

Protecting and preserving Jerusalem's identity is an international responsibility

A general view of Mea She'arim Street, one of the oldest Jewish neighborhoods located in Jerusalem
(Photo by Artur Widak/NurPhoto via Getty Images)



HUMAN RIGHTS

HRH Prince El Hassan bin Talal calls for an end to expropriations, confiscations and annexation.

“Jerusalem,” he writes “is a shared gift, not the exclusive property of one government or one people.”

No city in the world has seized the imagination or captivated the soul in the way that Jerusalem has. Revered by more than half the world's population, Jerusalem is the beating heart of Judaism, Christianity and Islam. It is a city widely held to have been inhabited by the Jebusites, long before the coming of Abraham to whose descendants the land of Canaan is believed by some to have been divinely promised. However, such a claim and irrespective of its authenticity does not and cannot be used to justify occupation, injustice, and the undermining of the fundamental rights of peoples to live in their homelands in both peace and security.

The suffering of Arab Jerusalemites – Christian and Muslim – has gone on for far too long. In 1967, the Arab residents of the Moroccan Quarter were forcefully evicted from their homes before Israeli forces razed the neighbourhood entirely, and the same story seems to have repeated itself ever since, with the events this year at Bab al-Amoud, Silwan and Sheikh Jarrah its latest iterations.

When on the 27th of June, 1967 Israel extended the remit of its laws and administration to include the Old City and other areas, it acted in direct contravention of Article 43 of the Hague Regulations which requires an occupying power to “respect, unless absolutely prevented, the laws in force in the country.” Any impartial examination of Israeli measures, both administrative and other, taken in relation to Jerusalem would make patently clear that Article 43 has been violated, and so have Articles 56 and 46.

There is ample evidence of the demolition of privately-owned Arab property in Jerusalem to make way for the construction of large apartment complexes in the environs of a city now enlarged. There is ample evidence too of the expropriation of private land and property, which is not, in point of fact, necessarily justifiable on national security grounds. Dispossession, the purpose of which can only be to re-configure the demographic balance and to prevent the Palestinians from exercising their right to self-determination, does however meet Israel's demand for housing.

When expropriation amounts to confiscation, it is likely to be in breach of Article 46, which states that “private property must be respected” and “cannot be confiscated.” Demolitions clearly violate Article 53, which prohibits the destruction of property situated in occupied territory. In addition, when enacted as punitive measures, demolition and/or confiscation clearly amount to collective punishment, a crime under international law and a violation of the provisions of international humanitarian law and the principles of customary international law.

Turning a blind eye to flagrant violations of human rights law and international law does have grave repercussions. In our rules-based international order, world peace and security depend ultimately on UN member states upholding Security Council resolutions which in relation to the question of Palestine criminalise the acquisition of territory by force, the building of settlements in occupied territory, and the misrepresentation and falsification of facts on the ground. Not only are confiscation, demolition, and annexation serious breaches of the UN Charter and the Geneva Conventions, but they also violate Security Council and General Assembly resolutions which hold “inadmissible” the taking of land or territory by war or by force.

Equally inadmissible is annexation. Among the disastrous consequences of further annexation would be the resulting demographic imbalance in the occupied West Bank. Many Palestinians will neither leave their land or their home voluntarily nor relinquish them without resistance. Annexation is a clear breach of international law, which precludes, indeed considers a crime, any form of discrimination against or oppression of one people or racial group over another. This, as regards the situation in the West Bank, has been described by the United Nations, B'Tselem and others as constituting apartheid.

Unless creeping annexation is halted, the viability of a Palestinian state will be further jeopardized, with any such state effectively reduced to a number of Bantustans: disconnected, walled-off islands of land, isolated, incoherent, and with no territorial connection to the outside world. Such a result would render the two-state solution inviable, with obvious consequences for international efforts to resolve the conflict.

Mediated by anger, frustration, and hopelessness, decades of systematic humiliation and discrimination can lead to acts of violence, but violence cannot and must never be the response to the violence of others even when that violence is enacted with glaring impunity. Palestine is a woeful tale of an increasingly lonely people beset by near-perpetual injustice whose moments of hope are often shattered by belligerent and reckless politicking. The toll of recent months – the lives indiscriminately taken, the trauma-mangled psyches, and the futures broken – does drown out non-violent opportunities for change.

International pressure is vital if violence on both sides is to be halted; a halt in hostilities in-and-of-itself cannot win the peace. There is both the urgent need for new channels of communication and the desperate need for a vision that offers on-the-ground evidence, powerful and immediate, of what the dividends of peace would



Palestinian women take part in the last Friday prayers of the Muslim holy month of Ramadan at the Dome of the Rock Mosque in the Al Aqsa Mosque compound in the Old City of Jerusalem, Jerusalem (AP Photo/Mahmoud Illean)

look like. The security-for-peace formula should be embraced and its goals achieved. Historical obscurantism is not a solution, and despite the legal and ethical obligation to respect human rights, it is crystal clear that neither law nor ethics can ensure either respect or compliance.

Mutual respect and peaceful co-existence are requisites for a just, lasting and, comprehensive peace, which we can wage through the development of a greater receptivity: “I become myself by what I am given by the other.”

We must remember why we care so much about Jerusalem so that once again it can be celebrated as the City of Peace. Jerusalem is a shared gift, not the exclusive property of one government or one people. Because the future of the Holy City matters to us all, we need to ensure the equal treatment of and prosperity for all its residents. Whatever happens in Jerusalem is testament

to the strength or weakness of the relationship between the Abrahamic faiths and the relationship between our societies and cultures.

The deadlock must be broken; the status quo is untenable.✎

We thank HRH Prince El Hassan bin Talal, brother of His late Majesty King Hussein and uncle of HM King Abdullah II of Jordan for the above article. A pluralist, believing in consensus and respect for the other, Prince Hassan believes in societies in which all peoples can live, work and function in freedom and with dignity. This goal has been the moving force behind his interest and involvement in humanitarian and interfaith issues, with particular stress on the human dimension of conflicts.

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