Mention the Palestine-Israel conflict and people will conjure up thoughts of sporadic violence, the commencement and breakdown of cease-fire agreements and on again, off again peace talks. Even when parties periodically lay down their arms the conflict continues to rage. This is a conflict about more than violence. It is a conflict cloaked in bureaucracy and legalities. It is a conflict about (in)equality. Palestinians are treated in a way that violates all notions of fairness and seriously brings the integrity of ‘the only democracy in the Middle East’ into question.

The inequality in treatment that Palestinians experience on a daily basis can most obviously be seen in Israel’s administration of Jerusalem. Israel has adopted policies that severely restrict the movement of Palestinians into and out of Jerusalem, threatens their continued residence in the city and significantly affects their overall quality of life.

Demographic Balance

Between 1948 and 1967 Jerusalem was divided into West Jerusalem (Israeli controlled) and East Jerusalem (Jordanian controlled). The Six Day War in 1967 concluded with Israel’s occupation of the formerly separate West Bank (including East Jerusalem) and Gaza. With control over these territories Israel quickly amended its legislation so as to assert its control and sovereignty over East Jerusalem, subsuming it into the (Israeli) Municipality of Jerusalem.

With the annexation of East Jerusalem, Israel implemented a plan to bring about the demographic transformation of the city (the annexation of East Jerusalem now included an increased Palestinian population). Israeli settlements were quickly established as land was confiscated from Palestinians under the legal guise of being for ‘public purposes’. The aim was to ‘Judaise’ the city and minimise the area of the West Bank that would have to be returned to any future Palestinian state.1

Whilst fixated on the desire to ‘Judaise’ East Jerusalem, the city’s Palestinian population continued to grow. Alarmed by this ‘demographic threat’,2 the Israeli Government convened the Inter-ministerial Committee to Examine the Rate of Development for Jerusalem (otherwise known as the ‘Gafni Committee’) in 1973. The Government adopted the Gafni Committee’s recommendation that called for the demographic ‘balance’ between the Jewish and Palestinian populations to be maintained at their 1972 levels. That is, the Jewish population of the city was not to fall below 73.5% and the Palestinian population was not to rise above 26.5%.3

4 Ibid., 126.
An amended version of this demographic ‘balance’ is one of the key principles which underpin the Municipality of Jerusalem’s latest master plan for the city (‘Master Plan 2000’, aka ‘Master Plan 2020’, aka ‘Master Plan 2030’). Policies regarding residency, construction and movement into and out of Jerusalem institutionalise the unequal treatment and systematic discrimination of Palestinians.

**House Demolitions**

The ‘demographic balance’ is given ultimate affect through seemingly mundane means. The law provides that construction cannot occur unless a building permit has been issued by the Municipality of Jerusalem. This requirement is not unusual; permit systems are a common means of regulating the development of urban centres and ensure the maintenance of public health, delivery of services and maintenance of the neighbourhood aesthetics. Whilst the law is seemingly drafted in neutral language, the reality is otherwise. In reality the law has brought about a planning system with which Palestinians are unable to comply.

For example, the (non-)existence of a Local Planning Scheme (LPS – also known as a Town Planning Scheme) proves to be one of the greatest hurdles to Palestinians obtaining a building permit in Jerusalem. Permits are only issued where the planned construction is to occur in an area which has been zoned residential, as delineated by a LPS. Again this would appear on the face of it to be a legitimate requirement. However it is important to note that of the 71 square kilometres of land (East Jerusalem plus surrounding 28 Palestinian villages) annexed to the Municipality of Jerusalem in 1967, 24.5 square kilometres (35%) was confiscated for the construction of Israeli settlements. Of the remaining 46.5 square kilometres (65%), 21.3 square kilometres (30% of the original 71 square kilometres) is not covered by a LPS and thus no building permit may be issued. The remaining 24.7 square kilometres (35%) are covered by a LPS, but 15.5 square kilometres (63% of the land covered by a LPS) is zoned as a ‘green area’. Construction is not permitted in a ‘green area’. This left 9.18 square kilometres or just 13% of the total land annexed by Israel in 1967 available for the construction of Palestinian houses.

Lacking an LPS for the limited land available, Palestinians have been required to engage their own planners and cover the costs associated with drafting and submission. In contrast in West Jerusalem, the process of having a LPS drafted, submitted and approved is undertaken by the Israeli authorities. The Israeli authorities will engage the appropriate planning personnel and cover all associated costs over the life of the project. In East Jerusalem, only Jewish settlers are provided with a similar level of service.

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Even if the Palestinians are fortunate enough to have a plan accepted, their application for a permit may still be refused if there is insufficient public infrastructure (such as roads and water) in the area for which the permit is sought. Again, there is nothing outwardly controversial about this requirement. This requirement nonetheless discriminates against Palestinians in East Jerusalem as the Municipality of Jerusalem has allocated very few resources to the development of the public infrastructure required to make the approval of a permit possible.\footnote{United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, East Jerusalem: Key Humanitarian Concerns (OCHA, Special Issue March 2011) 29-30.}

The European Union has estimated that although the Palestinian East Jerusalem population constitutes about 34% of the Municipality's total population, only about 5% to 10% of the Municipal budget is allocated to East Jerusalem.\footnote{Yosef Rafeq Jabareen, 'The Politics of State Planning in Achieving Geopolitical Ends: The Case of the Recent Master Plan for Jerusalem' (2010) 32(1) International Development Planning Review 27, 39.}

This planning scheme has seemingly legitimised the unequal treatment of Palestinians in Jerusalem and underscored the demolition of approximately 2000 Palestinian homes and the displacement of countless families since 1967.\footnote{East Jerusalem: Key Humanitarian Concerns (United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, March 2011) 38.}

Further, at least 33% of Palestinian houses in Jerusalem are at risk of demolition because they lack the requisite building permits. This places 93 100 people at risk of displacement.\footnote{Secretary-General, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, UN Doc A/HRC/25/38 (12 February 2014) 7[11].}

## Movement into and from Jerusalem

Another method used by the Israeli Government to limit the Palestinian presence in Jerusalem is through the enforcement of a residency permit system. A census was conducted throughout East Jerusalem in 1967. Those Palestinians that were present at the time of the census were granted permanent residency status (approximately 66 000). This permit is known colloquially as a blue ID (denoting the colour of the ID's cover). Those Palestinians who were elsewhere in the lands occupied by Israel were given West Bank IDs (or green IDs, denoting the colour of the casing).\footnote{Natalie Tabar, The Jerusalem Trap: The Looming Threat Posed by Israel’s Annexationist Policies in Occupied east Jerusalem (Al-Haq, 2010) 13.}

Despite being permanent residents of Jerusalem, Palestinians that hold a blue ID are still perceived as ‘foreigners’.\footnote{Anne B Shlay and Gillad Rosen, ‘Making Place: The Shifting Green Line and the Development of “Greater” Metropolitan Jerusalem’ (2010) 9(4) City & Community 358, 376-377.}

Their status and rights to live and work in Jerusalem are not secure. They can be rescinded at the discretion of the Minister for the Interior.\footnote{Natalie Tabar, The Jerusalem Trap: The Looming Threat Posed by Israel’s Annexationist Policies in Occupied east Jerusalem (Al-Haq, 2010) 14.}

The reality is that there is nothing ‘permanent’ about ‘permanent residency’.

Until 1995, Palestinians did not generally fear the revocation of their permanent residency. Exit permits were simply renewed at the Ministry of the Interior every three years allowing Palestinians to live outside Municipality boundaries in more affordable towns\footnote{East Jerusalem: Key Humanitarian Concerns (United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, Special Issue March 2011) 14.} and travel abroad for study. This is no longer the case. Since 1995 Palestinians who hold permanent residency must demonstrate that Jerusalem is their ‘centre of life’.\footnote{Natalie Tabar, The Jerusalem Trap: The Looming Threat Posed by Israel’s Annexationist Policies in Occupied east Jerusalem (Al-Haq, 2010) 14.}

This requirement must be demonstrated on a continual basis by way of documentary evidence. They are required to produce rental agreements, home ownership...
For most Palestinians (i.e. those holding a green ID or without a permit or blue ID) Jerusalem is an impossible destination.

The Israeli authorities are known to arrive unannounced at a person's house early in the morning, inspecting the bedroom and seeing if it is still warm so as to ensure the veracity of a claim for permanent residency. Unable to produce the relevant documentary evidence or their absence during an unannounced inspection, Palestinians risk having their permit residency revoked. This has been described by some as the ‘quiet deportation’. It is a term that aptly describes the Israeli practice of cloaking the unequal treatment of Palestinians in bureaucracy and legality.

From 1967 to 2008, 13 000 Palestinians had their permanent residency revoked. It is evident that the threat of having one's permanent residency revoked remains an ever present threat for many Palestinians given that the number of revocations in the two years between 2006 and 2008 was the same as for the period 1967 to 2006.

Those who do not possess a blue ID must submit an application for a permit. Obtaining these permits has becoming increasingly difficult for Palestinians over the years. This became even more apparent to me after a brief conversation with a colleague. I asked if they had been to our organisation's other office which was located in Jerusalem. They explained they had not, they were the holder of a green ID and thus they were not permitted to travel into Jerusalem. Similarly, I spoke to a young boy who said that he had never been to Jerusalem. He explained that it was easier for him to travel overseas than to obtain a permit to see Jerusalem. For most Palestinians (i.e. those holding a green ID or without a permit or blue ID) Jerusalem is an impossible destination.

What makes this even more perplexing is that there have even been reports of animals obtaining a blue ID so as to enable them to travel to Jerusalem. Yet the same right is not afforded to the animal's Palestinian owner.

Those Palestinians with a green ID who wished to reside in Jerusalem could make an application for a permit on the basis of family reunification. This is commonly the situation when one of the partners in a relationship is the holder of a blue ID and the other green. However, this process was ‘temporarily’ suspended in 2000 and it is unlikely that we can expect to see the assessment of applications resume any time soon.

Children that have one parent that holds a green ID are not afforded permanent residency automatically. Even if the child is born in Jerusalem, parents have been unable to register the birth.

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It might be suggested that one method of seeking to bypass these discriminatory policies would be to seek Israeli citizenship. However even this is a rather difficult and cumbersome process. To be granted citizenship, a Palestinian (born in East Jerusalem) must be currently present in Israel and have been for three of the previous five years, be eligible for permanent residency, be settled in Israel, swear allegiance to Israel, and pass a Hebrew proficiency test. \(^{29}\) It is not hard to imagine that many Palestinians would not wish to swear allegiance to a country that has made it apparent from the outset that it does not want their presence in Jerusalem.

**Qalandiya Checkpoint**

Any discussion of the movement of Palestinians into and from Jerusalem is not complete without reference to the checkpoints that act as gateways in the Wall that surrounds the city. The Qalandiya checkpoint, north of Jerusalem is one of the most notorious given the amount of traffic it receives on a daily basis.

Both pedestrians on foot and vehicles can pass through the checkpoint, however that was not always the case. When the Wall was first put in place cars were not permitted to travel through the checkpoint and into Jerusalem. Palestinians that wished or needed a car when in Jerusalem needed to own two cars. They would drive their first car to the checkpoint, park it and then walk to the checkpoint. A colleague told me that this process was particularly unpleasant during the winter months, as she was required to walk through the rain, sleet and mud. Once she passed through the checkpoint she would make her way to another car that she had purchased for the sole purpose that it be used in Jerusalem. When not using it, it remained parked at the checkpoint.

These days cars can pass through the checkpoint, however the process is far from easy. Only vehicles that have ‘yellow’ (Israeli) number plates are permitted to travel into Jerusalem. If a vehicle does not bear ‘yellow’ number plates it will be refused entry into Jerusalem. This is despite the fact that Israel does not consider the Wall to constitute an international border. Paradoxically one would not be confronted by such restrictions if they were crossing an international border elsewhere in the world.

However even if a Palestinian vehicle is fortunate enough to bear ‘yellow’ number plates, it is not clear that travelling via car into Jerusalem constitutes an advantage (to travelling by foot). The checkpoint is notoriously slow, with only 3-4 vehicle lanes operating at the busiest times of the day (depending on the mood of the checkpoint security). Cars are lined up for kilometres waiting to pass through. Sometimes all lanes are diverted, making the waiting time even longer. Leaving in Jerusalem is just as bad, if not worst. Whilst security checks are not performed, there is only one lane that caters for the traffic leaving Jerusalem.

But then again travelling by foot across the checkpoint can also be a very time consuming process. Some days I will make it through it a matter of minutes, however that is not the norm. Most days I am left waiting in the line for some time (up to 20 minutes). Similar to the vehicle entrance, there are 4 gates through which people can pass, however it is rare for them all to operating. Instead we just wait. The IDF personnel may be answering an SMS, having a snack, in the middle of a phone call, laying their head on the table (to rest) or simply, just not interested in working. Whatever the cause, we just wait.

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However sometimes the waiting times seem to be less arbitrary and influenced by outside events. For example when three Israeli Jewish boys went missing near a town south of Jerusalem (in June 2014) the waiting times at Qalandiya quickly escalated. Or when the situation in Gaza began to intensify the bus land and cark park at the checkpoint closed (and remains closed).

The Wall and the checkpoint are all done in the name of ‘security’. However they clearly discriminate, placing all Palestinians under a regime that Israelis will never have to endure.

**Public Transport**

Even if a Palestinian is able to travel into Jerusalem, the discrimination that they face does not start and end at the checkpoint. Once through, many that pass on foot will make their way to the ‘Arab’ public bus service, the only public transport that services the Qalandiya checkpoint. The Israeli bus service never ventures this far. On board you realise that the bus service is termed ‘Arab’ for more than simply the reason that it services the Qalandiya checkpoint. The only passengers that you ever see on board are Palestinian (Arab).

The buses do not only serve the Palestinians that arrive at the checkpoint, they serve the entire Palestinian population of Jerusalem. There is an Israeli public bus service, however Palestinians do not travel on these buses. Pass by a bus stop and it is the same. It is rare to see Palestinians and Israelis waiting together. The light rail that passes through (Palestinian dominated) East Jerusalem is no exception; it would be difficult to find a Palestinian on board. It does not seem that there is a legal regime that forbids Palestinians from using Israeli public transport services, rather it appears to be an unspoken rule. A rule that leaves Palestinians, including those who are taxpaying residents of Jerusalem, poorly serviced, unlike their Israeli counterparts.

This discrimination is not an aspect of the conflict that often makes the headlines in the nightly news. It does not involve armies, soldiers or rockets, but is instead invisibly cloaked in apparent legitimacy of bureaucratic process and law. It is this lived aspect of the occupation that Palestinians face every day. It is this part of the occupation that Palestinians seek to end as much as any other.

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