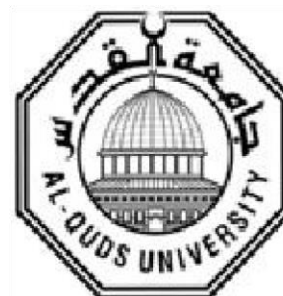


**Deanship of Graduate Studies
Al-Quds University**



**Conflicts amongst Palestinian civilians in
Jerusalem and conflict resolution methods**

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M.Sc. Thesis

Jerusalem- Palestine

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Conflicts amongst Palestinian civilians in Jerusalem and conflict resolution methods

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A thesis submitted in partial fulfilment of the requirements of Master of
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Jerusalem – Palestine

1441 / 2020

Declaration

I declare that this thesis submitted for the degree of master is the result of my own research, except where otherwise acknowledged, and that this thesis, or any part of the same, has not been submitted for a higher degree at any other university or institution.

Ghada Aruri

Signed

08/06/2020

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Abstract

East Jerusalem (EJ) fell under Israeli occupation in June 1967, and Israel annexed the city from that date, imposing Israeli law and sovereignty on the overwhelmingly Palestinian city. Israel's annexation of the city became an officially declared policy in 1980, winning Israel the condemnation of the international community- mainly through refraining from moving their embassies to Jerusalem or opening any embassies in the city. This gesture of moving embassies, small as it is, serves to confirm the international stand that the city is illegally occupied and echoes calls that reject annexation and call for ending the occupation.

Until 2019, there is no sign of the Israeli occupation going away or being removed. The occupation continues unabated and forceful, usurping Palestinian land and property every day, and squeezing Palestinians out of the city. Disappointingly to this date Israel pursues policies that disregard Palestinian human rights, national rights and even its (Israel's) own commitment to international treaties.

Against the backdrop of severe human rights violations, over 300,000 Palestinians continue to live in East Jerusalem under Israel's sovereignty, dealing with occupation policies on the one hand, and, having the peacefulness and tranquility of their own society challenged every day by pressures imposed by this occupation. Even after fifty-two years of occupation, Israel is still seen as the foreign colonial occupier that Palestinians distrust and are reluctant to go to its institutions, particularly the police. Israel bans any activity by the Palestinian Authority, and is unfavourable to civil society, leaving a vacuum that Palestinian East Jerusalemites have not managed to overcome. Given that societal conflicts and disputes are normal and certain levels of them are even beneficial, it is the duration and solvability of these conflicts that can be a distinguishing

factor in EJ. Jerusalem is an occupied and annexed city, this is a situation that sets it aside from any other Arab or Middle Eastern city, including other parts of the West Bank. With this in mind, types and forms that disputes and conflicts amongst Palestinians take, the dispute and conflict resolution methods available, and whether these methods are able to offer solutions are examined here. Finally, main conclusion drawn is that effective conflict and dispute prevention and resolution methods for Palestinians in EJ are not only vehicles for development and resilience (important as this is), they go beyond that to being measures of survival that help a society suffering from racism and marginalization, remain on their land.

ملخص (Abstract in Arabic)

وقعت القدس الشرقية تحت الاحتلال الإسرائيلي منذ العام 1967 و قامت إسرائيل بضم المدينة منذ ذلك الحين، فارضة القانون والنفوذ الإسرائيلي على هذه المدينة الفلسطينية. سياسة الضم الإسرائيلية لمدينة القدس أصبحت سياسة معلنة في العام 1980 مما ألحق الإدانة الدولية بإسرائيل – خاصة عن طريق سحب السفارات الأجنبية من المدينة. هذه المبادرة رغم صغرها تؤكد الموقف الدولي من المدينة على أنها محتلة وتردد الأصوات المنادية بإنهاء الاحتلال.

حتى العام 2019، لا توجد إشارات على أن إسرائيل سوف تنهي احتلالها أو تنسحب من المدينة، ويستمر الاحتلال بسياساته القمعية من نهب الأراضي وتدمير الممتلكات الفلسطينية كل يوم، وطردهم الفلسطينيين من مدينتهم. من دواعي خيبة الأمل أن إسرائيل تستمر في انتهاك حقوق الإنسان الفلسطيني وحرمانه من حقوقه السياسية والوطنية، مناقضة بذلك الاتفاقات الدولية التي هي نفسها طرف فيها.

في ظل هذه الوقائع الجسيمة يعيش أكثر من ثلاثمائة ألف فلسطيني في القدس الشرقية تحت السلطة الإسرائيلية ويتعاملون مع سياسات الاحتلال كل يوم. هذا من جهة، ومن جهة أخرى يحملون عبء التهديد القائم ضد أمنهم وهدوئهم بسبب الضغوطات التي يفرضها الاحتلال. حتى بعد 52 سنة من الاحتلال، لا تزال إسرائيل مستعمراً أجنبياً لا يثق به الفلسطينيون ويتجنبونه. إسرائيل أيضاً تمنع أي نشاط تنظمه أو ترعاه السلطة الفلسطينية، وإسرائيل ليست مساندة لمنظمات المجتمع المدني الفلسطيني، تاركة بذلك الفلسطينيين العاديين يعيشون في فراغ يصعب التغلب عليه.

هذه الأطروحة تتحدث عن النزاعات المجتمعية التي قد تنشأ بين الفلسطينيين في القدس الشرقية، و إن نحن سلمنا أن هذه النزاعات أمر طبيعي ومقبول إلى حد ما، تكمن المشكلة في إطالة عمر هذه النزاعات بل

وصعوبة حلها، والتي هي صفة مميزة في القدس الشرقية. القدس مدينة محتلة ومضمومة وهذا ما يجعلها مختلفة عن بقية المدن في الدول العربية والشرق الأوسط، بما في ذلك مدن الضفة الغربية. تعالج هذه الأطروحة أنواع وأشكال النزاعات والصراعات السائدة بين الفلسطينيين وطرق حل النزاعات المتوفرة بين أيديهم، وتتساءل ما إذا كانت هذه الطرق كفيلة بتقديم حلول.

تخلص الأطروحة إلى أن حل النزاعات والوقاية منها في القدس الشرقية ليس فقط يساهم بالتطوير والديمومة للمجتمع الفلسطيني المهدهد، إلا أنه أيضا من أساليب النجاة والبقاء في وجه التهميش والعنصرية، حتى يتمكن الفلسطينيون من الصمود على أرضهم في هذه المرحلة الحرجة من تاريخهم.

Acronyms

ACT	Alternative Conflict Transformation Centre
ADR	Alternative Dispute Resolution
CP	Conflict Prevention
CR	Conflict Resolution
CSOs	Civil Society Organisations
EJ	East Jerusalem
GCIV	Fourth Geneva Convention
MEND	Middle East Non-Violence and Democracy Centre
NGO	Non-governmental organisations
PA	Palestinian Authority
PLO	Palestine Liberation Organisation
UN	United Nations
WWI	World War One
WWII	World War Two
WJ	West Jerusalem

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Chapter-1: Thesis background

1.1 Introduction

EJ is home to over 300,000 Palestinians living under Israeli occupation. They are not Israeli citizens, and they do not fall under the jurisdiction of the Palestinian Authority (PA) either. They are therefore in a peculiar position where Israel has occupied and annexed their land yet did not treat them as equal citizens. Until the writing of these lines, East Jerusalemites have not fully embraced Israeli rule either and still, for the main part, view it as an illegal occupation. Israeli policies against Palestinians include a discriminatory building and permit regime, residency revocation, daily raids and provocation, excessive delays at checkpoints, arrests and humiliation, house demolition and land confiscation. These policies have created a problematic and uneasy relationship between Palestinians and the effective ruler of their land and has inevitably impacted inter-Palestinian relations and problem-solving abilities. There are many factors inherent to the Israeli occupation and the way it conducts itself in the city that lead Palestinians to distrust and avoid the Israeli system altogether, particularly since it has almost always used, bent, tweaked and twisted the law to suit its own interests. This has had consequences of a particularly serious nature when disputes arise amongst Palestinians that may necessitate the interference of law enforcement, in this case Israel. In three chapters, issues of peacefulness and disputes amongst Palestinians in East Jerusalem (EJ) and how they are resolved given the overarching political context of Israeli occupation, and the problematic relationship Palestinians have with Israel are looked into in this thesis. The preparation took place mainly during the months August through December 2019, with

data covering the years 2016-2019. Preparation of this thesis is for purposes of graduation from the masters' programme of Al-Quds University's "Jerusalem Studies".

This thesis main goal is to offer further understanding of causes of conflict and peacefulness amongst Palestinians in East Jerusalem, and to explore how effective conflict resolution methods will contribute to a further sense of safety and stability and consequently, resilience for Palestinians.

1.2 Link to existing studies

Preliminary and pre-thesis examination showed that inter-communal conflict and peacefulness were only thinly studied in previous decades. Whereas many existing studies by NGOs and think-tanks explore political conflict at great lengths, they only tangentially touch on communal conflicts, if at all. More recently, inter-communal conflict has been receiving increased attention due to a general perception that it is on the rise, and that such conflicts are becoming more intense and violent. It is hoped that through this thesis questions such as to the veracity of this perceived intensity and increase, and whether existing conflict resolution mechanisms are accessible, acceptable and adequate will be addressed.

Despite the scarcity of studies, it was still possible to benefit of the work of Walid Salem for the Centre for the "Alternative Dispute Resolution and Studies- ACT¹²". Salem has explored the concept of peacefulness not just in its narrow sense (absence of violence),

¹ Walid Salem, "Al muwatana wal silm al ahli fil quds ash sharqiyaa. Al ishkiliyyat wal imkaniyyat fi thil al ihtilal wa ghiyab al dawla wa wake' al lujou' wal tasharthom," February 2018, <http://actdara.ps/wp-content/uploads/2018/03/>

but in its wider sense (meaningful engagement and participation). Salem has also found links between the Israeli definition of who is a Jerusalemite (Jordanian citizen living in Israel) and the ramifications of this definition in terms of Palestinian sense of belonging to the land, implying that this fuels conflicts.

A related study by Arie Handel speaks about the “geography of disaster”. This is a model where governments separate and isolate certain areas in order to minimize the impact of usually, natural disasters. Yet in Palestine, this separation and isolation of Palestinian areas by Israel is a permanent state of affairs, which deeply affects Palestinian cohesion and ability to function as a society. This is seen as highly relevant when conflict and peacefulness are examined.

Social intervention theories are also utilized in assessing and understanding the value of interventions and their impact on conflict and peacefulness in EJ. These theories help in determining whether designing and implementing an intervention is a better course of action than “doing nothing”

For information and statistics on violence rates, Israeli-generated studies such as by the Hebrew University are seen as reliable. One such study is by Badi Hasisi where 11 police station commanders were interviewed, three of whom are in EJ. This study was able to give precursors as to statistics by Israeli police on the prevalence of violence in EJ and that it is indeed a growing problem. This offered further proof that Palestinian fears vis-à-vis stability of their community is justified, and that more has to be done if we are to avoid further deterioration.

As for general insight on tribal law and justice, the work of Salem Thabet³ on the Bi'r Al Sabe' region south of Palestine provides a historic background on how this type of justice came about and its influence that is still felt to this day, including in EJ. It was possible to benefit of this compilation in chapter 3 of this thesis.

The Palestinian lawyers' strike which started in June 1967 is believed to have had tremendous impact on the status of rule of law and Palestinian confidence and ability to resort to legal channels in solving their conflicts. Recognizing that the lawyers' strike is a manifestation of Palestinian refusal to yield to the dictates of the Israeli occupation, and their conviction that the Israeli occupation is illegal and therefore its policies and moves are illegal as well, the lawyers' strike is a stark manifestation of this realization, and is something that the Palestinians paid dearly for as Israel continued with its annexational policies. Attesting to that is a report by the "Palestinian Independent Commission for Human Rights- ICHR" which chronicles the Palestinian lawyers' decision to boycott Israeli courts, Israeli responses to this boycott and the implications this has had on pursuit of justice by Palestinians, including Jerusalemites⁴.

Wi'am Centre for Conflict Resolution⁵, a Bethlehem-based Palestinian NGO, explores the concept of *Sulha*, which is the traditional Arab way in conflict resolution, and how it is still relevant in our modern day. *Sulha* promotes an approach where the modern and the

³ Salem Thabet, "Al Qada'a al Asha'iri inda kabael Bi'r Al Sabe'a-Filistin" (Um Al Kitab Website and Online Publications, n.d.)

⁴ Hussein Abu Hannoud, "The Palestinian Independent Commission for Citizens' Rights, Taqrir hawla naqabat al muhameen al filistiniyeen (Report on the Palestinian Lawyer's Syndicate)," November 2000, file:///C:/Users/BTS1/Downloads/legal26%20(1).pdf.

⁵ Wi'am, "Wi'am: The Palestinian Conflict Transformation Center," accessed February 23, 2020, <http://www.alaslah.org/>.

traditional are merged in such a way that helps society articulate solutions to conflicts and internal disputes. Merging *Sulha* with modern day conflict resolution is an approach that is identified among possible solutions.

Through linking to existing studies, it was possible to look into the works of some scholars, particularly those who were able to tie societal violence to political violence, as well as studies and information on the available solutions. It was therefore possible through this thesis to take stock and add input taken from current day Palestinians and civil society organisations in order to better inform the way forward. This is believed to have enabled a more holistic view on violence and peacefulness in EJ, and a better-informed conclusion on possible solutions that will help address negative consequences resulting from Jerusalem's status as an occupied and annexed city.

1.3 Aim and questions of the thesis

Against the background of political and legal complexities affecting EJ, particularly the city being occupied *and* annexed, the central aim of the thesis is to look at conflict amongst Palestinians in current day Jerusalem, and at conflict resolution methods available for this population. In setting out these complexities, the focus of the thesis will revolve around the following objectives:

- 1- Examining main political, legal and social factors that have affected EJ briefly since WWI and more thoroughly since WWII.
- 2- Determining the extent of the problem, types and forms of prevailing conflicts and whether the political and legal factors have created a context where conflict prevention and resolution are increasingly difficult for Palestinians.

- 3- Describing most common conflict prevention and resolution methods available and Palestinian awareness of them.
- 4- Offering recommendations for further research and action towards effective conflict resolution.

The thesis question is therefore formulated as “*how do Conflict Resolution methods help in solving conflicts and preventing escalations of conflicts amongst Palestinians in Jerusalem?*”, and the thesis seeks to answer this and the following questions in its conclusion:

- 1- What are the types, drivers and triggers of inter-communal conflict in EJ?
- 2- What are the conflict resolution methods available, and what is their effectiveness?
- 3- Between traditional and non-traditional conflict resolution methods, what methods do Palestinian Jerusalemites trust and resort to the most?
- 4- Do available conflict resolution methods contribute to conflict prevention in addition to resolution? How do they do so?
- 5- Can any of the mechanisms be developed/improved in order to help Palestinians experience them more positively?

1.4 Limitations:

As expected, the thesis preparation faced certain limitations, some of which associated with any research preparation and data collection. None of the limitations were critical enough to the extent of halting or altering the thesis, therefore, only minor adjustments were made along the way. Main limitations were the following:

- 1- Time and resource constraints were identified from the onset and were indeed a challenge during preparation. These limitations remained throughout the thesis-writing, and have meant, for instance, that the thesis sample was kept small. Also, they have meant that less geographic locations are visited (e.g. less people from the southern areas of EJ were interviewed due to their remoteness from the researcher).
- 2- Sensitivity of the topic, and sometimes hesitance that people manifest when revealing or sharing information regarding conflicts that are either past or ongoing, in order not to be seen as stoking or making things worse. This was overcome by repeating the ethical standards of the thesis on confidentiality and not sharing personal details of interviewees without their consent (see next section on ethical standards). Although some interviewees flagged concern over revealing their identity, none of them asked to terminate the interview.
- 3- There also was the limited number of existing studies and researches that speak specifically about conflict in EJ. Bar for a few organisations that produced a handful of reports, awareness of the topic and documentation of past events and their impact on Jerusalem are few. To a certain extent, this could be compensated through following social media, news items, blogs, personal accounts of witnesses or victims etc.
- 4- Finally, the thesis proposal predicted that respondents of questionnaires and examples may be subjective and tend to emphasise their own side of the story only, which is understandable as conflicts are subjective and reflect the personal experience of the speaker. This was an acceptable variable given that the aim of

the thesis is to point to the existence of problems and the conflict resolution methods used to solve them, and there was no intention to point fingers or place blame.

1.5 Ethical principles:

The following ethical principles were set out in the thesis proposal and were observed during thesis preparation, worth repeating them here:

- Do-no-harm, making sure that no quote is attributed to any individual or organisation without their consent.
- Protection of privacy and confidentiality of respondents.
- Honesty, transparency and appropriate representation of primary findings.
- No offensive or discriminatory language is used.
- Information is attributed to original sources.
- Participants/respondents are invited to participate voluntarily.
- Objectivity in discussions and analysis is maintained through not expressing personal opinions or values by the interviewer.

1.6 Scope:

The current thesis covers inter-Palestinian disputes and conflicts in the city of Jerusalem during the period of 2016 to 2019⁶. Disputes and/ or conflict with the Israeli occupation forces and any of its subjects (e.g. settlers) are outside the scope of the thesis. There

⁶ This timeframe will be used as an indicator, however, stories and examples from previous years that might have influenced conflict in those years will also be used.

are a number of geographic complexities in Jerusalem by virtue of the Israeli occupation policies, they are worth setting out here, and explaining their impact on the thesis:

- 1- The thesis covers EJ, which consists of two parts, one which is annexed by Israel in 1967, and the second is the part falling outside the Israeli-defined municipal boundaries (blue line). Jerusalemites living in the annexed area are carrying the so-called “Jerusalem residency”, which is issued by Israel. More discussion of the Israeli occupation and the legal status of Palestinian residents of the city will be provided in Chapter 2, however, worth noting that the thesis geographic foci are annexed areas and mentions the non-annexed regions only when they have something to do with annexed regions.
- 2- For the sake of clarification, annexed areas within the scope of this thesis include the following neighbourhoods: Al-Isawiya, Al-Quds (Old City), Ash-Shayyah, As-Sawahira Al-Gharbiya, As-Suwwana, At-Tur, Ath-Thuri, Bab As-Sahira, Beit Hanina, Beit Safafa, Jabal Al-Mukabbir, Kufr A’qab, Ras Al-Amud, Sharafat, Sheikh Jarrah, Shu’fat, Shu’fat Refugee Camp, Silwan, Sur Baher, Umm Tuba, Wadi Al-Joz⁷.
- 3- An extra layer of complication is added because Israel built the “Wall” or “fence” or “Separation Barrier”⁸ in Jerusalem, which does not necessarily follow the municipal borders of EJ. Areas such as Kufr Aqab and Shufat Refugee camp have fallen

⁷ This list is pulled from the page of the Palestinian Authority’s (PA) page of the Jerusalem Governorate, which is located in the town of Al-Ram, which is outside the Israeli municipal boundaries of Jerusalem. More information can be viewed here Archive, “The Administrative Divisions of Governorates,” December 22, 2005, https://web.archive.org/web/20051222172714/http://www.pnic.gov.ps/english/geography/Residential_%20jerusalem.html.

⁸ Further explanation on the Israeli-built separation wall or barrier will be provided in Chapter 2

within the municipal borders since 1967, and are therefore EJ neighbourhoods, yet, they are currently outside the Israeli-built wall. They are therefore within the annexed EJ, yet physically separated from the rest of the city by the “Wall” and by Israeli roadblocks (military checkpoints). Qalandia Checkpoint separates Kufr Aqab from the rest of Jerusalem, and Shufat Refugee Camp Checkpoint isolates Shufat Refugee Camp from the rest of the city. Both these areas received mention in primary research due to risks associated with their physical separation and will be frequently revisited throughout the thesis.

- 4- Non-annexed areas are typically separated from the annexed areas by the Israeli-built wall (barrier) and by Israeli military checkpoints, are not within the scope of this thesis. These neighbourhoods include: Abu Dis, Al Izariyeh, Al Jib, Al Judeira, Al Qubeiba, Al Sawahira Al Sharqiya, Anata, Nabi Samwil, Ash-Sheikh Sa’d, Az-Za’eem, Beit Anan, Beit Hanina al Balad, Beit Ijza, Beit Iksa, Beit Surik, Biddu, Beit Duqqu, Bir Nabala, Dahiat Al-Bareed, Hizma, Jaba’, Khirbet Umm Al-Lahem, Mikhmas, Qalandia village, Qalandia Refugee Camp, Qatanna, Rafat, Bedouin communities such as Khan al-Ahmar, Jaba’ and Arab al-Jahalin⁹. These areas were historically and organically a part of Jerusalem, and East Jerusalemites still view them as such, but they are isolated from the city and accessed only with difficulty.

⁹ Archive, “The Administrative Divisions of Governorates.”

1.7 Methodology

The current thesis offers a qualitative research utilizing the following distinct data collection methods:

1.7.1 Desk and library-based research

An abundance of news items, social media posts, newspaper and other traditional media articles and reports, blogs etc speaking about civil conflict and peace, and personal experiences and points of views of Palestinian contributors exist and were reviewed. Existing studies and articles are cited where possible in the thesis, however, primary sources are seen as reliable and capable to reflect the issues addressed in this thesis (see description in Community Interviews section below).

1.7.2 Community Interviews

These aimed to measure perceptions and awareness of Palestinians vis-à-vis conflict and conflict resolution measures, the following took place:

- 1- Interviewing a random sample of 37 persons. In the thesis plan, a random sample of 35-40 people were slated for interviewing, the actual number of interviewees is within this target. The number was calculated based on statistical experiments which tell us that, quantitatively speaking, and in order to achieve a 95% confidence level in the results of the survey, a sample of 384 people is needed (based on an online sample calculator, and the knowledge that adult population of

EJ (over 18) is 150,000 people¹⁰. Given that the thesis is much smaller in scope, 10% of that is proposed (thus the 35-40 persons sample)

- 2- Selection of interviewees is through “Simple Random Sampling” which is a basic sampling technique where a group of persons (sample) is selected from a larger group. Each individual is chosen entirely by chance and each member of the population has an equal chance of being included¹¹.
- 3- Variables such as age, gender and place of dwelling were recorded during the interviewing phase, however, they have no significant bearing on the result of the survey particularly that the aims of the thesis are to provide a general measurement rather than statistical significance. Further scrutiny of responses and their relationship to age, gender and place of dwelling will be recommended for further future research, but not possible to perform in this one.
- 4- Despite that variables mentioned above have no bearing on the results of the thesis, it is worth mentioning that more men than women are represented in the sample, that the majority of respondents fall within the ages 41-50 and live in the central to northern regions of EJ, making the south as less represented.

1.7.3 Civil Society Interviews

Three civil society organisations were selected for document review and interviewing of key-informants. These were chosen based on their history, reputation, the number of times they were quoted or referred to by other respondents and how much of their work

¹⁰ The information is pulled from this website regarding statistical samples Qualtrics, “Sample Size Calculator [Use in 60 Seconds] | Qualtrics,” accessed March 3, 2020, <https://www.qualtrics.com/blog/calculating-sample-size/>.

¹¹ The definition is based on this website Questionpro, “Simple Random Sampling: Definition and Examples,” *QuestionPro* (blog), March 14, 2018, <https://www.questionpro.com/blog/simple-random-sampling/>.

was apparent in preparation and pre-thesis phases. These organisations are ACT: Alternative Dispute Resolution and Studies¹², Wi'am: The Palestinian Dispute Resolution Centre¹³, and the Middle East Non-Violence and Democracy Centre, MEND¹⁴.

In addition to the three civil society actors selected for purposes of this thesis, one “man of reconciliation”- MoR- and one school-headmaster are interviewed in order to add their views and insights into wider civil society type of work, and in order to understand more fully concepts of *Sulha* in the case of the former, and of conflict prevention through the education process in the case of the latter.

1.7.4 Examples of conflicts:

Four examples are included aiming to illustrate further the types and scale conflict can take in EJ through real and lived experiences. The purpose of these examples is to demonstrate the level and extent conflicts can take, and the peculiarity of EJ within them. The examples were reached through various methods such as referral by NGOs, identification by primary sources and key informants and identification through media reports. Confidentiality is observed throughout (see section on thesis ethics). The four examples include one marital dispute, one property dispute, one commercial dispute and one dispute where violence was used and resulted in bodily harm. As expected, examples have provided helpful tools for analysis (comparing against theoretic

¹² Also known ACT for Alternative Dispute Resolution and Studies http://actadr.ps/En/?page_id=65

¹³ Wi'am, “Wi'am.”

¹⁴ “Middle East Nonviolence and Democracy | MEND | Jerusalem,” mendonline, accessed March 7, 2020, <https://www.mendonline.org>.

framework) and for shaping recommendations. The examples are predominantly used in Chapter 2 where the extent of the problem is described.

1.8 Theoretical Framework

In order to shape the theoretical framework, providing some definitions is helpful. Some dictionary definitions provide the following on conflict:

*It is serious disagreement and argument about something important*¹⁵

The dictionary definition of dispute is as follows:

*dispute is an argument or disagreement between people or groups*¹⁶

Conflict resolution is defined as

*the informal or formal process that two or more parties use to find a peaceful solution to their dispute*¹⁷.

An overview of theories on conflict and conflict resolution provides that conflict is seen as normal, inevitable and even as good by scholars. Conflicts are ideally addressed at early stages when they are relatively small and easier to solve¹⁸. However, problems can arise when conflicts become protracted and causing stress and tension¹⁹. This is where conflict theorists think that the benefits of conflict cease; conflicts risk stopping being a way to

¹⁵ “Conflict Definition and Meaning | Collins English Dictionary,” accessed March 3, 2020, <https://www.collinsdictionary.com/dictionary/english/conflict>.

¹⁶ “Dispute Definition and Meaning | Collins English Dictionary,” accessed March 3, 2020, <https://www.collinsdictionary.com/dictionary/english/dispute>.

¹⁷ Harvard School, “What Is Conflict Resolution, and How Does It Work?,” *PON - Program on Negotiation at Harvard Law School* (blog), October 14, 2019, <https://www.pon.harvard.edu/daily/conflict-resolution/what-is-conflict-resolution-and-how-does-it-work/>.

¹⁸ James Ferrell, “Resolving the Heart of Conflict,” n.d., 2.

¹⁹ “Amazon.Com: Organizational Behavior :Stephen P. Robbins EBook: Stephen P. Robbins, Timothy A. Judge: Kindle Store,” accessed March 3, 2020, <https://www.amazon.com/Organizational-Behavior-Stephen-P-Robbins-ebook/dp/B0175502W8>.

challenge systems and help people and organisations grow, they become a burden. It is therefore the management of, and response to conflict that makes a difference between a good and a bad conflict²⁰.

In the thesis, the term “conflict” is used to cover wide-range and far-reaching disagreements between parties and groups, while the terms “dispute” and “disputes” are used to annotate small-scale disagreements that affect a small number of individuals.

In shedding light on what conflict and peace mean in Arab and Middle Eastern settings, Salem argues that the notion of “civil peace” is almost exclusively an Arab notion, coined in the region due to absence of democracy, and as an interim substitute to genuine and active citizenship, as Arab societies moved from tribal, clan-based systems to statehood²¹. Pursuit of civil peace might be a double-edged weapon: on the one hand, civil peace might narrowly signal the lack or absence of conflict and this in and by itself can become a goal in certain societies. On the other hand, civil peace, while good, is not supposed be the endgame, rather it is a leverage for society to move towards active citizenship and full participation, and this is where Arab societies struggle with their ruling powers, according to Salem²².

Although the Arab region is grappling with issues of citizenship, participation and identity, some of which have led to tragic armed conflicts, such as in Syria and Iraq, Palestine has

²⁰ “Amazon.Com: Organizational Behavior :Stephen P. Robbins EBook: Stephen P. Robbins, Timothy A. Judge: Kindle Store.”

²¹ Walid Salem, “Al muwatana wal silm al ahli fil quds ash sharqiyya. Al ishkaliyyat wal imkaniyyat fi thil al ihtilal wa ghiyab al dawla wa wake’ al lujou’ wal tasharthom,” February 2018, 13, <http://actadr.ps/wp-content/uploads/2018>.

²² Salem, 14.

the specific situation of falling under the Israeli occupation²³. Israel's invasion of Palestinian space has created a "geography of disaster", whose primary aim is to prevent organization and resistance, but it has also prevented people- Palestinians- from

*working, producing, selling, buying, healing and being healed, socializing, being intimate and friendly. The authorities (Israel) in this case are not trying to restore order, rather, they are producers of chaos.*²⁴

This state of daily struggle, negotiating military checkpoints, navigating Israeli racist and discriminatory policies in housing and building, facing house demolition and insecurity, suffering from unemployment and overcrowdedness, casts a heavy shadow on Jerusalemites. So much so that an interesting description is given by psychologist Yoad Ghanadrah who described living under the Israeli occupation as being in a constant "reptile mode"²⁵. This happens when a person or group of people focus on survival and are reactive rather than proactive. "Reptile mode" is only resorted to by humans in the case of shock and trauma²⁶, yet for Jerusalemites, they are continuously in this state, which leaves them with two choices, either fight and resist their oppressor, or "turn inwards" in order to release frustration²⁷. EJ is almost in a situation comparative to the Gaza Strip in terms of loss of safety for Palestinians, given that the Gaza Strip is under an Israeli tight siege since 2007, and is under Israeli shelling and bombardment, while EJ is not²⁸. According to an opinion poll published in 2017, 81% of Palestinian Jerusalemites

²³ Salem, 22.

²⁴ Ariel Handel, "Where, Where to, and When in the Occupied Territories: An Introduction to Geography of Disaster," n.d., 194, file:///C:/Users/BTS1/Downloads/Where_Where_to_and_When_in_the_Occupied.pdf.

²⁵ Yoad Ghanadrah, "Diplomatic Briefing 8 June 2018" (Diplomatic Briefing, Dip Briefing- 51 years of Israeli occupation, Jerusalem, Yabous Center, June 8, 2018).

²⁶ Jamie Marich, "Reptilian Brain of Survival and Mammalian Brain," n.d., <https://www.gracepointwellness.org/109-post-traumatic-stress-disorder/article/55760-reptilian-brain-of-survival-and-mammalian-brain>.

²⁷ Salem, "Jerusalem civil peace," 31.

²⁸ Yoad Ghanadrah, "Dip Briefing."

said that they do not feel safe, while 68% said they have been delayed at Israeli checkpoints and 52% said they are scared of the possibility of displacement and house demolition²⁹.

In examining programmes and services offered by civil society such as non-governmental organisations visited in this thesis, and traditional leaders exemplified by MoRs, awareness of “social intervention theories” can help examine what can be done at both institutional and informal levels. Social intervention theories offer a spectrum of possibilities to intervene in society on the cognitive, psychological, policy and other levels³⁰, most importantly, they help us in

“addressing the question of when it is desirable not to intervene and when it is appropriate to do so. It also examines the effectiveness of different types of intervention.”³¹

As part of the theoretic framework, “Social Intervention” is referenced in the analysis and conclusions as the researcher makes an assessment on the impact of interventions on conflict and peacefulness in EJ.

Given the above and more that will be described in Chapter two, EJ is almost a microcosm of its own. It is a city where people live under occupation and a harsh political reality that aims at removing them, and East Jerusalemites still have their own internal conflicts and need help in solving them. It is hoped that solutions are still possible, even if they are

²⁹ “man bihaja lilamn,” Survey (Ramallah: Palestinian centre for policy and survey research, August 2017), <http://www.pcpsr.org/sites/default/files/Security%20in%20B%20and%20C%20Final%20Report%20August%2016%20Arabic.pdf>.

³⁰ Chris Argyris, *Intervention Theory and Method: Behavioral Science View* (Reading, Mass: Addison Wesley Longman Publishing Co, 1971).

³¹ Argyris.

harder to achieve than in other settings. The nature and availability of this help, and obstacles to receiving it, is what the following chapters will address.

1.9 Thesis Structure

Chapter one of the thesis provides a general introduction, including definitions of conflict, disputes, peace, stability and conflict resolution. It sets out the aims, theoretic framework, questions, methodology, limitations and ethics of this thesis, as agreed with thesis supervisors.

Chapter 2 starts with a historic background and factors affecting Palestine and Jerusalem, mainly since World War II (WWII). It moves on to describe how EJ evolved into a city on its own since 1948 and separated from West Jerusalem (WJ). It then describes the onset of the Israeli occupation in 1967 and the serious geographic, demographic and legal changes that took place since then. It talks about the city in the period following the Oslo Agreement until this day, and how dealing with and approaching the Israeli authorities is problematic. Chapter 2 argues that these are important factors that define what it means to be a Palestinian living in EJ today and understanding them is relevant to presentation of solutions that takes place in the following chapter.

Chapter 3 examines solutions that are possible and available when Palestinians are faced and challenged with inter-communal conflict. The dilemma facing society as it either finds elements of resilience from within (family, existing institutions that predate 1967, Palestinian civil society and tribal law), or is faced with the choice that the Israeli authorities are the best option for solving conflict since they not only can issue verdicts, but enforce them too. This begs the question as to whether rejecting Israeli interference

as a principled position still holds, or whether that is eroding for Palestinians. In between these themes are the concepts of mediation and arbitration which are taking shape in EJ through civil society organizations where trainings and other interventions are given. It is argued that mediation and negotiation are subconsciously a part of daily life, however, they can be formalized and taken to a step further if families, schools, workplaces etc. learn more about their principles and start implementing them.

The final section presents findings, conclusions and recommendations for further research that aim at enhancing conflict prevention and resolution in Jerusalem. This is followed by the annexes section.

Chapter 2- Extent of the Problem

2.1 Introduction

This chapter will present the extent of the problem from two broad aspects: firstly, through offering a historic perspective tracking some of the origins of political turmoil and unrest that have been a hallmark of Palestinian life in EJ, briefly from the beginning of the 20th century, then in more detail from 1948 onwards. The second is through reflecting on current day Jerusalem through experiences, perspectives and opinions on violence and peacefulness as lived and seen by members of the community. The current chapter therefore helps in explaining some of the overarching and underlying causes of conflict and how these are manifested in everyday lives of Palestinians in EJ.

2.2 Jerusalem as the focus of historic strife and current East Jerusalem politics

Palestine, as the rest of the region of Western Asia, was part of the Ottoman Empire until the British occupation started on 9 December 1917, where direct European rule started, as opposed to previous European interference³². European powers gained privileges already in the 19th century, which was accompanied by a noted rise in number of Jewish immigrants during that time³³.

Parallel to political changes affecting Palestine, the *Zionist movement* was rising in Europe. The Zionist movement, more commonly known as Zionism, is the

³² Michael Hudson, "The Transformation of Jerusalem, Chapter IX," in *Jerusalem in History*, ed. Kamel Asali (Scorpion Publishing LTD, n.d.), 245.

³³ Hudson, 245.

Jewish nationalist movement that has as its goal the creation and support of a Jewish national state in Palestine³⁴. Zionist ideals were greatly helped by British policies at those times using Britain's position as a world superpower. So much so that Britain's Foreign Minister has, on 2 November 1917, issued the "*Balfour Declaration*" which starts as follows:

*His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object.*³⁵

This was an early declaration by the British of their willingness to advance the Zionist project, and the British have indeed acted in the spirit of the Declaration from then on, accelerating Jewish immigration and settlement in Palestine. This was at odds with Palestinian aspirations for statehood and independence³⁶, and became at the root cause of continued protests and rebellions by Palestinians for decades to come³⁷.

From 1917 to July 1920, Palestine and Jerusalem were under British military administration (the Occupied Enemy Territories Administration), this then changed into the "Mandatory Government of Palestine"³⁸. Palestinian unease with what seemed to be a convergence of British occupation with Jewish immigration heightened, causing several deadly demonstrations, such as the "Wailing Wall Violence" in 1929³⁹, and the civil

³⁴Britannica, "Zionism | Definition, History, Examples, & Facts | Britannica," accessed December 14, 2019, <https://www.britannica.com/topic/Zionism>.

³⁵ https://encyclopedia.1914-1918-online.net/article/balfour_declaration

³⁶ Michael Hudson, Chapter IX T. Pulcini, "K. J. ASALI, Ed., Jerusalem in History," *MIDDLE EAST STUDIES ASSOCIATION BULLETIN* 35 (2001): 245.

³⁷ Hudson, "The Transformation of Jerusalem, Chapter IX," 245.

³⁸ This is known as the British Command Paper 1785 of December 1922, containing the Mandate for Palestine and Trans Jordan Memorandum and ratified in 1923 by the *League of Nations* or *LN*. <https://www.mtholyoke.edu/acad/intrel/britman.htm> LN was the first worldwide intergovernmental organization with the mission to maintain world peace.

³⁹ Shaw report, *English: Report of the Commission on the Palestine Disturbances of August 1929*, March 1930, March 1930, Shaw report,

disobedience and rebellion in 1937-1938⁴⁰. Those years also witnessed Jewish terrorism on the hands of the Irgun Zvai Leumi responsible for bombings beginning 1937 until the outbreak of World War II in 1939⁴¹.

In 1939, the Jews rejected British attempts at limiting Jewish immigration to Palestine and carried out attacks against British targets and Palestinian civilians. WWII erupted in 1939 and the following years coincided with the Holocaust that brought pressure for increased Jewish immigration to Palestine⁴².

2.3 1948 War

By the end of WWII, the British reverted the Palestine question to the United Nations to resolve it⁴³, and on 15 May 1948, declared that the British Mandate over Palestine is ended⁴⁴. Meanwhile, The United Nations' Special Committee on Palestine (UNSCOP) recommended a "partition plan", which the United Nations General Assembly endorsed on 29 November 1947⁴⁵. The partition plan suggested the creation of two states: one

https://commons.wikimedia.org/w/index.php?title=File:Report_of_the_Commission_on_the_Palestine_Disturbances_of_August_1929_cmd_3530.djvu The Shaw Commission, formed by the British, to report on reasons behind the violence provided this report where it also says that the violence is a result of a Jewish demonstration on 15 August 1929, Palestinian reactions started on 23 August of the same year. .

⁴⁰ Hudson, "The Transformation of Jerusalem, Chapter IX.", 254

⁴¹ Michael Hudson, page 256

⁴² Internet Archive, "Termination of the Mandate" (His Majesty's Stationery Office, May 15, 1948),

<https://ia600303.us.archive.org/2/items/PalestineTerminationOfTheMandate15thMay1948/palestine.pdf>.

⁴³ Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949*, Reprint. edition (Cambridge: Cambridge University Press, 1989), 6.

⁴⁴ Internet Archive, "Mandate Termination."

⁴⁵ The General Assembly met at the request of the mandatory power (Britain) and voted for the RESOLUTION ADOPTED ON THE REPORT OF THE AD HOC COMMITTEE ON 'THE PALESTINIAN QUESTION' can be found in this link

[https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/181\(II\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/181(II)) . There are reports that Zionist groups exerted pressure for this plan to be endorsed, through lobbying the US. The US pressured smaller states to either refrain or vote in favour. The US also threatened to cut financial aid from other countries if they voted against. More on this can be reviewed in the book "A line in the sand: Britain, France and the Struggle that shaped the Middle East", James Barr

Palestinian and one Jewish, with Jerusalem and Bethlehem constituting a separate, neutral and internationally governed enclave, or *corpus separatum*. The Partition Plan says:

“The City of Jerusalem shall be established as a corpus separatum under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations”

On the last day of the Mandate on 14 May 1948, the creation of the State of Israel⁴⁶ was proclaimed and the 1948 Arab–Israeli War⁴⁷ (known by Israel as the War of Independence, and by Palestinians as the *Nakba*, which means ‘catastrophe’ in Arabic) began. On 3 December 1948, the then-Israeli Prime Minister, declared West Jerusalem as Israel’s capital while East Jerusalem fell under Jordanian rule⁴⁸. The portion of Jerusalem, currently known as EJ, became its own entity and is the territory being examined (see thesis scope in Chapter one).

2.3.1 Birth of Refugee Question

A second major consequence of the 1948 War, besides the birth of the State of Israel, is the emergence of the Palestinian refugee problem. Over 700,000 Palestinians, or half the-then total Palestinian population, were expelled or fled from the newly-founded Israel,

⁴⁶ The Declaration of the Establishment of the State of Israel, published in the Official Gazette, No. 1 of the 5th, Iyar, 5708 (14th May, 1948), https://www.knesset.gov.il/docs/eng/megilat_eng.htm

⁴⁷ According to historians, this war was fought in two phases, first took the form of a “civil war” between Arabs and Jews in Mandatory Palestine, the second phase escalated in March 1948 and culminated in the declaration of the State of Israel and Palestinians becoming stateless and refugees: Selected Documents on the 1948 Palestine War, Walid Khalidi Journal of Palestine Studies

Vol. 27, No. 3 (Spring, 1998), pp. 60-105. Also see Benny Morris 1948, Yale University Press, 2008, [ISBN 978-0-300-12696-9](https://www.yale.edu/yupress/book/9780300126969), p. 77

⁴⁸ H. Eugene Bovis, *The Jerusalem Question, 1917-1968* (Hoover Press, 1971), 72.

and took residence in the West Bank, Gaza Strip, neighbouring Lebanon, Syria and Jordan and other countries⁴⁹. Some 150,000 Palestinians remained in what became Israel's proper, later becoming known as "Israel's Arabs" or "Palestinian citizens of Israel"⁵⁰. According to the UN, there are currently over 5.6 million registered refugees who are descendants of Palestine's 1948 refugees⁵¹.

2.3.2 Refugees and refugee camps in Jerusalem

Jerusalem was affected by the war and by the influx of refugees. Firstly, the city was split between the Israeli-controlled West Jerusalem, and the Jordanian-controlled East Jerusalem. The overwhelming majority of Palestinians living in West Jerusalem, numbering 28,000, were expelled or evicted and came to settle in EJ⁵². This and inflow of refugees from other parts of Palestine resulted in the formation of two main refugee camps in the city: one was Shufat Refugee Camp which is now home to 12500 refugees⁵³. Secondly, Qalandia Refugee Camp, currently home to about 15,000 refugees and their descendants⁵⁴. Living situation and impact these two refugee camps have on peace and violence in EJ will be touched upon in this and next chapter as they are integral parts of the city, and Shufat Refugee Camp, is where many Jerusalemites call home⁵⁵.

⁴⁹ Benny Morris, *Righteous Victims* (Vintage Books, 2001), 252, http://archive.org/details/righteousvictims00morr_0.

⁵⁰ Benny Morris, 252.

⁵¹ http://www.unrwa.org/sites/default/files/unrwa_in_figures_2015.pdf

⁵² http://badil.org/phocadownload/Badil_docs/publications/Jerusalem1948-CHAP4.PDF

⁵³ UNRWA, "Shu'fat Camp," UNRWA, accessed April 16, 2020, <https://www.unrwa.org/where-we-work/west-bank/shufat-camp>.

⁵⁴ UNRWA, "Kalandia Refugee Camp" (UNRWA, March 2015), www.unrwa.org.

⁵⁵ The thesis will also explain that whereas Shufat Refugee Camp is part of EJ, it is separated from the city by the Israeli-built wall. Qalandia Refugee Camp, although part of Jerusalem and adjacent to what used to be the Jerusalem airport, is outside the municipal boundaries of the city, its land is Area C and its inhabitants holders of West Bank residency status.

2.4 The years 1948-1967

In January 1950 Israel declared West Jerusalem as its capital and went on to move government offices and institutions to the city (previously in Tel-Aviv). This aimed to push the international community to recognize the city as Israel's capital, however, most foreign embassies have remained in Tel-Aviv until this day⁵⁶.

After 1948, Arab Jerusalem or East Jerusalem (EJ), fell under Jordanian "custodianship", and has somewhat managed to recover from the trauma of the recent war⁵⁷. This rendered the city as a "pleasant place to live" and, given the historic and religious sites and distinct culture of its people, a special place to visit⁵⁸. Under the Jordanian, Hashemite rule, political weight was put in the city Amman, where all governmental offices were placed, while Jerusalem was a "second capital"- elevated to the status of *Amana*⁵⁹ or *Amanat Al Quds* which means the "Trusteeship of Jerusalem". Religious weight and importance remained in EJ by virtue of the city housing prestigious religious sites. Administration of religious sites, *Sharia courts*⁶⁰ and the *Waqf*⁶¹ system remained in the hands of Palestinian Jerusalemites and could not possibly be transferred to Amman, simply due to their proximity to holy sites. Jordanians have therefore not been able to

⁵⁶ Michael Dumper, *The Politics of Jerusalem Since 1967* (Columbia University Press, 1997), 36.

⁵⁷ Keeping in mind that Jerusalem was split in two in the aftermath of war and had to house refugees from WJ and other parts of the country.

⁵⁸ Michael Hudson, Chapter IX, Scorpion, "K. J. ASALI, Ed., Jerusalem in History," 265.

⁵⁹ This was done in 1953, mainly as a reaction of Israel moving government offices to West Jerusalem and forcing foreign diplomats to present their credentials in West Jerusalem rather than Tel-Aviv. *Amana* is the equivalent of municipality, however, decision-making remained largely in Jordan's capital, Amman.

⁶⁰ Sharia courts are Islamic courts that implement Islamic law based on precepts of the Quran, Hadith and scholarly interpretations of holy scripts, particularly in cases of marriage, divorce, child custody and inheritance.

⁶¹ Waqf is charitable endowment of property, such as a building or land, for charitable purposes with no intention of reclaiming these assets.

secure full control over Islamic holy sites, which might help explain why, nowadays, Israeli attempts to acquire sovereignty over these sites are also unreasonable and unworkable⁶².

2.5 The War of 1967

The relative calm and institution-building which started in EJ was again interrupted in June 1967 as Israeli military forces occupied the eastern part of the city by means of another war⁶³. Israel immediately passed legislation incorporating the eastern part of the city into Israel⁶⁴, and did not refer to the city as 'occupied' or 'annexed'. However, this was not commensurate with the stance of the international community:

Israeli legislation avoided the term “annexation”, however, semantic ambiguity did not obscure the fact of annexation⁶⁵

On 4 July, the United Nations General Assembly (UNGA) passed a resolution declaring Israel's measures in Jerusalem as *invalid*. When Israel ignored this resolution, UNGA passed another resolution asking Israel to “refrain from taking any measures changing the status of Jerusalem”. In November the United Nations Security Council (UNSC) issued resolution 242 which became “a cornerstone of Middle East diplomatic efforts”⁶⁶, this resolution emphasized the inadmissibility of conquering land through war and called on Israeli troops to withdraw from territories occupied during the conflict.

⁶² Dumper, *The Politics of Jerusalem Since 1967*, 33 & 34.

⁶³ Bovis, *The Jerusalem Question, 1917-1968*, 102.

⁶⁴ Dumper, *The Politics of Jerusalem Since 1967*, 38.

⁶⁵ Dumper, 38.

⁶⁶ “UN Security Council Resolution 242,” accessed January 19, 2020, <https://mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/un%20security%20council%20resolution%20242.aspx>.

UN Resolutions and Palestinian claims remain to this day very much rooted in international law provisions, most notably the Laws and Customs of War on Land known as the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949 (GCIV) Relative to the Protection of Civilian Persons in Time of War.

Israel ignored international law and continued unabated. Shortly upon occupying the West Bank and the Gaza Strip, it annexed some 70,000 dunams [1 dunam = 1,000 sq. meters] of West Bank land to the municipal boundaries of Jerusalem. Also, Israel went ahead to apply Israeli law on the now expansive EJ, in breach of international law. The annexed land, encompassing Jerusalem's boundaries under Jordanian rule (about 6,000 dunams), in addition to additional swathes of land (64,000 more dunams), greatly exceeded the size of Jerusalem as it was known till then⁶⁷.

2.6 Occupation, expansion and annexation of Jerusalem

The back and forth between Israel and the international community continued with regards to its occupation of the West Bank and Gaza, including EJ. Israel's conduct in Jerusalem continued to be a source of worry and condemnation. In 1980, the UNSC passed a resolution declaring that Israel's measures in the city "have no legal validity"⁶⁸. Israeli responded through passing a "basic law" proclaiming all Jerusalem (East and

⁶⁷ B'Tselem, "East Jerusalem," NGO website, B'Tselem, January 23, 2019, <https://www.btselem.org/jerusalem>.

⁶⁸ United Nations, "Security Council Resolution 465 - UNSCR," accessed January 18, 2020, <http://unscr.com/en/resolutions/465>.

West) as capital of Israel⁶⁹. The basic law almost sealed the deal when it comes to EJ from Israel's perspective, providing, amongst other things, the following:

*Jerusalem, complete and united, is the capital of Israel*⁷⁰.

*Jerusalem is the seat of the President of the State, the Knesset, the Government and the Supreme Court*⁷¹.

The basic law goes on to incorporate provisions that are harder to change except through a Knesset (Parliament) majority, making future changes significantly harder. Such provisions include any "transfer of Jerusalem territory to a foreign body", interpreted in this case to also include the Palestinians⁷².

In the following decades, Israel went into what was described as "a frenzy of construction" in the Palestinian parts of the city that it conquered in 1967⁷³. It became apparent that Israel's tactic is to acquire maximum amounts of land with minimum numbers of Palestinians⁷⁴.

Contrary to international law resolutions of the UNGA and UNSC, Israel did not see itself as an occupying power in EJ. While the Israeli government put plans to achieve complete sovereignty over a "united Jerusalem", the Israeli Knesset amended the Law and Administration Ordinance of 1948 adding to it the following declaration:

⁶⁹ Hudson Chapter IX. The date of this announcement by Israel is 30 July 1980, Scorpion, "K. J. ASALI, Ed., Jerusalem in History," 272.

⁷⁰ "Basic Law - Jerusalem Capital of Israel - English Text," accessed April 13, 2020, https://ecf.org.il/media_items/462.

⁷¹ "Basic Law - Jerusalem Capital of Israel - English Text."

⁷² "Basic Law - Jerusalem Capital of Israel - English Text."

⁷³ David Hirst, "Rush to Annexation: Israel in Jerusalem," *Journal of Palestine Studies* 3, no. 4 (July 1, 1974): 29, <https://doi.org/10.2307/2535448>.

⁷⁴ Interview with (Israeli) city architect, David Kroyanker, Glenn Frankel, "GOLDEN JERUSALEM THE GRAND PRIZE," *Washington Post*, June 2, 1987, <https://www.washingtonpost.com/archive/politics/1987/06/02/golden-jerusalem-the-grand-prize/9c0b0b76-e08a-459b-8e93-c42600b4a824/>.

law, jurisdiction and administration of the State of Israel government shall extend to any area of 'Eretz Israel'⁷⁵ it so orders.⁷⁶

This annexation made it possible for Israel to extend Israeli law to cover all parts of Jerusalem, East and West, giving Jerusalem a different status than the rest of the Occupied Territories⁷⁷. As Israel did not consider itself an occupying authority, this became evident on 28 June 1967 (same month as the war), when the Knesset amended the law of 1950 proclaiming Jerusalem as Israel's capital and reflecting the newly expanded municipal borders⁷⁸.

2.7 Application of Israeli law in EJ

Another step taken by Israel towards full annexation of Jerusalem's territory is the dissolution of the existing Palestinian-owned "Jerusalem Municipal Council" or the *Amanat Al Quds*. Israel were quick to terminate the services of the then-Palestinian mayor, Mr. Rawhi Al Khatib, in June 1967 and in March 1968, they deported him to Jordan without any prior notice, under the pretext that he is dangerous to Israel⁷⁹.

This deportation and many that followed were only the beginning of a flow of continuous Israeli contraventions of the GCIV against Palestinian civilians. For instance, Article 4 of the GCIV helps in identifying Palestinians living in EJ and in remaining areas of the

⁷⁵ Land of Israel in Hebrew

⁷⁶ The Labour Government under Prime Minister Levy Eshkol requested this amendment and the Israeli Parliament, the Knesset adopted it. "13 Law and Administration Ordinance -Amendment No 11- Law," accessed February 10, 2020,

<https://mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/13%20law%20and%20administration%20ordnance%20-amendment%20no.aspx> This is section 11B of the "Jerusalem and Holy Places" Clause of the Ordinance.

⁷⁷ "40 Years Of Israeli Occupation," accessed February 10, 2020, <https://www.arij.org/atlas40/chapter1.5.html>.

⁷⁸ https://knesset.gov.il/review/data/eng/law/kns6_holy_eng.pdf

⁷⁹ "40 Years Of Israeli Occupation."

Occupied Palestinian Territory (OPT⁸⁰) as *protected persons* and gives certain provision towards their protection. In this case, definition of protected persons is:

“Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.”

In its Article 49, GCIV prohibits the individual and mass deportation of protected persons, it also prohibits the transfer into occupied territory of the Occupying Power’s civilian population. This article states:

“Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.”

and

“The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

Israel went ahead with its violations, deporting and expelling Palestinians under different pretexts⁸¹ on one hand, and transferring its own population in order to live in newly-established Jewish settlements⁸² on the other.

⁸⁰ In this thesis, the term OPT will be used to signify EJ, the West Bank and the Gaza Strip.

⁸¹ “Palestine, occupation and deportation policy,” *NenaNews* (blog), December 8, 2014, <https://nena-news.it/palestine-occupation-and-deportation-policy/>.

⁸² In 2019, the number of Jewish Israeli settlers in the West Bank has reached 400,000, and in East Jerusalem 350,000

2.8 Palestinian Jerusalemites reaction to annexation

Palestinian Jerusalemites continued to refuse the annexation of their city and their stance was in line with that of international declarations. Palestinian municipal members rejected the asks of the Israeli military regime to join the Israeli Municipality, and their response was the following:

Joining the municipal Council of Jerusalem that Israel was asking for would be considered an official recognition of the Palestinian approval of the Law of Annexation of East Jerusalem under the Israeli sovereignty at a time the Palestinians never agreed nor acknowledged this law as a reality⁸³

2.9 Military orders in the West Bank and Israeli law in EJ

In the very early days of the occupation on 7 June, Israel were quick to issue “proclamation number 2”, which for Palestinians was no more than a military order, declaring that the Israeli military commander shall assume all governance, legislation and administration duties, and will be responsible for the appointment of persons who will act on his behalf. More specifically, the order read as follows:

3. (A) All authority of government, legislation, appointment and administration pertaining to the region or its residents will now be exclusively in my hands and will be exercised only by me or by any person appointed therefore by me or acting on my behalf.

(B) Without detracting from the generality of the aforementioned, it is hereby determined that any obligation to consult, receive authorization, etc. that is stipulated in any law as a prerequisite for legislation or appointment, or as a condition for granting validity to legislation or to an appointment – is hereby void⁸⁴.

Although EJ is not covered under this military order, Jerusalemite lawyers were still part of the Palestinian Bar Association who represented cases in what became the West Bank.

⁸³ “40 Years Of Israeli Occupation.”

⁸⁴ “Proclamation No. 2 Proclamation Regarding Regulation of Administration and Law,” accessed February 17, 2020, <http://nolegalfrontiers.org/military-orders/mil039ed2.html?lang=en>.

Likewise, lawyers from the West Bank advocated cases in EJ as the entire population were Jordanian residents. The military order above brought this to a halt and was part of a series of Israeli measures of separating EJ from the rest of the West Bank and drawing a distinction between the two as separate territories: one subject to Israeli law (EJ)⁸⁵ and the other subjected to a military regime⁸⁶.

2.10 Jerusalemite lawyers are part of the Palestinian Bar Association

Given that military order number one was about declaring “the West Bank and Gaza closed military areas”⁸⁷, and order number two was about putting rights and duties of Palestinians in the hand of the army commander, Palestinians continued to protest these moves whose effect would be fortifying the occupation, altering the laws of the land and compromising Palestinian rights. In order to underscore their refusal of Israel’s annexation of EJ and imposition of Israeli law, members of the “Palestinian Bar Association⁸⁸” started a strike on 28 June 1967 and decided not to engage with Israeli courts⁸⁹. In contravention to international law which Palestinians believed to apply to their city, Israel issued a military order cancelling the existing “Supreme Court” in Jerusalem and turning it into a District Court⁹⁰. In fact, Israel seized possession of the Supreme

⁸⁵ “Basic Law - Jerusalem Capital of Israel - English Text.”

⁸⁶ Human Rights Watch | 350 Fifth Avenue, 34th Floor | New York, and NY 10118-3299 USA | t 1.212.290.4700, “‘Forget About Him, He’s Not Here’ | Israel’s Control of Palestinian Residency in the West Bank and Gaza,” Human Rights Watch, February 5, 2012, <https://www.hrw.org/report/2012/02/05/forget-about-him-hes-not-here/israels-control-palestinian-residency-west-bank-and>.

⁸⁷ “Chapter One,” accessed February 17, 2020, <http://www.pchrgaza.org/files/S&t/English/study6/Chapter%20One.html>.

⁸⁸ Although quoted sources refer to the lawyers’ association as the “Palestinian Bar Association” in their headline, the same sources use only “Bar Association” without reference to its territorial identity as either Palestinian or Jordanian. The Bar Association back then has unified practicing, qualified lawyers in both the West Bank and the East Bank. Gazan lawyers did not have an association and remained largely un-unionized for the entire duration.

⁸⁹ Abu Hannoud, “Palestinian Lawyers’ Syndicate.”, 31

⁹⁰ Abu Hannoud, 35.

Court building and started using it for its own purposes. As a rejection of these annexational steps which necessarily led to Israel's imposition of its own law (Israel civil law in EJ and military law in the West Bank) on territories it occupied by force, Palestinian barristers in Jerusalem and the West Bank took the stance of not engaging in what they saw as an unlawful, forcefully imposed legal regime⁹¹. Most lawyers declared that they will not represent cases in Israeli civilian or military courts as a way to pressure Israel to desist from the serious annexational steps of imposing its law⁹².

Besides being a Palestinian stance, the decision taken by Palestinian lawyers back then, and by the Palestinian Bar Association not to engage with the Israeli legal system, is also grounded in the GCIV article 54 of which states:

“The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.”

In response, Israel issued military order number 145 allowing Israeli lawyers to represent clients in the West Bank. As EJ was already annexed by then and Israeli law extended to it, the military order did not include it. The main outcome of this is therefore that *Palestinian* lawyers cannot practice their profession in EJ. Israel's pretext for taking these additionally unlawful steps was the lawyers' strike, however, lawyers in Gaza who were not involved in the strike were equally deprived of representing cases in Israeli-administered courts affecting their people⁹³.

⁹¹ Abu Hannoud, 36.

⁹² Abu Hannoud, “Palestinian Lawyers’ Syndicate.” 36.

⁹³ Abu Hannoud, 32.

Due to lack of Palestinian lawyers who are able to address courts run by the current authorities, the Palestinian society, including Jerusalem, were deprived of the possibility of having access to the law as an avenue to resolve conflicts. Lawyers did not have the possibility to contest against newly-issued unjust military orders, and these orders were not part of a constitutional or democratic process. Lawyers, such as those from Gaza or from the West Bank/EJ, who continued practicing their profession outside the guidance of the Bar Association, were persecuted and ill-treated by the Israeli authorities. Ill treatment included making them stand for hours outside courts waiting for their cases to be adjudicated, or having their offices raided and searched⁹⁴. In EJ, the stance was clear and upheld of refusing Israel's authority and not engaging with the Israeli legal system. The cumulative effect was a setback to the rule of law and diminished possibilities for Palestinians to dispute cases legally as they continued to see Israeli courts to be agencies of Israel's illegal and forced authority over their city. With time, this contributed to changed dynamics in the Palestinian society, seeking to fill the void created by the absence of lawyers and orderly courts, and leading to what is often described as a state of chaos and lawlessness in both Jerusalem and the West Bank.

2.11 Absentee Property Law

Another tool in the hands of the Israeli occupation that came as a result of annexing EJ and applying Israeli law was introducing the so-called "Absentees' Property Law"⁹⁵. This law applied in Israel since 1950 and facilitated the takeover of land and property left by

⁹⁴ Abu Hannoud, 35.

⁹⁵ Knesset, "Absentees' Property Law, 5710-1950," March 14, 1950, https://knesset.gov.il/review/data/eng/law/kns1_property_eng.pdf Translated from Hebrew.

Palestinian refugees of 1948 by the State of Israel. According to human rights organisations, the Absentees' Property Law is the main legal instrument in Israel's hands that enable it to take over lands and property of Palestinians and Islamic *Waqf*⁹⁶.

With EJ becoming a part of Israel, Palestinians found themselves losing land and property as a result of this law, and it became more threatening when they tried to use their property (e.g. upon trying to sell, build, renovate). Palestinians found themselves losing ownership as a result of this law, and therefore preferred to distance themselves from the Israeli system that applied it. This further exacerbated the lack of trust and reluctance of Palestinians to officiate their transactions through the Israeli establishment, nor would they resort to Israeli courts in cases of dispute⁹⁷.

2.12 Jerusalemites as residents but not citizens

Even though Israel extended the application of Israeli law to EJ, it did not give its citizenship to Palestinians who lived there before Israel's conquest, and continued to live there after the Israeli occupation and annexation of the city⁹⁸. Palestinians that remained in the city became "permanent residents" as Israel viewed their *land* as part of Israel but not them. *Ir Amim*, an organization that investigates issues of violation of Palestinian rights and neglect of Palestinian neighbourhoods in Jerusalem, say in their report on residency:

As far as Israel is concerned, (Palestinians) reside in the place of their birth by sufferance, not by right. Israel has built huge Israeli neighborhoods in East Jerusalem but left the Palestinian neighborhoods in wretched squalor. The systematic neglect of the Palestinian

⁹⁶ "Absentees' Property Law - Adalah," accessed March 8, 2020, <https://www.adalah.org/en/law/view/538>.

⁹⁷ Norwegian Refugee Council, "Absentee Property Law and Its Application to East Jerusalem," February 2017, https://www.nrc.no/globalassets/pdf/legal-opinions/absentee_law_memo.pdf.

⁹⁸ ACRI, "Association for Civil Rights in Israel (ACRI) - ArchiveCitizenship and Residency |," accessed April 18, 2020, <https://law.acri.org.il/en/category/east-jerusalem/citizenship-and-residency-east-jerusalem/>.

*population and the harassment of its public and civil institutions are the practical and inevitable manifestations of a "unification" which is actually a separation*⁹⁹.

For Israel, the higher aims of cementing its occupation and annexation, and subsequent land acquisition surpassed other considerations. Having the Palestinians sink in chaos was an acceptable price to pay as long as plans for grab and annexation of more land could go ahead unhindered. Results can clearly be seen in facts and figures produced by local and international organisations: Palestinian Jerusalemites are able to build on no more than 13% of land of EJ, and most of this area is already built up¹⁰⁰.

2.13 Heightening of the occupation and settlement enterprise

In the years leading up to the 1980s, the city has almost tripled in land size from its previous Jordanian boundaries and seven new Jewish settlements were built¹⁰¹. Israel enforced harsh, oppressive policies such as arrests, deportations and house demolitions all over the occupied territories. In EJ, Jewish settlements began to ring Arab areas and cut them off from each other, and from the occupied West Bank. Land confiscation and denial of building permits for Palestinian Jerusalemites were amongst a series of policies and practices that deepened Palestinian poverty, marginalization and loss of dignity. It was therefore not strange that when the first Palestinian uprising, or the *Intifada*, erupted in late 1987¹⁰², Jerusalemite Palestinians joined other Palestinians in the West Bank and Gaza in protesting their own oppression and living conditions. The Intifada was met

⁹⁹ <http://www.ir-amim.org.il/sites/default/files/permanent%20residency.pdf>, 6

¹⁰⁰ UNOCHA, "East Jerusalem: Key Humanitarian Concerns - OCHA Factsheet," *Question of Palestine* (blog), accessed April 18, 2020, <https://www.un.org/unispal/document/auto-insert-200882/>.

¹⁰¹ These include Ramot, Ramat Shlomo, Pisgat Ze'ev, Neve Ya'cov, French Hill, East Talpiot and Gilo

¹⁰² Joel Peters and David Newman, *The Routledge Handbook on the Israeli-Palestinian Conflict* (Routledge, 2013).

violently and disproportionately by Israel, killing 1500 Palestinians and arresting 120,000¹⁰³. The conclusion date of what we now know as the *first Intifada* is 1993, which is the signing of the Oslo Accords¹⁰⁴.

2.14 Oslo Accords

The main outcome of the Oslo Accords signed between Israel and the PLO in 1993 was establishing the PA, which enabled Israel to relinquish responsibility towards the Palestinian civilian population¹⁰⁵. In 1995, a subsequent *interim* accord termed “Oslo II” was reached, according to which, the West Bank divided into areas A, B and C¹⁰⁶. Checkpoints were erected within the West Bank to mark divisions of the areas, hugely affecting Palestinians’ freedom of movement and access, particularly to Jerusalem¹⁰⁷. Meanwhile, Israeli settlements grew, and the number of Israeli settlers in the West Bank today has reached 400,000, and in Jerusalem 350,000¹⁰⁸, creating new facts on the

¹⁰³ Middle East Monitor, “Remembering the First Intifada,” Middle East Monitor, December 9, 2017, <https://www.middleeastmonitor.com/20171209-remembering-the-first-intifada-2/>.

¹⁰⁴ Peters and Newman, *The Routledge Handbook on the Israeli-Palestinian Conflict*.

¹⁰⁵ Further questions and answers can be found in documents of the International Committee of the Red Cross (ICRC). It is a fair point to say that the Israeli occupation did not end with the signing of the Oslo Accords, Israel’s responsibilities as an occupying power did not end either “Occupation and International Humanitarian Law: Questions and Answers - ICRC,” 11:54:53.0, /eng/resources/documents/misc/634kfc.htm.

¹⁰⁶ “Declaration of Principles on Interim Self-Government Arrangements,” November 15, 2002, https://web.archive.org/web/20021115183950/http://knesset.gov.il/process/docs/oslo_eng.htm. The 1995 Oslo II Accord divided the West Bank into three types of areas. Concentrations of Palestinian population in built-up areas, which were – and still are – home to most of the Palestinian population in the West Bank, were designated Areas A and B and officially handed over to Palestinian Authority control. They are dotted throughout the West Bank in 165 disconnected ‘islands’. The remaining 61% of the West Bank were designated Area C “which is under full Israeli control

¹⁰⁷ Access to East Jerusalem is severely restricted by the Barrier, checkpoints and a permit system. UNOCHA, “West Bank: Movement and Access Update, September 2011 - OCHA Report (27 September 2011),” accessed January 19, 2020, <https://unispal.un.org/UNISPAL.NSF/0/8F5CBCD2F464B6B18525791800541DA6>.

¹⁰⁸ These almost-exclusively Jewish citizens of Israel live in 121 officially recognised settlements in the Palestinian West Bank and EJ. Israeli civilian law is extended to them, while military law applies to Palestinians living in the same area Ahuva Balofsky, “Jewish Population in Judea & Samaria Growing Significantly,” Breaking Israel News | Latest News. Biblical Perspective., January 5, 2015, <https://www.breakingisraelnews.com/26966/jewish-population-in-judea-and-samaria-growing-significantly/>.

ground. Discussion and negotiation over settlements, Jerusalem, refugees and water were postponed to “final status” talks, and these did not even start.

2.15 The second *Intifada*

The second *Intifada* broke out in 2000, mostly due to the failure of the Oslo agreement to bring peace, and the worsening conditions for Palestinians as a result of the deal. From the outset, Israel’s military response to the Palestinian Intifada was severe, and by the end of it in about 2004, 3000 Palestinians and 1000 Israelis have lost their lives¹⁰⁹. Israel began building the Wall (sometimes referred to as the “Separation Wall” and the “Barrier”), particularly around Jerusalem, further isolating the city from its Palestinian surroundings¹¹⁰. Advisory opinion of the International Court of Justice (ICJ) in 2004 found the Israeli Wall/Barrier to be illegal and reiterated the illegality of Israeli settlements¹¹¹.

According to Oslo, Jerusalem became a “final status issue”, negotiations on which were to begin “within three years of the interim period”. Contrary to the initial hopes generated by Oslo, Israel used the period of calm to further isolate Jerusalem from the rest of the West Bank and accelerate settlement building. In fact, a huge new settlement in

¹⁰⁹ “Second Intifada,” Text, Just Vision, accessed February 16, 2020, <https://www.justvision.org/glossary/second-intifada>.

¹¹⁰ The Barrier, and related restrictions, has resulted in an increasing fragmentation of territory, including the continuing isolation of East Jerusalem from the remainder of the oPt. Archive, “Wayback Machine,” September 12, 2016, 2, https://web.archive.org/web/20160912193655/http://www.ochaopt.org/documents/ocha_opt_barrier_update_july_2011_english.pdf.

¹¹¹ Archive, “Wayback Machine.”

Jerusalem known as “Abu Ghneim” in Arabic or “Har Homa” in Hebrew was advanced in 1996 as the world watched in awe¹¹².

2.16 Loss of the Orient House

Another hard blow dealt to Jerusalemite Palestinians was the closure of the Orient House, which served as the PLO headquarters in the city, providing political representation, and assuming significant economic, cultural and social leadership. The “Orient House” was closed on 11 August 2001 through an Israeli police raid to its premises which confiscated its belongings and ended its presence. Israel still refuses to this day to allow the reopening the Orient House, and in fact, similar clampdowns on other institutions that serve Palestinians in the city took place, such as the closure of the Palestinian Chamber of Commerce and Higher Council of Tourism¹¹³. Israel has thus prevented the continuation of Palestinian-owned entities that work to promote the economy, culture and social cohesion needed by the Palestinian population of the city¹¹⁴. This has led to more cracks in the Palestinian social and cultural existence to say the least, but also politically, this has meant that Palestinian identity in Jerusalem became at risk. Over the years, Jerusalemite feeling of loss of hope that their city will ever be rid of the occupation deepened, as well as their feeling of being abandoned by their own brethren (the PLO signing an agreement that postponed any discussion of Jerusalem did not help the case). Captured by a brutal enemy, then isolated and left to their own means as they became

¹¹² “ISR”L SHOULD RESCIND DECISION TO BUILD SETTLEMENT IN EAST JERUSALEM, SAY SPEAKERS IN SECURITY COUNCIL | Meetings Coverage and Press Releases,” accessed February 15, 2020, <https://www.un.org/press/en/1997/19970306.sc6332.html>.

¹¹³ T. O. I. staff, “Israel Extends Closure of Palestinian Institutions in East Jerusalem,” accessed February 17, 2020, <https://www.timesofisrael.com/israel-extends-closure-of-palestinian-institutions-in-east-jerusalem/>.

¹¹⁴ “Orient House Jerusalem,” accessed February 13, 2020, <http://www.orienthouse.org/about/index.html>.

detached from the rest of the Palestinian society; their issues and fears, and violations committed against them, were not seen as priorities, and they became lacking in leadership and representation, frustration heightened and morale became lower.

2.17 US Administration changing position

In December 2017, contrary to international consensus¹¹⁵, the US Administration moved their embassy to Jerusalem, as President Trump describes “taking Jerusalem off the table” recognizing it as Israel’s capital. Trump has also refused to endorse the two-state solution, which was the goal that led Palestinians to Oslo in the first place¹¹⁶. This has marked serious shifts in the US position and is a source of growing fears for Palestinians that their claims might be lost indefinitely.

2.18 Current day Jerusalem

2.18.1 Revocation of residency

In the present day and according to Israeli data, there are 323,700¹¹⁷ Palestinians in Jerusalem, overwhelmingly living in EJ. According to reports by leading human rights organisations, since 1967 Israel has treated the EJ Palestinian population as unwanted and always devised policies and practices that will lead to them leaving their city¹¹⁸. It is

¹¹⁵ UNGA resolution 478 Of 1980 which considers member states who move their embassies to Jerusalem to violate the resolution. {Citation}

¹¹⁶ David M. Halbfinger and Isabel Kershner, “25 Years After Oslo Accords, Mideast Peace Seems Remote as Ever,” *The New York Times*, September 12, 2018, sec. World, <https://www.nytimes.com/2018/09/12/world/middleeast/israel-palestinian-oslo.html>.

¹¹⁷ In their paper on East Jerusalem Facts and Figures for 2017, ACRI provides information published by the (Israeli) Central Bureau of Statistics (CBS). Specific CBS on EJ was not readily available in the Arabic or English languages, the thesis has therefore relied on the information relayed by ACRI as an Israeli source. Palestinian sources give different numbers, for instance, Palestinian Central Bureau of Statistics (PCBS), total Palestinian population until mid-2018 was 284,926¹¹⁷, in the region known as “J1”. Palestinian sources face huge obstacles in data collection on EJ, the thesis will therefore go with Israeli sources instead. ACRI information can be found here <https://law.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017.pdf>

¹¹⁸ B’tselem, East Jerusalem, 11 Nov 2017, updated on 27 January 2019 <https://www.btselem.org/jerusalem>

true that Israel granted Palestinians in EJ a “permanent residency”, allowing them to live and work in the city, and access services such as health, pension and social insurance, Israel also has the tools to revoke this residency, causing Palestinians to live in constant fear and threat that they will be kicked out of the city. This ‘permanent residency’ status, despite its benefits, has also set the scene for Israeli violations of Palestinian human rights in EJ. The United Nations¹¹⁹ speaks about Israeli policies in EJ:

(residency revocation) (h)as happened to over 14,000 people since 1967. Other Israeli policies have negatively affected Palestinians’ ability to plan and develop their communities and enjoy the services they are entitled to, further undermining their presence in the city. In addition, Israeli measures have increasingly cut off EJ, once the focus of political, commercial, religious and cultural life for the entire Palestinian population of the occupied Palestinian territory, from the rest of the West Bank and from the Gaza Strip¹²⁰

2.18.2 Lack of planning rights

As further evidence to facts imposed by the Israeli occupation and making the lives of Palestinians difficult, in its report in 2015, another UN agency, UNHABITAT, reports that:

Palestinian communities living in East Jerusalem suffer from a planning crisis. This crisis impacts virtually every aspect of Palestinian life in East Jerusalem, whether it is housing; availability and distribution of public or open spaces; mobility and accessibility; or planning sufficient education and health facilities. In addition, Israel’s construction of its Separation Wall in and around East Jerusalem in 2002 has made the situation even worse by segregating the Palestinian communities¹²¹

¹¹⁹ This quote is from the United Nations Office for the Coordination of Humanitarian Affairs, or UNOCHA

¹²⁰ UNOCHA maintains offices and physical presence in EJ and other parts of the WB, they produce papers, researches and studies on the humanitarian situation, much of which can be found here <https://www.ochaopt.org/location/east-jerusalem>

¹²¹ UNHABITAT also maintains physical presence in EJ and collects data from primary sources. The report “Right to Develop: Planning Palestinian Communities in East Jerusalem” can be found here <https://reliefweb.int/sites/reliefweb.int/files/resources/Right%20To%20Develop.pdf> , quotation above is from their Executive Summary.

It is worth reiterating that only 13% of the land of EJ is available for Palestinians to use, and even that is already built up¹²².

2.18.3 Occupation and annexation are still illegal

To this day, human rights international non-governmental organisations such as the Norwegian Refugee Council (NRC)¹²³, maintain that

Israel's annexation of East Jerusalem and its application of Israeli law to the area are unlawful under international law, because "the use of force cannot lead to or cause any transfer or change of sovereignty"¹²⁴

As such, Israel's sovereignty over EJ is not recognised as legitimate by the international community¹²⁵, and the UN issued numerous resolutions confirming this stance¹²⁶. It is, however, important for any analysis of current life in EJ, to realise that Israel declares Jerusalem (East and West) as its capital¹²⁷, and that Israel- despite the illegitimacy of its presence in EJ- is the effective sovereign of the city that is able to issue and enforce rulings that affect Palestinians. Israeli courts and legal system are the only ones available for Palestinians, and the Israeli police are the main law enforcement body¹²⁸. The only exception to this rule are some limited issues of family status¹²⁹ where Jordanian courts

¹²² {Citation}

¹²³ Frequently Asked Questions (FAQs) on main legal issues on EJ https://www.nrc.no/globalassets/pdf/legal-opinions/faqs_ej_memo.pdf

¹²⁴ Ibid, and based on Eyal Benvenisti, *The International Law of Occupation*, Princeton University Press (1993), pp. 5-6.

¹²⁵ Ibid, p. 2

¹²⁶ These include Security Council Resolution (SCR) 242 of 1967 which demanded Israel withdraw from territories it occupied in 1967; and SCR 478 of 1980 which set out that annexation by force is forbidden under international law and confirmed the application of international occupation law to East Jerusalem. This position was more recently confirmed by the ICJ Advisory Opinion on the Wall on 9 July 2004.

¹²⁷ "Basic Law - Jerusalem Capital of Israel - English Text."

¹²⁸ Based on interview with Jerusalemite attorney Ali Sarhan; Briefing by founder of Ir Amim, attorney Danny Seidemann; and interview with attorney Mohammad Hadieh

¹²⁹ There are three types of "Sharia" (Islamic law) courts that Palestinians in EJ can turn to, these are Palestinian (Palestinians can access them only by going to the WB), Jordanian (still maintaining physical presence in EJ, and

are still able to issue some rulings. However, the only courts with ability to enforce rulings are Israeli courts.

Perhaps worth pointing here that Israel as an occupying power has acted against its obligations in GCIV, particularly articles 64-78¹³⁰. These articles require that criminal laws and criminal codes pre-existing in an occupied territory should remain in place. In these articles, GCIV sets provisions on the running of existing courts, calling on the occupying power to keep things intact, underscoring that occupation is a temporary measure that should not interfere or alter the conditions of occupied territory and people.

2.18.4 Dilemmas of resorting to the Israeli legal system

The fact that Palestinians' main recourse to justice is through the courts and legal system of their occupier has proven problematic and placed enormous strains on their ability to carry out commercial, property-related, economic and other activities without fear of Israeli, often negative, interference. Distrusting the Israeli establishment is also the result of negative past experiences as will be shown in later in this thesis. Also, the Israeli police is known for its connections to the Israeli Internal Security Service¹³¹, the *Shabak*, which often uses intelligence information against Palestinians, sometimes through extracting this information from Palestinians who resort to the police for various reasons. Some examples are laid out in this thesis, where these fears and this reluctance are justified,

Israeli (recognized by the Israeli Ministry of Justice). These courts adjudicate in issues of marriage, divorce and child custody.

¹³⁰ "Fourth Geneva Convention - English (1949)," accessed February 15, 2020, https://ecf.org.il/media_items/1179.

¹³¹ This website provides further reading on the Shabak and its aims "Heritage," accessed February 16, 2020, <https://www.shabak.gov.il/english/heritage/Pages/default.aspx#cbpf=.1948-1956#cbp=/SiteCollectionImages/week-story.jpg>.

and the implications this has had on a sense of safety, continuity and stability for Palestinians in Jerusalem.

2.18.5 Violence rate

Israeli online sources define violence in Jerusalem as “political violence”, which means Palestinian violence against Israelis (to a high extent) and vice-versa (to a lesser extent). Israeli statistics on inter-Palestinian violence in EJ is embedded in general statistics on Palestinian citizens of Israel.¹³², which poses a challenge in knowing the size and types of violent crimes. According to civil society organisations¹³³, there has been a spike in homicide cases in the year 2018 in the country in general and in Palestinian communities in particular. For instance, whereas Palestinians comprise 20% of the general population in Israel, nearly half the women killed in Israel are Palestinian, partly explained by “honour killing¹³⁴”.

¹³² Palestinians living inside Israel in cities, towns and villages such as Nazareth, Ramleh and Um Al Fahm are referred to as “Palestinian citizens of Israel”. These are about 1.8 million in number or 20% of the total Israeli population. They are to be distinguished from Palestinians in East Jerusalem who do not hold an Israeli citizenship but are “permanent residents of Israel”. The point of this paragraph is that Israeli statistics on EJ are commonly wrapped under statistics on “Arab Israelis” or “Palestinians holding Israeli citizenship”. Yet, despite similarities, the two types of populations hold different legal statuses and, for instance, the threat of residency revocation is non-existent for Arab Israelis. However, Arabs in Israel continue to suffer from discriminatory planning laws that limit the possibility of expansion of their localities and allows for the building of Israeli (predominantly Jewish) towns.

¹³³ In this example, we are quoting the Abraham Initiative, an NGO working to create positive change

¹³⁴ Simona Weinglass, “The Deadly War on Women That Israel Refuses to Talk about | The Times of Israel,” Times of Israel, August 20, 2015, <https://www.timesofisrael.com/the-deadly-war-on-women-that-israel-refuses-to-talk-about/>. This type of killing affects women in the most part, and reasons for femicide in the Palestinian society has been traced back to involvement of fathers, brothers and husbands in such killings upon suspicion or proof of culturally inappropriate or unacceptable conduct on the side of the woman. So-called honour killings remain a source of worry to this very day and has affected Palestinian women in EJ whose vulnerability is compounded by the status of their city and difficulty accessing justice.

Experts attribute these higher than average crime rates to chronic unemployment, overcrowdedness and lack of infrastructure¹³⁵. These facts can be seen as also true for EJ, where 76% of the population live below the poverty line¹³⁶.

If statistics pertaining to Palestinians citizens of Israel are to be used as a yardstick for understanding the trajectory of violence in EJ, then there are indeed similarities between the two societies. Israeli applies similar policies towards Palestinians citizens of Israel and Palestinians residents of EJ¹³⁷, most notably, the “Absentee Property Law” which facilitates the takeover of Palestinian land for the benefit of Israeli (Jewish) settlements and citizens. There is also the “citizenship and entry to Israel law” which promotes exclusive Jewish immigration and citizenship, while denying the same rights to Palestinians, including those who are married or related to Israeli citizens or residents¹³⁸.

In her introductory address to the Knesset, newly-elected Palestinian Knesset member, Sundos Saleh, slammed the Israeli government for their discrimination and neglect of the Palestinian sector. She spoke about worrying levels of violence in the Palestinian society inside Israel, exemplified by men’s violence against women, police and institutional violence against citizens and general violence witnessed in Palestinian towns.” Referring to the reported killing of 20 Palestinian women by men in less than a year, Saleh adds:

¹³⁵ Tara Kavalier, “Israel’s Arab Population Plagued by High Murder Rates,” *Abraham Initiatives* (blog), January 23, 2019, <https://abrahaminitiatives.org/israels-arab-population-plagued-by-high-murder-rates/>.

¹³⁶ ACRI’s facts and figures of 2017 reveal that 83% of EJ children live below the poverty line, and this is way above the Israeli average of 30% <https://law.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017.pdf>

¹³⁷ Amnesty Amnesty, “Palestinians in Knesset Face Deep-Rooted Discrimination,” September 2019, <https://www.amnesty.org/en/latest/news/2019/09/israel-discriminatory-measures-undermine-palestinian-representation-in-knesset/>.

¹³⁸ Amnesty.

“this does not happen by chance, this is the result of policies which have weakened us and allowed bloodshed in our (Palestinian) cities and villages”¹³⁹

According to a study by the Institute of Criminology at the Hebrew University, involving 11 police station commanders, including three in EJ, crime in Palestinian localities is rising, yet the Israeli authorities continue to neglect them in terms of funding and resources¹⁴⁰.

Palestinian activists maintain that the Israeli police will come within a “matter of hours” on suspicion of possession of arms for “nationalistic purposes¹⁴¹” and make arrests. They are far more relaxed when the violence is inter-Palestinian¹⁴².

Although Palestinian Jerusalemites still believe that their society is safe, perceived as even safer than Palestinian cities within Israel’s proper, there is fear that this will not remain to be the case. The fear stems from knowing that provisions for rule of law are fragile and are exclusively held by Israel, and the latter have a low interest in preserving and upholding civilian calm for Palestinians.

In order to verify the above findings and understand the extent of societal violence in EJ more fully, sought perspectives of Palestinian Jerusalemites were sought, complementing

¹³⁹ Sondos Saleh, *Al Khitab Al Rasmi Al Awal lilnaeba Sondos Saleh wa khitab al mubarak lil naeb Ahmad Tibi - YouTube*, 2020, <https://www.youtube.com/watch?v=qNDxf4zkjSs> Accessed through Facebook and Youtube, loose translation from Hebrew.

¹⁴⁰ Josh Breiner and Jack Khoury, “Crime Is Rampant in Arab Israeli Communities, but Police Lack the Resources to Bring about Change - Israel News - Haaretz.Com,” April 2018, <https://www.haaretz.com/israel-news/.premium-police-struggle-to-fight-crime-in-israeli-arab-communities-1.5978263> A copy of the study on which this article is based was obtained from the author, report language is Hebrew.

¹⁴¹ Plans by Palestinians to carry out attacks against Israeli targets

¹⁴² Breiner and Khoury, “Crime Is Rampant”. Mr. Tawfiq Jabarin, active member of the Conflict Resolution Committee of Um al Fahm, and Dr. Wael Jahshan, social and political activist from the city of Nazareth, speaking to Haaretz .

the few available statistics with primary research with ordinary Palestinians and accounts by civil society organisations.

2.19 Views of the Palestinian Community

Primary research was conducted with a sample of Palestinian Jerusalemites in order to gauge their opinion on the extent of the problem of violence in their city, and whether they see their city as particularly violent. Furthermore, specific examples of cases of dispute amongst Palestinians were sought, as well as interviews with civil society representatives who were able to describe their experiences and the priorities of their organisations in tackling societal violence. Full research tools can be found in Annex 1.

a- An overwhelming perception that violence is on the rise:

Majority interviewees reported that they believe violence in EJ is on the rise and that the severity of conflicts is a source of alarm for them (in several instances, the violence has led to death). They added that they think people fight with each other over everything no matter how trivial.

Comparing the above findings with Israeli data on violence, violence levels in Palestinian¹⁴³ communities, including EJ are indeed rising in numbers and alarming in severity. Also, whereas Israeli data does not take the non-annexed neighbourhoods of Jerusalem into consideration (see scope in Chapter one), Palestinian Jerusalemites still consider these areas as part of Jerusalem. Therefore, conflicts in these areas are indeed

¹⁴³ Israeli speak often refers to Palestinians as Arab and avoids using the term Palestinian.

worrying to E. Jerusalemites and tend to have a spill-over, yet the Israeli police does not interfere in them, neither can the Palestinian police intervene in a timely manner¹⁴⁴.

b- Violence within families and traffic-related violence are prevalent.

Majority of respondents agreed that the most common and repeated types of violence are what they considered of a social nature (between brothers, cousins etc) and spousal. Conflicts within the same families are commonplace and often caused by disagreement over inheritance and land and property ownership. Social disputes also include fighting amongst neighbours over noise, property boundaries etc.

A second common response has been traffic-related, be it disputes over parking spots and arguments started through minor road accidents. Examples of traffic related violence were given by respondents often to demonstrate the base and trivial issues that cause or start a dispute, and as evidence that people are no longer polite nor patient.

Thirdly, fights over commercial deals and property: unsettled debts, bounced off cheques etc. This can include missing a payment or more to someone owed money, disputes over ownership of land and boundaries, particularly between brothers, cousins and

¹⁴⁴ This agreement of 1995, which followed the original Oslo Agreement of 1993, sets out territorial and administrative divisions between the PA and Israel. To this date, the agreement prohibits Palestinian police from entering Areas B and C without coordination with and consent of Israeli authorities. The Palestinian police cannot access those areas wearing their uniform or carrying weapons. Reportedly, the coordination is time-consuming and does not allow for quick interventions. When the Palestinian police attempt to arrest gangsters, criminals or fugitives, the latter are reportedly better equipped than the police themselves, which causes confrontations and casualties, including from the Palestinian police force. Israeli Foreign Ministry, "THE ISRAELI-PALESTINIAN INTERIM AGREEMENT," accessed March 9, 2020, <https://mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20israeli-palestinian%20interim%20agreement.aspx> See annexes XI, XII and XIII on land, security and public order and security. Note that many areas of non-annexed Jerusalem are included in Areas B and C, whereas annexed EJ is not included in security agreements between Israel and the PA, it is not possible for the Palestinian police to enforce any court orders in EJ.

neighbours. According to respondents, these triggers of dispute are common, can wreak havoc and they are perhaps some of the most difficult issues to take to the Israeli authorities given Israel's status as the occupier and the mistrust built over the years. A second reason is that business and property owners want to preserve their own reputation and people's trust in them, so not be seen as someone that collaborates with the Israeli police, particularly if it is a reputable businessman. Also, the lack of Israeli interest in solving internecine disputes unless it threatens Israeli interests makes reporting unhelpful.

Another type of common disputes is what respondents called "harassment of women" (also referred to by respondents as "honour-related"). One of the examples cited in the thesis follows the story of a young man who died during "interrogation" by informal groups for suspicion that he was pursuing a woman.

Other reasons have included children's fights that would escalate to adults/families taking sides of their children and exacerbating the fights. Finally, religious conflicts in the old city (between Muslims and Christians) and drug-related fights.

c- Geographic areas that respondents perceive as being hotbeds and hotspots of violence include Shufat Refugee Camp, Issawiyeh, Al Tur and the Old City

Generally speaking, EJ is overcrowded and people can be on top of each other. This is particularly true in areas such as Kufr Aqab and Shufat Refugee Camp, both of these areas being within Israeli-defined municipal borders of EJ, but separated from the rest of Jerusalem by the Israeli-built wall and checkpoints (see scope in Chapter one). These

areas are notorious for lawlessness, traffic congestions and overcrowdedness as Palestinians became squeezed into them due to Israeli policies. Finally, there was a good mention of Al-Issawiyeh village which is the heart of EJ and witnesses daily dangerous confrontations with the Israeli military. Also, many areas identified as places of societal unrest have been the focus of political unrest in recent years (particularly Issawiyeh, Shufat RC and the Old City). These regions are often on the news for witnessing clashes between Palestinian youth and Israeli army, they are also the scene of army incursions, night raids and arrests of men, women and children. In contrast, residents of areas such as Beit Safafa (South EJ) perceive their area as relatively calm, yet traffic and parking spots remain to be points of contention.

d- Everybody has examples of fights that they either know closely or have been involved in, they recognize that EJ is a complicated area, often with ‘no hope’

Almost every person interviewed has contributed or volunteered a story about societal violence they have witnessed or been involved in. Following are just a few examples:

- There’s an ongoing latent dispute in Al-Tur area between two main families.
- Two major families have a latent, long-standing dispute in Shufat village that can spark again at any time.
- *Haninis* fight with other families over Beit Hanina¹⁴⁵ land ownership, fighting constantly over illegal land takeover and “squatting”.

¹⁴⁵ Beit Hanina is north of Jerusalem’s Old City and is home to over 35,000 Palestinians, most of its land is owned by Palestinians either living in the West Bank or abroad (mainly the US), proof of ownership has been problematic. Israel confiscated large swaths of Beit Hanina land for the sake of building the settlements of Ramot, Ramat

- Examples of marital problems

My married neighbours have constant problems, I hear from their shouting that it's usually about money, and how much the husband earns versus the household's expenses etc. I saw members of their families coming to mediate between them, and I know a couple of religious people visited them, but this only calms down the problems for a short period of time (not longer than two weeks), then they start all over again¹⁴⁶.

- Another story repeated by several participants goes as follows:

Recently, there was a killing of a guy in Qalandia over rumours that he was pursuing a relationship with a woman. The family of the woman, with the help of thugs, kidnapped him and his brother to beat them up. They beat him up hard so he lost his life. Then they started claiming that he is a drug-dealer and drug addict and tried to frame his killing as a fight over drugs but it's of course not true and the guy was killed by them¹⁴⁷.

e- People think more can be done in order to prevent conflicts in

EJ- Education is key

Most respondents reminded of family values and education both in schools and at homes.

Participants stressed the importance of re-instilling values of respect, discussing issues calmly and fairly, understanding the position of the other and not infringing on their rights.

Despite the mistrust of the Israeli occupation authorities, respondents agree that tribal solutions are available, but might not be durable or enforceable. Many recommendations towards establishing entities in EJ comprising of people with good standing in the community who can assist and help in solving disputes. The following quote captures the situation for one young Jerusalemite:

Shlomo, Pisgat Zeev and Neve Yaacov, while the Palestinians remain cramped and fighting over ownership of small areas without possibility to register these lands.

¹⁴⁶ Community interview, Beit Hanina respondent.

¹⁴⁷ Community interviews, several respondents

*East Jerusalem is under a lot of pressure, people are cramped. People don't know whether they belong to Israel or Palestine. East Jerusalemites should always take a deep breath and show patience and grit towards what they are facing*¹⁴⁸

2.20 Examples of disputes amongst Palestinians in EJ- resolved and unresolved

2.20.1 Example 1: Divorce where arbitration is possible¹⁴⁹

East Jerusalemite lady (M.N.)¹⁵⁰ was married 18 years ago. Now mother of two, M.N. says that she started working in 2015, where her husband controlled her movement and took the money she earned as his condition for approving her work. In 2018 she decided to stop giving him the money, and problems started where he caused her bodily injury that necessitated police intervention. Problems continued after then and life between them became difficult and increasingly impossible. M.N. filed for divorce at the Islamic Court in West Jerusalem, the court referred the couple to “arbitration”. Following is a direct quote from M.N.:

*Arbitration was a helpful tool which provided me with a range of solutions. It helped me see the big picture and not want to waste time in courts, which can harm my children. I'm grateful for arbitration and to lawyers who acted as arbitrators instead of pushing us into lengthy and costly processes. The court then ratified everything we agreed and at least I could finally move on with my life and put the bitter times behind me*¹⁵¹.

Discussion:

This conflict reached a “happy” ending since the parties did not tangled up in lengthy and hostile processes and were able to settle peacefully.

¹⁴⁸ Community interview, respondent from Kufr Aqab

¹⁴⁹ Special thanks to ACT for facilitating this interview

¹⁵⁰ Some names and details were altered for privacy purposes according to the wish of the interviewee

¹⁵¹ Interview with MN, 38 years old woman who contributed the story of her divorce process.

ACT, the mediation party that intervened in this case, say that marital disputes are possible to resolve in cases similar to this one. However, things can get complicated if one spouse is holding a West Bank residency and the other an EJ residency¹⁵². They are each subject to different jurisdictions, and the EJ spouse might work to get the visiting or residency permit of their spouse revoked as a result of their separation, and exploit weaknesses generated by having different statuses. This may then lead to protracted and difficult-to-resolve cases.

It was not possible for to find willing participants of cases that involve West Bank and EJ spouses during the time of primary research, yet several community interviews and meetings with civil society organisations have pointed to this issue¹⁵³.

2.20.2 Example 2: my contractor is my foe

Iskan al-Moallemin- teachers housing project in Beit Hanina can be seen from afar as a modern and thriving neighbourhood, yet the truth cannot be any further. These 56 housing units were the outcome of a building cooperation by teachers, with support from the Emirati government. The neighbourhood was to be completed in 2008. Yet, problems rose with the Palestinian contractor who undertook the project asked for more money than initially agreed, and the owners did not think it was fair to pay. As a result of negotiations and mediation by the Engineers' Syndicate, it was agreed that the house-owners settle a certain amount to the contractor as a compromise. Even after the owners

¹⁵² Mohammad Hadieh

¹⁵³ The differences created between holders of the Jerusalem residency and their West Bank spouses is worth its own study. For more information on what some have called “split residency” see this entry “Marriage, Split Residency, and the Separation Wall in Jerusalem | The Institute for Palestine Studies,” accessed March 9, 2020, <https://oldwebsite.palestine-studies.org/jq/fulltext/198348>.

paid the money, the contractor demanded more, and threatened to seize one of the houses if he doesn't get paid in full. The neighbourhood is now in limbo, as the contractor managed to block any effort to erect a wall that can guarantee security for the neighbourhood, he has also prevented the owners from fixing two internal roads, leaving that as dirt roads. The result is quite serious for the neighbourhood as it's now lacking in health and safety, proper internal roads or lighting. It is currently neglected, many owners can't live in it. A place that should and could've be an upscale neighbourhood in East Jerusalem's Beit Hanina is now one of the worst areas that nobody wants to go to.¹⁵⁴

Discussion:

The case has lingered for a long time and seems to be intractable and parties not able to reach a settlement. Parties to the conflict insist on a Palestinian-backed solution, without interference of Israeli courts. They have therefore sought arbitration through the (Palestinian) Engineers' Syndicate and have obtained a Palestinian court order, which cannot be enforced in EJ¹⁵⁵. However, the decision which could've brought the issue to rest was not enforceable since the Israeli police does not enforce decisions by Palestinian entities. It is the belief of the owners the situation was compounded by the fact that this is EJ, one owner said:

if this had happened in Ramallah or Jericho, the (Palestinian) municipality there would have resolved it in a matter of days, we can't do this in EJ, and we'd better take the side of caution and avoid Israeli courts because we know their track-record in issues involving property disputes. They tend to solve them in such a way that Israeli interests are served¹⁵⁶.

¹⁵⁴ Interview with Engineer Husam Al Ashhab, house-owner in "Teachers' housing project"- May 2017, updated in September 2019

¹⁵⁵ Oslo Agreement of 1995 does not include EJ Israeli Foreign Ministry, "THE ISRAELI-PALESTINIAN INTERIM AGREEMENT."

¹⁵⁶ Interview with property owner, name withheld.

2.20.3 Example 3: war of two brothers

Two Palestinian brothers from Jerusalem have joint ownership of a house they inherited from their parents in the Islamic quarter of Jerusalem's old city. Sadly, one of the brothers has lost his right to reside in Jerusalem due to living in Jordan for many decades (could not return to the city after 1967 due to Israeli policies). Despite its name, the Islamic quarter of Jerusalem is the focal point for property takeover by the Israeli government and settler groups, aiming to achieve a Jewish majority. The brothers couldn't agree on a suitable way to split the house and assert joint ownership. Arguments escalated, and negotiations and attempts to bridge the differences eventually failed. Against the advice of their legal counsel, the brothers finally resorted to the Israeli court, which decided that the brother living in Jordan is an "absentee" and therefore his property is to be reverted to the Israeli "Custodian of Absentee Property". The Custodian of Absentee Property quickly took over half the property, while the other brother was able to keep only half after he has been living in all of it¹⁵⁷..

Discussion

This is a case that reached an unfortunate ending where practically both parties lost (let alone the general population of EJ). This has become a classic case often cited as to why Palestinians are right in mistrusting the Israeli legal system, particularly on cases of property and real estate disputes. Palestinians perceive their conflict with Israel as one

¹⁵⁷ Interview with Attorney Mohammad Dahleh who represented one of the brothers in the dispute and pleaded them not to resort to Israeli courts but they did not heed his advice.

on land, where land lost by Palestinians to Israel is hard to retrieve. Israel has devised several strategies for land takeover, e.g. state land or natural reserves¹⁵⁸. Enabling Israel to grab further land and property as a result of Palestinian feuds over them is an added reason why Palestinians avoid Israeli courts. It almost always carries the hazard of Palestinians losing and their rights being further compromised.

2.20.4 Example 4: Death and lack of Justice

Story of Amjad Ishtewi: Death and lack of Justice¹⁵⁹

Amjad Hasan Ishtewi, is a 27-year-old Jerusalemite living in Al-Ram near Jerusalem who went missing on 5 August 2019. That evening, as his mother tried to reach him on his phone, another man picked up telling her that her son is detained at “Qalandia Refugee Camp Fatah¹⁶⁰ Office” and that he will be handed over to the Palestinian police. Amjad’s brother went immediately to the said office to look for his brother but found out that his brother has suffered a serious unspecified health condition and was taken to hospital. Amjad died in hospital shortly after.

“Fatah’s Tanzim¹⁶¹” did not claim any responsibility for the death of the young man and ignored the calls of his family to receive explanation on why their son has died.

¹⁵⁸ Handel, “Where, Where to, and When in the Occupied Territories: An Introduction to Geography of Disaster.” 196

¹⁵⁹ Material based on interview with social media activists closely following the case. Names withheld for safety of the activists reporting the case, especially since the case is still unsolved.

¹⁶⁰ Fatah is the largest political party of the Palestinian Liberation Organisation.

¹⁶¹ The militant faction of Fatah

On 6 August, the Tanzim issued a statement asking “our people in Qalandia, Kufr Aqab and the surrounding not to circulate any rumours”. They assured the public that they are investigating the case and will come back with more details soon.

On 8 August, Amjad’s family issued a statement confirming that their son died through torture and refusing any attempts to stigmatise and defame their son (by then, rumours were that Amjad is a drug-dealer who sold and took drugs, and this is why the Tanzim wanted him).

Other explanations were that Amjad was pursuing or in a relationship with a woman. Another man close to Fatah Tanzim liked the same woman and reported Amjad’s “harassment” of her, which caused the Tanzim to “summon” Amjad for investigation.

Many days after that the Fatah Tanzim did not release any information or explanation on the young man’s death. Angry young men from Al Ram took out to the streets and closed the street leading from Qalandia to Al-Ram (which is a vital road leading from the north of Jerusalem to its south eastwards via Jaba’ and Hizma), demanding to hear an explanation from the party who last held Amjad. Only then did the Jerusalem Governor’s¹⁶² office intervene and was able to obtain a “truce” – *Rifa’a* -, until 21 August. By 21 August, a delegation from *Fatah* were supposed to visit the deceased’s family and obtain “Atwa¹⁶³”, but no one turned up. No proper medical report was issued

¹⁶² This is a Palestinian governor appointed by the Palestinian Authority and not recognized by Israel.

¹⁶³ Atwa in Arab traditional law is a period of time given by the family of the victim (most commonly of murder) to the family of the perpetrator to guarantee safety from revenge acts until the family of the perpetrator can arrange for the appropriate form of compensation (translated from Arabic from <https://samou.ahlamontada.com/t177-topic>)

for Amjad, and reasons of his death remain unknown. The family buried their son but have to this date refused to accept condolences until the circumstances of his death are cleared.

The case remains pending with threats for the situation to erupt again.

Discussion

The bizarre, convoluted situation of separation and land division into categories such as Areas A, B and C, municipal and non-municipal Jerusalem, areas falling within or behind the (Israeli-built) wall, is a petri-dish for informal groups to gain power and take the law in their own hands. These groups go as far as summon, interrogate, torture and even cause the death of individuals, whilst they lack any legal status to do so. The conduct of these groups have proven to be unjust and causing chaos. They are not security officers, yet they do not see themselves nor act as civilians, thus instilling fear and unsafety in other Palestinians. Given the vacuum in EJ caused by Jerusalem's division and its removal from some of its organic neighbourhoods such as Qalandia and Al-Ram, these groups take advantage of the situation for personal gains, and abuse power and influence. The incidence of Amjad's death is not the first of its sort, neither can it be the last if the silence of particularly the PA persists, as well as complacency of Israel towards actions of such groups.

In fact, civil society organisations¹⁶⁴ report on the phenomena of “plain-clothed security officers taking matters in their hands”, particularly in Jerusalem’s periphery but with huge impact on the remainder of the city. They say that (especially) since the closure of the Orient House¹⁶⁵ and banning of all political activity by Palestinians in the city, the following emerged:

*there are several addresses for Jerusalem such as the Governor of Jerusalem, Minister of Jerusalem, various offices and headquarters of political factions, but none of these can exercise power in a lawful manner. Therefore, the phenomenon of “ordinary people that label themselves as belonging to certain political organisations and parties and taking the law in their hands has emerged. Other Palestinians see them as no more than thugs and “mafias”.*¹⁶⁶

2.21 Conclusions and analyses of this chapter

In this chapter some of the root and underlying causes of unrest and instability in EJ were examined, and some of the most common forms of inter-communal conflict and violence witnessed in the city in our modern day were described. Discrimination, intolerance and denial of rights applied against Palestinians in EJ, and treating them as second-class by Israel, have led to loss of hope and a constant feeling of being under threat. Inter-communal conflicts are seen as outlets to this frustration and oppression experienced on a daily basis, as societal cohesion and a sense of calm and continuity are prevented.

¹⁶⁴ See, for instance, report by International Crisis Group “Extreme Makeover”, which is based on interviews with several Palestinian civil society figures and organisations “Extreme Makeover? (I): Israel’s Politics of Land and Faith in East Jerusalem,” Crisis Group, December 20, 2012, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/israelpalestine/extreme-makeover-i-israel-s-politics-land-and-faith-east-jerusalem> .

¹⁶⁵ A building in East Jerusalem that served as the headquarters of the Palestinian Liberation Organisation during the 1980’s and 1990’s

¹⁶⁶ United Nations High Commissioner for Refugees, “Refworld | Extreme Makeover? (II): The Withering of Arab Jerusalem,” Refworld, accessed January 19, 2020, <https://www.refworld.org/docid/50d437c02.html>.

The fact that Palestinians in EJ are in possession of just about 13% of the land which was all theirs prior to 1967 means that fighting over the little that remained is inevitable. It is no coincidence that many fights are over ownership and property, and Palestinians are found in a context that sets them up to do so.

This is not saying that there were/are not latent conflicts that possibly predate 1967, nor excusing deviance and violence or pin their causes solely on political factors. This is saying that it is important to describe reality as it is, explaining that drivers or pushers of violence that surround the Palestinians in EJ as being closely tied to the Israeli occupation. Even the most peace-loving and resilient society will have a hard time remaining so under this amount of pressure, contradictory legislation, political limbo, discrimination, neglect and uncertainty. It is even immoral and unfair to expect a certain society to do so while at the same time not offering solutions to their suffering.

An average tourist or visitor coming to Jerusalem might spend a relatively calm and enjoyable visit, a lot of which thanks to Palestinian hospitality and traditions, yet remain oblivious and undisturbed by what Palestinians are going through. Israel has managed to keep a lid on Palestinian suffering keeping it under the radar of the rest of the world, and at the same time, succeeding to portray the Palestinians as terrorists and offenders. The result is a society that is internally oppressed, with potential to take it out on its own members with considerable impunity, yet, faced with heavy measures when it makes attempts at its oppressors.

Referring back to the theoretic framework of this thesis, where conflict is normal and even inevitable in any human society, it is important to remind that Palestinian society in EJ is

like no other in terms of the heavy political legacy inflicted on the city since the beginning of the 20th century, and also it being the current focus of settler colonialism and Judaization policies by Israel. EJ is also not under the jurisdiction of the PA, neither is the latter allowed to exercise any sovereignty in the city. Field work revealed a high Palestinian awareness of these facts, and that they are left to fend for themselves in the face of Israeli hostile racism and neglect, and absence of a national authority that has Palestinian interest at heart. They are also aware of the necessity to keep their society strong and resilient until a political breakthrough is achieved, and this looks less and less likely each day. Solutions, which sometimes amount to no more than coping strategies, will be more thoroughly discussed in the next chapter.

Chapter-3: Solutions: what can be done about inter-Palestinian conflicts in EJ?

3.1 Introduction:

It was possible to examine the extent of the problem in Chapter 2, where the main conclusion is that the context of EJ is a fertile ground for inter-Palestinian conflicts to arise and worsen. This chapter will examine what mechanisms are available to address these conflicts, whether they are adequate and accessible, and whether preventive mechanisms are also available. Respondents have expressed their fatigue and frustration that something can actually be done, given the shrinking spaces for Palestinians and cumulative effects of different policies and practices targeting the Palestinian population in EJ. Experiences and observations from Palestinian societies inside Israel, where fatal inter-communal violence is high, is scary to East Jerusalemites as they are concerned that their society is heading in that direction. Social intervention theories help us determine that intervention is indeed needed, and this is not the time to sit and do nothing. Given massive challenges facing inter-communal peace and stability, the current chapter seeks to present some solutions that can be seen as remedies to issues and dilemmas set out in Chapter two. It also discusses solutions available to Palestinians in EJ that enable them to prevent, address and resolve inter-communal conflicts. Findings of this chapter are derived from desk-based research, community interviews and interviews with civil society representatives. These findings are then analysed and contrasted with aspects of the theoretical framework.

3.2 Solutions revealed through field work

The following solutions and preventive measures were identified through field research which included individuals and civil society representatives:

- a- Family structure as a way to prevent conflict and an avenue for intervention in case something goes wrong.
- b- Education, awareness spreading and preventive programmes: most commonly the ones offered through non-governmental organisations, or the few of them active in Jerusalem.
- c- Tribal law and men of reconciliation: these can be found in different parts of Jerusalem and are usually known figures in the city.
- d- Israeli courts and police
- e- Arbitration and mediation: these are newly identified concepts that will be further explained in this chapter.

3.3 Overview of solutions

3.3.1 Family structure:

This was one of the most common themes by respondents when asked for their opinion on what can be done about conflicts in EJ. Direct, immediate family members, which in Palestinian context are parents and siblings are seen as important. Extended family, which includes grandparents, aunts, uncles and cousins are important too. In practice, this “solution” or “measure for preventing conflicts from starting or escalating” means that parents in a household are expected look after their children and raise them well through securing their formal education and instilling values of respect and accountability towards

others. Extended family also serves as a buffer and provides a safety net when someone is deprived of their immediate family (e.g. loss of a parent). In cases of conflict, extended family can be contacted to report the perceived misbehavior of one of its members. Therefore, family in its different levels is seen as the first line of defense against reported deviance by its members. Importance of family was echoed through of community interviews and research done through NGOs.

This emphasis on family and the perception of it as cornerstone in Palestinian culture is corroborated by studies and research into Arab families in the modern time. In fact, Arab culture, of which Palestinian society is a part, places a high value on family and loyalty to the family unit is required from the individual. Whereas family provides the individual with safety, security and survival, the individual is expected to make their family proud¹⁶⁷. Sometimes in contrast with Western notion on family which is mainly the father, the mother and the children, Arab and Palestinian culture incorporate extensions of the bloodlines¹⁶⁸. It is therefore not strange to find a great sense of community in Arab (and Palestinian) cultures, as families move to live close to each other, help each other and give priority to family rather than individual needs¹⁶⁹.

Along with the expectations to nurture and care for their members, Palestinian families, including in EJ, are challenged due to decades of the Israeli occupation and the violence it generates. The notion of Palestinian 'resilience', which became more examined from

¹⁶⁷ Gahad Hamed, "Friends, Relationships and Family in the Arab Society" (Institute for Middle East Studies-Canada, August 2012),

https://www.academia.edu/9801154/Friends_Relationships_And_Family_In_The_Arab_Society.

¹⁶⁸ Dubai Information, "Arab Family : The Importance of the Family in the Arabic Culture," where-is-dubai.com, January 12, 2014, <https://where-is-dubai.com/arab-family-in-the-arabic-culture/>.

¹⁶⁹ Information.

the second Palestinian uprising (*Intifada*) onwards, is described through the lens of political violence, which can be so widespread that it spares no one¹⁷⁰:

*violence has descended into the ordinary, where people endured extensive exposure to personal and collective violation directly, indirectly or by witnessing violence against others*¹⁷¹

More compellingly, a recent study¹⁷² by the Palestinian Ministry of Education (PMoE)¹⁷³ on violence in EJ schools, reveals that households face enormous psychological and economic pressures that affect their ability to look after their children¹⁷⁴. Unfortunately, drug addiction and abuse are commonplace in EJ¹⁷⁵, which does not help the case of families looking after their own and raising children to be positive individuals.

Nonetheless, there was a repeated emphasis in primary research on the need to speak to parents and families, persuading them to teach their children not to be aggressive bullies that hit other children as a means of survival and of asserting power. Rather, family should be the starting place for teaching ethics and moral practices that the Palestinian society has been proud of despite political turmoil. A quote from one community respondent speaks to parents as follows:

¹⁷⁰ Rita Giacaman, “Reflections on the Meaning of ‘resilience’ in the Palestinian Context” (Institute of Community and Public Health, Bir Zeit University, West Bank Palestine, November 15, 2019), <https://watermark.silverchair.com/fdz118.pdf>.

¹⁷¹ Giacaman.

¹⁷² Taisir Abdallah, “Al Awamel al murtabita bithahirat al onf fi madares al quds” (Academia.edu, 2016), https://www.academia.edu/39944575/Factors_related_to_Violence_in_Schools_in_Jerusalem.

¹⁷³ Based in Ramallah, but unofficially supervising schools in East Jerusalem through the Waqf- or “Religious Endowment Fund”. This particular study was published in 2016 and included 46 Waqf schools, 46 Privately-run schools and eight United Nations Relief and Works Agency (UNRWA) schools.

¹⁷⁴ Abdallah, “School violence in Jerusalem.”

¹⁷⁵ Abdallah.

Your children's grades are not everything. It doesn't matter if they achieve 100% in their studies but Zero in their ethics and moral practices¹⁷⁶.

In summary, family, nuclear and extended, are seen as foundational and essential in undertaking the nurture and protection of its members. Families are seen as significant and cornerstone in EJ, their role and capacity to prevent and resolve conflict cannot be underestimated. As this chapter goes on to present and analyse some further conflict prevention and resolution methods, family role is unparalleled and has received most consensus by community respondents, which underscores its role and importance for Jerusalemite Palestinians.

3.3.2 Education, awareness spreading and preventive programmes

3.3.2.1 Schools and formal education

Closely related to supporting and working with families are schools and civil society interventions. These are able to offer venues for children and youth that can help in keeping them away from trouble and giving them better opportunities for their future. PMoE's study¹⁷⁷ reveals that violence is widespread in Palestinian schools in EJ and would impact life outside school when students and families become involved in a dispute that started in school. The study attributes social violence to political violence resulting from the Israeli occupation and the measures taken by the Israeli military against Palestinian residents, including violence applied by the Israeli army on Palestinian streets, regular searches, humiliations and long delays at checkpoints at the entrances to the city

¹⁷⁶ Interview with community respondent, name withheld for privacy reasons

¹⁷⁷ Abdallah, "School violence in Jerusalem."

or even sometimes at entrances to Palestinian neighbourhoods as can be seen in Silwan, Issawiyeh and Shufat Refugee Camp. A video¹⁷⁸ on violence in schools produced by a civil society organization reveals additional causes leading to violence from within the school system, related to teachers' capacity and the unclear role of social workers in EJ schools.

An interview with a private school headmaster for purposes of this thesis¹⁷⁹, revealed his frustration at the status of education in his school and in schools in general. He spoke about how the school day can often be interrupted due to aggressiveness of students, "even when the school tries to run stress-relief activities¹⁸⁰". The headmaster recognizes that "times are very tough for young people in EJ", and that students "lack spaces and young people have no-where to go". He adds:

I regret to see the young generations act with such violence and intolerance towards each other. I can't say that it's something the schools or homes did wrong. All I can do is show zero tolerance to violence and suspend students who practice it, I would suspend entire classes if need be. Good conduct and behaviour are just as essential as grades, we make no exception, otherwise our schools will become hostile places.

Every day, from my window, I watch scores of young people leaving the school compound, and where do you think they go? Either sit in the area around Damascus gate smoking cigarettes or walk aimlessly in the streets before they go home... our areas are very narrow and confined, it's not the fault of students, but schools cannot be places of violence either¹⁸¹.

Primary research has revealed the existence of interventions at the communal level, such as the digital initiative known as "the Jerusalem Families Forum¹⁸²". This includes almost

¹⁷⁸ Palestinian Vision, "Zahirat Al Onf fi al Madares fi al Quds- Madares Al Aytam" (Palestinian Vision, n.d.), <http://haqocom.ps/ar/content>.

¹⁷⁹ Jerusalemite school headmaster- name withheld, September 2019.

¹⁸⁰ Headmaster.

¹⁸¹ Headmaster.

¹⁸² Tajammou Aylat Al Quds <https://www.facebook.com/QUDOS.FAMILIES/>

every neighbourhood in the city from South to North seeking to resolve conflicts that arise in the Palestinian society, particularly amongst people residing in different neighbourhoods¹⁸³. Sadly, there is a general feeling by Jerusalemites that they have been abandoned by the Palestinian Authority (PA) and by other Arab and Muslim nations. It is therefore incumbent on Palestinians to design their own methods to secure their safety and preserve their existence on their land¹⁸⁴.

Respondents to primary research spoke profusely of the importance of education for Palestinian society and their belief that the role of

schools, universities, homes of worship and every entity that has the ability to reach people, particularly the younger generation, are paramount¹⁸⁵”.

Respondents also see the challenges and difficulties, as they also believe that “investments in these institutions are not up to standards and do not meet the current needs and demands”¹⁸⁶.

3.3.2.2 Civil Society Organisations

Civil society Organisations (CSOs) recognise societal violence as an issue and know of the need to do more about it. In order to shed light on conflict resolution and prevention from the perspective of NGOs and CSOs, it was useful to meet with representatives, and

¹⁸³ Mr. Radi Hijazi, informal leader and mediator “Man of Reconciliation” based in Jerusalem, September 2019.

¹⁸⁴ Hijazi.

¹⁸⁵ This is an aggregate of several quotes solicited from community members when they spoke about conflict prevention and resolution methods.

¹⁸⁶ Also based on a number of views and quotes, pulled in a single sentence as responses tended to be similar.

at the same time, conduct a review of websites and digital media pages of a number of these organisations.

In their mission statements, several CSOs active in Jerusalem state that their work contributes to resilience, enhances Palestinian identity in EJ and work towards positive engagement and volunteerism, all aiming to direct the energy of youth and other targeted groups towards actions that benefit them and their society¹⁸⁷. Many organisations deliver arts and sports programmes and within them they promote values of cooperation and respect and increase economic empowerment. The programmes do not therefore tackle or speak directly about societal conflicts, they do, however, have the effect of decreasing conflicts as they teach youth to be responsible individuals and direct their attention towards positive interaction. Similar to schools, CSOs aim to create opportunities and safe spaces for people, young people in particular, to express themselves and gain skills, which can in part help keep them positively engaged and far from violence.

For purposes of this thesis, three organisations were selected in order to shed light on what civil society may be able to offer in the area of conflict. The selection of these organizations is based on referrals by respondents and on how widely quoted the work of these organisations has been. The three organisations are Alternative Conflict Transformation Centre (ACT)¹⁸⁸, Middle East Non-Violence and Democracy Centre

¹⁸⁷ For more insight into civil society work in EJ and programmes that target youth, visit the following websites and Facebook pages: <http://palvision.ps/about-palvision-en/>, <http://www.burjalluqluq.org/home/about-us/about-the-society/>, <https://www.facebook.com/AlRajaaAcademy/>, <http://acjerusalem.org/portal-en/>, <https://www.facebook.com/ArmaaOrganization/>

¹⁸⁸ Also known ACT for Alternative Dispute Resolution and Studies http://actadr.ps/En/?page_id=65

(MEND)¹⁸⁹, and the Palestinian Conflict Transformation Centre (Wiam)¹⁹⁰. Besides reviewing online and printed material of these organisations, the directors were interviewed and asked follow-up questions.

ACT

ACT was founded in 2015 and aims at “establishing and protecting the civil peace system in Jerusalem¹⁹¹”. Director Mohammad Hadieh concurs with opinions that say that conflicts are rife and are serious in EJ, and they are exacerbated by the Israeli occupation¹⁹². In his opinion, disputes turn into conflicts when violence is applied, and this is not uncommon in the EJ society. ACT currently teaches about conflict and methods to peacefully resolve it. ACT identifies the lack of societal skills and of trained individuals in the fields of mediation and conflict resolution as possible reasons behind conflict. They also believe that everyone should have basic knowledge on effective negotiation and conflict resolution, and not necessarily be a lawyer in order to do so, as is commonly believed¹⁹³. Trainees of various specialties such as business, social work and education, can advance in the training in order to become practicing mediators that people can come to in cases of conflict. ACT hopes to reach a “Palestinian Mediation and Arbitration Board” that can serve EJ more comprehensively. More discussion of ACT’s work on mediation and arbitration will be done in later sections of the current chapter.

¹⁸⁹ <https://www.mendonline.org/>

¹⁹⁰ <http://www.alaslah.org/>

¹⁹¹ Also known ACT for Alternative Dispute Resolution and Studies http://actadr.ps/En/?page_id=65

¹⁹² Mr. Mohammad Hadieh, founder and director of ACT, September 2019.

¹⁹³ Hadieh.

MEND

Secondly, the work of the Jerusalem-based organization, MEND, was examined. MEND was founded in 1998 in order to

*promote active non-violence and encourage alternatives to violence among youth and adults throughout Palestine*¹⁹⁴.

MEND employs media methods and focusses on education and conflict resolution on the prevention level (schools, families, women groups)¹⁹⁵. MEND's chairwoman of the board, Ms. Lucy Nusseibeh, says that when MEND started there was hardly any talk about conflict resolution in Palestine, now, thankfully, it's a more common topic¹⁹⁶. MEND's work has been affected by the political situation, for instance, when the second *Intifada* started in 2000, foreign exchange programmes with South Africa and Northern Ireland were stopped as organizers saw the OPTs as dangerous. These programmes were important for Palestinians to get insight into other conflicts and learn that from other nations that it's possible to achieve peace despite a bloody history¹⁹⁷.

Nusseibeh speaks about funding as an obstacle to informal education and preventive activities that can be offered to youth and men and women in EJ.

*There's currently a shift in donors' priorities and they stopped seeing conflict prevention and resolution as priorities. Palestinian reality has also changed, with the advanced and rapid changes of technology, Palestinian youth know much more than they did before. Schools and organisations have to adapt to these new realities, so far they have not.*¹⁹⁸

¹⁹⁴ "Middle East Non Violence and Democracy Centre," *MEND* (blog), n.d., www.mendonline.org.

¹⁹⁵ "Middle East Nonviolence and Democracy | MEND | Jerusalem."

¹⁹⁶ Ms. Lucy Nusseibeh, Chairwoman of the Board at MEND, September 2019.

¹⁹⁷ Nusseibeh.

¹⁹⁸ Nusseibeh.

Nusseibeh also speaks about MEND's involvement in a research on human security as they found this to be a need in the Palestinian society. Through research conducted by MEND on the one hand, and the Hebrew University (HU) on the other, each organization looked at conflict from the perspective of their community¹⁹⁹. The HU looked at conflict in the Israeli society where Israelis identified "racism" against others in their society as a worrying and widespread issue²⁰⁰, while Palestinians identified "identity and rights" as two concepts that need to be addressed²⁰¹. This led MEND to think more deeply of human security which Palestinians are clearly lacking and come up with ways to address this lack²⁰².

Human security²⁰³ remained to be an issue that MEND focused on and advocated for. The troubles and impediments that Palestinians face in their daily movements: checkpoints, construction of the Wall, random searches, the permit regime all cause a loss of safety and security that needs to be constantly addressed.

When asked about her perception of violence after over 20 years of working in the field of conflict resolution in Palestine, Nusseibeh adds:

Violence is understandable but not excusable. I don't believe there is anything in Arab/Palestinian culture that leads to violence, it's not inherent to Palestinian culture as even some Palestinians are led to believe. It's something that we can do something about.

¹⁹⁹ The thesis was able to access the research part conducted by MEND, it did not access the research done in parallel by the Hebrew University. It was seen as sufficient to reference the parts in the Palestinian research, as the findings of HU focussed on Israeli society and are therefore outside the scope of this thesis Amira Abul Hawa and Isobel Whitting, "Statelessness and Insecurity in the Occupied Palestinian Territory," January 2014, <https://gppac.net/publications/empowerment-and-protection-stories-human-security>.

²⁰⁰ Nusseibeh.

²⁰¹ Abul Hawa and Whitting, "Human Security in Palestine."

²⁰² Nusseibeh.

²⁰³ There are even attempts by civil society actors to influence the United Nations into adopting a "human security approach" to conflict. This can be viewed here MEND, "The Human Security Approach in Conflict Prevention and Peacebuilding" (The Civil Society Network for Human Security, April 2013), <https://gppac.net/files/2018-12/GPPAC%20Position%20Paper%20on%20Human%20Security%20April2013.pdf>.

The Palestinian community is under a lot of pressure, look at the first intifada where there were stones, burnt tires and lot of chaos. Even then the Palestinian community were showing many aspects of helping and respecting each other. For organisations, the main thing to look at is how to help, I think there's something to be done²⁰⁴.

Through their work, MEND targets women and hopes to increase their work in EJ schools, helping children, teachers and parents acquire skills that lead to conflict prevention. In this breath, it was found as useful to include an example of a project run by MEND, targeting girls in Shufat Refugee Camp, which is identified through primary research as a particularly violent area:

MEND Project example on conflict-resolution- Choose a Future

The project was conducted in 2008 with eight Jerusalemite schools including Shufat Refugee Camp²⁰⁵ where girls worked on producing a “human rights market-place”. Girls produced videos, radio messages pictures, speeches etc of their choice, and this was displayed in an “open-day” where guests take a tour and see the products.

The same project worked with youth in Issawiyeh²⁰⁶ and Beit Hanina in something called “non-violent youth service”, similar to the military service in other countries when youth turn 18, but on non-violent methods. MEND worked with scouts’ leaders, and youth engagement was very high, and they were able to come up with projects needed by their community (e.g. days of entertainment and community building in Beit Hanina)

²⁰⁴ Nusseibeh.

²⁰⁵ MEND worked extensively in Shufat Refugee camp, particularly with women’s groups. Video material produced by women, aiming to increase understanding and empathy of women’s stories, can be found on line such as this video <https://www.youtube.com/watch?v=BuXYjAhLgZY&=&feature=youtu.be>

²⁰⁶ Issawiyeh or Issawiya is the focus of constant Israeli army violence and incursions. In February 2020, as this thesis was being developed, the child, Malek Issa,8, from Issawiyeh,lost his eye as a result of Israeli army bullet. “Palestinian Boy, 8, Loses Eye after Being Shot by Israeli Police in Jerusalem,” Mondoweiss, February 20, 2020, <https://mondoweiss.net/2020/02/palestinian-boy-8-loses-eye-after-being-shot-by-israeli-police-in-jerusalem/>.

Wiam

Thirdly, the work of Wiam was examined. This is a Bethlehem-based organization working in the field of conflict resolution (conflict transformation, restorative justice and mediation) since 1994²⁰⁷. Although it is a Bethlehem-based CSO, Wiam was still selected due to its proximity to EJ and to working on issues related to both Bethlehem and EJ communities, particularly Muslim-Christian relations. Also, Wiam works closely with organisations in EJ and has acted as a resource centre and meeting place for them as they try to develop projects aiming at conflict prevention²⁰⁸.

Wiam runs a regional awareness raising and civil peace programme that people from Jerusalem are able to participate in (ages 18-35). They use human rights training, dialogue amongst religious groups (mostly Muslim and Christian) and cultural exchanges as a means to spread awareness and promote peacefulness. For these purposes, summertime programmes are used, where arts activities are offered, e.g. *Dabkeh* (folkloric dance) training, combined with training youth on mediation²⁰⁹.

Wiam also runs programmes aiming at social justice through women's empowerment and gender justice. Also, due to Wiam's location close to the Israeli-built separation wall and next to Aida Refugee Camp, Wiam are able to conduct advocacy targeting international groups and visitors²¹⁰.

²⁰⁷ According to Wiam's brochure accessed through their Facebook page <https://www.facebook.com/wiamcenter/>

²⁰⁸ Mr. Zoughbi Zoughbi, Director of Wi'am Centre for Conflict Transformation, September 2019.

²⁰⁹ Please view website <http://www.alaslah.org/> and FB page <https://www.facebook.com/wiamcenter/>

²¹⁰ Zoughbi.

Like other respondents, Wiam's director, Mr. Zoughbi Zoughbi, also believes that violence is on the increase and there is a need to encourage people to denounce violence and learn how to work together towards peaceful solutions²¹¹.

When asked about how an organization based in Bethlehem and separated from Jerusalem by the Israeli wall and checkpoints can work on issues in EJ, he added:

In order to reach East Jerusalem, we work with religious and political figures who live in the city. There are many problems between Jerusalemite and West Bank Palestinians that require mediation. Each of these groups is under a different law regime, and intransigence is possible. Jerusalemites are still part of the Palestinian society and fabric, and they hold the same beliefs and values that the rest of Palestinians hold. This is why it's not difficult to reach them and appeal to their moral values and good intentions when a conflict arises. Yet, there are definitely access problems that a single organisation cannot overcome, we therefore need to cooperate with others²¹².

Through their *Sulha* Programme, Wiam are able to contribute to CR through the application of traditional CR methods, combined with modern schools of thought on conflict. This will be further discussed in the tribal law section below.

3.3.3 Tribal law and men of reconciliation

In what seems to be closely related to family is tribal law, personified by “informal leaders” or “men of reconciliation” (MoR). Tribal law commonly resorted to when state structures are weak, so, for instance, tribal law started to emerge and gain force in the final decades of the rule of the Ottoman Empire, when central administration lost its grip²¹³. EJ today is

²¹¹ Zoughbi.

²¹² Zoughbi.

²¹³ Asem Khalil, “Formal and informal justice in Palestine: Dealing with the Legacy of Tribal Law,” *Études rurales*, no. 184 (April 7, 2009): 169–84, <https://doi.org/10.4000/etudesrurales.10550>.

witnessing a revival of tribal law and informal leaders, particularly in areas not reached by law enforcement, such as Kufr Aqab and Shufat Refugee camps, but also in other parts of the city where influence of tribes is high and Palestinians prefer to stay away from Israeli courts as explained in Chapter 2. “Men of reconciliation” or “*Men of Ashayer*” (men of clans) are usually older men with a special social status attributed to their *Hamoula* (=extended family, more commonly used in *Bedouin*²¹⁴ context), or *Ashira* (clan, more commonly used in rural, urban contexts such as Jerusalem), economic position, religious tendencies and, more recently in the Palestinian context, linkages to political factions²¹⁵. Over the years, these men become well-known, gain trust and hold special reverence in society. By the time they reach this status, they would have had a track record of solving conflicts and have the needed skills to induce calm among disputing parties, even before a conflict is resolved²¹⁶. Some of the main elements of tribal justice in current day Jerusalem include the following²¹⁷:

- 1- *Sulha*: means peace-making. In Arab and Palestinian tradition, this is usually the final step in reconciliation in inter-communal disputes²¹⁸. *Sulha* is effective in minor, small-scale disputes²¹⁹.

²¹⁴ Bedouin are people who follow a nomadic lifestyle, roaming the desert with their livestock

²¹⁵ Khalil, “Formal and informal justice in Palestine.”

²¹⁶ Khalil.

²¹⁷ This list is based on notions most commonly encountered in field research.

²¹⁸ Archives, “What Is Sulha? Archives,” *Sulha Research Center* (blog), accessed February 15, 2020, <http://sulha.org/category/whatisulha/>.

²¹⁹ Salem Thabet, “Al Qada’a al Asha’iri inda kabaal Bi’r Al Sabe’a-Filistin” (Um Al Kitab Website and Online Publications, n.d.), <http://refugeeacademy.org>.

- 2- *Atwa*: is when the perpetrator of guilt admits to his transgression and agrees to pay material restitution.²²⁰ *Atwa* is called for in large-scale disputes, such as murder or issues of “honour”²²¹.
- 3- *Rifa’a*: this is when a MoR requires disputing parties not to take any steps against each other for a certain period of time, giving him and his helpers the chance to investigate things, collect information, speak to witnesses and/or speak to the feuding parties separately before bringing them together²²².
- 4- *Jaha*: is when a group of MoR and other notables accompany the family of the aggressor to the house of the victim to express apologies and obtain forgiveness. When the family of the victim accepts the apology and accompanying *Atwa*, agreeing to take steps toward solving the dispute, coffee is drunk²²³.
- 5- *Kafeel*: this literally means “guarantor”. *Kafeel* can be someone influential or MoR in charge of the case, who provides assurances and guarantees that the family of the aggressor will meet the conditions agreed by the *Jaha*, this includes paying an amount of money, or *fidya*. The role of the *Kafeel* is therefore pivotal, and no *Sulha* or *Atwa* can succeed without him²²⁴.
- 6- *Jalweh*: this is when family of the victim asks family of the aggressor to abandon or leave their houses, at least till the issue is resolved and *fidya* is agreed²²⁵. This

²²⁰ Institute of Law Birzeit University et al., “Between State and Tribe : The Rule of Law and Dispute Resolution in Post - Oslo Palestine; First Interim Technical Report, Dec. 22, 2003 - June 22, 2004,” Working Paper (Institute of Law, Birzeit University, West Bank, PS, 2004), <https://idl-bnc-idrc.dspacedirect.org/handle/10625/18759>.

²²¹ Thabet, “Tribal justice.”

²²² Hijazi.

²²³ Thabet, “Tribal justice.”

²²⁴ Thabet.

²²⁵ Based on interview with Mr. Mohammad Hadieh, Director of Alternative Conflict Transformation Centre, ACT, September 2019

outcome is considered to be negative as it is a form of collective punishment. Although it is still applied in some peripheral parts of Jerusalem, CSOs referred to it as an example of unfavourable aspects of tribal law²²⁶.

Tribal justice is seen by Jerusalemites as a possible conflict resolution method, many community members interviewed said they would resort to MoR in order to solve disputes, particularly if small-scale and before things get worse with the other party. They acknowledge that enforcement of rulings by MoR is weak and depends mainly on good faith and on collaboration by all parties of a conflict. At the same time community research indicated that Jerusalemites are skeptic of tribal justice and its ability to offer durable solutions, and to them, it cannot replace state structures.

As for civil society, they were somewhat approving of tribal justice, mainly criticizing it for having remained in the patriarchal and male-dominated spheres²²⁷, and being wary that it can allow negative practices such as *Jalweh*²²⁸. When CSOs work with tribal/informal leaders on elements of tribal justice, they often aim to help make the process more inclusive in order for it to be appealing to more members of society (e.g. women and younger generations)²²⁹. Some civil society organisations went as far as designing interventions that merge principles of *Sulha* with modern concepts of conflict resolution, seeing the value of both approaches towards achieving the same aim²³⁰. This is based on the realization that tribal law is inherited by Palestinians from their forefathers and is

²²⁶ Hadieh.

²²⁷ Nusseibeh.

²²⁸ Hadieh.

²²⁹ Lucy Nusseibeh

²³⁰ See the work of Wiam through their website <http://www.alaslah.org/> and FB page <https://www.facebook.com/wiamcenter/>

something based on religious teachings of both Muslims and Christians, and therefore not something that can be abandoned easily²³¹. According to CSOs, one effective approach is to merge tribal law with modern schools of thought, repurposing *Sulha* and other approaches in a way that appeals to society and help them make use of it. One such interesting approach by is narrated by the director of Wiam Centre:

I think Sulha works because it has many elements of modern conflict resolution. For instance, separating the problem from the person. There is a famous saying in Arabic where, when something wrong happens they tell you “it’s the work of Satan²³²”. This helps to avoid accusing or incriminating someone until we know all the facts. Separating problem from person is one of the basic principles of modern conflict resolution, and if we look closely, it does exist in Palestinian culture. This is one example of the concepts we work on in order to make conflict resolution more acceptable and accessible and therefore more helpful to people²³³.

CSOs therefore recognize that tribal justice is powerful and meaningful for Palestinian society. Palestinian society are not ready to give up on their heritage and tradition, particularly in this time where their continuity and identity are threatened by the Israeli occupation. CSOs therefore aim at utilizing elements of tribal law that are helpful in our current day, but also seek to help society move away from outdated practices that do not achieve justice.

Men of Reconciliation

In order to complement findings in community and civil society interviews, the following section is based on a long interview with a MoR, Mr. Radi Hijazi “Abu Hammam”. Mr.

²³¹ Zoughbi.

²³² Translation: Hatha mish minno hatha min Al Shitan

²³³ Zoughbi.

Hijazi was referred to by community respondents and he self-identifies as a Man of Reconciliation²³⁴.

Firstly, Hijazi does not identify reconciliation as a job as he doesn't take money in exchange for helping people overcome their differences. Most common cases that come his way are "murder/death-related"²³⁵ and money disputes (such as bounced-off cheques). The reconciliation process is sometimes triggered by one party to a dispute, sometimes both parties come simultaneously in order to be their go-between²³⁶.

Success of the reconciliation process rests with understanding that every situation is unique, and the "informal mediator" not declaring success until a case is resolved. The main thing to know on this "job" is that everyone needs some type of reconciliation at some point of their lives. Disputes are commonplace and it's easy for people to feel that their rights have been compromised by others²³⁷.

Hijazi speaks profusely about his experience with solving conflicts through his tribal, communal experience, and the trust he gained over the years. The most intractable conflicts he has seen are financial conflicts between brothers, be it over inheritance or when they are business partners²³⁸. In many cases, the business grows and starts to expand, children join the business that their fathers founded, and here begins to be comparisons and jealousy over who is more successful and able to make more profit. They quarrel over these things and not realise it is "bad for business", and finally find themselves losing and their business closing down, while they still blame each other²³⁹. MoR tries to help them see that prolonged fighting is not useful and will not end well. He

²³⁴ Hijazi.

²³⁵ Kaday Al Dam

²³⁶ Hijazi.

²³⁷ Hijazi.

²³⁸ Hijazi.

²³⁹ Interview with Mr. Hijazi

also brings up verses from the Quran and religious teachings that urge people to be content with their livelihood and not be envious of others²⁴⁰.

The other type of common conflicts that come to tribal justice is over property and real estate. This is rife in EJ since there is competition over land, and Israel has made no effort to register land under the name of its rightful owners, which leaves loopholes in ownership²⁴¹. There are cases where one party overtakes the land of another due to absence of the owners, sometimes using forgery. When the owners find out, they of course seek recourse, and try to do it peacefully through MoR. There are cases where landowners are the “weaker” party and MoR has to help them reach a balance with the transgressors. A recent case has taken four months and countless sessions with each party in order to resolve. Thankfully, it has just been concluded and the MoR is proud of this achievement²⁴².

Sadly enough, murder and killing cases also come to MoR. This includes vengeance cases where family members of the deceased take matters in their own hands and attempt to hurt family members of the (suspected) killer²⁴³. These cases are sadly growing and are mostly common in the environs of Jerusalem (parts of EJ that are not annexed by Israel) but they do of course affect the overall stability of the city. Israel does not interfere when it’s not the territory they designated as theirs, while the PA has to undergo a lengthy coordination process in order to reach areas that are not labelled as A or B²⁴⁴.

²⁴⁰ Hijazi.

²⁴¹ Hijazi.

²⁴² Hijazi.

²⁴³ Hijazi.

²⁴⁴ Hijazi.

Palestinian law enforcement often arrive in plain clothes (Israel does not allow them to stay in their police uniforms outside Areas A and B), and are not allowed to bring their weapons. There are murder cases in Anata, Hizma, Qalandia and North-West villages (Beit Ikksa, Katanna, Biddu, Al Jib etc)- all areas organically considered part of Jerusalem, yet outside the borders of Israel's Jerusalem Municipality, or what it is otherwise known as the blue line²⁴⁵. Feuds, dispute and murder cases in these areas are complicated, and become more so with the passing of each day due to actions and reactions by the parties, they therefore require prompt interventions and solutions. State law enforcement is very weak to non-existent²⁴⁶.

There are other worrisome phenomena in the Palestinian society that lead to violence. Unfortunately, no one is doing much about them as they need to be handled by forces of a state, and not civil society. MoR points to drug dealing and trade in weapons as examples of such phenomena. Also, spousal violence and divorce can cause societal problems. There are also "honour-related" problems: for instance, if one man speaks "badly" about another man's wife it can potentially become a big issue between two families that MoR have to intervene in, especially in order to prevent anyone from getting hurt²⁴⁷.

The Israeli occupation is a negative factor that increases the burden on MoR and makes it complicated to reach solutions²⁴⁸. The Israeli occupation is seen as the overarching

²⁴⁵ These are all examples of Palestinian villages that are geographically connected to Jerusalem, however, have been cut off by the Israeli-built wall and Israeli checkpoints and settlements.

²⁴⁶ Hijazi.

²⁴⁷ Hijazi.

²⁴⁸ Hijazi.

reason for many disputes as it has an interest in keeping Palestinians busy with their own internal problems and less available for fighting the occupation. The occupation therefore plays a role in the proliferation of drugs and weapons, thuggery and in leaving legal loopholes with landownership through lack of land registration which pushes people into conflicts²⁴⁹.

How society looks at MoR

Overall assessment of MoR by community respondents is positive, however, many of them cautioned of the fact that MoR do not rule according to pre-determined criteria and set rules, they may act differently in different or even similar situations, and their interventions may be seen as subjective. The MoR process is not inclusive as there are no clear ways to include women and youth.

3.2.4 Israeli courts and police

As set out in chapter 2, Israeli courts are the only courts available in EJ and only their rulings are enforceable. The only other court available is the Jordanian Sharia court, which still adjudicates issues of family status from within EJ²⁵⁰, but their rulings are not enforceable²⁵¹. The dilemma arises with the fact that Israeli courts are implementing

²⁴⁹ Hijazi.

²⁵⁰Worth mentioning here that the Palestinian Sharia Courts are accessible to Palestinians in EJ (based in several cities of the WB), as well as other Palestinian civil courts. However, the Israeli police does not enforce their rulings. Some evidence is available through the “Iskan Al Mu’allimin” example set out in Chapter two, where owners of the development project obtained a court ruling from a Palestinian court in Ramallah that was not possible to enforce. Also, briefing by Sharia Judge Tawfik Abu Hashem on 5 March 2020 confirmed that Palestinian court rulings are not enforceable in EJ, nor in Areas C. Ammar Jamous of the Independent Commission on Citizens’ Rights also confirmed that one of the main obstacles to achieving justice in the Palestinian Territories is land division into Areas A, B and C and the inaccessibility of law enforcement personnel to areas in EJ (also on 5 March 2020).

²⁵¹ This is based on interview with Palestinian lawyer Mr. Ali Sarhan in his office in EJ in 2017. Also, see Zeina Ghandour, “Religious Law in a Secular State: The Jurisdiction of the Sharī’a Courts of Palestine and Israel,” *Arab Law Quarterly* 5, no. 1 (1990): 34, <https://doi.org/10.2307/3381561>.

Israeli law, which contradicts international and Palestinian will²⁵². Palestinians have boycotted Israeli courts for a long time, and they mistrust the Israeli police due to its practices in EJ as part of the oppressive regime in EJ. Resorting to Israeli courts and police have for a long time been seen as treason and disloyalty to the Palestinian cause, and against Palestinian national aims.

However, now that Palestinian society is entering its 53rd year under Israeli occupation, and the absence of Palestinian courts and Palestinian law enforcement in EJ is painful, Israeli legal system cannot be off the table for Palestinians in EJ. Also, with Palestinian institutions closed down (e.g. Orient House) and institutions that are active in other places of the West Bank cannot easily access EJ, this exerts pressure and has the effect, however gradual, of pushing many EJ Palestinians to resort to Israeli law more than they did before. Through community meetings, Israeli police ranked high on people's priorities when it came to who to turn to in case of a dispute or falling victim to misbehavior by others. In some cases, people preferred the police to any other method saying that confrontations with other people have proven futile and even dangerous, and trying to prove someone is wrong through speaking to their family might be a waste of time since "families are not as tight as they used to be before"²⁵³.

Furthermore, community respondents said that MoR cannot always be relied upon, and that their hands are tied "when your adversary is stubborn or mean". This is why contacting the Israeli police, which one of the faces of the Israeli occupation, is getting more common, even with the known caveats that the police will act adversely or use the

²⁵² There's a somewhat lengthy discussion of that in Chapter 2

²⁵³ Community interviews

complaint as a source of “intelligence information”. Palestinians reported they would still go to the Israeli police when they feel violated and defenseless. Reporting to the Israeli police and resorting to Israeli courts is getting “less stigmatized”, and Palestinians who go to these agencies are almost no any longer labelled as traitors or sell-outs²⁵⁴.

Also, as discussed in Chapter 2, when it comes to Sharia courts, Palestinians have the options to resort to a Jordanian court, a Palestinian court and to an Israeli court. Two dilemmas arise with the first two types of courts: they still function according to outdated laws “Family Status Laws”²⁵⁵, which are believed to be treating women unfairly. Secondly, Jordanian and Palestinian courts have no means to enforce their rulings, thus their decisions remain symbolic²⁵⁶. Palestinian women in particular, as seen through one of the examples discussed in Chapter 2, indicate that their preference is to resort to Israeli-run Sharia courts, as their laws are more updated, fair and enforceable. For instance, if the Israeli Sharia court ruled for an amount of money to be given to a woman as child support, the Israeli national insurance can begin to deduct the amount right away from the father’s bank account, or pursue him through other means in case he reneged²⁵⁷. Jordanian and Palestinian courts, firstly, set rates, e.g. of child support, at very low

²⁵⁴ This appears to have been more of a feature at the onset of the occupation, particularly with the Palestinian lawyers strike. Also, the situation became tense during the first and second *Intifadas* where Palestinians were in direct confrontation with the Israeli military establishment. Since these circumstances are no longer valid, and with the failure of the Oslo Accord, and the Palestinian Authority more and more distant from EJ, resorting to the Israeli police seems inevitable.

²⁵⁵ Maha Abu Dayyeh, “Policy Brief Palestinian Women and Family Status Law” (WCLAC and DCAF, May 2012), https://www.dcaf.ch/sites/default/files/publications/documents/Policy_Brief_Perso_Status_EN_Final.pdf.

²⁵⁶ Zeina Ghandour, “Religious Law in a Secular State: The Jurisdiction of the Shari’a Courts of Palestine and Israel,” *Arab Law Quarterly* 5, no. 1 (1990): 25–48, <https://doi.org/10.2307/3381561>.

²⁵⁷ Based on talk with Israeli Sharia Court clerk in July 2019, and confirmed by returns through community interviews

amounts that are not commensurate with the cost of living, and secondly, have no means of enforcing their rulings, weakening their role and standing even further²⁵⁸.

Another dilemma with the Israeli law explored in Chapter 2 is the possibility of Israeli courts to inquire whether cases have anything to do with the “Absentees’ Property Law”, particularly in cases of land and property disputes. In this manner, several property rights were confiscated or diminished for Palestinians. This is an added reason for Palestinians to remain hesitant and cautious when it comes to adjudicating cases in Israeli courts, particularly when it comes to land and property²⁵⁹.

In summary, Israeli courts and police remain a point of contention. Although Jerusalemites realize that Israel is the only effective power in their city, they still perceive its presence as illegitimate. Meanwhile, there has to be ways to find justice and make sure that wrongdoings are rectified, which are important for keeping peace and order in the city. This is essentially at the core of why Israeli police and courts remain relevant and cannot be ignored in EJ.

Despite respondents citing various methods they will gradually use for resolving conflicts, resorting to the (Israeli) police was high up on the list (after family and men of reconciliation, and in some few instances, the going to the police was the first choice). Respondents who said they would go to the (Israeli) police contributed the following reasons:

given the difficult times we’re in, and the decline in values and morals that we are witnessing, people have no sense of accountability or responsibility as these are not

²⁵⁸ Based on returns by primary research

²⁵⁹ See example 2 in Chapter 2 “War of two brothers”

instilled in them as children. Talking reason to people doesn't always get you somewhere, it is therefore better to resort to the (Israeli) authorities²⁶⁰.

3.3.5 Mediation and Arbitration

Upon discussing these methods, it is helpful to offer definitions of what they mean in the context of conflict prevention. This will help later in examining how and whether they have the potential to contribute to conflict prevention in EJ.

Arbitration is the process in which the arbitrator hears evidence and makes a decision. Arbitration is similar to courts, in the sense that they listen to testimonies and require evidence. However, the process is less formal than a trial, but its verdicts are binding²⁶¹.

Mediation is more of a process of negotiation where a neutral, third party assists and facilitates the discussion. The parties are expected to reach an agreement and not have a verdict or decision issued on their behalf²⁶².

These are some of the least known conflict resolution methods pointed out by Palestinian respondents in EJ. Very few respondents in community interviews indicated that they will resort to mediation and arbitration or that knew much about these methods either.

Since these methods are still very much in the domain of CSOs, the CSO sample met in this thesis said that, to varying degrees, these methods are important interventions for them. For instance, ACT seeks to convince more people of the merits of arbitration and

²⁶⁰ Community interviews

²⁶¹ "BCICAC.Com - Difference between Arbitration and Mediation," accessed February 15, 2020, <http://bcicac.com/about/what-is-mediationarbitration/difference-between-arbitration-and-mediation/>.

²⁶² "BCICAC.Com - Difference between Arbitration and Mediation."

mediation as viable means of conflict resolution that can, in many instances, be more effective than tribal law or even going to police and courts²⁶³.

Additionally, ACT is working to prepare a cadre of Palestinian professionals from various fields who can perform mediation and arbitration services to clients, reducing the amount of money and time spent in conflict, or in resorting to courts. Positive experiences of people with these cost-effective, out-of-court solutions is expected to, over time, increase the amount of confidence and readiness of Palestinians to recognize the value of arbitration and mediation. This can contribute to ACT's long-term goal of achieving a "Palestinian mediation and arbitration board" of skilled Palestinians that is able to serve EJ²⁶⁴.

Also, in its pursuit to raise the awareness of all Jerusalemites about the benefits of arbitration and mediation, ACT prepares and launches studies and reports, inviting audiences and experts to discuss issues and explore solutions to common dilemmas²⁶⁵. ACT has dealt with 15-20 cases per year so far that either needed arbitration or mediation, and this is seen as a significant number given the very little known about these methods²⁶⁶. In the beginning, ACT specialised in civilian and commercial disputes, but later started dealing with spousal problems, particularly for people referred to them by the

²⁶³ Interview with Mohammad Hadieh

²⁶⁴ Hadieh.

²⁶⁵ Hadieh.

²⁶⁶ Hadieh.

Sharia (Islamic) Courts²⁶⁷. Commercial disputes usually take place between merchants over debts, delivery of goods etc, Hadieh adds:

When it's a conflict that we cannot see a solution for, we persuade both parties to move on and look for future interests and profits, rather than dwelling on the dispute at hand. This is something that people need assistance with, and they may not get to moving on without a neutral third party. I can say we have so far been successful²⁶⁸

As for MEND, mediation and arbitration are not their area of specialty as they see their niche in prevention. MEND have been involved in larger programmes that have mediation as a component, particularly with building skills of women to start practicing mediation. As an outcome of that involvement, MEND concluded that different skillsets are needed for working with groups than working with individuals²⁶⁹.

Mediation involves working with individuals, and this requires a different skillset than working with groups. MEND has focused on working with groups, but our work with groups can enable individuals within groups to become mediators themselves at a later stage when they feel empowered and skilled enough to do so. They can pursue training opportunities with other organisations or even abroad, if they wish to enhance their capacity in mediation.²⁷⁰

As for Wi'am, they are running a mediation centre where

men of reconciliation, religious leaders, women leaders, lawyers, social workers and community leaders are involved and can come together.²⁷¹

Wi'am acts as a resource centre and meeting point for various groups, often proactively inviting groups to discuss matters of common interest. The presence of a meeting point

²⁶⁷ The Shari'a court system handles personal status issues like marriage and divorce for Muslims and has functioned on an uninterrupted basis since Ottoman times. There are two Sharia courts in Jerusalem, one Israeli and one Jordanian, the Jordanian court rulings are not executed by the Israeli authorities.

²⁶⁸ Hadieh.

²⁶⁹ Nusseibeh.

²⁷⁰ Nusseibeh.

²⁷¹ Zoughbi.

and an organisation whose thematic focus is conflict resolution is valuable as it can ensure continuous discussions and, over the time, build trust²⁷².

Wi'am also uses peer mediation where people of the same ages or stages in life can help each other solve problems. This is most commonly used among youth, but can sometimes be expanded to other social groups, according to need²⁷³.

Wiam believes that conflict resolution in its various methods should move towards "conflict transformation" where people see conflict as a chance for growth and in accepting challenges life presents them with. The mediation centre at Wi'am serves groups from all corners of Bethlehem district, all the way to Hebron in the south, but also Jerusalem which is north of Bethlehem, and the two cities are separated by the Israeli wall and checkpoint. Cases that come to Wiam's mediation centre include inheritance, domestic violence, land ownership and trade/labour disputes²⁷⁴. Besides the variety of skills offered by the centre, experience, according to Wi'am's director, shows that

We are dealing with a variety of cases and issues that grow and exacerbate every day, if careful interventions are not applied. We have to remain alert, take things seriously, remain creative and be able to diverse solutions and options offered to people²⁷⁵

3.4 Analysis and Conclusions of current chapter

In this chapter, solutions to conflict, as seen through qualitative field work and observation were set out. Given that Jerusalem has its own status as a city under occupation, where the occupier has annexed it to their own territory without giving its people citizenship, and

²⁷² Zoughbi.

²⁷³ Zoughbi.

²⁷⁴ Zoughbi.

²⁷⁵ Zoughbi.

this occupier is seen as both the aggressor and law-enforcer at the same time. This has inevitably created complications and dilemmas for the local population falling under this awkward regime. Jerusalemites are often faced with what is referred to as “identity conflict”, emerging particularly after the Oslo Accords were signed. This weak citizenship and lack of national institutions have enhanced what some may refer to as “primordial systems”. Also, since the Oslo agreement has deferred any discussion of Jerusalem to “final status talks”, and these talks never started, the annexation of EJ became more deeply entrenched, while at the same time EJ became cut-off from the rest of Palestine. Yet, East Jerusalemites are neither Israeli nor West Bankers in terms of their registration documents, which created a sense of loss for them and allowed for Israel to violate their rights through state institutions, while the PA was distanced and incapable to help. To compensate for its lack of access to Jerusalem and weakened political, party-led work in the city, the PA is believed, and often accused of, having resorted to traditional leaderships and informal groups in order to assert its presence, something which has brought more challenges and difficulties to East Jerusalemites as seen in the case of the young man “Ishtewi”, and the Tanzim Fatah involvement in the death of this young man. Geographically speaking, Jerusalem is chopped up and Palestinians squeezed out to make way for Israeli settlers and settlement expansion. Movement and access issues into the city, and inside the city, are problematic for Palestinians, which undermines their ability to move and work freely. The Israeli law is not favourable and not trusted by Palestinians, which often leaves a huge gap when inter-communal disputes or conflicts arise.

There are, however, a number of solutions already existing or are emerging that can help improve the situation. The family unit, and extended Palestinian families are very important in keeping their members protected on the one hand, and well-behaved on the other. Palestinian families can sometimes be overwhelmed by poverty and unemployment resulting from overall marginalisation, and therefore not able to fully carry out their role in keeping their members out of trouble. However, there is still a strong belief in the power of the family to look after its members, and there is the notion of “family honour²⁷⁶” and reputation that need to be preserved through keeping the family members honest and trusted in their community. Only very few families or individuals would want to live with the fact of being labelled as trouble-makers or law-breakers, and this has been a powerful tool in maintaining a sense of safety and trust amongst Palestinians, as it comes from within individuals and not enforced by the outside.

Very closely tied to this is the role of educational institutions and civil society. Palestinian society in EJ still believes in education and enrolment rates in schools remain to be high. The common emphasis in Palestinian society on keeping their children in school, sending them on to university and making sure they pursue higher degrees and careers is still a priority for many.

Aiming to complement the role of families and schools and work closely with them are CSOs who work with many segments of society offering programmes that either directly tackle societal violence or promote growth and self-development, such as through arts

²⁷⁶ Family honour is used here not to denote the classic view of women preserving the honour of the family, it extends to all members of the family behaving decently and politely, staying out of trouble, not vandalizing, stealing or getting themselves in conflicts with others or with the law.

and sports, that give people, particularly youth, more options and a better sense of purpose. The role of CSOs is also important in EJ, as it sometimes offers a substitute for state-run programmes otherwise not offered by the Israeli establishment. Palestinian CSOs are also part of the national consensus and are seen as part of the societal fabric since their founders and administrators are Palestinian, they are therefore trusted, and people do not have a problem attending their programmes. Limitations mainly have to do with access and the fact that Palestinian CSOs can be chased away and closed down by Israel²⁷⁷.

MoR are still present and relied upon in Palestinian EJ society, their role is not to be diminished. These men 'earn' their status and credibility thanks to cases they have solved, and hold sway on Palestinian families and individuals to make amends, rectify the wrongs, look past conflict and work together towards common solutions, which is in many ways similar to modern conflict resolution methods. It is however difficult for these men to remain consistent and fully credible, particularly in the existing political situation and political and legal divisions affecting EJ. Their work relies on appealing to the moral and religious conscious of people, and to the fact that people have an interest in resolving conflict and not perpetuating it. MoR are also part of Palestinian tradition that Palestinians

²⁷⁷ Although this was not fully explained in the previous sections, but Palestinian CSOs face shrinking spaces, difficulties obtaining work permits and their activities are often closely monitored. The example here is of the raiding of Burj Alluqluq, one of the few CSOs in Jerusalem's old city, which has been the target of Israeli police clampdown and settler attacks. This example is from August 2019, but is one of many. "Israeli Forces Raid Stadium in Jerusalem, Prevent Holding of Sports League Season," accessed February 29, 2020, http://english.wafa.ps/page.aspx?id=0pbSFma111281816019a0pbSFm&__cf_chl_jschl_tk__=5a51757fec98d1d88af7665e8fb597730b098e60-1582961848-0-AcXdD7fxaVNGo_z_yXYowgc9Hm9RHlMRfrNDuS8RvgEm3BXsbpRgEHcxOctsQvCN9k7oBO5m9DoSDyp5HwezAvmzjRLi2-XzazPJ4Un7Eb0rlJwEicjokPcbeAfRQg-xP5tCPgSAuhwehLPxd2T5twm5b5qOv1ycy7iaTjvajADXSDMGzcEl3ULTycnzfuxjgoT8RMrH7c2I8NLIBOxfX8Bk7FilVnascv2Q-OBcsG4QKoMpGE1gk-YyqQb31St4-sfCv8yMYKVJMxbNXqMTnBxGPDCU-FM51kdzgaPW-rJCg3lySKxNIPxjYgbpDVP_nT-EDJJfjGyELDBpyMjZ5Y.

want to adhere to, especially in the face of political threats they are facing, which amount to existential threats.

The Israeli police and Israeli courts are gaining strength in terms of EJ Palestinians resorting to them, and given the overwhelming political reality, the failure of the Oslo Accord, separation of EJ from the West Bank and tying it to Israeli institutions, it has become almost insensible to ignore the Israeli legal system. What sets the Israeli establishment aside from all other conflict resolution methods discussed is the enforceability of their decisions, which cannot be undermined in bringing conflicts to some sort of resolution and punishing transgressors and wrong-doers. Problems arise with the Israeli police being a tool of the Israeli internal security apparatus, which has historically been employed to oppress Palestinian resistance and play Palestinians against each other. The stigma attached to resorting to the Israeli police is however, diminishing, and there is already enough evidence from primary research that the Israeli police and Israeli courts are now more commonly used.

Finally, the emerging methods of mediation and arbitration, which some Palestinians know about only in theory and are not aware of organisations that offer training and the possibility to work with experts who apply these methods. These methods are gaining steam and are being resorted to in commercial and labour disputes. By virtue of being emerging, there is definitely scope to explain and advertise these methods, making them more known and presenting practitioners as partners that can either complement or replace other methods. Mediation and arbitration can, however, experience tension with MoR as tribal law is used with caution by them. However, there is scope to develop a

partnership, and for tribal leaders to participate in talks and seminars hosted by the NGOs- the experience of Wi'am has thus far been successful in creating this circle, and it is possible to develop programmes around these themes.

Tying to the theoretic framework which says that conflicts are normal and inevitable, yet it is the resolution of conflicts that can lead them to either escalate or be resolved, this is also true in EJ. Yet, EJ is almost its own unique and different legal microcosm where rules, historic events and current political reality are almost like nowhere else. It is therefore possible to say that more than any other place in Palestine, Jerusalem is in need of diversified, accessible and widespread conflict prevention and resolution methods to overcome the political threats and legal loopholes that dominate the city.

Conclusions, results and recommendations for further research

The main conclusion of this thesis is that conflict prevention and resolution are essential for EJ, they are mechanisms to guarantee survival and continuity amidst a very troubled and unfair reality experienced by Palestinians every day.

Particularly in the case of EJ, the aim of conflict prevention and resolution is not merely about preserving civil peace and calm, it exceeds that to supporting and enhancing Palestinian very presence in their city and social cohesion and endurance of a very adverse and unfair political reality. Conflict prevention and resolution are therefore an area that deserves a serious investment, and the more individuals and agencies invited to partner and participate in conflict prevention and resolution methods, the better outcomes are to be expected.

Conflicts arise, and this is a normal thing in any human society. Yet, for Palestinians in EJ who navigate Israeli policies and practices on top of their own pursuit to move around, build, earn a living, raise families and maintain businesses, CP and CR may even be a necessity. Conflicts are inevitable, but they are also a stressful thing that can make life miserable, especially if they linger for too long. CR methods ideally start with the parties to the conflict themselves to work out their differences. Once they are not able to do so, they will need help and intervention from an outside party, and identified in this thesis as other family members, MoRs, CSOs, courts and the police as parties capable of offering remedies. The existence of arbitration and mediation possibilities was not a well-known fact to many, it is therefore an area worth further explaining and publicizing.

Going back to the thesis question: *how do CR methods help in solving and preventing escalations of conflicts amongst Palestinians in EJ?* The main conclusion is that CR methods do help Palestinians in EJ amidst the complex reality they are living, shortening the duration of conflicts and bringing them to satisfactory conclusions can be invaluable to East Jerusalemites. Not only does it have the potential to save livelihoods and property, it can also save lives. All CR methods are important, and CP is as needed as CR. As it is difficult to place CR methods in the order of importance, the view in this thesis is that a blend or mixture of methods may work best- parties to a conflict if genuinely interested in reaching a solution, will not spare an effort in finding the most suitable CR method or methods, and these methods should ideally be complementary and not contradictory.

CP is also important, yet it is arguably what people do daily, almost without thinking, and based on intuition as they interact, negotiate and work with others. CSOs that offer programmes in arts, music and sports say that they do so in order to give beneficiaries a purpose, help them think positively and prevent conflicts that arise as a result of excessive free time and frustration.

It is surmised in this thesis that trust and reliance on traditional CR methods is more commonplace than non-traditional methods. Traditional methods include family relations and MoRs, whereas non-traditional include police and courts and mediation and arbitration. Schools and non-formal programmes offered by CSOs fall in between the traditional and non-traditional, and there is scope to expand their role if they become capable of teaching and practicing CP and CR.

There is an overwhelming consensus among Palestinian Jerusalemites that violence in all its forms is commonplace. Latent conflicts, and an atmosphere of tension and negativity in the city were pointed as main concerns across different parties that were met and interviewed. Community conflicts and disputes can be triggered through family feuds over money, inheritance, property etc. Disputes amongst neighbours may also start over property boundaries, parking spots, fights amongst children etc. Traffic-related violence was pointed as a repeated reason for conflicts, which take place over parking spots, road accidents, cars honking, blocking driveways etc. There was a good amount of consensus among interviewees that it is easy for fights to start and people's threshold of tolerance to be low. These triggers are seen as related to lack of physical spaces, streets that are neither wide nor safe, the under-developed infrastructure and Palestinian mistrust of the Israeli system and authorities.

Property and landownership related conflicts is also in the forefront of inter-Palestinian conflicts and deserve to be highlighted. These are also widely related to Israeli policies in the city, particularly what is seen as deliberate neglect through lack of land registration, leaving land ownership vague which makes it easier to expropriate land for the sake of the settlement enterprise. Palestinians fight over the little that is left for them.

Civil society projects and interventions are seen as limited and not meeting the current demand. Essential projects in needy areas can be short in duration, limited in scope and tied to donor priorities. There is a scope to expand civil society role and increase its capacity to provide more interventions that aim at improving civil peace. This can also be

done through programmes of arts and sports, but also more direct programming on CP and CR is needed.

Palestinians speak about “long-held values and traditions”, such as family values, respecting others, caring for the weak and the elderly, special status given to girls and women etc. However, many people currently lament the loss of these values and the invasion of foreign and inappropriate behaviours in the Palestinian community which fuel conflicts. Finding ways to merge positive elements of the past with modernity and current day requirements is also a must for EJ as it is for other areas of Palestine (including Palestinian communities living in Israel).

Palestinian long held traditions of *Sulha* and MoR still play a role, however, these structures cannot be fully relied upon as they don't operate according to set rules, and they have the potential to marginalize women and youth. Programmes tackling CR offered by CSOs should ideally find ways to merge the old with the new, finding positive elements in each and making them participatory and acceptable to wider segments of society.

Summary of what was done in this thesis:

In the current thesis elements of peacefulness and conflicts in EJ were looked into. Participatory research, based on collecting and collating opinions of ordinary Palestinians, then comparing that to reports by civil society organisations, and collecting examples of real-life conflicts to be used as tools that demonstrate how CR and CP are seen in the city.

This thesis is seen as a step towards further research and exploring when it comes to CR and CP in EJ. One single piece of research or academic thesis will not be able to encompass all aspects of the issue.

Recommendations for further research:

- 1- Exploring positive elements of traditional law and traditional CR methods: this was seen favourably by many respondents and civil society, and worth documenting how these processes can further contribute to civil peace in EJ.
- 2- Involvement and leadership by new types of leaders, such as women and youth who can also be trusted as arbiters and as CR experts. These groups are so far sidelined and not seen as capable of playing a role in conflict prevention and resolution, but they are a wide segment of the population and are many times involved in conflicts, so it makes sense for them to also participate in crafting solutions.
- 3- A wider sample of respondents is needed in order to gauge Palestinian perceptions of peacefulness and conflict, and the development of a more thorough questionnaire. Also, a wider range of examples of conflict, and a larger number of civil society actors and organisations in order to reflect a more comprehensive picture.

Annexes

THESIS ANNEX ONE- PRIMARY RESEARCH DETAILS

Primary research was used to determine the extent of societal violence in EJ as a problem that needs to be addressed. For this end, 37 interviews were conducted in the period of September 2019, using semi-structured interviewing (see questionnaire below). The research subjects are a simple random sample, which means that every person has the same chance to be interviewed as the person sitting next to them, provided that they are able to fulfil the following criteria:

- Above 18
- Self-identify as a Palestinian resident of EJ
- Preferably currently living in EJ.

Participation in the field work was voluntary and based on the ethical framework set out for this research. The following results were reached on the quantitative level disaggregated according to three variables which are Gender, Age and Place of Dwelling:

People researched according to Gender Variable:

Total number of People Researched	Men	Women
37	23	13

People researched according to Age Variable:

Total number of people Researched	Ages 18-30	Ages 30-40	Ages 40-50	50 and above
37	5	10	17	5

People researched according to Place of Dwelling Variable:

Total number of people researched	South EJ (e.g. Beit Safafa and Sur Baher)	Center (e.g. Old City and Al Tur)	North (e.g. Shufat, Beit Hanina and Kufr Aqab)
37	7	12	18

THESIS ANNEX TWO- COMMUNITY QUESTIONNAIRE

Question 1: do you think the level of violence amongst Palestinians in East Jerusalem is on the rise?

Question 2: What types of violence (triggers of violence) do you think to be commonplace?

Question 3: do you think violence is rife in certain areas more than others?

Question 4: Do you know examples of disputes you've seen or heard about in the past three years?

Question 5: What dispute resolution measures you know of?

Question 6: If you get into a dispute with someone, what are the steps that you'll take?

Question 7: What are your recommendations for improving conflict resolution/prevention methods in East Jerusalem?

THESIS ANNEX THREE- HOW EXAMPLES WERE SELECTED

In-depth interviews with individuals who underwent conflicts were conducted, aiming to gain more insight into the extent of the problem of societal violence in EJ. The examples are provided by civil society contacts, and the main criteria for selecting the individual stories has been as following:

- 1- Interviewee is 20 or above
- 2- Identify as a Palestinian resident of EJ
- 3- Preferably is currently living in EJ
- 4- Agrees and accepts to be interviewed, with understanding of the purpose of the interview and, where possible, the goal of the thesis.

All ethical standards set out in the “ethical principles” section apply.

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