

REPORT ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES

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NEWS

Israeli and Palestinian negotiators have concluded another interim agreement on the expansion of the powers and rule of the Palestinian Authority. Israeli troops are set to redeploy out of four West Bank towns before Palestinian elections. Three percent of the West Bank will be transferred to Palestinian rule. Extensive and costly (\$300 million) security measures are being taken to safeguard settlers and settlements, whose status will not be addressed until May 1996.

The status of Jerusalem is also to be raised at that time. This issue of the *Settlement Report* looks at some of the ways in which the "battle" is being waged.

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MOMENTUM GROWS TO MOVE U.S. EMBASSY TO JERUSALEM

Geoffrey Aronson

The struggle for Jerusalem is being fought on many fronts. Palestinians are feverishly intent upon establishing an official presence in East Jerusalem that Israel will have no choice but to recognize when the city's future is placed on the diplomatic calendar in 1996. Israel's policy of "creating facts" aims at irrevocably changing the face of the city's eastern sector. Captured and annexed by Israel in June 1967, East Jerusalem today is home to more Israelis than Palestinians.

Halfway across the globe, another front in this battle for the city's identity has been opened. Washington, D.C. is

far from the alleyways of the Old City, and many in Congress may have trouble distinguishing the Dome of the Rock from the Holy Sepulchre, but that does not mean that Congress's power to affect the destiny of the city is any less than that of the principals themselves.

Over the years, the U.S. has refused repeated entreaties from Israeli governments to recognize Jerusalem as Israel's capital and to move its embassy from Tel Aviv. This refusal is rooted in an international consensus born almost 50 years ago. At that time, the U.S., in concert with the United Nations, supported Jerusalem's internationalization as an

U.S. EMBASSY, continued on page 6

RABIN'S "BATTLE FOR JERUSALEM" SHIFTS INTO HIGH GEAR

Israel's abortive effort to expropriate Palestinian lands in Jerusalem has focused interest on the broader issue of Israeli construction efforts in areas of the city annexed after June 1967. (See map page 5.)

The Rabin government's current construction policies are proceeding in the spirit of plans announced in October 1990 when Ariel Sharon was Likud minister of housing and construction. The intention was to increase the Israeli population of these areas—then 120,000—by 50 percent through the construction of 15,000 dwelling units in the 1990–1993 period. Sharon explained at the time that "We are going

for a massive construction plan in the heart of Jerusalem, at least 5,000 [units] a year for the next eight years, most of it in East Jerusalem."

The government of Yitzhak Shamir, as well as Jerusalem's municipal government led by Teddy Kollek, saw an opportunity at that time to exploit the unprecedented numbers of immigrants from the republics of the former Soviet Union to increase the Israeli majority in the city.

"For the first time since 1967," noted an internal working paper of the Jerusalem municipality, "a possibility exists not

JERUSALEM, continued on page 5

TO OUR READERS

As the contributions in this issue of the *Settlement Report* make clear, the "battle for Jerusalem" has begun in earnest.

As in all battles, there are moments in Jerusalem when the constellation of forces combines to produce welcome surprises. The Rabin government's recent decision to reconsider expropriations announced in April is one such event.

No one need underestimate the effect and purpose of Israel's continuing construction frenzy in East Jerusalem and the marginal contribution the now frozen expropriation would have contributed to it. Nonetheless, there is room for optimism in assessing the success of international and domestic Israeli pressure for a change in government policy.

On the larger issue of Israeli-Palestinian negotiations, reports of agreement on Israeli redeployment and elections is yet another indication that diplomacy is creating a new, cooperative order between Israelis and

Palestinians. Measured against their history of confrontation and violence, this development should be seen as progress.

It remains important to recognize, however, that such progress has been achieved at a cost of establishing a privileged place for Israel's 145,000 settlers in the West Bank and their ever-growing communities. True Palestinian self-government, not to mention sovereignty, cannot be achieved until the issue of settlements is faced foursquare. Their presence continues to cast its shade over long-desired Israeli-Palestinian reconciliation. Nevertheless, let us hope that continuation of even small successes increases momentum toward broader solutions to the major issues of the conflict.

Lucius D. Battle



Ma'ariv, May 15, 1995

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RABIN FORCED TO BACK DOWN ON JERUSALEM EXPROPRIATIONS

Bowing to an unprecedented convergence of international and domestic political opposition, the Rabin government has decided to reverse a decision to expropriate two plots of land and to suspend further land takings for Israeli housing in annexed East Jerusalem.

The April 4 announcement for the expropriation of the two tracts of land—84 acres (335 dunams) in the Beit Hanina region of northwest Jerusalem and 50 acres near Beit Safafa in the city's southwest—was published in the local Palestinian press without fanfare and with no expectation that it would cause significant opposition. Nine hundred units for Israelis were planned in Beit Hanina. For the 50 acres of Beit Safafa, a police facility and construction of 400 dwelling units was planned. Whether this housing would have been for Palestinians or Israelis is not clear.

Since Israel annexed the 17,600 acres comprising East Jerusalem in June 1967, more than 5,845 acres of mostly Palestinian-owned land has been taken for the construction of settlement neighborhoods that today house more than 160,000 Israelis. The neighborhoods ring almost the entire northern, eastern, and southern perimeter of the city. No housing for Palestinians has ever been built on expropriated lands.

The Israeli organization, Ir Shalem, which has opposed previous government efforts to expropriate Jerusalem lands exclusively for Israeli Jews, on April 26 demanded the cancellation of the expropriation.

Rabin was confident that negotiations with the Palestinians would not be affected by the action, which he believes is not inconsistent with the terms of Israel's agreement with the Palestinians. He viewed the decision to expropriate the two parcels as a compromise. Additional and far larger expropriations, favored by Housing Minister Benjamin Ben Eliezer, had been raised in internal deliberations. In late 1993, four parcels were targeted for expropriation by the Ministry of Housing and the Jerusalem Development Authority:

- 200 acres between French Hill and Pisgat Ze'ev, known as the Eastern Gate;
- 198 acres belonging to Palestinians from Wallaja, near Gilo;
- 163 acres for Har Homa B;
- 84 acres near Ramot.

In early 1994, Ben Eliezer formally proposed to the prime

minister that all these tracts be expropriated. Some months later, the finance minister was advised by the government's legal adviser that the expropriation orders would be "politically sensitive." Rabin subsequently halted the expropriation orders.

In February 1995, Ben Eliezer renewed his effort to implement the expropriations. Following discussions with Rabin, they decided to take two parcels: 84 acres northeast of Ramot; and a second, not mentioned in early options—50 acres on "Hill 717," next to Beit Hanina. The finance minister published the expropriation orders in early April.

By mid-May, Rabin believed that the worst of the opposition to the expropriations had passed. The uproar was, in his words, "much ado about nothing."

At a cabinet meeting on May 14, the expropriation was affirmed by the cabinet, along with a pledge noting that "the cabinet has no intention to carry out additional expropriations of land in Jerusalem for housing purposes." Only the four ministers from the Meretz faction supported a proposal to cancel the expropriation.

According to a Rabin aide, the cabinet announcement was worded to enable further expropriation for "security or traffic purposes." Rabin himself explained that the freeze applies only to expropriations for housing:

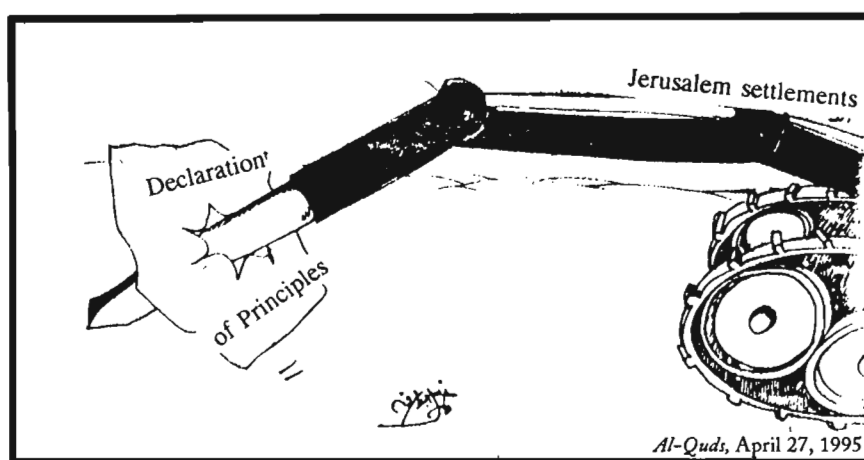
"I believe that we now have enough

areas in which to build, including Har Homa A, and of course, expanding in areas where such building can be done without expropriation."

The constellation of forces opposed to government policy abruptly changed with the unprecedented decision of two largely Arab parties that traditionally vote with the government—Hadash (The Democratic Front for Peace and Equality) and the Arab Democratic Party—to table a vote of no confidence in the government on the expropriation issue.

The extraordinary prospect of Likud members of the Knesset joining Arab members in toppling the government convinced Rabin to "defer" the expropriation orders at a special cabinet meeting on May 22.

Ben Eliezer accepted the turnabout "with a grieving heart." He noted that, "Only two plans have been frozen. . . . All other construction in Jerusalem will continue as planned. We undertook to build thousands of units and we will continue to build, not necessarily on Arab land and not through the expropriation of land." ♦



Lands Expropriated for Public Purposes

<i>Date</i>	<i>Location</i>	<i>Area (in dunams)</i>	<i>Population</i>	<i>Units</i>	<i>Planned Units</i>
1/8/68	French Hill	3,345	14,600	4,326	468
	Mount Scopus, Ramot Eshkol, Ma'alot Dafna	485	4,600	1,000	
	Area Subtotal	3,830			
4/14/68	Neve Ya'acov	765	19,300	4,202	120
	The Old City (Jewish Quarter Only)	116	2,100	345	
	Area Subtotal	881			
8/30/70	Neve Ya'acov	470	(see above)		
	Ramot Alon	4,840	38,000	5,870	561
	Shoufat Ridge (Rekhes Shoufat)				2,200
	East Talpiot	2,240	15,000	3,896	670
	Gilo	2,700	36,000	6,544	1,020
	Atarot	1,200		Industry	
	Gei Ben Hinom	130		Public Area	
	Jaffa Gate	100		Public Area	
	Ramat Rahel Area	600			
	Area Subtotal	12,280			
3/20/80	Pisgat Ze'ev	4,400	30,000	7,157	4,327
7/1/82	Atarot	137		Industry	
5/16/91	Har Homa	1,850			6,500
	Area Total	23,378	159,600	33,340	15,866

Source: *Ha'aretz*, May 2, 1995; *A Policy of Discrimination: Land Expropriation and Building in East Jerusalem*, The Israeli Information Center for Human Rights in the Occupied Territories (Betzelem), May 1995, pp. 45-46.

Existing Housing Units and Population in Palestinian Neighborhoods in East Jerusalem, 1995

<i>Neighborhood</i>	<i>Housing Units</i>	<i>Population</i>	<i>Neighborhood</i>	<i>Housing Units</i>	<i>Population</i>
A-Tur, Mount of Olives	1,726	14,124	Sheikh Jarrah	533	2,474
Abu Tor	280	2,240	Shu'afat	2,227	19,072
Al-Issawiyah	625	4,843	Silwan	1,773	6,598
Bab a-Zahrah	407	4,227	Tsur Baher, Um Tuba	2,652	23,431
Beit Hanina	2,385	17,423	Wadi al-Joz	736	6,186
Beit Safafa, Sharafat	1,068	4,742	Christian Quarter	980	
Kafr Aqb, Atarot	1,015	5,360	Armenian Quarter	567	26,701
Nablus Road	186	N/A	Muslim Quarter	2,505	
Ofel Hill, Wadi Hilwah	82	2,474	Other		6,495
Ras al-'Amud	1,733	9,896	Total	21,480	156,286

Source: *Statistical Yearbook*, Jerusalem, 1993.

only to preserve the demographic balance of the city but also to alter it.”

Fewer numbers of new immigrants settled in Jerusalem than planners had hoped, chilling expectations that the Israeli/Palestinian 75/25 ratio that has remained constant since 1967 would be significantly altered.

Plans to break ground on 5,000 new units annually have been scaled back in recent years to reflect a nationwide consolidation which followed the rush in immigration that subsided after 1992. However, the reduction is relative. Compared to the 1967–1990 period, settlement communities in East Jerusalem today are in the midst of a boom in new housing construction that can be expected to add 3,000 new units each year to the 38,500 already in place.

Today, during the tenure of Yitzhak Rabin’s Labor government, housing policy in Jerusalem is based on eliminating the possibility of a loss of Israeli sovereignty over the annexed part of the city during final status negotiations with the Palestinian Authority, scheduled to commence next year. Minister of Housing and Construction Benjamin Ben Eliezer has described the effort as “the battle for the destiny of Jerusalem.”

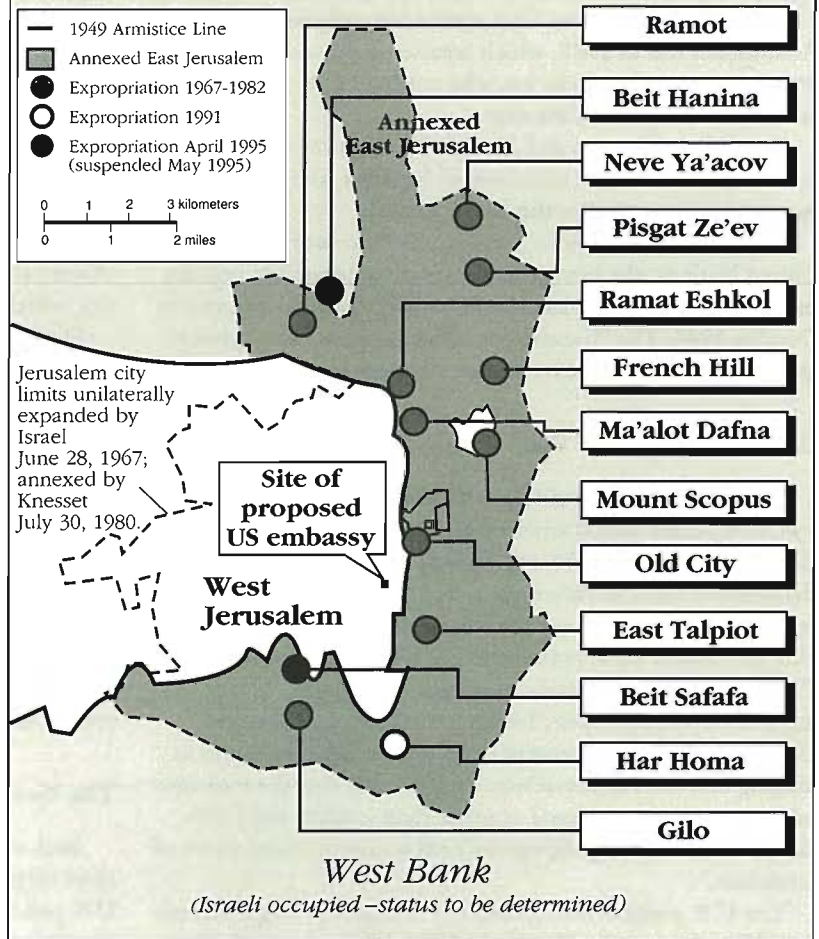
On May 4, Ben Eliezer announced that during the next five years, Israel will construct 30,000 housing units in Jerusalem (both east and west). He vowed that additional expropriations of land will be undertaken as needed. (See story page 3.) Major construction is planned for the following areas:

Har Homa. Ground is about to be broken for 6,500 units on this key stretch of land between the Palestinian village of Um Tuba (in Jerusalem) and the West Bank village of Beit Sahour. Har Homa is the linchpin development for completing large-scale housing estates for Israelis along Jerusalem’s southern perimeter. When these estates are completed, Jerusalem’s Palestinian neighborhoods throughout East Jerusalem will have been all but cut off from the West Bank by a ring of East Jerusalem settlements, housing more than 200,000 Israelis.

Airplane Hill. Three thousand dwelling units have been approved for this location, just west of Har Homa.

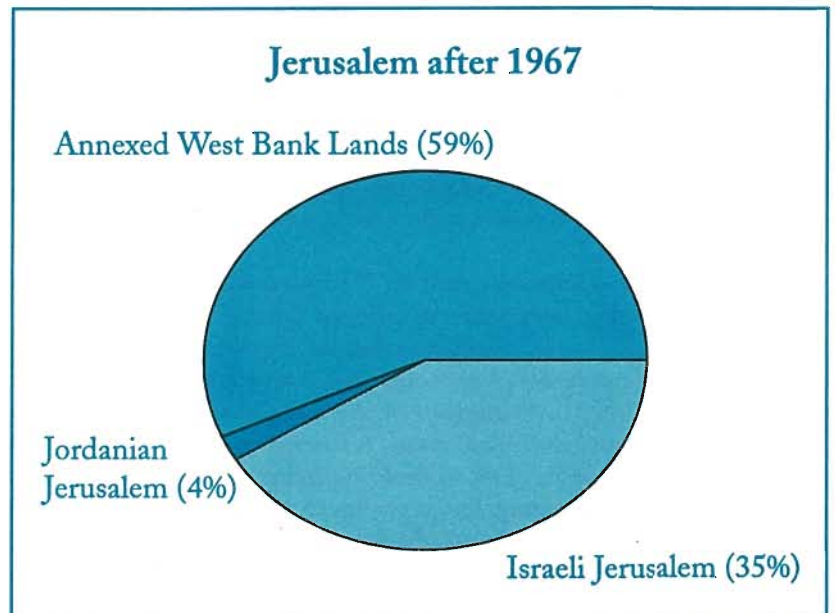
Settlement X. Two thousand units have been approved for this development, located between Har Homa and Airplane Hill. ♦

East Jerusalem: Land Expropriations — 1967-1995



SOURCE: *Financial Times*.

Jerusalem after 1967



appropriate means of safeguarding the religious rights of Jews, Christians, and Muslims. That option was eclipsed by the first Arab-Israeli war in 1948, which resulted in Jerusalem being divided between Israeli forces, who controlled its western half, and Jordanian forces in the east.

Both Harry Truman and Dwight Eisenhower continued to view the city's status as unsettled, however, and balked at recognizing Jerusalem as the Israeli capital.

"We continue to support, within the framework of the United Nations, the internationalization of Jerusalem and the protection of the holy places in Palestine," declared Truman in October 1948. The Eisenhower administration even opposed Israel's decision to move its foreign ministry to the city in 1952.

U.S. Policy Post-1967 War

Israel's capture and subsequent annexation of East Jerusalem from Jordan added another dimension to U.S. and international policies toward the city. Shortly after the June 1967 war, the Johnson administration protested legislation passed by Israel's Knesset annexing East Jerusalem. Arthur Goldberg, U.S. permanent representative to the UN, explained that, "With regard to the specific measures taken by the Government of Israel on 28 June, I wish to make it clear that the United States does not accept or recognize these measures as altering the status of Jerusalem. . . . We insist that the measures taken cannot be considered as other than interim and provisional, and not as prejudging the final and permanent status of Jerusalem."

The U.S. position was restated by William P. Rogers, President Nixon's secretary of state, in 1969. Washington, Rogers declared, "cannot accept unilateral actions by any party to decide the final status of the city."

"Specifically, we believe Jerusalem should be a unified city within which there would no longer be restrictions on the movement of persons and goods. There should be open access to the unified city for persons of all faiths and nationalities. Arrangements for the administration of the unified city should take into account the interests of all its inhabitants and of the Jewish, Islamic, and Christian communities. And there should be roles for both Israel and Jordan in the civic, economic, and religious life of the city."

These elements continued to constitute U.S. policy during the Nixon, Ford, and Carter presidencies. By the end of President Carter's term, U.S. policy, despite its rhetorical opposition to Israel's policy of annexation, had evolved to a position more closely resembling Israel's. Washington emphasized the need to maintain Jerusalem's "undivided" status. It focused on safeguarding the religious rights of all, while downplaying political challenges to Israeli sovereignty. And it continued to maintain that Jerusalem's final status could only be determined by negotiation.

Ronald Reagan noted in 1982 that, "we remain convinced

that Jerusalem must remain undivided, but its final status should be decided through negotiations." And in 1984 he stopped a move to relocate the embassy by threatening to veto proposed legislation that would recognize Jerusalem as Israel's capital. Such opposition was not meant to favor Arab claims to the city, however. Alexander Haig, Reagan's first secretary of state, declared the establishment of Palestinian sovereignty in East Jerusalem to be "unacceptable."

President George Bush's policies were more publicly critical of Israel's settlement policies in the city than were Reagan's. Yet, Secretary of State James Baker conceded that, "Jews and others can live anywhere, in the western or eastern parts of the city, which will remain undivided."

During the Clinton administration, opposition to Israel's land confiscation and settlement activities in East Jerusalem has waned to the point of indifference. It has even gone so far as to refuse to characterize continuing settlement construction in East Jerusalem as a unilateral action of the kind that all previous administrations have opposed as a matter of principle.

This "green light" to Israel's policy of de facto annexation has grown even more pronounced since the Oslo agreement between Israel and the PLO in September 1993. Administration officials now argue that settlement construction and associated land expropriation in East Jerusalem should not be addressed by the UN Security Council, but are solely the concern of Israel and the Palestinian Authority.

The View from Congress

Such abdication of traditional U.S. positions has emboldened congressional efforts to force a wholesale repudiation of U.S. policy toward Jerusalem. The most recent attempt is being championed by Bob Dole, Senate majority leader and presidential candidate, who has introduced legislation that would begin construction of a U.S. embassy in Jerusalem next year and mandate its opening by 1999.

U.S. planning for an eventual move to Jerusalem is already well under way. Late last year, a 99-year lease was signed between Washington and the Israeli government for a parcel of land in West Jerusalem—the so-called Allenby Barracks, ownership over which is also claimed by the Waqf, the Islamic trust for religious property. According to the protocol between the two countries, Washington will build on the site a structure suitable for unspecified "diplomatic purposes."

There is no doubt that there will be a U.S. embassy in Jerusalem at the conclusion of the diplomatic process now under way. But acknowledging Jerusalem as Israel's capital at a time when its final status has not been resolved through Washington-sponsored, Israeli-Palestinian negotiations would be tantamount to sanctioning Israel's annexation of East Jerusalem. Clinton administration officials, whose flaccid opposition to Israel's settlement efforts opened the way for Dole's initiative, acknowledge that such a move would "explode" negotiations that have been the central feature of U.S. diplomacy in the region since the Gulf war. ♦

U.S. VETOES SECURITY COUNCIL VOTE AGAINST EXPROPRIATION

From May 12 to May 17, the United Nations Security Council discussed Israel's planned expropriation of lands in East Jerusalem. The resolution calling upon Israel to rescind the expropriation orders was vetoed by the United States. Excerpts from the debate follow.

Mr. Nasser Al-Kidwa (Permanent Observer of Palestine): The minimum level of compliance with the contractual obligations of the parties, and negotiation in good faith, requires that the parties do not make changes on the ground that prejudice the results of the negotiations or influence it . . . This is exactly what Israel has recently done with its announcement of new confiscation orders of 53 hectares of East Jerusalem land and the announcement of plans for the construction of residential units for settlers and another unit for police use. . . .

We believe that the co-sponsors have to intensify their efforts to rescue the process and to guarantee its progress by persuading Israel not to continue to pursue these policies and practices and by pushing for the parties' implementation of their contractual obligations. The American co-sponsors carry a larger responsibility in this regard because of the letters of assurance they provided to the parties participating in the process, including the letter of assurance to the Palestinian side, which was an integral component of the basis for Palestinian participation in the whole process. That letter of assurance, dated 24 October 1991, states the following about the issue of Jerusalem:

"The United States is opposed to the Israeli annexation of East Jerusalem and the extension of Israeli law on it and the extension of Jerusalem's municipal boundaries. We encourage all sides to avoid unilateral acts that would exacerbate local tensions or make negotiations more difficult or pre-empt their outcome."

We are now witnessing precisely such actions, and we hope that the United States will take a clear position in keeping with its assurances in this regard.

Mr. Gad Yacobi (Israel): There is no contradiction between the peace process and continued development in Jerusalem for the benefit of all its residents, both Jewish and Arab, and if one looks at the Declaration of Principles one will find no reference to any prohibition of development activity in Jerusalem. . . .

Accordingly, we believe that any attempts to address this issue outside the agreed-upon framework stands in contradiction to the letter and spirit of the agreements signed by Israel and the PLO and to the principles of the peace process. We therefore call upon the members of the Security Council not to take any action on this matter.

Sir David Hannay (United Kingdom): . . . We (also) consider that the decision [to expropriate lands in East Jerusalem] is contrary to the spirit of the Declaration of Principles agreed by Israel and the PLO in 1993, which reserves the issues of settlements and Jerusalem for the final status negotiations. This decision in a sense prejudices the outcome of those negotiations.

Mr. Edward W. Gnehm, Jr. (United States of America): In regard to the Israeli notice to expropriate land in the Jerusalem area, my Government has publicly stated that this is not particularly helpful to the peace process. Indeed, it is difficult to see how such actions promote the peace process.

Having said that, we do not believe that this is the appropriate forum for dealing with this issue, which is for the parties to this dispute to address. Indeed, Israel and the Palestinians have demonstrated their abilities to contend with and resolve difficult issues in the search for peace. . . .

Debate in this Council on issues which are for the parties to address will only distract attention from their efforts and have a negative impact on the process. . . . It is therefore incumbent upon us that we not undercut the peace process with a divisive debate or hasty action.

Mr. Jean-Bernard Merimee (speaking as representative of the European Union): The Israeli authorities seem to be reaffirming their de facto hold on Jerusalem and are blatantly modifying the status quo in that city, whereas the spirit of the Declaration of Principles is to maintain the situation as it stands so long as negotiations on the final settlement have not been concluded. . . . Everyone recalls that the annexation of

Jerusalem was condemned by the international community and has still not been acknowledged. The process of building peace assumes that Israel, whose population also sets great store by that city, takes those factors into account. . . . a total stoppage of work on new settlements is absolutely essential for progress in the peace process. . . .

The parties have agreed that certain items should be dealt with during the discussions on the final settlement. That does not mean in any sense that international law no longer applies to those issues. Neither does it mean that the serious developments that affect them should not be brought up by the international community. The peace process, which is based, *inter alia* on Security Council resolutions, is part of a long history that it is trying to transcend. It cannot, however, erase it, for a lasting peace can be built only through respecting what the other side deems essential.

After the voting, in which the United States employed its authority to veto the resolution which otherwise won unanimous support, the following statement was made:

Mrs. Madeleine Albright (United States of America): . . . The United States has expressed the view that the Israeli notice to expropriate land in Jerusalem is unhelpful. Clearly, this Israeli decision does not move the peace process in the right direction. But by injecting the Council into this issue, this resolution would merely compound the problem. Instead, this Council should be encouraging the parties and not acting in a way that is detrimental to the process. . . .

. . . My Government will not agree to a resolution that prejudices or pre-judges the outcome of negotiations over such a sensitive issue as Jerusalem. Nor will we agree on any Council action that oversteps the Council's appropriate role as supporter of the negotiations aimed at achieving a lasting settlement to the conflicts that have for so long plagued the Middle East. ♦

PALESTINIANS FACE DISCRIMINATION IN JERUSALEM HOUSING

In May, the Israeli human rights organization, Betzelem, published, *"A Policy of Discrimination—Land Expropriation, Planning and Building in East Jerusalem."* Its principal conclusions follow:

1. Since the annexation of East Jerusalem in 1967, the Israeli government has adopted a policy of systematic and deliberate discrimination against the Palestinian population in all matters relating to expropriation of land, planning, and building.

2. . . . One central goal dictated municipal planning policy: strengthening Israeli control throughout the city. This has been undertaken by creating a demographic and geographic reality that will preempt every future effort to question Israeli sovereignty in East Jerusalem.

3. . . . the Israeli authorities promote extensive building and enormous investment throughout the Jewish neighborhoods of East Jerusalem, and encourage Jews to settle there, the authorities, by their acts and omissions, choke development and building for the Palestinian population, which is perceived as a "demographic threat" to Israeli control of the city.

4. The means to attain this policy include, inter alia:

- Expropriation of lands: most of the lands expropriated since 1967 were privately owned by Arabs. Some 38,500 housing units were built on this land for the Jewish population, but not one housing unit for Palestinians.

- Town Planning Schemes: the planning authorities prepared town planning schemes which, rather than contributing to the development of these neighborhoods and easing the housing shortage of the local Palestinian residents, restrict development, limit the area designated for building for them, and strengthen Jewish control throughout the city. ♦

Jerusalem at a Glance

Palestinian population (as percentage of the total):

1967	25.8 %
1995	28.6 %

Population Growth Rate 1967–1995:

Palestinians	144 %
Israelis	105 %

Israeli population in West Jerusalem:

1967	198,000
1995	240,000

Israeli population in East Jerusalem:

1967	—
1995	160,000

Housing completions for Israelis in East Jerusalem:

1992	3,116 units
1993	2,720 units

Land expropriated for Israeli settlements (1968–1995):

6,000 acres	34 %*
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Land marked for expropriation (now frozen):

1,500 acres	8.5 %*
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Land where construction is prohibited:

(zoning restrictions) 7,750 acres	44.0 %*
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Palestinian residential land:

2,375 acres	13.5 %*
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* Percentage of annexed East Jerusalem.

"I want to make the Palestinians open their eyes to reality and understand that the unification of Jerusalem under Israeli sovereignty is irreversible."

Deputy Mayor of Jerusalem Abraham Kehila, July 1993

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