

The Reality of Israel's "Open Jerusalem"

Ghettos, demolitions and housing shortages

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Jerusalem. No one would have been more surprised than Fawziya Khurd by the recent pronouncement of Benjamin Netanyahu, the Israeli prime minister, that Israel operates an "open city" policy in Jerusalem.

Mr Netanyahu told his cabinet on Sunday that Israel's annexation of East Jerusalem following the 1967 war — what he called the city's "unification" — meant that all residents, Jews and Palestinians alike, could buy property wherever they chose.

"Our policy is that Jerusalem residents can purchase apartments anywhere in the city," he said. "There is no ban on Arabs buying apartments in the west of the city, and there is no ban on Jews building or buying in the city's east."

Mr Netanyahu was trying to justify recent construction in East Jerusalem by settler organisations in defiance of demands from the US that Israel halt all such work. In particular, US officials are objecting to the recent takeover of property by settlers in the Sheikh Jarrah neighbourhood, where Mrs Khurd used to live, as well as the Old City, Silwan and Ras al-Amud.

According to experts, however, the reality is that in both a practical and legal sense Mr Netanyahu's "open city" is a fiction, extended only to the settlers and not to Mrs Khurd or to the 250,000 other Palestinians of East Jerusalem.

Mrs Khurd, for example, has been forced to live in a tent after settlers ousted her from her East Jerusalem home of five decades in November. She also has no hope of moving back to the house taken from her family in Talbiyeh, now in West Jerusalem, during the 1948 war that established Israel.

In addition, movement restrictions mean that almost all of the nearly four million Palestinians of the West Bank and Gaza are banned from entering the city or visiting its holy sites.

Inside Jerusalem, as in the West Bank, Israel enforces a strict programme of segregation to disadvantage the Palestinians, said Jeff Halper, of the Israeli Committee Against House Demolitions.

Israeli Jews have the freedom to live in both parts of the city, with 270,000 in West Jerusalem and a further 200,000 living in East Jerusalem in rapidly expanding settlements heavily subsidised by the state.

Palestinians, meanwhile, are denied the right to live both in West Jerusalem and in many residential areas of East Jerusalem. Even in their tightly controlled neighbourhoods in the city's east, at least 20,000 of their homes are subject to demolition orders, said Mr Halper.

Daniel Seidemann, a Jerusalem lawyer, said that in his 20 years of handling residency rights cases for Palestinians he had never heard of a Palestinian with a Jerusalem ID living in West Jerusalem.

The reason, he pointed out, was that almost all land inside Israel's 1948 borders, including West Jerusalem, has been registered as "state land" managed by a body known as the Israel Lands Authority.

The authority allows neither Palestinians nor Israelis to buy property on state land. Instead long-term renewable leases are available to Israeli citizens and anyone eligible to immigrate to Israel under the country's Law of Return — meaning Jews.

The settlements in East Jerusalem — now covering 35 per cent of the eastern city, according to Mr Seidemann — are also built on land declared as "state land", in violation of international law. Again this means that only Israelis and Jewish foreign nationals are entitled to lease land there.

Because they do not hold Israeli citizenship, the Palestinians of East Jerusalem are disqualified from acquiring property either in West Jerusalem or in the settlements of East Jerusalem.

"The extraordinary situation is that a Palestinian who had his land expropriated to build the settlement of Har Homa [on the outskirts of East Jerusalem] cannot lease land there, whereas a Jew from Paris or London who is not even an Israeli citizen can."

Mr Seidemann also pointed out that the country's Supreme Court ruled in 1978 that a Palestinian family forced out of what became the Jewish quarter of the Old City in 1967 had no right to return to their property.

The court justified its decision on the grounds that each religious community should have its own quarter. "However, that ruling has not stopped the Israeli government from helping Jewish settlers to encroach on the Muslim and Christian quarters."

This week, the Israeli media reported, several families from a settler organisation, Ateret Cohanim, had moved into a building in the heart of the Muslim quarter. The property was bought by Ariel Sharon in the 1980s to assert Jewish sovereignty over all of the Old City, although he never moved in.

Mr Halper said that, in addition, Jerusalem's Palestinians, unlike its Jews, faced municipal policies designed to make life as unbearable as possible. Demolitions of Palestinian property are widespread. Police, for example, have torn down Mrs Khurd's tent on six occasions since November and she faces a series of fines.

"Even according to Israeli figures, East Jerusalem lacks 25,000 housing units to cope with the Palestinians' minimal needs," said Mr Halper. "The land is available, it's just that Israel

wants to induce a severe housing shortage for Palestinians.”

The hope is that they would move to the West Bank, he said.

Mr Seidemann said a handful of Palestinian families — faced with this housing shortage — had managed to rent homes short term from Israeli owners in East Jerusalem’s larger settlements, such as French Hill and Pisgat Zeev. This marginal phenomenon, he said, had been misleadingly trumpeted as proof of the “egalitarian nature” of Israel’s property laws.

According to the Israeli media, Mr Netanyahu’s remark may have been intended to throw mud in the eyes of the US Administration as it steps up pressure on Israel to halt settlement building in East Jerusalem.

Mr Seidemann said: “The [US] State Department understands these issues better than Mr Netanyahu. There is zero possibility that his comments will be treated as credible by any of their negotiators.”

Jonathan Cook is a writer and journalist based in Nazareth, Israel. His latest books are “Israel and the Clash of Civilisations: Iraq, Iran and the Plan to Remake the Middle East” (Pluto Press) and “Disappearing Palestine: Israel’s Experiments in Human Despair” (Zed Books). His website is www.jkcook.net.

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