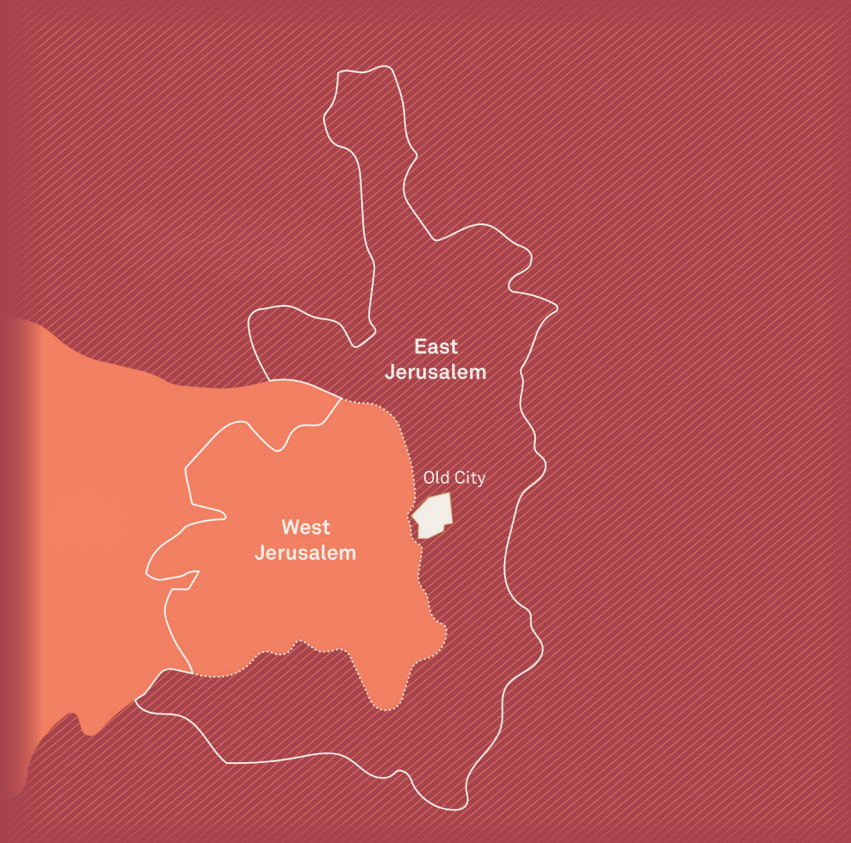


JERUSALEM

THE EPITOME OF ISRAELI

ANNEXATION, COLONIZATION AND FORCIBLE TRANSFER

BULLETIN No. 28



All rights reserved

© BADIL Resource Center for Palestinian Residency and Refugee Rights

Bulletin No. 28: Jerusalem: the epitome of Israeli annexation, colonization and forcible transfer

June 2019

Notations

Any quotation of up to 500 words may be used without permission provided that full attribution is given. Longer quotations, entire chapters, or sections of this study may not be reproduced or transmitted in any form or by any means; electronic, mechanical, photocopying, recording, or otherwise, or stored in any retrieval system of any nature, without the express written permission of BADIL Resource Center for Palestinian Residency and Refugee Rights.

BADIL Resource Center for Palestinian Residency and Refugee Rights

Karkafa St.

PO Box 728, Bethlehem, West Bank; Palestine

Tel.: +970-2-277-7086; Fax: +970-2-274-7346

Website: www.badil.org



BADIL Resource Center for Palestinian Residency and Refugee Rights is an independent, non-profit human rights organization working to defend and promote the rights of Palestinian refugees and Internally Displaced Persons (IDPs). Our vision, mission, programs and relationships are defined by our Palestinian identity and the principles of international humanitarian and human rights law. We seek to advance the individual and collective rights of the Palestinian people on this basis.

JERUSALEM: THE EPITOME OF ISRAELI ANNEXATION, COLONIZATION AND FORCIBLE TRANSFER

The city of Jerusalem is the most advanced example of how Israel deploys multiple mechanisms in order to acquire sovereignty over Palestinian land and confine the Palestinian population to discrete pockets of existence. These mechanisms include annexation, colonial establishment and expansion, and forcible transfer of the Palestinian population, which are underpinned by apartheid to solidify spatial, demographic and legislative control.

As its declared capital, Israel has adopted numerous plans and policies that are directed at strengthening the Israeli claim to sovereignty, endeavoring to secure future international recognition of Jerusalem as the capital of Israel. To that end, Israel's plans explicitly seek to (a) ensure an Israeli-Jewish majority and (b) an indivisible city structure.¹ In what has been a blueprint for Israeli policies applied throughout Palestinian territory, Israel has pursued these two objectives in three key ways.

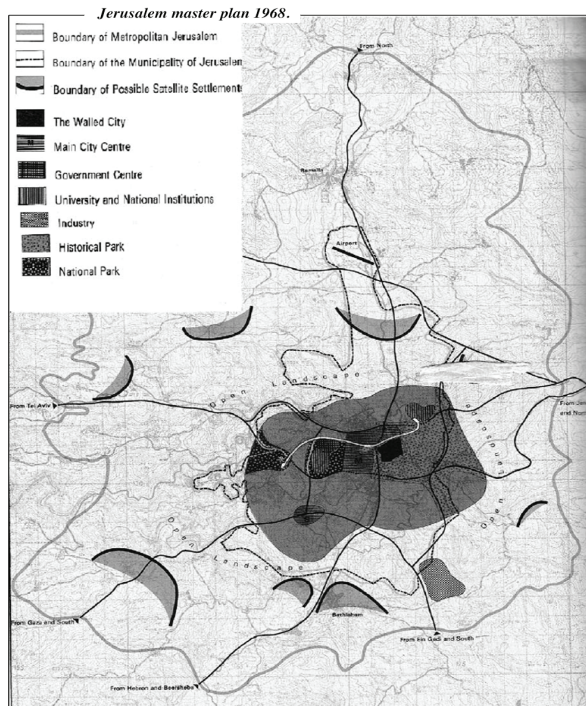
1 COLONIZATION, ANNEXATION AND THE EXTENSION OF ISRAELI SOVEREIGNTY

Towards the end of the British Mandate, in 1947, the municipal boundaries of Jerusalem were a mere 19.2 km². Between 1948 and 1967, Israel expanded the boundaries of West Jerusalem a further 16 km², incorporating many depopulated Palestinian villages. In 1967, following the Six Day War, Israel dramatically redefined the Jerusalem municipal boundaries, adding 70 km² of land to Jerusalem, 86.5 percent of which was to the east of the Green Line (on internationally recognized occupied Palestinian territory) and unilaterally absorbed into the Israeli state. Such unilateral territory annexation constitutes a violation of a peremptory norm of international law. Moreover, those incongruous borders were drawn so as to incorporate the maximum amount of Palestinian land enabling Israeli construction to engulf the Palestinian areas of Jerusalem and also excluded large Palestinian communities, such as Abu Dis and Al Azariya (Bethany) from the municipal area.² These areas remain governed by Israel as "Municipal Jerusalem", and are subject to ongoing taxation while also denied all municipal service provisions and neglected by the authorities.

1 Jerusalem Development Authority, *Jerusalem: Extending the Area of Jurisdiction*, Municipality of Jerusalem City Planning Department, April 1991, p. 25.

2 Jeff Halper, "The Three Jerusalems: Planning and Colonial Control", *The Jerusalem Quarterly* 15, (2002): 6-17, 7-8, available at https://www.palestine-studies.org/sites/default/files/jq-articles/15_three_2.pdf [accessed 24 June 2019].

Map 1: Jerusalem Master Plan 1968. Source: Salem Thawaba and Hussein Al-Rimmawi, "Spatial Transformation of Jerusalem: 1967 to Present", *Journal of Planning History*, (2012): 1-15, available at <https://bit.ly/2TmULel> (accessed 20 June 2019).



Map 2: Metropolitan and Greater Jerusalem – 1997. Source: Jan de Jong, "Israel's 'Greater Jerusalem' Engulfs the West Bank's Core", *The Jerusalem Quarterly*, 10, (2000): p.46, available at https://www.palestine-studies.org/sites/default/files/jq-articles/10_Israel_greater_Jerusalem_1.pdf (accessed 20 June 2019).



Israel's plans extend beyond just creating facts on the ground to strengthen Israeli sovereignty claims. In 1968, Israel developed the Master Plan for Jerusalem, which spoke of a "Metropolitan Jerusalem" and the establishment of a ring of colonies around Jerusalem – see Map 1. Its aim was to expand Jerusalem's municipal boundaries to a 100 km radius, incorporating the large Palestinian centers of Ramallah and Bethlehem into Jerusalem, thereby carving into a large portion of the central West Bank and jettisoning the possibility of a viable Palestinian state from the outset.³ The establishment of the Palestinian Authority did shift the focus of plans for Metropolitan Jerusalem towards developing Israeli control over and the economic dependency of Ramallah, Bethlehem, and other Palestinian localities, on Israeli-controlled Jerusalem, including establishing transport patterns that marginalize Palestinian areas, rather than their actual annexation.⁴ The ostensible plans for Greater Jerusalem presently focus instead on annexation of the areas surrounding these Palestinian population centers, as seen in Map 2, where preexisting colonies or the scope for new Israeli colonies were already established, consistent with the objective of maximum land with minimum Palestinians.⁵

In line with these plans, and contrary to absolute prohibition under international humanitarian law regarding transfer of the occupier's civilian population into occupied territory,⁶ every Israeli government has furthered the colonial project, indicative of an intention to enshrine Israeli sovereignty over Palestinians and their land.⁷ In Jerusalem specifically, Israel has established 16 colonies, including outposts, within the boundaries of municipal Jerusalem, which are treated as large neighborhoods of the city, including *inter alia*, Gilo, Talpilot, Giv'at HaMatos, Pisgat Ze'ev and the Jewish Quarter in the Old City. At the end of 2016, there were 215,000 Israeli-Jewish colonizers residing in these colonies, among approximately 370,000 Palestinians.⁸ Additionally, in 2018, plans for 6,400 new housing units within Jerusalem colonies were advanced,⁹ including tenders for 603 and 805 new housing

3 Id., 7.

4 Ibid.

5 Allison B Hodgkins, *Israeli Settlement Policy in Jerusalem: Facts on the Ground*, PASSIA, (Jerusalem, 1998): 80-82.

6 United Nations, *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, 75 UNTS 287, 12 August 1949, available at: <http://www.refworld.org/docid/3ae6b36d2.html> [hereinafter GCIV].

7 Michael Lynk, *Report on Situation of human rights in the Palestinian territories occupied since 1967*, A/72/43106, 23 October 2017, 12-13, available at https://www.ohchr.org/Documents/AboutUs/NY/GA73/A_73_45717.docx.

8 European Union, *Six-Month Report on Israeli settlements in the occupied West Bank, including East Jerusalem, (Reporting period July-December 2018)*, 4 February 2019, available at https://eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/57606/six-month-report-israeli-settlements-occupied-west-bank-including-east-jerusalem-reporting-en#_ftn3 [accessed 24 June 2019].

9 Ibid.

units in 2018 and 2019 respectively, representing a 310 percent increase on the previous two years.¹⁰

Furthermore, eight separate bills were introduced into the Knesset during its last session, which ended in April 2019. The proposed bills sought the annexation of a further 19 colonies in the colonial blocs of Giv'at Ze'ev, Ma'ale Adumim and Gush Etzion and their incorporation under the municipal boundaries of Jerusalem. Israeli Prime Minister Benjamin Netanyahu has expressed in-principle support for these bills on many occasions,¹¹ and on 31 December 2017, his ruling party, the Likud, called for the annexation of all Israeli colonies in the oPt.¹² Yuli Edelstein, Speaker of the Knesset said, "A year ago we signed a bill proposal to apply Israeli sovereignty to Ma'ale Adumim in order to create territorial contiguity between it and Jerusalem. There are those who seek to divide Jerusalem; we intend to expand it."¹³ Labor and Welfare Minister Haim Katz stated, "Judea and Samaria [West Bank] and Greater Jerusalem... are an inseparable part of the land of Israel and will remain so forever." For the time being, Netanyahu has put these legislative actions on hold pending release of the Deal of the Century, while noting he had for some time been in discussion with the Trump Administration regarding the issue of extending Israeli sovereignty to the colonies.¹⁴

2. DEVELOPMENT TO INCENTIVIZE AND SUSTAIN ISRAELI-JEWISH COLONIZATION

In addition to its endeavors to expand Jerusalem, since 2000, Israel has proposed several development plans for the future of Jerusalem. Again, each of these plans facilitate the implicit aim of annexing the maximum territory with the minimum Palestinian population to further expand Israel colonial domination and Palestinian

10 Peace Now, "Tenders Published for 805 Housing Units in East Jerusalem – First Time in a Year", 30 May 2019, available at <https://peacenow.org.il/en/tenders-published-for-805-housing-units-in-east-jerusalem-first-time-in-a-year> [accessed 24 June 2019].

11 Peter Beaumont, "Netanyahu backs annexation of 19 West Bank settlements", *The Guardian*, 3 October 2017, <https://www.theguardian.com/world/2017/oct/03/netanyahu-backs-annexation-of-west-bank-settlements> [accessed 24 June 2019].

12 Reuters, Moran Azulay and Elior Levy, "Likud party calls for de-facto annexation of Israeli settlements", *Ynet News*, 1 January 2018, <https://www.ynetnews.com/articles/0.7340.L-5064594.00.html> [accessed 24 June 2019].

13 Ibid.

14 Yesh Din, "Annexation Legislation Database", available at <https://www.yesh-din.org/en/legislation/> [accessed 20 June 2019]; Foundation for Middle East Peace, "Bibi Blocks Settlement Annexation Bill, But Signals Something Bigger", *Settlement Report: 15 February 2018*, available at <https://fmeop.org/resource/settlement-report-february-15-2018/#BigSignal> [accessed 20 June 2019]; Tovah Lazaroff, "Right Wing Leaders: Israel should ignore trump on settlement expansion", *The Jerusalem Post*, 13 February 2018, available at <https://www.jpost.com/Israel-News/Right-wing-leaders-Israel-should-ignore-Trump-on-settlement-annexation-542491> [accessed 20 June 2019].



The Israeli Apartheid Wall is seen on a hill separating a neighborhood of East Jerusalem (bottom) and the West Bank city of Abu Dis (top) on 7 October 2014 (AFP Photo)

transfer and dispossession. These plans also seek to build the indivisible city structure through interconnected infrastructure and economies across the entire city. At the same time, development of a lifestyle through these plans makes the city more attractive to current and future Israeli-Jews and thus encourages increased colonization of the city. A non-exhaustive list of such plans follows:

- **The 2000/2020 Jerusalem Master Plan¹⁵** – first proposed by Ehud Olmert, during his second term as the Mayor of Jerusalem. The first version of the Plan, also known as Report No. 4, was launched in 2000, officially presented in September 2004 by then Mayor of Jerusalem, Uri Lupolianski.¹⁶ This Master Plan was the first to address East and West Jerusalem as one entity under Israeli sovereignty and was to be mandatory for land use and the blueprint for all planning in the city until 2020.¹⁷ It sought to allocate budgets for the construction of new colonies and encourage young Israeli-Jews to settle in

15 “Local Outline Plan Jerusalem 2000: Report No.4 The Proposed and Main Planning Policies Prepared for Jerusalem Municipality, August 2004, available at: <http://www.alhaq.org/en/wp-content/uploads/2018/03/LocalOutlinePlanJerusalem2000.pdf>

16 Francesco Chiodelli, “The Jerusalem Master Plan: Planning into the Conflict,” 2012, available at: <http://www.palestine-studies.org/jq/fulltext/78505> [accessed 24 June 2019].

17 Planning Administration, City Engineer, City Planning Department, The 2000/2020 Jerusalem Master Plan, prepared for Jerusalem Municipality, 2000, available at <http://www.passia.org/maps/view/67> [accessed 24 June 2019].

Jerusalem by providing affordable housing and tax benefits. Although it has never received final approval, it has formed the basis of planning decisions in Jerusalem.

- An updated version of that plan – **2030 Jerusalem Master Plan** – was drafted by a 31-member steering committee of planners, geographers and architects who would define the scope of all development throughout Jerusalem Municipality until the year 2030; only one committee member was Palestinian.¹⁸ It was finally made accessible to the public in revised form in 2010.¹⁹ Significantly, it acknowledged the housing pressure on Palestinian communities, and that a demographic objective of 60 percent Jewish and 40 percent Palestinian population in Jerusalem was more realistic. Nevertheless, it maintained the long-standing objective of a 70 percent Jewish to 30 percent Palestinian ratio, failed entirely to address the needs of the Palestinian population with respect to land allocations, and focused on increasing Israeli-Jewish colonization of east Jerusalem. In other words, it created the environment for urban densification of the Palestinian areas, and urban expansion for the Israeli-Jewish population.²⁰
- **The Jerusalem 5800/2050 Master Plan** – a private initiative of the Israeli business community, pursued with the endorsement of the Israeli government and with the stated aim to make Jerusalem a ‘world city’ receiving twelve million tourists by 2050.²¹ This plan speaks of the Jerusalem metropolis, extending from Jerusalem district to the west, the Dead Sea to the east, Ramallah and Beit El colony to the north, and Bethlehem and the Etzion colonial bloc to the south.²² While it reads as an apolitical plan and concentrates only on the economic growth of the city, in reality it has a colonial, soft power goal behind it that seeks to allow Israel to control the narrative and economy of the city, increasing its claims to the city, and erasing the Palestinian claim to Jerusalem.²³

18 The Civic Coalition for Defending Palestinians’ Rights in Jerusalem, *Aggressive Urbanism: Urban Planning and the Displacement of Palestinians within and from Occupied East Jerusalem*, (Jerusalem, 2009), available at https://www.civiccoalition-jerusalem.org/uploads/9/3/6/8/93682182/aggressive_urbanism.pdf [hereinafter Civic Coalition, *Aggressive Urbanism*].

19 Ibid.

20 Sophia Siddiqui, “Turning Visions into Reality: Israel’s little known master plans for Jerusalem”, *Palestine-Israel Journal of Politics, Economics and Culture*, undated, available at <http://www.pij.org/details.php?blog=1&id=391> [accessed 24 June 2019].

21 Jerusalem 5800, “The project”, 2013, available at <http://www.jerusalem5800.com/about/the-project> [accessed 24 June 2019].

22 Jerusalem 5800, “The Jerusalem Metropolis”, 2013, available at <http://www.jerusalem5800.com/vision/the-jerusalem-metropolis> [accessed 24 June 2019].

23 See: Nur Arafeh, “Which Jerusalem? Israel’s Little-Known Master Plans”, *Al Shabaka*, 31 May 2016, available at <https://al-shabaka.org/briefs/jerusalem-israels-little-known-master-plans/> [accessed 24 June 2019].

- **The Marom Plan** – a government-commissioned plan for the development of Jerusalem that will be implemented by the Jerusalem Development Authority. The Authority’s goal is to promote Jerusalem “as an international city, a leader in commerce and the quality of life in the public domain.” It is a major planning body for the Jerusalem Municipality, the Land Administration, and other organizations in the fields of housing, employment, etc.²⁴
- **The Greater Jerusalem Transportation Plan** – a plan adopted by the Israeli Ministry of Transport and Safety and the Jerusalem Municipality. It aims to develop the transportation lines within the city to easily connect the city center with the areas of municipal Jerusalem and create an indivisible city.²⁵ The primary example of this is the light rail project which has connected illegal colonies in east Jerusalem with areas in West Jerusalem, and resulted in the confiscation of large areas of Palestinian land.²⁶

3. AN EXACERBATED COERCIVE ENVIRONMENT TO REDUCE THE PALESTINIAN POPULATION

Palestinian residents of east Jerusalem - numbering 341,453 as of May 2019²⁷ - are subject to a series of unlawful Israeli policies of dispossession and displacement. This system results in the creation of a coercive environment that induces forcible transfer, both of which are acts strictly prohibited by international law.²⁸ Under the discriminatory zoning and planning policy imposed by Israel, expansion and development of Palestinian communities is restricted through various measures, including the expropriation of Palestinian land, demolition of homes and destruction of property, denial of building permits, and exclusion of Palestinian residents from participation in the planning process.²⁹ For example, according to the Authority

24 Ibid.

25 Polis, *Metropolitan Jerusalem Moving Forward: Jerusalem Transportation Master Plan Team*, (Jerusalem, 2014) <https://www.polisnetwork.eu/uploads/Modules/PublicDocuments/jerusalem-transportation-master-plan.pdf>

26 See: Omar Barghouti, “Derailing Injustice: Palestinian Civil Resistance to the “Jerusalem Light Rail””, *Journal of Palestine Studies*, 38 (2009): 46-58, available at https://www.palestine-studies.org/sites/default/files/jq-articles/38_Derailing_Injustice_2.pdf

27 The Association for Civil Rights in Israel (ACRI), *East Jerusalem 2019: Facts and Figures*, May 2019, available at <https://www.english.acri.org.il/east-jerusalem-2019> [accessed 24 June 2019] [hereinafter ACRI, East Jerusalem 2019].

28 GCIV, *supra* note 6, Art.49, and Rule 129 of Customary International Law.

29 See: BADIL Resource Center for Palestinian Residency and Refugee Rights (BADIL), *Forced Population Transfer: the Case of Palestine, Discriminatory Zoning and Planning*, December 2014, 37-47, available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp17-zoninig-plannig-en.pdf>

for Developing Jerusalem Law of 1988, non-Israeli citizens are prohibited from serving as council members or as members of the management of the Authority for Developing Jerusalem,³⁰ which effectively excludes Palestinian residents of Jerusalem from the planning process of the city.

In addition to this exclusion, for more than a decade Israeli local and district planning authorities have rejected all proposed building plans within Palestinian neighborhoods.³¹ As such 163 residential homes containing 447 Palestinians, as well as 167 other buildings for Palestinian businesses and warehouses were demolished in Jerusalem between 2017 and April 2019.³² The denial of residency policy includes measures such as the revocation of residency status, preventing Palestinian parents inside Jerusalem from registering their children, thus depriving them of access to basic services and social benefits. This includes Israeli rejection of applications for family unification for those living in Jerusalem or Israel, including situations in which other family members live in the West Bank and the Gaza Strip.³³ Since 1967, 14,643 Palestinians have been stripped of their residency status,³⁴ and an estimated 10,000 children are unregistered.³⁵

The Palestinian socio-economic situation in Jerusalem can be summarized as hardship and de-development. In 2019, a staggering 72 percent of all east Jerusalem Palestinian residents and 81 percent of Palestinian children in the city were living below the poverty line.³⁶ This hardship and de-development is also characterized in the high rate of Palestinian youth dropping out of school. In 2019, 32 percent of Palestinian students did not complete 12 years of schooling, in contrast to just 1.5 percent of Israeli-Jewish students in Jerusalem.³⁷ According to some academics, “The treatment of [the Palestinian] people in East Jerusalem is an inequality that is created by a state premeditated policy; therefore, it is more a de-equalizing

30 Noura Alkhalili, Muna Dajani & Daniela De Leo, “Shifting Realities: Dislocating Palestinian Jerusalemites from the Capital to the Edge,” *International Journal of Housing Policy* (2014): 262, available at https://portal.research.lu.se/portal/files/25657036/Article_I_Alkhilili.pdf

31 ACRI, *East Jerusalem 2017: Facts and Figures*, 21 May 2017, 1, available at <https://law.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017-1.pdf> [accessed 24 June 2019].

32 ACRI, *East Jerusalem 2019*, *supra* note 27.

33 See: BADIL, *Coercive Environments: Israel’s Forcible Transfer of Palestinians in the Occupied Territory*, (Bethlehem, Palestine, 2014), 74, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/FT-Coercive-Environments-2.pdf>

34 ACRI, *East Jerusalem 2019*, *supra* note 27.

35 The Civic Coalition for the Palestinians Rights in Jerusalem, *Request for Urgent Action on the situation of human rights in the Palestinian territories occupied since 1967*, 10 June 2017, 6, available at: http://www.civiccoalition-jerusalem.org/uploads/9/3/6/8/93682182/50_years_final_with_footnotes_1.pdf

36 ACRI, *East Jerusalem 2019*, *supra* note 27.

37 Ibid.

process.”³⁸ Such policies are introduced and implemented by Israel to alter the demographic composition of the city under an unofficial Israeli governmental strategy known as “Judaization” of Jerusalem.

CONCLUSION: SOLIDIFYING ANNEXATION THROUGH APARTHEID

The situation of prolonged occupation in the oPt has evolved, without question, into clear breaches of numerous peremptory norms of international law, particularly annexation, and most clearly in - but not limited to - Jerusalem. Situations where the Occupying Power (OP) expresses explicit intent and undertakes formal legal steps to declare its annexation of part or all of an occupied territory are generally considered *de jure* annexations. East Jerusalem exemplifies *de jure* annexation, wherein Israel illegally annexed Jerusalem by a Cabinet decision in June 1967, which was consolidated by legislation passed to expand the borders of Jerusalem.³⁹ It was formally annexed in 1980 and reiterated in 2018 when it declared in its Basic Laws, the constitutional laws of Israel, that “Jerusalem, complete and united, is the capital of Israel.”⁴⁰

It is a process that Israel is slowly expanding to the rest of the West Bank, where Israel’s presence and effective control under the guise of occupation have allowed it to deploy the same mechanisms to achieve incremental *de facto* annexation of the rest of the West Bank. Approximately 250 colonies have been illegally established in Palestinian territory occupied in 1967 – including east Jerusalem,⁴¹ with an excess of 650,000 Israeli-Jewish colonizers having been illegally transferred.⁴² Israel also continues to apply many diverse policies that create a coercive environment which continues to forcibly displace Palestinians from their land, particularly in Jerusalem and Area C.

In addition, Israel has imposed a two-tier legal system whereby Israeli civil laws are extraterritorially applied to Israeli-Jewish colonizers, while Palestinians are subject

38 Walid Salem, “Jerusalem: Reconsidering the Settler Colonial Analysis”, *Palestine-Israel Journal of Politics, Economics and Culture* 21, no. 4 (2016), available at <https://www.pij.org/articles/1706/jerusalem-reconsidering-the-settler-colonial-analysis> [accessed 24 June 2019].

39 Civic Coalition, *Aggressive Urbanism*, *supra* note 18, 34.

40 Basic Law: Jerusalem, Capital of Israel, 5740-1980, SH No. 980, (Isr.); Basic Law: Israel - the Nation State of the Jewish People, 5778-2018, (Isr.).

41 UN Office for the Coordination of Humanitarian Affairs (OCHA), “Humanitarian impact of Settlements”, available at <https://www.ochaopt.org/theme/humanitarian-impact-of-settlements> [accessed on 25 June 2019]

42 B’tselem, “Statistics on Settlements and Settler Populations”, 16 January 2019, available at <https://www.btselem.org/settlements/statistics> [accessed on 25 June 2019].



Aerial views of the Old City of Jerusalem (Photo source: www.nad.ps)

to military rule. The application of Israeli laws to colonizers in the oPt has ensured for years that they are on legal par with those residing inside Israel.⁴³ This constitutes an illegal expansion of Israeli jurisdiction into the occupied territory, unjustified by permissible exemptions within international law. Moreover, Israel has increasingly pursued a series of legislative and policy changes that erase the legal distinction between its territory and that of the West Bank. Recent attempts to expand the applicability of Israeli laws, not only to colonizers, but to the land as well, entrench Israeli sovereignty in occupied territory and amount to a gradual evolution into a situation of *de jure* annexation.⁴⁴

This two-tier system imposes a clear discriminatory regime favoring colonizers and is a constant denial of the right to self-determination of Palestinians.⁴⁵ In allowing for differentiated treatment that is solely based on nationality and religion, Israel

43 Association for Civil Rights in Israel, *One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank*, October 2014, <https://www.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf>

44 BADIL, *Israeli Annexation: the Case of Etzion Colonial Bloc*, expected to be published in July 2019.

45 United Nations Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, Richard Falk, Resolution A/HRC/16/72, 10 January 2011, para. 32(b), available at <https://unispal.un.org/DPA/DPR/unispal.nsf/0/A72012A31C1116EC8525782C00547DD4>

is violating the fundamental prohibition on racial discrimination.⁴⁶ This institutional and systematic discrimination also amounts to the crime of apartheid.⁴⁷

Subsequently, there exists no persuasive reason to justify the inaction of the international community towards its obligations under international law. Israel has been implanting facts on the ground, in flagrant violation of international law, in order to extend Israeli sovereignty claims and annex the West Bank, including east Jerusalem. These colonial practices of establishing and expanding colonies, the colonizer roads and other associated infrastructure, as well as the lifestyle created therein, are not limited to Jerusalem, but to significant areas of the West Bank. This is coupled with the imposition of policies that create a coercive environment designed to forcibly transfer the indigenous Palestinian population, which has also achieved a situation of isolation, segregation and apartheid.

⁴⁶ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

⁴⁷ See the withdrawn report issued by UN Economic and Social Commission for Western Asia (UN ESCWA), *Israeli practices towards the Palestinian People and the Question of Apartheid*, E/ESCWA/ECRI/2017/1, 15 March 2017, available at https://www.middleeastmonitor.com/wp-content/uploads/downloads/201703_UN_ESCWA-israeli-practices-palestinian-people-apartheid-occupation-english.pdf

The city of Jerusalem is the most advanced example of how Israel deploys multiple mechanisms in order to acquire sovereignty over Palestinian land and confine the Palestinian population to discrete pockets of existence. These mechanisms include annexation, colonial establishment and expansion, and forcible transfer of the Palestinian population, which are underpinned by apartheid to solidify spatial, demographic and legislative control.

As its declared capital, Israel has adopted numerous plans and policies that are directed at strengthening the Israeli claim to sovereignty, endeavoring to secure future international recognition of Jerusalem as the capital of Israel. To that end, Israel's plans explicitly seek to (a) ensure an Israeli-Jewish majority and (b) an indivisible city structure.