



## Ir Amim Report Abstract

### DISPLACED IN THEIR OWN CITY:

### The Impact of Israeli Policy in East Jerusalem on the Palestinian Neighborhoods of the City beyond the Separation Barrier

The neighborhoods of East Jerusalem left outside the Separation Barrier provide an extreme illustration of broader processes in East Jerusalem and Israel's general attitude toward the Palestinian population of the city. Ir Amim's report, *Displaced in Their Own City: The Impact of Israeli Policy in East Jerusalem on the Palestinian Neighborhoods of the City beyond the Separation Barrier*, offers a comprehensive review of the various aspects of Israeli policy in East Jerusalem that have resulted in the current situation. As the report explains, tens of thousands of Palestinian residents of Jerusalem have been disconnected from the city following the establishment of the Separation Barrier. They have also been near completely abandoned by the State and by the Municipality of Jerusalem.

Since 1967, Israeli policy has sought to undermine the connection and affiliation of Palestinian residents to Jerusalem, their home city. Over the years Israel has confiscated large areas of land in order to establish Jewish neighborhoods/settlements and "national parks" while Jewish settlers have established outposts in the hearts of Palestinian neighborhoods. At the same time, Israel has imposed severe restrictions on planning, construction, and land registration by Palestinians. While the residency status granted to Palestinians after 1967 was always an inferior one, following a ruling by the Israeli High Court of Justice it has been defined as an "abstract" status that may "expire automatically." This ruling has been used as the basis for uprooting thousands of Palestinian residents from the city.

Governmental and national authorities have imposed a policy of neglect and discrimination in the provision of services and the construction of infrastructures. The budget earmarked for Palestinian neighborhoods is approximately one-tenth of the total municipal budget, despite the fact that the residents of these neighborhoods account for 37 percent of the total population of Jerusalem. Together with other factors, this neglect has resulted in Palestinian residents of East Jerusalem now representing the poorest collective in Israel. The construction of the Separation Barrier intensified these pressures on East Jerusalem residents, pushing poorer residents into neighborhoods that have been effectively detached from the city.

Construction of the Separation Barrier in the Jerusalem area began in 2004. The Barrier was intended to function as a security buffer but it also served to define a political border in Jerusalem ensuring Israel's continued control of East Jerusalem and the surrounding areas. The course of the Barrier aimed to ensure a solid Jewish majority within the border it delineated. Toward this end, the Barrier encroaches upon additional areas of the West Bank, dissecting still further Palestinian space in and around the city. Inside Jerusalem itself, the Barrier cut off Palestinian neighborhoods that had been an integral part of the city since 1967, and whose residents are Palestinians with permanent residency status. These areas include the neighborhoods of Kufr Aqab and Semiramis to the north of the Separation Barrier; and Dahiyat al-Salaam, Ras Shehadeh, Ras Khamis, and the Shuafat refugee camp to the east of the Barrier. These areas are now home to between one quarter and one third of the Palestinian residents of Jerusalem. The Barrier separates them from the rest of Jerusalem, requiring that they cross a checkpoint in order to enter their own city. Officially, these areas are part of the municipal area of Jerusalem and their residents pay taxes to the Municipality; practically, the Municipality and other Israeli authorities have abdicated responsibility and abandoned them to their fate.

The state of chaos in the neighborhoods beyond the Barrier complicates efforts to quantify their population. It is estimated that between 80,000 and 100,000 Palestinians with Jerusalem residency status live in the two areas to the north and east of the Barrier. These residents are bound to the city by ties of birth, community, family, livelihood, and identity, but have effectively been torn from Jerusalem over the last decade. They live in an area that is under the full control and responsibility of the State of Israel and the Municipality of Jerusalem but receive virtually none of the rights and services to which they are entitled. The neighborhoods have been left without services and infrastructures, without proper inspection of living conditions, and without sufficient public institutions and educational and welfare services.

Despite the intolerable reality in the neighborhoods beyond the Separation Barrier, their population is consistently increasing due to a two-pronged policy imposed by Israel. On one hand, the State imposes impossible restrictions on Palestinian construction within Jerusalem; on the other, lack of regulation in the Jerusalem neighborhoods beyond the Separation Barrier has led to massive development, albeit in the absence of any inspection or oversight. Persistent fear of revocation of residency status prevents residents from moving to more livable suburbs not included within the municipal area of the city – an option that would be viable were it not for Israel's wholesale revocation of residency status. As the result of this double-edged discrimination, tens of thousands of the poorest residents of East Jerusalem, no longer able to cope with the housing shortage and soaring prices in Palestinian neighborhoods within the Barrier, have been forced to relocate to the East Jerusalem neighborhoods beyond the Barrier as a last resort. These areas that have been dislocated from the city, but are still included in the municipal area, offer relatively accessible housing and a measure of assurance that residents will be able to retain their residency status and their connection to the city. On a collective level, this situation leads to further fragmentation of the Palestinian community and space in Jerusalem.

The report shows that as of 2012, building starts in Kufir Aqab – Semiramis alone accounted for 83 percent of total building starts in the entire city of Jerusalem. While apartment prices in these areas are significantly lower than in the areas inside the Barrier, lower prices come with serious safety ramifications. Professionals warn that in the event of an earthquake, in the Shuafat refugee camp area and the Ras Khamis / Dahiyat al-Salaam area adjacent to it, up to 80 percent of the buildings are liable to collapse. Most of these buildings, as well as those in the Kufir Aqab-Semiramis area, are built in congested high-rise apartment blocks that fail to meet even the most rudimentary standards.

Moreover, the dramatic increase in the number of residents in the neighborhoods beyond the Barrier has not been accompanied by any parallel development of water, electricity, drainage, and road infrastructures. In addition to the complete absence of sanitation, education, and welfare services, law enforcement and inspection agencies are also largely absent. Despite the hazardous road conditions in the neighborhoods beyond the Barrier, the Municipality of Jerusalem has allocated less than one percent of its total budget for roads to these areas. Over the course of 2014, the electricity supply was disconnected in the four neighborhoods around the Shuafat refugee camp (Ras Khamis / Dahiyat al-Salaam area) for many weeks. The neighborhoods beyond the Separation Barrier have become congested and dangerous ghettos liable to become disaster zones in the event of a safety-related incident or natural disaster.

In the entire area of Ras Khamis / Dahiyat al-Salaam, which now has a population of over 30,000, there is only one municipal school, established in a building that previously functioned as a goat pen. Until recently, a pollution emitting factory operated alongside the school. The vast majority of the children in both these neighborhoods are forced to cross a checkpoint every morning on their way to schools in Jerusalem. Emergency appeals from residents (who, as noted, pay municipal taxes) meet with the response that the authorities do not provide services beyond the Separation Barrier. In Kufir Aqab, the Municipality declined to send emergency services when substantial parts of the neighborhood were flooded following heavy rain. Neither did the authorities intervene when children were held at gunpoint inside a school. After residents of Kufir Aqab despaired at the sewage running through their streets, they constructed a makeshift drainage system, no longer sufficient to cope with the volume of waste. There are no local emergency services in the two densely populated areas beyond the Barrier, while ambulances and fire engines are not permitted to cross the Barrier.

Residents cling to life in the neighborhoods beyond the Barrier as the last option for remaining in Jerusalem while living with the constant anxiety that the policy of relinquishing responsibility for these areas conceals an ultimate political intention to disconnect them completely from their city of birth and to deny them entry. This policy has been dubbed the “silent transfer.” Fear has been exacerbated by concrete steps taken by Israel over the last decade, including the transfer of security responsibility in Kufir Aqab – Semiramis from the Israel Police to the military, and declarations by Jerusalem Mayor Barkat that he intends to transfer overall authority for these neighborhoods to the military’s Civil Administration. To date, Israel has not initiated any legal or substantive change in the official status of the neighborhoods beyond the Separation Barrier. However, it continues to use opportunities created by the Barrier as a tool for limiting and weakening the Palestinian presence in Jerusalem and even for uprooting it. The report warns that these steps are liable to serve as a trial balloon for further and even more sweeping initiatives designed to perpetuate the overall territorial and demographic reality created by the Separation Barrier in Jerusalem and to disconnect residents in the neighborhoods beyond the Barrier completely from the city.

Israeli policy since 1967 has undermined Palestinian residents’ connection to Jerusalem, curtailed their actions, and restricted their physical, social, economic, cultural, and political existence. Since the construction of the Separation Barrier, tens of thousands of residents (the inability to quote a precise number in itself evidences the disregard with which they are treated) have been pushed out to the neighborhoods beyond the Barrier. These residents have been uprooted from the city – or, perhaps more accurately, their city has uprooted itself from them. As long as Israel continues to control East Jerusalem, the Israeli government and its authorities will continue to bear legal responsibility for the residents of all parts of East Jerusalem. These residents are dependent on Israel for their basic rights and their continued existence in their homeland. In accordance with its own laws and with international laws and treaties, the government of Israel is obliged to ensure the well-being and welfare of the residents of East Jerusalem – inside and outside the Separation Barrier – and to maintain their living environment and protect their attachment to the city. Israel will be unable in the long term to ignore the humanitarian, social, and political ramifications of the reality it has created.

Improving the living conditions of Palestinian society in East Jerusalem as a whole; establishing and rehabilitating infrastructures and services inside and beyond the Barrier; the absolute protection of permanent residency status; and the construction of infrastructures and institutions for civil life in East Jerusalem are basic obligations Israel has toward the residents it annexed to its territory, for so long as its control over these residents continues. In the political context, these obligations constitute essential conditions for any future agreement, and are equally essential if the political process is not resumed or if it fails to produce results. If Israel declines to act resolutely in this spirit, it will rapidly face a humanitarian disaster on its doorstep. It will also move toward the reality that late Justice Levy described as “the preservation of the outer shell of democracy while leaving no remnant of its content.”<sup>1</sup>

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<sup>1</sup> Quoted by Menachem Hoffnung, *State Security versus the Rule of Law* (1991), 105 (in Hebrew). The quote comes from para. 29 of Justice Levy’s minority opinion in HCJ 07/446, dated 11 January 2012.