many East Jerusalemites had moved as a result of earlier discriminatory policies, were declared to be outside Jerusalem, thus removing the residency rights of over 50,000 people. In order to defend their claims to residency and the social rights which go with it, some 20,000 Palestinians returned to live within Jerusalem's municipal boundaries.

Israel's 'centre of life' policy seriously affects Palestinians' entitlement to health and social benefits, to family reunification, child registration and membership of the Israeli national insurance scheme. The 'centre of life' is verified for each annual renewal of spouses' residence

permits. Thousands of Palestinian children born in Jerusalem of parents who do not both hold a Jerusalem ID have been denied registration and are unable to exercise their basic rights, including their right to education. While the 'centre of life' policy had been officially discontinued, the outbreak of the Al Aqsa *intifada* in September 2000 led to its reactivation. Since May 2002, Israel has refused to accept applications for family unification and refused to register the children of permanent residents who were born in the OPT.

The Wall consolidates the objectives of the 'centre of life' policy. It not only isolates East Jerusalem from the West Bank and effectively incorporates it to Israel but also divides Palestinian neighbourhoods of East Jerusalem. The Wall is being erected to the west of neighbourhoods previously part of the municipality of Jerusalem (the Shu'afat refugee camp and West Anata with a population of 55,000), most of whose inhabitants hold Jerusalem IDs. It also separates from

Jerusalem neighbourhoods which are entirely dependent on the city for their survival and the approximately 50,000 Palestinian permanent residents forced to relocate due to the discriminatory tax regime and the building permits' restrictions imposed by Israeli authorities.

Palestinians holding Israeli permanent residency permits who now find themselves on the West Bank side of the Wall, particularly those living outside Jerusalem's boundaries, are set to lose their residency status under the 'centre of life' policy. The Wall makes many unable to reach their places of work and basic



The Dome of the Rock, East Jerusalem

services inside Jerusalem which they must do to retain Israeli residency status. Family members who do not hold permanent residency cards will now be unable to circumvent Israeli regulations on residency and their spouses holding an Israeli ID will have to choose between living on a different side of the Wall or losing their jobs and residency rights in Jerusalem. According to the UN Special Rapporteur on the Situation of Human rights in the OPT, "Israel hopes to further reduce the Palestinian population of East Jerusalem by compelling spouses to move to the West Bank side of the wall."<sup>2</sup>

The housing crisis and the level of overcrowding of Palestinian neighbourhoods are such that Palestinians have been forced outside the city's municipal boundaries or compelled to build homes in violation of Israeli laws. By building illegally they expose themselves to high fines and the threat of house demolition. In recent years, the

number of houses demolished for lack of building permits has grown significantly. According to the Israeli human rights organisation, B'tselem, between 1999 and 2003 in East Jerusalem 229 houses and other structures were demolished while in 2004 and 2005 alone 198 houses were demolished, displacing 594 people.<sup>3</sup> This acceleration coincides with new land expropriations and plans for the development of new Jewish settlements in the heart of Palestinian neighbourhoods such as in Ras-al-amud or the Mount of Olives.

The construction of the Wall along and inside Jerusalem's municipal borders will definitively prevent the return of Palestinians expelled from Jerusalem by land confiscations, house demolitions or pressure from extremist settlers' groups. They will lose their rights to permanent residency in Jerusalem under the 'centre of life' policy and will no longer be able to enter the city without special permits. The properties that they have abandoned in Jerusalem

risk being seized under Israeli's Absentee Property Law.

This eight-metre-high Wall has given Israel a pretext to achieve long-established goals under the guise of security. Jerusalem is at the heart of all the antagonisms in the Middle East. International silence and failure to speak out against Israeli's transfer strategy are likely to have irreversible consequences and destroy regional prospects for peace. The transfer of Palestinians will soon be an undisputed reality but should not remain 'quiet'.

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1. JCESR, [www.jcesr.org/english/](http://www.jcesr.org/english/)

2. UNCHR, E/CN.4/2006/29, 17 January 2006, para.34.

3. B'tselem, [www.btselem.org/english/Planning\\_and\\_Building/Statistics.asp](http://www.btselem.org/english/Planning_and_Building/Statistics.asp).