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East Jerusalem Key Humanitarian Concerns

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). The report 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 (see, inter alia, Security Council resolutions [252](#), [267](#), [471](#), [476](#) and [478](#)).

In the years since 1967, Israel has undertaken measures — in particular land confiscation, settlement building and construction of the Barrier — which serve to alter the status of East Jerusalem, contrary to international law. Government and municipal policies have also negatively impacted the estimated 270,000 Palestinians in East Jerusalem.¹ As this report demonstrates, these policies affect their residency status, their access to education and health services, and their ability to plan and develop their communities. This report is designed to document the impact of these measures on the Palestinian population in East Jerusalem, in order to raise awareness, offer recommendations, and contribute to an enhanced response to humanitarian, early recovery and development needs.

Combined, these policies significantly increase the humanitarian vulnerability of the Palestinian residents of East Jerusalem. Although Palestinians are remaining in the city, in the long term, failure to address these 'push factors' risks undermining the Palestinian presence in East Jerusalem. East Jerusalem has traditionally served as the focus of political, commercial, religious and cultural life for the entire Palestinian population of the oPt. Following the 1967 annexation, Palestinians from the remainder of the West Bank and the Gaza Strip have been prevented from residing within the Israeli-defined municipal boundary, other than through the increasingly restrictive process of 'family unification.' Since the early 1990s, non-Jerusalem Palestinians have been compelled by the Israeli authorities to obtain permits just to access the city, including to places of worship during Ramadan and Easter. The number of such permits granted is limited, and access of permit holders into East Jerusalem is restricted to four checkpoints. The majority of checkpoints leading into the Jerusalem area have been incorporated into the Barrier, which is itself compounding the separation of East Jerusalem from the rest of the West Bank.

In addition to this administrative and physical separation, the Palestinian Authority is not allowed, under the Oslo Accords, to operate in East Jerusalem and the closure of Palestinian institutions, such as Orient House, is continually renewed, notwithstanding Israel's commitments under the Roadmap. This has led to a political and institutional vacuum which, in addition to restrictive residency and access policies, is resulting in East Jerusalem becoming increasingly separated from the remainder of the occupied Palestinian territory — physically, politically, socially and culturally.

Pending a final status agreement, East Jerusalem remains an integral part of the occupied Palestinian territory and the Palestinian population of the territory should have the right to access East Jerusalem, including for specialized health and education, work, social, cultural & family relationships and for worship at the Muslim and Christian holy places. Therefore, while primarily focusing on the issues facing the Palestinian residents of East Jerusalem, this report will also emphasize the continuing importance of the city as a centre of life for Palestinians throughout the oPt, at a time when East Jerusalem is becoming increasingly separated from the remainder of the occupied Palestinian territory.

More specifically, the report addresses the following concerns:

Residency Status of Palestinians in East Jerusalem

Following the war of 1967, the Government of Israel unilaterally annexed some 70 km² of the occupied area to Israel, which included East Jerusalem, as defined under Jordanian rule (six km²), as well as 64 km² of surrounding West Bank territory; the annexed area was subsequently added to the Municipality of Jerusalem. The right to reside in East Jerusalem was restricted to those Palestinians who were recorded as living within this expanded municipal boundary. However, East Jerusalem Palestinians were defined as permanent residents of Israel rather than citizens, and their residency status is conditional on their proving that their 'centre of life' lies within the Israeli-defined municipal boundary or in Israel proper. Extended stays by Jerusalem Palestinians outside of the city or Israel, including in the remainder of the oPt, can result in the revocation of their Jerusalem ID cards. Approximately 14,000 East Jerusalem Palestinians have had their residency revoked since 1967, of which over 4,500 were revoked in 2008.

Permanent residency status is not automatically transferred through marriage, so a Palestinian resident of East Jerusalem who wishes to reside in the city with a spouse from the remainder of the oPt, must apply for family unification. The application process for family reunification for residents of East Jerusalem is onerous and has become virtually impossible since 2003, when Israel introduced the *Nationality and Entry into Israel Law* (Temporary Order).

Permanent residency status is also not passed on to the holder's children 'by right', resulting in difficulties in registering the children of such 'mixed residency' status marriages.

Planning, Zoning and Demolitions in East Jerusalem

Since 1967, Israel has failed to provide Palestinian residents of East Jerusalem with the necessary planning framework to meet their basic housing and infrastructure needs. Only 13 percent of the annexed municipal area is currently zoned by the Israeli authorities for Palestinian construction, much of which is already built-up. It is only within this area that Palestinians can apply for building permits, but the number of permits granted per year to Palestinians does not begin to meet the existing demand for housing and the requirements related to formal land registration prevent many from applying. As a result, Palestinian residents of East Jerusalem find themselves confronting a serious shortage in housing and other basic infrastructure. Many residents have been left with no choice other than to build structures 'illegally' and therefore risk demolition and displacement. The *Jerusalem Local Outline Plan 2000* ('Master Plan'), instead of providing a solution to this housing crisis, appears designed to preserving a demographic majority of Jewish residents vis-à-vis Palestinians in the city.

Settlements in East Jerusalem

Since 1967, the Government of Israel has constructed settlements within the extended municipal boundary of East Jerusalem and in the wider metropolitan area beyond, despite the prohibition, under international law, on the transfer of civilians to occupied territory. Over one third of the area within the extended boundary of East Jerusalem has been expropriated for the construction and expansion of Israeli settlements.

The territory expropriated for settlement building and expansion has resulted in a corresponding reduction in the land and resources available for Palestinian construction and development. In addition, settler organizations are targeting land and property to create an 'inner' layer of settlements within Palestinian residential areas, in the so-called 'Holy Basin' area. The impact of this settlement activity in Palestinian areas includes restrictions on public space, residential growth and freedom of movement. In the most severe cases — in the Old City, Silwan, and most recently in Sheikh Jarrah — settler expropriation has resulted in the loss of property and the eviction of the long-term Palestinian residents.

Archaeological activity in these areas is augmenting the public space which the settlers control. A government-sponsored 'Open Spaces' project will expand this domain and further constrain Palestinian construction and space in East Jerusalem. An additional declared intention of these settler groups is to thwart a negotiated resolution to the question of Jerusalem by preventing any potential re-division of the city.

The Barrier in the Jerusalem Area

In summer 2002, the Government of Israel approved construction of a Barrier with the stated purpose of deterring suicide bombers in the West Bank from entering Israel. Construction of the Barrier in the greater Jerusalem area is effectively re-drawing the geographical boundaries, in addition to compounding the separation of East Jerusalem from the rest of the West Bank.

Consequently, certain Palestinian communities in East Jerusalem find themselves on the 'West Bank' side of the Barrier, and residents now need to cross checkpoints to access the health, education and other services to which they are entitled as residents of Jerusalem. Conversely, certain West Bank localities are 'dislocated' to the 'Jerusalem' side of the Barrier, with the result that approximately 2,500 Palestinians in 16 communities face uncertain residency status, impeded access to basic services and potential displacement.

In addition, West Bank neighbourhoods and suburbs of East Jerusalem are severed from their former close connections to the urban centre, with devastating social and economic consequences. The Barrier also separates rural communities from their land in the Jerusalem hinterland, resulting in impeded access for farmers and a decline in agricultural production and livelihoods.

Restrictions on Access to Education

Education in East Jerusalem is divided between numerous providers — municipal, private, 'recognized unofficial', *Waqf* and UNRWA. Despite the number of providers, there is a chronic shortage of classrooms and existing facilities are substandard or unsuitable. Pupils are often accommodated in rented houses which do not meet basic educational and health standards. Consequently, parents have to resort to fee-paying alternatives although pupils are entitled to free education under Israeli law.

Many pupils are not enrolled in any educational institution. Among those enrolled, many fail to complete secondary school, with an especially high drop-out rate of boys aged 12-14. Zoning and other planning restrictions in East Jerusalem inhibit both new construction and the expansion of existing buildings. As a result, certain *Waqf* schools are threatened by demolition and sealing orders. Preschool facilities are also inadequate in East Jerusalem.

With the increasing isolation of East Jerusalem from the remainder of the oPt, teachers and pupils with West Bank ID cards face difficulties in accessing schools in East Jerusalem because of permit restrictions, checkpoints and the Barrier. The main campus of Al Quds University is also separated from the city by the Barrier and the institution's certificates are not recognized by the Israeli authorities.

Restrictions on Access to Health

Palestinians who hold Jerusalem ID cards are entitled to the health services provided by the Israeli authorities, which are recognized to be of a high standard, and can also access the six Palestinian-run non-profit hospitals in the city. Residents of the remainder of the oPt also rely on these hospitals for routine, specialised and emergency health services which are unavailable elsewhere in the West Bank and the Gaza Strip. However, the permit regime, checkpoints, the Barrier, and the blockade of Gaza, make access difficult, both for patients who hold West Bank ID cards and for East Jerusalem residents now located on the 'West Bank' side of the Barrier.

Physical and bureaucratic obstacles also hamper the ability of Palestinian medical staff — who comprise the majority of medical personnel in the six East Jerusalem hospitals — to access their workplaces in East Jerusalem, to the detriment of patients and hospitals. The efficient running of East Jerusalem hospitals is also impaired by restrictions on construction expansion, and the entry of medical equipment and pharmaceuticals into East Jerusalem from the remainder of the West Bank.

The impetus for this report arose from a series of meetings convened by OCHA in late 2009, involving key Palestinian, Israeli and international interlocutors in the health, education and other sectors. While aiming to convey a comprehensive overview of the main humanitarian concerns in East Jerusalem, the report is not exhaustive. Certain key issues, in particular, the economy, and social and youth problems, are beyond the scope of this report and require the attention of more specialized agencies.

Each chapter in the report provides an overview of the key sectoral concerns, augmented by case studies, photos and maps which underline the humanitarian impact of the issues raised.

Specific recommendations are proposed at the end of each chapter, as interim steps to mitigate the key concerns: inevitably, the most important steps that can and need to be taken are by the Government of Israel. The *Conclusion/Way Forward* provides more general observations regarding changes to the character and status of East Jerusalem since 1967 and their impact on Palestinians, while emphasizing that only a full implementation of relevant UN resolutions, in the context of a negotiated solution, will fully address the concerns outlined in the report and lead to a lasting and peaceful solution to the question of Jerusalem.

Endnote

¹ According to the Israeli Central Bureau of Statistics (ICBS), by the end of 2009 there were 275,900 Palestinians living within the municipality of Jerusalem; <http://www1.cbs.gov.il/ishuvim/ishuv2009/bycode.xls>. According to the Jerusalem Institute for Israel Studies, *Jerusalem: Facts and Trends, 2009/2010*, p. 11, 98 percent of the Palestinian population of Jerusalem lives in the areas annexed in 1967 (East Jerusalem). Based on that, it can be estimated that the number of Palestinians residing in East Jerusalem was approximately 270,000 by the end of 2009. [http://jiis.org/upload/facts-2010-eng%20\(1\).pdf](http://jiis.org/upload/facts-2010-eng%20(1).pdf)