

## EU HEADS OF MISSION REPORT ON EAST JERUSALEM

### JERUSALEM AND THE MIDDLE EAST PEACE PROCESS

1. Developments in East Jerusalem during 2009 were marked by the continued expansion of Israeli settlements and a considerable number of Palestinian house demolitions and eviction orders. Israel is, by practical means, actively pursuing its illegal annexation of East Jerusalem by weakening the Palestinian community in the city, impeding Palestinian urban development and ultimately separating East Jerusalem from the rest of the West Bank. Long-standing Israeli plans for Jerusalem, implemented at an accelerated rate, are undermining prospects for a Palestinian capital in East Jerusalem and incrementally render a sustainable two-state solution unfeasible. This report covers Israeli policy and action in East Jerusalem, which are an integral part of a broader Israeli strategy. However, a focused case study is provided separately along with a table of demolitions and displacement in 2009. These appendixes underscore the fact that the illegal annexation continues unabated despite Israel's renewal of its commitment to peace at Annapolis in November 2007 and under the 2009 US administration efforts.

2. The EU policy on Jerusalem is based on the principles set out in UN Security Council Resolution 242 (1967), notably the inadmissibility of acquisition of territory by force or by the threat of the use of force. Consequently, the EU has never recognised the Israeli occupation of East Jerusalem in 1967 nor the subsequent 1980 Basic Law (Basic Law Jerusalem Capital of Israel) which annexed Jerusalem as Israel's "complete and united" capital and modified the city's municipal borders. In resolution 478 (1980), the UN SC decided not to recognise this Basic Law and other actions that "seek to alter the character and status of Jerusalem". The resolution also calls upon all UN Members that have established diplomatic missions in Jerusalem "to withdraw such missions from the Holy City". The EU opposes measures that would prejudice the outcome of permanent status negotiations, consigned to the third phase of the Road Map, such as actions aimed at changing the status of East Jerusalem. In conferences held in 1999 and 2001, the High Contracting Parties to the Fourth Geneva Convention reaffirmed the applicability of the convention to the occupied Palestinian territories (oPt), including East Jerusalem. The EU continues to underline its commitment to the two-state

solution with an independent, democratic, contiguous and viable State of Palestine living side by side in peace and security with the State of Israel. In the UN SC open debate on the Middle East, on 27 July 2009, the EU Presidency furthermore stated that "a way must be found to share Jerusalem as the capital of two states". The EU is thus actively seeking to preserve and maintain the Palestinian character and identity of East Jerusalem.

## SETTLEMENTS IN AND AROUND EAST JERUSALEM

3. Since the occupation of East Jerusalem and the West Bank in 1967, Israeli governments have vigorously pursued a policy of transferring Jewish population into the occupied Palestinian territories, in violation of the Fourth Geneva Convention and international humanitarian law. As a result more than 30% of East Jerusalem has been de facto expropriated. 37% of the total number of settlement housing units tendered between 2001 and 2009 were reportedly located in East Jerusalem. Today, some 190,000 Jewish settlers live in about 12 settlements in East Jerusalem. Israel has, through the Roadmap for Peace, committed itself to refrain from creating new settlements and stop the expansion of already existing ones, including halting so-called "natural growth". This commitment was reiterated by the government of then Prime Minister Olmert during the Annapolis Conference in November 2007. However it was soon after revealed that the Israeli interpretation of the Road Map obligations does not include East Jerusalem.

4. Demographics within the current Israeli defined boundaries of Jerusalem indicate that Palestinians form 35% (250,000) and Israelis 65% (500,000) of the population. Nevertheless, documentation from the Jerusalem Municipality, dating back to the 1970's, reveals plans for increasing the demographic advantage of Jews to Arabs in the city as a whole. In this so-called 'battle for demographics' Israel has used the settlement policy to consolidate its control of East Jerusalem. The illegal settlement activity in East Jerusalem prejudices the outcome of permanent status negotiation on Jerusalem and makes the creation of a Palestinian capital in East Jerusalem inviable.

5. The Jerusalem masterplan, currently adhering to a 60:40 ethnic demographic balance, was approved by the municipality in early 2009 and then passed on to the Interior Ministry for endorsement. Minister Eli Yishai's (Shas) refusal of the plan, on the basis that it favours the Palestinian population, have since then reportedly led to the municipality reducing the already inadequate number of planned housing units for the Palestinian population.

6. Even though no new tenders have been issued since August 2008, construction in the settlements in and around Jerusalem continued due to the large number of approvals issued during the first half of 2008, in violation with the agreed principles from the Annapolis Conference. Moreover, in 2009 the planning and preparation of further applications continued. It is understood that tens of thousands of housing units are currently at various stages of approval.

### **The Old City - Historic Basin**

7. The Old City and its immediate environs to the south and east (including parts of Silwan, Ras al-Amud, at-Tur, Wadi al-Joz and Sheikh Jarrah - all Palestinian neighbourhoods of East Jerusalem), commonly referred to collectively as the Historic Basin, contain the majority of the historical and holy sites of Jerusalem. As the focus for various ideological settler organisations, the area is particularly prone to settlement activity related to archaeological sites, services for tourists and recreational facilities. Most of these activities are financed by private pro-settler organisations, such as Ateret Cohanim and Elad

but they are part of a strategic vision, the realisation of which is facilitated by the Israeli Government as well as the Jerusalem Municipality. In addition, private pro-settlement organisations such as Ateret Cohanim continue to purchase individual houses in various Palestinian neighbourhoods. Attempts to implant further Jewish settlements into the heart of the Muslim Quarter in the Old City are currently resisted by the Palestinians inhabitants, rendering purchases in surrounding areas (Samiramis, Beit Hanina and Jabel Mukabber) more attractive. An increasing amount of governmental resources have been allocated to the physical protection (private security, CCTV cameras, barbed wire etc) of these settlements. The Jewish settlements in the Old City are today inhabited by around 600 settlers.

8. The continued settlement expansion plans around the Old City effectively encircles and contains the Historic Basin and separates the Muslim holy places from the rest of East Jerusalem. The settlement continuum arches along the eastern perimeter of the Historic Basin and, by a vast swath of public parks, archaeological sites, tourist complexes and hotels along the eastern and southern wall of the Old City, cuts off the territorial contiguity between the Palestinian neighbourhoods and the Old City.

9. The neighbourhood of Silwan, located in the Historic Basin, below the Old City, is a residential area with more than 30,000 inhabitants (most of whom are Palestinians). It is widely believed that biblical Jerusalem originated in this neighbourhood some 3000 years ago and settlement activities are motivated by biblical and historic Jewish claims to the area. In the last year, the compact neighbourhoods of Wadi Hilwah and Bustan, at its centre, have been subject to intensified settlement-related activity. This high density neighbourhood, largely neglected by the Jerusalem Municipality, suffers from scarce educational services, inadequate waste and sewage management and a lack of sustainable infrastructure. Since 1967, this area has received a total of 20 building permits from the Jerusalem Municipality, with a vast majority of housing having no legal permission and therefore in danger of being demolished. Designated as public spaces, land has increasingly been privatised and the ownership transferred to pro-settler organisations, such as Elad. Currently 88 housing units in al-Bustan are threatened with demolition, to allow for the further expansion of the so-called King's Valley Archaeological Park around the Old City. In February this year 57 out of the 88 units were issued with demolition orders. If demolished the 88 units would result in an estimated 1,500 Palestinian being displaced.

#### **Settlements around Jerusalem**

10. The larger settlement blocks outside the Old City and the Historic Basin (Ramat Eshkol, Ramot Allon, Pisgat Ze'ev, Neve Ya'akov, French Hill, Abu Tor, Nof Zion, Har Homa and Gilo) constitute the so-called inner settlement ring, along the eastern perimeter of the Israeli defined, municipal boundaries of Jerusalem. Wedged in between East Jerusalem and the rest of the West Bank, these settlements effectively sever the Palestinian territorial contiguity and cut the area in two. In Gilo, plans for construction of 1400 units were submitted to the Municipality planning department. In Nof Zion, in the middle of the Palestinian neighbourhood of Jebel Mukkaber, as reported on 10 July 2009 in Palestinian and Israeli press, a cornerstone was laid for the next phase of a building project, as a symbolic act by the settlers to emphasise their plans and intentions. Nof Zion is a private, commercial venture, marketed mainly to Jews in the Diaspora. Reportedly, around 90 units have been completed but the approved town plan permits the construction of another 288 units. On 27 September 2009 the press reported on a major new settlement scheme, Givat Yaef, in the south-west of Jerusalem, which would take land of

the Palestinian village of Walajeh, for some 14,000 housing units, and connect the settlements of Gilo and Har Gilo. The larger settlement initiatives are usually government sponsored while smaller initiatives are often launched by private settler groups. Both are however part of a larger strategic vision.

11. The so-called outer settlement ring consists of West Bank settlements around Jerusalem, with an estimated 100,000 Israeli settlers. These include the three main "settlement blocks": Giv'at Ze'ev (north-west of Jerusalem, with some 13,500 settlers), Ma'ale Adumim (east of Jerusalem, 38,000 settlers) and the Gush Etzion bloc (south of Jerusalem 50,000 settlers). Another two settlements are also counted as part of the outer ring, although they are not included inside the route of Separation Barrier built by Israel – Kochav Ya'akov (5,900) and Geva Binyamin (3,700). Israeli settlement expansion, in and around Jerusalem, which intensified since 2008, is according to Israel mainly due to the need for 'natural growth'.

#### **The Adumim Block and E1 Plan**

12. E1 is an area of around 12 sq km situated between Jerusalem and the Ma'ale Adumim settlement. In this area, there is a plan to build a new settlement "Mevasseret Adumim" with 3,500 units for around 14,500 settlers. The plans include an industrial park, a police station, large-scale infrastructure, commercial development and recreational facilities. In April 2008, the headquarters of the so-called "Judea and Samaria police" moved to E1. In September 2009, the Israeli Minister for Infrastructure and the Minister for Science re-established claims to the area by laying a symbolic cornerstone for the project and burying the Torah. The E1 project, when fully implemented, would not only divide the West Bank into two but also, by establishing contiguity between the Adumim settlement and Jerusalem, be the final step to geographically cut off East Jerusalem from the rest of the West Bank.

#### **Transport Infrastructure**

13. A number of completed or ongoing infrastructure projects have repercussions for the Palestinian character of East Jerusalem. Construction of a tramway/light rail linking Israeli settlements, via East Jerusalem's neighbourhoods, to the centre of West Jerusalem has continued throughout 2009. The current route of the tramway passes through the Palestinian neighbourhood of Shu'fat and connects the Israeli settlements of Pisgat Ze'ev and Neve Ya'akov, in the north-east of Jerusalem. A series of bypass roads, to the east of Jerusalem, are being built, that will connect Palestinian neighbourhoods outside of the separation barrier north and south of Jerusalem. The apparent purpose of the Israeli authorities for these roads is to secure so-called "transport contiguity" for Palestinians living in the north and the south of the West Bank by travelling from Ramallah to Bethlehem through sealed roads, tunnels and overpasses without passing through East Jerusalem. It is intended that one of the main roads will have restricted access by a further Israeli checkpoint in Anata (north of Ma'ale Adumim). It is separated by a wall from a parallel road which is reserved for Israeli vehicular use only, which connects the settlement of Ma'ale Adumim to Jerusalem.

14. Land confiscations for another bypass road for Palestinian traffic have taken place south of the Ma'ale Adumim/E1 area. This road will compliment the one under construction, referred to above. The cumulative effect of this new road grid will be to allow Israel to ban all Palestinian traffic from the Ma'ale Adumim/E1 area. Bedouin communities, who are disregarded in the planning process, have already been displaced from this area.

## DEMOLITIONS AND RESTRICTIONS ON PALESTINIAN HOUSING

15. As the occupying power, Israel and the Jerusalem Municipality are responsible for providing services in East Jerusalem. While Palestinian East Jerusalemites today represent 35% of the population of Jerusalem only about 5% - 10% of the municipal budget is spent in Palestinian areas. Palestinian neighbourhoods in the city are characterised by poor roads, little or no street cleaning and limited sewage systems. There is an absence of well-maintained public areas and few public services such as parks, pavements, clinics, libraries, community centres, youth clubs, sports fields, playgrounds and an inadequate number of school classrooms. This is in sharp contrast to areas in West Jerusalem neighbourhoods and East Jerusalem settlements where Israelis live. The limited infrastructure and services provided in East Jerusalem were highlighted in a UN OCHA report entitled "The Planning Crisis in East Jerusalem". On 1 May 2009, the Jerusalem Municipality publicly criticised the report stating: *"The Municipality of Jerusalem denies the accusations and numbers throughout the report but agrees that there is a planning crisis not just in eastern Jerusalem but throughout all of Jerusalem that affects Jews, Christians, and Muslims alike."* The statement pointed to the efforts of Mayor Barkat in presenting a masterplan for the city. In a subsequent document released on 21 May 2009, the Jerusalem Municipality explained its planned policy in more details. On house demolitions for instance, the document read: *"Administrative demolition orders are issued according to identical criteria throughout the city. The Jerusalem Municipality does not, and shall not, have a policy which aim is to discriminate between the various sectors living and residing in Jerusalem."* However, on this and other issues, the practice on the ground continues to be a source of concern.

16. The Municipality places severe restrictions on the building of Palestinian housing in East Jerusalem. By issuing building permits only for areas that have zoned masterplans, estimated at just 12% of East Jerusalem and already densely built upon, Palestinians are forced to construct without building permits. During the past years Palestinians have received fewer than 200 building permits per year; even these require a wait of several years and usually involve a costly process. Based on the population growth, permits for another 1,500 housing units annually would be necessary to cover the housing needs. Despite the lack of permission for building residences, Palestinians are still required to pay municipal and other taxes to the Israeli authorities.

17. Since the year 2000 more than 600 Palestinian-owned structures have been demolished as a result of having been constructed without necessary permits. In 2009 some 200 Palestinians, the majority being children, have been displaced. Furthermore, pending mass demolition orders in Beit Hanina, Ath Thuri, At Tur, and Wadi Yusuf could result in the displacement of another 3,600 persons. Currently more than 60,000 Palestinians in East Jerusalem are at risk of having their home demolished due to the lack of permits. As a means to avoid being fined for having constructed their houses without a permit, some Palestinian families are carrying out so-called self-demolitions. This seems to be an increasing trend with particularly detrimental psychological effects on the children.

### **Punitive demolitions**

18. Following the recommendations of an Israeli commission, questioning the deterrent effect of the practice, sealing and demolition of houses as a punitive measure was suspended. This practice, directed towards the relatives of an alleged perpetrator, amounts to collective punishment and stands

in violation of international law. However, on 19 January 2009, Israeli forces resumed this practice, sealing four flats in a house in Jebel Mukaber, in East Jerusalem, belonging to the family of Ala Abu Dahim. Abu Dahim, who killed eight students in a Jewish religious school in Jerusalem in March 2008, was shot dead on the spot. As a result of the sealing of the house some 23 family members were displaced. On 7 April 2009, Israeli authorities demolished the home of the relatives of a Palestinian who perpetrated a bulldozer attack in East Jerusalem in July 2008. These measures contradict the commitments under the Roadmap for Peace, as a provision of the Security chapter reads: *"GOI takes no actions undermining trust, including deportations, attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure [...]"*.

## ACCESS

### The Separation Barrier

19. The construction of the barrier, justified on the grounds of security by Israel, precipitated the International Court of Justice's Advisory Opinion of 9 July 2004, which determined that "construction of the wall... and its associated regime are contrary to international law", when built on occupied Palestinian territory. In East Jerusalem, the route of the barrier and the attendant permit regime has had the most serious humanitarian, social and economic impact on Palestinian life. Settlements have been a determining factor in shaping the closure regime and barrier as is reflected by the barrier deviating from the Green Line to include 12 settlements in the vicinity of East Jerusalem. Along with the impact on demographics, the barrier in the East Jerusalem area de facto annexes 3.9% of the West Bank.

20. Separation of East Jerusalem from the rest of the West Bank has severely affected the Palestinian economy and weakened the social fabric. Although not completed, the barrier is already creating geographical and bureaucratic obstacles for hundreds of thousands of Palestinians. Some neighbourhoods inside the barrier are surrounded by the wall restricting access to the rest of the West Bank and making natural expansion almost impossible. In other areas the barrier deviates inside East Jerusalem away from the Israeli municipal borders to leave densely populated Palestinian areas, such as Shu'afat refugee camp, on the West Bank side. In some cases it runs completely through the middle of neighbourhoods, such as in Abu Dis and Al-Ram, severing Palestinian communities from each other.

### Checkpoints and access

21. The area between the barrier and the Green Line, the so-called seam zone, has been declared a closed military area. In January 2009, this definition was also extended to parts of East Jerusalem, restricting residents' access to and from these military controlled seam zones. Access from the West Bank to East Jerusalem and Israel is through a limited number of designated gates and checkpoints currently open on a daily, weekly and/or seasonal basis. Currently there are 12 crossings to enter Jerusalem, out of which only four checkpoints (Gilo, Shuafat Camp, Zaytoun and Qalandiya), classified as terminals with extensive capacity for security checks, are open to West Bank Palestinians, who must obtain mandatory permits to pass through them.

22. From May 2009, West Bank Palestinians who have obtained a permit for entering Jerusalem or Israel have to use the same checkpoint when exiting. Increasingly, hours of entry and exit are formally recorded to ensure that West Bankers do not stay longer than their permit stipulates. Palestinians who fail to return by the same checkpoint risk having their permits revoked. West Bank ID

holders who are granted permits to enter Jerusalem continue to be subject to a number of conditions, e.g. a time limit, a ban on driving a car and staying overnight. Permits are also suspended during security closures and often during Jewish holidays.

### **ID Cards**

23. Restrictive measures continue to apply in relation to the ID and residency status of Palestinians from East Jerusalem. Obtaining, maintaining, and renewing Jerusalem ID status, which gives the holder limited residency and access rights in and to Jerusalem, is a difficult process. Palestinian Jerusalemites, who are not residing in East Jerusalem, risk permanently losing their status as Jerusalem residents and the rights that go with it. According to the Israeli "centre of life" policy, Palestinian Jerusalemite ID holders living or working outside East Jerusalem risk losing their ID and are required to regularly provide Israeli authorities with proof of their 'centre of life'. Applications for family reunification and ID cards and identification documents for children and spouses involve a long, expensive and often unsuccessful bureaucratic process. An increasing enforcement of the "centre of life" policy and the construction of the barrier around Jerusalem have led to a second wave of immigration of Palestinian Jerusalemite ID card-holders into the city. Palestinian Jerusalem ID holders are moving into areas on the Jerusalem side of the separation barrier and into the Old City in order to safeguard their residency rights, leading to rapid rent increases in East Jerusalem areas, overcrowding and a housing shortage. These factors risk further degradation of the urban environment. In 2009 a worrying trend of revocation of ID cards for East Jerusalemites studying or working abroad has been identified. Obtaining a study or work visa in a foreign country, including Europe, has reportedly led to investigations based on the policy of "centre of life".

### **Education**

24. Access to education for Palestinian children is severely hampered by the access and movement restrictions. Some 17% of students face serious difficulties in reaching educational services, with a further 32% reporting longer journeys in getting to learning centres. Moreover, an estimated 10% of Palestinians surveyed stated that they had determined the selection of their children's schools or universities because of the barrier. In 2009 the lack of classrooms is estimated at 1,500 but no new facilities were built. Intimidated by the policy of the Jerusalem ID card criteria of "centre of life" parents choose not to put their children in schools in the West Bank, aggravating the already severe lack of adequate schooling in East Jerusalem. Since September 2000, there has been a 70% drop in the number of students attending the Beit Hanina campus of Al Quds University in East Jerusalem.

### **Economy**

25. East Jerusalem's traditional and important role at the centre of the West Bank economy has significantly diminished due to increased restrictions on access and movement for both goods and people. Exports into Israel and overseas are regularly held up or turned away at goods terminals and in many cases perishable goods spoil in the heat. Business men in the West Bank face considerable obstacles in obtaining access permits for conducting business in East Jerusalem. Given the Israeli "centre of life" policy, the growing number of unemployed East Jerusalemites are hesitant to accept work in the West Bank. The economic impact of the barrier is moreover far-reaching, with an estimated 61% hit by falling family income at an average of 15%. The decreases in income and employment are exacerbated by increases in rents and higher transportation costs to access educational, governmental, and health services. The construction

of the barrier has furthermore had a significant impact on residency and housing conditions with around 9% of East Jerusalemites forced to change residence, with 19% of dwellings seeing a rise in the number of inhabitants.

### **Health**

26. While East Jerusalemites on the Jerusalem side of the separation barrier have the possibility to enjoy Israeli health insurance and access to adequate health care those Jerusalem residents caught in the "seam zone" (outside the barrier) regularly have their right to health denied. In addition, key secondary and tertiary care which is not available in the West Bank, including treatment for diabetes, cancer and cardiovascular disease, are only provided for by East Jerusalem's hospitals. Some 70% of the patients are from the West Bank and therefore require permits to enter Jerusalem for treatment. Patients needing emergency treatment available only in Jerusalem are especially affected by the delays caused by the Israeli access restrictions. The Israeli authorities have recently introduced further restrictions which adversely affect the efficient functioning of hospitals as well as the quality of the treatment they administer. Since November 2008 all permit-holding medical personnel who live in the West Bank are only allowed to cross from the more crowded checkpoints of Qalandiya, Zaytoun and Gilo, resulting in long delays. In February 2009, the Israeli Ministry of Health decided to prohibit the East Jerusalem hospitals from importing medical equipment from the West Bank, (in addition to the restriction already in place on West Bank manufactured medicine), creating supply and logistical problems for the hospitals and resulting in higher costs. Furthermore, as of May 2009, each hospital has a quota for the number of new staff they can employ from the West Bank. This will cause great difficulties in hiring new employees and accelerate the trend of decreasing West Bank staff.

27. Though East Jerusalemites are included in - and contribute to - the Israeli health system their access to health care is restricted by the unwillingness of Israeli ambulance staff to enter Palestinian neighbourhoods in East Jerusalem without police escort. Requests for the dispatch of ambulances, when these are met, regularly result in unnecessary delays and suffering for all residents in East Jerusalem.

### **Security**

28. According to the Oslo agreements the Palestinian police are not allowed to operate in East Jerusalem. Considering the lack of Israeli police visibility, and their perceived unwillingness to enter Palestinian neighbourhoods, Palestinians are left without adequate access to security related services.

29. The expansion of Israeli settlements has sparked a trend of settler violence against the Palestinian population in East Jerusalem and elsewhere in the West Bank. The settler violence is not only undermining the physical security of Palestinians but also targeting Palestinian property and farm lands. In East Jerusalem, the violence is typically related to the overtaking of Palestinian homes, resulting in physical assaults and destruction of the families' property. In November 2009, an Israeli settler shot one Palestinian dead and injured four others (three of whom over 60 years old) in Beit Safafa, East Jerusalem, in an attempt to overtake their home. The perpetrator was arrested by the police but the legal consequences in this case, as in several others, still remain unclear. Moreover, such criminal actions have been witnessed by Israeli police but are not met with adequate intervention. The perceived impunity for these aggressions fuels the already tense conflict in East Jerusalem.

### **Access to religious sites**

30. Access restrictions and closure regimes impede visits by Christian and Muslim religious worshippers to some of their holy sites, located in



Jerusalem/the Old City, throughout the year. The restrictions are typically tightened during religious holidays. During the month of Ramadan, many Muslims cannot observe their prayers at the mosque of their choice, notably at the Al Aqsa Mosque. This was the case in 2009, when access for Palestinians with West Bank IDs was restricted to men over 50 and women over 45, and boys and girls under 12. Men between 45-50 and women between 30-45 years had to apply for special permits. West Bankers outside these age groups were regularly denied access to East Jerusalem for the Friday prayers of Ramadan. Furthermore, in 2009 Israeli Authorities invoked security reasons to intensify the restrictions on the access of Christian pilgrims to the Old City, the Holy Sepulchre and its courtyard during the Holy Fire Ceremony of Christian Orthodox Easter. It should be noted that similar restrictions are not put in place for the Jewish population during their religious holidays. During the Papal visit to Jerusalem in May 2009, the restrictive measures in place for worshippers of different faiths were highlighted. Furthermore, many believers of the Christian and Muslim faiths, for various reasons, face difficulties in obtaining or extending visas, including for visiting clergy. Members of churches and the religious communities requesting long term visas are typically subject to long, complicated and opaque procedures.

#### **Access for foreign passport holders**

31. Stricter implementation of existing Israeli policy has also seen foreign spouses of Palestinians and foreign nationals wishing to visit or work in the oPt denied entry at Israeli controlled border crossings between Israel and the oPt. This, in defiance of the general principle of reciprocity, is particularly the case for foreigners of Palestinian origin, including holders of EU passports. In the spring of 2009, Israeli border officials, notably at Allenby Bridge, introduced a new entry visa stamp, "Palestinian Authority Only", permitting travels only in the Palestinian controlled areas and thereby denying access to East Jerusalem. This new policy is in violation of the relevant provision of the 1995 Oslo II Accords which states: "Tourists to the West Bank and the Gaza Strip from countries having diplomatic relations with Israel, who have passed through an international crossing, will not be required to pass any additional entry control before entry into Israel".

#### **PALESTINIAN INSTITUTIONS**

32. Notwithstanding the Roadmap provisions requiring Israel to reopen the Palestinian Institutions in East Jerusalem, since 2001 the Israeli authorities have continued to renew the order of closure of numerous institutions every six months (the latest on the 8 February and 5 August 2009), basing its decision on claims that the institutions are affiliated to the Palestinian Authority and, therefore, in violation of the Oslo Agreements. The restriction on the Palestinian leadership's ability to function and exercise influence in East Jerusalem has fostered a growing fragmentation of society at all levels, resulting in the isolation of communities and a weakened collective sense of identity.

33. Prior to their closure, these Palestinian institutions played an essential role in a variety of fields (political, economic, social and cultural). Their prolonged closure, in particular that of the Orient House which functioned as the PLO focal point in East Jerusalem, has led to an institutional vacuum in East Jerusalem, with severe consequences for Palestinian Jerusalemites. The centre of Palestinian political, economic, social and cultural life has been shifting from East Jerusalem to Ramallah, thus weakening the link between East Jerusalem and rest of the West Bank and undermining the future status of East Jerusalem as the capital of a Palestinian State.

34. It has also curtailed Palestinian capacity to develop a concerted and coherent strategy to address the serious shortage of housing, schooling, public infrastructure and social services affecting Palestinians in East Jerusalem. Building restrictions in force in East Jerusalem and the subsequent limited supply of office space have further impacted the institutional vacuum, as various Palestinian and international associations and NGOs have ended up moving their offices outside of East Jerusalem. The general sense of neglect felt by many East Jerusalemites and the absence of Palestinian state-sponsored institutions and secular organisations are paving the way for Islamic religious organisations to extend their influence.

35. Furthermore, Palestinian Institutions and civil society continue to face great difficulties in organising cultural events in East Jerusalem. On 21 March 2009, the official opening of "Al-Quds 2009 – Jerusalem, Cultural Capital of the Arab World" was prohibited from taking place in East Jerusalem locations. Throughout the year, Israeli Authorities continued to prohibit or disrupt cultural events promoted under the "Al-Quds 2009" logo, including the Palestine Literature Festival. In 2009, the Israeli Authorities closed additional Palestinian organisations in East Jerusalem, including the Nidal Centre for Community and Development in the Old City on 15<sup>th</sup> July 2009.

36. In Ramallah, the Palestinian Leadership is seeking to reiterate the right of the PLO, in accordance with the Oslo agreements, to be present and exercise influence in East Jerusalem. It is currently reviewing the multi-sector development plan for East Jerusalem, which identifies urban planning, property registration and community partnership as some of the key priority areas in need of urgent local and international intervention/attention.

#### **THE HARAM AL-SHARIF/TEMPLE MOUNT**

37. Jerusalem is a city of significant importance to the three monotheistic religions and the location of many of their most sacred sites. The Haram al-Sharif, or Temple Mount, area is at the core of the holy places in Jerusalem for worshippers of both Muslim and Jewish faiths. In addition the Old City holds several of the Christian faiths' holy sites. Extensive Israeli archaeological excavations in the Palestinian neighbourhood of Silwan and in the Old City, including digging under private homes in the Muslim Quarter, adjacent to the Haram al-Sharif/Temple Mount, has resulted in a growing focus on Jewish history and archaeology. Archaeology, in this case, has become an ideologically motivated tool of national and religious struggle carried out in a manner that modifies the identity and character of the city and threatens to undermine its stability.

38. In the last few years, the Israeli Antiquities Authorities have increasingly granted excavation rights to non-governmental Israeli organisations associated with extreme pro-settler organisations. Several excavation sites in the Historic Basin are now operated and co-financed by private pro-settler organisations or affiliated with extremist bodies. Links between settlement expansion and the excavation of "archaeological tunnels" in sensitive areas are of particular concern. These practices risk undermining the archaeological status quo in and around the Old City, as well as contributing to increasing distrust and tensions between the religious communities in the city. Given its classification as a World Heritage Site in 1981 and the sensitivity of religious diggings, the UNESCO is monitoring excavations conducted at the Haram al-Sharif/Temple Mount. In 2007 the UNESCO published a technical mission report, calling on

Israel to comply with its obligations regarding archaeological excavations and asking for engagement and consultation with all concerned parties. Nevertheless, mutual accusations of unlawful diggings continued throughout 2009.

39. In 2009 the Haram al-Sharif/Temple Mount area became the scene of increased and inflammatory tensions leading to riots and demonstrations in Palestinian neighbourhoods. Throughout September until November, rumours and provocative calls for visits by settler groups, protected by Israeli security forces, resulted in clashes between Jewish and Muslim worshippers, encouraged by Jewish extremists and the "Islamic Movement's Northern Branch", based in Israel. Access to the compound itself remains forbidden to the vast majority of religious Jews due to a rabbinical edict, designed to avoid religious Jews accidentally transgressing onto the site where the holy Second Temple formerly stood. However, a conference organised in October 2009 by the Temple Institute (dedicated to researching and rebuilding the Temple) attended by Knesset members, Rabbis and the Jerusalem Deputy Mayor, concluded with a call for Jews to visit the compound. Some prominent extreme Rabbis also urged "Jews to forge a stronger bond with the site" and "to ascend the Temple Mount with increased vigour".

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#### - PART B Case Study Sheikh Jarrah

In the summer of 2009, Sheikh Jarrah hit the international headlines. This predominantly Palestinian neighbourhood in East Jerusalem is about fifteen minutes walk north from the Old City. At its centre is the Mosque of Sheikh Jarrah (Saladin's personal physician) and it is home to much of the diplomatic community as well as to the famous American Colony Hotel. The Jerusalem Municipality describes it as one of the earliest Muslim neighbourhoods outside the Old City. But nestled in the valley at the centre of the neighbourhood is a Jewish holy site – the tomb of Simeon the Just, a high-priest during the second temple period. Now these conflicting historical, legal and religious claims to the same small piece of land have led to tension, violence and families thrown out onto the street: many of those who live in the area – both Palestinian and international – are deeply worried that Sheikh Jarrah will turn into a mini-Hebron (a small extreme settler community located in the midst of a Palestinian population) but this time right in the heart of Jerusalem itself.

The most high-profile case has involved 28 Palestinian families who have been living in Sheikh Jarrah for more than 50 years. These families left their homes in what became Israel during the fighting in 1948 and were given homes by the Jordanian government. Since 1972 there has been an ongoing legal battle including both Jewish and Palestinian claims to the land. At the time of writing this report three families have been evicted from their homes - the al-Kurd, al Ghawi and Hannoun – and another family has been banned from entering part of their house. Twenty-five families continue to live under threat of eviction. The evicted families continue to hold a vigil outside their homes, now inhabited by Jewish settlers.

Aside from the very real impact these evictions have had on families including children and the elderly, the recent events in Sheikh Jarrah highlight two key points. The first is the arbitrary nature of the Israeli legal system as it is applied in Jerusalem. Private settler groups are permitted to use the Israeli legal system to evict Palestinian families from an Arab neighbourhood in one of the most sensitive parts of Jerusalem.

Palestinians are not able to pursue similar claims to their property in West Jerusalem now often lived in by Jewish Israeli families. Another key site in the Sheikh Jarrah neighbourhood, Shepherd's Hotel (see below), was confiscated in the late 1960s under the "Absentee Property Law" – a law which the European Union believes is itself in contravention of international law. There are also frequent complaints that Israeli courts do not give equal weight to Israeli and Palestinian arguments: recent documents from the Ottoman archives, which the Palestinians say conclusively prove their case, have not been admitted as evidence by the court.

The second is the worrying cumulative effect of initiatives being taken by pro-settler organisations with the support of the municipal authorities. Within Sheikh Jarrah itself other developments during the period of this report include the municipality granting a permit for a new headquarters for a pro-settler organisation and a permit for settler construction at the Shepherd's Hotel. In August 2008, a settler-related real estate company (Nahalat Shimon International) provided a Town Plan Scheme for the creation of 200 new settler units on top of the existing Palestinian homes. If adopted, and together with similar settler plans in the Mount of Olives (east of the Old City) and Silwan (south of the Old City), this would in effect implant a swathe of settlements between the Palestinians living in the Old City and the Palestinians living in other Jerusalem neighbourhoods. The potential damage both to the fragile security environment within the city and to the prospects of a two-state solution with Jerusalem as a capital for both states are obvious. As such, the ongoing actions in Sheikh Jarrah represent both an immediate and long-term strategic threat to European interests.

### **Part C – DEMOLITIONS AND DISPLACEMENT in EAST JERUSALEM (UNOCHA)**

*(Will be distributed under the COMEP meeting, 25 November 2009)*

### **Part D RECOMMENDATIONS**

*Considering* the EU's commitment to the two-state solution with an independent, democratic, contiguous and viable Palestinian state, comprising the West Bank, including East Jerusalem, and Gaza, living side by side in peace and security with the State of Israel.

*Considering* the developments in East Jerusalem and in particular the separation of East Jerusalem from the rest of the West Bank, as demonstrated by the Jerusalem Report.

*Considering* the urgency to address the situation in conformity with the EU's position that the acquisition of territory by force or the threat of the use of force is inadmissible.

#### **The Heads of Mission in Jerusalem and Ramallah recommend:**

- More active and visible implementation of EU policy on East Jerusalem.
- Addressing the issue of East Jerusalem in the next Council conclusions.
- Using meetings with Israeli authorities to give a clear and consistent message on East Jerusalem.
- Publishing the Jerusalem Report.

- Mandating HoMs in Jerusalem and Ramallah to continue the work to reinforce the EU policy on East Jerusalem (see Attachment "Recommendations to reinforce the EU policy on East Jerusalem" illustrating work already in progress).

## **Part D – Attachment**

### **RECOMMENDATIONS TO REINFORCE THE EU POLICY ON EAST JERUSALEM**

#### **A. East Jerusalem as the future Palestinian capital (non-recognition of Israeli sovereignty)**

- 1) Promote the establishment of a PLO focal point/representative in East Jerusalem
- 2) Celebrations/commemorations and National or Europe Day events to be held in East Jerusalem (when suitable at Palestinian institutions)
- 3) EU missions with offices or residences in East Jerusalem to regularly host Palestinian officials for dinners with senior EU visitors
- 4) Avoid having Israeli security and/or protocol accompanying high ranking officials from Member States when visiting the Old City/East Jerusalem
- 5) Prevent/discourage financial transactions from EU MS actors supporting settlement activity in East Jerusalem, by adopting appropriate EU legislation
- 6) Compile non-binding guidelines for EU tour operators to prevent support for settlement business in East Jerusalem (e.g. hotels, bus operators, archaeological sites controlled by pro-settler organisations etc)
- 7) Ensure that products manufactured in settlements in East Jerusalem are not exported to the EU under the EU- Israel Association Agreement
- 8) Provide guidance on origin labelling for settlement products to major EU retailers
- 9) Inform EU citizens of financial risks involved in purchasing property in occupied East Jerusalem

#### **B. Economic and social rights of the Palestinian population**

- 1) Provide assistance to ensure that Palestinians are included in the development of urban masterplans in East Jerusalem
- 2) In high level meetings, stress the EU's serious concerns regarding inadequate emergency services, e.g. ambulances, fire fighting and policing for all residents in East Jerusalem
- 3) Support the establishment by the PLO of permanent legal aid and public relations offices in East Jerusalem
- 4) Coordinate, fund and support projects in East Jerusalem

- 5) Review the administration of the rental tax "Arnona", collected for property including residences and offices in East Jerusalem

**C. Religious and cultural dimension of the city**

- 1) Support and encourage inter-faith dialogue in Jerusalem
- 2) Encourage Arab countries to acknowledge the multicultural dimension of Jerusalem, including its Jewish and Christian heritage
- 3) Engage in informing (e.g. web sites etc) EU citizens undertaking religious visits on the political situation in East Jerusalem

**D. Re-open of Palestinian institutions in East Jerusalem**

- 1) Highlight the reopening, as stipulated in the Road Map, of Palestinian institutions in high level meetings with Israeli representatives, as well as in the EU and Quartet discussions and statements
- 2) Host Palestinian Jerusalem civil society events in cultural offices, consulates and diplomatic residences until institutions are reopened
- 3) Explore the use of Palestinian institutions to promote joint EU-PLO interests

**E. Strengthen the role of the European Union**

- 1) Enhance local coordination between Quartet actors for input into policy making and decisions
- 2) Ensure EU presence when there is a risk of demolitions or evictions of Palestinian families
- 3) Ensure EU presence at Israeli courts cases on house demolitions or evictions of Palestinian families
- 4) Ensure EU intervention when Palestinians are arrested or intimidated by Israeli authorities for peaceful cultural, social or political activities in East Jerusalem
- 5) Operationalise the EU policy
  - on bringing high level visitors to sensitive sites (e.g. separation barrier etc)
  - on logistics for high level visitors (e.g choice of hotel, change of transport East/West)
  - on contacts with the Jerusalem Mayor and on refraining from meeting Israeli officials in their East Jerusalem offices (e.g. in the Israeli Ministry of Justice etc)
  - on information sharing on violent settlers in East Jerusalem to assess whether to grant entry into the EU

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