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*Jerusalem: The Dangers of Division
An Alternative to Separation from
the Arab Neighborhoods*

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STRATEGIC

PERSPECTIVES

Executive Summary

JERUSALEM: THE DANGERS OF DIVISION
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A principal argument of those who support the division of Israel's capital is the need to improve the city's demographic balance between Jews and Arabs in favor of Jews. They assert that this should be achieved by "removing" Arab neighborhoods and residents to outside the city limits.

However, a higher Arab birthrate is not the primary cause for the decrease in the Jewish majority in Jerusalem. Rather, the main reason is that large numbers of Jews are leaving the city due to housing and employment difficulties. Each year some 16,000 Jews leave the city; the total over the past 20 years is 300,000.

To reverse Jewish emigration from Jerusalem, government intervention is required in the areas of housing and employment. The city must be declared an area of national priority of the highest order.

Furthermore, separation inside Jerusalem entails many risks:

- The existing reality in Jerusalem is one of dense, unbroken urban continuity, with Jewish and Arab areas mixed together. Should Jerusalem be physically divided according to its Arab neighborhoods, the separation line would also become the border between the State of Israel and the Palestinian Authority, or a future Palestinian state, as distinct from the current situation where the border is farther away from most of the city's Jewish residents.
- The distances between many Jewish neighborhoods in the city and Arab neighborhoods slated for "separation" are within light-weapon range, from tens to hundreds of meters, and certainly within machinegun range. With the outbreak of the Second Intifada, firing began from the Palestinian Authority town of Beit Jalla toward the homes of Jewish residents in Jerusalem's nearby Gilo neighborhood. The firing began in September 2000 and continued intermittently until 2005.
- A summary report for 2003 issued by the Communications Division of the Prime Minister's Office concluded, among other things, that eastern Jerusalem Arabs continued to be a significant factor in executing mass-murder attacks in Israel, with an emphasis on Jerusalem. The report also concluded that Hamas was the leading organization in recruiting and activating eastern Jerusalem Arabs.
- Today, with the prospect of "separation" from Arab neighborhoods and villages, security circles warn that a relaxation or loss of control within those areas could result in terror attacks originating from those areas. The previous withdrawal of Israeli forces from towns and villages in the West Bank brought about increased attacks on nearby Israeli targets.
- Following division and a change in status of many neighborhoods to border neighborhoods, tens of thousands of Jews might leave the city. This happened after the 1948 division, when one-fourth of Jerusalem's Jewish population (some 25,000 people at that time) moved away from the city. Many residents threatened similar action in 2000 when, following the Camp David summit, division seemed to be likely.

"Jewish" and "Arab" Jerusalem currently enjoy a single infrastructure system and it is difficult and perhaps impossible to separate the two. Main and subsidiary roads connect all neighborhoods and sections. There are unified water, electrical, sewage, and telephone systems throughout. The city's health systems and hospitals also serve both populations, as do various banking and commercial networks. Even the Jerusalem light rail currently runs through the Arab neighborhood of Shu'afat, one of the objects of a possible separation.

Immediately after the Six-Day War, the aim of Israel's massive building in eastern Jerusalem was to establish Jewish control in strategic areas and prevent any possibility of future separation of various sections of the city. Israel built so as to "heal" municipal

riffs; to expand Jerusalem, populate areas, and make sure it would not be possible to divide the city again.

For over three decades, Israelis believed that everything should be done to unify Jerusalem and avoid dividing the city again. In that spirit, new neighborhoods were built in eastern Jerusalem that today house some 190,000 Jews and contain official state institutions built on land that was annexed to the city in 1967. They include the government compound at Sheikh Jarrah; the Hebrew University campus and Hadassah Hospital on Mount Scopus; and hotels along Route 1. Land and properties were bought by the government, by private individuals, and by nonprofit organizations, all with the goal of “redeeming” Jerusalem.

Dr. Robbie Sabel, former legal counsel to the Israel Ministry of Foreign Affairs, examined the legal aspect of possible Israeli separation from Jerusalem’s Arab neighborhoods for the Jerusalem Institute for Israel Studies before the Annapolis Conference. He felt that forcing eastern Jerusalem residents to surrender the resident status that was granted by Israel, and the rights inherent therein, would be problematic.

Furthermore, in Sabel’s opinion, eastern Jerusalem residents would have the option of moving to some other part of Israel and thereby retaining their status as Israeli residents. The construction of the separation fence along Jerusalem’s northern limits has already resulted in a wave of tens of thousands of Palestinians moving to the “Israeli side” of the fence. This calls into doubt the demographic gain that proponents of separation hope to obtain from it.

In addition, the same study found that it is not realistic to expect the Israeli government to be released from the burden of various payments to eastern Jerusalem Arabs due to both legal and moral restrictions.

Eastern Jerusalem Arabs have a sense of national affinity with the PA and their brethren in the West Bank. Yet many will find it difficult to surrender their freedom of movement and expression, employment options, and the wide range of material benefits to which they are currently entitled by virtue of their resident status. They have expressed those feelings in many rounds of unofficial talks. Minister for Jerusalem Affairs Rafi Eitan reported in February 2008 that a survey showed the majority of eastern Jerusalem residents do not wish to leave Israeli rule.

Finally, division of Jerusalem would compromise the exercise of Jewish and Christian rights as they relate to the city’s historical core, sanctity, and holy sites.

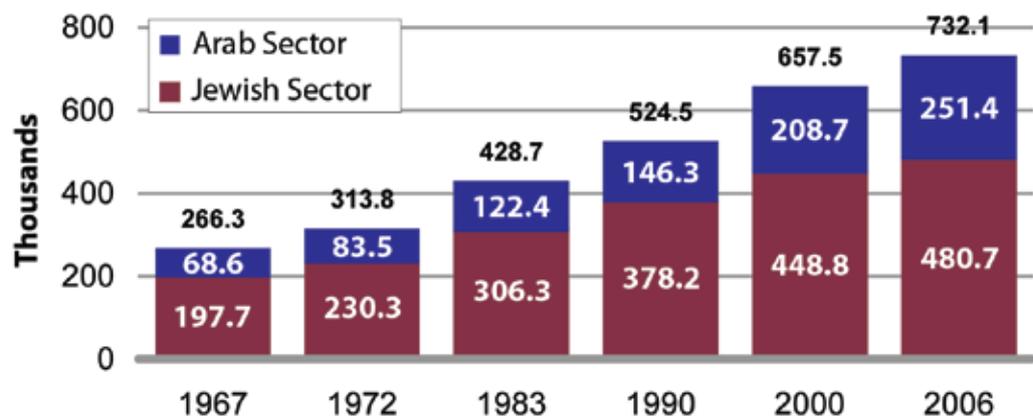
An Alternative Solution to the Demographic Problem

Proponents of the division of Jerusalem, or “separation” from its Arab neighborhoods, argue that if Israel could only free itself from the 250,000 Arab residents who were annexed to Jerusalem along with the neighborhoods of eastern Jerusalem in 1967, Israel’s demographic situation would improve. But there is another way to improve the demographic picture without incurring the harsh risks that are likely to accompany any such “separation.”

Population Data

Jerusalem is Israel’s geographically largest city, occupying an area of 126,000 dunams (31,500 acres). Eastern Jerusalem includes territories annexed to Jerusalem immediately following the Six-Day War, to the east, north, and south of the city. Before 1967, Israeli Jerusalem was 38,000 dunams (9,500 acres) in size. The Jordanian section occupied 6,000 dunams (1,500 acres). By the end of June, Israel had annexed the “Jordanian city” along with a further 64,000 dunams (16,000 acres) from 28 surrounding villages. When additional territories were annexed from the west of the city in the 1990s, the area increased to 126,000 dunams (31,500 acres).

Population of Jerusalem by Sector, 1967-2006 (Thousands)

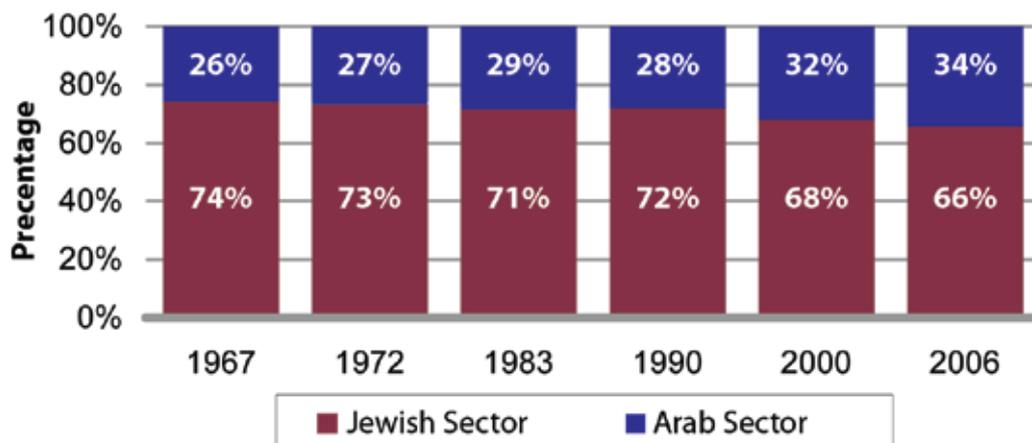


The Jerusalem security fence is comprised of stone walls, wire fences, and natural and artificial barriers, combined to create a line of defense 168 km. in length, designed to help block terrorism from outside the capital. Its course, known as the Jerusalem Envelope, runs mainly along the municipal boundaries, but in the north passes inside them. In doing so it de facto removes tens of thousands of Palestinian residents from the city. At the same time, tens of thousands of Palestinians who had lived outside the city limits have moved to the “Israeli side” of the fence. To date, 70 percent of the Jerusalem Envelope has been completed, with the remaining 30 percent awaiting construction.

At the end of 2006, Jerusalem’s population numbered 732,100 people, including 480,700 Jews and 251,400 Arabs. The proportion of the city’s Jewish population dropped from 74 percent in 1967 to 66 percent in 2006, while the Arab population grew from 26 percent

in 1967 to 34 percent in 2006. Over the past four decades, the Jewish population has grown by 143 percent, while the Arab population has grown by 268 percent. At the end of 2005, some 424,300 Jerusalem residents (Jews and Arabs) lived in areas that were added to the city after its unification in 1967; they represent 59 percent of total residents. Of these, 44 percent are Jewish, totaling 186,700 people.

Population of Jerusalem by Sector, 1967-2006 (%)



Jewish Emigration from Jerusalem Is the Primary Problem

The balance of Jewish immigration to Jerusalem has been negative for decades. Every year more people leave the city than come to live there. In all, over the past 20 years some 300,000 Jews have left, while 200,000 moved to the city. During the worst period (1997-2000), the city lost some 8,000 residents each year. In most other years since 1980, the city lost around 6,000 people, the great majority of whom were Jews.

It is this negative immigration balance that is the factor most responsible for Jewish demographic weakness in Jerusalem. Other contributory factors include a significantly higher birthrate among the Arab population and a relatively low death rate among the Arab population.

Jerusalem's Jewish immigration balance was not always negative: from 1967 to 1979, the same number of people came to live in Jerusalem as left it, or more people came than left. From 1991 to 2006, the city's population declined by an average of 6,419 per year. In those 16 years, 259,000 people left Jerusalem (an average of 16,200 annually), while 156,500 new residents arrived (an average of 9,791 annually). Most of those both arriving and leaving were young. The 20-34 age group represented 47 percent of those who left and 53 percent of those who moved in.

The higher Arab birthrate is not the primary cause for the decrease in the Jewish majority in Jerusalem. Rather, the main reason is that large numbers of Jews are leaving the city due to housing and employment difficulties.

Population Forecast to 2030

A population forecast prepared by Prof. Sergio DellaPergola for Jerusalem's master transportation plan, based upon a continuation of existing trends, predicts that the proportion of Jews in the city, currently 66 percent, will fall to 61 percent by 2020 and 58 percent in 2030. At the same time, the proportion of Arab residents will reach 39 percent by 2020 and 42 percent in 2030. A forecast issued by the American-Israel Demographic Research Group (AIDRG) headed by Bennett Zimmerman and Yoram Ettinger is somewhat more optimistic.

Reasons for Leaving Jerusalem: Housing and Employment

In a study conducted by the Jerusalem Institute for Israel Studies, based on a sample population leaving Jerusalem over a four-year period during the last decade, 42 percent cited housing as the reason they were leaving, especially high housing prices. Employment was cited by 16 percent as the reason for leaving, including limited employment opportunities and one member of the couple having to work far from home. Family reasons were cited by 13 percent.

Had movement into and out of Jerusalem been balanced during the 16-year period when so many people left – 1991-2006 – the city today would have 102,700 more residents, a large majority of them Jewish, which would have meant a Jewish sector comprising about 69 percent of the population. If movement into and out of Jerusalem is balanced in the years up to 2020, the projected Jewish population would comprise 63-64 percent of the total population instead of 60 percent.

An additional forecast by Prof. DellaPergola for 2020, based on an "optimistic" model of zero net emigration (i.e., equal balance) and diminishing fertility, projects the Jewish sector to comprise 65.4 percent.

Changes in the city's defined borders to include an additional 100,000 Jewish residents living today in metropolitan Jerusalem (areas with clear links to the city) would alter the situation even further. This population includes the residents of Ma'ale Adumim to the east, Givat Ze'ev to the north, Beitar Illit to the southwest, Efrat in Gush Etzion to the south, and Mevasseret Zion to the west. Such a move would achieve the government's previously determined demographic goal for the city in 2020 of 70 percent Jews and 30 percent Arabs. This refers to the de facto annexation of tens of thousands of Jews living in close proximity, in areas traditionally defined as part of metropolitan Jerusalem. Such annexation would take place as an administrative measure, via legislation. Israeli sovereignty would not apply to such areas at this stage.

Is It Possible to Change the Existing Demography?

According to conversations with residents and community leaders in Jewish Jerusalem neighborhoods adjacent to Arab neighborhoods in the north, south, and east of the city, a new separation line would constitute an increased security threat, with a heightened

The construction of the separation fence along Jerusalem's northern limits has already resulted in tens of thousands of Palestinians moving to the "Israeli side" of the fence. This calls into doubt any demographic gain that proponents of separation hope to obtain from it.

possibility that the division line will become a confrontation line. This would result in Jews leaving those neighborhoods for others further removed from the newly defined border. Given the inadequate supply of residential apartments in the city and the rising costs, many will be forced to leave, whether to peripheral areas or further afield.

A redefinition of city boundaries resulting from its division could also bring about a new Arab exodus to the "Israeli side" of Jerusalem, as has occurred since the erection of the security fence. Tens of thousands of Arabs have already moved to the "Israeli side" of the fence, seeking to retain financial and economic benefits they currently enjoy as well as ease of access to jobs and services on the "Israeli side." Today a small trickle of Arab families has already taken up residence in Jewish neighborhoods close to Arab areas in Tzameret Habira, Neve Yaakov, Pisgat Ze'ev, and Armon Hanatziv.

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To reverse Jewish emigration from Jerusalem, government intervention is required in the areas of housing and employment. The city must be declared an area of national priority of the highest order. Decisions regarding budgetary funding, following numerous decisions which have been approved by the government but never implemented, could make housing and entrepreneurship in Jerusalem more viable and more attractive. It is also important to fully implement past decisions to move government offices to Jerusalem.

Metropolitan Government

Until the Six-Day War, Jerusalem functioned as a "peripheral" town. Its relatively limited size and location affected its economic and social importance. The city's expansion, with the annexation of sizable areas and extensive building and development in those areas, transformed the city into a much larger metropolitan entity. Previous analytical studies of Jerusalem have found that area residents view the city as a single functional unit. Many discussions have been held over the years on establishing a framework for the Jerusalem metropolitan area.

The Security Implications of Dividing Jerusalem

Should Jerusalem be physically divided according to its Arab neighborhoods, the separation line would also become the border between the State of Israel and the Palestinian Authority, or a future Palestinian state, as distinct from the current situation where the border is farther away from most of the city's Jewish residents.

In recent decades, after the Oslo, Cairo, Hebron, and Wye agreements, and the disengagement from Gaza, a considerable number of territories were transferred to the security and/or civil control of the Palestinian Authority. Each time, the PA failed to prevent terror attacks, and at times was an active partner in hostilities against Israel.

Should Jerusalem be physically divided according to its Arab neighborhoods, the separation line would also become the border between the State of Israel and the Palestinian Authority, or a future Palestinian state, as distinct from the current situation where the border is farther away from most of the city's Jewish residents.

There is no guarantee that the establishment of a Palestinian state would magically change the Palestinian education system and media which will continue to cultivate the ethos of the "right of return," referring to properties that were under Arab ownership before 1948. According to Khalil Tafkaji, who headed the PA's Ministry of Cartography and Geography in Jerusalem, over 70 percent of western Jerusalem land was Arab-owned before 1948.

The additional question must be asked: If in the future the leadership of a Palestinian state should seek to go beyond the initial achievement of sovereignty and wish to implement the "phased plan" for acquiring additional territory, what risks are inherent in such a scenario for Israel in general and Jerusalem in particular, in the event of a division of the city? Even if a reliable "partner" for Israel were to emerge in the future, Israel would still need sufficient security mechanisms and precautions that take into account that the reality could change yet again.

Jerusalem: A Preferred Target for Terrorism

Jerusalem has been a preferred target for terror attacks since 1967. During what came to be known as the Second Intifada that began in 2000, there were 600 attacks (including 30 suicide attacks) in the city by mid-November 2004, killing 210 people and injuring thousands more. Suicide attacks on buses, cafés, and on the open streets killed 174, while 14 were killed by gunfire. Bombs exploded on 173 occasions; 11 car bombs were

sent into the city; 32 Molotov cocktails and ten grenades were thrown; and 12 mortar shells were fired at Jerusalem.

The partial construction of a barrier around Jerusalem and the return of the Israel Defense Forces to Arab towns and villages surrounding the city in Operation Defensive Shield (2002) effectively put an end to the wave of terror, after Jerusalem suffered severe damage to its population, tourism, trade, and industry.

The Role of Eastern Jerusalem Arabs in Terrorism

For many years Israel tried hard to create a different reality in eastern Jerusalem as compared to that in the West Bank. The outbreak of the First Intifada in the late 1980s made it clear that those efforts were artificial, and Teddy Kollek, the legendary mayor of Jerusalem who was in office at that time, admitted that “coexistence in the city is dead.”

During the First Intifada, many eastern Jerusalem Arabs took no part in hostile activities. Security circles assessed that this was because they enjoyed many material benefits that they were reluctant to jeopardize: child allowances, disability pensions, unemployment insurance, old age and survivors’ pensions, eligibility for health services, and guaranteed-income benefits, as well as a wider range of job opportunities and free movement in all parts of the city and throughout the country.

This reality changed with the outbreak of the Second Intifada and the wave of harsh attacks on Jerusalem. It is clear from army, police, and intelligence reports at the time that hundreds of eastern Jerusalem Arabs were involved or assisted in acts of terror in those years. Most of their activity was directed by the Hamas terrorist infrastructure in Hebron, Ramallah, and Bethlehem. Many were involved in gathering information and selecting potential targets for attack, exploiting their knowledge of the city, or were involved in driving the terrorists to their target destination.

A summary report for 2003 issued by the Communications Division of the Prime Minister’s Office concluded, among other things, that eastern Jerusalem Arabs continued to be a significant factor in executing mass-murder attacks in Israel, with an emphasis on Jerusalem. The report also concluded that Hamas was the leading organization in recruiting and activating eastern Jerusalem Arabs.

As recently as March 2008, a terrorist from the Palestinian village of Jabal Mukhabar in eastern Jerusalem killed eight young students at the Merkaz Harav yeshiva in Jerusalem,

Eastern Jerusalem Arabs continued to be a significant factor in executing mass-murder attacks in Israel, with an emphasis on Jerusalem. Hamas was the leading organization in recruiting and activating eastern Jerusalem Arabs.

A relaxation or loss of control within Arab neighborhoods of Jerusalem could result in terror attacks originating from those areas. The previous withdrawal of Israeli forces from towns and villages in the West Bank brought about increased attacks on nearby Israeli targets.

while Arabs from eastern Jerusalem attacked Jewish pedestrians and motorists with construction bulldozers in two separate incidents in July 2008.

Today, with the prospect of “separation” from Arab neighborhoods and villages, security circles warn that a relaxation or loss of control within those areas could result in terror attacks originating from those areas. The previous withdrawal of Israeli forces from towns and villages in the West Bank brought about increased attacks on nearby Israeli targets.

Firing on Jewish Neighborhoods from Arab Areas

With the outbreak of the Second Intifada, firing began from the Palestinian Authority town of Beit Jalla toward the homes of Jewish residents in Jerusalem’s nearby Gilo neighborhood. The firing began in September 2000 and continued intermittently until 2005. Scores of residents were wounded in the shootings, most lightly and a few seriously. Thousands suffered from shock, including many children. The main damage was in disrupting everyday life, since residents were afraid to leave their homes. Some moved out of their apartments until the situation calmed down. Also in this period schools and kindergartens in the area were shut down. Some residents and institutions protected their buildings with sandbags. There was also significant, if symbolic, peripheral damage in having a principal neighborhood of the city under fire for several years. There were warnings of mortar fire on the neighborhood and a few times mortar shells actually landed in Gilo.

Israel coped with this harsh reality in a variety of ways:

- a. The IDF acted within Beit Jalla, paying due attention to moral and political restrictions. Beit Jalla is a Christian Arab village containing religious and educational institutions and churches. Those buildings were sometimes the source of the shooting. The army tried its best not to damage religious and educational institutions and was careful not to harm the population. As a rule, the residents of the village, many of whom left their homes, had reservations about the shootings, which were perpetrated from within their buildings by terrorist cells that had taken them over. The United States and the West in general closely followed Israel’s activities in this densely populated area. Sometimes operational decisions were made out of political necessity.
- b. Israel reinforced many hundreds of homes in Gilo. Up to March 2002, windows in 950 apartments on Ha’anafa Street were reinforced, but a further 700 unprotected

apartments were damaged by the shooting. Against this background, the reinforced sectors were expanded every few months.

- c. A concrete wall was erected in an attempt to minimize the damage, and especially to give residents of the neighborhood a greater sense of security.
- d. Jerusalem municipal welfare services were extended and made available on a daily basis to the residents, in a bid to reassure them and provide help with their problems.

During those years there were isolated shooting incidents in additional neighborhoods and other sites in Jerusalem. A few examples:

- December 1, 2000: Kalashnikov-rifle shots were fired from Beit Hanina at a bus crossing a bridge in Pisgat Ze'ev, close to the French Hill junction. No one was injured.
- August 19, 2001: A six-year-old girl and a 20-year-old man were injured by shooting at a bus traveling on the Pisgat Ze'ev road. The shots were fired from a nearby hill.
- October 18, 2001: A group of terrorists from Jabal Mukhabar in eastern Jerusalem opened fire on the Oz police station and houses in the Armon Hanatziv neighborhood. On Oct. 6, the group had opened fire on a police patrol car. The four men who were captured in December 2002 confessed that they had also planned to carry out a shooting attack on a bus traveling from Armon Hanatziv to Jabal Mukhabar.
- September 19, 2004: Shots were fired at Yitzhak Nissim Street in the Har Homa neighborhood. One bullet entered an apartment and caused slight damage. The shooting appeared to originate from the Um Tuba neighborhood.

Possible Widespread Exposure of Jewish Neighborhoods to Gunfire as a Result of Separation

The Palestinians currently possess light weaponry – the Palestinian Authority, Hamas, and Islamic Jihad all have Kalashnikov, M-16, and Galil rifles. The Palestinians also have machineguns (mostly of Russian manufacture) with a range of up to 1.5 km. Military circles estimate that Palestinians in the West Bank currently possess 15,000- 20,000 firearms, mostly rifles and a few machineguns.

In the event of division of the city and the transfer to PA control of the West Bank up to the new municipal line, there would be no difficulty in bringing such weapons from deep inside the West Bank to the Jerusalem Envelope areas, and from there to eastern Jerusalem neighborhoods and villages. The territory is only partially built up and would have no obstacles or roadblocks up to the municipal boundary.

The distances between many Jewish neighborhoods in the city and Arab neighborhoods slated for “separation” are within light-weapon range, from tens to hundreds of meters, and certainly within machinegun range. The existing reality in Jerusalem is one of dense, unbroken urban continuity, with Jewish and Arab areas mixed together.

The possible extensive use of light weapons against Jewish neighborhoods must be taken into account in any separation plan, especially in light of the precedent of the Gilo neighborhood coming under intense and continuing fire from Beit Jalla, which, though very close by, is outside Jerusalem’s jurisdiction. Shots from Beit Jalla came from both

The distances between many Jewish neighborhoods in the city and Arab neighborhoods slated for “separation” are within light-weapon range. With the outbreak of the Second Intifada, firing began from the Palestinian Authority town of Beit Jalla toward the homes of Jewish residents in Jerusalem’s nearby Gilo neighborhood.

light weapons and PPK-model machineguns. On more than one occasion longer-range machinegun fire reached Gilo from Bethlehem.

One way to reduce the possibility of rifle fire on Jewish neighborhoods is to erect a bullet-proof wall that would entirely separate the two populations. Even the majority of supporters of division are not in favor of such a measure. And even if such a wall were to be built, in many cases it would be ineffective since the Palestinian houses are built on higher ground topographically. Naturally, such a wall would be useless against any high-trajectory weapon, such as mortar shells or Kassam rockets, which the Palestinians have been trying to manufacture in the West Bank. They have so far been unsuccessful because of the constant presence of the Israel Security Agency (ISA) and the IDF in the area. The IDF’s departure from the Jerusalem Envelope and eastern Jerusalem neighborhoods would, of course, change that scenario.

In the past, terrorist organizations and the Palestinian Authority have interpreted Israeli withdrawals, whether in the framework of an agreement or unilaterally, as a strategic victory for their terror tactics. Hence, they concluded that it was worth their while to continue that strategy and add to their success. In the 15 years that preceded the Oslo Accords (September 13, 1993), 254 Israelis were killed by Palestinian terrorists. The number of victims in the seven years from the Oslo Accords to September 2000 (the start of the Second Intifada) was 256 [mostly concentrated in the period of 1994-1996], and in the period from September 2000 to September 2005 – 1,097.

The motivation to cause damage to Jewish neighborhoods after a separation arrangement, or even a voluntary separation, could likely arise among both Islamic extremists and opponents of such an arrangement, and among nationalist elements, who will likely use light weaponry to pressure Israel into further concessions on other issues, such as refugees, “Arab-owned western Jerusalem property,” and holy sites.

Proximity to Jewish Neighborhoods of Arab Neighborhoods Slated for “Separation”

An Israeli security body that was tasked in March 2000 with examining the possibility of transferring three Arab villages just outside of Jerusalem – Abu Dis, Al Azaria, and a-Ram – to Palestinian security control, assessed at the time that: “Terrorists will be able to exploit the short distances, sometimes involving no more than crossing a street, to cause damage to people or property. A terrorist will be able to stand on the other side of the road, shoot at an Israeli or throw a bomb, and it may be impossible to do anything about it. The road will constitute the border.” If that is the case for neighborhoods outside of Jerusalem’s municipal boundaries, how much more so for Arab neighborhoods within those boundaries.

A number of Arab neighborhoods are likely to be included in the framework of any separation plan. These include, to the north: Shu’afat, Beit Hanina, and Issawiye; to the east: Ras el-Amud, Sawakhare el-Arabia, and Jabal Mukhabar; and to the south: Arb e-Sawakhare, Um Lison, Tzur Bachar, and Um Tuba, as well as the village of Walajeh, of which only a small part lies within Jerusalem municipal jurisdiction. Supporters of division also speak of separation, at a later stage, from more central neighborhoods such as Sheikh Jarrah, Wadi Joz, Bab e-Zahra, e-Tur, part of Silwan, and perhaps even parts of Abu Tor, and Beit Tzafafa. The Clinton proposal suggested the possibility of separating the Old City and the historic basin from the Temple Mount.

Certain northern Arab neighborhoods – Kfar Akeb, Samiramis, Shu’afat, and Da’hiat a-Salaam – were separated de facto from Jerusalem by the security wall but were not transferred to the Palestinian Authority. Instead, the IDF continues to rule there and officially they are still part of Jerusalem under Israeli sovereignty. Those neighborhoods today are home to 32,000 residents.

Ranges of Weapons in Palestinian Possession

Light weapons: Kalashnikov – 400 m.; M-16 – 550 m.; various machineguns – 1- 1.5 km.
Mortars: 82-mm home-made mortar – 1.8 km.; 82-mm military-standard mortar – 4-6 km.
Kassam 2 rocket: 9 km.

Distances between Arab Neighborhoods Slated for “Separation” and Jewish Neighborhoods

To the north:

Shu’afat – French Hill: 275-500 m.

Shu’afat – eastern Pisgat Ze’ev: 90-300 m.

Beit Hanina – northern Pisgat Ze’ev: 300-500 m.

Shu’afat – western Pisgat Ze’ev: 400-500 m.

Shu’afat – Moshe Dayan Avenue (main south-north artery running through Pisgat

Ze'ev): average distance 300 m.

Issawiye – Mount Scopus: 70-200 m. The village is located close to the Mount Scopus campus of the Hebrew University, Hadassah Hospital on Mount Scopus, the Tzameret Habira neighborhood (French Hill), and the Jerusalem-Ma'ale Adumim road. Before 1967 the village was part of the Mount Scopus Israeli enclave.

To the east:

Wadi Joz is adjacent to roads leading to Mount Scopus, and 500 m. from the Israeli government compound at Sheikh Jarrah.

Sheikh Jarrah is adjacent to the government compound established at the site; 300-500 m. from the Ammunition Hill memorial and Ma'alot Dafna.

Bab e-Zahra region, Salah a-Din, and Mass'oudia – tens of meters to 500 m. from Mea She'arim, Beit Israel, Morasha, and Shmuel Hanavi neighborhoods.

E-Tur, A-Sheikh, Wadi Qadum – tens to hundreds of meters from the Mount of Olives cemetery. In some places these sites control the roads to the Mount of Olives.

Silwan is tens of meters from the City of David, the Old City walls, the Dung Gate, and the approach to the Western Wall.

Ras el-Amud is hundreds of meters from the Mount of Olives cemetery; 1,000 m. from the Old City.

Beit Tzafafa is connected to Jewish neighborhoods; zero distance.

Sharafat – Teddy Stadium: 700 m.

Sharafat – Gilo: 400 m.

To the south:

Tzur Bachar – East Talpiot: 200 m.

Jabal Mukhabar – East Talpiot: tens of meters.

Um Tuba, Tzur Bachar – Har Homa: 1,000 m.

Walajeh – Malha Mall (Jerusalem's main shopping center), Malha neighborhood, Givat Massu'a neighborhood, Jerusalem-Tel Aviv railway, Biblical Zoo: 2,500-4,000 m. (not within light-weapons range but within mortar range).

The Old City:

Muslim Quarter, Christian Quarter, and part of Armenian Quarter – adjacent to or tens of meters from the Jewish Quarter and the Western Wall.

Old City Walls – Yemin Moshe, Mount Zion, Mishkenot Sha'ananim, Mamilla, Russian Compound, Jerusalem city center: tens to hundreds of meters.

Implementing separation would turn numerous Jewish neighborhoods in Jerusalem into border neighborhoods, with all that implies from the standpoints of finance and economy, security, image, and morale. When such a potential scenario was discussed in the past, at the time of the Camp David talks in 2000 and thereafter, some 70 percent of Jerusalem residents then believed that “the borderline neighborhoods would live under fire.”

Distances between Arab neighborhoods slated for “separation” and Jewish neighborhoods

To the north:

Shu'afat – French Hill: 275-500 m.
 Shu'afat – eastern Pisgat Ze'ev: 90-300 m.
 Beit Hanina – northern Pisgat Ze'ev: 300-500 m.
 Shu'afat – western Pisgat Ze'ev: 400-500 m.
 Shu'afat – Moshe Dayan Avenue (main south-north artery running through Pisgat Ze'ev): average distance 300 m.
 Issawiya – Mount Scopus: 70-200 m. The village is located close to the Mount Scopus campus of the Hebrew University, Hadassah Hospital on Mount Scopus, the Tzameret Habira neighborhood (French Hill), and the Jerusalem-Ma'ale Adumim road. Before 1967 the village was part of the Mount Scopus Israeli enclave.

To the east:

Wadi Joz is adjacent to roads leading to Mount Scopus, and 500 m. from the Israeli government compound at Sheikh Jarrah. Sheikh Jarrah is adjacent to the government compound established at the site; 300-500 m. from the Ammunition Hill memorial and Ma'alot Dafna, Bab e-Zahra region, Salah a-Din, and Mass'oudia – tens of meters to 500 m. from Mea She'arim, Beit Israel, Morasha, and Shmuel Hanavi neighborhoods. E-Tur, A-Sheikh, Wadi Qadum – tens to hundreds of meters from the Mount of Olives cemetery. In some places these sites control the roads to the Mount of Olives. Silwan is tens of meters from the City of David, the Old City walls, the Dung Gate, and the approach to the Western Wall. Ras el-Amud is hundreds of meters from the Mount of Olives cemetery; 1,000 m. from the Old City. Beit Tzafafa is connected to Jewish neighborhoods; zero distance. Sharafat – Teddy Stadium: 700 m. Sharafat – Gilo: 400 m.

Shu'afat- French Hill: 275-500 m.

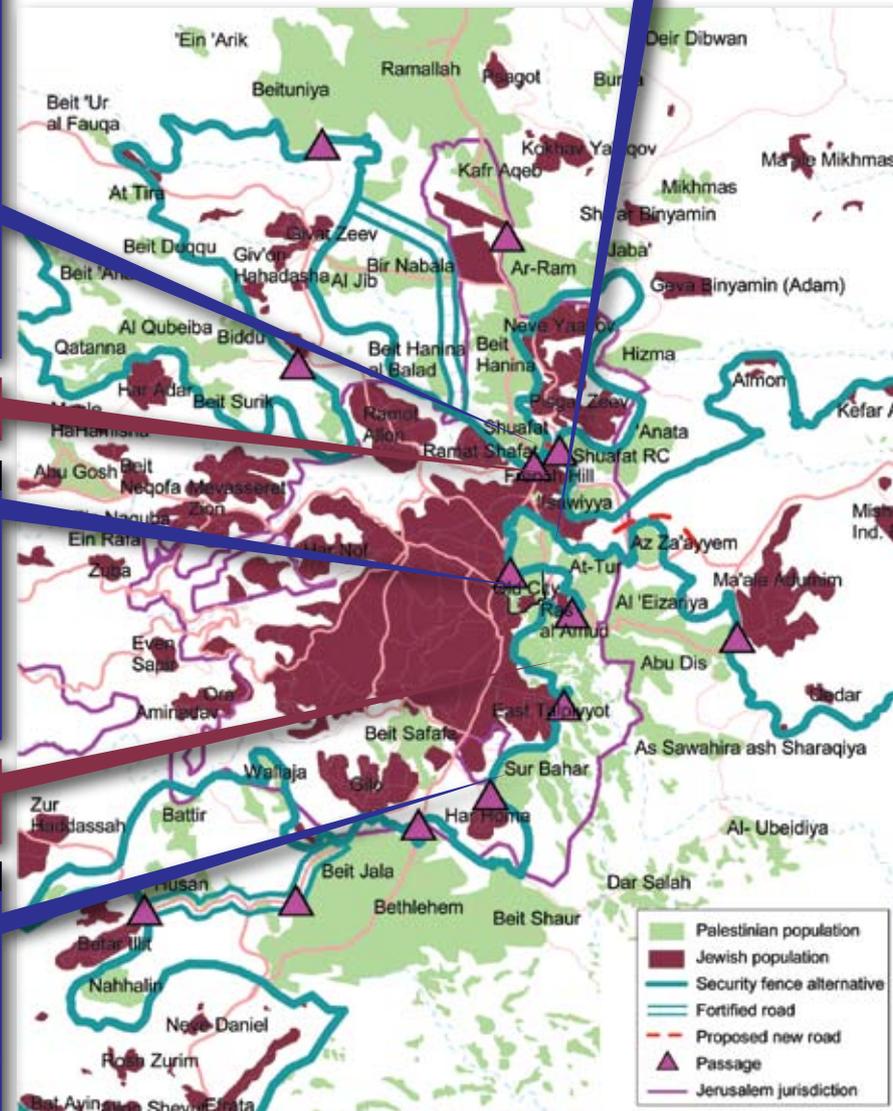
The Old City:

Muslim Quarter, Christian Quarter, and part of Armenian Quarter - adjacent to or tens of meters from the Jewish Quarter and the Western Wall. Old City Walls - Yemin Moshe, Mount Zion, Mishkenot Sha'ananim, Mamilla, Russian Compound, Jerusalem city center: tens to hundreds of meters.

Jabal Mukhabbar - East Talpiot: tens of meters.

To the south:

Tzur Bachar - East Talpiot: 200 m.
 Jabal Mukhabbar - East Talpiot: tens of meters. Um Tuba, Tzur Bachar - Har Homa: 1,000 m.
 Walajah - Malha Mall (Jerusalem's main shopping center), Malha neighborhood, Givat Massu'a neighborhood, Jerusalem-Tel Aviv railway, Biblical Zoo: 2,500-4,000 m. (not within light-weapons range but within mortar range).



The Security Fence Around Jerusalem: Implications for the City and its Residents
 Editor: Israel Kimhi, Jerusalem Institute for Israel Studies, 2006

The mayor of Jerusalem at the time, Ehud Olmert, assessed that “the separation would mean daily security risks and danger.” The heads of the community administrations of those border neighborhoods, who met at the time, heard the security surveys and reiterated their serious fears.

The police commissioner at the time, Assaf Hefetz, thought “it would be very difficult to protect Jews at the Western Wall.” He anticipated serious problems on the seam line and in the Jewish Quarter: “I do not know how it will be possible to solve all the problems that will arise as a result of changes in deployment. Terrorism will not cease altogether

after signing an agreement with the Palestinians," he warned. "The Palestinian Authority does not have complete control over its society, and at the same time Hamas and Islamic Jihad are carrying out activities about which decisions are made in other places, such as Syria and Iran." Other security bodies also published similar warnings.

Conclusions

On the basis of field data and past experience with the Palestinians, Israel cannot risk a separation from Arab neighborhoods unless responsibility for security remains solely under Israeli control. However, continued responsibility for security in those areas, even if civil authority is transferred to the Palestinian Authority, will mean that Israel retains control of the areas and, in effect, will not have separated from the Palestinians. From the security standpoint, separation in the foreseeable future endangers Israel and the Jewish residents of Jerusalem. It could potentially create "Lebanonization" on the ground, as well as seriously compromising the Jewish population's sense of security.

Currently, some of the Arab neighborhoods outside the city's jurisdiction, which have been transferred to the Palestinian Authority, are at zero distance or only a few hundred meters from adjacent Jewish neighborhoods, yet the IDF continues to control those places and prevents shooting and terror attacks on Jerusalem residents. For example, ISA head Yuval Diskin revealed to the Knesset Foreign Affairs and Defense Committee that a terrorist cell had been discovered in Bethlehem only one day before it planned to launch mortar shells at Gilo or Har Homa.

Potential Danger to Jewish and Christian Holy Sites in the Event of Division

Freedom of Worship and Access to Holy Sites in Jerusalem under Israeli Rule

Eastern Jerusalem, especially the Old City and its environs, contains hundreds of sites that are sacred to Judaism, Islam, and Christianity. The principal and best known of these are the Temple Mount, the Western Wall, and the Church of the Holy Sepulcher. Other holy Jewish sites are Rachel's Tomb just south of the city, the Tomb of the Prophet Samuel to the north, David's Tomb on Mount Zion, and the Tomb of Simon the Just in Sheikh Jarrah. Christian holy sites include Mary's Tomb at Gethsemane, the Church of the Ascension on the Mount of Olives, Pater Noster Church, and the Stations of the Cross along the Via Dolorosa.

Israel has for many years made every effort to protect freedom of access and freedom of religious worship at these holy sites, allocating top priority to the issue. As far back as July 1948, when the army appeared to be on the point of conquering the Old City, then-prime minister David Ben-Gurion gave an order to "prepare a special, loyal and disciplined force...to open fire mercilessly on any Jew who might attempt to rob or desecrate any holy site, whether Christian or Muslim." Ben-Gurion even recommended laying landmines at the entrances to the holy sites so as to prevent any damage to them. When Jerusalem was reunited in 1967, Israel formulated a policy permitting Jews to visit the Temple Mount but prohibiting Jewish prayer at the site most holy to Judaism so as to avoid offending Muslim sensibilities, thus hoping to avert interfaith conflict.

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On June 27, 1967, the Knesset passed the Protection of Holy Places Law. Israel placed internal control of the holy places in the hands of the religious authorities of each separate religion, as appropriate, and scrupulously upheld the new law. This law stipulated, among other things, that "holy sites would be protected against desecration and any other damage and against anything that might compromise freedom of access for the faithful to their holy sites, or their sensitivity toward those sites." It also imposed heavy penalties (up to seven years imprisonment) on anyone breaching its provisions.

The Christian Population, Christian Holy Places, and the Palestinians

In his book *The War over the Holy Places*, Dr. Shmuel Berkowitz documented Palestinian use of Christian holy places as part of the armed struggle and intifada against Israel. In November 1986, two of the murderers of yeshiva student Eliahu Amedi in the Old City escaped into the Church of the Holy Sepulcher, where they were eventually arrested. In May 1991, a number of Molotov cocktails were thrown from the roof of the Franciscan St. Savior's Parish Church, next to the New Gate, at cars parked outside the Old City walls. In October 1992, 150 people headed by Feisal Hussein held an anti-Israel rally at the Church of the Holy Sepulcher.

Berkowitz had the impression that during the First Intifada, attacks on Christian pilgrims and the desecration of Christian holy places intensified, against a background of increased Islamic religious extremism. This was one of the reasons many Christians left the territories and went abroad. The Christians tried to deny this and avoided filing official complaints, or even reporting the attacks on them, for fear of being accused of working against the Palestinian cause. On more than one occasion young men hurled stones from inside the Church of the Nativity at nearby Christian pilgrims. In August 1989, a large PLO flag was hoisted over the cross crowning the Carmelite Convent in Bethlehem. Slogans such as "Islam will triumph" were scrawled on the convent walls. The IDF force that entered the convent to remove the flag found the flagpole booby-trapped with explosives. It was successfully disarmed and the flag removed.

Official confirmation of information about harassment of Christians and their holy places is difficult to come by, since in recent years as well, Christians have avoided complaining about damage caused to them and even deny it. However, members of the Civil Administration as well as the West Bank staff officer for religious affairs have confirmed the events in the past. Moreover, regular reports from Uri Mor, the Ministry of Religious Affairs representative, documented occurrences of harassment of Christians, mainly in the Bethlehem area, during the years of Yasser Arafat's rule of the Palestinian Authority. The Prime Minister's Office published a report detailing further harassment of Christians and churches in territories under PA control. The press has reported in recent years that the rate of Christians leaving the territories to move abroad has greatly increased as a result of such harassment. For example, it was reported that the majority of Beit Jalla residents have left to live in Chile and in its capital, Santiago, they now number some 25,000.

A study by Justus Weiner for the Jerusalem Center for Public Affairs describes "persecution of Christian Arabs living in Palestinian Authority territories." Weiner points out that the number of Christian Palestinians living in the West Bank and Gaza, who represented at least 15 percent of that population 50 years ago, is now no more than 1.5 percent, and the change is particularly notable in Bethlehem whose current population of 30,000 is less than 20 percent Christian.

There have been reports, some confirmed, about the use of Christian holy sites in the struggle against Israel. Such use largely occurs against the will of the religious institutions responsible for those places. There is known harassment of the Christian population, mainly in Christian areas south of Jerusalem. This reality raises serious doubts about the ability and desire of the Palestinian Authority to conduct itself as a government that will respect the Christian holy sites in the Old City and the Christian minority living in the city, in the event of separation or division of the city.

The Palestinian Authority's Attitude toward Jewish Holy Places Under Its Control

At the beginning of the twenty-first century, Arab crowds on the Temple Mount would frequently target Jews worshipping at the Western Wall below for stone-throwing, in

full view of PA religious officials and security personnel. Israel permitted their presence at the site in the hope that this might calm the situation and keep it under control. In September 2000, on the eve of Rosh Hashana (the Jewish New Year), Jewish worshipers were removed from the Western Wall plaza after an incensed Muslim crowd threw stones down upon them.

At the beginning of the Second Intifada, Joseph's Tomb in Nablus was subjected to constant shooting attacks until ultimately it was ransacked and set on fire by a Palestinian mob, after having been evacuated by Israeli forces on October 7, 2000. Also in October 2000, the ancient Shalom Al Israel synagogue in Jericho came under attack. It was looted and books and religious articles were set alight.

Rachel's Tomb, on the outskirts of Jerusalem, was protected and reinforced. Battles took place in the vicinity and for years Jewish worshipers wishing to visit there, a distance of 400 m. from Jerusalem, could only arrive in armored vehicles. PA representatives and members of its security forces participated in the riots at Rachel's Tomb. Muslims who for generations had recognized the site as "Rachel's Tomb" now renamed it "Bilal ibn Rabakh Mosque."

Section 15 of the agreement known as the Gaza-Jericho First Agreement stipulated arrangements for Jewish holy places in those areas. They were four in number: the synagogues at Naaran, Gaza City, and Jericho, and the Tel Sammarat cemetery. Section 15 determined, among other things, that the Palestinian Authority would ensure freedom of access to and protection of all such holy sites.

On September 28, 1995, an additional agreement was signed, known as Oslo II (the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip). The agreement transferred responsibility for additional parts of the West Bank to Palestinian civil and security elements. The IDF evacuated six Palestinian cities and 450 villages, hamlets, and refugee camps.

The holy places in those areas, or areas nearby (to which access had now moved to or near to Palestinian territory), were designated in the agreement as "sites of religious significance" or "archeological sites." In reference to them the agreement mentioned, among other things, 23 Jewish holy sites that included the tombs of biblical figures, remains of ancient synagogues, and ancient gravesites. The Palestinians undertook to uphold free access to those sites, but in actuality they either made access very difficult or prevented it altogether.

Conclusions

Beyond the religious, historical, and political debate over the control of Jewish holy sites in the West Bank, the reality on the ground in those areas since the Oslo Accords has proved that the Palestinians should not be given responsibility for Jewish holy sites or for access to them. Such responsibility should remain in Israeli hands.

This becomes even more evident in the case of the Old City of Jerusalem, where Jews live in the Jewish Quarter and in the Muslim Quarter. The three main routes for Jews walking to the Western Wall to pray are through the Arab market, through the Jewish and Armenian quarters, or through Hagai Street, which crosses through the Old City from Damascus Gate.

The situation is equally complicated in the case of the Temple Mount, which Israel handed over to Wakf administration in 1967. Jordanian control of the Wakf bodies is not absolute, though in recent years it has again regained power. The Palestinian Authority is active and influential there in various ways, and the Israeli Islamic Movement also has extensive influence. It is this movement that is behind the inauguration of two large underground mosques on the Temple Mount in recent years: at Solomon's Stables and at ancient Al Aqsa. The same movement is also behind many incidences of incitement under the slogan "Al Aqsa Endangered." In recent times, the Committee for the Prevention of Destruction of Antiquities on the Temple Mount (whose members include public figures from the academic world, judges, and writers from the entire political spectrum in Israel) has also reported increasingly about repeated damage to antiquities on the Temple Mount. Some of the antiquities in question are connected to the history of the Jewish people.

Israel has nevertheless stood by its policy that the Wakf should be responsible for administering the Temple Mount; however, there is an Israeli police presence at the site, which maintains ongoing contact with the Muslims. The police force also has a special Holy Sites Unit whose job is to maintain order and work with Jerusalem's religious institutions, exercising appropriate sensitivity and tact.

The Municipal Aspect of Division

In December 2000, Mayor of Jerusalem Ehud Olmert referred to the possible impact of a divided Jerusalem on the quality of life in the city. Olmert said at the time: "The problem is that eastern Jerusalem neighborhoods and villages are integrated into the everyday life of the city in such a way that it is impossible to separate them. This is not a matter of ideology."

"Jewish" and "Arab" Jerusalem currently enjoy a single infrastructure system and it is difficult and perhaps impossible to separate the two. Main and subsidiary roads, unified water, electrical, sewage, and telephone systems, health systems and hospitals, banking and commercial networks all serve both populations integrally.

Olmert went on to wonder

whether anyone had tried to deal with the proposed separation. Could anyone imagine that Sheikh Jarrah could be cut off? Or that the entrance to the hospital on Mount Scopus would pass through Palestinian roadblocks? Apart from the security risks, this would create problems that would turn everyday life in the city into a living hell...Has anyone tried to analyze how, within the spaghetti that would be created, a separate infrastructure would be built? How to deal with separate planning and building laws? Water, sewage or roads?

At that time Olmert was drawing attention to the fact that "Jewish" and "Arab" Jerusalem, despite clear and regrettable differences in all matters pertaining to infrastructure, services, and investment, currently enjoy a single infrastructure system and it is difficult and perhaps impossible to separate the two without causing suffering to Jerusalem's residents. Services at various levels are provided to all parts of the city. Main and subsidiary roads crisscross it lengthwise and widthwise, connecting all neighborhoods and sections. There are unified water, electrical, sewage, and telephone systems throughout. The city's health systems and hospitals also serve both populations, as do various banking and commercial networks.

The road network that now serves both populations was built according to an outline that denied any possibility of division. Even the Jerusalem light rail that is supposed to begin operating within the next few years is a remnant of that policy and currently runs through the Arab neighborhood of Shu'afat, one of the objects of a possible separation.

For over three decades, Israelis believed that everything should be done to unify Jerusalem and avoid dividing the city again. In that spirit, new neighborhoods were built in eastern Jerusalem that today house some 190,000 Jews and contain official state institutions built on land that was annexed to the city in 1967.

The practical aspect that Olmert described emerged from Israel's greatly increased activity in Jerusalem immediately after the Six-Day War. Right from the outset, the aim of massive building in eastern Jerusalem was to establish Jewish control in strategic areas and prevent any possibility of future separation of various sections of the city. Israel built so as to "heal" municipal rifts; to expand Jerusalem, populate areas, and make sure it would not be possible to divide the city again.

When discussion of dividing Jerusalem first arose at the time of the Camp David talks in 2000, it transpired that the separation line according to the Clinton proposal would extend over 46 km. The main reason it was so long was the integrated spatial layout of

Jewish and Arab neighborhoods, and the fact that those neighborhoods are dependent on roads passing through areas populated by residents of both ethnic groups. If separation were implemented along the lines of that proposal, some 40 border crossing points for pedestrians and vehicles would be needed. Experts predicted “transport chaos” in Jerusalem if roadblocks were placed at tens of border points between Jewish and Arab neighborhoods.

For over three decades, Israelis believed that everything should be done to unify Jerusalem and avoid dividing the city again. In that spirit, new neighborhoods were built in eastern Jerusalem that today house some 190,000 Jews and contain official state institutions built on land that was annexed to the city in 1967. They include the government compound at Sheikh Jarrah; the Hebrew University campus and Hadassah Hospital on Mount Scopus; and hotels along Route 1. Land and properties were bought by the government, by private individuals, and by nonprofit organizations, all with the goal of “redeeming” Jerusalem. For a number of years there was even a government department whose function was to purchase land and buildings in the Old City and eastern Jerusalem in order to create a pool of properties for Jews to inhabit in the future.

Before its reunification, Jerusalem was a peripheral city, closed off on three sides and mostly receiving supplies from towns in the inland coastal plain to the northwest, but with no production of its own to supply anyone else. In his book *Divided Jerusalem, 1947-1967*, Prof. Raphael Israeli called it “an underdeveloped town at the end of a railway terminal.” Architect David Kroyanker described it thus: “Divided Jerusalem lay at the end of a no-through road with no urban setting behind it. On the north, east and south was a cease-fire line that divided the Jewish-Israeli west of the city from the Arab-Jordanian east. One could only enter Israeli Jerusalem from the west, and that was also the only possible direction for development.”

After the 1948 division, one-fourth of Jerusalem’s Jewish population (some 25,000 people at that time) moved away from the city.

Geographer Prof. Amiram Gonen, former head of the Jerusalem Institute for Israel Studies and a member of the Jerusalem Outline 2000 Program team, assessed that should Jerusalem be divided between Israel and the Palestinians:

it would drive Jewish Jerusalem back to its pre-1967 peripheral status. The message of such an arrangement to many Jerusalem residents would be clear: Jerusalem would revert to being a town at the end of a corridor, the end of the line, a town with no real metropolitan depth, a skeleton town surrounded on a few sides by another nation’s territory, trying to rehabilitate itself and so grasping at every advantage and every opportunity inherent in its status as a historic city and a religious center of the highest importance. There could be a massive exodus of people and businesses, as occurred after 1948, if word does not come from the policymakers that Jewish Jerusalem will not be diminished.

Many residents did indeed leave the city when it was divided in 1948. About one-third of the residents of eastern Jerusalem left, some 28,000 people, most of them Christians. Some one-fourth of the Jewish population of western Jerusalem left, around 25,000. Some returned once the security situation improved. Division today, notwithstanding the changes that have taken place in the intervening 60 years, could turn many neighborhoods along the seam line into border neighborhoods, as discussed above. Community leaders and local neighborhood committee heads have expressed the fear that apartment prices would fall drastically in those neighborhoods, which would experience a mass exodus.

The Legal Aspect of Division

Under existing Israeli law, territories of the State of Israel within Jerusalem, to which “Israeli law, jurisdiction and administration” apply, may not be transferred without a government resolution approved by an absolute majority of Knesset members and without a referendum. The duty to conduct a referendum, as stipulated in the Administration and Law Arrangements Law, is, pursuant to that law, conditional on the passing of a Basic Law that would specify the conditions for conducting such a referendum. To date, no such Basic Law has been passed; hence, the formal duty to conduct a referendum does not yet apply in the event of a resolution on the division of Jerusalem.

The Residents of Eastern Jerusalem Have Legal Rights

A background paper by the Jerusalem Institute for Israel Studies before the Annapolis Conference examined, among other things, the legal aspect of possible Israeli separation from Jerusalem’s Arab neighborhoods.

Dr. Robbie Sabel, former legal counsel to the Israel Ministry of Foreign Affairs who examined the Israeli law, felt that forcing eastern Jerusalem residents to surrender the resident status that was granted by Israel, and the rights inherent therein, would be problematic. For instance, international human rights laws stipulate a *prima facie* obligation not to act in conflict with the population’s wishes.

From the legal aspect, forcing eastern Jerusalem residents to surrender the resident status that was granted by Israel, and the rights inherent therein, is problematic.

It was further found that since eastern Jerusalem residents are residents of Israel, they are entitled as such to live in any place in Israel, should they choose to do so. The physical removal of those who have already moved to live in another part of the country would no doubt be considered “forcible expulsion,” which is prohibited under human rights law. In Sabel’s opinion, eastern Jerusalem residents would have the option of moving to some other part of Israel and thereby retaining their status as Israeli residents, or remaining at their current place of residence, thereby losing their right to Israeli resident status.

Gilad Noam, a Hebrew University doctoral student in law, determined that the difficulty in revoking permanent-resident status is that such status confers many social and other rights under Israeli law. Noam points out that as permanent residents, eastern Jerusalem residents are entitled to freedom of movement throughout all areas of the State of Israel, including the freedom to select their place of residence anywhere within Israel’s borders. Assuming that any plan for separation from eastern Jerusalem neighborhoods is based on a demographic rationale, separation from the actual neighborhoods does not mean preventing passage of the residents of those neighborhoods into Israeli territory, and any step that negates permanent-resident status is problematic in the sense of revoking rights.

Most constitutional rights in Israel, according to Noam, are also granted to permanent residents, including those rights embedded in the Basic Laws, such as the right to the protection of life, body, and dignity, property, liberty, the freedom to leave Israel, privacy and intimacy, and freedom of occupation. Most of these rights are established in the Basic Law: Human Dignity and Liberty, and the Basic Law: Freedom of Occupation. A broad cancellation of the basket of social services, pensions, the right to health services, and other rights, which would result from revoking permanent-resident status, would be grounds for a strong claim of derogating the right to human dignity.

Thus, while Israel may be able to “separate” from eastern Jerusalem neighborhoods, it will be necessary to compensate eastern Jerusalem residents for an entire array of rights that they will be losing. Furthermore, separation will not prevent those residents from exercising their rights as residents to move to western Jerusalem or any other part of the country, should they wish to do so before separation. This calls into doubt the demographic gain that proponents of separation hope to obtain from it.

The Position of Eastern Jerusalem Arabs

Eastern Jerusalem Arabs have a sense of national affinity with the PA and their brethren in the West Bank. Yet many will find it difficult to surrender their freedom of movement and expression, employment options, and the wide range of material benefits to which they are currently entitled by virtue of their resident status. They have expressed those feelings in many rounds of unofficial talks. Minister for Jerusalem Affairs Rafi Eitan reported in February 2008 that a survey showed the majority of eastern Jerusalem residents do not wish to leave Israeli rule.

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Zohir Hamdan, *mukhtar* (elected head) of Tzur Bachar village in eastern Jerusalem, requested a referendum among Arab residents as far back as 2000 on the subject of transfer from Israeli to Palestinian sovereignty. A public opinion survey conducted by the Palestinian delegation to the Geneva Initiative in 2003 found that 48 percent of Palestinians expressed a desire for Jerusalem to be an entirely open city, while 41 percent said they would make do with partial Palestinian sovereignty, and 35 percent were opposed to any form of division.

* * *

Note

* This study was originally published in Hebrew. The Hebrew edition includes source references, and a chapter on the Jewish birthright to Jerusalem.

* * *

Nadav Shragai is the author of *At the Crossroads, the Story of the Tomb of Rachel* (Jerusalem Studies, 2005); *The Mount of Contention, the Struggle for the Temple Mount, Jews and Muslims, Religion and Politics since 1967* (Keter, 1995); and "Jerusalem Is Not the Problem, It Is the Solution," in *Mister Prime Minister: Jerusalem*, ed. Moshe Amirav (Carmel and the Florsheimer Institute, 2005). He has been writing for the Israeli daily newspaper *Ha'aretz* since 1983. His previous studies for the Jerusalem Center include "The Latest Damage to Antiquities on the Temple Mount" (February 2008); "The Palestinian Authority and the Jewish Holy Sites in the West Bank: Rachel's Tomb as a Test Case" (December 2007), and "Releasing Terrorists: New Victims Pay the Price" (August 2008).



The Jerusalem Center for Public Affairs is an independent, non-profit institute for policy research founded in 1976. The Center has produced hundreds of studies by leading experts on a wide range of strategic and diplomatic topics. Dr. Dore Gold, Israel's former ambassador to the UN, has headed the Jerusalem Center since 2000.

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Recent Books and Monographs

Iran's Race For Regional Supremacy - Strategic Implications for the Middle East

Lt.-Gen. (res.) Moshe Yaalon, Dr. Dore Gold, Maj.-Gen. (res.) Aharon Farkash, Brig.-Gen. (ret.) Dr. Shimon Shapira, Dr. Martin Kramer, Uzi Rubin, Daniel Diker, and Lt.-Col. (res.) Jonathan D. Halevi

Since the 2006 Second Lebanon war, Iran has accelerated its quest for regional supremacy through its mobilization of both Shiite and Sunni terror surrogates. Unfortunately, Iran's pivotal role in destabilizing the Middle East including Iraq, Lebanon, Jordan, the Gulf States, and the Palestinian territories has not been fully appreciated by the West and has even been downplayed in certain quarters.

Referral of Iranian President Ahmadinejad on the Charge of Incitement to Commit Genocide

Justus Reid Weiner, with Meir Rosenne, Elie Wiesel, Dore Gold, Irit Kohn, Eytan Bentsur, and Dan Naveh

Historically addressing genocide has been primarily a forensic endeavor that begins functioning when the tragedy is over. Now is the time to avert bloodshed: Ahmadinejad's incitement deserves an indictment.

Defensible Borders for a Lasting Peace

Dr. Yuval Steinitz, Maj.-Gen. (res.) Yaakov Amidror, Dr. Meir Rosenne, and Dr. Dore Gold

Israel's rights and requirements for defensible borders, as proposed by President George W. Bush, have now been placed squarely on the global diplomatic agenda. This multi-disciplinary study focuses on Israel's minimal territorial requirements to enable it to defend itself in the post-Iraq War Middle East.

The Fight for Jerusalem: Radical Islam, the West, and the Future of the Holy City Dore Gold

Jerusalem has been under assault. The attack on the veracity of its biblical past was only a prelude for compromising that began at Camp David. In Western diplomatic circles, including in the U.S., it is now being argued that by pushing hard for a Middle East settlement, with the redivision of Jerusalem at its core, the flames of radical Islamic rage will be lowered. Yet a redivision of Jerusalem would not only endanger its holy sites, but also unleash new jihadist momentum. (Regnery, 2007)