

# Jerusalem & Its Changing Boundaries



## INTRODUCTION

JANUARY 2018

When US President Trump, ignoring the history of the Palestinian-Israeli conflict and of the international consensus on Jerusalem, triggered a storm in the Middle East on 6 December 2017 by announcing the US's recognition of Jerusalem as Israel's capital and his intention to move the US embassy to the city from Tel Aviv, he notably stressed that this did not represent a change in US policy on the future borders of Jerusalem, which would remain subject to negotiations among the parties involved.

While the international rejection of Trump's statement on Jerusalem – clearly reflected in the votes in the UN Security Council (14-1) and the General Assembly (128-9) – was nearly unanimous, his declaration has given “support and comfort to the Government of Israel in its pathologic denial of the occupation, of the Palestinian narrative, and of the simple fact that Jerusalem's status is a matter of dispute, not merely between Israel and the Palestinians, but with respect to the entire international community.”<sup>1</sup>

Palestinian fears that Trump's statement will induce the Israeli government to try even more aggressively to demonstrate – and do everything to consolidate – its “exclusive” control over the city (via settlement expansion, property destruction, encroaches on Al-Aqsa Mosque compound, etc.) were clearly justified as the latest Israeli legislative move has shown. On 2 January 2018, the Knesset passed a bill (an amendment to the Basic Law on Jerusalem) that requires a special two-thirds majority vote (as opposed to the previous absolute majority) to relinquish any part of Jerusalem to the Palestinians under a future peace accord, which effectively means that Jerusalem will never be on the negotiating table.

These two recent events concerning the fate of Jerusalem have made many people wonder *what* Jerusalem is actually being talked about. As a matter of fact, Jerusalem is much more referred to as a symbol and claim than a precise geographic area. Even many locals – Palestinians and Israelis – do not know the extent of present-day Jerusalem or what part of it is relevant to the negotiations. Is it the 1947 *corpus separatum*, or West Jerusalem in its pre-1967 borders, or Jerusalem in Israel's post-1967 unilaterally extended borders? And how and by whom were these different municipal boundaries drafted over time?

This bulletin intends to answer those questions by explaining the development of Jerusalem's geographic boundaries and what Jerusalem is currently being referred to. It also discusses the main approaches to Jerusalem that have been put forward in some of the key proposals since the time of the British Mandate period and describes the geo-political ramifications of the situation on the ground in Jerusalem today.

However, it should be noted that while this bulletin focuses on the issue of boundaries, one has to take account of various other aspects when trying to understand the dispute about Jerusalem, first and foremost its symbolic and religious significance, as well as the city's heterogeneity geo-strategic location.

### CONTENTS

Introduction .....	1
Prior To 1948 .....	2
1948-1967 .....	5
After the 1967 War .....	7
Present-Day Jerusalem Within Its Unilaterally Expanded Municipal Boundaries .....	10

<sup>1</sup> Seidemann, Daniel, “Trump's New Jerusalem Policy: Early Assessment”, *Terrestrial Jerusalem*, 14 December 2017, available at <http://www.t-j.org.il/LatestDevelopments/tabid/137page/1/Default.aspx>.

## PRIOR TO 1948

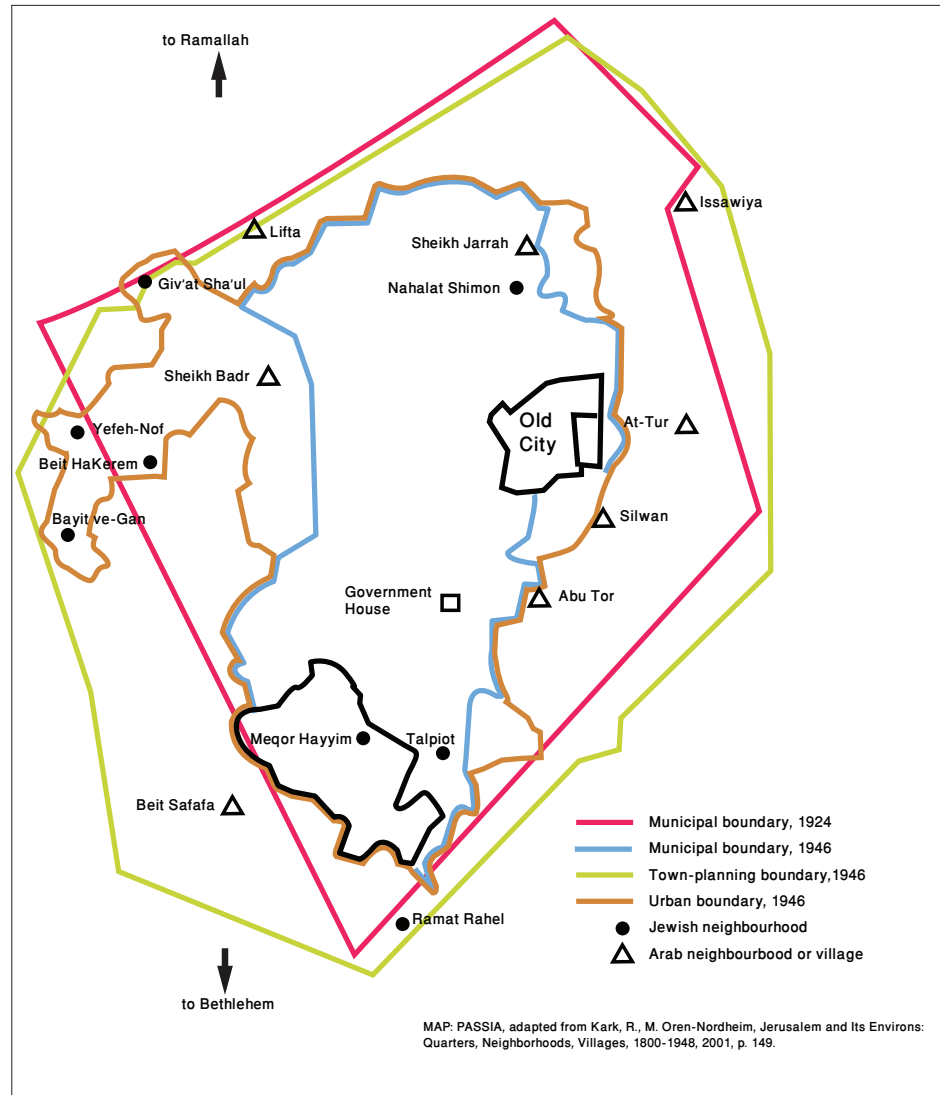
At the beginning of the British Mandate of Palestine (1920-1948) the municipal boundary of Jerusalem encompassed an area of 12.7 km<sup>2</sup>, including the Old City.<sup>2</sup> Under the British, new boundaries were first delineated in 1921<sup>3</sup> to encompass an area of 63 km<sup>2</sup> running in straight lines from Shu'fat (north) to Al-Iz-zariyya (east), Mar Elias Monastery (south) and Deir Nizam and Lifta (west). In the following years, the boundaries were readjusted several times and by the end of the Mandate, Jerusalem had three urban boundaries: one demarcating the municipal area, which was smaller than that of 1921; a larger one (including most of the surrounding villages), delimiting the administrative area of the tax authorities; and a third one defining the area of the city's Town Planning and Building Commission.<sup>4</sup>

All subsequent Mandate-period schemes for the partition of Palestine isolated Jerusalem from the proposed two-state formula for a Jewish and an Arab state in recognition of the impracticable nature of any equitable partition of the city as well as out of a desire to prevent Jerusalem (and Bethlehem to its south) being drawn into the eventual arena of violent conflict.

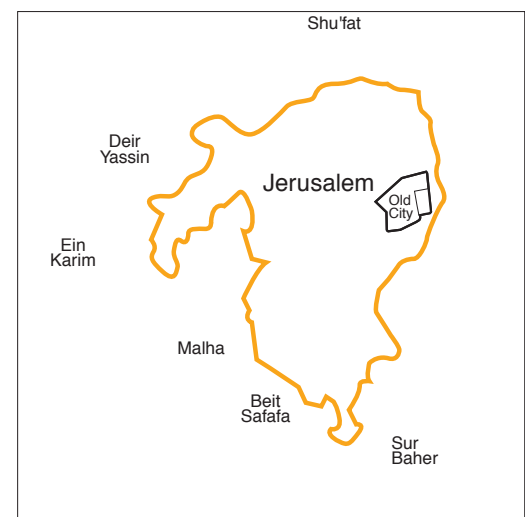
The 1937 Peel Commission Plan envisioned a permanent British Mandate over Jerusalem and Bethlehem, connected to the coast at Jaffa by way of wide corridor incorporating most of the Palestinian villages in the west of the Jerusalem district along with those in the Ramleh district. The British were to guarantee access to the two cities' holy sites and protect and preserve these under the supervision of the League of Nations.

The Peel formula for "internationalization" (albeit under a British regime) was adopted by all subsequent partition plans (Woodhead Commission, 1938; Morrison Grady Plan, 1946) with only minor territorial modifications.

Jerusalem Municipal Boundaries under the British Mandate



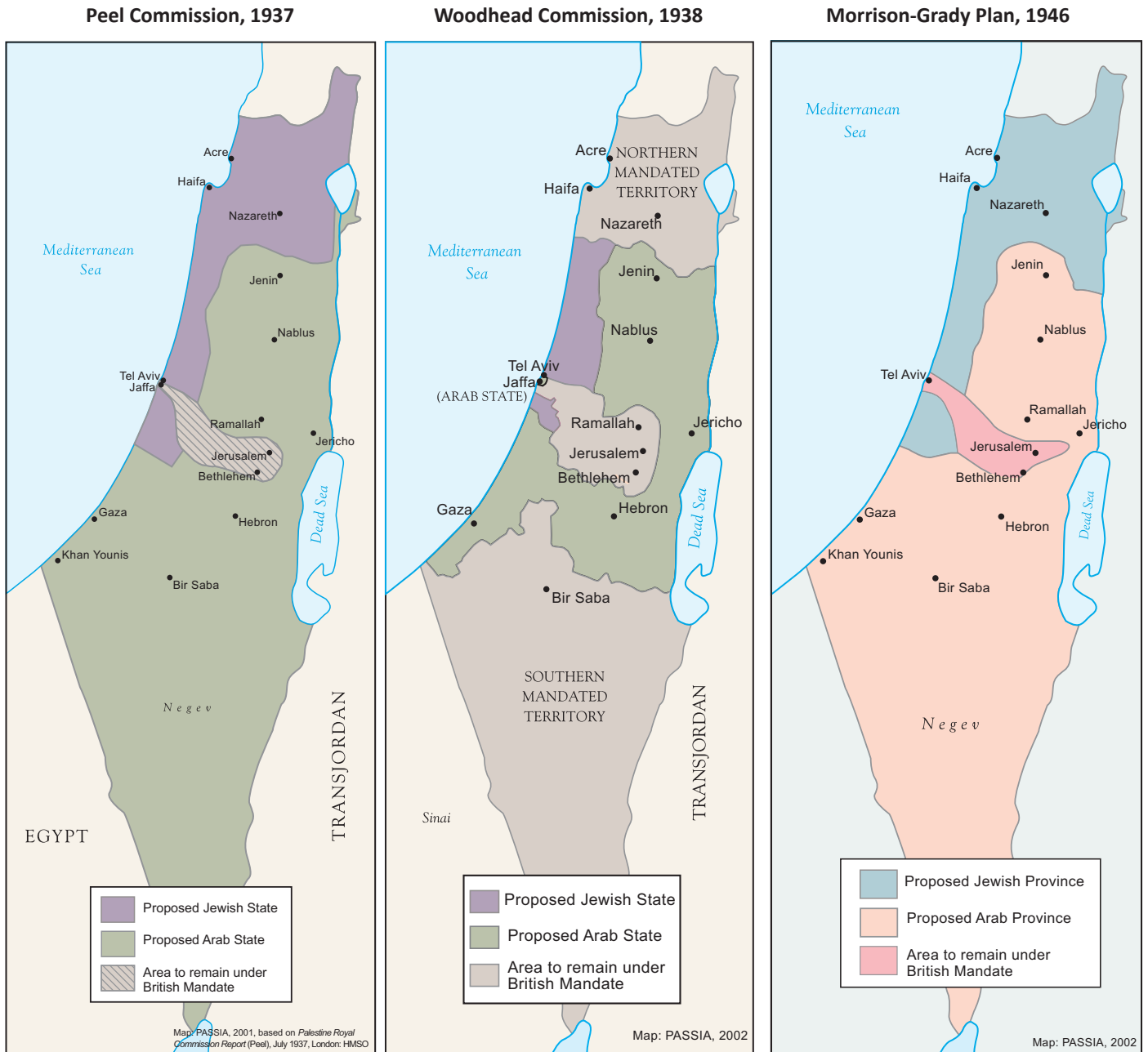
Jerusalem Municipal Boundaries at the End of the British Mandate



2 Efrat, Elisha, "Jerusalem: Partition Plans for a Holy City", in Karsh, Efraim (ed.), *Israel: The First Hundred Years, Vol. II: From War to Peace*, London: 2000, p. 238.

3 In 1918, British civil engineer William McLean had already been commissioned to prepare the city's first town planning scheme but his plan was not agreed upon. Thus, until 1921, the military administration worked mainly towards the conservation of the city. Mazza, Roberto, *Jerusalem from the Ottomans to the British*, London, New York: IB Tauris Publishers, 2009, p. 164-165.

4 Kark, Ruth, Michal Oren-Nordheim, *Jerusalem and Its Environs: Quarters, Neighborhoods, Villages, 1800-1948*, Wayne State University Press, 2001.



At the UK's request, the UN General Assembly formed an 11-member Special Committee on Palestine (UNSCOP)<sup>5</sup> in May 1947, to examine the situation on the ground in Palestine and come up with recommendations for its future. In their report submitted on 31 August 1947, they unanimously supported the termination of the British Mandate in Palestine, but presented two sets of recommendations:

- one proposing a *federal union* of Arab and Jewish regions, which was supported by Iran, India, and Yugoslavia (hence known as the **minority plan**) and envisaged Jerusalem as the capital of the union, albeit located within the Arab part;<sup>6</sup>

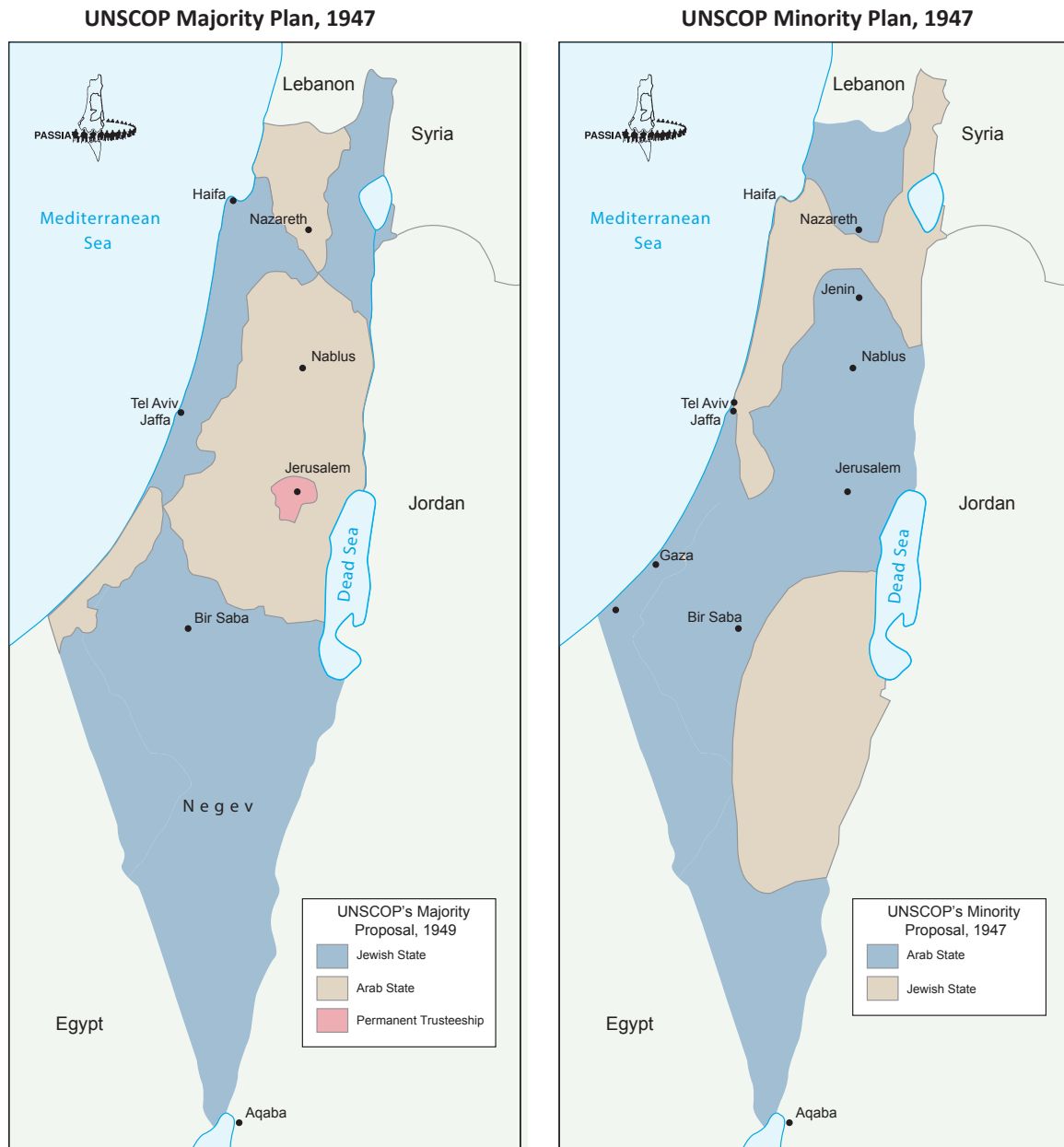
<sup>5</sup> Australia, Canada, Czechoslovakia, Guatemala, India, Iran, the Netherlands, Peru, Sweden, Uruguay and Yugoslavia.

<sup>6</sup> The Plan for a Federal State was outlined under "Recommendations (III)"; Chapter V dealt with "The Holy Places, religious interests and Jerusalem." Section A (clauses 1-4) stipulated that the religious interests and Holy Places "must be recognized", the "sacred character of the Holy Places (...) be preserved, and access to them for purposes of worship and pilgrimage shall be ensured in accordance with existing rights," which "shall be neither impaired nor denied." All of the above was to be incorporated in the constitution of the independent federal State of Palestine, which was required to call upon the particular religious communities to take care of repairs and maintenance of their respective religious sites, for which no taxation was to be levied. In addition, "a permanent international body for the supervision and protection of the Holy Places in Palestine shall be created by the appropriate organ of the United Nations", to consist of three representatives (one "from each of the recognized faiths") and tasked with the preservation, protection of religious buildings and sites in Palestine (Section A, clauses 5-7).

Section B, on "Jerusalem", provided that "Jerusalem, which shall be the capital of the independent federal State of Palestine, shall comprise, for purposes of local administration, two separate municipalities, one of which shall include the Arab sections of the city, including that part of the city within the walls, and the other the areas which are predominantly Jewish." Both municipalities were to comprise the city and capital of Jerusalem and enjoy powers of local administration within their respective areas, while jointly providing for, maintaining and supporting common public services.

## Jerusalem & Its Changing Boundaries

– the other – favored by the other member states except Australia – proposing the *Plan for Partition with Economic Union* into an Arab and a Jewish state and an international regime (“*corpus separatum*”) for Jerusalem (**majority plan**).<sup>7</sup>



On 29 November 1947, the UNGA passed Resolution 181 which, based on a modified version of the UNSCOP majority report, called for the partition of Palestine into Arab and Jewish states and the creation of a demilitarized and neutral *corpus separatum* (Latin for “separate entity”) for Jerusalem and its surrounding areas, including Bethlehem, to be internationalized, placed under the supervision of a UN Trusteeship Council, headed by a UN-appointed governor, and guarded by an international police force. Within the *corpus separatum*, which encompassed an area of 186 km<sup>2</sup>,<sup>8</sup> 12.5 km<sup>2</sup> of them Jewish-owned,<sup>9</sup> separate semi-autonomous municipalities were to be elected. Unlike previous schemes, a plebiscite was to be held after a ten-year period, whereupon the Trusteeship Council would review the situation and discuss further recommendations. Right after the passing of Resolution 181, Zionist militias stepped up their combined offensives against Palestinian villages around the city, depopulating 39 of them and seizing an estimated 10,000 homes and properties in the city itself,<sup>10</sup> expelling their inhabitants and owners to the east.

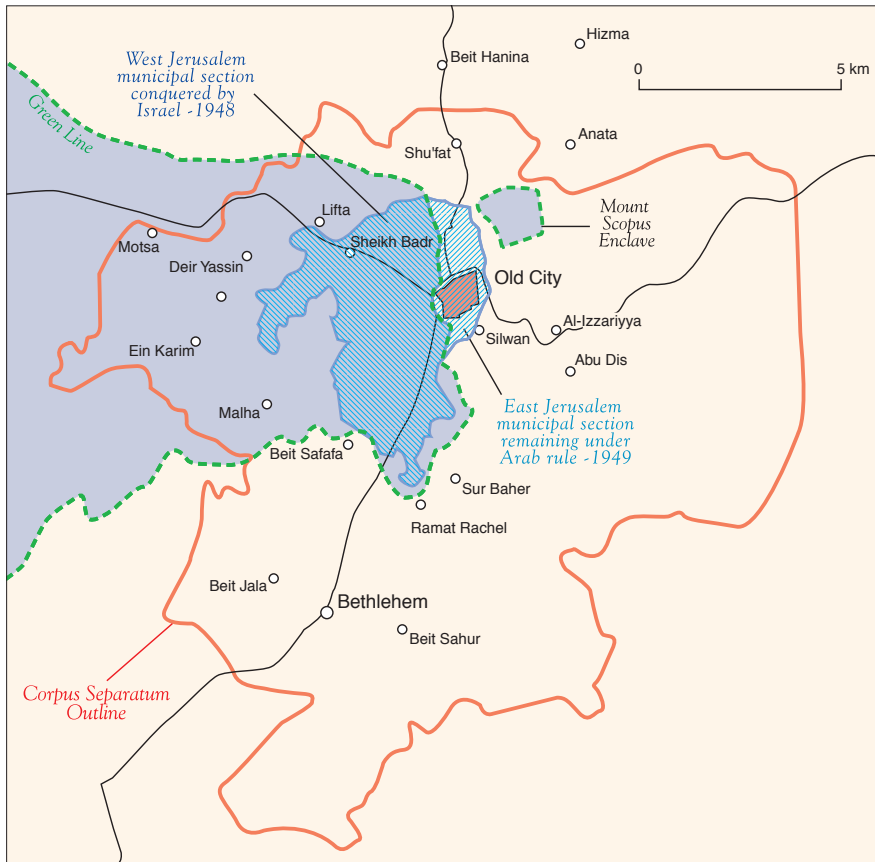
7 The Plan of Partition with Economic Union was outlined under “Recommendations (II)”, Part III of which dealt with “City of Jerusalem” and called for it to be placed under an “International Trusteeship System” to guarantee the preservation of the sacred character of its Holy Places as well as access to them. Jerusalem was to be demilitarized and neutral, guarantee free transit and visit to all residents of the two states, and include “the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which to be Abu Dis; the most southern Bethlehem; the most western Ein Karim and the most northern Shu’fat”. A respective map was also attached. For the city’s residents the plan provided protection of human rights and fundamental freedoms as well as their right to participate in local elections. The Trusteeship Council was to determine executive, legislative and judicial organs and appoint a Governor as chief administrator (who was neither to be Arab nor Jew nor a citizen of the Palestine State nor current resident of Jerusalem), who was also tasked with the protection of the Holy Places and religious sites in Jerusalem together with a special non-Jewish, non-Arab police force as well as with ensuring respect for those places elsewhere in Palestine.

8 Ahmad El-Atrash, “Flexible Frontiers: What Future for Bethlehem Apart from Jerusalem?” *Jerusalem Quarterly*, 55 (Winter 2013).

9 *Jewish Settlement in Palestine*, Jewish National Fund, Jerusalem, March 1948, p. ii

10 Abu Sitta, Salman, *The Palestinian Nakba 1948, The Register of Depopulated Localities in Palestine*. London: Palestinian Return Centre, 2000.

## The Corpus Separatum Proposed by the UN for Jerusalem in 1947



With the declaration of the establishment of the State of Israel and the subsequent invasion by surrounding Arab states, the UN proposal for Jerusalem never materialized. However, from an international law perspective the status of Jerusalem is still subject to UN General Assembly Resolution 181.

## 1948-1967

From 1948 to 1967 Jerusalem was divided by part of the Green Line, which depicted the boundaries in accordance with Israel's post-1948 War armistice agreements and established the geographic East-West division of Jerusalem.

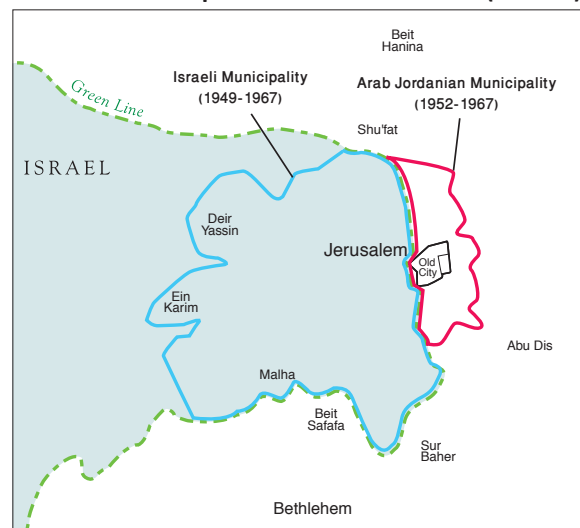
On 14 May 1948, when the British Mandate over Palestine ended and the establishment of the State of Israel was

declared<sup>11</sup>, the process of expelling the remaining Palestinian inhabitants was in its final stages.<sup>12</sup> On 28 June 1948, UN special mediator Count Folke Bernadotte submitted his first formal proposal in secret to the various parties, suggesting the "Inclusion of the City of Jerusalem in Arab territory, with municipal autonomy for the Jewish community and special arrangements for the protection of the Holy Places." After Zionist leaders rejected this, he proposed a second scheme: two independent states and separate treatment for Jerusalem "under effective United Nations control with maximum feasible local autonomy for its Arab and Jewish communities with full safeguards for the protection of the Holy Places and sites and free access to them and for religious freedom."<sup>13</sup>

In the course of the War, Israeli forces seized nearly 85% of Jerusalem's total municipal area (which was 19.2 km<sup>2</sup> at the time), while 11% were held by the Jordanian army and 4% were considered no-man's-land. Following the War, Israel expanded its part – then covering 16.26 km<sup>2</sup> – westward, incorporating most of the developing Jewish suburbs and many of the depopulated Palestinian villages in the surrounding hills, to a total area of 38 km<sup>2</sup>.

After the ceasefire agreement of 30 November 1948, Israel controlled the western part of the city along with the disconnected Mount Scopus enclave, while Jordan controlled the eastern part, including the entire Old City.<sup>14</sup> In addition, there were several demilitarized "no man's land" zones along the "border," the area of the British Government House being the largest of them (and

## Jerusalem Municipal Boundaries after 1948 (til 1967)



11 The independence declaration, which was proclaimed at the Museum in Tel Aviv, did not mention a capital for the new state nor the word Jerusalem.  
 12 Abu Sitta, Salman, "Notes on the Landowners Record of the UN Conciliation Commission for Palestine for Urban West Jerusalem in 1948," in Tamari, Salim, ed., *Jerusalem 1948*, pp. 240-241. Already in February 1948 David Ben-Gurion declares: "From your entry into Jerusalem, though Lifta [a Palestinian village], Romeima [a Palestinian suburb]... there are no Arabs. One hundred percent Jews... in the west one sees not a single Arab; I do not assume that this will change." Quoted in Krystall, Nathan, "The Fall of the New City," in Tamari, Salim, ed., *Jerusalem 1948*, pp. 102-103.  
 13 Kaplan, Neil, *Futile Diplomacy: Vol. 3 The United Nations, the Great Powers, and Middle East Peacemaking 1948-1954*, London: Frank Cass, 1997, p.238.  
 14 It should be noted that Palestinian pre-war ownership amounted to 5,544 dunums, or 33.7% of the West Jerusalem area, while Jewish ownership accounted for 30%, and religious endowments and public ownership made up the remaining 36.3%. Abu Sitta, "Notes on the Landowners Record of the UN Conciliation Commission for Palestine for Urban West Jerusalem in 1948," in Tamari, Salim, ed., *Jerusalem 1948*, p. 241.

was subsequently turned into the headquarters for UN observers).<sup>15</sup>

In December 1948, UN General Assembly Resolution 194 (III) reinforced the international status of Jerusalem, calling for its placement under effective UN control.

The crudely drawn map accompanying the ceasefire agreement was never intended as the ultimate word on the division of Jerusalem, but when Israel and Jordan signed the Rhodes Armistice Agreement in April 1949 it was the sole point of reference – including its inaccuracies – and so defined the partition of Jerusalem for 19 years, until the June 1967 War. The Green Line segment around Jerusalem was 7 km in length<sup>16</sup> and had a jointly managed crossing point, known as the Mandelbaum Gate (see map), which served mainly diplomats and UN Truce Supervision (UNTSO) staff monitoring the compliance with the armistice, as well as journalists, Christian pilgrims on Christmas and Easter, and the bi-weekly Israeli convoy that had been arranged to the Mount Scopus enclave.

By the end of 1949, UN General Assembly Resolution 303 (9 December 1949) reiterated the UN

commitment to the internationalization of Jerusalem, and designated it a “*corpus separatum*.” In response, Israel’s Prime Minister Ben Gurion declared that “for the State of Israel there has always been and always will be one capital only - Jerusalem the Eternal. Thus it was 3,000 years ago - and thus it will be, we believe, until the end of time,” and asked the Knesset (Israeli parliament) to conduct its sessions in the city. In January 1950, the Knesset passed a law declaring Jerusalem the capital of the State of Israel.<sup>17</sup> On 24 April 1950, Jordan formally annexed the West Bank, a move that the Arab League declared on 12 June 1950 a temporary and practical measure, with Jordan being “trustee” pending a future settlement. In 1952, the Jordanian government extended the area of the Arab Municipality of East Jerusalem – then 2.2 km<sup>2</sup> – to include surrounding villages and suburbs, resulting in a total area of 6 km<sup>2</sup>.<sup>18</sup> The following year, on 27 July 1953, King Hussein of Jordan announced that Jerusalem was “the alternative capital of the Hashemite Kingdom” and would form as such an “integral and inseparable part” of Jordan,<sup>19</sup> and in January 1960, while addressing the Jordanian parliament in Jerusalem, he referred to it as the “second capital of the Hashemite Kingdom of Jordan.”<sup>20</sup>

15 For the approximate area of no-man’s-land strip see Abu Sitta, Salman, “Notes on the Landowners Record of the UN Conciliation Commission for Palestine for Urban West Jerusalem in 1948,” in Tamari, Salim, ed., *Jerusalem 1948*, p. 241.

16 The ceasefire map for Jerusalem was loosely drawn by Israeli commander Moshe Dayan (in green), and Jordanian commander Abdullah Al-Tel (in red), depicting the positions held by Israel and Jordan respectively. Spaces in between were determined as no-man’s-land.

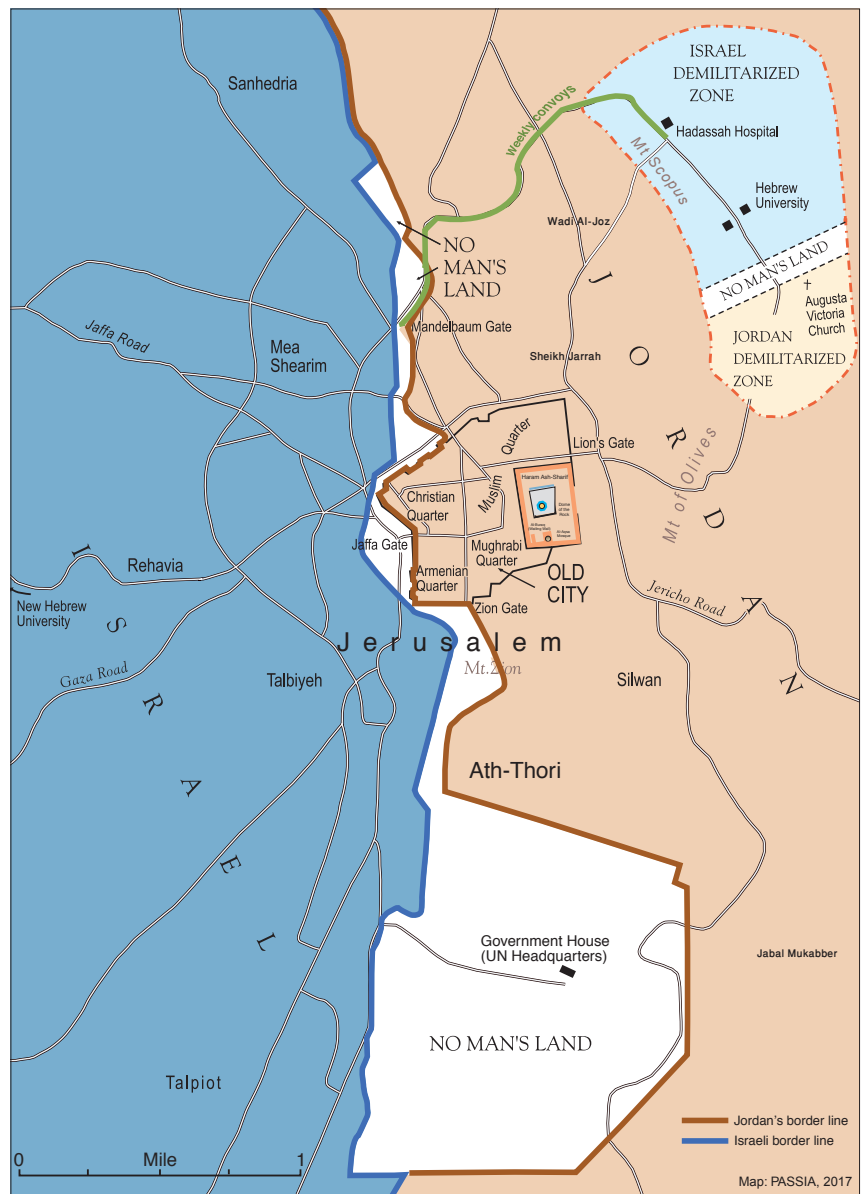
17 Proclaiming, “Whereas with establishment of the state of Israel, Jerusalem once more becomes the capital; Whereas practical difficulties which caused the Knesset and government institutions to be temporarily housed elsewhere have now for the most part been removed and the government is carrying out the transfer of its institutions to Jerusalem; The Knesset expresses the wish that construction of the seat of the government and Knesset in Jerusalem proceed speedily on the site allotted by the government for this purpose.”

18 Abu Sitta, Salman, “Notes on the Landowners Record of the UN Conciliation Commission for Palestine for Urban West Jerusalem in 1948,” in Tamari, Salim, ed., *Jerusalem 1948*, p. 241; Mustafa, *Jerusalem: Population and Urbanization*, p. 62. NB: Some sources cite 6.4 or 6.5 km<sup>2</sup> for the Jordanian municipal area.

19 Gilbert, Martin, *Jerusalem in the Twentieth Century*, J. Wiley & Sons, 1996, p. 254.

20 Katz, Kimberly, “Administering Jordanian Jerusalem – Constructing National Identity”, in Tamar Mayer, Suleiman A. Mourad (ed.) *Jerusalem: Idea and Reality*, London and New York: Routledge, 2008, p. 260.

Partitioned Jerusalem, 1948-1967



During the course of the 1967 June War, the Israeli army conquered, *inter alia*, the Jordanian-held parts of Jerusalem (and the West Bank), which it has occupied since in violation of international law.

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### AFTER THE 1967 WAR

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After the 1967 War, the status of the Green Line (1949 Armistice Lines) became uncertain, although the line continued to have political, legal and administrative significance as Israel regarded the territories beyond it as occupied and did not incorporate them into its political and civilian systems but rather had its military administer them.

An exception was the former Jordanian-controlled part of Jerusalem, which the Israeli government illegally annexed within its newly extended municipal boundary that was drawn to include the maximum territory possible, but the minimum possible Palestinian population to ensure a Jewish majority in the city. The new boundaries were guided by the desire to control the key defensive hilltops, communication lines and valleys, and by the decision, “not to include too many Arab residents in the annexed area, and to include open areas for the development of Jewish neighborhoods [settlements].”<sup>21</sup> Redrawing the post-1967 borders also took into consideration reclaiming the Jewish settlement of Neve Ya’acov, which had been captured by the Jordanians in 1948, the need for an airport (at Atarot)<sup>22</sup>, and the need for future development and construction of Jewish neighborhoods.

Subsequently, and in total disregard for international opinion and in flagrant violation of international laws prohibiting the acquisition of territory by force, Israel applied its law, jurisdiction and administration in all of Jerusalem. The new municipal limits carved an additional 64 km<sup>2</sup> out of the West Bank (28 Palestinian villages and portions of the municipal areas of Ramallah, Al-Bireh and Bethlehem), which together with the Jordanian 6 km<sup>2</sup> municipal area enlarged the city’s area of jurisdiction by some 70 km<sup>2</sup>.<sup>23</sup> The expansion, formally approved by Israel’s Cabinet on 26 July 1967, and by the Knesset two days later, brought the entire (East and West) Jerusalem municipal area to a total of 108 km<sup>2</sup> with a population ratio of 74.2% Jewish compared to 25.8% Palestinian.<sup>24</sup> The Green Line was no longer a *political* border; today, it is commonly referred as the “seam line”.

On 28 June 1967, the Knesset amended the Law of 1950 to illegally extend Israeli jurisdiction to the eastern part of the city and soon after Israel started to build settlements in the annexed areas of East Jerusalem, contradicting Article 49 of the Fourth Geneva Convention (“the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”). One of the first moves was the forceful eviction of approximately 650 Palestinians from the Old City’s Mughrabi Quarter and the destruction of their houses (at least 135) in order to create a plaza in front of *Al-Buraq* (Western Wall). The first new Jewish settlements were established in 1968 (Ramat Eshkol and HaGiva HaTzarfatit/French Hill) and by 1985, 10 large urban settlements had been built on confiscated land in occupied East Jerusalem - in total disregard of UN General Assembly Resolution 2253 (4 July 1967), which had called upon Israel to “rescind all measures taken (and) to desist forthwith from taking any action which would alter the status of Jerusalem.” In the first three years of occupation alone, Israel had confiscated over 25,870 dunums (1 dunum = 1,000 m<sup>2</sup>) of Palestinian land in Jerusalem<sup>25</sup>.

In addition to the land confiscation and population transfer, Israel institutionalized a regime of systematic discrimination and oppression against the city’s Palestinian population in every aspect of their daily lives – for example regarding the allocation of municipal resources (Palestinian neighborhoods receive only some 12-13% of the municipal budget although Palestinians constitute at least 37% of the population<sup>26</sup>), land confiscation and allocation (see below), denial of building rights and house demolition (since 2004, 746 Palestinian housing units have been destroyed in the city, 61 of them alone in 2017<sup>27</sup>), revocation of Palestinians’ residency rights (at least 14,595 ID cards have been revoked from Palestinian residents since 1967<sup>28</sup>), etc.

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21 Statement by the committee to the Israeli Cabinet, June 1967. Dumper, *The Politics of Jerusalem Since 1967*, p. 65. The committee charged with redefining the Jerusalem municipal boundaries in 1967 was headed by General Rehavam Ze’evi, future founder of Israel’s Moledet Party, which called for the forcible expulsion (“transfer”) of non-Jews from the Occupied Palestinian Territory and Israel.

22 Israel did declare Atarot an international airport, but just as with its annexation of the territories occupied in the war, no country in the world recognized it, and thus no international air carrier was prepared to operate flights through it.

23 Benvenisti, *City of Stone: The Hidden History of Jerusalem*, p. 66.

24 Dumper, *The Politics of Jerusalem Since 1967*, p. 74.

25 UN, *Report of the Security Council Commission*, Nov. 1980 - S-14268.

26 ACRI, *East Jerusalem 2015: Facts and Figures*, May 2015.

27 [https://www.btselem.org/planning\\_and\\_building/east\\_jerusalem\\_statistics](https://www.btselem.org/planning_and_building/east_jerusalem_statistics); also see: Hoffman, Bygil, “Comptroller Criticizes Discrimination in Jerusalem,” *Jerusalem Post*, 22 November 2016.

28 Interior Ministry Data provided to HaMoked ([http://www.hamoked.org/files/2017/1162151\\_eng.pdf](http://www.hamoked.org/files/2017/1162151_eng.pdf)).

# Jerusalem & Its Changing Boundaries

The Changing Municipal Boundaries of Jerusalem

Before 1948



1948-1967



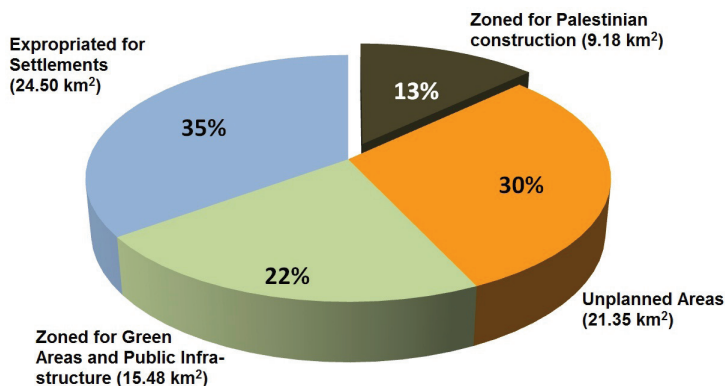
After 1967





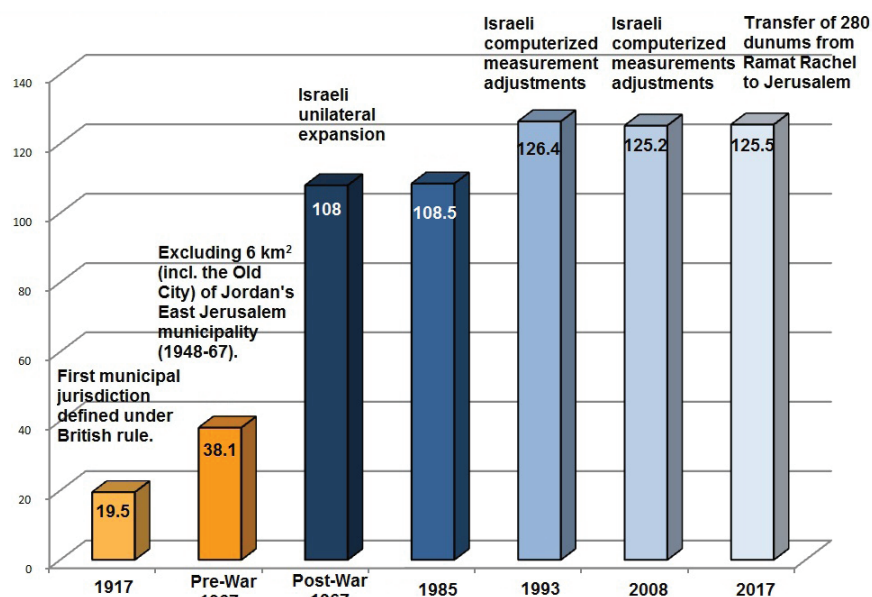
Official annexation followed 13 years after the War, on 30 July 1980, when the Knesset formalized the illegally expanded municipal limits and declared the entire area inseparable from the state of Israel as well as its “complete and united” capital in its *Basic Law: Jerusalem*. Constituting a harsh violation of international law, the move was condemned by UNSC Resolution 478 (20 August 1980), which declared “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.”

Only in the 1980s, the Jerusalem Municipality began drawing outline plans for the city’s Palestinian neighborhoods, but designated huge areas as “green areas” and “unplanned areas” where development is forbidden. Today, less than 15% of the land area in East Jerusalem (about 8.5% of Jerusalem’s municipal jurisdiction) is zoned for residential use by Palestinian residents, who currently account for almost 40% of the city’s population.<sup>29</sup>



Israel redrew Jerusalem’s municipal boundaries twice in order to control the demographic trend<sup>30</sup>: in 1985 the city was stretched westward by 0.5 km<sup>2</sup> and in 1993 by an additional 17.9 km<sup>2</sup> bringing Jerusalem’s municipal area to 126.4 km<sup>2</sup>.

Israel’s post-1967 decisions to expand Jerusalem’s municipal area and thereafter annex it to its sovereignty led to drastic alterations in the city and its environs and had one main goal: pressuring Palestinians to leave and creating a geographical and demographic reality that would thwart any future attempt to challenge Israeli sovereignty there.



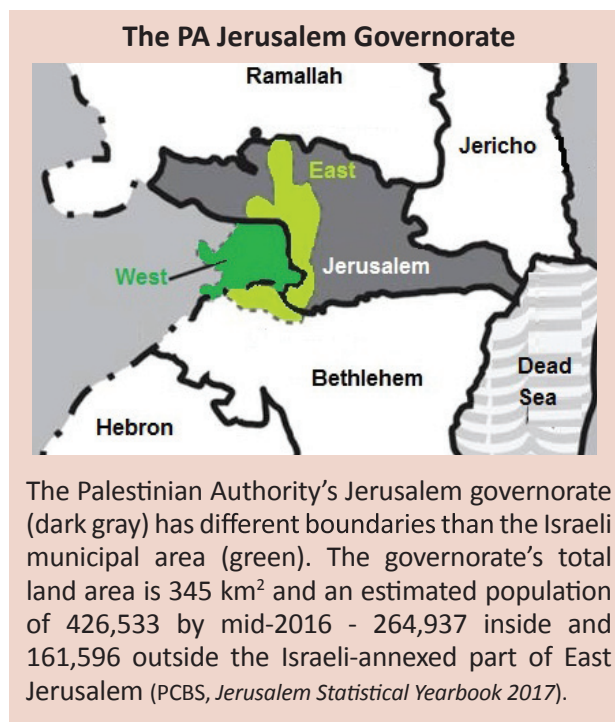
Accordingly, since 1967 Israel has expropriated over a third of the land annexed to Jerusalem – 24,500 dunums of mostly privately owned Palestinians land<sup>31</sup> – and built 11 Jewish-only settlements which under international law are as illegal as the settlements in the rest of the West Bank. In addition, its discriminatory policies against Palestinians, especially regarding housing and residency<sup>32</sup>, have created obvious and well-documented discrepancies<sup>33</sup> between the West and the East part of the city (with lacking and neglected infrastructure, over-crowdedness, and poverty clearly visible in the Eastern neighborhoods), but have not driven the Palestinians out of Jerusalem. To the contrary: the city’s Palestinian population has grown more than fivefold since 1967<sup>34</sup> with an average growth rate (during 2010-2015) of 2.7% (as compared to 1.5% for Jews in the city).<sup>35</sup>

29 B'Tselem, *East Jerusalem*, November 2017, available at <http://www.btselem.org/Jerusalem>.  
 30 Through much of the 1980s, Jewish growth rates in the city were in fact negative, and in the 1990s they rarely exceeded 1.3% annually, while the Palestinian growth rate has consistently been around three times this figure. Jerusalem Institute for Israel Studies, *Jerusalem Statistical Yearbook 2000*.  
 31 B'Tselem, *East Jerusalem*, November 2017, available at <http://www.btselem.org/Jerusalem>.  
 32 Since 1967, at least 14,595 ID cards were revoked from Palestinian residents of Jerusalem and over 2,000 houses demolished.  
 33 See, for example, PASSIA Diary 2018, p. 480.  
 34 B'Tselem, *East Jerusalem*, November 2017, available at <http://www.btselem.org/Jerusalem>.  
 35 Jerusalem Institute for Policy Research, *Statistical Yearbook of Jerusalem 2017, 2017*.

## PRESENT-DAY JERUSALEM WITHIN ITS UNILATERALLY EXPANDED MUNICIPAL BOUNDARIES

Today, the illegally annexed area of East Jerusalem is home to at least 324,000 Palestinians and some 204,000 Israeli settlers,<sup>36</sup> an estimated 3,000 of whom live in the midst of Palestinian neighborhoods (especially in Silwan, Ras Al-Amud, At-Tur, Sheikh Jarrah, and the Muslim and Christian Quarters of the Old City)<sup>37</sup>, making the lives of the Palestinian residents unbearable. The Israeli government has facilitated settlement expansion in East Jerusalem through various policies, including the implementation of a 2010 bill giving the city of Jerusalem a national priority status in the housing, employment and education sectors.<sup>38</sup> While Palestinian housing and development needs are totally disregarded<sup>39</sup>, East Jerusalem is dotted with settlement projects and the settler population grows steadily: recent estimates suggest that settlers make up some 38.5% of East Jerusalem's population and 38.7% of the city's Jewish population.<sup>40</sup>

Israel's Master Plan for Jerusalem only confirms its long-standing policies in the city, expanding settlements while vastly underestimating the housing and development needs of the Palestinian residents.<sup>41</sup> Most of the settlement expansion and creation of enclaves has nothing to do with the Israeli narrative of a continuous historic Jewish presence in the area, but aims at consolidating Israel's grip over the entire city. The same goes for the large settlement blocs of Ma'ale Adumim, Gush Etzion and Givat Ze'ev, which – what many are not aware of – are actually outside the municipal borders within the territory of the occupied West Bank and thus even have a different legal status than Jerusalem.<sup>42</sup>



What makes things more difficult are the Israeli checkpoints cutting Jerusalem off its West Bank hinterland and requiring hard-to-obtain permits from non-Jerusalemite Palestinians to enter the city.<sup>43</sup> As if this was not enough, Israel began constructing its separation wall in 2002<sup>44</sup>, which has continued unabated despite the International Court of Justice's July 2004 advisory opinion to the UN General Assembly regarding the construction of the wall,<sup>45</sup> which reiterated that East Jerusalem remains occupied territory, with the majority opinion of the court concluding that the route of the wall "gives expression, *in loco*, to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council," and therefore violates international law.

As of 2017, the barrier around Jerusalem measures 139 km, of which only 3% lie on the Green Line,<sup>46</sup> reinforcing the belief that its route is first and foremost governed by demographic considerations and Israel's "Greater Jerusalem" concept, enclosing large areas for future Jewish development. In Kufr Aqab, Semiramis, Ras Khamis, Shu'fat camp, Ras Shahadeh and Dahiet As-Salam, the wall severs either the entire neighborhood or a significant portion of it from the city – not separating Palestinians from Jews but from some 140,000 fellow Palestinian Jerusalemites<sup>47</sup> and leaving

36 *Ibid.*

37 OCHA, *The Humanitarian Bulletin*, August 2017.

38 See "New legislation to give national priority to Jerusalem," *The Jerusalem Post*, 24 October 2010, at <http://www.jpost.com/Israel/New-legislation-to-give-national-priority-to-Jerusalem>. As a result of this legislation, construction projects in all Jerusalem neighborhoods, including the settlements in East Jerusalem, are to be given priority over projects elsewhere.

39 In 2016, only 15% of building permit requests by East Jerusalem Palestinians were approved (UNSCO, *Briefing to the Security Council on the Situation in the Middle East*, 24 March 2017) and for over 10 years not a single outline plan has been advanced by Israeli authorities in Palestinian neighborhoods.

40 Jerusalem Institute for Policy Research, *Statistical Yearbook of Jerusalem 2017*.

41 The first planning framework that included both East and West Jerusalem and treated the city as one urban unit under Israeli sovereignty was announced in September 2004 as the "United Jerusalem Town Planning Scheme", better known as the Master Plan 2000. Its initial target date of 2020 was extended to 2030 in May 2009. For details see Franco Chiodelli, "The Jerusalem Master Plan: Planning into the Conflict," *Jerusalem Quarterly*, No. 51 (Autumn 2012), p. 5-20; *Arab East Jerusalem – A Reader*, Jerusalem: PASSIA, 2013, Chapter 7; Arafah, Nur, "Which Jerusalem? Israel's Little-Known Master Plans," *Al-Shabaka Policy Brief*, May 2016.

42 The West Bank was not annexed to Israel after 1967 but came under Israeli military control until 1982, since then it is governed by a semi-civil authority.

43 There are currently 12 full and one partial checkpoint to enter Jerusalem from the West Bank. Palestinians with West Bank ID cards who have special permits can enter through four of them: Qalandia (north), Gilo (south), Shu'fat Camp (east), and Ras Abu Sbeitan for pedestrians of Abu Dis and Al-Izzariya. The other crossing points into Jerusalem - only open to residents of Israel and non-Israelis with valid visas - are Ar-Ram, Beitunia commercial crossing, Hizma, Az-Za'im, the tunnels on north-south bypass Road 60, Ein Yalo near Gilo, Ramot Alon, and Bir Nabala-Atarot (OCHA, *Humanitarian Atlas 2015*, October 2015).

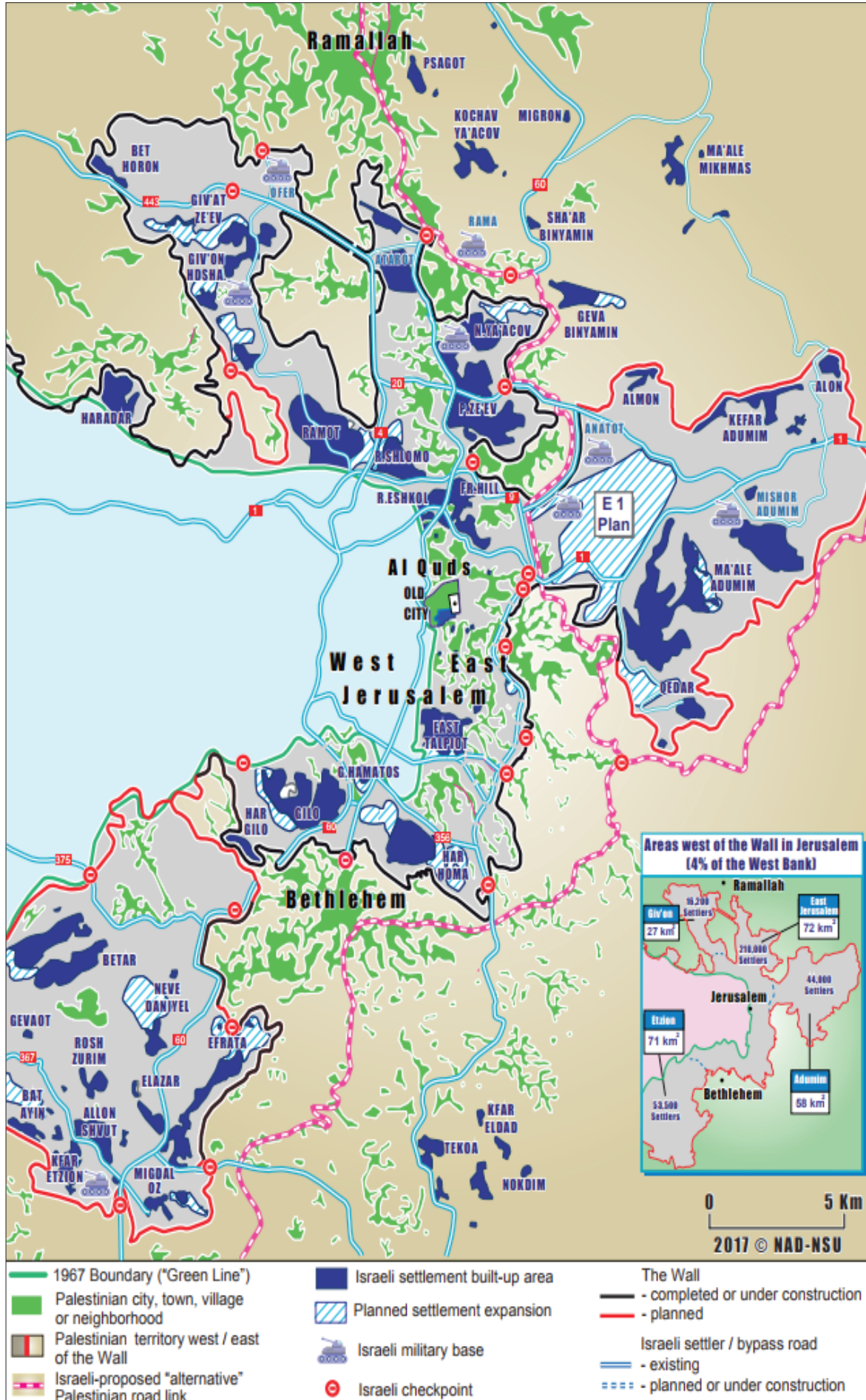
44 Referred to by Israel as "Jerusalem envelope" or "security barrier".

45 See "Summary of the Advisory Opinion of 9 July 2004," *International Court of Justice*, 9 July 2004, at <http://www.icj-cij.org/docket/files/131/1677.pdf>.

46 OCHA.

47 ACRI, *East Jerusalem: Fact and Figures 2017*, May 2017. In recent months, there has been much discussion in Israel to sever these neighborhoods out of the Jerusalem municipality in order to get rid of tens of thousands of Palestinians and thus change the demographic balance in Israel's favor.

Jerusalem Today



them without municipal services. Other areas (Al-Jib, Bir Nabala, Al-Judeira, Beit Hanina Al-Balad and Walaja) are completely encircled by the barrier, accessible only via underground passages or checkpoints. The latter have also been erected at the entrances to several more centrally located Palestinian neighborhoods in recent years (e.g., Isawiyya, Jabal Mukabber).

The above measures involve further land confiscation, hamper Palestinian development, fragment and isolate Palestinian suburbs from each other as well as from the West Bank, and further weaken the possibility of East Jerusalem becoming the capital for the future Palestinian state.

At the same time, Israel's so-called "Greater Jerusalem Bill" tries to ensure Jewish dominance through the expansion of Jerusalem's jurisdictional boundary, i.e., the *de facto* annexation of three major settlement blocs (Gush Etzion, Ma'ale Adumim/E-1, and Givat Ze'ev - all built on Palestinian West Bank land) to the city as "sub-municipalities". The move, which is currently put on hold due to international pressure, would add some 150,000 West Bank settlers as residents to the city, while downgrading the status of a comparable number of Palestinian residents living in the neighborhoods beyond the separation barrier (Shu'fat refugee camp, Kufir Aqab and Anata).

All this is happening while *de jure* and in practical terms, the international community has not recognized the sovereignty of Israel (nor of Jordan in the past) at any point, but has since 1967 consistently stated that East Jerusalem is occupied territory and as such subject to the provisions of the Fourth Geneva Convention. Thus, Israel has no claim to East Jerusalem by virtue of having taken control of it militarily ("acquiring territory by force") and its demand for both West and East Jerusalem as its "eternal undivided capital" has time and again been rejected. Likewise, all its attempts to change the character and status of the city have been denounced and the annexation of East Jerusalem was never recognized (consequently, most foreign embassies and consulates are in Tel Aviv).

According to international law, third states, including the US, must refrain from any actions which may, even implicitly, be seen to recognize Israel's unlawful annexation of East Jerusalem. However, most states have nevertheless accepted the *de facto* applicability of Israeli law, and none has so far insisted that the international laws pertaining to occupation be applied. This in turn has strengthened Israel in its refusal to negotiate the status of Jerusalem within international bodies or with the Palestinian Authority – despite the clear requirements of international law, UN resolutions, and later the city's importance to the peace process.



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