

MEMORANDUM

To: Filippo Grandi, United Nations High Commissioner for Refugees; Major General Patrick Gauchat, Head of Mission and Chief of Staff UNTSO Middle East; Hady Amr Special Representative for Palestinian Affairs within the Department's Bureau of Near Eastern Affairs

From: Sief Salameh

Re: The Case for Applying “Stateless Persons” Designations Toward Palestinian Residents of East Jerusalem

Executive Summary:

Since the annexation of East Jerusalem in 1967 (post the six-day Arab-Israeli conflict), more than 330,000 current Palestinian residents of East Jerusalem - some of whom are original refugees from 1948, face a permanent threat of “enforceable transfers” caused by Israeli municipal zoning laws and Israeli residency regulations. Defining "enforceable transfers" as a physical and continuous encounter of statelessness conditions, I urge this committee to extend the definitions outlined in the 1954 Convention relating to the Status of Stateless Persons toward Palestinian residents of East Jerusalem. Even though this population has been granted temporary Israeli-authorized identification, Palestinian residents of East Jerusalem face present hardships and persecution based on racial, religious, and national identity, which often jeopardizes their access to and retention of Israeli resident IDs. Further, the presence of Israeli-authorized residency IDs restricts and bars Palestinian residents from seeking or obtaining stateless statuses or protections that come along with such internationally recognized designations. Therefore, this population is coerced to accept Israeli IDs, all while experiencing the ongoing symptoms of in-place (internal) displacement and statelessness conditions - with the underlying fact that Israeli residency rights could be revoked at any time due to home demolitions or failed national loyalty tests.

I characterize the symptoms of "enforceable transfers" into three main realities - One, Palestinian residents of East Jerusalem anticipate or have already interacted with chronic homelessness due to shelter and housing demolitions caused by systematic denials of Israeli municipal permits; Two, wide-scale residency revocation due to restricted travel policies and "center of life" procedures (Israeli loyalty litmus tests only enforced upon Palestinian populations); Three, limited legal rights and safety-net programs because Palestinians in East Jerusalem are not, and can not be, registered under UNRWA jurisdiction. I apply these realities to demonstrate how Palestinian residents in East Jerusalem qualify for and are entitled to “stateless

people” protections - including safeguards against the expulsion of residents, access to the courts, primary education, and work opportunities (*UNHCR, 2022*). Furthermore, I recommend three possible developments that could emerge from the application of “stateless people” definitions toward Palestinians residing in East Jerusalem. First, it refutes Israel's claim that these residents are nationally and legally “equal” and provides leverage for countries like the U.S. to create resettlement programs that relocate stateless Palestinian populations to U.S. states with high concentrations of Arab and Muslim Americans. Second, a stateless designation for the East Jerusalem Palestinian community would allow UNHCR to allocate funds and resources to build emergency camps, disburse cash assistance and payments, and implement employment/ education programs - given that UNRWA does not have access or authority to serve these groups. Lastly, the stateless designation would encourage and oblige the U.N. Security Council to deploy peacekeepers from the United Nations Truce Supervision Organization (UNTSO) to protect the residents' right to have secure and stable housing, while deterring Israeli settler violence and forced demolitions. While Israeli critics might argue that Palestinian residents of East Jerusalem are provided a pathway towards Israeli citizenship, I counter that rhetoric and emphasize that it is illegal and unethical under international law to force indigenous inhabitants to adopt an occupiers' citizenship. Hence, I reaffirm my position to expand “stateless people” statutes and protections to Palestinian residents of East Jerusalem, and I encourage the committee to reject the notion that Israeli residence cards are the solution to this issue - but rather a contributor to the housing and residency disparities.

Context:

In the aftermath of the Arab-Israeli war of 1948, Historic Palestine was partitioned into separate and unequal territories based on racial composition. Spearheaded by a British-driven proposal, and inspired by both Orientalism and Zionism, the partition plan resulted in a 44 percent area designation for Palestinians, which made up 77 percent of the total population at the time and included local Palestinian Christians and Jews who held British-mandate passports. In contrast, 66 percent of Historic Palestine was designated for the newly-arrived European Jewish settlers, who made up only 33 percent of the total population (*Map One*). Jerusalem was also divided into two territories. East Jerusalem, which would become a region administratively incorporated into the Kingdom of Jordan; and West Jerusalem, which would become an

incorporated municipality in the newly-founded state of Israel (*Map Two*). This partition plan fueled localized aggressions and forced land grabs, generating at least 750,000 displaced Palestinian refugees - who currently reside throughout permanent camps in Lebanon, Jordan, Syria, and the West Bank/ Gaza (*UNRWA, 2022*). From 1948-1967, Palestinians in East Jerusalem, West Bank, and Gaza received temporary Jordanian citizenship under Jordan's Law of Nationality - which provided them the ability to freely travel and work between the region termed "Trans-Jordan" (*Halabi, 1997*).

Progressing to the 1967 period, the defeat of the Arab armies in the Six-day war paved the way for the Israeli military to annex the West Bank, East Jerusalem, Golan Heights, and the Sinai Peninsula from Jordan, Syria, and Egypt. Israel recognized Egypt's land sovereignty over the Sinai Peninsula after the 1973 October War. It later provided the Palestinian Authority (the administrative and governing body of the Palestinian Liberation Organization) limited civil authority in Areas A and B in the West Bank and Gaza under the agreements made in the Oslo Accords. Yet, Palestinian residents in East Jerusalem who remained in their neighborhoods after both the 1948 and 1967 conflicts, were consequently stripped of both the Jordanian citizenship and were ineligible for PA documentation due to the occupation of East Jerusalem by the Israeli Defense Forces. Immediately after the Six-day war, Israel forcefully annexed 72 square kilometers of East Jerusalem and 28 surrounding West Bank villages, by absorbing them into the Israeli-run Jerusalem municipality. (*Whitson, 2017*). Israel legalized the military occupation by passing three bills in the Knesset (Israeli Parliament), which codified national legislation extending Israeli law to any area of "Eretz Israel" or seized Israeli land (*Halabi, 1997*).

Although the annexation of East Jerusalem is illegal under the frameworks of international laws, which denounce the "acquisition of territory by war", Israel defied these normalities and integrated Palestinian residents using the 1952 Law of Entry. This law only provides Palestinian residents in East Jerusalem the "permission" to stay in their neighborhoods, and the rights to study and work at the discretion of Israeli laws. Yet, Israeli laws regarding the status of East Jerusalem residents are constantly changing and significantly broad. These laws intentionally push away the Palestinian residents towards the West Bank and Jordan by being especially punitive and restrictive when issuing housing permits, work authorization, and national Israeli loyalty tests. For example, in 1980, the Knesset passed the Jerusalem Law, which declared a "complete and united" Jerusalem as the capital of Israel - where the majority shall be

Jewish Israeli nationals (*Robson, 2022*). Additionally, in 2018, the Knesset passed the Nation-State Law, which decriminalizes Israeli settlements and normalizes (de-penalizes) settler supremacy and violence during civil court trials (*Adalah Center, 2020*). While both laws were declared null and void by the UN Security Council, these practices still occur, and no accountability measures have been implemented to protect the Palestinian residents of East Jerusalem.

I provide this comprehensive context to showcase how Palestinian residents of East Jerusalem have never acquired a national identity or self-determination of their own. For the past 75+ years, this population has transitioned through complex and unjust international arrangements that dismissed their human rights and potential to live freely. Israeli residence IDs entail superficial government acceptance and exacerbate chronic homelessness and extreme poverty. In the next portion, I will discuss the symptoms of Palestinian statelessness, and demonstrate why "stateless persons" protections are an effective way to challenge Israeli residence IDs.

Symptoms of Statelessness:

Forced Housing Demolitions

In 2016 alone, more than 1450 individuals were left homeless after 362 Palestinian housing units were demolished under court-ordered statements deeming these properties in violation of Israeli zoning and permit laws (*MCC, 2023*). Israeli administrative codes prohibit multi-story expansion, property renovation, or additional construction without the issuance of municipal permits. Yet, Palestinian residents of East Jerusalem rarely receive Israeli building permits due to a plethora of political factors, all aiming to reduce the number of Palestinian families in the region. The majority of Palestinian-owned properties and land plots were constructed before the creation of Israeli municipal codes. Thus, these codes innately discriminate against the practices and functions of Palestinian housing development and infrastructure because the permit codes retroactively respond to the existing environment/ layout of Palestinian neighborhoods - which have existed for several generations. Housing demolitions are justified and have taken place during the following scenarios - if the family constructed an attached shed space for in-laws or children who married (even if the shed was within their designated property boundaries), if the family resided in

Jerusalem's Old City and renovated or repaired their home's cement or limestone roof and facade, and if the family constructed a multi-story expansion to their property (which is common practice amongst Arab communities). A 2017 study by the U.N. described the process of obtaining Israeli building permits as “virtually impossible” (*Debre, 2023*). Therefore, Israeli authorities justify housing demolitions by utilizing permit violations whenever political or social tensions between the two populations worsen.

Since 1967, Israeli zoning-enforcement officers and Israeli Defense Forces have jointly demolished more than 48,000 housing structures in Occupied East Jerusalem, forcing at least 57,000 families into homelessness (*MCC, 2023*). During the same period, the government built 58,000 homes for Israeli settlers in the Eastern part of the city (*Berger, 2023*). Publicized 2023 Israeli municipal plans show upcoming projects to designate and zone 60 percent of Jabal Mukaber and Silwan, Palestinian neighborhoods in East Jerusalem, as protected green zones. The city plans to demolish at least 20,000 Palestinian homes in those specific areas to create empty spaces for more state parks and forestries. A concept tokened as “greenwashing”, or the use of environmentally friendly initiatives to cover up Israel's forced displacement and violent occupation effects. To marginalize and alienate the Palestinian community further, the city council has only designated 7 percent of the 21,000 planned housing projects to Palestinian families - who currently make up nearly 40 percent of the city’s roughly 1 million population.

Residency Revocation

According to the Interior Ministry, between the start of Israel's occupation in 1967 and the end of 2016, the state revoked the residency rights of at least 14,595 Palestinians in East Jerusalem (*Whitson, 2017*). The issuance of these rejections relied on the premise that the Palestinians were not able to prove their “center of life” status in Jerusalem. Which meant they failed to meet the subjective and arbitrary guidelines set forth for Palestinians with Israeli residency IDs. These guidelines declare that residents must not leave the country for more than 7 years (cumulatively over an individual's lifespan), and can not obtain permanent residence permits in another country, or citizenship of another country by naturalization. Additionally, residents must not marry individuals living outside of East Jerusalem; otherwise, they lose their residency rights. (*Halabi, 1997*). Alternatively, these rules do not apply to individuals with Israeli citizenship, who can have dual passports and leave the country with no time restrictions.

Again, referring to Jerusalem's municipality master plan, there are institutional targets to reach a city composition where the ratio is 70 percent Israeli Jews and 30 percent Palestinians. However, with a 400 percent increase in the Palestinian population of East Jerusalem since 1967, this ratio was readjusted to a 60 percent vs. 40 percent ratio instead (*Debre, 2023*). In the realization that the Palestinian community has higher birth and reproduction rates, the Israeli courts began to scale up and diversify the revocation of Jerusalem residency rights. "Nearly 80 percent of permanent residency revocations during Israel's 50-year-occupation have taken place since 1995 when the Interior Ministry began requiring Palestinians to show that their "center of life" is in East Jerusalem to maintain their residency" (*Whitson, 2017*). Moreover, Israel is now rejecting residency rights to affiliates and family members of individuals who are found guilty in criminal courts or individuals who hurt/ harm Israeli settlers. It's a form of collective punishment to not only de-incentivize armed resistance but to also expel entire family members related to particular offenders.

Limited Legal Rights & Safety-Net Programs

Palestinian residents of East Jerusalem are barred from receiving services or benefits from UNRWA, the U.N. agency established to assist Palestinian refugees specifically. This is because the Israeli residency cards prohibit and restrict this population from identifying or claiming refugee or "stateless people" status. However, this population faces similar conditions to other groups who may identify as stateless or refugees. According to the Israeli rights organization - Ir Amim, only 10.1 percent of the 2013 municipal budget was allocated for projects and spending in Palestinian neighborhoods in East Jerusalem, even though they are more than 37 percent of the population (*Ir Amim, 2014*). The trend of allocating fewer state funds to Palestinian capital improvement projects and welfare programs is consistent throughout the years. Israel provides lower funds to Palestinian neighborhoods because Palestinian communities in Israel can not vote in national elections, and have the lowest voter turnout rates and participation across any other ethnic or racial group during municipal elections. The majority of Palestinian Jerusalemites refuse to acknowledge the legitimacy of the Israeli state and boycott the election system entirely to represent solidarity with Palestine's right to self-determination - even if it negatively impacts them in the long run. And when they do vote, Israel suppresses their

votes by installing defective voting machines, short-staffed polling locations, and police interrogations/ raids before and after election days. Thus, Israeli officials instill fear in this population and avoid scrutiny because there are no feasible mechanisms to hold the officials accountable.

With minimal state funding, most of the Palestinian neighborhoods have a poor and blighted infrastructure system for water utilities, electric utilities, public transportation, schools, and public roads. Furthermore, seventy-six percent of East Jerusalem Palestinians live below the state's poverty line, which is about 2,849 Shekels or \$830 monthly as an individual (according to the Israeli organization *Association for Civil Rights in Israel*, 2019). Additionally, 32 percent of the Palestinian students in Jerusalem do not complete 12 years of schooling, compared with 1.5 percent of the Jewish students in Jerusalem. With no safety-net protections or legal rights in the election systems, the Palestinian community in East Jerusalem is neglected by all the international institutions including - the UNRWA, UNHCR, and the Israeli state itself.

I offer this in-depth analysis covering the symptoms and conditions of Palestinian statelessness, to expose the unsustainable usage of Israeli residency IDs to meet the needs of East Jerusalem Palestinians. In doing so, I have demonstrated how Israeli residency is provisional on the Palestinians' subordination and cooperation with its racist and hierarchical treatments. In the next segment, I briefly outline some of the possible developments that could emerge if East Jerusalem Palestinians were provided "Stateless People" protections under the 1954 Convention.

Recommendations:

Directed to Hady Amr (U.S. Resettlement Programs)

The designation of Palestinian residents in East Jerusalem as "stateless people" would allow the U.S. to bypass U.S.-Israeli relationship expectations and pressures. The U.S. will not need to officially recognize East Jerusalem residents as members of the Israeli or PA state, and can then easily navigate the allocation of resources and services based on basic humanitarian assistance. The U.S. can identify and select willing, and highly vulnerable Palestinians to relocate to the U.S., where more than 3 million Arab Americans throughout Chicago IL, Dearborn MI, Paterson NJ, and Anaheim CA reside. Using the recently launched Welcome Corp, the U.S. can leverage the Arab American community to sponsor Palestinian migrants and help

provide them with housing, employment, and education services. Advantages to the U.S. include - a reversal of Trump's pro-Israeli policies and a re-establishment of the U.S. as the main 3rd-party neutral negotiator (a role the U.S. has played since the early 1990s). It will also increase the domestic labor market supply for low-wage sectors and jobs. Disadvantages - Palestinian refugees in other regions might critique or create backlash against the U.S. since the resettlement program is only for East Jerusalem residents. Also, pushback from American conservative lawmakers who are either pro-Israel, anti-immigrants, or Islamophobic in general. Yet, growing support for Palestinian populations amongst Democratic members might make this proposal highly probable and feasible.

Directed to Filippo Grandi (UNHCR Emergency Assistance)

Given that UNRWA does not have access to the Palestinian residents in East Jerusalem since Israel's unilateral annexation of the city, the Shu'fat camp (the largest and only remaining former UNRWA camp in East Jerusalem) now sits on 0.2 sq km, with an estimated population density of 50,000 per sq km, Composed of make-shift and unsecured shelters and tents, this heavily concentrated camp has not received any monetary assistance or program services since the UNRWA cut-off. The "stateless people" designation would legally allow UNHCR to intervene where UNRWA can not, and provide immediate protections related to building stable shelters, setting up early-childhood education programs, and distributing cash and food assistance. Advantages to UNHCR - it would help the agency meet its 2024 goal of ending global statelessness. Disadvantages - the agency will need to increase its funding and revenue streams, but the inclusion of Palestinian residents might encourage wealthy Gulf states to increase their contributions to UNHCR.

Directed to General Patrick Gauchat (Deploying U.N. Peacekeepers in East Jerusalem)

Given the recent violent events and tensions between Israeli settlers and Palestinians near Jenin, Nablus, Jerusalem, and the Huwara camp, I believe UNTSO Middle East Peacekeepers stationed in Jerusalem should be employed. Once employed, they can monitor, supervise, and prevent isolated incidents from escalating, while maintaining peaceful operations. Once the Palestinian residents of East Jerusalem are recognized as "stateless people", they should be entitled to the protections and privileges laid out in the 1954 Convention. Therefore, to assure

that these protections are met, U.N. peacekeepers from UNTSO are the best-equipped unit to ensure that the residents have access to stable housing (by preventing house demolitions), the right to work, and the right to move freely.

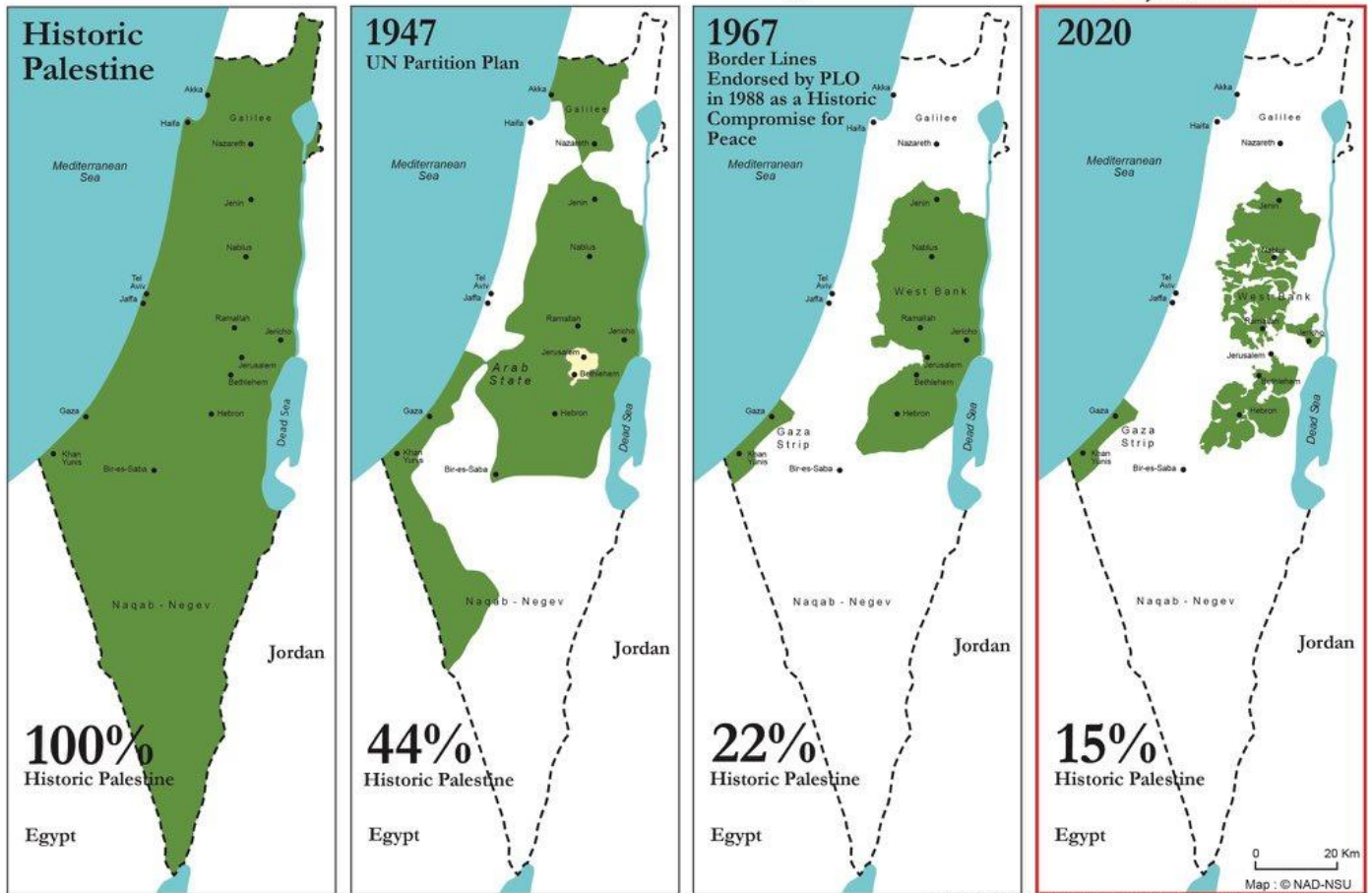
Conclusion

Israeli-backed critics might argue that Israel provides East Jerusalem Palestinians a pathway for citizenship, however, recent research has shown that since 2003, only about 15,000 of Jerusalem's 330,000 Palestinians have applied for citizenship (*Whitson, 2017*). Further, Israeli authorities have only approved fewer than 6000 of those applications. Showcasing how difficult it is for Palestinians to find stability in this process. Israeli-residency cards are not the solution to the issues faced by Palestinians in East Jerusalem. Instead, they impede housing and permanent residency rights. Palestinians in East Jerusalem constantly live in a cycle where housing demolitions and residency revocations occur regularly and unprovoked. Any moment fueled by far-right political extremism - such as the Netanyahu and Ben Gvir administration threatens the existence and presence of Palestinians in East Jerusalem. Hence, the designation of "stateless people" and the protections that are entitled to those populations through the 1954 Conventions, offer better and more appropriate statuses to the Palestinians than the adverse Israeli residency IDs.

Appendix

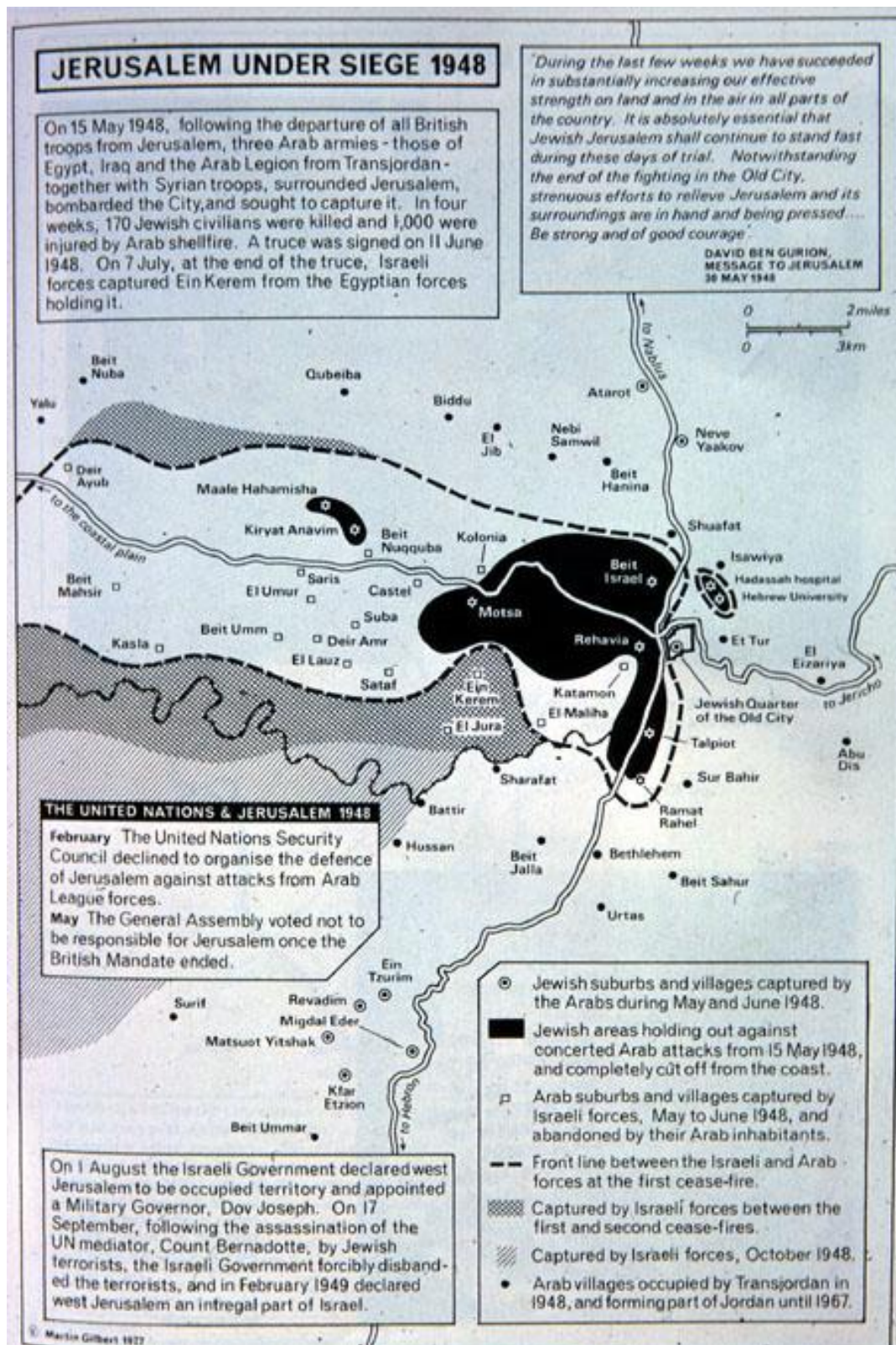
Map One:

The Palestinians Historic Compromise



These maps are for illustrative purposes only. Boundary representations are not authoritative.

Map Two:



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