

YA QUDS!

Academic Cultural Newsletter

Issue No. 3, August 2017



صندوق رياض الغصين التعليمي
The Riad Al Ghusein Education Fund

Centre for Jerusalem Studies
Al-Quds University

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Academic Cultural Newsletter

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Editors' Note

Greetings and a warm welcome to readers of the third issue of *Ya Quds!*, which is devoted primarily to a conference held at Al-Quds University in Jerusalem on December 3–5, 2016. Entitled “Production of Inequalities: Realities and Prospects for Change in Jerusalem,” the conference stemmed from joint efforts amongst the Centre for Jerusalem Studies, the Department of Philosophy, the Department of Political Science, the Department of Architecture, and the Faculty of Law of Al-Quds University, a collaboration spurred by the importance of the conference theme on local, regional, and global levels.

We would like to offer our sincere thanks to all those who helped in preparing for and running the conference. First and foremost, we would like to thank the administration of the Ghussein Education Fund, in particular Dr. Sari Nusseibeh and Dr. Jamal Nusseibeh. Without the Fund’s generous financial support, the conference would not have been possible. We would also like to thank Al-Quds University President Dr. Imad Abu-Kishk and his deputies, Dr. Hasan Dwiek and Dr. Badr^c Sartawi, for their ongoing technical and administrative support for the conference.

We would further like to thank the Academic Committee for the conference, composed of Dr. Shukri Abed, Dr. Maha Samman, Dr. Amneh Badran, Dr. Omar Yousef, Dr. Yara Saifi, and Dr. Munir Nusseibeh, as well as the Logistics Committee, composed of Dr. Maha Samman, Dr. Mu^taz Al-Qutub, Dr. Ashraf Abu Hilal, Ms. Alya Brejiyeh, and Ms. Dima Nusseibeh, along with the staff of the Al-Quds University Public Relations Office, Mr. Ahmad Bahr and Mr. Aubai Abu Sa^cdah.

Likewise, we offer thanks to the staff of the Faculty of Architecture and the Dean of the Faculty, Dr. Abdl-^cAziz Quntar, as well as to Ms. Hana’^c Iriqat, for assisting with the financial aspects of the conference, to Ms. Sahar Shehadeh who is the administrator of Al-Ghoussein Fund and to our student volunteers who helped in many different ways to ensure everything proceeded smoothly.

During the first day of the three-day conference, participants were led by Dr. Omar Yousef on a tour of the Old City and the Silwan area. In his analysis of the situation, Dr. Yousef emphasized the life of the Palestinian residents in these areas and the challenges they face on a daily basis. The academic sessions of the conference were held during the following two days and were attended by scholars and researchers from Palestinian and foreign universities.

This issue of *Ya Quds!* contains a number of the papers presented during the conference, in the hopes that we can focus attention on some of the important issues that reflect inequality in the city of Jerusalem. Special thanks go to all of the panel organizers and speakers for their valuable contributions. We are also appreciative of the editorial review provided by Dr. Joanne Abed for the English-language section of the issue.

We would like to take this opportunity to invite you to submit articles for the next issue of this publication, in Arabic or in English, not to exceed 1,200 words each. The deadline for submitting articles is October 20, 2017.

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Education and Freedom: The Case of Palestine

Shukri Abed



Prof. Dr. Shukri Abed at the conference

In this essay I address the theme of a conference held in Jerusalem in December 2016 on the subject of inequality. I will argue that, given the gross inequality in their present struggle – in terms of political, military, and economic power – Palestinians should focus on education as a primary weapon to combat not only that inequality but, indeed, the Israeli occupation itself.

‘Inequality’ is a state in which one group prevails over another because of superiority in physical, mental, financial, or some other aspect of power. Inequalities can manifest themselves in social, economic, and political domains, among others. Occupation, by definition, produces inequality in all critical domains and, as such, is a main source and a prime producer of inequality between the occupier and the occupied, which here in Palestine means, inequality between Jews and Arabs, Israelis and Palestinians.

Not surprisingly, inequalities in critical domains generally prompt members of the disadvantaged group to react in order to remove, or at least reduce, negative impacts on their lives. The reaction may take the form of a revolution, armed resistance, non-violent resistance, passive resistance or – as in the case of the Palestinians over the last 100 years – all of the above. Threatened by the massive Jewish immigration into Palestine in the early 20th century, and despite having lost 67% of Palestine in 1948 and the remaining 23% in 1967, the Palestinians have nevertheless resisted and continue to resist Israeli occupation in all of these ways.

Israel, the occupying power, works tirelessly to increase the inequality gap between the occupier and the occupied. Master plan after master plan is produced and implemented to enhance the inequality gap in various ways. Meanwhile, the Palestinians are powerless to stop the implementation of these plans, the Arab world is too fragmented to react, and the rest of the world does little in the face of mounting Israeli efforts to further subjugate the Palestinians.

Indeed, the history of Zionism is based on a long game of planning ahead and, sooner or later, implementing their plans. Zionists have a vision, biblical and otherwise, and they adhere to it. The Palestinians have neither the political nor the military power to forestall these plans or to overcome the formidable challenges imposed by the occupation and the inequality gaps it creates.

Yet, is economic and military power what is needed to change the reality of occupation? Mahatma Gandhi and the people of India did not have those powers but managed to rid themselves of British imperialism. Martin Luther King and his followers did not have those powers but managed to end segregation in the United States. Nelson Mandela and his followers did not have those powers but managed to end apartheid in South Africa. The Palestinians' true strength lies elsewhere, and it is there they should seek their salvation.

In order to achieve a transition to autonomy and eventual statehood, Palestinians must use all they have in their arsenal. The Palestinians have the will, the moral and legal rights, as well as an educated populace on their side; their cause is just, and they have within them the capacity to make their today better and their tomorrow brighter. Yet, given the balance of power in world politics, which does not favour the Palestinians, nor any other weak nation for that matter, Palestinians must seek other means available to them in their fight for a better future.

Following the model of other small nations that have adhered to education, economic, and technological means to improve their status in the world, Palestinians can challenge the 50-year-old stagnant occupation. They can do this by intensifying their efforts to build a meaningful social infrastructure based on a healthy educational system that can help put them on the path to national recovery. Through a revolution in their educational system, they can achieve what nations like Taiwan and Singapore and South Korea achieved in the financial and technological fields, putting them on the world map as successful nations.

Let us, therefore, turn to the key factor of education which, as political theorists

concur, plays an essential role in helping individuals and societies to successfully achieve freedom and cultivate a democratic form of government. Although by no means the only factor, high literacy seems to correlate with the development and flourishing of societies, and widespread education plays a major role in this regard.

On an individual level, learning, acquiring knowledge, and education are necessary for true liberation of the soul. As Gregory Johnson writes of Aristotle's beliefs, for example, "a free man is not merely any man who lives in a free society. A free man possesses certain traits of character that allow him to govern himself responsibly and attain happiness. However, these traits are the product of a long process of 'compulsory tutelage'."¹ Education, according to Aristotle, merely compels us to do what we really want. It not only frees us from our own ignorance, but also gives us the power to fight against undesirable social and political situations.

On the societal level, an engaged and informed citizenry has often been deemed a prerequisite for a free society. The Founding Fathers of the United States certainly recognized this fact. The third president of the United States, Thomas Jefferson, emphasized the connection between freedom and education by demanding that we: "Educate and inform the whole mass of the people ... They are the only sure reliance for the preservation of our liberty."²

His successor James Madison echoed the need for knowledge and education in order to arm ourselves with the power we need to maintain our liberty. In 1822, he called upon governments to guarantee the means to acquire information, which is the foundation for solid democracy and the only way to assure that the people forever govern themselves. He stated:

A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors must arm themselves with the power which knowledge gives.³

Knowledge, in other words, provides us with the foundation to govern ourselves properly, enabling us to arm ourselves against the greatest enemy of freedom, ignorance. Thus, in order to achieve the ideal state that guarantees freedom and justice for all, we must equip ourselves with knowledge, education, and information.

Also in Islamic thought we find that the concept of freedom is linked with education. Believing that the greatest enemy of freedom is ignorance, the 10th-century philosopher Al-Farabi refers to those states that do not enjoy freedom as the ‘ignorant states’, whereas those states that enjoy freedom are close to the ideal state Al-Farabi refers to as ‘the Virtuous City’, a state based on true knowledge.

In a similar vein, many Palestinian thinkers also believe that education should be the main pillar on which the Palestinian nation can rebuild itself in order to improve our today and create a better future. For example, Maha Samman, a Palestinian intellectual at Al-Quds University, in her book *Trans-Colonial Urban Space in Palestine: Politics and Development*, offers a comprehensive plan for preparing ourselves for the future. In the last chapter of her book, Dr. Samman offers a vision for the Palestinians to reach the trans-colonial stage, and education occupies a major place in her plan (p.227). On education she states that:

It affects the whole society and builds for a solid future. Special attention should be given in educating children who will be responsible for the future development process. It is important to concentrate on critical thinking and on a restorative education away from violent actions after a long history of violence.

Given the uncertainties that lie ahead for the Palestinians, it is reasonable to assume that Palestinian society will witness major political and ideological struggles while en route to determination of the nature of any future governing regime. It is equally safe to assume that such changes in the Palestinian political formations would result in a reconfiguration of the players. Groups such as the PLO, with all of its factions, Islamic forces, and local community activists will redefine their relationships with one another and with any emerging sovereign federal body. Therefore, understanding the essential factors influencing the post-Intifadah Palestinian political map is necessary to determine and, indeed, to affect the political direction of the post-autonomy, or even post-independence, Palestinian society.

Palestinians should be able to plan, improve their performance, and face the future ready, prudent, and resolute. Notwithstanding the many obstacles, particularly the occupation, there are numerous indications that Palestinian society exhibits resiliency. This resiliency manifests itself, among other things, in building scores of academic institutions within a short period of time despite the dearth of financial resources, as well as in their constant attempts to diversify

the academic curricula, ranging from the languages and liberal arts to sciences, computer science and information technology, medical schools, schools of law, all while trying to achieve high academic standards. This trend may well, under certain conditions, continue, bringing the Palestinians to a stage where they gain the confidence to invigorate their own society, economically, technologically, and legally, facilitating a peaceful transition from occupation to autonomy, and eventually to Palestinian statehood.

Prof. Dr. Shukri Abed is Professor of Philosophy and former Director of the Centre for Jerusalem Studies, Al-Quds University. He obtained his master's degree as well as his PhD from Harvard University, Department of Near Eastern Languages and Civilizations. He is the author of nine books and several articles in various fields, including Middle Eastern politics, logic and language, democracy and globalization.

Bibliography

Alfārābī, Abū Naṣr. *Arā' ahl al-madīnah al-fāḍilah* [The virtuous City]. Edited by Albert Naṣr Nādir. Beirut: Al-maṭba'ah al-kāthūlīkiyyah, 1959.

----- . *Alsīyāsah al-madaniyya* [The Political Regime]. Edited by Fawzi najjār. Beirut: Al-maṭba'ah al-kāthūlīkiyyah, 1964.

Samman, M. 2013. *Trans-Colonial Urban Space in Palestine: Politics and Development*. Routledge, UK.

¹ Johnson, Gregory R. The first Founding Father: Aristotle on freedom and popular government. In: Machan, Tibor R., ed. *Liberty and Democracy*. Stanford, CA: Hoover Press, 2002; pp. 29–58.

² Letter from Thomas Jefferson to Uriah Forrest, with Enclosure, 31 December 1787.

³ Letter from James Madison to W. T. Barry, 4 Aug. 1822.

Relations between the European Union and East Jerusalem: A Case Study in the Field of Education

Ainhoa González



Children playing traditional games at school

Aid to Palestine¹ by the European Union (EU) commenced in 1971, when the EU began contributing to the budget of the United Nations Relief and Works Agency (UNRWA).² In 1993, an international donor mechanism was established to coordinate aid to the Palestinians. Since 1994,

the EU has provided over two billion Euros in aid to the Palestinians. Much of this EU support is currently funded through the European Neighbourhood Instrument and Partnership Instrument (ENPI). The European External Action Service (EEAS) of the EU together with the Directorate General for Neighbourhood and Enlargement Negotiations of the European Commission (DG NEAR) is responsible for programming financial assistance. This involves identifying priorities and related draft budget amounts. Based on these priorities, DG NEAR establishes financing plans as well as projects from the identification phase to the evaluation phase. On the other hand, humanitarian aid is managed by the European Commission Office for Humanitarian Aid (ECHO). In this respect, the EU seems to move slowly, as it is composed of 28 countries and 13 institutions (European Commission,³ European Council,⁴ European Parliament, and various other institutional bodies).

The Political Situation

The Government of Israel moved its capital to West Jerusalem in 1950. Following the June 1967 war, Israel annexed East Jerusalem, and declared the city “complete and united” as capital in the Jerusalem Act of 1980.⁵ This is an act that is against international law and is not recognized by the United Nations Security Council, which explains why EU Member States maintained their embassies in Tel Aviv.

The International Court of Justice Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory of 9 July 2004 confirmed that East Jerusalem remains occupied territory and that Israel has the status of Occupying Power. As the occupying power,⁶ Israel is required to fulfil a number of obligations in East Jerusalem.

The EU’s position is that the two “future” states (Palestinian and Israeli) should be based on the 4 June 1967 lines, with equivalent land swaps as may be agreed between the parties. A way must be found through negotiations to resolve the status of Jerusalem as the future capital of both states.

However, since 1967, Israel has continued to impose policies and a series of procedures that violate the rights of some 270,000 Palestinians living in East Jerusalem, such as denial and revocation of residency rights, home demolitions, and construction of settlements, among others.

These policies have been deemed successful by Israelis and are in line with the “demographic balance” formulated by the Interministerial Committee to Examine the Rate of Development for Jerusalem (Gafni Committee) in 1973, meaning that population transfer is systematic, premeditated, and deliberate. Based on the official doctrine of “demographic balance,” Israel defines the ratio of 30% Palestinians and 70% Jews as its policy objective in a “united” Jerusalem.⁷

Inequality in the education sector is widespread. In East Jerusalem, there are a number of different education systems with different supervising bodies.⁸ For instance, in the period 2015-2016, out of a total of 198 schools, 56 were run by the Jerusalem Education Administration (a joint body of the Israeli Ministry of Education and the Municipality of Jerusalem (MANCHI)), 43 by the Awqaf, 73 by private operators, 7 by UNRWA, and 19 are Sakhneen schools. In terms of number of students the distribution is as follows: Municipality 45%, Awqaf 14.5%, Private 31%, UNRWA 2%, and Sakhneen 7.5%.⁹ These schools face major problems, among them poor infrastructure,¹⁰ high dropout rates, the Palestin-

ian teachers' working conditions, imposition of education curricula on Palestinian children,¹¹ and security check-points.

The European Union and East Jerusalem

Development aid is delivered within the rules and standards as set out in relevant EU policies, notably the European Neighbourhood and Partnership Instruments or ENPI and, since 2014, the European Neighbourhood Instrument (ENI). The Office of the EU Representative in East Jerusalem opened in 1994 to coordinate interventions in the field. Legally speaking, cooperation programmes are implemented – acting on behalf of the EU – under the responsibility of the European Commission, the EU's executive arm.

The work of project programming, implementation, and monitoring requires close coordination among EU Member States and other donors, but more importantly, with the Palestinian Authority (PA) itself. The EU's key partner in this respect is the Ministry of Finance and Planning (MoFP). The aim is to align EU assistance with PA priorities as expressed in the continuously updated Palestinian Development Plan. Frequent meetings are held between EU staff and PA staff on issues of project identification and implementation. In the past, this process of coordination resulted in annual memoranda with the PA, describing the projects that the EU proposes to fund through the various ministries and agencies of the PA in the coming year. Since 2014, this programming exercise is captured in a more structured document (“Single Support Framework”) covering the years 2014–2016.

At the same time, the EU plays its part in the donor aid coordination mechanism (the international meetings of the Ad Hoc Liaison Committee and of the World Bank Consultative Group, as well as the corresponding local meetings of the Joint Liaison Committee and the various Sector Working Groups), all of which aim to ensure that donor assistance is programmed according to the expressed priorities of the PA and is conducive to the implementation of development projects that will deliver concrete benefits to Palestinians in areas such as judicial reform, support to the Palestinian civilian police, enhancing the health and education systems, and improving public financial management. In its day-to-day activities, the EU works according to the principles of Project Cycle Management, covering the span from programming, project identification, and project formulation, to the implementation and the evaluation of a project.

In addition, more than one-quarter of the assistance is implemented by international agencies, mainly UNRWA (80–100 million Euro per year).¹² More than 20% of project funding is channelled through international and Palestinian NGOs.

As for projects for **East Jerusalem**, the EU ensures the coordination of its interventions through the Palestinian Liberation Organisation (PLO), as the PA does not have any physical or legal presence in East Jerusalem, and through consultations with Palestinian civil society.

The sensitive political situation created by the international non-recognition of Israeli annexation of East Jerusalem, and the subsequent legal and political implications, does not offer an appropriate framework in which the EU would have a solid legal, political, and operational basis for the publication of calls for proposals. In light of this fragile context and in line with EU rules for these particular situations, the EU programme for East Jerusalem is implemented through direct award of EU funds for actions proposed by various actors.

In East Jerusalem, since 2014 the interventions of the EU have an annual budget of 10 million Euros covering the following areas¹³:

- Social welfare (18%)
- Economy (7.5%)
- Urban planning (11.5%)
- Human rights (7.5%)
- **Education (23%)**
- Health (8.5%)
- Youth (11.5%)
- Culture (12%)

Among the projects in the education sector, there are, by way of example, the rehabilitation of the Terra Sancta School Center (budget: EUR 1,750,000) for which the implementing partner is the Custodian of the Holy Land, or the inclusive education intervention for East Jerusalem children (budget for Phase II: EUR 1,103,000) for which the implementing partner is Fondazione Terre des Homme Italia.

Conclusion

Education is known to be a very effective weapon in “unarmed” conflicts because neglecting it creates greater inequality among people.

Yet, there is a lack of coordination and control in educational matters in East Jerusalem. The above-mentioned parallel systems, barely communicating with one another, are a fundamental flaw. This could be seen as one of the reasons why the educational situation of Palestinians in East Jerusalem does not improve.

In February 2011, the Supreme Court accepted a petition by the Association for Civil Rights in Israel (ACRI) demanding that the Jerusalem Municipality and the Ministry of Education enable every child in East Jerusalem to enrol in an official municipal school in their area of residence or, alternatively, to refund them the tuition for whatever recognized but unofficial school they are forced to attend. The Court instructed the State to create the physical infrastructure to admit all East Jerusalem students whose families opt to send them to official municipal schools by 2016.¹⁴ However, thus far, no appropriate follow-up has been made.

Moreover, high taxes are imposed on Waqf schools, even though public institutions that offer public services and that are non-profit are to be exempted from paying taxes in Israel.

Against this background, the interventions of the international community (of which the EU is a major part) have difficulties addressing the real issues.

East Jerusalem has been acknowledged to be in a “crisis situation” by the relevant services of the European Commission, as defined in Article 190 (2) of the Rule of Application of the Implementing Rules of the Financial Regulation, allowing for the use of flexible procedures in accordance with applicable provisions.

The specificity of the political situation in East Jerusalem prohibits the Palestinian Authority from accessing the area and engenders scarcity of funds, both from public and private sectors. In addition, the frequent difficulties encountered by Palestinian NGOs in East Jerusalem have weakened the civil society and only a few Palestinian NGOs are still operating there. European and international NGOs, too, face obstacles raised by the Israeli authorities to deter them from intervening in East Jerusalem.

As for the EU, its actions are also hampered by its structure. EU interventions in East Jerusalem aim at reducing inequalities but seem to fall short of achieving

this objective because of a dearth of coherence and triangulation. The lack of visibility regarding results and appropriate outreach to the stakeholders further underline this.

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Endnotes

¹ According to the EU, this designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

² www.unrwa.org.

³ <http://ec.europa.eu>.

⁴ <http://www.consilium.europa.eu>.

⁵ Basic Law: Jerusalem, Capital of Israel (1980).

⁶ <http://www.icj-cij.org/docket/files/131/1677.pdf>.

⁷ Civic Coalition for Palestinian Rights in Jerusalem. From diversity to racial segregation and domination: Palestinians in Jerusalem. www.civiccoalition-jerusalem.org.

⁸ <http://www.civiccoalition-jerusalem.org/>.

⁹ Information obtained during meeting with Dima Samman, Head of PA Jerusalem Affairs Unit based on a presentation given by her on 07/06/2016.

¹⁰ The Palestinian Association for Empowerment and Local Development. www.reform.ps.

¹¹ In 1994, after signing the Oslo Accords, the Palestinian Authority began to develop a Palestinian curriculum in order to replace the Jordanian curriculum. In 2000, the Palestinian schools in East Jerusalem started to use it.

¹² UNRWA Annual Operational Report 2015. (http://www.unrwa.org/sites/default/files/content/resources/2015_annual_operational_report.pdf)

¹³ Source: Civil Society Consultation 2016 (08.06.2016) European Union – East Jerusalem Programme.

¹⁴ HCJ 5373/08 Abu Libdeh et al. v. Minister of Education et al. February 6, 2011.

<http://elyon1.court.gov.il/files/08/730/053/r07/08053730.r07.htm>.

From Punitive Measures to Collective Punishment: Residency Revocations as a Tool of Forcible Transfer from Jerusalem

Munir Nusseibeh and Nada Awad



Al-Wad road in the old city of Jerusalem

The moment that the terrorist's family today finds themselves on a bus to Gaza with a one-way ticket, I promise you that they will think 1,000 times before committing an act of terror.¹ (Meir Turgeman, the Deputy Mayor of Jerusalem)

Since the 2015 Palestinian uprising, Israel has escalated its collective punitive measures against the Palestinian population, especially in the illegally annexed East Jerusalem. Such measures function as a further method of forced displacement to reduce the percentage of Palestinians in the city. This article will shed light on Israel's policy of residency revocations, focusing on punitive residency revocations as a

method used by the Israeli occupation authorities to make demographic changes in the city.

Israel has developed a clear policy of forcible displacement since it occupied and illegally annexed East Jerusalem following the 1967 war. The occupying power developed several municipal plans aimed at minimizing the number of Palestinians living in the city and maximizing the number of Israeli Jews through illegal measures (infographic pp. 20-21). Over the years, Israel broadened the legislation, making it easier to forcibly transfer the indigenous Palestinians of Jerusalem. Palestinians are treated like immigrants in their own city, and their residency is treated like a revocable privilege not an inherent right. Residency revocation is one of the tools that was most widely used to forcibly transfer Palestinians from Jerusalem. More than 14,500 Palestinian residencies were revoked between 1967 and 2015.

In 1967, Israel conducted a census of the population; only Palestinians physically present in the city were granted a ‘permanent residency status’. Since then, Israel has legislated ways to revoke this status from additional Palestinians in three main phases: firstly, regulations concerning those who settle ‘outside Israel’ in 1985; then came the ‘center of life’ policy in 1995; and thirdly, the revocation of residency as punishment since 2006. Israel has also used ‘violence’ and ‘security’ as pretexts to establish and escalate punitive and collective punishment policies aimed at forcibly transferring Palestinians from Jerusalem, internally displacing them as well as making their lives in their city impossible.

Revoking Palestinian Residency Status in Jerusalem: The Main Tool of Forcible Transfer

According to the Entry into Israel Law (article 11-2), the Minister of Interior has discretionary authority to “cancel any permit of residence granted under this Law.”² According to the Entry into Israel Regulations, 11A³ (1985), the Israeli Minister of Interior is entitled to revoke the residencies of Jerusalemites based on three criteria. Palestinians who obtain a foreign nationality, a permanent residency abroad, as well as Palestinians who lived outside “Israel” for a period of 7 years or more would have their residency revoked. Following the revocation of his residency by the Minister of Interior in 1988, Mubarak Awad, then an American citizen, petitioned the Supreme Court, which declared that the residency status of Palestinians from Jerusalem “expires.”⁴ The indigenous Palestinian population in Jerusalem is thus treated like immigrants.

In 1995, Fathiya Shiqaqi returned to Jerusalem to renew her residency six years after having lived in Syria with her husband, who had previously been deported by Israel. She did not have any foreign passport or permanent residency elsewhere. However, the Israeli Ministry of Interior refused to renew her residency. The Israeli Supreme Court rejected her petition and decided that the aforementioned regulations were not the only circumstances under which a residency could be revoked.⁵ In the same year, Israel introduced a much broader criterion commonly known as the ‘center of life policy.’ Following the Fathiya Shiqaqi⁶ case, Israel began revoking the residencies of Palestinians who could not prove that their ‘center of life’⁷ was Jerusalem. Since then, Israel considers moving to the West Bank or Gaza to be residing abroad. Following the introduction of this criterion to maintain residency and until today, Israel has revoked more than

11,300⁸ residencies. In 2008 alone, Israel revoked 4,577 residencies.

Another turning point came in 2006, when for the first time Palestinians from Jerusalem who had never left the city had their residencies revoked as a punitive measure by the Minister of Interior based on an illegal, newly established criterion: ‘breach of allegiance.’ The then Minister of Interior Roni Bar-On claimed that the then Palestinian Minister of Jerusalem and three Palestinian parliamentarians from Jerusalem had ‘breached allegiance’ to Israel by participating in the Palestinian government and the Palestinian Legislative Council on the list of the Change and Reform Party, affiliated with Hamas. In 2006, a petition was sent to the Supreme Court (HCJ 7803/06, Abu Arafah et al.) challenging the authority of the Minister of Interior to revoke a permanent residency based on the grounds of ‘breach of allegiance.’ Doing so is illegal since Palestinians living under occupation in Jerusalem do not owe allegiance to the occupying power (article 45 Hague Regulations and article 68.3 of the Fourth Geneva Convention). Now, more than 10 years later, the Supreme Court has still not rendered a judgment. The issue is highly politically motivated. However, and without awaiting the judgment, Muhammad Abu Tir, Muhammad Tutah, Ahmad Atun, and Khaled Abu ‘Arfah, were forcibly transferred to the West Bank by the Israeli army and told they could no longer enter Jerusalem.

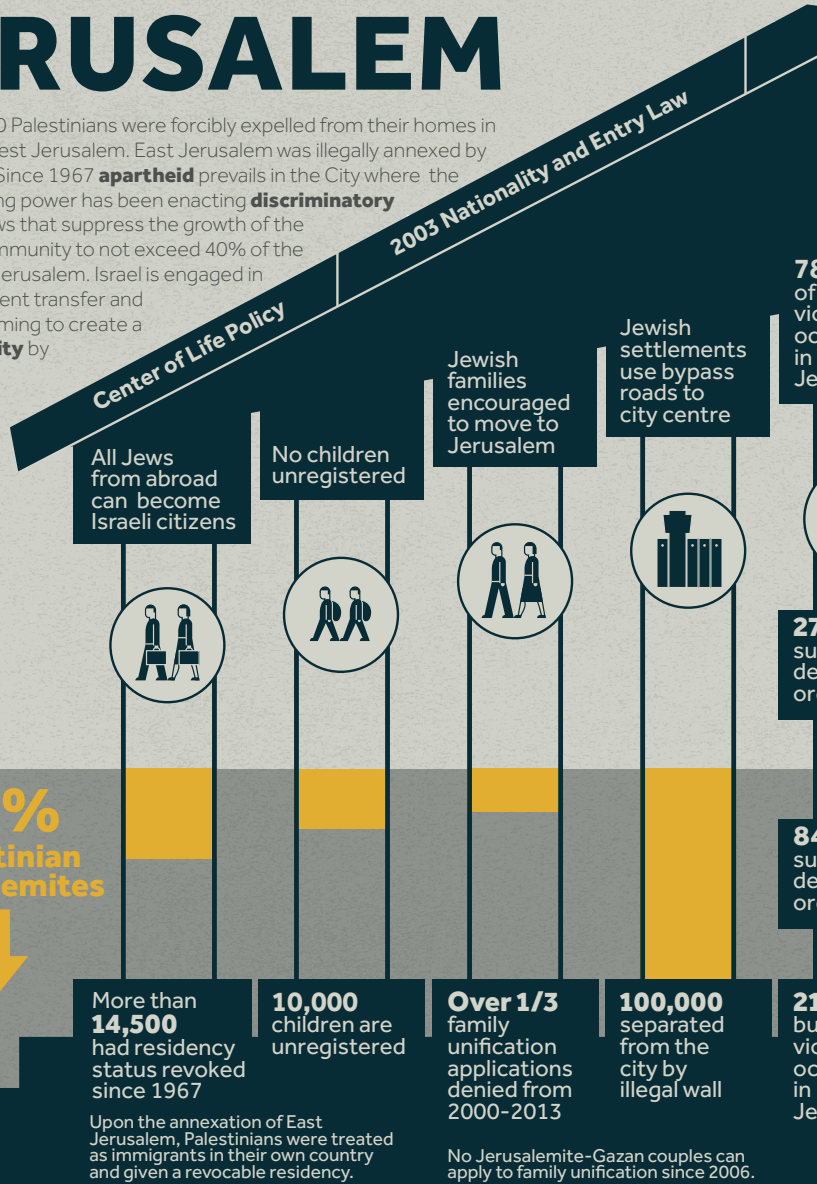
Forcibly Transferring Palestinians: A Punitive Measure against “Attackers”

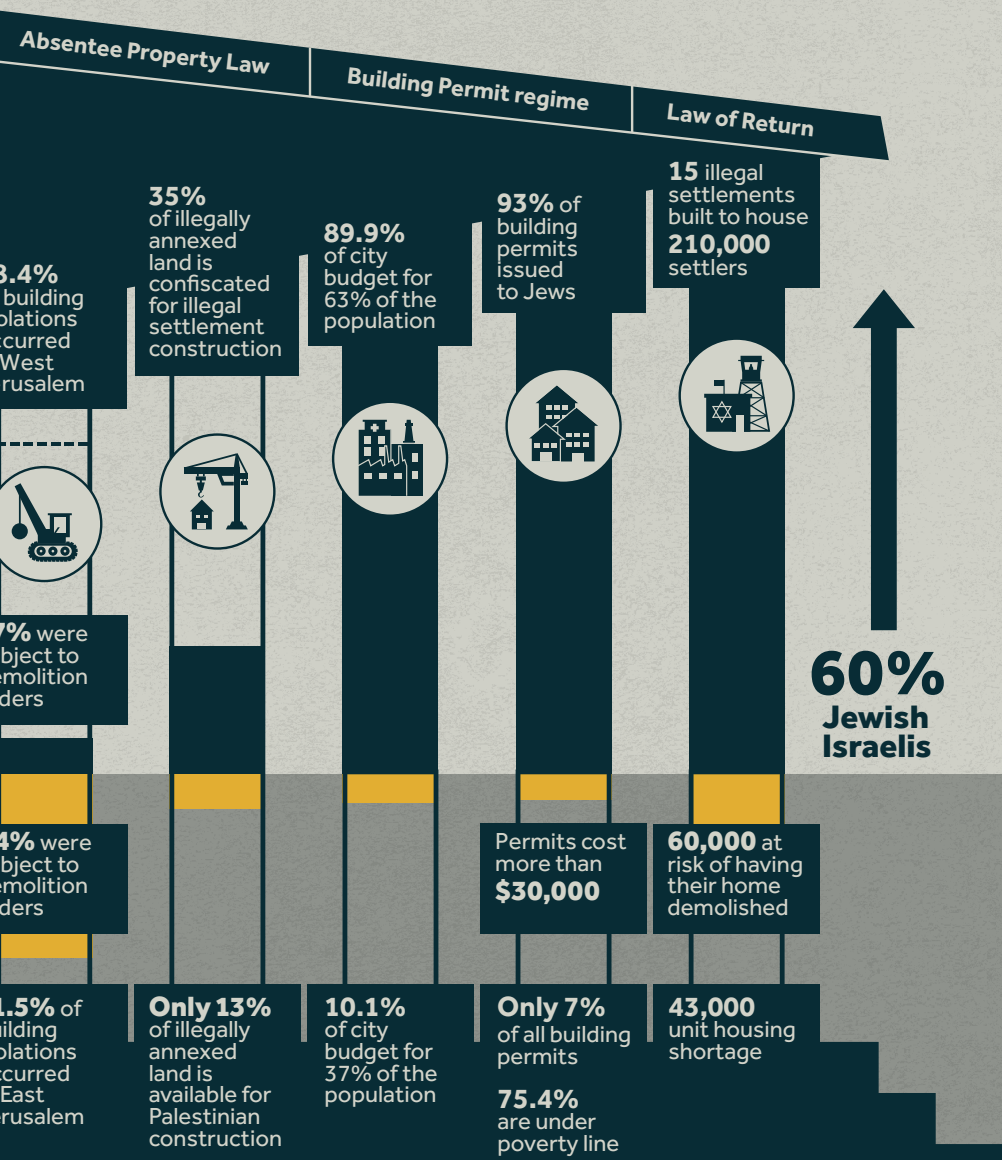
Israel is engaging in the forcible transfer of Palestinians using all manner of pretexts in order to minimize what it calls the Palestinian ‘demographic threat.’ Revoking the residencies of Palestinians on the grounds of ‘breach of allegiance,’ which is not defined in law, allows the Minister of Interior to forcibly transfer Palestinians without any clear regulation and based on nothing more than his own views as to who has ‘breached allegiance.’ This gives the Minister of Interior wide interpretative capacity and can well lead to the forcible transfer of any Palestinian declared by the Minister to have ‘breached allegiance.’ In October 2015, the Israeli “Security Cabinet” further granted the Minister of Interior the right to revoke the residencies of alleged ‘terrorists.’

Although to date the Supreme Court has not yet rendered a judgment on the legality of the revocations of residencies based on the grounds of ‘breach of allegiance,’ Israeli Minister of Interior Aryeh Deri in 2016 revoked the residencies of three youth from Sur Baher accused of throwing stones, allegedly leading to the death of an Israeli driver.⁹ Once their prison sentence has been served, these

LIVING UNDER POLICIES OF COLONISATION IN JERUSALEM

In 1948, 80,000 Palestinians were forcibly expelled from their homes in the areas of West Jerusalem. East Jerusalem was illegally annexed by Israel in 1967. Since 1967 **apartheid** prevails in the City where the Israeli occupying power has been enacting **discriminatory** policies and laws that suppress the growth of the Palestinian community to not exceed 40% of the population of Jerusalem. Israel is engaged in a process of silent transfer and colonization aiming to create a **Jewish majority** by illegal means.





SOURCES

Data aggregated from Adalah, Alshabaka, BTselem, Ir amim, Passia, The Civic Coalition for Palestinian Rights in Jerusalem, The Society of St. Yves, and The United Nations. **Annexation** <http://bit.ly/2ddHfbn> | **Residency revocation** <http://bit.ly/2chPFcV> | **Family Unification** <http://bit.ly/2cWYFf2> | <http://bit.ly/2cKPVTX> | **The Wall** <http://bit.ly/2cp5Ecr> | **Demolitions** <http://bit.ly/2cCgHvY> | **Land Confiscation** <http://bit.ly/2cTjJd> | **Budgeting** <http://bit.ly/2cp6h5T>

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three young men will face the same fate as the previous Minister of Jerusalem and the Palestinian parliamentarians. The number of residencies revoked based on the pretext of ‘security’ is not clear. However, 13 cases of residencies revoked on the basis of ‘breach of allegiance’ were documented between 2006 and 2016.

Punitive Residency Revocation as Collective Punishment: A Turning Point in Forcible Transfer

Following the alleged attack carried out by Fadi Qunbar on January 8, 2017, Interior Minister Deri declared that “from now on anyone who plots, plans or considers carrying out an attack will know that his family will pay a heavy price for his deed. The consequences will be harsh and far-reaching, like the decision I made regarding the mother and relatives of the terrorist who perpetrated the attack in Armon Hanatziv in Jerusalem.”¹⁰

On January 25, 2017, Manwah Qunbar, mother of Fadi Qunbar, had her permanent residency revoked by the Ministry of Interior. Previously, on January 10, 2017, she had received a letter informing her that the Minister of Interior was considering revoking her residency following her son’s alleged attack. This recent act risks anchoring a policy according to which a relative of a person suspected of carrying out an attack against Israel is punished with residency revocation. And, although the Minister of Interior claims he is revoking her residency based on the allegation that she lied during her family unification interview in the 1980s, the letter clearly states: “the Minister of Interior is considering revoking your permanent residency in Israel [...] following the difficult attack that was committed the day before yesterday in Armon Hanatziv in Jerusalem.”

In January 2016, a Likud member of Knesset took steps to propose a bill seeking to grant the Minister of Interior authority to revoke the permanent residency permit of persons who committed or are suspected of having committed an attack against Israel, or of their family members. According to the bill, ‘family members’ include spouses, parents, and/or children. More recently, in January 2017, this bill¹¹ has been reintroduced on the Knesset agenda. This dangerous bill would firmly establish punitive revocation of residency as a legal instrument in the Israeli legal system, providing the Interior Minister with an explicit legal basis for further punitive residency revocations.

In addition to being a serious violation of International Human Rights Law and International Humanitarian Law, these measures cause extensive human suffer-

ing for those who should be protected by international law. Hence, it is essential that the international community intervene immediately to put an end to the forcible transfer of Palestinians from Jerusalem. This is their international legal responsibility.

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Endnotes:

- ¹ Nir Hasson, Calling Palestinians 'animals', Deputy Jerusalem Mayor vows retribution after shooting attack, available at: http://www.haaretz.com/israel-news/.premium-1.746987?=&ts=_1485704919498.
- ² https://www.unodc.org/res/cld/document/law-no--5712-1952--entry-into-israel_law_html/Entry_Into_Israel_1952.pdf.
- ³ <http://www.hamoked.org/files/2010/regulation%2011a.pdf>.
- ⁴ Mubarak Awad v. Prime Minister of Israel et al., H.C. 282/88 :“Under Regulations 11(c) and 11a of the Entry into Israel Regulations, the petitioner’s permanent residency permit expired once he left Israel and settled in the USA.”Available at: http://www.hamoked.org/files/2010/1430_eng.pdf.
- ⁵ The fact of residing in a state out of Israel could also be determined by other facts that are not mentioned in regulation 11A of the said regulations. The appearance of a new reality, replacing the reality of permanent residency in Israel, might be clearly indicated by circumstances other than those mentioned in regulation 11A of the said regulations.
- ⁶ Fathiya Shiqaqi v. Minister of Interior, H.C. 7023/94.
- ⁷ List of documents required to prove ‘center of life’: “a complete record of electricity, gas, water, phone, cell phone, rent and Arnona bills, as well as bank records, children certificates for schooling, and any other document the Ministry of Interior requests.” (http://www.saintyves.org/uploads/files/10_years_freeze_of_family_unification_in_jerusalem.pdf).
- ⁸ Based on the numbers given by the Israeli Ministry of Interior, http://www.btselem.org/jerusalem/revocation_statistics.
- ⁹ http://www.hamoked.org/files/2016/1160036_eng.pdf.
- ¹⁰ Nir Hasson, Israel seeking to strip residency of 12 relatives of Jerusalem truck attack assailant, Available at: <http://www.haaretz.com/israel-news/.premium-1.764202>.
- ¹¹ <http://www.hamoked.org/Document.aspx?dID=Updates1825>.

Beyond the Bible: The Need for a Shared Archaeological Heritage in Jerusalem

Marzia Merlonghi Miani



Jerusalem old city wall and the Dome of the Rock

Since the 18th century, the perspective of the archaeological research in Jerusalem has been an orientalist one: European archaeologists felt themselves to be the true heirs of the marvellous heritage they were discovering. In their minds, local populations were simply a problem to remove: Arabs had no right to the heritage buried under their feet for thousands of years.¹

Unfortunately, the situation worsened after 1967 and the Israeli occupation of East Jerusalem²: Israelis justified the increasing colonization of the city, especially in the 80s and 90s, using so-called “biblical archaeology.”³

Israeli archaeology in Jerusalem was often excellent in broadening knowledge of the history of the city but, too often, this research turned into a *damnatio memoria*⁴ of the last 14 centuries of the Arab population’s history and culture,⁵ primarily targeting layers tied to the biblical narrative. Moreover, in a majority of cases archaeological activity was used as an excuse to occupy Palestinian houses and land.

The destruction and cover-up of Palestinian knowledge and culture has led to the irreversible loss of precious historical data, cultural traditions, and even place

names. In the 90s, Albert Glock wrote about “an intellectual conquest of Palestinian memory and heritage”⁶: from 1948 on, the main motivation to study archaeology was to show that the remains had (in the mind of the newcomers) strong ties with biblical traditions.

Since archaeology was a discipline that grew up in Europe, and many of the Jewish immigrants to Palestine had received part of their education in Europe, they found archaeology intellectually congenial, and, from a nationalistic point of view, essential to establishing their identity with the land.⁷

This is especially true in Silwan and the archaeological park known as the City of David⁸: the explanations given by guides and brochures target mainly the biblical account, as if the archaeological remains merely serve as an illustration of it. Obviously, in Silwan, as well as the rest of Jerusalem, there is much more to uncover. There is a complex (almost seamless) stratification of layers since 1700 BC and the pattern of stratigraphy is one of the most puzzling and, at the same time, fascinating in the entire Middle East.⁹

Continuing to consider the biblical account as the main source in archaeological interpretation of the remains in Jerusalem is simply not a scientific option anymore. This way of conducting research creates huge misunderstandings in the interpretation of archaeological data; solely biblical interpretation of archaeology limits the tolerance of new data and discoveries¹⁰; ultimately, it limits the global view of the data in their historical and social contexts, as well as in the context of the East Mediterranean civilization.



Sultan Suleiman street

The main problem of Jerusalem’s archaeological heritage is not the conservation of ancient structures, but the idea at the base of their management. This idea is, today, totally political. Of course, since Jerusalem is occupied by a colonial force, the power to make decisions about cultural heritage is in the hands of the dominant

class: in our case, the settlers of El’ad in Silwan, who pay for the excavations and

for the management of the site.¹¹

These stakeholders, of course, adopt an approach based on their own values in the interpretation of the remains: they feel a connection with the place they occupy since the Bible says that David was there (even if the remains of David's reign are only a small part of the site). As a result, other stakeholders, such as local residents, tourists, and workers, are not taken into account in the management of the archaeological park and of the excavations. This value-based approach has become a tool for the occupation.

Since different stakeholders carry very different values, another approach in interpretation and management must be developed. It must be an inclusive one: a different historical account that targets the material remains and their significance in the history of all humankind. Such an approach could be invaluable in returning dignity and objectivity to Silwan's archaeological heritage. It would describe a deeper history that spans from the Bronze Age until today and includes many different peoples, heritages, and accounts. Therefore, the keyword is 'difference' as a resource for mutual understanding.

Describing the past will always be subjective.¹² Nevertheless, now more than ever, there is a need to overcome colonial and nationalistic interpretation.¹³ Archaeologists must begin again from the ground, from the context, from the data. They need to mediate between the necessities of the research and the needs of the people that live and work near the excavation areas. They need to involve communities, every community, in archaeological interpretation, in management, in storytelling: no one owns the past, no one owns the heritage. Heritage must be shared with the whole of humankind.

In the words of archaeologist Kathleen Kenyon, who wrote about her excavation in Jerusalem (she worked there from 1961 to 1967):

... (we should have) cut our trench further south, however, (this) would have meant cutting through an important pathway leading from the summit of the ridge to the Silwan valley and village. The Silwanis are fairly patient in such matters, but this seemed unfair."¹⁴

Kenyon was an archaeologist concerned with the welfare of the living people and one who tried to mediate between her research and the needs of the Silwanis. I think she was one of a very few.

On the hill of Silwan have lived, for at least 4,000 years, different peoples, dif-

ferent religions, and different languages, sometimes together, sometimes not. Yet Jerusalem is still here, and it is an example of the possibility of coexistence, the possibility of the exchanging and mixing of techniques, knowledge, and traditions. Jerusalem is the mirror of the Life that continues, despite millennia of war and invasion. Life goes on and leaves its signs on the ground.

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Bibliography

Abu el-Haj, N. 2001. *Facts on the Ground*. Chicago.

Glock, A. 1999. Archaeology as cultural survival: The future of the Palestinian past. In: T. Kapitan. *Archaeology, History and Culture in Palestine and the Near East: Essays in Memory of Albert E. Glock*. Atlanta, pp. 302–323.

Greenberg, R. 2009. Towards an inclusive archaeology in Jerusalem: The case of Silwan / the City of David. *PA [Public Archaeology]* 8/1, 35–50.

Hodder, I. 1992, *Reading the Past* (Italian edition). Turin.

Kenyon, K.M. 1974. *Digging Up Jerusalem*. London.

Merlonghi, M. 2016. *Strati Violati, Siti Negati. I danni antropici al patrimonio archeologico del Levante meridionale (Israele e Palestina) nel XXI sec: problemi, proposte e soluzioni*, PhD Thesis, Unpublished.

Mizrachi, Y. 2010. *Archaeology in the shadow of the conflict: The mound of ancient Jerusalem (City of David) in Silwan*. Available at: www.alt-arch.org.

Mizrachi, Y. 2011. *Mamilla Cemetery in West Jerusalem: A heritage site at the crossroads of politics and real estate*. Available at: www.alt-arch.org.

Mizrachi, Y. 2012. *From Silwan to Temple Mount*. Available at: www.alt-arch.org.

Nigro, L. 1998. Preface to Italian edition. In: P.R.S. Moorey. *A Century of Biblical Archaeology* (Italian Edition). Milan, 1-2.

Nigro, L. 2014. David e Golia: Filistei e Israeliti ad un tiro di sasso. Recenti scoperte nel dibattito sull'archeologia in Israele. In: Quaderni di Vicino Oriente VIII, 1-17.

Said, E. 1991. *Orientalism* (Italian Edition). Turin.

Scarcia, B., et al. 1987. *La Palestina*. Rome.

Endnotes:

¹ Said, 1991, 214.

² It seems that the fact that Jerusalem is a living city with people who live near the archaeological areas is considered just another problem to solve. Instead, digging in a living city can be viewed as particularly interesting because the so-called Layer 0, the living city, is yet another layer to study and respect.

³ Nigro, 1998, 1–2.

⁴ Latin phrase for “condemnation of memory,” meaning that a person ought not to be remembered. It was a kind of punishment that could be passed by the Roman Senate on traitors, for example, and was considered a fate worse than execution. Any statues or monuments to the traitors before their downfall were often defaced as part of the punishment.

⁵ Scarcia, 1991, 113.

⁶ Glock, 1999, 311–315.

⁷ Glock, 1999, 313.

⁸ The Park is managed by a private association of settlers, El’ad, who also have occupied many houses in Silwan.

⁹ Mizrachi, 2010, 11–13; Greenberg 2009, 45.

¹⁰ Nigro, 2014, 1.

¹¹ Mizrachi, 2011, 24.

¹² Hodder, 1992, 197.

¹³ Greenberg, 2009, 44.

¹⁴ Kenyon, 1974, 76.