

The impact of the current
situation on the human rights

Of The Vulnerable
Palestinian Groups In
East Jerusalem



By: Dr. Safa Husni Dhaher | February 2017

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ABSTRACT

The Heinrich Böll Stiftung [hbs] has conducted this research to better understand the impact of the current political situation on the human rights' issue of Palestinians in East Jerusalem in general, and of the vulnerable groups in particular. In doing so, this study analyzes the current situation of East Jerusalem from different perspectives: political, social and economic, using the case study and life story approach, in addition to in-depth interviews with key informants. The research observations highlight the complexity of the current geopolitical context of East Jerusalem such as the annexation, the construction of the Jewish settlements and the separation Wall, as well as the Israeli policies that discriminate against the Palestinian Jerusalemites. The analysis identifies on the one hand, the imposed Israeli measures that violate human rights at different levels, and on the other hand, the structural macro-social forces in the Palestinian society that influence the level of respect of human rights, in order to differentiate between what's imposed by the state of Israel and what is culturally inherited. The study concludes that the vulnerable groups are subjected to these two levels of violations in a way that makes the mission of advocating for them more complex. The study also differentiates between the Israeli policies that are comprehensive for all the Palestinian Jerusalemites; i.e. the regulations of the "Permanent Residence" status, and those that were set for particular areas or circumstances such as the policies regarding the areas within the municipal boundaries but outside the segregation wall, and the collective punishment to a certain group of people. Furthermore, the analysis highlights the important role played by the Palestinian civil society organizations that emerged and developed in the absence of the state, discussing their history, challenges and scope of work. A short discussion is also introduced over foreign aid and the vital role played by International Organizations. The study recommends that the intervention of the international community at the political level is essential in order to promote the respect of the rights for the vulnerable Palestinian communities in East Jerusalem.

Keywords: East Jerusalem, Israeli Policies, Human rights, Vulnerable Groups, CSOs.

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INTRODUCTION

The EU funded project “Advancing the Rights of Vulnerable Palestinian Women and Children in East Jerusalem” covers a variety of programs. These programs aim at improving social, psychosocial, economic, cultural opportunities and the well-being of vulnerable children, youth, and women in occupied East Jerusalem, as well as contributing to the enhancement of their political and human rights. This action is coordinated by hbs and implemented by its partner organizations: Artlab, the Arab Center for Agricultural Development [ACAD], Sawa – All the Women Together Today and Tomorrow, Right to Play, and War Child Holland, all of who carry out a variety of activities in their respective fields¹. hbs has been working in close coordination with its partners during the identification phase. The action has been designed through a participatory process with all the involved partners, as well as receiving inputs from other local partner organizations. These organizations come together in the three years action [2014-2017] to strengthen the rights of women, youth and vulnerable children and improve their quality of life, safety, and status in the family and community in East Jerusalem.

In the framework of this project, hbs has conducted this research to study the impact of the current situation on vulnerable Palestinian groups in East Jerusalem in order to explore the situation of the disenfranchised clusters and advocate for them². Moreover the study aims at attaining specific recommendations to better channel future aid to civil society organizations (CSOs), and to ensure efficiency and sustainability of the provided services. Therefore, within the case study approach, this research utilizes the life story method to collect personal level data and carries out in-depth interviews with key informants to collect community level data. Participant observation and group discussion methods are also applied, as well as a review of previous studies that tackle human rights violations and civil society organizations in the oPt. However,

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- 1 See https://ps.boell.org/sites/default/files/hbs_eu_project_newsletter_english.pdf
 - 2 See https://ps.boell.org/sites/default/files/uploads/2015/10/151025_eu_text_for_website_long_form.pdf

the question that arises here is what is exactly meant by “the current situation in East Jerusalem”? To answer this question, and in the belief of the importance of understanding the different components that have a role in determining the context, it is important to look into the historical, geopolitical and socio-economic factors that shaped the contemporary context of East Jerusalem. Thus, after presenting the research methodology, a short historical review of the most important events that had a role in determining the context is presented. The section demonstrates the complexity of the East Jerusalem context which started prior to 1967, the illegal annexation of East Jerusalem to Israel, followed by the construction of the Jewish settlements inside and around the city, to the first intifada, and the consequent peace agreement. It also highlights the important details of the Oslo Accords [1993]; the creation of the PNA and the partitioning of the West Bank into areas A, B and C. The section then discusses the outbreak of the Second Intifada, and the Israeli control over the Palestinian movement from that era up to the construction of the Segregation Wall in 2002.

The next section discusses the violations of human rights against Palestinians in East Jerusalem, differentiating between the human rights violations practiced by the state of Israel and those culturally inherited. The first part tackles the Israeli policies in constraining the development of Palestinian neighborhoods, while constructing Jewish settlements. The second part discusses violence, arrests and collective punishment practiced against Palestinians, revealing violations of human rights as based on figures provided by human rights agencies. It also analyses the last uprising in terms of reasons, motivations, feelings and its religious dimension. The third part in this section tackles the inherited human rights violations starting with the “Gender Inequality” dimension, which focuses on female education, social control, the inheritance rights of women, domestic violence and sexual harassment within the Palestinian community; highlighting the reasons and impediments that hinder access to professional help. The “Social Fragmentation” dimension with an elaboration of the term “stranger” and its embedded roots in the Palestinian culture, the change that has affected the social relation map due to the different types of the civil status of the

residents of East Jerusalem and its suburbs is also presented and explained to be followed by a section on the diffusion of drugs in East Jerusalem neighborhoods in terms of reasons, motivations and negative consequences on the vulnerable groups.

The last section highlights the role of the Civil Society Organizations in serving the Palestinian community, particularly in East Jerusalem. It starts with the definition of "Civil Society", which reveals that the concept of "Civil Society" has been always related to, or worked independently from the "State"; therefore, the "State" and "Civil society" concepts are always intertwined, and this raises the question: "Is there a Palestinian Civil Society while there is no Palestinian State?". This is the debate that this section will attempt to briefly highlight. The second part demonstrates the formation of the Palestinian civil society overtime, explaining its development, tasks and functionality. The third part discusses the debate over foreign aid dependency after Oslo highlighting the important role of the CSOs played in East Jerusalem where the unique political context produces a two-fold set of challenges; the risks that face the CSOs legitimate existence and activities, and the increasing social exclusion that creates a growing demand for services and human rights protection activities. It also displays the group discussions with partner organizations of the "Advancing the Rights of Vulnerable Palestinian Women and Children in East Jerusalem" project. The meeting took place at the [hbs] office to explore the complicity from the point of view of those who work in the field, highlighting their objectives, the target groups and the difficulties they faced before and during the implementation of the project, in addition to their suggestions for optimal results. The section concludes that in the Palestinian case, specifically in East Jerusalem, it is not possible to separate humanitarian affairs and the socio-economic status from the political context; without a comprehensive political solution, the status of human rights will deteriorate all the more.

The conclusion section discusses the political situation and concludes that the International Community's intervention at the political level is essential to force Israel to see Palestinians as human beings and respect their rights despite the ongoing conflict.

Israel should protect the Jerusalemites and ensure that they enjoy the same rights and welfare just like all Israeli residents without any kind of discrimination against them. On the humanitarian level, the International Organizations' role is vital, not only because they are the only player in East Jerusalem for the time being, but also because their services became crucial to slow down, if not prevent, further deterioration especially at the social level. Therefore, the International Donor Communities' financial support to the CSOs is essential.

It also presents recommendations to enhance the rights of the vulnerable groups through CSOs programs and recommendations to help the international and the local civil society organizations to alleviate the barriers to reach their ultimate goals.

RESEARCH STATMENT

This research seeks to understand the impact of the current political situation on human rights related issues to the Palestinian people in East Jerusalem in general, and the vulnerable groups in particular. The research highlights the imposed Israeli measures that violate human rights. It focuses on the structural macro-social forces that influence the level of human rights, in addition to the important role played by the International Organizations and the Civil Society Organizations in advancing these rights especially in East Jerusalem's communities, whether inside or outside the Wall. The focus is also on the technical and social barriers that withhold the prevalence of effective and sustainable human rights. The study addresses all these issues to better understand the vulnerable groups' needs and aspirations, and the obstacles they face, by discussing the means to overcome them.

METHODOLOGY

The general objective of this research is to look at the current situation of rights among vulnerable groups (especially women and children) in East Jerusalem, in the framework of the [hbs] EU funded project "Advancing the rights of vulnerable Palestinian Women and Children in East Jerusalem". In doing so, this study analyzes the current situation of East Jerusalem from different perspectives; political, social and economic. The research method firstly depends on the existing secondary data; i.e. previous studies that tackle human rights, vulnerable women, children and youth, especially the ones focusing on girls and women at risk of suffering from gender based violence, and secondly, conducts studies on female entrepreneurs, children with disabilities, small scale community based organizations [CBOs] and non-governmental organizations [NGOs] working with women and children in East Jerusalem. After the examination of these studies, further investigations were made to better understand the situation of the vulnerable groups in the context-specific settings. Therefore the Case Study approach was used for its ability to investigate important topics not easily addressed by other methods, especially as this research involves descriptive questions such as "What happened?" and the explanatory question "How and why did this happen?"³ and for its ability to examine in-depth, a case within its real-life context [Yin, 2004]. It also illuminated a particular situation and helped to make direct observations and collect data in natural settings [Bromley, 1986]. Other methods within the qualitative case study analytical approach were also applied; the in-depth key informants' interviews and the life story qualitative methods in addition to the direct observations. According to Dilley [2004], interviewing helps to understand the context of study subjects' behavior and thus provides a way for a researcher to realize the meaning of that behavior.

For the reasons above, the 'in-depth Interviews' were carried out by 'key informants', who have expertise in collecting data at

3 See [Shavelson & Townes, 2002].

the community level; such as representatives of international organizations, civil society organizations; especially those whose work is designated to handle issues related to human rights, local socio-economic development and education. In addition to meeting with the national representative, ex-minister of East Jerusalem Affairs, to better understand the degree of the Palestinian Authority's involvement in East Jerusalem's affairs, specifically in regards to the vulnerable groups. Moreover, the 'Life Story Interview' method was used to collect personal-level data, because storytelling is a fundamental form of human communication [Atkinson, 1998]; it can serve an essential function in our lives as we often think and speak in story form, and it can bring meaning to people's lives, thus giving a narrative account of an event, an experience, or a memory. 'Life Stories' make links across life phases and cohort generations revealing historical shift in culture, and help in establishing collective memories as well⁴. They usually end up as a short or mini autobiography, full of information on research interests and questions. Hence, the life story interviews that were collected for this study probed deeper into the personal life and feelings of the interviewees, in a way that helped the researcher to understand certain social actions within the wider social/political context of East Jerusalem. It was also an appropriate way to better understand the past because it addressed lives as a whole or at significant periods of a life time [Ibid]. In this context, the life story interviews focused on the period after the occupation of East Jerusalem in 1967 till present. The interviewees were selected from all the geographical areas of East Jerusalem; inside the walls of the old city as well as the outside, including East Jerusalem suburbs, which are now located inside the segregation wall; like Silwan, At-Tur and Isawiya, as well as suburbs located outside the segregation Wall; like Kufr 'Aqab, Shua'fat refugee camp, and suburbs that were

4 See [Plummer, 2001].

not annexed to East Jerusalem after the 1967 war, yet considered as part the West Bank such as al-‘Eizariyah [Bethany] and Abu-Dis.

Ethnographic methods relay on “Participant Observation” substantially or partly⁵ as it establishes a place in the natural setting for long-term basis in order to investigate, experience and represent the social life and social process that occur in that setting. Therefore, the “Participant Observation” data collection tool was used in order to connect the data that was collected and the other two methods with the facts on the ground. In addition the ‘Group Discussion’ method was arranged; first with the five partners of the hbs project, and then with the seven CBOs and with a group of the beneficiaries and representatives of the ‘International Community’ [the donors] for brain-storming and feedback to better understand the practical part of both, the providers of the service and the beneficiaries in order to enhance the research recommendations.

Each one of these four data collection tools focused on different aspects of the current situation regarding vulnerable groups, i.e. the geopolitical and socio-economic general situation level, the personal level, the professional level and the international level. Thus, combining the data from these different perspectives enabled the study to give a holistic insightful analysis of the situation, as well as clear messages and recommendations. Other sources for information were explored, i.e. newspapers, United Nation Agencies’ publications, and Human Rights Organizations reports that cover many aspects in the lives of vulnerable groups [women and children] in East Jerusalem.

5 See Atkinson & Hammersley, 1994

RESEARCH CONTEXT

The current geopolitical context of East Jerusalem is very complex; the annexation, the Jewish settlements, the segregation wall, and the Israeli policies that discriminate against Palestinians, all create a difficult environment. Since the beginning of the occupation, Israel has taken control of hundreds of thousands of dunams⁶ throughout the West Bank, with the primary objective of establishing Israeli settlements⁷ and reserves of land for their future expansion [Bimkom & B'Tselem, 2002]. The settlements in East Jerusalem form two rings around the city; the inner ring [the municipality boundaries pre-1967] and the outer ring around the new boundaries of "Greater Jerusalem". These settlements are isolating East Jerusalem from the surrounding West Bank suburbs on the one hand, and dividing the West Bank in half on the other, thus strangulating the socio-economic role of East Jerusalem as the center for all trade and movement routes in Palestine⁸. Furthermore, the Palestinians' movement is controlled by a sophisticated checkpoint regime that serves like gates in the concrete wall which separates East Jerusalem's neighborhoods from its center. Moreover, the Israeli policies discriminating against Palestinian Jerusalemites; Palestinian communities inside East Jerusalem became marginalized by a set of common Israeli policies. However and at the same time, different sets of policies for each community are being applied; meaning that the Old City's

6 Every four dunams= 1 acre

7 Israel has taken control of hundreds of thousands of dunams throughout the West Bank by means of a complex legal-bureaucratic mechanism whose central element is the declaration and registration of land as «state land.» Israel uses three complementary methods to seize control of land: requisition for military needs, declaration of land as abandoned property and the expropriation of land for public needs. In addition, Israel has also helped its Jewish citizens to purchase land on the free market. Using these methods, Israel has seized control of some fifty percent of the West Bank, excluding East Jerusalem. See [Lein, 2002] and land grab report on https://www.btselem.org/download/200205_land_grab_eng.pdf

8 See PASSIA Arab Jerusalem Rehabilitation Program <http://www.passia.org/jerusalem/rehabilitation/index.html>

people problems are different than those of Silwan's or Kafr A'keb, depending on the geographic location.

Since sociological concepts are produced in relation to a socio-historical context⁹, it is important to trace back the influential historical events that shaped the context. Therefore, the next section tries to give a short clear holistic picture of East Jerusalem to define the research statement.

Political Background

The main objective of this section is the analysis of the historical, political and socio-economic factors that characterize the context of East Jerusalem. This section starts with a brief historical review of the city of Jerusalem from separation, to unification, till its expansion at the expense of the West Bank neighborhoods; it attempts to explain the complexity and the impact on its residents including vulnerable groups. This preface will enable us to confront this context with the analysis of the conducted research in the empirical section.

Jerusalem Before and After the 1967 War

Jerusalem is a cornerstone in the Israel-Palestine conflict, and the multitude of holy sites in the city, for the three major monotheistic religions [Christianity, Islam and Judaism], have contributed towards making the city's politics extremely impulsive [AIC, 2007]. Under the partition plan of 1947, of the United Nations General Assembly Resolution 181¹⁰, Jerusalem was to be internationalized as a *corpus separatum* – a separated body – and placed under a special international regime to be administered by the United Nations Trusteeship Council. However and as Derejko [2009: 33] wrote “rather than through the political will of its residents, the dictates of the international community, or the principles of

9 Passeron 1991; Kalberg 1994: This quote was taken from [Beinin & Vairel, 2013: 8].

10 UN General Assembly, Future government of Palestine, 29 November 1947, A/RES/181

international law, the fate of Jerusalem was determined through military conquest¹¹. As a result of the creation of the state of Israel on the major part of historic Palestine and the ensuing war of 1948, the remaining Palestinian territories were under the control of the neighboring countries: the West Bank including East Jerusalem was annexed by Jordan, while Egypt took control over the Gaza Strip. This division of the city of Jerusalem, western side under the Israeli control, and an Eastern side, including the Old City, under the Jordanian rule ended nineteen years later. In 1967¹² Israel occupied the West Bank including East Jerusalem and the Gaza Strip. While the West Bank and the Gaza Strip remained under military occupation, Israel annexed East Jerusalem and some 64 square kilometers of its suburbs, until then considered part of the West Bank. For many observers, the new municipal boundaries were dictated by both strategic and demographic considerations in order to allow future expansion of Jewish communities in the open space around the city¹³. Undeniably, Israeli governments consecutively built 12 Jewish neighborhoods inside the Jerusalem municipality's new boundaries and increased the Jewish communities in East Jerusalem as shown in the maps below.

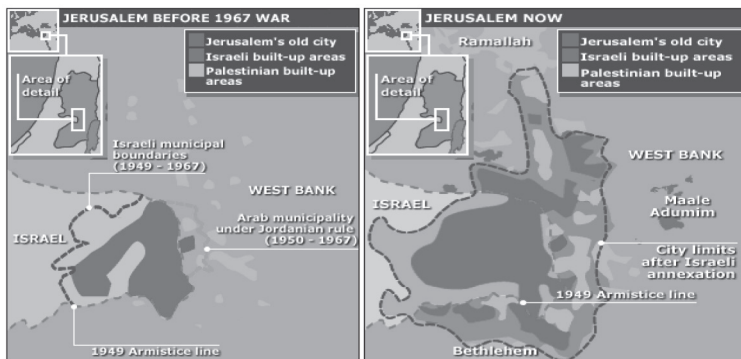


Figure 1: Jerusalem map before 1967 War, Figure 3: Jerusalem map now

Source: BBC News, Key Maps/ Middle East Facts/http://www.mefacts.com/cached.asp?x_id=10930

- 11 See "Urban Planning and the Displacement of Palestinians within and from Occupied East Jerusalem" by Nathan Derejko [2009]. http://civilcivilcoalition-jerusalem.org/system/files/documents/aggressive_urbanism.pdf
- 12 In addition to the Sinai Peninsula of Egypt, and the Golan Heights of Syria
- 13 See [Allegra, 2012: 15].

However, the Palestinian Jerusalemites were not granted equal Israeli citizenship. Instead, the residents were given "Permanent Residence" cards [Blue ID], granting them certain "rights" that Palestinians in the West Bank and the Gaza Strip were not offered. For example, Jerusalemites receive services such as social assistance, national insurance, health and education services offered by the municipality. Furthermore, because they are under Israeli jurisdiction and not under military rule like those of the West Bank and the Gaza Strip, they can benefit from a certain degree of legal protection and freedom of mobility¹⁴.

Palestinians living in the West Bank and Gaza were given an Orange color ID with no such benefits, which was replaced by a Green color one after the formation of the Palestinian Authority in 1993. Israel controlled the movement of people by a complicated and strict crossing the borders system between Israel and Jordan. Conversely, borders between Israel and the West Bank and Gaza were opened, and Palestinians in the Occupied Territories including East Jerusalem were able to move almost freely in Israel¹⁵. However, the economic relationship was marked by great dependency on the Israeli economy; and Palestinian markets became almost restricted to Israeli goods and commodities only. A significant portion of the Palestinian labor force became dependent on the Israeli labor market for employment due to the escalating unemployment rates after the war.¹⁶ Furthermore an Israeli urgent demand for workhands mainly in the construction and agriculture domains became evident during the economic boom that had started in Israel, whereby it then granted work opportunities for Palestinian laborers, mostly in the construction of the Israeli settlements in the Occupied Territories. Culturally, East Jerusalem functioned as the metropolitan hub for the West Bank prior to 1967 and Palestinians could move freely

14 See http://www.passia.org/jerusalem/publications/J_P_Dyn_Res_txt.htm

15 "The policy of «open bridges» referred solely to the decision to allow movement from the West Bank to Jordan via the bridges crossing the Jordan River, the «open bridges» policy became a prong in a greater political program designed to eliminate barriers and integrate the Palestinian and Israeli economies" [Gross, 1999: footnote 1550].

16 Hilal, 2007]

between East Jerusalem and its surrounding areas; their familial, economic and cultural bonds extended throughout the entire West Bank. No barriers blocked the flow of people, commercial goods or social engagement and exchange; this situation has continued till Israel started to implement restrictions on free movement starting from the first Intifada in 1987. The de facto annexation of East Jerusalem was formalized in 1980 when the Knesset enacted the 'Basic Law', which stated that 'Jerusalem, complete and united, is the capital of Israel'. However, as long as the city was open, the inhabitants of East Jerusalem were not aware of the consequences and it never occurred to them that their city might ever be separated from the West Bank¹⁷.

Today East Jerusalem is almost completely detached from the surrounding Palestinian areas of the West Bank. The closure procedures started in March 1993 with the checkpoint regime that was followed by the construction of the Wall¹⁸. The economic integration started to shrink with the beginning of the first Intifada in 1987 [Gross, 1999]. The first Intifada, for many observers and politicians, was one of the most important collective nonviolent resistance actions that the Palestinians had in the twentieth century besides the revolution of the 1936-39¹⁹. Palestinians were determined in their civilian, nonmilitary measures of struggle²⁰; and within weeks a clandestine coordinating committee emerged to help sustain the ongoing strike that started with the closure of shops, leading to commercial and general strikes in addition to mass demonstrations²¹. The first Intifada created a new form of Palestinian leadership; Al-Shabab (Young Men) instead of the Palestinian Notables who traditionally played the role of informal mediators between the Palestinians and the Israeli administration

17 See [Yousef, 2011].

18 See [Lagerquist, P. 2004]. Fencing the last sky: Excavating Palestine after Israel's "separation wall"

19 The 1936-1939 Arab revolt in Palestine was a nationalist uprising by Palestinian Arabs in Mandatory Palestine against British colonial rule, as a demand for independence and opposition to mass Jewish immigration

20 See [King & Carter, 2009].

21 See [Lustick 1993: 561].

in East Jerusalem and elsewhere in the Occupied Territories. This also led to minimizing the role of the head of the clan or the extended family.²² The "Orient House" played a significant role and became the leading Palestinian political institution in Jerusalem. The late Faisal al-Husseini and many others had worked constantly to support Jerusalemites and strengthen their steadfastness in the city. The first Intifada gave birth to the peace process and the two-state solution with the signing of the Oslo Accords between Israel and the PLO in September 1993. Since then East Jerusalem and the Palestinian struggle entered a new phase.

The Oslo Accords, the Second Intifada and the Segregation wall

The overarching logic of the Oslo Accords could be summarized with Gordon's words:

"Israel transferred all responsibilities relating to the management of the population to the Palestinians themselves while preserving control of Palestinian space" [Gordon, 2008: 35].

The Oslo secret peace talks between Israel and the Palestinian Liberation Organization [PLO]²³ were concluded with the announcement of the Declaration of Principles [DOP] in 1993²⁴. The DOP formed the basis for further negotiations leading to the

22 See [Allegra, 2010].

23 The Palestine Liberation Organization (PLO) is an organization founded in 1964 with the purpose of the «liberation of Palestine» through armed struggle. It is recognized as the «sole legitimate representative of the Palestinian people». It has enjoyed observer status at the United Nations since 1974. The PLO was considered by the United States and Israel to be a terrorist organization until the Madrid Conference in 1991. In 1993, the PLO recognized Israel's right to exist in peace, accepted UN Security Council resolutions 242 and 338, and rejected «violence and terrorism»; in response, Israel officially recognized the PLO as the representative of the Palestinian people.

24 See Declaration of Principles on Interim Self-Government Arrangements on www.cfr.org/israel/oslo-accords.../p9674

Israeli-Palestinian “Interim Agreement”²⁵ of 1995, and the creation of the “Palestinian Interim Self-Government Authority”²⁶ that was supposed to end in 1999 when a permanent agreement would be reached²⁷. The Oslo agreement reformulated the structure of jurisdiction in the West Bank through the establishment of the Palestinian Authority in 1994. The West Bank, excluding the Jewish settlements and military locations, was supposed to be transferred to the Palestinians in three portions under the arrangement of redeployment [one area every six months]. To facilitate this process, it was agreed that the West Bank was to be divided into three areas: A, B, and C with different civil and security authorization [Jamal, 2009]. Area C was supposed to be transferred to B, then B to A, until the whole area becomes A under the control of the Palestinian Authority [Abu Zayyad, November 1, 2016]. However, the implementation of the process – that should have led to a Palestinian state by the end of 1999, was halted in the middle, and the West Bank remained divided into these three administrative areas until today. A complex “zone system” was developed that fragmented the West Bank and more precisely the Jerusalem eastern suburbs according to the diverse operating authorities in these areas²⁸. It is noteworthy that the negotiations regarding East Jerusalem were postponed till the third year of the process, with no jurisdiction for the PNA in the city.

Transit into East Jerusalem-Israel was limited to the few Palestinians with permits issued by the Israeli military authority. This development of a “zone system” contributed to the formation of a psychological barrier between the city and its West Bank suburbs, a barrier that after the second intifada evolved into the segregation wall²⁹.

25 See “The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip [“Oslo 2” — 9/28/95]” <https://www.jewishvirtuallibrary.org/jsource/Peace/interimtoc.html>

26 The situation is the same since then till the time being.

27 See [Shlaim, 2005].

28 Figure 2: The Wall, checkpoints and Areas A, B and C in the West Bank. Source: Applied Research Institute, www.arij.org

29 See hbs News Letter [2015]: Raja Khalidi “Views from Jerusalem”. https://ps.boell.org/sites/default/files/hbs_eu_project_newsletter_english.pdf

The failure of the Oslo Accords led to the outbreak of the second Intifada in 2000, which entailed a wave of violence and counter violence on both sides. Although the control over the Palestinian movement into East Jerusalem and Israel started during the first Intifada, yet, this controlling system gradually became more



complex and effective since the beginning of the second Intifada. The apparatus of control included a permit system, physical obstacles known as closures and restricted roads. The tactic of military “curfew”³⁰ was used extensively, late in the year 2001, widespread sieges on Palestinian people centers were imposed resulting in virtual “town arrest” for most people in the West Bank. Checkpoints and roadblocks were erected inside and between Palestinian cities including entrances to East Jerusalem³¹, subjecting all people and vehicles to security inspection as shown in figure 2.

In April 2002, the Israeli government’s Ministerial Committee on National Security Affairs decided to construct a barrier “to hinder, disrupt, and prevent the penetration of terrorist activity from Judea and Samaria³² into Israel”³³. Separation has been achieved via a six to eight-meter- high concrete wall that takes a long and convoluted route. The Wall was not built on the pre-1967 boundaries; eighty-five percent of the Wall is located within the West Bank territories, mostly in the areas where sixty of the Israeli settlements are located [twelve of them in East Jerusalem] separating them from the rest of the West Bank and connecting them with Israel³⁴. The length of the Wall, whether already built, under construction or in planning, is 709 kilometers, double the length of the Green Line ³⁵[B’Tselem, 2012].

The Wall has turned the West Bank into a fragmented set of social and economic enclaves cut off from one another [World Bank, 2010]. About 12 percent of West Bank Palestinians are now living in a closed military zone along the Jordan Valley region, or encircled by the Wall in their villages and towns, or isolated between the Wall

30 Long-term lockdown of civilian areas

31 The Wall, checkpoints and Arias A, B and C in the West Bank; source: Applied Research Institute, www.arij.org.

32 Judea and Samaria are the Hebrew name for the West Bank.

33 Ministerial Committee on National Security Affairs, Decision No. 64/B dated 14 April 2002.

34 Bimkom & B’Tselem, 2005

35 The Green Line refers to the 1949 armistice line between Israel and the West Bank. The name derives from the green ink used to draw the line on the map.

and the Green Line [Grassroots Palestine, 2010]³⁶. The part of the Wall in and around East Jerusalem is approximately 90 kilometers long³⁷ with twelve official gates; only four of which are open to Palestinians and the rest are reserved for the settlers' use only³⁸. Stage A was approved in June 2002; it includes two sections, one north of Jerusalem that extends from the Ofer army base in the west to the Qalandiya checkpoint in the east. The other section, south of Jerusalem; it runs from the Tunnels Road in the west, to Beit Sahour in the east. Both sections were about 10 Km each, and were completed in July 2003 [B'Tselem, 2011]³⁹. Three months later the "Jerusalem Envelope" plan was approved to surround the city with walls from the south, east and the north [Hever⁴⁰, 2007].

In April 2006, in the Ma'ale Adumim area, the government approved an altered route that breaches the West Bank by some 14 kilometers east of the Green Line, and 11 kilometers east of Jerusalem's post-1967 municipal border⁴¹. It leaves on its "Israeli" side most of the jurisdiction area of Ma'ale Adumim settlement, including E1; Kfar Adumim, Almon, Nofey Prat, Alon, and Qedar settlements; and the Mishor Adumim industrial zone [B'Tselem, 2009]. The planned route will create a 6,400-hectare enclave, which, in addition to the settlements, includes the Palestinian village of A-Za'ayem [3,500 residents] and 3,000 Bedouins from the al-Ka'abaneh, as-Sawahrah, and Jahalin tribes [Ibid]. This means that thousands of Palestinians will find themselves within the so-called "seam zone" i.e. trapped between the Green Line and the Wall and they will be obliged to acquire permits to continue to live in their homes and

36 The Israeli government also built 14 alternative "fabric of life" roads to facilitate movement of the Palestinians between their cities and towns. These roads are usually longer than the original roads, time consuming with extra cost.

37 See [Cohen, 2005].

38 See [Aronson, 2006].

39 See B'tselem Website [1 Jan 2011]: http://www.btselem.org/separation_barrier/jerusalem

40 http://www.ochaoPt.org/documents/oPt_econ_aic_separation_wall_eastjerus_apr_2007.pdf

41 Israeli Government Decision No. 4783, "Amended Route of the Security Fence", April 30, 2006.

that determine the level of respect of human rights for Palestinians in East Jerusalem. Firstly, the implications of the illegal annexation of East Jerusalem and some more 64 square kilometers of the West Bank to Israel after the War of 1967, and the “Permanent Resident” status that was given to the Jerusalemites. This status allowed them to work in Israel, enjoy health insurance and social welfare benefits provided to all Israelis⁴³, while Jerusalemites are obliged to pay different kinds of municipal and governmental fees and taxes that, in many cases, are used as tools to coerce them to leave the city and emigrate [Abu Zayyad⁴⁴, November 1, 2016]. However, the Palestinian Jerusalemites cannot vote or seek election to the Knesset; they only can vote or seek election to the Jerusalem municipality, which they usually boycott in order not to give legitimacy to the Israeli annexation⁴⁵. Practically, the Israeli policies and decisions concerning East Jerusalem have been always taken without the involvement or the political influence of its Palestinian residents. On the other hand, under Israeli law, East Jerusalem Palestinians lose their permanent residency if they leave Jerusalem for seven years or more [B’Tselem, 2009], or if they live outside the municipal boundaries. In fact, East Jerusalem Palestinians are stateless; they hold an Israeli residency permit, and a Jordanian travel document, but they are not citizens of either. Any absence from the city; studying, work, marriage, as well as holding any other citizenship can lead to a withdrawal of the residency status. Since 1967, about 15,000 Palestinians have lost their residency rights, with many more at risk of losing it; this has created a feeling of uncertainty, instability and fear.

The second constrain that undermines human rights in East Jerusalem is the construction of the Segregation wall that Israel had started to build in 2002 to detach Israel and East Jerusalem from the West Bank. The Wall follows the 1967 annexation border,

43 See [B’Tselem, 2006].

44 Ziad Abu Zayyad is an ex-minister for Jerusalem affairs, an ex-Legislative Council member of the Palestinian Authority, a lawyer and publisher and co-editor of a quarterly Journal of Politics, Economics and Culture.

45 See ACRI report, 2015. <http://www.acri.org.il/en/wp-content/uploads/2015/05/EJ-Facts-and-Figures-2015.pdf>.

with two major exceptions: the Ma'ale Adumim enclave [not yet constructed] which stretches deep into the West Bank, and the exclusion of two Palestinian neighborhoods: Kafr A'keb and Shua'fat refugee camp [AIC, 2007]. The Wall has dual role in the area of East Jerusalem: First, it has created another reality for those areas which were included within the municipal boundaries when Israel has annexed East Jerusalem but then were excluded when the course of the Wall was decided. Residents of Shua'fat refugee camp and Kafr A'keb have to cross the checkpoint daily on their way to Jerusalem for work or school or otherwise, which means children became subject to security inspection by Israeli soldiers on their way to school on a daily basis, in addition to the waste of time that would negatively affect their psychological status. Secondly the Wall has completely isolated suburbs considered to be part of the West Bank, and has prevented their residents from entering East Jerusalem with some exceptions⁴⁶. Those Jerusalemites, who have previously moved to the suburbs due to the severe housing crisis, are moving back to the city because crossing the border and passing through checkpoint inspection has proven to be too disruptive to their daily routine work, over and above their concern of the possibility of losing their Israeli "Residency Status". All this, combined with the restrictions on building in East Jerusalem, led to an increase in the population density, the rise in housing prices, and the growing feelings of discomfort⁴⁷.

46 The distinct areas were given a different status, according to the amount of self-government the Palestinians would have over it through the Palestinian Authority, until a final status accord would be established.

47 See UN-OCHA, 2009

HUMAN RIGHTS STANDARDS IN EAST JERUSALEM

In order to view the human rights situation in East Jerusalem, this study follows two paths after defining the concept; first it highlights the level of respect of human rights in the sovereign state that occupies East Jerusalem and controls its Palestinian residents. Second, it examines the level of respect for human rights in the Palestinian context itself in order to differentiate between what is imposed by Israel and what is culturally inherited.

Human rights are generally classified as civil, political, economic, social and cultural rights granted to all citizens of the State. Equal rights and liberties should be provided to all citizens regardless of their nationality, religion, race or color. First, the State of Israel since its foundation is seen as a Jewish democracy, thus excluding non-Jewish citizens⁴⁸. Israel has no constitution, although a series of “Basic Laws” enumerate the fundamental rights. Certain fundamental laws, orders, and regulations legally depend on the existence of a “State of Emergency”, have been in effect since 1948⁴⁹. Furthermore, Israel has put security on top of its list of priorities since its establishment; hence security has always been the justification for many human rights violations performed against Palestinians in general, in the West Bank, the Gaza Strip, and those of East Jerusalem in particular. Now, mass political killings have been perpetrated by many governments such as Turkey, Cambodia, Bosnia, and El Salvador. However, states usually repress their crimes implications by denial; first by saying the killings did not happen, and second by justifying that what had happened was not a crime but something else. And finally, by saying that what happened was justified for the protection of national security⁵⁰. All these scenarios

48 See [Cohen-Almagor, 2009]. https://www.researchgate.net/profile/Raphael_Cohen-Almagor/publication/228194856_Israel_and_International_Human_Rights/links/0912f50a7c079ae0b3000000.pdf

49 See <https://www.state.gov/documents/organization/160463.pdf>

50 See [Cohen, 1993]. Human rights and crimes of the state: the culture of denial.

have been used by Israel starting from the 1948 & 1967 wars, the first and second Intifada, the wars on the Gaza strip and finally the current uprising that is still going till the time being.

To continue there are several Israeli policies against East Jerusalem that constitute grave violations of the human rights of Palestinian residents, since its annexation in 1967. The continual Israeli governments have set out with all determination to implement the Jewish vision of East Jerusalem by the destruction of its geographic identity through land confiscation to build Israeli settlements while at the same time blocking the Palestinian development. In addition to the efforts made to establish a Jewish demographic superiority by attracting Jewish immigrants, while denying the Palestinian residency rights. Not to mention the keen ongoing practices to legitimize the Israeli sovereignty over the city⁵¹. International and Israeli human rights organizations, who are well known for their credibility such as B'Tselem and ACRI, have documented the Israeli double standard in providing services among East Jerusalem residents. The Association of Civil Rights in Israel (ACRI) report of May 2015 has particularly listed the Israeli human rights violations and the Israeli discrimination policy and neglect against Palestinians in East Jerusalem regarding education, health and welfare services, and most significantly their already described unsecure and conditional residency status. In 2014 the Israeli Ministry of Interior revoked the permanent residency status of 107 Palestinians including 56 women and 12 minors. According to a report released by the Organization for Economic Cooperation and Development (OECD), Israel is the most impoverished of the 34 member countries, with a poverty rate of 20.9%⁵². The (ACRI) report of 2015 also highlighted poverty and welfare as a sign of neglect: 75.4% of all (Palestinian) East Jerusalem residents and 83.9% of its children were living below the poverty line in 2013⁵³. While by contrast, in the same year, only 21.8% of all residents of Israel

51 See [Hodgkins, 1996].

52 See <http://www.jpost.com/Israel-News/1-in-5-people-living-in-poverty-in-Israel-436770>

53 See :<http://www.haaretz.com/israel-news/israel-is-the-poorest-country-in-developed-world-oecd-report-shows.premium-1.524096>

and 30.8% of the children were living below the poverty line. This situation also leaves women more vulnerable to violence as a natural result. A society that faces severe economic difficulties will be pulled towards violence, and usually women are the first to pay the price. The report pointed out that the percentage of Palestinians who are receiving welfare services in Jerusalem is 37%, however only 22% of the positions of social workers are designated for Palestinians. In addition, Israeli authorities failed to conduct adequate planning and development in Palestinian neighborhoods of East Jerusalem, which has led to a planning crisis. This crisis is manifested in the shortage of housing, house demolitions, fines for building without a permit, bad infrastructure, ill- planning of public buildings and public parks for Palestinians while planning and building in new Jewish neighborhoods is well-developed. These violations of human rights by the state of Israel are only examples of the overall miserable status of human rights in East Jerusalem under the sovereign power. Second, a quick glimpse at the status of human rights within the Palestinian culture shows that it is similar to other Middle East countries, where international human rights standards are generally not met. In the Palestinian context, although the 1988 PNC⁵⁴ Declaration of Independence expressed the desire to improve the legal status of women, there is no practice of equality for women human rights in the Palestinian communities. Both customary and Islamic traditions sanction differential treatment on the basis of gender. While some sectors of the Palestinian society are in favor of women's human rights, some communities of Islamic and traditionalist persuasion oppose such innovation. Therefore, two types of human rights discrimination are practiced against women in East Jerusalem; one by the Israeli Occupation, and the other by their own culture.

The Human Rights Dimensions in East Jerusalem: Individual and Collective

While monitoring human rights in East Jerusalem, it was clear that there are two types of violations; one is collective, and applies to

54 The Palestinian National Council

all residents of East Jerusalem; i.e. laws related to the residency status, the educational system, restrictions on mobility, among others. The second type is specified to certain individuals, groups or areas such as home demolishing, family unification and collective punishment to a family because one of the family members was accused of attempting an act of violence against Israel. This section addresses the collective and individual human rights violations in East Jerusalem whether the ones related to the Israeli policies or those culturally inherited. The “Restricted Development” and the “Violence, Arrest and collective Punishment” sections, address the Israeli policies that violate human rights, while “Gender Inequality” and “Social Fragmentations” sections address the culturally inherited violations.

Restricted Development

Since the annexation of East Jerusalem in 1967, Israel’s primary goal has been to create demographic and geographic situations that will prevent any future attempt to defy the Israeli sovereignty over the city. In order to attain this aim, the successive Israeli governments have taken actions to increase the number of Jews and reduce the number of Palestinians living in Jerusalem⁵⁵, where such policies have led to a deeply contested and polarized city; construction of twelve Jewish neighborhoods within the municipal borders between 1968 and 1973, and Jewish communities in the metropolitan belt around the city such as the industrial area of Mishor Adumim, and the new typology of “suburban” settlement; Ma’ale Adumim is an example of these policies. Areas surrounding the Old City have become a target by the right-wing groups and the Israeli governments in recent years to create Jewish settlements such as Al Musrara, Sheikh Jarrah, Mount Scopus, Wadi Al-Joz, and Silwan. All this while limiting and restricting the Palestinian neighborhoods’ growth to already built-up areas of East Jerusalem. These neighborhoods cover the Old City within the walls built by the Ottoman Caliph Suleiman the Magnificent and the neighborhoods that have developed beyond the old city walls, such as Wadi Al-Joz, Shuafat, Beit Hanina, Sheikh Jarrah, Al-Tur, etc. In addition to those

55 See <http://www.btselem.org/topic/jerusalem>

areas that were not included within the city boundaries when Israel annexed East Jerusalem in 1967, are neighborhoods surrounding Jerusalem such as Al Ram, Dahiat Al-Barid, Abu Dis, Al-‘Ezariyah [Bethany], Kalandia and Shuafat refugee camps, in addition to the northwest villages of Jerusalem. The Israeli policies are inclusive of all these areas inside the municipal boundaries when governing Palestinians living in East Jerusalem; however some problems differ from one neighborhood to another. The Old City of Jerusalem, especially the Muslim Quarter’s condition, is deteriorating due to the lack of preservation and restoration works. The old buildings, the roads, and the public services require enormous material and human effort in order to ensure adequate use. Hence, the great disparity between both the Jewish and Arab sides of the Old City is distinct. The reason behind this gap, is that the Israeli authority allocates annually almost half a million dollars on restoration works in the Jewish Quarter, while less than one third of that sum is allocated to the Muslim Quarter in the City. Moreover, there is almost unlimited financial support from non-Israeli Jews throughout the world, while the Palestinians have to rely on their own limited resources, or await financial assistance from the Administration of the Waqf and Islamic Affairs who in turn rely on very limited funds. The inhabitants’ own earnings hardly provide an acceptable standard of living and they receive assistance from the municipality only after a long bureaucratic process and many delays⁵⁶. This has led many of the Palestinian Jerusalemites in the old city and also some middle class Jerusalemites outside it to relocate to the suburbs, outside the municipal boundaries [thus located in the West Bank], such as al-‘Eizariyah [Bethany] and Anata, where housing cost is less and building permits are easier to obtain⁵⁷. After the Oslo agreement in the 90s, these areas were transferred to the jurisdiction of the Palestinian Authority [PA], hence, many of the same Jerusalemites went back to live inside the municipal boundaries for fear of losing their residency status. This reversed displacement was re-enforced by the construction of the segregation wall; this, combined with the Israeli restrictions on building, led to an increase in the population

56 See PASIA, http://www.passia.org/jerusalem/publications/khaled_khatib_Conservation_Jerusalem/chapter3-1.htm

57 See [Allegra, 2010].

density, rising housing prices and growing feelings of discomfort. Many were forced to live in crowded inhuman conditions because they need to stay in Jerusalem in order not to lose their jobs, business or property [UN-OCHA, 2009]. The previous waves of displacement were mostly enforced by the Israeli governments' policies. The recent mapping study that was carried out by OCHA has shed lights on other methods used by the Israeli settler organizations based on ownership claims. The claims cover communities inside the Old city such as Burj Laqlaq, Burj Al Qirami, Aqbat as Saraya, and Aqbat al Khaldiya. Others are in neighborhoods around the old city such as Silwan, Ras al 'Amud and Sheikh Jarrah, in addition to Beit Hanina and Beit Safafa. At least 180 Palestinian households in these areas have eviction cases filed against them. As a result, 818 Palestinians, including 372 children, are at risk of displacement or homelessness⁵⁸. The areas that were excluded from the city when the segregation wall route was determined like Kafr A'keb and the Shua'fat refugee camp are facing different kinds of problems. While these areas are de jure under the jurisdiction of the Jerusalem municipality, they are deprived of almost all municipal direct services because the municipality has decided not to work in the areas outside the Wall. Instead, the municipal services are delivered by subcontractors, thus without much consideration to quality standards. This is apparent in garbage collection, poor infrastructure, inadequate school buildings, health services, streets and sidewalks and above all security. Due to the lack of control by the Israeli authorities over urban planning in these areas, many contractors invested in cheap housing projects with minimum safety qualifications, and poor infrastructure. These homes are bought by Jerusalemites who seek to maintain their residency rights but cannot afford to live in the neighborhoods on the other side of the segregation wall. Most of these buildings therefore are already inhabited while they are still under construction; this has become an acceptable situation in these areas resulting in poor and neglected neighborhoods. Moreover, the lack of green spaces and the mere existence of various eyesores such as the scattered trash and unpaved side-streets, give a general sense of chaos. Analyses of the situation

58 See <http://www.ochaopt.org/content/east-jerusalem-palestinians-risk-eviction>

would often stigmatize the residents of these areas by assuming that chaos is accepted and is part of the Palestinian culture, while in reality it's a natural development in such political and economic circumstances. The Israeli policies of neglect and negligence have transformed these areas into what they have become today; areas suffering from the 'neighborhood effect', which implies that there are some behavioral, attitudinal, or psychological features of neighborhoods that affect their residents⁵⁹. Notably the neglect and discriminating policies lead to undesirable social effects like crime, gang warfare and drug abuse in addition to displacement, impoverishment and social fragmentation. Many observers believe that this is an intentional policy by the Israeli authorities to create a huge gap between Israeli and Palestinian neighborhoods as well as to establish and propagate a negative image of the Palestinian people locally and worldwide. Others argue that Israel excluded these areas for a possible territorial swap with the Ma'ale Adumim enclave that is located outside the municipal boundaries of Jerusalem in future negotiations with the PNA regarding the standpoint on East Jerusalem. The intended exclusion of these Palestinian neighborhoods from the city of Jerusalem will serve the main and repeatedly stated objective of the Israeli governments to reduce the number of Palestinians and increase the number of Israelis in Jerusalem.

"I used to live in the old city, the house belonged to my late father, but it is small and it needs constant maintenance and renovation that cost a lot of money. During the last twenty years, my wife, I and our three children had lived in rented apartments in different neighborhoods around the old city. We thought it is about time to buy our own apartment, and because we cannot afford an apartment in the neighborhoods around the old city, we decided to buy in Kafr 'Aqab; it is close to Ramallah where I work, and it is encompassed within Jerusalem municipality's borders. Apartments in this area are relatively cheap compared to other neighborhoods in Jerusalem, with easier payment facilitation. We have been living here for five years now, the building is still under construction, no streets or sidewalks, but this is not the reason why we decided to move back

59 See [Friedrichs et al, 2003].

to our late father's house in the Old City; for although it is old house and not as spacious as this one, we are moving back simply because I do not have faith in Israel; I am afraid that Kafr 'Aqab will be handed over to the Palestinian Authority and if this happens, it means we will lose our residency status and will be kicked out of Jerusalem" [Abu Osama, October 1st , 2010].

Most of the Jerusalemites react to the Israeli policies through a constant hunt for solutions that, inevitably, disperse their personal resources. Many have two homes, one inside the municipality borders and another outside of it; the first to maintain their legal presence in the city and the other for the purpose of a higher standard of living. The problem is that unlike citizenship, the permanent residency status is not fixed, and Palestinians have to prove to the Ministry of Interior that they are actually living inside the city. They always live in fear that one day any of the employees in the Israeli interior affairs office will pay them unexpected visits, whereby it will be discovered that they are not residing on permanent basis in Jerusalem, thus the city isn't the center of their life. Accordingly, their permanent residency status will be revoked and they will lose the different privileges linked to this status. Therefore, some families split up and live in both places. While families sprout and children marry, there becomes an even greater demand on the limited number of houses available in East Jerusalem. Add to the difficulties in getting building license, many are driven to build without one, and will live in fear that one day the Israeli authorities will demolish their homes. 302 structures in East Jerusalem were demolished between the years 2011-2014; building without a license means that thousands of residents living in these houses are obliged to unofficially connect to water and sewage, because such houses will not be connected to the public water and sewage network according to the Israeli law. Thus, such owners are forced to install private pipelines, purchase water tanks and operate pumps, and they also have to use cesspools in their yard, which ultimately will create an unhealthy environment and expose the residents to the risks of infections and disease⁶⁰.

60 See [ACRI] report, May 2015; East Jerusalem Facts and Figures <http://www.acri.org.il/en/wp-content/uploads/2015/05/EJ-Facts-and-Figures-2015.pdf>

Palestinian communities outside the municipal borders, i.e. 'Anata, Abu-Dis and Al-Eizariyah, also suffer from the Israeli policies that constrain their expansion and natural growth on their villages' extended land⁶¹; the "demarcation plans" were approved restricting their growth to already built-up areas while the administrative boundaries of the settlements built on the lands of these villages were expanded. Consequently, green and public spaces in these areas have shrunk, and the residents of these areas expanded vertically to solve their housing crises; hence, the unorganized poorly designed high-rise buildings that impair aesthetics are spreading in these areas too. They have created together with Shua'fat, Al-Isawiya and Kafr 'Aqab a belt around Jerusalem confronting the Israeli settlements' belt. This makes the comparison between Palestinian and Israeli neighborhoods very easy and clear; the areas outside the municipal boundaries are subject to isolation by the segregation wall, leading to a rise in the rate of unemployment, because many of those who used to work in Jerusalem lost their jobs. Hospitals and schools that were within walking distance became out of reach for them; such circumstances led to the severe deterioration of the health. Now, small clinics accessible to inhabitants of the neighborhoods beyond the Wall cannot meet the needs of the residents. Women in labor and those requiring advanced medical care, are obliged to drive to the nearest hospitals in the West Bank, either in Jericho at an hour's drive away, or Ramallah, two hours' drive away. Same problems apply to schooling.

Violence, Arrests and Collective Punishment

As has been shown above, the escalation of violence reached its peak in the summer of 2014, and then, again in autumn of 2015. ACRI report of May 2015 points out that⁶² the Israeli forces "have had to deal with dangerous and complicated situations in East Jerusalem". Unfortunately, their response has too often been characterized by

61 Areas [C] of the West Bank where Israel has full control according to the Oslo agreement.

62 See [ACRI] report, May 2015: East Jerusalem 2015: Facts and Figures <http://www.acri.org.il/en/wp-content/uploads/2015/05/EJ-Facts-and-Figures-2015.pdf>

excessive use of force and violence". In the past year, 35 Israelis have died in violent incidents⁶³, while during the same period, 220 Palestinians have died in the West Bank including East Jerusalem and the Gaza Strip. Only 149 of those who were killed were identified by the Israeli authorities as attackers, others were killed during clashes and protests⁶⁴. Israel also used the policy of detention as a tool to breakdown riots; according to Addameer report of 2015 the Israeli forces have arrested more than 800,000 Palestinians including 10,000 women since 1967. This number constitutes about 40 percent of the total population of the Occupied Territories. In 2014, during only the period between July and December, 1,184 Palestinians were arrested in East Jerusalem alone for offenses such as stone throwing, and participating in demonstrations. Palestinian women are being exposed to imprisonment just like other groups and sectors within the Palestinian society. In 2014, the occupying forces arrested 112 Palestinian women and girls, signifying an increase of about 70% compared to 2013. The arrested females represent various social sectors of the society and age groups such as mothers, female journalists, university students, and even young girls as young as 14 years old, Malak Al-Khatib who was sentenced to two months in prison and a six thousand shekel fine. University student Lina Khateeb was accused of participating in a march and throwing stones; she was sentenced to six months in prison⁶⁵. In fact, one-third of the arrested during the last uprising were under the age of eighteen. These children were subjected to interrogation without parental presence, and judicial action was taken against them. Many of those arrested children had reported physical violence used against them by the police on their way to interrogation and while being interrogated, as well as being exposed to threats, terrorization, handcuffing, blindfolding for long hours, denial of food and water, in addition to prohibiting them from taking toilet breaks.

63 In addition to two Americans in separate attacks

64 See http://www.huffingtonpost.com/entry/israel-palestinian-hamas_us_57fa872ee4b0b6a430332b04

65 See http://www.addameer.org/sites/default/files/publications/violations_report_2014.pdf

"I am a physician. Few years ago I thought of establishing an organization with experts to offer psychological counseling because I believe that many health problems are caused by tension and stress, especially for female patients and children who suffer from social problems. Most of our clients are mothers of children and teenagers who were recently released out of Israeli jails suffering from trauma. We give special attention to those children, as usually less attention is given to them by their own families or friends in our area [Jerusalem suburbs inside the Wall], such as my home town Abu-Dis. It is very important to help the mother release negative emotions and to teach her some tactics to overcome tension and anxiety, not only for her own benefit but also for the entire family, as she is responsible also for other young members of the family. During this Intifada the number of those suffering from both social and political stress has been escalating" [Abdulla Abu-Hilal⁶⁶, October 20, 2016].

The occupation forces have arrested Palestinian children systematically and have subjected them to different types of psychological and physical torture, including recruiting them to work as informants and extorting their families financially by forcing them to pay enormous financial fines to secure their release. This had a destructive impact on the children's mental health, and led in most cases to drop-outs from schools after their release. The family of Ahmad Manasrah, 14 years old, who was sentenced on the 7th of November to serve a 12-year sentence in Israeli prisons, is obligated to pay a fine of 180,000 NIS [\$47,200 USD]⁶⁷. In other cases, in addition to the financial overheads, the Israeli punishment gets to the prisoner's family to set an example for other Palestinian families:

"My son Abdel-Nasser was only 14 when he was arrested last year; it was three o'clock in the morning, we were asleep. Since then I wake up terrified every night at the exact time. He is just a kid; his imprisonment had turned our life to hell. Forget about the money we

66 Dr. Abdulla Abu-Hilal is the chairman of the Board of Al Marfa Association for Mental Health located in Al-'Eizariyah.

67 See <http://samidoun.net/2016/11/palestinian-child-ahmad-manasrah-14-sentenced-to-12-years-in-israeli-prison/>

are paying to the lawyer and other expenses. Looking at his empty bed is a daily torture, visiting him is another type of torture: you lose the whole day through transportations, inspection, meeting him and coming back heart broken. The Israeli authorities were punishing us even before my child was convicted with whatever they are accusing him of. I am a Jerusalemite with Blue ID "Residency Status", while my husband holds a West Bank identity card "Green ID". We were married almost 25 years ago, and we have applied for family unification in order for my husband to have a residency status like me and our children, but, after years he was only offered a stay permit and till today he didn't get the "Residency Status". After the imprisonment of our son, the Israeli authorities have revoked his stay permit; my husband cannot live with us in our home in Jerusalem anymore" [Om Abdel-Nasser⁶⁸, October 24, 2016].

Detention operations are usually carried out by a large number of Israeli soldiers in the middle of the night, terrorizing the family and destroying the contents of the house, under the pretext of search and inspection⁶⁹. Palestinian residents of the West Bank who are married to residents of East Jerusalem have encountered hardships and complex difficulties due to amendments that were introduced to the Law of Citizenship and Entry into Israel starting from 2003. These amendments were designed to freeze family unification processes in order to prevent residents of the West Bank from obtaining the residency status. The previous testimony reflects a severe violation of the basic family rights; cancelling the father's stay permit and expelling him to the West Bank just because his son was accused of committing a "terrorist activity" is one of the Israeli forms of collective punishment. Article 4 of the "8 Articles Plan" that was released by the state of Israel in November 2014 serves to subjugate and collectively punish Palestinian Jerusalemites. It had classified throwing stones and Molotov Cocktails at the Israeli police or army as "terrorist activity" and those who are accused of committing this act have to be arrested and to be automatically

68 Om Abdel-Nasser is a Jerusalemite married to a West Bank ID holder man and teaches at the University

69 See http://www.addameer.org/sites/default/files/publications/violations_report_2014.pdf

deprived of their social security rights, including the national insurance allocations, in addition to other enforcement measures against their families. The Israeli Police has provided the names of hundreds of suspects and their family members to the Jerusalem municipality and other authorities, in order to increase enforcement measures against them⁷⁰. Other methods of collective punishment were also used during this youth uprising such as demolishing and sealing the houses of “terrorists” in both East Jerusalem and the West Bank⁷¹.

The PNA explained the reasons behind the ‘third Intifada’ as a reaction to the desperation after the collapse of the peace talks in 2014, and the expansion of Israeli settlements on occupied land. However, the match that exploded the powder keg was the burning to death of Mohammad Abu Khdeir by a group of settlers and the provocative visits of the religious settlers to Al-Aqsa Mosque while banning many Palestinians [Morabitteen]- the worshipers whose presence in al-Aqsa mosque play the role of unofficial guards⁷² - from entering the Mosque. This has given the act of struggle a strong religious motive. The Occupied Territories have witnessed an increase in Islamic practices during the late 70s like most countries in the Middle East⁷³. The Palestinian Muslim Brotherhood was formed in Jerusalem in 1946, but faced a formidable obstacle in the popular Palestinian support for nationalist and leftist positions in the West Bank. The increase of the Brotherhood’s followers among Palestinians was substantially aided by the growth of the Islamic movements in the Middle East region as a whole, particularly after the success of the Islamic revolution in Iran in 1979⁷⁴. The trends continued to escalate during and after the first Intifada in which the offshoot of the Muslim Brothers movement (Hamas) was created. The victory of Hamas in the Palestinian Parliament

70 Ibid

71 See ACRI report, 2015. <http://www.acri.org.il/en/wp-content/uploads/2015/05/EJ-Facts-and-Figures-2015.pdf>

72 Morabitteen is the plural of Al- Ribat, which is an Islamic expression generally means protect and guard an Islamic land or property such as holy places.

73 See [Shahid , 1988].

74 Ibid]

elections in 2006 reflects not only the changed political affiliation of the Palestinians but also the religious and social behavior. Islamic teachings influenced the Palestinians' social behavior; reaction to events like Israeli forces shooting demonstrators or arresting them are, in addition to an act of resilience in the face of the Israeli occupier, "God's will" that will revenge and compensate their pain and reward them by a good place in heaven after life. This general reaction of helpless parents is related to their religious beliefs that it was God's will and that accepting destiny is part of their faith. However, it is not always the case, because such acts increase rage, especially among the younger generation who became motivated to provoke the occupier; few attempted to commit violent attacks against Israelis, many others participated in riots while knowing that they will most likely be arrested or even killed.

"We reject the Israeli story about our son Bahaa; we lost him on Oct. 13, 2015, he was killed. The Israelis said that he and his friend Bilal boarded a bus in Jerusalem and attacked passengers with a gun and a knife, killing 3 Israelis and wounding 4 others. They say that Bahaa was shot and killed by a security guard while Bilal was arrested. We do not know exactly what happened and I doubt this story because Israel has concealed many facts. They did not publish any video or a police investigation, not even a newspaper report. We believe that Bahaa was extra judicially executed by Israeli police for an alleged involvement in the October 13 stabbing attack in a bus in Armon HaNatziv⁷⁵. And even if he did what the Israeli Authorities are claiming, it would be out of anger and a reaction to the ongoing persecution, and the daily Israeli inhuman practices against us Palestinians. He witnessed the humiliation, unjust actions such as blocking the neighborhood and preventing children from going to school; he himself stood by our neighbors when the Israelis came to demolish their home, he helped them all night long to get out their belongings because the Israeli bulldozers would not wait. He witnessed the pain, the frustration and was like all of us helpless. People tell me "congratulations, your son is a martyr and he is now

75 Armon HaNatziv is a Jewish-only settlement built on land confiscated from Jabal al-Mukabir, Baha's our neighborhood, in occupied East Jerusalem.

in heaven”, but I say no welcome to death, we love life and Bahaa should have had the right to a bright future. Hussam, my other son who is a social worker, was arrested after his brother’s killing. He was detained for six days and then was put on house arrest while no charges were brought against him. Then they threatened us with a punitive home demolition and they did demolish the house. They held Bahaa’s body in their refrigerators throughout the whole year and forbade us from giving him a respectful funeral while Israeli law does not penalize the families of those settlers who killed Abu Khdair or Dawabsheh for example. These collective punishments did not and will not scare us, rather, they will make us more determined to resist, stick to our land, and plant hope [Muhammad Alayan⁷⁶, November 15, 2016].



Figure 4 “Muhammad Alayan in his demolished house”; source: Facebook page (محمد عليان)

“How a scout leader became a martyr”, this question was raised in an article title by Budour Youssef Hassan on “The Electronic Intifada”⁷⁷. She wrote on 22 October 2015:

“The nagging question for anyone who knew Bahaa Alayan or read about him was: what led him to risk his life and go on a mission that would likely end in his execution, if we are to believe the Israeli

76 Muhammad Alayan is the father of Bahaa, he is a lawyer and author from Jabal al-Mukabir/ East Jerusalem.

77 <https://electronicintifada.net/people/electronic-intifada>

assertion that he was one of the assailants? Conventional wisdom says that freedom fighters risk their lives because they have nothing to lose and that they are compelled by despair. But Bahaa had a lot to lose; he had a loving family. He ran a press which printed covers of books and magazines, postcards and posters that Alayan designed himself. He was a founder of the Local Youth Initiative in Jabal al-Mukabir, a group that sought to offer local children and young adults a free space to express themselves. He was an avid reader who helped establish the first public library in the neighborhood. He was the leader of the Jabal al-Mukabir Boy Scout troop and trained guides in the neighborhood's girl scouts troop as well" [Budour Youssef Hassan on "The Electronic Intifada" Jerusalem, 22 October 2015].

Jabal al-Mukabir is one of the poorest neighborhoods in the Jerusalem area. In addition to the settlements built on its land, the construction of the segregation wall has also led to massive land confiscation, isolating the neighborhood from the rest of Jerusalem.

Gender Inequality

This section covers human rights violations inherited in the culture regarding: Education, Social Control, Inheritance Rights, Early Marriage and Domestic Violence. Some of these aspects are culturally inherited and imposed by Israel at the same time such as education, while others are only related to norms that are deeply rooted in the Arab culture such as the socioeconomic system that is influenced by traditions and Islamic teachings. Other social problems, such as domestic violence is a universal problem that is happening in all countries, cross cultures and among people from all levels of education.

Education

The two dimensions of human rights violations described above are clear when we analyze education in East Jerusalem. The education system in East Jerusalem is divided into public schools maintained by the West Jerusalem municipality and the non-municipal schools. The municipal schools teach a different "Arab educational

curriculum”, while the non-municipal schools are owned and run by either church, the Waqf⁷⁸ in coordination with the PA, UNRWA⁷⁹ or private bodies that continue to use the Jordanian curriculum after the Israeli occupation of the city in 1967. Since the Oslo Accords of 1993, these schools of East Jerusalem have used the Palestinian curriculum. In September 2011, the Palestinian Public schools were ordered to limit themselves to the Israeli text books and to only purchase them from the municipality, these forced text books did not carry the logo of the PNA Education Ministry and the contents were censored. Any reference to the Palestinian identity, culture and heritage was erased, and all the expressions regarding the Palestinian history and contemporary narrative were removed. Many have opposed this move and called for protests and strikes against the distortion of the Palestinian curriculum. However, some schools eventually abided by the Israeli instructions out of fear of losing funding.⁸⁰ This is a great concern for the next generation of Palestinian Jerusalemites; they are worried that this will affect the level of nationalism and might promote what Israel is hoping for, i.e. the Palestinian Identity and narrative will vanish with the demise of the old generation and that it will be forgotten by the coming younger generations. In addition to discrimination in service distribution; according to the [ACRI] report of May 2015, only 41% of Jerusalemites students are enrolled in the official municipal education system, due to the shortage of the number of classrooms, although the Palestinian students constitute 40% of all students in both East and West Jerusalem. Even though education for both genders became one of the key Palestinian social values after losing the land by war and occupation, gender inequality in education is one of the Palestinian society’s characteristics. Primary education

78 Waqf means a mortmain property is, under the context of charity «sadaqah», an inalienable religious endowment in Islamic law, typically donating a building or plot of land or even cash for Muslim religious or charitable purposes with no intention of reclaiming the assets.

79 The United Nations Relief and Works Agency for Palestine Refugees [UNRWA], was created in 1949 to provide education, health care and social services to the Palestinian refugees from the 1948 and 1967 wars in the West Bank, the Gaza Strip and elsewhere.

80 See PASSIA Publication [Arab East Jerusalem – A Reader, 2013: 203]

is nearly universal in most [MENA]⁸¹ countries and the gap between boys' and girls' enrolments in secondary schools has disappeared. However, the gap in Palestine is in favor of females [Glick & Sahn, 2000]. One of the reasons is the phenomenon of boys dropping out of school to work in Israel, especially before the first Intifada in 1987. Later, during the first, second, Intifada and the current unrest situation, most school boys were at the heart of the dynamics, and many of them were jailed by Israel for periods ranging from several months to several years and most of them did not go back to school when released; for these two reasons, among others, female students out-numbered their male counterparts in school enrolment except in private schools. Nevertheless, Palestinian parents generally have been and are more willing to invest in the education of their sons, rather than in their daughters.

Number of Students in Schools by Region, Supervising Authority, Stage and Sex, 2013/2014

Region	Supervising Authority	Grand Total			Basic			Secondary		
		Total	Males	Females	Total	Males	Females	Total	Males	Females
Palestine	Total	1,151,702	571,908	579,794	1,009,639	508,904	500,735	142,063	63,004	79,059
	Government	764,219	369,302	394,917	629,038	310,011	319,027	135,181	59,291	75,890
	UNRWA	282,784	140,797	141,987	282,784	140,797	141,987	.	.	.
	Private	104,699	61,809	42,890	97,817	58,096	39,721	6,882	3,713	3,169
West Bank	Total	677,004	334,536	342,468	593,328	298,050	295,278	83,676	36,486	47,190
	Government	537,306	261,726	275,580	459,925	228,566	231,359	77,381	3,3160	4,4221
	UNRWA	51,270	21,323	29,947	51,270	21,323	29,947	.	.	.
	Private	88,428	51,487	36,941	82,133	48,161	33,972	6,295	3,326	2,969
Gaza Strip	Total	474,698	237,372	237,326	416,311	210,854	205,457	58,387	26,518	31,869
	Government	226,913	107,576	119,337	169,113	81,445	87,668	57,800	26,131	31,669
	UNRWA	231,514	119,474	112,040	231,514	119,474	112,040	.	.	.
	Private	16,271	10,322	5,949	15,684	9,935	5,749	587	387	200

Figure 5: Source: PCBS (2014).

"I was a top student in my class. I was sent to the UNRWA school while my brother was sent to a private school; there, he was able to study English and French from kindergarten until high school. I did not feel angry because the general belief is that sons are a greater asset to the family. A good education will lead to better job opportunities for them and they can help the family financially, while daughters will get married and even if they work, their money will

81 [MENA] is the abbreviation of Middle East and North Africa. The West Bank and Gaza Strip were included in the study

contribute to their husbands after marriage.” (Rasha⁸², November 29, 2016).

One of the justifications, as mentioned by the interviewee, is the male financial obligations towards his family that do not apply to women or girls. What is remarkable is that females were and still are more committed to education; girls are more likely to progress on to university while boys will most likely drop out of schools to work in Israel.

Social Control

The margin of social freedom for girls is limited to education and certain types of jobs later, mainly in education and the health sectors and other administrative jobs.

“I am almost fifty years old; my sister is a little bit younger than me. We both did not marry and we work since we graduated from the university, but we still live with our parents. We even need permission if we want to go out for dinner with some friends and stay a little bit late at night. Sometimes I feel I do not have no right to control my own life” (Samar Bader⁸³, September 24, 2016).

The Palestinian male, in general, accepts that the females under his authority [daughters, sisters] will leave the home for study and work. He can see the benefits of education which generally lead to greater financial contributions on their part, to the family’s income if they pay, and if they don’t, they at least take care of their own needs, thereby help to alleviate the financial burden of the father or the brother. However, in all cases, a male stays in control over their social life, and in general, women who are financially independent and are still single, cannot live in their own apartment. There is also no freedom for relationships with males outside the marriage either; all this is under the pretext of maintaining the family honor⁸⁴.

82 Rasha is a mother of two who was married at the age of 18, without any consideration to her excellent educational attainment.

83 Samar Bader is a Jerusalemite who works at the library of al-Quds University.

84 The situation in cities like Ramallah and Bethlehem is different as girls have more social freedom. This social freedom for females is

Inheritance Rights and Early Marriage

Most families in the Palestinian society also violate women's inheritance rights. According to the Islamic Shari'a law⁸⁵, a female gets half the share that her brother gets from her deceased parents' inheritance. Although Islamic law is not based on equal rights for both sexes, and most of the people is Muslim, they do not even follow the Islamic Shari'a law; a consolation amount of money, which is generally less even than their stipulated right according to the Islamic Shari'a law, will be paid to the female instead. This is under the pretext of keeping the family fortune within the family. Hammami [1993] explained the origin of this generalized social compromise on this issue stating that farmer women traded their legal share of the amount of land they inherited for the promise from their brothers to support them economically and socially. This tradition is very much embedded even in the mind of many women until today; Mrs. Halima who is a mother of six girls and a sister of wealthy brothers said: "I forgive my brothers, I do not want my share from my late father's property, and I only ask them to keep the good relations with me and my family, such as visiting me and my married daughters in times of feasts to show off in front of their husbands that they have a big wealthy family" [Mrs. Halima, October 24, 2016]⁸⁶.

"We are three sisters, we have no brothers. Two of us were married but only one has children. We realized lately that according to the Islamic Shari'a law, our nephews have no right to inherit from me or my sister because they are not considered paternal blood relatives, but if we had a brother he would have had the right to inherit from us. Therefore, my sister may get only the third and the rest goes to the closest male relative from my father's side. Our nephews, who are the closest to us, cannot inherit from their aunts!!!! Now we

less in rural areas; it depends on how far the village is from the city center and the geographical location of the city (the north and south of the West Bank are more conservative than the center).

85 The Islamic law "Shari'a" is based on the Ottoman Law of Family Rights of 1917 and is part of the Palestinian legal system.

86 This interview was conducted by the researcher three years ago for another research about the Palestinian women's' rights.

are digging for a solution for this problem [Jumana⁸⁷, November 17, 2016].

One of the justifications for this is that it is only males who carry the financial obligations and responsibilities of the family [Welchman, 2003] and it is not a matter of gender discrimination, because the parents of a dead son or daughter inherit the same according to the Islamic Shari'a law. However, not everyone follows this law and they try to escape it and find legal solutions despite the fact that they might be accused of manipulation and many will question their faith. Generally, women accept this religious and social norm, even if they do not fully agree with it, just to avoid the argument and they find an alternative to better and more independent socio-economic life by education and work. Many young girls go with the flow and agree to be traditionally married at an early age and they move from being under the authority of their father/brother to the one under their husbands. It is common to see both cases in the Palestinian society; those who finished their high school and continued into higher education and are working, and those who were married around the age of seventeen and start a family at a young age. The latter is more likely to occur in what used to be rural-areas around the city [villages of East Jerusalem] such as Silwan, At-Tur, Abu Dis and Isawiya, etc.

"I started working at al-Isawiya municipal girls' school sixteen years ago; the locals did not appreciate much girls' education in the past; many girls were engaged after the ninth grade because their families would not allow them to pursue their education in the city, East Jerusalem high schools [maximum fifteen minutes' drive]. Now more girls are studying in the city, and starting from next year the Jerusalem municipality will establish a high school for girls in al-Isawiya. Our role, in addition to education, is to help in respecting certain values such as the girls right in being raised in a healthy environment. Therefore, our concern is to protect our students not only while they are at the school; if we notice any sings of domestic violence, we investigate and we talk first with the

87 Jumana is rich Jerusalemites who did not marry and have no children.

parents to solve the problem, and we inform the social services if there were no positive response from the family” [Afaf Shihabi Qaddoumi⁸⁸, August 16, 2016].

The previous testimony highlights several important issues and points out that people in what used to be rural areas around Jerusalem, al-fellaheen [the countryside people], are more conservative when it comes to women rights such as the right to education and work.

Domestic Violence

The testimony in the previous section indirectly highlighted the problem of domestic violence. It is common knowledge that it is a social problem that is prevailing in all countries and cultures and among people of all levels of educational and socioeconomic statuses and religions. Arab Women in general, and fellaheen [countryside] women in particular, are opposed to seek or accept external intervention in cases of domestic violence, as indicated by the relatively low rate of incidents reported to the police or social services. The Israeli law for Prevention of Family Violence of 1991 intended to provide legal support to all victims regardless of their ethnic, religious or national background. However, the Palestinians of East Jerusalem generally don't seek these services as their enactment requires direct involvement in the family life and it harms the privacy of the family. In addition, most Arab communities in Israel perceive this law as a punishing measure against males, and not as protective or preventive measure for females⁸⁹. In addition to the fact that the social services department is an Israeli office, meaning that Jerusalemites in general accept vital services from the Israeli occupier such as national security, health insurance and education but they avoid dealing with the social services department because they consider this as an act of “normalization with the occupier” or even betraying the Palestinian cause. The social services department replaced most of the Jewish workers dealing

88 Afaf Shihabi Qaddoumi is the headmistress of al-Isawiya municipal girls' elementary school.

89 See [Haj-Yahia, 2000] “Wife abuse and battering in the sociocultural context of Arab society”.

with East Jerusalem Palestinians with Palestinian Jerusalemites or Palestinians with an Israeli passport to overcome the nationality, language and culture barriers:

“Isawiya became very crowded; the houses are so close to each other, no privacy, sometimes a family of six lives in an apartment of only a two rooms. In such circumstances, and with lack of a parental supervision, sexual harassment incidents by family members or neighbors are most likely to happen to the young girls. Therefore, we have classes to discuss sensitive issues like this; usually the girl will come afterwards to confess to the teacher and to ask for help. I prefer to talk to the parents first and if they do not cooperate I inform the social services who have the power to arrest and punish. [Afaf Shihabi Qaddoumi, August 16, 2016].

Domestic and sexual violence are still sensitive issues. There are other barriers in reporting sexual harassment or assault cases in particular; such as being afraid of “blaming the victim” issue, or protecting the family’s reputation.

Social Fragmentation and Social Problems

This section focuses on the social fragmentation caused by displacement, in addition to the different legal statuses that affect the social relation map, and the dispersion of drugs, which is considered to be the main social problem among others in East Jerusalem. All these factors affect the status of human rights of the Jerusalemites in general and of the vulnerable groups in particular.

The local-Stranger Relationship

The previous interview highlighted that Al-Isawiya is densely populated because of its relatively cheap rental prices that attract those who are looking for cheap housing inside the municipal boundaries of Jerusalem. The residents who are not original locals of this and other neighborhoods are relatively “poor” with many children. This has increased the dispersion of many social problems in addition to the fact that the new comers compete with the locals

over the limited resources such as the municipal school seats that are almost free of fees. Locals of al-Isawiya, as most Palestinians, are generally warm and welcoming to those who come to settle down in the town but they believe they should have the priority when it comes to the use of limited resources. This has created another type of social reality and social fragmentation that could be called "the local-stranger relationship". The explanation of this phenomenon is that the Palestinian society has a clan-like familial structure, meaning that each member of the community can be traced to one of the community clans. Therefore, anyone who is not a local will be clearly identified and labeled as a stranger. The word "ghareeb", which means stranger, is rooted in the Palestinian social structure and it has a territorial significance. A person is generally defined not only by his family-clan name but also with the place of origin. Hence, anyone who is not from the locals, even if this person is from the second or third generation and was born in this locality is defined as a "stranger". Many of old parents still use the term 'stranger' to refer to their daughter's groom if he is from another Palestinian town or even from a different clan of their own town. This reality is seen in many other neighborhoods such as al'Eizariyah and Isawiya, while others such as al-Sawahra traditionally do not sell land to a 'stranger', therefore they managed to keep their own town traditional characteristics alive till the time being. However, the Palestinian society also has a degree of sensibility regarding displacement because of the 1948 Exodus [al-Nakba]⁹⁰. Many fled to neighboring Arab countries, however, some 380,000 fled to the West Bank including East Jerusalem. They can be divided mainly in two categories; those who were displaced in refugee camps created by the United Nations [some 100,000] and the rest are those who settled down in cities and villages [Bisharat, 1997]. Both categories were labeled by the locals as 'strangers'. This label is still applicable

90 Al-Nakba is the Arabic word for catastrophe

also to their second and third generations all of whom were born in East Jerusalem or the West Bank. Mr. Abu Omar shared his feelings:

"In the al-Salama / Jaffa sub-district [before 1948] we used to have an elementary and a secondary school, while Jerusalem suburbs had a primitive school system called "al-kuttab"⁹¹". During the 1948 war my family, along with many fled to the district of Jerusalem. I married one of the local young women and I became the respected, well-known Arabic language teacher in the boys' school. However, when I was promoted to the position of headmaster, there were voices amongst the locals that the headmaster should be one of them, and not a 'stranger'. We are all Palestinians, we were displaced from the north to the center, and after all these years we are still considered strangers in the eyes of the locals [Abu Omar, August 16, 2016].

The territorial emphasis in Shua'fat refugee camp, for example is well illustrated in the everyday language and gives the place of origin great importance in grounding the refugees' identity, which embodies their history, memories and their slight differences in culture⁹². The term "stranger" here represents a two-sided problem; the refugee's lack of feeling of belonging is not only because the locals of the surrounding areas always express superiority over them, but also because the refugees themselves do not want to lose their original identity of historic Palestine that they already lost in 1948. This feeling of pride is driven by the Palestinian nationalism in order to keep the Palestinian question alive; the new generations should not forget; the grandfather will transfer the feeling as "ghareeb" to his son who will do the same with his children. Now, and although the refugees lost hope of a just political solution to their displacement, the everyday practices kept the feeling of being a "stranger" alive. This had a great overall impact on the homogeneity of the Palestinian society not only in East Jerusalem but also in the West Bank where "the refugee" communities comprise approximately 42 % of the total population⁹³.

91 Al-kuttab is a teaching class held usually in the mosques for mainly Qura'an and Arabic Language.

92 See [Yiftachel, 2002].

93 See [Bisharat, 1997].

The Change in the Social Relation Map

More social fragmentation was further implemented by the different civil status that was given to the residents of East Jerusalem and its surroundings; the Blue ID and the Green ID. Until the Wall was built, there was a residential continuum between East Jerusalem and its West Bank suburbs. The distinction between the neighborhoods that were -in or out- of East Jerusalem was purely artificial; the social fabric did not correspond to this distinction. Often, members of the same family have different civil statuses; these differences influence the entitlement for services and benefits but they did not split the families themselves [Amir, 2011]. The Green ID holders were formally forbidden from entering Israel and East Jerusalem years before the construction of the Wall but it was not enforced as a general rule. The Wall in its early stages was just an obstacle that held back the flow of people. People managed to find ways to get through like the open areas where the construction had not begun yet, or by squeezing themselves through its openings, or simply by jumping over to the other side using big stones and other objects as ladders. In 2009 almost all of these passages were closed and the Wall became the means for implementing the rule. Entrance to East Jerusalem became restricted to six entry-points [checkpoints] [Ibid]. These entries are only for those who hold the Blue ID or the Green ID with a permit⁹⁴. Many of the suburbs' families had strong social ties with families living within East Jerusalem, mainly by intermarriage. After the Wall, it became difficult for relatives to meet and support each other in times of celebration and commiseration. Mrs. Om Hasan is a Jerusalemite who settled in al-'Eizariyah, before the 1967 war with her immediate family. Accordingly, they were given green West Bank IDs. Mrs. Om Hasan complained:

"Yesterday we had visitors, a mother and her son who is a potential groom. They left with no explanation when we told them that we hold Green IDs. They were looking for a bride who can join the son and live with him in Jerusalem, I cannot blame them" (Om Hasan, November 25, 2016).

Many studies expected that people's mobility along and across the

94 See [Amir, 2011].

Wall would lead to certain difficulties in the short run, and would change the demographic structure of the Palestinian communities in the medium and long term [PCBS, 2004]. Jamila, a mother of a 32-year-old son shared her story:

"I suggested a beautiful, educated young girl to be the future bride for my son. He said: I know her and I like her but she holds a different ID than mine. She lives in Jerusalem with a Blue ID while I hold a Green ID and we live in al- 'Eizariyah, which means West Bank. I've seen how much my friends have suffered in such a situation. It is not only about the difficulties of visiting and socializing; it extends to the type of IDs their children will receive. This will split the family apart eventually and I don't think it's wise that we should go through this, look around mom!!!!!!" [Samira⁹⁵, October 1st, 2016].

Indeed, the trend of marriage during the past ten years has changed. The exclusion from and inclusion in East Jerusalem has resulted in a different social relationship map being drawn, and the social structure has changed. People tend to marry someone with the same ID type to avoid the social difficulties they would encounter.

"Today I received the 'Permanent Israeli Residency Status' after seventeen years of being married to a Jerusalemite. 17 years of fear, of temporary stay permits and of complicated renewal procedures. I asked with anxiety: Are my kids included? Are their names written in the document? May they travel with me? May they stay with me wherever I will be? The lady said: yes, it's written there. I felt like I possessed the whole world, I cried for a long time, as long as the 17 years of suffering and discrimination in all areas of life. Today I am officially the mother of my children; I can be with them in any place, without threat or fear. I wish it for every woman in East Jerusalem who is going through the same situation; I pray for every mother and every father to reunite with their families" [Rudaina Damous Kaloti⁹⁶, September 29th, 2016/ Facebook Post].

95 Samira is a mother of a 34 year old son,

96 Rudaina Damous Kaloti is from al- 'Eizariyah , she is a mother of one son and two daughters, this post was on her page of Facebook, she gave the permission for her statement to be published here.

Palestinian residents of the West Bank, who are married to residents of East Jerusalem, also live in Jerusalem, as well as children with one parent who is a resident of the West Bank. For more than a decade, these families have encountered hardships and complex difficulties resulting from the lack of regulation of their status, due to amendments introduced to the Law of Citizenship and Entry into Israel since 2003. These amendments, that were designed to freeze family unification processes in Israel and to prevent residents of the West Bank from obtaining residency status, are severe violations of numerous basic rights⁹⁷.

The Diffusion of Drugs

The negative consequences of the Israeli policies of isolation, neglect, and restriction on free movement have additional effects on vulnerable groups especially mothers. The negative impact impedes her from reaching her children and the whole family, increasing their risk of suffering from social exclusion, instability and a general increase of poverty level that eventually generates numerous social problems, such as addiction. Many believe that one of the Israeli policies is to subvert the minds of young Palestinians and to create such social problems in order to weaken the Palestinian communities. Palestine has no historic connection with the drugs trade. Its arrival has been sudden and enormous. Al Quds University estimates there are over 6,000 addicts in East Jerusalem today, compared with 300 in 1986⁹⁸. The journalist Sawsan Ramahi wrote on the Middle East Monitor on 3rd of January 2011:

Prior to 1967, the number of people known to use drugs was listed in dozens; at that time, the West Bank [including East Jerusalem] was under Jordanian control and statistics available from the Global Report on Drugs showed no narcotics production or trafficking. ...The situation changed after the Six Day war [1967 war]. The Occupied Territories became fertile ground for smuggling and use of all types of illegal substances. ... The occupation authorities appear

97 See ACRI report, 2015. <http://www.acri.org.il/en/wp-content/uploads/2015/05/EJ-Facts-and-Figures-2015.pdf>.

98 Al-Jazeera report on drugs of 6 JULY 2011, see <http://www.aljazeera.com/indepth/features/2011/06/201162874544676539.html>

to condone the drug-smuggling networks in East Jerusalem where no serious attempts have been made to raid dealers' and addicts' "nests", even though some are well-known and only 50 meters or so from police stations or other Israeli occupation institutions... There is a feeling locally that the police know very well what is happening but is "comfortable" with the situation as long as the victims are the Palestinians. It has been observed that a known drug dealer is left free to peddle his poisonous wares in East Jerusalem, but as soon as he tries to do the same in Israeli West Jerusalem he is picked up by anti-drug units of the local police" [Sawsan Ramahi,⁹⁹ January 3, 2011].

Unfortunately, the spread of drugs including storage, distribution and use has spread in East Jerusalem, most prominently in parts of the Old City and the areas around, such as al-Mesrara, al-Thawri, al-Tor and Beit Hanina, in addition to the suburbs outside the segregation wall such as al-Ram, Abu Dis and al- 'Eizariyah, Anata and the Shuafat camp, which is recognized as the center for all types of drugs. In Al Ram, which is constrained up against the Segregation wall, degradation is the main symptom; since 2006 Al Ram has been locked out of Jerusalem by the Wall from three sides. The effect of this sudden disconnection has been overwhelming; 33 % of all businesses were closed, 75 % of youth under the age of 24 became unemployed, and almost half of the town's 62,000 residents have been denied access to Jerusalem.

"My husband is a drug addict and maybe a dealer too. We have five children, I do not work and he is the only one providing for our everyday needs. He used to work as a mechanic in Jerusalem, he lost his job after the Wall and I do not know from where he gets some money. The problem is that he is very violent with me and the children, I am afraid that my 13 years old son will follow his father's steps. It became common to hear the word "Hashish" all around as if it is just cigarettes. There is no authority, no security and no police, how am I going to protect my children? " [Ameena¹⁰⁰, October 24, 2016].

99 See <https://www.middleeastmonitor.com/articles/middle-east/1907-the-scourge-of-drugs-in-jerusalem>

100 Ameena is a 36 years mother who is unemployed with five children lives in al-'Eizariyah (Bethany)

Al Ram, like Abu Dis and Al-'Ezariyah, has been left in midpoint because of the Oslo agreement of 1993. These areas were classified as a mixture of Area B and C, which requires Israeli security control with some Palestinian Authority administration¹⁰¹. This means that the towns' inhabitants are without National Security Forces as the Palestinian police are forbidden from functioning in these areas without the Israeli permission, hence, the residents live in anarchy¹⁰². These areas became a perfect place for outlaws.

Palestinians in each neighborhood of East Jerusalem are busy with problems in their everyday lives that vary according to different conditions, different legal status and different Israeli policies towards them and this sets them apart even more. The role of the the civil society organizations is crucial in such circumstances.

101 The Palestinian police located in Area A where the Palestinian Authority has full civil and security control cannot interfere in Area B before getting the approval of the Joint Security Coordination Office [Israel]. This usually takes up to forty-eight hours to be convened, and of course, this is useless when dealing with cases of emergency.

102 See Al-Jazeera report on drugs of 6 JULY 2011, see <http://www.aljazeera.com/indepth/features/2011/06/201162874544676539.html>

CIVIL SOCIETY ORGANIZATIONS' ROLE IN SERVING THE PALESTINIAN COMMUNITY

The aim of this section is to shed light on the important role played by the civil society organizations in the Palestinian context, particularly in East Jerusalem; first by defining the concept, second by discussing the formation of the Palestinian civil society overtime; explaining its development, tasks and functionality. Then a desiccation that tackles the foreign aid dependency, and finally by highlighting the important role of the civil organizations played in East Jerusalem.

The Concept of Civil Society

The concept of 'Civil Society' has been in vogue since the 18th and 19th centuries; however, the 1980s witnessed a revival of interest, especially after the fall of Communism in Eastern Europe. The London School of Economics defines civil society and highlights that it "refers to the arena of un-coerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional organizations, trade unions, self-help groups, social movements, business organizations, coalitions and advocacy groups"¹⁰³.

103 See <http://www2.lse.ac.uk/LSECities/citiesProgramme/pdf/bankside123/16GlossaryAW20pgs.pdf>

In the Palestinian case, the formation of the Palestinian civil society is unique to its context. The previous review of the “Civil Society” concept revealed that it has been always related to or work independently from the “State”. It is true that there was no Palestinian state before Oslo, and many would argue that the contemporary Palestinian Authority is not yet a State either, hence the question whether there is a Palestinian civil society, was and still is debatable. In reality, and far from the ongoing debate about the existence of the Palestinian Civil Society, most of the Palestinian Civil Society Organizations emerged and developed in the absence of the state, in the absence of national independence and in the absence of sovereignty over land and citizenship¹⁰⁴.

The Formation of the Palestinian Civil Society

Historically, the Palestinian Civil Society Organizations started to develop in the early years of the twentieth century. In 1907, the “Law of Organizations” of the Ottoman Empire had guaranteed the right of organizations, but in a limited manner, in order to keep control over the formation of nationalist organizations within its Arab provinces including Palestine. After Palestine came under the British Mandate, a vibrant civil society emerged consisting of religious groups, clubs, labor unions, and women’s societies [ARIJ, 2012]¹⁰⁵. However, the Palestinian social networks became strained and began to break down due to the displacement of over 750,000 Palestinians in 1948¹⁰⁶. After “Al-Nakba”¹⁰⁷ the Palestinian social networks reformed themselves again in each geographical enclave they have been displaced within whether Jordan, Lebanon or Syria or elsewhere. They exist in two forms; the networking charities and human rights organizations devoted to defend their civil rights and provide relief, and the political parties and mass organizations such

104 See [Costantini, et al. 2011]“Mapping Study of Civil Society Organizations in the occupied Palestinian territory”

105 See <http://www.arij.org/publications/books-atlas-es/82-2012/250-social-capital.html>

106 See [ARIJ, 2012]

107 Al-Nakba is the Arabic word of the word catastrophe in English, it indicates to the war of the 1948.

as women, youth and workers and many professional unions [Hilal, 2009]. In the West Bank, which was under the Jordanian rule, and the Gaza Strip that was under the Egyptian rule, the civil actions developed separately during the years [1948-1967]. From 1964 on, the Palestinian Liberation Organization [PLO] led the civil society in both the diaspora and the occupied territories, and it focused on voluntary work through youth organizations and health and education NGOs [Salem, 2012]. Since 1967, these organizations were established as an alternative to the Israeli occupation authority¹⁰⁸. This lasted till the first Intifada in 1987 in which a new period emerged; many traditional NGOs related to the Palestinian Liberation Organization [PLO] started to lose ground in the field in front of the new grassroots organizations that emerged such as the 'popular committees' that constituted the main participants in the first Intifada¹⁰⁹. This includes the Islamic charitable organizations that began to adopt a new role and understanding of the "political participation", which led to the emergence of Hamas as an active participant [Costantini, et al., 2011].

A new era started following the Madrid peace conference¹¹⁰ in 1991. A considerable amount of funding was received from western donors. After the Oslo Accords of 1993, the PLO became an internationally recognized entity and formed the PNA; this motivated CSOs to concentrate more on the socioeconomic development rather than political and national indoctrination. They moved more towards institutionalization and professionalism, replacing political funding from the Palestinian political parties with funding from the international donors with different conditions¹¹¹. That had reduced some of the CSOs' scope of work while opening up other new fields

108 See [AbuZayyad, 2012] and [Pundak & Khoury, 2012].

109 See the "Mapping Study of Civil Society Organizations in the Occupied Palestinian Territory". <http://www.enpi-info.eu/library/content/civil-society-organisation-mapping-study-palestinian-territories>

110 The Madrid Conference of 1991 was a peace conference, hosted by Spain and co-sponsored by the United States and the Soviet Union. It was an attempt to revive the Israeli-Palestinian peace process through negotiations, involving Israel and the Palestinians as well as some Arab countries.

111 See [Fuqaha, 2012]

preferred by the donor community such as democracy, governance, gender issues and empowerment with the focus on the youth sector¹¹².

The formation of the PNA changed the previous relationship that once existed between the PLO and the NGOs. The newly formed Palestinian National Authority (PNA) began absorbing many civil society organizations to serve as ministries, which resulted in reducing their number from 1400 organizations in 1993 to less than half¹¹³. However, many CSOs refused to merge, thus competition over funds and activities prevailed as a new phenomenon; in 1997 the first law draft was presented to the Palestinian Legislative Council (PLC) providing for the Ministry of Interior to "license" NGOs rather than simply "register" them" (Costantini, et al. 2011: 22). In 2000, the Palestinian civil society experienced a setback because of the outbreak of the second Intifada. Political parties turned to armed struggle, and most of the NGOs focused only on providing emergency aid instead of their ordinary work¹¹⁴. Peace organizations also faced a setback because of the problem of 'normalization'¹¹⁵. Only Islamic civil society organizations flourished during this period through their grassroots work and their reputation of being untainted by corruption (Salem, 2012).

The violent struggle between Fatah and Hamas in June 2007, divided the Palestinian civil society into three fragments: one supporting Hamas, one supporting the PNA in Ramallah, and the third comprising of liberal, democratic, independent organizations

112 Ibid

113 See Costantini, et al. (2011) who points out that the PNA invited civil society organizations to become incorporated in its structures, this occurred with some NGOs, particularly closely linked to Fatah, such as the Health Service Council, that ran 62 clinics and merged into the PA.

114 See [Costantini, et al. 2011].

115 Normalization is the participation in any project, initiative or activity, in Palestine or internationally, that aims (implicitly or explicitly) to bring together Palestinians (and/or Arabs) and Israelis (people or institutions) without placing as its goal resistance to and exposure of the Israeli occupation and all forms of discrimination and oppression against the Palestinian people."

[Ibid]. The Palestinian Authority [Fatah] in the West Bank carried out an intensive campaign against all Hamas CSOs, while Hamas in Gaza did the same with Fatah CSOs. [AbuZayyad, 2012].

Foreign Aid Dependency

Since the 1948 War, Palestinians, wherever they settled, became deeply dependent on external aid. The UNRWA¹¹⁶ that was established right after the 1948 Palestinian Exodus [al- Nakba] provided for basic food needs, education and health care to the Palestinian refugees. Other UN agencies were present also, like the UNDP,¹¹⁷ which provided expert advice, training, and grants support. Up to the first Intifada, external aid to the West Bank and the Gaza Strip came primarily from Arab countries through the Palestinian Liberation Organization [PLO] in exile [De Voir & Tartir, 2009] and less from the West. During the first Intifada, and because of the urgent need for humanitarian aid, many more Western International NGOs arrived to channel more money into the Palestinian NGO sector, as NGOs and UN agencies were the only available channels to deliver humanitarian aid to the oPt's [Brynen, 1995]. After Oslo, the Western Donors – as a concession to Israel – took the gearshifts of financing the Palestinian development¹¹⁸ directly to the PNA and indirectly through the civil society organizations.

The huge increase in external aid to the West Bank and Gaza Strip was over 600% between 1999 and 2008; 3.25 billion US Dollars per year¹¹⁹. It was based on the assumptions of a vibrant Palestinian entity that was done by Palestinian, Jordanian, Israeli, and American economists in 1993, before the Oslo negotiations had reached them or the public¹²⁰. This group of economists had recommended that

116 The UNRWA is the abbreviation for the United Nations Relief and Works Agency for Palestine Refugees.

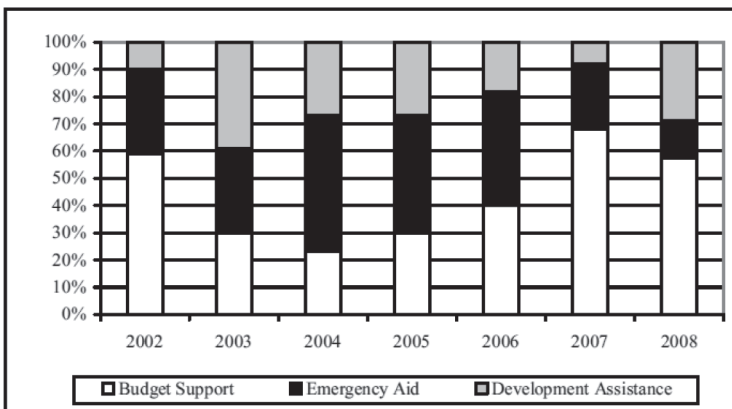
117 The United Nations Development Program [UNDP] is the United Nations' global development network.

118 See [Challand, 2009]

119 See De Voir & Tartir [2009]

120 As presented by Stanley Fischer, Patricia Alonso-Gamo, and Ulric Erickson von Allmen in their article "Economic development in West Bank and Gaza since Oslo" in 2001.

the Palestinian economy would be first dominated by the private sector in which markets will decide the allocation of resources and the creation of a Palestinian economic administration to manage the financial system, free trade in goods and capital among the Palestinian entity, Israel and Jordan. In addition to this, some 100,000 Palestinian workers were again allowed to work in Israel¹²¹. Finally, foreign aid would have to play a major part in the economic development of the new Palestinian entity. Later on, after the Oslo agreement and the creation of the PNA, some of these conditions were met while the most important ones were not. The freedom of trade of goods and services was not valid, neither the free movement of the Palestinian labor force, while support from the donor community has been generous. According to Fischer et al. (2001) and many others, the generous financial aid is definitely not responsible for the inadequate growth performance. However, the face of external aid and the work of NGOs dramatically changed during the Second Intifada (2000-2004); it shifted again from development to emergency assistance. By the end of the Second Intifada, aid began to shift back from meeting the immediate humanitarian needs of Palestinians to long-term development.



Source: Palestinian MoP PAMS Database

Figure 6: Type of External Aid Disbursed to the WB&GS (2002 - 2008).

Source: [De Voir & Tartir, 2009:13]

121. The number of Palestinian workers was reduced for security reasons during the first Intifada.

De Voir & Tartir [2009] argue that “though external aid has acted as a constant buttress to Palestinians since the War of 1948, the manner, type and conduits have changed significantly over time ... These shifts coincide closely with political realities here in Palestine and around the world, rather than local development needs” [De Voir & Tartir, 2009: 7]. This is clear through the reaction of the donor community after certain political events; the international response to Hamas’ victory of the Legislative Elections in 2006, for example, which was to put a halt to state-building efforts because donor’s governments introduced financial sanctions against the PA. Another clear-cut example was when fighting erupted between Fatah and Hamas in 2007 in which Hamas took control over the Gaza Strip. President Abbas appointed an emergency ‘technocratic’ government that led to an immediate reversal of the donor financial sanctions and the no-contact policies with the PA. This government was favorably viewed by the international community; therefore they reengaged a development agenda with the PNA in the West Bank¹²².

“There are twenty two social organizations in al-‘Eizariyah. They can be categorized according to the type of services they provide such as development, healthcare, education and charity, or according to the target group such as children, women, youth, disabled, and the elderly. Unfortunately, most of these organizations’ community services are limited and ineffective; the beneficiaries are usually the directors and their relatives, volunteer work is almost disappearing. In my opinion, the conditional external funding contributed to this failure. Those organizations look for projects that will be accepted and financed by the international donors, hence, those projects serve the funders’ interests, not the societal needs” [Abdel-Raof al-Sinawi¹²³, November 28, 2013¹²⁴].

122 See [De Voir & Tartir, 2009] and the Palestinian Ministry of Planning [2008]

123 Abdel-Raof al-Sinawi teaches law at Al-Quds University and is also the director of the al-Montada Social Association of al-‘Eizariya.

124 This interview was done in 2013 for “The Impact of the Separation Wall on the Social Capital of the Palestinians in the West Bank and East Jerusalem” PHD dissertation. See: <http://eprints-phd.biblio.unitn.it/1707/>

In the Palestinian case, it is important to realize that the internal issues and the external political process are inevitably inseparable¹²⁵. The debate regarding the external funds' impact on the Palestinian civil society organizations is still ongoing between those who think it has a negative impact, those who are in favor of it and those who might be considered as neutral and have an analytical approach in tackling the situation. However, and with the context depicted in this section in mind, the next section will focus on civil society organizations in East Jerusalem.

East Jerusalem and Civil Society Organizations

In a group session that took place at [hbs] office in Ramallah, on August 23rd and on September 7th, 2016, a discussion regarding the civil society took place to highlight the complicity from the point of view of those who work in the field, especially in East Jerusalem areas. The participants were the partner organizations of the "Advancing the Rights of Vulnerable Palestinian Women and Children in East Jerusalem" project. The partners highlighted their projects in terms of objectives, target groups and the difficulties they faced before and during projects implementation, in addition to their suggestions for optimal results. This discussion was in line with the previous analyses and arrived to similar conclusions with other studies regarding the civil society organizations in the oPt's. The report "Mapping Study of Civil Society Organizations in the Occupied Palestinian Territory"¹²⁶ of 2011, for example, points out the specific issues regarding the CSOs in East Jerusalem, highlighting its special political context that produces a two-fold set of challenges. The first is that the CSOs legitimate existence and activities are at risk, the second is about the increasing social exclusion that creates a growing demand for services and for human rights protection activities.

"The Jerusalemites feel lost. Jerusalem is an orphan. Who is going to protect Jerusalem? No Palestinian Authority, no Political Bodies.

125 See <http://www.miftah.org/Doc/PolicyPapers/Policy240408.pdf>

126 See http://eeas.europa.eu/delegations/westbank/projects/overview/index_en.htm

This Intifada is spontaneous; Fatah and Hamas are present only as individuals not as political players. No civil society organizations neither. Israel closed the most important Palestinian institutions in East Jerusalem, and those who are still active moved to Ramallah. Some CSOs managed to keep their Israeli legal registration but they are not efficient. No reference point for the people especially women; the only power remained is clan. Only the donor community has financial and political means to influence and enforce” [Lama Hourani¹²⁷. August 17, 2016].

According to the Oslo Agreement, negotiations regarding East Jerusalem were postponed till the third year of the Israeli-Palestinian Interim Agreement of 1995; hence there was no jurisdiction for the PNA in East Jerusalem then and until today, as a result of the failure of the peace talks. Since Oslo, Israel began to pressure, and eventually succeeded in closing the Palestinian institutions in the city. As a result, East Jerusalem started to suffer from a severe lack of public bodies to address community problems especially with the minimal role played by the Palestinian notables¹²⁸. The Jerusalemites are not represented in the municipality of Jerusalem, and are heavily neglected in service provision such as education, and other services, while at the same time they are forced to pay all the municipal taxes, water and electricity bills in addition to fines. Discrimination against Palestinians is clear also in garbage collection and lack of infrastructure provision such as planning, pavement, lighting and sidewalks. Not to mention the difficulties in obtaining renovation and building licenses to meet the increasing need of housing, and the continuous rising levels of poverty, unemployment among youth, and social problems like drugs and domestic violence.¹²⁹ There are only some small community based organizations funded by European or other international donors

127 Lama Hourani is a program coordinator in Heinrich Böll Stiftung [hbs] Association/Ramallah Office

128 The notables used to coordinate between the people and the Israeli authorities.

129 The poverty level reached more than 70% for the Palestinians of Jerusalem by Israeli standards. See hbs News Letter [2015]: Raja Khalidi “Views from Jerusalem”. https://ps.boell.org/sites/default/files/hbs_eu_project_newsletter_english.pdf

who support some local social programs to fill the services gap, especially after the closure of the "Orient House", the leading Palestinian political institution in Jerusalem in August 2001¹³⁰.

"There was no leadership before Faisal al-Husseini in East Jerusalem. I worked with him and was his right hand starting from 1985. Abul-Abed as he was also called, managed to gather important and influential people including women who were heads of charity organizations to build a national body. We started many activities such as protests against settlements in Silwan among others. The first intifada started spontaneously, that is true, but shortly after we formed the Unified National Committee to administrate the intifada. We started many projects like the Palestinian Housing Center to provide housing loans to support the Jerusalemites' steadfastness, in addition to fundraising that targeted the Arab Gulf Countries, mainly Qatar, and Turkey for financial support to help all sectors such as health, education, tourism, and social problems such as addiction, among others. This golden era started to collapse because of the militarization of the second Intifada that started in 2000 and the death of Faisal al-Husseini in mid of 2001" (Fadwa Khawaja¹³¹, August 29, 2016).

After Faisal Al-Husseini's death in May 31, 2001, and the closure of the Orient House in August the same year, East Jerusalem had no leadership. However, civil society organizations funded by the EU and other international donors had an important role in serving the community.

"After the killing of [the Palestinian child] Abu Khdeir [in July 2014], there was a new popular uprising but it's temporary and not structured around a certain aim. In my humble opinion, political powers are more efficient in solving social problems than organizations. The political objective pushed them to better serve the community; this was very clear during the first Intifada. Now, and because there is no common objective, no national struggle strategy, the civil society organizations became donor's agents, meaning that, their main concern now is to implement the projects

130 Ibid

131 Fadwa Khawaja is the chairwoman /Jerusalem Center for Women

funded by the donors” (Lama Hourani, September 7, 2016).

“CSOs work is superficial, show off, and not profound work; it wasn’t like this in the past, the PLO used to do all the work” said Fadwa Khawaja. Hilal [2011] pointed out that by the end of 1990s there were a total of 18 different political parties or organizations in the Occupied Territories including East Jerusalem¹³². However, “the present decade saw the re-structuring of the Palestinian political field around two major parties, both competing for control of the PNA at a conjuncture that saw the possibility of establishing an independent state disappear and the Palestinian national project reach a dead end” (Hilal, 2011: 17). “The focus should be on the civil society organizations, no political solution for Jerusalem, we should concentrate our efforts to save the human being. East Jerusalem is full of crime, abuse, drugs, selling houses to the Israelis; all these crimes have been implanted by Israel” Fadwa Khawaja said.

“The Old City Youth Organizations is located in the Old City, is a nonprofit NGO working with the marginalized groups in Jerusalem. We depend on grants and projects funded by donors. The people in the old city of Jerusalem are facing many problems that affect their lives, as no official authority cares for the social, cultural, educational and economic development in this area. This makes the NGOs responsible for dealing with these hardships coupled with restricted and limited resources. The siege and isolation of the city caused many negative social diseases such as drugs, violence, social and psychological stress, school dropout. These conditions lead to more suffering for marginalized groups including women, children and the youth. Our program of activities covers two main actions; the first is empowerment and educational programs by implementing workshops and seminars about the daily problems and relevant subjects. The second is skills development, by implementing cultural and arts activities, like folklore dancing, drama, music, singing and sport. Our aim is to develop the youth

132 Those with tangible membership or support did not exceed eight parties; secular Palestinian nationalist movements, secular Arab nationalist movements and Islamist parties, in addition to the «democracy movement» and the special issue groups (an environmental group and a peace group).

skills by providing a healthy and safe place where they can meet and learn and exchange views with trainers and learn how to solve their daily problems. As everyone knows, drugs became the first threat for the youth in the Old City, followed by divorce and high levels of poverty. The number of divorced couples is increasing and while the young man moves on with his life, the young woman suffers socially and economically. We tried to help the community by involving the young generation with social and artistic programs to create new interests. At the beginning girls thought these mixed programs with boys will harm their reputation; some thought the young men participate because they are interested in having intermit relations with the girls and not to serve the community or to enhance their social abilities. However, through our efforts, they managed to evaluate our organizations positively because of the values that we believe in and practice, and they learnt to have good and productive time, which drove them away from many social problems such as drugs and domestic violence. The cultural exchange program with a Swedish partner, for example, has given the participants new perspective that enhances their commitment to their own community" [Sameer Amro¹³³, September 7, 2016].

The common problem that CSOs and CBOs are exerting huge efforts to make a successful fundraising, and many are complaining about the complicated process. It became less likely that a project proposal will be accepted; first because of the high level of competition between them, and second because they limit themselves to international aid only; they usually refuse to be engaged in partnerships with the Israelis or in joint projects with mixed Israeli-Palestinian groups although these kinds of projects would be generously funded by the municipality. Even foreign aid would be easier to obtain if the programs were designed around 'peace' projects or involving Jewish youth and women in their activities. They avoid such resources because their aim is to enhance resistance and to protect their presence as Palestinians in East Jerusalem. Local fundraising is used also especially when it's related to organizations that serve the disabled.

133 Sameer Amro is a project manager in the Old City Youth Association in the Old City of Jerusalem, al Wad Street – Suq al- Quttaneen.

"We are a partner in the "Advancing the Rights of Vulnerable Palestinian Women and Children in East Jerusalem" project. Before this project, we have been seeking for international financial support to cover the cost of our activities for the disabled in the area of Ras el Amud, and we were not lucky enough. We approached the rich people in the community and we managed to get some financial support but only at the beginning, but the problem is also with the families of the disabled. Although they get financial support from the Israeli national insurance, these families rather keep the disabled at home than paying the travelling cost from and to the rehabilitation centers." [Samir Al-A'abbasi¹³⁴, September 7, 2016]

Some of the Jerusalemites have been served by the municipality community centers. Even though these centers may fill the gap in serving the vulnerable groups at least partially, especially after the closure of most of the Palestinian CSOs in the nineties, there is the problem of "Normalization¹³⁵" that Jerusalemites try to avoid.

"I live in the Beit Hanina neighborhood with two kids, a boy and a girl. After my divorce, I couldn't face the pain alone, and I am totally disconnected from family support because my family lives in Jordan. I felt the need for help and I started to use the psychological services offered for vulnerable women by the community center close to where I live. I had the courage to do so although many Jerusalemites refuse to deal with these centers as they are funded by the Israeli government. However, I have to confess that they helped me overcome my problems, not only by psychotherapy sessions but also by providing me with legal advice regarding my rights and my children's rights under the Israeli law, which are by far better than what is offered by the sharia law or the Jordanian

134 Samir Al-A'abbasi is the chairman of Nibras Al-Quds Society for Individuals with Special Needs

135 Normalization is the participation in any project, initiative or activity, in the oPt's or internationally, that aims (implicitly or explicitly) to bring together Palestinians (and/or Arabs) and Israelis (people or institutions) without placing as its goal resistance to and exposure of the Israeli occupation and all forms of discrimination and oppression against the Palestinian people.

law, which are still applicable in East Jerusalem and are still used in solving family disputes" [Majida¹³⁶, October 26, 2016].

There are eight community centers in East Jerusalem, funded by the Israeli municipality. However, neighborhoods such as Jabal al-Mukabir and Silwan refused to host a community center because they consider this as an act of "normalization" with the occupying power. Their point of view as explained by the report of Budour Y. Hassan¹³⁷ is that these centers are controlled by the Israeli municipality, and they actively work to depoliticize Palestinian youth. They focus on providing education services and "women's empowerment" activities, but while claiming to support rights to education and social services, those rights never include freedom from occupation. Aya¹³⁸, an Arabic teacher activist in the youth initiative of Jabal al-Mukabir explained that "these activities aim to appease the Palestinian public while sugar-coating colonialism. The neighborhoods that resist the establishment of those centers established their own, depending on voluntary work and external funds; worth mentioning that the level of voluntary work is high in these centers, such as the youth initiative in Jabal al-Mukabir and the Madaa Center in Silwan. Aya further explained: "any cultural activity that we carry out sends a political message of resilience, maintaining our Palestinian identity and opposing any normalization with the Israeli occupation in all of its arms".

"We have to empower the civil society organizations to rescue East Jerusalem. Lack of funding should not hold them back; organizations were created before the donors' community and their financial support. Drugs, sexual harassment and many other social problems are spreading. The Israeli policies regarding the curriculum and many other vital issues are making the situation worse. The work that has been done in Silwan is great but it is isolated. One of the Israeli policies is to create small cantons inside Jerusalem. The organizations in Jerusalem must unite and if they

136 Majida is an educated working single mother who was a Jordanian citizen before marrying her Jerusalemite husband.

137 Budour Youssef Hassan posted the article on "The Electronic Intifada" on the 22 October, 2015.

138 Ibid

agree on one policy and create their own chart, then many problems can be solved” [Lama Hourani, August 17, 2016].

When the community faces a natural hazard or a manmade hazard, usually the people of this community gets together to face this threat. This is what happened in the area of al-Bustan in Silwan, where 250 houses were threatened with demolition by the Israeli government. A protest tent, later named Om Ayyub tent, was created to prevent the Israeli authority action. This tent was transformed later into a cultural center. Another example is the peaceful protest and the legal follow up against the bodies’ detention of the killed Palestinians although it took a long time before the Israeli Authorities responded to the people and human rights organization efforts. One more example is when many cultural centers in the West Bank organized a fund-raising campaign through musical events to rebuild the demolished houses of East Jerusalem. These campaigns were very successful. Another success-story was the campaign against breast cancer that was held in the Ramallah cultural center by the well-known Trio Jubran with many other musical bands and artists on October 26, 2016. These self-funding activities had their own characteristics and do not work in cases such as sustainable development projects or programs that works on prevention activities to certain social problems such as drug addiction. Other organizations had a low cost strategy to the ongoing search for fund:

“The Right to Play way of work depends on two important principles, the first is the low cost activities, second the voluntary work. To keep our voluntary workers we cover all costs such as transportation and food”. [Nida Jahajha, August 23rd 2016].

This low-cost strategy depends on the type of the organization and the type of the target group. However, they still need financial support to cover the organization’s running costs including the staff salaries. Therefore, sometimes this strategy is not efficient enough to solve the fundraising problem:

“The Al-Mortaga Women Organization was formed in 2006 in Jerusalem. The main objective is to develop the capacity of

Palestinian women in general and women living in Jerusalem in particular. Al-Mortaga aims to empower women economically and socially, especially talented women from Jerusalem, who work from their own homes. These women cannot afford renting shops in Jerusalem and pay high taxes. We thought of launching the first "Jerusalem Women Business Incubator" project to improve women's skills to start up their own businesses since the economic situation in the city is very difficult. We provide them with training courses in project management, life skills and marketing. In addition, we are developing a website to promote their products that will provide online shopping services in the near future. Our problem was in funding. We prepared the project proposal and we applied to many international organizations and finally we were lucky to have our proposal approved by Heinrich-Boell-Stiftung [hbs]. Regarding the difficulties that women are facing, I would like to highlight the fact that those women are generally from the middle-class and have a good level of education and their own ideas but what are missing the business advice and the financial support. In general most of participants are in need of ongoing financial support and some of them decided to withdraw from the program due to lack of financial support" [Amani Al-Alem¹³⁹, August 23rd, 2016].

The common understanding of "Aid" in the mind of most Palestinians is financial aid; if not cash, it should be at least tangible such as scholarships, food and clothing. Therefore, most people will not be interested in training courses or awareness programs. Fadwa Khawaja, who is the chairwoman of the Jerusalem Center for Women, said that she once asked each participant in an activity why they chose to join. and she discovered that the women had different motivations, different objectives and different expectations; one said she just wanted to go out of the house and see new people. Others thought some kind of aid might be distributed; another one participated just because her neighbor was going.

Most of the debate regarding the International Aid is around the term "conditional", which means that the international donors decide the sector and the amount of funding that should be spent on this

139 Amani Al-Alem, project manager at Al Mortaga Women Association

sector. The East Jerusalem Palestinian politician Faisal al- Husseini while running the Orient House Organizations, and as a Palestinian leader, had the power to impose the allocation of funds whether the donor was from the West, such as the EU or from the East such as Qatar or Kuwait. He knew what Jerusalem needed and used to ask for specific budget for specific sectors [Kawaja and Amro¹⁴⁰].

“From my experience in this domain, I think cooperation among all the institutions of civil society is a must. If we do so, gradually we get to a specific understanding; we can design projects according to the society needs and then submit them to the donors. This way we will be the ones who will decide what kind of programs to implement. It is not the donors’ problem if we do not coordinate with each other to avoid duplication of programs for example. Continuity is also important; what is the use of a foreign expert if the project will fall apart after he leaves? I think the responsibility lays on us” [Naila Ayesh¹⁴¹, September 7, 2016].

Civil society organizations in East Jerusalem failed in creating sufficient networking among them, perhaps except for few ones; such as the Palestinian Medical Relief Society (PMRS), The Agricultural Development Organizations (PARC), and The Palestinian Counseling Center (PCC). 99% of East Jerusalem organizations, are affiliated with the Fatah party, and do not cooperate with each other. There are no partnerships, they work separately, and they act as if each organization is a kingdom by itself. Even if any of their target groups participate in an activity of another organization, they will be punished and they might be excluded from the organizations, explained Sameer Amro on September 7, 2016.

“You are our partners in the “Advancing the Rights of Vulnerable Palestinian Women and Children in East Jerusalem” program. You applied to our international organization for this project funded by the European Union; we approved it because your project reflects the needs of the targeted groups. This project could be a starting point and a cornerstone for the “working together” idea. Each partner of

140 Fadwa Khawaja, August 29 and Sameer Amro, September 7 [2016]

141 Naila Ayesh is the EU Sub-Granting Field Coordinator/ Heinrich Böll Stiftung [hbs] Association/Ramallah Office

you works in a certain field which is different from the others and serves also in different area, which has its own characteristics and its specific problems. Let us stop self-flagellation, we can bring the change because we are the ones who know our needs and we are the ones who design the programs then submit them to the donors. They will be approved accordingly; we have to be optimistic” [Naila Ayesh, September 7th, 2016].

The group discussion with the representatives of the partners of the EU funded project “Advancing the Rights of Vulnerable Palestinian Women and Children in East Jerusalem” that was held in hbs office in Ramallah reveled important information, critics and opinions. The opinion above comes from an experienced Palestinian woman and community activist who is familiar with the culture and the political context and works on the project.

CONCLUSION

In the Palestinian case, it is not possible to separate the humanitarian affairs and the socioeconomic status from the political context. The following conclusions and recommendations are presented to enhance the rights of the vulnerable groups in East Jerusalem who suffer from many human rights violations caused by Israel and their own culture. Moreover, the following conclusions aim to help the international and the local civil society organizations to alleviate the constraints that prevent them from reaching their ultimate goals:

- The failure of the peace process, within the framework of the Oslo Accords, led to a general sense of uncertainty and confusion among Palestinians in the Occupied Territories [oPts]. The Oslo Accords and the creation of the Palestinian Authority in 1993, failed to fulfill the aspirations of the Palestinian people in the oPts, including East Jerusalem. The majority of Palestinians accept Israel only as an occupier, whether they are holders of Israeli passports, or Blue or Green IDs. Therefore, the mutual recognition between Israel and the Palestinian Liberation Organization [PLO] was a golden opportunity for Israel to implement peace. The cornerstone was that Palestinians and their representatives [the PLO], had recognized the state of Israel and accepted to create their state only on the land that was occupied in 1967. However, this was only the first step; instead of reaching an agreement according to the timetable set by the Oslo Accords, negotiations were an endless process leading to dead ends because of the Israeli intransigence and procrastination.
- Since the signing of the Oslo agreement in 1993, Israel has continued to confiscate more land, to expand the existing settlements, and to build new ones. For many observers, Israel deliberately postponed the negotiations regarding East Jerusalem to win time and change the demography and the character of the city in order to make it difficult to withdraw later in case any political solution.

- The Jerusalemites feel abandoned; living in a suspended, monitored mode, worried about the future in light of the ongoing Israeli policies to reduce their number, and the continuous efforts to destabilize the consensus about their identity. This is coupled with the escalation of restrictions on freedom of mobility using various means, such as the construction of the segregation wall, which was built not only to separate Israel and East Jerusalem from the West Bank but also to isolate Palestinian communities from each other by a complicated system of checkpoints and bypass roads. Palestinians are thus deprived of their very basic human rights; the right to move, to travel and to have the ability to plan their future, in addition to mental and emotional constraints.
- Palestinians on both sides of the Wall are busy with problems of their everyday life, which vary according to the different legal statuses and the different Israeli policies. This means they do not share the same problems and that separates them even more.
- The Israeli security justification for the construction of the Wall has proven false, especially around Jerusalem. This proves the human right organizations' view, in which they see the Wall as a new border with the aim to annex more land to Israel, and not as a security measure especially since the Wall in East Jerusalem separates Palestinians from Palestinians.
- The ideological fragmentation and the political schizophrenia amongst Palestinians are reflected by the "normalization" issue. On one hand, some envy those who have the possibility to enter Israel, whether for work or shopping and entertainment and for enjoying several social services. On the other hand, this is seen by others as a lack of national affiliation.
- Despite the social fragmentation, Palestinians always reunite, at least emotionally, during every Israeli collective violation of human rights such as bombing Gaza in 2008, 2012 and 2014, or the individual attacks by settlers such as the burning of the Dawabsheh family and the young Abu Khdeir, in addition to the

provocative visits to al-Aqsa mosque. However, with the lack of a conscious Palestinian leadership, this power will remain latent and random. Therefore, all the Israeli policies are made to further weaken and fragment the Palestinians to prevent such unity.

- Reaching a political arrangement is the favorable way to resolve the struggle over East Jerusalem. However, till then, the International Community's intervention at the political level is essential to force Israel to see the Palestinians as human beings and respect their rights despite the ongoing conflict. Israel should protect the Jerusalemites and ensure that they enjoy the same rights and welfare like all Israeli residents without any kind of discrimination against them. Furthermore, the municipality of Jerusalem should implement policies and planning schemes at the individual and the community level, inside and outside the Wall, in order to compensate for decades of neglect.
- The Palestinian Authority with the support of the international community should find a solution to the absence of law and order in Area B of East Jerusalem suburbs. The deterioration of these areas has devastating consequences not only for its residents but for the whole area of East Jerusalem and other areas of the West Bank.
- On the humanitarian level, the international organizations' role is vital, not only because they are the only players in East Jerusalem for the time being, but also because their services became vital in slowing down, if not preventing, the development of deterioration especially at the social level.
- The Civil Society Organizations' role became even more important especially because of the political vacuum in East Jerusalem; therefore, the international donors' financial support to these organizations is vital. For better results, the selection of programs and the allocation of funds should be decided upon the community needs. In the process, it is recommended to avoid bureaucracy, and direct the efforts

towards the real work in the field. It is also recommended that the programs of the trusted CSOs will be continuously funded to enhance sustainability and creativity.

- Cooperation and coordination between CSOs is essential to avoid duplication in the programs, target groups and geographic locations. The international community could help in putting these organizations to work together by designing programs, such as the “Advancing the Rights of Vulnerable Palestinian Women and Children in East Jerusalem” that involves many CSOs and covers different sectors.
- It is advisable to design special programs directed towards the youth for long term and effective results to positively influence attitudes in order to change some negative aspects of the Arab culture. This will also help in enhancing other values such as voluntary work, community service, environmental care and recognition of the human rights of vulnerable groups, especially the disabled and young females.
- More investment should be made in “women empowerment” programs to raise awareness regarding their rights, in order to strengthen their abilities to fight against culturally inherited customs and laws that consolidate gender inequality. In addition, programs that target males to spread the culture of equity could support this cause.
- There should be more focus on “preventive programs” to raise awareness and prevent social problems such as addiction, divorce, domestic violence and sexual harassment, in addition to the programs that help the target groups to overcome the consequences of these problems.

Palestinians in East Jerusalem are drained, and have lost faith in politics and politicians; everybody is busy in securing his and his family’s survival, which causes selfishness, and less sense of national collectivism. Israel succeeded in extracting East Jerusalem from its suburbs; the streets of East Jerusalem are empty from its neighboring town’s visitors, the suburbs inside the Wall and

outside are suffering from the growing population's density and overcrowdedness. In the near future, accepting to live in chaos will simply become a trend in the lives of the next generation. Civil Society Organizations remain one of the most important mechanisms to help Palestinians to defend their continued presence. Although these efforts can soothe their problems, they certainly have no power to cure them without a just political solution.

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SUMMARY

In the framework of the EU funded project “Advancing the Rights of Vulnerable Palestinian Women and Children in East Jerusalem”, the Heinrich Böll Foundation/ Palestine and Jordan has conducted this research to better understand the impact of the current political situation on the human rights of the vulnerable Palestinian population in East Jerusalem. In this particular case, it is not possible to separate the humanitarian affairs and the socioeconomic status from the political context. This study constitutes an effort to analyze the context and its various components, highlighting and differentiating between the imposed Israeli measures that violate human rights at different levels, and the structural macro-social forces that influence the level of human rights protection in the daily life of the Jerusalemite Palestinians.

Furthermore, the study discusses the role played by the international and civil society organizations emphasizing the importance of their financial and structural support. The civil society organizations remain one of the most important and effective mechanisms to ensure the resilience of the Palestinians in East Jerusalem problems. However, reaching a political arrangement is the only way to resolve this struggle and this can be only achieved through the political intervention and pressure by the international community.



ADVANCING
THE RIGHTS OF
CHILDREN AND WOMEN
JERUSALEM



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