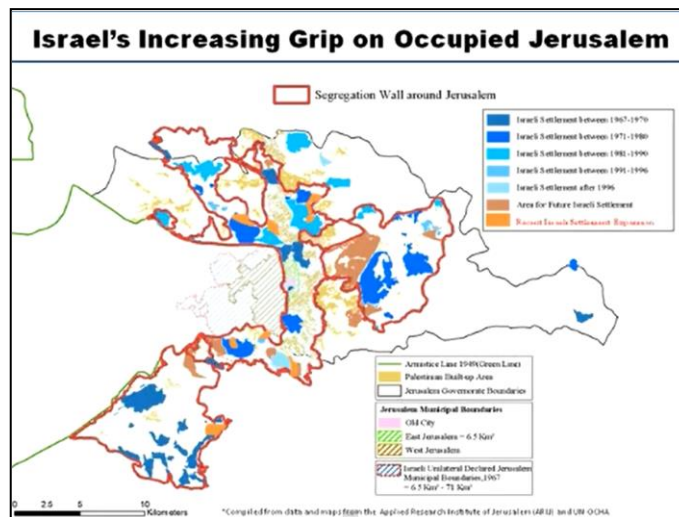




Major Issues: Status of Jerusalem

"Even on the most emotional issues of refugees and Jerusalem, we believe most Palestinians understand that they will have to accept a negotiated solution regarding refugees that does not jeopardize the Jewish majority in Israel; and most Israelis understand that they will have to accept a negotiated solution regarding sharing Jerusalem that includes provision for both Israel and Palestine to have their capitals in Jerusalem."

- Rabbi Paul Menitoff, Executive Vice President Emeritus of the Central Conference of American Rabbis, NILI News Release 12/30/09



Video: [By the Maps: Understanding Israel's Increasing Grip on Jerusalem](http://www.youtube.com/watch?feature=player_embedded&v=-v-Tpg9xN5k#at=118)

(http://www.youtube.com/watch?feature=player_embedded&v=-v-Tpg9xN5k#at=118)

International Law

"Israel's legislative and administrative measures to change the status of Jerusalem are invalid and should be rescinded."

- UN Security Council Resolution 252 (21 May 1968)

"Determines all measures taken by Israel to change the status of the Palestinian territories occupied since 1967, including Jerusalem, have no legal validity and that Israel's policy of settling parts of its population in those territories constitute a flagrant violation of the Fourth Geneva Convention."

- UN Security Council Resolution 465 (1 March 1980)

What's at Stake

Jerusalem is sacred to three religions, Judaism, Christianity and Islam, and home to two major peoples, the Israelis and the Palestinians. The Israelis claim it as the "eternal and undivided capital of Israel" and mostly resist efforts by Palestinians who claim it must be a shared city and also the Palestinian capital. Claims aside, the reality is that Jerusalem is a very divided city that has known great violence and major conflict over expanding Israeli settlements, confiscation of Palestinian land, demolition of Palestinian homes, revocation of residency rights for Palestinians and great disparity in resources between Israeli West Jerusalem and Palestinian East Jerusalem.

Israel believes the settlements it has built in Jerusalem are not illegal because they claim to have annexed the territory (about 70 square kilometers of Palestinian land in the Jerusalem municipality but mostly in outlying Palestinian villages) shortly after the 1967 war. Palestinians and international law do not recognize that annexation and claim these settlements are built on confiscated Palestinian land. There is a great disparity between the conditions and services (roads, infrastructure, water, schools, parks) in West Jerusalem and Palestinian neighborhoods in East Jerusalem that needs to be addressed.

Stories



The Kassabreh family is one of thousands of families living in Jerusalem who have one spouse from the West Bank and one from Jerusalem. This requires the West Bank spouse to get a special "reunification permit" from the Israeli government, which goes against basic humanitarian law guaranteeing the right to choose one's family.

Married in 1996, they applied for the permit, were turned down for years, then Israel stopped issuing them. Rimaz lived for years as a prisoner in her own home and was arrested 3 times for being illegally in Jerusalem. Now, she has a permit that must be renewed every year - a time-consuming, bureaucratic process, but at least she is not arrested anymore.

The PA estimates that 120,000 families have applied for reunification since Israel stopped issuing the permits, which doesn't include those cases which were pending at the time. The wall is visible (center) from the Kassabreh's street.

Act Now

We believe that Jerusalem must be a shared city, a capital for both Palestinians and Israelis, with equal and open access for all to holy sites and residency rights. Therefore, we ask you to write your members of congress and urge:

- access to all holy sites for members of all religions;
- a halt to settlements in East Jerusalem, even for "natural growth," (de facto settlement expansion due to births within settler families);
- a halt to the demolition of Palestinian homes; a halt to the eviction of Palestinians by revocation of residency rights;
- easier access to building permits and urgent development of Town Planning Schemes (TPS) by the Jerusalem municipality with Palestinian areas;
- a halt to the eviction of Palestinians by the revocation of residency rights.

The Church's Voice

The ELCA, in its Churchwide Strategy for Engagement in Israel and Palestine, calls for action to ensure the continuation of the witness of the Palestinian Christians, especially our companions the Evangelical Lutheran Church in Jordan and the Holy Land and The Lutheran World Federation Jerusalem programs. Accordingly, the strategy asks us to "Focus on the impact of the separation wall being built on Palestinian land on communities in and around Bethlehem and Jerusalem and the imminent threat it poses to the future of the Church in the Holy Land, including ELCJHL schools and LWF vocational training and health facilities in the region. It calls for "a cessation of all settlement activities and withdrawal from settlements on Palestinian territory to the 1967 boundaries."

"The Council of Religious Institutions of the Holy Land regrets that the holy sites in Jerusalem continue to be exploited for conflict in Jerusalem and the Holy Land. The Council reaffirms its commitment to advancing respect between religious communities in Jerusalem, the protection of each community's holy sites and their sensitivities... Together we call for the respect for the holy sites of all three religions and for the peace of Jerusalem."

--The Council of Religious Institutions of the Holy Land, November 13, 2009, news release

Churches for Middle East Peace (CMEP), has challenged settlement activity in letters to the President, including an April 2010 letter which states, "New construction or settlement expansion in East Jerusalem and the West Bank undermines the mutual trust that is a necessary condition for successful negotiations." The World Council of Churches (WCC) issued a September 2009 statement calling "upon the government of Israel to urgently implement an open-ended freeze in good-faith on all settlement construction and expansion as a first step towards the dismantlement of all settlements."

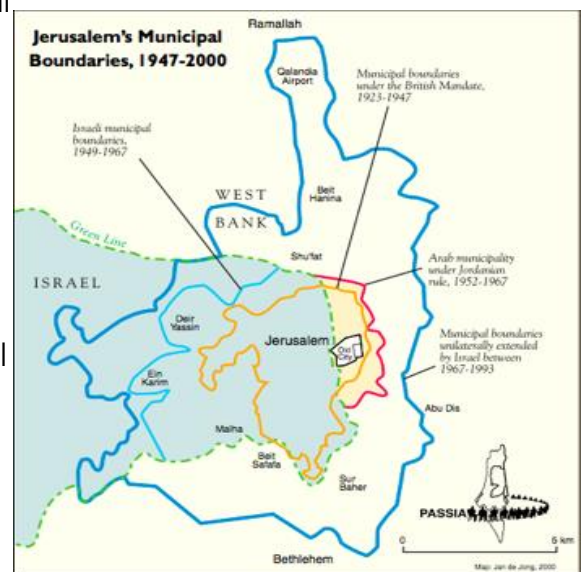
Background

The words preceding the full text of the 2005 [Churchwide Strategy for Engagement in Israel and Palestine](http://www.elca.org/~media/Files/Our%20Faith%20in%20Action/Justice/Peace%20Not%20Walls/-StrategyFull.pdf) (<http://www.elca.org/~media/Files/Our%20Faith%20in%20Action/Justice/Peace%20Not%20Walls/-StrategyFull.pdf>) are "Pray for the peace of Jerusalem..." (Psalm 122:6). The holy city at the heart of this plea continues to be a microcosm of the ongoing conflict between Israel and the Palestinians and a metaphor for all the land of Zion and its peoples.

Zion was a Jebusite fortress in Old Testament times. Around 1000 BCE King David made Jerusalem his capital for the united tribes of Israel. Over the centuries Jerusalem has been ruled by many imperial powers, including the Babylonians, Persians, Greeks, Romans, Arab and Turkish Muslims, and the British after World War I. The city is holy for Jews as David's city and the site of the First and Second Temples; it is also holy for Christians as the site of Jesus' death and resurrection and the beginnings of Christianity. For Muslims Jerusalem (Al-Quds, "the holy," in Arabic) is the third holiest city after Mecca and Medina in the Arabian Peninsula because of its association with Abraham and Muhammad's night journey to heaven.

The 1947 United Nations partition plan called for Jerusalem and Bethlehem to be under special international status. During the 1948 war West Jerusalem was captured by the newly declared State of Israel and East Jerusalem (with its many holy sites) by Jordan. During the 1967 war Israel captured and has since occupied all of Jerusalem, the West Bank, Gaza and the Golan Heights. Many Israelis say that when East Jerusalem was under Jordanian control, they had no access to their holy sites. In 1967, the Israelis say they "liberated" Jerusalem and almost immediately annexed some 70 square kilometers of Palestinian East Jerusalem and West Bank villages near Jerusalem as Israeli territory, a move contrary to international law that has not been recognized by any country.

The Israeli Basic Law of 1980 calls Jerusalem "the eternal and undivided capital of Israel," although no country has recognized this claim because of the disputed nature of the city. This law and philosophy have been used by some to set up special funds for the development of Israeli infrastructure in East Jerusalem and to thwart moves to make East Jerusalem the Palestinian capital, as part of a shared city. Many - including the Council of Religious Institutions of the Holy Land - call for Jerusalem to have a special international status that would protect access to holy sites for all people.



Settlements in East Jerusalem

After the annexation in 1967, the Israeli government put in many zoning and other restrictions on Palestinian home building, such as zoning areas as "green" and therefore off-limits for home-building or reserving land for "public use" (for the development of Israeli infrastructure). Palestinians can build on only 13% of the land; building permits are difficult to obtain in these already densely populated areas.

According to B'tselem and other human rights groups, 66% of today's Jerusalem (with its expanded municipal boundaries) contains territory that was confiscated from what had been Jordan's West Bank, including Jordanian municipal property.

Since 1967, Israel has followed a clear strategy to increase the percentage of Jewish population and decrease the Palestinian population in Jerusalem. This approach has been articulated in the [Master Plan 2000](http://pcc-
jer.org/arabic/Publication/jerusalem_master_plan/jerusalem-plan_eng.html) ([http://pcc-
jer.org/arabic/Publication/jerusalem_master_plan/jerusalem-plan_eng.html](http://pcc-
jer.org/arabic/Publication/jerusalem_master_plan/jerusalem-plan_eng.html)) and reemphasized 2004, with the stated goal of maintaining a 70% Jewish majority in Jerusalem. This plan effectively has promoted aggressive illegal Israeli settlement expansion that has resulted in about 200,000 settlers living in 12 Israeli-recognized settlements (which are called "neighborhoods") and some unrecognized outposts, mostly built on confiscated Palestinian land. There are proposals for thousands more units.



Though areas zoned green were forbidden to be built upon, it happens that those areas are confiscated and then zoned for building for Israeli settlements. Abu Ghnaim, for example, near Bethlehem, was zoned green but then confiscated from Palestinian families and

rezoned to become the new Har Homa settlement the late 90s. Building there has continued throughout the settlement freezes.

The continuing settlement expansion of Jerusalem is a part of this strategy, as shown in the map at left. The Green Line, internationally recognized, serves as a de facto border between Israel and Palestine, is marked on this map (click to enlarge). The consensus of the international community is that, from the Jordan valley, anything inside the Green Line should be considered Palestinian territory. Notice that the yellow boxes on the map depict newer or expanding settlements on this Palestinian land. Note also the black line, which is the separation barrier, and how it follows the contours of major Israeli settlement blocs and connects them to Israeli West Jerusalem.

The separation barrier has taken another 10% of Palestinian land in the West Bank by putting it on the Israeli side of the barrier. 85% of the barrier is on Palestinian land. For more information see Separation Barrier

In November 2009 the Israeli government agreed to a partial freeze on settlement construction in the West Bank, not including East Jerusalem. However, because of exceptions, the units already underway that were exempted from the freeze, and some settlers ignoring the freeze, building has continued in many places throughout the West Bank. There were even new permits issued for controversial sites in and around East Jerusalem.

The Fall 2010 peace talks faltered when the settlement freeze ended, and Israel not only refused to renew it but allowed at least 600 new building starts immediately and announced more to come.

Other Issues in Jerusalem

The Revocation of Residency Rights and Family Reunification

Another issue that has plagued all of the Occupied Territories, but has been particularly felt in East Jerusalem, is that of **residency status**. In the months following the war of 1967 Israel took a census of the Occupied Territories and granted residency status to only those individuals who were physically present. Thus, those who were studying or visiting family abroad and those who fled the area during the conflict were not counted and lost their right to residency (about 300,000 individuals according to B'tselem). Also, those who leave the country for more than six consecutive years lose their permanent status, as do those who leave for three consecutive years without requesting an extension during their first three years.

Another major residency issue is **family reunification**. For families where one spouse lives in the Occupied Territories and one does not it, becomes very difficult to obtain the proper documentation to reunite the family in one home. This is because Israel continues to control the right to register citizens and to grant visitor's permits. So until a spouse is able to gain residency in the Occupied Territories, most have to apply and renew a visitor's permit every six months. Shortly after the outbreak of the Second Intifada in Sept 2000 Israel stopped processing these permits, forcing families to choose between living apart while one spouse

maintains their residency in the Occupied Territories or having their spouse immigrate to the country of origin of the other. For many families this second option is not possible.

Within East Jerusalem this issue takes on another dimension, as residents there are considered residents of the State of Israel, though not Israeli citizens. Since most of these marriages are between an East Jerusalemite and someone living in the Occupied Territories, the choices are to try to unite the family in the Occupied Territories and run into the issues stated above or more often to try doing so in East Jerusalem, where they face a different set of issues. Since May 2002 the Israeli government has stopped handling family reunification of those separated between Israel and the Occupied Territory. In July 2003 they moved this decision into **an official statute "The Nationality and Entry into Israel (Temporary Order) Law"**. Claiming security as its justification, this statute prohibits residents of Israel married to residents of the Occupied Territories to live in Israel. The statute must be renewed each year and has been contested in the Israeli High Court.

Access to Holy Sites

Since the Old City of Jerusalem - home to sites holy to Muslims, Christians and Jews - is within East Jerusalem, access to these sites presents another issue of concern. Equal access to holy sites has been a central proposal for most plans for a comprehensive Arab-Israeli peace. When East Jerusalem was under Jordanian control from 1948 to 1967, Jews were at times not granted this right. Since gaining control after the war of 1967, Israel has at times not allowed access of Palestinian Christians and Muslims to their religious sites within the Old City.

This issue is clouded by the fact that many times these requests are made by individuals living in the Occupied Territories who must obtain permits to visit Jerusalem. Israel contends that these requests must be denied for security reasons. Those whose requests have been rejected claim they are being unjustly denied equal access to their holy sites.

See these links for more information about the status of Jerusalem:

- [The Background on Jerusalem in International Relations](http://www.americantaskforce.org/policy_and_analysis/policy_focus/2010/04/01/1270094400) (http://www.americantaskforce.org/policy_and_analysis/policy_focus/2010/04/01/1270094400) This American Task Force on Palestine (ATFP) page has an extensive listing of statements and documents about Jerusalem in International Relations.
- [B'tselem: East Jerusalem](http://www.btselem.org/jerusalem) (<http://www.btselem.org/jerusalem>) gives an overview of the status of East Jerusalem and related topics.
- [Israeli Government on Jerusalem](http://www.gov.il/FirstGov/TopNavEng/EngSubjects/EngJerusalem/) (<http://www.gov.il/FirstGov/TopNavEng/EngSubjects/EngJerusalem/>) has links to history, architecture, religion, tourism, etc.
- [Jerusalem Municipality](http://www.jerusalem.muni.il/jer_main/defaultnew.asp?lng=2) (http://www.jerusalem.muni.il/jer_main/defaultnew.asp?lng=2) has links to events, weather, photos, etc.

Resources

- [Jerusalem Master Plan 2000](http://pcc-jer.org/arabic/Publication/jerusalem_master_plan/jerusalemplan_eng.html) (http://pcc-jer.org/arabic/Publication/jerusalem_master_plan/jerusalemplan_eng.html) This

document lays out what Israel plans on doing with Jerusalem (including East Jerusalem) through 2020.

- [The Judaization of Jerusalem](http://www.passia.org/jerusalem/publications/pub_jerusalem_no_96.htm) (http://www.passia.org/jerusalem/publications/pub_jerusalem_no_96.htm) This Palestinian Academic Society for the Study of International Affairs (PASSIA) document covers how the State of Israel is attempting to change the demographics of Jerusalem towards a larger Jewish majority through such measures as the Jerusalem Master Plan 2000.
- [Jerusalem: Israeli Settlement Activities & Related Policies](http://www.passia.org/publications/bulletins/Jerusalem2009/Web-Bulletin%20-%20Jerusalem%202009%20Final.pdf) (<http://www.passia.org/publications/bulletins/Jerusalem2009/Web-Bulletin%20-%20Jerusalem%202009%20Final.pdf>) This PASSIA document discusses the status of Jerusalem.
- [East Jerusalem: Key Humanitarian Concerns](http://www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf) (www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf) This powerpoint presentation from UN Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territories (www.ochaopt.org) outlines key humanitarian concerns facing the residents of East Jerusalem.

Relevant International Law

"No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

- Universal Declaration of Human Rights, Art. 15 (10 December 1948)

"Men and women of full age, without any limitations due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution."

- Universal Declaration of Human Rights, Art. 16 (10 December 1948)