

Jerusalem



Issues and Perspectives

**A dossier prepared as background material for
World Week for Peace in Palestine Israel
29 May – 4 June 2011**

Editorial Comment

Jerusalem is, perhaps, the most contentious issue in the Palestine-Israel conflict. Palestinians claim Jerusalem as Al Quds, the capital of a future Palestinian State. Israel, on the other hand, argues that Jerusalem belongs to the Jewish people and will remain “under Israeli sovereignty for eternity.”

United Nations Security Council Resolution 478, adopted on August 20, 1980, declared Israel's 1980 Jerusalem Law, according to which Jerusalem would be Israel's “complete and united” capital, a violation of international law. The council stated that it would not recognize this law, and called on member states to accept the decision of the council. The resolution also called member states to withdraw their diplomatic missions from the city.

The [World Council of Churches](#) has consistently held the view that “Jerusalem is a holy city for three monotheistic religions: Judaism, Christianity and Islam” (Central Committee, Berlin/West, 1974). The WCC believes that it “is therefore their responsibility to cooperate in the creation of conditions that will ensure that Jerusalem is a city open to the adherents of all three religions, where they can meet and live together. The tendency to minimize Jerusalem's importance for any of these three religions should be avoided” (Vth Assembly, Nairobi, 1975).

The WCC also holds the conviction that it “is essential that the holy shrines should not become mere monuments of visitation, but should serve as living places of worship integrated and responsive to Christian communities who continue to maintain their life and roots within the holy city, and for those who, out of religious attachment, want to visit them (Vth Assembly)...The special legislation regulating the relationship of the Christian communities and the authorities, guaranteed by international treaties (Paris 1856 and Berlin 1878) and the League of Nations and known as the status quo of the Holy Places must be fully safeguarded and confirmed in any agreement concerning Jerusalem” (Vth Assembly). The same WCC Assembly proceeded to declare that the “settlement of the inter-religious problems of the holy places should take place under an international aegis and guarantee which ought to be respected by the parties concerned as well as the ruling authorities (and) should be worked out with the most directly concerned member churches, as well as with the Roman Catholic Church. These issues should also become subjects for dialogue with Jewish and Muslim counterparts” (Vth Assembly).

Equally, just “as the future status of Jerusalem has been considered part of the destiny of the Jewish people, so it cannot be considered in isolation from the destiny of the Palestinian.” Christians have therefore to “recognize and respect similar and parallel rights of Jewish and Muslim believers and their communities, and declare themselves disposed to search with Jews and Muslims for a mutually respectful application of these rights and for a harmonious coexistence in the perspective of the universal spiritual vocation of Jerusalem” (Vth Assembly).

The WCC has been prophetic in calling “for a special judicial and political statute for Jerusalem which reflects the universal importance and significance of the city,” in order to satisfy the national aspirations of all its inhabitants, and in order that Jews, Christians and Muslims can be 'at home' in Jerusalem and at peace with one another. And, because of the “universal significance of Jerusalem, the international community ought to be engaged in the stability and permanence of this statute and provide the necessary guarantees in order that Jerusalem not be dependent solely on municipal or national political authorities, whoever they may be” (Vth Assembly).

The WCC has appealed to the State of Israel to desist from its continuing, systematic policies of confiscation of buildings and land, destruction of buildings, establishment of new settlements in and around East Jerusalem, discrimination in the granting of building permits, constraints on the freedom of movement for Palestinian Christians and Muslims to and within Jerusalem and the Holy Places, and from all attempts to alter the demographic status quo of the Holy City prior to the conclusion of agreements with regard to its future status.

An important dimension of the WCC's position has been the call to the world wide fellowship of member churches to be constant in prayer and in acts of solidarity with the Christian Churches in Jerusalem in order to ensure a continuing, vital Christian presence in the Holy City and to strengthen their historic role in promoting open communication, dialogue and cooperation among all communities in the Holy City.

For 2011, the [World Week for Peace in Palestine Israel](#) (WWPPI) will focus on Jerusalem as part of the broader agenda of the World Council of Churches and the [Palestine Israel Ecumenical Forum](#) (PIEF) for the current year. In line with this focus, the network of churches and individuals who observe WWPPI 2011 are invited to use this dossier on *Jerusalem – Issues and Perspectives* as resource materials which contain information from a wide array of sources. The dossier is brief but points to further references/websites which interested persons may study and research.

The website [http://www.oikoumene.org/en/programmes/public-witness-addressing-power-affirming-peace/churches-in-the-middle east/pief/issues/jerusalem.html](http://www.oikoumene.org/en/programmes/public-witness-addressing-power-affirming-peace/churches-in-the-middle-east/pief/issues/jerusalem.html)) also has a section on Jerusalem with information from the Jerusalem Inter-Church Centre (JIC) as well as a comprehensive set of WCC documents on Jerusalem.

The hope is that you will find this useful in the planning and implementation of World Week for Peace in Palestine Israel 2011.

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April 18, 2011
Goa, India

Jerusalem – positions of the United Nations

The United Nations recommends that Jerusalem be placed under a special international regime, a *corpus separatum*, but envisions the city eventually becoming the capital of two states, Israel and Palestine.

The United Nations does not recognize Israel's proclamation of Jerusalem as the capital of Israel. The United Nations has stated that the international community has a legitimate interest regarding the protection of Jerusalem's unique spiritual, religious and cultural dimensions. Its position on the question of Jerusalem is based upon General Assembly resolution 181 of November 29, 1947, which provides for the full territorial internationalization of Jerusalem: “The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations.” According to a 1979 report prepared for and under the guidance of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, it would appear that the UN has maintained that until the final status of the city is agreed by the parties involved, the legal status of the city remains a *corpus separatum*.

A total of six UN Security Council resolutions on Israel have denounced or declared invalid Israel's control of the city, including UNSC resolution 478 which affirmed that the enactment of the 1980 Basic Jerusalem Law, declaring unified Jerusalem as Israel's “eternal and indivisible” capital, was a violation of international law. The resolution advised member states to withdraw their diplomatic representation from the city as a punitive measure.

What is East Jerusalem?

In June 1967, only 17 days after the six-day war, Israel changed Jerusalem's municipal borders by adding/annexing/occupying approximately 70 sq. kilometers of West Bank territory to the city. The size of Jerusalem thus tripled (from a previous area of only 40 sq. kilometers), making it the largest city in Israel. At the same time, Israel applied its law and administration to the land and to the people residing in these territories, which are today known as East Jerusalem.

Militarily, there was a desire to control a route of military and strategic importance surrounding West Jerusalem. **Geographically**, the aim was to rule as large a territory as possible around what was West Jerusalem. **Demographically**, the goal was to include as few Palestinians as possible in the added/annexed/occupied territories.

Source: <http://www.ir-amim.org.il/Eng/?CategoryID=241>

Israeli policies in East Jerusalem in 2011 off to a dangerous start

Israeli policies in East Jerusalem in 2011 have started off on a disconcerting note: a dramatic rise in the increase of demolitions, a wave of arrests of community and political leaders, advancing of settler projects in the Palestinian neighborhoods, and advancement of building projects in Israeli neighborhoods beyond the Green Line. These trends increase the pressure on the Palestinian residents, and are liable to lead to violence. On the political level, attempts to dictate the reality in East

Jerusalem unilaterally are especially worrisome given the ongoing freeze in negotiations. These developments are liable to endanger, when the day comes, the possibility of convening around the negotiations table, or at least, to make it very difficult.

Source: <http://www.ir-amim.org.il/Eng/?CategoryID=311&ArticleID=1023>

Jerusalem Old City Initiative proposes bold solution on Jerusalem

The Jerusalem Old City Initiative, a programme of the University of Toronto's Munk Centre for International Studies, has put out a discussion document setting out possible new directions for deliberation and dialogue with regard to the status of Jerusalem.

The Initiative proposes an approach based on the needs of Jerusalem's stakeholders. The approach envisages a single governance approach for the Old City to address "key practical and symbolic needs." It proposes "an institutional framework aimed at creating conditions that support equity, security and predictability in day-to-day life." The proposal further supports the idea of establishing an interim special regime that meets the needs of stakeholders, "within the framework of a two-state solution for Israel and Palestine, with Yerushalayim and Al-Quds as their capitals." The international community is asked to underwrite development of the Old City and Jerusalem as a major world focal point, once a peace is signed.

Source: The Jerusalem Old City Initiative. The full text is available at http://webapp.mcis.utoronto.ca/resources/MCIS_Briefings/2005_December_Bell_et_al_Jerusalem.pdf

Jerusalem could unlock other thorny issues

Issues of borders, settlements, refugees, Jerusalem, and water dominated discussion at an International Meeting in Support of Israeli-Palestinian Peace. Experts highlighted why each of these issues is, in its own way, fundamental to reenergizing the peace process. Researcher and writer Helena Cobban described how after "nearly decades of diplomacy," the assumption had been made that the Jerusalem question was so difficult to resolve that it must be put, along with the refugee issue, at the very end of the agenda, until enough confidence had been built between the leaderships to tackle it.

Today, however, the breakdown of that tactic and its fundamental suppositions are marked in the emerging crisis over the question of Jerusalem. Jerusalem "could play a bridge role between thinking about a one-State and two-State outcome."

Source: <http://unispal.un.org/UNISPAL.nsf/22f431edb91c6f548525678a0051be1d/fb1047557a492700852576c8007baee7?OpenDocument>

Jerusalem and international relations

Prof. Ziad J. Asali and others at the American Task Force on Palestine have compiled a comprehensive and valuable set of background links to American, European, Quartet and United Nations statements

regarding Jerusalem over the years. These contextualize attention around recent unilateral Israeli actions in occupied East Jerusalem, and point to “the extraordinary significance of Jerusalem to the conflict and a peaceful resolution based on two states.”

Source:

http://www.huffingtonpost.com/ziad-j-asali-md/the-background-on-jerusal_b_508431.html

Jerusalem: An open city?

“In response to criticism against Israeli settlements in Palestinian neighborhoods, the Israeli Prime Minister and the Mayor of Jerusalem claimed that all residents of Jerusalem can purchase property throughout the city. In the report (see link), Ir Amim and ‘Bimkom’ reveal that according to law, 80% of the property intended for development in Israeli neighborhoods are off limits to the Palestinian population. Apart from the legal aspects, both national communities tend to prefer to live separately. Claims of an ‘open city’ are detached from reality at best, and are misleading at worst.”

Source: http://www.ir-amim.org.il/Eng/_Uploads/dbsAttachedFiles/openCity.pdf

Bureau of Palestinian Rights committee gravely concerned by events in East Jerusalem

The Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People has expressed grave concern about Israel’s ongoing policy of perpetuating its occupation of East Jerusalem through settlement expansion and other policies and actions illegal under international law. Calling it “alarming and totally unacceptable,” it points out that “the Government of Israel continues to flagrantly dismiss numerous calls by members of the international community, including the Quartet, for halting the illegal settlement activity in the Occupied West Bank and especially in East Jerusalem.” The committee notes that “Israeli strategy is to continue to build illegally in Jerusalem....” The Committee has urged the Security Council to protect the status of Jerusalem and “act as the genuine guarantor of international peace and security in a most decisive manner.”

Source:

<http://unispal.un.org/UNISPAL.nsf/53936DDF3DD093A1852575530073F2E6/40FB4C52869DAA23852576EB0077BD4C>

Civil Rights group documents discrimination against Palestinians in occupied East Jerusalem

Israel’s illegal annexation of East Jerusalem in 1967 grants Palestinians in East Jerusalem status as “permanent residents” of Israel. They remit taxes, and are entitled to all rights and services provided to Israeli citizens. But the Israeli government has not allocated necessary resources to develop East Jerusalem. As a result, there is a severe shortage of public services and infrastructure in East Jerusalem, including health and education services, welfare services, postal services, water and sewage systems, and roads and sidewalks. The Municipality also discriminates against the Palestinian

residents of East Jerusalem by enforcing a discriminatory building and planning policy, preventing them from obtaining building permits and then demolishing “illegal” homes. ACRI, Israel’s oldest and largest human rights organization, has documented a wide variety of Israeli violations in East Jerusalem.

Source: <http://www.acri.org.il/en/?cat=59>

East Jerusalem settlement is unlawful

The Civil Coalition for Defending the Palestinians’ Rights in Jerusalem has concluded that the “Israeli settlement enterprise throughout the occupied Palestinian territory, including East Jerusalem, is a manifest violation of Article 49(6) of the Fourth Geneva Convention. This long established prohibition now forms a part of customary international law and constitutes a war crime under the Rome Statute of the International Criminal Court. The United Nations Security Council, General Assembly and the International Court of Justice have all repeatedly and explicitly affirmed the unlawful nature of Jewish settlements.”

Source: <http://www.ccdprj.ps/new2/etemplate.php?id=53>

The Jerusalem File

This is a comprehensive study consisting of seven separate reports which detail different challenges facing the Palestinian population in Jerusalem. Topics including the legal status of East Jerusalem’s Palestinian population, land confiscation and settlement development, forced displacement, home demolitions and illegal construction, the status of the education system, and the legal status of the annexation wall under international law are all explored in great detail. It is an important resource for anyone seeking a pertinent engagement in Palestine-Israel.

Source: <http://www.civiccoalition-jerusalem.org/ccdprj.ps/new/pdfs/Welfare%20J%20Book.pdf>

Jerusalem's Holy Places and the Peace Process

An executive summary of Policy Papers #46 by Marshall J. Breger and Thomas A. Idinopulos

Note: This policy paper was written in 1998, but it provides a helpful short analysis of the historic treatment of Jerusalem’s holy places, as noted below.

The status of Jerusalem as a city filled with shrines, monuments, and other areas sacred to the Jewish, Christian, and Muslim faiths presents several problems to policymakers intent on pursuing Arab-Israeli peace. This book reviews past and present policies for administering and protecting the holy places and offers ten lessons policymakers should consider in framing future policy toward the holy places.

Source: <http://www.washingtoninstitute.org/templateC04.php?CID=6>

An Excerpt from the Kairos Palestine Document

Issued in December 2009, the Kairos Palestine Document is a word of faith, hope and love. It is a message from Palestinian Christians to the world about what is happening today in Palestine.

“Jerusalem is the foundation of our vision and our entire life. She is the city to which God gave a particular importance in the history of humanity. She is the city towards which all people are in movement – and where they will meet in friendship and love in the presence of the One Unique God, according to the vision of the prophet Isaiah: *“In days to come the mountain of the Lord's house shall be established as the highest of the mountains, and shall be raised above the hills; all the nations shall stream to it (...) He shall judge between the nations, and shall arbitrate for many peoples; they shall beat their swords into ploughshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more”* (Is. 2: 2-5). Today, the city is inhabited by two peoples of three religions; and it is on this prophetic vision and on the international resolutions concerning the totality of Jerusalem that any political solution must be based. This is the first issue that should be negotiated because the recognition of Jerusalem's sanctity and its message will be a source of inspiration towards finding a solution to the entire problem, which is largely a problem of mutual trust and ability to set in place a new land in this land of God.”

For the full text of the Kairos Palestine Document, see www.kairospalestine.ps

The status of Jerusalem Christians

(A study by the [Jerusalem Inter-Church Centre](#))

Jerusalem Christians relate their origins to the time of Christ and His followers. They have lived together with Moslems and Jews in the city until 1948 where they fled their homes from the Western part of the city to the Eastern part and from there most of them continued their journey into the Diaspora. East Jerusalem was politically and physically annexed by Israel illegally after the 1967 war. The International Community does not recognize this annexation and awaits final status agreement between the Israelis and the Palestinians in this respect.

The following table shows the demographic patterns of the different religious groups living in the City. Focusing on the Christian community one can easily determine the risk facing the continuous existence of this community.

Jerusalem Demographical Statistics
Sept. 2007

Jerusalem Inter-Church Centre

Source	Year	Population				
		Total	Jews	Moslems	Christians	
					Pal. Christian	Foreign
British Census	1910	69900	45000	12000	12900	
British Census	1931	90200	51000	19900	19300	
Wasserstein, Yale	1946	164400	99300	33700	31400	
Wasserstein, Yale	1967	267800	196800	58100	12900	
Wasserstein, Yale	1983	428500	306300	108500	13700	
Israel Central Bureau of Statistics	2000	650700	439600	196900	14200	
Israel Central Bureau of Statistics	2006	732000	469000	239000	10000	4700

Sept. 2007

Many reasons exist behind the decrease in number and the percentage of Christians in the City. Occupation and the racist Israeli policies implemented on the Palestinian inhabitants, combined with economic depression due to the Wall and isolation from the West Bank, are the main factors for the decreasing number of Christians.

Israeli policies' negative impacts on Jerusalem Christians

Israeli policies of the Ministry of Interior, the Municipality of Jerusalem and other related government institutions including the army are the more direct factors that threaten the preservation of this community in Jerusalem and the surrounding West Bank. Restrictions on residency rights and family reunifications and housing limitations are main factors driving Jerusalem Christians out of their city.

1) The Jerusalem residency rights policy

The Israeli Ministry of Interior will withdraw the “permanent residency” status of a Palestinian Jerusalemite under the pretext that she/he has acquired a foreign nationality or a residency permit in another country or has lived outside the municipal boundaries of Jerusalem for more than seven years. These rules also apply to the children. The number of Jerusalem Christians is expected to fall from

10,000 to about 5,400 in the coming seven years if these policies were to be carried out at the same pace (cf. table).

2) The separation policies and family reunification restrictions

The Wall and the Israeli procedures hindering the issuing of permits for West Bankers to live and work in Jerusalem have greatly affected the formation of the family nucleus. Young men and women are not able to meet with their family members and friends beyond the walls due to movement restrictions, 600 Israeli military checkpoints, roadblocks and other measures. Palestinian Christians in the West Bank who are being denied access to Jerusalem lose their chances to find a suitable work, wife/husband, education and adequate health treatment.

In June 2002, the Israeli Government issued a “temporary law” depriving citizenship to the husband/wife of any Jerusalem or Israeli citizen. Practically, the wife/husband, who is from the West Bank, will not be granted residency in Israel and therefore cannot join the spouse. This illegal measure under Human Rights Law is mainly affecting Palestinian Christians due to their small number in the country, and to the tight family relations between Jerusalemites and West Bankers (mainly Bethlehem and its surrounding Christian areas). This “temporary law” has been renewed to date.

In practice, a married couple whose partner is from the West Bank, when checked in Jerusalem by an Israeli military patrol, will be fined US \$1,000 and obliged to drive the partner back and return to Jerusalem alone.

A Palestinian from Bethlehem married to a Jerusalem “resident” used to get an approval for a temporary residency permit in Jerusalem renewable every 27 months after five years of marriage. Because of the “temporary law,” the reunification permit is now renewable every year, but the person is not allowed to drive a car, and is obliged to issue a special entry permit to Jerusalem twice a year from the military offices in the West Bank. The estimated number of Christian families affected by such measures is 300 (cf. table below).

3) Housing limitations

Again, due to the small number of Christians in Jerusalem, the housing limitation affects them more severely, leading them to leave the City. The area open for expansion in East Jerusalem is extremely limited. Only 13% is designated for construction. A major part of this area is already constructed. Getting construction permits is an endless hardship, not mentioning the related financial burdens that are beyond the capacity of the majority of the people. The settlement expansion in East Jerusalem reduces considerably the chances for Palestinians to build on whatever is left from the land. In this respect the number of housing units in East Jerusalem for Palestinians during the period from 1967 to 2002 was 19,056, while the Israeli settlement units in the same period reached 85,806, according to the Palestinian Central Bureau of Statistics, Jerusalem book, 2007.

Alarming Scenario

The table below draws an alarming scenario illustrating the cases mentioned above that will negatively impact the number of Christians in seven years:

Current Jerusalem Christian Population:	10,000
Directly affected by Israeli Policies	(900)
<ul style="list-style-type: none"> Family re-unification cases¹ pending are estimated at 300 families² 	
<ul style="list-style-type: none"> National Insurance cases against Christians in Jerusalem are 1,200; 50% of which may lose residency rights for their families to stay in Jerusalem 	(1,800)
<ul style="list-style-type: none"> In 7 years time: the isolation policy behind the Wall, and losing residency rights for being abroad will affect 100,000 Palestinians; 1.4% of them are Christians³ 	(1,400)
Indirect causes	(450)
<ul style="list-style-type: none"> Emigration rates of Palestinian Christians in Israel and Palestine was estimated at 4.5%⁴ 	
Balance of Jerusalem Christians in 2017	5,450

To conclude, Christians in Jerusalem are not a community living under normal conditions where normal birth rates guarantee their growth. *Christians in Jerusalem may lose half of their physical presence in the coming seven years if the above trends continue.*

Final Remark

A discriminatory policy: Family members who were born in Jerusalem are now being restricted entry through the borders of Israel due to their residency status in other countries or outside the Jerusalem Municipal boundaries. In the best cases they are granted entry tourist visa in their own city, while Jewish migrants arrive in hundreds and settle especially in the East occupied part of the city. They are immediately naturalized and granted many facilities such as jobs, soft and easy loans and grants for their new "home."

¹ Source: Society of St. Yves', the official Law Firm of the Latin Patriarchate in Jerusalem.

² A family is estimated at three persons as average.

³ The rate of birth is considered irrelevant here as the ratio between the increase in population is estimated equal to increase at the loss level of impacted same kind of population for the given period.

⁴ Romel Sudah Statistical study on Christians-2006 (SABEEL).

The humanitarian situation in East Jerusalem

In March 2011, the United Nations Office for the Coordination of Humanitarian Affairs in occupied Palestinian territory issued a report on the humanitarian situation in East Jerusalem.

According to the Executive Summary, “this report focuses on East Jerusalem and forms part of a series by OCHA which examines the humanitarian impact of Israeli measures, such as the Barrier, settlements and planning and zoning restrictions, on Palestinians in the occupied Palestinian territory (oPt). It mainly focuses on the area unilaterally annexed to Israel and included within the municipal boundary of Jerusalem following the 1967 war. This annexation is not recognized by the international community, and the Security Council has resolved that all legislative measures and actions taken by Israel to alter the character and status of Jerusalem are null and void.”

Source: [East Jerusalem - Key Humanitarian Concerns](#)

The complete report can be found at http://unispal.un.org/pdfs/OCHASpFocus_230311.pdf



UNITED NATIONS
Office for the Coordination of Humanitarian Affairs
occupied Palestinian territory



An equally useful resource that can be used as an educational/awareness tool is a PowerPoint presentation that effectively presents the situation from an on-the-ground perspective.

This PowerPoint presentation can be found at

http://www.ochaopt.org/documents/ocha_opt_humanitrain_presentation_east_jerusalem_jan_2011.ppt

**Human Rights in East Jerusalem:
Facts and Figures¹**
East Jerusalem in Numbers

- Number of residents: Approximately 303,429 (36% of the Jerusalem population) [December 2009 data]
- Families under the poverty line: 65.1% (as opposed to 30.8% of Jerusalem's Jewish Families) [2008 data]
- Children under the poverty line: 74.4% of the Arab children in the city (as opposed to 45.1% of the city's Jewish children) [2008 data]
- Expropriated land: Since annexing East Jerusalem, the Israeli government has expropriated 24,500 dunams (over a third of the area), which were privately owned by Arabs.
- Construction: By the end of 2007, 50,197 housing units for the Jewish population had been built on the expropriated land; no housing units had been built for the Palestinian population on the expropriated land.
- Home demolitions: In the year 2009, 80 homes in East Jerusalem have been demolished, leaving 300 people without homes.
- Lack of water connections: Approximately 160,000 Palestinian residents have no suitable and legal connection to the water network.
- Sewage line shortage: 50 kilometers of main sewage lines are lacking.
- Shortage of school classrooms: There is a shortage of approximately 1,000 classrooms.
- School dropout rate: The rate currently stands at approximately 50%.
- Postal Services: There are eight post offices in East Jerusalem, in comparison to 42 in West Jerusalem.

¹ The Association for Civil Rights in Israel, Jerusalem 2010