

**Jerusalem Israeli
Municipality Town
Planning Scheme
2000**

Action Alert

Israel shrouds its illegal control over Occupied East Jerusalem, Including the Old City, with a "Modern" Town Planning Scheme

This Action Alert is issued to draw the attention of the International Community to Israel's continued illegal campaign to alter the status of Occupied East Jerusalem in disregard to International Resolutions and Human Rights conventions.

During a press conference held on September 13, 2004, and in unprecedented move, the Israeli Mayor in Jerusalem, Mr. Uri Lublialsky, disclosed a Town Planning Scheme (TPS 2000) for the City of Jerusalem to serve as a mandatory map for land use and a blueprint for other municipal planning purposes until the year 2020. The plan incorporates occupied East Jerusalem. This is the first time that Israel publicizes a comprehensive town planning scheme for "Jerusalem". The goal of TPS 2000, as pronounced in the executive summary of the plan, is "to create a 'positive' framework to proceed with the development of the city of Jerusalem as a capital for the state of Israel and a seat for its government." And "to achieve a long term goal which reflects the future vision for the city as conceived by the City's "fathers".

De Facto Israeli Control over West Jerusalem

To this day, the status of Jerusalem has not been determined under International law. UN General Assembly Resolution 181, or the partition plan of Palestine 1947, recommended that Jerusalem be placed under International sovereignty as an International city. UN General Assembly resolution 303 reiterated the UN commitment to internationalization of Jerusalem, and designated it a "*corpus separatum*" - separate body. The partition plan was rejected by the Palestinians and the Arab countries, and hostilities broke out between both parties and Israel.

By UN Security Council resolution 62 (1948), an armistice was established in all sectors of Palestine. In conformity with this resolution, an armistice agreement was concluded in 1949 between Israel and Jordan. The Agreement fixed the armistice demarcation line (often later called the "Green Line" owing to the colour used for it on maps; hereinafter the "Green Line).

The armistice demarcation line led to the division of Jerusalem into an eastern half controlled de facto by Jordan, including the historic Old City, and a western half controlled de facto by Israel. To this day, Israel's sovereignty over "Jerusalem" is contested. Even the United States does not recognize any part of Jerusalem as part of Israel despite congressional resolutions. And, both the United States and Great Britain, consider that the status of Jerusalem is to be resolved by the parties to the dispute in final status negotiations.

In the 1967 armed conflict, Israeli forces occupied all the territories which Jordan controlled West of the river Jordan including the Eastern Half of Jerusalem..

De Facto Israeli Control over East Jerusalem

Following the 1967 war, the Israeli Knesset on 27 June, 1967, approved an amendment to the "Law and Administration Ordinance" "The, Jurisdiction and administration of the State shall extend to any area in Eretz Israel designated by the Government by order; a second amendment to the "Municipalities Ordinance Law", allowing the Minister to enlarge by proclamation the area of a municipality by inclusion of an area. Designed by order. And a third law, "Protection of Holy Places Law" which called for the protection of the Holy places and Freedom of access to them". "In 1980, the Knesset adopts Basic Law formally annexing the expanded city" (Living in Jerusalem: A Report by the Palestine Housing Rights Movement to the UN Committee on Economic and cultural rights, May 1996)

On 22 November 1967, the Security Council unanimously adopted resolution 242, which called for the withdrawal of Israeli forces from territories occupied during the 1967 war, including East Jerusalem

Security Council resolution 298 (1971) confirmed in the clearest possible terms that: "All legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status".

Later, following the adoption by Israel on 30 July 1980 of the Basic Law making Jerusalem the "complete and united" capital of Israel, the Security Council, by resolution 478 (1980), stated that the enactment of that Law constituted a violation of international law and that "all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem. . . are null and void". It further decided "not to recognize the 'basic law' and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem".

The International Court of Justice (ICJ) Ruling on the "Legal consequences of the Construction of a Wall in the Occupied Palestinian Territory" on 9 July 2004 reiterated the International stance vis a vis the status of Jerusalem:

"The territories situated between the Green Line and the former eastern boundary of Palestine under the Mandate was occupied by Israel in 1967 during the armed conflict between Israel and Jordan. Under customary international law, these were therefore occupied territories in which Israel had the status of occupying Power.All these territories (including East Jerusalem) remain occupied territories and Israel has continued to have the status of occupying Power"

Despite UNSC Resolutions 242, 298 and 478 "the Israeli government proceeded to redraw the municipal boundaries of Jerusalem to include "Jordanian" Jerusalem and land adjacent to it in the West Bank. This is the area which came to be known as East Jerusalem. 70,500 dunams owned exclusively by Palestinians were annexed de facto to Israel. Since then, the government of Israel and the Jerusalem Municipality have been systematically expropriating land and confining the Palestinians to ever smaller areas in East Jerusalem so that today, only 7,000 dunams, or 10% of the land is used by its Palestinian owners"(Sara Kaminkar: "A Policy of Land Use Denial, 1995). Concurrently, an Israeli ministerial committee was formed in 1967 and its first decision was to declare a 76:24 demographic ratio of Jews: Palestinians in the City. A census was carried out in East Jerusalem to fulfill this purpose. (Please see table 1 in Annex I)

("The first decision of the ministerial Committee on Jerusalem was to set policies to preserve a 76:24 (Israeli: Palestinian) demographic ratio in Jerusalem. The primary means to create and preserve this ratio was expropriation of Palestinian land, construction of Jewish settlements on this land, restriction on Palestinian building and land use through planning and zoning policies detailed below, residency regulations and other measures, such as services designed to push part of the Palestinian population to reside outside the extended borders of annexed Jerusalem (Living in Jerusalem).

Excessive 'Palestinian land' control measures

"Two procedures are used to reduce the size of the land area available for use by 'Arabs': expropriation and town planning..... The government issues a map showing which land it intends to confiscate and declares that it needs the land for public purposes. The nature of the public purposes is not specified". The act of expropriation transfers ownership of the land to the state. Government land expropriation is undertaken prior to planning" (Kaminkar) The land is subsequently used to build Israeli illegal settlements and huge road beds to link these settlements together.

Conversely, the Israeli Municipality in Jerusalem may expropriate land only on the basis of an approved town planning scheme. "Various attempts to produce a development policy statement translated into a planning map and regulations...aroused concern about international embarrassment....unable to overcome this difficulty the Jerusalem municipality began preparing neighborhoods' spot zoning plans. There are 23 neighborhood spot zoning plans scattered over the land

area of East Jerusalem. They are separated from each other by swatches of land where no planning exists. The largest ten neighborhoods are for Jews; the remaining 13, the smallest are for the Palestinians. (There are 19 Palestinian neighborhoods in all). All the Jewish neighborhoods are new; that is they were planned on vacant land that was expropriated by the government after the 1967 war. No new Palestinian neighborhood has been planned since 1967. All existed before the war, but their size has been reduced by spot zoning plans (Kaminkar). Accordingly, all adjacent land surrounding Palestinian built up areas is designated as green zones or opens areas where Palestinian construction is strictly prohibited. "In fact almost none of the land designated for open space in Palestinian suburbs is planted; on the ground, it is beige rather than green" (Kaminkar). Yet a "forested" green area in East Jerusalem may become a "white area" when a plan for a Jewish settlement is finalized. Examples: Jabal Abu Ghneim or Har Homa in Im Tuba and Reshes Shoafat in Shu'fat.

"Unplanned Palestinian land is kept vacant by the municipality until the time for expropriation. The law permits demolition of any building that has been constructed without a license and, in East Jerusalem; the Municipality is a strict enforcer of the law. It does not issue licenses on unplanned land; and it does not plan - zone Palestinian owned land to meet the housing needs of the Palestinians. It destroys unlicensed homes with a free hand" (Kaminkar). The liberal policy of creating open spaces in East Jerusalem is "an instrument to "close space" to Palestinians" (Kaminkar). House demolition have been carried out on average of 28 a year between 1990 and 2003. However, this process was accelerated recently and demolitions amounted to 35,39 and 46 in 2001,2002 and 2003. Last year they reached higher levels. And this year the process is being stepped up considerably. (Please refer to table 3 in Annex I)

"Another common route for expropriation is the 1950 Absentee property Law which stipulates that any property whose owner was 'absent' from the property between November 29, 1947 and the establishment of Israel on 15 May 1948 is liable to be confiscated. This law was extended to East Jerusalem despite the fact that Israel did not occupy it until 1967(Living in Jerusalem).

"Ethnic Quota" for Housing for Palestinians

The municipality profile of Housing development projects intended for the Palestinians is revealed in the following example: "In 1981, a municipal master plan submitted to the District Planning Commission (DPC) proposed 20,000 housing units for Palestinians in two suburban areas north of the City mainly Beit Hanina and Shufat. In 1983 this has been scaled to 15,000 units. When the plan was finally approved in 1992, it had been scaled back to 7,500 units"....Despite the DPC approval decision, the present approval rate for Palestinians is 335 units per year. It will take 50 years for the government to approve the total units approved for Palestinians in the Master plan. In contrast, 17,400 residential units were approved for Israeli Jews in 1991-1992....In 1993, it was revealed that there is an ethnic quota placed on Palestinian building permits that had been in operation for 20 years. This quota is aligned with the policy of preservation of Israeli demographic supremacy (The Politics of Jerusalem since 1967, Michael Dumper, 1997) .

"In the future there will be no place for the 'Arabs' to build in Jerusalem. They will need to leave Jerusalem and move to the West Bank (Kaminkar) (Please see map 2 of Annex)

Staggering Economic Growth of Palestinians

No Industrial zones have been planned in any Arab neighborhood since 1967. The few scattered lots designated for commercial use in some neighborhoods are almost fully occupied. 'Arabs' in East Jerusalem therefore continue to be dependent on Jewish owned concerns for employment and commercial facilities (Kaminkar)

Immediately following the signing of the Oslo Peace Agreement in 1993, Israeli adopted a tight closure policy around East Jerusalem to detach it completely from the surrounding West Bank areas for which it traditionally served as a commercial center. The closure led gradually to the weakening of Palestinian business activities in the City.

Anticipated impact of TPS 2000 on the Palestinians in East Jerusalem

TPS 2000 is a Municipal land expropriation tool par excellence. Most of TPS 2000 planning documents are guidelines, except for a Mandatory Map which determines land use. Other legal statutes which accompany the planning documents become mandatory once the TPS is approved. The land use Map is considered mandatory even prior to approval of the plan.

(Map 2 Annex II) used in this alert is used to show a TPS map which is misleading as it shows the Palestinian areas as one continuous expanse of land, whereas in reality, these areas are enclaves completely separated from each other by Israeli settlements or intricate highways intended to connect these settlements together, and by "green zones" and "open spaces" or unplanned areas (Map 1 AnnexII). The Palestinian "enclaves" are appended erratically to the Israeli highways as the traditional roads which connected them to the business center of East Jerusalem and to each other were almost all wiped out).

Once approved, TPS 2000 will allow the Municipality to use 38,8% of the East Jerusalem land- previously frozen by the Israeli Municipality planning schemes- for public projects (figure 1 AnnexI). The plan details all the Israeli projects which will be implemented on this land. Except for a hospital and an unspecified "higher education institution", all land use is allocated for specific Jewish institutions.

The scheme also provides for an elaborate transportation system to facilitate access of Israelis to the City Center in the Western side of the city. To make it fast and "efficient", land used to accommodate the transportation passage ways may infringe on Palestinian neighborhoods. The light tramway project which is currently being constructed in Shufat is an example.

There is no land allocation for industrial or business development projects for Palestinians in the scheme. Except for small "City Inns" within the Old City, no new hotels are to be built.

Although TPS alleges to target a 70:30 population ratio of Israelis to Palestinians, the scheme is no way intended to uphold this target. The scheme itself reveals indications that would discount this allegation. However, the process is shrouded as follows: "TPS 2000 targets a population level of 950,000 to match up the future image of the City as envisioned by the 'fathers'...." "this target was espoused after examining population projections which will be consequent of different events likely to take place". House demolitions, which are being stepped up, are the collateral means to ensure the success of the TPS to reach its "target".

The Old City Planning Scheme will be mandatory once the document will be approved, as it also involves land usage within the walled areas. Land ownership in the Old City is brought into question as the scheme claims that there is a lack of organized registration system for assets. The scheme also claims that "the nature of layer upon layer building in the Old City makes it hard to identify and register ownership rights". Renovation of old buildings will be controlled by Municipal licensing procedures. And the scheme provides for demolition of houses and the establishment of statutory system for archeological sites identification and excavations. Population density in the Old City is to be dealt with through a "thinning out procedure". Modernization of Shufat Refugee Camp is brought up in the TPS as a viable Palestinian building project.

The Palestinians view TPS 2000 as an ultimate instrument that would not only obliterate their rights to self determination, but would deny them subsistence on their own land. Already the building of the Separation Apartheid Wall around Jerusalem justified on "Security grounds" denies thousands of Palestinians of Jerusalem access to the city and increasingly deprives them of access to schools, hospitals, holy places and visitation with family members and private property. In fact, the building of the Separation Apartheid Wall is a major feat in the process of ethnic cleansing in Jerusalem. Almost 50,000 Jerusalem Palestinians will be deprived from residing in the City, and thousands of other people dependent on services in the city will not be able to access these services.

The Old City is considered as an Israeli municipal borough and planning and zoning inside the city walls the exclusive privilege of the Israeli Municipality.

Conclusion

It is expected that TPS 2000 will provide for further isolation of Palestinian suburbs within enclaves completely surrounded by new Jewish concerns that will be established in the areas that were previously allocated for "green zones" and "open spaces". And, further provide for an advanced road and transportation grid that links Jewish settlements together and consequently form barricades around Palestinian built up areas to further confine their growth.

The weakening of the business center in East Jerusalem as a result of the closure policy and the appendage of Palestinian "enclaves" to the Israeli road system enfeebles the ties of these enclaves with the city center i.e. the old city and its environs, which is the heart of their political, economic, social and religious lives. If applied, the scheme will phase out the Palestinian communal entity as it alienates them gradually from a communal center of life.

The Old City will be subject to Israeli modern "Israeli development" scheming, and the determination of its religious and historical value will be the exclusive privilege of the Municipality planning teams.

The success of the TPS 2000 is contingent on heavy handed geographic and demographic manipulation by the Municipality Planning teams to confine land usage for the Palestinians for housing, infrastructure and economic activity in order to stagger growth in all respects and drive the youth to immigrate and, to considerably expand the land use for the Jewish population to encourage Jewish immigration by young couples. In fact the attraction of the latter category of Jews is the focus of the TPS.

The Old City of Jerusalem

The old city holds enormous religious significance for millions of believers of the three monotheistic religions throughout the world. Given the exclusivist and exclusionist nature of Israel's planning policies in East Jerusalem, drafting planning policies for the old city to be included in a statutory plan by the Israeli municipality should raise serious concern among Palestinians, the Arab, Muslim and the Christian worlds. The Old City Plan proposed in TPS 2000 is in line with its general policy framework which aims primarily at changing the physical and the demographic characteristics of the City.

Unfortunately, in their ardent urge to secure political control over the annexed East Jerusalem, the Israeli planners relegate urban planning principles to second rank.

Action Requested

The Members of the Coalition for Jerusalem assert that an imposed political solution by Israel in Jerusalem is not acceptable. And hereby state our unequivocal rejection of the Town Planning schemes of the Israeli Municipality in East Jerusalem. How we shop in Jerusalem, or where we work or where we pray or how we tend our gardens should be ours to determine. The Israeli Government has to contend that we do not accept its authority over East Jerusalem.

Therefore, the Members of the Coalition for Jerusalem requests the Arab League, the Conference of Islamic Countries, the Vatican and Jewish Community Leaders worldwide, Members of the Quartet, the UN General Assembly Members, the UN affiliated World Heritage preservation organizations and UN Human Rights organizations and Non Governmental Organizations press upon Israel to comply with all UN General Assembly and Security Council resolutions concerning Jerusalem, and the ICJ Ruling on Jerusalem, and to refrain from implementing TPS2000 provisions following its formal approval or selectively thereafter if such approval is not attained .

The Members of the Coalition for Jerusalem requests that the Conference of Islamic Countries, the Vatican and the Jewish Community religious leaders assume their responsibilities and request the Government of Israel to contain the seeds of a serious religious conflict by refraining from carrying out TPS 2000 in the Old City

The Members of the Coalition for Jerusalem requests UNESCO to assume its responsibilities vis a vis the Old City and its environs as the embodiment of a World heritage and a living vestige of international communal coexistence and to intervene to stop the implementation of TPS2000.

The Members of the Coalition for Jerusalem requests Members of the dignified bodies of the International Community to call upon Israel to resume the Peace Negotiations with the Palestinian National Authority to reach a negotiated agreement on Jerusalem.

If Israel refuses to acknowledge international pledges, The Members of the Coalition for Jerusalem request the presence of International observers in the City to protect Palestinian rights in East Jerusalem.

Action Alert

Annex I

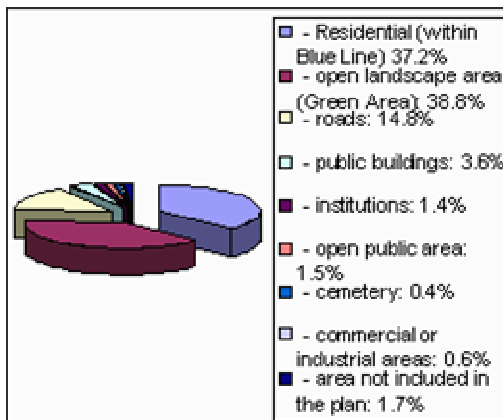
Table (1) Source: Living in Jerusalem: A Report by the Palestine Housing Rights Movement to the UN Committee on Economic and cultural rights, May 1996)

1967	68,600 non Jews (25.8%)	(74.2%) 197,700 Jews
	Most in East Jerusalem	In West Jerusalem
1992	155,500 Non Jews (27%)	401,000 Jews (72.1%)
	Most in East Jerusalem	More than 1/3 in East Jerusalem

Table 2 (Source: Jerusalem Institute of Israel Studies, *Statistical Yearbook of Jerusalem*, 2002; figures for age: from the 2001 Yearbook.)

	Jews	Palestinians	Total
Total Population (2002)	458,600 (67.4%)	221,900 * (32.6%)	680,400
- of which settlers in East Jerusalem	ca. 180-200,000		
- of which Haredim	ca. 30%		
- of which Christians		ca. 14,000	
Population Growth Rates (%) 2002	0.9	3.0	
- total 1967-2002	132.3	223.3	155.7
- average 1993-2001	1.18	3.62	1.84
Population ratio 2001	67.4	32.6	
Projected population ratio 2005/ 10/ 20	67.2 / 65.4 / 62.2	32.8 / 34.6 / 37.8	
Population by age (2000) in %			
- 0-14 yrs.	31.9	41.3 (Muslims: 42.4 Christians: 21.8)	34.6
- 15-44 yrs.	41	45.3	42.5
- 45-64 yrs.	16.8	10.1	14.7
- 65+ yrs.	10.4	3.4	8.1
Internal Migration Balance (2002)	-6,400 (-13.9%)		-6,600 (-9.8)

Figure 1



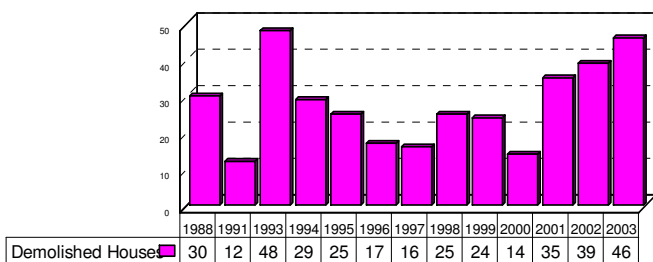
Source: IrShalem (1998) East Jerusalem; The current planning situation

Land distribution and zoning designations in East Jerusalem as determined by the municipal authorities:

- 35% area expropriated by the Israeli government;
- 23% unplanned areas;
- 17% planning in progress;
- 25% planned areas, plan approved of which 7.3% is currently available for residential construction.

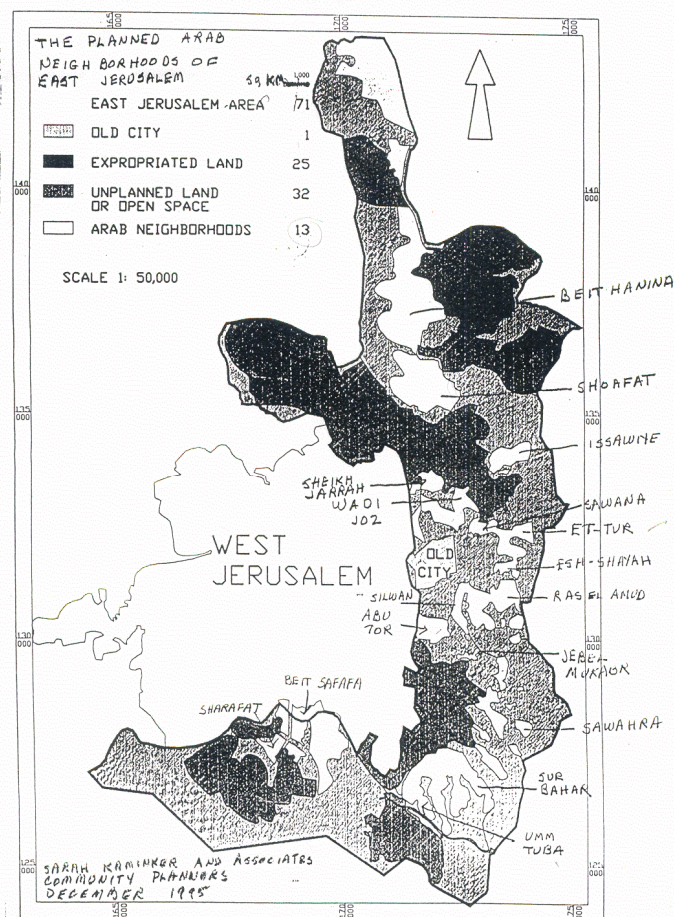
Table 3

Palestinian Homes Demolished for being built "Ilegally", 1988-2003



Kindly provided by ICAHD; Sources: B'Tselem, LAW, WJM; figure for 2003: as of Oct.).

Annex II Map 1



Accion Alert