

The Twentieth Knesset

Initiator: Knesset Member Yoel Hasson

P/20/4546

Proposed Law for the Rescue of Jerusalem as a Jewish and Democratic Capital City, 2017 - 5777

Purpose

1. The purpose of this law is to guarantee the rescue of Jerusalem as the capital of the Jewish and democratic State of Israel by moving the Palestinian villages which were annexed by the State of Israel outside the jurisdiction of the State of Israel and the Municipality of Jerusalem in order to preserve full Israeli sovereignty over Historical Jerusalem which includes the Jewish holy sites, as well as ensuring the presence of suitable security arrangements.

Definitions

In this Law -

“Palestinian villages” – areas inhabited by Palestinians which were incorporated into the State of Israel in 1967 and were included under the jurisdiction of the Municipality of Jerusalem despite the fact that they were never part of Historical Jerusalem;

“Historical Jerusalem” – the geographic space which includes the Old City and the Jewish holy areas, including the Holy Basin, Mount Scopus, Mount of Olives, Silwan and other areas as specified by the Israeli government;

“Areas B and C” – within the meaning specified in the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed in Washington D.C. between the State of Israel and the Palestine Liberation Organization (P.L.O.) on 28 September 1995 (4th of Tishrei, 5756), including all of its appendices and accompanying documents.

**Preparation of an Outline
by the government**

(a) After not more than half a year from the approval of this law, the Israeli government must approve an outline/layout which responds to the purpose of this law as specified in Article 1 above with regard to the following aspects (hereby referred to as “the outline”):

- (1) A detail of the Palestinian villages which will be excluded from the jurisdiction of the Municipality of Jerusalem and the State of Israel, as well as the necessary arrangements for moving them to areas “B” and “C” under the civil responsibility of the Palestinian Authority;
- (2) Guaranteeing the security interests of the State of Israel; and in particular the maintenance of a maximum freedom of action by the

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Israeli Defense Forces in the Palestinian villages and minimizing the friction between Israeli and Palestinian populations as much as possible.

- (3) The revocation of the permanent residency status of Palestinian village residents who will be outside the jurisdiction of the State of Israel and the Municipality of Jerusalem;
- (4) The required changes in legislation in order to implement the outline.

(b) The outline which will be approved by the government will be published on its website, whereas the government is authorized to decide not to include any information which might harm the security of the state, or its foreign relations, or the public security or the security and well-being of individuals.

(c) The outline will be submitted for the approval of the Knesset as a governmental bill not more than one year after approving this law (hereby referred to as the “approval of the outline”).

Discussion of the requests of receiving citizenship and address-related changes within the outline’s period of approval (temporary order)

4. From the time of approving this law until the approval of the outline, the Minister of the Interior shall not examine the requests of Palestinian village residents for receiving citizenship based on Article 5 of the Citizenship Law of 1952 (5712)¹ and the requests to change their address of residence outside the Palestinian villages based on the Population Registry Law of 1965 (5725)². The Minister of the Interior is entitled to deviate from this instruction due to special reasons and with the approval of the government. This clause shall remain valid until 5 June 2019 (2nd of Sivan, 5779), whereas the government is authorized to extend the duration of this order after receiving the Knesset’s approval for a period which does not exceed one year each time.

Implementation and Regulations

5. The Prime Minister is in charge of implementing this law and is entitled to introduce some regulations for its implementation in consultation with the Minister of Defense and the Minister of the Interior.

Explanations

In June 1967, immediately after the Six-Day War during which the State of Israel captured wide territories of the West Bank, the government of Israel was required to specify the exact borders of Jerusalem. Between the dates of 11 June (one day after the end of the war) and 27 June, the government of Israel held eight sessions to discuss this subject. During these sessions, there was the

¹ Statutes Book of the Hebrew year 5712 (which extends from 1 October 1951 until 19 September 1952).

² Statutes Book of the Hebrew year 5725 (i.e. from 7 September 1964 until 26 September 1965).

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birth of Jerusalem as we know it today – a huge city which is impossible to govern because there is no relation between the current borders of Jerusalem and its historical borders; and also because today there are hundreds of thousands of Palestinians who live in the city of Jerusalem and have a permanent residency status despite their strong attachment to and identification with the Palestinian Authority. Also, in these days, the ethos of “United Jerusalem Forever” was created, and during the same meetings there was the sowing of some of the same problems which Jerusalem is facing today.

Currently, Jerusalem the capital of Israel is a ticking demographic bomb which embodies the many dangers which lie ahead in the “crawling” towards a bi-national state. The source of this problem is not “Historical Jerusalem” – which is an area that includes the Old City, the Holy Basin and their surroundings; and whose inclusion under the sovereignty of Israel has a wide acceptance among Israelis. Rather, the source of the problem are the Palestinian villages and refugee camps. In these villages (such as Shoufat, Issawiyya, Jabal Al-Mukabber, Beit Hanina, Sur Baher and others), there live today more than 200,000 Palestinians but not a single Jew. The percentage of Palestinians in Jerusalem has been rising steadily over the years: In 1967, the Palestinians comprised 26% of the city’s population. In 2000, they constituted 32% of the population and in 2014 their percentage reached 37% and today it is coming close to 40%. The vast majority of the Palestinians who live in these villages do not associate with the State of Israel and the Zionist vision and see themselves as part of the Palestinian nation.

Despite this population’s strong and absurd disillusionment towards the State of Israel, the annexation of the aforementioned Palestinian villages by the State of Israel after the Six Day War changed their status to Israeli residents. Therefore, they became entitled to all the social rights of the citizens of the state, including the National Insurance rights and rights to Israeli health and educational systems which cost the government billions of Shekels each year. Moreover, their status as residents enables them to participate in the local elections of Jerusalem. In practice, only a small percentage of Palestinian residents make use of their rights and most of them (at this point) prefer to boycott the local elections. Nevertheless, it is clear that if the majority of Palestinian residents decide to take part in these elections, they will be able to influence and even decide the identity of the Jerusalem mayor and the City Council members. This represents a real danger to the character of Jerusalem as the capital of the Jewish and democratic State of Israel.

The inclusion of Palestinian villages inside of Jerusalem has led to security complications in the past decades as a result of the difficulty to divide between hostile populations inside an overcrowded urban area. For example, during the wave of terror which took place from 14 September 2015 (1st of Tishrei, 5776) until 25 October 2015 (12th of Cheshvan, 5776), 26 out of the 36 persons (i.e. 75%) who carried out attacks inside of the State of Israel came from these villages.

The apparent danger of losing the character of Jerusalem as the capital of the Jewish and democratic State of Israel requires the adoption of groundbreaking political initiatives despite the freezing of negotiations with the Palestinian Authority. In the absence of any initiatives, Jerusalem might “wake up” in a few years to find herself, in the best-case scenario, in a situation where its elected mayor identifies himself with the Palestinian national movement, and in the worse-case scenario it would be dragged into the bleeding hell of hostile acts which would completely deteriorate the city,

In this bill, it is proposed to require the Israeli government to submit an operational outline within half a year to rescue the character of Jerusalem as a Jewish and democratic city. The main purpose of this outline is to remove the Palestinian villages from the jurisdiction of the State of Israel and the

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Municipality of Jerusalem and to move them to areas "B" and "C" under the Palestinian Authority. This is important because it will maintain full Israeli security control over these areas while removing Israel's civil responsibility over the life and fate of hundreds of thousands of Palestinians (whereas the state has been carrying this responsibility against its will). Also, this outline will allow the redefining of the municipal borders of Jerusalem in a manner which would guarantee a substantial Jewish majority for the coming generations, full Israeli sovereignty over Historical Jerusalem and a safe life for the residents of the city.

We also propose to oblige the Israeli government to obtain approval from the Knesset regarding this outline through a governmental bill not more than one year from the approval of this bill.

Furthermore, in Article 4 of the bill, we propose to adopt a temporary order which authorizes the Minister of the Interior to freeze the procedures related to citizenship requests and address changes of Palestinian residents until the approval of the outline. The purpose of this arrangement is to prevent a situation in which, after the approval of the proposed law, the residents of the Palestinian villages would start applying for Israeli citizenship in great numbers and changing their addresses in a manner which would cause a failure to the main purpose of this bill.

Jerusalem cannot continue existing for a long time as a united city with a Jewish and democratic character. Only the approval of the aforementioned outline and separation from the hundreds of thousands of Palestinians who were added to its territory without any justification can guarantee the remaining of Jerusalem as a unified, safe and prosperous city for the coming generations.

Submitted to the Knesset Chairman and deputies

and presented to the Knesset's table on the date of 26.7.2017 [Hebrew Calendar: 3rd of Av, 5777].